

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: July 9, 2013	
SUBJECT/REPORT NO: Housekeeping Amendments to the Demolition Control Area By-law (PED09258(a)) (City Wide)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Frank Peter (905) 546-2424 Ext. 2781
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to amend the Demolition Control Area By-law 09-208 to include an additional item to the list of “routine applications” under the delegation of authority provisions, for residential properties, within the boundary limits of the City of Hamilton;
- (b) That the By-law attached as Appendix ‘A’ to Report PED09258(a), being a By-law to amend the Demolition Control Area By-law, be approved.

EXECUTIVE SUMMARY

Presently, the Demolition Control Area By-law 09-208 permits the Chief Building Official to issue residential demolition permits under certain conditions to streamline the redevelopment process. Staff recommends that the process for issuing residential demolition permits be further streamlined by adding an additional item to the list of “routine applications” under the delegated authority provisions of the Demolition Control

By-law. The additional item would allow the Chief Building Official to issue residential demolition permits when the demolition of the building is a condition of an approved land severance where all of the other conditions of an approved land severance have been met.

Alternatives for Consideration – See Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: Not applicable.

Staffing: Not applicable.

Legal: Not applicable.

HISTORICAL BACKGROUND (Chronology of events)

City Council passed a Demolition Control By-law in 2008 establishing the entire City of Hamilton as a Demolition Control Area for residential properties. The By-law was amended in 2009 to permit the delegation of Council's authority to issue residential demolition permits to the Chief Building Official or designate for certain "routine applications". The By-law specifies that "routine applications" include, but are not limited to, an application to demolish a residential building:

- in an established neighbourhood and standard conditions requiring the construction of a replacement building would automatically be applied;
- to facilitate a development under an approved site plan or approved draft plan of subdivision;
- in a zone that does not permit a residential use;
- where another non-residential use is permitted;
- to facilitate land assembly for future development; and,
- in the Rural Area when abutting lands would not be impacted.

Discussions with the development industry, including the Hamilton-Halton Home Builders Association, have concluded that delays and additional costs are being incurred when the demolition is in an established neighbourhood, the zone permits a replacement dwelling and where there is a land severance application approved to create additional parcels of land.

Approved land severances contain conditions and where there is an existing dwelling located on the parcel of land one of the conditions is to demolish the existing dwelling. The conditions cannot be fulfilled until the demolition is complete and the demolition cannot commence until the applicant obtains a replacement building permit and

registers on title that the new dwelling will be substantially completed within 2 years of the date of the demolition or \$20,000 shall be added to the tax rolls.

In order to do this the applicant must submit a separate detailed grading plan indicating the proposed dwelling on the large property without the severance lines. After the demolition is complete and the severance is final and binding the applicant must then revise the grading plans showing the severance lines and submit with subsequent permit applications. This imposes unnecessary expenses to the applicant.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

The Planning Act permits the City to enact a By-law that designates a Demolition Control Area to regulate the demolition in whole or part of any residential property. No policy direction is required.

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report and By-law.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Staff recommends that the process for issuing residential demolition permits be further streamlined by adding the following item to the list of “routine applications”:

- when the demolition of the building is a condition of an approved land severance where all of the other conditions of an approved land severance have been met.

The purpose of requiring that all of the other conditions of the approved land severance having been met shows true intent of the development of the property. Some of the other conditions include submitting a reference plan, entering into a consent agreement, and payment of fees.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Status Quo – Routine applications would include the current list and when the demolition is required as a condition of a consent application the applicants would be required to follow the current procedures for permit issuance or ask staff prepare a report to be heard at Planning Committee and Council.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

We enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES / SCHEDULES

Appendix "A": By-Law Amendment

FP:fp

Appendix "A" to Report PED09258(a)

Authority: Item , Committee
Report (Staff report number)
CM: Date
Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend By-law No. 09-208, a Demolition Control Area By-law

WHEREAS Council enacted a Demolition Control Area By-law No. 09-208;

AND WHEREAS this By-law provides for an amendment to section 5 of By-law No. 09-208;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendment made by section 2 of this By-law includes the necessary grammatical changes including punctuation.
2. Section 5 of By-law No. 09-208 is amended to add the following item to the list of "routine applications":
 - when the demolition of a residential building is a condition of an approved land severance and all other conditions of the approved land severance have been met
3. This By-law comes into force on the day it is passed.

PASSED this _____ day of _____, 20 .

_____	_____
R. Bratina Mayor	R. Caterini City Clerk