




Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 9, 2024
SUBJECT/REPORT NO:	Appeals of By-law Nos. 24-051 and 24-052 (Updates and Amendments to the Low Density Residential Zones and Creation of a New Section 5: Parking, in Zoning By-law No. 05-200) (PED22154(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Council, at its meeting of April 10, 2024, approved By-laws No. 24-050, 24-051 and 24-052, (refer to Report PED22154(a)) to update the Urban Hamilton Official Plan and Zoning By-law No. 05-200 with respect to the Low Density Residential zoning permissions and residential parking requirements. Notice of Adoption of Official Plan Amendment No. 202 and Notice of Passing of By-law Nos. 24-051 and 24-052 was given on April 19, 2024, with a final date of appeal to the Ontario Land Tribunal of May 9, 2024. Three appeals were filed to By-law Nos. 24-051 and 24-052.

The purpose of this Information Report is to update Council on the appeals received.

INFORMATION

By-law No. 24-050 (Official Plan Amendment No. 202)

The amendment to the Urban Hamilton Official Plan provides consistency between the policies of the Urban Hamilton Official Plan and the implementation of Low Density Residential Zones with expanded permissions in Zoning By-law No. 05-200 as it applies to lands within certain secondary plans.

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.

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The amendment has:

- Established a policy to allow certain Low Density Residential policies of Volume 1 to take precedence over certain Low Density Residential policies in secondary plans for the purposes of permitted density ranges, built form, and height; and,
- Established a policy within Volume 1 to require the Neighbourhood Infill Design Guidelines be evaluated when considering an application for residential intensification for permitted low density residential uses.

Full details of this By-law are contained in Report PED22154(a). This By-law was not appealed.

Zoning By-law Amendment No. 24-051

This amendment to Zoning By-law No. 05-200 aligned the Zoning By-law with the Low Density Residential policies of the Urban Hamilton Official Plan. The amendment has:

- Introduced the new Low Density Residential – Large Lot (R2) Zone;
- Added Triplex and Fourplex Dwelling permissions to the existing Low Density Residential (R1) Zone, Low Density Residential – Small Lot (R1a) Zone, and the new Low Density Residential – Large Lot (R2) Zone;
- Applied the R1, R1a, and R2 Zones to low density residential properties in the communities of Ancaster, Flamborough, Glanbrook, former City of Hamilton, and Stoney Creek, including certain low density residential lands within secondary plans; and,
- Introduced technical amendments to update Zoning By-law No. 05-200 to reflect the amendments to the Low Density Residential Zones.

Full details of this By-law are contained in Report PED22154(a). This By-law has been appealed.

Zoning By-law Amendment No. 24-052

This amendment introduced City-wide parking standards for residential uses and updated and modernized the Parking Section of Zoning By-law No. 05-200. Of note, there are several amendments in By-law No. 24-052 that are replicated in By-law No. 24-051, related to parking updates. They are:

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- Section 3 – Definitions:
 - “Motor Vehicle – Commercial” [deleted and replaced];
 - “Motor Vehicle Gas Bar” [modified];
 - “Motor Vehicle Service Station” [modified];
 - “Parking Space, Electric Vehicle” [new];
 - “Planting Strip” [modified]; and,
 - “Trailer” [new].

- Section 4.6 – Permitted Yard Encroachments
 - Encroachment permission for wall-mounted electric vehicle charging equipment [new].

Full details of this By-law are contained in Report PED22154(a). This By-law has been appealed.

Appeals

A total of four appeals were received by the appeal deadline, one of which was subsequently withdrawn. The remaining three appeals are detailed as follows:

Appellant:	By-law(s) Subject to Appeal:	Regulations Subject to Appeal:
The Cadillac Fairview Corporation In respect of 999 Upper Wentworth Street (CF Lime Ridge Mall)	By-law Nos. 24-051 and 24-052	Section 3 – Definition: “Parking Space, Electric Vehicle”. Section 5.7.1 a) i. - Visitor parking space requirement for Multiple Dwellings and Dwelling Unit(s), Mixed Use, where the total number of such units is 5 or greater, as it applies to Parking Rate Area 2. Section 5.7.4 a) i.- Minimum electric vehicle parking requirement for residential uses.

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Appellant:	By-law(s) Subject to Appeal:	Regulations Subject to Appeal:
<p>Hammer GP LP and Hammer GP Services Corp. In respect of 75 Centennial Parkway North (Eastgate Square)</p>	<p>By-law Nos. 24-051 and 24-052</p>	<p>Section 3 – Definition: “Parking Space, Electric Vehicle”.</p> <p>Section 5.7.4a) i., ii. – Minimum electric vehicle parking rate requirements for residential uses and all other uses.</p>
<p>West End Home Builders’ Association</p>	<p>By-law Nos. 24-051 and 24-052</p>	<p>Section 3 – Definition: “Parking Space, Electric Vehicle”.</p> <p>Section 5.1.4 a) Minimum required number of electric vehicle parking spaces.</p> <p>Section 5.1.4 c) Minimum required number of electric vehicle parking spaces – exception for existing buildings in all zones.</p> <p>Section 5.7.4 a) i.- Minimum electric vehicle parking requirement for residential uses.</p>

The appeal letters are attached as Appendices “A” through “C” to Report PED22154(b). The appeals have been filed with the Ontario Land Tribunal and Case # OLT-24-000544 has been assigned. A Case Management Conference has been scheduled for July 19, 2024.

All appeals pertain to amendments found in By-law No. 24-052 (introduction of City-wide parking standards for residential uses and updates to the Parking Section of Zoning By-law No. 05-200). However, on the basis that certain amendments to parking standards are also found in By-law No. 24-051 (noted previously in this Report), both By-law No. 24-051 and 24-052 have been appealed.

Legal Services has reached out to the appellants’ Counsel to discuss scoping of the appeals. Further discussion on this matter can be found in Report LS24001.

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22154(b) – Appeal Letter: The Cadillac Fairview Corporation

Appendix "B" to Report PED22154(b) – Appeal Letter: Hammer GP LP and Hammer GP Services Corp.

Appendix "C" to Report PED22154(b) – Appeal Letter: West End Home Builders' Association

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