



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 6, 2021
SUBJECT/REPORT NO:	Secondary Dwelling Units in the Urban and Rural Areas - Zoning By-law and associated implementation amendments to the Parkland Dedication By-law and Tariff of Fees By-law for Minor Variance Applications (Committee of Adjustment Application Fee) (CI 20-E and CI 21-A) (PED20093(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Timothy Lee (905) 546-2424 Ext. 1249 Joanne Hickey-Evans (905) 546-2424 Ext. 1282
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That City Initiative 21-A respecting amendments to Zoning By-law No. 05-200 to add new regulations respecting interpretations of the Zoning By-law and to delete and replace the accessory building and structures regulations that have been identified to require revisions as a result of introducing Secondary Dwelling Unit Regulations and gaps within the regulations, be approved on the following basis:
- (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix "A1" to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.

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- (b) That **City Initiative 20-E** respecting amendments to Zoning By-law No. 05-200 and the Zoning By-laws applicable to the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek Zoning By-laws, to amend the zoning by-law regulations for single detached dwellings, semi-detached dwellings and townhouse dwellings, to permit secondary dwelling units, either as an accessory unit within the dwelling, within a detached structure accessory to the principle dwelling unit, or both, be approved on the following basis:
- (i) That the draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “A2” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the draft By-law to amend the Town of Ancaster Zoning By-law No. 87-57, attached as Appendix “B” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the draft By-law to amend the Town of Dundas Zoning By-law No. 3581-86, attached as Appendix “C” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iv) That the draft By-law to amend Town of Flamborough Zoning By-law No. 90-145-Z, attached as Appendix “D” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (v) That the draft By-law to amend Township of Glanbrook Zoning By-law No. 464, attached as Appendix “E” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vi) That the draft By-law to amend City of Hamilton Zoning By-law No. 6593, attached as Appendix “F” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (vii) That the draft By-law to amend City of Stoney Creek Zoning By-law No. 3692-92, attached as Appendix “G” to Report PED20093(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (viii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan, as amended (2019) and comply with the Rural and Urban Hamilton Official Plans.
- (c) That the following By-laws respecting amendments to Zoning By-law No. 6593 be repealed in their entirety once the proposed By-law, attached as Appendix “F” to Report PED20093(a), are final and binding:
 - (i) By-law No.19-307, the Temporary Use By-law respecting second Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton Municipal boundary, and the former Hamilton/Glanbrook Municipal boundary;
 - (ii) By-law No. 18-299 respecting Second Dwelling Units (Laneway Houses) for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment.
- (d) That the draft By-law to amend the Parkland Dedication By-law No. 18-126, attached as Appendix “H1” to Report PED20093(a), be enacted by City Council.
- (e) That the draft By-law to amend the Tariff of Fees By-law No. 12-282, as amended by By-law No. 19-108, to introduce a reduced fee for Committee of Adjustment applications for secondary dwelling units, attached as Appendix “H2” to Report PED20093(a), be enacted by City Council.
- (f) That the matter respecting Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Low Density Existing Housing Stock be considered complete and removed from the Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

On June 6, 2019, the Province passed Bill 108 Bill (*More Homes, More Choice Act, 2019*) requiring municipalities to permit Secondary Dwelling Units in their Official Plans and Zoning By-laws to increase housing options province wide.

To implement the new provincial requirement, in December, 2020, Planning Committee and Council approved Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan to permit Secondary Dwelling Units city-wide in all single detached, semi-detached, and street townhouse dwellings. The implementing Official

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Plan Amendments (RHOP OPA No. 26 and UHOP OPA No. 142) were adopted by Council on January 27, 2021 and are in effect.

The purpose of this report is to establish, within the relevant Zoning By-laws, the standards SDUs will have to meet (e.g. heights, setbacks, servicing, parking, etc.). This report includes a package of proposed Zoning By-law regulations as well as related amendments to the Parkland Dedication By-law and Tariff of Fees By-law relating to Secondary Dwelling Units.

The proposed Zoning By-laws for the six former municipalities and Hamilton Zoning By-law No. 05-200, are attached as Appendices “A2” to “G” to Report PED20093(a). A summary of the specific regulations is detailed in Appendix “M-1” to Report PED20093(a).

Specifically, the proposed changes include the following:

- 1) Amended regulations for accessory buildings in Zoning By-law 05-200. The existing regulations have been expanded on several occasions since the 2005 Zoning By-law was passed but they do not include up-to-date regulations for low density residential uses. As a result of the introduction of SDUs in Zoning By-law No. 05-200, it is an appropriate time to update the accessory building regulations so they could be applied as supplementary regulations for SDUs and avoid conflicts/discrepancies between the two sets of regulations;
- 2) New regulations to be added to Zoning By-law No. 05-200 that would allow for the introduction of regulation diagrams as information guides and the use of tables for regulations and permitted uses. These new regulations are intended to make Zoning By-law 05-200 easier to read and interpret;
- 3) New regulations for Secondary Dwelling Units (SDUs) to be added to Zoning By-law No.05-200 and the six former municipal Zoning By-laws. This report is a follow up to the Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Urban Area Discussion Paper that was approved by Planning Committee on September 20, 2020 and City Council on September 28, 2020; and,
- 4) Two new fee structures to support the establishment of SDUs. They include changes to the Parkland Dedication Fee and a reduced fee for Committee of Adjustment applications for SDUs.

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Proposed Secondary Dwelling Unit Regulations

A Secondary Dwelling Unit (SDU) is a self-contained accessory dwelling unit (a.k.a. “an accessory apartment”) either within a single detached, semi-detached or townhouse/rowhouse dwelling or within a detached structure, either purpose built or through conversion of an existing structure (a.k.a. a “laneway house”).

This report is recommending a set of comprehensive amendments to the Zoning By-laws in effect for the urban and rural areas to harmonize and update the zoning regulations relating to SDUs as follows:

General Regulations for Urban and Rural Areas

- Add four new Definitions
 - Secondary Dwelling Unit means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - Secondary Dwelling Unit- Detached means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - Swale; and,
 - Ditch.
- Parking requirements
 - 1 parking space per SDU except in a portion of the lower City roughly bounded by Highway 403 in the west, south of the industrial area to the north, the Niagara Escarpment to the south, and Ottawa Street to the east. where the existing built form does not allow for on-site parking;
 - 50% of the required front yards to be landscaped.
 - one driveway per lot except on a corner lot where one driveway per street.
- Design Regulations
 - Add minimum requirements for landscaped area for each dwelling unit on the site and provide for fencing and/or screening on 2 sides of the landscaped area for a detached SDU.
- Technical changes to by-law definitions and regulations to ensure consistency and interpretation of SDU requirements.

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Urban Area Specific Regulations

SDU within a principal dwelling

- One front door facing the street as required in the Urban Area only, except in a portion of the lower City where additional entrances are permitted to face the street, see Appendix “M-2” to Report PED20093(a).
- Exterior stairs above the first floor, unless it is for an emergency exit, will not be permitted.

Detached SDU (new construction)

- Locational requirements
 - permitted in the rear and side yards with setbacks from neighbouring properties and the existing house required;
 - maximum lot coverage (varies depends on the Zoning By-law); and,
 - establish setbacks from adjacent properties and swales to maintain existing grading and drainage.
- Health and safety requirements
 - setback requirements for free and clear access to the detached SDU in the rear/side yard.
- Design requirements
 - maximum height (6 metres) and size (75 m²), window location (both storeys), balconies/patios (at grade).

Detached SDU (conversion of existing accessory structure)

- Permitted within existing building provided it meets the health and safety requirements in accordance with the Ontario Building Code.
- Additions over 10% of the floor area of the existing building must meet the size and height requirements of a detached SDU.

Rural Area Specific Regulations

SDU within a principal dwelling only

- One front door; and,

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- Requirement to prove adequate private services exist to ensure the long term sustainability of the private servicing (i.e. well and septic system) regime.

Phasing of Zoning Changes

The SDU review is being undertaken in phases as follows:

Phase 1 - In advance of the completion of the new residential zones in Hamilton Zoning By-law No. 05-200, it is proposed that staff create a set of Zoning regulations for the six former municipal Zoning By-laws and Hamilton Zoning By-law No. 05-200 to permit SDUs Citywide. SDUs within a single detached and semi-detached dwelling would be permitted in the Rural Area. These regulations will remain in effect until the Residential Zone Project has been incorporated into Hamilton Zoning By-law No. 05-200 and all former municipal Zoning By-laws are repealed and are no longer in effect.

Phase 2 – This phase focuses on permitting detached SDUs in the Rural Area. Additional work is required to identify and address potential sustainable servicing impacts that detached SDUs might have in the Rural Area such as ground water protection, adequate services (wastewater and sewage disposal) and lot size requirements.

Public Engagement

Public engagement occurred through the Engage Hamilton portal. A variety of online and virtual methods were used to engage residents and obtain feedback of the issues and themes identified in the SDU Discussion Paper. The engagement tools used included Urban and Rural Area online surveys, an online Q&A forum, small group and individual discussions by telephone, and a project email address.

Stakeholder Meetings were held with stakeholders such as architects, planners, the West End Homebuilders Association, Neighbourhood Associations and Environment Hamilton. The purpose of these workshops was to seek feedback from the attendee's respective lenses on potential SDU zoning regulations.

Two Virtual Town Hall Meetings were held for the general public. Similar to the stakeholder meetings, the purpose of these meetings was two-fold: one, to seek feedback on the future regulations for SDUs; and two, to educate the public about the importance of increasing housing opportunities through this form of residential development.

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There was a presentation by staff on the SDUs specifically in the Rural Area to the Agricultural and Rural Affairs Committee.

A summary of all comments received are contained in Appendices “K-1” to “K-6”, and the survey results can be found in Appendices “L-1” and “L-2” attached to Report PED20093(a).

Development Fees

The City currently offers a reduced parkland dedication rate for SDUs, but this reduced rate only applies to one SDU in a single detached dwelling. In order to harmonize this reduced rate with the new proposed zoning permissions for SDUs, staff is recommending that Section 5(5) of the Parkland Dedication By-law 18-126 be amended to extend the reduced parkland dedication rate for SDUs from one secondary dwelling unit in a single detached dwelling to include up to two secondary dwelling units in a single detached, semi-detached, or townhouse dwelling and on a lot containing such dwellings.

The reduced parkland dedication rate for the addition of one secondary dwelling unit in an existing single detached dwelling was first introduced in 2015 to encourage small scale intensification and reconfirmed as part of the 2018 parkland dedication by-law review. At its meeting of May 23, 2018, Council approved Parkland Dedication By-law 18-126 that sets a fixed rate. The current (indexed) rate as of April 1, 2021 is \$1,131 per unit. Based on the 2031 time horizon of the current Official Plans, and the estimated uptake on the construction of new SDUs, this reduced rate would equate to approximately \$1.0 – \$1.4 million in foregone revenue over the next decade. The proposed By-law is attached at Appendix “H1” to Report PED20093(a).

In addition, staff is recommending that any applications for Minor Variances with respect to establishing an SDU be charged the “Routine Minor Variance” fee of \$600 as opposed to the “Full Minor Variance” fee that ranges from \$3,320 to \$4,145. This would treat SDUs the same as accessory structures and legal non-con-forming uses. The proposed Fee By-law amendment is attached at Appendix “H2” to Report PED20093(a).

The current DC By-law permits a residential intensification exemption from DCs for up to two additional dwelling units within an existing Single Detached Dwelling or for one additional dwelling unit in any Semi-detached Dwelling, a Townhouse Dwelling or any other existing Residential Dwelling. Laneway Houses and Garden Suites also receive an exemption from DCs in the City’s current DC By-law. Staff will be presenting a Report on an Amendment to the 2019 Development Charges Background Study and Development Charges By-law (FCS21025) at the March 25, 2021 Audit and Finance

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Committee meeting. The proposed staff report recommends that language be incorporated into the DC By-law to expand the residential intensification exemption above what the DC Act requires so that it is in line with *Planning Act* changes and the proposed SDU regulations.

Alternatives for Consideration – See Page 34

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: *Parkland Dedication By-law* - Applying the current reduced rate of \$1,131 per unit to the addition of up to two secondary dwelling units, instead of the standard rate for a new dwelling of 5% of existing land value (approximately \$6,708 to \$8,944 per unit, depending on the area of the City) would result in estimated foregone revenues over then next 10 years of \$997,000 to \$1.39 million.

Tariff of Fees By-law – Staff is recommending that any applications for Minor Variances with respect to establishing an SDU be charged the “Routine Minor Variance” fee of \$600 as opposed to the “Full Minor Variance” fee of that ranges from \$3,320 to \$4,145. This would treat SDUs the same as accessory structures and legal non-con-forming uses. The proposed Fee By-law amendment is attached at Appendix “H2” to Report PED20093(a).

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider amendments to the Zoning By-laws.

Notice of the Public Meeting was placed in the *Hamilton Spectator* and the Community Newspaper on March 19, 2021. A copy of the notice is attached as Appendix “N” to Report PED20093(a).

Subsection 34(19.1) of the *Planning Act* stipulates there is no appeal to parts (including the regulations) of the SDU by-laws that give effect to the UHOP and RHOP policies on SDUs.

The Rural Hamilton Official Plan and the Urban Hamilton Official Plan contain polices to permit SDUs in accordance with the provisions of Bill 108. Therefore, in accordance with Section 34(19.1) of the *Planning Act*, third party appeals of the proposed Zoning By-law Amendments, attached as

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Appendices “A2” to “G”, are not permitted because the City’s Official Plan contains policies permitting secondary dwelling units.

The Accessory buildings by-law, attached as Appendix “A1”, is subject to *Planning Act* appeals.

A separate Notice, required by the City’s Procedural by-laws, was published on March 19, 2021 in the *Spectator* advertising the new Committee of Adjustment fee and the new Parkland Dedication fee.

HISTORICAL BACKGROUND

The concept of accessory dwellings is not new. Accessory units have been permitted in the former City of Hamilton since the 1970s. The Official Plan and Zoning By-laws of the former municipalities also included enabling policies in their Official Plans and/or regulations in the respective Zoning By-law regarding SDUs. Since 2018, Council has approved two pilot/demonstration projects relating to SDUs, as described below.

Laneway Housing (2018)

Council approved a pilot project in 2018 for lands roughly bounded by Lake Ontario, Red Hill Valley Parkway, the Niagara Escarpment, and Hwy 403 to permit Laneway Housing associated with Single Detached Dwellings.

By-law No. 18-299 amended Zoning By-law No. 6593 to permit a detached SDU accessory to a single detached dwelling on a lot that adjoins a laneway for certain areas of the lower City. The zoning regulations were drafted to ensure the relationship between the principal unit and the secondary suite regulations is maintained over time with respect to servicing, access and maintenance thereby responding to concerns that the creation of laneway housing would result in future severance applications to create “flag-shaped” lots to allow for the conveyance of the laneway dwelling unit.

In addition, the 2018 By-law:

- Limits the laneway dwelling to 6m in height and 50 m² in area;
- Restricts the location of windows and doors above 1st floor; and,
- Exempts the laneway dwelling unit from the requirement to require additional parking.

To date, two “laneway” dwellings units have been created within the pilot project area.

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As the proposed City-wide amendments incorporate and update the zoning regulations relating laneway housing / detached SDU's, Planning staff are recommending that Zoning By-law No. 18-299 be repealed in its entirety.

Temporary Use By-law for Accessory Dwelling Units In Wards 1, 8 and 14 (in part) (2019)

In December 2018, Council approved Planning and Economic Development Department staff exploring a Rental Housing Licensing Pilot Project for Wards 1 and 8 (a portion of which is now located within Ward 14). The scope of the Pilot Licensing Project would require owners/landlords of residential properties with less than five residential rental units to obtain a Rental Business Owner Licence. The license would be issued based on review and conformity with the applicable zoning by-law regulations, the Ontario Building Code (OBC) and the Fire Code of Ontario. The review would occur through the Building Permit process.

As a result of stakeholder consultation on a Licensing Pilot Project, stakeholders advised that a possible unintended consequence of the Licencing regime would be the removal of rental market housing units that have been created but that did not comply with the current zoning. In particular, the minimum unit size (65 m²) and the minimum lot area (270 m²) requirements in Zoning By-law No. 6593 were identified as significant barriers to the legalization and/or creation of accessory rental units.

In response to the feedback received, staff brought forward a Temporary Use By-law for lands within Wards 1, 8 and a portion of Ward 14 to revise the requirements of the Zoning By-law in terms of removing the minimum unit size and reducing the required lot area from 270 m² to 200 m². The requirement to provide additional parking associated with the accessory unit was also suspended for lands east of Hwy. 403 in Ward 1. By-law No. 19-307 was passed by Council in December 2019 and will expire in December 2022.

As the proposed City-wide amendments incorporate and update the zoning regulations relating to SDU's within a principle dwelling, Planning staff are recommending that Zoning By-law No. 19-307 be repealed in its entirety.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Legislation and Policy Framework

Bill 108 (*More Homes, More Choice Act, 2019*) received Royal Assent on June 6, 2019 for a broad change to various pieces of legislation such as the *Planning Act*, *Ontario Heritage Act*, and the *Development Charges Act*, amongst others.

Under the provisions of the *Planning Act* (as amended by Bill 108), municipal official plans are now required to contain policies to permit Secondary Dwelling Unit(s) (SDUs). The official plan policies are required to permit:

- two residential units in a detached house, semi-detached house or rowhouse; and,
- to allow a residential unit in a building or structure (either purpose built or conversion of an existing structure) accessory to a detached house, semi-detached house or rowhouse.

To facilitate the implementation of Bill 108, the Province released the Housing Supply Action Plan (HSAP). HSAP is aimed at increasing housing supply in the Province. Permitting SDUs is one of many tools to implement the HSAP.

The proposed Zoning By-law amendments conform to and are consistent with Provincial legislation and policy. A summary of the conformity and consistency with applicable Provincial Plans (A Place to Grow Plan 2019, as amended and Greenbelt Plan, 2017) as well as the Provincial Policy Statement (PPS) 2020 is explained in detail in Report PED20093 which was presented to Planning Committee in September 2020.

2.0 City of Hamilton Official Plan

In December 2020, Planning Committee and Council approved City Initiative CI-19-F – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan which included proposed policy changes to implement Bill 108 (*More Homes, More Choice Act, 2019*), concerning the requirement for municipalities to establish Official Plan policies to permit Second Dwelling Unit(s) (SDUs). The implementing Official Plan Amendment (RHOP OPA No. 26 and UHOP OPA No. 142) were adopted by Council on January 27, 2021 and are now in effect.

Those amendments to the Official Plans are summarized below:

- Introduced a definition of a Secondary Dwelling Unit (SDU) (UHOP and RHOP);

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- Permitted detached SDUs on lots containing a single detached, semi-detached or townhouse dwelling (UHOP only);
- Renamed “Second Dwelling Unit” to “Secondary Dwelling Unit” (UHOP and RHOP); and,
- In the Rural Area, permitted SDUs containing a single detached dwelling on lots utilizing private services greater than 0.4 hectares in size (RHOP only).

The zoning review for SDU's in the Rural Area is occurring in two phases. The first phase (which is addressed in this report) is to permit SDU's within the principle dwelling as an accessory unit. As it relates to detached SDUs, further review is required to address potential issues pertaining to sustainable private servicing and character of the rural landscape.

3.0 Zoning By-laws

There are inconsistencies in terms of both permissions (e.g. allowed or not allowed) and regulations (i.e. age of dwelling, locational requirements and lot/dwelling characteristics) for SDU's across the existing in force zoning by-laws in the City of Hamilton.

The former City of Hamilton and the Town of Dundas currently permit one additional unit in a principal dwelling, regardless of when the principal dwelling was built. The City of Stoney Creek permits one additional unit for dwellings built before 1941 and the Town of Flamborough has similar permissions for dwellings built before 1990. The Town of Ancaster and the Township of Glanbrook Zoning By-laws do not permit SDUs. The workplan for the new Comprehensive Zoning By-law No. 05-200 anticipated that regulations for SDU's would be developed at the time of preparation of the Low-Density Residential Zones. However, because single detached, semi-detached and rowhouse units are currently permitted in some zones (i.e. Downtown, Institutional and Rural Zones) and the proposed regulations will apply once the future Residential Zones are added to Zoning By-law No. 05-200, it is proposed to bring forward amendments to Zoning By-law No. 05-200 now for consistency. In addition, regulations for SDUs within a principle dwelling have been included for the applicable Rural zones.

RELEVANT CONSULTATION

1.0 City of Hamilton Departments

The following Divisions and Departments were consulted in the development of the proposed Zoning By-law amendments:

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- Community Safety and Planning Department – Fire Prevention;
- Corporate Services Department – Legal services;
- Healthy and Safe Communities Department – Investment In Affordable Housing Section; and,
- Planning and Economic Development Department – Transportation Planning, Building Division, Growth Management.

Consultation on amendments to the Parkland Dedication By-law include:

- Public Works – Landscape Architectural Services; and,
- Planning and Economic Development Department - Real Estate Section.

2.0 External Public Engagement – Engage Hamilton

Virtually public engagement was undertaken for this project. All project information related to SDUs was made available on both the project page website (<https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/residential-zones-project>) and the Engage Hamilton Project Page (<https://engage.hamilton.ca>).

The Engage Hamilton project page serves as a “one-stop shop” to learn about SDUs and proposed regulations. The website and portal contained the following information and content:

- SDU Discussion Paper, Brochure, and Options Summary Chart.
 - The Brochure was illustrated and contained infographics and summary charts of the proposed regulations by SDU type for quick access to information; and,
 - A summary chart of the proposed Regulations, colour coded and broken down by SDU type, was included as a quick reference guide.
- An online video providing “easy to understand” information. The video included audio and closed caption for the visually impaired and hearing impaired. Further, the video is available as public access on YouTube.
- Surveys to reflect the Urban and Rural Area were created to seek feedback on the proposed regulations that were context specific.
- A “Q&A” segment of the portal included frequently asked questions as well as it allowed participants to ask questions about the project. This method is similar to

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attendees of the PIC asking questions to staff. Responses to each question are available on the Engage Hamilton portal.

- In addition to phone inquiries, individual emails and digital versions of letters were received via the project email address (ResidentialZoning@Hamilton.ca).

Printed versions of the materials and the surveys were also made available upon request.

Appendices “K-1 – K-6” (inclusive), “L-1” and “L-2” to Report PED20093(a) include the comments received through the various forms of public engagement. A response to the comments and feedback received is also provided.

2.1 External Public Engagement – Virtual Stakeholder/Town Hall meetings

Planning staff organized and attended virtual meetings as follows:

- Two separate meetings were held with Neighbourhood Associations and industry representatives for a total of 22 attendees;
- Two separate virtual town hall meetings were held for a total of 60 attendees. Each virtual meeting included a question and answer session; and,
- A presentation was made to the Agricultural and Rural Affairs Committee.

Details of the public engagement techniques and process (workshop dates, times, number of participants) are included in Appendix “J” to Report PED20093(a).

2.2 Key Highlights from Public Engagement

A summary of the feedback and comments on the themes and options contained in the September, 2020 Discussion paper applicable to the urban and rural areas SDU regulations is described below.

In addition, several comments were received pertaining to issues such as property standards, parking enforcement, garbage disposal and snow removal.

2.2.1 Urban Area Regulations

The September 2020 SDU Discussion Paper outlined options for consideration and discussion. Overall, the public feedback received was supportive of SDUs.

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Neighbourhood built form character, unit size, lot coverage and parking were the primary themes/topics that the public provided feedback and comments on as follows

Parking (SDU within the principle residence and/or in a detached structure)

In the Urban Area survey, 22% of respondents supported establishing a City-wide parking standard whereas 62% of respondents said parking exemptions (no parking requirement) is preferred.

A total of 15% of respondents supported having parking exemptions in certain areas of the City.

Through the Town Hall discussions, there was general support to permit tandem parking. Although participants generally recognize that tandem parking might not work from an operational standpoint, the option should still be there to allow it. Tandem parking will only be permitted once required parking (if applicable) have been met onsite.

SDU within the principle dwelling – Access to SDU

Entrances to the SDUs are limited to the side, rear, or internal within the building. Certain areas such as in the Lower City are permitted to have the entrance to face the street (having “two front doors”).

The survey results showed that 66% of the respondents had no preference regarding where and how access to the SDU was provided. Thirty percent (30%) expressed a preference for the access to the SDU be provided from an entrance on the side or rear of the dwelling. Written comments and town hall comments preferred one front door. Based on the feedback, the proposed regulations have not been amended.

SDU within the principle dwelling – Unit Size

Seventy percent (70%) of the survey respondents did not support a maximum dwelling size and 45% of respondents supported a minimum dwelling size. If a minimum size were to be established, half of respondents thought a minimum size of 50 square metres was appropriate. However, it was determined that requirements under the Ontario Building Code was sufficient and allows for flexibility in how small or large the SDU could be.

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Detached SDU – Maximum Lot Coverage

A total of 3 comments were received through email submissions suggesting the proposed 25% lot coverage for all accessory buildings (but not including the principal dwelling) should be higher, as accessory buildings such as detached garages and shed may take up a portion of the lot.

Detached SDU – Maximum Gross Floor Area of 50.0 square metres

Comments received through the virtual town hall meeting and email submissions indicated that 50 square metres was too small and close to 80% of survey respondents indicated the size should be based on lot size. The maximum GFA of 50.0 sq m was based on the Laneway Housing Pilot Project and considered a starting point in the Discussion Paper but after actual proposals were made by architects, it was determined to be insufficient and a larger maximum was needed. As noted below, staff concurred with public feedback and a larger size is proposed. However, the GFA of the detached SDU cannot be larger than the principal dwelling to maintain its accessory nature, and therefore, the concept of unit size for a detached SDU is different from an internal unit.

Detached SDU – Setback and Built Form Requirements

Comments regarding required setbacks from a side or rear lot line were mixed. Some of the comments from the Survey (4 respondents) and via email suggested the setback is not necessary and may create a barrier to narrower lots to accommodate a detached SDU. Alternatively, it was suggested that the City should allow the homeowner to establish their own setback from the property line.

All comments received suggested windows should be allowed with no restrictions. Respondents indicated a preference to allow balconies and rooftop patios above the first floor for design flexibility.

The preference by the majority of respondents is to allow the detached SDU to have the same height as the main house.

3.2 Rural Area

Based on the feedback received, there is overall broad support for permitting SDUs in the Rural Area.

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The most frequent concerns and feedback expressed about the SDU regulations in the Rural Area are:

- Support for not requiring a maximum unit size (68%) or a minimum unit size (62%) for SDUs within a principle dwelling; and,
- Significant interest in allowing detached SDUs. 49% of the respondents would like to build a SDU.

In the rural area, concerns, feedback and questions about the importance of protecting and maintaining the health of the groundwater is a common theme.

Concerns about the potential for a severance of the detached SDUs was raised by the members of the Agricultural and Rural Affairs Committee and the concern that a severance would result in the further fragmentation of the agricultural land base and result in potential land use conflicts between agricultural practises and non-farm rural residential dwellings.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1.0 Introduction

A Secondary Dwelling Unit (SDU) is a self contained accessory dwelling unit (aka “an accessory apartment”) either within a single detached, semi-detached or townhouse/rowhouse dwelling, or a SDU may be located within a detached structure, either purpose built or through conversion of an existing structure (aka a “laneway house”), or both.

Under the provisions of the *Planning Act* (as amended by Bill 108), municipal official plans are required to contain policies to permit Secondary Dwelling Unit(s) (SDUs). Local Official Plan policies are required to permit:

- two residential units in a detached house, semi-detached house or rowhouse; and,
- a residential unit in a building or structure (either purpose built or conversion of an existing structure) accessory to a detached house, semi-detached house or rowhouse.

The *Planning Act* requires that municipalities implement their official plan policies by maintaining up to date zoning by-laws.

The Bill 108 SDU provisions align with Amendment No. 1 to the Growth Plan that came into effect in August 2020. The growth forecasts in Amendment No. 1 are based on

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population, employment and household forecasts prepared by Hemson Consulting for the Province. The Hemson forecasts anticipate that for the 2016 – 2051 time period, 5,200 accessory units will be created in Hamilton, or approximately 150 units annually.

In December, 2020, Planning Committee and Council approved City Initiative CI-19-F – Housekeeping Amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan which included policy changes to implement Bill 108 (*More Homes, More Choice Act, 2019*), concerning the requirement for municipalities to establish Official Plan policies to permit Second Dwelling Unit(s) (SDUs). The implementing Official Plan Amendment (RHOP OPA No. 26 and UHOP OPA No. 142) were adopted by Council on January 27, 2021.

This Report is a follow up to the Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Urban Area Discussion Paper, Brochure, and Second Dwelling Unit Process Map (PED20093) that was approved by Planning Committee on September 20, 2020 and City Council on September 28, 2020.

2.0 Revisions Required to the Zoning By-laws

In response to comments received through the public engagement process and further technical review by staff of the proposed regulations, some of the proposed regulations contained within the Discussion Paper have been modified. The major changes include:

- adding four new definitions: one for a SDU and a separate one for a detached SDU, as well as definitions for a ditch and for a swale;
- increasing the maximum allowable size for a detached SDU, including a regulation where the detached SDU cannot be larger than the principal dwelling;
- locational requirement of a detached SDU wholly located in the interior side yard;
- adding landscape area requirements for each dwelling unit and require the landscaped area for detached SDU’s to be screened;
- requiring a minimum setback for a detached SDU from any swale; and,
- using existing maximum lot coverage regulations, where they exist.

For the six former municipal Zoning By-laws, the proposed regulations either replace existing residential conversion regulations or create a new set of regulations to permit Secondary Dwelling Units throughout the urban area. The effect of the proposed regulations is to harmonize and provide consistency across the entire City of Hamilton.

Secondary Dwelling Unit regulations are proposed for Zoning By-law No. 05-200 because single detached, semi-detached and townhouse dwelling units are permitted in some zones (i.e. Downtown, Institutional, Commercial and Mixed Use, Transit Oriented

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Corridor and Rural Zones). When the residential zones are added to Zoning By-law No. 05-200, these proposed regulations will apply.

In accordance with the Official Plan, it should be noted that SDUs will not be permitted in any deferred development (“DD”) or neighbourhood development (“ND”) zone in any By-law as the intended use/development of lands in a “DD” or “ND” zone is subject to future amendments to Zoning By-law No. 05-200 and the Official Plan designation is often for commercial, industrial or higher density residential uses.

The proposed zoning regulations are structured into Secondary Dwelling Unit general provisions (e.g. definitions and parking standards) and regulations specific to the three SDU typologies:

- Internal to the Principal Dwelling;
- Newly constructed Secondary Dwelling Unit; and,
- Conversion of an existing accessory building to a Secondary Dwelling Unit.

The proposed zoning by-law regulations include technical changes to add new provisions and/or amend existing provisions (e.g. adequate servicing provision in the rural area) and to remove any inconsistencies or conflicts with existing zoning by-law provisions.

The proposed Zoning By-laws for the six former municipalities and Hamilton Zoning By-law No. 05-200, are attached as Appendices “A” to “G” to Report PED20093(a). A summary of the specific regulations is detailed in Appendix “M-1” to Report PED20093(a).

The zoning regulations work together and are inter-related. The proposed zoning regulations implement the following land use planning and corporate / community goals and objectives:

- Responding to Climate Change impacts and managing storm water;
- Respecting neighbourhood character;
- Minimizing privacy and other impacts on neighbours;
- Recognizing constraints of existing lot and building configurations; and,
- Protecting the health and safety of residents and the community.

Appendix “I” to Report PED200093(a) illustrates how these regulations, by SDU typology, contribute to achieving the goals/objectives above.

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It should be noted that the Zoning By-law regulations recommended in this report would establish the as-of-right zoning permissions. These as-of-right permissions have been prepared to meet the majority of lot types and circumstances. However, it is important to note that the as-of-right permissions cannot anticipate all the differences and unique circumstances that may exist (e.g. lot patterns and configuration, location of existing buildings on a lot, etc.). Therefore, variations to these standards may be appropriate in some circumstances. These would be considered and addressed through the Minor Variance process. This report is recommending that such variances be considered as Routine Variances, which pay a lesser fee than a Full Variance application.

Over the next 18 months, these regulations will be monitored. In the event there are regulations that require consistent modifications by way of minor variance applications, staff will report back to Planning Committee with a recommended course of action which may include further amendments to the Zoning By-law.

2.1 Secondary Dwelling Unit Zoning By-law Regulations – Urban Area

Based on the public engagement results, overall, there is generally support for all forms of SDUs in the urban area. Further, the preference, by many respondents, is that as few regulations as possible should be included in the Zoning By-laws even if such regulations are intended to ensure community and neighbourhood integration, support streetscape character and provide for privacy and safety of residents. With that in mind, staff have identified the recommended regulations below, which provide a balance between the need for additional housing opportunities and meeting the objectives stated in Section 2.0 above.

2.2 Regulations for Secondary Dwelling Units Interior to a Principal Dwelling

Any SDU located inside the main dwelling, or as part of an addition to the building, must conform to the parent zone regulations. As a result, there are no new setback or height requirements necessary for this form of SDU. Therefore, the following are the recommended regulations for this form of SDU:

- **Main Entrance to SDU** – In most areas of the city, the main entrance will be required to be through a common lobby, atrium or from the interior side or rear of the principal dwelling. The intent is to maintain the overall appearance from the street where each dwelling unit typically has one entrance that face the street.

However, it is recognized that in certain areas, there is a more diverse range of dwelling types on the same block, such as single detached, semi-detached, duplex, triplex and street townhouse dwellings. As a result, it is possible to have

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two front doors facing the street. A proposed regulation to allow the main entrance to the SDU to face the street has been included in Zoning By-law No. 6593 and 05-200 for the lands identified in Appendix “M-2” to Report PED20093(a)).

- Exterior Stairs above a first floor – Exterior stairways excluding a fire escape above the first floor will not be allowed.
- Maximum or Minimum Size of a SDU - The recommended approach is to not require minimum or maximum sizes of the SDU, either as a percentage of total gross floor area or a hard square footage cap, as part of the Zoning By-law, but rather to rely upon the Ontario Building Code. The Ontario Building Code establishes minimum standards for room sizes, and the OMB/LPAT has typically deferred to these standards when approving minor variance applications for relief from the minimum dwelling and/or unit size provisions currently in Zoning By-law No. 6593.

As part of the Provincial Housing Action Plan, the Province released a guide on accessory units which outlines minimum room sizes, based on the Ontario Building Code. A table summarizing these minimum room sizes is provided below. Note that, in addition to a bathroom and a master bedroom, a dwelling unit must have all of the following rooms: living area, dining area and kitchen (except where a sleeping area is combined with living/dining/kitchen, i.e. ‘bachelor apartment’).

Room/Space	Minimum Required Floor Area
Living Area	13.5 m ² (145 ft ²)
Dining Area	7 m ² (75 ft ²)
Kitchen	4.2 m ² (45.2 ft ²)
Combined living, dining and kitchen areas in a one-bedroom unit	11 m ² (118.4 ft ²)
Master bedroom (without built-in closet)	9.8 m ² (95 ft ²)
Other bedrooms (without built-in closets)	7 m ² (75 ft ²)
Bathroom	Sufficient space for sink, toilet and shower stall or bath
Combined sleeping, living and dining areas and kitchen space	13.5 m ² (145 ft ²)

(Relevant Building Code provisions - Division B, Subsections 9.5.4. to 9.5.9.)

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There was strong support through the public consultation for not including a minimum or maximum size of an internal SDU within the Zoning By-law itself, and therefore none is being recommended. Relying on the minimum standards of the Ontario Building Code allows the property owner the flexibility to determine the size of the SDU based on the extent of the existing dwelling or addition to the principal dwelling. The SDU can be established based on existing or planned floor plans (such as taking up the entire basement as opposed to a portion) and to the needs of the SDU resident.

2.3 Newly Constructed Detached Secondary Dwelling Units

Regulations for newly constructed detached SDUs are summarized below. These regulations are intended to achieve sensitive community integration and to address matters such as privacy, overlook, stormwater management, grading and drainage, landscaping, and the preservation of private backyard space.

- **Minimum Setbacks** - a minimum 1.2 m interior side yard and rear yard setback will be required and must be free and clear of obstructions and storage to address stormwater management and grading and drainage, and to allow the property owner to make repairs and maintenance to the detached SDU without needing to enter the abutting property. Further, gutters and eaves can be installed without encroaching into the abutting lot. This setback is consistent with existing Zoning By-law requirements for other types of accessory buildings.

The minimum flankage yard (corner lot) setback would be based on the regulations of the applicable residential zone. The purpose is to maintain a street edge on a corner lot based on the requirements of the zone the building is in.

- **Lot Coverage** - Most of the former municipal Zoning By-laws have maximum lot coverage regulations for residential zones. To avoid overbuilding and to allow for landscaping and parking, the recommended approach is to retain the existing lot coverage regulations in these by-laws on an interim basis. For the area of the City covered by Zoning By-law 05-200, a maximum 25% lot coverage for accessory buildings is recommended as an interim measure. These interim lot coverages will be further reviewed as part of the ongoing work relating to the comprehensive update to the City's residential Zoning By-law standards.
- **Distance between the back of the principle dwelling and the SDU** – The Discussion Paper proposed a 7.5 m setback between the principle dwelling and the SDU. While some of the public comments suggested that this setback may be too large, the proposed regulation has been retained to ensure separation between the

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principle dwelling and the attached SDU as well as to retain the existing amenity area/open space area of the principle dwelling. The separation also meets climate change goal where the required open space provides opportunities for landscaping of the rear yard and ensuring adequate drainage is provided.

- Maximum Gross Floor Area (GFA) for the Detached SDU – Establishing a maximum gross floor area (GFA) for a detached SDU has several implications. An appropriate maximum GFA can help ensure the detached SDU does not result in overbuilding on the lot. Further, establishing a maximum size helps address climate change by minimizing the loss of landscaped area in side and rear yards, and ensuring that grading and drainage concerns are minimized. However, a maximum GFA needs to be large enough such that SDUs can accommodate various household types and needs.

Much of the public feedback on the Discussion Paper suggested that the proposed 50.0 sq. m. maximum GFA was too low, and that a larger maximum size would be appropriate. As a result of this feedback, the amended proposed regulation (not including mechanical rooms and staircases) is 75.0 sq m.

An additional regulation has been added that restricts the maximum size of the detached SDU to not exceed the total floor area of the principal dwelling to avoid having a detached SDU that is bigger than the principal dwelling.

- Height – The Discussion Paper proposed a maximum height of 6.0 m, which is equivalent to two floors with a flat roof, or one floor with a sloped roof. Some of the public feedback suggested a higher height limit, such as setting the maximum height for the SDU at the height of the principal dwelling. Despite these comments, the recommended approach is to maintain the maximum height limit at 6.0 m. This height would ensure the SDU does not impact abutting lots with respect to shadowing, overlook, and privacy. A 6.0 m height limit is also consistent with the height limit that was established through the Laneway Housing Pilot Project (Bylaw- No. 18-299).
- Safety regulations - The Ontario Building Code and the Ontario Fire Code contain regulations that ensure emergency personnel can reach the scene of an emergency by providing a clear and unobstructed path on the lot, and a maximum distance from the street for fire hoses to reach the entrance of a dwelling unit. The regulations proposed in the Discussion Paper to satisfy these considerations were:
 - A maximum linear distance from the lot lines abutting the street to the entrance of the detached SDU of 40 m; and,

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- A minimum 1.0 m wide unobstructed path with a minimum height clearance of 2.6 m from the street to the entrance of the detached SDU.

Some of the public feedback suggested a reduction in the minimum 1.0 m wide unobstructed path to 0.9 m as has been done in Toronto; however staff is not recommending any change to this standard, and that the 1.0 m be retained. With respect to the minimum height clearance, while the Discussion paper proposed a 2.6 m height, the OBC requires only 2.1 m. Therefore, staff is recommending that this standard be set at the OBC requirement of 2.1 m.

- Design regulations - Design regulations within the Zoning By-law would apply above the first floor and are intended to ensure windows, balconies, and rooftop patios do not impact abutting properties from impacts due to noise, overlook, and privacy. The Discussion Paper proposed that windows be permitted with a 1.5 m setback and balconies, porches and roof top patios be prohibited above the first storey.

Based on the public feedback received as well as a review of the OBC requirements, a modification is being proposed to align with the OBC which would permit windows on any building façade on the SDU as long as the building is setback a minimum of 1.2 metres from the lot line. The prohibition on balconies, porches and roof top patios has not been changed.

In addition, a new regulation has been added to require a minimum landscaped area of between 8-12 m² for each dwelling unit (the amount of landscaped area increases as the units get larger) This landscaped area allows for open space amenity area for the detached unit. In addition, to provide a demarcation of the amenity space for the detached SDUs, there is a requirement for the landscaped area associated with the detached SDU to have a visual barrier of between 0.3 m and 1.0 m in height on two sides of the amenity area. This barrier could be in the form of shrubs or plantings and not just a fence wall.

- Stormwater Management Grading and Drainage Considerations – In addition to the landscaped area requirement noted above, a setback of 1.0 m from a swale is required to ensure the flow of stormwater. In most cases, the swale is on the lot line; however, should the swale be located off set from the lot line, then this regulation will protect it. As detached SDUs might have a foundation or even a basement or cellar, the intent is to minimize disturbance to the swale by not building too closely.

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2.4 Conversion of an Existing Accessory Building to Detached Secondary Dwelling Units

An existing, legally established accessory building in the Urban Area may be converted to a detached SDU. The following regulations would apply to such a conversion:

- A “Vacuum Clause” regulation has been introduced to address any non-complying matters associated with the conversion of a legally established accessory building into a detached SDU. The proposed regulation deems the converted detached SDU to comply with the regulations for setback requirements, height, gross floor area, lot coverage, and distances from the principal dwelling. However, the conversion must still meet Ontario Building Code requirements and is subject to a Building Permit application.

The Vacuum Clause regulation will not apply to additions greater than 10% of the size of the accessory building being converted, and any additions must be built in accordance with the proposed regulations for a newly constructed detached SDU.

- Any required parking space that is lost due to the conversion of the accessory building (e.g. if it is a garage that contains a required parking space) then the required parking space must be replaced on site. In some cases, it might be accommodated on the existing driveway, or through a widening of the existing driveway as long as the 50% landscape requirement is met.
- A regulation has been added requiring converted detached SDUs also meet safety regulations with respect to setbacks and fire equipment access to the SDU, notwithstanding the Vacuum Clause. It is a requirement for converted detached SDUs meet the Ontario Building Code and Fire Code regulations with respect to creating a free and clear 1.0 metre path from the street to the entrance of the detached SDU, and a maximum 40 metres for the fire hose to be able to reach the front entrance to the detached SDU.

2.5 Parking Standards for all Types of Secondary Dwelling Units

In September 2019, the Province issued Ontario Regulation 229/19 which regulates how municipalities can set and apply zoning by-law standards for secondary dwelling units. With respect to parking, O/Reg 229/19 sets out the following:

- Establishes a base standard of not more than one required parking space for each SDU, which may be provided through tandem parking as defined.

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- If a municipal zoning by-law requires no parking spaces for the primary residential unit, then no parking space can be required for the SDU; and,
- If a municipal zoning by-law is passed that sets a parking standard lower than a standard of one parking space for each SDU, then to avoid any potential conflict between the Regulation and the zoning by-law, the municipal zoning by-law parking standard would prevail.

The following parking standards for SDUs are proposed in this report:

- A city-wide minimum parking standard of 1.0 spaces per SDU is proposed and would apply to both the Urban and Rural Areas. However, it is recognized that in certain parts of the City, many existing lots cannot accommodate parking on-site due to the location of the dwelling or the lot configuration. In recognition of this circumstance, a proposed regulation has been introduced that applies to certain lands in the lower City of Hamilton, roughly bounded by Highway 403 in the west, south of the industrial area to the north, the Niagara Escarpment to the south, and Ottawa Street to the east. (See Appendix “M-2” to Report PED20093(a)).

Within this broad area, no additional parking for the SDUs will be required for lawfully established single detached, semi-detached, street townhouse, or block townhouse dwellings. This regulation is proposed in Hamilton Zoning By-law Nos. 6593 and 05-200 (see Appendices “A1” and “F” to Report PED20093(a)). This regulation is consistent with the regulation in the Temporary Use By-law (By-law 19-307) that amended Section 19 of Hamilton Zoning By-law No. 6593, where parking was no longer required in certain parts of Wards 1 (east of Highway 403) and 2.

- Adding additional parking spaces has the potential to reduce landscaped areas in the front yard. Currently, a regulation exists in both Zoning By-law No. 6593 and 05-200 that requires a minimum 50% of the front yard to be landscaped, consisting of sod, trees and shrubs, decorations and walkway, but that does not include a driveway or manoeuvring or access lanes. The intent of this regulation is to preserve permeable area and maintain the appearance from the street. No change is proposed to this existing regulation, and therefore any added parking would have to continue to maintain 50% landscaped area in the front yard.
- Tandem Parking is two vehicles parked one in front of the other. Although tandem parking is effective when all vehicles belong to one household, there can be operational constraints when vehicles are owned by different households. The concern is where the inner car must wait for the outer to drive out of the driveway

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first before it can exit. It is proposed that for SDUs, tandem parking would not be permitted for any required parking spaces, but would be permitted for any non-required parking spaces.

- The proposed SDU regulations prohibit additional driveways to be established for an SDU, except in the case of a corner lot where one driveway would be permitted per street frontage. The intent of this regulation is to prevent lots from having multiple driveways on the same street frontage and alter the general appearance from the street and reduce curb cuts thereby reducing on street parking. This regulation is consistent with Zoning By-law No. 05-200.

2.6 Other Technical Regulations to Secondary Dwelling Units

In addition to the above-mentioned regulations, the Discussion Paper proposed technical regulations and definitions that would give support to the SDU regulations. The public consultation did not identify any concerns with these technical regulations, and therefore there are no changes being proposed. These regulations include:

- A regulation within Hamilton Zoning By-law No. 05-200 to allow a SDU within a legally established single detached, semi-detached dwelling street or block townhouse located within the General Industrial (M5) and the Light Industrial (M6) zones in the Bayfront area (existing special exception 375).
- A regulation to ensure the establishment of an SDU(s) in one (unsevered) lot is not considered as a triplex, multiple dwelling, or other form of medium density dwelling type.
- A regulation prohibiting the location of a detached SDU from the front and flankage (exterior side) yard, which is a consistent regulation to accessory buildings in all Zoning By-laws.

2.7 Secondary Dwelling Unit and Related Zoning By-Law Regulations – Rural Area

Planning Committee and City Council, at their meetings of September 22, 2020 and September 30, 2020, directed that regulations related to SDUs within the principal dwelling in the Rural Area be included as part of this phase of the SDU project. The second phase of this project will determine the potential to allow detached SDUs in the Rural Area along with any regulations required to allow this use. This second phase is expected to be completed by the end of 2021.

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The proposed Zoning By-law regulations for SDU's in the Rural Area will allow one SDU to be contained within the principal dwelling. There was broad support during the public consultation to permit SDUs in the Rural Area. Further, there was a strong interest in constructing these units. The regulations to support this use include:

- Requiring a minimum lot area of 0.6 ha for a single-detached or semi-detached dwelling lot to ensure an adequate lot size for the accommodation of a well and septic tank;
- Adding a new requirement to ensure adequate servicing on the site; and,
- Requiring the entrance to the SDU to be located be on the side or at the rear of the building.

Appendix "M-1" to Report PED20093(a) contains the detailed regulations.

2.8 Technical Changes to Farm Labour Residence Definition and Regulations

As a result of adding the definition of SDU to Zoning By-law 05-200, overlaps in the Farm Labour Residence definition and regulations have occurred. In addition, there are inconsistencies within the Zoning By-law structure; more specifically, the definition of Farm Labour Residence which inappropriately contains regulations.

Currently, the existing Zoning By-law 05-200 regulations allow one Farm Labour Residence per lot based on one of three forms:

- An accessory apartment attached to and forming part of the principal farm dwelling (attached SDU); or,
- A bunkhouse with shared eating and bathroom facilities; or,
- A detached dwelling of temporary construction, such as a mobile home.

The changes to eliminate the overlap and restructure the Farm Labour Residence regulations and definition include:

- Deleting accessory apartment as a form of Farm Labour residence, since attached SDU's have their own set of regulations and there is no restriction as to who can live in this SDU;
- Relocating the regulations related to the form of the Farm Labour residence to the Agriculture (A1) and Rural (A2) zone regulation sections;

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- Removing redundant wording in the regulations; and,
- Amending the definition to delete the reference to the form of the Farm Labour residence.

2.9 Adequate Services (Water and Sewage Disposal)

A new clause is proposed to be added to Zoning By-law 05-200 to address the need to ensure adequate services are provided and maintained for rural uses. This new regulation is similar to an existing regulation which has the same requirement for urban uses,

“iii) For lands in a Rural zone,

1. An approved waste disposal and water supply systems to sustain the use of land for buildings shall be provided and maintained to the satisfaction of the Chief Building Official; and,
2. All regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate.”

3.0 Other Related Matters

3.1 Site Plan Control for Secondary Dwelling Units

Currently, Site Plan Control for single detached and semi-detached residential dwelling units applies in only limited locations in the City, such as the Beach Strip, by Zone such as the ER Zone in Ancaster, and if the lot is located within an Environmental Significant Area. Many of these areas are under Site Plan Control to address specific unique matters such as grading and drainage and stormwater management.

With the exception of the Beach Strip and parts of Ancaster, which are under Site Plan Control already for single detached and semi-detached dwellings, staff are recommending that Site Plan Control not be applied to SDUs, as regulations have been put in place through the recommended Zoning to address concerns such as a free and clear minimum 1.0 metre setback from the property line to ensure proper drainage to the side of the SDU, maximum lot coverage requirements, and minimum distance between the principal dwelling and the SDU in the interior side and rear yards.

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At the time of the Building Permit application submission, based on the size and location of the detached Secondary Dwelling Unit, the applicant will be required to submit a detailed grading and drainage plan, prepared, stamped and signed by an Ontario Land Surveyor, Architect, Landscape Architect or a Professional Engineer competent in this field, to confirm that no grading issues are being caused on the property including but not limited to the grades along the property lines. Please note this grading plan will also be used to determine if a site alteration permit is required in accordance with the Site Alteration By-law.

3.2 Amendments to the Parkland Dedication By-law

Staff is recommending that Section 5(5) of the Parkland Dedication By-law 18-126 be amended to extend the reduced parkland dedication rate from one secondary dwelling unit in a single detached dwelling to include up to two secondary dwelling units in a single detached, semi-detached, or townhouse dwelling and on a lot containing such dwellings.

The reduced rate for the addition of one secondary dwelling unit in an existing single detached dwelling was first introduced in 2015 to encourage small scale intensification. At its meeting of September 9, 2015, Council passed a Motion that introduced a temporary flat fee of \$500 where a second dwelling unit was added in an existing single detached dwelling. At its meeting of March 8, 2017, Council approved Amending By-law 17-039 which included an amendment to continue the application of this reduced rate as part of Phase I of a Parkland Dedication By-law Review. Amending By-law 17-039 specified a flat fee of \$750 to the addition of one dwelling unit in an existing single detached dwelling, subject to annual indexing.

As part of Phase 2 of the Parkland Dedication By-law Review, the flat fee was updated to align with the indexed rate in effect at the time. At its meeting of May 23, 2018, Council approved Parkland Dedication By-law 18-126 which is still in effect. By-law 18-126 specifies that the fixed rate for the addition of one dwelling unit is \$869, subject to annual indexing. The current (indexed) rate in effect on April 1, 2021 is \$1,131 per unit. The current (indexed) rate as of April 1, 2021 is \$1,131 per unit.

3.3 Committee of Adjustment Fee

A new fee is proposed to be added to the Tariff of Fee By-law No. 12-282, as amended by By-law No. 19-108, to introduce a fee of \$600 for Committee of Adjustment applications respecting secondary dwelling units, attached as Appendix "H2" to Report PED20093(a). This fee is the same as the fee for accessory structures. This reduced fee is being proposed in order to minimize financial barriers to the creation of SDUs in

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situations where minor modifications to the regulations set out in this report are deemed to be appropriate.

As work on the residential Zoning By-law reform progresses, staff will monitor Committee of Adjustment application to determine if any of the proposed regulations are repeatedly being identified as a barrier to the creation of SDUs. While not every property can accommodate both an SDU and a detached SDU, staff will access and recommend any adjustments to the regulations, if required.

3.4 Other Housing Related Planning and Development Department Reports

The following housing topics will be the subject of separate reports to Planning Committee and Council:

- Property Standards By-law;
- Rental Housing Licencing Pilot Program for Wards 1, 8, 14;
- Condo Conversion UHOP policies and associated Municipal Act By-law;
- Family Friendly Housing Guidelines; and,
- Short term rentals.

3.5 Other Financial Incentives

A separate report to address Development Charges and SDUs will be presented to the Audit and Finance Committee.

Further, an update to the Housing and Homelessness Action Plan by the Healthy and Safe Communities Department may provide additional direction on other financial incentives or approaches to encourage SDUs to be built.

4.0 Matters outside the Scope of the Zoning By-law

4.1 Building without Permits

Although residential conversions have been permitted through Hamilton Zoning By-law No. 6593 since the early 1990s, there continues to be dwelling units that have been constructed without Building Permits or where the use is not permitted. Although illegal units are a form of affordable housing, residing in a dwelling unit can result in health and safety concerns. Introducing new regulations into the Zoning by-laws is one proactive step in increasing housing opportunities, but it does not obviate the need for a building permit.

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4.2 Property Standards and Parking Matters

Through public engagement, several comments were received respecting concerns that Secondary Dwelling Units could result in property standards issues, if tenants or landlords do not take care of their properties. Property standards issues such as uncut grass and weeds, waste bins not collected after garbage pickup, sidewalks not being shovelled, or garbage and debris are some of the concerns that were expressed. Illegal parking was another concern that was commonly expressed.

Property standards and parking matters are subject to municipal law enforcement through various municipal By-laws, such as the Property Standards By-law (By-law No. 10-221), the Snow off Sidewalk By-law (By-law No. 03-296), and the Yard Maintenance By-law (By-law No. 10-118). Parking enforcement is regulated through the On-Street Parking By-law (By-law No. 01-218). These by-laws and regulations will continue to be in force and effect with respect to SDUs, as they are in all parts of the City. Staff will continue to monitor and report to Council on enforcement activities related to these by-laws, and should any matters arise as a result of SDUs that warrant amendments to these by-laws, staff will bring forward future reports recommending such changes.

4.3 Occupancy Requirement for an SDU

Historically, it has been assumed that SDUs will be created in owner occupied dwellings and as such municipalities should require owner occupancy as a precondition to permitting SDUs.

Zoning regulates the use of the land and not the user of the land. Through Ontario Regulation 229/19, the Province has provided clarification that municipal zoning by-laws cannot require owner occupancy requirements for SDUs. Specifically, the regulation states that where a SDU is permitted in a zoning by-law, the SDU may be occupied by any person regardless of whether the primary residential unit is occupied by the owner of the property.

In addition, Regulation 299/19 also includes provisions that a zoning by-law must permit a SDU without regard to the date of construction of the primary or ancillary building.

5.0 Accessory Dwelling Units Regulations

This section of the Zoning By-law originated in 2005 and has been amended several times as each new zone category was added to the by-law. This Section has regulations in that are part of the SDU regulations, specifically restricting to a detached SDU in a front yard, driveway setbacks and eave encroachment. As a result, this

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Section is being deleted and replaced with a more comprehensive set of regulations, attached as Appendix “A1” to Report PED20093(a), that are up to date and easier to read.

6.0 Zoning By-law Interpretations

Most contemporary Zoning By-laws include diagrams and tables that make it easier for the public to read them and for staff to implement them. New regulations are being proposed to identify how diagrams and tables are to be used in Hamilton’s Zoning By-laws, either as information tools, or to illustrate regulations.

ALTERNATIVES FOR CONSIDERATION

SDU Zoning By-law Regulations

While the principal of allowing the use of SDUs is established in both the Planning Act as well as in the City’s Official Plan and Zoning By-laws, Council could decide to modify one or more of the individual regulations recommended in this report as they relate to that use.

Parkland Dedication and Committee of Adjustment Applications

Council could choose to apply the full rate for parkland dedication and/or Committee of Adjustment applications as they relate to applications for SDUs.

Site Plan Control

Council could choose to require Site Plan Control applications for detached SDU’s. This approach would add significant cost to the establishment of an SDU, as well as require additional resources for the review and processing of applications.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A-1":	Draft Zoning By-law for Hamilton Zoning By-law No. 05-200 – Accessory Buildings
Appendix "A-2":	Draft Zoning By-law for Hamilton Zoning By-law No. 05-200 – Secondary Dwelling Units
Appendix "B":	Draft Zoning By-law for the former Ancaster Zoning By-law 87-57
Appendix "C":	Draft Zoning By-law for the former Dundas Zoning By-law 3581-86
Appendix "D":	Draft Zoning By-law for the former Flamborough Zoning By-law 90-145-Z
Appendix "E":	Draft Zoning By-law for the former Glanbrook Zoning By-law 464
Appendix "F":	Draft Zoning By-law for the former Hamilton Zoning By-law 6593
Appendix "G":	Draft Zoning By-law for the former Stoney Creek Zoning By-law 3692-92
Appendix "H-1":	Draft Parkland Dedication By-law
Appendix "H-2":	Draft Tariff of Fee By-law – Committee of Adjustment fee
Appendix "I":	Rationale of SDU Regulations
Appendix "J":	Public Engagement Techniques in Engage Hamilton Portal
Appendix "K-1":	Public Engagement Feedback Summary – General Comments
Appendix "K-2":	Public Engagement Feedback Summary – Urban Internal SDU Comments
Appendix "K-3":	Public Engagement Feedback Summary – Urban Detached SDU Comments
Appendix "K-4":	Public Engagement Feedback Summary –Rural Comments
Appendix "K-5":	Public Engagement Feedback Summary – Parking Regulations for SDU Comments
Appendix "K-6":	General Town Hall Meeting Comments
Appendix "L-1":	Urban Area Survey Summary
Appendix "L-2":	Rural Area Survey Summary
Appendix "M-1":	Summary of Regulations by SDU typology
Appendix "M-2":	Area of reduced Parking and Second Entrance facing the Street would be allowed (applies to Zoning By-law 05-200 and 6593 only)
Appendix "N":	Public Notice of the Planning Committee

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Authority: Item _____, Planning
Committee
Report PED20093(a)
CM:
Ward: Citywide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

To Amend Zoning By-law No. 05-200, Respecting Interpretation and new Accessory Building Regulations (Citywide)

WHEREAS Council approved Item ____ of Report _____ of the Planning Committee, at the meeting held on _____, 2021;

AND WHEREAS this By-law is in conformity with the Urban and Rural Hamilton Official Plans.

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That SECTION 2: INTERPRETATION be amended as follows:
 - 1.1 That Subsection 2.5 Interpretation of Zone Boundaries be renumbered to Subsection 2.6.
 - 1.2 That the following two new Subsections be added:
 - 2.5 Incorporation of Appendices

The following appendices do not form part of this By-law but are included for information purposes only. Any additions to, deletions of, or alterations to Appendices do not require a zoning by-law amendment.

 - a) Appendix A - Illustrations
 - 2.7 Interpretation of the By-law
 - 2.7.1 Use of Tables
 - a) Tables form part of the By-law
 - b) Notations

i) Permitted Use Table

1. √ – The use is permitted
2. Blank cell – The use is not permitted

ii) Regulations Table

1. Blank cell – No regulation applies
2. Number in brackets – One or more additional regulations apply and are listed at the bottom of the Table.
3. m – Metre
4. m² – Square Metres
5. % – Percent
6. n/a – Not Applicable

2.7.2 Reference Aids

- a) Reference aids as tables of contents, marginal notes, headers, footers, headings, and illustrations are included in this By-law for convenience and reference only and do not form part of this By-law.
- b) For greater certainty, illustrations are used as examples to show the application of a regulation and shall not be construed to have general application beyond their context.

2. That SECTION 4: GENERAL PROVISIONS of By-law No. 05-200 is amended as follows:

2.1 That Subsection 4.8 ACCESSORY BUILDINGS IN ALL ZONES be deleted and replaced with the following new section:

"4.8 ACCESSORY BUILDINGS

No accessory building may only be erected or used in accordance with the following:

- a) Unless otherwise provided for in this By-law, Accessory Buildings shall not be used for human habitation.
- b) Accessory Buildings shall not be permitted within a front or flankage yard.
- c) Notwithstanding Subsection 4.8 b), a building used as a station for parking attendants or security personnel shall be permitted within a front or flankage yard.

- d) Notwithstanding any other provisions in this By-law, where a zone contains a maximum setback requirement from a street line, the maximum setback requirement shall not apply to Accessory Buildings.
- e) In the event of a conflict between regulations where an Accessory Building is provided for a mixed use building, the most restrictive regulations shall apply.
- f) Except as permitted in Subsection 4.18 a), an Accessory Building shall not be erected prior to the erection of the principal building or structure on the lot.
- g) All Accessory Buildings shall have a maximum height of 4.5 metres.
- h) Notwithstanding Subsection 4.6a), an eave or gutter of any Accessory Building may encroach into any required yard to a maximum of 0.45 metres.
- i) Rooftop amenity area shall be prohibited on all Accessory Buildings.
- j) Gazebos, pergolas, and carports shall be considered as Accessory Buildings, but shall not be subject to the Lot Coverage or Gross Floor Area requirements of the applicable zones in which they are located.
- k) Children's play structures and sports bleachers shall not be considered Accessory Buildings and shall not be subject to the regulations of Subsections 4.8.1, 4.8.2, 4.8.3, 4.8.4 and 4.8.5 or the regulations of the zones in which they are located.

4.8.1 BUILDINGS ACCESSORY TO RESIDENTIAL USES

4.8.1.1 BUILDINGS ACCESSORY TO SINGLE DETACHED DWELLINGS, SEMI-DETACHED DWELLINGS, DUPLEX DWELLINGS, TRIPLEX DWELLINGS, STREET TOWNHOUSE DWELLINGS, BLOCK TOWNHOUSE DWELLINGS, STACKED TOWNHOUSE DWELLINGS, AND BACK-TO-BACK TOWNHOUSE DWELLINGS IN ALL ZONES (EXCEPT A1 AND A2 ZONES)

- a) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 45 square metres or 7.5% total lot coverage, whichever is the lesser.
- b) A Secondary Dwelling Unit – Detached shall not be considered as an Accessory Building.

- c) All Accessory Buildings having a Gross Floor Area less than 18 square metres shall conform to the following regulations:

- | | | |
|------|---|---|
| i) | Building Setback from a Rear Lot Line | Minimum 1.0 metre |
| ii) | Building Setback from a Side Lot Line | Minimum 1.0 metre |
| iii) | Building Setback from a Flankage Lot Line | <ol style="list-style-type: none"> 1. Accessory Buildings shall conform to the regulations for the principal use. 2. Notwithstanding Subsection 4.8.1.1 c) iii), where a zone does not contain a Flankage Lot Line requirement, the minimum building setback shall be 1.2 metres. |

- d) All accessory buildings with a Gross Floor Area greater than or equal to 18 square metres shall conform to the following regulations:

- | | | |
|------|---|--|
| i) | Building Setback from a Rear Lot Line | Minimum 1.2 metres |
| ii) | Building Setback from a Side Lot Line | Minimum 1.2 metres |
| iii) | Building Setback from Flankage Lot Line | <ol style="list-style-type: none"> 1. Except as required in a Subsection 4.8.1.1 e), Accessory Buildings shall conform to the regulations for the principal use. 2. Notwithstanding Subsection 4.8.1.1 d) iii), where a zone does not contain a Flankage Lot Line requirement, the minimum building setback shall be 1.2 metres. |

- e) Where a vehicular entrance to an Accessory Building faces a street line, the vehicular entrance shall be setback a minimum of 6.0 metres from the street line.

4.8.1.2 BUILDINGS ACCESSORY TO SINGLE DETACHED DWELLINGS AND RESIDENTIAL CARE FACILITIES IN A1 AND A2 ZONES

- a) Notwithstanding Subsection 4.8 g), all Accessory Buildings shall have a maximum height of 6.0 metres.
- b) The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 200 square metres, or 5% lot coverage, whichever is the lesser.
- c) All buildings accessory to a Single Detached Dwelling shall have a minimum setback of 1.0 metre from a rear or side lot line.
- d) In addition to Subsection 4.8 b) and notwithstanding Subsection 4.8.1.2 c), where a vehicular entrance to an Accessory Building faces a street line or where an access driveway leads to an Accessory Building which faces a street line, the Accessory Building shall be setback a minimum of 6.0 metres from the street line.

4.8.1.3 BUILDINGS ACCESSORY TO MULTIPLE DWELLINGS, DWELLING UNITS, RETIREMENT HOMES, LODGING HOUSES, AND RESIDENTIAL CARE FACILITIES IN ALL ZONES

- a) All Accessory Buildings having a Gross Floor Area less than 18 square metres shall conform to the following regulations:

i)	Building Setback from a Rear Lot Line	Minimum 1.2 metres
ii)	Building Setback from a Side Lot Line	Minimum 1.2 metres
iii)	Building Setback from Flankage Lot Line	Accessory Buildings shall conform to the regulations for the principal use.
- b) In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than or equal to 18 square metres shall conform to the regulations for the principal use.

4.8.2 BUILDINGS ACCESSORY TO INSTITUTIONAL USES IN ALL ZONES

- a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:
- | | |
|--|---|
| i) Building Setback from a Rear Lot Line | 1. Minimum 0.0 metres where a rear lot line abuts a Laneway. |
| | 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway. |
| ii) Building Setback from a Side Lot Line | 1. Minimum 0.0 metres where a rear lot line does not abut a Laneway. |
| | 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway. |
| iii) Building Setback from a Flankage Lot Line | Accessory Buildings shall conform to the regulations for the principal use. |
- b) In addition to Subsection 4.8 f) and 4.8.2 a), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.

4.8.3 BUILDINGS ACCESSORY TO COMMERCIAL USES IN ALL ZONES

- a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:
- | | |
|---|--|
| i) Building Setback from a Rear Lot Line | 1. Minimum 0.0 metres where a rear lot line abuts a Laneway. |
| | 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway. |
| ii) Building Setback from a Side Lot Line | 1. Minimum 0.0 metres where a rear lot line does not abut a Laneway. |

2. Minimum 0.6 metre where a rear lot line does not abut a Laneway.

- | | | |
|------|---|---|
| iii) | Building Setback from a Flankage Lot Line | Accessory Buildings shall conform to the regulations for the principal use. |
|------|---|---|

- b) In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.

4.8.4 BUILDINGS ACCESSORY TO INDUSTRIAL AND UTILITY USES IN ALL ZONES

- a) All Accessory Buildings having a Gross Floor Area less than or equal to 18 square metres shall conform to the following regulations:

- | | | |
|------|---|---|
| i) | Building Setback from a Rear Lot Line | <ol style="list-style-type: none"> 1. Minimum 0.0 metres where a rear lot line abuts a Laneway. 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway. |
| ii) | Building Setback from a Side Lot Line | <ol style="list-style-type: none"> 1. Minimum 0.0 metres where a rear lot line does not abut a Laneway. 2. Minimum 0.6 metre where a rear lot line does not abut a Laneway. |
| iii) | Building Setback from a Flankage Lot Line | Accessory Buildings shall conform to the regulations for the principal use. |

- b) In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than 18 square metres shall conform to the regulations for the principal use.

4.8.5 BUILDINGS ACCESSORY TO AGRICULTURE, RURAL, EXISTING RURAL COMMERCIAL, AND EXISTING RURAL INDUSTRIAL USES

- a) Buildings accessory to all uses except a Single Detached Dwelling and Residential Care Facility in an A1 or A2 Zone shall conform to the regulations for the principal use of the applicable A1 or A2 Zones.
- b) Buildings accessory to all uses in an E1 or E2 Zone shall conform to the applicable principal zone regulations."

3.0 That SECTION 6: DOWNTOWN ZONES be amended by deleting the number "4.8.1" and replacing it with "4.8" in the following clauses:

- i) 6.6.2.1n)
- ii) 6.6.2.2i)

4.0 That SECTION 7: OPEN SPACE AND PARK ZONES be amended by deleting the number "4.8.2" and replacing it with "4.8" in the following clauses:

- i) 7.6.2.3a)
- ii) 7.6.2.3b)
- iii) 7.7.2.2b)ii)

5.0 That SECTION 9: INDUSTRIAL ZONE and SECTION 12: RURAL ZONES be amended

- i) by deleting the words "and 4.8.2" from the following clauses:

- 1) 9.12.3.1g)
- 2) 12.1.3.1g)
- 3) 12.1.3.3.i)
- 4) 12.2.3.7i)
- 5) 12.6.3g)
- 6) 12.6.4f)
- 67 12.7.3k)

- ii) by deleting the words "and 4.8.1" from the following clauses:

- 1) 12.3.3i)
- 2) 12.4.3j)
- 3) 12.5.3h)

6.0 That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

7.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this ____ day of ____, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI-21-A

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED200093(a)

Date: 04/06/2021

Ward(s) or City Wide: Ward: City wide

(MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424, ext. 1249

For Office Use Only, this doesn't appear in the by-law

Authority: Item _____, Planning
Committee
Report PED20093(a)
CM:
Ward: Citywide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-_____

To Amend Zoning By-law No. 05-200, Respecting Secondary Dwelling Unit Regulations (Citywide)

WHEREAS Council approved Item ____ of Report _____ of the Planning Committee, at the meeting held on _____, 2021;

AND WHEREAS this By-law is in conformity with the Urban and Rural Hamilton Official Plans.

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

- 1.0 That SECTION 3: DEFINITIONS of By-law No. 05-200 be amended by adding the following new definitions:

Ditch	Shall mean a small to moderate excavation created to channel water.
Secondary Dwelling Unit	Shall mean a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling and shall not include a Farm Labour Residence.
Secondary Dwelling Unit – Detached	Shall mean a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling but shall not include a Farm Labour Residence.
Swale	Shall mean a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.

- 1.1. That SECTION 3: DEFINITIONS of By-law No. 05-200 be amended by revising the following definition:

Farm Labour Residence	Shall mean accommodation for full-time farm labour where the size and nature of the farm operation requires additional employment.
------------------------------	--

- 2.0 That SECTION 4: GENERAL PROVISIONS of Zoning By-law No.05-200 be amended as follows:

- 2.1. That SECTION 4.22: ADEQUATE SERVICES of Zoning By-law No.05-200 is amended by:

i) deleting the word 'and' at the end of clause ii); and,

ii) renumbering clause iii) to iv);

iii) adding a new clause iii) as follows:

"iii) For lands in a Rural zone,

1. An approved waste disposal and water supply systems to sustain the use of land for buildings shall be provided and maintained to the satisfaction of the Chief Building Official; and,
2. All regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate."

- 2.2. That SECTION 4: GENERAL PROVISIONS of Zoning By-law No.05-200 be amended by adding the following new subsection:

"4.33 SECONDARY DWELLING UNIT AND SECONDARY DWELLING UNIT - DETACHED

Where a Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling is permitted in this by-law, the following regulations apply:

- a) For lands within a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone, Transit Oriented Corridor (TOC3) Zone, Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone, a maximum of one Secondary Dwelling Unit shall be

permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.

- b) For lands within a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- c) Section 4.5a) shall not apply to a Secondary Dwelling Unit – Detached.
- d) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- e) A single detached dwelling on one lot containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- f) A semi-detached dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.
- g) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or multiple dwelling.
- h) Parking shall be provided in accordance with Section 5 of this by-law.
- i) Notwithstanding Sections 5.1b)i) and 5.1b)ii), parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be provided in the required front yard in accordance with Section 5 of this by-law.
- j) Notwithstanding Section 5.2e)i)a), permeable pavers may also be permitted.
- k) Notwithstanding Section 5.6a) and c), for a lot containing a Secondary Dwelling Unit, a Secondary Dwelling Unit - Detached, or both, identified in Special Figure 23 to Schedule "F", no additional parking space or spaces shall be required, provided the number of legally established parking spaces, which existed as of [DATE], shall continue to be provided and maintained.
- l) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary

Dwelling Unit – Detached shall not be permitted in any yard abutting a street.

- m) Except as provided in Subsection 4.33p), the exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- n) There shall be no outside stairway above the first floor other than an required exterior exit.
- o) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line
- p) Notwithstanding 4.33o), an additional entrance may be located on the front façade of the building for lands identified on Special Figure 23 to Schedule "F".
- q) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
 - ii) An landscaped area of 12.0 metres for each dwelling unit 50.0 square metres or more.

4.33.1. REGULATIONS FOR SECONDARY DWELLING UNIT - DETACHED

- a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Downtown (D5) Zone, Institutional Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - 1. The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - 2. Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with

Subsections 4.33 a), c) to l), n), and q) and Subsections 4.33.1 (b) of this Zoning By-law;

- b) A Secondary Dwelling Unit – Detached in a Downtown (D5) Zone, Institutional (I1) Zone, Institutional (I2) Zone, Commercial and Mixed Use (C1) Zone or Transit Oriented Corridor (TOC3) Zone shall be subject to the following provisions:
1. Notwithstanding Section 4.8, only Subsections 4.8 b), 4.8.h), and 4.8.1.1 e) shall apply.
 2. A minimum 1.2 metres interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 3. A minimum 1.2 metres Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 4. A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
 5. A maximum height of 6.0 metres shall be permitted.
 6. The maximum Gross Floor Area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - a) For the purpose of this regulation, a Gross Floor Area shall not exclude a mechanical area.
 7. A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 8. Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,

- ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- 9. The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 25% of the total lot area.
- 10. A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – Detached.
- 11. An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- 12. Balconies and rooftop patios are prohibited above the first storey.
- 13. Each of the landscaped areas in Subsection 4.33q) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre.
- 14. A Secondary Dwelling – Detached shall not be permitted within a *swale* or *ditch*.

4.33.2 SECONDARY DWELLING UNITS IN AGRICULTURE (A1), RURAL (A2) AND SETTLEMENT RESIDENTIAL (S1) ZONES

- a) A Secondary Dwelling Unit shall only be permitted on lands within a Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone shall only be permitted on a lot that is greater than 0.60 ha in size
 - b) The waste disposal and water supply systems shall be in accordance with Section 4.22 iii).
- 3. That SECTION 5: PARKING REGULATIONS of By-law 05-200 is amended as follows:
 - 3.1 That Subsection 5.6a) PARKING SCHEDULES be amended by adding the following new clause:

"a) Parking Schedule for all Downtown Zones

<u>Column 1</u>	<u>Column 2</u>
i. Residential Uses	
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 per unit

3.2 That Subsection 5.6c) PARKING SCHEDULES be amended by adding the following new clause:

"c) Parking Schedule for all Zones, except the Downtown Zones

<u>Column 1</u>	<u>Column 2</u>
i. Residential Uses	
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 per unit
vii. Uses in A1 and A2 Zones	
Secondary Dwelling Unit	1 per unit

3.3 That Subsection 5.1b)x) be deleted in its entirety.

4.0 That SECTION 6.5: DOWNTOWN RESIDENTIAL (D5) ZONE be amended by adding a new Subsection as follows:

"6.5.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

5.0 That SECTION 8.1: NEIGHBOURHOOD INSTITUTIONAL (I1) ZONE be amended by adding a new Subsection as follows:

"8.1.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

6.0 That SECTION 8.2: COMMUNITY INSTITUTIONAL (I2) ZONE be amended by adding a new Subsection as follows:

"8.2.3.9 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

7.0 That SECTION 9.12: EXTRACTIVE INDUSTRIAL (M12) ZONE be amended as follows:

7.1 That Subsection 9.12.3.1 AGRICULTURE REGULATIONS be amended by:

i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii):

i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal farm, may be permitted in the following forms:

a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,

b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.

ii) Amending existing clause j) ii) to delete the words "Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house," in the first paragraph.

iii) Deleting clause j) iii) in its entirety.

8.0 That SECTION 10.1: RESIDENTIAL CHARACTER COMMERCIAL (C1) ZONE be amended by adding a new Subsection as follows:

"10.1.7 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

9.0 That SECTION 12.1: AGRICULTURE (A1) ZONE be amended as follows:

9.1 That Subsection 12.1.3.1 AGRICULTURE AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS be amended by:

i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii) :

- i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal Farm Dwelling, may be permitted in the following forms:
 - a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
 - b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
- ii) Amending existing clause j) ii) to delete the words "Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house," in the first paragraph.
- iii) Deleting clause j) iii) in its entirety.

9.2 Adding a new Subsection as follows:

"12.1.3.4 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

10.0 That SECTION 12.2: RURAL (A2) ZONE be amended as follows:

10.1 That Subsection 12.2.3.1 AGRICULTURE AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS be amended by:

- i) Adding a new clause j) i) as follows and renumbering the existing clauses j) i) and j) ii) to j) ii) and j) iii) :
 - i) A Farm Labour Residence, Accessory to Agriculture and on the same lot as an existing permanent principal Farm Dwelling, may be permitted in the following forms:
 - a) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
 - b) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.
- ii) Amending existing clause j) ii) to delete the words "Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house," in the first paragraph.
- iii) Deleting clause j) iii) in its entirety.

10.2 Adding a new Subsection as follows:

"12.2.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

11.0 That SECTION 12.3: SETTLEMENT RESIDENTIAL (S1) ZONE be amended by adding a new Subsection as follows:

"12.3.4 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

12.0 That SECTION 13.3: TRANSIT ORIENTED CORRIDOR – MULTIPLE RESIDENTIAL (TOC3) ZONE be amended by adding a new Subsection as follows:

"11.3.8 SECONDARY DWELLING UNIT REGULATIONS In accordance with the requirements of Section 4.33. of this By-law."

13.0 That Special Exception 375 in SCHEDULE "C" – Special Exceptions be amended as follows.

i) Existing clause b) be renumbered as c);

ii) a new clause b) be added as follows:

b) In addition to clause a), a Secondary Dwelling Unit may be permitted within a legally established single detached dwelling, semi-detached dwelling, street townhouse, or block townhouse dwelling existing as of May 26, 2010.

14.0 That Schedule "F" to Zoning By-law No. 05-200 be amended by including a new Special Figure 23, attached as Schedule "A" to this By-Law.

15.0 That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

16.0 That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.

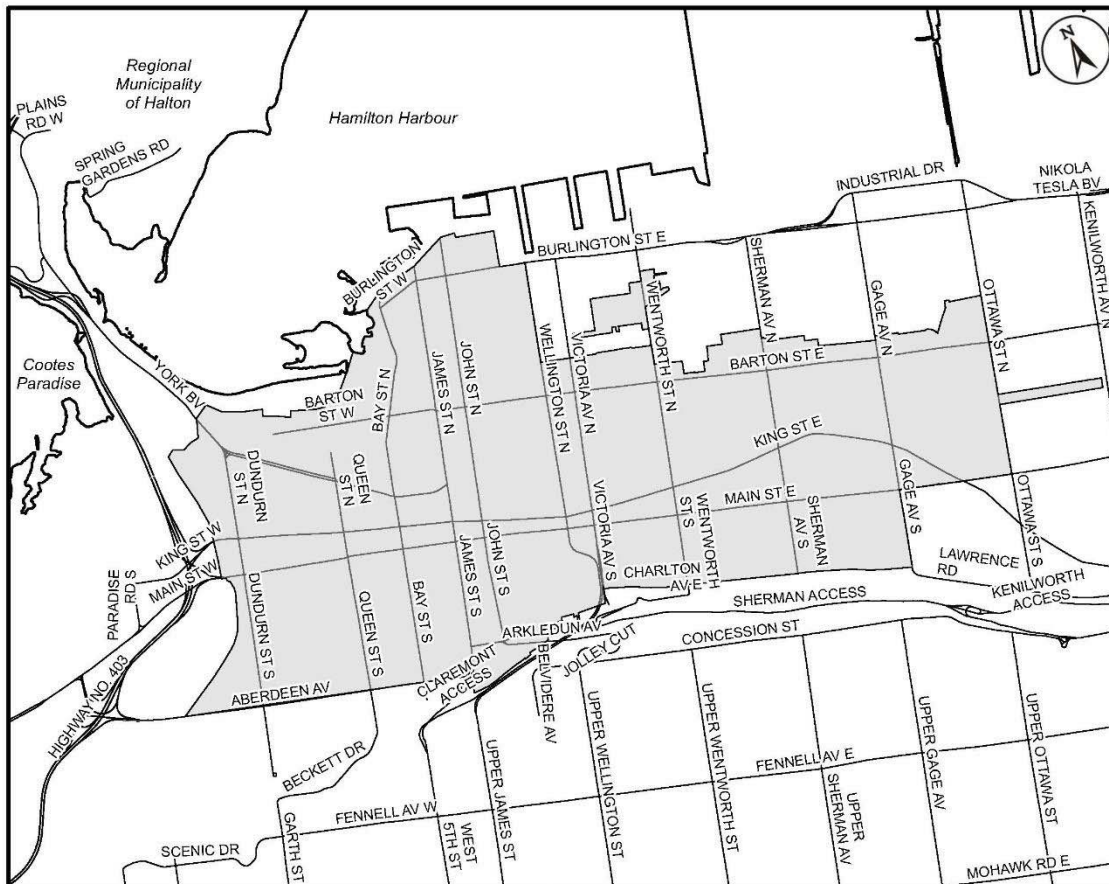
17.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this ____ day of ____, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E



This is Schedule "A" to By-law No. 21-

Passed the day of, 2021

Mayor

Clerk

Schedule "A"

Map forming Part of
By-law No. 21-_____

to Amend By-law No. 05-200

Maps 784, 785, 787, 824, 825, 826, 827, 828, 866, 867, 868, 869,
870, 871, 908, 909, 910, 911, 912, 913, 950, 951, 952, 953,
954, 955, 956, 957, 992, 993, 994, 995, 996, 997, 998, 999,
1038, 1039, 1040, 1041, 1042, 1043, & 1044

Scale:
N.T.S.

File Name/Number:
Second Dwelling Unit

Date:
February 3, 2021

Planner/Technician:
TL/VS




Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Subject Property

Add to Section 23 Schedule F

 Geographical area where parking is not required for
Secondary Dwelling Units in conjunction with legally
established single detached, semi-detached, street
townhouse, and townhouse dwellings.

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED200093(a)

Date: 03/23/2021

Ward(s) or City Wide: Ward: City wide

(MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424, ext. 1249

For Office Use Only, this doesn't appear in the by-law

Authority: Item XX, Planning Committee

Report PED20093(a)

CM: XXXX

Ward: 12

CITY OF HAMILTON

BY-LAW NO. 21-XXX

To Amend Zoning By-law No. 87-57 (Ancaster) Respecting Secondary Dwelling Unit Regulations

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on _____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Section 7.14 - Parking and Loading be adding the following new clause to Section 7.14 b) i) – Minimum Required

(F)	Secondary Dwelling Unit	1 space per unit
	Secondary Dwelling Unit – Detached	

2. That Section 9: **GENERAL PROVISIONS FOR RESIDENTIAL ZONES** be amended to include the following new subsection:

"9.14 Secondary Dwelling Units and Secondary Dwelling Units - Detached

- (a) For the purposes of **Section 9.14 - Secondary Dwelling Units and Secondary Dwelling Units - Detached**, the following definitions shall apply:

- (i) **Ditch** means a small to moderate excavation created to channel water.

- (ii) **Lot Line, Flankage** means a lot line other than a Front Lot Line that abuts a street.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

- (iii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
- (iv) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
- (v) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (vi) **Yard, Flankage** means a yard extending from the front yard to the Rear Yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- (b) Notwithstanding Section 7.18, a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage.
- (c) For lands within a Residential Zones or Deferred Development "D" Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
- (d) For lands within a Residential Zones, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- (e) Notwithstanding Section 9.6, a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be permitted in a basement.
- (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- (h) A semi-detached dwelling containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex, apartment building, or multi-plex dwelling.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

- (i) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex, apartment building, or multi-plex dwelling.
- (j) Notwithstanding Section 7.14a)xiii), permeable pavers may also be permitted.
- (k) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete, asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard;
 - (i) Encroachments in the Front and Flankage Yards identified in Section 9.14k) shall be subject to Section 7.12.
 - (ii) Notwithstanding Section 9.14k), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (A) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 m for each door of a one, two or three car garage or 5.5 m for a double door of a two car garage; and,
 - (B) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6 m;
 - (iii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit or Secondary Dwelling Unit - Detached; and,
 - (iv) Notwithstanding Section 9.14k) iii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (l) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

- (m) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (n) There shall be no outside stairway above the first floor other than an required exterior exit.
- (o) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (p) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - i) A landscaped area of 8.0 sq m for each dwelling unit less than 50 sq m; and,
 - ii) An landscaped area of 12.0 m for each dwelling unit 50 sq m or more.

9.14.1 Regulations for Secondary Dwelling Units – Detached

- (a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 4.33 (b), (d), (e), (g) to (l), n), and p) and Subsections 9.14.1 (b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
 - (i) Notwithstanding Section 7.18, only Subsections 7.18(a)(i), 7.18(a)(viii) shall apply.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

- (ii) A minimum 1.2 m Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (iii) A minimum 1.2 m Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 m shall be provided and maintained.
- (v) A maximum height of 6.0 m shall be permitted.
- (vi) The maximum Gross Floor Area shall not exceed the lesser of 75.0 sq m or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
- (vii) A minimum distance of 7.5 m shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
- (viii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - (A) A minimum distance of 4.0 m shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - (B) A Secondary Dwelling Unit shall be set back a minimum 5.0 m from the front façade of the principal dwelling.
- (ix) A maximum distance of 40.0 m from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – Detached.
- (x) An unobstructed path with a minimum 1.0 m width and minimum 2.1 m height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- (xi) Balconies and rooftop patios are prohibited above the first storey.

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

(xii) Each of the landscaped areas in Subsection 9.14(p) shall be screened on two sides by a visual barrier that has a minimum height of 0.3 m, and to a maximum height of 1.0 m.

(xiii) A Secondary Dwelling Unit – detached shall not be permitted in a swale or ditch.

3. That **SECTION 10: EXISTING RESIDENTIAL "ER" ZONE** be amended by adding the following new Subsection as follows:

"10.3 Regulations

10.3.7 Secondary Dwelling Units

The provisions of Subsection 9.14 shall apply."

4. That **SECTION 11.1: RESIDENTIAL "R1" ZONE** be amended by adding the following new Subsection as follows:

"11.1.2 Regulations

(i) Secondary Dwelling Units

The provisions of Subsection 9.14 shall apply."

5. That **SECTION 12: RESIDENTIAL "R4" ZONE** be amended by adding the following new Subsection as follows:

"12.2 Regulations

(j) Secondary Dwelling Units

The provisions of Subsection 9.14 shall apply."

6. That **SECTION 13: RESIDENTIAL "R5" ZONE** be amended by adding the following new Subsection as follows:

"13.2 Regulations

(j) Secondary Dwelling Units

The provisions of Subsection 9.14 shall apply."

7. That **SECTION 14: RESIDENTIAL MULTIPLE "RM1" ZONE** be amended by adding the following new Subsection as follows:

"14.2 Regulations

(k) Secondary Dwelling Units

The provisions of Subsection 9.14 shall apply."

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

6. That **SECTION 15: RESIDENTIAL MULTIPLE "RM2" ZONE** be amended by adding the following new Subsection as follows:

"15.2 Regulations

(n) Secondary Dwelling Units

The provisions of Subsection
9.14 shall apply."

7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.
8. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
9. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this ____ day of _____, 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

**To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Secondary Dwelling Unit Regulations**

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED200093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward 12 (MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424, ext. 1249

For Office Use Only, this doesn't appear in the by-law

Authority: Item ,
Report (PED20093(a))
CM:
Ward: 13

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations in Dundas

WHEREAS Council approved Item ____ of Report ____ of the Planning Committee, at the meeting held on _____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That **SECTION 3: DEFINITIONS** be amended by deleting the following Subsections:
 - i) Subsection 3.2.1 – Accessory Apartment
 - ii) Subsection 3.2.21 – Dwelling, Converted
2. That **SECTION 6: GENERAL REGULATIONS** be amended to include the following new subsection:

“6.31 SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED

 - i) Notwithstanding Subsections 3.2.1 and 3.2.21 and for the purposes of **SECTION 6.31 - SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED**, the following definitions shall apply:
 - a) **Ditch** means a small to moderate excavation created to channel water.
 - b) **Lot Line, Flankage** means a lot line other than a Front Lot Line that abuts a street.

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- c) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - d) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - e) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
 - f) **Yard, Flankage** means a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- ii) Notwithstanding Sections 6.2, 8.1.4.1, 9.1.4, 10.1.6, 10A1.2, 11.1.9.1, 11A.1.3, 12.1.6, a Secondary Dwelling Unit – Detached shall not be considered as an accessory building or structure.
 - iii) Section 6.16 shall not apply to a Secondary Dwelling Unit – Detached.
 - iv) For lands within a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - v) For lands within a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - vi) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - vii) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
 - viii) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- ix) A semi-detached dwelling containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or apartment building.
- x) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one o Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex or apartment building.
- xi) Parking shall be provided in accordance with Section 7 of this by-law.
- xii) Notwithstanding Section 7.1.1, parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached, may be provided in the required front yard in accordance with Section 7 of this by-law.
- xiii) Notwithstanding Section 7.9.2, permeable pavers may also be permitted and maintained.
- xiv) Landscaping in the front yard shall be provided in accordance with Section 6.11.3.
 - (a) Notwithstanding 6.31xv), landscaping shall also be provided in the Flankage Yard.
- xv) Encroachments in the Front and Flankage Yards identified in Section 6.31 xv) shall be subject to Section 6.6.
- xvi) Notwithstanding Section 6.31xv), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (a) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 m for each door of a one, two or three car garage or 5.5 m for a double door of a two car garage; and,
 - (b) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6 m;
- xvii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- xviii) Notwithstanding Section 6.31 xiii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- xix) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- xx) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- xxi) There shall be no outside stairway above the first floor other than an required exterior exit.
- xxii) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line
- xxiii) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - a) A landscaped area of 8.0 sq m for each dwelling unit less than 50 sq m; and,
 - b) An landscaped area of 12.0 m for each dwelling unit 50 sq m or more.
- xxiv) A Secondary Dwelling Unit shall not be permitted in a ditch or swale.

6.31.1 Regulations for Secondary Dwelling Unit – Detached

- i) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - a) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- b) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 6.31 ii), v), vii) to xix), xxi), and xxiii) and Subsections 6.31.1 ii) of this Zoning By-law;
- ii) A Secondary Dwelling Unit – Detached in a Residential Zone, Residential and Commercial Conversion (R.C.C) Zone, and the Single Detached Residential Zone: Cross – Melville Heritage District (RH-1) Zone shall be subject to the following provisions:
 - a) An eave or gutter of any Secondary Dwelling Unit – Detached may encroach into any required yard to a maximum of 0.45 metres.
 - b) A minimum 1.2 m interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - c) A minimum 1.2 m Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - d) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 m shall be provided and maintained.
 - e) A maximum height of 6.0 m shall be permitted.
 - f) The maximum gross floor area shall not exceed the lesser of 75 sq m or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - i) For the purpose of this regulation, a Gross Floor Area shall not exclude cellar or subcellar and car parking areas.
 - g) A minimum distance of 7.5 m shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 - h) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard,

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

- i) a minimum distance of 4.0 m shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 m from the front façade of the principal dwelling.
 - i) The maximum lot coverage of all Accessory Buildings and Secondary Dwelling Unit - detached shall be 25% of the total lot area.
 - j) A maximum distance of 40.0 m from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – detached.
 - k) An unobstructed path with a minimum 1.0 m width and minimum 2.1 metres m clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
 - l) Balconies and rooftop patios are prohibited above the first storey.
 - m) Each of the landscaped areas in Subsection 6.31xxiii) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre.
3. That **Section 7: OFF – STREET PARKING AND LOADING** be amended by deleting Subsection 7.12.1.10 – Dwelling, Converted and replaced with the following new clause:

Secondary Dwelling Unit 1 space per unit

4. That **SECTION 8: SINGLE-DETACHED RESIDENTIAL ZONE (R1)** be amended as follows:
- 4.1 By deleting Subsection 8.1.5 – One ACCESSORY APARTMENT.
- 4.2 Adding a new Subsection as follows:

“REGULATIONS
FOR SECONDARY
DWELLING UNITS

8.8

REGULATIONS FOR SECONDARY DWELLING UNITS

8.8.1 The use shall comply with the provisions of Section 4.33.”

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

5. That **SECTION 9: SINGLE-DETACHED RESIDENTIAL ZONE (R2)** be amended as follows:

5.1 By deleting Subsection 9.1.5 – One ACCESSORY APARTMENT.

5.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS	9.8	<u>REGULATIONS FOR SECONDARY DWELLING UNITS</u>
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9.8.1 The use shall comply with the provisions of Section 4.33.”

6. That **SECTION 10: LOW DENSITY RESIDENTIAL ZONE (R3)** be amended as follows:

6.1 By deleting Subsection 10.1.7 – One ACCESSORY APARTMENT.

6.2 Adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS	10.10	<u>REGULATIONS FOR SECONDARY DWELLING UNITS</u>
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10.10.1 The use shall comply with the provisions of Section 4.33.”

7. That **SECTION 10A: LOW DENSITY RESIDENTIAL ZONE (R3A)** be amended by adding a new Subsection as follows:

“REGULATIONS FOR SECONDARY DWELLING UNITS	10A.6	<u>REGULATIONS FOR SECONDARY DWELLING UNITS</u>
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10A.6.1 The use shall comply with the provisions of Section 4.33.”

8. That **SECTION 11: LOW DENSITY RESIDENTIAL ZONE (R4)** be amended as follows:

8.1 By deleting Subsection 11.1.10 – One ACCESSORY APARTMENT.

8.2 Adding a new Subsection as follows:

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

"REGULATIONS FOR SECONDARY DWELLING UNITS" 11.12 **REGULATIONS FOR SECONDARY DWELLING UNITS**

11.12.1 The use shall comply with the provisions of Section 4.33."

9. That **SECTION 11A: LOW DENSITY RESIDENTIAL ZONE (R6)** be amended by adding a new Subsection as follows:

"REGULATIONS FOR SECONDARY DWELLING UNITS" 11A.7 **REGULATIONS FOR SECONDARY DWELLING UNITS**

11A.7.1 The use shall comply with the provisions of Section 4.33."

10. That **SECTION 12: LOW TO MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM1)** be amended by adding a new Subsection as follows:

"REGULATIONS FOR SECONDARY DWELLING UNITS" 12.9 **REGULATIONS FOR SECONDARY DWELLING UNITS**

12.9.1 The use shall comply with the provisions of Section 4.33."

11. That **SECTION 15A: RESIDENTIAL AND COMMERCIAL CONVERSION ZONE (R.C.C.)** be amended as

11.1 By deleting Subsection 15A.1.8 – One ACCESSORY APARTMENT.

11.2 Adding a new Subsection as follows:

"REGULATIONS FOR SECONDARY DWELLING UNITS" 15A.11 **REGULATIONS FOR SECONDARY DWELLING UNITS**

15A.11.1 The use shall comply with the provisions of Section 4.33."

12. That **SECTION 15B: SINGLE DETACHED RESIDENTIAL ZONE: CROSS-MELVILLE HERITAGE DISTRICT (RH-1)** be amended as follows:

12.1 By deleting Subsection 15B.1.3 – One ACCESSORY APARTMENT.

12.2 Adding a new Subsection as follows:

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

“REGULATIONS
FOR SECONDARY
DWELLING UNITS

15B.5 **REGULATIONS FOR SECONDARY DWELLING UNITS**

15B.5.1 The use shall comply with the provisions of Section 4.33.”

13. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
14. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
15. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Secondary Dwelling Unit Regulations

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED20093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward: 13 (MM/DD/YYYY)

Prepared by: Tim Lee Phone No: 905-546-2424 ext. 1249

For Office Use Only, this doesn't appear in the by-law

Authority: Item
 Planning Committee
 Report: 21- PED20093(a)
 CM:
 Ward: 15

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting the Introduction of Secondary Dwelling Unit Regulations

WHEREAS Council approved Item ____ of Report ____ of the Planning Committee, at the meeting held on ____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Section 5.21.1 – Parking Space Requirements of **SECTION 5: GENERAL PROVISIONS** be amended by adding the following new subsection:

Type of Use	Minimum Number of Parking Spaces Required
(aaa) Secondary Dwelling Unit Secondary Dwelling Unit – Detached	1 space per unit

2. That **SECTION 5: GENERAL PROVISIONS** be amended by adding the following new subsection:

“5.43 SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

5.43.1 General Regulations

- (a) For the purposes of Section 5.43 – Secondary Dwelling Units and Secondary Dwelling Unit – Detached, the following definitions shall apply:

- (i) **Ditch** means a small to moderate excavation created to channel water.
 - (ii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - (iii) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - (iv) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (b) Notwithstanding Section 5.2, a detached Secondary Dwelling Unit shall only be considered as an accessory building for the purposes of lot coverage.
 - (c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - (d) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - (e) Section 5.4.1 shall not apply to a Secondary Dwelling Unit – Detached.
 - (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
 - (h) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a triplex, apartment building, or quadplex.

- (i) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a triplex, apartment building, or quadplex.
- (j) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
- (k) Parking shall be provided in accordance with Section 5.21 of this by-law.
- (l) Notwithstanding Section 5.21.5, parking for a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be provided in the required front yard in accordance with Section 5.21 of this by-law.
- (m) Parking shall be provided to all lots containing a Secondary Dwelling Unit in accordance with Section 5.12.1(d) and shall also apply to flankage yards, and shall not include concrete, asphalt, gravel, pavers, or other similar material;
 - (i) Encroachments in the Front and Flankage Yards identified in Section 5.43.1(m) shall also be subject to Section 5.30.
 - (ii) Notwithstanding Section 5.43.1(m), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (1) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 metres for each door of a one, two or three car garage or 5.5m for a double door of a two car garage; and,
 - (2) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6m;

- (iii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,
- (iv) Notwithstanding Section 5.43.1(m)(iii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (n) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (o) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (p) There shall be no outside stairway above the first floor other than a required exterior exit.
- (q) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (r) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
 - ii) An landscaped area of 12.0 metres for each dwelling unit 50.0 square metres or more.
- (s) A Secondary Dwelling Unit – Detached is not permitted within a swale or ditch.

5.43.3 Secondary Dwelling Unit - Detached

- a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling shall be subject to the following provisions:

- i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 5.43.1 b), d), e), g) to n) inclusive, p), and r) and Subsections 5.43.3 (b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
- i) Section 5.30 – Yard Encroachments for Sills, belt courses, cornices, chimney breasts, bay windows, pilasters, eaves or gutters shall apply.
 - ii) A minimum 1.2 metres interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - iii) A minimum 1.2 metres Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
 - v) A maximum height of 6.0 metres shall be permitted.
 - vi) The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - a) For the purpose of this regulation, a Gross Floor Area shall not exclude the horizontal area of any cellar, attic, enclosed parking area, enclosed loading area, or any unenclosed porch, verandah, balcony, or similar structure.

- vii) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 - viii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - i) a minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
 - ix) A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – detached.
 - x) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
 - xi) Balconies and rooftop patios are prohibited above the first storey.
 - xii) Each of the landscaped areas in Subsection 5.43.2r) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre."
3. That **SECTION 6 – URBAN RESIDENTIAL (SINGLE DETACHED) ZONE (R1)** be amended by adding the following new Subsection:
- "6.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- (a) The use shall comply with the provisions of Section 5.43."
4. That **SECTION 9 – URBAN RESIDENTIAL (SEMI-DETACHED AND LINK) ZONE (R4)** be amended by adding the following new Subsection:
- "9.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

- (a) The use shall comply with the provisions of Section 5.43."
5. That **SECTION 10 – CORE AREA RESIDENTIAL ZONE (R5)** be amended as follows:
- 5.1 By deleting Subsection 10.1(e) – Converted Dwelling (maximum 3 dwelling units).
- 5.2 By adding a new Subsection as follows:
- "10.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- (a) The use shall comply with the provisions of Section 5.43."
6. That **SECTION 11 – MEDIUM DENSITY RESIDENTIAL ZONE (R6)** be amended by adding the following new Subsection:
- "11.2.3 ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- (a) The use shall comply with the provisions of Section 5.43."
7. That **SECTION 17 – URBAN COMMERCIAL ZONE (UC)** be amended by amending the following Subsection as follows:
- 7.1 Permitted Uses:
- e) Secondary Dwelling Units and Secondary Dwelling Units – Detached, subject to the provisions of Subsection 5.43."
8. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.
9. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
10. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED and ENACTED this day of , 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

Appendix "D" to Report PED20093(a)

Page 9 of 9

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED20093(a)

Date: 03/23/2021

Ward(s) or City Wide: Ward: 15

(MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424 ext. 1249

For Office Use Only, this doesn't appear in the by-law

Appendix “E” to Report PED20093(a)
Page 1 of 4

Authority: Item _____, Planning Committee
Report PED20093(a)
CM: XXXXXX, 2021
Wards: 9, 11

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Secondary Dwelling Unit Regulations

WHEREAS Council approved Item ____ of Report _____ of the Planning Committee, at the meeting held on _____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Section 7.35(b) - Off-Street Parking Space Requirements of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES** be amended by adding the following new clause:

Use	Minimum Required Parking Spaces
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 space per unit

2. That **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be amended to include the following new subsection:

“11.13 SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS - DETACHED

- (a) For the purposes of Section 11.13 – Secondary Dwelling Units and Secondary Dwelling Unit – Detached, the following definitions shall apply:
 - (i) **Ditch** means a small to moderate excavation created to channel water.

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

- (ii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - (iii) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - (iv) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (b) Notwithstanding Section 7.13, a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage.
 - (c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - (d) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - (e) Section 11.2a) shall not apply to a Secondary Dwelling Unit – Detached.
 - (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
 - (h) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a triplex or apartment building.
 - (i) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units –

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

Detached, or both, shall not be considered a triplex or apartment building.

- (j) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Exterior Side Yard.
- (k) Parking shall be provided in accordance with Section 7.35a) of this by-law.
- (l) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete, asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard:
 - (i) Encroachments in the Front and Exterior Side Yards identified in Section 11.13m) shall also be subject to Section 7.26:
 - (iii) Notwithstanding Section 11.13m), where at least half the Front Lot Line is curved and the landscaped area of the front yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (1) A driveway between the front entrance of the garage and the front lot line with maximum width of 3.0 m for each door of a one, two or three car garage or 5.5 m for a double door of a two car garage; and,
 - (2) A walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6 m;
 - (vi) A maximum of one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,
 - (vii) Notwithstanding Subsection 11.13f)(vi), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (m) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

Dwelling Unit – Detached shall not be permitted in any yard abutting a street.

- (n) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (o) There shall be no outside stairway above the first floor other than an required exterior exit.
- (p) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (q) A minimum landscaped area shall be provided and maintained in the rear yard for each dwelling unit on the lot, in accordance with the following provisions:
 - (i) A landscaped area of 8.0 square metres for each dwelling unit less than 50 square metres; and,
 - (ii) An landscaped area of 12.0 metres for each dwelling unit 50 square metres or more.
- (r) A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.

11.13.1 REGULATIONS FOR SECONDARY DWELLING UNIT - DETACHED

- a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - (i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - (ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

11.13.1 b), d), e), g) to m), o), and q) and Subsections 11.13.1(b) of this Zoning By-law;

- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
 - (i) Notwithstanding Section 7.13, only Subsections 7.13b)vi) shall apply.
 - (ii) A minimum 1.2 metre interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - (iii) A minimum 1.2 metre Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 - (iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
 - (v) A maximum height of 6.0 metres shall be permitted.
 - (vi) The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - (1) For the purpose of this regulation, a Gross Floor Area shall not exclude car parking area.
 - (vii) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 - (viii) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - (1) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

- (2) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
 - (ix) A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – Detached.
 - (x) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
 - (xi) Balconies and rooftop patios are prohibited above the first storey.
 - (xii) Each of the landscaped areas in Subsection 11.13q) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metres."
3. That SECTION 12: EXISTING RESIDENTIAL "ER" ZONE be amended by adding the following new Subsection as follows:
- "12.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- Pursuant to the provisions of Subsection 11.13 of this By-law."
4. That SECTION 13: RESIDENTIAL "R1" ZONE be amended by adding the following new Subsection as follows:
- "13.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- Pursuant to the provisions of Subsection 11.13 of this By-law."
5. That SECTION 14: RESIDENTIAL "R2" ZONE be amended by adding the following new Subsection as follows:
- "14.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED
- Pursuant to the provisions of Subsection 11.13 of this By-law."

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

6. That SECTION 15: RESIDENTIAL "R3" ZONE be amended by adding the following new Subsection:

"15.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law."
7. That SECTION 16: RESIDENTIAL "R4" ZONE be amended by adding the following new Subsection:

"16.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law."
8. That SECTION 17: RESIDENTIAL MULTIPLE "RM1" ZONE be amended by adding the following new Subsection:

"17.8 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law."
9. That SECTION 18: RESIDENTIAL MULTIPLE "RM2" ZONE be amended by adding the following new Subsection:

"18.4 REGULATIONS FOR SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED

Pursuant to the provisions of Subsection 11.13 of this By-law."
10. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
11. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
12. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

PASSED and ENACTED this day of , 21 .

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

Appendix "E" to Report PED20093(a)

Page 9 of 9

**To Amending Zoning By-law No. 464 (Glanbrook)
Respecting Secondary Dwelling Unit Regulations**

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Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED20093(a)

Date: 03/23/2021

Ward(s) or City Wide: Ward: 9, 11

(MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424 ext. 1249

For Office Use Only, this doesn't appear in the by-law

Authority: Item , Planning & Economic
Development Committee
Report (PED20093(a))
CM: XXXX
Wards: 1, 2, 3, 4, 5, 6, 7, 8, 14

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Secondary Dwelling Unit Regulations

WHEREAS Council approved Item ___ of Report ____ of the Planning Committee, at the meeting held on ____, 2021;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Subsection 18(A).(1)(a)(i) Table 1 – Minimum Required Parking for Residential, Institutional, Public and Commercial Uses of SECTION 18A: PARKING AND LOADING REQUIREMENTS be amended by adding the following new clause:

1. Residential Uses	
(n) Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 space per unit

2. That Subsection 19.(1) of SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be deleted in its entirety and replaced with the following regulations:

19.(1) **Single detached, semi-detached, and street townhouse in all Residential Districts and "H" (Community Shopping and Commercial, etc.) District**

Notwithstanding anything contained in this By-law, any legally established single detached, semi-detached, and street townhouse dwelling in all Residential Districts, and "H" (Community Shopping and

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

Commercial, etc.) District may be converted to contain not more than a total of three dwelling units on one lot, provided all of the following requirements are complied with:

- (i) For the purposes of Section 19.1(1), the following definitions shall apply:
 - 1) **Ditch** means a small to moderate excavation created to channel water.
 - 2) **Lot Line, Flankage** means a lot line other than a front lot line that abuts a street.
 - 3) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
 - 4) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 - 5) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
 - 6) **Yard, Flankage** means a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- (ii) Notwithstanding Subsection 18.(4)(iv), a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage as required in Section 18(4)(iv).
- (iii) For lands within a Residential District or "H" (Community Shopping and Commercial, etc.) District, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
- (iv) For lands within a Residential District or "H" (Community Shopping and Commercial, etc.) District, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- (v) A Secondary Dwelling Unit shall not be permitted in a cellar.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

- (vi) A Secondary Dwelling Unit – Detached shall not be permitted in a Front Yard or a Flankage Yard.
- (vii) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- (viii) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- (ix) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a three-family dwelling or multiple dwelling.
- (x) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a three-family dwelling or multiple dwelling.
- (xi) Parking shall be provided in accordance with Section 18(A) of this by-law.
- (xii) Notwithstanding Section 19.(1)(vi), for a lot containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached identified in Schedule "P" of Section 22, no additional parking space shall be required for any dwelling unit on a lot, provided the number of legally established parking spaces, which existed on the [DATE], shall continue to be provided and maintained;
 - 1) Sections 19.(1)(xii) 2), 3) and 4) shall apply.
 - 2) Parking shall be provided to all lots containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached in accordance with Sections 18(14), 18A(7), 18A(7a), 18A(9), 18A(14a) to 18A(14g), 18A (23) and 18A(31).
 - 3) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit and Secondary Dwelling Unit - Detached; and,
 - 4) Notwithstanding Section 19.1(xii)(3), for a corner lot, a maximum of one driveway may be permitted from each street frontage.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

- (xiii) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (xiv) Except as provided in Subsection 19.(1)(xvi)1), the exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (xv) There shall be no outside stairway above the first floor other than an required exterior exit.
- (xvi) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
 - 1) Notwithstanding 19.(1)(xvi) an additional entrance may be located on the front façade of the building for properties identified in Schedule "P" of Section 22.
- (xvii) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - 1) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
 - 2) An landscaped area of 12.0 metres for each dwelling unit 50.0 square metres or more.
- (xviii) A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.

19.(1).1 Regulations for Secondary Dwelling Unit - Detached

- (i) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential District or "H" (Community Shopping and Commercial, etc.) District may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - 1. The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

2. Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 19.(1) ii), iv), vi), viii) to xiii), xv), and xvii), and Subsections 19.(1).1 (ii) of this Zoning By-law;
- (ii) A Secondary Dwelling Unit – Detached in a Residential District or "H" (Community Shopping and Commercial, etc.) District shall be subject to the following provisions:
1. Notwithstanding Section 18.3(vi), an eave or gutter of a Secondary Dwelling Unit – Detached may encroach into any required yard to a maximum of 0.45 metres.
 2. A minimum 1.2 metre interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 3. A minimum 1.2 metre Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
 4. A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
 5. A maximum height of 6.0 metres shall be permitted.
 6. The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - a) For the purpose of this regulation, a Gross Floor Area shall not exclude the floor area occupied by boiler rooms and air conditioning equipment rooms except laundry and storage rooms, chimney shafts, parking spaces, access driveways, manoeuvring space, and all floor areas of halls, corridors, and stairwells beyond the minimum required by law.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

7. A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
 8. Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - i) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - ii) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
 9. The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 25% of the total lot area.
 10. A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – detached.
 11. An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
 12. Balconies and rooftop patios are prohibited above the first storey.
 13. Each of the landscaped areas in Subsection 19.(1)(xvii) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre.
3. That Subsection 19.(4) of SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be deleted in its entirety.
 4. That Subsection 19.(5) of SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS be deleted in its entirety.
 5. That Section 22: Restricted Areas By-laws Repealed is amended by repealing and replacing Schedule P identified in Schedule "A" to this By-law.
 6. That the following by-laws be repealed in their entirety once the regulations, as set out in Subsections 1 to 5 of this By-law, come into full force and effect.

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

- (i) By-law 19-307, the Temporary Use By-law respecting Secondary Dwelling Units for Certain Lands Bounded by Queen Street, Hamilton Harbour, the former Hamilton/Dundas Municipal boundary, Niagara Escarpment, Upper Wellington Street, the former Ancaster/Hamilton Municipal boundary, and the former Hamilton/Glanbrook Municipal boundary; and,
 - (ii) By-law 18-299 respecting Secondary Dwelling Units (Laneway Houses) for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.
8. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
9. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED and ENACTED this day of , 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

		<p align="center">This is Schedule "A" to By-law No. 21-</p> <p align="center">Passed the day of, 2021</p>	
<p align="center">Schedule "A"</p> <p align="center">Map forming Part of By-law No. 21-_____</p> <p align="center">to Amend By-law No. 6593</p>		<p align="center">----- Mayor</p> <p align="center">----- Clerk</p>	
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 21-_____</p> <p>to Amend By-law No. 6593</p>		<p>Add to Section 22 Schedule P</p> <p> Geographical area where parking is not required for Secondary Dwelling Units in conjunction with legally established single detached, semi-detached, street townhouse, and townhouse dwellings.</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: Second Dwelling Unit</p>		
<p>Date: February 3, 2021</p>	<p>Planner/Technician: TL/VS</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Secondary Dwelling Unit Regulations**

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED20093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward: 1-8, 14 (MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424 ext. 1249

For Office Use Only, this doesn't appear in the by-law

Authority: Item ,
Report 21-XXX (PED20093(a))
CM:
Wards: 5, 9, 10

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law 3692-92 (Stoney Creek) Respecting Secondary Dwelling Unit Regulations

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at the meeting held on _____, 2021;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Section 4.10.9 – Schedule of Minimum Parking Requirements of SECTION 4: GENERAL PROVISIONS FOR ALL ZONES be amended by adding the following new clause:

Use	Minimum Parking Spaces Required
Secondary Dwelling Unit Secondary Dwelling Unit - Detached	1 space per unit

2. That SECTION 6.1: **GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be amended by deleting Subsection 6.1.7 and replacing it with the following new subsection:

"6.1.7 Secondary Dwelling Units and Secondary Dwelling Units – Detached

- (a) For the purposes of **Section 6.1.7 – Secondary Dwelling Units and Secondary Dwelling Units – Detached**, the following definition shall apply:
 1. **Ditch** means a small to moderate excavation created to channel water.
 2. **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

3. **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
 4. **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.
- (b) Notwithstanding Part 2: Definitions – Accessory Building or Structure, and Sections 4.5 and 6.1.4(b), a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of lot coverage.
 - (c) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
 - (d) For lands within a Residential Zone, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
 - (e) Section 4.18.2 shall not apply to a Secondary Dwelling Unit – Detached.
 - (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
 - (g) Notwithstanding Section 6.1.4(a), a Secondary Dwelling Unit - Detached shall not be permitted in a Front Yard or a Flankage Yard.
 - (h) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
 - (i) A semi-detached dwelling containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a dwelling – triplex, dwelling – fourplex, dwelling – fiveplex, dwelling, dwelling – sixplex, or dwelling – stacked townhouse.
 - (j) A street townhouse dwelling on one lot containing one or more Secondary Dwelling Units, one or more Secondary Dwelling Units – Detached, or both, shall not be considered a dwelling – triplex, dwelling – fourplex, dwelling – fiveplex, dwelling, dwelling – sixplex, or dwelling – stacked townhouse.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

- (k) Parking shall be provided in accordance with Section 4.10 of this by-law.
- (l) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete, asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard:
 - 1. Encroachments in the Front and Flankage Yards identified in Section 6.1.7l) shall also be subject to Section 4.19.
 - 2. Notwithstanding Section 6.1.7l), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
 - (i) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 metres for each door of a one, two or three car garage or 5.5m for a double door of a two car garage; and,
 - (ii) A walkway between the front entrance of the principle dwelling and the front lot line or driveway with a maximum width of 0.6m;
 - 3. A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit; and,
 - 4. Notwithstanding 6.1.7l)3), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (m) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (n) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (o) There shall be no outside stairway above the first floor other than an required exterior exit.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

- (p) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line
- (q) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
 - (i) A landscaped area of 8.0 square metres for each dwelling unit less than 50.0 square metres; and,
 - (ii) An landscaped area of 12.0 metres for each dwelling unit 50.0.
- (r) A Secondary Dwelling Unit – Detached is not permitted in a ditch or a swale.

6.1.7.2 Regulations for Secondary Dwelling Units – Detached

- a) A legally established accessory building existing as of the [DATE of the passing of this by-law] in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
 - (i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
 - (ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 6.1.7.1 b), d), e), g) to m), o), and q) and Subsections 6.1.7.2 b) of this Zoning By-law;
- b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
 - (i) Section 4.19.1(c) shall apply.
 - (ii) A minimum 1.2 metres interior Side Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

- (iii) A minimum 1.2 metres Rear Yard shall be provided which shall unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
- (v) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 metres shall be provided and maintained.
- (vi) A maximum height of 6.0 metres shall be permitted.
- (vii) The maximum gross floor area shall not exceed the lesser of 75.0 square metres or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.
 - (1) For the purpose of this regulation, a Gross Floor Area shall not exclude a garage, breezeway, porch, veranda, balcony, attic, basement, cellar, elevator shaft area or boiler room.
- (viii) A minimum distance of 7.5 metres shall be required between the rear façade of principal dwelling and Secondary Dwelling Unit – Detached.
- (ix) Where a Secondary Dwelling Unit – Detached is located in an Interior Side Yard;
 - (1) A minimum distance of 4.0 metres shall be provided between the principal dwelling and a Secondary Dwelling Unit – Detached; and,
 - (2) A Secondary Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- (x) A maximum distance of 40.0 metres from the Front or Flankage Lot Line and the entrance to the Secondary Dwelling Unit – Detached.
- (xi) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metres height clearance from a Front Lot Line or a Flankage Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be provided and maintained.
- (xii) Balconies and rooftop patios are prohibited above the first storey.

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

(xiii) Each of the landscaped areas in Subsection 11.13q) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres, and to a maximum height of 1.0 metre."

3. That SECTION 6.1: **GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be amended by deleting Subsection 6.1.9.

4. That SECTION 6.2 – SINGLE RESIDENTIAL "R1" ZONE be amended by adding the following new Subsection:

"6.2.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

5. That SECTION 6.3 – SINGLE RESIDENTIAL "R2" ZONE be amended by adding the following new Subsection:

"6.3.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

6. That SECTION 6.4 – SINGLE RESIDENTIAL "R3" ZONE be amended by adding the following new Subsection:

"6.4.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

7. That SECTION 6.5 – SINGLE RESIDENTIAL "R4" ZONE be amended by adding the following new Subsection:

"6.5.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

8. That SECTION 6.6 – RESIDENTIAL "R5" ZONE be amended by adding the following new Subsection:

"6.6.5.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

9. That SECTION 6.7 – RESIDENTIAL "R6" ZONE be amended by adding the following new Subsection:

"6.7.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

10. That SECTION 6.8 – MULTIPLE RESIDENTIAL "RM1" ZONE be amended by adding the following new Subsection:

"6.8.3i) Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

11. That SECTION 6.9 – MULTIPLE RESIDENTIAL "RM2" ZONE be amended by adding the following new Subsection:

"6.9.5.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

12. That SECTION 6.10 – MULTIPLE RESIDENTIAL "RM3" ZONE be amended by adding the following new Subsection:

"6.10.6.1 Regulations for Secondary Dwelling Units and Secondary Dwelling Units – Detached

Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9."

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

13. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
14. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
15. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED and ENACTED this _____ day of _____, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting Secondary Dwelling Unit Regulations**

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED20093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward: 5, 9, 10 (MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424 ext. 1249

For Office Use Only, this doesn't appear in the by-law

Authority: Item , Planning Committee
Report 21- (PED20093(a))
CM: March 31, 2021

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

Amendment to By-law 18-126

A By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land (Parkland Dedication By-law).

WHEREAS sections 42 and 51.1 of the *Planning Act* provide that the Council of a local municipality may by by-law require that land be conveyed to the municipality for park or other public recreational purposes as a condition of development or redevelopment or the subdivision of lands;

AND WHEREAS subsections 42(3) and 51.1(2) of the *Planning Act* provide for an alternate land conveyance rate of one hectare for each three hundred dwelling units proposed for development provided the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes at such rate;

AND WHEREAS the Council of the City of Hamilton wishes to use these provisions to acquire land and cash to be used for park or other public recreational purposes;

AND WHEREAS the Council of the City of Hamilton wishes to increase the supply of housing opportunities by permitting Secondary Dwelling Units within certain residential uses and on certain residential lots;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law 18-126 be amended on the following basis:

1.1 That Section 1 DEFINITIONS be amended by adding the following new definition:

"Secondary Dwelling Unit as defined in Zoning By-law No. 05-200, the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and City of Stoney Creek Zoning By-laws.

1.2 That Section 5.5 be deleted and replaced as follows:

- (5) Notwithstanding section 4, where one or two Secondary Dwelling Units are added to a single detached, semi-detached or block or street townhouse dwelling or lot, a cash-in-lieu fixed rate of \$1,131 (effective April 1, 2021) applies for each Secondary Dwelling Unit, subject to annual indexing described in subsection 5(7).

PASSED this day of , 2021.

F. Eisenberger
Mayor

Andrea Holland
City Clerk

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED200093(a) Date: 03/23/2021

Ward(s) or City Wide: Ward: City wide

(MM/DD/YYYY)

Prepared by: Joanne Hickey Evans

Phone No: 905-546-2424, ext. 1282

For Office Use Only, this doesn't appear in the by-law

Appendix "H-2" to Report PED20093(a)
Page 1 of 3

Authority: Item
Report (PED)
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend By-law No. 12-282, as amended by By-law No. 19-108, Respecting
Tariff of Fees**

WHEREAS Section 69 of the *Planning Act*, R.S.O 1990, Chapter 13, as amended, authorizes municipalities to enact a by-law to prescribe a Tariff of Fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O.2001, c. 25, as amended, authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided or done by or on behalf of the municipality;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 12-282, as amended by By-law No. 19-108, be updated to include the following new fee in Schedule "A" for 2021:

Routine Minor Variance for Secondary Dwelling Units	\$600.00
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2. The new fee for Routine Minor Variance for Secondary Dwelling Units is hereby approved and adopted.
3. The fee shall be paid at the time of and with the making of Committee of Adjustment application for Secondary Dwelling Units.
4. No Committee of Adjustment application for Secondary Dwelling Units shall be deemed to have been made, provided or completed, and no application shall be received, unless the appropriate fee is paid in accordance with this By-law.
5. The amount of the fee for a Committee of Adjustment application for Secondary Dwelling Units shall be adjusted annually by the percentage change during the

To Amend By-law No. 12-282, as amended by By-law No. 19-108, Respecting Tariff of Fees

preceding year of the Consumer Price Index (CPI) for Toronto, and the resulting figures shall be rounded off to the nearest five (\$5.00) dollar interval.

6. This By-law shall be deemed to have come into force on, 2021.

PASSED and ENACTED this day of , 2021.

Fred Eisenberger
Mayor

A. Holland
City Clerk

CI 20-E

Appendix "H-2" to Report PED20093(a)

Page 3 of 3

To Amend By-law No. 12-282, as amended by By-law No. 19-108, Respecting Tariff of Fees

Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee

Report No.: PED200093(a)

Date: 04/06/2021

Ward(s) or City Wide: Ward: City wide

(MM/DD/YYYY)

Prepared by: Tim Lee

Phone No: 905-546-2424, ext. 1249

For Office Use Only, this doesn't appear in the by-law

How do the SDU Regulations respond to the City's Land Use Goals and Objectives

SDU within the Principle Dwelling	Climate change	Existing Lot Configuration	Health and Safety	Neighbourhood Character	Neighbourhood Privacy and Impacts
Design					
Additional Entrances permitted on front of principle building in certain areas of the city				✓	
No external staircases above the 1 st floor, except for emergency exits				✓	✓
Minimum landscaped area per dwelling unit	✓			✓	✓
Other					
Main Dwelling – minimum height from ground to 1 st floor			✓		
Number of Parking spots per unit		✓			✓
50% front yard landscaping	✓			✓	✓
Allow parking area to use permeable pavers	✓				

Conversion of an accessory building to a SDU	Climate change	Existing Lot Configuration	Health and Safety	Neighbourhood Character	Neighbourhood Privacy and Impacts
Location					
One free and clear side yard setbacks	✓		✓		✓
Maximum setback from street			✓		
Minimum setback from a swale for additions	✓				
Design					
Size	✓			✓	✓
Height				✓	✓
Balconies/rooftop amenity area prohibited on 2nd floor				✓	✓
Minimum screened landscaped area per dwelling unit	✓			✓	✓
Other					
Maximum Lot coverage	✓	✓		✓	✓
Main Dwelling – minimum height from ground to 1 st floor			✓		
Number of Parking spots per unit		✓		✓	✓
50% front yard landscaping	✓			✓	✓
Allow parking area to use permeable pavers	✓				

Newly constructed detached SDU	Climate change	Existing Lot Configuration	Health and Safety	Neighbourhood Character	Neighbourhood Privacy and Impacts
Location					
Not permitted in front yard	✓			✓	✓
One free and clear side yard setback	✓		✓		✓
Rear yard setback	✓				✓
Separation between main house and SDU	✓				✓
Maximum setback from street			✓		
Minimum setback from a swale for additions	✓				
Design					
Size	✓			✓	✓
Height				✓	✓
Balconies/rooftop amenity area prohibited on 2nd floor				✓	✓
Maximum size relative to the size of the existing Dwelling Unit				✓	✓
Minimum screened landscaped area per dwelling unit	✓			✓	✓
Other					
Maximum lot coverage	✓	✓		✓	✓
Main Dwelling – minimum height from ground to 1 st floor			✓		
Number of Parking spots per unit		✓			✓
50% front yard landscaping	✓	✓		✓	✓
Allow parking area to use permeable pavers	✓				

Public Engagement Techniques

In response to Covid-19, required public engagement had to be moved to a virtual format, whereas in the past Public Information Centres (PICs) were one of the main tools of engaging the public and seeking feedback.

The Engage Hamilton (<https://engage.hamilton.ca/>) portal was the central platform used. It is a community engagement platform that went “live” in Summer 2020 and allowed staff to present materials and information for participants to access. Further, there are numerous components of the portal that can be used to enhance user experience and provide feedback.

One of the goals was to produce material that would educate the public and explain the importance of increasing the supply of housing by allowing secondary dwelling units city wide. Further, it included information on what Zoning By-law regulations were proposed to ensure a seamless integration of SDU’s into neighbourhoods while at the same time protecting the health, safety and environment for all residents. These materials and engagement techniques were developed in a number of formats that ranged from a quick summary guide to an in-depth Discussion Paper; it also included videos for people to listen to as well as live events where interaction with staff occurred.

Material and tools that were used during in the engagement included:

- Digital versions of the Discussion Paper, Information Brochure, and Summary Chart;
- Project Video summarizing the Secondary Dwelling Unit Project, including the proposed regulations;
- Urban and Rural Area online surveys;
- Dedicated email address;
- Question and Answer widget;
- Virtual Town Hall meetings held over two days.

This Appendix outlines some of the technical components and tools used in the Secondary Dwelling Unit project page, and a discussion on how staff were able to address matters such as accessibility.

1.0 Council Direction for Public Engagement

On September 30, 2020, Council directed staff to conduct public engagement with respect to the Secondary Dwelling Unit project in order to allow public to be informed and the ability to submit feedback, with the intent to bring a recommendation to Council by Q1 2021.

With the assistance of the Engage Hamilton public engagement staff through the City Manager’s Office, the project specific portal was created and went “live” on October 17, 2020 and remained open until December 13, 2020.

Using this new public engagement platform allowed participants to submit feedback. To assist with communication between staff and participants, a dedicated email address (ResidentialZoning@Hamilton.ca) was created prior to the project page, and has been instrumental for participants to submit comments. A summary of the comments received via other methods is contained in Appendices “K-1” to “K-5” of Report PED20093(a).

2.0 Accessibility of Online Platforms

Not everyone is able to access the Engage Hamilton website (reasons include: access to technologies (such as a computer, tablet, or smart phone), the lack of knowledge on how the technology could be used or are not comfortable with using the technology, or individuals who may have impairments such as losses in visual or audio abilities).

Advertisements to the Engage Hamilton Portal was conducted through several means such as through e-blasts, the Hamilton Spectator, social media platforms (Twitter), YouTube video posts, banners on the City’s website, and newsletters. Therefore there were many avenues that an individual could have been informed of the public engagement process.

Staff endeavor to address as many accessibility matters as possible and have done so through the following additional approaches:

- Videos included closed captioning to ensure that the audio impaired were able to watch the video while also reading the information. Conversely, having video content allows the visually impaired to access content without the need to read material. Contents in the video contains graphics with minimal text to ensure the information is easy to understand; and,
- Segments of the population may still prefer printed material rather than view content on the screen. Hard copies of the materials were made available for distribution.

3.0 Engage Hamilton Portal Contents and Outcomes

3.1 Discussion Paper, Brochure, and Summary Chart

All documents such as the Discussion Paper, Brochure, and Summary Chart were presented to Council in October 2020 and have been made available through the Engage Hamilton project page in a pdf format. These documents can also be downloaded for reading offline. Based on the analytics, these documents were downloaded a total of 552 times. The documents will remain on-line for the duration of the Residential Zone Project as archived material so anyone can access the documents even after the project’s conclusion.

3.2 Video Presentation of the Secondary Dwelling Units

An important component of a traditional Public Information Centre are panel displays, which present information through a series of boards. Panel displays also accompanied the staff presentation. However, as public engagement has been moved to an online format, new tools were used to present the information. A video presentation was prepared by staff which included graphics and minimal text to provide a visual presentation. As noted in the accessibility section below, closed captioning was embedded in the video to ensure those with audio impairment could follow along. Through YouTube, the video was viewed about 100 times.

3.3 Urban and Rural Area Online Survey

One feedback tool was the use of Urban Area and Rural Area surveys. A survey was created for each area due to questions specific to either areas of the City. Survey results can be found in Appendix “L-1” to Report PED20091(a) for the Urban Area Survey and Appendix “L-2” to Report PED20091(a) for the Rural Area Survey.

3.4 Question and Answer Widget

One of the features of the Engage Hamilton portal is to allow participants to ask staff questions pertaining to the project. This widget would be similar to attendees to the Public Information Centres asking questions directly to staff. Throughout the public engagement period, a total of seven questions were submitted to staff. The widget remains archived and is available for viewing.

3.5 Virtual town Halls

One component of the public engagement process is a staff presentation which outlines the scope of the project, proposed regulations, and next steps. Two Town Hall-style online meetings were conducted via WebEx Events:

- November 12, 2020 7:00pm – 8:30pm
- November 16, 2020 1:00pm – 2:30pm

The meetings were hosted with the assistance of an independent facilitator and included the opportunity for participants to submit feedback and ask questions. Participants were required to register for the event and an opportunity to ask questions ahead of time. The 1.5 hour meeting consisted of a 30-minute staff presentation summarizing the project and present information on the proposed regulations. The remainder of the meeting was a discussion period where attendees provided feedback and ask questions to staff. A total of 30 attendees attended for each of the meeting. One of the virtual town hall meetings was uploaded to the portal if someone was not able to attend. A feedback report of the virtual town halls by the facilitator is available in the Engage Hamilton Project page (<https://engage.hamilton.ca/>). Comments received

during the Town Hall meetings are available in Appendices “K-1” to “K-5” to Report PED20093(a).

3.6 Stakeholder Meetings – Industry Leaders, Neighbourhood Association, and Special Interest Groups.

In addition to the two Town Hall meetings, two facilitator-led stakeholder meetings were held in the afternoon and evening of November 9, 2020. The afternoon meeting was held for the Industry Leaders and were represented by architects, planners, the West End Home Builders Association where 12 attended. The evening meeting was specific to the Neighbourhood Associations and were represented by nine associations and Environment Hamilton. For each of the meetings, a staff presentation provided a general overview of the project and information on the proposed regulations, followed by a Question and Answer Session. Comments received during the meetings are available in Appendices “K1” to “K-5” to Report PED20093(a).

Notifications for both meetings included a “save the date” eblast to each of the industry leaders and the Neighbourhood Association main contact person, both sent immediately following the commencement of the public engagement on the Engage Hamilton portal two weeks before the stakeholder meetings, followed by additional reminder emails to those people who did not RSVP or declined the invitation. Invitations were sent to 12 industry leaders and 50 Neighbourhood Associations listed. Invitees who were not able to attend the stakeholder meetings could also attend the November 12 and 16, 2020 Town Hall meetings and staff were available for off-line discussions with stakeholders as required.

Staff presented to the Agricultural and Rural Affairs Committee on November 27, 2020. The minutes of this meeting was contained in the February 2, 2021 Planning Committee agenda.

Comments received during the meetings are available in Appendices “K-1” to “K-5” to Report PED20093(a).

The facilitator’s report of the Townhall and Stakeholder meetings is available on the portal.

Summary of Written General Comments Received for Secondary Dwelling Units

Submitted by	Written Comments	Staff Response
Andrew Hannaford	Overall support for SDUs	<ul style="list-style-type: none"> Noted and acknowledged.
Larry Vankuren	<p>Against changing the small bungalow homes into two family dwellings as the families can be as large as two adults and several children in each unit and as the children grow older they want their own car and now the streets become clogged with vehicles and these streets are not that wide. This becomes a hazard as the little children run out onto the street and the cars and trucks, including garbage trucks and school buses speed down these streets, the delivery trucks are delivering packages are big culprits.</p>	<ul style="list-style-type: none"> Explanation: <p>An update is required to the Official Plan and Zoning By-law to permit SDUs on lots containing single detached, semi-detached, and street townhouse dwellings through the Province's Bill 108. The intent of the legislation is to provide greater housing options for a diverse household types and of all ages. However, it is not anticipated that every lot will be able to accommodate an SDU either because the lot is too small, construction costs, or personal preference.</p>
	<p>Another concern I have with people living in the basements of these homes is that there is only one way out if there was a fire. Most of the bedrooms are at the farthest end of the basement. They are not designed for dual family living safely.</p>	<ul style="list-style-type: none"> Explanation: <p>Construction of a detached SDU or an SDU internal to the main dwelling requires Building Permit approval and is illegal when a homeowner establishes an SDU without Permits. During the Building Permit process, staff reviews the plans against the Ontario Building Code (OBC) and Fire Code, which addresses matters such as fire prevention and ability to escape in the event of a fire. SDUs built without Building Permits may not meet OBC and Fire Codes.</p>
Jason Pichler	<p>Currently SDUs are not permitted as the regulations are unclear. Homeowners would like to contribute but appears to be permitted by professionals.</p>	<ul style="list-style-type: none"> Explanation: <p>The purpose of introducing new regulations is to provide clarity and remove regulations that are unnecessary. Staff will be developing "plain language" implementation manuals that will explain the zoning regulations and requirements should a homeowner wish to proceed with creating one or more SDUs on their property.</p>

Summary of Written General Comments Received for Secondary Dwelling Units

Submitted by	Written Comments	Staff Response
Ken Tilden	Does the City of Hamilton have an Architect on Staff advising on Architectural Design expectations?	<ul style="list-style-type: none"> Explanation: <p>Under the Planning Act, the City cannot control the architectural design of SDU's; however, we can control the size, height and the location of the building on the site.</p>
Rose Lukosis	Extremely disappointed that the neighbourhoods adjacent to McMaster University and Mohawk College did not attend the stakeholder meeting. We have seen what happens when absentee landlords convert homes into multi unit dwellings. We live with our streets filled with cars parking all day and night even when signs do not permit it and enforcement is only based on complaints. We see the lack of property standards, garbage, lawn maintenance, etc., although the City has attempted to add student bylaw enforcement officers pre-Covid.	<ul style="list-style-type: none"> Explanation: <p>As part of the Neighbourhood Association Stakeholder Meeting, all neighbourhood associations were invited to the stakeholder association, including ones located near the McMaster University and Mohawk College.</p> <ul style="list-style-type: none"> Prior to the establishment of an SDU (whether internal to the principal dwelling or a detached SDU), a Building Permit will be required prior to the construction of an SDU, and the Ontario Building Code sets out minimum requirements relating to the preparation and submission of plans and drawings. An architect may not be required but a licensed designer (OBN registered) is required. Many of the concerns are related to property standards such as illegal parking, garbage, lawn maintenance, etc. Municipal law enforcement should be notified.
Andrew Hannaford	Generally need more multiple choice options in the survey. Such as "do not intend to build an SDU but supportive".	<ul style="list-style-type: none"> Noted and acknowledged. Feedback of the results will be considered in the development of future surveys.
Waverly Birch		

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
Andy Tran	The concerns with respect to parking and maximum GFA of a detached SDU would increase the need to go to Committee of Adjustment for Minor Variance approval.	<ul style="list-style-type: none"> Explanation: The SDU regulations (including ones mentioned in the comment) were created understanding it will not address every lot or every scenario, and variances may be inevitable in some situations.
Yuriy Nesvit	I am curious if it would be possible to put a secondary unit on a "commercially" zoned single house property?	<ul style="list-style-type: none"> Explanation: Currently, other than Residential Zones, there are limited zones that permit single detached dwellings, such as the Downtown Residential (D5) Zone in Hamilton Zoning By-law No. 05-200. An SDU can be established on a lot which the existing zone permits, and the lot contains a single detached, semi-detached dwelling, or street townhouse dwelling.
Michelle Marcotte	I am quite concerned that the regulations do not meet the needs of seniors or persons with disabilities. I have contacted Professors at McMaster Center for Optional Aging and asked for their involvement to make sure these regulations are more suitable for seniors.	<ul style="list-style-type: none"> Explanation: SDUs increase housing options in Hamilton that will be suitable to many household types, including seniors. Permitting SDUs does not address housing to only one age group or household type, but is a one of many solutions to housing options. The Ontario Building Code sets out required building standards in which all buildings and structures must comply, including SDUs. Zoning can be more permissive and enabling than the Ontario Building Code, and is up to the landlord and designer to ensure the SDU is appropriate for senior living.

Summary of Written General Comments Received for Secondary Dwelling Units

Submitted by	Written Comments	Staff Response
West End Home Builders Association (WEHBA) c/o Kirstin Jensen	Make the process of creating new detached secondary units, or the conversion process to produce internal accessory units, an option in as many housing forms and properties across the City, and in a straightforward and efficient manner that does not result in an overload of planning applications.	<ul style="list-style-type: none"> Explanation: <p>The proposed regulations have been minimized to balance the need of increasing housing options with other corporate and community objectives (e.g. privacy, climate change, community integration.)</p>
Garth Brown	Dire need for additional affordable housing in Hamilton is a matter of human health and human right. Despite the high cost of construction of SDUs, they are being constructed throughout the GTA. Need an integrated approach to address housing issues.	<ul style="list-style-type: none"> Explanation: <p>Permitting SDUs is one only piece of the housing puzzle where the intent is to increase housing options in the City, and housing diversity for different demographics. Although some SDUs may have lower rents, SDUs by themselves may not be affordable.</p> <p>Staff have been working with other Departments to develop an overall Housing Strategy for the City.</p>
Tracy Pearce-Kelly	I am considering a secondary unit to offer low income housing and want to give back as the community which is struggling with homelessness and mental health. am looking to create a low income unit to give back, and to help someone have a safe autonomous space where they can build self worth and a new life.	<ul style="list-style-type: none"> Explanation: <p>Noted. Proposed regulations would assist in the initiative.</p>
Chris Bryan	Many homes being converted in the neighbourhood, now the homes are not maintained. No gardening being done, garbage cans and recycling boxes being left on the street weeks after pickup.	<ul style="list-style-type: none"> Explanation: <p>Municipal law enforcement would be responsible to ensure the landlord is notified and corrected.</p>

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
Don and Patti Cook	Tenants living in the rental properties do not maintain their properties. No snow shovelling or lawn mowing. Inconvenience to those with barrier-free needs.	<ul style="list-style-type: none"> Explanation: <p>The concern of not keeping the property to a minimum standard is a property standards matter. Municipal law enforcement would be responsible to ensure the landlord is notified and corrected.</p>
	Landlord created four units in the house and inspectors have tried to enter the property but refuses entry.	<ul style="list-style-type: none"> Explanation: <p>The new regulations would only permit one SDU within an existing dwelling. Creating three additional dwelling units is not permitted.</p>
	Request of the City to create rules on the ability to monitor rental properties and not have homeowners to snitch on the rental properties.	<ul style="list-style-type: none"> Explanation: <p>City Council may consider a rental licencing program. Such a program would require landlords to obtain a license.</p>
Diane Woehl	Against Secondary dwellings. Especially on this small street.	<ul style="list-style-type: none"> Explanation: <p>Bill 108 requires all municipalities in Ontario to permit SDUs in the Official Plans and Zoning By-laws. The question is not if the City should permit SDUs, but the question is what regulations should be included to ensure community integration.</p>
	I have complained about the parking, blocking our driveway when there are two cars parked on both sides of the driveway, hard to see cars on the street.	<ul style="list-style-type: none"> Explanation: <p>The matter is a parking enforcement issue. Generally, each SDU is required 1 parking space per dwelling</p>

**Summary of Written General Comments Received for
Secondary Dwelling Units**

Submitted by	Written Comments	Staff Response
Christine Crooks	The main concern is the landlord construct the units without a permit. Concern about the safety of these units.	<ul style="list-style-type: none"> Explanation: <p>Building Permits are required for the construction of converted dwellings. Constructing without a Permit is illegal and is not safe for the tenants and abutting neighbours.</p>
	Property maintenance companies do not keep up with grounds keeping and tenants lack "pride of ownership". The neighbourhood suffers when there is overgrown grass and weeds and/or snow not taken seriously.	<ul style="list-style-type: none"> Explanation: <p>Property standards matter. Municipal law enforcement would be responsible to ensure the landlord rectifies the matter.</p>
	Over time in the neighbourhood, the number of cars that are parked on the driveway is now three. Some don't even park on the driveway anymore and park on the street.	<ul style="list-style-type: none"> Explanation: <p>Parking enforcement issue. Each SDU is required 1 parking space per dwelling.</p>
Tony Bruyn	Against Secondary dwellings. The main concern is the landlord construct the units without a permit. Concern about the safety of these units.	<ul style="list-style-type: none"> Explanation: <p>Building Permits are required for the construction of converted dwellings. Constructing without a Permit is illegal and is not safe for the tenants and abutting neighbours.</p>
	There is a lot of junk in the driveway, interior, and backyard.	<ul style="list-style-type: none"> Explanation: <p>The comment is a property standards matter. Municipal law enforcement would be responsible to ensure the landlord rectifies the matter.</p>

Summary of Written General Comments Received for Secondary Dwelling Units

Submitted by	Written Comments	Staff Response
Lorraine Vaillancourt	Disagree with converting single detached dwellings to two family homes.	<ul style="list-style-type: none"> Explanation: <p>Bill 108 requires all municipalities in Ontario to permit SDUs in the Official Plans and Zoning By-laws. The question is not if the City should permit SDUs, but the question is what regulations should be included to ensure community integration.</p>
	My street now has so many vehicles most places you have to go in a single file. Most homes have 3 vehicles with no parking on the property.	<ul style="list-style-type: none"> Explanation: <p>Parking enforcement issue. Each SDU is required 1 parking space per dwelling.</p>
Karen and Jerry	Survey was extremely limited in regards to the secondary dwelling unit that is a separate building and maximum size. The size should be based on the available space on a particular sized lot.	<ul style="list-style-type: none"> Explanation: <p>To size of the detached SDU is a combination of maximum gross floor area, maximum lot coverage, setbacks from the property line, and the minimum distance between the main dwelling and the detached SDU. All of the abovementioned regulations must be complied with.</p>
	Have concerns with rental developers and changing a family friendly neighbourhood to rental duplexes.	<ul style="list-style-type: none"> Explanation: <p>Bill 108 requires all municipalities in Ontario to permit SDUs in the Official Plans and Zoning By-laws. Further, Bill 108 does not allow municipalities to control who resides on the property. For example, the Zoning By-law cannot regulate that the homeowner must live on the same property as the rental unit.</p>
	Concerned about maintenance and upkeep like snow clearing or grass cutting.	<ul style="list-style-type: none"> Explanation: <p>Property standards matter. Municipal law enforcement would be responsible to ensure the landlord rectifies the matter.</p>

**Summary of Written Comments Received for
Internal Secondary Dwelling Units in the Urban Area**

Submitted by	Written Comments	Response from Proposed Regulations October 2020
Garth Brown	Remove minimum size restrictions to allow the creation of smaller units. Supports the recommendation of maximum size of 50%.	<ul style="list-style-type: none"> Explanation <p>The proposed regulations for SDUs internal to principal dwellings and detached SDUs do not include minimum size requirements for the SDU or the principal dwellings.</p> <p>Intent is to limit minimum size requirements for both types of SDUs, and leave it through the OBC. Maximum size for internal SDUs would be unrestricted. There would be flexibility on which dwelling unit becomes the "principal" unit.</p>
	Support allowing entrance for the SDU for detached and semi-detached (to face the street) in the Lower City, and street townhouses throughout the city where they can be esthetically and functionally acceptable.	<ul style="list-style-type: none"> Explanation <p>Uniform entrance regulations by geographic area and not by dwelling type is what is being proposed. The intent is to maintain an existing general appearance from the street, especially in suburban areas where there is only one front door facing the street.</p>
Indwell c/o David Vanderwindt	Do not support minimum size requirements.	<ul style="list-style-type: none"> Explanation <p>The proposed regulations for SDUs internal to principal dwellings and detached SDUs do not include minimum size requirements for the SDU or the principal dwellings.</p>
Mary Lynn and Scott Taylor	Main concern is that there are many homes on the street that have been converted from a single-detached dwelling to a dwelling containing many smaller dwelling units such as a basement apartment. Also ones that have been converted to a lodging house.	<ul style="list-style-type: none"> Explanation <p>SDUs are dwelling units that contain living areas, kitchen, and dining area, and are subordinate to the principal dwelling. SDUs are not considered lodging houses by definition. Any conversions to permit an additional dwelling unit requires a Building Permit.</p>

**Summary of Written Comments Received for
Internal Secondary Dwelling Units in the Urban Area**

Submitted by	Written Comments	Response from Proposed Regulations October 2020
	Concern how single-detached dwellings be allowed to be converted with a permit. Many of them have no permits issued. And if there was a Building Permit issued to the dwelling, what is actually constructed and what was permitted to be constructed is different.	<ul style="list-style-type: none"> Explanation <p>A Building Permit is required to construct an SDU. The Building Division inspects the premises based on the Building permit.</p>
	Concerned about the minimum dwelling size requirement for both dwelling units under Section 19.1(1) of Hamilton Zoning By-law No. 6593.	<ul style="list-style-type: none"> Explanation <p>The minimum dwelling size requirement will be removed as part of the SDU project. Minimum dwelling size requirements are subject to OBC requirements.</p>
Comments from Town Hall Meetings	<p>In some areas of the lower city especially in the north end, it may not be as important because there are already areas that have two street fronting entrances.</p> <p>Depending on where they are in the city, participants either strongly support maintaining one street facing entrance or do not feel that it is important.</p>	<ul style="list-style-type: none"> Explanation <p>Comments are noted. Maintaining the streetscape and general appearance from the street is important in certain areas only one front door is the main characteristic of the streetscape</p>
Comments from Town Hall Meetings	Protecting neighbourhood character based on what exists was noted as an important reason to maintain one front door. Some residents feel that maintaining one front door is very important.	

Detached Secondary Dwelling Units
Comments in the Urban Area

Submitted by	Written Comments	Staff Response
Geoff Palmer	Maximum height restrictions is too limiting, as it forces non-traditional style of roofing for a two-storey SDU. Likely only flat roof styles will accommodate the 6m proposed restriction. Should be restricted to a height relative to the existing home/neighbouring homes.	<ul style="list-style-type: none"> No change in the regulation <p>No changes are proposed. City of Toronto's laneway house has a maximum height of 6.0 metres as well. The proposed height still allows for a 2-storey detached SDU.</p>
Garth Brown	Permitting SDUs in detached, semi-detached, and townhouse dwellings. Let the homeowner determine the layout of the SDU to determine overall compliance.	<ul style="list-style-type: none"> Acknowledged <p>The intent of the SDU project is to permit the use in a variety of dwelling types. Further, there is flexibility in allowing the homeowner to determine the layout of the SDU.</p>
Ken Tilden	My existing 2 story wood frame garage . It would seem ideal and we would be interested in renovating suiting City requirements , the OBC and any required Municipality Standards.	<ul style="list-style-type: none"> Explanation <p>Resident may be able to establish a detached SDU, subject to zoning by-law regulations, OBC, and Fire Code requirements.</p>
Ken Bekendam	Minimum distance from front lot line - wording is confusing	<ul style="list-style-type: none"> Revision to the Regulation <p>The wording of the proposed regulation in the Discussion paper has been revised to simplify the language and a contained in the regulation has been reviewed by staff and the wording has remained.</p> <p>Further, rather than calculating how far the detached SDU should be sited based on the principal dwelling, the regulation requires a minimum 5.0 metres distance from the front façade of the principal dwelling and therefore the intent of the regulations remains.</p>

Detached Secondary Dwelling Units
Comments in the Urban Area

Submitted by	Written Comments	Staff Response
Leigh Reid	More SDUs would be built in Ward 1 if the 1 metres emergency access was between houses and not between house and property line. Reduction to 0.9 metres would increase the number of laneway houses being built.	<ul style="list-style-type: none"> No change to the regulation. <p>In jurisdictions such as Toronto, the access path has been reduced to 0.9 metres. However, discussions with the Chief Building Official and Fire Services have concluded the reduction will not be considered at this time.</p> <p>In addition, this regulation is consistent with other regulations in the Zoning By-law, both existing and under future consideration, related to side yard setbacks.</p> <p>The setback has also been included for the purposes of storm water management.</p>
	Crime in laneways have been a concern, with cars being vandalized over the years. Discussion Paper did not mention how laneway houses will impact crime.	<ul style="list-style-type: none"> Explanation <p>Detached SDUs in the rear yard will help in overall surveillance where in the past, residents residing in the principal dwelling and in front of the property may not be aware of disturbances in the back.</p>
	Mobile homes is becoming more of a solution to affordable house. Creating areas that support mobile housing (parking pad, shore power, water, facilities, lighting, etc.) should be addressed in the secondary dwelling updates.	<ul style="list-style-type: none"> Explanation <p>Mobile homes (homes that are movable with wheels attached) are not permitted in the urban area. All homes must be secured onto a foundation, wheels removed and, hooked up to municipal services.</p>
	Residential sprinklers have been a mandate of the IAFF and fire prevention teams throughout the world, it seems there could be an opportunity to allow some variances to allow a secondary unit to be built with the provision of being sprinklered	<ul style="list-style-type: none"> No change in the Regulation. <p>Mandating the use of sprinklers is determined by the Ontario Building and Fire Codes. Further, requiring sprinklers will greatly increase construction costs.</p>

Detached Secondary Dwelling Units
Comments in the Urban Area

Maximum Lot Coverage for Detached SDU

Submitted by	Written Comments	Staff Response
Philip Toms	Maximum 25% lot coverage is too low a number. A project we did on Aberdeen Ave in Ward 1 and built back in 2018. Lot Area of 580 square metres with a combined coverage (principal dwelling plus SDU) of 200 square metres which gives a Lot Coverage of 34.5%.	<ul style="list-style-type: none"> No change in the regulation <p>Currently, most Zoning By-laws have maximum lot coverages of all buildings on a lot, including accessory buildings. The recommendation is to retain the existing lot coverage requirements rather than amend the percentages, which would require more research.</p> <p>However, where maximum lot coverage regulations are not present, a maximum 25% lot coverage for all accessory buildings apply and to the entire lot, and does not include the principal dwelling.</p>
Ken Beckendam	Maximum Lot Coverage - Is this for the detached structure or including the principal?	<ul style="list-style-type: none"> No change in the regulation <p>The proposed regulation applies only to the detached SDU and all accessory buildings. It does not include the principal dwelling.</p>

Detached Secondary Dwelling Units **Comments in the Urban Area**

Maximum Floor Area for Detached SDU

Submitted by	Written Comments	Response from Proposed Regulations October 2020
Geoff Palmer	50 square metres too small, overly limits the demographic spectrum	<p>Revision to the Regulation</p> <ul style="list-style-type: none"> Following consultations, it was determined the proposed maximum GFA of 50.0 square metres was too small. Detached SDUs that have been, or currently undergoing design and construction, exceeds that amount. As a result of the public feedback, the amended regulation increases the maximum GFA for a detached SDU from 50.0 to 75.0 square metres to allow for a greater degree of flexibility in design while also meeting needs of household types and living situations. Detached SDUs cannot be larger than the principal dwelling as it is considered accessory. Therefore, not all detached SDUs can be built to the maximum size. The originally proposed regulation (maximum Gross Floor Area (GFA) of 50.0 square metres, or 538 square feet) was inspired by the Laneway Housing Pilot Project (By-law No. 18-299).
Andy Tran	Maximum size of 50 square metres is too small. The cost of construction would be expensive for a dwelling unit that is too small (on a per square metre). Limit a portion of the demographics due to the smaller size.	
Garth Brown	Allow the lot size and size of the principle residence determine the size of the new unit. Proposed maximum size is too small.	
Emma Cubitt	Maximum size for a detached SDU is too small. Many of her client's projects far exceeds 50 square metres, some close to 100 square metres. Consider increasing the maximum size requirements.	
West End Home Builders Association (WEHBA) c/o Kirstin Jensen	The maximum unit size of 50 sq. m. proposed is prohibitively small and is going to severely limit the ability of a large portion of the City to be able to cost-effectively construct a detached dwelling unit on their properties.	
Ken Bekendam	Maximum Unit Size - Increase to 65 square metres. Make sure basement may be used.	

Detached Secondary Dwelling Units **Comments in the Urban Area**

Minimum Side and Rear Yard Setbacks

Submitted by	Written Comments	Response from Proposed Regulations October 2020
Ken Bekendam	Minimum distance from the main dwelling of 7.5 metres - Requirement will send many applications to Committee of Adjustment. Reduce to 3.0 metres.	<ul style="list-style-type: none"> • No change in the regulation <p>The purpose of a minimum distance between the principal dwelling and the detached SDU is to allow an uninterrupted backyard space and for landscaping and grading and drainage, and space for other accessory uses such as a shed.</p>
Ken Bekendam	Setback from lot line - Reduce to 0.6 metres	<ul style="list-style-type: none"> • Revision to the regulation
Leigh Reid	Setback from the side lot line unnecessary and creates unused greenspace. Proper drainage plan should overcome grading and drainage concerns.	<p>The purpose of having an appropriate minimum setback from a property line is:</p> <ul style="list-style-type: none"> ○ Ensure grading and drainage without impacts on abutting properties; ○ The ability for the homeowner to maintain and repair the SDU building; ○ Ability for windows to be installed on the side of the detached SDU (due to OBC regulations). <p>Following the public engagement, it was determined through consultations with staff that the initial proposed minimum setback of 1.0 metre has been increased to 1.2 metres. Parts of city where there are drainage and flooding concerns, and parts of the city where combine sewers exists, the need to address drainage is particularly important to avoid stormwater runoff into neighbouring properties during extreme weather events.</p>

Detached Secondary Dwelling Units
Comments in the Urban Area

Design Requirements for Detached SDU

Submitted by	Written Comments	Response from Proposed Regulations October 2020
Waverly Birch	Survey asked about if windows should be restricted to facing the "side yard, backyard, or street (if I recall correctly)" and it seemed I was forced to choose one of these. I ultimately chose backyard, but this data is not representative of my actual opinion, which would be that it could be any of the above.	<ul style="list-style-type: none"> Acknowledged <p>Side yard, backyard, and street are preferred options.</p>
	Any of the above for the question regarding the orientation of rooftop patios.	
Ken Bekendam	Allow balconies, people need to put garbage cans when they live in second floor units.	<ul style="list-style-type: none"> No change in the regulation <p>The purpose of prohibiting balconies on the second floor is to minimize potential impacts such as noise, privacy and overlook. For Detached SDU, residents have access to the ground floor and garbage can be placed in the receptacle.</p>
Andrew Hannaford	In the survey, there should be "no restriction" option for window on second floor.	<ul style="list-style-type: none"> Revision to the regulation <p>The proposed regulation allowing windows on the second floor has been removed due to the proposed minimum 1.2 metres setback of the detached SDU from the property line. The OBC requires a minimum 1.2 metres from any property line is required to ensure prevention of fire spreading to and from abutting properties.</p>

**Summary of Written Comments Received for
Secondary Dwelling Units in the Rural Area**

Submitted by	Written Comments	Response from Proposed Regulations October 2020
James Goodram	<p>Will SDUs be permitted on farm properties that have single detached dwelling?</p> <p>Should be permitted to allow aging/retiring farmers stay "at home" while allowing the next generation to raise their family and provide for both at the same time</p>	<ul style="list-style-type: none"> Proposed regulation added to allow accessory SDUs <p>Secondary Dwelling Units (SDUs) would be permitted on lots, including farm properties that containing a single detached and semi-detached dwelling.</p> <ul style="list-style-type: none"> Based on Council direction, only SDUs internal to the principal dwelling are being considered at this time,
Thomas Klak	<p>Have a Building Permit to put in an SDU, permit rejected and need to go through ZBLA. Homeowner interested because of their intention to build a unit.</p>	<ul style="list-style-type: none"> Explanation <p>Prior to the approval of Zoning By-laws by Council, the owner will still need to go through ZBLA as the SDU regulations have not been brought forward to Council at this time.</p> <p>Detached Units will require an Official Plan Amendment along with a Zoning By-law Amendment.</p>
Pat Donald	<p>There are no immediate plans for change of bylaws for SDU's in rural areas, the first phase applies only to urban designations Only existing rural option is to apply for a zoning change for individual properties to build a free standing garden suite to be dismantled within 20 years. The above choice seems counterproductive if free standing SDU's are to be permitted under proposed changes - that is these structures would not have to be dismantled.</p>	<ul style="list-style-type: none"> Proposed regulation added to allow accessory SDUs <p>As a clarification, the scope of the SDU project is to also permit SDUs in the rural area. However, the focus is SDUs internal to single-detached and semi-detached buildings. Garden suites remain an option for a detached dwelling, but are only permitted with a maximum 20 year limit, as legislated in the <i>Planning Act</i>.</p>

Parking Regulation Comments for Secondary Dwelling Units

Parking Standards

Submitted by	Comments	Staff Response
Garth Brown	Although there is a need to encourage public transit, the reality is people drive. However, supports eliminating parking requirement where transit is readily available (as Toronto did in 2019).	<ul style="list-style-type: none"> Amended Regulation to allow no parking space requirement for certain areas of the lower city.
Indwell c/o David Vanderwindt	Rules that require 1 parking spot per unit are also typically counter-productive.	<p>A citywide parking standard is 1 space per SDU. In Lower Hamilton, no parking space is required for SDUs on lots containing a legally established single detached, semi-detached, street townhouse, and townhouse dwelling. The rationale is there are other transportation options such as cycling, walking, and public transit. Further, existing dwellings might not have sufficient space to accommodate an extra parking spot.</p>

Parking Regulation Comments for Secondary Dwelling Units

Minimum Landscaping Requirements

Submitted by	Comments	Staff Response
Garth Brown	Consider parking in the front yard, especially for lots do not have room for tandem parking, and still meets the 50% landscaping requirements.	<ul style="list-style-type: none"> Revisions to the regulations <p>Certain Zoning By-laws prohibit parking in the required front yard to reduce a clutter of cars from the street. However, these regulations reduce the opportunity to allow for additional parking for SDUs.</p> <p>New regulations have been added since the October 2020 public engagement to allow parking in the required front and flankage yard. However,</p>

Parking Regulation Comments for Secondary Dwelling Units

Tandem Parking

Submitted by	Comments	Staff Response
Andy Tran	Concern about not permitting tandem parking. With up to three dwelling units on a single lot, may need up to 8.1 metres in driveway width, or variances needed.	<ul style="list-style-type: none"> • No Change to the Proposed Regulation <p>Existing Zoning By-laws such as Hamilton Zoning By-law No. 6593 does not permit tandem parking on lots containing a converted dwelling (principal dwelling and SDU). The proposed regulation will maintain the regulation and not permit tandem parking.</p> <p>The proposed regulation requires 1 parking space per SDU. However, tandem parking is permitted for non-required parking spaces.</p>
West End Home Builders Association (WEHBA) c/o Kirstin Jensen	Prohibiting tandem parking will result in an increase of minor variance applications, for both parking requirements and minimum landscaping requirements. This could lead to an over-paving of several properties across the City and an overall reduction in front yard landscaping on properties.	
Ken Beckendam	Parking - Allow Tandem Parking	

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
<p>In some areas of the lower city especially in the north end, it may not be as important because there are already areas that have two street fronting entrances.</p> <p>Depending on where they are in the city, participants either strongly support maintaining one street facing entrance or do not feel that it is important.</p> <p>Protecting neighbourhood character based on what exists was noted as an important reason to maintain one front door. Some residents feel that maintaining one front door is very important.</p>	<ul style="list-style-type: none"> • Explanation <p>Comments are noted. Maintaining the streetscape and general appearance from the street is important in certain areas only one front door is the main characteristic of the streetscape</p>
<p>There will be significant pushback if allow SDU in backyard. This was noted to potentially be a significant issue in some areas of the city particularly in Ancaster where SDUs in backyards would create new overlook with new units looking into the backyards of abutting residences. Would like to see more regulations to address overlook and privacy.</p> <p>For detached SDUs unassociated with a laneway – concerns were raised about overlook and how these can be accommodated on different lots sizes protecting privacy and use of yards.</p>	<ul style="list-style-type: none"> • Explanation <p>Bill 108 requires municipalities in Ontario to permit SDUs in the Zoning By-law. Further, the regulations implement existing policies in the Urban Hamilton Official Plan to permit SDUs within the Neighbourhoods designation. The purpose of the regulations is to ensure impacts are minimized such as overlook, privacy, and noise.</p>
<p>It was noted that the fire escape projection of 1 metre is very difficult to comply with when design to the Ontario Building Code especially for 2nd and 3rd floor fire escapes. Any effort to increase this projection noting that this is not relating to the clear path for fire personnel.</p>	<ul style="list-style-type: none"> • No change in the regulation. <p>There are no plans to amend maximum projections for Fire Escapes as the OBC regulates such exits.</p>
<p>Will the city be allowing sprinkler protection in lieu of 40 metres fire access? (reference to BCC ruling about fire access for LH in Toronto: ruling 19-31-1551.</p>	<ul style="list-style-type: none"> • No change in the regulation. <p>Mandating the use of sprinklers is determined by the Ontario Building and Fire Codes. Further, requiring sprinklers will greatly increase construction costs</p>

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
<p>The proposed maximum lot coverage of 25% was noted to be workable for scale in some areas of the city where there are 40 to 50 foot frontages. For other areas, especially in the lower city, 25% is seen to be too restrictive and 35% is seen as more realistic.</p>	<ul style="list-style-type: none"> Explanation <p>Currently, most Zoning By-laws have maximum lot coverages of all buildings on a lot, including accessory buildings. The recommendation is to retain the existing lot coverage requirements rather than amend the percentages, which would require more research.</p> <p>However, where maximum lot coverage regulations are not present, a maximum 25% lot coverage for all accessory buildings apply and to the entire lot, and does not include the principal dwelling.</p>
<p>Industry representatives commented that the "one number fits all approach" doesn't work and that a matrix table with frontage, lot depth, and percentage of coverage should fall out of the specifics of the lot that you are dealing with.</p>	<ul style="list-style-type: none"> Explanation <p>The new Zoning By-law is intended to be easier to apply and understand. Further, it is very difficult to develop set of regulations that will address every lot size and configuration.</p>
<p>It was noted that there needs to be flexibility to adapt to different situations in different wards which may have smaller lots, laneways and different conditions for garages and back gardens.</p>	
<p>The maximum GFA of 50 square metres is seen as too small and is expected to result in minor variance applications for most of the units.</p> <p>The city should consider a maximum of 70 to 80 square metres which is seen as being more consistent with requirements established in other municipalities and allows for more than a one room or one bedroom unit. A higher number that allows for modest 2 bedroom units would likely allow for more "as of right" applications.</p>	<ul style="list-style-type: none"> Revision to the Regulation Following consultations, it was determined the proposed maximum GFA of 50.0 square metres was too small. The regulation has been amended to increased the maximum GFA for a detached SDU from 50.0 to 75.0 square metres to allow for a greater degree of flexibility in design while also meeting needs of household types and living situations. Detached SDUs cannot be larger than the principal dwelling as it is considered accessory. Therefore, not all detached SDUs can be built to the maximum size.

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
Clarification was sought on how 50 square metres would apply within the unit.	<ul style="list-style-type: none"> Explanation <p>The Gross Floor Area is the maximum size of the area of the building which could be organized over two floors (with a maximum building height of 6.0 metres), and would not include non-habitable spaces such as mechanical room.</p>
The distance from the principle dwelling of 7.5 metres to the detached SDU is too large. There are many backyards that will not be able to maintain this distance and will lead to COA applications. It would be great to come up with a more reasonable distance.	<ul style="list-style-type: none"> No change in the regulation <p>The purpose of a minimum distance between the principal dwelling and the detached SDU is to allow an uninterrupted backyard space and for landscaping and grading and drainage, and space for other accessory uses such as a shed.</p>
Would like to see side yard setbacks eliminated on one side noting that there are other ways to address visual overlook and spatial separation for fire. Eliminate one of side yard setbacks – aside from spatial setback – side yard setback for decks are forgotten space make one zero and allow for access between the garden and shed.	<ul style="list-style-type: none"> Revision to the regulation <p>The purpose of having an appropriate minimum setback from a property line is:</p> <ul style="list-style-type: none"> ○ Ensure grading and drainage without impacts on abutting properties; ○ The ability for the homeowner to maintain and repair the SDU building; ○ Ability for windows to be installed on the side of the detached SDU (due to OBC regulations).
Questions about what the minimum side yard requirement will be and how it will affect potential laneway housing as lots that typically have access to laneways may not be able to meet this minimum due to narrow lot size	<p>Following the public engagement, it was determined through consultations with staff that a the initial proposed minimum setback of 1.0 metre has been increased to 1.2 metres. Parts of city where there are drainage and flooding concerns, and parts of the city where combine sewers exists, the need to address drainage is particularly important to avoid stormwater runoff into neighbouring properties during extreme weather events.</p>

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
<p>Some noted that they agree with the regulations for balconies and existing stairs. There needs to be something built in for flexibility in design. The example of having second floor balconies on a laneway could be a good design solution that puts life on the laneway.</p>	<ul style="list-style-type: none"> Revision to the regulation
<p>A reconsideration of minimum setbacks suggested to address overlook from second floor windows that overlook adjacent backyards instead of having the requirement for no windows on three of the four facades. It was noted that having no windows is not practical or reasonable to request for most projects. If necessary, perhaps having a translucent film on the lower portion of the second floor windows to mitigate overlook would be reasonable.</p>	<p>The proposed regulation allowing windows on the second floor has been removed due to the proposed minimum 1.2 metres setback of the detached SDU from the property line. The OBC requires a minimum 1.2 metres from any property line is required to ensure prevention of fire spreading to and from abutting properties.</p>

Minimum Landscaping Requirements

Comments	Staff Response
<p>For areas in the inner city and north end where there are small driveways, it was noted that it is not possible to add a parking spot unless you remove the front lawn, which is against the bylaw.</p>	<ul style="list-style-type: none"> Revisions to the regulations
<p>Concerns were noted about the impact of the requirement for parking on front yard landscaping. Hardscaping was noted to be an issue that could affect character with front yards being used for parking. More consideration of greenscaping and less impervious surfaces are recommended.</p>	<p>Certain Zoning By-laws prohibit parking in the required front yard to reduce a clutter of cars from the street. However, these regulations reduce the opportunity to allow for additional parking for SDUs.</p>
<p>Hardscaping was noted to be an issue that could affect character with front yard being used for parking.</p>	<p>New regulations have been added since the October 2020 public engagement to allow parking in the required front and flankage yard. However,</p>

Summary of Comments Received during November 12 and 16, 2020 SDU Town Hall Meetings

Comments	Staff Response
It was noted that the definition and permission for what is allowed for front yard landscaping includes hardscaping (paving stones) and this should be reconsidered to ensure that a certain percentage is maintained green.	<ul style="list-style-type: none"> No change to the regulation <p>The existing definitions of landscaping in all Zoning By-laws allows hardscaped materials such as concrete walkways and use of paving stones. At this time, the definitions will not be amended as analysis would be required to determine what percentage is appropriate.</p>
More consideration of greenscaping and less impervious surfaces are recommended to address urban heat islands, more severe weather events and climate change considerations.	

Parking Standards and Regulations

Written Comments	Response from Proposed Regulations October 2020
<p>There are different opinions on the requirement of one parking space for SDUs based on where in the city the SDU would be located.</p> <p>One parking space per unit is supported and seen as necessary and sufficient in many areas.</p>	<ul style="list-style-type: none"> Explanation Amended Regulation to allow no parking space requirement for certain areas of the lower city. <p>A citywide parking standard is 1 space per SDU. In Lower Hamilton, no parking space is required for SDUs on lots containing a legally established single detached, semi-detached, street townhouse, and townhouse dwelling. The rationale is there are other transportation options such as cycling, walking, and public transit. Further, existing dwellings might not have sufficient space to accommodate an extra parking spot.</p>
Residents at the virtual town halls noted that requiring 1 parking spot for an SDU could disqualify a lot of properties in the older area and in the lower city e.g. north end and neighbourhoods on Hamilton Mountain. They expressed concern that the 1.0 parking rule per SDU is going to be the biggest hindrance to encouraging homeowners to building SDUs on the Mountain. It may encourage homeowners to build SDUs without involving the city at all.	
Others note that many areas have a real problem with parking currently and the contemplation for no parking for SDUs in lower Hamilton would be problematic e.g. the East Central City.	

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
Residents ask - if parking is required city wide, can a parking reduction through a minor variance be considered on a case by case basis so that parking can be evaluated as SDUs are constructed.	<ul style="list-style-type: none"> Explanation <p>Each Minor Variance application are reviewed on a case-by-case basis, even for identical variances on the same street.</p>
If there is laneway access to a lot can the parking for the SDU be in the backyard.	<ul style="list-style-type: none"> Explanation <p>Yes, if the laneway serves as an access to parking that are located in the rear of the lot, then parking for SDUs can also be accessed the same way.</p>
Will the city waive parking requirements for the following where a where a SDU is being created for a senior/family member/in law suite who does not drive?	<ul style="list-style-type: none"> Explanation <p>No, staff cannot waive any regulations in the Zoning By-law. A Minor Variance application must be submitted if no parking is requested.</p>
Will the city waive parking requirements where the principal house is on a transit route which would encourage density in a good place for it along transit routes and in places where cars would be less needed?	
With respect to encouraging aging in place, seniors housing and granny units, questions were noted as to whether these would be considered SDUs and therefore require 1 parking space.	
Parking is an ongoing issue in many areas of the city. In areas where there are a number if illegal apartments and student housing it was noted that parking is a problem with some houses have multiple cars using on street parking.	<ul style="list-style-type: none"> Explanation <p>There are no plans for parking maximums at this time, as such a regulation may reduce the number of parked vehicles on a lot. A regulation limiting a maximum 50% of the front yard to parking would maintain landscaping and streetscape.</p>
While many understand that tandem parking is not ideal for an attached SDU, there is concern that by not allowing tandem parking, this will negate the opportunity for many SDUs and trigger minor variance application for parking.	<ul style="list-style-type: none"> No Change to the Proposed Regulation <p>Existing Zoning By-laws such as Hamilton Zoning By-law No. 6593 does not permit tandem parking</p>

**Summary of Comments Received during
November 12 and 16, 2020 SDU Town Hall Meetings**

Written Comments	Response from Proposed Regulations October 2020
<p>Disallowing tandem parking should be reconsidered as it will limit the amount of homes that can create secondary dwellings in the city. Many homes in Hamilton, detached and otherwise, only have an option for tandem parking currently as parking is fit between two homes or the driveway is shared with another home. The question was raised as to what the options would be for these homes regarding parking requirements.</p>	<p>on lots containing a converted dwelling (principal dwelling and SDU). The proposed regulation will maintain the regulation and not permit tandem parking.</p> <p>The proposed regulation requires 1 parking space per SDU. However, tandem parking is permitted for non-required parking spaces.</p>

Engage Hamilton Portal Urban Online Survey Results

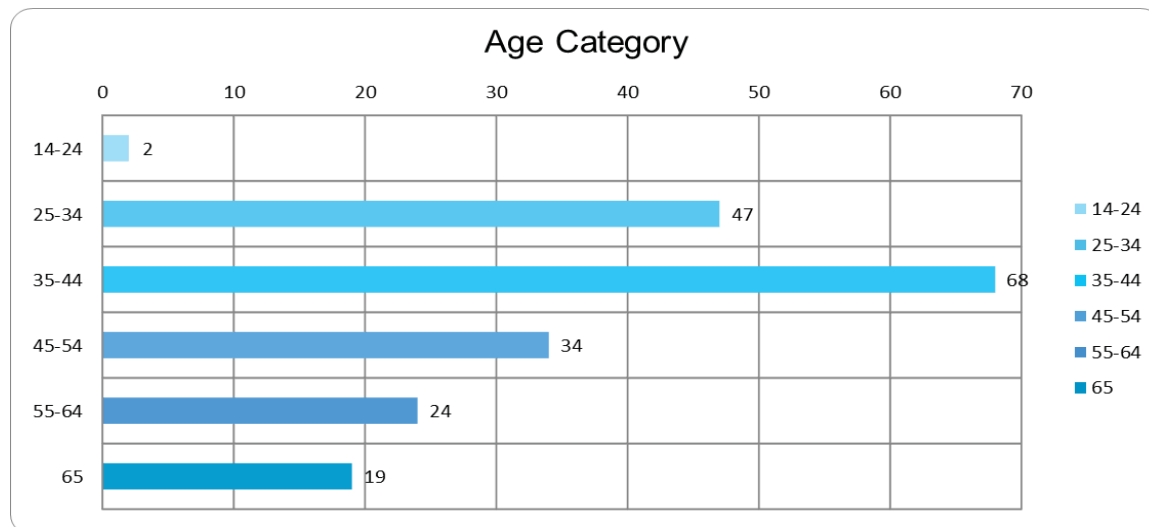
As part of the public engagement process for the Secondary Dwelling Unit (SDU) project, an Urban Area online survey was conducted via the Engage Hamilton Portal. The purpose of the survey was to seek feedback from the general public on key themes and regulations for SDUs in the Urban Area. It was based on three typologies: internal to the principal dwelling; newly constructed detached SDU; and, converted SDU. The following paragraphs include a discussion of general observations of the survey, and Urban Area survey results. The Rural Area Online Survey results are found in Appendix “L-2” to Report PED20093(a).

1.0 Demographics of Urban Area Survey Participants

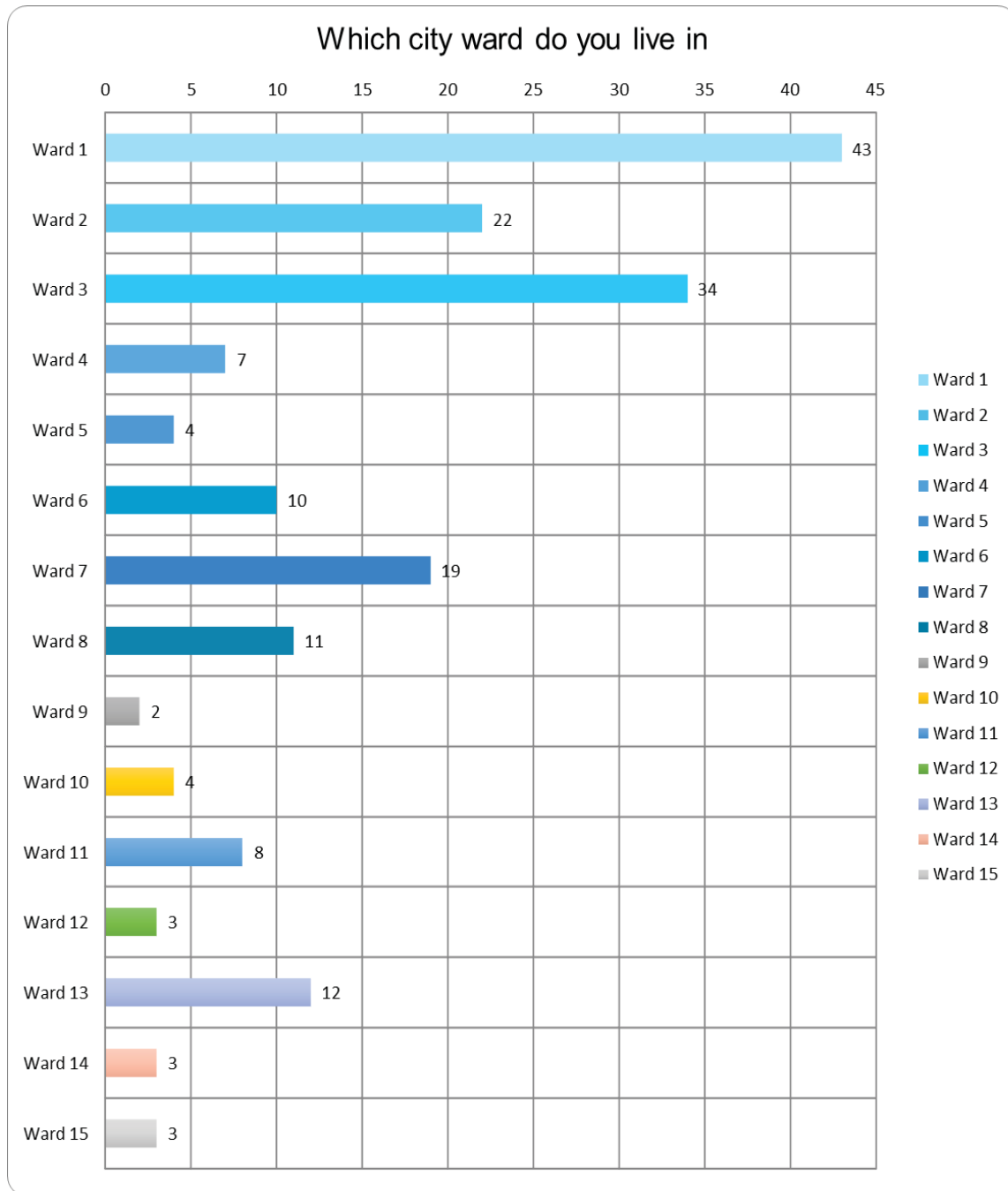
All participants were required to be registered with the Engage Hamilton portal (<https://engage.hamilton.ca/>). The online surveys were well received with 194 unique submissions for the Urban Area survey.

1.1 Urban Area Online Survey

Due to the pandemic, staff are employing online methods to engage the public on City initiated projects. The Urban Area online survey, as shown in the bar chart below, the majority of respondents (68%) were in the 25 to 54 age groups, with fewer number of respondents over 55 years old (24%). The data suggest the number of visitors to the SDU project’s online page who endeavour to participate in surveys, are spread across many age groups.



As shown in the chart, almost two-thirds of respondents reside in Wards 1, 2, 3, and 7. The rest of the respondents reside mostly in Wards 4, 5, 6, 8, and 13.



One question at the end of the survey asks whether the respondent is a homeowner or renter. Of the respondents, 10% are renters living in the Urban Area, and 63% are homeowners. The rest identify themselves as “others” and might either live in the Rural Area, or do not live in Hamilton.

Another question asks if the homeowner wishes to construct an SDU. Of the respondents who identified themselves as homeowners (120 of the 189 participants),

101 of them would like to build an SDU which signifies interest within the broader community of SDUs.

A second question further breaks down the type of SDU a homeowner wishes to construct. There is a rough split between constructing an SDU internal to the dwelling, a newly constructed detached SDU (which garnered the most), and converted detached SDU.

2.0 Urban Area Online Survey Results

Survey questions explained the participant's preference based on themes such as performance standards (setbacks, height, maximum gross floor area), design, and parking. The following paragraphs summarize the survey findings.

Overall, SDUs are supported with minimal regulations. These regulations are intended to mitigate potential neighbourhood impacts.

2.1 Minimum Size of Internal Secondary Dwelling Unit

Participants were asked about regulations dealing with a minimum size of Secondary Dwelling Unit (SDU) that are internal to the principal dwelling. A total of 54% of respondents agreed that a minimum gross floor area should be applied, and 45.5% of respondents indicated there should be a minimum.

A second question was, if a minimum size of SDU is implemented, then what would be the ideal size? A total of 52% indicated that the ideal minimum size of an internal SDU is 50 square metres, whereas 27% indicated a minimum 65 square metres (which is the currently minimum standard for converted dwellings in Hamilton Zoning By-law No. 6593. The remainder said "other" which ranges from a minimum of 23 square metres to 74 square metres.

2.2 Maximum Size of Internal Secondary Dwelling Unit

There is no maximum size of SDUs internal to the principal dwelling contemplated.

A total of 70.3% of respondents supported this approach by indicating that a maximum gross floor area should not be applied; 29.6% of respondents agreed there should be a maximum.

A second question was if a maximum size of the internal SDU is implemented, what would be the ideal size? Only 27% of respondents identified 50 square metres as the maximum size, with the rest as "other". A few respondents suggested the maximum should be restricted to bedrooms instead of floor area. Others suggest up to 100 square metres, or depending on the size of the house, a percentage of the floor area of the main dwelling.

2.3 Entrances to Internal Secondary Dwelling Unit

The proposed regulation would require the entrance for the internal SDU to face the rear or side yard. The intent is to avoid "two front doors" that face the street, which may alter the appearance from the street appearance. A total of 66.7% of respondents chose "doesn't matter", indicating there is an indifference to the regulation. A total of 29.7% of respondents prefer to see the entrance to be to the rear or the side of the house, and only 4% prefer having two front doors.

2.4 Maximum Size of Detached Secondary Dwelling Unit

To maintain community integration, a proposed regulation would restrict the size of the detached SDU to 50 square metres. The survey asks participants whether there should be a maximum size of detached SDUs, where 54% said yes and 46.8% said no.

A second question was asked: what would be the ideal maximum size of the detached SDU? A total of 19% identified that 50 square metres should be the maximum, and the rest of the respondents indicated the size should be based on a percentage of the total lot. During the public engagement process, feedback received via email indicated that 50 square metres was too small as a maximum size.

2.5 Maximum Height of Detached Secondary Dwelling Unit

The proposed regulation for detached SDUs is to restrict the building height to 6.0 metres, which is equivalent to two floors with a flat roof. Note that the definition of height varies depending on the definition in each Zoning By-law. A total of 57% of respondents indicate their preference is to have the same height as the main house (10.5 m), and 26.5% of respondents agree with the proposed 6.0 metres in maximum height. Finally, 16% prefer to reduce the maximum height to 4.5 metres, which is equivalent to a one-storey SDU.

2.6 Windows above the First Floor

A survey question was asked respecting permitting windows above the first floor. A vast majority of respondents would want windows to be permitted above the first floor. A follow up question asks respondents where the window could face; a total of 52.7% responded with the backyard, and 30% responded facing the street. Only 17% of respondent would like to see windows face the side yard.

2.7 Balcony and Rooftop Patios above the First Floor

Similar to the above mentioned design regulation, one proposed regulation is to prohibit balconies and rooftop patios above the first floor. Two-thirds of respondents indicate that balconies and rooftop patios should be permitted on the second floor and the rest do not agree. A follow up question asked respondents where the balcony or rooftop patio could face. A total of 58% said that it should be able to face the backyard, and 32.2% indicate it could face the street. Only 9% said it could face the side yard.

2.8 Additions to Converted Detached Secondary Dwelling Unit

Additions to a converted detached SDU is permitted subject to the proposed regulations. A fundamental question asked in the survey was whether additions should be permitted. A total of 89% of respondents said additions should be permitted, and 11% indicated it should not be permitted, and whatever the size and height of the accessory building is, is what would be allowed to be converted.

A second question is if yes, then under what circumstances would additions be permitted. A total of 50.9% of respondents said there should be no limit as long as the setbacks are the same. A total of 25% said additions should be permitted if the existing accessory building is smaller than the maximum gross floor area and within the maximum height of 6.0 metres. Finally, 24% indicated no limit at all.

2.9 Parking Exemptions for Secondary Dwelling Unit

A survey question was asked whether SDUs be exempt from providing one additional on site parking space for each dwelling unit? A total of 62% said yes, 22% said no, and 15% said yes but only in certain areas of the City.

Engage Hamilton Rural Online Survey Results

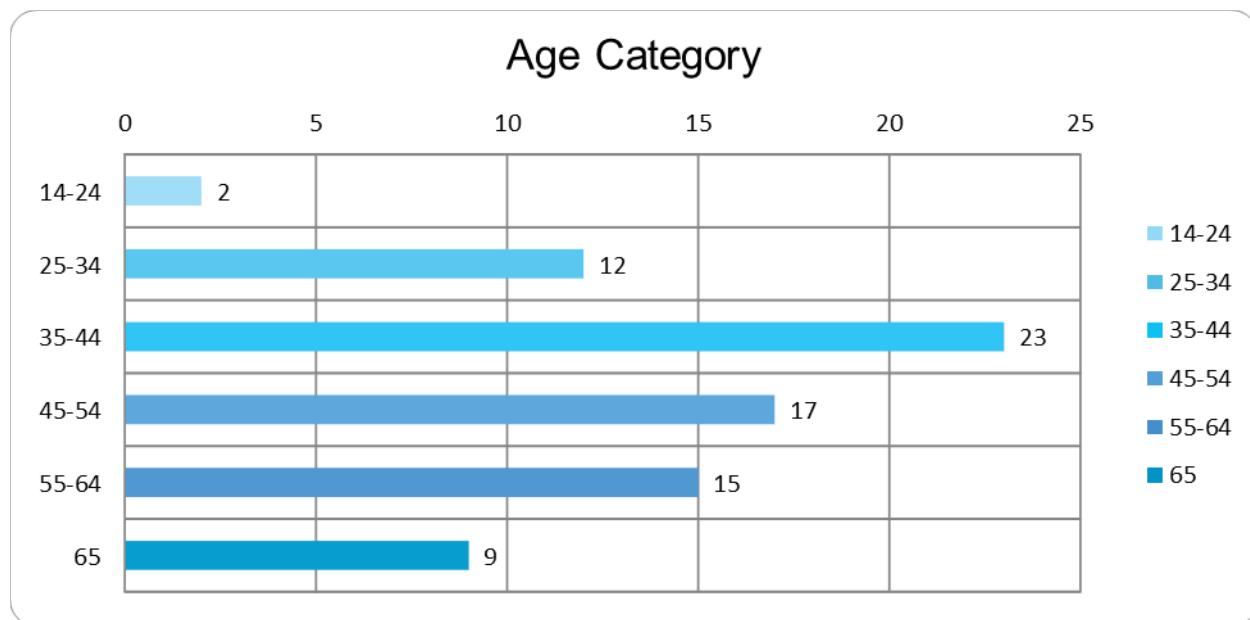
As part of the public engagement process for the Secondary Dwelling Unit (SDU) project, an Rural Area online survey was conducted via the Engage Hamilton Portal. The purpose of the survey was to seek feedback from the general public on key themes and regulations of SDUs in the Rural Area. It was based on three typologies: internal to the principal dwelling; newly constructed detached SDU; and, converted SDU. The following paragraphs include a discussion of general observations of the survey, and Rural Area survey results. The Urban Area Online Survey results are be found in Appendix “L-1” to Report PED20093(a).

1.0 Demographics of Urban and Rural Area Survey Participants

All participants were required to be registered with the Engage Hamilton portal (<https://engage.hamilton.ca/>). The online surveys were well received with 78 unique submissions for the Rural Area survey.

1.1 Rural Area Online Survey

As shown in the bar chart below, the age breakdown is very similar to the Urban Area online survey, where the majority of respondents were in the 25 to 54 age groups, and fewer number of respondents over 55 years old.



Most of the participants reside in Wards 11, 13, and 15, while the rest of the respondents are evenly split amongst the remaining Wards.

Two questions were asked about whether the respondent is a homeowner or renter and what type of SDU they would want to construct if they were a homeowner. Of the

respondents, about 17% are renters either currently living in the Rural Area or renters looking for a rental unit in the Rural Area and 60% are homeowners. 19% of the homeowners responded they have an SDU which is interesting as current Zoning By-laws do not permit SDUs in the Rural Area, and homeowners might include garden suites. A total of 49% are homeowners wish to build an SDU. The remaining 34% of respondents specified other which includes homeowners who do not wish to construct an SDU or are not renters or homeowners.

Although only SDUs internal to the principal dwelling are proposed during this phase of the project, the survey asked respondents what type of SDU they wished to construct. There is an even split between constructing an SDU internal to the dwelling, a newly constructed detached SDU, and converted detached SDU.

2.0 Rural Area Online Survey Results

There were a total of two dozen survey questions which looked at participant's preference for certain regulations such as performance standards (setbacks, height, maximum gross floor area); design; and, parking. Even though detached SDU's are not part of the first phase of the SDU project, the survey did contain questions relating to detached SDUs which will be used in a future phase.

Overall, the findings appear that SDUs are supported with minimal regulations, even though these regulations are intended to mitigate potential neighbourhood impacts.

2.1 Minimum Size of Internal Secondary Dwelling Unit

A total of 68% of respondents indicated there should not be a minimum size requirement for an SDU and 32% said there should be.

A second question was, if a minimum size of SDU is implemented, then what would be the ideal size? A total of 75% said the minimum should be 50 square metres, and 20.8% indicated 65 square metres. Only one said "other".

2.2 Maximum Size of Internal Secondary Dwelling Unit

A total of 62.8% of respondents said there should not be a maximum gross floor area, and 37.1% said there should be a maximum.

A second question was if a maximum size of the internal SDU is implemented, what would be the ideal size? A majority of respondents (89%) said 65 square metres should be the maximum, with 11% said 50 square metres.

2.3 Entrances to Internal Secondary Dwelling Unit

The proposed regulation is to restrict the entrance to the internal SDU to face the rear or side yard. The intent is to avoid "two front doors" to face the street, which may alter the

appearance from the street. A total of 87% of respondents chose "doesn't matter" and 10% chose side or rear door for the SDU.

2.4 Maximum Size of Detached Secondary Dwelling Unit

The survey asked about whether a maximum size of a detached SDU should be required in the Rural Area. There was a almost even split of 52.6% saying no, there should not be a maximum size of the detached SDU, and 47.3% saying yes, there should be.

A second question asked was what is the ideal maximum size of the detached SDU. Only 25% said 50 square metres should be the maximum, and the rest identified as "other" where respondents suggested not more than the principal dwelling, or a hard maximum of 92 square metres.

2.5 Maximum Height of Detached Secondary Dwelling Unit

One survey question asked what the maximum height of a detached SDU should be in the Rural Area. Similar to Urban Area responses, 59% of respondents indicated their preference to have the same height as the main house, 19.1% of respondents agree with the proposed 6.0 metres in maximum height, and 22% prefer to reduce the maximum height to 4.5 metres, which is equivalent to a one-storey SDU. In sum, the preference by the majority of respondents is to allow the detached SDU to have the same height as the main house.

2.6 Windows above the First Floor

The survey asked about design considerations for detached SDUs in particular permitting windows above the first floor to minimize privacy and overlook impacts on abutting neighbours. A vast majority of respondents would want windows to be permitted above the first floor. A follow up question asks respondents where the window could face. A total of 52% responded with the backyard, and 38% responded with the street. Only 10% responded with permitting windows to face the side yard. These responses are generally similar to the Urban Area responses.

2.7 Balcony and Rooftop Patios above the First Floor

One survey question asked about design considerations for detached SDUs in particular prohibiting balconies and rooftop patios above the first floor. Two-thirds of respondents indicate that balconies and rooftop patios should be permitted on the second floor and the rest do not agree. A follow up question asked respondents where the balcony or rooftop patio could face. A total of 68% said that it should be able to face the backyard, and 21% indicate it could face the street. Only 10.5% said it could face the side yard.

2.8 Additions to Converted Detached Secondary Dwelling Unit

Another question asked if additions to a converted detached SDU should be permitted. A total of 88% of respondents said additions should be permitted, and 11% indicated it should not be permitted.

A second question is if yes, then under what circumstances would additions be permitted. A total of 54.5% of respondents said that there should be no limit as long as the setbacks are the same. A total of 16.6% said additions should be permitted if the existing accessory building is smaller than the maximum gross floor area and within the maximum height. Finally, 28.8% indicated no limit at all.

2.9 Maximum Size of Converted Detached Secondary Dwelling Unit

The survey asked if there should be a size restriction for existing accessory buildings that are converted to a detached SDU. There was roughly even split among the respondents saying there should be a maximum size (42.3%) versus those people that said there should not be a restriction (57.6%).

A second question was asked what would be the ideal maximum size of the converted detached SDU be. A total of 72.7% indicated that it should be limited to the size that can be accommodated using the existing services (such as well and septic system). Finally, 18% supported a maximum size of 50 square metres.

Regulations for Second Dwelling Units

The following sections identify proposed regulations for each typology of Second Dwelling Units. This chart does not include regulations that have been added to the By-laws for technical areas, particularly for interpretation reasons.

1.0 GENERAL REGULATIONS FOR SDUS - SINGLE DETACHED, SEMI-DETACHED, AND TOWNHOUSE DWELLING UNITS/LOTS

REGULATIONS	REQUIREMENT
Definitions	<p>Secondary Dwelling Unit means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling and shall not include a Farm Labour Residence.</p> <p>Secondary Dwelling Unit – Detached means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling but shall not include a Farm Labour Residence</p> <p>Swale means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage</p> <p>Ditch means a small to moderate excavation created to channel water</p>
Number of Units permitted	<p>Lots within a Residential, Rural, Institutional or Downtown Zone that permit and contain a single detached dwelling, semi-detached dwelling, street townhouse, and block townhouse dwelling shall be permitted a maximum of:</p> <p>1 SDU in the principle dwelling; and, 1 detached SDU.</p>
Citywide parking standard	1 parking space for each SDU in addition to parking requirements of the principal dwelling.
Area of the City where parking space not required	Parking is not required on lots containing a legally established dwelling unit in parts of the lower City roughly bounded by Highway 403 in the west, south of the industrial area to the north, the Niagara Escarpment to the south, and Ottawa Street to the east. (see Appendix “M-2” to Report PED20093(a)).

REGULATIONS	REQUIREMENT
Landscaping requirements in front yard for parking	50% of the front yard has to be landscaped. Landscaping does not include concrete, asphalt, gravel, pavers, or other similar material. Encroachments into the front yard is permitted such as bay windows, gutters, front steps, unenclosed porches in accordance with the General Provisions of each Zoning By-law.
Landscaped Area Requirement for each dwelling unit	8 m ² for dwelling units less than 50 m ² 12 m ² for dwelling units 50 m ² or larger
Multiple Driveways per Lot	A maximum of one driveway for an interior lot, and a maximum of one driveway for each street frontage for a corner lot.
Parking Area	Permeable pavers are permitted.

2.0 REGULATIONS FOR SECOND DWELLING UNITS LOCATED INTERNAL TO THE PRINCIPAL OR MAIN DWELLING UNIT

REGULATIONS	REQUIREMENT
Additions - Setback and Height for principle dwelling	Governed by Zoning regulations for the lot.
Additional Entrance	Permitted on the side and rear of the building, except in parts of the lower City roughly bounded by Highway 403 in the west, south of the industrial area to the north, the Niagara Escarpment to the south, and Ottawa Street to the east. (see Appendix "M-2" to Report PED20093(a)).
Exterior Staircase above the first floor	Not permitted unless it is an emergency exit.
Maximum/Minimum Unit Size	None required.

3.0 PROPOSED REGULATIONS FOR NEWLY CONSTRUCTED DETACHED SECOND DWELLING UNITS

REGULATIONS	REQUIREMENT
Side yard Setback:	1.2 metres
Interior Flankage Yard	Governed by Zoning regulations for the lot.

REGULATIONS	REQUIREMENT
	Side yards shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
Front Yard Setback	Not Permitted in the Front Yard
Rear Yard Setback	1.2 metres Side yards shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.
Locational Requirements	Allowed in rear or interior side yard.
Minimum Distance from Rear Façade of the Principal Dwelling	7.5 metres of the required Rear Yard
Maximum Gross Floor Area of the detached SDU	75.0 square metres, but not larger than the principal dwelling.
Maximum Lot Coverage	Governed by existing Maximum Lot Coverage requirement for the lot. For Zoning By-laws that do not have Maximum Lot Coverage requirements, 25% of the lot for all accessory buildings including the detached SDU but not including the principal dwelling.
Maximum Building Height	6.0 metres
Locational Requirement for detached Secondary Dwelling Unit located in the interior side yard	Setback a minimum of 5.0 metres from the front façade of the principal dwelling.
Maximum linear distance from the Front or Flankage Lot Line to the entrance of the detached Secondary Dwelling Unit	40.0 metres
Minimum distance between the principal Dwelling and the detached secondary dwelling in the interior side yard	3.0 metres

REGULATIONS	REQUIREMENT
Unobstructed path between the street and the entrance to the detached Secondary Dwelling Unit	An unobstructed path from the front lot line to the entrance of the detached Secondary Dwelling Unit with a minimum 1.0 metre width and minimum 2.1 metres height clearance shall be provided.
Landscaped Area Screening	A 0.3 m to 1.0 m in height visual barrier.
Balconies and rooftop patios	Prohibited above the first floor.
Second Floor Windows	Permitted where the building façade is a minimum 1.2 metres from the property line.

4.0 PROPOSED REGULATIONS FOR CONVERTED DETACHED SECOND DWELLING UNITS

REGULATIONS	REQUIREMENT
Vacuum Clause	A legally established accessory building existing as the date of the passing of the SFDU by-law that is converted an SDU and shall be deemed to comply with the regulations for any required side, rear, and flankage yard setbacks, height, locational requirements, lot coverage, and minimum distance from rear and interior side yards of principal dwelling.
Additions to Existing Building	Additions to converted detached Secondary Dwelling Units, greater than 10%, shall be in accordance with regulations for newly constructed detached SDU (see Section 3.0)
Parking requirements for the principal dwelling must be maintain.	The number of required parking spaces for the principal dwelling shall be maintained on the lot in accordance with the applicable parking standards of the Zoning By-law.

5.0 PROPOSED REGULATIONS FOR SECOND DWELLING UNITS SPECIFIC TO THE RURAL AREA

REGULATIONS	REQUIREMENT
Number of Units permitted	1 SDU internal to the principle dwelling
Minimum Lot Area	0.6 hectares
Entrance	Side or Rear of the building
Waste Disposal and Water Supply Systems	Approved waste disposal and water supply systems to sustain the use of land for buildings shall be provided and maintained to the satisfaction of the Chief Building Official; and,

REGULATIONS	REQUIREMENT
	All regulatory approvals have been received to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his or her designate.



		<p>Regional Municipality of Halton</p> <p>Hamilton Harbour</p> <p>INDUSTRIAL DR</p> <p>NIKOLA TESLA BLVD</p> <p>KENILWORTH AV N</p> <p>OTTAWA ST N</p> <p>GAGE AV N</p> <p>BARTON ST E</p> <p>SHERMAN AV N</p> <p>WENTWORTH ST N</p> <p>BURLINGTON ST E</p> <p>VICTORIA AV N</p> <p>WELLINGTON ST N</p> <p>JOHN ST N</p> <p>JAMES ST N</p> <p>BAY ST N</p> <p>BURLINGTON ST W</p> <p>SPRING GARDENS RD</p> <p>PLAINS RD W</p> <p>Cootes Paradise</p> <p>YORK BLVD</p> <p>PARADISE RD S</p> <p>KING ST W</p> <p>MAIN ST W</p> <p>DUNDURN ST S</p> <p>QUEEN ST S</p> <p>BAY ST S</p> <p>JAMES ST S</p> <p>JOHN ST S</p> <p>VICTORIA AV S</p> <p>WENTWORTH ST S</p> <p>MAIN ST E</p> <p>SHERMAN AV S</p> <p>GAGE AV S</p> <p>OTTAWA ST S</p> <p>KENILWORTH ACCESS</p> <p>LAWRENCE RD</p> <p>CONCESSION ST</p> <p>SHERMAN ACCESS</p> <p>CHARLTON AVE</p> <p>ARKLE DUNAV</p> <p>JOULEY CUT</p> <p>BEVERIDGE AV</p> <p>UPPER WELLINGTON ST</p> <p>UPPER WENTWORTH ST</p> <p>FENELL AV E</p> <p>UPPER SHERMAN AV</p> <p>UPPER GAGE AV</p> <p>UPPER OTTAWA ST</p> <p>MOHAWK RD E</p> <p>SCENIC DR</p> <p>GARTH ST</p> <p>FENELL AV W</p> <p>WEST 5TH ST</p> <p>UPPER JAMES ST</p> <p>CLAREMONT ACCESS</p> <p>ABERDEEN AV</p> <p>BECKETT DR</p>
<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 21-_____</p> <p>to Amend By-law No. 6593</p>		<p>Add to Section 22 Schedule P</p> <p> Geographical area where parking is not required for Secondary Dwelling Units in conjunction with legally established single detached, semi-detached, street townhouse, and townhouse dwellings.</p>
<p>Scale:</p> <p>N.T.S.</p>	<p>File Name/Number:</p> <p>Second Dwelling Unit</p>	<p>Hamilton</p>
<p>Date:</p> <p>February 3, 2021</p>	<p>Planner/Technician:</p> <p>TL/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



NOTICE OF PUBLIC MEETING OF THE PLANNING COMMITTEE

SECONDARY DWELLING UNITS

Modifications to Zoning By-law No.-05-200 and Six Former Municipal Zoning By-laws in effect in the City of Hamilton

and

Repeal of By-laws 18-299 (Laneway Housing) and 19-307 (Temporary Use By-law for Hamilton Zoning By-law No. 6593 – Secondary Dwelling Units)

ACCESSORY BUILDING AND OTHER REGULATIONS

Modifications to Zoning By-law No.-05-200

WHAT? WHY?

The Planning Committee is holding a Public Meeting under the *Planning Act*:



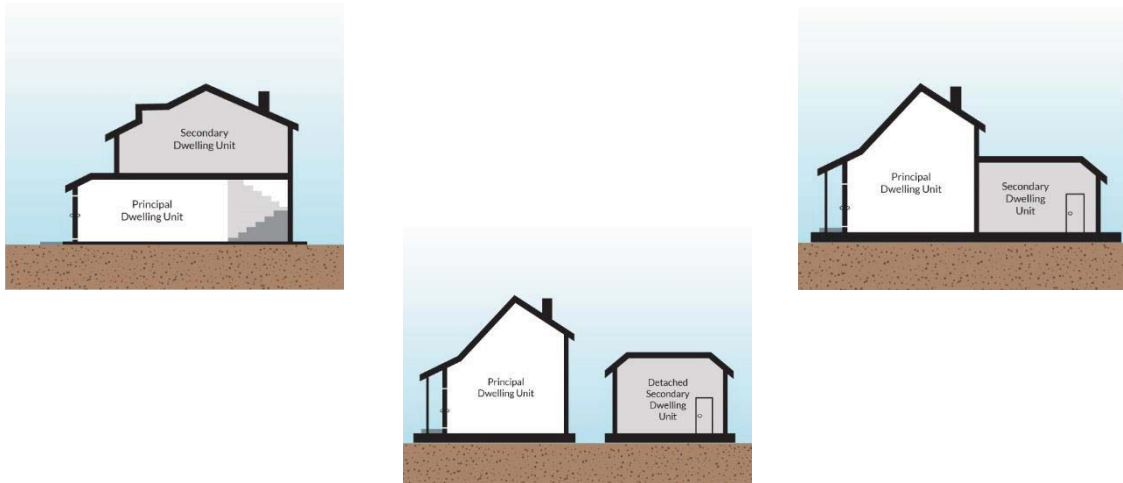
to consider modifications to Hamilton Zoning By-law No. 05-200, Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, and City of Stoney Creek Zoning By-law No. 3692-92 to amend and/or add new Secondary Dwelling Units (SDUs) regulations to implement the Official Plans :

General SDU Regulations (Urban and Rural Areas):

A map has not been included in this Notice since the lands affected by the Zoning By-law Amendments are City-Wide.

- Urban Area: Permit SDUs in certain Zones on lots that permit a single-detached, semi-detached, street townhouse, or townhouse dwelling in the following forms:

- Internal to the Principal Dwelling;
- Newly Constructed detached SDUs; and,
- Converted detached SDUs.



- Rural Area: Permit SDUs internal to the principal dwelling on lots greater than 0.6 ha in size containing a single-detached or semi-detached dwelling.

Parking Requirements:

- Citywide parking requirement;
 - one parking space per SDU, in addition to the parking requirement of the principal dwelling, except,
 - no additional parking space is required for SDU for properties within a portion of the lower City (roughly bounded by Highway 403 south of the industrial area, the Niagara Escarpment, and Ottawa Street).

Urban Area Regulations:

Internal SDUs to the Principal Dwelling

- One entrance to the principal dwelling and SDU shall face the street, except lands bounded by Highway 403 south of the industrial area, the Niagara Escarpment, and Ottawa Street where two entrances can face the street.

Newly Constructed Detached SDUs

- Locational requirements - side yard and rear yard only, distance from the street and between the SDU and the principle dwelling;

- Minimum landscaped area for each SDU;
- Setbacks from neighbouring properties and swales;
- Height and size limitations; and,
- Design regulations for windows, patios, porches balconies.

Converted Detached SDUs

- Vacuum Clause - to recognize the existing location of the existing accessory building; and,
- Additions to existing accessory buildings regulations.

Rural Area Regulations

Internal SDUs to the Principal Dwelling

- Minimum lot size requirements, adequate services provisions, and other technical regulations.

In addition, the following two By-laws will be repealed from Hamilton Zoning By-law No. 6593 since the new SDU regulations in Section 1 have made these By-laws redundant:

- By-law18-299 - Second Dwelling Units (Laneway Houses).
- By-law 19-307, the Temporary Use By-law - Second Dwelling Units for Certain Lands-in the Lower City.



to consider modifications to Hamilton Zoning By-law No. 05-200 to delete and replace the existing Accessory Building Regulations and to add new interpretation regulations:

- Regulations for Accessory Buildings in Residential, Institutional, Commercial, Industrial and Utility, and Agricultural, and Rural, addressing: Height; Setback requirements; Maximum Gross Floor Area.; Location Restrictions.
- Interpretation regulations - Allow use of diagrams for reference purposes and the use of tables and notations for regulations and permitted uses

The purpose and effect of these Zoning By-law Amendments is to ensure Zoning By-law regulations are up to date and current.

WHEN? Tuesday, April 6, 2021
9:30 a.m.

WHERE? Due to the COVID-19 and the closure of City Hall all Virtual Meetings can be viewed at:

City's Website:

www.hamilton.ca/MeetingAgendas

City's YouTube Channel:

<https://www.youtube.com/InsideCityofHamilton>

HOW? Accessing the Proposed Zoning By-law Amendments and Report

The information and material related to the proposal will be available in the staff report for public inspection, which will be available to the public on or after Wednesday, March 31, 2021 and may be obtained from the City's website www.hamilton.ca/MeetingAgendas or contact Timothy Lee at 905-546-2424 Ext. 1249 or by e-mail at timothy.lee@hamilton.ca for a copy of the staff report.

Planning Committee Agenda

Copies of the Planning Committee agenda, including staff reports, will be available on or after Wednesday, March 31, 2021 and may be obtained from the City's website www.hamilton.ca/MeetingAgendas or contact the City Clerks Office by email at clerk@hamilton.ca.

Public Input

Members of the public who would like to participate in a statutory public meeting are able to provide comments in writing via mail or email in advance of the meeting. Comments can be submitted by emailing clerk@hamilton.ca or by mail to the Legislative Coordinator, Planning Committee, City of Hamilton, 71 Main Street West, 1st Floor, Hamilton, Ontario, L8P 4Y5. Comments must be received by noon Thursday, April 1, 2021. Any written comments received after the deadline will be included on the Wednesday, April 14, 2021 Council agenda.

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West.

Pre-Recorded Submissions

Members of the public can participate in a statutory public meeting by submitting a pre-recorded video by noon Thursday, April 1, 2021. The video

must be no longer than 5 minutes in length and will be reviewed before the meeting to ensure it adheres to the City’s procedures and protocols in presenting to Council. The video can be submitted by emailing clerk@hamilton.ca or dropping off a USB at the City Hall drop box located at the back of the 1st Floor of City Hall, 71 Main Street West, to the attention of the Legislative Coordinator, Planning Committee. Any videos that do not adhere to the City’s procedures and protocols will not be presented at the meeting.

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments, no longer than 5 minutes in length, regarding statutory public meeting items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. Interested members of the public **must register** by noon Thursday, April 1, 2021.

To register to participate by Webex either via computer or phone, members of the public must submit a Request to Speak form which can be found at www.hamilton.ca/RequestToSpeak. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting. The link must not be shared with others as it is unique to the registrant.

All members of the public who register to participate by Webex will be contacted by City Staff to confirm details of the registration prior to the meeting and provide an overview of the public participation process.

If you need clarification or have any questions on how to participate in a statutory public meeting, please email clerk@hamilton.ca or by phone at 905-546-2424 Ext. 4605.

To request a Notice of Decision

If you wish to be notified of the decision of the City of Hamilton on the proposed Zoning By-law Amendments, you must make a written request to Lisa Kelsey, Legislative Coordinator (contact information below).

Lisa Kelsey, Legislative Coordinator
City Clerks Office, 1st Floor, 71 Main Street West,
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 Ext. 4605
E-mail: lisa.kelsey@hamilton.ca

Appeals

In accordance with the provisions of the *Planning Act*,

Zoning By-law Amendments

- i. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the proposed Zoning By-law amendments are adopted, the person or public body is not entitled to appeal the decision of Council, City of Hamilton to the Local Planning Appeal Tribunal (LPAT).
- ii. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Hamilton before the proposed Zoning By-law amendments are adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Collection of Information

Information respecting this application is being collected under the authority of the *Planning Act*, R.S.O. 1990, c.P.13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address and contact information of persons submitting comments and / or opinions, will become part of the public record and will be made available to the general public **and will appear on the City's website unless you expressly request within your communication the City remove your personal information.**

Contact: For further information, please contact:

Timothy Lee, Senior Planner
Planning & Economic Development Department
City of Hamilton
71 Main Street West, 4th Floor, Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 Ext. 1249
E-Mail: timothy.lee@hamilton.ca

This Notice is issued March 18, 2021.

(CI-20-E)