

WELCOME TO THE CITY OF HAMILTON

## **Proposed Secondary Dwelling Unit Regulations**

**Recommendations to Increase Housing Options in Hamilton**

April 6, 2021 – Planning Committee Meeting

# Today's Agenda

1. **Joanne Hickey-Evans (Manager, Policy Planning & Zoning By-law Reform)**: an overview of the history and importance of secondary dwelling units
2. **Tim Lee (Senior Planner, Zoning By-law Reform Section)**: a review of the SDU public engagement and staff recommendations

# What are the elements of the Secondary Dwelling Unit Project?

## Secondary Dwelling Units in the Urban Area

## Secondary Dwelling Units in the Rural Area

- Council direction to also include permitting SDUs in the Rural Area
- Rural matters to address such as servicing and minimum lot size requirements.

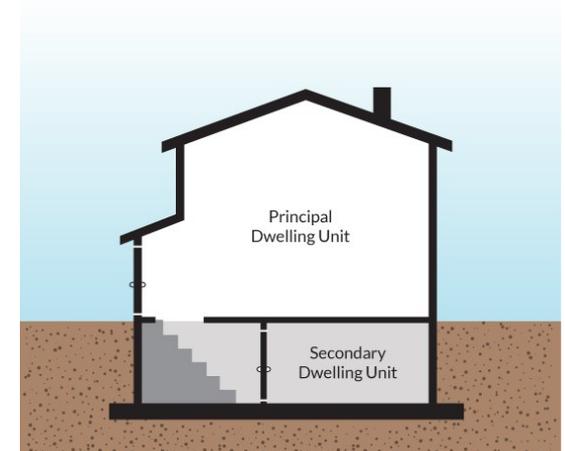
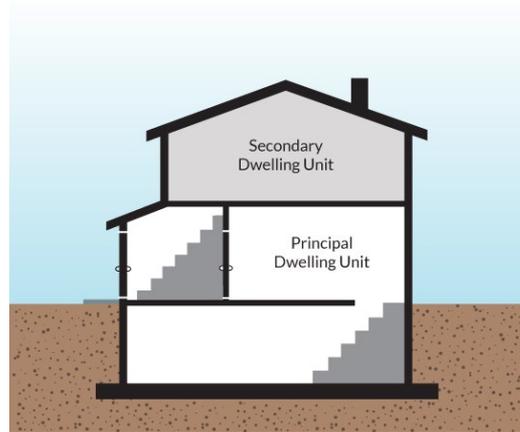
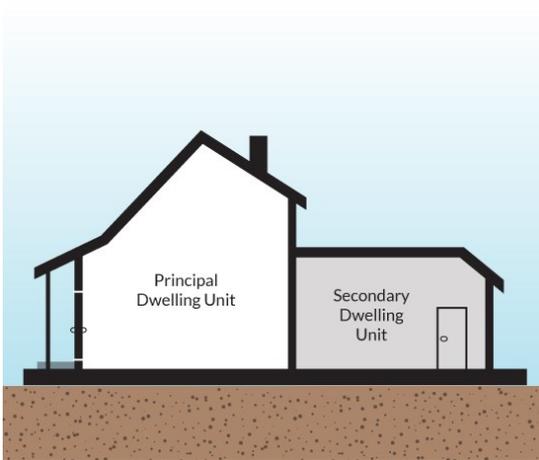
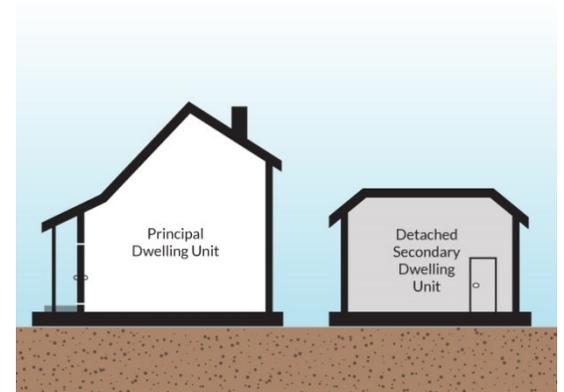
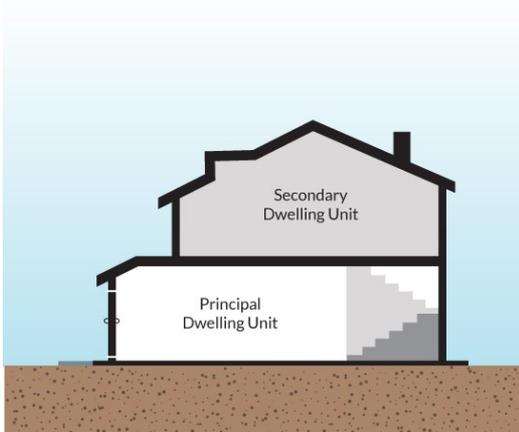
# What is the Purpose of Permitting Secondary Dwelling Units?

Permitting Secondary Dwelling Units (SDUs) in the Urban and Rural Area is one way to increase housing supply by:

- Allowing a greater range of housing opportunities; and,
- Creating a more diverse range of household types for various income levels.



# What are Secondary Dwelling Units?

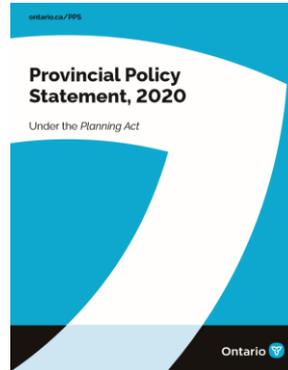


# Provincial Interest in Secondary Dwelling Units

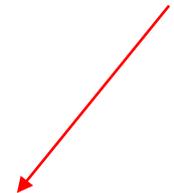
**Planning Act, 1990**  
(1996, 2006,

**Provincial Policy Statement/Provincial Plans** (1996, 2005, 2010, 2014, 2020)

**Regulations under the Planning Act** (1994, 2003, 2019)

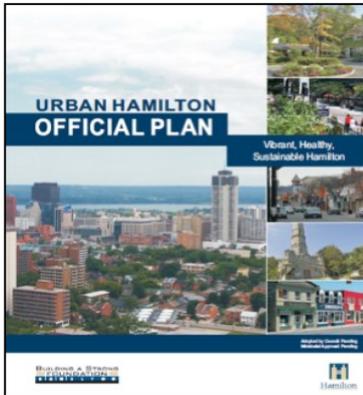


**Bill 108**

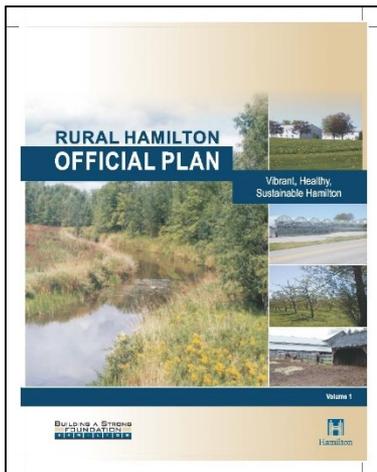


# Permissions in the Official Plan

## SDUs permitted in.....

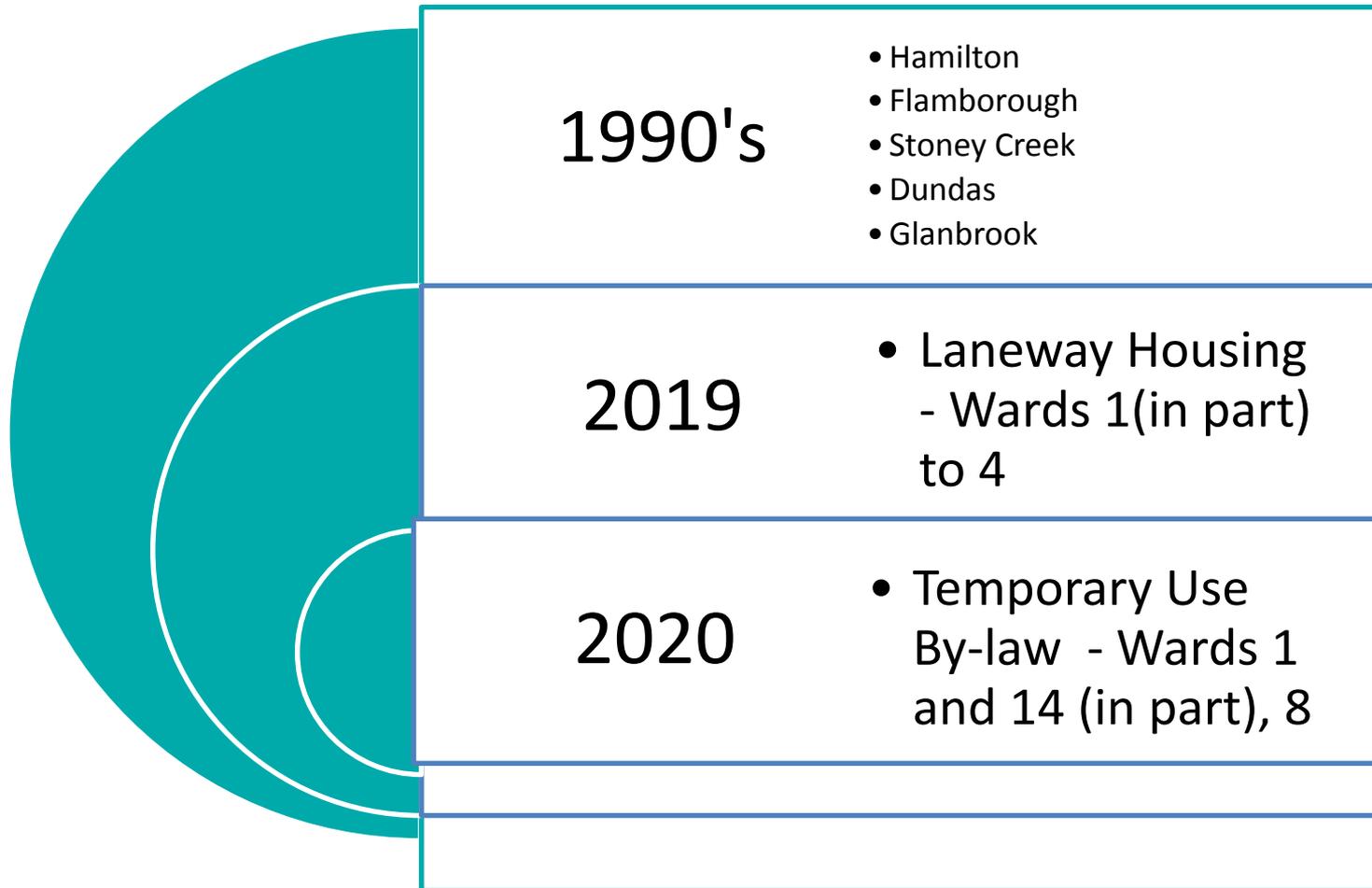


- Detached and Accessory SDUs - Neighbourhoods Designation on lots containing a Single Detached Semi-Detached Dwellings and townhouses (UHOPA 142)



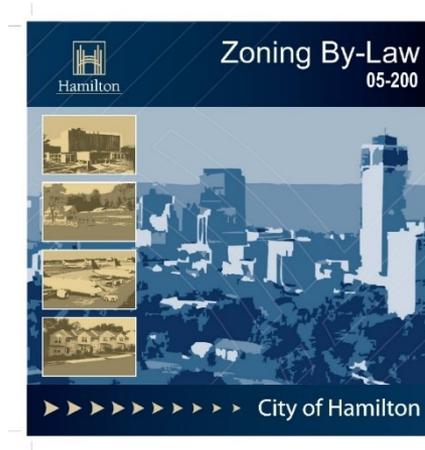
- Accessory SDUs - on lots containing a Single Detached, Semi-Detached, Dwellings subject to servicing policies (RHOPA 26)

# Hamilton's History of Permitting SDUs - Zoning



# Zoning By-laws control...

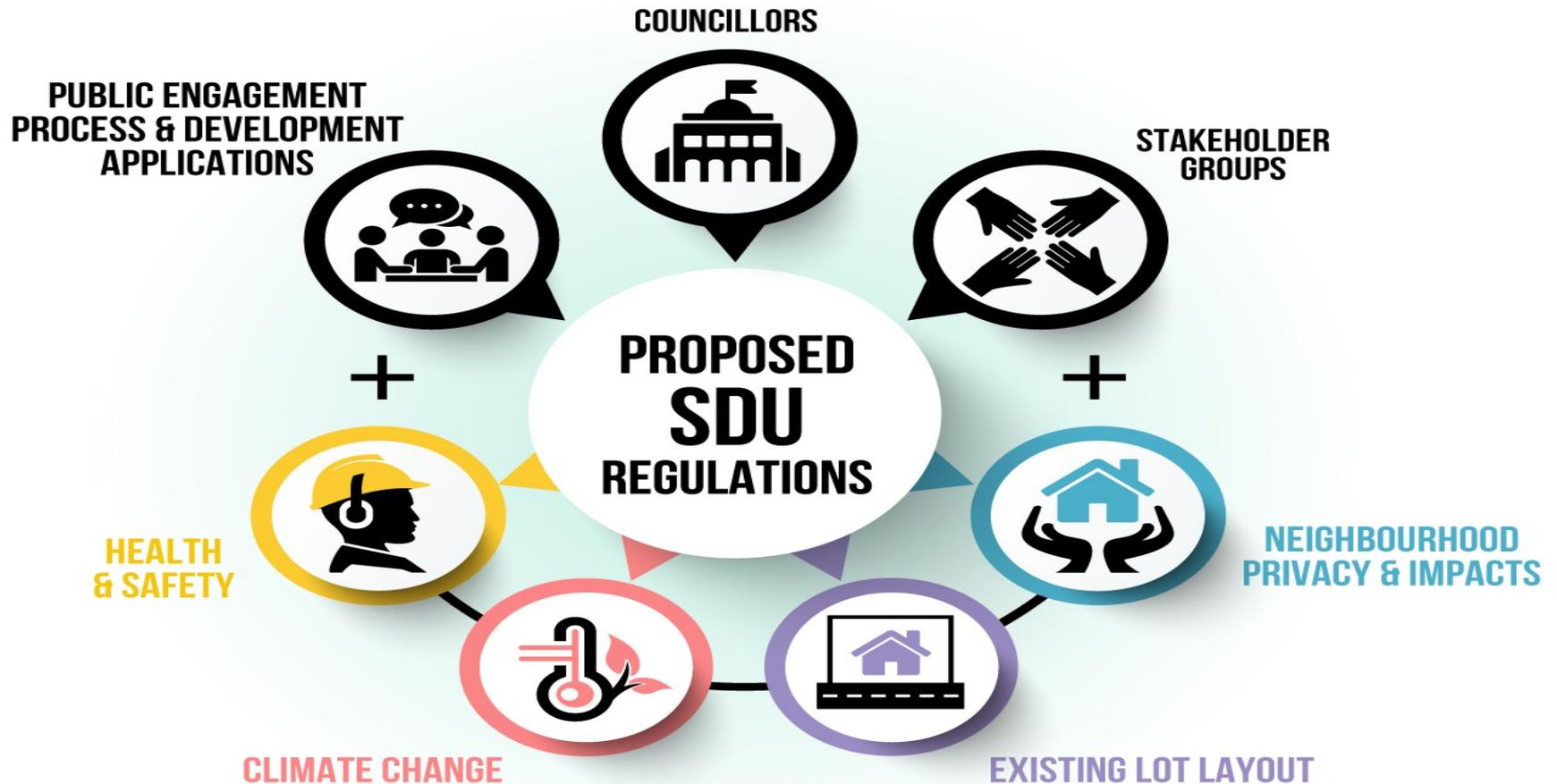
Types of land uses permitted



Performance standards for the uses – setbacks, parking, height, etc.

# Background Context for the Regulations

## WHAT WE HEARD



**LAND USE PLANNING / CORPORATE GOALS & OBJECTIVES**



Who's Listening

**Joanne Hickey-Evans**

Manager, Policy Planning and Zoning  
By-law Reform  
City of Hamilton

Email [residentialzoning@hamilton.ca](mailto:residentialzoning@hamilton.ca)



**Timothy Lee**

Planner, Zoning By-law Reform  
City of Hamilton

Email [residentialzoning@Hamilton.ca](mailto:residentialzoning@Hamilton.ca)





# Notice of Public Meeting

Shoney Creek News | Thursday, March 18, 2021 | 24



## NOTICE OF PUBLIC MEETING OF THE PLANNING COMMITTEE

### SECONDARY DWELLING UNITS

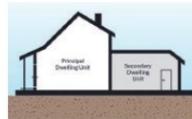
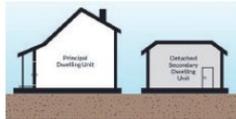
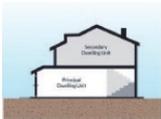
Modifications to Zoning by-law No. 05-200 and Six Former Municipal Zoning By-laws in effect in the City of Hamilton and  
 Repeal of By-laws 18-299 (Accessory Housing) and 18-307 (Temporary Law by-law for Hamilton Zoning by-law No. 05-05) – Secondary Dwelling Units  
**ACCESSORY BUILDING AND OTHER REGULATIONS**  
 Modifications to Zoning by-law No. 05-200

**WHAT?** 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 Clarksburg Zoning by-law No. 3091-86, Town of Hamiltonburg Zoning by-law No. 95-145-2, Township of Clarksburg Zoning by-law No. 464, and City of Shoney Creek Zoning by-law No. 2000-02 to amend order and new Secondary Dwelling Units (SDUs) regulations to implement the Official Plan;

**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.

- SDU Allow Permits (SDUs in certain zones on lots that permit a single-detached, semi-detached, street townhouse, or townhouse dwelling in the following forms:**
  - is related to the principal dwelling;
  - is Newly Constructed detached SDUs; and,
  - is Converted detached SDUs.
- SDU Allow Permits (SDUs) related to the principal dwelling on lots greater than 0.6 ha in size containing a single-detached or semi-detached dwelling.**



### Parking Requirements:

- City-wide parking requirement;
- on-site parking spaces per SDU, in addition to the parking requirement of the principal dwelling, except;
- no additional parking spaces 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 must face the street, except lots 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

- Localisation requirements – side yard and rear yard only, distance from the street and between the SDU and the principal dwelling;
- Minimum landscaped area for each SDU;
- Setbacks from neighbouring properties and streets;
- Height and size limitations; and,
- Design regulations for windows, patios, porches balconies.

### Converted Detached SDUs

- Basement Closure – 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 window 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-law 1096 – Second Dwelling Units (Accessory Houses);
  - By-law 10-307 – Temporary Use By-law – Second Dwelling Units for Certain Lots 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.

Hamiltonpress.com



**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/MeetingsAgenda](http://www.hamilton.ca/MeetingsAgenda)  
**City's YouTube Channel:** <https://www.youtube.com/channel/UC8oCgPm0a1m0>

**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/MeetingsAgenda](http://www.hamilton.ca/MeetingsAgenda) or contact Timothy Lee at 905-546-2424 Ext. 1249 or by e-mail at [timothy.lee@hamilton.ca](mailto: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/MeetingsAgenda](http://www.hamilton.ca/MeetingsAgenda) or contact the City Clerk's Office by email at [clerk@hamilton.ca](mailto: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](mailto: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 not 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 1<sup>st</sup> 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](mailto: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. 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](http://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](mailto: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 Kealey, Legislative Coordinator (contact information below).

Lisa Kealey, Legislative Coordinator  
 City Clerk's Office, 1<sup>st</sup> Floor, 71 Main Street West,  
 Hamilton, Ontario, L8P 4Y5  
 Phone: 905-546-2424 Ext. 4605  
 E-mail: [lisa.kealey@hamilton.ca](mailto:lisa.kealey@hamilton.ca)

### Agenda

In accordance with the provisions of the Planning Act.

### Zoning By-law Amendments

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 is to the Local Planning Appeal Tribunal (LPAT).

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), 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.P13. 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](mailto:timothy.lee@hamilton.ca)

This Notice is issued March 18, 2021.

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Hamiltonpress.com

## So what have we heard? Overall Comments



Overall Support for Supporting SDUs in Urban and Rural Area



Fewer regulations or less restrictive regulations



Non-Land Use Matters

(Crime, Property Standards, Snow Removal, Parking, Absentee Landlords, SDUs built without Building Permit)

## So what have we heard? SDU Regulations



Increase the Maximum GFA of 50 sq. m. for design flexibility



Reduce minimum requirements for mandatory safety regulations



Some regulations are too restrictive (setbacks and lot coverage)



General Support for “one front door” facing street

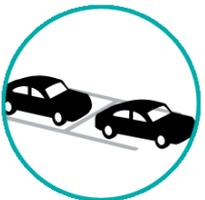
## So what have we heard? Parking Regulations



Ensure landscaping in the front yard for climate change and character



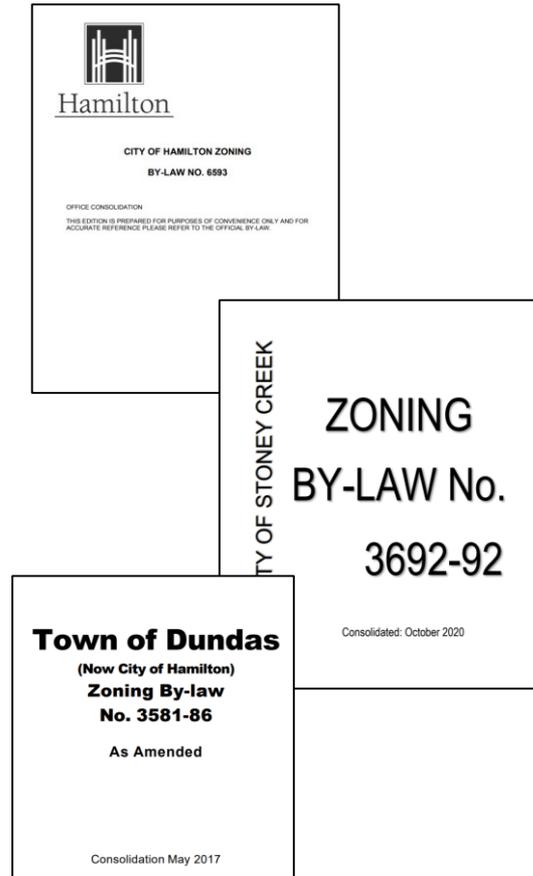
General acceptance of citywide parking requirements and support for no parking in Lower Hamilton



Tandem Parking should be permitted

## How are the Recommended By-laws Structured?

- A total of seven draft Zoning By-laws found in Appendix “A” to “G” of Report PED20093(a).
- Each draft By-law include their own set of SDU regulations, and all contains the same regulations for consistency throughout the City.
- Nuances consider for existing Zoning By-law regulations.
- Regulations serves as a “bridge” to future Residential Zones in Zoning By-law No. 05-200.



# Meeting City Goal Objectives through regulations



CLIMATE CHANGE



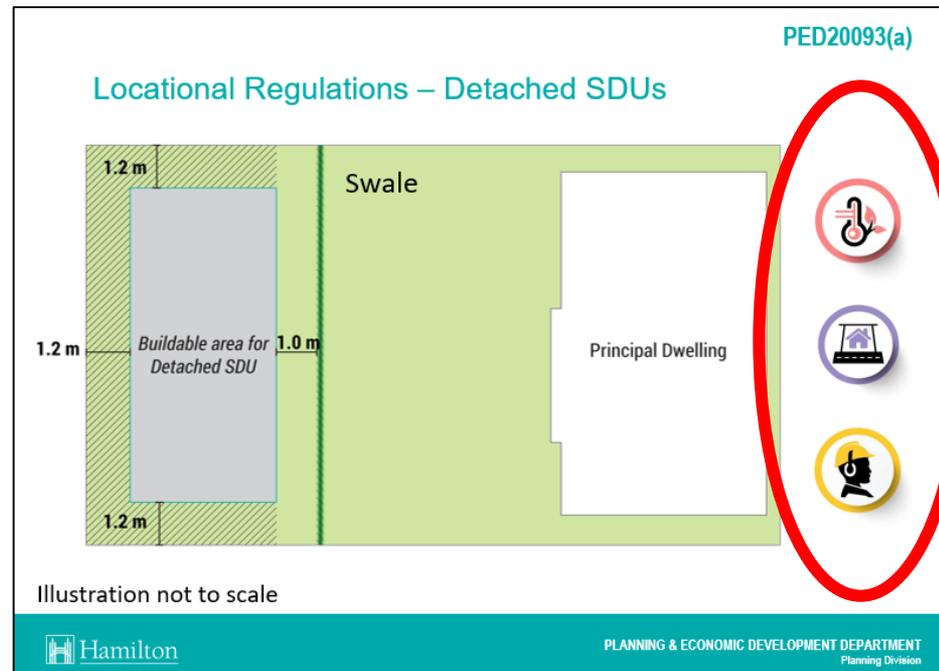
HEALTH & SAFETY



NEIGHBOURHOOD  
PRIVACY & IMPACTS



EXISTING LOT LAYOUT

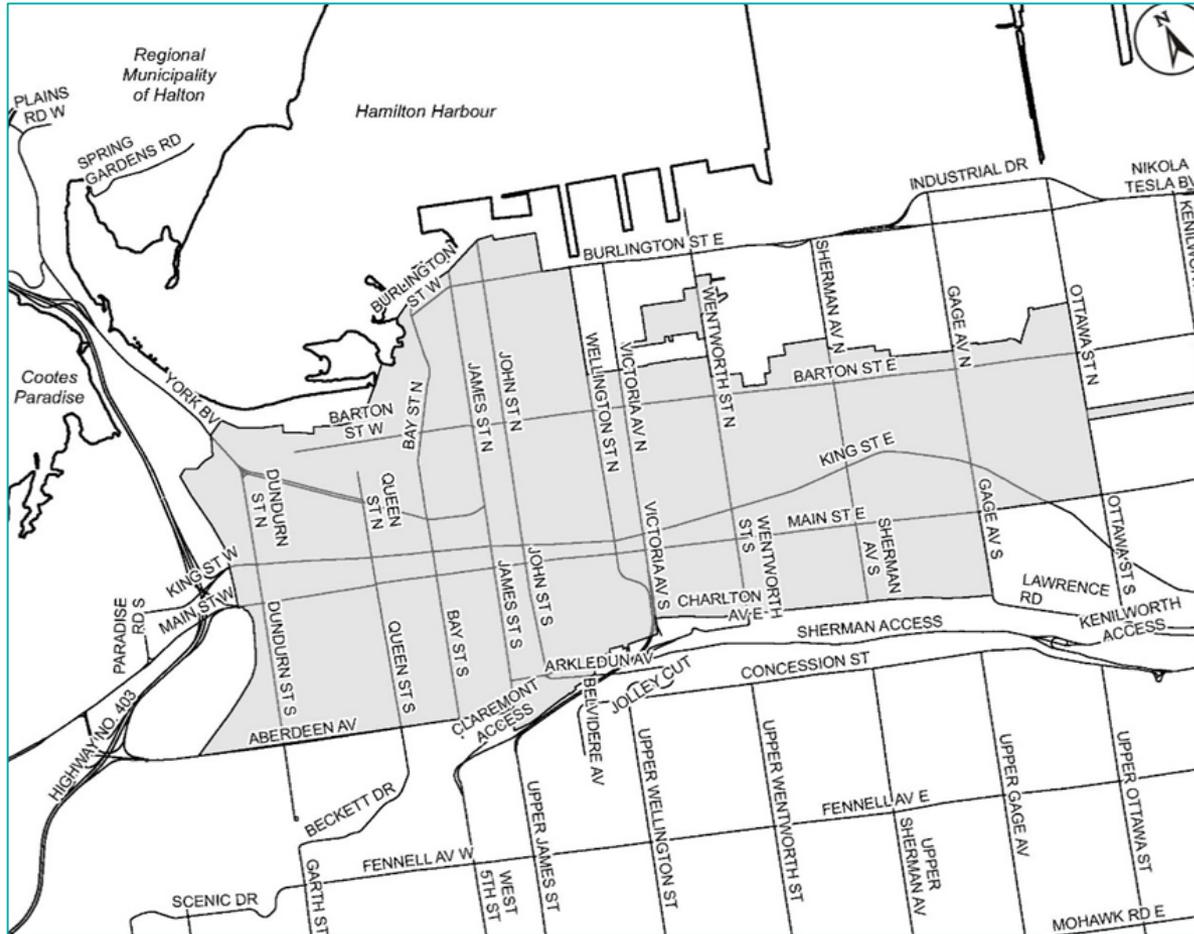


## Proposed Design Regulation – Units internal to Principal Dwelling

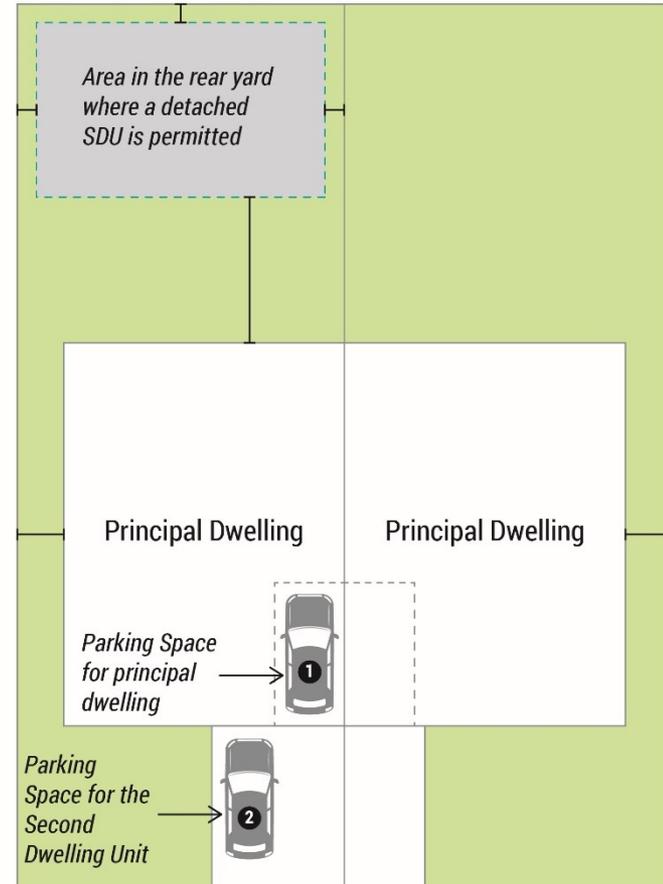
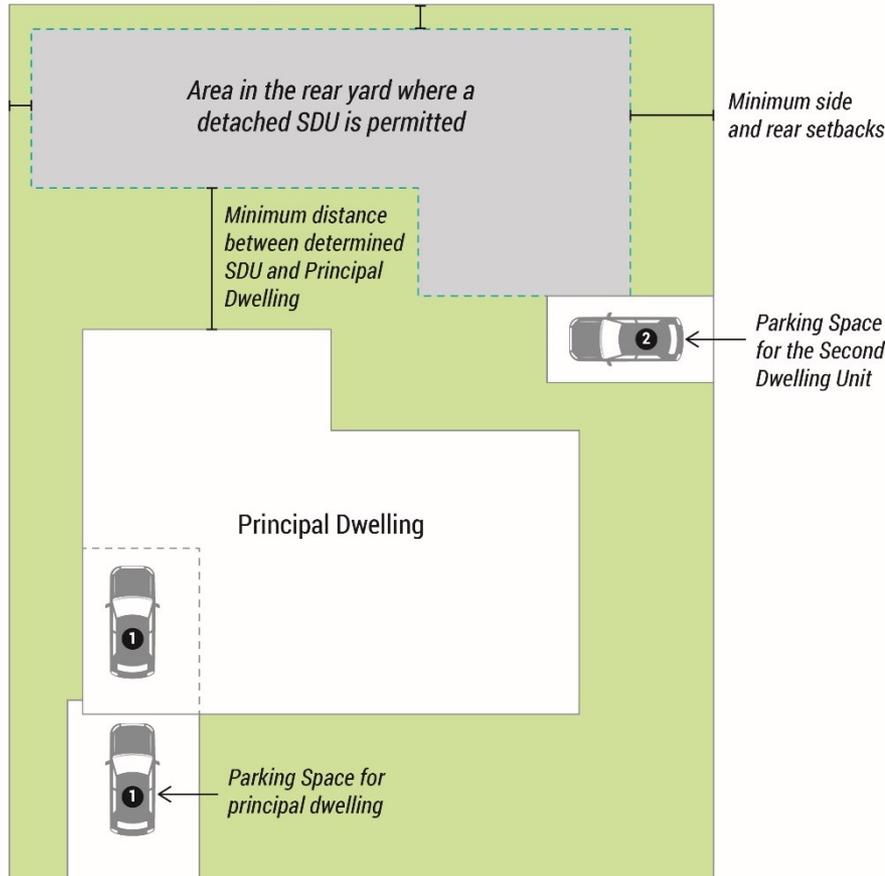
- Regulations designed to maintain the overall appearance from the street includes:
  - One entrance shall face the street.
  - Exterior appearance of façade facing street shall be maintained.
  - No exterior stairway except as required.



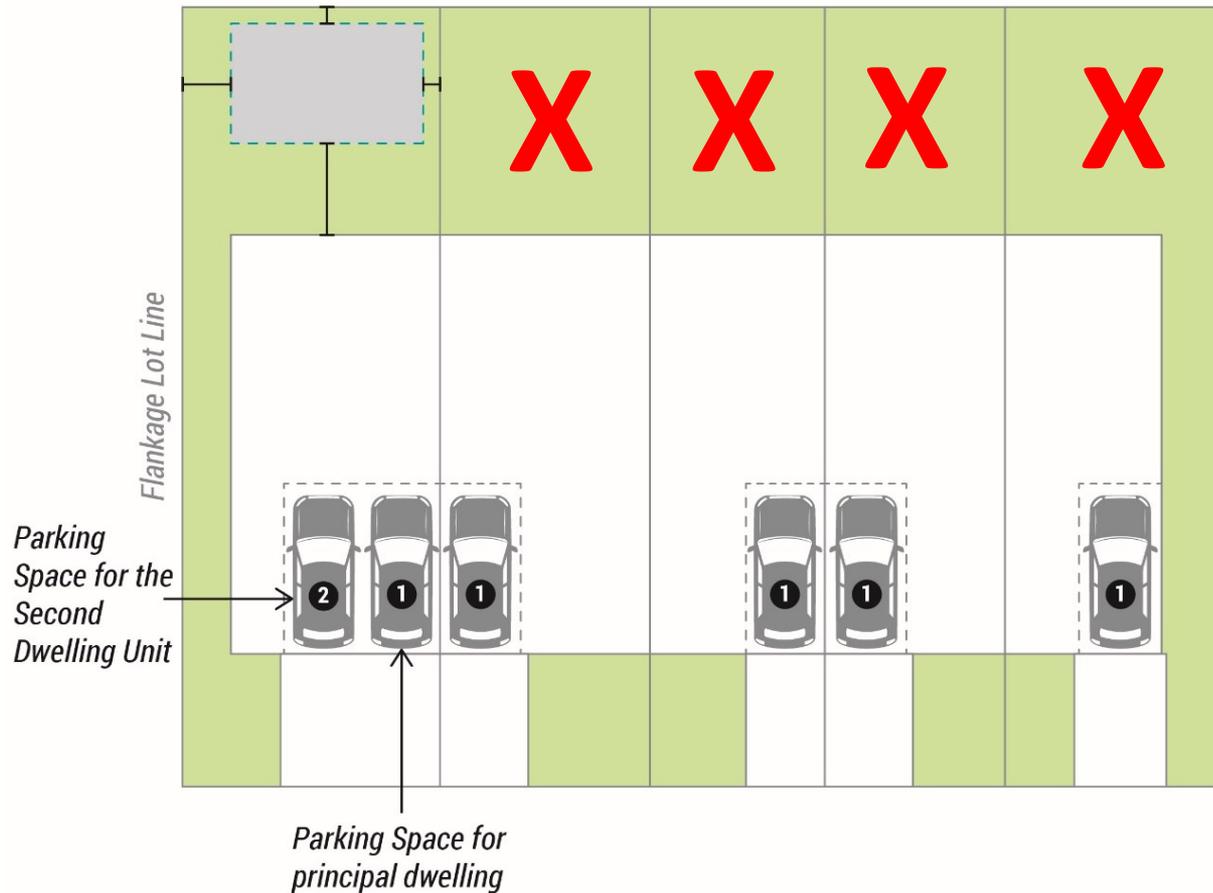
# Design Regulation – Units internal to Principal Dwelling



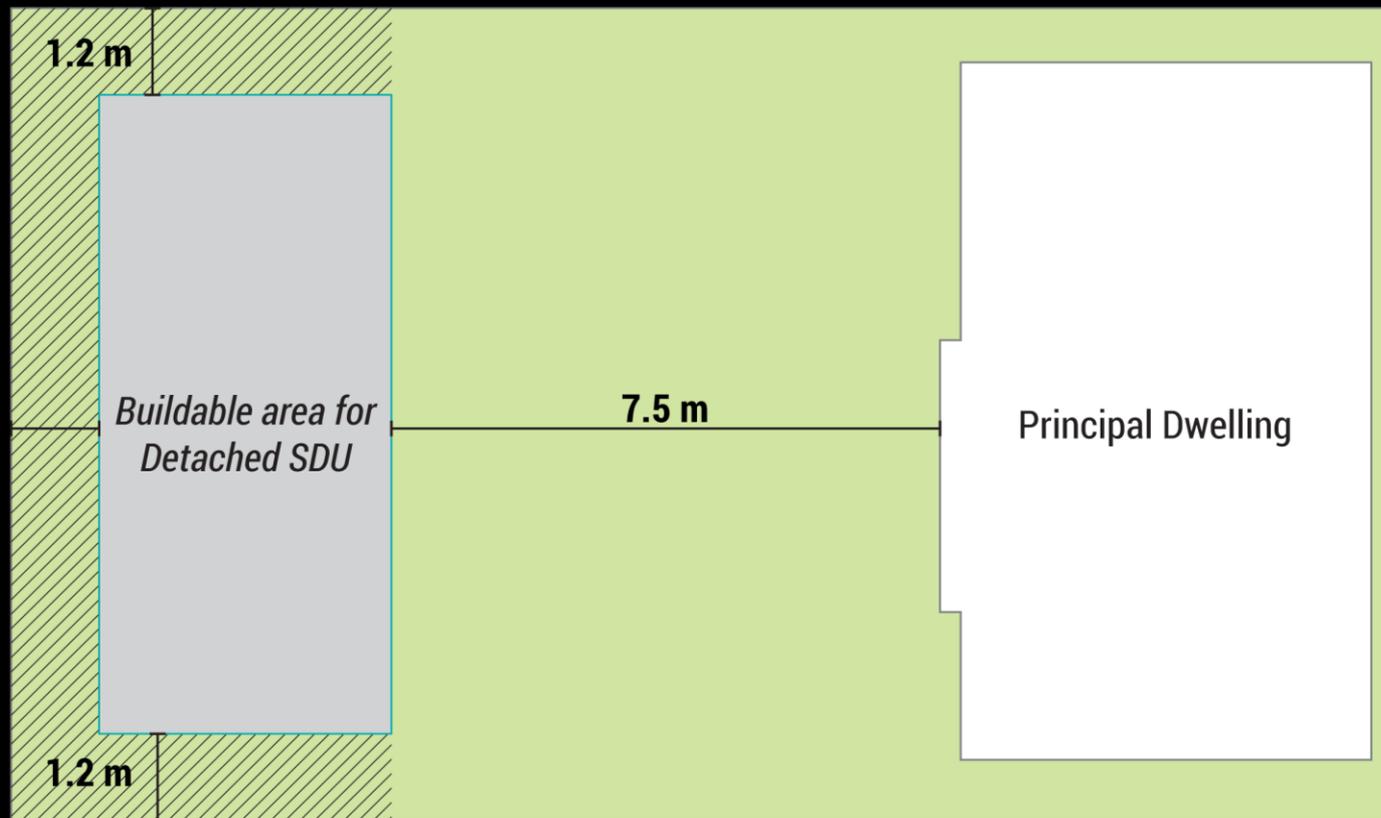
# Locational Regulations – Detached SDUs



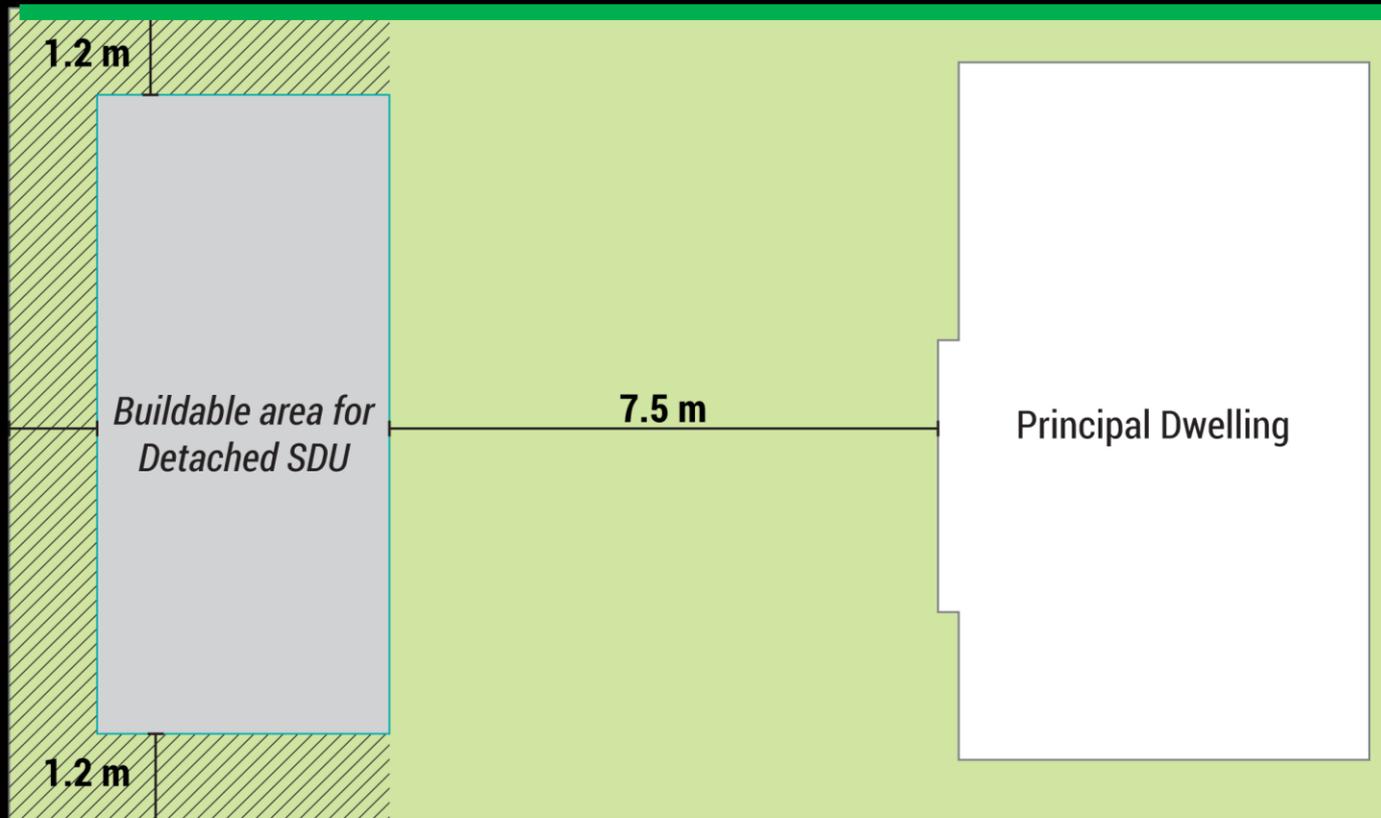
# Parking Regulations – Detached SDUs



# Locational Regulations – Detached SDUs



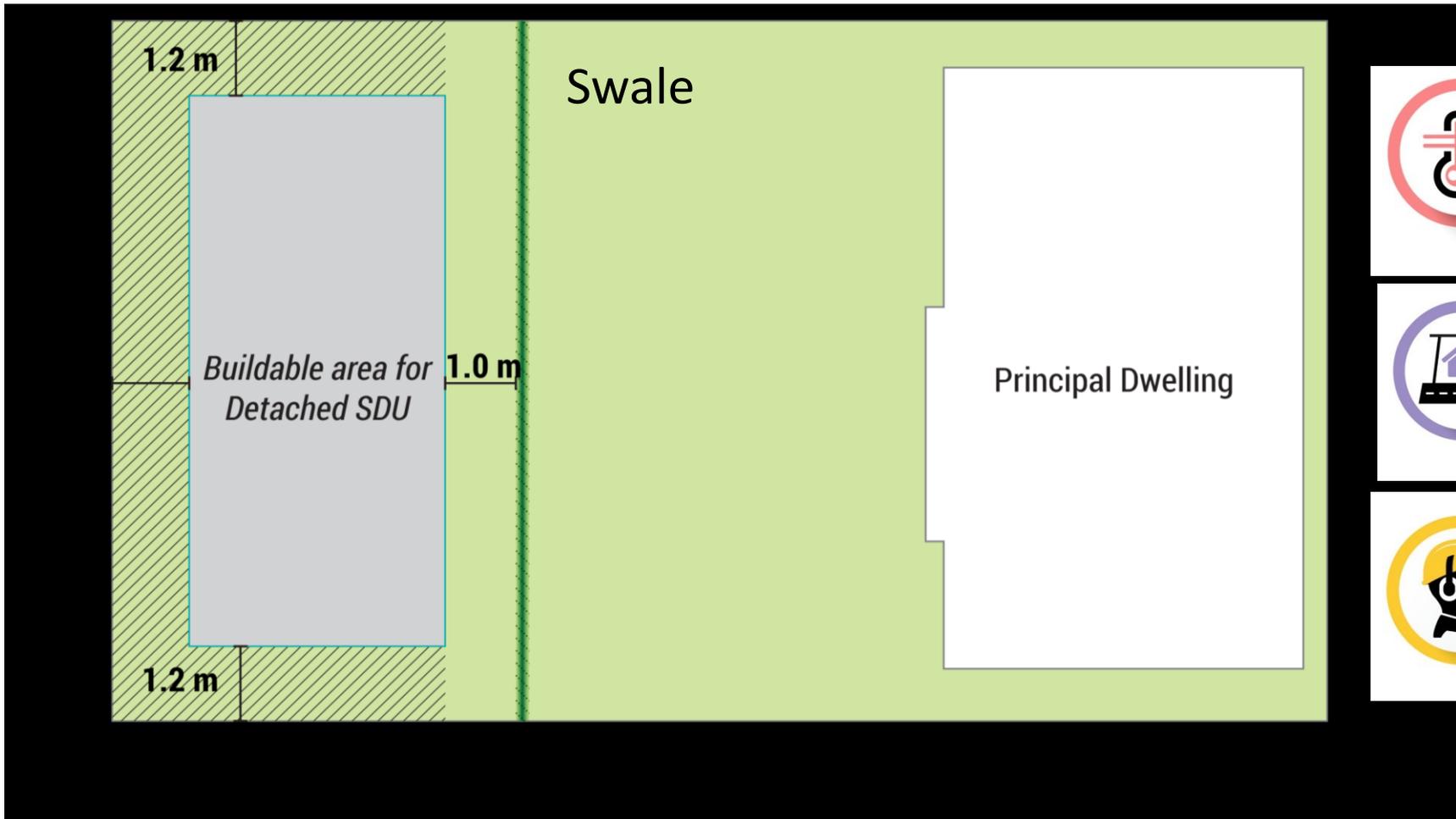
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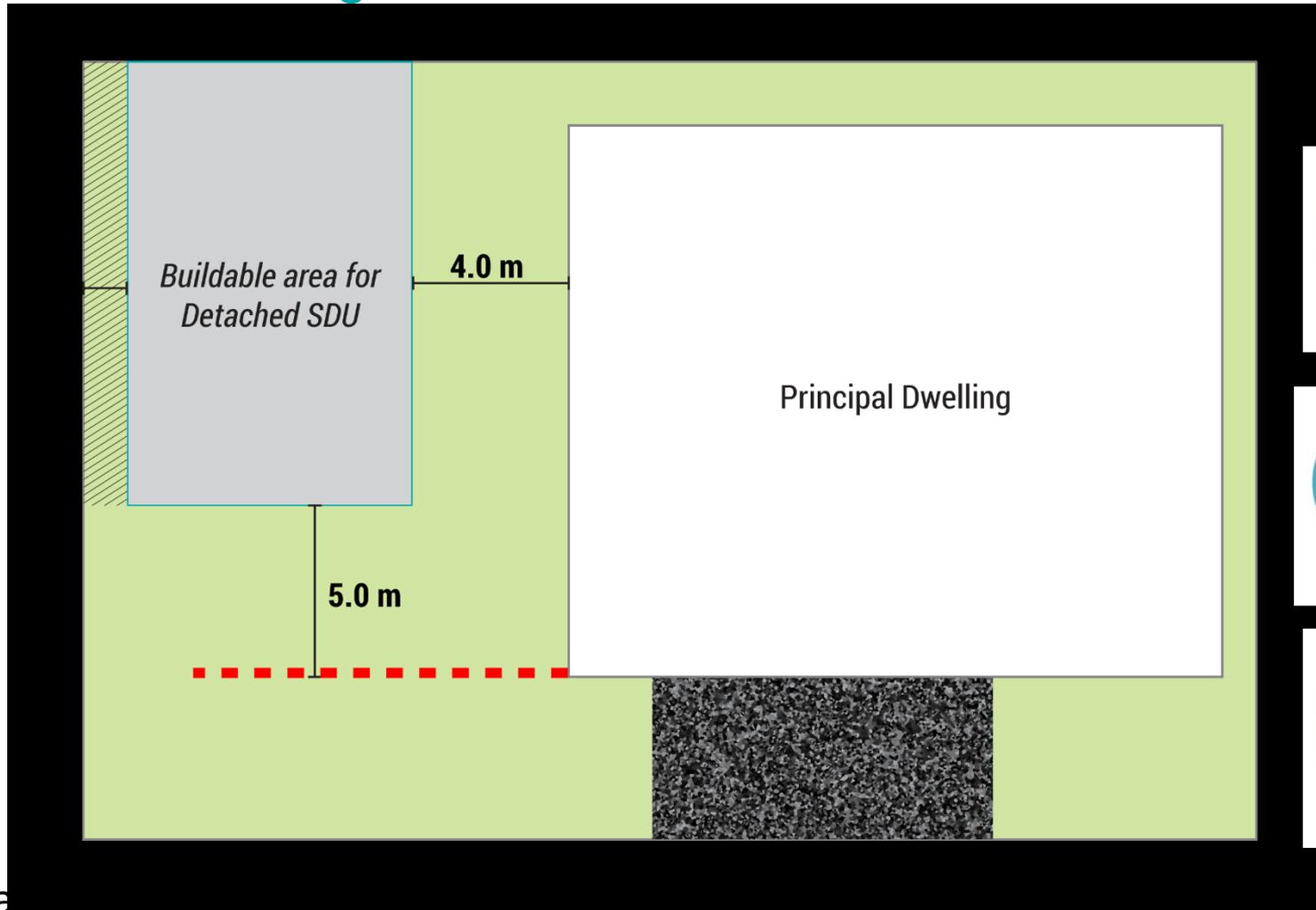
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Line



# Grading Regulations – Detached SDUs



# Locational Regulations – Detached SDUs



Illustra

## Locational Regulations – Detached SDUs



# Amenity Space Regulations – Detached SDUs



Less than 50 square metres



8.0 Square Metres of landscaping



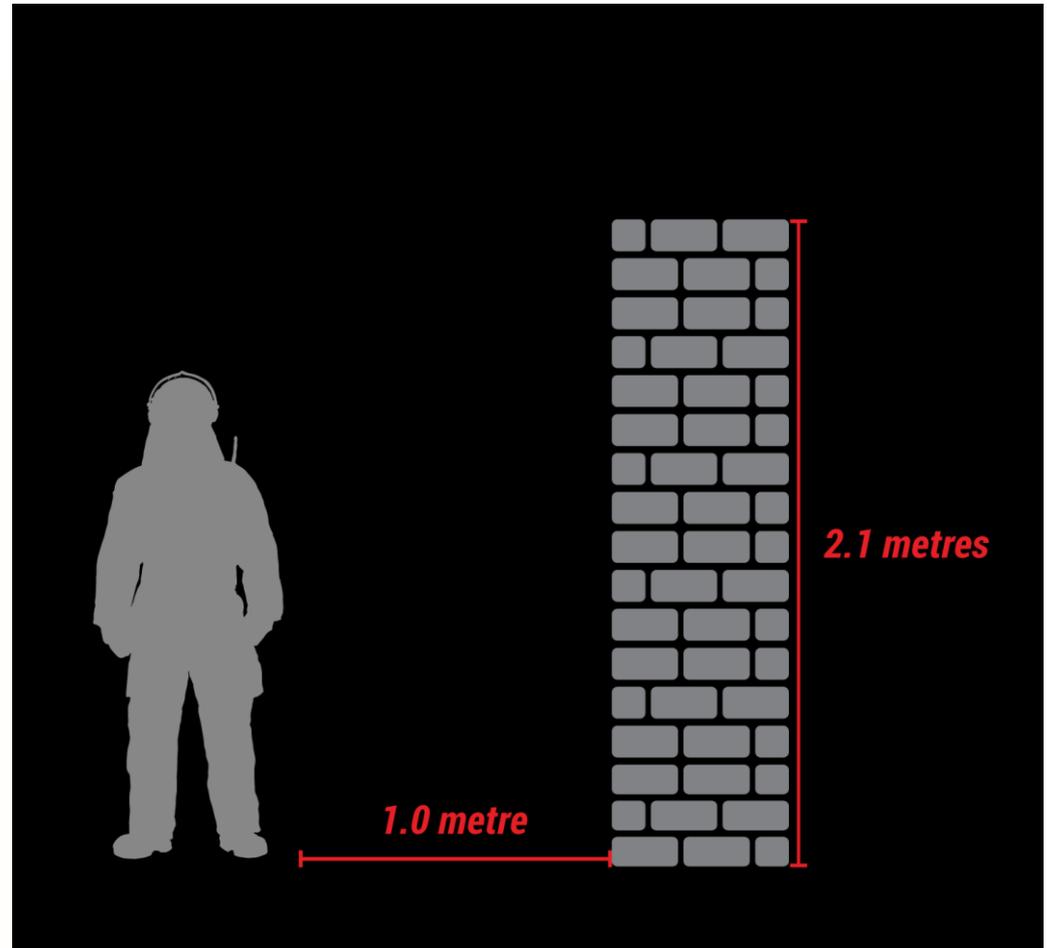
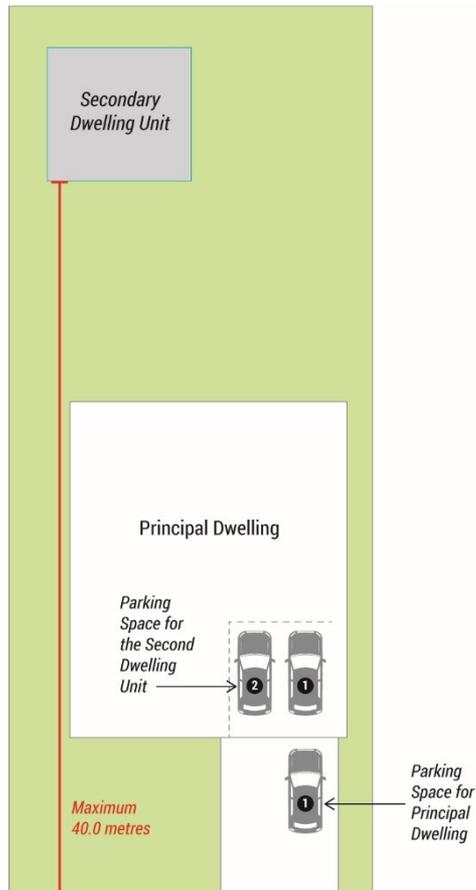
50 square metres or more



12.0 Square Metres of landscaping



# OBC and Fire Code Regulations for Detached Second Dwelling Units



# OBC and Fire Code Regulations for Detached Second Dwelling Units



## Design Regulation – Detached SDUs



Illustration not to scale

## Building Size Regulation – Detached SDUs

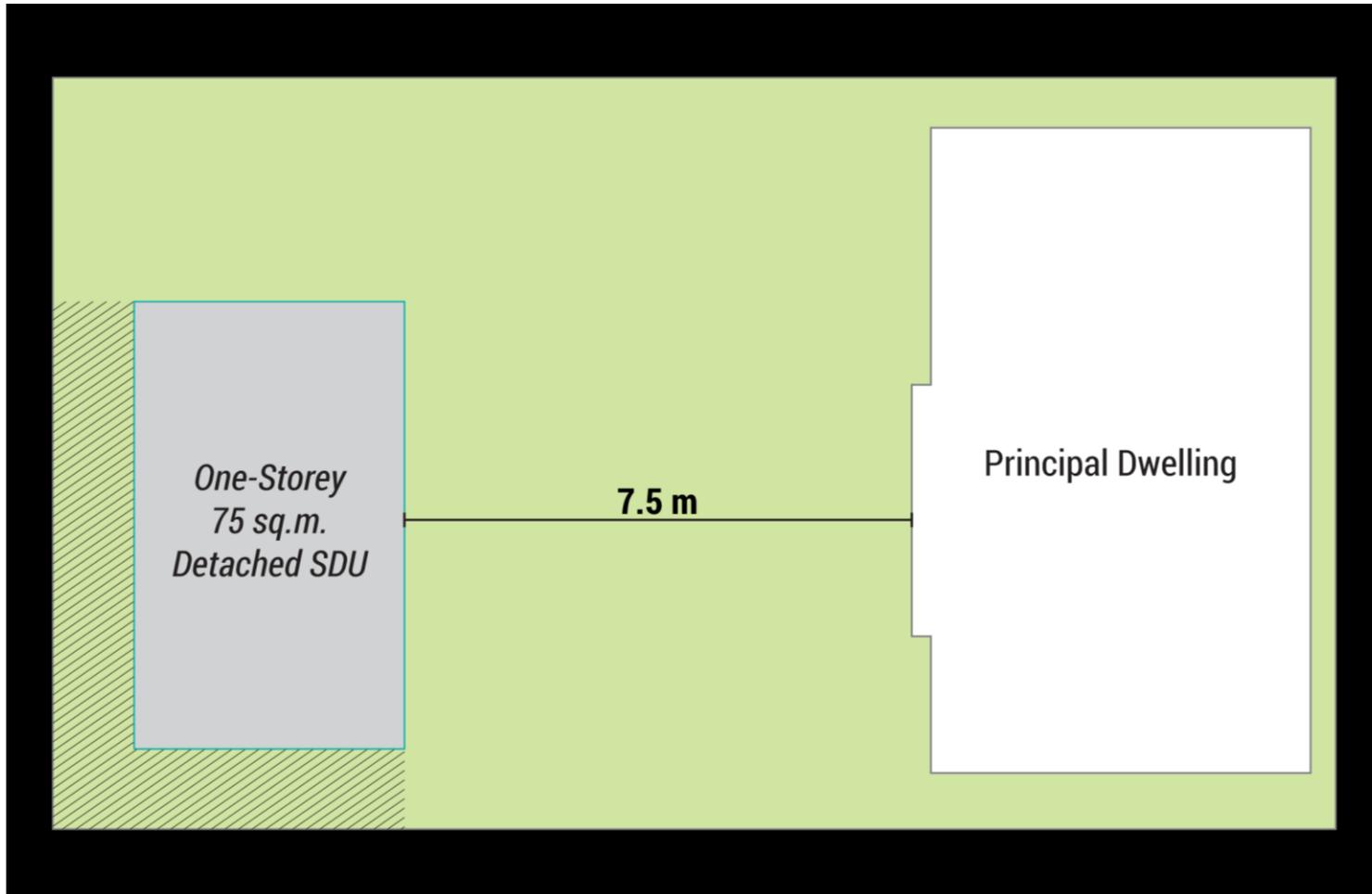
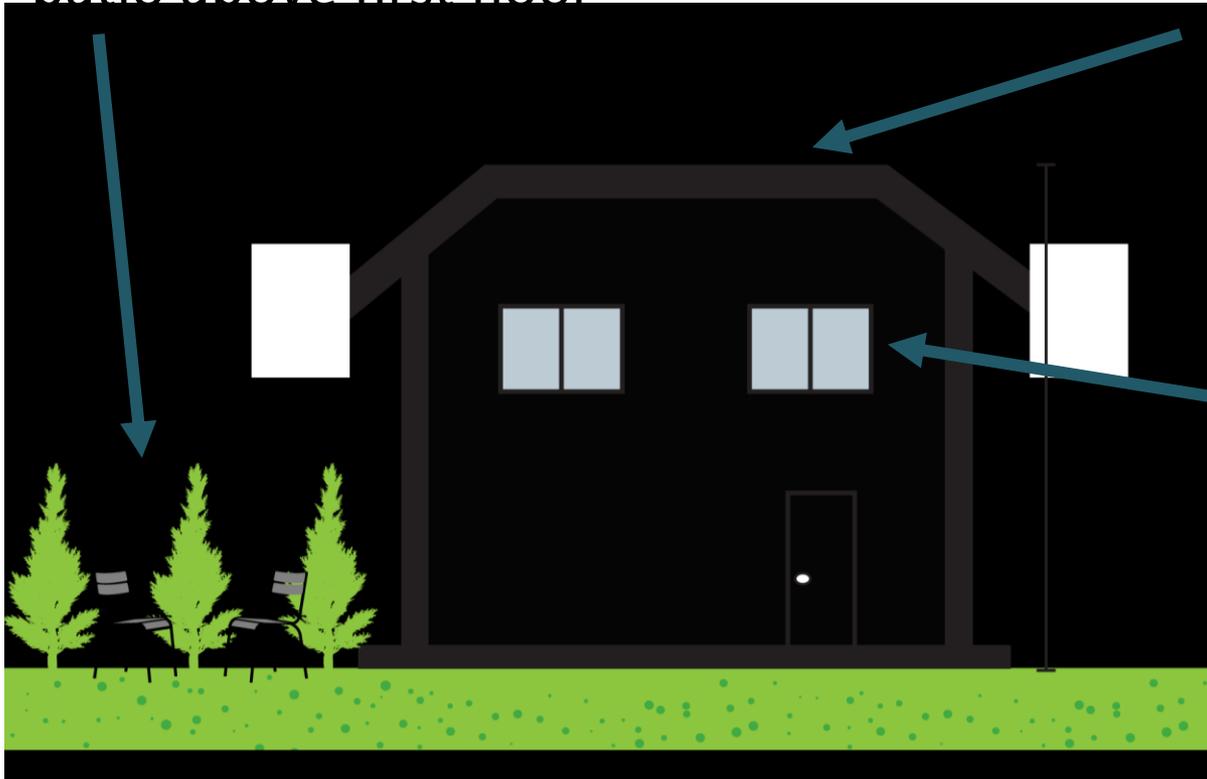


Illustration not to scale

## Design Regulation – Detached SDUs

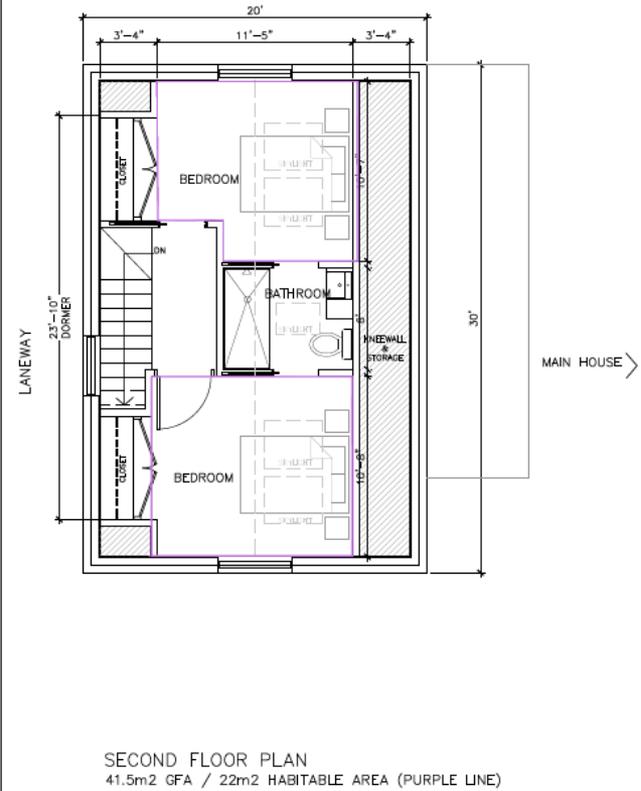
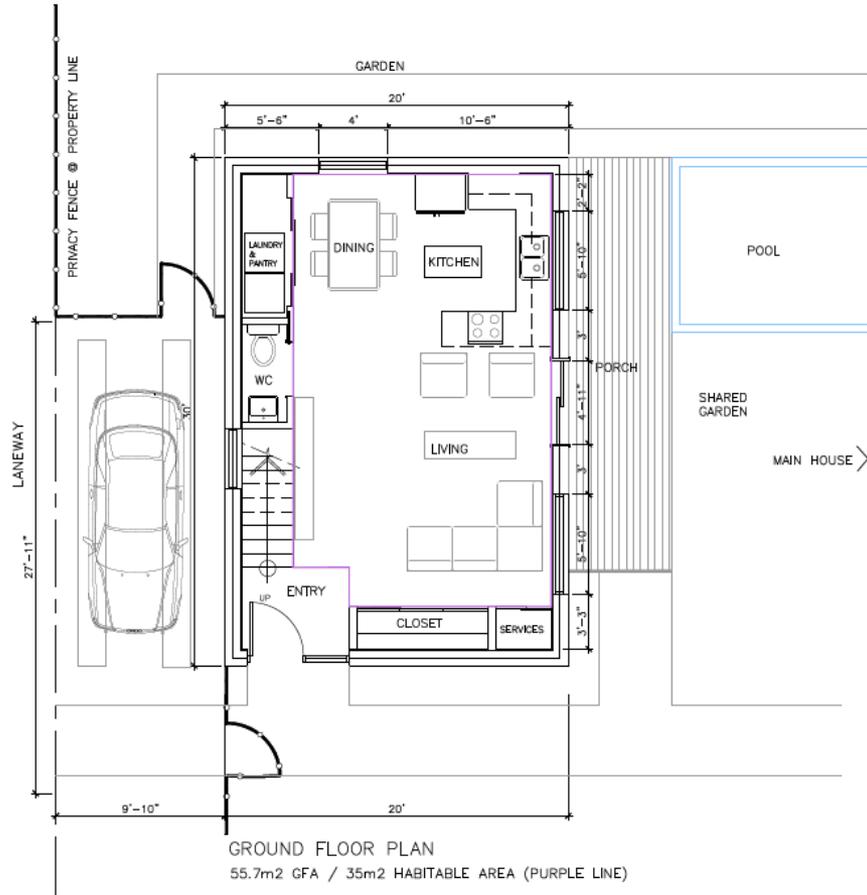
No balcony or rooftop patio above first floor



Roof design subject to maximum height

Windows on all floors as per OBC





PRELIMINARY FLOOR PLANS  
SCALE 1:75



## Detached Second Dwelling Units - Conversion



# Detached Second Dwelling Units - Conversion



# Parking Regulations for SDUs

Permitted

Not Permitted

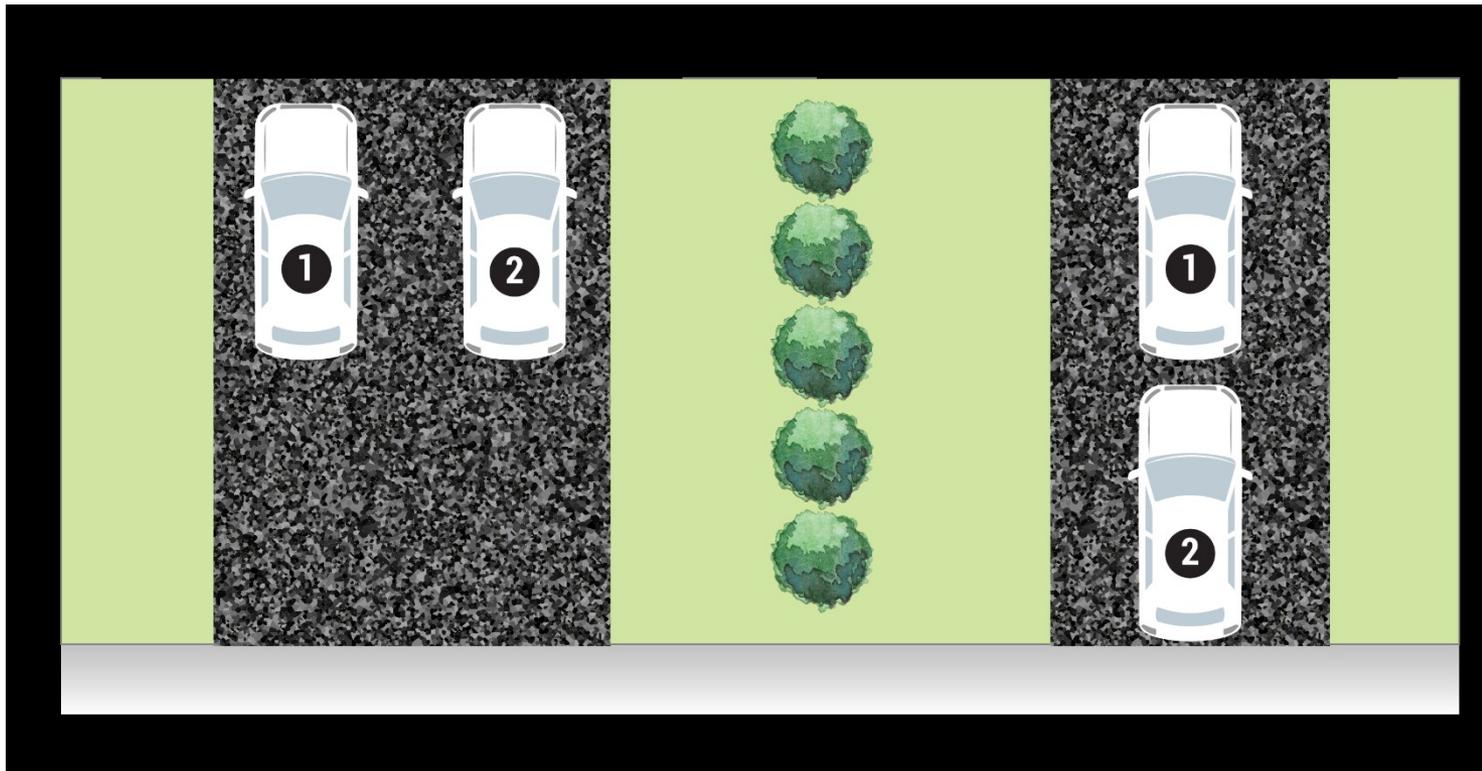


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Street



# Parking Regulations for SDUs

## Building Façade

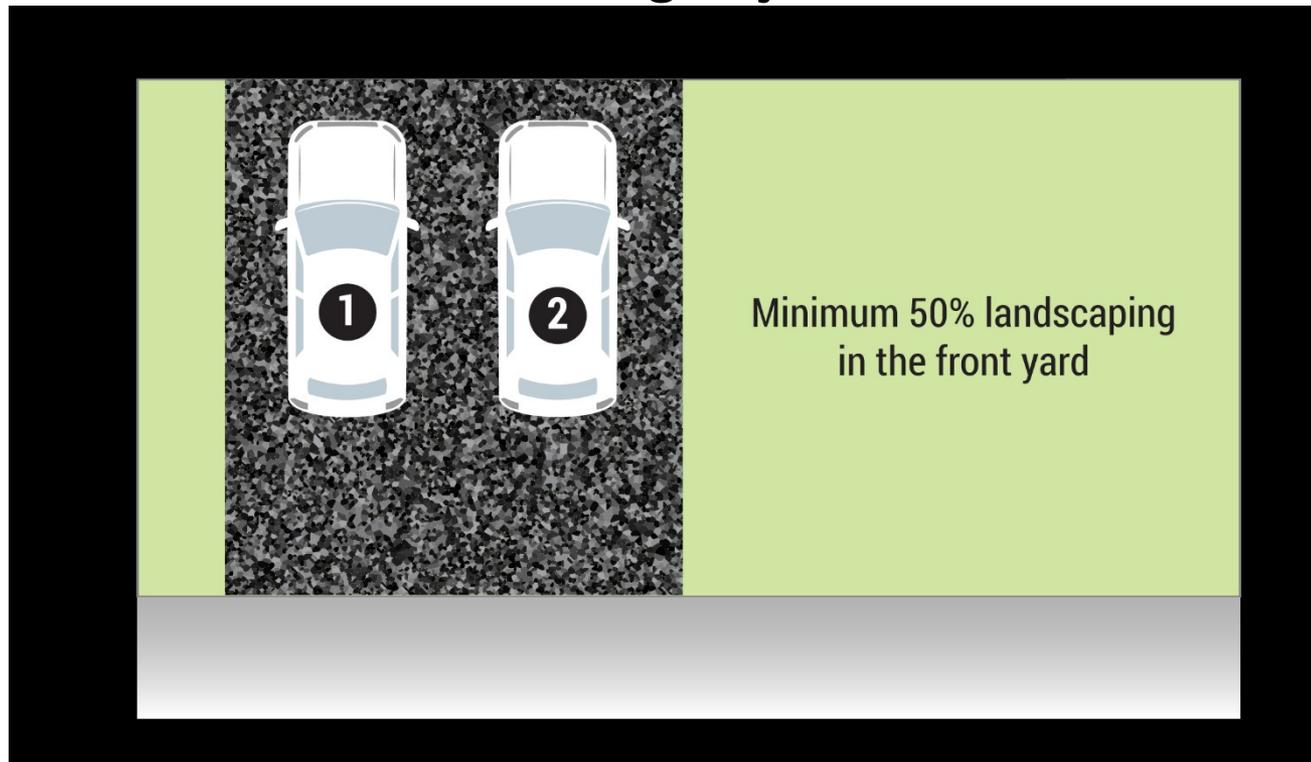
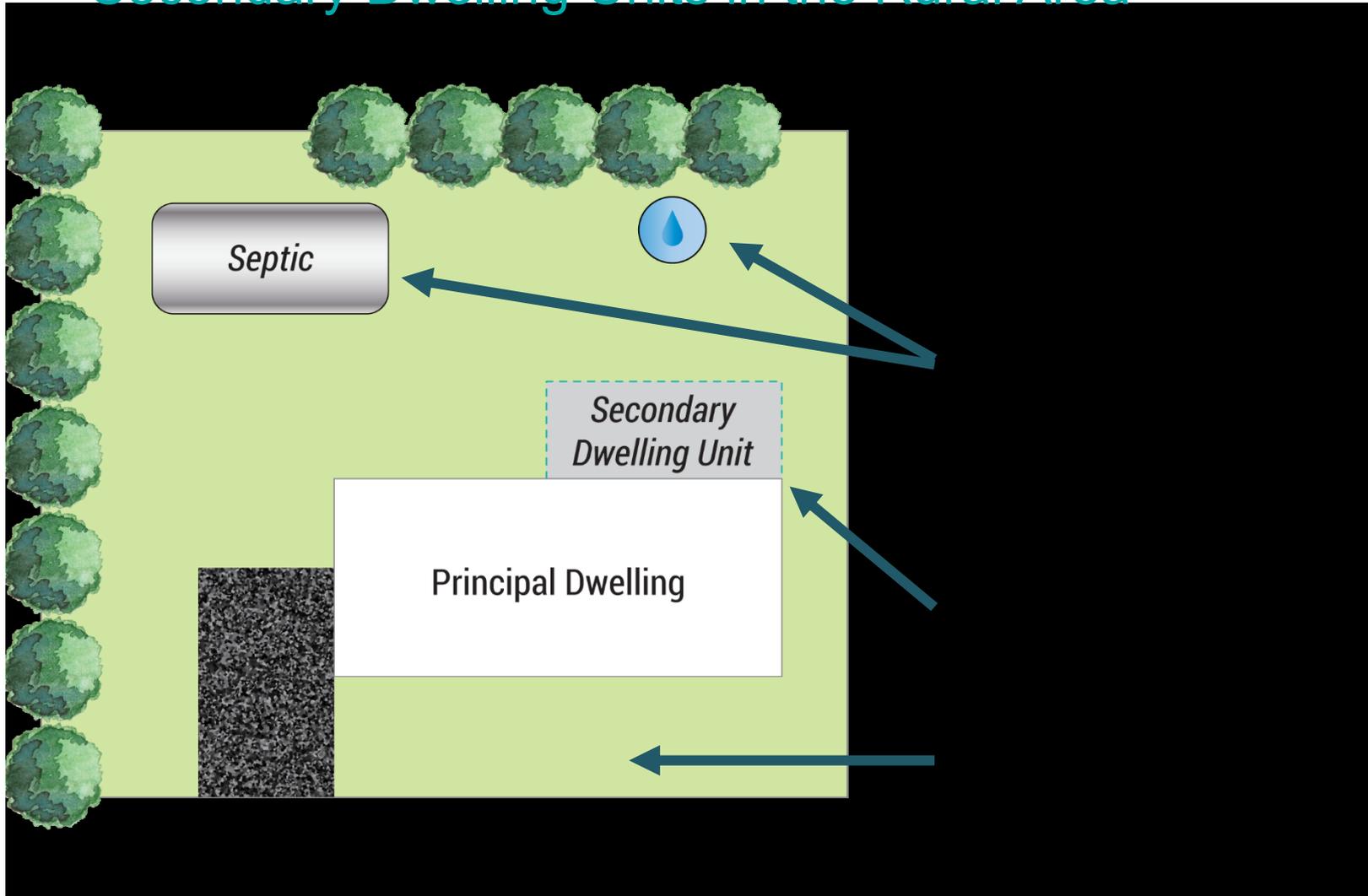


Illustration not to scale

# Secondary Dwelling Units in the Rural Area



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settlement

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## New Fee Reductions to Support SDUs

- Proposed reduction in Minor Variance fee to \$600 for modifications to SDU regulations only. Assists by reducing overall costs by homeowners.
- Amendment to the Parkland Dedication By-law for reduced fees when constructing more than on SDU, whether detached or internal units.
- On March 31, 2021, Council directing staff to update the Development Charges By-law based on the SDU permissions of up to two SDUs on a lot. Effective date will be in July 2021.



## Repeal of By-laws in Hamilton Zoning By-law No. 6593

### **Laneway Housing Pilot Project (By-law No. 18-299)**

- Approved in 2018 to permit detached SDUs when lots abut a laneway.
- Permissions in Wards 1 to 4.
- No longer required as new regulations permits detached SDUs (new or converted).

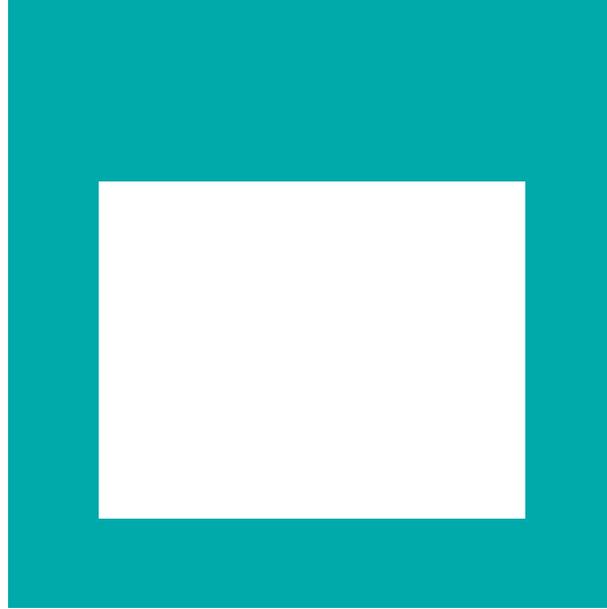
### **Temporary Use By-law (By-law No. 19-307)**

- Modifies certain regulations under Section 19(1) in Wards 1, 7, and parts of 14 to provide some flexibility
- Expires December 2021.
- No longer required as new set of regulations will replace Section 19(1).

# Update of the Accessory Building Regulations in Hamilton Zoning By-law No.05-200

- Current Accessory Building regulations in Section 4.8 have been in effect since 2005.
- Needs updating as new Zones have been added over time and address unforeseen scenarios.
- New regulations for:
  - Mixed Use Development
  - Considerations for carports, play equipment, and gazebos.





THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE