

CITY OF HAMILTON

BY-LAW NO. 22-155

To Amend Zoning By-law No. 6593 (former City of Hamilton), Respecting Housekeeping Amendments to Various Definitions and Certain Day Nursery Regulations

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton”, and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999*, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS Council, in approving Item 7 of Report 22-010 of the Planning Committee, at its meeting held on the 22nd day of June, 2022, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That SECTION TWO: INTERPRETATION AND DEFINITIONS be amended by deleting Section 2. (2) B. (i) in its entirety and replacing it with the following definition:
 - (i) **“Children’s Residence”** shall mean all or any part of a building or buildings in which three or more children not of common parentage residing away from the home of their parents or guardians primarily for the purpose of receiving residential care, and includes any other home or institution in which three or more children not of common parentage reside and that is supervised or operated by a children's aid society under the Child, Youth, and Family

Services Act, whether or not the children are Crown wards or wards of the society, but does not include,

- (a) A Residential Care Facility;
- (b) A house that is licensed under the *Private Hospitals Act*;
- (c) A day nursery or camp provided for under the *Child Care and Early Years Act*;
- (d) A home for special care under the *Homes for Special Care Act*;
- (e) Part of a school provided for under the *Education Act*;
- (f) A hostel intended for short-term accommodation; or,
- (g) A hospital that is in receipt of financial aid from the Province of Ontario.

2. That SECTION TWO: INTERPRETATION AND DEFINITIONS be amended by deleting Section 2. (2) B. (ii) in its entirety and replacing it with the following definition:

(ii) “**Day Nursery**” shall mean a facility licensed under the *Child Care and Early Years Act* which receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance for a continuous period not exceeding 24 hours, where children are,

- (a) Under eighteen years of age in the case of a day nursery for children with a development disability; and,
- (b) Under ten years of age in all other cases but shall not include part of a school provided for under the *Education Act*.”

3. That SECTION THREE: APPLICATION OF BY-LAW be amended by deleting the wording “Day Nurseries Act, R.S.O. 1980, c. 111” within Section 3 (10) and replacing it with “*Child Care and Early Years Act*”.

4. That SECTION EIGHT: “B” DISTRICTS (SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.) be amended by deleting Section 8. (1) (iiia) in its entirety and replacing it with the following:

(iiia) A day nursery;

5. That SECTION NINE: “C” DISTRICTS (URBAN PROTECTED RESIDENTIAL, ETC.) be amended by deleting Section 9. (1) (iii) in its entirety and replacing it with the following:

(iii) A day nursery;

6. That SECTION NINE A: “R-4” DISTRICTS (SMALL LOT SINGLE FAMILY DWELLING) be amended by deleting Section 9A. (1) (aa) 1. in its entirety and replacing it with the following:

1. A day nursery;

7. That SECTION TEN: “D” DISTRICTS (URBAN PROTECTED RESIDENTIAL – ONE AND TWO FAMILY DWELLINGS, ETC.) be amended by deleting Section 10. (1) (xa) in its entirety and replacing it with the following:
 - (xa) A day nursery;
8. That SECTION TEN A: “DE” DISTRICTS (LOW DENSITY MULTIPLE DWELLINGS) be amended by deleting Section 10A. (1) (ix) in its entirety and replacing it with the following:
 - (ix) A day nursery;
9. That SECTION TEN B: “DE-2” DISTRICTS (MULTIPLE DWELLINGS) be amended by deleting Section 10B. (1) (viii) in its entirety and replacing it with the following:
 - (viii) A day nursery;
10. That SECTION TEN C: “DE-3” DISTRICTS (MULTIPLE DWELLINGS) be amended by deleting Section 10C. (1) (viii) in its entirety and replacing it with the following:
 - (viii) A day nursery;
11. That SECTION TEN D: “RT-10” DISTRICTS (TOWNHOUSE) be amended by deleting Section 10D. (2) (b) 1. in its entirety and replacing it with the following:
 1. A day nursery;
12. That SECTION TEN E: “RT-20” DISTRICTS (TOWNHOUSE – MAISONETTE) be amended by deleting Section 10E. (2) (b) 1. in its entirety and replacing it with the following:
 1. A day nursery;
13. That SECTION TEN F: “RT-30” DISTRICTS (STREET – TOWNHOUSE) be amended by deleting Section 10F. (2) (b) 1. in its entirety and replacing it with the following:
 1. A day nursery;
14. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

15. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this 22nd day of June, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

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