



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 10, 2018
<b>SUBJECT/REPORT NO:</b>	Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED18147) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Madeleine Giroux (905) 546 - 2424 Ext. 2664
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to **City Initiative CI-18-G** for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “A” to Report PED18147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No. \_\_\_\_;
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 and the Greenbelt Plan.
- (b) That approval be given to **City Initiative CI-18-G** for modifications and updates to the Town of Dundas Zoning By-law No. 3581-86 on the following basis:
  - (i) That the Draft By-law, attached as Appendix “B-1” to Report PED18147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

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- (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No. \_\_\_\_;
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.
- (c) That approval be given to **City Initiative CI-18-G** for modifications and updates to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
- (i) That the Draft By-law, attached as Appendix “B-2” to Report PED18147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

## **EXECUTIVE SUMMARY**

Staff continue to monitor the City of Hamilton Zoning By-law No. 05-200 and, where necessary, bring forward amendments to ensure the By-law remains up-to-date, and any clarification and interpretation issues are resolved. Staff propose three separate Zoning By-law Amendments: one to the City of Hamilton Zoning By-law No. 05-200, one to the Town of Dundas Zoning By-law No. 3581-86, and one to the Town of Ancaster Zoning By-law No. 87-57.

The purpose of the amendments to the City of Hamilton Zoning By-law No. 05-200 is:

- To add three new definitions and amend certain existing definitions;
- To correct inconsistencies in terminology and structure;
- To amend certain regulations to reflect best practices as a result of By-law implementation and monitoring;
- To provide flexibility for legal non-conforming single detached, semi-detached and duplex residential uses in the Airside Industrial (M7) Zone, the Airport Prestige Business (M11) Zone, and the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone;
- To add “Alcohol Production Facility” as a permitted use in certain Industrial Zones, to add Agriculture as a permitted use in all Rural Zones, and to prohibit certain residential uses in the TOC Zones;

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- To add and amend certain Special Exceptions and Holding Provisions;
- To renumber and amend certain Special Figures;
- To update the Zoning By-law comprehensively as a result of the recent approval of the Transit Oriented Corridor (TOC) Zones, Commercial and Mixed Use Zones, and updated Downtown Zones; and,
- To refine zoning boundaries for certain properties in the rural area.

The purpose of the amendment to the Town of Dundas Zoning By-law No. 3581-86 is:

- To refine the residential and open space zoning boundaries for the property located at 40 Parkside Avenue, Dundas.

The purpose of the amendment to the Town of Ancaster Zoning By-law No. 87-57 is:

- To modify certain Accessory Structure regulations in the parent Zoning By-law to clarify intent and provide flexibility around the Existing Residential “ER” Zone changes that were approved by Council on April 25, 2018.

The modifications and updates to Zoning By-law No. 05-200 and Zoning By-law No. 3581-86 are presented in conjunction with an Urban Hamilton Official Plan (UHOP) Amendment (see Report PED18148). Specifically, four properties subject to these Zoning By-law Amendments are also subject to the Official Plan’s Housekeeping Amendment and are discussed in greater detail in the Policy Implications and Legislated Requirements Section of this Report.

***Alternatives for Consideration – See Page 10***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Official Plan Amendment and Zoning By-law Amendment. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

**HISTORICAL BACKGROUND**

The City of Hamilton Zoning By-law No. 05-200 is being completed in phases. The Downtown, Open Space and Parks, Institutional, Industrial, Rural, Transit Oriented Corridor (TOC), Utility, Waterfront, and Commercial and Mixed Use Zones have been adopted into the By-law, while the Residential Zones are currently being developed.

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Zoning By-law No. 05-200 is intended to be a “living document” which needs to be monitored and amended on an on-going basis.

Zoning By-law Reform staff continue to work with Development Planning, Heritage and Design Section and Building Division staff to identify any general text and mapping amendments that should be undertaken to provide clarity and consistency in the Zoning By-law.

Updates are provided to the former municipality Zoning By-laws where text or mapping errors have a more immediate impact. In this instance, incorrect Open Space – Conservation “OS” Zone and Single-Detached Residential “R2” Zone boundaries were identified for a property within the Town of Dundas Zoning By-law No. 3581-86, and these errors will be corrected through this process. Additionally, it was identified that certain accessory structure regulations in the Town of Ancaster Zoning By-law No. 87-57 are incompatible with the Existing Residential “ER” Zone regulations, as amended by By-law No. 18-105. Accordingly, these inconsistencies will be corrected through this process.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan and the Greenbelt Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the Urban and Rural Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

This project contains both mapping and general text amendments to the Zoning By-law. The mapping amendments include rezoning two properties along the Transit Oriented Corridor, adding lands to Zoning By-law No. 05-200 that were inadvertently omitted from previous processes, and correcting Open Space and Parks Zone boundaries throughout the rural area. The rezoning of lands from the former City of Hamilton Zoning By-law No. 6593 to Transit Oriented Corridor Zoning in Zoning By-law No. 05-200 facilitates appropriate transit-supportive development with more appropriate lot sizes along the Corridor. Additionally, the Open Space and Parks Zone boundary changes facilitate the protection of natural heritage features and systems as well as archaeological resources.

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The extent of the remaining changes proposed to Zoning By-law No. 05-200 and Zoning By-law No. 87-57 constitute general text amendments and are administrative in nature and do not conflict with the Provincial Policy framework.

The protection of the open space areas in the Town of Dundas Zoning By-law No. 3581-86 conforms to and is consistent with the protection of natural heritage features and systems.

Accordingly, it is staff's opinion that these amendments:

- Are consistent with the Provincial Policy Statement (2014);
- Conform to the Growth Plan for the Greater Golden Horseshoe; and,
- Conform to the Greenbelt Plan.

**Urban and Rural Hamilton Official Plans**

The Open Space and Parks Zone boundary changes in By-law No. 05-200 (both urban and rural) and the Open Space – Conservation Zone boundary changes in By-law No. 3581-86 facilitate the protection of natural heritage features and systems (in accordance with the Natural Heritage System policies of Chapter C) as well as archaeological resources (in accordance with the Cultural Heritage policies of Chapter B).

The extent of the remaining changes proposed to Zoning By-law No. 05-200 and Zoning By-law No. 87-57 are administrative in nature and comply with the Official Plan. There are four properties subject to an associated administrative UHOP Amendment, as follows:

**870 Scenic Drive, Hamilton**

This property was subject to an approved OPA under the former City of Hamilton Official Plan; however, the approved OPA was not reflected in the UHOP. Accordingly, this property is subject to the UHOP Housekeeping Amendment (see Report PED18148) to recognize the previously-approved OPA. The former City of Hamilton Official Plan Amendment previously underwent a full planning review, and this current UHOP Amendment is administrative in nature.

**15 Emerson Street and 122 Longwood Road South, Hamilton**

These properties are both subject to the former City of Hamilton Zoning By-law No. 6593 and located directly adjacent to properties subject to the Transit Oriented Corridor (TOC) Zones in Zoning By-law No. 05-200.

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The property located at 15 Emerson Street has merged with 1341 Main Street West (and is now one comprehensive development site on the TOC corridor), and therefore it should be rezoned to a TOC Zone. The property located at 122 Longwood Road South is intended to be merged with the property located at 906 Main Street West to become a comprehensive development site on the TOC Corridor. Accordingly, it should also be rezoned to a TOC Zone.

To rezone these properties, a UHOP Amendment is required to change the designations of both properties from the Low Density Residential 2 Designation to the Mixed Use – Medium Density Designation, and to apply Area Specific Policy E in the Ainslie Wood Westdale Secondary Plan in Volume 2, and to change 122 Longwood Road South from the Neighbourhoods Designation to the Mixed Use – Medium Density Designation on Schedule “E-1” of Volume 1 (see Report PED18148). These amendments implement the intensification policies for the Transit Oriented Corridor in Chapter E (Volume 1).

40 Parkside Avenue, Dundas

This property is subject to the Single Detached Residential (R1) Zone and Open Space – Conservation (OS) Zone in the Town of Dundas Zoning By-law No. 3581-86. An Official Plan Amendment is required to update the limits of the Open Space designation in accordance an Environmental Impact Statement (EIS) (see Report PED18148), and this OPA will facilitate the required zone boundary changes for accuracy.

**RELEVANT CONSULTATION**

Consultation has been undertaken with staff in the Development Planning, Heritage and Design Section of the Planning Division, as well as Zoning staff in the Building Division to discuss any issues that have arisen in the implementation of Zoning By-law No. 05-200.

Staff also consulted with the Development Industry Liaison Group (DILG) on May 14, 2018.

Notice of these amendments has been posted in the Hamilton Spectator on June 22, 2018.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The purpose of the amendments to the City of Hamilton Zoning By-law No. 05-200 is:

- **Section 3**  
(Definitions)  
See Appendix “C” to
- To add new definitions for Brewery, Greenhouse and Parking Space, Tandem and to amend existing definitions for Commercial Parking Facility, Dwelling Unit, Front Lot

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- Report PED18147. Line, Landscaped Area, Parking Space, Personal Service, Planned Business Centre, Setback, and Warehouse.
- **Section 4**  
(General Provisions)  
See Appendix “D” to  
Report PED18147.
    - To update the General Provisions section to provide consistent language for Permitted Yard Encroachments; and to increase the maximum size for structures accessory to rural single detached dwellings.
  
  - **Section 5**  
(Parking Regulations)  
See Appendix “E” to  
Report PED18147.
    - To establish clearer regulations where off-site parking is permitted, to differentiate where parking space/driveway design standards apply to rural areas versus urban areas, to remove tandem parking regulations from Section 3 and add them to Section 5, and to correct typographical errors.
  
  - **Section 8**  
(Institutional Zones)  
See Appendix “F” to  
Report PED18147.
    - To replace reference to the word “property” with the word “lot” because the former is not defined in the Zoning By-law.
  
  - **Section 9**  
(Industrial Zones)  
See Appendix “G” to  
Report PED18147.
    - To add regulations for the expansion of legal non-conforming residential uses in the M7 and M11 Zones;
    - To remove “Children’s Play-gym” and “Gymnastics Studio” from Permitted Uses lists in the parent M2, M3, and M4 Zones and to add them to a new Special Exception to avoid interpretation errors;
    - To increase the maximum setback for the M3 and M4 Zones as a result of increase parking space size and drive aisle width;
    - To delete references to the word “property” and replace them with the word “lot” because the former is not a defined term;
    - To add a Brewery as a permitted use in certain Industrial Zones; and,
    - To update terminology to be consistent with the definitions in Section 3.
  
  - **Section 11**  
(Transit Oriented  
Corridor Zones)  
See Appendix “H” to  
Report PED18147.
    - To add Duplex, Semi-Detached, Single Detached, and Street Townhouse Dwellings as prohibited uses in the TOC1 and TOC2 Zones because they are currently technically permitted under the definition of “Dwelling Unit”;
    - To correct typographical errors and reference to the TOC3 Zone being considered a Residential Zone; and,
    - To remove reference to the Downtown D6 Zone because this zone will be deleted from the Zoning By-law altogether.

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- **Section 12**  
(Rural Zones)  
See Appendix “I” to  
Report PED18147.
  - To add Agriculture as a permitted use in all rural zones, but to prohibit the construction of buildings and structures accessory to agriculture and the raising of livestock/horses within Settlement Areas; and,
  - To correct typographical errors and remove reference to the word “property” and replace it with the word “lot”.
  
- **Schedule “C”**  
(Special Exceptions)  
See Appendix “J” to  
Report PED18147.
  - To correct typographical and structure errors in Special Exceptions Nos. 54 and 253 (Woodburn Rural Settlement Area and Part of 928 Regional Road 97, Flamborough, respectively);
  - To reinstate a permitted use which was removed by mistake from Special Exception No. 125 (967 Highway 5 West and 966 4<sup>th</sup> Concession Road West, Flamborough);
  - To recognize an existing Part IV heritage designated dwelling in Special Exception No. 225 (159 Carlisle Road, Flamborough);
  - To update the structure of and zone name within Special Exception No. 296 (Parts of Ainslie Wood and Westdale);
  - To add addresses to Special Exception No. 375, to correct the structure, and to add regulations for accessory buildings (various addresses);
  - To remove reference to Zoning By-law No. 6593 from Special Exception No. 456 (121 Augusta Street, Hamilton);
  - To add a new Special Exception for 870 Scenic Drive, Hamilton to implement an OMB decision;
  - To add a new Special Exception No. 676 for 1086 West 5<sup>th</sup> Street, Hamilton to provide for archaeological conservation;
  - To add a new Special Exception No. 678 where a “Children’s Play-gym” and “Gymnastics Studio” are permitted in the Ancaster Business Park (various addresses); and,
  - To add a new Special Exception No. 681 to recognize an existing licensed Long Term Care Facility which was omitted in error from the Rural Zoning project in 2015 (199 Glover Road, Stoney Creek).
  
- **Schedule “D”**  
(Holding Provisions)  
See Appendix “K” to  
Report PED18147.
  - That Holding Provision No. 27 (for 611 Aberdeen Avenue, Hamilton) be renumbered to Holding Provision No. 29 to avoid duplication in numbering;
  - To amend Holding Provisions No. 37 and 63 (the AEGD and Ainslie Wood / Westdale, respectively) to permit interim residential uses prior to the Holdings being removed; and,
  - To add a new Holding Provision No. 69 for 870 Scenic

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Drive, Hamilton to implement an OMB decision.

- **Schedule “F”**  
(Special Figures)  
See Appendix “L” to  
Report PED18147.
  - To amend Figure 3: Ancaster Business Park in accordance with refined boundaries approved through the Commercial and Mixed Use Zoning project;
  - To correct the format of Figures 5, 5.1, 5.2, 5.3 (Source Water Protection Vulnerability Score), 6 (Lower Stoney Creek Lands) and 7 (Specialty Crop Lands) to be consistent with the other Special Figures in Zoning By-law No. 05-200;
  - To delete Figure 5: Property Details Sketch Related to Special Exemption 445 and replace it with Figure 16: 257, 259, 263, 269, 271, 275 and 279 Bay Street North, Hamilton with correct numbering and formatting; and,
  - To delete Figure 5: Concept Plan and replace it with Figure 17: 108 James Street North, 111 and 115 Hughson Street North with correct numbering and formatting.
  
- **Mapping**  
Amendments  
See Appendices “M-1”  
and “M-2” to Report  
PED18147.
  - To rezone urban properties including 55 Queenston Road, Hamilton, Part of 1086 West 5<sup>th</sup> Street, Hamilton and 870 Scenic Drive, Hamilton;
  - To add properties to By-law No. 05-200 including 80 Beach Boulevard, Hamilton, Part of 1169 Garner Road East, Ancaster, 122 Longwood Road South, Hamilton, and 15 Emerson Street, Hamilton;
  - To rezoning one rural property (199 Glover Road, Stoney Creek); and,
  - To correct Conservation/Hazard Land – Rural (P6), (P7), and (P8) Zone boundaries for certain rural properties.

The purpose of the amendment to the Town of Dundas Zoning By-law No. 3581-86 is:

- To refine the residential and open space zoning boundaries for the property located at 40 Parkside Avenue, Dundas (see Appendix “B-1” to Report PED18147).

The purpose of the amendment to the Town of Ancaster Zoning By-law No. 87-57 is:

- To modify certain Accessory Structure regulations in the parent Zoning By-law to clarify intent and provide flexibility around the Existing Residential “ER” Zone changes that were approved by Council on April 25, 2018 (see Appendix “B-2” to Report PED18147).

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As discussed above, in addition to the respective Zoning By-law Amendment(s), staff note that there is an Urban Hamilton Official Plan Amendment associated with properties located at:

- 870 Scenic Drive, Hamilton;
- 15 Emerson Street, Hamilton;
- 122 Longwood Road South, Hamilton; and,
- 40 Parkside Avenue, Dundas

Details of this UHOP Amendment are discussed separately in Report PED18148.

Greater detail about the existing regulations and mapping, the proposed amendments, and rationale for the proposed amendments discussed above is contained in Appendices “C”, “D”, “E”, “F”, “G”, “H”, “I”, “J”, “K”, “L”, “M-1” and “M-2” of this Report.

### **ALTERNATIVES FOR CONSIDERATION**

If the proposed By-law amendments are not approved, inconsistencies in the interpretation and application of the Zoning By-law may occur.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

#### **Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

#### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

### **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” – Draft City of Hamilton Zoning By-law No. 05-200 Amendment
- Appendix “B-1” – Draft Town of Dundas Zoning By-law No. 3581-86 Amendment
- Appendix “B-2” – Draft Town of Ancaster Zoning By-law No. 87-57 Amendment
- Appendix “C” – Summary of Proposed Modifications to Section 3: Definitions
- Appendix “D” – Summary of Proposed Modifications to Section 4: General Provisions
- Appendix “E” – Summary of Proposed Modifications to Section 5: Parking

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- Regulations
- Appendix “F” – Summary of Proposed Modifications to Section 8: Institutional Zones
- Appendix “G” – Summary of Proposed Modifications to Section 9: Industrial Zones
- Appendix “H” – Summary of Proposed Modifications to Section 11: Transit Oriented Corridor Zones
- Appendix “I” – Summary of Proposed Modifications to Section 12: Rural Zones
- Appendix “J” – Summary of Proposed Modifications to Schedule “C” – Special Exceptions
- Appendix “K” – Summary of Proposed Modifications to Schedule “D” – Holding Provisions
- Appendix “L” – Summary of Proposed Modifications to Schedule “F” – Special Figures
- Appendix “M-1” – Summary of Proposed Site-Specific Mapping Amendments
- Appendix “M-2” – Summary of Proposed Rural Zoning Boundary Adjustments

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