




Hamilton

INFORMATION REPORT

TO:	General Issues Committee
COMMITTEE DATE:	September 23, 2020
SUBJECT/REPORT NO:	Development Applications in the Pleasant View Neighbourhood (PED20154) (Ward 13)
WARD(S) AFFECTED:	Ward 13
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SIGNATURE:	

COUNCIL DIRECTION

At its meeting of August 12, 2019 the General Issues Committee approved Report LS19035/PED19179 which, among other matters, included the following directions:

- (c) That staff be directed to forward all future planning, development, zoning verification and building applications regarding properties within the Pleasant View Survey Lands to the Niagara Escarpment Commission for comment
- (d) That staff be directed to work with Niagara Escarpment Commission staff to petition the Minister of Natural Resources and Forestry to put the Pleasant View Survey Lands under Development Control as soon as possible
- (e) That staff be directed to work with the Ward Councillor to review how to assist landowners and prospective purchasers to better understand the special zoning and land use restrictions on the Pleasant View Survey lands through City resources and report back to General Issues Committee

This Information Report responds to the above directions as well as providing Committee with an update on recent process and procedural changes within the

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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SUBJECT: Development Applications in the Pleasant View Neighbourhood (PED20154) (Ward 13) - Page 2 of 3

Building Division related to the review of development applications in the Pleasant View neighbourhood in Dundas (Ward 13).

INFORMATION

A number of process and procedural changes have been implemented within the Building Division in response to the Council direction on Report LS19035/PED19179 as well as a review of issues related to a property in the Pleasant View neighbourhood in which Building Permits were issued for the construction of a single detached home in April 2019, and then revoked in July 2019 after the Building Division received information indicating that the building permits may have been issued in contravention of the Dundas Zoning By-law as amended by an Ontario Municipal Board (OMB) decision.

The Building Division has implemented the following measures:

- To ensure that staff are always utilizing the most recent zoning by-laws when reviewing all development applications, staff are now required to verify current zoning bylaw requirements against the up-to-date on-line Zoning By-laws found on the City of Hamilton website instead of relying on paper records of zoning amendments.
- A notice has been placed on each property record in the Pleasant View neighbourhood affected by the OMB decision in the AMANDA database that the Building and Planning Divisions utilize for the processing of all development applications. Specifically, any property or zoning verification request within the Pleasant View area identifies the RU/S-58 Exception Zone requirements and clearly advises requesters of the non-permitted dwelling and building restrictions. (responds to Council direction (e) on Report LS19035/PED19179.
- A new position was created in 2019 within the Building Division, funded by the Building Enterprise Fund, that is a Residential Zoning expert who will aid staff in all residential Zoning By-law interpretations.
- A new procedure has been established to require staff to advise the Niagara Escarpment Commission (NEC) on any building permit and zoning verification applications received by the Building Division within the Pleasant View area. Additionally, the Planning Division is forwarding all Planning Applications within the Pleasant View area to the NEC for comment as part of the usual circulation cycle.. (responds to Council direction (c) on Report LS19035/PED19179).
- A new Building Division Policy ZON-030 has been created that provides staff guidance on how to apply and interpret RU/S-58 Exception Zone requirements.

- Through the City's legal division, staff have requested that the NEC and the Minister take the necessary steps under Section 15 of the *Niagara Escarpment Planning and Development Act* to resolve any perceived conflicts between the City's zoning and the Niagara Escarpment Plan by either (responds to Council direction (d) on Report LS19035/PED19179):
 - a) bringing the lands within the NEC's Area of Development Control; or
 - b) initiating the process for resolving the alleged conflict with the City's zoning by-laws under s. 15 of the Act, or any other applicable statutory authority.

The NEC did invite the parties in March 2020 to begin a discussion on this matter, however, this has been delayed due to the COVID-19 emergency. While a new meeting has not been scheduled, there have been some preliminary ongoing discussions between the City and a representative for the NEC.

APPENDICES AND SCHEDULES ATTACHED

Not applicable