SUBJECT: City Initiative CI-07-A – Housekeeping Amendments for New Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Formulae and Deemed Street Widths Within Glanbrook (PED07086) (Wards 9, 11, 12, 14 and 15)

RECOMMENDATION:

(a) That approval be given to City Initiative CI-07-A to:

   (i) amend the Town of Ancaster, Town of Flamborough, Township of Glanbrook, City of Stoney Creek Zoning By-laws respecting consistency of wording for the Ministry of Agriculture and Rural Affairs Minimum Distance Separation Formulae; and,

   (ii) to amend the Township of Glanbrook Zoning By-law respecting a change in the minimum deemed widths of streets.

(b) That the attached Zoning By-law, attached as Appendix “A” to Report PED07086, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed zoning is in conformity with the Official Plans for the Region of Hamilton-Wentworth, Town of Ancaster, Town of Flamborough, Township of Glanbrook and City of Stoney Creek.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

Effective January 1, 2007, new Minimum Distance Separation (MDS) Formulae was enacted by the Ministry of Agriculture, Food and Rural Affairs and the Zoning By-laws need to be amended to reflect the new requirements. An amendment is made to the existing Zoning By-laws to provide for consistent wording and to permit the use of the new MDS calculations.

Through the use of the Township of Glanbrook Zoning By-law, it has been found that the regulation related to the minimum deemed width of public streets needs to be amended to reflect the minimum 18.0 metres being utilized. This amendment will permit the reduction in road allowances without amendment to the Zoning By-law.

BACKGROUND:

Minimum Distance Separation (MDS) Formulae

The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has undertaken a work program to review and revise the Minimum Distance Separation (MDS) Formulae which provide for the calculation between livestock farm operations and new or existing sensitive land uses. The new MDS provides for calculations more reflective of today’s requirements, it is easier to interpret and is now available as a program to be loaded to City computers to allow for easier calculations for the public and staff.

Of the 7 Zoning By-laws in the City of Hamilton, 4 have reference to the MDS – Town of Ancaster, Town of Flamborough, Township of Glanbrook and City of Stoney Creek. Of the 4 By-laws, the MDS is an appendix to the Zoning By-law, which is included for information and can be amended without any Public Meeting. However, Ancaster has the MDS as a Schedule to the Zoning By-law requiring a zoning amendment to change the MDS implementation guidelines.

It is proposed that a consistent wording be included within the By-laws to recognize that all rural development is subject to the MDS and also that further amendments will not be required should OMAFRA change the MDS in the future.

Deemed Street Widths

The Township of Glanbrook Zoning By-law has a regulation which requires a minimum of 20 metres for deemed street right-of-way width. Under certain conditions, staff will support reduced street allowance widths to 18.0 metres in accordance with Council approved Engineering Design Guidelines. To permit this reduction without an amendment to the By-law on every occasion, an amendment is proposed to revise the minimum deemed width to remove an obstacle or delay from City supported development.
ANALYSIS/RATIONALE:

OMAFRA regulates the requirements for setback from sensitive land uses and from livestock farming operations based on various criteria of the agricultural operation. The City administers this setback through the MDS calculations. The City is required to use the most up-to-date MDS formulae and should not be required to undertake a zoning amendment if MDS should change in the future.

Should the deemed street width minimum right-of-way not be reduced, any new application with a proposed street of less than 20 metres in width would be required to secure a variance from the Glanbrook Zoning By-law.

ALTERNATIVES FOR CONSIDERATION:

Should the amendment not be supported, the new MDS formulae for development in Ancaster cannot be enforced. Also, should approval not be given, new development with reduced road widths in Glanbrook will be required to secure zoning approval for the reduction, which would delay the development process.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council will hold at least one (1) Public Meeting to consider an amendment to the Zoning By-law.

POLICIES AFFECTING PROPOSAL:

There are no policies affecting the proposed Zoning Amendments.

RELEVANT CONSULTATION:

Consultation has been undertaken with internal Divisions (Building and Licensing Division and Development Planning Section of the Planning and Economic Development Department) to discuss the implementation.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

Amendments provide update of factors affecting compatibility between sensitive land uses in the Rural Area.
Environmental Well-Being is enhanced.    ☑ Yes ☐ No
The new MDS calculations will provide for proper separation from incompatible uses in the Rural Area.

Economic Well-Being is enhanced.    Yes ☐ No
With greater clarity to the regulations, economic decisions will not be made by an incorrect interpretation of the regulations.

Does the option you are recommending create value across all three bottom lines?    ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?    ☑ Yes ☐ No
These amendments provide for clarification and enables easier interpretation of the document.

:AF
Attach. (1)
CITY OF HAMILTON

BY-LAW No. _____

Housekeeping Amendments Respecting Minimum Distance Separation Formulae and Deemed Street Widths

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Town of Ancaster”, “The Corporation of the Town of Flamborough”, “The Corporation of the Township of Glanbrook” and “The Corporation of the City of Stoney Creek”, and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of The Corporation of the Town of Flamborough passed Zoning By-law No. 90-145-Z (Flamborough) on the 5th day of November 1990, which by-law was approved by the Ontario Municipal Board by Order dated the 21st day of December 1992;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) on the 16th day of March 1992, and approved by the Ontario Municipal Board on the 31st day of May 1993;
AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster, the Official Plan of the former Town of Flamborough, the Official Plan of the former Township of Glanbrook and the Official Plan of the former City of Stoney Creek).

AND WHEREAS this By-law provides for housekeeping amendments to Zoning By-law No. 87-57 (Ancaster), Zoning By-law No. 90-145-Z (Flamborough) Zoning By-law No. 464 (Glanbrook) and Zoning By-law No. 3692-92 (Stoney Creek), as hereinafter described;

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

1. **Town of Ancaster**
   
a. Section 5, of Zoning By-law 87-57 (Ancaster), is amended by deleting the following:

   “, and Schedule “D” attached hereto which may be cited as the “Minimum Distance Separation Distance Formulas””

b. Schedule “D” is deleted in its entirety.

c. Section 7.13 (d), of Zoning By-law 87-57 (Ancaster), is amended by deleting sections (i) and (ii) and replacing with the following:

   “That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.”

2. **Town of Flamborough**
   
a. Section 4.8, of Zoning By-law 90-145-Z (Flamborough), is amended by deleting in its entirety and replaced with the following:

   “4.8 MINIMUM DISTANCE SEPARATION FORMULAE

   That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.”
b. Appendix A is deleted in its entirety.

3. **Township of Glanbrook**
   
a. Section 7.27, of Zoning By-law 464 (Glanbrook), is amended by deleting the section in its entirety and replacing it with the following:

   “7.27 **AGRICULTURAL CODE OF PRACTICE**

   That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.”

b. Appendix 1 is deleted in its entirety.

c. Section 7.23, of Zoning By-law 464 (Glanbrook), is amended by:

   i. deleting “20 metres (66 feet)” and replacing it with “18 metres (59 feet)”; and,
   
   ii. deleting the words “and the distance from the centre line of these streets shall be 10 metres (33 feet).”

4. **City of Stoney Creek**
   
a. Section 5.1.6, of Zoning By-law 3692-92 (Stoney Creek), be amended by deleting section in its entirety and replace it with the following:

   “5.1.6 **Agricultural Code of Practice**

   That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.”

b. Appendix “A” is deleted in its entirety.

5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
PASSED and ENACTED this    day of     , 2007

_________________________________________  ___________________________________________
Fred Eisenberger                  Kevin C. Christenson
Mayor                           City Clerk
CI-07-A