



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 14, 2022
<b>SUBJECT/REPORT NO:</b>	Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (PED22131) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Emily Coe (905) 546-2424 Ext. 2575
<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-F for housekeeping amendments to the former City of Hamilton Zoning By-law No. 6593** on the following basis:
- (i) That the Draft By-law, attached as Appendix “A” to Report PED22131, 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), Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan;
  - (iii) That the proposed Zoning By-law Amendments are consistent with the Provincial Policy Statement (PPS), 2020 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That approval be given to **City Initiative CI 22-F for a housekeeping amendment to the Town of Glanbrook Zoning By-law No. 464** on the following basis:

**SUBJECT: Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (CI 22-F) (PED22131) (City Wide) - Page 2 of 7**

---

- (i) That the Draft By-law, attached as Appendix “B” to Report PED22131, 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, 2019, as amended, and the Greenbelt Plan, 2017.

## **EXECUTIVE SUMMARY**

Staff regularly monitor 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 two separate Zoning By-law Amendments:

- To the former City of Hamilton Zoning By-law No. 6593; and,
- To the Town of Glanbrook Zoning By-law No. 464.

The purpose of the amendments to the former City of Hamilton Zoning By-law No. 6593 are:

- To amend the existing definitions for “Children’s Residence” and “Day Nursery”; and,
- To remove the 180.0 metre radial separation requirement, as well as the restriction on number the maximum permitted number of children, for Day Nurseries within various Residential Districts.

The purpose of the amendment to the Town of Glanbrook Zoning By-law No. 464 is to correct a drafting error in the existing site specific by-law and to add the use of a Street Townhouse Dwelling to the existing site-specific Residential Multiple “RM3-321” Zone in order to recognize and implement the intended use of the property located at 3140 – 3150 Binbrook Road, Glanbrook.

## **Alternatives for Consideration – See Page 7**

## **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**

The former City of Hamilton Zoning By-law No. 6593 came into effect on July 25, 1950, with numerous amendments being made to the By-law between that date and the present time. Certain definitions and uses within the Zoning By-law have never been amended to reflect current terminology and/or legislation and as a result, have become outdated.

In 1990, zoning regulations for Day Nurseries were introduced into the former City of Hamilton Zoning By-law No. 6593. Within certain Residential Districts, regulations were added imposing a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a Day Nursery, as well as a restriction on the number of children permitted within a Day Nursery located within these Residential Districts.

The legislation around Day Nurseries has since changed and is now governed by the *Child Care and Early Years Act*. Included within this Act are requirements which would limit the number of children permitted within a day nursery.

Likewise, the 180.0 metre radial separation was adopted to alleviate concerns around the clustering of Day Nurseries within low density residential areas and subsequent issues which may arise from this, such as traffic congestion and parking concerns. Given that the *Child Care and Early Years Act* established specific criteria and standards based on the building size, ratio of care providers and play area provisions, the number of children are restricted based on the appropriateness of the facility. Therefore, impacts on traffic are reduced based on the limitations established by the Act and the 180.0 metre radial separation is no longer required in the Zoning By-law.

It should also be noted that with the City of Hamilton Zoning By-law 05-200, which will be the comprehensive Zoning By-law for the entire City of Hamilton going forward, neither a limitation on the number of children nor a radial separation requirement for Day Nurseries has been brought forward into the By-law, nor are these restrictions contemplated to be included within the By-law in future.

Additionally, staff will continue to monitor changes in Provincial legislation to ensure that definitions within Hamilton Zoning By-law No. 6593 are still relevant and accurate, as well as to ensure that terminology is correct.

The purpose of this Report is to bring forward an amending By-law to make the necessary revisions to the definitions of “Children’s Residence” and “Day Nursery”, in order to remove outdated terminology and align with the definitions included in the relevant Acts, as well as to remove the 180.0 metre radial separation requirement and the restriction on the number the maximum permitted number of children for Day Nurseries within various Residential Districts (see Appendix “A” attached to Report PED22131).

An amendment has been identified to the Town of Glanbrook Zoning By-law No. 464 pertaining to the property located at 3140 – 3150 Binbrook Road, Glanbrook (see Appendix “C” to Report PED22131). The intended use of the property is Street Townhouse Dwellings. The site-specific Residential Multiple “RM3-321” Zone regulations were written to implement this use; however, permitting the actual use of a Street Townhouse Dwelling was inadvertently omitted from the amending by-law. As such, the use is required to be added to the RM3-321 zone for the intended development to proceed on this property (see Appendix “B” attached to Report PED22131).

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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).

## **Official Plan**

The extent of the modifications and updates to the former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 are minor in nature and are in conformity with the Urban Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan.

## **RELEVANT CONSULTATION**

Consultation has been undertaken with staff in Development Planning, Children's Services and Neighbourhood Development, and Zoning to determine the necessary updates and revisions required to the former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464.

Notice of the proposed amendments was posted in the Hamilton Spectator on May 27, 2022.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

### **1. Former City of Hamilton Zoning By-law No. 6593 Amendments**

The following sections of the former City of Hamilton Zoning By-law No. 6593 are to be amended, as described in detail in Appendix "A" attached to Report PED22131:

<ul style="list-style-type: none"><li>• <b>Section 2</b> (Interpretation and Definitions)</li></ul>	<ul style="list-style-type: none"><li>• To modify existing definitions for "Children's Residence" and "Day Nursery".</li></ul>
<ul style="list-style-type: none"><li>• <b>Section 3</b></li></ul>	<ul style="list-style-type: none"><li>• To delete wording "<i>Day Nursery Act</i>" and replace it with "<i>Child Care and Early Years Act</i>".</li></ul>
<ul style="list-style-type: none"><li>• <b>Section 8</b> ("B" Suburban Agriculture and Residential, etc. District)</li></ul>	<ul style="list-style-type: none"><li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li></ul>
<ul style="list-style-type: none"><li>• <b>Section 9</b> ("C" Urban Protected Residential, etc. District)</li></ul>	<ul style="list-style-type: none"><li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li></ul>

**SUBJECT: Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (CI 22-F) (PED22131) (City Wide) - Page 6 of 7**

<ul style="list-style-type: none"> <li>• <b>Section 9A</b> ("R-4" Small Lot Single Family Dwelling District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10</b> ("D" Urban Protected Residential – One and Two Family Dwellings, etc. District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10A</b> ("DE" Low Density Multiple Dwellings District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10B</b> ("DE-2" Multiple Dwellings District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10C</b> ("DE-3" Multiple Dwellings District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10D</b> ("RT-10" Townhouse District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10E</b> ("RT-20" Townhouse – Maisonette District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Section 10F</b> ("RT-30" Street – Townhouse District)</li> </ul>	<ul style="list-style-type: none"> <li>• To delete the 180.0m radial separation requirement and restriction on maximum number of children for a Day Nursery.</li> </ul>

2. Town of Glanbrook Zoning By-law No. 464 Amendments

The following section of the Town of Glanbrook Zoning By-law No. 464 is to be amended, as described in detail in Appendix "B" attached to Report PED22131:

**SUBJECT: Housekeeping Amendments to the Former City of Hamilton Zoning By-law No. 6593 and the Town of Glanbrook Zoning By-law No. 464 (CI 22-F) (PED22131) (City Wide) - Page 7 of 7**

---

<ul style="list-style-type: none"><li>• <b>Section 44</b> (Exceptions to the Provisions of this By-law – RM3-321 Zone)</li></ul>	<ul style="list-style-type: none"><li>• To add the use of a Street Townhouse Dwelling to the existing Residential Multiple “RM3-321” Zone, Modified.</li></ul>
--	--

## **ALTERNATIVES FOR CONSIDERATION**

If the proposed Zoning 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**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22131 - Draft former City of Hamilton Zoning By-law No. 6593 Amendment

Appendix “B” to Report PED22131 - Draft Town of Glanbrook Zoning By-law No. 464 Amendment

Appendix “C” to Report PED22131 - Location Map

EC:sd