



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

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | May 17, 2022  |
| <b>SUBJECT/REPORT NO:</b> | Municipal Comprehensive Review / Official Plan Review –<br>Phase 1 Amendments to the Urban Hamilton Official Plan and<br>Rural Hamilton Official Plan (PED21067(b)) (City Wide) |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Delia McPhail (905) 546-2424 Ext. 6663  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department   |
| <b>SIGNATURE:</b>         |   |

**RECOMMENDATION**

- (a) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21067(b), which updates the Official Plan to conform with Provincial planning policies and which implements the direction given by the General Issues Committee Decision on November 19, 2021 for a No Urban Boundary Expansion growth option, as part of the City’s Growth Related Integrated Development Strategy 2, be APPROVED, and submitted to the Minister of Municipal Affairs and Housing for approval, in accordance with the requirements of the *Planning Act* on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “A” to Report PED21067(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21067(b), which updates the Official Plan to conform with Provincial planning policies and which implements the direction given by the General Issues Committee Decision on November 19, 2021 for a No Urban Boundary Expansion growth option, as part of the City’s Growth Related Integrated Strategy 2, be APPROVED, and submitted to the Minister of Municipal Affairs and Housing for

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approval, in accordance with the requirements of the *Planning Act* on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21067(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  
- (c) That upon adoption of the draft Urban Hamilton Official Plan Amendment and Rural Hamilton Official Plan Amendment, attached as Appendices “A” and “B” respectively to Report PED21067(b), Planning staff be directed and authorized to prepare the implementing Zoning By-law Amendments to the Zoning By-laws of the former Communities of Ancaster, Dundas, Flamborough, Glanbrook, former City of Hamilton, and Stoney Creek and schedule a statutory public meeting of the Planning Committee to consider the proposed changes to the Zoning By-laws of the former Communities.

## **EXECUTIVE SUMMARY**

Staff has taken a topic-based approach to the identification of policy and mapping updates to the review of the Urban and Rural Hamilton Official Plans, resulting from provincial land use policy changes and the implementation of the Council direction on how the City should grow over the next 30 years.

The draft Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan, which are attached as Appendices “A” and “B” to Report PED21067(b), respectively, have been revised from the Amendments presented to Council in January 2022, attached as Appendices “A” and “B” to Report PED21067(a). The changes respond to comments received from Indigenous communities, stakeholders, agencies, members of the public, as well as input from Provincial ministries. Additional updates include refinements identified by staff, as well as direction from Council regarding deferred employment land conversion requests and urban boundary expansion requests in the vicinity of Waterdown.

Planning staff have completed the public engagement strategy on the proposed Municipal Comprehensive Review (MCR) updates to the Urban Hamilton Official Plan (UHOP) and the updates to the Rural Hamilton Official Plan (RHOP) to conform to provincial policies and to implement Council’s decision for a No Urban Boundary Expansion growth strategy, as well as proposed Zoning By-law Amendments to give effect to the proposed Urban Hamilton Official Plan Amendment.

To implement the draft Amendments to the UHOP, attached as Appendix “A” Report PED21067(b), changes are required to the City’s Zoning By-laws. An expanded range

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of uses are proposed for existing Low Density Residential (LDR) Zones, as were identified in Appendix “I” attached to Report PED21067(a) and presented to the public during the public consultation that took place in February of this year. The proposed amendments to the Zoning By-laws of the Former Communities are presented in Appendix “H” attached to Report PED21067(b).

Upon direction from Council, staff will prepare the Zoning By-law Amendments for the former Communities. The Zoning By-law Amendments will be presented at a future statutory public meeting, in accordance with the *Planning Act*.

**Alternatives for Consideration – See Page 34**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: While there are no staffing implications related to this report, based on *Bill 109*, the Minister of Municipal Affairs and Housing may refer the proposed Official Plan Amendments (OPAs) to the Ontario Land Tribunal (OLT) for advice or a decision. It is anticipated that the OLT would be required to hold a hearing and hear from witnesses either in support or opposition to the proposed OPAs. A contested hearing with multiple parties and witnesses would require 10-15 weeks of hearing time. Based on current commitments, it is anticipated that external legal counsel would be required combined with an external professional experts in the subject areas of planning, demographics and land economics to defend the No Urban Boundary Expansion growth management strategy at the OLT. The anticipated cost would be \$1.5 M to \$2.5 M.

Staffing: N/A

Legal: In accordance with Section 17 of the *Planning Act*, OPAs that implement a Municipal Comprehensive Review require the approval of the Minister of Municipal Affairs and Housing.

There is no third part appeal right in respect of a Minister’s decision on an OPA where the Minister is the approval authority. However, as identified in the Financial Implications Section *Bill 109* introduced changes to the Planning Act to allow the Minister of Municipal Affairs to refer the OPA to the OLT for advice and/or a hearing and decision on the merits of all or part of the OPA to implement the results of the City’s Municipal Comprehensive Review. In addition, *Bill 109* permits the Minister of Municipal Affairs and Housing to suspend the time period for filing a non-decision appeal of an OPA where the Minister is the approval authority, although the suspension of

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the timeline does not preclude the Minister from making a decision. A non-decision appeal may be made 120 days following the date the Minister received the OPA.

In accordance with Section 17(17) of the *Planning Act*, Public notice was posted in The Hamilton Spectator on April 12, April 18, and April 23, 2022, Ancaster News, Dundas Star News, Mountain News and Stoney Creek News on April 21 and April 28, 2022.

In accordance with Section 17(15) of the *Planning Act*, a Virtual Statutory Open House was held on May 3, 2022.

In accordance with Sections 17 and 26 of the *Planning Act*, the Statutory Public Meeting is being held on May 17, 2022 (and this meeting qualifies as both Special Meeting under Section 26 and public meeting under Section 17).

## **HISTORICAL BACKGROUND**

An historical account of the *Planning Act* requirements and Provincial Plan updates, as well as the City's GRIDS 2 and MCR of the Urban Hamilton Official Plan and Rural Hamilton Official Plan, is found beginning on Page 4 of Report PED21067(a). This report is the second report of the First Phase of the MCR / Official Plan Review of the City's Official Plans. Following the approval of the Recommendations contained in Report PED21067(a), on January 19, 2022, Council directed and authorized Planning staff to:

- Engage in public consultation with Indigenous communities, stakeholders, and residents on the proposed amendments to the UHOP Amendment and RHOP, attached as Appendices "A" and "B" to Report PED21067(a);
- Submit the proposed UHOP Amendment and RHOP Amendment, attached as Appendices "A" and "B" to Report PED21067(a), to the Minister of Municipal Affairs and Housing for review and comment, in accordance with the requirements of the *Planning Act*;
- Prepare the necessary implementing Zoning By-law Amendments to the Zoning By-laws of the Former Communities, for lands outside of Secondary Plan areas, as well as for low density residential areas within Secondary Plan Areas, to give effect to the proposed UHOP Amendment and that Planning staff present the proposed Zoning By-law Amendments at the statutory public meeting to consider the proposed OPAs;

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- Schedule and give notice of a statutory public meeting no later than May 3, 2022 to consider the draft OPA(s) and Zoning By-law Amendments, in accordance with the *Planning Act* (Note: The May 3, 2022 Public Meeting has been postponed to May 17, 2022 to allow for additional consultation to occur);
- Report back on the results of the consultation and any proposed changes to the draft OPA(s) and Zoning By-law Amendments, based on feedback, at the statutory public meeting; and,
- Provide a Communications Update to Council upon receipt of the comments from the Minister of Municipal Affairs and Housing on the proposed amendments to the UHOP and RHOP (Note: At the time of preparation of this report, the Province has not provided comments on the proposed OPAs).

### **1.0 Official Plan Amendments**

The draft UHOP Amendment and draft RHOP Amendment attached as Appendices “A” and “B” to Report PED21067(b) represent the completion of the first phase of the City’s MCR / OP Review. For a complete outline of the phased approach of OPAs for the City’s MCR / OP Review, please refer to Page 6 of Report PED21067(a).

The No Urban Boundary Expansion growth option that was adopted by Council on November 19, 2021 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. The draft UHOP Amendment, attached as Appendix “A” to Report PED2067(b) and the draft RHOP Amendment, attached as Appendix “B” to Report PED21067(b), have been prepared to implement Council’s direction regarding No Urban Boundary Expansion growth scenario. Ministry of Municipal Affairs and Housing staff advised in November 2021 that the No Urban Boundary Expansion growth scenario poses a risk that the City will not conform with provincial requirements, as provided in Staff Report PED17010(n). Specifically, the Province indicated that the deletion of policies that permit an urban boundary expansion during this MCR could conflict with the provincial requirements to plan for and accommodate growth within the municipal boundary, and that, if adopted, forecasted growth may be redirected away from the City of Hamilton into other areas that are less suitable to accommodate growth. These provincial comments were noted in Reports PED17010(n) and PED17010(o). Staff has subsequently circulated the proposed Official Plan Amendments to implement the No Urban Boundary Expansion growth scenario to the Province; however, staff has not received any Provincial comments on the proposed amendments.

## **2.0 Zoning By-law Amendments**

To implement the proposed policy changes to the UHOP resulting from Council's selection of a no Urban Boundary Expansion growth option, 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 can 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.

Appendix "I" attached to Report PED21067(a) identified the new uses contemplated for the City's existing LDR Zones; semi-detached dwellings, triplexes, fourplexes, and street townhouse dwellings. Through Report PED21067(a), staff were directed to evaluate existing low density residential zones to identify the conformity amendments required, consult with the public and stakeholders, and present the implementing Zoning By-law Amendments to Planning Committee for consideration.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The policy implications and legislated requirements related to the MCR / OP Review and the Amendments to the UHOP and RHOP are outlined in Report PED21067(a).

### **RELEVANT CONSULTATION**

#### **1.0 Ministry of Municipal Affairs and Housing**

Section 17 of the *Planning Act* provides the approval authority (i.e., the Ministry of Municipal Affairs and Housing) 90 days to review and comment on draft OPAs, supporting documentation and any other prescribed materials to implement MCR.

On January 12, 2022, staff forwarded draft copies of the proposed Amendments to the UHOP (Conformity Amendment) and RHOP (Implementation of No Urban Boundary Expansion Growth Option), specifically, Appendices "A" and "B" attached to Report PED21067(a), to the Ministry of Municipal Affairs and Housing (MMAH), under the premise that should any changes or revisions be made by Council, staff would forward copies of the revised OPAs to MMAH for review and comment.

On January 19, 2022, Council directed and authorized staff to submit revised proposed Urban and Rural Hamilton Official Plan Amendments to the Minister of Municipal Affairs and Housing (MMAH) for review and comment, in accordance with the requirements of the *Planning Act*. Staff provided the Council approved proposed Amendments to MMAH staff on January 20, 2022, citing one modification to maintain the “Future Multi-Modal Hub” identified at Fifty Road and the QEW on UHOP Appendix “B” – Major Transportation Facilities and Routes, in accordance with Council direction.

Planning staff met virtually with MMAH staff on March 21, 2022 to check on the status of MMAH and provide any clarification on the proposed Amendments.

Based on the City’s initial letter to MMAH staff, the Province’s 90-day review period ended on April 12, 2022, and no formal comments have been received to date. MMAH staff indicated that written comments may be provided on April 20, 2022 or that a meeting may be arranged to provide City staff with an update on the Provincial review of the proposed Amendments.

### **1.1 Niagara Escarpment Commission**

Planning staff met virtually with Niagara Escarpment Commission (NEC) staff on March 11, 2022 regarding the proposed policy updates to the UHOP. The discussion was premised on the fact that the City of Hamilton is the largest urban centre along the Niagara Escarpment, and it is uniquely situated. NEC staff stressed the importance of preserving views of the Escarpment from the public realm.

Staff recognize that NEC comments will be communicated formally through MMAH, as per the Provincial “One Window” Planning Service. However, a comments summary is provided in Section 3.2 – Agency Comments, below.

### **2.0 City Staff**

In response to comments made by two Indigenous communities, the City’s Indigenous Strategy Group were consulted on the matter of the inclusion of a Land Acknowledgement and Indigenous community engagement in the Official Plan. Staff advised that revisions to the current Land Acknowledgement are necessary, and that consultation will be conducted in the development of a new one. Based on the comments received and the recognition that revisions are necessary, staff has determined not to include the current Land Acknowledgement in this MCR update. A Land Acknowledgement will be included through Phase 3: Local Context or a future Housekeeping Amendment, depending on timing. There is no provincial policy requiring it to be included now.

### 3.0 Public Engagement

#### 3.1 Indigenous Community Comments

Staff invited 11 local Indigenous community contacts and an additional 15 Indigenous communities, based on advice from the Province, to meet virtually to discuss the proposed amendments to the Urban and Rural Hamilton Official Plans. The local Indigenous communities that were contacted include the Mississaugas of the Credit First Nation, Haudenosaunee Development Institute representing the Confederacy Chiefs Council, Six Nations of the Grand River Territory, Huron-Wendat, and Metis Nation of Ontario. Local Hamilton organizations serving the Indigenous community were also included in that number.

The Six Nations of the Grand River Territory, the Hamilton Regional Indian Centre and the Mississaugas of the Credit First Nation accepted the City’s invitation to meet virtually on March 10, 24 and 25 respectively. The following table summarizes key highlights from conversations with Indigenous communities.

| <i>Six Nations of the Grand River Territory</i>  |  |
|--|--|
| <b>Comments</b>  | <b>Staff Response</b>  |
| <ul style="list-style-type: none"> <li>Existing policies seem to focus on built heritage because indigenous communities of the past did not leave buildings behind, so cultural heritage is embedded in landscapes, and need to consider what state we are leaving these in for future generations.</li> </ul> | Draft Official Plan Amendment recognizes that an Indigenous community may identify a cultural heritage resource that is a landscape.                     |
| <ul style="list-style-type: none"> <li>City’s current Land Acknowledgement references treaty that conflicts with previous treaty in 1701 (Fort Albany Treaty). Prefer that reference to 1792 Between the Lakes Purchase be removed.</li> </ul>   | Updated Land Acknowledgement is being considered and a revised version expected to be included in Phase 3: Local Context updates anticipated in Q2 2023. |
| <ul style="list-style-type: none"> <li>More detailed policies regarding Indigenous engagement should be included.</li> </ul>   | Staff revised the draft UHOP to elaborate on consultation protocols with Indigenous communities.   |
| <ul style="list-style-type: none"> <li>Concerned about possible displacement of residents as existing housing is removed for Light-Rail Transit (LRT) corridor is redeveloped.</li> </ul>  | Comment noted.   |

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| <i>Six Nations of the Grand River Territory</i>  |   |
|--|---|
| <b>Comments</b>  | <b>Staff Response</b>   |
| <ul style="list-style-type: none"> <li>Support green infrastructure and increased tree canopy across the City.</li> </ul>                    | Policy framework encourages the use of green infrastructure. The City's Community Energy and Emissions Plan and Sustainable Building and Development Standards are anticipated late 2022. |
| <ul style="list-style-type: none"> <li>Commends Council for taking the approach of the No Urban Boundary Expansion growth option.</li> </ul> | Comment noted.  |

| <i>Hamilton Regional Indian Centre</i>  |  |
|---|--|
| <b>Comments</b>   | <b>Staff Response</b>  |
| <ul style="list-style-type: none"> <li>Land acknowledgement speaks to land ownership through reference to Between the Lakes Purchase, whereas the land was stolen. Revision to Land Acknowledgement needs to clearly and truthfully acknowledge who has and continues to benefit from the lands.</li> </ul> | Updated Land Acknowledgement is being considered and a revised version expected to be included in Phase 3: Local Context updates anticipated in Q2 2023. |
| <ul style="list-style-type: none"> <li>Need to supply deeply affordable units for those on a fixed income.</li> </ul>   | Comments noted.  |
| <ul style="list-style-type: none"> <li>Recommends the City reviews and evaluates current user fees for public transit for those on fixed income or who have mental and/or physical disabilities.</li> </ul>   | Beyond the scope of the Official Plan Review. Current pilot program allows children to ride free with a PRESTO card.                                     |

| <i>Mississaugas of the Credit First Nation (MCFN)</i>  |   |
|--|---|
| <b>Comments</b>  | <b>Staff Response</b>   |
| <ul style="list-style-type: none"> <li>Mississauga's of the Credit First Nation provided staff with a history of their community to give context to their comments.</li> </ul> | Staff appreciated the historical overview of the Mississaugas of the Credit First Nation. |

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| <i>Mississaugas of the Credit First Nation (MCFN)</i>  |  |
|--|--|
| <b>Comments</b>  | <b>Staff Response</b>  |
| <ul style="list-style-type: none"> <li>City’s Land Acknowledgement needs to be revised, by removing references to indigenous communities that are not treaty-holders for lands within the municipal boundary (i.e., no Erie, Huron-Wendat, etc.) and to reference proper treaty and MCFN as the first treaty holder.</li> </ul>  | Updated Land Acknowledgement is being considered and a revised version expected to be included in Phase 3: Local Context updates anticipated in Q2 2023. |
| <ul style="list-style-type: none"> <li>Would like reference of engagement with ‘indigenous communities’ changed to ‘First Nations’, those who have treaty rights, and are interested in a consultation process with Development Planning, similar to process used in Haldimand County, where MCFN attend pre-consultation meetings and provide comments on certain proposals.</li> </ul> | Staff revised the draft UHOP to elaborate on consultation protocols with Indigenous communities.   |

For additional comments and staff responses, please refer to Appendix “C1” of Report PED21067(b).

**3.2 Agency Comments**

The following table summarizes comments received from agencies. Copies of all agency comments are included as Appendix “C2” attached to Report PED21067(b).

| <b>Agency</b>     | <b>Comments</b>   | <b>Staff Response</b>  |
|-------------------|---|--|
| Alectra Utilities | No comment/objections.  | N/A  |
| Canada Post       | No comment/conditions.  | N/A  |
| Enbridge Gas      | <ul style="list-style-type: none"> <li>Include pipeline mapping within the Official Plans.</li> <li>Introduce policies to prohibit development within pipeline ROWs, restrict development in vicinity of pipelines and include pipeline companies in circulations of development Applications.</li> </ul> | Placeholder policy, as part of Phase 1. Phase 3: Local Context will address any policy and/or mapping updates concerning pipelines, amongst other matters. |

### 3.3 Stakeholder Comments

#### *Virtual Stakeholder Workshop*

Staff hosted an interactive online workshop for stakeholders in the morning of Thursday, February 24, 2022. A total of 26 participants attended the session, representing local businesses, educational establishments, environmental and agricultural associations. Upon registration, attendees were asked to choose topic areas of interest to allow for a focussed discussion, and the feedback resulted in the discussion of the Growth Management and Housing; Urban Structure and Zoning By-law Amendments; and, Climate Related, Infrastructure and Transportation topic areas. In general, stakeholders were supportive of policy updates related to increasing residential densities along transit nodes and corridors, and of proposed zoning by-law changes to increase uses in existing Low Density Residential Zones to facilitate infill opportunities. A number of participants requested priority be given to zoning changes to remove parking requirements and to permit purpose-built triplexes and fourplexes. Participants responded positively towards the inclusion of green infrastructure policies and encouraged the City to incorporate best practices related to climate resilient communities. For a more detailed account and analysis of the virtual stakeholder workshop, please refer to Pages 25 to 29 of Appendix “C” attached to Report PED21067(b).

#### *Email Comments*

Comments provided by stakeholders have been summarized in the tables, below.

| <i>West End Home Builders' Association (WE HBA)</i>   |  |
|---|--|
| <b>Comments</b>   | <b>Staff Response</b>  |
| <ul style="list-style-type: none"> <li>Remove building transition policies, existing height limits, shadowing restrictions and step back requirements to achieve the proposed intensification and density targets.</li> </ul> | Comments noted. Updates to these policies, if required, will be addressed through Phase 3: Local Context.                      |
| <ul style="list-style-type: none"> <li>Support the removal of policies referencing maintenance of existing neighbourhood character (i.e., established patterns and built form).</li> </ul>                                    | Comments noted.  |
| <ul style="list-style-type: none"> <li>Recommend against a checklist approach to evaluating proposals under the proposed Sustainable Building and Development Guidelines.</li> </ul>  | Staff revised the draft Official Plan Amendment to provide clarity on the Guidelines including a development review checklist. |

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| <i>West End Home Builders' Association (WE HBA)</i>  |  |
|--|--|
| <b>Comments</b>  | <b>Staff Response</b>  |
| <ul style="list-style-type: none"> <li>Recommend removal of parking requirements for residential land uses in the lower city and along the entire B.L.A.S.T. network, except maintain accessible parking space requirements.</li> </ul>  | Parking requirements will be reviewed as part of the Official Plan Review: Phase 4–MTSA Official Plan Amendment and future Residential Zone Project.                                   |
| <ul style="list-style-type: none"> <li>Support policy and zoning changes to enable a permissive framework for missing middle housing.</li> </ul>   | Draft Urban Hamilton Official Plan Amendment provides a supportive policy framework.   |
| <ul style="list-style-type: none"> <li>Recommend increasing maximum building height to 12 storeys for medium density residential category without the need for an Official Plan Amendment, which is consistent with proposed changes to the Building Code that will allow timber construction up to 12 storeys.</li> </ul> | Staff revised the draft Official Plan Amendment, accordingly.  |
| <ul style="list-style-type: none"> <li>Recommend against limiting building heights to 30 storeys and not exceeding the top of the Niagara Escarpment.</li> </ul>   | Staff retained the maximum building height requirements to provide a consistent maximum building height across the City.   |
| <ul style="list-style-type: none"> <li>Offered support for monitoring cost of housing and development within the City.</li> </ul>  | Comments noted.  |
| <ul style="list-style-type: none"> <li>Recommends bold approach to encourage new construction, conversions and renovations as soon as possible.</li> </ul>   | The Residential Zone Project will culminate in new residential zones in Zoning By-law No. 05-200 which will implement a progressive City-Wide approach to zoning for residential uses. |

City staff met with representatives from the West End Home Builders' Association (WE HBA) on April 14, 2022, which allowed WE HBA members to reiterate, elaborate and provide clarification on the submitted comments. Overall, WE HBA stressed the need for the City to provide a policy framework that will enable the building industry to create additional units for population and employment growth through regulatory reform / removal of zoning requirements that is anticipated to exceed provincial projections.

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| <i>Environment Hamilton</i>   |  |
|---|--|
| <b>Comments</b>   | <b>Staff Response</b>  |
| <ul style="list-style-type: none"> <li>Questioned why Designated Greenfield Density Target is proposed to be reduced from original Council Adopted Official Plan (70 p+j/Ha reduced to 60 p+j/Ha), which would be more supportive of frequent transit service.</li> </ul> | Staff noted the target of 60 p+j/Ha is an average measured across the entire <i>greenfield area</i> . Staff revised the draft Official Plan Amendment to require 70 p+j/Ha for lands within the <i>greenfield area</i> without existing development approvals, including the Fruitland-Winona Secondary Plan Area. |
| <ul style="list-style-type: none"> <li>Supports other density targets, intensification, mixed use development and employment land conversions.</li> </ul>   | Draft Urban Hamilton Official Plan Amendment provides a supportive policy framework.   |
| <ul style="list-style-type: none"> <li>Supports the inclusion of a land acknowledgement in the Official Plan.</li> </ul>  | Comments noted.  |
| <ul style="list-style-type: none"> <li>Recommend the inclusionary zoning and community benefits charges to support the creation of additional affordable housing units.</li> </ul>  | The City will be looking at options for Inclusionary Zoning policies in Phase 4 of the MCR, Q2 2023.   |
| <ul style="list-style-type: none"> <li>Supportive of new policies promoting climate-friendly building and design.</li> </ul>  | Draft Urban Hamilton Official Plan Amendment provides a supportive policy framework.   |
| <ul style="list-style-type: none"> <li>Recommended reference be made to the Community Energy and Emissions Plan and urged the City to finalize that plan and the Urban Forest Strategy.</li> </ul>  | Comments noted.  |
| <ul style="list-style-type: none"> <li>Recommended that a climate lens should be applied to all land use planning decisions.</li> </ul>   | GRIDS 2 Direction #1 has been included in policy updates.  |
| <ul style="list-style-type: none"> <li>Support building height restrictions to preserve views to and from natural features (i.e., Niagara Escarpment).</li> </ul>   | Comments noted.  |
| <ul style="list-style-type: none"> <li>Recommended the creation of a stormwater fee to provide an incentive to pursue green infrastructure/low impact development techniques.</li> </ul>  | Comments noted.  |
| <ul style="list-style-type: none"> <li>Supportive of policies that promote transit-supportive development along nodes and corridors, active transportation and mobility justice.</li> </ul>   | Draft Urban Hamilton Official Plan Amendment provides a supportive policy framework.   |

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|  |                       |
|--|-----------------------|
| <i>Environment Hamilton</i>  |                       |
| <b>Comments</b>  | <b>Staff Response</b> |
| <ul style="list-style-type: none"> <li>Supportive of a firm urban boundary.</li> </ul> | Comments noted.       |

|   |   |
|---|---|
| Conservation Halton   |   |
| <b>Comments</b>   | <b>Staff Response</b>   |
| <ul style="list-style-type: none"> <li>Recommended a policy highlighting the City will work with Conservation Authorities to address/highlight nature-based climate solutions.</li> </ul>   | Staff revised the draft Official Plan Amendment, accordingly.   |
| <ul style="list-style-type: none"> <li>Recommended “access to nature” as a key interdependent factor to a Strong Economy</li> </ul>   | Staff revised the draft Official Plan Amendment, accordingly.   |
| <ul style="list-style-type: none"> <li>Recommended policy updates to address protection/enhancement of natural features in subdivision design.</li> </ul>   | Staff revised the draft Official Plan Amendment, accordingly.   |
| <ul style="list-style-type: none"> <li>Recommended additional policy updates to address natural heritage features, updated natural heritage mapping, bird friendly building design, and adaptive management for existing ponds (where function is hindered).</li> </ul> | Staff revised the draft Official Plan Amendment, where appropriate in recognition that Phase 2 of the Official Plan Review will include updating natural heritage system policies, as well as refinements to the natural heritage system mapping. |
| <ul style="list-style-type: none"> <li>Recommended wildlife crossings to mitigate potential impacts of transportation in Core Areas and recommended offsetting also be considered as compensation.</li> </ul>   | Staff are not recommending change to referenced policy (C.2.5.1), which is implementing Growth Plan direction.  |

|  |  |
|--|--|
| <i>Niagara Escarpment Commission (NEC)</i><br>(City received copy of letter to MMAH with NEC Comments)   |  |
| <b>Comments</b>  | <b>Staff Response</b>  |
| <ul style="list-style-type: none"> <li>The <i>Niagara Escarpment Planning and Development Act</i> only permits urban boundary changes, requests for urban servicing or changes in land use designation to Urban, Minor Urban or Escarpment Recreation Area during a Provincial Plan Review (S. 6.1(2.3)).</li> </ul> | Staff revised the draft Official Plan Amendment specifying that for lands within the Niagara Escarpment Plan, only those lands designated as Urban Area may be considered for urban boundary adjustment. |

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|  |   |
|--|---|
| <i>Niagara Escarpment Commission (NEC)</i><br>(City received copy of letter to MMAH with NEC Comments)   |   |
| <b>Comments</b>  | <b>Staff Response</b>   |
| <ul style="list-style-type: none"> <li>Reference to the Niagara Escarpment Plan should be added to Policy C.1.0.</li> </ul>                      | Staff revised the draft Official Plan Amendment, accordingly.   |
| <ul style="list-style-type: none"> <li>Expressed concerns related to the impact of tall buildings on views of the Niagara Escarpment.</li> </ul> | <p>Staff revised the draft Official Plan Amendment, to require Visual Impact Assessment on view corridors and general public views in relation to proposed residential and mixed-use building heights greater than six storeys.</p> <p>The NEC will be circulated on Applications within the NEP area as per the current process. For Applications outside of the NEP area, City staff may request and review VIAs as required.</p> |

For details of all stakeholder comments and staff responses, please refer to Appendix “C3” attached to Report PED21067(b).

### 3.4 Public Comments

#### *Virtual Open House*

Two Virtual Open Houses were held on February 17, 2022 (evening) and February 22, 2022 (afternoon), which were attended by 52 and 60 participants, respectively. These two virtual open houses were held to give the public an early and additional opportunity to comment on the proposed Official Plan Amendments and Amendments to the Zoning By-laws of the Former Communities. Staff presented background information on the MCR/OP Review process and highlights of proposed updates for each of the 10 topic areas, allowing opportunities for questions and answers after each section.

Participants raised concerns about how the proposed updates will address housing affordability, the provision of transit to accompany the planned intensification, and supported policies that will lead to climate resiliency, a firm urban boundary and zoning by-law amendments that will ultimately lead to purpose-built fourplexes.

For a detailed summary of the virtual open houses, please refer to Pages 18 to 21 of Appendix “C” attached to Report PED21067(b). Appendix “C” attached to Report PED21067(b) is a Report that provides a comprehensive summary of this round of public engagement.

*Email Comments*

Members of the public generally endorsed policy changes that supported a “No Urban Boundary Expansion” growth scenario. To ensure complete communities are developed in suburban areas, policies requiring transit-supportive development and walkable/bikeable are needed. Some comments also recommended higher density targets in designated greenfield areas, suburban and employment areas. The public was also supportive of acknowledging and respecting meaningful engagement with Indigenous communities. Affordable and family friendly housing was noted as important.

Some members of the general public as well as planning consultants representing nine landowner groups expressed concern that the proposed policy updates to reflect a “No Urban Boundary Expansion” growth scenario is not in keeping with the Growth Plan for the Greater Golden Horseshoe, and instead recommend Council reconsider the “Ambitious Density” growth scenario.

Planning consultants recommended the removal of barriers to achieve the residential intensification necessary to accommodate the proposed population growth include: the removal of the restriction that employment land conversions may only take place at the time of a municipal comprehensive review, allowing heights greater than 30 storeys and in excess of the height of the Niagara Escarpment, relaxing of transition policies between high and low profile development.

Building industry representatives recommend strong urban design policies that encourage high quality and durable locally sourced construction materials for the exterior of buildings and permeable pavement systems, as well as deconstruction as a preferred method of redevelopment proposals rather than demolition.

For details of all comments received through the [grids2-mcr@hamilton.ca](mailto:grids2-mcr@hamilton.ca) email address and staff responses, please refer to Appendix “C4” attached to Report PED21067(b).

*Engage Hamilton*

Members of the public were invited to share their comments on the proposed amendments through an online survey on the Engage Hamilton GRIDS2/MCR project page. A form was created to allow comments to be submitted anonymously on a topic area basis, and members of the public could comment on any or all topic areas. The results of the comments were received in survey format without reference to the individual(s) who submitted the comments. Comments were generally supportive of the proposed amendments with additional comments that will be addressed in future phases of the Official Plan Review, as highlighted below.

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| <b>Growth Management</b>   |   |
|--|---|
| <i>Comments Summary</i>  | <i>Staff Response</i>   |
| <ul style="list-style-type: none"> <li>Support No Urban Boundary Expansion growth strategy.</li> </ul>                                   | Comments noted.   |
| <ul style="list-style-type: none"> <li>Develop transit-supportive complete communities, where people can live, work and play.</li> </ul> | Comments noted.   |
| <ul style="list-style-type: none"> <li>Consider higher density targets</li> </ul>  | DGA density target is an average measured across the entire DGA, which includes developed and undeveloped areas (with or without existing development approvals). |

| <b>Employment</b>   |  |
|---|--|
| <i>Comments Summary</i>   | <i>Staff Response</i>  |
| <ul style="list-style-type: none"> <li>Support mixing of employment and non-employment uses.</li> </ul>   | <p>Provincial policy prohibits residential uses in employment areas due to incompatibility. Some commercial uses are permitted in certain locations to support the function of business parks.</p> <p>Mixed use areas (residential and commercial) are permitted in appropriate locations throughout the Urban Area.</p> |
| <ul style="list-style-type: none"> <li>Employment areas should be well-served by road network, frequent and reliable transit service, and active transportation network.</li> </ul> | Transportation policy updates include a goal to connect Employment areas with transit services.  |
| <ul style="list-style-type: none"> <li>Support conversion from employment to non-employment uses in appropriate locations.</li> </ul>   | Comments noted.  |
| <ul style="list-style-type: none"> <li>Discourage sprawl of employment uses.</li> </ul>   | Some employment uses are land extensive by nature. However, employment density targets by designation are specified in the proposed policy updates.  |

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| <b>Employment</b>  |  |
|--|--|
| <i>Comments Summary</i>  | <i>Staff Response</i>  |
| <ul style="list-style-type: none"> <li>Protect natural heritage features within and adjacent to employment areas.</li> </ul> | Natural heritage policies are in place to protect natural heritage features and their functions. |

| <b>Cultural Heritage</b>  |  |
|---|--|
| <i>Comments Summary</i>   | <i>Staff Response</i>  |
| <ul style="list-style-type: none"> <li>Support the acknowledgement of First Nations in the Urban Hamilton Official Plan.</li> </ul> | Revised land acknowledgement is being considered and will be included in the Local Context updates to both Official Plans. |
| <ul style="list-style-type: none"> <li>Support commitment to meaningful engagement with First Nations.</li> </ul>                   | Requirement for indigenous consultation is included in policy updates.   |
| <ul style="list-style-type: none"> <li>Support the preservation of built heritage resources.</li> </ul>                             | Policies on heritage preservation are already present in the Official Plan.  |

| <b>Provincial Plans</b>  |  |
|--|--|
| <i>Comments Summary</i>  | <i>Staff Response</i>  |
| <ul style="list-style-type: none"> <li>Recognition that Official Plans must be updated to conform to Provincial Policies.</li> </ul>   | Comments noted.  |
| <ul style="list-style-type: none"> <li>Province should allow local municipalities and local citizens to be autonomous in land use planning decisions (i.e., Growth Plan).</li> </ul> | <i>Planning Act</i> specifies provincial interests in land use planning. |

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| <b>Housing</b>  |   |
|---|---|
| <i>Comments Summary</i>   | <i>Staff Response</i>   |
| <ul style="list-style-type: none"> <li>Remove barriers to the creation of affordable housing units with a mix of unit sizes (e.g., second dwelling units, tiny homes, conversions)</li> </ul> | <p>Housing policy updates are in accordance with the City’s Housing and Homelessness Action Plan.</p> <p>Updates to policies for Low Density areas of Neighbourhoods introduces opportunity for more dwelling units.</p> <p>The City’s Family Friendly Housing project will be making recommendations regarding changes to the Official Plan, Zoning By-law and design standards relating to supporting and/or requiring family size units following public consultation.</p> |
| <ul style="list-style-type: none"> <li>Support for Inclusionary Zoning and housing in proximity to public transit.</li> </ul>   | <p>The City will be looking at options for Inclusionary Zoning policies in Phase 4 of the MCR, Q2 2023.</p> <p>The City is currently working on the Community Benefits Charges By-law with a goal of final Council approval in Summer 2022.</p>   |

| <b>Climate Related</b>   |  |
|--|--|
| <i>Comments Summary</i>  | <i>Staff Response</i>  |
| <ul style="list-style-type: none"> <li>Support recognition of climate change and climate of emergency.</li> </ul>                                      | Comments noted.  |
| <ul style="list-style-type: none"> <li>Further clarification of policies and initiatives recommended.</li> </ul>                                       | Additional policy and references to initiatives will be considered a in Phase 3 of the Official Plan Review. |
| <ul style="list-style-type: none"> <li>Support for transit-oriented neighbourhoods with higher densities and active transportation network.</li> </ul> | Comments noted.  |

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| <b>Climate Related</b>  |   |
|---|---|
| <i>Comments Summary</i>   | <i>Staff Response</i>   |
| <ul style="list-style-type: none"> <li>Support references to green building standards, Community Energy and Emissions Plan (CEEP) and Urban Forestry Strategy.</li> </ul> | <p>The Urban Forest Strategy is referenced in the policy updates.</p> <p>The CEEP and will be referenced through a future amendment, once approved.</p> |
| <ul style="list-style-type: none"> <li>Apply climate lens to all planning initiatives.</li> </ul>   | <p>GRIDS 2 Direction #1 has been included in policy updates.</p>  |

| <b>Urban Structure</b>   |   |
|--|---|
| <i>Comments Summary</i>  | <i>Staff Response</i>   |
| <ul style="list-style-type: none"> <li>Support complete mixed-use walkable neighbourhoods with range of housing, including affordable and accessible housing.</li> </ul> | <p>Comment noted.</p>   |
| <ul style="list-style-type: none"> <li>Support higher residential densities in proximity to transit network.</li> </ul>  | <p>Major Transit Station Areas and Inclusionary Zoning will be reviewed through future phases of the current MCR, anticipated for 2023.</p> |
| <ul style="list-style-type: none"> <li>Some support for fourplexes and sixplexes within the Neighbourhoods designation.</li> </ul>                                       | <p>Comment noted.</p>   |

| <b>Infrastructure</b>   |                        |
|---|------------------------|
| <i>Comments Summary</i>   | <i>Staff Response</i>  |
| <ul style="list-style-type: none"> <li>Support adaptive reuse of community facilities.</li> </ul>   | <p>Comments noted.</p> |
| <ul style="list-style-type: none"> <li>Support green infrastructure, increased tree cover and protection of green spaces.</li> </ul>      | <p>Comments noted.</p> |
| <ul style="list-style-type: none"> <li>Provide financial incentives for green infrastructure (i.e., stormwater fee reduction).</li> </ul> | <p>Comments noted.</p> |

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| <b>Transportation</b>  |                       |
|--|-----------------------|
| <i>Comments Summary</i>  | <i>Staff Response</i> |
| <ul style="list-style-type: none"> <li>Complete streets approach with public transit and active transportation.</li> </ul> | Comments noted.       |
| <ul style="list-style-type: none"> <li>Support for road safety for all users of all abilities.</li> </ul>                  | Comments noted.       |

| <b>Firm Urban Boundary</b>  |                       |
|---|-----------------------|
| <i>Comments Summary</i>   | <i>Staff Response</i> |
| <ul style="list-style-type: none"> <li>Strong support for No Urban Boundary Expansion growth scenario.</li> </ul> | Comments noted.       |

For more information and a more detailed summary of comments submitted through the online survey on the Engage Hamilton project page, please refer to Pages 22 to 24 of Appendix “C” attached to Report PED21067(b). For details of all comments received through the Engage Hamilton portal and corresponding staff responses, please refer to Appendix “C5” attached to Report PED21067(b).

#### **4.0 Statutory Open House**

In accordance with Sections 17.5 and 17.6 of the *Planning Act*, as amended, a virtual Statutory Open House has been planned for May 3, 2022 at 6:00pm to present the final draft Official Plan Amendments for the MCR to Planning for approval and to provide the public with an opportunity for the public to provide input. Members of the public have been instructed to register in advance of the Statutory Open House and will be able to ask questions of staff concerning the draft Official Plan Amendments. Attendees have been advised to submit comments on the draft Official Plan Amendments directly to the Clerk either before or at the Statutory Public Meeting.

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

#### **1.0 Draft Official Plan Amendments – Changes from Previous Draft**

##### **1.1 Employment Land Review – Deferred Employment Land Conversions**

The draft UHOP Amendment, attached as Appendix “A” to Report PED21067(b), reflects the conversion of employment lands to non-employment uses that Council

approved through the GRIDS 2 and Municipal Comprehensive Review – Deferred Employment Land Conversion Requests Report PED17010(p) on April 27, 2022. Revisions to address these conversions include changes in land use designation, as well as the revision of existing site specific policies and the creation of site specific policies within Volumes 2 and 3 to address proposed uses, where warranted. Two additional sites, namely, 1400 South Service Road, Stoney Creek and McMaster Innovation Park, Hamilton, have been deferred to Council at the May 4, 2022 General Issues Committee for consideration.

## **1.2 Waterdown Five Hectare Expansion**

At the meeting of April 28, 2022, Council approved an urban boundary expansion to include properties located at 329 and 345 Parkside Drive, Flamborough into the urban area, and to adjust the urban boundary in the vicinity of 100 Sunnycroft Court, Flamborough. The draft UHOP Amendment, attached as Appendix “A” to Report PED2067(b) and the draft RHOP Amendment, attached as Appendix “B” to Report PED21067(b) have been revised to incorporate said lands within the urban area.

## **1.3 Topic-Based Approach – Updates from Previous Version**

As indicated in Report PED21067(a), Planning staff adopted a topic-based approach to reviewing the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe, 2019 (as Amended), identifying UHOP policies that are in conformity with provincial policies and those UHOP policies that require updating to conform to provincial policies. In addition to the key changes to UHOP policies to implement the revised provincial policies that were identified by topic area beginning on Page 10 of Report PED21067(a), further changes resulting from public engagement and staff refinements are noted, below:

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| Topic Area      | Key Changes to Proposed Official Plan Amendments   |
|-----------------|--|
| All Topic Areas | <p><b>Mapping:</b></p> <ul style="list-style-type: none"> <li>• Update schedules, appendices, and maps referenced in Appendices “D1” and “E” attached to Report PED21067(b) to correct the municipal boundary, by identifying lands located at 340 Mountain Brow Road, 2000 Waterdown Road, a portion of 342, 344, and 348 Mountain Brow Road, and a large municipal road allowance (all in Flamborough) as being within the Rural Area.</li> <li>• Update schedules, appendices and maps to adjust the urban boundary to include lands that are designated “Urban Area” within the Niagara Escarpment Plan Area located at 40 and 70 Olympic Drive, Dundas, 385 Jerseyville Road West, Ancaster, and apply land use designations, identifications and classifications, as indicated in Appendices “D1” and “E” attached to Report PED21067(b). Lands were designated “Urban Area” within the Niagara Escarpment Plan through the Coordinated Review in 2017 and the City must implement that decision. Staff inadvertently omitted these from the previous draft Amendments.</li> <li>• Update schedules, appendices and maps to adjust the urban boundary to include lands that are and lands in vicinity of 100 Sunnycroft Court, Flamborough, and apply land use designations, identifications and classifications, as indicated in Appendices “D1” and “E” attached to Report PED21067(b).</li> </ul> |

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| Topic Area                        | Key Changes to Proposed Official Plan Amendments   |
|-----------------------------------|--|
| <b>All Topic Areas Continued.</b> | <p><b>Mapping:</b></p> <ul style="list-style-type: none"> <li>• Update schedules, appendices and maps to adjust the urban boundary to include lands located at 329 and 345 Parkside Drive, Flamborough to implement Council’s decision to add the lands to the <i>urban area</i>, apply land use designations and Urban Site Specific Policy Reference, as indicated in Appendix “D1” attached to Report PED21067(b);</li> <li>• Fixing grammatical and numbering errors.</li> </ul>   |
| <b>Growth Management</b>          | <p><b>Text:</b></p> <ul style="list-style-type: none"> <li>• Provided clarity that the <i>greenfield</i> density target is measured over the entirety of Hamilton’s <i>greenfield area</i> and added a new policy that any lands within the <i>greenfield area</i> that are not subject to existing approvals shall be planned to achieve a minimum density of 70 persons and jobs per hectare.</li> <li>• Amended new policy B.2.2.2 to clarify that for lands within the Niagara Escarpment Plan Area, only those designated “Urban Area” may be added to the “Urban Area” through an urban boundary adjustment.</li> <li>• Removed <i>urban corridors</i> from the identification of <i>strategic growth areas</i> within Policy B.2.4.1.2.</li> <li>• Added “access to nature” as an important contributor to the quality of life for residents.</li> </ul> <p><b>Mapping:</b><br/>N/A</p> |
| <b>Employment</b>                 | <p><b>Text:</b></p> <ul style="list-style-type: none"> <li>• Revisions to sub-policy (c) in Policy E.5.4.5 to clarify that all offices within the Employment Area – Business Park Designation must be less than 4,000 sq. m.</li> <li>• Reinstated new Policy E.5.7.1 which was omitted from previous UHOPA in error.</li> <li>• Policies added, amended or deleted in Volumes 2 and 3 to address Deferred Employment Land Conversion Requests – Report PED17010(p), as per Appendices “D” and “D1” attached to Report PED21067(b).</li> </ul>   |

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| Topic Area                  | Key Changes to Proposed Official Plan Amendments   |
|-----------------------------|--|
| <b>Employment Continued</b> | <p><b>Mapping:</b></p> <ul style="list-style-type: none"> <li>• Schedule E – Urban Structure               <ul style="list-style-type: none"> <li>○ Additional changes to urban structure elements related to Deferred Employment Land Conversion Requests – Report PED17010(p).</li> </ul> </li> <li>• Schedule E-1 – Urban Land Use Designations</li> </ul> <p>Additional urban land use redesignations related to Deferred Employment Land Conversion Requests – Report PED17010(p).</p>  |
| <b>Cultural Heritage</b>    | <p><b>Text:</b></p> <ul style="list-style-type: none"> <li>• Removed Land Acknowledgement, following discussions with First Nations and Indigenous Relations staff, who advised that a revised Land Acknowledgement will be considered in future. Revised Land Acknowledgement will be included in MCR/OP Review Phase 3: Local Context or a Future Housekeeping Official Plan Amendment, depending on the timing.</li> <li>• Including Indigenous communities in Policy B.3.6.2.2 as key partners for climate change related policies and plans.</li> <li>• Revised new Policy F.1.17.8 to include various levels of engagement with Indigenous communities, based on project scope and rationale for engagement.</li> <li>• Added new Policy F.1.17.8.1 that respects the consultation protocols of First Nations and Indigenous Communities.</li> <li>• Added new Policy F.1.17.8.2 that demonstrates a commitment to develop a mutually agreed upon engagement protocol for land use planning matters.</li> </ul> <p><b>Mapping:</b><br/>N/A</p> |
| <b>Provincial Plans</b>     | <p><b>Text:</b></p> <ul style="list-style-type: none"> <li>• Included reference to Niagara Escarpment Plan in Policy C.1.0 as a Plan to which the Official Plan must conform.</li> </ul>   |

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| Topic Area                        | Key Changes to Proposed Official Plan Amendments  |
|-----------------------------------|---|
| <b>Provincial Plans Continued</b> | <p><b>Mapping:</b></p> <ul style="list-style-type: none"> <li>• Schedule A – Provincial Plans               <ul style="list-style-type: none"> <li>○ Designate lands located at 40 and 70 Olympic Drive, Dundas, 385 Jerseyville Road West, Ancaster, and lands in vicinity of 100 Sunnycroft Court, Flamborough as “Urban Area” under the Niagara Escarpment Plan.</li> </ul> </li> </ul> <p>Add new legend entry “Greenbelt Plan Protected Countryside” and designate lands located at 329 and 345 Parkside Drive, Flamborough as “Protected Countryside”.</p>  |
| <b>Housing</b>                    | <p><b>Text:</b><br/>N/A</p> <p><b>Mapping:</b><br/>N/A</p>  |
| <b>Climate-Related</b>            | <p><b>Text:</b></p> <ul style="list-style-type: none"> <li>• Revised new Policy B.3.2.1.7 to add preserving and/or enhance natural features to subdivision design.</li> <li>• Revised new Policy B.3.2.4.7 to also reference locally sourced recycled materials in the construction of new buildings and retrofitting of existing buildings.</li> <li>• Revised updates to Policy B.3.6.5 to reference changing dynamics of hazard lands.</li> <li>• Removed reference to Sustainable Building and Development Guidelines, including a development review checklist, in Policy B.3.7.3.</li> <li>• Added reference to fish and wildlife in the considerations of a sub-watershed plan to Policy F.3.1.5.1.</li> <li>• Greenhouse gas emissions target correction in F.3 to reference the Hamilton’s Corporate Greenhouse Gas Emission Reduction Target is to be Carbon Neutral by 2050.</li> </ul> <p><b>Mapping:</b><br/>N/A</p> |

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| Topic Area      | Key Changes to Proposed Official Plan Amendments  |
|-----------------|---|
| Urban Structure | <p><b>Text:</b></p> <ul style="list-style-type: none"> <li>• <i>Urban corridors</i> removed from urban structure elements identified as <i>strategic growth areas</i> in Policy E.2.2.5.</li> <li>• Added new sub-policy (e) in Policy E.3.4.6 to provide clarity that multiple dwellings up to 6 units within the low density residential category should have access to a collector or arterial road or be in proximity to said roads.</li> <li>• Revisions to Policy E.3.5.8 increase maximum height for medium density residential uses to 12 storeys and provide additional direction to require new development to incorporate sustainable building and development standards and a mix of unit sizes. In addition, wording was reinstated that was omitted from proposed UHOPA in error.</li> <li>• Added new sub-policy (f) in Policy E.3.5.9 to address the impact of public views and vistas of the Niagara Escarpment and <i>cultural heritage resources</i> for <i>multiple dwellings</i> proposed to be greater than six storeys.</li> <li>• Revisions to E.3.6.7 to provide clarity with respect to height of the top of the Niagara Escarpment.</li> <li>• Revisions to Policy E.3.6.8 to specify that multiple dwellings greater than 12 storeys in height are considered high density and incorporate sustainable building and development standards and include a mix of unit sizes.</li> <li>• Revisions to E.4.6.8 increased maximum height for the Mixed Use – Medium Density designation from 11 to 12 storeys without an OPA, provided certain conditions are met, including the addition of new sub-policies (a) and (b) to provide a range of unit sizes and sustainable building and development techniques.</li> <li>• Added new Policy E.4.6.29 for Mixed Use – Medium Density designation to address the impact of public views and vistas of the Niagara Escarpment and <i>cultural heritage resources</i> for development greater than 6 storeys.</li> <li>• New sub-section (h) Visual Impact Assessment added to Table F.1.19.1 as other information and materials that may be required to deem a <i>Planning Act</i> Application complete.</li> </ul> |

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| Topic Area                             | Key Changes to Proposed Official Plan Amendments  |
|--|---|
| <b>Urban Structure<br/>(Continued)</b> | <p><b>Mapping:</b></p> <ul style="list-style-type: none"> <li>• Volume 1: Schedule E – Urban Structure               <ul style="list-style-type: none"> <li>○ Added the identification of “Priority Transit Corridor” to align with policy updates to Chapter E regarding Urban Corridors and Major Transit Station Areas.</li> </ul> </li> </ul>   |
| <b>Infrastructure</b>                  | <p><b>Text:</b></p> <ul style="list-style-type: none"> <li>• Added reference to sub-watershed planning to increase climate resiliency in Policy C.5.0.</li> <li>• Added reference to salt management in promoting stormwater management best practices in Policy C.5.4.10.</li> </ul> <p><b>Mapping:</b><br/>N/A</p>  |
| <b>Transportation</b>                  | <p><b>Text:</b></p> <ul style="list-style-type: none"> <li>• Added text to address safety for all road users as a component of goods movement in Policy C.4.6.2.</li> </ul> <p><b>Mapping:</b></p> <ul style="list-style-type: none"> <li>• Volume 1: Appendix B – Major Transportation Facilities and Routes               <ul style="list-style-type: none"> <li>○ Replace “Potential Rapid Transit Line (B.L.A.S.T)” with “Potential Higher Order Transit”.</li> <li>○ Replace “Future Multi Modal Hub” with “Potential Multi Modal Hub”.</li> </ul> </li> </ul> |
| <b>Glossary</b>                        | <p><b>Text:</b><br/>Revised <i>Greenfield Area</i> definition to clarify that lands within the <i>greenfield area</i> may or may not have existing development approvals.</p>   |
| <b>Firm Urban Boundary<br/>(RHOP)</b>  | <p><b>Text:</b></p> <ul style="list-style-type: none"> <li>• Added Site Specific Policy UFN-X to restrict permitted uses and identify studies required prior to future development on lands located at 329 and 345 Parkside Drive, Flamborough.</li> </ul> <p><b>Mapping:</b><br/>Refer to mapping changes for “All Topic Areas” in table, above.</p>   |

For details of the recommended text and mapping revisions to the proposed Official Plan Amendments that were presented to Planning Committee on January 12, 2021, please refer to Appendices “D”, “D1”, and “E” attached to Report PED21067(b).

## **2.0 Zoning By-law Amendments**

To implement the Urban Hamilton Official Plan policies proposed in Appendix “A” attached to Report PED21067(b), amendments are proposed to the Low Density Residential (LDR) Zones of the former Community Zoning By-laws to expand the uses permitted within each of these zones, thereby providing opportunities for small-scale intensification in neighbourhoods across the City. The proposed Amendments will be brought forward for consideration at a future Statutory Public Meeting in accordance with the *Planning Act*.

As detailed in Appendix “I” attached to Report PED21067(a), in addition to single detached dwellings, uses permitted in existing LDR Zones are to be expanded to include semi-detached dwellings, triplex and fourplex dwellings, and street townhouse dwellings. Further evaluation of the LDR Zones has subsequently taken place, alongside consultation with the public and stakeholders. As described in Section 3.3 and 3.4 of the Relevant Consultation Section of this Report, staff presented the proposed changes to the uses permitted in LDR Zones. As a result, the recommended approach to the expansion of uses in the LDR Zones includes:

- Adding the following new permitted uses:
  - Duplex Dwellings; Semi-Detached Dwellings; Street Townhouse Dwellings (in addition to Single Detached Dwellings)
- Introducing converted dwelling permissions:
  - The conversion of existing dwellings to contain a greater number of dwelling units, up to a maximum of four dwelling units on a lot.

The sections that follow present this approach, describe how it will be implemented in the Zoning By-laws, and summarize the new regulations intended to implement the new permissions in LDR Zones.

### **2.1 New Permitted Uses**

LDR Zones within the six former Community Zoning By-laws make up over 40 individual zones, many of which only permit single detached dwellings as the principle land use. The uses permitted in the existing LDR Zones of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, and Stoney Creek are outlined in Appendix “F” attached to Report PED21067(b).

In addition, Appendix “F” attached to Report PED21067(b) outlines the proposed changes to the use permissions to ensure that Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings, and Street Townhouse Dwellings are permitted

in all of the Low Density Residential Zones. No changes are proposed to Zoning By-law No. 05-200 as part of the zoning amendments to implement the Draft Urban Hamilton Official Plan Amendments presented in this Report. The Residential Zones Project will implement the policy changes through the creation of new residential zones in Zoning By-law No. 05-200, including new LDR Zones.

There is one exception to the expansion of uses within LDR Zones which applies to zones which exclusively permit street townhouse dwellings in the Ancaster, Glanbrook, the former City of Hamilton, and Stoney Creek Zoning By-laws. These zones will continue to permit street townhouse dwellings only, as this use contributes to providing additional housing choices in LDR Zones.

## **2.2. 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, it is proposed to have additional dwelling units permitted on a lot through the conversion of existing dwelling. 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 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. Each of the former Community Zoning By-laws will incorporate regulations that extend the additional dwelling units already permitted through the SDU and SDU-D regulations to accommodate additional intensification within existing dwellings.

Regulations for converted dwellings will be integrated with the regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached for each of the Community Zoning By-laws. These small-scale intensification options will each have separate regulations but build on each other for ease of implementation. Report PED20093(c) introduced modifications and updates to the existing SDU and SDU-D regulations that reorganized and simplified the development standards. The associated Converted

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Dwelling regulations, described further in Section 2.3 to this Report (and presented in Appendix “H” attached to Report PED21067(b)), follow a similar format.

The key distinctions between Converted Dwellings, SDUs, and SDU-D is principally, the number of dwelling units that can be added, and the permissions vis-à-vis an existing or new dwelling. They are closely aligned in that 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. A 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. The key permissions of Converted Dwellings, SDUs, and SDU-Ds are summarized below. Additionally, Appendix “G” attached to Report PED21067(b) uses a flow chart to illustrate the relationship between each of these measures.

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**CONVERTED DWELLINGS\***

An **existing** dwelling converted to contain greater than **two** but no more than **four** dwelling units.

Permitted within **Low Density Residential Zones**

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**SECONDARY DWELLING UNIT\***

A **self-contained dwelling unit** that is accessory to and located **within** the principal dwelling.

May be located within an **existing** or **new** dwelling, provided the dwelling is a **single detached, semi-detached, or street townhouse dwelling**.

Permitted primarily within **Low Density Residential Zones**

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**SECONDARY DWELLING UNIT - DETACHED\***

A separate, self-contained **detached dwelling unit** that is accessory to and located **on the same lot** as the principal dwelling.

May be purpose built or through the conversion of an existing legally established accessory building.

May be located on a lot with an **existing or new** dwelling, provided the dwelling is a **single-detached, semi-detached, or street townhouse dwelling**.

Permitted primarily within **Low Density Residential Zones**

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\* A maximum of **four** Dwelling Units are permitted on a Lot

## **2.3 Proposed Amendments to the Former Community Zoning By-laws**

To implement the proposed changes to the Low Density Residential Zones of the former Community Zoning By-laws, a consistent use approach is recommended across Zoning By-laws that integrates new regulations within the existing Zoning By-law structure and provides functionality for the purpose of interpretation and implementation. Appendix “H” attached to Report PED21067(b) provides a summary of the amendments proposed to each former Community Zoning By-law that will add new permitted uses to each LDR Zone, and introduce Converted Dwelling permissions and regulations.

The amendments proposed are an interim step towards the ultimate replacement of these zones with new low density residential zones in Zoning By-law No. 05-200. Phase One of the Residential Zones Project will culminate in the introduction of new LDR Zones City-wide. 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 comprehensive suite of regulations are established to implement these zones.

**2.3.1 Parking for Converted Dwellings, Secondary Dwelling Units, and  
Secondary Dwelling Units – Detached**

Parking requirements have been a barrier to allowing small-scale intensification to occur within existing residential neighbourhoods. To alleviate this barrier, Appendix “H” attached to Report PED21067(b) describes that no parking spaces are required for dwelling units within a converted dwelling, provided the required parking spaces for the existing dwelling which existed on the date of passage of the amending by-law, continue to be provided and maintained. Notwithstanding this, one parking space is required for the fourth dwelling unit in a converted dwelling. The parking requirement for converted dwellings is intended to be applied concurrently with the parking requirements for SDUs and SDU-Ds, resulting in the following requirements:

|  | <b>Parking Requirement</b> |                          |
|--|----------------------------|--------------------------|
|  | <b>Zero Parking Spaces</b> | <b>One Parking Space</b> |
| <b>Secondary Dwelling Unit</b><br>In a <u>new</u> dwelling                           |                            | ✓                        |
| <b>Secondary Dwelling Unit – Detached</b><br>On a lot with a <u>new</u> dwelling     |                            | ✓                        |
| <b>Secondary Dwelling Unit</b><br>In an <u>existing</u> dwelling                     | ✓ <sup>1</sup>             |                          |
| <b>Secondary Dwelling Unit – Detached</b><br>On lot with an <u>existing</u> dwelling | ✓ <sup>1, 2</sup>          |                          |
| <b>Converted Dwelling</b><br>Third Dwelling Unit                                     | ✓ <sup>1</sup>             |                          |
| <b>Converted Dwelling</b><br>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.
- 2: If the SDU-D constitutes the fourth Dwelling Unit on a lot, one parking space is required.

The proposed Zoning By-law Amendments will be presented to Planning Committee at a future Statutory Public Meeting once Council approves the Amendment to the UHOP. The Zoning By-law Amendments will assist in achieving additional intensification within low density residential areas in a way that will be sympathetic to the existing character of the neighbourhood. These interim measures make use of existing infrastructure and built form, ultimately providing a better option to address climate change issues while accommodating intensification.

### **ALTERNATIVES FOR CONSIDERATION**

Council could choose to not approve or further revise the Draft UHOP Amendment and / or RHOP Amendment. In either case, and depending on the nature of the revisions, the City may be at risk of failing to meet the provincial timelines set out in the *Planning Act*.

Council could direct staff not to proceed with the proposed zoning by-law changes and instead require proponents to make either an Application for a rezoning or for a Minor Variance 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.

#### **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 PED21067(b) - Draft UHOP Amendment
- Appendix “B” to Report PED21067(b) - Draft RHOP Amendment
- Appendix “C” to Report PED21067(b) - Public Consultation Summary Document
- Appendix “C1” to Report PED21067(b) - First Nations and Indigenous Communities  
Comments – Summary of Discussions
- Appendix “C2” to Report PED21067(b) - Agency Comments – Email
- Appendix “C3” to Report PED21067(b) - Stakeholder Comments – Email
- Appendix “C4” to Report PED21067(b) - Public Comments – Email
- Appendix “C5” to Report PED21067(b) - Public Comments – Engage Hamilton
- Appendix “C6” to Report PED21067(b) - Public and Stakeholder Engagement  
Addendum
- Appendix “D” to Report PED21067(b) - Revisions to Proposed Amendments to the  
UHOP Text – By Topic Area – MCR
- Appendix “D1” to Report PED21067(b) - Revisions to Proposed Amendments to  
UHOP Schedules, Appendices and Maps –  
MCR
- Appendix “E” to Report PED21067(b) - Revisions to Proposed Amendments to  
RHOP Schedules, Appendices and Maps –  
MCR
- Appendix “F” to Report PED21067(b) - Permitted and Proposed Uses in Existing  
Low Density Residential Zones
- Appendix “G” to Report PED21067(b) - Relationship between Converted Dwellings,  
SDUs, and SDU-Ds
- Appendix “H” to Report PED21067(b) - Proposed Amendments to the Former  
Community Zoning By-laws

DM:sd