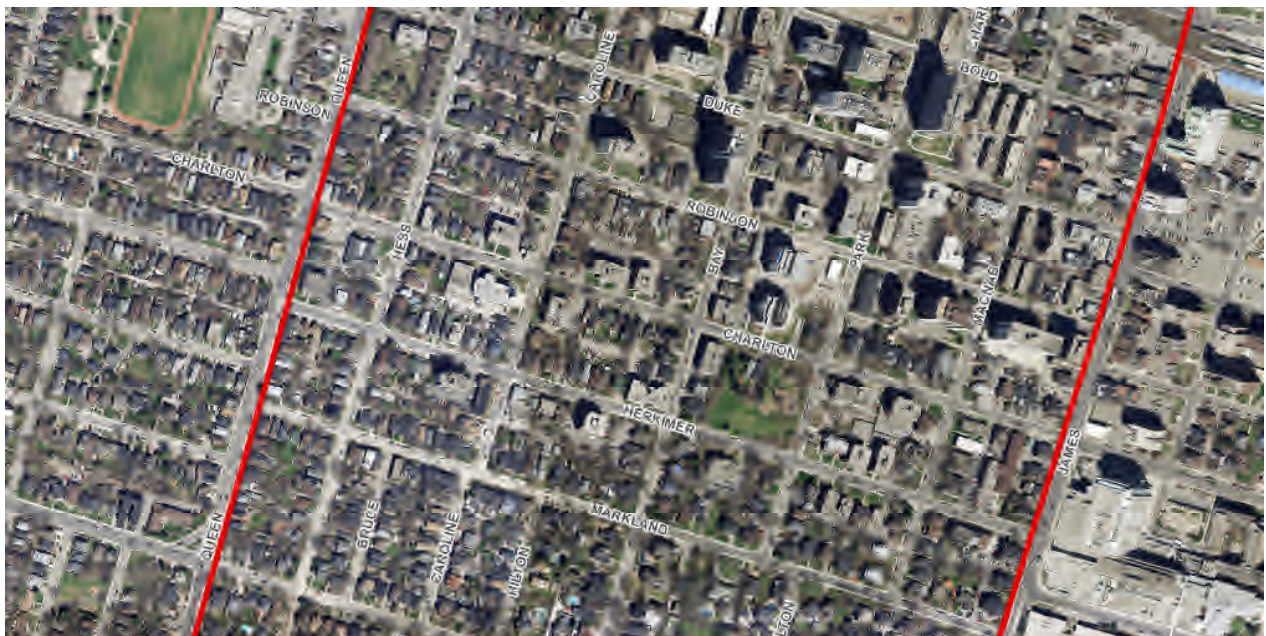


Peer Review and Recommendations on Zoning

Durand Neighbourhood Character Study



City of Hamilton
January 2019

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1. Introduction

1.1 Background and Purpose

GSP Group was retained by the City of Hamilton to undertake a Peer Review of the Durand Neighbourhood Character Study prepared by Civicplan dated April 2017 (referenced throughout this Peer Review as the “Character Study”). The Durand Neighbourhood is an older neighbourhood in central Hamilton that is bounded by Main Street to the north, Queen Street to the west, James Street to the east, and the Escarpment to the south (**see Figures 1 and 2**). The Character Study was prepared on behalf of the Durand Neighbourhood Association to “*understand the neighbourhood context and make recommendations for future policy to help maintain neighbourhood character through periods of change*”.

The Character Study describes the context, character and planning and development issues with the Durand Neighbourhood. It provides a comprehensive description of the history and context of the Durand Neighbourhood, outlines the applicable planning policy and regulatory framework directing growth and development in the area, and it summarizes an inventory of existing conditions and audit of neighbourhood preferences in the area. The Character Study culminates with a series of recommendations related to the planning documents and mechanisms applicable to the Durand Neighbourhood, which includes recommendations concerning official plan policy and zoning for the area.

Specific to zoning, the Character Study recommends considerations for the formulation of the residential zones as part of the City’s ongoing comprehensive zoning by-law process. This includes recommendations for the use of a recent City of Ottawa zoning tool related to streetscape character zoning and analysis for low-rise residential forms, which provides additional considerations for established neighbourhoods where sensitivity to existing character is particularly pronounced. The purpose of this Peer Review is to review the suitability of the Ottawa approach applied to the Durand Neighbourhood context and provide recommendations to the City of Hamilton to inform the comprehensive zoning update process relating to the formulation of residential zones for the Durand context.

1.2 Area of Study

This Peer Review focuses on those areas of the Durand Neighbourhood zoned “C” (Urban Protected Residential) District, “D” (Urban Protected Residential – One and Two Family Dwellings) District or “DE” (Low Density Multiple Dwellings) District in City of Hamilton Zoning By-law No. 6593. These areas are where low-rise residential redevelopment or infill development would be principally expected, ensuring a comparable assessment to that of the Ottawa character zoning approach. Areas that are subject to the “E” (Multiple Dwellings, Lodges, Clubs, Etc) District, the “E-1” (Multiple Dwellings, Lodges, Clubs, Etc) District, the “E-2” (Multiple Dwellings) District, or the “E-3” (High Density Multiple Dwellings) District within By-

law No. 6593 are excluded as they have been largely developed as mid-rise and high-rise residential developments. Areas that are subject to the City of Hamilton's Comprehensive Zoning By-law No. 05-200 have been excluded as these areas are either within the downtown zones that are not intended for low-rise residential infill development or institutional and park zones that do not permit residential uses (**see Figure 3**).

1.3 Scope

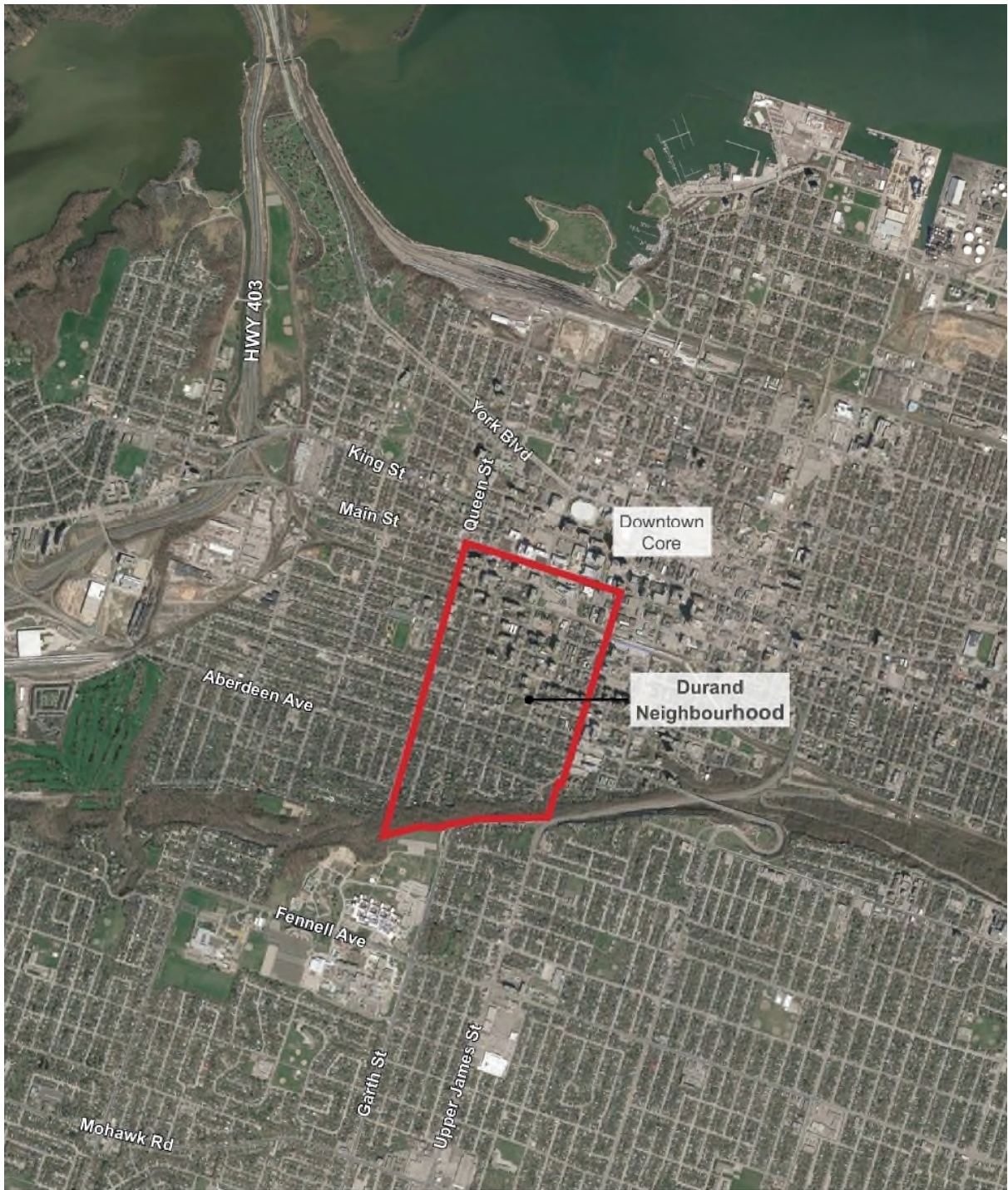
This Peer Review focuses on those sections of the Character Study related to zoning and the application of the Ottawa character zoning approach. This includes Section 2.0 ("The Ottawa Approach) describing Ottawa's approach and its application to Durand; Section 4.3 ("Resident Survey") which outlines factors influencing streetscape character; and Section 5.2 ("Zoning") concerning zoning recommendations and Ottawa's Streetscape Character Analysis tool. There are five general questions that this Peer Review specifically explores per direction from City of Hamilton staff:

1. Appropriate Characteristics: which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?
2. Applicable Dwelling Types: which areas and what types of buildings should be subject to these characteristics?
3. Parking: how should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?
4. Evaluation Extent: how far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?
5. Heritage Influences: should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?

1.4 Contents

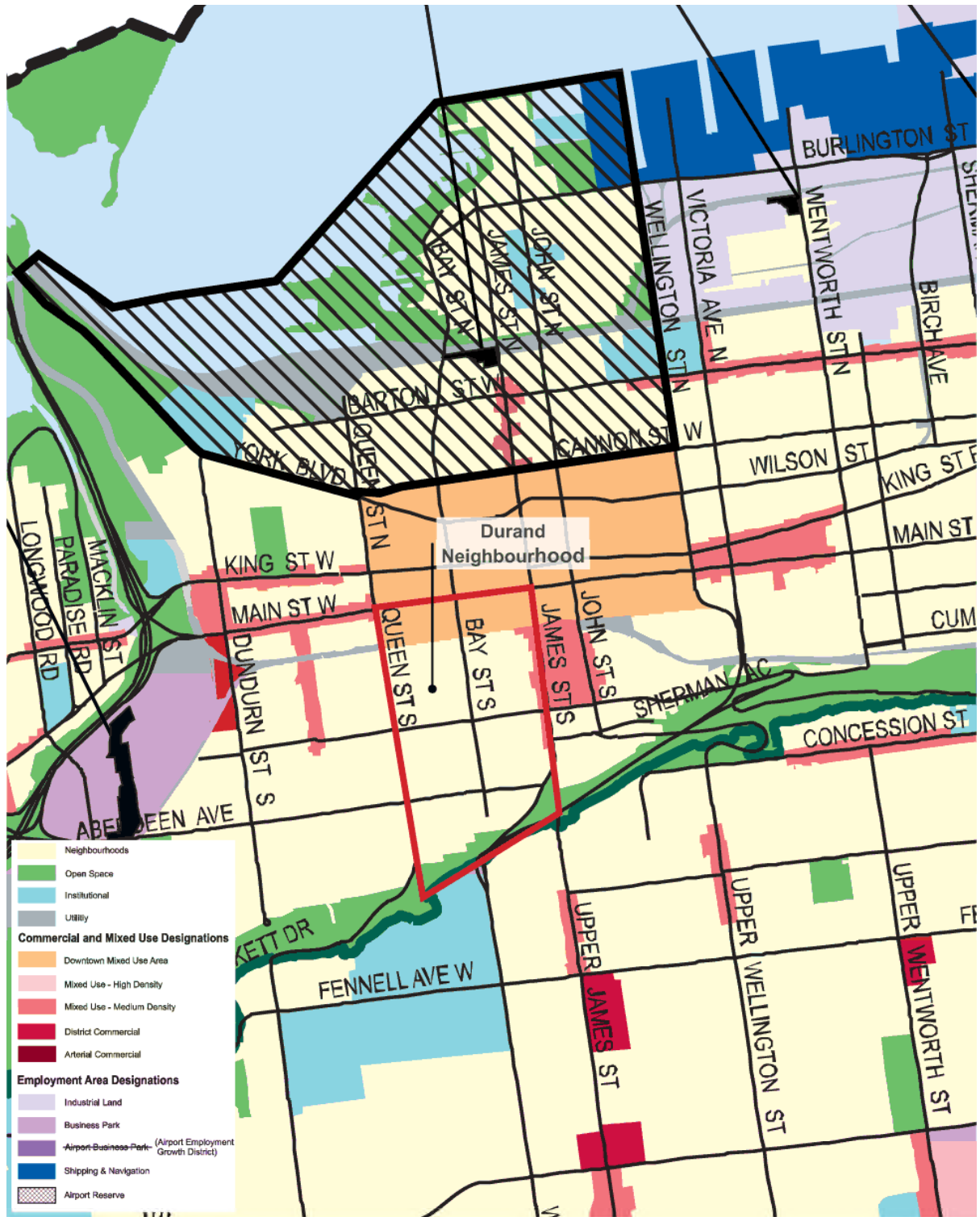
This Peer Review is organized with the following structure:

- Section 2 summarizes the key findings of the Character Study as they inform zoning,
- Section 3 outlines the mechanics of Ottawa's approach to character zoning and analysis,
- Section 4 applies the Ottawa streetscape character analysis tool to six different streets segments within the Durand Neighbourhoods to test its application to the Durand context and shed light on suitability and efficacy,
- Section 5 assesses the above five questions in the review scope and provides recommendations for zoning in respect to each, and,
- Section 6 provides a summary of the recommendations resulting from this Peer Review.



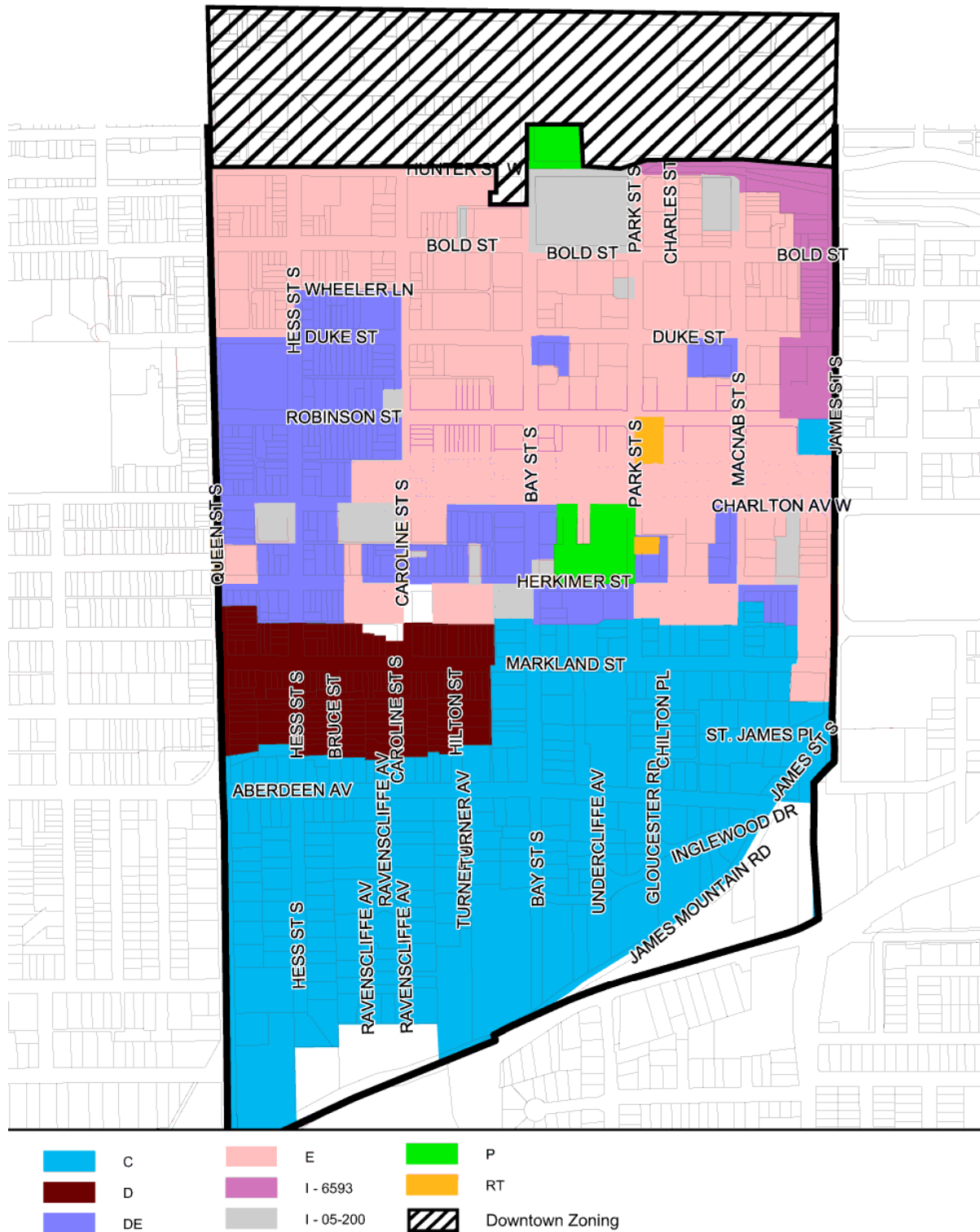
Durand Neighbourhood Location
Source: Google Aerial Imagery (2017)

Figure
1



Urban Hamilton Official Plan - Land Use
Source: City of Hamilton Official Plan Schedule E-1 (April 2014)

Figure
2



Durand Neighbourhood Zoning
Source: City of Hamilton (September 2017)

Figure
3

2. Key Character Study Findings

2.1 Ottawa Approach (Section 2.0)

Section 2.0 of the Character Study provides an illustration of the application of the “Ottawa Character Analysis” tool to a selection of four streets within the Durand Neighbourhood. The streets include Charlton Avenue between James Street and Bay Street, Hess Street south of Aberdeen Street, Robinson Street between Hess Street and Caroline Street, and Wesanford Place east of Caroline Street. There is no clearly distinguished method in the Character Study for selecting these street sections; however, it appears that factors of land use composition, property sizes, building age, and building height are meant to show four different sections of varying character.

These demonstrations apply three considerations of the Ottawa Character Analysis (front yards, parking and driveways, and main door) to the applicable properties surrounding a property along each street section. The “Dominant Character” for each of these considerations was identified through site audits. This demonstration does provide insights into the composition of varying character experienced in Durand and the application of the character analysis tool to the Durand context, but acknowledges that these demonstrations are an “initial sample” and are not meant to evaluate the suitability and efficacy of the Ottawa approach for Durand.

2.2 Streetscape Character Factors (Section 4.3)

Section 4.3 of the Character Study outlines the “Streetscape Character Factors” that are identified as influencing street character in the Durand Neighbourhood. These factors were characterized through site audits and their importance to residents evaluated through resident surveys. The Character Study found:

- Mature Trees: 95% see it as a positive influence,
- Landscaped Front Yards: 95% see it as a positive influence,
- Front Entrance Location: 86% see it as a positive influence,
- Dwelling Heights (1-3 Storeys / 4-6 Storeys / 7+ storeys): the positive influence of height diminishes between the height categories, from 69% to 41% to 29%,
- Similarity in the Type of Housing: 53% see it as positive influence,
- Garages: 43% see it as neutral influence and 35% as a negative influence,
- Front Yard Parking: 29% see it as neutral influence and 37% as a negative influence, and,
- Similar Façade Materials: 57% see it as a positive influence.

2.3 Study Recommendations for Zoning

Section 5.2.2 of the Character Study recommends using the findings from the audits and surveys as part of the residential zones in the ongoing Comprehensive Zoning By-law No.05-200 process. This section specifically identifies how the “*dominant lower heights (e.g. 2.5 storeys) around many parts of the neighbourhood* could inform an update to where larger scale development is allowed and not allowed (e.g. up to 10-12 storeys)”. This section also speaks to other character-defining elements being incorporated into the zoning by-law update. It does not, however, outline those elements except to reference approved general sections of By-law No.05-200 regarding parking that needs to fit with the intended character approach for Durand.

Section 5.3.3 of the Character Study recommends exploring the opportunity for a new Durand Neighbourhood Zoning Overlay based on the Ottawa model as part of the residential zones in Comprehensive Zoning By-law No.05-200. It specifically highlights the concept of context-specific zoning regulations that respond to neighbourhood character and transparency in the application of rules. It identifies that while the Ottawa approach uses three character elements that “*additional character factors could be managed through other mechanism and policies (e.g. secondary plan, zoning)*” could be used in the context of the Durand Neighbourhood.

3. Mechanics of Ottawa Character Zoning

3.1 Background

The City of Ottawa undertook a comprehensive Infill Study process further to their Infill Design Guidelines prepared in 2009. This Infill Study was initiated largely given the limitations of design guidelines concerning projects not requiring site plan approval and in the interests of reducing the number of undesirable infill development conditions within the city. The Infill Study included Parts I and II, each of which resulted in zoning by-law amendments to the City's Comprehensive Zoning By-law No. 2008-250.

Part I of the Infill Study resulted in the "Mature Neighbourhoods By-law" (2012-147) that was approved in May 2012. It dealt with those publicly-visible elements of residential development such as front setbacks, front projections, physical elements of the building, location of parking, and hard and soft surfaces. It established "streetscape character" changes to the zoning regulations within the lower intensity residential zones of the Zoning By-law. The by-law was appealed to the Ontario Municipal Board and following revisions, additional consultation, and endorsement by City Council in 2014 was ultimately approved by the Board in May 2015.

Part II of the Infill Study resulted from a Council direction to staff further to the Part I Mature Neighbourhood By-law. It was meant to investigate height, massing, rear/side setbacks and projections within the above mature neighbourhoods as well as surrounding neighbourhoods. Resulting from Part II, the "Infill II By-Law (2015-228)" was approved by City Council and appeals against this by-law were resolved by June 2016. These regulations complement those of the Part I by-law that addressed the front interface along the streetscape.

The City of Ottawa is currently monitoring the performance of these regulations and will be considering adding other mature neighbourhoods where warranted.

3.2 Mature Neighbourhoods Overlay

Section 139 and 140 of Zoning By-law 2008-250 contain the "Mature Neighbourhoods Overlay". The Overlay applies to all properties zoned Residential First Density Zone (R1), Residential Second Density Zone (R2), Residential Third Density Zone (R3), and Residential Fourth Density Zone (R4) within a delineated area of central Ottawa. The Overlay establishes that the regulations for development on a property are tied in part to the prevailing dominant patterns on that property's surrounding street ("*Your street gives you your rules*"). Specifically, the purpose of the Overlay is "*to regulate the character of low-rise residential development in order to recognize and reflect the established character of the streetscapes within the area of the Overlay*". The Overlay requires a context-specific documentation of the streetscape, known as a "Streetscape Character Analysis" as described in Section 3.3 of this Peer Review, to determine the prevailing patterns and direct the application of the regulations.

The Overlay's regulations apply to residential dwellings that are four storeys or less on properties zoned R1 through R4 within the identified Overlay area. Further to the regulations of the R1 through R4 Zones, the Overlay additionally regulates five elements that are tied to the prevailing patterns with the property's context. These five elements and their principal zoning mechanisms are as follows.

1. **Yard setbacks for yards abutting streets:** the building must align with the front yard setbacks for the buildings on the immediately abutting properties (generally the average setback for an interior lot and lined up for a corner lot), but in no case do setbacks need to be greater than 6 metres.
2. **Landscaping of yards other than rear yards:** the landscaping of front yards must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. Landscaping includes different patterns of landscaping types (hard versus soft), walkways, driveways, dwelling placement, and/or projections. The Character Groups include:
 - Character Group A: Fully landscaped front yard,
 - Character Group B: Landscaped front yard in front of the principal dwelling,
 - Character Group C: Landscaped front yard in front of a portion of the principal dwelling, and,
 - Character Group D: Small or no landscaped front yard.

Walkways in front or corner side yards are only permitted where they either provide access between a driveway and a dwelling entranceway (1.25 metre maximum depth) or extend from the street right-of-way to the dwelling without abutting the driveway (1.25 metre maximum width).

3. **Location and width of driveways:** the location and access arrangements of driveways must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. The Character Groups include:
 - Character Group A: No streetscape impact from on-site parking,
 - Character Group B: Driveways are less than or equal to one-third in width than the actual lot width,
 - Character Group C: Driveways are more than one-third but no more than half of the actual lot width, and,
 - Character Group D: Driveways measure half or more of the actual lot width.



Photos: Examples of infill and redevelopment projects in established neighbourhoods of Ottawa that the Streetscape Character Analysis zoning method was established to address. These examples illustrate driveway elements that are out of character with the surrounding context (source: Google Earth and City of Ottawa).

Photos: Examples of infill and redevelopment projects in Ottawa that the Streetscape Character Analysis zoning method was established to address. These examples illustrate building forms and parking orientations that are out of character with the surrounding context (source: Google Earth and City of Ottawa).



Together with regulations concerning driveway locations, maximum driveway widths (shared, single, or and potentially double driveways) are tied to the lot width. Lots must be at least 6 metres wide to be permitted a single driveway and 15 metres wide to allow a double driveway, subject to the location considerations of the Streetscape Character Analysis.

- 4. Location and size of all parking spaces, garages, and carports:** the Overlay does not require parking for buildings with less than 12 dwelling units. Where parking is provided, it must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis, per the Character Groups for driveways above. The location and size of parking and garages is further regulated by the following:
- Parking for lots that abut a travelled rear lane must be accessed from the rear lane, and may not be in the front, interior side, or corner side yards.
 - The maximum width of the attached car garage doors and carport entranceways where they are permitted by the SCA is three metres for a single garage or six metres for a double garage.
 - Garages or carports may not extend closer to the front or corner lot lines than the residential building's walls, regardless of the determined dominant pattern.
 - The following are not permitted unless they are determined as a dominant pattern through an SCA: garages and carports that are in line with the dwelling's front wall; legally-established front yard parking; and, front yard parking spaces created where a driveway ceases to function as an access to legal parking that is outside the front or corner side yards.
- 5. Orientation of principal entranceways:** the orientation of a dwelling's principal entranceway must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. This applies to each dwelling unit in detached dwellings and street townhouse dwellings and at least one dwelling unit in semi-detached and duplex dwellings that faces the front lot line. For all dwellings types, a dwelling's first floor must contain at least 40 square metres of habitable floor space. The Character Groups include:
- Character Group A: Principal entranceway is located along the front wall of the dwelling; and
 - Character Group B: Principal entranceway is not located along the front wall of the dwelling.

3.3 Streetscape Character Analysis

Section 139(2) of the Mature Neighbourhoods Overlay requires approval of a Streetscape Character Analysis ("SCA") for zoning by-law amendment, minor variance, site plan, or building permit applications in respect to:

- a new dwelling on a new lot or an existing lot,
- a change in permitted residential building type,
- an addition to an existing residential building that abuts the front yard or corner side yard;
- the incidental use of lands (including a new driveway or parking space) within front interior side and corner side yards, and,
- to establish a new, or relocate an existing, driveway that was not undertaken at the same time as development approval and building permit approval of the dwelling.

Section 139(5) requires documenting the respective Character Group for three factors (front and corner yards, driveways and parking, and main door) along the street. Documentation includes lots on either side of and opposite the respective property. The actual number of surrounding lots required for documentation varies between 11 and 21 lots, largely depending on whether the property is located mid-block or end-block on the street.

Section 139(1) defines the dominant Character Group as *"most frequently occurring Group as detailed in Section 140, inclusive of the various patterns that constitute it, for each of the attributes being documented in a Streetscape Character Analysis"*. Where there is a "tie" between two Character Groups, it is considered a multiple dominant character and the allowed patterns of either Character Group are permitted on the affected lot. Lots that are vacant or developed with institutional, office, or open space uses must be documented, but may not be counted towards determining the dominant character of the streetscape.

3.4 OMB Proceedings

The Mature Neighbourhoods By-law 2012-147 was the subject of a comprehensive appeal at the Ontario Municipal Board ("OMB") between 2013 and 2015. At the outset, the appeal focused on the legislative basis of the Mature Neighbourhood By-law, and whether the City of Ottawa had the authority under the *Planning Act* to regulate "character" through a zoning by-law. The appellants challenged the method of zoning (particularly related to use of "averaging" of surrounding properties); the legislative support for the municipal zoning authority (such as location or alignment of parking spaces; architectural elements like doors and windows; driveways and parking spaces; walkways; and landscaping); and the jurisdiction for adopting zoning related to aesthetics.

The OMB ordered in its March 2013 interim order that the municipality did have the authority to regulate “character” if it was grounded in prominent existing streetscape patterns found in context and did have the authority to regulate ancillary functions such as parking and landscaping as part of their regulation of “use”. Also, it found that “aesthetic” matters are allowed for municipal consideration within the zoning process. Concerning the By-law’s content as originally approved, the OMB determined that:

- The municipality did have the jurisdiction to regulate many of the challenged provisions. This included the averaging formula; the direction and location of parking; the treatment of balconies and other projections; the treatment of other architectural elements provided they are part of the streetscape pattern; and driveways, walkways, hard surfaces, and landscaping.
- That some of the provisions appeared to be applied independently of the streetscape pattern, and thus were not supportable under the “character” definition in the legislation. This includes the direction of carports and garage doors, garage setbacks in relation to the main façade setback, and garage door widths. The OMB referred this provision back to the City for further consideration.
- It was not satisfied that the matter of ground floor glazing was sufficiently addressed at the time for the interim order, and that it warranted further consideration.
- There was no demonstrated basis for municipal authority through zoning to regulate whether doors have direct access to a dwelling (meaning directly to the interior areas of the dwelling rather than through a garage).

Further to this interim order, the planning merits of the Mature Neighbourhoods By-law remained under appeal before the Board as the City revised the by-law for further consideration. This revised by-law was endorsed by City Council in May 2014 further to significant additional consultation with stakeholders. Through Board-assisted mediation, consensus was reached on the substantive content of the by-law in January 2015 and the OMB approved the revised by-law in May 2015. In the end, the intent of the Mature Neighbourhoods By-law largely survived the appeal challenge, although the content and mechanics of application were refined through the process.

4. Demonstration of Ottawa Zoning

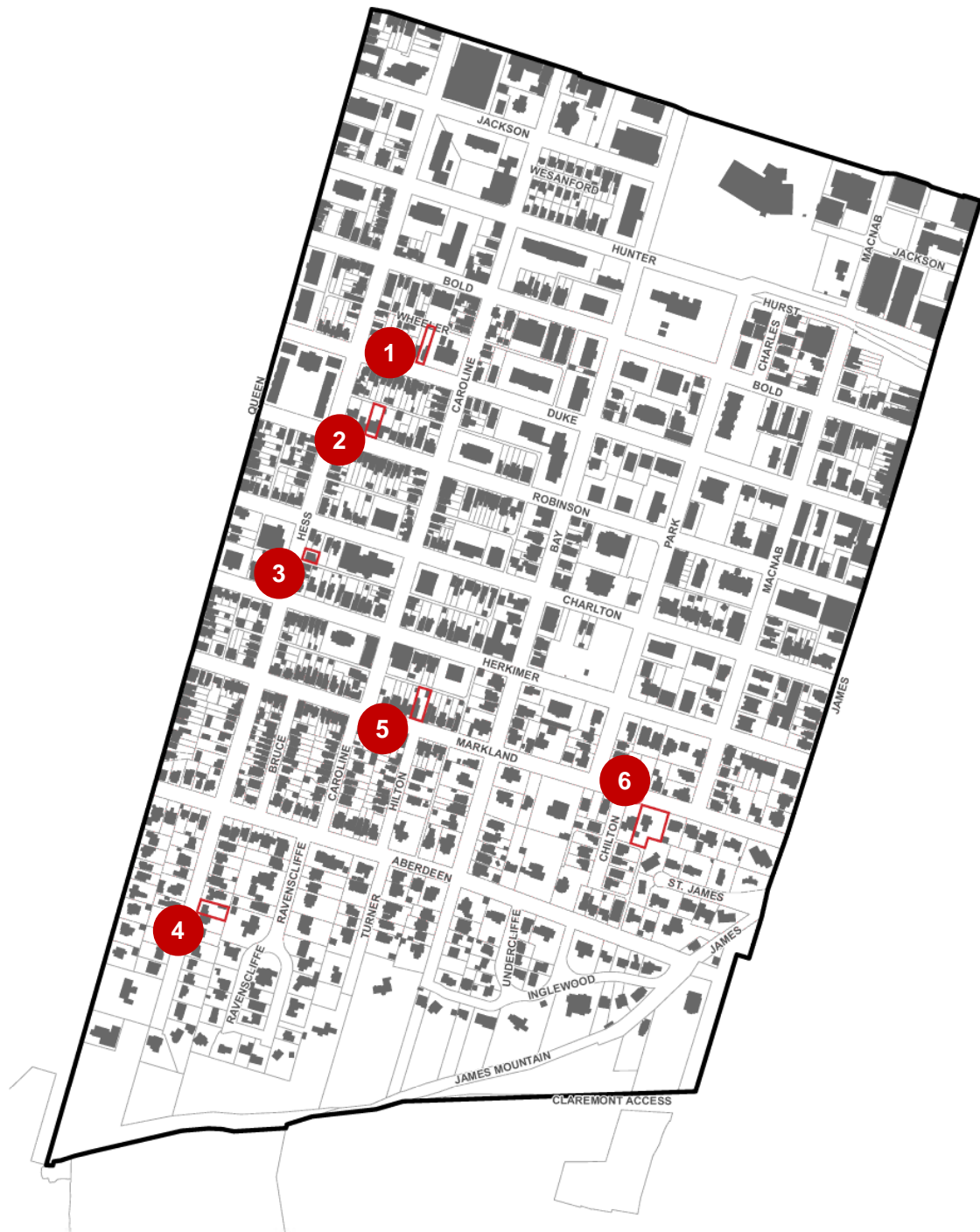
4.1 Method

This section seeks to understand the application of Ottawa's Streetscape Character Analysis ("SCA") approach to the Durand Neighbourhood. The Character Study undertook a general characterization using the SCA method for different blocks within the Durand Neighbourhood. It did not, however, assess the applicability and suitability of the SCA approach in terms of the effects on infill developments. This section of the Peer Review takes the characterization further by applying the entirety of the Ottawa SCA zoning to various blocks throughout the Durand Neighbourhood to demonstrate a comparison to the in-effect zoning to assess the suitability for Durand.

Six sites within the Durand Neighbourhood were selected to demonstrate the application of the SCA zoning. The selected sites illustrate different compositions of streetscape character elements to show a breadth of application, including sites on blocks that are more "uniform" in composition to those that are more "diverse". The sites were selected considering their context within the block (middle versus end block sites), the presence of rear lanes, the nature and placement of buildings, parking arrangements and access, and landscaping treatments. The selected sites for demonstration (**see Figure 4**) are:

- Site 1: Duke Street between Hess Street and Caroline Street,
- Site 2: Robinson Street between Hess Street South and Caroline Street,
- Site 3: Hess Street South between Charlton Street and Herkimer Street,
- Site 4: Hess Street South south of Aberdeen Avenue,
- Site 5: Markland Street between Caroline Street and Hilton Street, and
- Site 6: Markland Street between Chilton Place and James Street.

These six demonstration sites show hypothetical scenarios for redevelopment or building additions that compare the existing in-effect zoning to the additional regulations of the Ottawa SCA zoning. They are not meant to support the feasibility or suitability of a development scheme on these properties but rather are intended to inform recommendations concerning the suitability and efficacy of the SCA zoning approach for Durand.



Streetscape Character Analysis -
Demonstration Sites

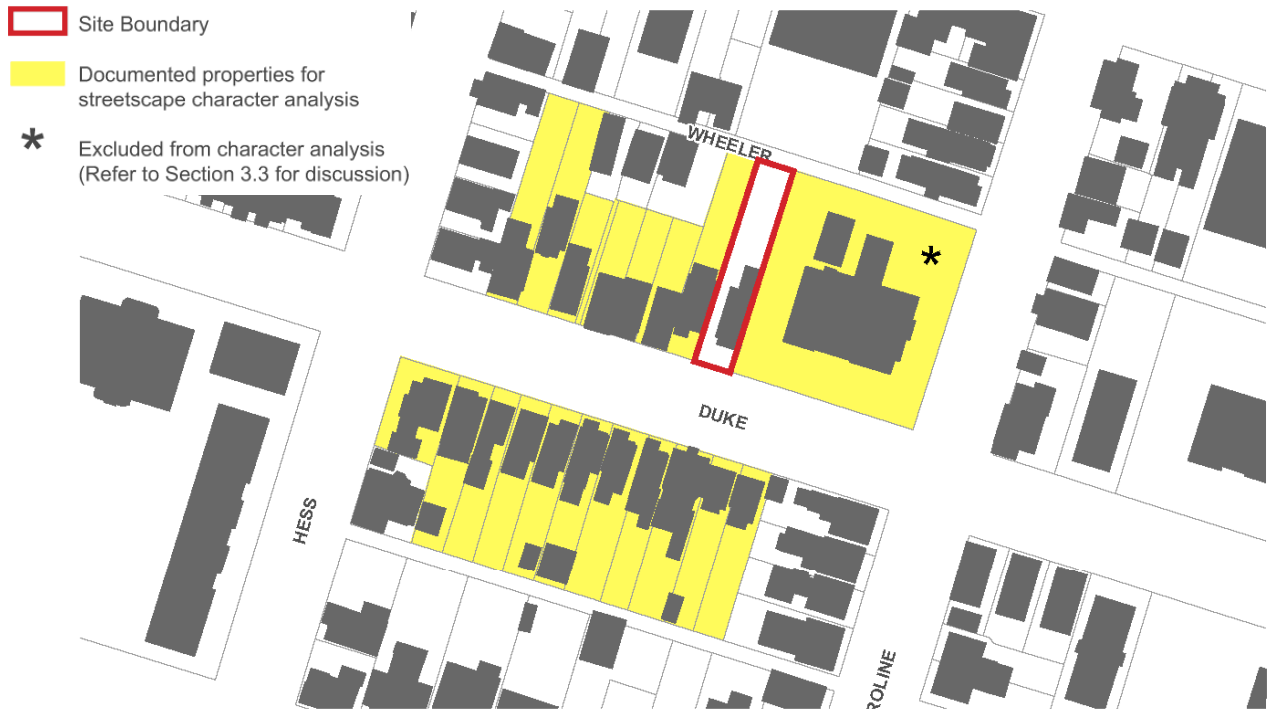
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure
4

4.2 Site 1 (Duke)

Site 1 is situated on the north side of Duke Street between Hess Street and Caroline Street. The site is approximately 465 square metres in total area and is approximately 9.25 metres wide and 50 metres deep. The site abuts Wheeler Lane to the north, an assumed rear lane for access and parking. It contains a two-and-a-half-storey detached dwelling set back approximately 5.75 metres from the front lot line, a landscaped front yard, and rear yard parking accessed from Wheeler Lane.



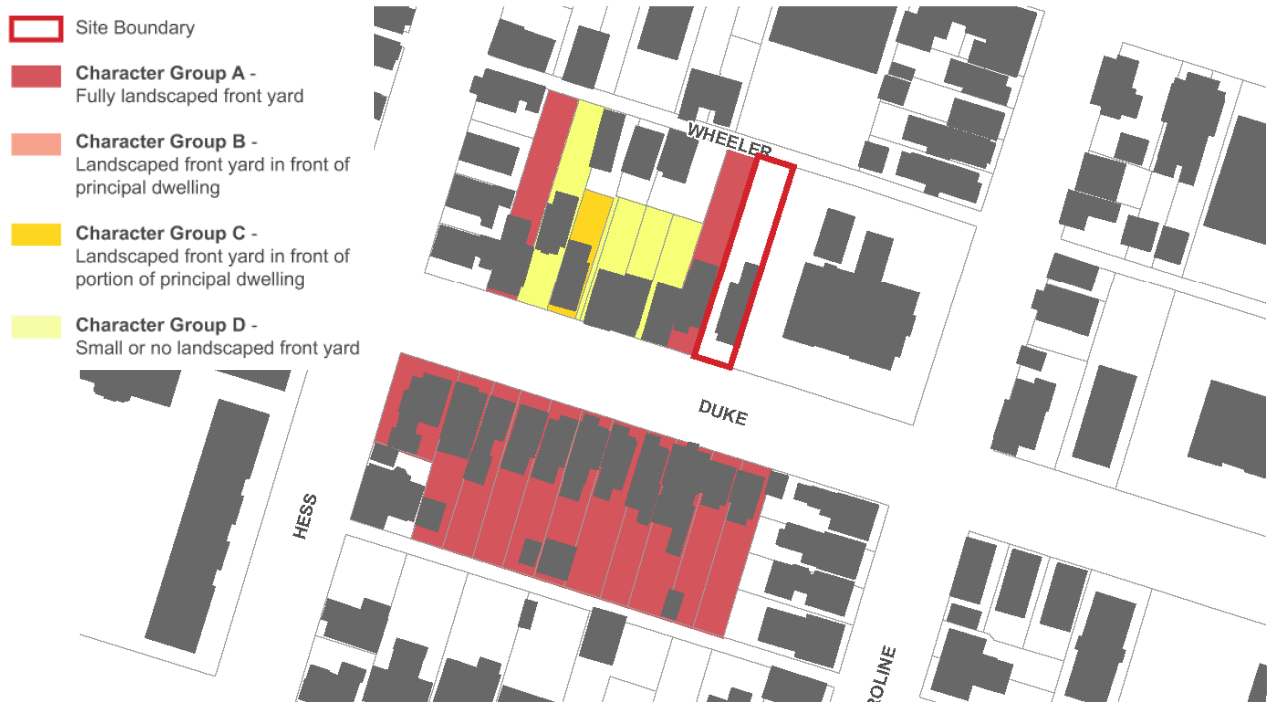


Site 1: Duke Street Property
Property Location

Figure

5a

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



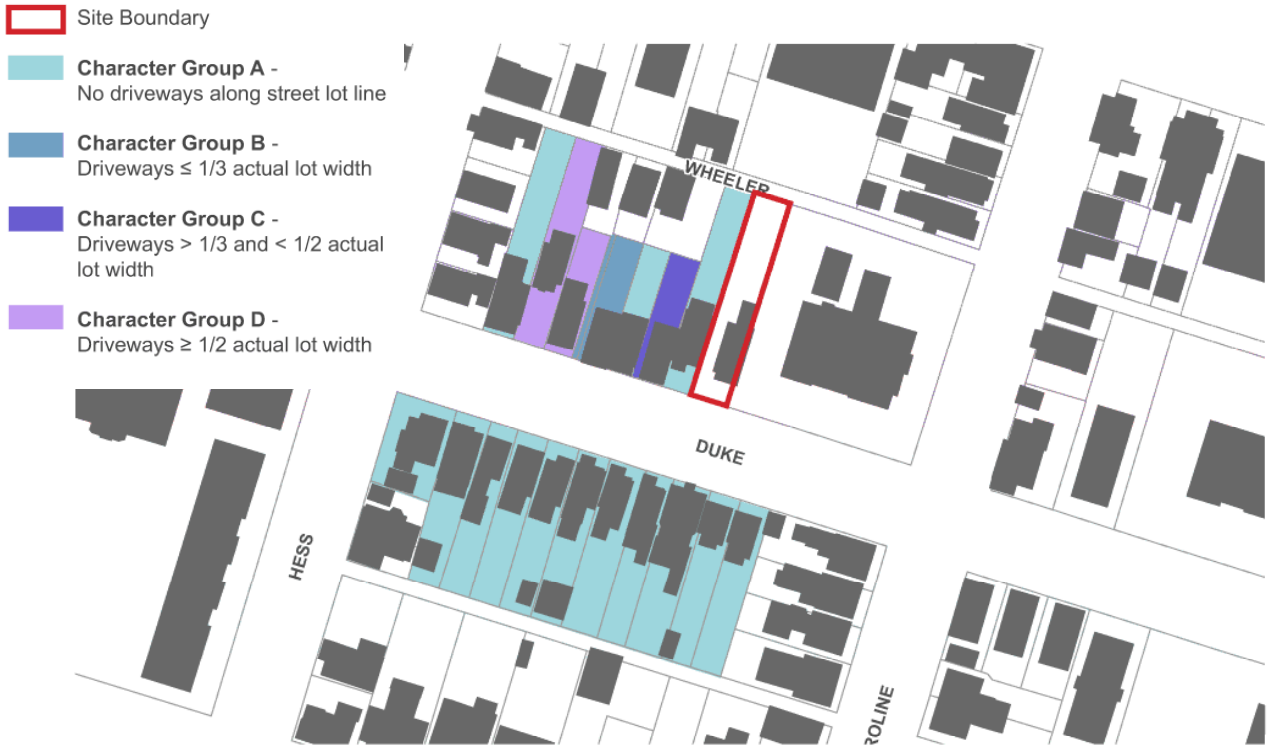
Site 1: Duke Street Property
Front Yard Patterns

Figure

5b

Source:: City of Hamilton Data (2018), GSP Group (March 2018)





Figure

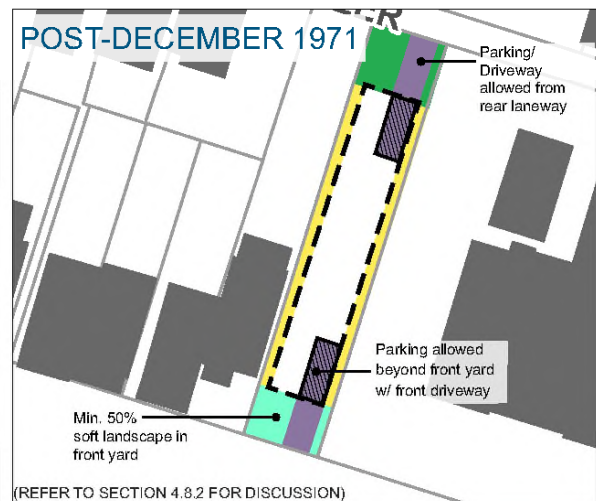
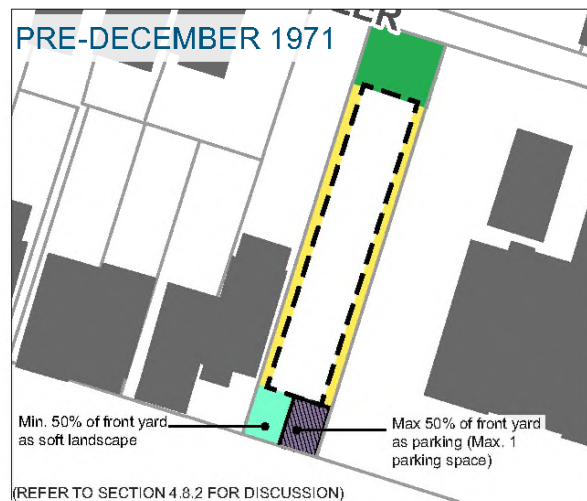
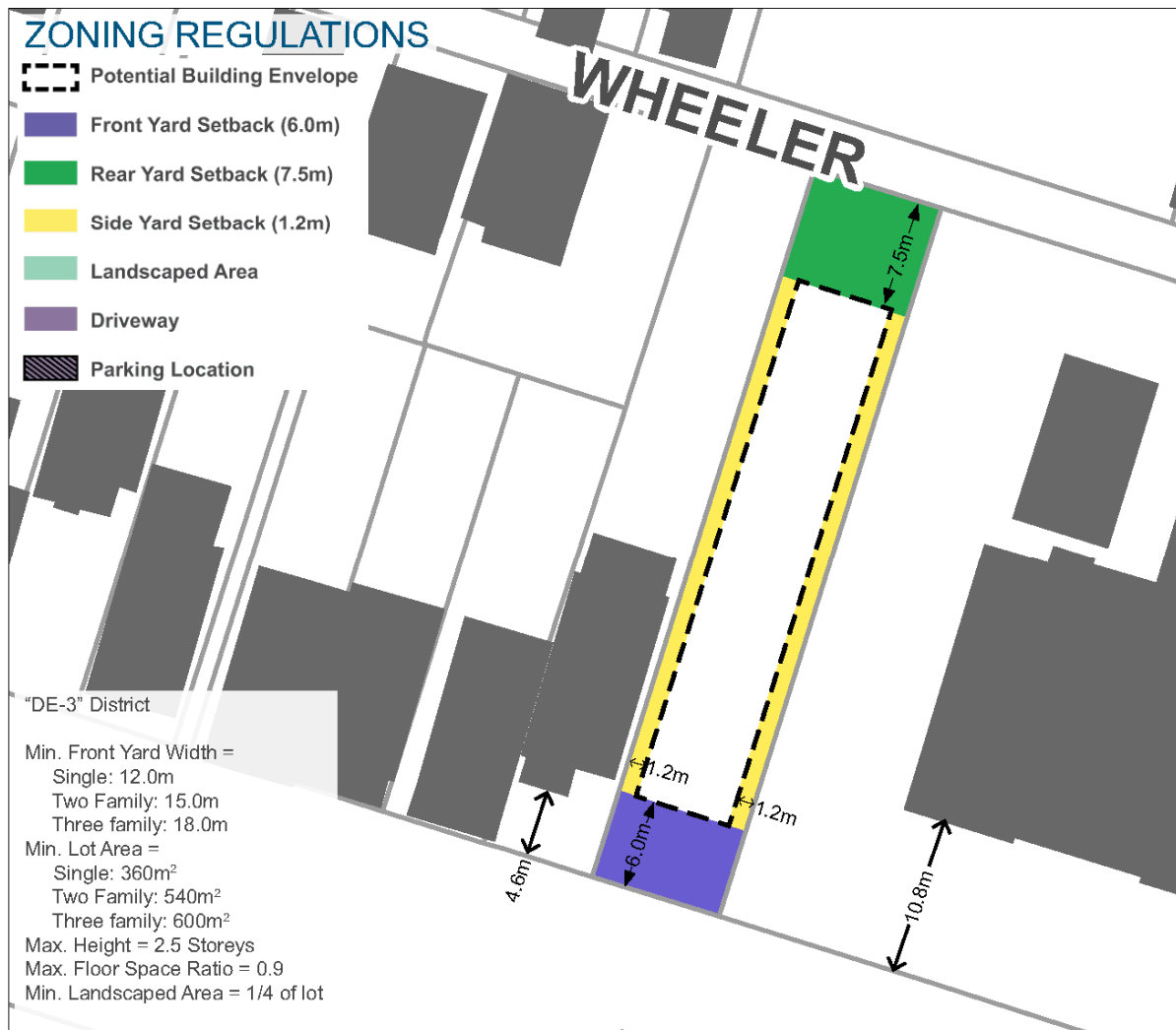
5c



Figure

5d





Site 1: Duke Street Property
As-of-Right Zoning

Figure



5e

Source: City of Hamilton Data (2018), GSP Group (March 2018)

4.3 Site 2 (Robinson)

Site 2 is situated on the north side of Robinson Street between Hess Street and Caroline Street. It is approximately 650 square metres in total area and is approximately 15.5 metres wide and 42 metres deep. It abuts an assumed rear lane to the north for access and parking. The site contains a one-storey detached dwelling set back approximately 5 metres from the front lot line, a landscaped front yard, and rear yard parking accessed from the rear lane.



-  Site Boundary
-  Documented properties for streetscape character analysis




Site 2: Robinson Street Property
Property Location

Source:: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

6a

-  Site Boundary
-  Character Group A - Fully landscaped front yard
-  Character Group B - Landscaped front yard in front of principal dwelling
-  Character Group C - Landscaped front yard in front of portion of principal dwelling
-  Character Group D - Small or no landscaped front yard



Site 2: Robinson Street Property
Front Yard Patterns

Source:: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

6b





Site 2: Robinson Street Property
Parking Access and Parking Space Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

6c



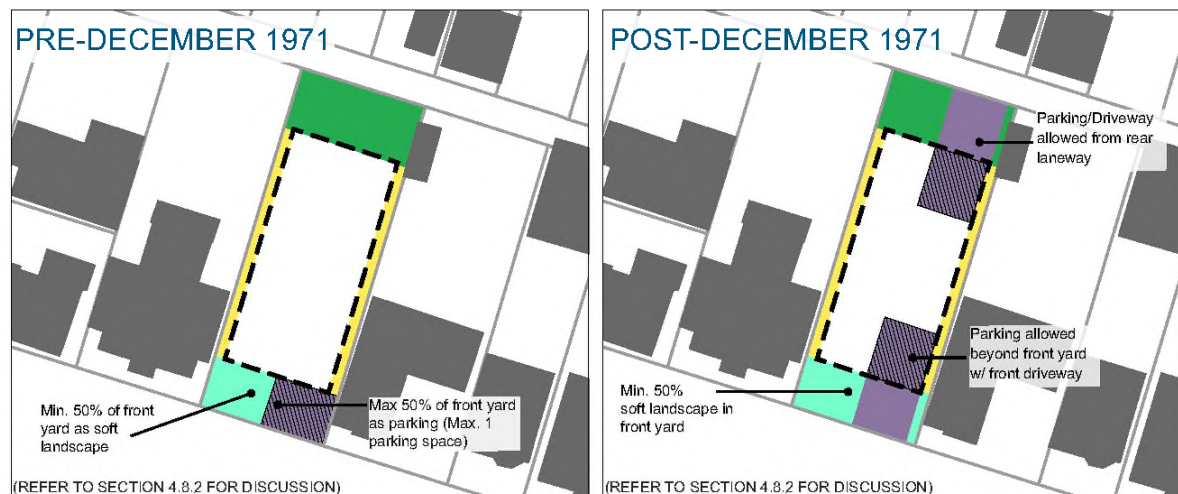
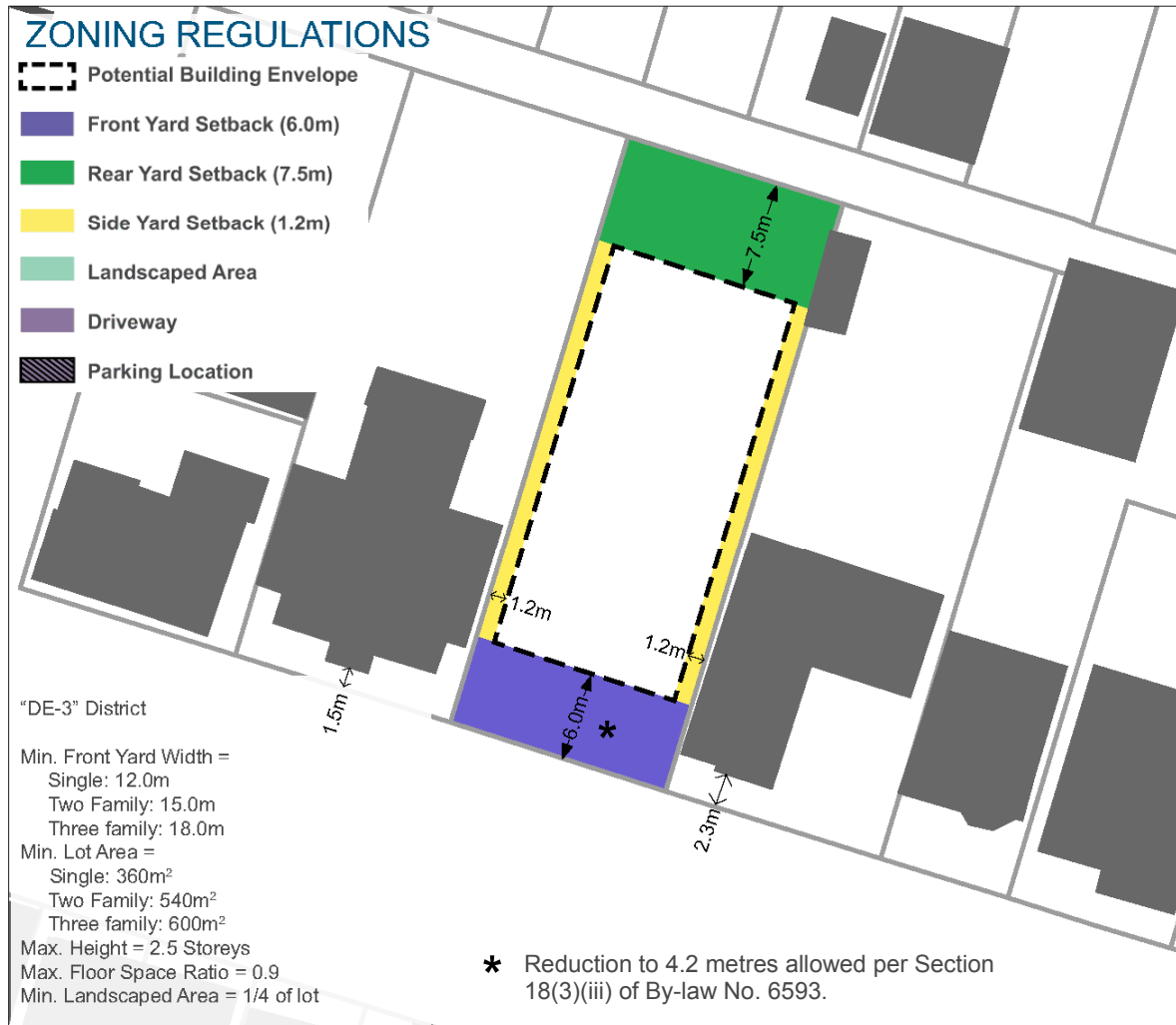
Site 2: Robinson Street Property
Entranceway Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

6d





Site 2: Duke Street Property
As-of-Right Zoning

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure
6e

4.4 Site 3 (Hess between Herkimer and Charlton)

Site 3 is situated on the east side of Hess Street South between Charlton Avenue West and Herkimer Street. It is approximately 285 square metres in total area and is approximately 15 metres wide and 19 metres deep. It flanks an assumed rear lane to the south for access and parking. The site contains a two-and-a-half-storey detached dwelling set back approximately 4 metres from the front lot line (with additional porch projections), a hardscaped front yard, and a driveway on the north side yard.



- Site Boundary
- Documented properties for streetscape character analysis



Site 3: Hess Street Property
Property Location

Figure

7a

Source:: City of Hamilton Data (2018), GSP Group (March 2018)

- Site Boundary
- Character Group A - Fully landscaped front yard
- Character Group B - Landscaped front yard in front of principal dwelling
- Character Group C - Landscaped front yard in front of portion of principal dwelling
- Character Group D - Small or no landscaped front yard







Site 3: Hess Street Property
Front Yard Patterns

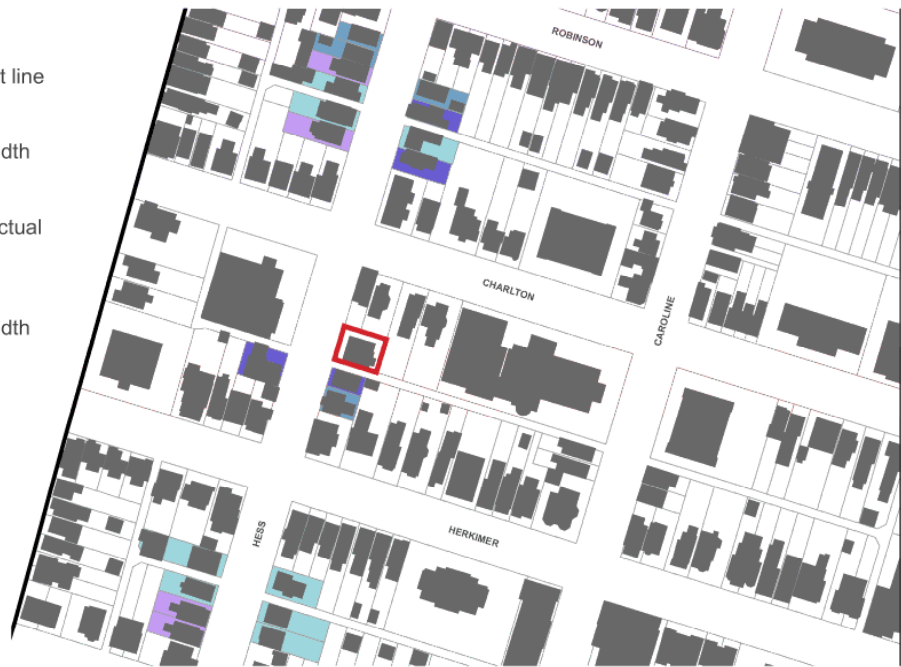
Figure

7b

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



-  Site Boundary
-  **Character Group A -**
No driveways along street lot line
-  **Character Group B -**
Driveways $\leq 1/3$ actual lot width
-  **Character Group C -**
Driveways $> 1/3$ and $< 1/2$ actual lot width
-  **Character Group D -**
Driveways $\geq 1/2$ actual lot width






Site 3: Hess Street Property
Parking Access and Parking Space Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

7c

-  Site Boundary
-  **Character Group A -**
Principal entranceway located along front wall of dwelling
-  **Character Group B -**
Principal entranceway not located along front wall of dwelling



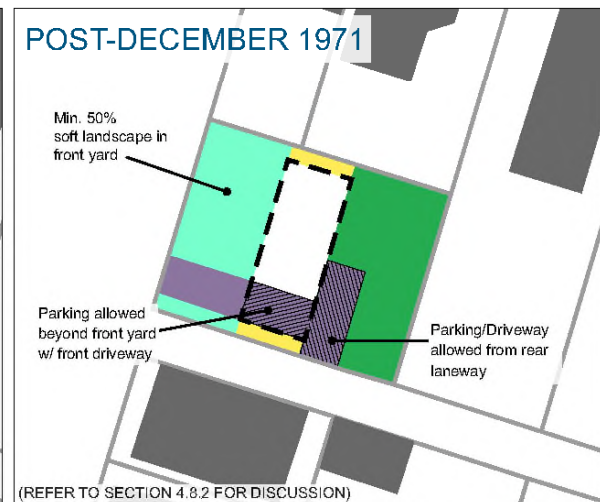
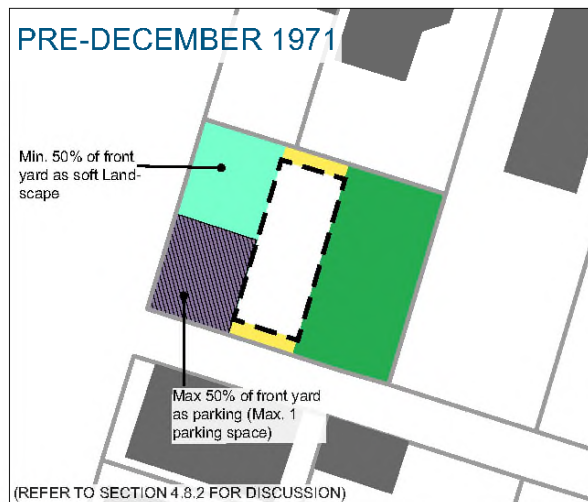
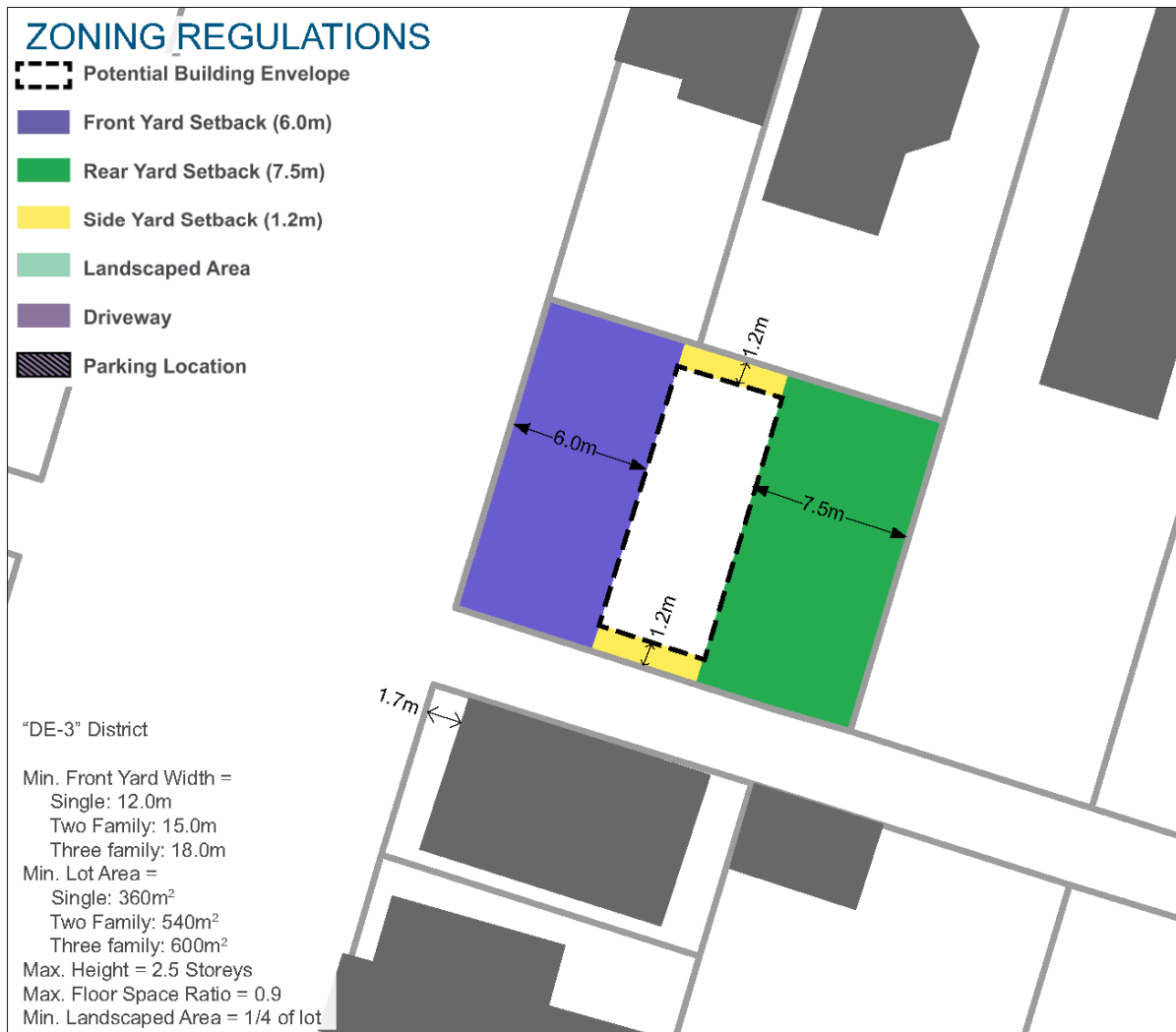
Site 3: Hess Street Property
Entranceway Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

7d





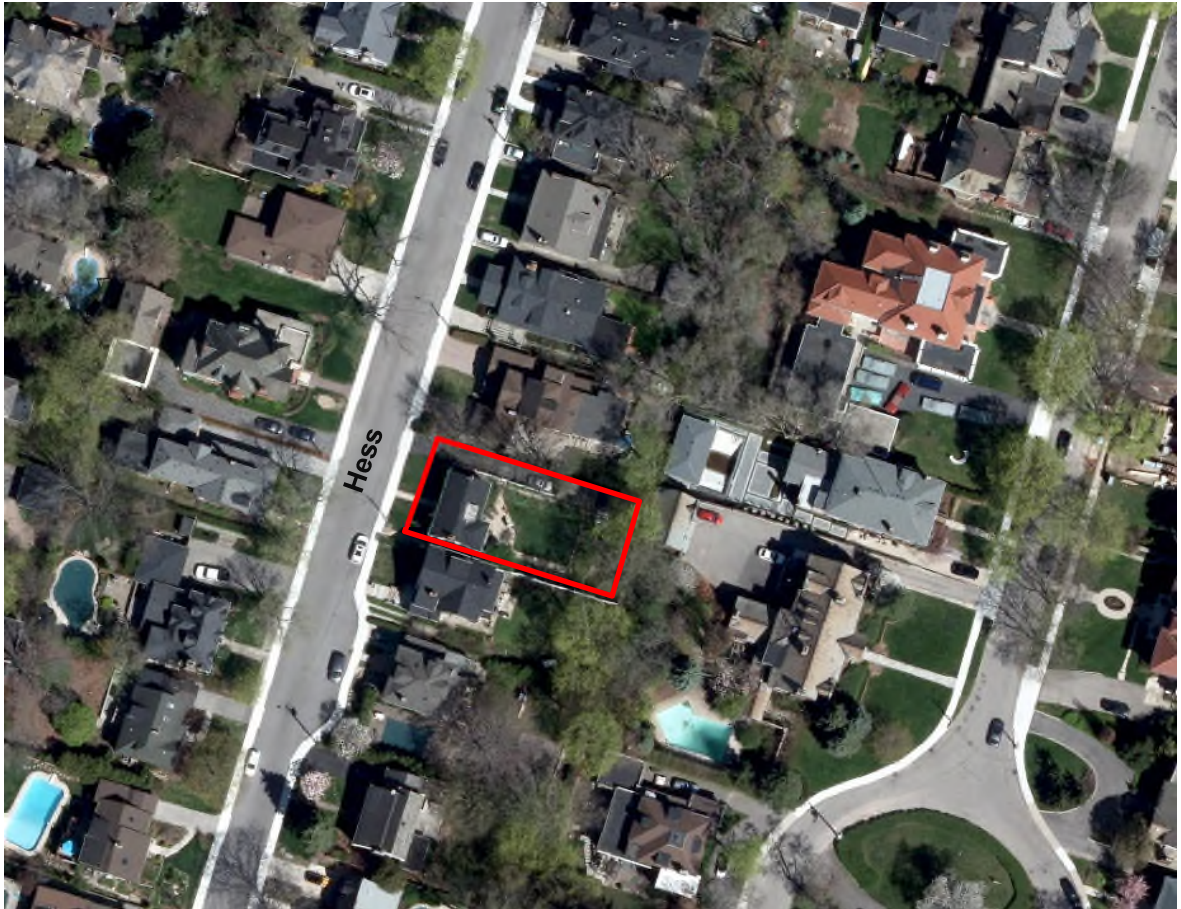
Site 3: Hess Street Property As-of-Right Zoning

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure
7e

4.5 Site 4 (Hess south of Aberdeen)

Site 4 is situated on the east side of Hess Street South between Aberdeen Avenue and the base of the Niagara Escarpment. It is approximately 700 square metres in total area and is approximately 18.5 metres wide and 38 metres deep. The site contains a two-storey detached dwelling set back approximately 4.5 metres from the front lot line, a hardscaped front yard, and a driveway in the northern side yard leading to rear yard garage.





Site 4: Hess Street Property
Property Location

Figure

8a

Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 4: Hess Street Property
Front Yard Patterns

Figure

8b

Source: City of Hamilton Data (2018), GSP Group (March 2018)



-  Site Boundary
-  **Character Group A** -
No driveways along street lot line
-  **Character Group B** -
Driveways $\leq 1/3$ actual lot width
-  **Character Group C** -
Driveways $> 1/3$ and $< 1/2$ actual lot width
-  **Character Group D** -
Driveways $\geq 1/2$ actual lot width






Site 4: Hess Street Property
Parking Access and Parking Space Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

8c

-  Site Boundary
-  **Character Group A** -
Principal entranceway located along front wall of dwelling
-  **Character Group B** -
Principal entranceway not located along front wall of dwelling



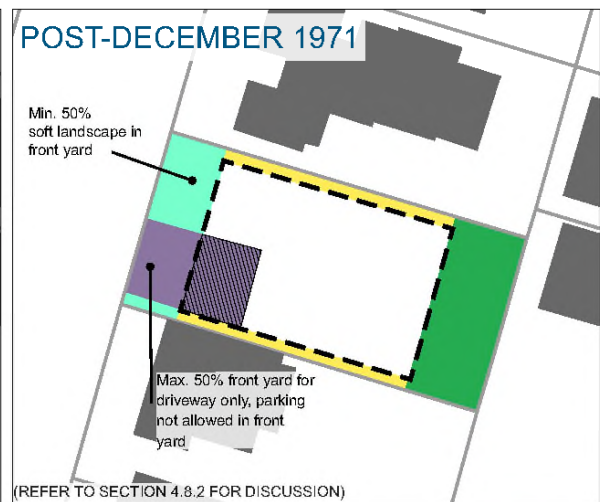
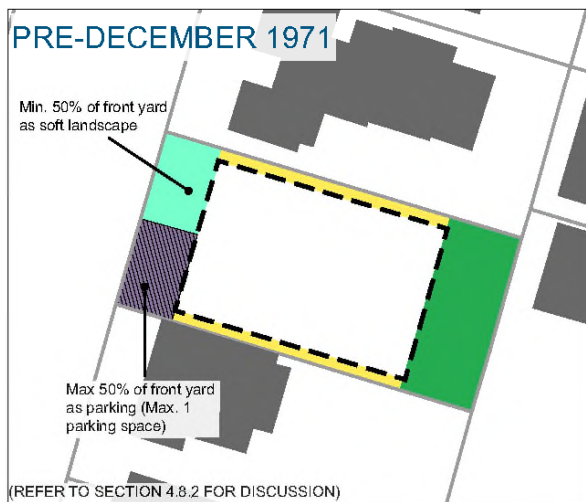
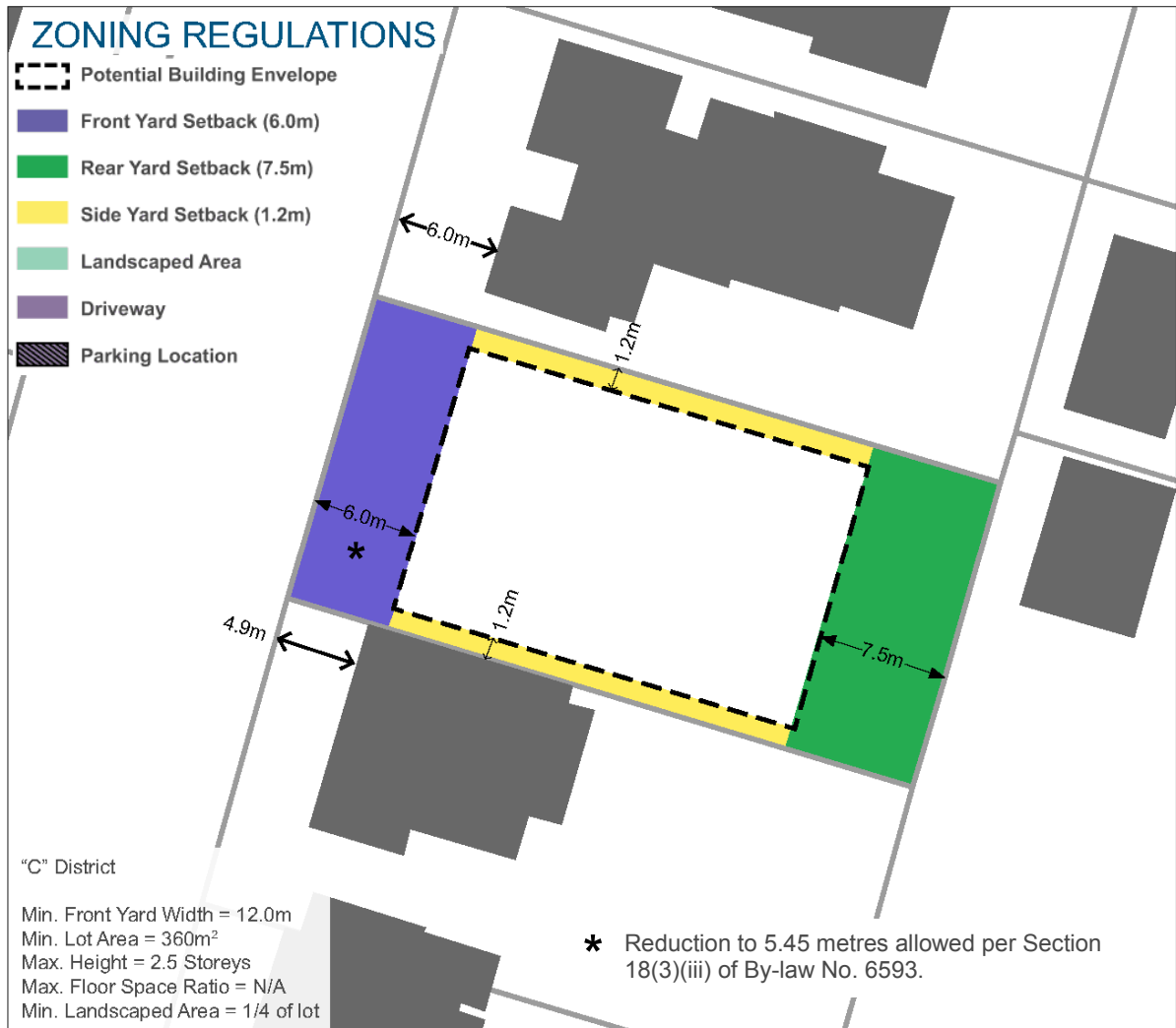
Site 4: Hess Street Property
Entranceway Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

8d





Site 4: Hess Street Property
As-of-Right Zoning

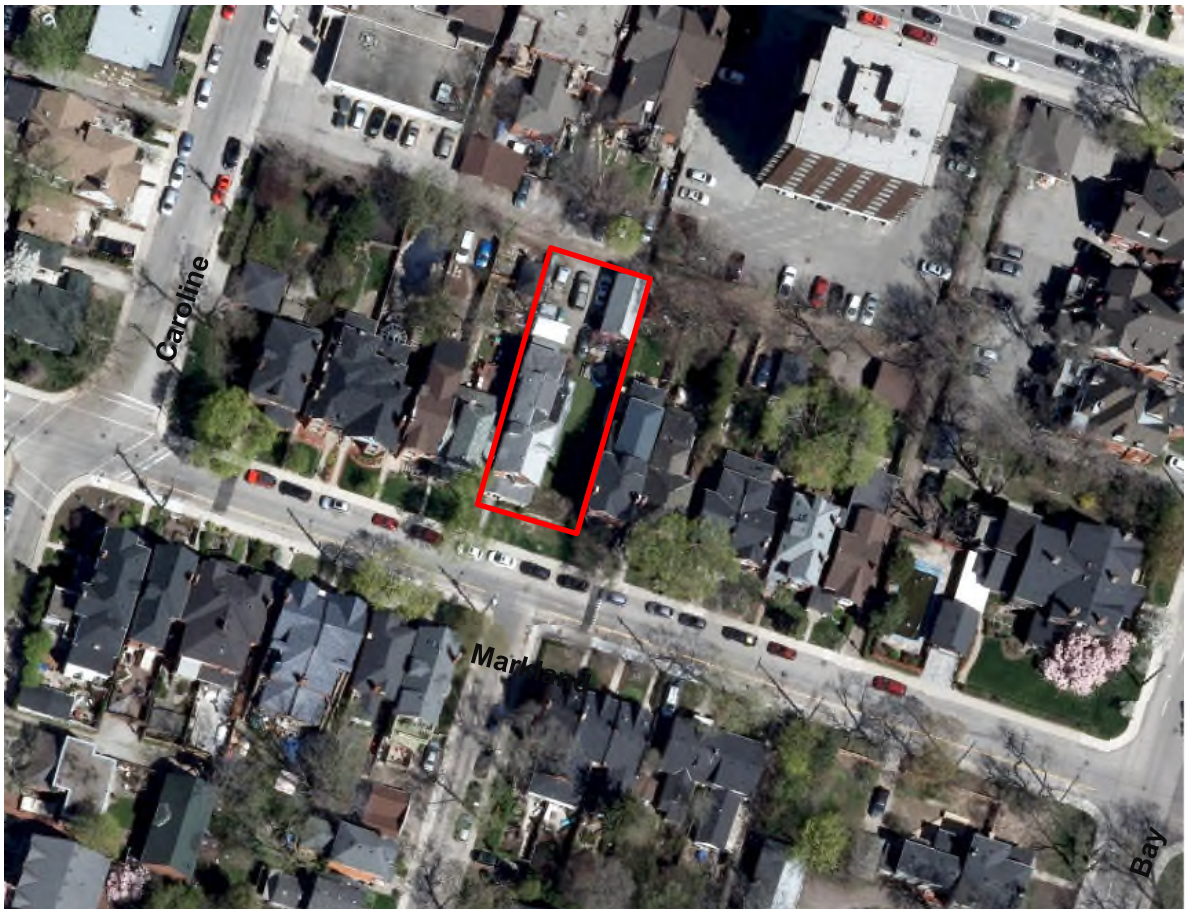
Figure

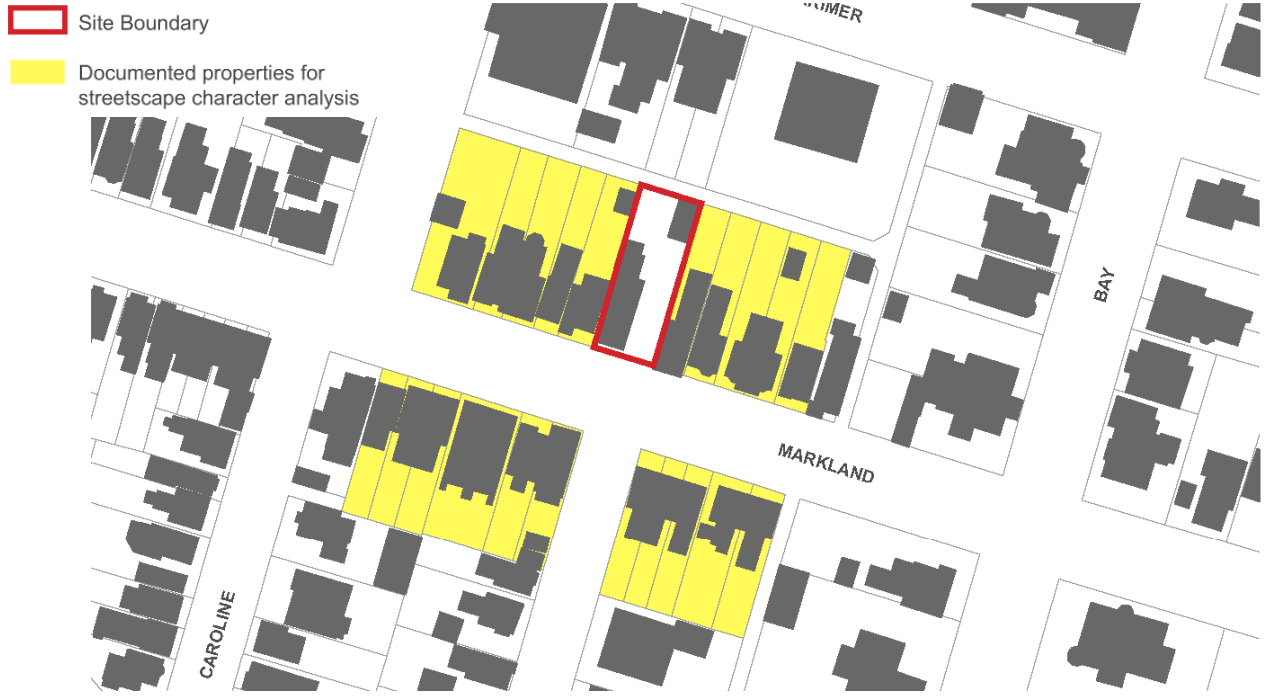
8e

Source: City of Hamilton Data (2018), GSP Group (March 2018)

4.6 Site 5 (Markland west of Bay)

Site 5 is situated on the north side of Markland Street between Caroline Street and Bay Street. It is approximately 635 square metres in total area and is approximately 15.5 metres wide and 41 metres deep. It flanks an assumed rear lane to the north for access and parking. The site contains a two-and-a-half-storey detached dwelling set back approximately 5 metres from the front lot line (with a covered porch projection), a landscaped front yard, surface parking and a garage in the rear yard accessed from the rear lane, and a significant eastern side yard that is landscaped.





Site 5: Markland Street Property
Property Location

Figure

9a

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



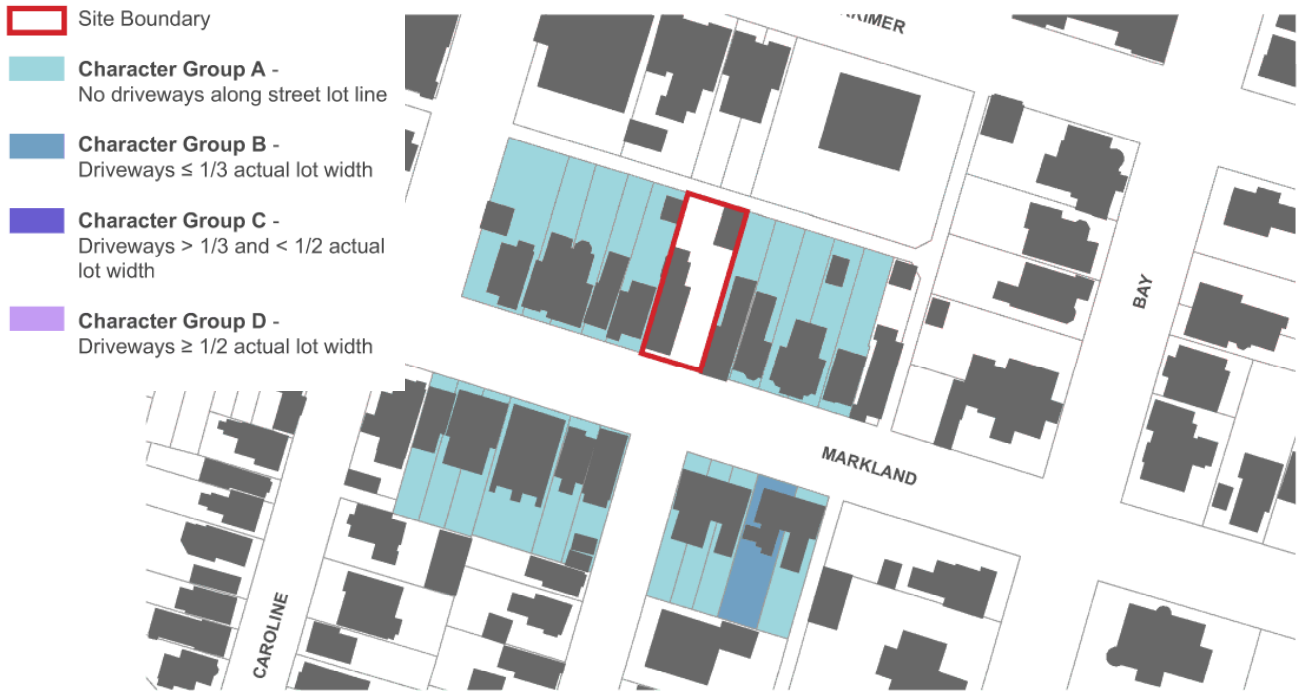
Site 5: Markland Street Property
Front Yard Patterns

Figure

9b

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



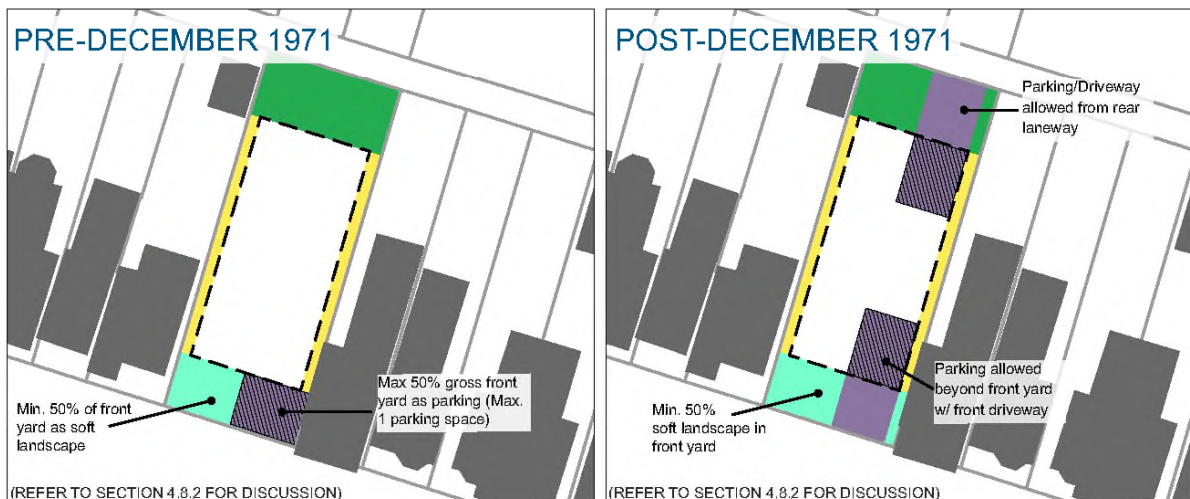
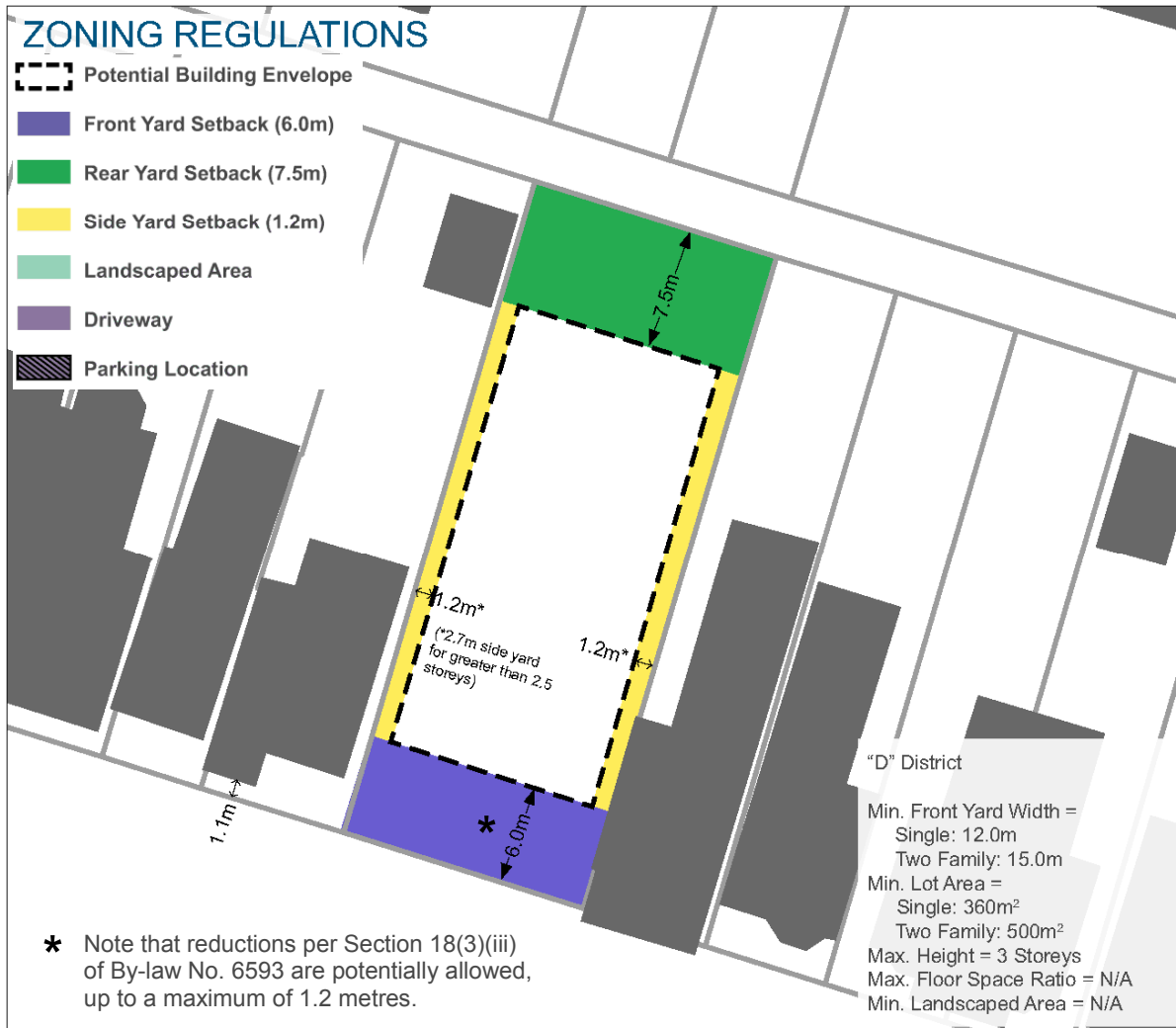


Site 5: Markland Street Property
Parking Access and Parking Space Patterns Figure 9c
Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 5: Markland Street Property
Entranceway Patterns Figure 9d
Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 5: Markland Street Property As-of-Right Zoning

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

9e

4.7 Site 6 (Markland east of Bay)

Site 6 is situated on the north side of Markland Street between Chilton Place and Macnab Street. It is approximately 1,650 square metres in total area and is approximately 37 metres wide and between 38.5 and 51.5 metres deep. The site contains a two-and-a-half-storey detached dwelling set back approximately 14 metres from the front lot line, with a landscaped front yard, a driveway in the northern side yard leading to a rear yard, and a large landscaped eastern side yard.





Site 6: Markland Street Property
Property Location

Figure

10a

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



Site 6: Markland Street Property
Front Yard Patterns

Figure

10b

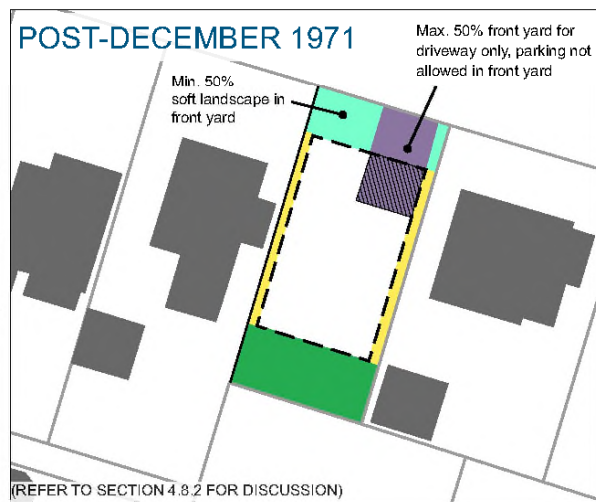
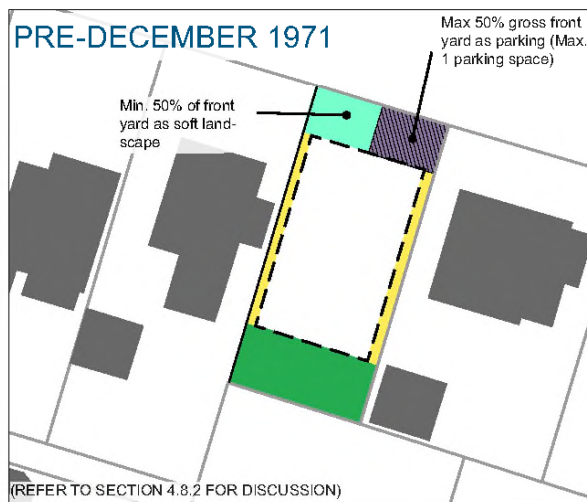
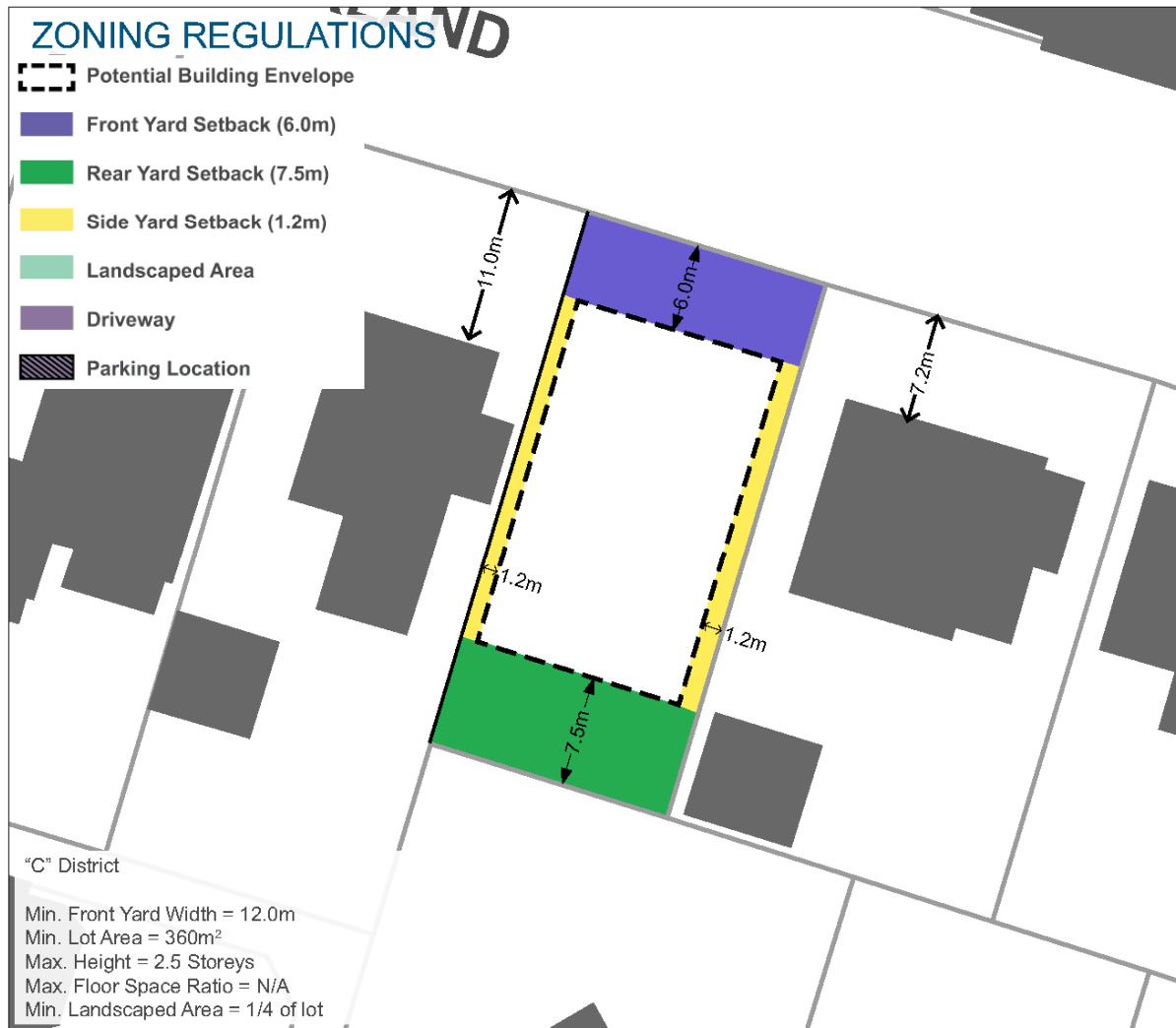
Source:: City of Hamilton Data (2018), GSP Group (March 2018)



Site 6: Markland Street Property **Figure 10c**
Parking Access and Parking Space Patterns
Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 6: Markland Street Property **Figure 10d**
Entranceway Patterns
Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 6: Markland Street Property
As-of-Right Zoning

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure

10e

4.8 Comparison of Existing and SCA Zoning

4.8.1 Front Yard Setbacks (see Table 1)

In-effect Zoning

The “C”, “D” and “DE-3” District regulations each require a minimum front yard setback of 6 metres. Section 18(3)(iii) of By-law No. 6593, however, allows for reductions to this setback based on the placement of adjacent existing buildings. Specifically, this section indicates that the minimum front yard setback will be the average of the existing adjacent front yards (for buildings within 30 metres of the proposed building) up to a maximum 30% reduction from the 6 metre setback. Thus, a maximum reduction of 1.8 metres and a minimum front yard setback of 4.2 metres is allowed in such instances within the “C”, “D” and “DE-3” District,

Ottawa SCA Zoning

The Ottawa SCA Zoning includes additional regulations concerning front yard setbacks further to the regulations of the R1 through R4 Zones in the Ottawa Zoning By-law. These additional SCA regulations require that the front yard setback must align with the average of the buildings on the abutting properties or align with the abutting lot facing the same street in respect to corner lots. In no case does the front yard setback need to be greater than six metres, but the SCA regulations do not preclude such a setback.

4.8.2 Front Yard Patterns (see Table 2)

In-effect Zoning

Section 18A of By-law No. 6593 distinguishes between those buildings constructed before and after December 14, 1971 for the purposes of front yard patterns and regulations:

- a) For single detached, duplex/semi-detached and triplex dwellings constructed pre-December 1971, the regulations permit parking within the front yard provided that such parking does not occupy more than 50% of the gross front yard area, and that at least 50% of the gross front yard area is a soft landscaped area (no concrete, asphalt, gravel, pavers, or similar materials). For single detached dwellings, only one of the required two parking spaces may be located in the front yard.
- b) For single detached, duplex/semi-detached and triplex dwellings constructed post-December 1971, the regulations do not permit a parking space in a required front yard and require that at least 50% of the gross front yard area is a soft landscaped area (no concrete, asphalt, gravel, pavers, or similar materials).

Ottawa SCA Zoning

The Ottawa SCA Zoning regulates the use of front yards depending on the dominant character as identified through a SCA. Per the SCA demonstrated in Section 4 above, Sites 1, 2, 3 and 5 are characterized as “Character Group A” and Sites 4 and 6 are characterized as “Character Group C” concerning front yard patterns. For Character Group A sites, the front yard may be

either soft landscaping or a combination of soft and hard landscaping across the entire front yard (side to side). For Character Group C sites, the front yard may additionally be soft landscaping or soft and hard landscaping that is across the entire front wall of the dwelling and a driveway in the remaining portion; the entire front wall of the dwelling that does not contain a garage and a driveway in the remaining portion; or the entire front yard not occupied by a legally established front yard parking space. Neither Character Group would allow projections beyond the distance permitted by zoning between front lot line and principal dwelling, or principal dwellings that extend to front lot line.

4.8.3 Parking Access and Parking Space Patterns (see Table 3)

In-effect Zoning

For parking purposes, Sections 18A(14a) and (14b) of Bylaw No. 6593 distinguishes between parking for buildings constructed before or after December 14, 1971. Both allow for rear yard parking and access. The pre-December 1971 buildings regulations allow for rear yard parking as well as one parking space in the front yard provided that at least 50% of the gross front yard area is a soft landscaped area. The post-December 1971 building regulations allow for parking accessed from the front lot line provided that such parking it is not within the front yard.

Ottawa SCA Zoning

The Ottawa SCA Zoning does not require parking for dwellings with 12 units or less. Where parking is provided, it must be provided in keeping with the dominant character identified by a SCA. The Ottawa SCA Zoning requires that for lots abutting travelled rear lanes, where parking spaces are provided they can only be in a rear yard and accessed from the rear lane.

Sites 1, 2, 4 and 5 are characterized as “Character Group A”, which only allows surface parking or garages that are accessed from a travelled rear lane or driveways through flanking side yard to garages beyond minimum setback for corner lots. Sites 3 and 6 are characterized as “Character Group B”, which additionally allows driveways accessing interior side yard or rear yard parking spaces, garages or carports; that no longer lead to legal interior side yard or rear yard parking and that result in front yard parking that is not in front of principal dwelling; and that are through carriageway providing access to interior yard.

4.8.4 Principal Entranceway Patterns (see Table 4)

In-effect Zoning

By-law No. 6593 does not regulate the location or orientation of principal entranceways.

Ottawa SCA Zoning

All sites are documented as Character Group A, which only allows principal entranceway to be along the dwelling’s front wall facing the front lot line or facing the side if they are part of a permitted front wall projection.

Table 1: Comparison of Minimum Front Yard Setbacks

Site	Assumed Scenario	Minimum Front Yard Setbacks	
		In-Effect Zoning	Ottawa SCA Zoning
1 <i>Duke</i>	Addition to existing pre-1971 detached dwelling	6 metres (average of 7.7 metres for abutting properties exceeds 6 metres)	6 metres (average of 7.7 metres for abutting properties exceeds 6 metres)
2 <i>Robinson</i>	Redevelopment of site for detached dwelling	4.2 metres (average of 1.9 metres for abutting properties at 1.5 metres and 2.3 metres, but maximum reduction of 1.8 metres per Section 18(3)(iii))	1.9 metres (abutting properties at 1.5 metres and 2.3 metres)
3 <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	6 metres (reduction not allowed given Section 18(3)(iii) requires two "adjoining" front yards)	1.7 metres (matches the property to the south given abutting property to north is a corner lot facing a different street)
4 <i>Hess (south)</i>	Redevelopment of site for detached dwelling	5.45 metres (average of abutting properties at 4.9 metres and 6.0 metres)	5.45 metres (average of abutting properties at 4.9 metres and 6.0 metres)
5 <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	4.2 metres (average of 0.55 metres for abutting properties at 1.1 metres and 0, but maximum reduction of 1.8 metres per Section 18(3)(iii))	0.55 metres (average of abutting properties at 1.1 metres and 0)
6 <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	6 metres (assuming a severance, average of 9.1 metres established by abutting properties exceeds 6 metres)	6 metres (assuming a severance, average of 9.1 metres established by abutting properties exceeds 6 metres)

Table 2: Comparison of Allowed Front Yard Patterns

Site	Assumed Scenario	Allowed Front Yard Patterns	
		In-Effect Zoning	Ottawa SCA Zoning
1 <i>Duke</i>	Addition to existing pre-1971 detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
2 <i>Robinson</i>	Redevelopment of site for detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
3 <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
4 <i>Hess (south)</i>	Redevelopment of site for detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group C requires soft landscaping or soft and hard landscaping across the entire front of the dwelling or living portions of the dwelling front (not the garage).
5 <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
6 <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group C requires soft landscaping or soft and hard landscaping across the entire front of the dwelling or living portions of the dwelling front (not the garage).

Table 3: Comparison of Allowed Parking Patterns

Site	Assumed Scenario	Allowed Parking Access and Parking Space Patterns	
		In-Effect Zoning	Ottawa SCA Zoning
1 <i>Duke</i>	Addition to existing pre-1971 detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting Wheeler Lane (Character Group A would only permit parking from a rear travelled lane anyways).
2 <i>Robinson</i>	Redevelopment of site for detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
3 <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
4 <i>Hess (south)</i>	Redevelopment of site for detached dwelling	Regulations allow for 1 parking space in the front yard provided parking does not occupy more than 50% of the gross front yard area	Character Group B allows parking as surface parking or garages off travelled rear lane as well as driveway providing access to interior side yard or rear yard parking space, garage or carport, but not front yard parking space
5 <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
6 <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	Regulations allow for 1 parking space in the front yard provided parking does not occupy more than 50% of the gross front yard area	Character Group B allows parking as surface parking or garages off travelled rear lane as well as driveway providing access to interior side yard or rear yard parking space, garage or carport, but not front yard parking space

Table 4: Comparison of Allowed Principal Entranceway Patterns

Site	Assumed Scenario	Principal Entranceway Patterns	
		In-effect Zoning	Ottawa SCA Zoning
1 <i>Duke</i>	Addition to existing pre-1971 detached dwelling	Does not regulate location of principal entranceways	Character Group A requires the principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
2 <i>Robinson</i>	Redevelopment of site for detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
3 <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
4 <i>Hess (south)</i>	Redevelopment of site for detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
5 <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
6 <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall

5. Assessment

This section assesses the suitability of the Ottawa SCA zoning approach for the Durand Neighbourhood context, addressing the questions identified in Section 1.3 of this Peer Review. It does not make any conclusions or recommendations but rather forms the basis of those contained in Section 6 and 7 of this Peer Review.

5.1 Appropriate Characteristics

Question: Which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?

The Character Study addresses two sets of characteristics for consideration as part of a zoning review for Durand. Section 2.0 of the Character Study addresses the four characteristics within the Ottawa SCA Zoning approach and Section 3.0 of the Character Study addresses a series of “streetscape characteristic factors” that were audited, some of which that overlap the Ottawa characteristics. The below considers the appropriateness of these characteristics as additional zoning requirements: Section 5.1.1 assesses the appropriateness of the Ottawa SCA Characteristics and Section 5.1.2 assesses the appropriateness of the “streetscape characteristic factors” from the Character Study. These sections do not endorse a particular form or approach for such a zoning regulation (which is further outlined in Section 6 and 7 of this Peer Review) but rather indicates the appropriateness of regulating the characteristic for Durand.

5.1.1 Ottawa SCA Characteristics

(a) Front Yard Setbacks

The consistency of building positioning along the street is an important component of streetscape character patterns in established neighbourhoods. Pronounced differences in front yard setbacks between abutting properties can be determinantal to the character of a streetscape. While some streetscape variation is positive, differences resulting from buildings that are set back considerably further from or closer to the street line than abutting buildings are generally not desirable. Reflecting this thought, the Ottawa SCA Zoning uses an “averaging” approach that establishes minimum setbacks tied to the existing setbacks of abutting properties and includes a maximum cap that does not need to, but may, be exceeded.

The site demonstrations in Section 4 of this Peer Review suggest that most of the older, traditional stock of the Durand Neighbourhood is closer than 6 metre from the street lines and in many cases considerably less than 6 metres. In these instances, the 6 metre minimum front yard setback in the “C”, “D”, and “DE-3” does not reflect what exists in the neighbourhood fabric. Section 18(3)(iii) of By-law No. 6593 does allow for reductions to reflect the average of

adjacent buildings; however, this relief is capped to a 30% reduction and, although providing a better reflection of existing streetscape character, it appears arbitrary and does not provide a full reflection of existing streetscape character.

Table 1 in Section 4.8 shows the variety of setbacks when the In-Effect Zoning of By-law No. 6593 and the SCA Zoning are applied to the six demonstration sites. Sites 2, 3 and 5 reveal significant differences between the In-Effect Zoning and the SCA Zoning in instances where buildings are located tight to the street edge (0.5 to 2 metres in these instances). The SCA Zoning allows for the adjacent front yard depths to dictate entirely the minimum front yard setback but the In-Effect Zoning includes a maximum reduction, which in these instances leaves a significant gap between the allowed and existing minimum setbacks. If the rationale of character zoning is that of fairness, transparency and “your street setting the rules”, then the latter runs counter to this rationale. Accordingly, zoning requirements for front yard setbacks (and potentially porch projections) that are set by those on abutting lots, without any maximum reductions or caps, is appropriate to better reflect the existing streetscape patterns in Durand.

(b) Front Yard Patterns

Front yard patterns are principally concerned with landscape treatments along the streetscape, however, they are largely tied to parking allowances. Front yard patterns in mature neighbourhoods are an important characteristic of streetscape character, particularly when considering the potential cumulative degradation of the streetscape character from higher proportions of the streetscape occupied by driveways and parking. By-law No. 6593 does address front yard patterns to a certain degree, requiring that at least 50% of the gross front yard area is soft landscaped for new single detached, semi-detached or duplex, and triplex dwellings. However, a driveway that is 50% of the lot width is still relatively larger than the existing pattern within the Durand Neighbourhood.

The Ottawa SCA Zoning provides a more robust control on the use and patterns of the front yards. Lots abutting rear lanes must have parking from the rear lanes, eliminating any interruption of the front yard pattern. Lots without abutting rear lanes are allowed front access driveways, although maximum driveway widths are imposed relative to the lot width. Using the demonstration sites, this has the effect of increasing the landscaped front yard area to 70 to 85% (depending on a single or double driveway) for Sites 4 and 6, or 70% for narrower sites like Site 1 if it was accessed from the front. Such limitations on maximum driveway widths relative to overall lot width is appropriate to add as additional zoning requirements for Durand.

(c) Parking Access and Parking Space Patterns

The pattern of parking and parking spaces is the most influential factor concerning streetscape character and they directly influence the character of other patterns, including patterns for front yards and principal entranceways. Along the front lot line abutting public streets, the creation

of new parking spaces or the expansion of existing hardscaped area has significant potential impacts on streetscape character in the subject areas of Durand. This is especially true on blocks served by existing travelled lanes to the rear, which comprise a large proportion of the Durand Neighbourhood where blocks remain intact with parking from the rear. Thus, regulating parking access and parking space patterns is expected to be the most impactful from the perspective of maintain existing streetscape character in Durand.

Concerning parking access, the Ottawa SCA Zoning does not require parking to be provided for the development of new low-rise residential buildings such as detached, semi-detached and street townhouse dwellings (or for taller buildings with less than 12 units in total). The SCA tool only applies where parking is provided. The SCA may determine that parking access may only be from a rear travelled lane or cannot be accommodated from a front or rear lot line, where the streetscape patterns dictate; however, parking is not required so it would not preclude development of the addition of new units. However, Hamilton's By-law No. 6593 requires a minimum of two spaces per unit for detached dwellings, one space per unit for semi-detached and duplex dwellings, and one-and-a-half spaces per unit for street townhouse dwellings. Applying the Ottawa SCA Zoning method while maintaining the general parking requirements of Hamilton By-law No. 6593 would have the effect of precluding the addition of additional units for certain properties. Regulations requiring lots with rear travelled lanes to have parking access from the rear lot line is an appropriate additional zoning requirement for Durand; regulations using the SCA approach to determine allowed parking access patterns on other lots is not appropriate for Durand given the preclusions affecting certain properties.

Concerning front yard parking, there are numerous instances in Durand where parking spaces in the front yard occupies most of or all the lot's width (whether legally or illegally). This presents the most significant detrimental effect on the quality of the streetscape in the lower-rise portions of Durand, particularly when considering the cumulative effect of abutting situations on the streetscape. By-law No. 6593 allows front yard parking spaces for up to 50% of the lot width for pre-December 1971 single detached, semi-detached, duplex, and triplex dwellings, but not for new construction after that date which must be outside of the front yard. The SCA Zoning does not allow front yard parking in any of the Character Groups. Patterns of front yard parking is an appropriate characteristic to regulate and should be continued, recognizing there is a larger parking matter in terms of access that is addressed in Section 5.3 of this Peer Review.

(d) Principal Entranceway Patterns

The relationship between principal entrances and public street edges is an important component of streetscape character from a functional and visual perspective. Ottawa's response to regulating entranceway patterns reflected emerging patterns where garages and carports dominated a new dwelling's front face with entranceways positioned under or to the

side of the buildings. This does not appear to be a prevailing pattern within Durand, where front-facing entrances are the norm, or side-facing entrances as part of a front projecting porch or addition were documented in limited cases in the demonstration sites above. Such a regulation is appropriate as part of a broader streetscape character-based approach, but it does not address a current or expected undesirable condition with the Durand Neighbourhood.

5.1.2 Character Study Streetscape Characteristic Factors

(a) Mature Trees

Most street trees within the Durand neighbourhood appear to be within the public right-of-way, which is not regulated through zoning. For private properties, zoning can regulate that adequate space is provided to potentially accommodate additional tree plantings in front yards (as part of the front yard patterns and front yard setbacks considerations above in the SCA Zoning), but it cannot regulate what gets planted. While not appropriately regulated through zoning, tree plantings can be encouraged through other planning mechanisms (such as Site Plan Control where applicable and Infill Guidelines) or other municipal programs (such as tree planting programs).

(b) Landscaped Front Yards

As discussed in Section 5.1.1(b) above, landscaped front yard patterns in mature neighbourhoods are an important characteristic of streetscape character. The in-effect regulations of By-law No. 6593 do regulate the “quantity” of landscaped space required in the front yards. It requires that at least 50% of the gross front yard area be soft landscaped (excluding concrete, asphalt, gravel, pavers, or other similar materials) for single detached, semi-detached, duplex and triplex dwellings. The cursory review of this Peer Review concerning existing streetscape conditions in Durand, however, suggests “mixed” front yard landscaping patterns, including soft and hard elements, are not uncommon throughout the neighbourhood. Ensuring a minimum amount area in the front yards for landscaping purposes continues to be an appropriate characteristic to regulate as additional zoning requirements in Durand, which may warrant redefinition of what is permitted as landscaped areas.

The SCA Zoning also regulates the “quantity” of landscaped space required in the front yards. It is distinguished from By-law No. 6593, however, in that it allows required front yard landscaped areas to be either soft landscaping or a mix of soft and hard landscaping in the non-driveway portions of the front yard. Ottawa’s Zoning By-law defines “soft landscaping” as vegetation elements such as trees, shrubs, hedges, grass and ground cover and defines “hard landscaping” as non-vegetation materials such as bricks, pavers, stone, and concrete. It is less prescriptive in terms of the general composition of front yard landscaped areas as compared to By-law No. 6593. In Ottawa, front yard landscaped areas could be just grassed areas and still meet the requirement for a “soft landscaped” area, while mixed landscape areas

could predominately of pavers and stone with minimal planted areas and still meet the SCA requirements.

In terms of “quality” of front yard landscaped spaces, neither By-law No. 6593 or the SCA Zoning regulates what specifically must constitute front yard landscape patterns. Zoning cannot require specific landscape treatments or planting details, nor can it require professional designs. These characteristics are not appropriate to regulate as additional zoning requirements.

(c) Front Entrances

The orientation of entranceways is assessed by the SCA Zoning addressed in Section 5.1.1(d) of this Peer Review.

(d) Height of Dwellings

The intent of Ottawa’s character zoning is not to downzone properties or areas in terms of permitted heights and intensity, but rather direct the form. The existing “C”, “D”, and “DE-3” Districts currently have a maximum height up to three storeys. Section 5.2.2 of the Character Study implies that concerns are not focused on residential infill at such lower-rise heights or the forms but rather with controls on integrating taller buildings within the neighbourhood fabric, the latter which are not subject to Ottawa SCA Zoning. Notwithstanding this, conceivably, minimum or maximum building heights could be tied to the existing building height of abutting or surrounding properties using a character-based approach. However, this would not be an appropriate additional zoning requirement given a maximum of three storeys is appropriate for the low-rise portions of Durand and variety along the streetscape of mature neighbourhoods is desirable.

Shapes of rooflines can affect the perceived height and mass of the buildings and can influence streetscape character. Pitched roofs are the prevailing pattern through the lower-rise residential stock of Durand, with sharper pitches for the oldest areas of the neighbourhood. The additional mass created using flat roofs particularly for 3-storey forms (demonstrated by the Ottawa examples on pages 10 and 11 in this Peer Review) is noticeable. Seemingly, controlling height depending on the roof pitch could be regulated under the “character” discussion but it likely would be difficult to craft and administer and may stifle the desire for architectural creativity and flexibility that is desirable for new infill developments. Given this, it may not be an appropriate additional zoning requirement.

(e) Similar Housing Types

The “C”, “D”, and “DE-3” Districts all allow for a similar, compatible low-rise form of residential development. A mixed composition of lower-rise building types is an important component of any established neighbourhood. In this sense, it is not appropriate to require new developments

to match the residential type of abutting properties or the prevailing patterns along the street (unless the existing zoning only permits such a residential type). This does not infer there is no need for further direction and guidance concerning the sensitive incorporation of taller, more intense residential forms into the neighbourhood fabric through other planning mechanisms.

(f) Garages

The SCA Zoning regulates the positioning of garages. Garages may only be accessed from the rear lot line for lots abutting a “travelled” rear lane. Where front-facing garages are permitted, the regulations generally seek to reduce the prominence of garages by requiring that they align with the dwelling’s principal wall from at a minimum and with maximums on the width of garage doors. Further, the SCA may dictate that garages must be further recessed behind the dwelling’s principal building wall. These garage regulations are further complemented by regulations for driveways that include allowing double driveways only for the wider lots, maximum driveway widths depending on the lot’s width, and not allowing the smallest lots to have driveways at all. Applying the SCA regulations, Sites 1, 2 and 5 would not be allowed front-accessed garages while Sites 3, 4 and 6 would be allowed a front-accessed garage at the very least that is flush with the building’s front wall. These are effective regulations for controlling garage impacts on the streetscape character and are appropriate characteristics to regulate as additional zoning requirements for Durand.

(g) Front Yard Parking

Front yard parking is addressed in Section 5.1.1(c) of this Peer Review.

(h) Façade Materials

A municipality can regulate exterior design materials under the definition of “character” per the OMB’s order regarding the Ottawa SCA Zoning provided it is grounded in the prevailing patterns of the streetscape. Such controls on façade materials, however, would be significantly more difficult to administer as compared to more easily quantifiable elements like parking locations and front yard space. Such regulation is not appropriate as additional zoning requirements as it strips flexibility from the architectural design process and the ability for contemporary yet compatible forms of development within Durand.

5.2 Applicable Dwelling Types

Question: Which areas and what types of buildings should be subject to these characteristics?

5.2.1 Areas

Ottawa’s Mature Neighbourhoods Overlay applies to properties within the defined area that are zoned Residential First Density Zone (R1), the Residential Second Density Zone (R2),

Residential Third Density Zone (R3), and Residential Fourth Density Zone (R4) within a delineated area of central Ottawa. The Overlay supersedes the parent regulations of the R1 through R4 Zones. The advantage of such an overlay approach is the relative ease of administrative set-up compared to the “upfront” effort of neighbourhood-by-neighbourhood study. Ottawa’s Overlay identifies a broadly delineated area with regulations that are triggered by residential uses four storeys and less, without the need for a property-by-property review of the boundary. This is clearly advantageous for incorporating multiple established neighbourhoods, but this advantage diminishes for a single neighbourhood application such as Durand. Additionally, the Durand context includes pockets of low-rise properties within higher-rise contexts, such as the general area to the north of Herkimer Street and east of Bay Street, where, where an SCA would be skewed in terms of the determination of character.

If the “overlay” approach is desired, a tighter defined scoped overlay for Durand makes sense. The area bounded by Herkimer Street, the Escarpment, Queen Street, and James Street is a largely intact low-rise residential portion of Durand that would benefit from such character zoning. Additionally, the area bounded by Herkimer Street, Bold Street, Queen Street, and Bay Street, generally share many of the same characteristics and would also be appropriate to include in such a scoped overlay area.

A tailored character “sub-zone” or zoning “suffix”, however, would also achieve the same result. Such a character analysis regulation could be applied to properties zoned in “C”, “D”, or “DE” Districts at a minimum, as well as potentially “E” zones, for buildings that are four storeys and less. This could either be tied to a SCA or pre-established regulations set by a study of existing patterns in the neighbourhood as part of the zoning review process.

5.2.2 Type of Buildings

Ottawa’s R1 through R4 Zones increase in the intensity and the permitted range of residential uses, moving generally from just detached dwellings (R1 Zone) up to a range of residential uses including detached dwellings to low-rise apartments (R4 Zone). The strength of Ottawa’s SCA Zoning is that it provides a level of design control in respect to development that would otherwise not be controlled by *Planning Act* mechanisms. Without this SCA Zoning, buildings additions and developments not subject to Minor Variances or Site Plan Control simply proceed to building permits without any additional site and building design control.

For Durand, at a minimum, it should apply to uses such as single detached, semi-detached, and duplex dwellings which are not subject to Site Plan Control to provide the additional design control from a character perspective. Adding other low-rise uses that would be subject to Site Plan Control, such as townhouses, provides an additional level of control over and above the site plan process and any design guidelines that may be available. Existing zoning

only permits up to three storeys currently in Durand, however, up to four storeys in height is an appropriate threshold for these low-rise characteristics

5.3 Parking

Question: How should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?

The Ottawa SCA Zoning does not require parking to be provided for the development of new low-rise residential buildings such as detached, semi-detached and street townhouse dwellings (or for taller buildings with less than 12 units in total). The SCA tool only applies where parking is provided at the property owner's discretion. Conversely, Hamilton's By-law No. 6593 requires a minimum of two spaces per unit for detached dwellings, one space per unit for semi-detached and duplex dwellings, and one-and-a-half spaces per unit for street townhouse dwellings. Applying the Ottawa SCA Zoning method while maintaining the general parking requirements of Hamilton By-law No. 6593 would have the effect of precluding the addition of dwelling units for properties where:

- a) the lot does not abut a rear lane; and
- b) the documented character regarding parking would not allow for a driveway from the front lot line (Character Group A); or,
- c) where existing on-street parking would prevent a new curb-cut for a driveway where the dominant character group allows a front lot line driveway (Character Groups B, C and D).

These situations appear on a preliminary review basis to be isolated and relatively minor in extent, most likely to occur in the oldest areas of Durand. The south side of Markland Street between Queen Street and Bay Street, for instance, is one example where properties would be captured by a Character Group A rating and would be without rear lane access, thus, precluding such properties from providing a parking space. The redevelopment of these types of buildings may not be realistic, however, the addition of units could be realistic.

This situation also assumes no relief from zoning requirements through a Minor Variance. Based on a review of a summary of Committee of Adjustment decisions since 2006, 7 of the 19 granted variance applications by the Committee did include reductions or exemptions of parking requirements for additional units. So, the ongoing granting of minor variances and the supporting rationale needs to be considered as part of this broader discussion.

Section 5.1.1(c) discusses the appropriateness of the parking characteristics as additional zoning requirements. Regulations requiring lots with rear travelled lanes to have parking access from the rear lot line and patterns of front yard parking is an appropriate characteristic to regulate as additional parking requirements. However, regulations using the SCA approach to determine allowed parking access patterns on other lots is not appropriate at this time

based on the information at hand and the existing in-effect zoning. Without a full understanding of implications of the SCA tool on parking through a more fulsome parking review and without either reductions to or exemptions from the in-effect zoning requirements for parking, the Ottawa approach would preclude development on certain lots.

5.4 Evaluation Extent

Question: How far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?

5.5.1 Extent

The Ottawa SCA Zoning considers up to 21 surrounding properties for the documentation of prevailing streetscape patterns. Generally, this documentation includes the 10 lots on the same block of the subject property and 11 lots on the facing block. Documentation is more complicated for properties on block ends. It may require documentation on the next abutting blocks or documentation extending along the length of the property's own subject block to capture the required number of lots. The explanation in Ottawa's SCA Zoning for the various SCA documentation requirements is complicated.

The Ottawa SCA Zoning's extent of documentation employs a reasonable and appropriate extent for the identification of prevailing character patterns. A smaller extent would create the potential for pockets of built form patterns "anomalies" along the block that would skew the evaluation and determination of the prevailing pattern of character. A larger extent may result in cases where documented properties may not be visually perceived together as they extend onto different blocks, given the short block lengths in Durand in the lower-rise sections of the neighbourhood. Additionally, a larger extent carries additional efforts of documentation.

Given the generally short blocks within the subject portions of Durand ("C", "D", and "DE" Districts), a mid-block application of the SCA to Durand would generally capture all the fronting lots on the respective streets. In interests of simplicity, a character-based zoning approach for Durand's purposes could simply document all the lots that front onto that street without meaningfully impacting the results of the determination of prevailing patterns. End-block applications are more complicated and depend on the property's context given the nature of the ends of blocks vary throughout Durand.

5.5.2 Inclusions

In terms of inclusions, the Ottawa SCA Zoning model requires that vacant properties or properties developed with institutional, office, or open space uses be documented as part of the total unit count but may not contribute to the determination of the applicable character group. The Ottawa SCA Zoning does not speak to other uses such as retail commercial or other similar uses that may influence the determination of character. For Durand, this discussion largely affects the area generally north of Herkimer, which has a limited number of

non-residential and multiple residential forms interspersed within and surrounding the “C”, “D”, and “DE” Districts, as compared to the south which demonstrates a more uniform pattern of residential forms.

Exclusions do make sense as they have the effect of tightening the geographic extent of the character documentation. The above excluded types of uses are often on sites with much larger frontages as compared to lower-rise residential forms, which would not unduly influence the determination of prevailing character patterns given such properties only count as one lot for documentation purposes. Given the character-based zoning approach is meant to regulate the form and patterns of low-rise development, the simplest and most reasonable approach for Durand would be to limit characterization to residential properties three or four storeys and less, with properties containing non-residential and taller residential properties documented but excluded from the determination of prevailing character patterns.

5.5 Heritage Influences

Question: Should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?

The Durand-Markland Heritage Conservation District Plan (HCD Plan) applies to properties on Markland Street between James Street and Bay Street South as well as properties on Chilton Place and those on Macnab Street and Park Street to Herkimer Street. Section 4.2 of the HCD Plan provides guidance related to alterations or additions to sites and buildings within the District. This includes:

- Site guidelines (4.2.2) speaks to the maintenance of front lawns and plantings and existing means of access. Application of SCA characteristics to a certain degree would reflect these guidelines, including front yard patterns and driveway access in keeping with the determined character of the surrounding area.
- Existing building fabric guidelines (4.2.3) principally relate to restoration and repair of architectural details, which are not applicable for zoning purposes. Guidelines for maintaining the existing principal entrances on buildings is to a certain degree is regulated by the SCA tool concerning Principal Entranceways in keeping with the determined character of the surrounding area.
- Additions guidelines (4.2.4) relate to guidance for building additions to be positioned in ways that do not detract from the building or neighbourhood, particularly directed to side and rear locations of the property. Zoning could restrict building additions to the front wall or through additional height by not allowing future building in the front yard of existing buildings as of a certain date. However, this would be more appropriately controlled through the heritage permit processes to adequately address these guidelines.

Section 4.4 of the HCD Plan identifies a series of design guidelines for the construction of new buildings within the District. These form the basis of considering additional requirements for zoning of subject properties, whether new development or building additions:

- a) Height: the District is regulated by the maximum height of two-and-a-half storeys per the "C" District regulations. The HCD guidelines desire new buildings that "*maintain the building height of adjacent properties and the immediate streetscape and should [not] be noticeably higher nor lower*". Buildings greater than two-and-a-half storeys would require a Minor Variance or Zoning By-law Amendment, so control on compatible heights is maintained with those instruments. Within the as-of-right height permission of the "C" District, additional regulations could tie the building height of the height to that of the abutting properties to determine a minimum and maximum height range.
- b) Width: the lotting fabric is established in the District, recognizing the potential for future severances. The HCD guidelines desire that the width of new buildings and side yards spaces maintain the general pattern of adjacent properties and the immediate streetscape. Minimum and maximum side yard setbacks could be tied to the average of abutting properties or properties to a further extent similar to the SCA method.
- c) Proportion: the proportion of height-to-width can be addressed as part of the height discussion above, with zoning mechanisms recognizing the height of the abutting properties.
- d) Street Relationship: the front yard setbacks regulation of the SCA tool requiring the minimum setback to be the average of the abutting properties in part reflects this guideline to maintain existing setbacks. It would need to include a maximum front yard setback to ensure consistency with abutting properties.
- e) Roof Forms: roof forms could be indirectly regulated through zoning with controls on heights depending on the pitch of roofs, however, but such regulations would be complicated and not appropriate. Heritage permit processes can adequately address these guidelines.
- f) Composition: the architectural composition of new buildings within such areas is not appropriately or easily regulated through zoning. Heritage permit processes can adequately address these guidelines.
- g) Proportion of Openings: openings on building elevations are not appropriately regulated through zoning, particularly for areas with a such a varied composition of openings. Heritage permit processes can adequately address these guidelines.
- h) Materials and Colours: materials are colours are not appropriately regulated through zoning. Heritage permit processes can adequately address these guidelines.

Mass or form-related zoning regulations may be considered to give “teeth” to those guidelines of the Heritage Conservation District. This could include regulations tying minimum and maximum requirements for building height, building widths, side yard setbacks, and front yard setbacks to the range established by the abutting properties (or along the block or portions of the block). These may be appropriate, however, expert cultural heritage opinion on the suitability and form of such regulations should take precedence. Architectural-related regulations (roof forms, materials, openings) are not appropriate for zoning and should be left to design guidelines, particularly in the interest of maintaining architectural flexibility and variety that is a typical, and desired, characteristic of most mature neighbourhoods.

6. Conclusions on Suitability of SCA Tool

The Character Study prepared on behalf of the Durand Neighbourhood Association recommended exploring the use of the City of Ottawa's "Streetscape Character Analysis" zoning approach for informing development and redevelopment in Durand. Generally, this Peer Review finds that Ottawa's SCA Zoning inherently offers many benefits. It offers a level of transparency related to the zoning's formulation in that regulations are not static or "one-size-fits-all". Rather, regulations depend on the existing prevailing streetscape patterns surrounding a property to set the "rules" for new development and additions. It naturally adjusts to neighborhoods with different sub-areas that feature varying compositions of development patterns. It also provides a level of design control in respect to development that would otherwise not be controlled through a *Planning Act* mechanism, which includes instances where building additions and infill developments are not subject to Minor Variances or Site Plan applications.

The Ottawa SCA Zoning, however, does not address what is perceived by this Peer Review as the main thrust of the Character Study concerning Durand. The location and design of taller and more intense residential forms within the neighbourhood fabric appears to be the principal concern of the Character Study, rather than concerns related to inappropriate low-rise infill developments. Conversely, the latter was a principal concern of the City of Ottawa for its mature neighbourhoods and was specifically the motivation for developing its SCA Zoning.

Thus, a character-based zoning approach in Durand would be a proactive rather than reactive tool for neighbourhood change in the sense that it is not addressing infill concerns that are currently occurring in the neighbourhood. There have not been many recent infill developments in the subject portions of Durand, at least not to the level approaching that experienced in Ottawa. In the future it is reasonable to conclude that new residential units in the assessed low-rise portions of Durand will principally occur by building addition or establishment of new units within existing buildings rather than through development and redevelopment of properties. Nonetheless, such a character-based zoning approach does have benefits as a tool for directing low-rise infill development and redevelopment in Durand.

It is important to note, however, that an effective character-based zoning approach for Durand does not mean a recommendation for Ottawa's overlay approach or its SCA tool. The contextual situation of Ottawa's "Mature Neighbourhood Overlay" in the Zoning By-law is distinct from that of Durand, principally for three main reasons.

First, the Overlay targets specific issues related to low-rise infill developments that were deemed to be significantly inappropriately out of character with their host neighbourhood. These inappropriate examples principally contained garage-dominated front building walls and

driveway-dominated front yards that significantly contrasted the existing streetscape patterns. As a general observation, it appears that many of Ottawa's inappropriate infill examples were on underutilized sites situated in desirable locations (such as older, smaller bungalows redeveloped for new two- or three-storey residential buildings). Cumulatively, such infill developments can have detrimental impacts on streetscape character when left unchecked, although that is not a pattern currently observed in the Durand context. The nature and character of Durand's housing stock suggests that such cases would be isolated.

Second, the Overlay applies to a broad geographical extent of Ottawa that included the downtown core and the surrounding belt of inner neighbourhoods surrounding the core. A simple comparison of this general scale for Durand's purposes would be the area within the boundaries of the former City of Hamilton. The Overlay's extent includes a diversity of neighbourhoods with different compositions of housing age, forms and patterns. Such diversity would make crafting character-based regulations tailored to individual neighbourhoods on such a broad scale onerous as part of a comprehensive zoning by-law process. The Overlay essentially defers determination of regulations for a property to the Streetscape Character Analysis at the time plans are proposed. This approach makes sense for such a broad extent, but less so for an individual neighbourhood like Durand where that assessment can be done more easily upfront as part of new zoning provisions.

Third, the Overlay functions with an exemption for parking for low-rise developments. The SCA Zoning does not require any parking for low-rise forms with up to 12 dwelling units, but rather regulates parking where it is provided at the property owner's discretion. The City of Ottawa made this choice on a broad scale as part of the SCA Zoning, conscientiously recognizing the walkability, transit service levels and car ownership rates in these neighbourhoods and acknowledging the dated nature of the existing parking regulations in the former by-laws. It was based on an understanding of contemporary municipal parking approaches through reviews of minimum parking standards. Applying the Ottawa SCA Zoning method while requiring parking as is presently required by Hamilton By-law No. 6593 would have the effect of precluding the addition of dwelling units on certain properties. This includes lots that do not abut a rear lane and for which the determined dominant character does not allow a front access driveway or for which such an access could not be accommodated. Such a preclusion would not be appropriate or fair, undermining one of the strengths of the SCA Zoning approach.

Given these conditions, a similar zoning overlay and SCA tool is not warranted for Durand. However, certain regulated characteristics of the Ottawa SCA Zoning are appropriate as part of potential new zoning provisions for Durand to ensure streetscape character is maintained in the future. These are highlighted in the recommendations section of Section 7 of this Peer Review.

7. Recommendations

While Ottawa's approach using an Overlay and SCA Tool for Durand is not warranted per the conclusions in Section 6, tailoring zoning regulations for Durand using character-based approach offers benefits. The City of Burlington recently used such an approach, which progresses from a detailed assessment of existing built form patterns and zoning implications leading to tailored regulations for specific "character areas". Such an approach avoids the additional efforts required with administering the SCA process, which can be relatively complicated and brings a learning curve for City staff and residents. Unless the City of Hamilton is looking for a wider-ranging application of character-based zoning, tailored zoning regulations for Durand per the below recommendations can be easily formulated without the need for the use of the SCA tool (although a similar review of the entire block conditions per the extent of Ottawa's SCA tool could be adapted). This would involve "upfront" efforts in formulating the residential zones concerning quantifying the existing development patterns on a block-by-block within Durand.

This Peer Review makes the following recommendations concerning zoning for the Durand Neighbourhood in respect to the five questions per Section 1.3 of this Peer Review.

1. Appropriate Characteristics: which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?

The following are appropriate characteristics to add as additional zoning requirements:

- a) Front yard setbacks: regulations that require buildings to be aligned with the setbacks of abutting lots using averaging or a minimum/maximum range set by those abutting lots,
- b) Parking for lots abutting travelled rear public lanes: regulations requiring parking on such lots to be accessed solely from the rear lot line lots abutting the lane,
- c) Front yard parking: regulations that prohibit parking within the front yard of a building between the front building line and a street line,
- d) Driveway Widths: regulations concerning the maximum width of driveways relative to lot width for lots with front access parking,
- e) Garage Placement: regulations regarding minimum requirements for positioning and setbacks of front-access garages, and
- f) Landscaping: regulations concerning requirements for the remainder of non-driveway front yard to be landscaped, either as soft landscaping or a mix of soft and hard landscaping.

2. Applicable Dwelling Types: which areas and what types of buildings should be subject to these characteristics?

The area that would benefit most from character-based zoning in Durand is the largely intact low-rise residential portion bounded by Queen Street to the west, Herkimer Street to the north, the Niagara Escarpment to the south, James Street to the east from the Escarpment to Herkimer Street, and Bay Street to the east from Herkimer Street to Hunter Street. Residential buildings that are four storeys or less should be subject to the above additional zoning requirements for Durand. At a minimum, it should apply to uses such as single detached, semi-detached, and duplex dwellings which are not subject to Site Plan Control to provide the additional design control from a character perspective. Adding other low-rise uses that would be subject to Site Plan Control, such as townhouses, would provide an additional level of control over and above the site plan process and any design guidelines that may be available.

3. Parking: how should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?

Ottawa's SCA Zoning would not function the same in the Durand context given that Hamilton By-law No.6593 requires parking for low-rise residential buildings, whereas none is required by the Ottawa zoning by-law. This is a key component of the SCA Zoning and would have the effect of precluding certain properties for additions or development given parking could not be accommodated in keeping with prevailing streetscape patterns.

While they may be justified in an urban context such as Durand, changes to the in-effect minimum parking requirements are not being recommended through this Peer Review. They would need to be addressed as part of a parking review (which may address such matters as car ownership rates, contemporary zoning practices, and utilization rates of on-street parking) to establish new parking requirements. This was not part of the scope of this Peer Review. Such a review needs to be done on a comprehensive basis and is not appropriate on an individual neighbourhood basis such as Durand.

Thus, the parking regulations identified above in the "Appropriate Characteristics" would operate under the in-effect zoning parking rates requiring lots with rear lanes solely to be serviced from rear lot lines, prohibiting parking in front yards, and limiting driveway widths.

4. Evaluation Extent: how far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?

The above recommendations do not incorporate evaluation beyond the abutting properties. Should a similar character evaluation be desired for Durand's purposes to that of Ottawa, the simplest and most reasonable approach for Durand would be to simply

document all the lots that front onto that street given the short block lengths and to limit characterization to residential properties three or four storeys and less, with properties containing non-residential and taller residential properties documented but excluded from the determination of prevailing character patterns.

5. Heritage Influences: should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?

Mass or form-related zoning regulations may be considered to give “teeth” to those guidelines of the Heritage Conservation District. This could include regulations tying minimum and maximum requirements for building height, building widths, side yard setbacks, and front yard setbacks to the range established by the abutting properties (or along the block or portions of the block). These may be appropriate, however, expert cultural heritage opinion on the suitability and form of such regulations should take precedence. Architectural-related regulations (roof forms, materials, openings) are not appropriate for zoning and should be left to design guidelines, particularly in the interest of maintaining architectural flexibility and variety that is a typical, and desired, characteristic of most mature neighbourhoods.