



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 3, 2019
SUBJECT/REPORT NO:	City Initiative (CI) 19-I - Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED19203) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **City Initiative 19-I** to amend the Town of Ancaster Zoning By-law No. 87-57, to make technical changes and clarify regulations for ease of implementation to the Existing Residential "ER" Zone, be **APPROVED** on the following basis:

- (i) That the Draft By-law, attached as Appendix "B" to Report PED19203, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) 2014, conforms with A Place to Grow Plan (2019) and, complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

Staff monitor City of Hamilton Zoning By-law No. 05-200 and the former municipal zoning by-laws and, where necessary, bring forward amendments to ensure the By-laws remain up-to-date, and any clarification and interpretation issues are addressed. While the former municipal zoning by-laws are being phased out as new zones are added to Comprehensive Zoning By-law No. 05-200, amendments may be warranted to those sections of the former municipal zoning by-laws that remain in effect. Staff are

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proposing a Zoning By-law Amendment to the Town of Ancaster Zoning By-law No. 87-57 to address three items in the Existing Residential “ER” Zone. The proposed Zoning By-law Amendment is a technical amendment, intended to correct text and mapping errors and to improve zoning by-law implementation.

The purpose of this amendment to Town of Ancaster Zoning By-law No. 87-57 is:

- To correct two site specific exceptions in the Existing Residential “ER” Zone that due to historic mapping errors, erroneously included an adjacent property within a site specific exception; and,
- To delete Subsection 9.8 - Private Garage (General Provisions for Residential Zones) in the Existing Residential “ER” Zone. Subsection 9.8 requires the floor elevation of a private garage to be a minimum 30 centimetres above the centre line of the street adjacent to the garage.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider a Zoning By-law Amendment. Notice of this amendment has been posted in the Hamilton Spectator (November 15, 2019), as required by the *Planning Act*.

HISTORICAL BACKGROUND acknowledged

In 2018, through City Initiative 18-A (PED18036(a)) dealing with redevelopment in mature neighbourhoods, a series of changes to the regulations of the Existing Residential “ER” Zone were introduced as a pilot project. The pilot project was implemented to promote more compatible integration of new development within mature neighbourhoods, in response to community concerns about the scale and massing of new development. Currently, the pilot project is being monitored to determine if the regulations are working as intended. The assessment will inform the development of infill housing regulations applicable to other areas of the City. There are presently other areas of the City (e.g. the Ainslie Wood and Westdale neighbourhoods, and portions of Mountain Brow Boulevard and the Beach Boulevard), that have specific zoning regulations to regulate the compatible integration of new development and drainage issues. Through the monitoring of the Ancaster “ER” Zone pilot project, staff have

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identified three items to be addressed more immediately, which are the subject of this proposed amendment.

This City Initiative proposes three modifications to residential regulations in the Town of Ancaster Zoning By-law No. 87-57. Two site specific exceptions for individual properties have both erroneously referenced an adjacent property within the site specific exception. This historic error occurs as both a text and mapping error. In addition, staff are recommending that Subsection 9.8 of Zoning By-law No. 87-57, which regulates the floor elevation of a private garage vis-à-vis the centre line of the adjacent street, be deleted in the Existing Residential “ER” Zone. The items are discussed in more detail in the Analysis and Rationale for Recommendation section of this report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan and the Greenbelt Plan, as applicable.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the Urban Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

The amendments to the two site specific exceptions are administrative in nature and do not conflict with the Provincial Policy framework. The proposed deletion of Subsection 9.8 of the Ancaster Zoning By-law in the Existing Residential “ER” Zone is not a matter of consistency with or conformity to the Provincial Policy framework. Rather, the amendment intends to improve the implementation of the zoning by-law.

Accordingly, it is staff’s opinion that the city initiated zoning amendments:

- Are consistent with the Provincial Policy Statement (2014); and,
- Conform to A Place to Grow Plan (2019).

Urban Hamilton Official Plan

The zoning amendments to the two site specific exceptions are administrative in nature and comply with the Official Plan. The proposed amendment to Subsection 9.8 (Private Garage) of the Ancaster Zoning By-law is also administrative in nature by addressing an issue of implementation, and thus complies with the Official Plan.

RELEVANT CONSULTATION

Consultation has taken place with staff from the Growth Management Division regarding Subsection 9.8 of the Town of Ancaster Zoning By-law.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The purpose of the amendments to the Town of Ancaster Zoning By-law No. 87-57 is:

- **Section 9**
(General Provisions
for Residential Zones)
 - To notwithstanding Subsection 9.8 – Private Garage, in the Existing Residential “ER” Zone.
Subsection 9.8: “The floor elevation of a private garage shall be a minimum of 30 centimetres above the centre line of the street adjacent to the garage.”
- **Section 34**
(Exceptions)
 - To amend site specific exception ER-380 and ER-393 for properties located on Valleyview Drive.

Section 9.8 – Private Garage

Subsection 9.8 of the Ancaster Zoning By-law is a regulation that addresses the grade of a property. In Ancaster, all properties zoned Existing Residential “ER” Zone are subject to Site Plan Control (Subsection 9.13 of Site Plan Control By-law No. 15-176). The Site Plan Control application process reviews site design features including grading, drainage, and stormwater management, on a site by site basis. Through the approval of a Grading Plan as part of a Site Plan Control application, site grading requirements are established based on engineering guidelines and best practices, as well as with consideration of planning objectives. In addition, the Ontario Building Code (OBC) has specific requirements with respect to grading and drainage. Part 9 of the OBC includes requirements for drainage disposal to a sewer, drainage ditch, or dry well, with specific requirements for sump pits and dry wells. Specifically, the OBC states:

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“9.14.6.1 Surface Drainage

- (1) The building shall be located or the building site grading so that water will not accumulate at or near the building and will not adversely affect adjacent properties.

9.14.6.4 Catch Basin

- (1) Where runoff water from a driveway is likely to accumulate or enter a garage, a catch basin shall be installed to provide adequate drainage.”

In areas where there is challenging topography however, there may be instances where an approved Grading Plan recommends a site specific engineering solution that conflicts with Subsection 9.8 of the Ancaster Zoning By-law. To give an example, there are areas in the Ancaster “ER” zone where the natural topography is such that properties have a grade that slopes downward from centreline of the adjacent street. In some cases, when development is proposed in these areas, to meet Subsection 9.8, the floor elevation of the garage may need to be substantially raised whereas the engineering solution proposed may be able to address drainage without altering the grade of a property to the same extent.

The objective of the 2018 pilot project for the Ancaster “ER” Zone was to introduce new regulations to address the scale and massing of new development so that it is more sensitively integrated and compatible with the existing streetscape character. An engineering solution that alleviates the need to raise a building’s floor elevation will reduce the sense of massing of new construction. Staff note that at present, the only means to vary the requirement of Subsection 9.8 is by way of application for a Minor Variance through the Committee of Adjustment. By deleting the applicability of Subsection 9.8 to the Existing Residential “ER” Zone, property specific conditions resulting in a property specific engineering solution may be implemented. For these reasons, staff are recommending this regulation be deleted for properties located within the Ancaster “ER” Zone. A grading plan review will take place in the normal manner as part of a Site Plan Control application, to identify appropriate stormwater management design to facilitate engineering requirements. This is consistent with the approach to developing regulations for the new zoning by-law to avoid duplication or unnecessary process for those matters or issues that can better be addressed through another mechanism, this case, site plan review.

Section 34 – Special Provision: ER-380 and ER-393

Two site specific exceptions have been identified as erroneously capturing an adjacent property as part of the site specific exception. These errors occur both as mapping and text errors.

ER-380 consists of a special provision specifying the maximum building height shall not be greater than one-storey (7.5 metres). This special provision was intended to apply to 53 Valleyview Drive only. However, the special provision was inadvertently applied to 49 Valleyview Drive, in addition to 53 Valleyview Drive. Special Provision ER-380 was established by By-law No. 95-99. At the time, the subject lands were known as part of 57 Valleyview Drive, and identified more particularly on Schedule “A” to the By-law. At a point in time, when the zoning maps were digitized, the special exception was erroneously extended to 49 Valleyview Drive. In 2018, through City Initiative 18-A (Redevelopment in Mature Neighbourhoods), the amending by-law modified ER-380 to reference the municipal addresses of the subject lands, which carried forward this mapping error. Through this City Initiative, staff are recommending the site specific exception be corrected to remove the reference to 49 Valleyview Drive, and the zoning boundaries on the affected map updated accordingly.

ER-393 consists of a special provision specifying the maximum building height shall not be greater than one and a half storeys (8.25 metres). This special provision was intended to apply to 16 Valleyview Drive only. However, the special provision was inadvertently applied to 20 Valleyview Drive, in addition to 16 Valleyview Drive. Special Provision ER-393 was established by By-law No. 95-127 which was amended by Ontario Municipal Board Decision No. 1851 issued on December 19, 1997. At the time, the subject lands were known as Part of Lot 40, Concession 3, and identified more particularly on Schedule “A” to the By-law. At a point in time, when the zoning maps were digitized, the special exception was erroneously extended to 20 Valleyview Drive. In 2018, through City Initiative 18-A (Redevelopment in Mature Neighbourhoods), the amending by-law modified ER-393 to reference the municipal addresses of the subject lands, which carried forward this mapping error. Through this City Initiative, staff are recommending the site specific exception be corrected to remove the reference to 20 Valleyview Drive, and the zoning boundaries on the affected map updated accordingly.

ALTERNATIVES FOR CONSIDERATION

If the proposed By-law amendments are not approved, the two site specific exceptions will continue to erroneously identify properties that are not subject to the exceptions.

Subsection 9.8 of Town of Ancaster Zoning By-law No. 87-57 will continue to be applied to the entirety of the Town of Ancaster.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Location Map

Appendix “B” - Draft Zoning By-law No. 87-57 Amendment