

WELCOME TO THE CITY OF HAMILTON

Modifications to Zoning By-law Nos. 6593 and 05-200 Lands on the West Side (Bay side) of Beach Boulevard

November 5, 2019 – Planning Committee Meeting

Background and Context

- 1999, Zoning By-law No. 6593 was amended (By-laws Nos. 99-169 and 99-170) to implement the findings of the Master Drainage Plan for lands on the beach strip to minimize drainage concerns and address the high water table.
- Two zones affected: “C/S-1436” (Urban Protected Residential, etc.) District and “G/S-1436” (Neighbourhood Shopping Centre, etc) District;

Background and Context (cont'd)

- In 2017, as part of the comprehensive Zoning By-law No. 05-200, seven (7) properties on the west side of Beach Boulevard were zoned Neighbourhood Commercial (C2) Zone;
- The site specific requirements were inadvertently omitted from these properties.

Background and Context (cont'd)

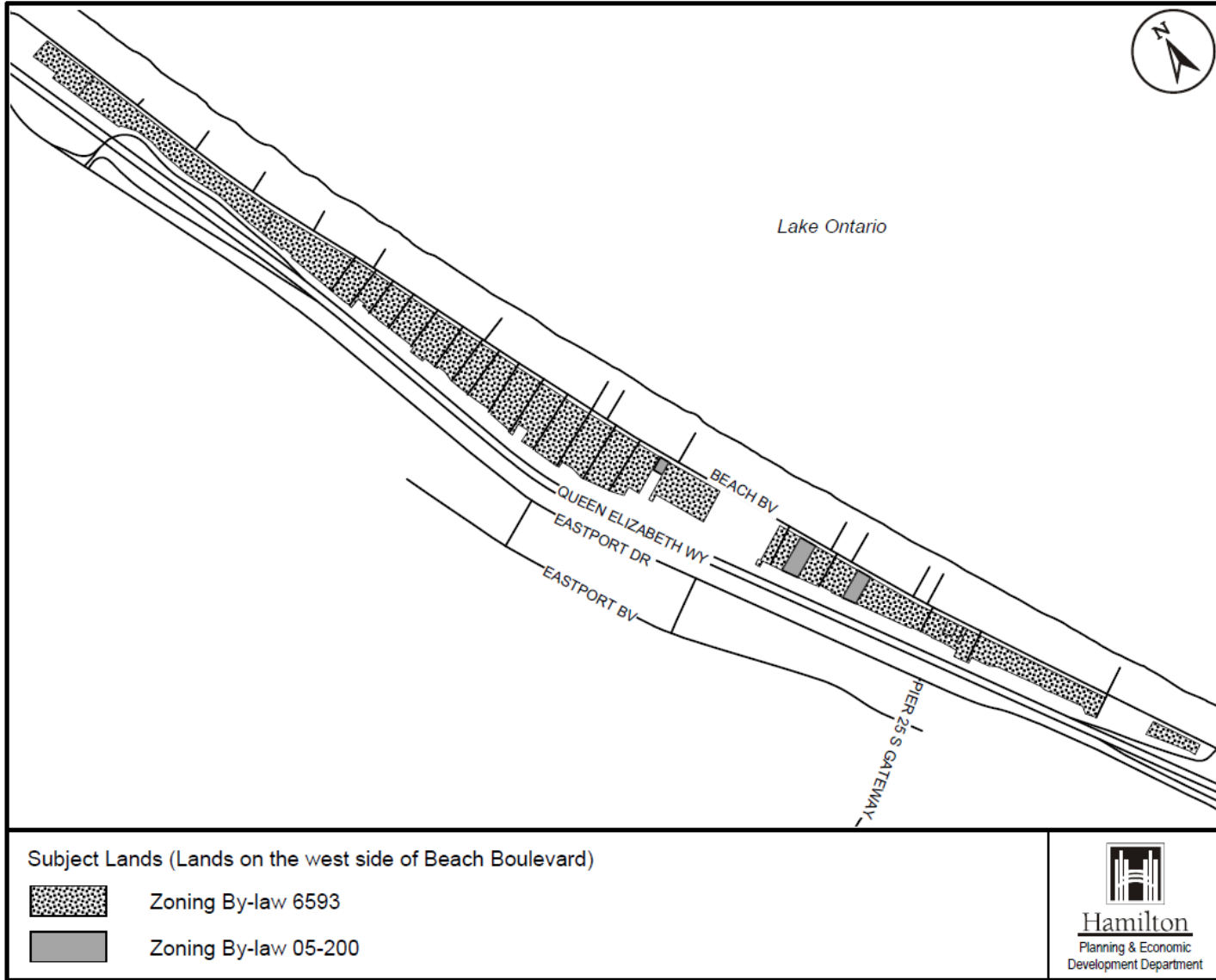
- Major Zoning By-law regulations included:

Both sides of Beach Boulevard

- greater side yard setbacks;
- prohibition on certain building projections; and,
- minimum fence heights (ground to base)

West side (Bay side) of Beach Boulevard

- minimum ground floor elevation of 76.0 metres above mean sea level (MSL) for buildings and additions over 14 m² ; and,
 - no basements or cellars
- Beach strip was placed under Site Plan Control



Background and Context (cont'd)

Committee of Adjustment Applications

- Between 2005 and October 2019 - 13 applications related to reductions in side yards, permission for basements and allowing the ground floor elevation of less than 76.0 MSL;
- Staff recommended denial of:
 - all applications with an MSL of less than 76 m;
 - some applications for side yard reductions where a grading plan could not demonstrate that storm water was addressed; and,
 - Some applications for basements and cellars where the MSL was less than 76.0 m.

Background and Context (cont'd)

- In 2017, the Hamilton Water Division undertook the Beach Boulevard Community Stormwater Ponding Study to investigate the cause of water ponding on the right-of-way (ROW) and to identify potential mitigation measures to minimize future ponding impacts.
- Recommendation - increase the ground floor elevation from 76.0 m above MSL to 76.5 metres.

Recommendations

- Zoning By-law No. 6593
 - increase the minimum ground floor elevation by 0.5 metres to 76.5 metres above MSL, for all buildings, structures, except for accessory buildings and additions less than 14 square metres; and
 - Technical changes:
 1. Replacing three (3) of the four (4) By-law Schedules to remove properties that are within Zoning By-law No. 05-200; and,
 2. Updating the applicable Site Plan Control By-law number.

Recommendations (cont'd)

- Zoning By-law No. 05-200

Seven (7) Properties Affected

- 328, 336 Beach Boulevard;
- Part of 344 Beach Boulevard;
- 400 Beach Boulevard; and,
- 532, 536, 538 Beach Boulevard.

All lands are zoned Neighbourhood Commercial (C2) Zone.

Recommendations (cont'd)

- Add a site specific exception that would include similar regulations from the “C” zoned lands in Zoning By-law No. 6593:
 - Require a 1.7 metre side yard and limit projections / encroachments in side yard;
 - Require a minimum ground floor elevation of 76.5 metres above mean sea level (MSL) for all buildings and structures, except for accessory buildings and additions less than 14 square metres;
 - Prohibit cellars and basements;

Recommendations (cont'd)

- Allow additions less than 14 square metres to have a minimum floor elevation at or above the existing ground floor elevation; and,
- Establish accessory structure regulations, including height, lot coverage, setbacks.

Recommendations (cont'd)

- **Committee of Adjustment**

- Planning Staff recommend staff from both the Planning Division and Hamilton Water make a presentation to the Committee of Adjustment about the recent findings of the study and the importance of not varying the Zoning By-law requirements;
- Legal Services should be instructed to file an appeal and oppose any decision where:
 1. An application was not supported by the Planning Division and Growth Management Division; or,
 2. Approval has been given for a minimum ground floor elevation of less than 76.5 metres MSL.

QUESTIONS?