SUBJECT: Regulations Regarding “Over-Building” (Monster Homes) on Residential Lots – Referred From City Council December 14, 2005 (PED06135) (Wards 8 & 13)

RECOMMENDATION:

(a) That staff be directed to review the options for controlling “Monster Homes” in areas surrounding Mohawk College, as well as in the former Town of Dundas, impacted by McMaster University, as part of the Residential work program for the City’s new Comprehensive Zoning By-law.

(b) That Item “R”, Monster Homes, referred from the City Council meeting of December 14, 2005, be identified as completed and removed from the Planning and Economic Development Outstanding Business List.

EXECUTIVE SUMMARY:

This report is in response to the Ward Councillor’s concerns raised over ‘over-building’ on residential lots where the new dwelling may not be compatible with the existing dwellings in the neighbourhood. The specific areas mentioned relate to the West Hamilton Mountain around Mohawk College and in the older area surrounding the Dundas Downtown Core. There are various zoning regulations that can be used to control ‘over-building’, of which many are listed in this report. These can be used on their own or in conjunction with other regulations.
Although the Department sees merit in reviewing the zoning in these areas and does recognize that “over building” can have adverse impacts to the community, the timing for this review and implementation is the concern the Department has.

It is recommended that to avoid duplication of work programs within the Zoning By-law Reform work program, to remain focused on completing the key land uses in the work program, being the new Commercial and Industrial zones, and to provide for a comprehensive review of the entire City; that work related to this issue be dealt with through the planned work program and recommendations brought to Committee and Council in 2007/2008.

BACKGROUND:

The residential neighbourhoods surrounding the City’s two largest educational institutions, McMaster University and Mohawk College, face unique challenges relating to housing supply for students. In an attempt to maximize the number of students that can be housed in a given dwelling, it is not uncommon for property owners to propose large scale additions to existing dwellings, or new dwellings that cover a large portion of the lot area. These developments are commonly referred to as ‘Monster Homes’ due to their size and bulk. There is a concern with the ‘over-building’ and the resulting impacts on residential neighbourhoods in terms of compatibility and character.

At the December 14, 2005 City Council meeting, Councillor Terry Whitehead brought forward the following motion:

“That the General Manager of Planning and Economic Development be directed to study and provide implementation regulations as part of the City’s new Comprehensive Zoning By-law Program to restrict and/or prohibit large scale additions and/or dwellings (monster homes) in the appropriate residential areas in the vicinity of Mohawk College.”

Similar comments arose from Councillor Art Samson regarding ‘over-building’ being constructed in the former Town of Dundas in the Summer of 2005.

ANALYSIS/RATIONALE:

In reviewing the existing Zoning By-laws within Hamilton and other municipalities, there are several methods to control or limit overbuilding of a residential lot. Generally, the issue is not within the Greenfield development areas but within existing built up neighbourhoods. To attempt to maintain compatibility within an existing neighbourhood, the following options or combination of options are available:

1. **Setbacks** – This option controls the location of a building on a lot, providing for a building envelope within which a building can be constructed. Options related to limiting the depth of the dwelling unit have been used. Another option to be considered would be relating setbacks, specifically rear yards, relative to the dwellings on abutting lots – setback could be the average of the two adjacent dwelling rear yard setbacks.
2. **Height** – This option provides for the limiting of height to reduce the potential of a new building being built which overpowers the homes abutting the property.

3. **Lot Coverage** – This option has been used to limit the size of the building envelope available to construct a building on a property. Lot coverage needs to be reviewed to determine whether a percent of lot coverage would permit all types of dwellings such as 2-storey dwellings and bungalows which have different footprints.

4. **Floor Area Ratio (FAR) or Floor Space Index (FSI)** – This option provides for a maximum size of a building that can be constructed on a property based on the size of the lot. The use of this has differed based on the definition of the term (FAR or FSI) as to what portions of a building are included in the calculation, such as mechanical areas, basements, cellars, garages, etc. A potential option is a decreasing scale of FAR or FSI relative to increasing size of lot area.

5. **Parking Requirements** – This option has been used to regulate the amount of required parking based on the number of habitable rooms in a dwelling. Parking is generally based on a standard single detached residential dwelling (e.g. 4 bedroom home) and any additional habitable rooms are subject to increased parking requirements that must be provided on site. Another option is limiting parking to front yards only.

6. **Landscaping** – This option has been used to regulate the minimum amount of landscaping to be provided on a property, which would then limit the size of a driveway and, in turn, limit the area available to provide for the required parking on site.

7. **Maximum Bedroom Limit** – This option would regulate the maximum number of bedrooms that can be provided within a dwelling.

8. **Duplexes/Triplexes** – In many cases in Hamilton, the issue of “over-building” relates to dwellings being constructed for rental units, e.g. students. This option would look at the areas in closest proximity to education establishments or heritage areas, and consider an increase in the number of units permitted on a property.

The Zoning By-law Reform Section has a mandate to create a new Comprehensive Zoning By-law for the entire City of Hamilton. A component of this program will include development of the new Residential zones within which the issue of built form throughout the City will need to be researched and analyzed.

When staff research and prepare the new Residential zones as part of the Comprehensive Zoning By-law review, analysis of the various regulation options listed above will be undertaken along with reviewing the entire City to determine what areas may best be served by applying these types of regulations. It is also the intent to proceed with an extensive public consultation process, which will secure input from
residents across the City and determine where existing zoning is working and where there are issues that need to be addressed.

With respect to timing of new Residential zoning, while some information gathering and background research is being undertaken on the Residential zones now, the majority of the Residential work program will be completed during 2007/early 2008.

**ALTERNATIVES FOR CONSIDERATION:**

(1) Staff can proceed to further investigate the issue of “over-building” on Hamilton West Mountain and Dundas, undertake public consultation, develop new zoning regulations and bring forward recommendations for Committee and Council approval. These recommendations would amend the former City of Hamilton and Town of Dundas Zoning By-laws. Timing for completing this alternative process would be 8-12 months.

(2) Staff can comprehensively review the Residential zoning across the City of Hamilton, including the issue of “over-building”, with the development of new Residential zones in accordance with the Department’s work program. The recommendations would be new Residential zones for the entire City of Hamilton as a whole. This zoning would be implemented as part of the new Comprehensive Zoning By-law for the City of Hamilton.

Staff is recommending Alternative 2 above as the preferred approach to address this concern. The Residential work program of the Zoning By-law Reform Section will begin in late 2006. It is expected that the proposed low density Residential Zones will be brought forward in late 2007/early 2008. It is the opinion of staff that the most appropriate opportunity to review this issue is as part of the comprehensive review of all Residential zones within the City, and to bring forward specific regulations relating to “over-building” as part of the introduction of comprehensive Residential zoning across the City.

It should be noted that the Residential Intensification Study has not been completed. The recommendations, directions and related Official Plan policies resulting from this study will have implications to future residential zoning within existing neighbourhoods. As well, new Residential policies as part of the new Official Plan are still being developed and will also have implications on the future new residential zones.

If Council directs the Department to introduce specific zoning regulations for the West Mountain and Dundas areas, separate from the new By-law work program, these regulations would again need to be reviewed comprehensively with the new Residential zones. It is possible that if new regulations are adopted late this year, they may need to be revised again in 2007/2008. **Should Council provide the direction to undertake this site-specific zoning, the new Industrial and Commercial Zones of the Zoning By-law work program would be delayed.**
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A.

Staffing – N/A.

Legal – N/A.

POLICIES AFFECTING PROPOSAL:

Both the former Hamilton and Dundas Official Plans have policies relating to intensification, compatibility of uses within neighbourhoods and the provision of a range of housing choices to meet the needs of all residents. Depending on the nature and extent of zoning changes, amendments to these Official Plans may be required if Council directs a separate process to deal with the “Monster Home” issue now.

RELEVANT CONSULTATION:

Based on the recommendation to deal with the issue of “over-building” in the context of the new Zoning By-law process, consultation will be extensive. Contacts will include Council, the public, stakeholder groups, neighbourhood associations, internal Departments and external agencies.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced.  ☑ Yes  ☐ No
A comprehensive review of all Residential Zones can provide for an overall objective to provide a variety of housing for all community needs.

Environmental Well-Being is enhanced.  ☑ Yes  ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced.  ☑ Yes  ☐ No
Hamilton’s high-quality environmental amenities are maintained and enhanced.

Does the option you are recommending create value across all three bottom lines?  ☑ Yes  ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?  ☑ Yes  ☐ No
By not undertaking a site-specific Zoning review, the ability to provide for a comprehensive Residential zoning overview will reduce duplication of work and will allow staff to concentrate on the comprehensive work program integrated with new Intensification policies and the new Official Plan.

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