



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 13, 2023
SUBJECT/REPORT NO:	Mid Rise Residential Zones and Expanded Transit Oriented Corridor Zones in Zoning By-law No. 05-200 Public Consultation (PED23069) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mallory Smith (905) 546-2424 Ext. 1249
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED23069 and Draft Mid Rise Residential Zone Provisions, attached as Appendix "A" and Appendix "B" to Report PED23069, be received;
- (b) That staff be authorized to proceed with public engagement on the Draft Zoning By-law regulations with respect to Mid Rise Residential Zones and that staff report back to the Planning Committee summarizing public input and to identify the preferred approach for the new Zones to be incorporated into Section 15: Residential Zones in Hamilton Zoning By-law No. 05-200;
- (c) That staff be authorized to proceed with public engagement for the proposed expansion of the Transit Oriented Corridor Zones along the BLAST transit network, and that staff report back to the Planning Committee summarizing public input and to identify the preferred approach for incorporating additional lands into the Transit Oriented Corridor Zones in Hamilton Zoning By-law No. 05-200.

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EXECUTIVE SUMMARY

The Comprehensive Zoning By-law No. 05-200 has been completed by land use category. The final phase, Residential Zones, is being implemented in phases including: Low Density Residential, Mid Rise Residential, and High Rise Residential.

To implement the Medium Density policies of the City's Urban Hamilton Official Plan (UHOP) staff have prepared Draft Mid Rise Residential Zones (MRR) for the Urban Area to be incorporated in Zoning By-law No. 05-200. The Draft MRR Zones are intended to accommodate additional intensification and redevelopment opportunities along the City's minor and major arterial roads which are identified in the City's Official Plans. The Draft MRR Zones have been developed to encourage appropriate mid rise development with appropriate built form standards. The Draft MRR Zones allow for a built form that provides what is commonly referred to as the 'missing middle'. There are two Draft MRR Zones (see Appendix "A" and "B" attached to Report PED23069):

- Mid Rise Residential (R3) Zone; and,
- Mid Rise Residential – Small Lot (R3a) Zone.

Additionally, staff have explored the expansion of Transit Oriented Corridor Zones (TOC) to lands along the BLAST transit network. The BLAST network is represented on Appendix "B" - Major Transportation Facilities and Routes as the Potential Higher Order Transit routes in the UHOP (see Appendix "C" attached to Report PED23069).

The proposed zoning will not apply to the lands within the Urban Boundary Expansion area. The zoning for those lands will be determined subsequent to the completion of the Secondary Planning process.

As part of this work, staff will evaluate, consult, and report back on the applicability of the MRR and TOC Zones along these corridors/arterial roads to consider existing context, urban design, and achieving the City's intensification targets in appropriate ways throughout the City.

Staff is requesting the attached Draft MRR Zones be received for information, and to authorize public engagement on the expansion of the TOC Zones and the creation of the new Draft MRR Zones. Staff will continue to develop the zones, refining the location for mid rise development, testing the built form regulations, taking into consideration public and stakeholder comments.

Alternatives for Consideration – See Page 19

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FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The City of Hamilton's new Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005 and is being implemented in phases. The Comprehensive Zoning By-law Project has introduced new zones in phases by geographic area or land use type.

- Downtown (2005);
- Parks and Open Space (2006);
- Institutional (2007);
- Industrial (2010);
- Rural (2015);
- Utility (2015);
- Transit Oriented Corridors (2016);
- Commercial and Mixed Use (2017);
- Waterfront (2017); and,
- Low Density Residential (2022).

Subsequent to the completion of Zoning By-law No. 05-200, housekeeping amendments have also been brought forward to address administration and interpretation issues that arise through the use of the regulations in an effort to keep Zoning By-law No. 05-200 up to date.

In 2016 the City of Hamilton introduced Transit Oriented Corridor Zones (TOC) to Zoning By-law No. 05-200 through Reports PED16100 and PED16100(a). The TOC Zones support residential and commercial intensification that is beneficial to transit investment, contribute to city building, and remove regulatory barrier for new investment and/or redevelopment opportunities. When the TOC Zones were introduced, the new zones were applied along the proposed Light Rail Transit (LRT) corridor and later extended along Queenston Road to Centennial Parkway North through Report PED18012.

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

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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 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. A decision on OPA No. 167, as amended, was issued by MMAH on November 4, 2022. The resulting policy changes have been incorporated into the development of the Draft MRR Zones and are reflected in the expansion to the existing TOC Zones.

To implement the UHOP, as amended by OPA No. 167, staff have developed two new Draft MRR Zones and are proposing an expansion of the TOC Zones for the entirety of the BLAST network. The proposed zoning will not apply to the Urban Boundary Expansion lands through OPA No. 167 until such time as Secondary Plans are completed.

Further to the Minister of Municipal Affairs and Housing letter dated October 25, 2022 the City of Hamilton endorsed a Municipal Housing Pledge (PED23056) to facilitate the construction of 47,000 units by 2031. This initiative facilitates the 'up zoning' of many of the City's Urban Corridors and major and minor arterial roads in a form that is commonly referred to as the 'missing middle'. The incorporation of additional lands into a zoning category that allows for as of right intensification will help to achieve the goals set out in the City's Municipal Housing Pledge by facilitating increased construction opportunities.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Draft MRR Zones implement the policies of the UHOP, which, in turn, were guided by the Provincial Policy Statement 2020 (PPS, 2020) and the Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2020). These policy documents provide detailed direction regarding the goals related to land use, scale, compatibility, and design, as well as permitted uses to be incorporated into implementing Zoning By-laws.

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1.0 Provincial Legislation

1.1 Bill 108 – *More Homes, More Choice Act, 2019*

Bill 108 (*More Homes, More Choice Act, 2019*) received Royal Assent on June 6, 2019 for a broad change to various pieces of legislation such as the *Planning Act*, *Ontario Heritage Act*, and the *Development Charges Act*, amongst others. To implement the Bill, the Province released the first annual Housing Supply Action Plan which is aimed at increasing housing supply in the Province.

1.2 Bill 109 – *More Home for Everyone Act, 2022*

Bill 109 amends six statutes, including the *Planning Act*, *Development Charges Act*, and the *City of Toronto Act, 2006*. Under the *Planning Act*, amendments impact:

- Ministerial approval authority for Official Plan Amendments;
- The Site Plan Control process;
- Planning application fees;
- Municipal review of Community Benefits Charges by-laws;
- Parkland requirements on land designated as transit-oriented community land;
- Extensions for Plan of Subdivision approvals; and,
- Ministerial authority to make certain regulations respecting surety bonds.

The Bill alters local decision making with respect to the development application process and has the potential to move the decision making to the Ontario Land Tribunal. Finally, a significant impact of the legislation is the requirement for the City to refund development application fees for Official Plan Amendment/Zoning By-law Amendment, and Site Plan Control applications if prescribed timelines for approval or decision-making are not met.

1.3 Bill 23 – *More Homes Built Faster Act, 2022*

This legislation is part of the government's plans to achieve construction of build 1.5 million homes by 2032. Bill 23 implements recommendations from the Ontario Housing Affordability Task Force Report. Bill 23 made fundamental changes to the land use planning system in Ontario through changes to the *Development Charges Act*, *Planning Act*, *Municipal Act*, and others.

1.4 Bill 97 – *Helping Homebuyers, Protecting Tenants Act, 2023*

Bill 97 is the latest of a series of legislative amendments intended to facilitate Ontario's Housing Supply Action Plan and increase housing supply in the province.

The bill proposes to introduce amendments to the following statutes:

1. *Building Code Act, 1992;*
2. *City of Toronto Act, 2006;*
3. *Development Charges Act, 1997;*
4. *Ministry of Municipal Affairs and Housing Act;*
5. *Municipal Act, 2001;*
6. *Planning Act; and,*
7. *Residential Tenancies Act, 2006.*

2.0 Provincial Policy

2.1 Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2020)

The Growth Plan directs municipalities to accommodate intensification in a manner that encourages complete communities, resulting in connected and transit supportive urban areas. The TOC Zones achieve these goals through the implementation of flexible permitted uses, pedestrian oriented built form standards and higher density development opportunities. Expanding TOC Zoning along arterials on the BLAST network encourages a mixed-use, transit-supportive, pedestrian-friendly urban environment. The creation of Draft MRR Zones within Zoning By-law No. 05-200 is necessary to allow intensification that allows for complete communities and is supportive of transit service.

“2.2.1 Managing Growth

- 2.2.1.2 a) The vast majority of growth will be directed to settlement areas that: have a delineated built boundary;
- i. Have existing or planned municipal water and wastewater systems; and,
 - ii. Can support the achievement of complete communities;
- 2.2.1.2 c) Within settlement areas, growth will be focused in:
- i. Delineated built-up areas;
 - ii. Strategic growth areas;
 - iii. Locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. Areas with existing or planned public service facilities;
- 2.2.1.3 c) Provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the

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achievement of complete communities through a more compact built form;

- 2.2.1.4 a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; and,
- 2.2.1.4 c) Provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The Growth Plan encourages focusing growth in built up areas, particularly along transit corridors. Providing diverse unit types and land uses is a common theme within the policies, in addition to creating accessible communities that provide options for different stages of life. Given the forgoing the expansion of the TOC Zones, and the Draft MRR Zones conform to the policies of the Growth Plan.

2.2 Provincial Policy Statement 2020 (PPS)

The Provincial Policy Statement (2020) came into effect on May 1, 2020, which replaced the 2014 version. The PPS provides policy direction on matters of Provincial interest related to land use planning and development. Both the Rural and Urban Hamilton Official Plans implements provincial policy. More specifically, the Draft MRR Zones and the TOC Zones implement the following policies:

- Creating healthy, liveable, and safe communities are sustained by accommodating an appropriate range and mix of residential (Policy 1.1.1b);
- Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of residential intensification (Policy 1.4.3b); and,
- Requiring transit-supportive development and prioritizing intensification, in proximity to transit, including corridors and stations (Policy 1.4.3e).

Based on the foregoing, development of the Draft MRR Zones within Zoning By-law No. 05-200, and the potential expansion of the application of the TOC Zones are consistent with the PPS (2020).

On April 6, 2023, the Ministry of Municipal Affairs and Housing issued notice for a new Provincial Policy Statement, which combines both the PPS and the Growth Plan into

one comprehensive document and modifies policies therein. The City of Hamilton is providing comments on the proposed PPS in advance of the June 5, 2023, commenting deadline. The proposed changes would not impact the draft MRR Zones or the expansion of the TOC Zones. Any changes to the PPS and Growth Plan will be reviewed to ensure any changes to the Zoning By-law are in conformity.

3.0 Urban Hamilton Official Plan

The Draft MRR Zones have been developed to implement the policies of the UHOP. The UHOP provides direction on the development of the City's Urban Corridors, which provides that Urban Systems shall accommodate growth through the development of compact, mixed use urban environments that support existing or planned transit. Further, the Growth Plan for the Greater Golden Horseshoe: A Place to Grow, (2020) distributed a population of 820,000 people and 360,000 jobs to the City of Hamilton by the year 2051. The UHOP identifies intensification in the built-up area as one means to meet the 2051 targets. A portion of the intensification is to be directed to arterial roads in the built-up area as a means of managing growth to support a strong competitive economy; making more efficient and effective use of infrastructure and public service facilities; conserving and promoting cultural heritage resources; protecting and enhancing our natural resources including land, air and water; and planning for more resilient communities and infrastructure.

As a result of the direction within the UHOP, staff have evaluated opportunities on the Urban Corridors and Major and Minor Arterial Roads for intensification to meet the goals laid out in Section E of the UHOP. The Draft MRR Zones were developed to encourage intensification to provide for a denser built form that allows for a broader range of dwelling types, that promotes walkability, supports transit, and allows for efficient use of resources. The Neighbourhoods designation is to primarily consist of residential uses and complementary facilities and services intended to serve the residents, including, parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services. The draft R3 Zone has been developed to incorporate some forms of local commercial uses on the ground floor of multiple dwellings to serve local residents. The expansion of the TOC Zones allows for a pedestrian focused mixed-use built form along the City's BLAST network, which is supportive of complete communities that support transit, and provide opportunities to live, work, and play for the residents of Hamilton. Infill and intensification along the City of Hamilton's Urban Corridors and Arterial Roads is consistent with the policies contained within the UHOP.

The Draft MRR Zones and TOC expansion achieve the policies in the UHOP by permitting additional opportunities for a denser built form along the Urban Corridors to meet the social, health and well-being requirements of all current and future residents. The built form of the Urban Corridors will support transit oriented communities, provide

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infill opportunities, and more efficiently utilize existing infrastructure and services. The intensification of the Urban Corridors through MRR and TOC Zoning will also support the growth targets set out in the UHOP, while maintaining a mixed use pedestrian focus.

City Wide Corridor Planning Principles and Design Guidelines

The purpose of the City-Wide Corridor Planning Principles and Design Guidelines is to provide planning and design directions for Corridors in the City of Hamilton. Corridors link Nodes and important areas of activity within the City and are intended to be key locations for residential intensification. Corridors may form the boundaries of residential subdivisions or neighbourhoods but should act as a linear focus for activities and uses within the community. The City's Corridors provide a significant opportunity for creating vibrant pedestrian and transit oriented places through investment in hard and soft infrastructure, residential intensification, infill and redevelopment.

The following principles, along with Official Plan policies are the basis for the Design Guidelines. These principles also provide a guide to other planning initiatives: Corridors should be planned and developed to:

- a) Support and facilitate development and investment that contributes to the economic and social vitality of the Corridor and adjacent neighbourhoods;
- b) Promote and support development which enhances and respects the character of existing neighbourhoods where appropriate and creates vibrant, dynamic, and liveable urban places through high quality urban design;
- c) Develop compact, mixed use urban environments that support transit and active transportation;
- d) Promote and support an innovative sustainable built environment that uses resources efficiently and encourages a high quality of life; and,
- e) Identify areas of change as the locations for new development along Corridors.

These guidelines are intended to guide site and building design to achieve the following goals:

- a) Encourage new intensification and infill development by allowing flexibility and providing alternatives to minimize constraints and provide opportunities;
- b) Create streetscapes that are attractive, safe and accessible for pedestrians, transit users, cyclists and drivers;
- c) Minimize the negative effects of shading on existing adjacent properties, streets and public spaces;
- d) Minimize the negative effects of changes in building scale and character on existing streetscapes and adjacent properties;
- e) Minimize the negative effects of overview on existing adjacent private properties; and,

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- f) Encourage a diversity of built form, neighbourhood character and development opportunities along the Corridors.

The TOC Zones implement the policies in the City Wide Corridor Planning Principles and Design Guidelines. The pedestrian oriented and mixed use nature of the Zones assist in achieving the goals outlined in the Guidelines. Based on the aforementioned, the expansion of the TOC Zones is consistent with the Guidelines.

RELEVANT CONSULTATION

Staff from the Urban Design Section and Development Planning Sections have been consulted and have reviewed the attached Draft MRR Zones. Comments have been provided to further refine the Draft Zones prior to releasing it for public review and feedback. At the meeting, staff suggested changes to add clarity to the proposed zone regulations and definitions, and appropriate changes were made to the Draft zones.

Prior to the final Draft MRR Zones being brought forward to for approval, staff will engage in robust consultation with relevant internal departments, stakeholders, industry professionals, and members of the public. Staff will focus on refining the Draft MRR Zones to include good urban design measures, sustainability measures, and to meet intensification targets.

As discussed in Section 4.0 Next Steps of this Report (see below), the public consultation for the projects is proposed to be undertaken with other current Zoning By-law Reform projects in order to showcase a more complete picture and avoid duplication in information presented to the public. Consultation will occur between June – September of 2023. The projects include Low Density Residential Phase 2, Mid Rise Residential, Transit Oriented Corridor Zones (expanded area), the Low Density Residential Urban Design Standards, and the Sustainable Building Guidelines. The intent of this work is to develop a diverse and creative public consultation plan incorporating multiple methods of consultation.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1.0 Zoning and Climate Change Initiatives

The Mid Rise Residential Zoning is being developed in conjunction with a number of City led initiatives including the complete streets manual, the pending development engineering guidelines updated with the Low Impact Development Guidelines, the Green Development standards, the Urban Forestry Strategy, and are being developed to respond to climate change and housing affordability.

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2.0 Mid Rise Residential Zones

Zoning By-law No. 05-200 introduced Low Density Residential Zones in August of 2022 R1 and R1a (Report PED22154). Planning staff have since begun work on developing MRR Zones as the next phase in the Residential Zones project. Staff have evaluated arterial roads within the built-up area to identify opportunities for intensification to meet population and job targets, to accomplish more efficient use of infrastructure and services, and to support transit and pedestrian oriented communities.

The Draft MRR Zones are intended to introduce zoning provisions for multiple dwelling buildings and similar uses, typically up to six storeys. The UHOP, through OPA No. 167, introduced increased height permissions to Medium Density Designation of up to 12 storeys in height without the need of an Official Plan Amendment. As a result of this change, the draft provisions are scaled to allow height flexibility, to a maximum of 12 storeys, provided the site can meet several criteria.

To accommodate development to a maximum height of 12 storeys, the site must also be able to accommodate:

- Increased side yard setbacks;
- Maximum lot coverage;
- Height stepbacks;
- Angular plane requirements;
- Minimum landscaped open space;
- Visual buffer planting strips; and,
- Amenity area on site.

The combination of these criteria prevents over development of a lot and decreases impact on neighbouring properties and the streetscape, meaning not all sites will meet the requirements to be developed at a height of 12 storeys. Holding provisions may be required to ensure the above criteria can be achieved on individual properties in order to allow the full extent of the permissions, and the use of a holding provisions will be explored when the proposed zones are applied to specific properties.

Zoning By-law No. 05-200 is a “living document”, which is flexible, user friendly, and responsive to the needs of residents and the business community. In developing the Zones, staff have taken direction from the UHOP which sets out specific policies in the Neighbourhoods designation with respect to permitted and prohibited uses, designation-specific policies such as parcel size, setbacks, and scale and design of the built form.

The Draft MRR Zones allow for a built form that provides what is commonly referred to as the ‘missing middle’.

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The missing middle incorporates different forms of multiple dwellings including:

- Townhouses;
- Stacked townhouses;
- Block townhouses; and,
- Mid rise apartment/condominium buildings.

“Missing middle” housing provides choice to residents, are typically more affordable than single detached dwelling and other LDR uses, make more efficient use of land, infrastructure, transit, and other services, and can create a more walkable and dense community. The Draft MRR Zones provide infill opportunities while not disrupting the existing residential fabric. The Draft MRR Zones are meant to be applied on the periphery of neighbourhoods and serve as a transitional zone between Low Density Residential Zones and Commercial, Institutional, and High Rise Residential Zones. Providing transitional zones allows for a cohesive built form that manages conflicts between land uses and building forms and assists with maintaining area character.

The permitted uses, prohibited uses and zoning regulations were developed based on the character and desired built form and will direct future development, ensuring conformity with the UHOP policies.

There are two Draft MRR Zones that are being brought forward for permission to conduct public consultation through June – September 2023.

- Mid Rise Residential (R3) Zone; and,
- Mid Rise Residential – Small Lot (R3a) Zone.

The primary difference between the R3 and R3a Zone is the building scale and the function. The maximum height is proposed at 6 storeys in R3a whereas the maximum height is up to 12 storeys in the R3 Zone. The R3 Zone has a minimum lot area of 1575 square metres to ensure only larger lots are included in the zone, the R3 Zone also allows for mixed use buildings through permitting local commercial uses on the ground floor. Through the next stage, staff will contemplate land assembly requirements to achieve the full extent of zoning permissions in the R3 Zone and will be assessing the application criteria for implementation of each of the zones. Application criteria will be fully demonstrated through mapping changes which will form part of public consultation and final recommendations to Planning Committee.

The above Draft Zone provisions are attached as Appendix “A” and Appendix “B” to Report PED23069.

The following is a discussion of each of the Draft MRR Zones in greater detail.

2.1 Mid Rise Residential (R3) Zone

The vision for the R3 Zone is to be implemented along arterial roads with regular transit service, near commercial and institutional uses, and will not apply internal to existing neighbourhoods. The intent of the R3 Zone is to permit a range of unit types to meet the needs of the residents of the City. This Zone represents a more intense form of residential built form with a maximum building height of 44.0 metres (12 storeys) to align with UHOP OPA. 167. This Zone will generally be applied to large lots, at intersections, and on primary corridors.

Permitted uses include multiple dwellings, residential care facilities, and retirement homes. The Zone permits more flexibility on building height to allow for more housing units on main arterial roads. Additionally, local commercial type uses will be permitted on the ground floor of multiple dwellings and include uses such as Medical Clinic, Personal Services, Social Services Establishment, Retail, and Restaurant. In contrast to the Commercial Mixed Use Zones, C1, C2, and C3, the primary intent of the R3 Zone is providing residential units. In comparison, C1, C2, and C3, allow for commercial uses with accessory dwelling units, whereas R3 focuses on housing opportunities and allows for, but does not require, commercial accessory to residential.

2.2 Mid Rise Residential – Small Lot (R3a) Zone

The R3a Zone is intended to accommodate mid rise residential uses with a built form that is more appropriate near a low density residential context. The intent of the R3a Zone is to be implemented along arterial roads with access to transit, and along secondary corridors provide a mix of unit types and accommodate additional units. The maximum building height within this zone is proposed to be 22.0 metres (six storeys). This Zone creates an appropriate transition to low density residential uses by implementing increased setbacks, stepback requirements and reduced height permissions.

Permitted uses include multiple dwellings, residential care facilities, and retirement homes.

3.0 Municipal Zoning By-laws Comparisons

As part of the development of the Draft MRR Zones, staff compiled all zones in the former communities Zoning By-laws including, Ancaster, Dundas, Flamborough, Glanbrook, Stoney Creek, and the former City of Hamilton, that allowed for multiple dwellings in the height range of 6 to 12 storeys. The evaluation compared zone regulations for most restrictive, least restrictive, and identified common themes.

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Many of the former community residential zones were created under a past provincial policy framework and previous iterations of the Official Plans and may not represent today's best practices. The comparison of zone regulations for the former community Zoning By-laws, municipal comparators, and the Draft MRR Zones, are presented in Appendix "E" attached to Report PED23069. The most notable differences between the Former Community By-law zone provisions for a 6 to 12 storey multiple dwelling, and the Draft MRR Zone provisions include:

- Allowing a maximum building height of 44.0 metres (12 storeys);
- A reduced front yard of 3.0 – 6.0 metres;
- A scaling interior side yard setback relative to height;
- A scaling stepback relative to height;
- Increased amenity area per unit; and,
- Increased minimum landscaped open space.

Staff also reviewed common mid rise residential practices from other neighbouring municipalities such as Kitchener, London, Kingston, Barrie, and Toronto to gain an understanding of current trends in land use and zoning. Elements of these trends have been incorporated into the Draft MRR Zones.

4.0 Additions to Other Sections of Zoning By-law No. 05-200

As the Draft MRR Zones move through the next phase, staff will evaluate additional amendments needed to other sections of the Zoning By-law, such as;

- Section 3: Definitions;
- Section 4: General Provisions; and,
- Section 5: Parking Regulations.

Further, existing special exceptions and holding provisions will be investigated to determine if they need to be carried forward.

5.0 Transit Oriented Corridor Zone Expansion

The TOC Zone expansion is part of a larger effort to comprehensively evaluate opportunities for intensification within the urban boundary. As staff reviewed intensification opportunities, arterial roads presented the most appropriate means of intensification. The BLAST network and primary corridors presented a different land use context and opportunity for increased intensification and more diverse uses. Opportunities identified included;

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- Arterials roads, not along the BLAST network, present an opportunity for Mid Rise Residential intensification; and,
- BLAST network opportunity for expansion of the TOC Zones.

Currently, there are four TOC Zones within Zoning By-law No. 05-200;

- Transit Oriented Corridor – Mixed Use Medium Density (TOC1) Zone;
- Transit Oriented Corridor – Local Commercial (TOC2) Zone;
- Transit Oriented Corridor – Multiple Residential (TOC3) Zone; and,
- Transit Oriented Corridor – Mixed Use High Density (TOC4) Zone.

The following descriptions of each of the TOC Zones provides context on the different applications and intent for each.

5.1 TOC1 Zone

The TOC1 Zone is located along collector and arterial roads that function as higher order transit corridors. The Zone provides for a mixture of service commercial, retail and residential uses in stand-alone or mixed use buildings. The intent of the built form requirements is to create complete streets that are transit supportive and will provide for active, and pedestrian oriented streets.

5.2 TOC2 Zone

The TOC2 Zone is located along collector and arterial roads which function as higher order transit corridors. The intent of the TOC2 Zone is to maintain areas of the corridor for uses that provide the daily and weekly services required for the local residents and surrounding community. The TOC2 Zone permits a mix of commercial and residential uses, however the priority of these areas is to maintain and provide service commercial and retail uses to meet the needs of the local community.

5.3 TOC3 Zone

The TOC3 Zone is located along collector and arterial roads that function as higher order transit corridors. The Zone recognizes the residential nature of sections of the corridor and the need to maintain these areas for residential purposes in the future. The built form requirements allow for medium-density development; however, this zone also recognizes existing built form.

5.4 TOC4 Zone

The TOC4 Zone is applied within the Centennial Sub-Regional Service Node, along the major arterial road that functions as a higher order transit corridor. The Zone provides

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for a mixture of service commercial and retail uses intended to serve a regional market and the day-to-day needs of residents in the immediate area. The intent of the built form requirements is to create a people place through the design and physical arrangement of service commercial, retail and high density residential uses to facilitate the function of the area as a major transit hub.

5.5 Application of the TOC Zones

The BLAST network arterials will be evaluated on a case by case basis to provide context for the most appropriate TOC Zone application. The TOC Zones provide flexibility in use, while consistently providing a pedestrian focused built form. As part of the evaluation, the TOC Zone provisions will be reviewed as the context of lands within the Zones expand. The variability through TOC Zones 1-4 allows for flexibility in application. The BLAST network is partially comprised of primary and secondary Urban Corridors, including Mohawk Road West, Upper James Street, and Rymal Road East, as seen on “Schedule E – Urban Structure” of the UHOP. The UHOP provides that Urban Corridors should be the focus of intensification and mixed use built form. These corridors should connect neighbourhoods, support transit, and provide opportunities for live, work, and play. The TOC Zones provide regulations through the Zoning By-law that implement these policies and are therefore being explored along the BLAST network.

6.0 Current Development Application Review

Staff have been reviewing active Development Applications to compare existing zoning regulations against the Draft MRR Zones. This review has identified common areas of variance as well as opportunities for regulations to better implement the policies of the UHOP and other guiding documents including commonalities in built form, massing and site layout. Staff further tested the Draft Zone provisions through highlighting discrepancies in recent applications that would require an amendment or minor variance.

Some trends were identified, such as similar minimum landscaped area percentages, however, generally were diverse. As a result of the testing of sites and formal consultation development proposals, staff revised the Zone provisions to represent a realistic and flexible set of regulations. Flexibility is built into Zoning to account for various site contexts, conditions, layout and design. Development proposals reviewed represented a wide array of building form and site design, including multiple dwellings in the form of apartment/condo buildings of various heights, various forms of townhomes, and a combination of built forms.

Additionally, staff tested the Draft MRR Zone provisions through modelling software on a number of sites throughout the City. The following regulations were tested using different development scenarios:

- Height;
- Front yard setback;
- Rear yard setback;
- Side yard setback;
- Height step-backs;
- Lot coverage; and,
- Minimum landscaped area.

Site testing was done on a number of sites including lots of varying size, location, and context. Neighbouring properties were reviewed to evaluate impact on the street. As a result of site testing, the proposed setback from the front lot line and side yard was increased, and more measures were implemented to mitigate shadow impact from height increases. The required landscaped area was also increased to avoid over development of lots. Further site testing is to be completed through summer of 2023.

7.0 Green Building Standards

On September 6, 2022, Planning Committee approved Report PED22185 which gave staff permission to further consult on the Sustainable Building and Development Guidelines – Low Density Residential. At that meeting, staff heard feedback that Committee desired a more comprehensive review of Green Building Standards (GBS) to be applied across all zones. As a result, staff retained the consultant who completed Phase 1 – Low Density Residential, to conduct a larger review across all zones. That work is currently underway and is expected to be brought to Planning Committee in Q4 of this year. Following the adoption of the GBS, the MRR Zones will incorporate the principals of the GBS as a form of implementation.

The City of Hamilton received a letter from the Ministry of Municipal Affairs and Housing regarding amendments to the Building Code which will include new Green Building Standards for all new development. The City is participating in the consultation process in the development of the new standards and the City's Green Building Standards will reflect any changes made to the Building Code. Municipalities are not permitted to be more restrictive than the Building Code, and therefore, any Standards will be aligned.

8.0 City-Wide Parking Study

In 2022 Transportation Planning and Planning staff initiated a City-wide Parking Study that will review parking rates for all residential uses. The study is expected to be completed and brought to Planning Committee in 2023. As a result of the Parking

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Study, some changes to the MRR Zones and Section 5: Parking of Zoning By-law No. 05-200 may be required. Staff will monitor the progress of the study and incorporate any changes as necessary.

9.0 Implementation

The implementation of the draft MRR Zones and expansion of the TOC Zones align with the Residential Intensification targets established through the GRIDS Master Plan work. Staff will continue to discuss the zoning changes with colleagues in Development Engineering, Transportation Planning and Public Works to ensure that the proposed zoning framework, lands subject to the change in zoning and any infrastructure modelling contemplate the additional development permissions and reflect the City's goals for growth.

The draft MRR Zones and the expansion of the TOC Zones will facilitate an 'up zoning' of the properties along the City's Urban Corridors and major and minor arterial streets. Development along the corridors will be subject to normal development processes including Site Plan Control, Land Severance, and possibly Minor Variance applications to accommodate specific development proposals.

10.0 Next Steps: Consultation

Staff will be proceeding with a robust consultation plan for the Draft MRR Zones and the expansion of the TOC Zones in coordination with other ongoing City Initiatives. It is contemplated that the results of the consultation plan will inform updates and changes to the draft MRR Zones and implementing mapping. Areas of interest such as urban design, transportation, permitted uses, and waste management, may have impact on the final zoning regulations. The following is a detailed summary of the particulars of each phase.

10.1 Open House In-Person and Virtual

A number of statutory open houses will be held throughout the City between June and September 2023 at varying times of day. This format was successful during the Rural Zoning, CMU Zoning, and TOC Zoning, as the format allows residents and business owners the opportunity to attend either one of these events based on their availability and provide the necessary feedback to Staff on the proposed Zones. The open houses will consult on multiple ongoing projects that are all contributing to the future built form of the City of Hamilton. These projects are being consulted on concurrently to provide the public with a whole picture, rather than a piece meal approach that does not accurately depict the full scope of projects being brought forward. The location of the meetings will be as accessible as possible with access to public transit, sufficient

parking, and be barrier-free. The virtual open houses will provide an opportunity for those that cannot physically attend in person open houses.

The Statutory Open Houses will include a presentation along with a series of display panels identifying the Draft MRR and TOC Zones and pertinent proposed regulations. Staff will be available throughout the Statutory Open Houses to provide assistance on questions and feedback.

10.2 Engage Hamilton and Project Webpages

In addition to the Open Houses, a webpage will be made available for public information on www.engagehamilton.ca. Further to EngageHamilton, a webpage for each project will provide a summary of the project and an opportunity for members of the public to submit questions or feedback.

The webpage for the Draft MRR Zones project will provide the draft zone provisions, modelling imagery showcasing zone provisions, as well as draft mapping to show potential sites to be re-zoned to an MRR Zone. The website will provide contact information for more details and to submit questions or comments.

The webpage for the TOC Zones Expansion project will provide modelling imagery showcasing zone provisions, as well as draft mapping to show potential sites to be re-zoned to a TOC Zone.

10.3 Public Feedback Summary and Consultation Summary Report

Following the public and stakeholder consultation, as well as internal staff consultation with various departments and the Technical Advisory Committee (TAC), a summary will be provided of all public feedback, which will be included in a consultation summary report. Each of the respective projects will contain a section speaking to both the public feedback summary and consultation summary report, and how comments, questions, and concerns were addressed.

All comments received will be reviewed and will inform the final Draft MRR Zones and the expansion of the TOC Zones and will return to Planning Committee for approval.

ALTERNATIVES FOR CONSIDERATION

Council may choose not to support authorization for staff to commence public consultation on the Draft MRR Zones and TOC Zone expansion. Planning Committee / Council may choose to have further discussion on changes to the draft zoning before public consultation begins. The alternative would delay the Residential Zones work plan and delay the implementation of the Draft Zones.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23069 - Draft Mid Rise Residential R3 Zone

Appendix “B” to Report PED23069 - Draft Mid Rise Residential R3a Zone

Appendix “C” to Report PED23069 - UHOP Appendix “B” – Major Transportation
Facilities and Routes

Appendix “D” to Report PED23069 - “Schedule E – Urban Structure” of the UHOP

Appendix “E” to Report PED23069 - Comparison Chart for Zoning Provisions of 6-12
Storey Multiple Dwellings in the Former
Community Zoning By-laws

MS:sd