




Hamilton

INFORMATION REPORT

TO:	Chair and Members Open for Business Sub-Committee
COMMITTEE DATE:	October 26, 2023
SUBJECT/REPORT NO:	Grading Requirements for Infill Developments with one or two Dwelling Units (PED23230) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Alan Shaw Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not applicable.

INFORMATION

Background

At the July 28, 2023, Open for Business Sub-Committee meeting a request was made to report back on the requirement for grading plans for infill development for small single family dwellings and additions. This report will provide information on the Building Division's lot grading policy for infill residential developments with one or two dwelling units.

Observations and Issues

The City of Hamilton has seen an increase in infill residential developments during the past several years. The main reason for this is the need to replace, or add, additional housing units to existing neighbourhoods. However, most of these older areas were developed without the requirement of a grading plan and when a new residential building is constructed in these established neighbourhoods, it can lead to drainage issues to adjoining properties if the lot grading is not reviewed by a qualified grading consultant. The Ontario Building Code also requires that where a building permit is

OUR Vision: To be the best place to raise a child and age successfully.

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

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Grading Requirements for Infill Developments with one or two Dwelling Units (PED23230) (City Wide) - Page 2 of 3

issued the site is to be graded so that water will not accumulate at, or near, the building and will not adversely affect adjacent properties.

Additionally, Bill 23 (*More Homes Built Faster Act*) removed Site Plan Control, which included grading requirements, from developments with 10 residential units or less which made it the more urgent that a policy on grading be developed and finalized in order to ensure a grading consultant has reviewed and certified that the lot grading will not adversely affect the adjoining properties. It should also be noted that most single and semi-detached dwellings were already exempted from Site Plan Control in the City of Hamilton prior to Bill 23, and that this was another reason why a lot grading policy was required for these types of developments. After discussions with Growth Management, it was agreed that the Building Division would develop a policy on grading for developments with one or two dwelling units and Growth Management would look after the review of grading for developments with 3 to 10 dwelling units. A Report (PED23045) on the impact of Bill 23 was prepared by Growth Management and presented to the Planning Committee on February 14, 2023.

Based on the above, the Building Division developed a Lot Grading Policy for infill developments with one or two residential units. This Policy applies to the following residential projects:

- Residential Infill – Single family, two family and semi-detached;
- Residential additions;
- Residential accessory buildings; and,
- Secondary/additional detached dwelling units.

The Policy requires the lot grading plan to be prepared by a Grading Consultant, and outlines what information must be contained on the grading plan (swales, direction of flow, etc.). This grading plan must be submitted with the building permit application. Once the building has been constructed the Policy also requires the Grading Consultant to submit an as-built grading plan and a Lot Grading Certificate Declaration which states the following:

“I have reviewed the final grading for the above-noted property and have taken elevations where necessary to confirm direction and grade of surface drainage. I certify that the work has been completed and conforms to the submitted grading plan. It is my professional opinion that water will not accumulate at, or near, the building, and will not adversely affect adjacent properties.”

It is also important to note that lot grading requirements for infill developments is a widely used best practice in the majority of medium to large Municipalities in Ontario. This has been done to ensure that where infill development takes place the grading of the lot should not adversely affect the adjoining properties.

Outcome

The Lot Grading for Infill Residential Developments came into effect in December of 2022. Since that time the Building Division has made several revisions based on industry feedback. The latest set of revisions were made in September of this year. The main changes were:

- The definition of Grading Consultant has been extended to include not only a Professional Engineer but to also include:
 - an Ontario Land Surveyor,
 - an Architect registered as a member of the Ontario Association of Architects, or
 - a member of the Ontario Association of Landscape Architects.
- To exempt the lot grading requirement for a residential accessory building, a secondary/additional detached dwelling or an addition provided it is not greater than 55 square metres in building area, is at least 1.0 metres from a property line and provided there are no changes to the grading of the property. If the setback to a property line is increased to 3.0 metres the residential buildings noted above would be exempt from the lot grading requirement no matter the size provided there are no changes to the grading of the property;
- To exempt the lot grading requirement where a residential building is rebuilt on an existing foundation (no increase in the perimeter of the foundation) provided there are no changes to the grading of the property;
- To exempt residential projects that are on a lot size of at least 0.4 hectares (one acre), provided the proposed building/addition is at least 3.0 metres from a property line and provided there are no changes to the grading of the property; and,
- To exempt the lot grading requirement where an existing detached accessory building is converted to a secondary/additional dwelling unit.

Expanding who can be a Grading Consultant will provide an applicant/homeowner a greater choice of who they can hire to prepare the lot grading plan, while at the same time ensuring that the Grading Consultant is someone qualified to carry out this work.

APPENDICES AND SCHEDULES ATTACHED

Not applicable.