

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Strategic Services and Special Projects Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> CITY WIDE
<b>COMMITTEE DATE:</b> December 6, 2011	
<b>SUBJECT/REPORT NO:</b> Protection Measures for Existing Stable Residential Areas (PED11196)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Shannon McKie (905) 546-2424 Ext. 7491
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

- (a) That Report PED11196 respecting Protection Measures for Existing Stable Residential Areas be received.
- (b) That the item regarding Protection of Stable Residential Areas/Monster Homes, referred from the City Council meeting of April 19, 2011, be identified as completed and removed from the Planning Committee's Outstanding Business List.

**EXECUTIVE SUMMARY**

Council at its meeting of April 19, 2011 gave the following direction: "To consider and report back on what further controls can be put in place to protect established residential areas from monster homes."

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**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

**Financial:** Not applicable

**Staffing:** Not applicable

**Legal:** Not applicable

**HISTORICAL BACKGROUND** (Chronology of events)

The proposed Zoning By-law work program does intend on reviewing all neighbourhoods. The Council direction originated from a discussion about a proposed dwelling being constructed on a property on Mineral Springs Road. The residents contended that the proposed building was out of character with the existing residential area. However, the property is located within the Niagara Escarpment Development Control Area and, as such, the NEC issues the Development Permit and the City is only a commenting agency. Staff supported the proposed dwelling.

Many of the City's residential areas function as stable residential neighbourhoods. In some instances the built form is that of a dense urban form and in other instances the spread out suburban form. While Places to Grow legislation requires municipalities to increase the density within the built line, major changes in the amount and type of housing that are proposed within these stable residential areas as 'intensification' must be evaluated for appropriateness and consistency within the existing neighbourhood.

In some of the City's stable residential areas, redevelopment is occurring in a manner that does not respect the built form that exists. In older neighbourhoods, the existing lot areas and frontages are large enough to accommodate larger homes while still meeting the minimum requirements of the Zoning By-law. As a result, new development is occurring in a form that is inconsistent with the height, building footprint, design and character of the existing of existing residential dwellings.

Each of the former Municipalities have implemented a zone that acknowledges subdivisions that were created in the past with large lot areas, frontages and depths, differently. The intent was to protect these areas from inappropriate redevelopment. This report will evaluate the different measures that will be reviewed in the Comprehensive Zoning By-law to regulate and protect stable residential areas and limit over-building, some of which are:

- Implementing an Existing Residential Zone that will restrict the location and building foot print to the standards of existing residential dwellings;
- Creating a Neighbourhood Development Zone within which existing uses will be recognized and any new development would require a Zoning By-law Amendment;
- Establish a Maximum Coverage for all buildings on a lot;

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- Overlay Mapping which would allow for a variety of regulations reflective of a particular area;
- Maximum Height;
- Maximum Habitable Rooms;
- Restrictions on the location of Parking; and,
- Minimum Landscaping Requirements.

During the development of the Residential Zones for the Comprehensive Zoning By-law, residential neighbourhoods will be reviewed to assess the possibility and impact of intensification.

The mandate for intensification does not necessarily result in more dwelling units everywhere. Rather, where additional density can be managed appropriately while maintaining the character of the existing neighbourhood. Infill development is a form of intensification and can impact the character of an existing neighbourhood if redevelopment is not sympathetic to the existing built form. The Residential Zones will create opportunities for intensification, by zoning for additional density and creating infill opportunities, where appropriate. Zoning regulations will also protect areas where additional development would disrupt the character and form of the existing neighbourhood.

**POLICY IMPLICATIONS**

All proposed residential zoning will be in conformity with Places to Grow Legislation and the policies of the Urban Official Plan.

**RELEVANT CONSULTATION**

None

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

**Protection Measures for Stable Residential Areas:**

The former Municipal Zoning By-laws attempt to control over-building by implementing a Floor Space Index regulations (Ainsle Wood Westdale), and creating an Existing Residential Zone (Glanbrook and Ancaster). However, where a property can meet the minimum requirements of the Zoning By-law, there is no additional limitation for the development of a residential dwelling.

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The Residential Zoning process for the Comprehensive Zoning By-law 05-200 is in the beginning stages. During this process staff will be concentrating on the dynamics of residential areas across the City.

During the development of the Residential Zones the following protective measures will be evaluated to determine the appropriate regulations for existing stable residential areas:

**1. Implementing an Existing Residential Zone**

Similar to the Glanbrook and Ancaster Zoning By-laws, the Existing Residential Zone would establish regulations reflective of the existing built form. The Minimum Lot Area, Minimum Lot Frontage, Minimum Rear Yard and Minimum Front Yard regulations would be similar to the existing dwellings. Where a proposal could not meet the minimum requirements a minor variance would be required and the application would be subject to a public process, require Committee of Adjustment approval, and be reviewed on the merits of the specific situation.

The advantage of implementing an Existing Residential Zone is that the minimum regulations would be similar, if not the same as the built form that exists. Therefore, any new development would be required to be built at the same minimum setback and height of existing buildings.

The disadvantage of establishing the minimum standards is that the size and form of a proposed residential dwelling cannot be controlled where a development meets all of the minimum standards of the Zoning By-law.

Secondly, one stable residential area will not have the same characteristics as another. In order to avoid over regulating, regulations may be developed based on the average requirements of these areas.

**2. Creating a Neighbourhood Development Zone**

The Neighbourhood Development Zone would only permit existing uses. Any proposed development or redevelopment would require a Zoning By-law Amendment, would require Council approval and would be subject to a public process.

The Neighbourhood Development Zone is currently applied in the former Municipality of Stoney Creek, in areas that are designated through a Secondary Plan for which the implementing zoning has not yet been approved. The Neighbourhood Development Zone allows any use that legally exists. Therefore, there are no as of right standards for new development. All new development

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would require a Zoning By-law amendment, be subject to a full public process and would require Council approval.

**3. Maximum Coverage or Floor Area Ratio**

Many of the former Municipal Zoning By-laws have a Maximum Coverage regulation in Residential Zones. A Maximum Coverage would establish on a cap for the foot print of all buildings on a lot based on a percentage of the Lot Area. Along with the other regulations of the zone, this would restrict the location and size of building foot prints.

**4. Maximum Gross Floor Area or Floor Area Ratio**

While a Maximum Coverage regulation would restrict the maximum building foot print, a Floor Area Ratio (FAR) would limit the gross floor area of the buildings. The FAR is a total building size based on the size of a lot. The implementation of a Floor Area Ratio has differed based on the definition of the term as to what portions of a building are included in the calculation, such as mechanical areas, basements, cellars, garages, etc. A potential option is a decreasing scale of FAR or FSI relative to increasing size of lot area. A Floor Area Ratio would create a consistent dwelling size for similarly sized lots.

**5. Maximum Height**

All Residential Zones include a Maximum Building Height Requirement. The Maximum Building Height regulation can be set to the standard used for the existing residential neighbourhood in order to keep any new development at a consistent height. Any variation to the Maximum Building Height would require a Committee of Adjustment approval and be subject to a public process.

**6. Maximum Habitable Rooms, Restriction of Parking Locations and Minimum Landscaping requirements**

The Zoning By-law may restrict the total amount of habitable rooms within a dwelling unit. The restriction may require additional parking spaces for any additional habitable rooms beyond that which is permitted by the zone. Therefore the amount of legal parking spaces available would restrict the size of the dwelling.

Parking areas for residential dwellings can be restricted to a certain size and location such as no or limited rear yard parking. Establishing additional locational requirements would restrict the availability of legal parking and in combination with a Maximum Habitable Rooms regulation would restrict the size of a residential dwelling.

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Additional Minimum Landscaping requirements may also be implemented for residential dwellings that would require a front yard have a minimum landscaped area requirement. A landscaped area requirement would prohibit a front yard being used solely for parking purposes therefore restricting the amount of legal parking permitted on a property. Similarly, this requirement could be applied to rear yards.

**Residential Zoning Process for Comprehensive Zoning By-law 05-200**

Staff will be evaluating all residential areas throughout the City of Hamilton to determine the appropriate zoning. During this analysis, all previous minor variance decisions, severances and rezoning approvals will be reviewed to determine locations where significant modifications have been made to determine any short falls with the existing zones. Reviewing these applications will also allow staff to determine where situations of over building have occurred and which regulations could be implemented to restrict the amount and form of intensification.

Each stable residential area will be analyzed individually for preventative over-building measures where appropriate. With guidance from the Official Plan, Secondary Plans and Neighbourhood Plans, regulations will be created to ensure any future development is consistent with the existing built form and compatible with the surrounding neighbourhood. However to meet the policy and population projections, some neighbourhoods will need opportunity for intensification to meet the increased densities needed City wide.

The Residential Zones can not go forward until such time as the Urban Official Plan is approved and in effect. Currently, the Urban Official Plan is under appeal and is before the Ontario Municipal Board. Once the policies of the Urban Official Plan are in effect, the Residential Zones will go forward for appropriate public consultation and review.

**Residential Zoning Consultation Process**

The Residential Zones will be developed in two separate stages. The first stage will be the development of the low density residential zones and the second stage will be the medium and high density residential zones. Each stage will require lengthy consultation processes including advisory committees. The advisory committees will include residents, neighbourhood associations and stakeholders, such as developers, realtors, the Homebuilders' Association, and rental property investment companies. The intent for the advisory committees is to generate discussion regarding the implementation of zoning for residential neighbourhoods and identify issues and concerns of those impacted by the proposed residential zones.

Staff will create Residential Zones, based on the consultation of the advisory committees, which will go forward for a broader public consultation process throughout the City.

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In order to present comprehensive residential zoning, all of the Residential Zones will come forward for Council approval together.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

None

**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

***Financial Sustainability***

- ◆ Effective and sustainable Growth Management

***Healthy Community***

- ◆ Recognizing the significance of existing stable residential areas and encouraging compatible redevelopment opportunities