



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 and the Town of Ancaster Zoning By-law No. 87-57, Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek Zoning By-law No. 3692-92. (CI 22-C) (PED22046) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Alana Fulford (905) 546-2424 Ext. 4771
<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 22-C 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 PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Draft Rural Hamilton Official Plan Amendment No.\_\_\_\_ (Appendix “B” attached to Report PED22047);
  - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow:

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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.

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 2 of 9**

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Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;

- (b) That approval be given to **City Initiative CI 22-C for modifications 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” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are 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), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (c) That approval be given to **City Initiative CI 22-C for updates to the Town of Flamborough Zoning By-law No. 90-145-Z** on the following basis:
- (i) That the Draft By-law, attached as Appendix “C” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are 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), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017;
- (d) That approval be given to **City Initiative C1 22-C for updates to the City of Hamilton Zoning By-law No. 6593** on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as By-law No. 21-249 is in force and effect;

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 3 of 9**

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- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED22046, for enactment by Council, once By-law No. 21-249 is in force and effect;
  - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iv) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and the Greenbelt Plan, 2017;
- (e) That approval be given to **City Initiative CI 22-C for updates to the City of Stoney Creek Zoning By-law No. 3692-92** on the following basis:
- (i) That the Draft By-law, attached as Appendix “E” to Report PED22046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP);
  - (iii) That the proposed Zoning By-law Amendment is consistent Provincial Policy Statement (PPS), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Greenbelt Plan, 2017.

## **EXECUTIVE SUMMARY**

Staff regularly monitor City of Hamilton Zoning By-law No. 05-200 and the former municipal Zoning By-laws and where necessary, bring forward amendments to ensure the By-laws remain up-to-date and any clarification and interpretation issues are resolved. Staff propose five separate Zoning By-law Amendments:

- To the City of Hamilton Zoning By-law No. 05-200;
- To the Town of Ancaster Zoning By-law No. 87-57;
- To the Town of Flamborough Zoning By-law No. 90-145-Z;
- To the former City of Hamilton Zoning By-law No. 6593; and,
- To the City of Stoney Creek Zoning By-law No. 3692-92.

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 4 of 9**

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

- To amend certain by-law administration regulations;
- To 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 correct inconsistencies in terminology, numbering, and structure in Schedule “C” - Special Exceptions, Schedule “D” - Holding Provisions, and Schedule “F” - Special Figures; and,
- To propose ten mapping changes.

The purpose of the amendment to Ancaster Zoning By-law No. 87-57 is to modify a regulation in the Existing Residential “ER” Zone to specify that the one metre unobstructed area required in the side and rear yards may be traversed by a fence and / or gate.

The purpose of the amendments to the Flamborough Zoning By-law No. 90-145-Z and Stoney Creek Zoning By-law No. 3692-92 are to correct mapping errors.

The purpose of the amendment to City of Hamilton Zoning By-law No. 6593 is to implement technical variances.

The proposed amendments are discussed in the Analysis and Rationale for Recommendation section of this Report.

### **Alternatives for Consideration – See Page 8**

### **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 a Zoning By-law Amendment. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

## **HISTORICAL BACKGROUND**

Zoning By-law No. 05-200 is intended to be a “living document” which is monitored and amended on an on-going basis. Zoning staff continue to work with Development Planning, Zoning and Committee of Adjustment, and Building Division staff, as well as other stakeholders, to identify any general text and mapping amendments that should be undertaken to provide clarity and consistency in the Zoning By-law. The purpose of this Report is to bring forward an amending By-law to make the necessary revisions, including text and mapping amendments (see Appendix “A” attached to Report PED22046).

On the same basis, amendments have also been identified to the Town of Ancaster Zoning By-law No. 87-57, the Town of Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92 (see Appendix “B”, “C”, “D”, and “E” attached to Report PED22046).

## **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 2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended (Growth Plan) and the Greenbelt Plan (2017). 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 Land Tribunal 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.

Based on the foregoing, it is staff’s opinion that these amendments are:

- Consistent with the Provincial Policy Statement (2020);
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- Conform to the Greenbelt Plan (2017).

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**Official Plan**

The modifications and updates proposed to City of Hamilton Zoning By-law No. 05-200 are in conformity with the Urban Hamilton Official Plan. Report PED22047 includes housekeeping amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan. Report PED22047, a separate housekeeping report for the Urban Hamilton Official Plan and Rural Hamilton Official Plan, includes amendments to the Rural policies to replace the definition “Agricultural Brewery/Cidery/Winery” with “Agricultural Alcohol Production Facility”. The modifications proposed for Zoning By-law No. 05-200 will implement the same changes to the definitions by replacing the definition “Agricultural Brewery/Cidery/Winery” with “Agricultural Alcohol Production Facility” and introducing distillation as a permitted production method within the new definition. The modifications to Zoning By-law 05-200 will be in conformity with the Rural Hamilton Official Plan upon approval of Draft Rural Hamilton Official Plan Amendment No.\_\_\_\_ which is incorporated as Appendix “B” attached to Report PED22047.

The extent of modifications and updates to Ancaster Zoning By-law No. 87-57, Flamborough Zoning By-law No. 90-145-Z, former City of Hamilton Zoning By-law No. 6593, and Stoney Creek Zoning By-law No. 3692-92 are minor in nature and in conformity with the Urban Hamilton Official Plan.

Therefore, the proposed modifications comply with the policies of the Urban Hamilton Official Plan and Rural Hamilton Official Plan upon approval of the Official Plan Amendment incorporated as Appendix “B” attached to Report PED22047.

**RELEVANT CONSULTATION**

Consultation has been undertaken with staff in Development Planning, Zoning and Committee of Adjustment, and Growth Management to determine the necessary updates and revisions required to Zoning By-law No. 05-200 and the former Community Zoning By-laws.

Notice of the proposed amendments was posted in the Hamilton Spectator on March 17, 2022.

**SUBJECT: Housekeeping Amendments to the City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Flamborough, former City of Hamilton Zoning By-law No. 6593, and City of Stoney Creek (PED22046) (City Wide) - Page 7 of 9**

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. Zoning By-law No. 05-200 Amendments

The following sections of City of Hamilton Zoning By-law No. 05-200 are to be amended, as described in detail in Appendix “A1” and “A2” attached to Report PED22046:

- **Section 1**  
(Administration)
  - To modify and update regulations for Legal Non-Conforming Uses and Transitional Provisions.
- **Section 3**  
(Definitions)
  - To modify existing definitions and update terminology; and,
  - To provide further clarity of the intent of certain definitions.
- **Section 4**  
(General Provisions)
  - To modify existing provisions and update terminology; and,
  - To provide further direction regarding the intent of certain regulations.
- **Section 5**  
(Parking Regulations)
  - To modify and update the parking regulations for the C5, C5a and TOC Zones to correct inconsistencies and to add parking requirements that were omitted in error.
- **Section 9**  
(Industrial Zones)
  - A technical change to update terminology.
- **Section 10**  
(Commercial and Mixed Use Zones)
  - A technical change to correct terminology.
- **Section 12**  
(Rural Zones)
  - A technical change to update terminology.
- **Schedule “C”**  
(Special Exceptions)
  - To make technical changes to correct special exception numbers, remove duplicate special exceptions, numbering within special exceptions, and special figure references;
  - To update terminology;
  - To add a use to an existing special exception;
  - To add a property to an existing special exception;
  - To remove a property from an existing special exception; and,
  - To introduce three new special exceptions.

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- **Schedule “D”**  
(Holding Provisions)
  - To make technical changes to two holding provisions; and,
  - To introduce a new holding provision.
  
- **Schedule “F”**  
(Special Figures)
  - To make technical changes to correct special figure references.
  
- **Mapping Amendments**
  - To correct zone boundary delineation;
  - To update zoning by adding properties to Zoning By-law No. 05-200; and,
  - To introduce two new special exceptions.

## 2. Amendments to Former Community Zoning By-laws

The purpose of the amendment to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law is to permit a fence or gate to traverse the required one metre unobstructed area in the side yard and rear yard of “ER” zoned properties, provided the functionality of a swale is not compromised should it be located within this one metre area. See Appendix “B1” attached to Report PED22046.

The purpose of the amendment to City of Hamilton Zoning By-law No. 6593 is to implement site specific technical variances that were omitted in error at the Zoning By-law Amendment stage to issue site plan approval. See Appendix “D1” attached to Report PED22046.

The amendments to the Town of Flamborough and City of Stoney Creek Zoning By-laws are to correct zoning errors. See Appendix “C1” and “E1” attached to Report PED22046.

## **ALTERNATIVES FOR CONSIDERATION**

If the proposed By-law Amendments are not approved, inconsistencies in the interpretation and Application of the Zoning By-laws 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.*



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**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 “A1” – Summary of Proposed Modifications to City of Hamilton Zoning By-law No. 05-200
- Appendix “A2” – Summary of Proposed Amendments to City of Hamilton Zoning By-law No. 05-200
- Appendix “B” – Draft Town of Ancaster Zoning By-law No. 87-57 Amendment
- Appendix “B1” – Summary of Proposed Amendments to Town of Ancaster Zoning By-law No. 87-57
- Appendix “C” – Draft Town of Flamborough Zoning By-law No. 90-145-Z Amendment
- Appendix “C1” – Summary of Proposed Amendments to Flamborough Zoning By-law No. 90-145-Z
- Appendix “D” – Draft City of Hamilton Zoning By-law No. 6593 Amendment
- Appendix “D1” – Summary of Proposed Amendments to City of Hamilton Zoning By-law No. 6593
- Appendix “E” – Draft City of Stoney Creek Zoning By-law No. 3692-92 Amendment
- Appendix “E1” – Summary of Proposed Amendments to Stoney Creek Zoning By-law 3692-92