SUBJECT: Application for a Change in Zoning for Lands Located at 675 York Road (Dundas) (PED09048) (Ward 13)

RECOMMENDATION:

That approval be given to amended Zoning By-law Amendment Application ZAR-08-036, by Surinder Kaloe, Owner, for a change in zoning from the Rural Zone, Modified (RU/S-58), to a Rural Zone, Modified (RU/S-111), for “Block 1”, and a change in zoning to Open Space - Conservation Zone (OS) for “Block 2”, in order to permit the reconstruction of a single detached dwelling at a new location on lands located at 675 York Road (Dundas), as shown on Appendix “A” to Report PED09048, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09048, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule K-1, of Zoning By-law No. 3581-86.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Dundas Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is for a further modification in zoning in order to permit the future reconstruction of a single detached dwelling in a new location, on the existing residential lot, with an increase to the maximum permissible lot coverage and height provisions of the Rural Zone. The proposed dwelling will be subject to a future application for Site Plan Control.

The proposal has merit and can be supported as the proposed changes in zoning are consistent with the Provincial Policy Statement and Parkway Belt West Plan, and conforms to the Hamilton-Wentworth Official Plan and the Town of Dundas Official Plan.

BACKGROUND:

Proposal

The applicant proposes to further modify the existing Rural Zone, Modified (RU/S-58) on the subject lands. The current zoning permits the land to be used for an existing single detached dwelling, or one that has been approved for construction on or before August 14, 1998. The applicant wishes to demolish the existing single detached dwelling and construct a new single detached dwelling at a proposed new location, as shown on Appendix “C”.

The application has been amended by the applicant. The application was originally for a maximum lot coverage of 350m², but has since been revised to a maximum 325m² of lot coverage. In addition, the applicant has requested that the front yard setback be increased from 6.0 metres to 35 metres from York Road, and from 3.5 metres to 20 metres from Old Guelph Road. The applicant has also requested an increase in height from 7.5m to 9.7m. These provisions will apply to the lands shown as “Block 1” on Appendix “A”, which is proposed to further modify the Rural Zone, Modified (RU/S-58) to the Rural Zone, Modified (RU/S-111). Additionally, it should be noted that the proposed development would be subject to a future application for Site Plan Control.

In addition, lands demarcated by the Halton Conservation Authority and City staff for Natural Heritage purposes, shown as “Block 2” on Appendix “A”, shall be rezoned to the Open Space - Conservation Zone (OS).

Details of Submitted Application

Location: 675 York Road (Dundas)

Owner/Applicant: Surinder Kaloe

Property Description: Frontage: 147.32m
Depth: 218.32m
Area: 18,656 square metres
EXISTING LAND USE AND ZONING:

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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the policies of the Provincial Policy Statement.
   
   (ii) It is consistent with the policies of the Parkway Belt West Plan.
   
   (iii) It is consistent with the applicable policies of the Provincial Greenbelt Plan.
   
   (iv) It conforms with the “Parkway Belt West Policy Areas” designation of Map No. 2 in the Hamilton-Wentworth Official Plan.
   
   (v) It conforms with the “Conservation/Hazard Land” designation within the Land Use - Schedule “A” of the Town of Dundas Official Plan and the requirements of the Hamilton Conservation Authority.
   
   (vi) It is a replacement of an existing single detached dwelling at a new location on an existing residential lot.
2. The Ministry of Municipal Affairs and Housing has reviewed the subject application and has no comments or concerns, provided the policies of both the Parkway Belt West Plan and the Provincial Greenbelt Plan are satisfied. In review of the subject application, all policies of the Parkway Belt West Plan and the Provincial Greenbelt Plan have been satisfied.

3. Development Engineering has advised that if the proposed single detached dwelling is greater than 60m from the road allowance, a water meter must be installed in a chamber on private property just inside the property line. The proposed chamber and piping layout must be to City Standards, WM-209, or 16mm to 50mm metre installations.

4. As the subject lands have been deemed to be of archaeological potential, the applicant has provided a Stage 1 and Stage 2 archaeological assessment. The assessments have been reviewed by City staff, and staff is satisfied that the archaeological concerns have been adequately addressed.

5. As required under Section 9.1 of Site Plan Control By-law 03-294 and Dundas Official Plan (1982) Policy 1.3.1.14A(i), the subject lands are subject to Site Plan Control which will address matters such as building location and orientation, servicing, setbacks, and all applicable development regulations for the proposed single detached dwelling.

6. In order to facilitate the redevelopment of the subject lands for one single detached dwelling, the following regulations shall be incorporated into the amending By-law:

   ● **Lot Coverage:**

      The applicant has requested an increase to the maximum lot coverage from the permitted 250m$^2$ to a lot coverage of 350m$^2$. The applicant has agreed to a reduction in the requested lot coverage to 325m$^2$. The subject lands are approximately 18,616m$^2$ in area, which is substantially larger than properties to the west, which are also zoned RU/S-58, and the lot areas range in size from 809m$^2$ to 2,428m$^2$. Based on a lot size of 18,600m$^2$, 325m$^2$ of lot coverage equates to a lot coverage of 1.75% and, as such, the majority of the property will remain as open space.

      A maximum lot coverage of 325m$^2$ will include a single detached dwelling and any accessory buildings erected on the subject lands. The increase is in keeping with the intent of the Rural Zone (RU), which permits a maximum lot coverage of 300m$^2$ for all buildings.

      The proposed location of the single detached dwelling will be setback approximately 70m from York Road, and 40m from Old Guelph Road (see Appendix “C”). The applicant is proposing to reuse the existing access from Old Guelph Road, which will subsequently minimize the visual impacts of the proposed increase.
However, it should be noted that the conceptual location was developed prior to the staking of the natural heritage features and required buffers. As a result, it is anticipated that the proposed dwelling may be required to locate closer to both York Road and Old Guelph Road.

Therefore, in order to provide flexibility while maintaining appropriate distance from the natural heritage features, the amending By-law will only require a minimum 35.0 metre front yard setback and a 20 metre west side yard setback.

As mentioned in Section 5 above, the subject lands are subject to Site Plan Control, as required by the Site Plan Control By-law and Dundas Official Plan (1982).

Therefore, it is the opinion of staff that the increase in lot coverage will have minimal impact both visually and physically. The proposed change in zoning is consistent with the intent and purpose of the Town of Dundas Zoning By-law No. 3581-86 and is, therefore, supportable.

- **Maximum Height:**

  The applicant has requested an increase to the maximum permitted height from 7.5m to 9.7m. The proposed increase in height will be approximately 30%, which in the opinion of staff, is minor in nature. In consultation with the applicant, the increase in height will allow for appropriate roof pitch and design for the proposed 2-storey dwelling. As previously noted, the proposed location of the new dwelling is setback from the street, and the existing vegetation along both streets will screen the visual impacts of the increased building height.

  The proposed dwelling is subject to Site Plan Control and will be situated a minimum of 35 metres from York Road and 20 metres Old Guelph Road. Based on the foregoing, staff is of the opinion that the proposed height increase will not affect the streetscape and is well setback from the street(s), minimizing any visual impacts.

- **Open-Space-Conservation Zone (OS)**

  The subject lands are in proximity to two designated Environmentally Significant Areas (ESA), as designated under Map No. 4 of the Hamilton-Wentworth Official Plan (i.e. ESA #42, Cootes Paradise and ESA #43, Borer’s Falls - Rock Chapel).

  Upon review of the subject application, staff from both the City of Hamilton and the Hamilton Conservation Authority have recommended that a 15 metre buffer is to be established from the limits of the Natural Hazard Feature (i.e. Valleylands), as well as the Top-of-Bank. The buffer and the natural heritage features, as staked by the Conservation Authority and City
staff, are identified as “Block 2” on Appendix “A” and will be zoned Open Space - Conservation Zone (OS), which will preclude any buildings or structures.

The applicant has agreed to the amended zone change provisions, and as the proposed changes are consistent with the intent and purpose of the Greenbelt Plan, PPS, and City policy documents, staff is in support of the proposed amendment.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of maintaining the existing residence in its current form and location, as prescribed through the Rural Zone, Modified (RU/S-58).

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Greenbelt Plan:**

The subject lands are designated as “Protected Countryside” (“Block 1” and “Block 2” on Appendix “A”), and “Natural Heritage System” (“Block 2” on Appendix “A”) within the Greenbelt Plan. However, as the subject lands fall within the Parkway Belt West Plan, Policy 2.3 of the Plan states that the requirements of the Parkway Belt West Plan, deemed to be a development under the Ontario Planning and Development Act, 1994, continue to apply to the lands within the Parkway Belt West Plan Area, and the Protected Countryside policies do not apply, with the exception of Sections 3.2 and 3.3.

The applicant proposes to construct a new dwelling on “Block 1” of Appendix “A” designated as “Protected Countryside”, which is subject to Policy 3.2.4.5. The Greenbelt Plan states that “a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System, or a key hydrologic feature anywhere within the Protected Countryside, requires a natural heritage evaluation and hydrological evaluation, which identify a vegetation protection zone which:

a) Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during, and after construction, and where possible, restore or enhance the feature and/or its function; and,
b) Is established to achieve, and be maintained as *natural self-sustaining vegetation*.”

In response to the above noted policy, both City staff and Hamilton Conservation Authority staff have been on site, and are satisfied with the proposed rezoning of the required natural vegetative buffer and the natural heritage feature to the Open Space - Conservation Zone (OS), shown as “Block 2” of Appendix “A”. Based on the foregoing, the proposal is consistent with the applicable policies of the Provincial Greenbelt Plan.

Lastly, Policy 4.4.2 states that Greenbelt municipalities should work with aboriginal groups and other stakeholders to identify and protect cultural heritage resources and plan toward maintaining, developing and using these resources in a manner that will benefit the local community and be compatible with the Greenbelt’s vision and goals. In this regard, the applicant has submitted a Stage 1 and Stage 2 archaeological assessment, which has subsequently been reviewed and cleared by City of Hamilton Staff. Staff, therefore, has no further comments or concerns as it pertains to archaeology. Therefore the subject proposal is consistent with the policies of the Provincial Greenbelt Plan.

**Parkway Belt West Plan:**

The subject lands are designated as “Special Complementary Use” within the Parkway Belt West Plan. The Ministry of Municipal Affairs and Housing has reviewed the subject application against the Parkway Belt West Plan and provide the following comments:

“As stated under Section 5.5.2(e), Residential Uses, a single residential dwelling on a vacant lot could be permitted within the “Special Complementary Use Area” provided that certain conditions set out in Section 5.5.1(f) of the Plan are met. In particular, “a single family residence on each vacant lot provided that: the lot existed legally on June 3, 1973.” Based on historical surveys, staff has reviewed the subject proposal and is of the opinion that the policies of the Parkway Belt West Plan have been satisfied.”

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). As the nature of the application is for the replacement of the existing single family dwelling in a new location on the existing residential lot, staff recognizes that the application is consistent with the Agriculture policies of the Provincial Policy Statement.

However, Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands), unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The subject lands are directly adjacent to an Environmentally Significant Area (ESA), namely, Cootes Paradise and Borer’s Falls - Rock Chapel. Natural Heritage Planning staff and the Halton Conservation Authority have reviewed the subject proposal and
have requested that the major valley feature, and subsequent 15 metre buffer, be rezoned to the Open Space - Conservation Zone (OS).

Lastly, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted.

As mentioned above, staff has received and reviewed a Stage 1 and Stage 2 archaeological assessment, which has been reviewed and cleared by City of Hamilton staff. No further investigation is warranted.

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Parkway Belt West Policy Area” on Map 1 of the Hamilton-Wentworth Official Plan, and is traversed by Environmentally Significant Area #43, Borers Falls - Rock Chapel, as designated on Map 3 of the Plan. As the lands are within an Environmentally Sensitive Area, Section 9.1 of Site Plan Control By-law 03-294 will require that upon approval of the proposed By-law, the proposed development be subject to a Site Plan Control Application prior to any building permits.

Furthermore, Policy C-1.6.1 states that the policies of the Parkway Belt West Plan shall apply. As mentioned above, the proposal is consistent with the policies of the Parkway Belt West Plan and, subsequently, conforms to policy C-1.6.1 of the Hamilton-Wentworth Official Plan.

Additionally, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. Staff has reviewed the submitted Stage 1 and Stage 2 archaeological assessment, and has no further comments or concerns with regard to archaeology.

Lastly, Policy C-1.2.2 of the Plan states that land use changes in or adjacent to Environmentally Significant Areas will only be permitted where such development:

i) Will not adversely affect, degrade or destroy any of the qualities which are the basis for the area’s designation;

ii) Will not cause any significant impacts upon water quality and quantity; and,

iii) Will not adversely affect the implementation of any resource protection policies or plans.
SUBJECT: Application for a Change in Zoning for Lands Located at 675 York Road (Dundas) (PED09048) (Ward 13) - Page 9 of 13

Upon site visits by Halton Conservation Authority staff and City staff, there are no further natural heritage concerns, provided the major valley feature and its associated buffer is placed within the Open Space - Conservation Zone (OS).

**Town of Dundas Official Plan (1982)**

The subject property is designated as “Rural” and “Conservation - Hazard Lands” and identified as Special Policy Area 14 in the Dundas Official Plan, 1982, as amended by OPA #23.

Policy 1.3.1.14A(i) states that “Notwithstanding Policy 4.3.7(ii), the lands will be subject to Site Plan Control.” Furthermore, Section 9.1 of Site Plan Control By-law 03-294 states that “any single detached dwelling,…situated within or contiguous to Major Open Space Areas, Environmentally Significant Areas and Provincially Significant Areas, as designated in the City’s Official Plan;” are subject to site plan control. As such, no building permit shall be issued until such time as the applicant/owner has submitted and received final approval of a Site Plan Control Application.

Lastly, Policy 1.3.1.14(iii) states that “Development of one single detached dwelling on lots of not less than 10 ha will be permitted in accordance with the following provisions.”; in particular, sub-policy (a) states that “Development will only be permitted as if and when the area is serviced with a piped water supply;”. As confirmed by Development Engineering, public watermains are available within both the York Road and Old Guelph Road allowances to service the subject lands. As such, the proposal is consistent with the applicable policies of Special Policy Area 14.

In addition, the Hamilton Conservation Authority has been on site and demarcated a 15m buffer from the natural heritage feature (i.e. top-of-bank), and is satisfied with the requested change in zoning.

Based on the foregoing, and as the subject proposal is compliant with the applicable Provincial Plans mentioned above, the proposal conforms with the intent and purpose of the Town of Dundas Official Plan.

**Rural Hamilton Official Plan**

The new Rural Hamilton Official Plan has been granted Ministerial Approval pending the resolution of appeals. As such, for information purposes only, the subject lands are designated as “Parkway Belt West Plan Area” on Schedule A - Provincial Plans. Policy C.1.3.1 states that:

“The provisions of the Parkway Belt West Plan shall apply to development of lands that are identified as Parkway Belt West Plan Area on Schedule A - Provincial Plans, of this Plan. In the case of discrepancy between the Parkway Belt West Plan and this Plan, the most restrictive policies shall prevail.”
As mentioned in the Parkway Belt West policy review above, the subject proposal is consistent with the applicable policies of the Parkway Belt West Plan. The subject lands are also designated as “Greenbelt Protected Countryside” and “Core Area” on Schedule B - Natural Heritage System of the new Rural Hamilton Official Plan. As discussed in the Provincial Greenbelt Plan section, the proposal is consistent with the applicable policies of the Provincial Greenbelt Plan, and is consistent with the Parkway Belt West Plan as deferred under Policy 2.3 of the Provincial Greenbelt Plan.

Additionally, the subject lands are designated as “Rural” and “Open Space” on Schedule D - Rural Land Use Designations of the new Rural Hamilton Official Plan. The proposed dwelling has been reviewed with respect to natural heritage and land use and is consistent with the designations of Schedule D of the Plan.

Lastly, Hamilton Official Plan Volume 3: Map A - Special Policy Areas designates the lands as “Special Policy Area A - Pleasantview”. Policy A.1.1 of Volume 3 of this Plan states that:

“Notwithstanding Section C.1.3.1 or any other applicable polices in Volume 1 of this Plan, the lands identified as Special Policy Area A on Map A - Special Policy Areas, remain subject to the provisions of the Official Plan of the former Town of Dundas, as set out by the Ontario Municipal Board Decision (dated June 28, 1995). Following completion of a comprehensive growth management study known as GRIDS (Growth Related Integrated Development Strategy), Council has approved SPA A to remain as part of the Rural Area. To reflect the unique circumstances of these lands and permanently resolve their status under the Provincial Parkway Belt West Plan, the City shall conduct future studies, prepare Secondary Plan policies, and undertake community consultation to adopt a future amendment to this Plan for SPA A in conformity with applicable provincial plans and policies.”

As discussed in both the Parkway Belt West Plan and Dundas Official Plan (1982) section above, the proposal conforms with the applicable policies of the Parkway Belt West Plan and the Dundas Official Plan (1982).

**RELEVANT CONSULTATION:**

**Agencies and Department having no comments or objections:**

- Forestry and Horticulture Section, Public Works Department.
- Infrastructure and Source Water Planning Section, Public Works Department.
- Capital Planning and Implementation Section, Public Works Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Tax Administration/Banking Section, Corporate Services Department.
Niagara Escarpment Commission

In review of the proposed building envelope configurations, as submitted by the applicant, the Commission is supportive of the application provided compliance with the Parkway Belt West Plan, and the Natural Heritage policies of the Greenbelt Plan are adhered to.

In light of these comments, the Ministry of Municipal Affairs and Housing, as well as the City's Natural Heritage Planner and the Hamilton Conservation Authority, have reviewed the subject proposal and have no concerns, provided adequate buffering is maintained and rezoned to the Open-Space-Conservation (OS) Zone.

Conservation Halton

Conservation Authority staff has reviewed the application and advised that the proposed building envelope is not considered to be within the area regulated by Conservation Halton, pursuant to Ontario Regulation 162/06.

Staff of Conservation Halton has requested that a 15 metre buffer from the “Top-of-Bank” be provided from the “Natural Hazard Feature” and be rezoned to the Open-Space-Conservation Zone (OS).

Subsequently, the applicant prepared a survey with the required buffer to be rezoned, which was reviewed and cleared by both City of Hamilton and Hamilton Conservation Authority staff.

Horizon Utilities

Horizon Utilities advises the applicant of the following:

- Do not excavate within two metres of hydro poles and anchors.

- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the Owner's expense.

- Horizon Utilities must be contacted if the removal, isolation or relocation of exiting plant is required, all costs associated with this work will be at the Owner's expense.

- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
• Electrical Safety Code Rule 75-312.

• Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards).

• CAN/CSA-C22.3 No. 1-01, Overhead System.

• C22.3 No. 7-94, Underground Systems.

PUBLIC CONSULTATION:

In accordance with Council’s Public Participation Policy, the application was precirculated to 64 property owners within 120 metres of the subject property on July 28, 2008. To date, three responses have been received (see Appendix “D”).

Two letters raised concern over the Environmental features found on the subject lands. Both City staff and Hamilton Conservation Authority staff have been on site and demarcated the feature and its required buffer for rezoning to the Open Space - Conservation Zone (OS) for environmental protection purposes. As the Environmentally Significant Area and appropriate buffer is proposed to be rezoned to the Open Space - Conservation Zone (OS), all natural vegetation and existing drainage patterns will be maintained. The development is also subject to Site Plan Control, whereby lot grading and drainage and other development issues will be addressed prior to the issuance of a building permit.

In addition, concerns raised over the increase in lot coverage and height were discussed in the Analysis/Rationale section of this report, whereby the proposed increase in lot coverage is deemed to be minor in nature and supportable, as the subject lands are substantially larger than the average holding within the Rural Zone, Modified (RU/S-58). Similarly, the requested increase in height is primarily required for appropriate design of roof pitches for the proposed dwelling, which shall not exceed 2 storeys or 9.7 metres.

Furthermore, the applicant has agreed to a reduction in lot coverage to the originally requested 350m$^2$ to a revised provision of 325m$^2$. Lastly, in order to ensure mitigation of visual impacts, the applicant has agreed to a minimum 35m setback from York Road and a minimum 20m setback from Old Guelph Road. The proposed dwelling can be serviced through public watermains found within the York Road road allowance, and the land holding is of a sufficient size capable of accommodating adequate septic design. Lastly, the subject application will also be subject to a future Site Plan Control Application at which time, building location, servicing, setbacks, design, and other development regulations will be appropriately addressed.

Notice of the Public Meeting of the Economic Development and Planning Committee was given in accordance with the provisions of the Planning Act. In addition, a Public Notice sign was posted on the property on July 31, 2008.
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
The reconstruction of an existing single family dwelling in a new location will have minimal impact and maintains the character of the area.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Hamilton Conservation Authority and City of Hamilton Natural Heritage Planning staff have been on site and staked the appropriate protection buffers to be rezoned to the Open Space - Conservation (OS) Zone.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

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

:AC

Attachs. (4)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-08-036
Date: February 5, 2009

Appendix "A"

Subject Property
675 York Road, Dundas

- Block 1 - Change in Zoning from Rural Zone, Modified (RU/S-58) to Rural Zone Modified (RU/S-111)
- Block 2 - Change in Zoning from Rural Zone, Modified (RU/S-58) to Open Space - Conservation Zone (OS)
- Portion of subject lands to remain Open Space - Conservation Zone (OS)

Ward 13 Key Map N.T.S.
WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 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 “The Corporation of the Town of Dundas” 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality 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. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report ___ of the Economic Development and Planning Committee at its meeting held on the ___ day of ___, 2009, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City Hamilton (the Official Plan of the Town of Dundas), in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule “K-1” of Zoning By-law No. 3581-86 (Dundas) is hereby amended, as follows:

   (a) by changing the zoning from the Rural Zone (RU/S-58) Modified to a Rural Zone (RU/S-111), Modified, the lands comprised of Block “1”; and,

   (b) by changing the zoning from the Rural Zone (RU/S-58) Modified to the Open Space - Conservation Zone (OS), the lands comprised of “Block 2”; the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this by-law.

2. That Section 32 - “EXCEPTIONS” of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following subsection:

   RU/S-111 That Notwithstanding the provisions of the Rural Zone (RU), the following Special Provisions shall apply to the lands known municipally as No. 675 York Road, shown as “RU/S-111” on Schedule “K-1”.

   1. PERMITTED USES:

      Non Farm Residential Dwelling

      Accessory Structures and/or buildings

   2. REGULATIONS FOR EXISTING AND APPROVED NEW DETACHED DWELLINGS

      2.1 LOT AREA

      Minimum 0.8 hectares with municipal water supply.

      The required lot area may be larger than 0.8 hectares where deemed necessary by the agency having jurisdiction for the approval of on-site private sewage disposal systems pursuant to the provisions of the Environmental Protection Act, Chapter E.19, R.S.O. 1990, as amended from time to time or pursuant to any successor legislation.

      2.2 LOT FRONTAGE

      Minimum 18.0 metres.

      2.3 YARD REQUIREMENTS
2.3.1  **FRONT YARD**

Minimum 35.0 metres from York Road.

2.3.2  **SIDE YARD**

Minimum 1.5 metres, except

(i) 20.0 metres where the side yard abuts the flankage street (Old Guelph Road) of a corner lot.

(ii) 3.0 metres where the side yard provides access to a parking area or rear yard garage.

(iii) 5.0 metres on one side of an interior lot upon which there is no garage or carport.

2.3.4  **REAR YARD**

Minimum 7.5 metres.

2.3.5  **HEIGHT**

Maximum 2 storeys and shall not exceed 9.7 metres.

2.3.5  **LOT COVERAGE**

Maximum 325 square metres for all buildings.

2.4  **REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES**

2.4.1  **LOCATION**

Rear yard or a non-required side yard.

2.4.2  **SETBACK FROM SIDE LOT LINE**
Minimum 1.0 metre, except 20.0 metres from the flankage street (Old Guelph Road) of a corner lot.

2.4.3 SETBACK FROM REAR LOT LINE

Minimum 1.0 metres.

2.4.4 HEIGHT

Maximum 4.0 metres.

2.4.5 LOT COVERAGE

As specified in Subsection 2.3.5 above.

2.5 OFF STREET PARKING

As specified in Section 7.

3. That By-law No. 3581-86 (Dundas) is amended by adding this by-law to Section 32 as Schedule S-111.

4. That Schedule “K-1” of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this by-law as RU/S-111 and OS.

5. That 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 ____, 2009.

_________________________________________  ________________________________
Fred Eisenberger                                 Kevin C. Christenson
Mayor                                           Clerk

ZAR-08-036
This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ........................, 2009

Schedule "A"
Map Forming Part of
By-Law No. 09-____
to Amend By-law No.3581-86

Subject Property
675 York Road, Dundas

- Block 1 - Change in Zoning from Rural Zone, Modified (RUS-58) to Rural Zone Modified (RUS-111)
- Block 2 - Change in Zoning from Rural Zone, Modified (RUS-58) to Open Space - Conservation Zone (OS)
- Portion of subject lands to remain Open Space - Conservation Zone (OS)
AUG 5 - 2008

L. N. Kendall Pleasant View Ratepayers Association

With regards to zoning bylaw amendment application

File No. 296-08-036 to modify existing 'Ru' rural zone modified to 'Ru' rural zone modified,

(please explain this is confusing)

To permit demolition of a single family dwelling

With a new single family dwelling

Please be more explicit like size?

And construction of associated accessory structures (what exactly is this)?

The owner of this property converted

An out building into a residence with

No permits

We as neighbours are very concerned

As to what will be constructed

This is a very environmentally sensitive area so we wish to approve this application

in Pleasant View as presented
Hello Alvin,

I am writing to obtain clarification on the subject zoning by-law amendment application from Surinder Kaloe, located at 675 York Rd in Dundas. We received a letter dated July 28, 2008 describing the application, though it is rather confusing as to what the application is actually for.

The purpose and effect of application states:

"The purpose of the proposed zoning by-law amendment is to further modify the existing 'RU' Rural Zone - modified to a 'RU' Rural Zone - modified."

It is confusing because it says the proposal is to "MODIFY" the zoning, yet the resulting amended zoning is exactly the same as the existing. (RU Rural Zone - modified to RU Rural Zone - modified). What is the change? Please explain.

Further to this, the zoning by-law amendment is to "permit the replacement of the existing single family dwelling with a new single family dwelling"... again, why the need to amend the zoning if this is the case?

Finally, with respect to the proposed house as per the plan drawing that was attached to the letter, it appears as though the footprint of the house will be ~ 3,770 square feet (25 m x 14 m). That is an extremely large footprint, and would just represent the ground level. How many levels is the proposed house to be? If it is to be a 2-storey or greater house, than I have some concern that this structure would be more than just a "single family dwelling". Can you comment on the architectural drawings for the proposed house - how many levels is it planned to be?

Regards,
Scott Postma, P. Eng
250 Old Guelph Rd, Dundas, ON
-----Original Message-----
From: Scott Postma
Sent: Monday, December 01, 2008 5:12 PM
To: Chan, Alvin
Subject: RE: File No. ZAR-08-036

Hi Alvin,

I have not heard of any further meetings or received any further letters in the mail regarding the review and approval of the subject file number. Can you please provide an update. Furthermore, I have a question regarding your point #2 below, specifically the amendment to allow for "an increase in height by 4.2 m": what will the ultimate height of the structure be if this height increase is allowed? (I am not familiar with the existing maximum height allowance). This looks to be approximately one additional storey, and noting my original comment about the footprint of the house (3,770 square feet), if the request is for a building that is 3 storeys (or greater!?), then this structure seems more to me like an apartment building than a "single family dwelling".

Regards,
Scott Postma.
250 Old Guelph Rd.
Chan, Alvin

From: Caroline Thomson
Sent: Wednesday, August 13, 2008 12:38 PM
To: Chan, Alvin
Subject: comments regarding Application File #ZAR-08-036

Please review my comments below referring to Zoning By-law Amendment Application – File # ZAR-08-036

Dear Mr Chan,

I moved to Dundas 2 years ago from the city. I was so pleasantly surprised to see the abundance of wildlife that was right here in my backyard. Having spent at least an hour in the forest, everyday for the last 40 years, I soon set out to explore the gorgeous ravine that this above property shares with me. It is truly spectacular in flora and houses raccoons, possums, many deer, coyotes, fox, brown bats (so vital for West Nile times), many Eastern Cottontails (integral to the health of this region's raptors), 3 species of Hawk, 2 species of owls (that I've spotted), hummingbirds, all kinds of migratory birds, including the wild turkey and lots of smaller wildlife like voles, snakes, toads etc. My original thoughts of how lucky we were soon turned to a combination of intrigue and sadness. Too many animals are sharing a very small space within a square 100 acres of my home. Many fawns stumble out of the thickets each month and baby coyotes had to share this small space with everyone else this spring. With all the construction taking place on Highway #6, the importance of this ravine has never been so paramount. Animals such as deer and coyotes use this corridor and the one at Valley Road and York Road extensively. It is most difficult for wildlife to move across Six highway so the upper escarpment is linked to the lower escarpment and Cootes Paradise at both locations via these wildlife corridors. The ravine we are referring in this letter is also of significance in that it has a creek running through it. This provides a water source for all the wildlife mentioned above. If we irresponsibly disrupt these two sensitive areas we can expect to see a lot more human/wildlife conflict and injury. This area is not only home to the first Dundas pioneers but without a doubt a very environmently significant area.

We are not against someone building a new residence but we all need to be aware of the environmental impact. The new home plans call for a 3500 square foot home 150 feet from the water source in the ravine. Is this adequate for the septic? Already this property has debris dumped on it precariously close to the creek. Will there be a whole lot more? What’s permitted? How many toxic fires will there be as part of the demolition cleanup? Is there a law that states a dwelling cannot be torn down in the spring? Left unattended these demolition buildings will attract wildlife always in search of nesting spots, only to be destroyed when young. How long does one have to build a home of that size so the wildlife is not frightened long enough to have to find a more dangerous path to cross York Road, which means closer to 6 Highway and ultimately more casualties? What is the guarantee that this is truly being built for a single family dwelling?

Finding the balance is always difficult, however, the loss of habitat or prolonged disruption of this wildlife corridor will cause long term effects and many elderly neighbours are concerned for the tranquility and all the disturbances this area has seen in the last 2.5 years. Sadly, not everyone is concerned about species loss or disturbance so the owners should be made keenly aware of the laws governing this.

Would you please answer those questions for me and tell me who is the environmental assessor for this application?

Thank you very kindly.

Caroline Thomson

8/13/2008