



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: January 13, 2026

Report No: PED25038(a)

Subject/Title: Strategic Amendments to City of Hamilton Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593 to Implement Regulations for Residential Care Facilities Zones (CI 25-A)

Ward(s) Affected: City Wide

Recommendations

- 1) That City Initiative CI 25-A, respecting strategic amendments to Residential Care Facility regulations in Zoning By-law No. 05-200, **BE APPROVED** on the following basis:
 - a) That the Draft By-law to amend Zoning By-law No. 05-200, attached as Appendix A to Report PED25038(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- 2) That City Initiative CI 25-A, respecting strategic amendments to Residential Care Facility regulations in Former City of Hamilton Zoning By-law No. 6593, **BE APPROVED** on the following basis:
 - a) That the Draft By-law to amend Former City of Hamilton Zoning By-law No. 6593, attached as Appendix B to Report PED25038(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

Key Facts

- The purpose of this report is to bring forward amendments to Residential Care Facility regulations in Zoning By-law No. 05-200 and Former City of Hamilton

Zoning By-law No. 6593 to implement the latest standards developed through the Residential Zones Project, as well as recommendations from Report PED19091(a) - “Public Engagement Results Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper”.

Financial Considerations

There are no financial impacts associated with the recommendations of this report.

Background

In 2019, Planning staff presented the “Residential Care Facilities and Group Homes - Human Rights and the Zoning By-Laws within the Urban Area – March 2019” Discussion Paper to Planning Committee (Report PED19091). The Discussion Paper included preliminary recommendations for Zoning By-law changes including:

- Modifying the definition of Residential Care Facility;
- Modifying capacity limitations;
- Deletion of the radial separation distance requirement and moratorium area; and,
- Permitting counselling services in conjunction with a Residential Care Facility in specific zones.

The review was initiated by Council in response to an Ontario Municipal Board (now Ontario Land Tribunal) Hearing involving the Lynwood Charlton Centre, and the Ontario Human Rights Commission concerns respecting Zoning By-law regulations for Residential Care Facilities. Planning Committee approved recommendations to engage the public on zoning changes and include this as part of the Residential Zones Project.

Alongside the first phase of the Low Density Residential Zones Project (Report PED22154), approved by Council in 2022, amendments were made to modify the definition of Residential Care Facility and to omit any minimum radial separation distance requirements for Residential Care Facilities. Through the second phase of the Low Density Residential Zones Project in 2024 (Report PED22154(a)), further amendments were made to permit Residential Care Facilities without maximum capacity restrictions, which provided additional flexibility for supportive housing.

In April 2025, strategic and technical amendments to the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 were approved to implement the Residential Zones, and strategic amendments to Former City of Hamilton Zoning By-law No. 6593 (Report PED25038). During Planning Committee, questions were raised about the proposed changes to radial separation provisions and capacity limitations for Residential Care Facilities. Planning Committee deferred the amendments to a later date to provide staff the opportunity to separately engage with individual members of Council to further explain the proposed changes.

Analysis

1.0 Policy Evaluation

1.1 Provincial Planning Statement, 2024

The proposed Zoning By-law Amendments implement the following policies of the Provincial Planning Statement, 2024:

- Permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities (Policy 2.2.1 b) 1.).

Based on an assessment of the proposed amendments to Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593, it is staff’s opinion that the amendments are:

- Consistent with Section 3 of the *Planning Act*, and,
- Consistent with the Provincial Planning Statement, 2024.

1.2 Urban Hamilton Official Plan

The Urban Hamilton Official Plan includes policies that encourage increasing the range of residential uses throughout the City’s Urban Area and promote a full range of tenure, affordability, and support services. The proposed zoning amendments respecting regulations for Residential Care Facilities comply with the policies and intent of the Urban Hamilton Official Plan.

2.0 Proposed Zoning By-law No. 05-200 and Zoning By-law No. 6593 Amendments

The amendments proposed through this report intend to build on previous amendments to Zoning By-law No. 05-200 to further incorporate changes to the standards for Residential Care Facilities within the City’s Downtown, Institutional, Commercial and Mixed Use, and Transit Oriented Corridor (TOC) Zones. The following table identifies each zone where amendments for Residential Care Facilities are proposed:

Zone Category	Zone
Downtown Zones	<ul style="list-style-type: none"> • Downtown Mixed Use (D3) Zone • Downtown Residential (D5) Zone
Institutional Zones	<ul style="list-style-type: none"> • Neighbourhood Institutional (I1) Zone • Community Institutional (I2) Zone • Major Institutional (I3) Zone
Commercial and Mixed Use Zones	<ul style="list-style-type: none"> • Residential Character Commercial (C1) Zone • Mixed Use High Density (C4) Zone • Mixed Use Medium Density (C5) Zone

Transit Oriented Corridor (TOC) Zones	<ul style="list-style-type: none">• Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone• Transit Oriented Corridor Multiple Residential (TOC3) Zone
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2.1 Radial Separation Distance and Moratorium Areas

With respect to required radial separation distance requirements and the moratorium area applying to Residential Care Facilities, it is recommended that these be removed from Zoning By-law No. 05-200, as had been preliminarily recommended in Report PED19091. As described in Report PED19091, removing these restrictions will address the concerns identified by the Ontario Human Rights Commission and follow practices of other municipalities where such restrictions have been removed in response to the evolved approach since radial separation distances were introduced to Zoning By-laws in the 1980s and 1990s as Residential Care Facilities were integrated into communities. Eliminating both restrictions removes barriers for housing options and increases opportunities for residents requiring supports to choose the community they prefer to live in. Former City of Hamilton Zoning By-law No. 6593 will also be amended to delete the moratorium area for Residential Care Facilities (refer to Appendix C).

2.2 Capacity Restrictions

Capacity limitations typically varied across the former Community Zoning By-laws. The proposed amendments will maintain the approach taken for Low Density Residential Zones and apply it to other Zones in Zoning By-law No. 05-200 by removing capacity restrictions for Residential Care Facilities. The density, size and capacity of a Residential Care Facility will be regulated through built form restrictions such as minimum building setbacks and height restrictions, rather than the number of residents. Removing the capacity restriction increases availability of options for residents requiring supports throughout the urban area.

2.3 Co-location of Residential Care Facility and Social Services Establishment in the Same Building

Report PED19091 evaluated permitting counselling services in conjunction with a Residential Care Facility in response to evolving Residential Care Facility operations. Some operators have interest in providing counselling and other services to the broader public instead of solely to residents, and this constitutes a Social Services Establishment use under Zoning By-law No. 05-200. Since the associated definitions preclude co-location of these uses within a single building, a change to the Zoning By-law is necessary to permit their co-location.

It is recommended that a Residential Care Facility and a Social Services Establishment be permitted to co-locate in the same building in three Zones: Major Institutional (I3) Zone, Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, and Mixed Use Medium Density (C5) Zone. These Zones permit both a Social Services Establishment and Residential Care Facility, are generally located on or in proximity to

arterial roads and public transit and are intended to include uses which provide services to the community. As such, it is appropriate for these Zones to permit co-location. Regulations and restrictions for Residential Care Facilities outside of the urban area are not impacted by the proposed zoning amendments.

Alternatives

If the Zoning By-law amendments are not approved, the previous approvals by Council will not be fully implemented and inconsistencies in the regulations for Residential Care Facilities will exist in the Zoning By-law between different zones.

Relationship to Council Strategic Priorities

1. Sustainable Economic & Ecological Development
 - 1.3 Accelerate our response to climate change
 - 1.4 Protect green space and waterways
2. Safe & Thriving Neighbourhoods
 - 2.1 Increase the supply of affordable and supportive housing and reduce chronic homelessness

Previous Reports Submitted

- [PED19091](#) - Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper
- [PED19091\(a\)](#) - Public Engagement Results Residential Care Facilities and Group Homes (Urban Area) - Human Rights and the Zoning By-law Discussion Paper
- [PED22154](#) - Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek and Create Two New Low Density Residential Zones in Zoning By-law No. 05-200
- [PED22154\(a\)](#) - Updates and Amendments to the Low Density Residential (R1) and Low Density Residential (R1a) Zones, and Creation of a New Low Density Residential – Large Lot (R2) Zone, Creation of a New Section 5: Parking, and Technical Amendments to Zoning By-law No. 05-200 as Phase 2 of the Residential Zones Project
- [PED25038](#) - Strategic and Technical Amendments to the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 to Implement the Residential Zones, and Strategic Amendments to Former City of Hamilton Zoning By-law No. 6593 (CI 25-A) (City Wide)

Consultation

Consultation occurred through the development of the Discussion Paper and subsequent reports to Council in 2019, and further through the implementation of Council direction since 2022. As noted earlier in this report, the amendments proposed in Appendix A were originally brought to Planning Committee in April 2025 as part of a larger amendment to Zoning By-law No. 05-200.

At that time, amendments to Residential Care Facility regulations were deferred to allow for additional discussion with individual members of Council. A meeting occurred to review and clarify the intent of the proposed amendments. No further meetings were required and there have been no modifications to the regulations that were presented to Planning Committee in April 2025.

Notice of the proposed amendments was posted in the Hamilton Spectator on March 27, 2025, and again on January 02, 2026.

Appendices and Schedules Attached

Appendix A: Draft Zoning By-law No. 05-200 Amendment

Appendix B: Draft Zoning By-law No. 6593 Amendment

Appendix C: Summary of Modifications to Zoning By-law No. 05-200

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