



**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>    | October 31, 2023  |
| <b>SUBJECT/REPORT NO:</b> | Strategic Zoning By-law Updates for Lands Fronting on Rymal Road East between Nebo Road and Trinity Church Road (PED23213) (Ward 6) |
| <b>WARD(S) AFFECTED:</b>  | Ward 6  |
| <b>PREPARED BY:</b>       | Shannon McKie (905) 546-2424 Ext. 1288  |
| <b>SUBMITTED BY:</b>      | Anita Fabac<br>Acting 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-L for modifications and updates to the Urban Hamilton Official Plan** on the following basis:
- (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED23213, be adopted by Council;
  - (ii) That the proposed Official Plan 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;
- (b) That approval be given to **City Initiative CI-23-L 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 “B” to Report PED23213, 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 are in conformity with the Urban Hamilton Official Plan upon approval of Draft Urban Hamilton Official Plan Amendment No. 192 (Appendix “B” attached to Report PED23213);
- (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.

## **EXECUTIVE SUMMARY**

Staff regularly monitor the City’s comprehensive 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, and any implementation measures are taken to align the zoning regulations with the other legislative documents. Staff are proposing amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 to implement mapping changes following the approval of Official Plan Amendment No. 167, to address split designations, and to clean up zoning boundaries for lands located along Rymal Road East between Nebo Road and Trinity Church Road. The proposed amendments apply to the following properties:

- 1280 Rymal Road East and 385 Nebo Road, Hamilton;
- 1308, 1318 Rymal Road East and 172 Dartnall Road, Hamilton; and,
- 0 Rymal Road East, Hamilton.

## **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 a Public Meeting to consider an Official Plan Amendment and Zoning By-law Amendment. Notice of these Amendments were posted in the Hamilton Spectator on October 13, 2023, 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 or mapping amendments that should be undertaken to provide clarity and consistency in the Zoning By-law.

The lands along Rymal Road East are partially incorporated into Zoning By-law No. 05-200 as either Industrial Zones (By-law No. 10-128) or Commercial and Mixed Use Zones (By-law No. 17-240). The zoning corresponds with the applicable land use designation of the Urban Hamilton Official Plan, as shown on Schedule E-1- Urban Land Use Designations. As a result of the implementation of the land use designations some properties along Rymal Road East have been split zoned, meaning more than one zone applies to one property. Split zoning presents challenges in development scenarios as each zone establishes different built form regulations. As a result, the boundaries of the Urban Hamilton Official Plan designations are proposed to be amended to recognize existing property boundaries and the implementing zoning boundaries are proposed to be amended to align with the new designations allowing for the comprehensive development of a property while maintaining the intent of the Urban Hamilton Official Plan designations.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The policies of Urban Hamilton Official Plan Volume 1, Chapter F – Implementation provide direction for updating the Plan as follows:

### “Official Plan Amendments

F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- b) To update and streamline administration or municipal planning policies.

F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:

- a) The impact of the proposed change on the City’s vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
- b) The impact of the proposed change on the City’s communities, environment and economy and the effective administration of the public service.”

Pursuant to Policy F.1.1.4, staff are initiating an Urban Hamilton Official Plan amendment to update mapping. The proposed changes meet the criteria set out in

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Policy F.1.1.5 as the revisions are minor in nature, improve policy interpretation and implementation.

The proposed revisions to Schedule E – Urban Structure are to maintain alignment with Schedule E-1 – Urban Land Use Designations and are technical in nature. The proposed amendments align the designation boundaries with existing property lines to support the comprehensive development of the properties. The amendments do not result in the removal of employment lands and maintain the intended function of the Secondary Corridor and the Employment Areas designations.

### **RELEVANT CONSULTATION**

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

Notice of the proposed amendments was posted in the Hamilton Spectator on October 13, 2023. As the proposed amendments affect specific properties along Rymal Road East notice was provided on October 13, 2023, to the property owners.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The purpose of these amendments is to clarify the intent of the Urban Hamilton Official Plan and further implementing the policy revisions by:

- Aligning designation boundaries with property lines;
- Clarifying/correcting policy intent by adding wording;
- Updating zoning schedules; and,
- Adding a Special Exception.

The following sections provide details on the specific amendments.

#### **1. Official Plan Amendments**

Official Plan Amendment No. 192 contemplates amendments to Schedule E – Urban Structure, Schedule E-1 – Urban Land Use Designations and Site Specific Policy Area UHC-11. The amendments are described below.

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| Address  | Map  | Current Designation              | Proposed Designation               | Rationale   |
|--|--|----------------------------------|------------------------------------|---|
| 1280 Rymal Road East and 385 Nebo Road           | N/A  | Arterial Commercial SPA UHC - 11 | Arterial Commercial SPA UHC- 11    | The existing Site Specific Policy Area UHC-11 is proposed to be amended by adding the following uses: Financial Establishment, Medical Clinic, Office, Personal Service and Retail. The lands were previously redesignated from Business Park to Arterial Commercial as a result of the Employment Land Review process. At that time, the amendment was meant to incorporate a full list of commercial uses to accommodate development of the land. The additional uses maintain the intent of the previous approval.   |
| 1308, 1318 Rymal Road East and 172 Dartnall Road | Schedule E - Urban Structure and Schedule E-1– Urban Land Use Designations | Arterial Commercial              | Business Park                      | The lands were designated Arterial Commercial to create commercial opportunities along the Secondary Corridor. The properties are currently operating as a manufacturing use in support of the Red Hill Business Park and there are no plans to convert the operation. In contrast, the facility is expanding further entrenching the industrial nature of the property. The redesignation establishes an Employment Area – Business Park designation to support the contribution of the property to the Business Park. |
| 0 Rymal Road East                                | Schedule E - Urban Structure and Schedule E-1– Urban Land Use Designations | Arterial Commercial              | Arterial Commercial /Business Park |   |

The new boundaries allow for comprehensive development that maintains the intent of the Secondary Corridor and Employment Area designations of the Urban Structure and creates boundaries that better align with the intended uses of the properties and eliminates dual designations.

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2. Zoning By-law Amendments

| Address  | Map        | Current Zone   | Proposed Zone                      | Rationale   |
|--|------------|--|------------------------------------|---|
| 1280 Rymal Road East and 385 Nebo Road           | 1499, 1546 | Prestige Business Park (M3) Zone/Business Park Support (M4) Zone         | Arterial Commercial (C7, 878) Zone | The lands were designated Arterial Commercial as part of the Municipal Comprehensive Review and Employment Land Conversion review (Report PE17010(k)). The proposed amendment contemplates additional commercial uses that were anticipated as part of the Employment Land Review but not specifically added. The site specific amendments proposed implement the necessary amendments to facilitate the Site Plan Control application that has been approved in accordance with the existing Prestige Business Park (M3) Zone and Business Park Support (M4) Zone. The proposed amendment maintains the intent of the previous approval. |
| 1308, 1318 Rymal Road East and 172 Dartnall Road | 1546, 1547 | Arterial Commercial (C7, 605, 648) Zone/Prestige Business Park (M3) Zone | Prestige Business Park (M3) Zone   | The lands are currently split zoned to allow for both commercial and industrial uses. The split zoning creates different built form requirements. While the lands fronting onto Rymal Road East are designated Arterial Commercial, the current use of the entire property is industrial. The long term use of the property is intended to remain industrial which will contribute to the Upper Red Hill Business Park.   |

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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.

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| Address  | Map  | Current Zone  | Proposed Zone                    | Rationale   |
|--|------|---|----------------------------------|---|
| 1308, 1318 Rymal Road East and 172 Dartnall Road<br><b>(Continued)</b> |      |   |                                  | The proposed amendment will zone the entire property as Prestige Business Park (M3) Zone to eliminate the split zone and allow for comprehensive industrial development.  |
| 0 Rymal Road East  | 1547 | Arterial Commercial (C7, 599) Zone/Prestige Business Park (M3) Zone | Prestige Business Park (M3) Zone | The proposed amendment maintains the Arterial Commercial (C7, 599) Zone along Rymal Road East and adjusts the Prestige Business Park (M3) Zone on a portion of the lands fronting on Glover Road. The proposed amendment removes the split zone and facilitates the comprehensive industrial development of a portion of 0 Rymal Road East. |

The proposed Zoning By-law Amendments align the zoning boundaries with the property lines to support comprehensive development of the properties.

**ALTERNATIVES FOR CONSIDERATION**

If the proposed amendments are not approved, inconsistencies in the interpretation and application of the zones may occur resulting in different zoning requirements across properties.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23213 – Official Plan Amendment  
 Appendix “B” to Report PED23213 – Zoning By-law Amendment

SM:sd