



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

November 19, 2024

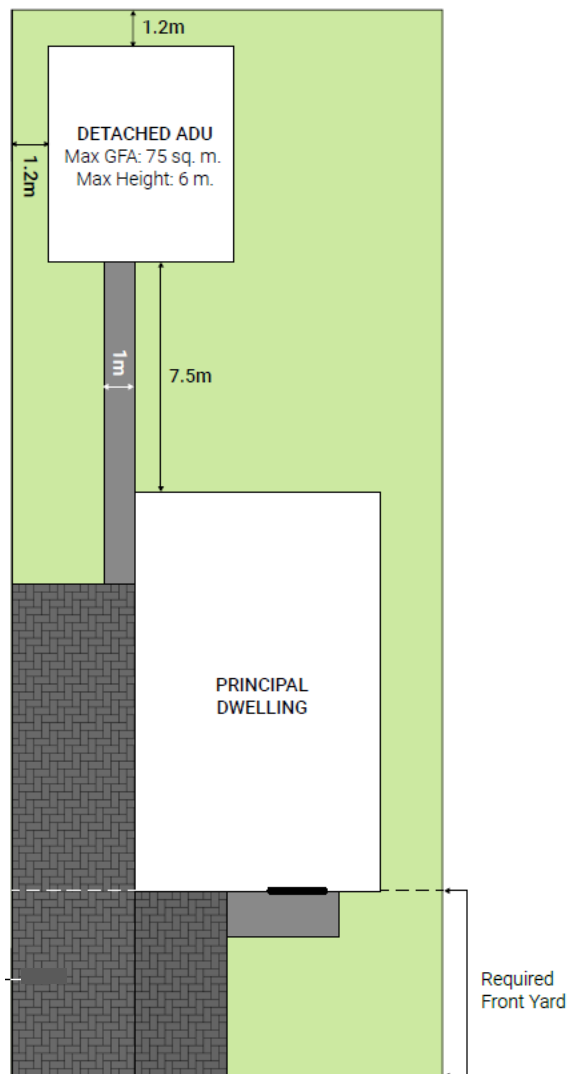
PED24208 – City of Hamilton’s Response to the Proposed Regulation under the *Planning Act* to Facilitate the Creation of Additional Residential Units - Proposed Amendment to Ontario Regulation 299/19 Additional Residential Units

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Ontario Regulation 299/19: Additional Residential Units

- Introduced in 2019, enacting requirements and standards for Additional Residential Units (Additional Dwelling Units)
- Accompanying Bill 185 earlier this year, Environmental Regulatory of Ontario Posting #019-8366 - Removing Barriers for Additional Residential Units, proposed **an enhanced regulation-making authority providing the Minister with broader authority to remove municipal zoning by-law barriers that may be limiting development of Additional Residential Units.**
- Proposed Amendments to O.Reg 299/19: performance standards for Additional Dwelling Units that would apply province-wide to lands that permit Additional Dwelling Units.

Regulating Additional Dwelling Units in Hamilton



Location

- Rear or interior side yard
- Minimum setbacks from rear and interior side lot lines
- Separation from principal dwelling

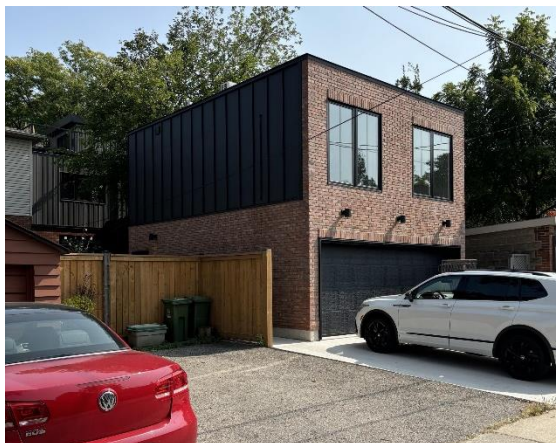
Size

- Maximum height of 6 m
- Maximum GFA of 75 sq. m. or the GFA of the principal dwelling (whichever is lesser)
- The size of the Detached ADU is further capped if the footprint of the principal dwelling is small (≤ 105 sq. m.)

Access

- Primary access from the street (not a laneway), via an unobstructed path.

The City has been at the forefront of advancing Additional Dwelling Unit permissions and has demonstrated a commitment to this form of development in achieving the City's housing goals



While the *Planning Act* establishes province-wide, as-of-right permissions for up to three residential units on a lot where residential uses are permitted, the City has gone beyond the Provincial requirement by permitting up to four dwelling units on most residential properties in the urban area of Hamilton



The City's Response to Ontario Regulation 299/19

- The City continues to oppose mandating specific development regulations that do not consider appropriate integration into an existing community.
- Hamilton's Additional Dwelling Unit regulations have been developed after extensive evaluation and consultation and have been refined through ongoing monitoring.

A one size fits all approach to Additional Dwelling Unit regulations does not represent good planning

Proposed Performance Standards

1. Angular Plan

Proposal	Override all angular plane requirements in zoning by-laws for buildings with Additional Residential Units
Rationale	Removing this requirement for buildings with Additional Residential Units would make it easier to build structures with more livable space, including ancillary buildings and laneway suites on existing lots.

Staff's Response:

- There are no angular plane requirement in Zoning By-law No. 05-200.
- Scale and massing of Detached Additional Dwelling Units is addressed in the Zoning By-law through maximum height, setback requirements, and maximum Gross Floor Area.
- The provisions in place to regulate the size and location of a Detached Additional Dwelling Unit vis-à-vis the principal dwelling and dwellings on adjoining properties reflects Hamilton's approach to integrating Additional Dwelling Units into neighbourhoods.

2. Lot Coverage

Proposal	Allow at least 45% lot coverage for all buildings and structures on parcels with Additional Residential Units.
Rationale	Setting out a provincial standard of 45% lot coverage for buildings and structures on a lot that includes at least one Additional Residential Unit would make it easier to build ancillary buildings like garden and laneway suites on existing lots, as well as rear additions to the primary building. Zoning could still regulate building location through setbacks.

Staff's Response:

- Further clarification required - does the Province intend to establish a minimum lot coverage requirement of 45% for all lots, even in those areas where site specific zoning has been enacted to reflect servicing capacity constraints?
- Lot coverage is typically regulated through a maximum percentage of building coverage on a property to manage scale, intensity of use, and constraints like servicing capacity.
- Establishing a province-wide standard lot coverage is not considered a reasonable and implementable approach to supporting Additional Dwelling Units.

3. Floor Space Index

Proposal	Override all Floor Space Index requirements in zoning by-laws that apply to parcels with Additional Residential Units.
Rationale	<p>Floor Space Index is the gross floor areas of all buildings on a lot, divided by the lot area.</p> <p>Removing this requirement would make it easier to build structures with more livable space, including ancillary buildings and laneway suites on existing lots.</p>

Staff's Response:

- Instead of Floor Space Index, Zoning By-law No. 05-200 employs a series of tested performance standards to regulate the scale of a development – setbacks, maximum height, maximum Gross Floor Area.
- These performance standards for Additional Dwelling Units were developed based on a comprehensive evaluation of the City's neighbourhoods, lot fabric, and other local conditions.
- They support the compatible integration of Additional Dwelling Units into neighbourhoods.

4. Minimum Lot Size

Proposal	Override all minimum lot size/lot area requirements that are specific to parcels with Additional Residential Units.
Rationale	Removing minimum lot size requirements for Additional Residential Units would ensure that the same lot size standards that apply to a house also apply to a house with an Additional Residential Units.

Staff's Response:

- The urban area has no minimum lot size requirements for properties containing Additional Dwelling Units and Detached Additional Dwelling Units.
- In the rural area, there are minimum lot size requirements to ensure sufficient area for private servicing.
- Staff's understanding is the performance standards proposed will not apply to Rural Settlement Areas or the rural area of Hamilton where minimum lot size requirements are in place.

5. Building Separation Distance

Proposal	Restrict building distance separation requirements associated with any building containing Additional Residential Unit to a maximum of 4 metres.
Rationale	Building separation distances set out the minimum distance between a primary building and any ancillary structure. Reducing the minimum building separation distance to a maximum of 4 metres would make it easier to build laneway suites on existing lots.

Staff's Response:

- Zoning By-law No. 05-200 requires a minimum separation distance of 7.5 metres between the principal dwelling and the Detached Additional Dwelling Unit when it is located in the rear yard, and a minimum building separation distance of 4.0 metres when it is located in the interior side yard.
- If a review of the required separation distance was initiated, staff would evaluate the results of ongoing monitoring to inform a recommendation and a made in Hamilton response.
- Without the benefit of that evaluation, staff cannot support the Province's proposed provision.

Impact on the City's Zoning By-laws

1. Angular Plane	No amendments required.
2. Lot Coverage	Amendments will be required to add lot coverage regulation. Staff will be required to evaluate the collective set of Additional Dwelling Unit regulations to identify any impacts a lot coverage requirement may have on existing performance standards.
3. Floor Space Index	No amendments required. Staff will be required to evaluate whether amendments may be required to the former Community Zoning By-laws or where site specific zoning has been enacted to respond to unique circumstances such as servicing constraints.
4. Minimum Lot Size	No amendments required.
5. Building Separation Distance	Amendments will be required to modify the existing minimum building separation requirement.

Cultural Heritage

- The proposed amendments could impact how changes are regulated in existing and new Heritage Conservation Districts designated under the Ontario Heritage Act, as well as considerations for compatibility in Hamilton's identified Established Historical Neighbourhoods.
- It is not clear how potential conflicts between existing Heritage District Plan guidelines and the proposed performance standards would be addressed.
- Staff have asked how change is to be managed when zoning permits a built form that does not align with the district guidelines.

Implementation – Questions for the Province

- How does the Province intend to monitor the regulations once in effect to ensure the performance standards are having the desired effect?
- How will the Province ensure that if changes to the regulations are required, the changes occur in a timely fashion?

In Closing

Instead of province-wide performance standards, the Province's authority could be directed to further supporting a municipalities' implementation of Additional Dwelling Unit policies and regulations by:

- Preparing guidelines for Additional Dwelling Units.
- Preparing stock building plans that may reduce approval timelines.
- Introducing financial measures to assist in constructing Additional Dwelling Units.



Hamilton

THANK YOU

CITY OF HAMILTON PLANNING COMMITTEE