



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 3, 2022
SUBJECT/REPORT NO:	Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200 (PED22154) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771 Shannon McKie (905) 546-2424 Ext. 1288
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That City Initiative CI 22-G respecting amendments to the Low Density Residential Zones in Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek, to implement Urban Hamilton Official Plan Amendment No.167 by permitting an expanded range of low density residential uses and the conversion of existing single detached dwellings and duplex dwellings (two family dwellings) to provide small-scale intensification opportunities, be **APPROVED** on the following basis:

- (a) That the Draft By-laws to amend the Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, and the City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “A” to Appendix “F” to Report PED22154, which have

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.

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been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (b) That the Low Density Residential (R1) Zone and the Low Density Residential – Small Lot (R1a) Zone be added to Zoning By-law 05-200, and amendments to the Definition, Parking, General Provision and other Administrative Sections of Zoning By-law to implement the new zones, attached as Appendix “G” to Report PED22154, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply the Urban Hamilton Official Plan;
- (d) That upon final approval of Urban Hamilton Official Plan Amendment No. 167 and the draft Zoning By-laws that a general text amendment be added to all Neighbourhood Plans to add semi-detached dwellings and townhouse dwellings as permitted uses and to allow for the conversions of single detached dwellings and duplex dwellings to all low density residential areas identified in Appendix “A” to “G” to Report PED22154;
- (e) That staff be directed to consult on Neighbourhood Infill Guidelines and Urban Design Standards that will inform the creation of Residential Zones in Comprehensive Zoning By-law No. 05-200.

EXECUTIVE SUMMARY

On June 8, 2022, Council approved amendments to the Urban Hamilton Official Plan (UHOP OPA No. 167) and Rural Hamilton Official Plan (RHOP OPA No. 37), reflecting provincial land use policy changes and the implementation of Council’s direction on how the City should grow over the next 30 years.

To implement UHOP Amendment No. 167 (OPA No. 167), changes are required to the City’s Zoning By-laws. Additional amendments will be required, however, as an initial step, staff are proposing modifications to the Community Zoning By-laws to provide additional housing opportunities within low density residential areas by expanding the uses permitted within Low Density Residential (LDR) Zones. The proposed amendments exclude LDR Zones within any Secondary Plan area as the applicable

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polices were not changed by way of OPA No. 167. The proposed amendments are described in detail in Appendix “A” to “G” attached to Report PED22154 and are summarized as follows:

- Create two new Low Density Residential Zones in Zoning By-law No. 05-200 and incorporate lands currently zoned “C” (Urban Protected Residential, etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District into Schedule “A” – Zoning Maps;
- Add the following new permitted uses in LDR Zones (in addition to existing permissions):
 - Duplex Dwellings;
 - Semi-Detached Dwellings; and,
 - Street Townhouse Dwellings;
- Introduce Converted Dwelling provisions to permit the conversion of existing Single and Duplex dwellings (two family dwellings) to contain a greater number of dwelling units, up to a maximum of four dwelling units on a lot.

The proposed amendments were presented at public open houses for the Municipal Comprehensive Review (MCR) and UHOP and RHOP Amendments in February 2022. Following February’s public engagement, the amendments proposed to the Zoning By-laws of the former Communities were discussed in detail in Report PED21067(b), which described the approach to introducing new uses and conversion permissions in LDR Zones, the implementation of this approach in the Zoning By-laws, and presented a summary of the new regulations intended to implement the new permissions. Additionally, during the review of the Community Zoning By-laws it was evident that large swathes of the City of Hamilton were zoned “C” (Urban Protected Residential, etc.) District and “D” (Urban Residential Protected – One and Two Family Dwellings, etc.) District. These areas represent a large portion of the residential land with an average lot area of between 270 square metres and 360 square metres and lot frontages ranging between 9 metres and 18 metres. Staff have created two new LDR Zones in Zoning By-law No. 05-200 to incorporate these properties. The exercise is largely administrative as the modifications proposed to Zoning By-law No. 6593 includes the same modifications to add uses and converted dwelling permissions. Zoning By-law No. 05-200 is a user friendly document with easy to understand terminology, definitions and regulations, ultimately making it easier to understand for the public. Incorporating

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the “C” and “D” District lands into Zoning By-law No. 05-200 is an important first step to making Zoning more accessible and easier to understand for property owners.

The draft amendments to Zoning By-law No. 05-200 and the former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek are attached as Appendix “A” to “G” to Report PED22154.

The proposed changes to the Zoning By-laws will provide more sustainable infill opportunities by making use of existing infrastructure and services and will contribute to small-scale intensification opportunities within low density residential areas in a way that will be sympathetic to the existing character of the neighbourhood.

Alternatives for Consideration – See Page 23

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 amendments to the Zoning By-laws.

Notice of the Public Meeting was placed in the Hamilton Spectator and the Community Newspapers on July 15, 2022.

HISTORICAL BACKGROUND

Staff initiated the Municipal Comprehensive Review (MCR)/Growth Related Integrated Development Strategy (GRIDS2) to allocate forecasted population and employment growth for the 2021 to 2051 time period in accordance with Provincial mandated requirements. The process resulted in 10 Directions to Guide Growth, which was presented at General Issues Committee on November 9, 2021 as Report PED17010(o). On November 19, 2021, Council adopted a No Urban Boundary Expansion growth option which plans for all forecasted population (236,000 people) and employment (122,000 jobs) growth to the year 2051 to be accommodated within the current urban boundary. To implement Council’s direction, amendments were prepared to the UHOP and RHOP, which were subsequently approved by Council on June 8, 2022 as Urban

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Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34. The amendments to the UHOP and RHOP represent the completion of the first phase of the City's Municipal Comprehensive Review / Official Plan Review.

To implement the Council approved amendments to the UHOP, amendments are proposed to the Zoning By-laws of the former Communities to create additional housing opportunities within low density residential areas. Additionally, two new Low Density Residential Zones have been created in Zoning By-law No. 05-200 to incorporate lands currently zoned "C" and "D" in Zoning By-law No. 6593.

The changes required to implement the proposed policy changes to the UHOP; namely, the expansion of uses permitted in LDR Zones, were discussed in Report PED21067(b). Appendix "F" attached to Report PED21067(b) illustrated the permitted and proposed uses in existing LDR Zones, while Appendix "H" attached to Report PED21067(b) summarized the approach and proposed changes to the former Community Zoning By-laws. Allowing a wider range of permitted uses will provide greater opportunities for intensification in the City's low density residential areas. The greater diversification of building forms will contribute to small-scale intensification opportunities; make use of existing infrastructure and services by accommodating the conversion of existing structures; and, will implement more sustainable infill opportunities throughout the Neighbourhoods designation in the UHOP.

While the draft Zoning By-law amendments attached as Appendix "A" to "G" to Report PED22154 will give effect to OPA No. 167, the modifications proposed build upon a regulatory framework that has been in place for some time in Hamilton, supporting small-scale intensification opportunities within existing residential neighbourhoods. Accessory dwelling units have been permitted in the former City of Hamilton since the 1970s. The Official Plan and Zoning By-laws of the former municipalities also included enabling policies in their Official Plans and/or regulations in the respective Zoning By-law regarding accessory dwelling units. More recently Council approved two pilot/demonstration projects related to accessory (secondary) dwelling units.

1.0 Laneway Housing (2018)

Council approved a pilot project in 2018 for lands roughly bounded by Lake Ontario to the north, the Red Hill Valley Parking to the east, the Niagara Escarpment to the south, and Highway 403 to the west, to permit laneway housing associated with single detached dwellings.

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By-law No. 18-299 amended City of Hamilton Zoning By-law No. 6593 to permit a detached Secondary Dwelling Unit (SDU) accessory to a single detached dwelling on a lot that adjoins a laneway for certain areas of the Lower City. The zoning regulations were drafted to ensure the relationship between the principal unit and the secondary suite regulation were maintained over time with respect to servicing, access, and maintenance.

2.0 Temporary Use By-law for Accessory Dwelling Units in Wards 1, 8 and 14 (in part) (2019)

In December 2018, Council approved Planning and Economic Development Department staff exploring a Rental Housing Licensing Pilot Project for Wards 1 and 8 (a portion of which is now located within Ward 14). The scope of the Pilot Licensing Project intended to require owners/landlords of residential properties with less than five residential rental units to obtain a Rental Business Owner License. Preliminary stakeholder feedback expressed concern about the potential removal of existing rental units that were not in compliance with the in-force zoning provisions. At the time, staff were in the process of developing zone provisions for accessory dwelling units for community consultation. As an interim measure, staff brought forward a Temporary Use By-law for lands within Wards 1, 8, and a portion of Ward 14 to temporarily revise the requirements associated with the conversion of single detached dwellings and two-family dwellings in order to provide relief for homeowners interested in establishing an accessory dwelling unit, as well as to assist landlords in legalizing their accessory dwelling units. The implementation of temporary measures enabled staff to evaluate the provisions which informed the accessory dwelling unit project (secondary dwelling unit).

The Section 19: Residential Conversion Requirements in former City of Hamilton Zoning By-law No. 6593 were modified for single detached dwellings and two-family dwellings in the pilot project area by:

- Removing the minimum dwelling unit size requirement for each dwelling unit in a converted dwelling;
- Reducing the minimum required lot area from 270 sq. m. to 200 sq. m.; and,
- Suspending the need to provide additional parking associated with an accessory dwelling unit for lands subject to the Temporary Use By-law.

Temporary Use By-law No. 19-307 was passed by Council in December 2019, with an expiration date of December 2022.

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3.0 City Wide Secondary Dwelling Unit and Secondary Dwelling Unit Detached Regulations (2021)

On June 6, 2019, the Province passed Bill 108 Bill (*More Homes, More Choice Act, 2019*) requiring municipalities to permit Secondary Dwelling Units in their Official Plans and Zoning By-laws to increase housing options province wide.

In January 2021, to implement the new provincial requirement, Council approved amendments to the Urban Hamilton Official Plan (OPA No. 142) and Rural Hamilton Official Plan (OPA No. 26) to permit Secondary Dwelling Units city-wide in all single detached, semi-detached, and street townhouse dwellings (Report PED20201). Following, in May 2021, Council approved amendments to City of Hamilton Zoning By-law No. 05-200 and the Zoning By-laws of the Former Communities to establish regulations for Secondary Dwelling Units (SDU) and Secondary Dwelling Units – Detached (SDU-D). SDU permissions were introduced city-wide, including to the Rural Area, while SDU-D permissions were introduced to the Urban Area. The next phase of the work program will evaluate the regulations necessary to allow SDU-D in the Rural Area. To ensure that issues related to sustainable private servicing are addressed in future zoning regulations, a servicing study is being undertaken in collaboration with Hamilton Water staff. The findings of the servicing study will assist in informing future zoning regulations such as the minimum lot size to be eligible to establish an SDU-D. With the introduction of SDU and SDU-D regulations city-wide, the Laneway Housing By-law and the Temporary Use By-law for accessory dwelling units were repealed in their entirety.

In response to a commitment made by staff to monitor Building Permits and Minor Variances and follow up on any implementation and interpretation issues, amendments to the SDU / SDU-D regulations were subsequently brought forward in September 2021 and recently in May 2022. The recent changes to the regulations will better ensure the regulations are being interpreted as intended and applied consistently. The amendments to the SDU and SDU-D regulations will support the continued successful implementation of Secondary Dwelling Units across the City.

4.0 Expanded Uses and Conversions in Low Density Residential Zones (2022)

The amendments proposed to Zoning By-law No. 05-200 and the Zoning By-laws of the former Communities, attached as Appendix “A” to “G” to Report PED22154, build on the regulatory framework and measures established to date in the City of Hamilton to create additional housing opportunities within low density residential areas. Allowing a greater

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diversification of building forms and expanding the permissions for additional dwelling units through conversions of existing structures not only contributes to small-scale intensification opportunities but also makes use of existing infrastructure and services, thereby achieving more sustainable infill opportunities.

5.0 Residential Zones in Comprehensive Zoning By-law No. 05-200 (Ongoing)

Zoning By-law No. 05-200 has been completed in phases, with the first phase (Downtown Zones) being approved in 2005. Since that time the following zones have been established:

- Parks and Open Space (P1-P9) Zones (2006);
- Institutional (I1-I3) Zones (2007);
- Industrial (M1-M13) Zones (2010);
- Transit Oriented Corridor (TOC1-TOC4) Zones (2016);
- Commercial and Mixed Use (C1-C7) Zones (2017);

The Residential Zones are the last major land use category to be incorporated into Zoning By-law No. 05-200. The Residential Zones are being implemented in phases and the Low Density Residential Zones (R1) and (R1a) attached as Appendix “G” to Report PED22154 represents the first phase.

The ongoing Residential Zoning Project will culminate in new low density, medium density and high density residential zones in Comprehensive Zoning By-law No. 05-200, which will replace the existing residential zones in the Zoning By-laws of the former Communities. Phase One of the work program will introduce new LDR Zones to Zoning By-law No. 05-200.

Appendix “J” attached to Report PED22154 provides a review of all existing LDR Zones, minimum lot standards, and for which new uses the minimum standards will apply to. While the proposed amendments will be consistently applied to all the LDR Zones in the former Communities, staff identified an opportunity to develop the first LDR Zones and incorporate lands into Zoning By-law No. 05-200. The amendments to Zoning By-law No. 05-200 are explained in detail in the Analysis and Rationale Section of this Report and are included in Appendix “G” attached to Report PED22154

The amendments proposed to each former Community Zoning By-law will inform this ongoing phase of the project as new zones are created, and a suite of regulations are

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developed that reflect modern practices and standards of good planning, that have the flexibility to respond to the needs of residents.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The policy implications and legislated requirements related to the Municipal Comprehensive Review / Official Plan Review and the Amendments to the UHOP and RHOP are outlined in Report PED21067(a).

The proposed amendments to Zoning By-law No. 05-200 and the former Community Zoning By-laws give effect to the amendments to the Urban Hamilton Official Plan approved through OPA No. 167, and as such, it is staff's opinion that the Zoning By-law Amendments are:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

2.0 Urban Hamilton Official Plan

Urban Hamilton OPA No. 167 was approved by Council on June 8, 2022 and included all policy change to implement the No Urban Boundary Expansion growth option. The proposed amendments to Zoning By-law No. 05-200 and the Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek give effect to the UHOP Amendment.

OPA No. 167 has been forwarded to the Minister of Municipal Affairs and Housing for approval. The proposed Zoning By-law Amendments cannot take effect until such time as the Official Plan Amendment is final and binding. In accordance with the *Planning Act*, the draft By-laws (attached as Appendix "A" to "G" of Report PED22154) include a provision that requires the enactment of the regulations to be held until the Official Plan Amendment has been approved.

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It is important to note that while the proposed amendments give effect to the preferred growth option, the expansion of permitted uses and permissions for conversions are a necessary form of intensification options to accommodate the planned intensification targets over time contemplated in the alternative growth scenarios. For example, in the “Ambitious Density” growth scenario, 80% of the housing unit growth was meant to be established in the existing urban area, both through intensification and development of existing greenfield lands. The proposed Zoning By-law Amendments create additional opportunities for intensification within existing buildings, in neighbourhoods without the need for major redevelopment, within areas already serviced, with access to the existing transportation network and supports a sustainable form of infill options.

3.0 Neighbourhood Plans

Neighbourhood Plans are applicable to some of the low density residential areas included in the proposed amendments. Most Neighbourhood Plans apply in the former City of Hamilton, however the Township of Flamborough, Town of Dundas and City of Stoney Creek also have Council approved Neighbourhood Plans. These Neighbourhood Plans were prepared prior to the Council adoption of the UHOP in 2009. Each of the Neighbourhood Plans will need to be amended to give effect to the policies amended by OPA No. 167 and the implementing Zoning By-law Amendments.

RELEVANT CONSULTATION

Public Engagement

As part of the public engagement strategy on the proposed Municipal Comprehensive Review updates to the UHOP and RHOP, staff presented the proposed changes to the Zoning By-laws at two Virtual Open Houses held on February 17, 2022 (evening) and February 22, 2022 (afternoon). On May 3, 2022, the Statutory Open House meeting for the MCR, Phase One – Urban Focused Provincial Conformity Review took place at which staff also presented the proposed expansion of uses and conversion permissions in Low Density Residential Zones of the City’s Zoning By-laws. Some common themes emerged in the feedback received through these consultation events. Common areas of interest were:

- Support for complete communities and complete streets that include mixed-use, higher density neighbourhoods, well served by public transit;
- Interest in policy changes to address housing affordability and promote intensification, infill, and diverse housing options;

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- Concern that permitting triplexes and fourplexes through conversions only would limit potential infill projects; and,
- Parking and how it will be managed in the future. Parking standards going forward e.g. reduced parking minimum or the elimination of parking requirements.

Staff also hosted a Virtual Stakeholder Workshop the morning of Thursday, February 24, 2022. The stakeholders who participated expressed support for increased densities and infill opportunities in neighbourhoods. Participants encouraged the City to evaluate parking requirements and consider permitting purpose-built triplexes and fourplexes in the nearer term. A detailed summary of the consultation events was provided at the May 17, 2022 Planning Committee and are contained in Report PED21067(b).

Notice of these amendments was posted in the Hamilton Spectator on July 15, 2022. Notice of the public engagement opportunities, including the Virtual Open Houses, were posted in the Hamilton Spectator, on the Engage Hamilton Website, and on the City's social media pages.

Staff will continue to consult with the public and stakeholders through variance consultation methods and report on comments received through the process as the remaining residential zones are finalized.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

To implement OPA No. 167, amendments are proposed to the Zoning By-laws of the Former Communities to create additional housing opportunities within low density residential areas. The changes required to implement the proposed policy changes to the UHOP; namely, the expansion of uses permitted in LDR Zones were identified in Report PED21067(a). As stated in Report PED21067(a), allowing a wider range of permitted uses will provide greater opportunities for intensification in the City's low density residential areas. This greater diversification of building forms will address recommendations from the Housing Affordability Task Force, implement the City's Strategic Plan to create affordable housing, contribute to small-scale intensification opportunities; make use of existing infrastructure and services by accommodating the conversion of existing structures; and, will implement more sustainable infill opportunities throughout the Neighbourhoods designation in the UHOP.

The review of all Low Density Residential zones also allows for the implementation of the first phase of the Residential Zones for the Comprehensive Zoning By-law No. 05-

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200. This is an important step in harmonizing the residential zoning regulations across the City of Hamilton.

1.0 Urban Hamilton Official Plan

As discussed earlier in the report, OPA No. 167 introduced revised policies required to implement a No Urban Boundary Expansion growth option. Specifically, Policy E.3.4.3 to require single detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings to be permitted in all low density residential areas. Additional amendments were approved to allow multiple dwellings containing a maximum of six units near arterial and collector roads.

The draft By-laws attached as Appendix “A” through “G” to Report PED22154 implement Policy E.3.4.3 by introducing semi-detached, duplex, street townhouse dwellings as permitted uses in all Low Density Residential Zones and by including permissions to convert existing single detached and duplex dwellings to include up to four units. Together with other Zoning By-law Amendments approved to date (i.e. Secondary Dwelling Unit/Secondary Dwelling Unit – Detached) low density residential areas have the opportunity for small-scale intensification that will not disrupt the existing lot patterns, makes use of existing infrastructure, and offers additional dwelling types and tenure options within existing neighbourhoods.

2.0 Secondary Plan Areas

At this point in time, the City of Hamilton currently has 28 Secondary Plans which are identified in Volume 2 on Appendix “A”: Secondary Plan Index Map of the UHOP and a summary of which is provided in Appendix “H” attached to Report PED22154.

The expansion of use permissions and conversion permissions in LDR Zones will apply to areas outside of Secondary Plans. The amendments to the UHOP enacted through OPA No. 167, did not modify any policies within Secondary Plans. Secondary Plan policies are the culmination of extensive community consultation and engagement. Local community updates, including updates to Secondary Plans, are planned for Phase 3 of the Municipal Comprehensive Review / Official Plan Review, planned for Q2 of 2023, which will evaluate matters of local context. As a result, the proposed Zoning By-law Amendments (attached as Appendix “A” to “G” to Report PED22154) do not include any Zoning By-law amendments for lands included within a Secondary Plan area. These lands will be further evaluated as the Residential Zoning for Zoning By-law No. 05-200 are developed and brought forward for consideration in 2023.

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3.0 Affordable housing

On February 8, 2022, the Province released a report from the Housing Affordability Task Force which included 58 recommendations intended to increase the supply of market housing in response to the housing crisis. One recommendation included making changes to planning policies and zoning to prioritize growth and to allow for greater density and intensification while providing a variety of housing types. OPA No. 167 and the proposed amendments to Zoning By-law No. 05-200 and the former Community Zoning By-laws represent an important step in providing additional long term, sustainable housing options within existing neighbourhoods. Adoption of the Zoning By-law Amendments now will enable the City to have in place a “Made in Hamilton” response to the Task Force’s recommendations.

In conjunction with the existing permissions for Secondary Dwelling Units and Secondary Dwelling Units – Detached, the additional use permissions and conversion regulations support the City of Hamilton’s Strategic Plan to Create Affordable Housing Supply in the Secondary Rental Market (see Report HSC22007). The Strategic Plan provides tools to create and maintain affordable housing options and the proposed Zoning By-law Amendments provide the regulatory framework to remove barriers to providing additional, safe, quality and accessible housing options.

4.0 Permitted Uses in Low Density Residential Zones

To expand housing choices in LDR Zones, all existing LDR Zones within the former Community Zoning By-laws, outside of a Secondary Plan area, are proposed to be amended to permit an expanded range of uses in addition to the uses already permitted, including:

- Semi-detached Dwellings;
- Duplex Dwellings; and,
- Street Townhouse Dwellings.

The specific amendments proposed to each of the Zoning By-laws are described in detail in Appendix “J” attached to Report PED22154.

The following sections discuss the implementation of new LDR Zone permissions in the former Community Zoning By-laws and Zoning By-law No. 05-200.

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4.1 Implementation – Town of Ancaster, Town of Flamborough, Township of Glanbrook, and City of Stoney Creek Zoning By-laws

To implement the expanded range of permitted uses in LDR Zones outside of Secondary Plans, a Special Figure has been introduced to the Zoning By-laws of Ancaster, Flamborough, Glanbrook, and Stoney Creek to identify the lands for which the additional use permissions apply. There are no Secondary Plans in the Town of Dundas. Therefore, all LDR Zones in Dundas are subject to the expanded use permissions. By establishing a Special Figure, the permitted uses and regulations of the parent zones are not being modified. Rather, provisions are being introduced in each LDR Zone that applies to lots identified on the Special Figure. The changes to each parent LDR Zone are:

- New uses are permitted for lots identified on the Special Figure, in addition to existing permissions; and,
- Regulations have been introduced for each new use which are informed by existing in the Zoning By-law.

New built form standards are not being developed for any of the new uses proposed as standards already exist in each Zoning By-law. When a dwelling type is introduced to an LDR Zone, the existing set of regulations that already apply to that type of dwelling in another zone is applied, based on a commonality of standards that are considered appropriate to regulations apply to the new dwelling type. Thus, the regulations for minimum lot area and frontage, minimum setback requirements, and height are taken from an existing zone and applied. Appendix “J” attached to Report PED22154 identifies the regulations that apply to the new uses.

The Township of Glanbrook Zoning By-law and City of Stoney Creek Zoning By-law each have a “RM1” Zone that have been amended to expand the uses permitted in these respective zones. Despite the moniker of “Multiple Residential”, these zones permit low density residential uses and thus, are included in the list of LDR Zones subject to the amendments.

4.2 Implementation – City of Hamilton Zoning By-law No. 6593

The majority of lands in the former City of Hamilton Zoning By-law are not within a Secondary Plan. Given the structure of the Zoning By-law and in consideration of ease of implementation, a special requirement (special exception) is being applied to the lands outside of Secondary Plans, to capture the additional use permissions and

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associated regulations, consistent with the approach for the other Zoning By-laws. Accordingly, the parent districts will not be modified.

4.3 Implementation – Zoning By-law No. 05-200

The City's Comprehensive Zoning By-law No. 05-200 has been developed in phases. To date, nine Zoning categories have been completed, with Residential Zones currently being developed. The first phase of the Residential Zoning project for Zoning By-law No. 05-200 is the LDR Zones. The former community Zoning By-laws have a total of forty-seven LDR Zones which regulate single detached dwellings, duplex dwellings and semi-detached dwellings. Using the policies and principles established in OPA No. 167, staff evaluated the opportunity to create two new residential zones that align with the amendments being made to each of the former community zoning by-laws. The Low Density Residential (R1) Zone and Low Density Residential – Small Lot (R1a) Zone (attached as Appendix "G" to Report PED22154) have been developed to implement the new policy direction and bring residential areas into Zoning By-law No. 05-200.

The R1 and R1a Zone are proposed to be applied to areas that are currently zoned "C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District in the former City of Hamilton Zoning By-law No. 6593. Whether the lands are brought into Zoning By-law No. 05-200 or remain in Zoning By-law No. 6593, the same additional uses and conversion regulations will apply. The benefit of transitioning these lands into the City's Comprehensive Zoning By-law include:

- Establishing the first residential zones – a significant milestone that represents an important step towards the full integration of zones in Zoning By-law No. 05-200;
- Consistent implementation of OPA No. 167 across the City's Zoning By-laws;
- Establishing the new zoning permissions in a zoning by-law with updated terminology and definitions;
- Eliminating outdated regulations; and,
- Provides an opportunity to monitor the implementation of low density residential zones which will inform the next phase of the Residential Zoning Project when additional Low Density Residential Zones are brought into Zoning By-law No. 05-200.

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4.3.1 Creation of Two Zones

The history of the City's development is documented in the age of its built form, with an evolution of lot sizes and built form characteristics as the city grew outward. The development of the City was heavily influenced by topography, with the escarpment creating a natural barrier that influenced the progress and stages of residential development. The Lower City is typically characterized by tighter lot fabric and the City's oldest built form, with development radiating east and west of the Downtown. Development on the mountain started later, generally outward from the central mountain, closest to the mountain brow. The lot fabric of the mountain is generally larger than that of the Lower City, reflective of the later date of development. Two distinct lot sizes thus emerge, one predominant to the mountain, the other predominant in the Lower City. Translated to zoning, the R1 Zone establishes the lot size parameters of a minimum lot frontage of 12 metres, and a minimum lot area of 360 sq. m., consistent with the existing minimum lot area standards for single detached dwelling in the "C" and "D" District in Former City of Hamilton Zoning By-law No. 6593. The predominant smaller lot size of the Lower City is translated to zoning as the R1a Zone, a sub-set of the R1 Zone, recognizing the smaller lot sizes of this area of the City. The R1a Zone establishes the lot size standards of a minimum lot frontage of 9 metres, and a minimum lot area of 270 square metres. The R1 Zone and R1a Zone effectively exhibit the relationship of a zone and sub-zone in that the permitted uses are the same between the two zones. By and large, the provisions of each zone mirror the other as well. The key distinction is the front yard setback requirement which differs based on the predominant building location on lots in the R1 Zone and R1a Zone given that many areas of the lower City were developed prior to the rise of the private automobile which influenced the post WWII built form and development standards.

4.3.2 Residential Care Facility Regulations

Regulations for Residential Care Facilities have been incorporated into both the R1 and R1a Zone that implement the direction of Report PED19091(a). Appendix "A" to Report PED19091(a) included a summary recommended regulation changes for Zoning By-law No.05-200 with respect to:

- Revisions to the Residential Care Facility definition;
- Capacity limits (both minimum and maximums);
- Deleting the radial separation distance and moratorium areas; and,
- Permit Residential Care Facilities across the City.

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The above amendments have been incorporated into the R1 and R1a Zone and will continue to be reviewed and implemented as the phases of the Residential Zoning project are completed.

4.3.3 Parking Regulations

Staff are currently undertaking a City-Wide Parking Study to inform residential parking standards based on best practices, and the recommendations of the Study. It is anticipated that this review will be brought forward to Planning Committee in Q1, 2023 for authorization for public consultation with a recommendation Report being brought forward for adoption in Q2, 2023. Until the Study is complete and as an interim measure, the current parking standards of Zoning By-law No. 6593 will be carried forward as part of the R1 and R1a Zones in Zoning By-law No. 05-200, with the exception of additional parking being required beyond eight habitable rooms. All future phases of the Residential Zoning project will be informed by the Parking Study and parking regulations will reflect the findings of the Study.

4.3.4 Zone Assignment Criteria

The creation of two LDR Zones reflects the predominant residential lot fabric in the former City of Hamilton. The subsequent assignment of the zones to “C” and “D” District properties is likewise undertaken with predominance in mind. Zone assignment is done at an area level analysis, to capture the predominant characteristics of a given area. The assignment of the new R1 and R1a Zone has been based on the following criteria:

- Area level analysis of lot size which is intended to capture the predominant lot size of a given area. Section 4.12: Vacuum Clause, of Zoning By-law No. 05-200 deems undersized lots in compliance with the regulations of the Zone;
- Assignment of zones is intended to reflect the average, not outliers;
- Zone assignment reflects the predominant condition within contiguous areas to avoid piecemeal zoning; and,
- Areas with variability in lot size or in which other factors exist that may impact zone assignment are to remain in former City of Hamilton Zoning By-law No. 6593 and will be brought into Zoning By-law No. 05-200 through a subsequent phase of the Residential Zoning Project.

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This criterion was employed knowing that future phases of the Residential Zoning Project may further refine the assignment of zones, as more residential lots are brought into Zoning By-law No. 05-200 and additional residential zones are created.

4.3.5 Regard for current permissions (Vacuum Clause)

The proposed amendments provide for a straight forward transition from Zoning By-law No. 6593 to Zoning By-law No. 05-200 by having regard for previous approvals granted by way of a Minor Variance and recognition of existing conditions. The proposed Transition Provision recognizes previous approvals and allows Building Permits to be issued in recognition of the previous zoning regulations and/or any approved modifications to the applicable zone. Additionally, a Vacuum Clause is proposed to recognize existing built form to avoid unnecessary minor variances and allow for the continued use of residential properties. A fulsome comparison of the proposed regulations against the current Zoning By-law No. 6593 regulations is provided in Appendix “I” attached to Report PED22154.

4.3.6 Future Phases of the Residential Zoning Project

Additional work is currently underway to inform later phases of the Residential Zoning project including:

- Neighbourhood Infill Guidelines: Assess and determine infill regulations for as of right development within stable residential areas;
- Urban Design Standards: Standards applicable to all forms of development including low, medium and high density residential development;
- Residential Parking Study: City Wide assessment of current parking regulations, current demand, Transportation Demand Management tools, and LRT impacts;
- Secondary Plan Review: Phase 3 of the MCR OPA review to review and asses Secondary Plan policies and necessary revisions to meet density targets and preferred growth option.

This work will inform the development and implementation of future Residential Zones and may result in amendments to the R1 and R1a Zones (attached as Appendix “G” to

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Report PED22154). Staff will be actively consulting at various stages of the Residential Zoning project to get feedback from the public and stakeholders as new Residential Zones are completed.

5.0 Converted Dwellings, Secondary Dwelling Units, and Secondary Dwelling Units – Detached

The broader range of housing types recommended for LDR Zones extends to triplexes and fourplexes (which may be alternatively defined as multiple dwellings, apartment buildings, or a multi-plex in the Zoning By-laws). To build on the Secondary Dwelling Unit (SDU) and Secondary Dwelling Unit – Detached (SDU-D) regulations, additional dwelling units will be permitted on a lot only through the conversion of existing dwellings. At this time, new purpose-built triplexes and fourplexes are not contemplated. The Residential Zones Project will evaluate how best to incorporate built form standards for purpose-built triplexes and fourplexes in the context of specific neighbourhoods and communities.

The conversion of existing dwellings to allow for three or four units provides the opportunity for small-scale intensification within existing neighbourhoods. Adaptation of existing dwellings allows intensification while preserving the character of the existing streetscape and neighbourhood, accommodating adaptive reuse of existing buildings, making use of existing infrastructure, and reducing carbon emissions resulting from demolition and new development. The broadening of uses in neighbourhoods across the City is considered a balanced approach to the provision of intensification opportunities.

As discussed in Report PED21067(b) and further described in the flow chart appended as Appendix “G” to Report PED21067(b), the relationship between SDUs, SDU-Ds, and converted dwellings is entwined, with the key distinctions being the number of dwelling units that can be added, and the permissions vis-à-vis an existing or new dwelling. Each can occur on a given low density residential lot. While an SDU represents one accessory dwelling unit located within a principal dwelling, any additional units added to an existing dwelling are captured by the Converted Dwelling regulations. An SDU-D is a separate detached dwelling unit which may occur on the same lot as a converted dwelling containing an SDU or additional dwelling units. Regardless of the configuration on a lot, a maximum of four dwelling units are permitted on a lot that has permissions for both SDUs and converted dwellings.

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5.1 Implementation – Converted Dwellings

The draft regulations for converted dwellings contained within Appendices “A” to “G” attached to Report PED22154, are integrated with the regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached in each of the former Community Zoning By-laws and Zoning By-law No. 05-200 and established as a new section within the respective General Provisions of each Zoning By-law. The Special Figure (or special requirements, in the case of Hamilton Zoning By-law No. 6593), will identify the lands to which the converted dwelling regulations apply. As the amendment to Zoning By-law No. 05-200 captures “C” and “D” District properties outside of Secondary Plans, the converted dwelling regulations apply to the entire area subject to the amendment.

As summarized in Appendix “H” to Report PED21067(b), converted dwellings are subject to the following regulations:

- A converted dwelling shall mean an existing single detached dwelling or duplex dwelling, converted to contain greater than two but no more than four dwelling units;
 - Subject to the use permissions and applicable zones, an existing dwelling converted to contain one additional dwelling unit is subject to the SDU regulations of the applicable Zoning By-law.
- Converted dwelling regulations are applicable in existing LDR Zones that are located outside of Secondary Plans;
- All the regulations applicable to the existing dwelling continue to apply unless otherwise indicated;
- No more than four dwelling units may be permitted on a lot that is subject to the regulations for converted dwellings; and,
- The fourth dwelling unit on a lot is required to provide one parking space, whether a SDU, SDU-D, or a dwelling unit within a converted dwelling.

The built form permitted to convert is established based on existing SDU permissions. Conversions of single detached dwelling and duplex dwellings to greater than two dwelling units is considered an appropriate intensity of use. Semi-detached and street townhouse dwellings, which are permitted to contain an SDU, will not be permitted to add additional dwelling units, given the built form characteristics and often smaller lot sizes associated with these dwelling types.

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5.2 Parking for Converted Dwellings, Secondary Dwelling Units, and Secondary Dwelling Units – Detached

The parking requirement for converted dwellings is intended to be applied concurrently with the parking requirements for SDUs and SDU-Ds by building on the parking standards for SDUs and SDU-Ds.

No additional parking space is required for an SDU or SDU-D if the required parking spaces which existed on May 12, 2021 for the existing dwelling continue to be provided and maintained. This amounts to a possible total of three dwelling units on a property (principal dwelling, SDU, and SDU-D). A commensurate parking standard is applied to converted dwellings with the fourth dwelling unit in a converted dwelling triggering the need to provide an additional parking space.

This regulation is applied alongside the parking regulations for SDU-Ds such that the fourth dwelling unit on a lot, be that in a converted dwelling or an SDU-D, is required to provide a parking space. The parking requirements are summarized as follows:

	Parking Requirement for Additional Unit(s)	
	<i>Zero Parking Spaces</i>	<i>One Parking Space</i>
Secondary Dwelling Unit In a <u>new</u> dwelling		✓
Secondary Dwelling Unit – Detached On a lot with a <u>new</u> dwelling		✓
Secondary Dwelling Unit In an <u>existing</u> dwelling	✓ ¹	
Secondary Dwelling Unit – Detached On lot with an <u>existing</u> dwelling	✓ ^{1, 2}	
Converted Dwelling Third Dwelling Unit	✓ ¹	
Converted Dwelling Fourth Dwelling Unit		✓

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- 1: Provided the required parking which existed on May 12, 2021 for the existing dwelling continues to be provided; and,
- 2: If the SDU-D constitutes the fourth Dwelling Unit on a lot, one parking space is required.

The draft Zoning By-law Amendments attached as Appendix “A” to “G” to Report PED22154, enacts the amendments to the Urban Hamilton Official Plan, approved through OPA No. 167. The changes to the Zoning By-laws will provide more sustainable infill opportunities by making use of existing infrastructure and services available and contribute to small-scale intensification opportunities within low density residential areas in a way that will be sympathetic to the existing character of the neighbourhood. By making use of existing infrastructure and built form, these interim measures ultimately provide a better option to address climate change issues while accommodating intensification.

6.0 Development Charges

The Development Charges By-law (19-142) includes exemptions for intensification of a residential use. The By-law explains that no Development Charge be imposed to permit the creation of an accessory dwelling unit so long as the accessory dwelling unit does not exceed the size of the primary unit. The exemptions would apply for the conversion of an existing single detached dwelling or duplex dwelling to a triplex. However, the exemption would not apply for a fourth unit created on a lot by way of a conversion.

7.0 Non-Statutory Notice of Conversions

Staff were directed, at the May 31, 2022 Planning Committee meeting to assess options for requiring non-statutory notice requirements for the conversion of an existing dwelling to a triplex or fourplex dwelling. Should the draft Zoning By-law Amendments (attached as Appendix “A” to “G” of Report PED22154) be approved, triplex and fourplex conversions would be permitted as of right in LDR Zones in the Urban Area of the City of Hamilton. Therefore, no public notice would be required for conversions of existing dwellings in low density residential areas.

Staff have evaluated options for establishing requirements for Public Notice to be provided for conversions of existing dwellings in advance of a Building Permit being issued advising neighbouring properties of the proposed conversion in Appendix “K” attached to Report PED22154.

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The evaluation attached in Appendix “K” to Report PED22154 considered four options:

- Adding a Holding provision to all LDR Zones to require public notice;
- Requiring additional construction details to be provided in the Building Permit placard required to be posted on-site;
- Amending the Public Notice at Infill Construction Sites (By-law 21-207); or,
- Providing public education on the new permissions and the opportunities for conversions within existing low density residential areas.

Staff are recommending that no additional Public Notice be required for the as-of-right conversion of existing dwellings in low density residential areas. Requiring owners to provide public notice on an as-of-right development will not provide opportunities to consult or provide input, sets additional requirements above and beyond the requirements for similar developments; creates additional cost and delay to construction of much needed housing, and may create false expectation in the community that the proposal could be stopped.

Conversions of existing dwellings that do not meet the minimum requirements of the Zoning By-law will require the submission of a *Planning Act* Application, Statutory Public Notice, and allow for effective participation and consultation.

ALTERNATIVES FOR CONSIDERATION

Council could choose to not approve the Draft Zoning By-law Amendments and instead require proponents to make either an application for a Zoning By-law or for a Minor Variance to permit the additional residential uses which would result in increased cost, timelines and uncertainty for proponents attempting to advance residential intensification projects, resulting in a lower rate of growth.

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.

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Healthy and Safe Communities

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

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 PED22154 – Draft By-law to Town of Ancaster Zoning By-law No. 87-57
- Appendix “B” to Report PED22154 – Draft By-law to Town of Dundas Zoning By-law No. 3581-86
- Appendix “C” to Report PED22154 – Draft By-law to Town of Flamborough Zoning By-law No. 90-145-Z
- Appendix “D” to Report PED22154 – Draft By-law to Township of Glanbrook Zoning By-law No. 464
- Appendix “E” to Report PED22154 – Draft By-law to City of Hamilton Zoning By-law No. 6593
- Appendix “F” to Report PED22154 – Draft By-law to City of Stoney Creek Zoning By-law No. 3692-92
- Appendix “G” to Report PED22154 – Draft By-law to Zoning By-law No. 05-200
- Appendix “H” to Report PED22154 – Summary of Secondary Plans
- Appendix “I” to Report PED22154 – Summary of Zoning By-law No. 6593 Regulations Carried Forward
- Appendix “J” to Report PED22154 – Former Community Zoning By-law Low Density Residential Zone Comparison

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Appendix "K" to Report PED22154 – Options for Non-Statutory Public Notice

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