Council Direction:

N/A

Information:

The City of Hamilton’s new Comprehensive Zoning By-law No. 05-200 is being implemented in stages. The first stage of the By-law came into effect in 2005 with the adoption of the Downtown Zones, which has been followed by the Open Space and Parks Zones (2006), Institutional Zones (2007), and the Industrial Zones (2010). The Zoning By-law Reform Team is currently finalizing the Rural Zones.

The Residential and the Commercial Mixed-Use Zones were put on hold pending the resolution of the Urban Hamilton Official Plan (UHOP) appeals. In July 2013, staff brought forward an uncontested motion to the Ontario Municipal Board (OMB) to have the un-appealed portion of the OP, as well as the previous settlements, brought into effect.

Therefore, staff will focus on these next two pieces of the Comprehensive Zoning By-law, which will form the next stage of the Comprehensive Zoning By-law.
This Report provides an update to Council and Senior Management Team (SMT) on the status and timing of the residential zoning. The Commercial Mixed-Use Zones Project will be included in a separate Information Report.

1.0 **Purpose of Project:**

The outcome of the project is to develop new residential zones (uses and regulations) that will be used on a City Wide basis. The goals of the project are: to implement the policies of the UHOP; to reduce the number of zones and site-specific permissions, to reduce the number of variances requested, to provide consistency in the uses and regulations on a City Wide basis.

There are 72 residential zones (excluding the Downtown) in the City of Hamilton. The six Zoning By-laws have a myriad of uses and regulations within multiple zones, the majority of which are more than 20 years old. Many of the new developments cannot be built without including multiple changes to the existing regulations.

2.0 **Project Approach:**

2.1 **Zone Categories:**

The preferred and most efficient approach in the development of new residential zones is to break the Zoning By-law into the following four zones/categories:

1. Low Density - large lots (zones with 15 m of frontage or greater).
2. Low Density Uses - singles, semis, triplexes, street townhouses.
3. Medium Density - block townhouses, maisonettes, stacked townhouses, apartment units (6-8 storeys, <100 units per ha).
4. High Density.

The rationale for this approach is:

- The different zones/categories have different issues associated with them.
- It provides for consistent zoning of similar uses on a City Wide basis.
- The stakeholder groups are slightly different (high density may require the input of architects/urban designers).
• Public consultation and explanation is more focused.

• Different staff teams can work on each of these areas.

Further, these zones should be implemented in two consecutive stages: the Medium and High Density areas would be zoned first, followed by the Low Density Zones. Through the staging process, intensification sites can be identified and zoned appropriately.

2.2 Specific Regulations (General Provisions):

Over the last several years, a number of general provisions have been identified that require specific review - air conditioners, recreational vehicles, accessory apartments (second units in houses), and radial separation distance for residential care facilities. Depending on the extent and complexity of the changes required, some of these amendments to the general provisions may be incorporated as part of housekeeping amendments to the existing Zoning By-laws.

In addition, there are policies contained within the UHOP to investigate new regulations for laneway housing.

2.3 Consultation:

Consultation will be the most extensive and time consuming. Consultation will be undertaken with internal Departments, Agencies, Ward Councillors, Stakeholder Groups, and the general public at various times/stage throughout. Establishment of zone category specific advisory/stakeholder groups will be required. For example, in the development of High and Medium Density Zones, a Stakeholder Group, with expertise in architecture, urban design, and building contractors, is important in the development of performance-based zones. The Low Density Zone Stakeholder Groups would have a greater focus on neighbourhoods with input being sought from Community Council/Neighbourhood Association representatives, as well as the Homebuilders and Real Estate Board.

One of the first tasks will be discussions with individual Councillors on the issues within their Wards, identifying the various stakeholders, neighbourhood associations, and other groups that should be consulted.
Communication and public input has changed considerably over the last five years; the internet and social media have evolved as major communication tools. However, given the detail and the geographical extent of the Residential Zones, traditional print media (i.e. newspaper insert), Public Information Centres, and individual/group meetings will still be required.

A two-staged approach to the Statutory Public Meeting has been successful, and was used for the adoption of the UHOP and the new zones which were added to Zoning By-law No. 05-200. The first stage is for the Planning Committee to hear all the delegations at the Statutory Public Meeting. Staff would report back at a subsequent Planning Committee Meeting with a summary of the public input, staff’s position on any requests for changes, the new zones, revised where recommended, and associated mapping for discussion, debate, and approval.

2.4 Costs and Staff Resources:

Staff will be requesting an additional $500,000 funding for this project through the 2014 Capital Budget cycle. This funding is 100% Development Charge fundable. This funding will be used to hire additional contract staff, administration (i.e. printing, meeting rentals), and consultants, if necessary. Additional staff will be hired once the Budget is approved.

Staff of the Building Services and Growth Management Divisions, Legal Services, Public Works, and Community Services will be part of an internal Technical Advisory Committee.

3.0 On-Going Residential City Initiatives (CIs) and Outstanding Business List (Planning Committee):

3.1 Mountain Brow Boulevard (Former City of Hamilton):

In June 2013, Zoning By-law No. 13-166 was passed to modify the front yard setbacks for the properties located between Nos. 118-338 Mountain Brow Boulevard to increase the minimum front yard setback. This CI was undertaken in response to a project requested by Committee.

A second request by Planning Committee was made to report back on the properties in the area between 380 Mountain Brow Boulevard and Mohawk Road East. This Report is anticipated to be brought forward in December 2013.
3.2 New Townhouse Zones:

The current in-force zoning regulations for condominium/block townhouse development predate the freehold block townhouse form of development permitted under the Condominium Act (i.e. common element condominiums). This has resulted in the requirement for technical variances to lot area, setbacks, coverage, etc. This matter is further complicated when the decision is made after the rezoning process to change the tenure from a Standard Condominium to a Common Element Condominium, which necessitates an application for a Minor Variance. In an effort to streamline the approvals process, and as previously directed by Planning Committee, Planning staff has initiated a review of the current townhouse zones as a precursor to the development of new townhouse zones. These zones would be added to Zoning By-law No. 05-200. The extent and timing of this particular project is currently being reviewed. A technical team has been developed to discuss issues with townhouse developments, the type of townhouse projects that are coming on the market, evaluate the existing six area municipal zoning categories, and make recommendations on future townhouse zones. It is intended these new zones will be included in By-law No. 05-200 for use with future zoning applications. The second stage of this task would be to apply these new zones to existing townhouse sites.

3.3 Monster Homes:

There are existing Zoning By-law regulations (developed in 1995/96) that govern the number of bedrooms, lot coverage, size of house, and parking for an area around McMaster University. As part of the low density residential component of this work plan, the existing regulations will be examined.

3.4 Radial Separation/Social Impact of Residential Care Facilities:

As a result of a recent OMB decision, Human Right Commission concerns and the development of the new Zoning By-law, the Planning Committee, at its meeting of September 4, and confirmed by Council on September 11, 2013, directed:
(a) That Report LS13031, except for Appendix “A” attached thereto, respecting the Ontario Municipal Board Decision in respect of the appeal by Lynwood Charlton Centre from Council’s refusal to enact a proposed Zoning By-law Amendment to rezone lands at 121 Augusta Street, Hamilton, Ontario, remain confidential; and,

(b) That staff be directed to report to the Planning Committee with a comprehensive review of residential care facilities in the context of the Provincial Policy, as it relates to special needs, radial separation distances, and the Human Rights Code.

This type of study requires expertise not found in-house. Funding for this project will be required as part of the $500K 2014 Capital Budget request.

3.5 Housekeeping Amendments:

As staff work with Zoning By-law No. 05-200, areas of concern or requiring further clarity in terms of language, etc., are identified. Housekeeping Amendments to Zoning By-law No. 05-200 were brought forward in 2007, 2008, 2009, 2010, and 2011. It is anticipated that one or more Housekeeping Amendments will be brought forward.

4.0 Preliminary Work Plan:

This project will take a minimum of 18 months to complete. Depending on the complexity of the issues, it may require that the Low Density, Medium, and High Density Zones proceed on different timelines. At the outset, they will be started simultaneously. Background work is required prior to the development of the new zones. This work includes: comparing existing zoning uses and regulations from the existing Zoning By-laws; identifying the zoning for the areas subject to each zone; and researching best practices from other municipalities (zoning, infill guidelines vs. zoning).

At the same time as the Residential Zones are underway, separate projects, which have been identified above, will continue or be initiated.
4.1 **Timing and Tasks:**

**Q4, 2013:**
- Residential work plan discussed at Planning Committee.
- Continue work on the development of new townhouse zones and regulations.
- Initiate discussions with Ward Councillors on issues related to residential uses/regulations.
- Hire/transfer staff for temporary assignment.

**Q1 and Q2, 2014:**
- Undertake a review of the general provisions, including accessory apartments, home businesses, commercial vehicle parking, air conditioners, etc.
- Prepare comparisons of existing zoning uses and regulations for the four zones/categories.
- Document issues with existing zoning regulations and site-specific permissions.
- Investigate best practices and costs of public consultation techniques.
- Identify and form Stakeholder Groups (i.e. Realtors Association, Hamilton/Halton Home Builders, Neighbourhood Groups, etc.), Technical Advisory Groups, and determine their roles and the stage of inputs.

**Q3 and Q4, 2014 - Medium/High Density Zones:**
- Develop draft zones and prepare mapping for Medium and High Density Zones.
- Receive input from internal Technical Committees, Stakeholder Groups, and Public Agencies.
- Individual meetings with Councillors on draft zones and mapping.
Q1 and Q2, 2015 - Medium/High Density Zones:
- Undertake public consultation for medium and high density zones.
- Finalize draft zones and mapping.
- Hold Statutory "Open House" Meetings.
- Revise zones, site-specific exemptions, mapping.
- Hold Public Meetings of the Planning Committee.

Q3, Q4, 2014 and Q1, 2015 - Low Density Zones:
- Develop draft zones and prepare mapping for low density zones.
- Receive input from internal Technical Committees, Stakeholder Groups, and Public Agencies.
- Individual meetings with Councillors on draft zones and mapping.

Q2, to Q4, 2015 - Low Density Zones:
- Individual meetings with Councillors on draft zones and mapping.
- Undertake Public consultation for low density zones.
- Revise zones and mapping.
- Hold Statutory "Open House" Meetings.
- Revise zones, site-specific exemptions, mapping.
- Hold Public Meetings of the Planning Committee.

The work plan may be updated from time-to-time to reflect the potential staging of the Residential Zone Work Program.