



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

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| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | May 2, 2023   |
| <b>SUBJECT/REPORT NO:</b> | Housekeeping Amendments to City of Hamilton Zoning By-law No. 05-200, Former Township of Glanbrook Zoning By-law No. 464 and Former City of Stoney Creek Zoning By-law No. 3692-92 (PED23074) (City Wide) |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Emily Coe (905) 546-2424 Ext. 2575<br>Matthew Stavroff (905) 546-2424 Ext. 5716   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>         |   |

**RECOMMENDATION**

- (a) That approval be given to **City Initiative CI 23-E for housekeeping amendments to 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 PED23074, 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 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;

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- (b) That approval be given to **City Initiative CI 23-E for a housekeeping amendment to the former Township of Glanbrook Zoning By-law No. 464** on the following basis:
- (i) That the Draft By-law, attached as Appendix “B” to Report PED23074, 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;
- (c) That approval be given to **City Initiative CI 23-E for a housekeeping amendment to the former City of Stoney Creek Zoning By-law No. 3692-92** on the following basis:
- (i) That the Draft By-law, attached as Appendix “C” to Report PED23074, 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 three separate Zoning By-law Amendments:

- To the City of Hamilton Zoning By-law No. 05-200;
- To the Former Township of Glanbrook Zoning By-law No. 464; and,

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- To the Former City of Stoney Creek Zoning By-law No. 3692-92.

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

- To correct typographical errors;
- To amend certain Special Exceptions and Holding Provisions;
- To update certain Special Figures;
- To update certain Definitions;
- To update terminology for consistency purposes; and,
- To rezone properties located within the D/S-432 District in the former City of Hamilton Zoning By-law No. 6593 to R1 within Hamilton Zoning By-law No. 05-200.

The purpose of the amendment to the former Township of Glanbrook Zoning By-law No. 464 is to correct a drafting error in the regulations for the existing site specific By-law 21-120 to recognize and implement the intended use of the property located at 3140 – 3150 Binbrook Road, Glanbrook.

The purpose of the amendment to the former City of Stoney Creek Zoning By-law No. 3692-92 is to delete a holding provision on the property located directly to the west of 361 Highland Road West, Stoney Creek and for a portion of the property located at 355 Highland Road West, Stoney Creek.

### **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**

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, Commercial and Mixed Use Zones, and Low Density

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Residential Zones have been adopted into the By-law. The remaining Residential Zones are currently being developed. Hamilton 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 Review staff continue to work with Development Planning, Heritage and Urban Design, and Zoning By-law Reform staff to identify any general text and mapping amendments to Zoning By-law No. 05-200 and the community Zoning By-laws that should be undertaken to provide clarity and consistency in the Zoning By-law.

### **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 (PPS), 2020; and,
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### **Official Plan**

The extent of the modifications and updates to City of Hamilton Zoning By-law No. 05-200, Township of Glanbrook Zoning By-law No. 464 and former City of Stoney Creek Zoning By-law No. 3692-92 are minor in nature and are in conformity with the Urban Hamilton Official Plan.

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## **RELEVANT CONSULTATION**

Consultation has been undertaken with staff in Development Planning, Zoning Review and Zoning By-law Reform to determine the necessary updates and revisions required to City of Hamilton Zoning By-law No. 05-200, Former Township of Glanbrook Zoning By-law No. 464 and Former City of Stoney Creek Zoning By-law 3692-92.

Notice of the proposed amendments was posted in the Hamilton Spectator on April 14, 2023.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The following sections of City of Hamilton Zoning By-law No. 05-200 are to be amended, as described in detail in Appendix “D” attached to Report PED23074:
  - Section 3: Administrative corrections for spelling errors and references;
  - Section 4: Administrative corrections to terminology for Additional Dwelling Units;
  - Section 5: Administrative corrections for spelling errors and to amend regulations for front yard parking;
  - Section 7.6: Administrative corrections to references for Accessory Buildings;
  - Section 10.6: Administrative corrections to references for Dwelling Unit, Mixed Use;
  - Sections 15.1 and 15.2: Administrative corrections to include regulations for Lodging Houses;
  - Schedule C: Revisions to number references, spelling corrections and references;
  - Schedule D: Administrative correction to Holding Provision number;
  - Schedule E: Administrative correction for spelling error in Temporary Use Provision 10; and,
  - Schedule F: Adding Special Figures 27 and 28 to Schedule F.
  
2. The lands located in the Burkholme neighbourhood included on Maps 1185, 1186 and 1134 of Schedule “A” – Zoning Maps and identified on Schedule “A” of Appendix “A” attached to Report PED23074 have been zoned “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) and subject to special requirement S-432 since 1976, and further subject to Site Plan Control since 1980. To provide for flexibility and encourage innovation in design, S-432 removed yard and distance requirements from the lands i.e. setback

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requirements, with Site Plan Control subsequently introduced in response as a means to deal with the absence of yard requirements. The neighbourhood has long since been built.

With the introduction of Bill 23, More Homes Built Fast Act, which became law on November 28, 2022, changes to Section 41 of the *Planning Act* has necessitated changes to the City's Site Plan Control By-law. Staff have previously reviewed the impacts of the changes to Section 41 in Report PED23043 and PED23045 including the exemption of residential development of ten units or less on a lot from Site Plan Control. As a result, the lands zoned S-432 are no longer subject to Site Plan Control. In response, staff are recommending the lands be rezoned to the Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. By establishing the R1 zone on these lands, the properties will be subject to setback requirements similarly to the surrounding properties that have already been incorporated into the R1 Zone. Finally, the lands are also subject to special requirement S-1822 which was introduced in 2022 through changes to low density residential zones across the City. The additional residential uses and conversion permissions of S-1822 are reflected in the permissions of the R1 zone and no further amendments are required to continue these permissions.

3. An amendment has been identified to the Former Township of Glanbrook Zoning By-law No. 464 pertaining to the property located at 3140 – 3150 Binbrook Road, Glanbrook (see Appendix “B” attached to Report PED23074). The intended use of the property is Street Townhouse Dwellings. The site-specific Residential Multiple “RM3-321” Zone regulations and Amending By-law No. 22-156 as adopted by Council were written to implement this use; however, the some of the regulations pertaining to a Street Townhouse Dwelling currently do not comply to the RM3-321 requirements. The following regulations are required to be amended for the intended development to proceed on this property (see Appendix “E” attached to Report PED23074):
  - Minimum Lot Area;
  - Maximum Lot Coverage;
  - Minimum Front, Side and Rear Yards;
  - Minimum Separation Distance;
  - Minimum Parking Requirements relating to parking space location; and,
  - General Provisions relating to landscaped area and encroachment for unenclosed porches.
  
4. An amendment has been identified to the Former City of Stoney Creek Zoning By-law No. 3692-92 for lands located directly to the west of 361 Highland Road

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West and the lands located at 355 Highland Road West (see Appendix “C” attached to Report PED23074). These lands are currently subject to an “H” Holding symbol. Until the “H” Holding symbol is removed from the lands through a By-law amendment approved by Council, the applicable uses of the lands are restricted to the uses existing on the date of passage of the former City of Stoney Creek Zoning By-law. Currently the “H” Holding symbol may only be removed upon the approval of a draft plan of subdivision for those lands zoned R2-39(H) by Stoney Creek Zoning By-law No. 3692-92.

The “H” Holding symbol was established pre-amalgamation when there was a plan to extend Richdale Drive to Highland Road West. The “H” Holding symbol was put in place to ensure that development could not occur that would prevent this road extension. Once these lands were donated to Hamilton Conservation Authority and the Eramosa Karst Conservation Area was established, this subdivision was no longer possible; therefore, the “H” Holding symbol is no longer required.

As such, it is proposed that the “H” holding symbol be deleted from the current zoning applying to the lands (see Appendix “G” attached to Report PED23074).

## **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.

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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.

**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 PED23074 – Draft City of Hamilton Zoning By-law No. 05-200 Amendment

Appendix "B" to Report PED23074 – Draft former Township of Glanbrook Zoning By-law No. 464 Amendment

Appendix "C" to Report PED23074 – Draft former City of Stoney Creek Zoning By-law 3692-92 Amendment

Appendix "D" to Report PED23074 – Amendments to Zoning By-law No. 05-200

Appendix "E" to Report PED23074 – Location Map for lands to be added to City of Hamilton Zoning By-law No. 05-200

Appendix "F" to Report PED23074 – Location Map for 3140 – 3150 Binbrook Road, Glanbrook

Appendix "G" to Report PED23074 – Location Map for 355 Highland Road West and lands directly to the west of 361 Highland Road West, Stoney Creek

EC/MS:sd