

**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>	<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>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>	
<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>	<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>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>	
<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>

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<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.

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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>

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<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>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>
<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>	

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>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>
<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>	
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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.	

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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 of 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>

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<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>