



WELCOME TO THE CITY OF HAMILTON

**Residential Care Facility/Group Home  
Human Rights and the Zoning By-Law  
within the Urban Area**

April 30, 2019 – Planning Committee Meeting

# Background and Context

- This Review was directed by City Council in response to a specific OMB hearing (Lynwood Charlton) and the Ontario Human Rights Commission (OHRC) concerns respecting Zoning By-law regulations for RCFs; and,
- Any amended and new regulations to be incorporated into new residential zones and undertake any amendments to existing regulations within Zoning By-law No. 05-200.

# Purpose

- To review the Zoning By-law regulations (e.g. radial separation distance, location, capacity, counselling) for residential care facilities/group homes;
- Does not address other housing forms - retirement homes, emergency shelters, correctional facilities, and long term care homes; affordable housing and City's Licensing By-law.
- To engage with Planning Committee and Council on RCF's in advance of the new residential zones being developed

# History

- 24 hour supervised living arrangement where between 4-50 residents live in a congregate living situation shared/individual bedrooms, common living area and meals are provided.
- Developed in the 1970's and 1980's in response to provincial direction of 'deinstitutionalization'.
- Welcoming more residents into neighbourhood areas.

## History (cont'd)

- City of Hamilton developed Zoning By-law regulations (No. 6593) including a definition, capacity by zone and a radial separation distance (distance between RCF's) within all residential zones;
- Stoney Creek, Flamborough, Glanbrook, Dundas, permit group homes in a limited way within their Zoning By-laws

*Note: some RCF's are licensed by the City of Hamilton; other RCF's are privately run or supervised by Provincial ministries*

# Shifts in the Development and Zoning related to RCF's

- In 2001, retirement homes (a subset of RCF's) were defined separately in Hamilton Zoning By-law No. 6593.
- In 2007, the radial separation distance was removed for retirement homes in Zoning By-law 6593 (By-law 07-328)
- In 2015, the radial separation distance was removed for RCF's in rural area

# Shifts in the Development and Zoning related to RCF's (cont'd)

- The congregate living model is shifting towards independent living arrangement with on-site supports (e.g. common dining room / cafeteria, nurse, etc.) based on the needs of the residents.

# Summary of Proposed Regulations

- Addressed 4 different Zoning By-law matters:
  - Definition;
  - Capacity and Location of RCF's by Zone Type (e.g. low, medium and high density);
  - Radial separation distance; and,
  - Counselling services in RCF's.



# Background - Definition

- Definition in Zoning By-laws
  - Residential Care facility; or
  - Group Home
- Similar descriptions of use

# Preliminary Recommendations - Definition

- Remove the capacity in a facility and include within a zone regulation.
- Remove description as to why a person is living in a RCF and what type of services they are to receive.

# Background - Capacity by Zone

- Existing Regulations - Capacity
  - Minimum 3 residents
  - Maximum 50 residents
- Existing Regulations – Locations
  - Not permitted
  - Permitted in a one or two residential zones
  - Permitted in any zone, except industrial

*Note: a RCF/group home must be contained within a single-detached or wholly detached dwelling*

# Preliminary Recommendations - Capacity by Zone)

## **Low Density Zones (single/semi-detached dwellings)**

Minimum capacity: 4 residents

Maximum capacity: 6 residents

## **Medium Density (including the Community Institutional (I2) Zone)**

Minimum capacity: 4 residents

Maximum capacity: 24 residents

## **High Density Zone (including the Commercial Mixed Use High Density Zone)**

Minimum capacity: 15 residents

Maximum capacity: none

# Background - Radial Separation Distance

- All former municipalities include a radial separation distance (RDS) – range from 275 m to 1.6 km
- Hamilton has 2 moratorium areas:
  - Queen Street South, Hunter Street West, James Street South and Main Street West; and,
  - Wellington Street South, Railway tracks, Sherman Avenue South and King Street East.

# Preliminary Recommendations - Radial Separation Distance)

- Delete both radial separation distance and mortarium areas

# Background - Counselling Services

- Counselling is permitted as an accessory use for the residents within the facility only

# Preliminary Recommendations - Counselling Services

- Allow Counselling (Social Service Establishment) in conjunction with a RCF in the:
  - Major Institutional (I3) Zone;
  - Transit Oriented Corridor-Mixed Use Medium Zone (TOC1); and,
  - Mixed Use Medium Density (C5) Zone.



# Next Steps Public Consultation -

- **Who**

- key stakeholders (e.g. operators, housing organizations);
- residents.

- **How**

- Option 1 – key stakeholder meeting
- Option 2 - hold Public Information Centres (PIC's) coupled with other housing issues (e.g. 2<sup>nd</sup> dwelling units)
- Option 3 – City web posting inviting written comments