



NEW RESIDENTIAL ZONES

ZONING BY-LAW NO. 05-200

DISCUSSION PAPER

RESIDENTIAL CARE FACILITIES AND GROUP HOMES

HUMAN RIGHTS AND THE ZONING BY- LAWS WITHIN THE URBAN AREA

EXECUTIVE SUMMARY

The purpose of this Discussion Paper is to review the Zoning By-law regulations (e.g. radial separation distance, capacity) and definition of residential care facilities (RCF) within the urban area. Although this review was directed by City Council in response to a specific OMB hearing (Lynwood Charlton) and the Ontario Human Rights Commission (OHRC) concerns respecting Zoning By-law regulations for RCFs, the review will be used as input into the new residential zones for Zoning By-law No. 05-200.

This Report does not address other housing forms such as retirement homes, and emergency shelters, or affordable housing issues, etc.

What is a residential care facility?

A residential care facility (RCF) is a facility which accommodates residents in bedrooms with shared dining and common areas and there is 24 hour on-site support. The minimum capacity can range from 3 or 4 residents to a maximum of 50, depending on the location of the facility and the Zoning By-law in which it is located. This Discussion Paper will also review how counselling services are provided for those facilities which include a counselling use within their building.

Suggested approaches

Based on the review of the OHRC concerns, Zoning By-laws of other municipalities and the former City of Hamilton, a series of recommended changes to Zoning By-law No. 05-200 to create harmonized regulations for the urban area are proposed. Suggested approaches include:

Zoning By-law	Suggested Approaches
Definition	
Highlight -delete text <i>Italics</i> – add text	<u>amend the definition as follows:</u> Residential Care Facility Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents as permitted by the zone, exclusive of staff, residing on the premises because of social, emotional,

Zoning By-law	Suggested Approaches
	<p>mental or physical handicaps or personal distress and which residential setting is developed for the well-being of its residents through <i>the provision of supports/services</i> of self-help, guidance, professional care and supervision not available within the resident's own family, or in an independent living situation or if:</p> <ul style="list-style-type: none"> a) The resident was referred to the facility by a hospital, court or government agency; or b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments. <p>A residential care facility shall include a children's residence and group home but shall not include an emergency shelter, lodging house, corrections residence or correctional facility.</p>
Capacity by Zone	
	<p><u>regulate both minimum and maximum capacity by zone as follows:</u></p>
	<p>Low Density Zones (single/semi-detached dwellings)</p> <p>Minimum capacity: 4 residents Maximum capacity: 6 residents</p>
	<p>Medium Density (including the Community Institutional (I2) Zone)</p> <p>Minimum capacity: 4 residents Maximum capacity: 24 residents</p>
	<p>High Density Zone (including the Mixed Use High Density (C4) Zone)</p> <p>Minimum capacity: 15 residents Maximum capacity: none</p>
Radial Separation Distance and Moratorium Area	

Zoning By-law	Suggested Approaches
	<u>Delete both</u>
Counselling Services	
	Permit counselling services (i.e. social service establishment) in conjunction with a RCF in a Major Institutional (I3), Transit Oriented Corridor-Mixed Use Medium Zone (TOC1) and the Mixed Use Medium Density (C5) Zones.

Consultation on these proposed changes will be undertaken as part of the residential zones public engagement events/processes.

Have Your Say