

Authority: Item 6, Planning Committee
Report 21-014 (PED20093(b))
CM: September 29, 2021
Ward: City Wide

Bill No. 167

CITY OF HAMILTON

BY-LAW NO. 21-167

To Amend 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 By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464. Hamilton Zoning By-law No. 6593 and City of Stoney Creek Zoning By-law No. 3692-92 Respecting Amendments to the Secondary Dwelling Unit Regulations

WHEREAS Council approved Item 6 of Report 21-014 of the Planning Committee, at the meeting held on September 29, 2021;

AND WHEREAS these By-laws are in conformity with the Urban and Rural Hamilton Official Plan.

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

1. That Zoning By-law No. 05-200, as amended by By-law 21-71, be further amended, in accordance with Appendix "A", attached to this By-law.
- 2.. That the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law 21-72, be further amended, in accordance with Appendix "B", attached to this By-law.
3. That the Town of Dundas Zoning By-law No. 3581-86, as amended by By-law 21-73, be further amended, in accordance with Appendix "C", attached to this By-law.
- 4.. That Town of Flamborough Zoning By-law No.90-145-Z, as amended by By-law 21-74, be further amended, in accordance with Appendix "D", attached to this By-law.
5. That Township of Glanbrook Zoning By-law No. 464, as amended by By-law 21-75, be further amended, in accordance with Appendix "E", attached to this By-law.
6. That Hamilton Zoning By-law No. 6593, as amended by By-law 21-76, be further amended, in accordance with Appendix "F", attached to this By-law.
7. That City of Stoney Creek Zoning By-law No. 3692-92, as amended by By-law 21-77, be further amended, in accordance with Appendix "G", attached to this By-law.

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

PASSED this 29th day of September, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-20-E

To Amend Zoning By-law 05-200, Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough 90-145-Z, Township of Glanbrook Zoning By-law No. 464. Hamilton Zoning By-law No. 6593 and City of Stoney Creek Zoning By-law No. 3692-92 Respecting Secondary Dwelling Unit Regulations

Modifications to By-law 21-71 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
4.33 h) (existing)	<p>Parking shall be provided:</p> <p>1) In accordance with Section 5 of this by-law; and,</p> <p>2) Notwithstanding clause (h)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.</p>	<p>Parking shall be provided:</p> <p>1) In accordance with Section 5 of this by-law; and,</p> <p>2) Notwithstanding clause (h)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.</p>	<p>There have been some questions of interpretations on the parking requirements.</p> <p>This change will allow the existing single detached dwelling to retain whatever parking it legally had as of May 12, 2021 and to ensure the requirement for the SDU parking does not inadvertently affect the existing dwelling.</p>
4.33 n) (existing)	<p>Except as provided in Subsection 4.33q), the exterior appearance and character of the front façade of the Single Detached Dwelling, SemiDetached Dwelling or Street Townhouse Dwelling shall be preserved.</p>	(regulation deleted)	<p>The regulation has been deleted as the regulation is unnecessary. The regulation originated from Hamilton Zoning By-law No. 6593. The regulation was interpreted to not permit two front doors. As a regulation already exist in the SDU regulations, it is recommended to be deleted.</p>

Modifications to By-law 21-71 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
4.33 p) (existing)	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, or in the case of a corner lot, the street frontage where the principal entrance is not located on.	Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the interior Side Lot Line or Rear Lot Line, or in the case of a corner lot, the street frontage where the principal entrance is not located on.	Amendment addresses corner lots where the principal entrance faces a flankage lot line, and where the SDU entrance can only be located facing the front lot line.
4.33 o) 4.33 p) 4.33 q) 4.33 r) (existing)	4.33 o) n) 4.33 p) o) 4.33 q) p) 4.33 r) q)	4.33 n) 4.33 o) 4.33 p) 4.33 q)	A renumbering of existing regulations due to the deletion of Subsection 4.33 n) (see above).
4.33 q) (existing)	Notwithstanding 4.33 p) o) , an additional entrance may be located on the front façade of the building for lands identified on Special Figure 24 to Schedule "F".	Notwithstanding 4.33 o), an additional entrance may be located on the front façade of the building for lands identified on Special Figure 24 to Schedule "F".	A change in cross-referencing due to renumbering (see above).

Modifications to By-law 21-71 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
4.33.1a) (existing)	<p>A legally established accessory building existing as of May 12, 2021 in a Downtown (D5) Zone, Institutional (I1) Zone, Institutional (I2) 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:</p>	<p>A legally established accessory building existing as of May 12, 2021 in a Downtown (D5) Zone, Institutional (I1) Zone, Institutional (I2) 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:</p>	<p>Expand the preamble to separate Institutional (I1) Zone and Institutional (I2) Zone. Provides clarity to the preamble.</p>
4.33.1a) 2.	<p>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 p) q) and Subsections 4.33.1 (b) of this Zoning By-law;</p>	<p>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), and q) and Subsections 4.33.1 (b) of this Zoning By-law;</p>	<p>A change in cross-referencing due to renumbering (see above).</p>
4.33.1b) 2. (existing)	<p>A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not</p>

Modifications to By-law 21-71 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added			
			impacting the integrity of the foundation and weeping tiles of the detached SDU.
4.33.1b) 3. (existing)	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.
4.33.1b) 4. (existing)	Notwithstanding Sections 4.33.1 b)2) and 3) and 3) , permeable pavers may be permitted where a parking space and driveway abut a laneway or street.	Notwithstanding Sections 4.33.1 b)2) and 3), permeable pavers may be permitted where a parking space and driveway abut a laneway or street.	Also allow permeable pavers in the side yard for purposes of parking.

Modifications to By-law 21-71 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
<p>Special Exception 325 (existing within Schedule “C” to Zoning By-law No. 05-200)</p>	<p>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, and shall be in accordance with Section 4.33 of the By-law.</p>	<p>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, and shall be in accordance with Section 4.33 of the By-law.</p>	<p>An amendment to the regulation cross-references Section 4.33 – Secondary Dwelling Units.</p>

Modifications to By-law 21-72 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added			
New clause	Add a new clause (jj) (jj) Notwithstanding Section 7.14(b)9i)(A), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.	(jj) Notwithstanding Section 7.14(b)9i)(A), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.	There have been some questions of interpretations on the parking requirements. This change will allow the existing single detached dwelling to retain whatever parking it legally had as of May 12, 2021 and to ensure the requirement for the SDU parking does not inadvertently affect the existing dwelling.
9.14.(a)(o) (existing)	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, or in the case of a corner lot, the street frontage where the principal entrance is not located on.	Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the interior Side Lot Line or Rear Lot Line, or in the case of a corner lot, the street frontage where the principal entrance is not located on.	Amendment addresses corner lots where the principal entrance faces a flankage lot line, and where the SDU entrance can only be located facing the front lot line.
9.14 (m) (existing)	The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse	(regulation deleted)	The regulation has been deleted as the regulation is unnecessary. The regulation originated

Modifications to By-law 21-72 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
	<p>Dwelling shall be preserved.</p>		<p>from Hamilton Zoning By-law No. 6593. The regulation was interpreted to not permit two front doors. As a regulation already exist in the SDU regulations, this regulation is deleted.</p>
<p>9.14.1(b)(ii) (existing)</p>	<p>A minimum 1.5 m Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>A minimum 1.5 m Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.</p>

Modifications to By-law 21-72 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
<p>9.14.1(b)(iii) (existing)</p>	<p>A minimum 1.5 m Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>A minimum 1.5 m Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.</p>
<p>10.3.7 (existing)</p>	<p>10.3.7 10.3.8 Secondary Dwelling Units</p>	<p>10.3.8 Secondary Dwelling Units</p>	<p>Correct the numbering of Section 10.3.7 as this number is shared with another existing subsection. Section 10.3.8 will now provide correct cross-reference. Regulation does not change.</p>

Modifications to By-law 21-73 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added			
6.31 xi)	xi) Parking shall be provided: 1) in accordance with Section 7 of this by-law; and, 2) notwithstanding clause (k)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.	xi) Parking shall be provided: 1) in accordance with Section 7 of this by-law; and, 2) notwithstanding clause (k)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.	There have been some questions of interpretations on the parking requirements. This change will allow the existing single detached dwelling to retain whatever parking it legally had as of May 12, 2021 and to ensure the requirement for the SDU parking does not inadvertently affect the existing dwelling.
6.31 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.	(regulation deleted)	The regulation has been deleted as the regulation is unnecessary. The regulation originated from Hamilton Zoning By-law No. 6593. The regulation was interpreted to not permit two front doors. As a regulation already exist in the SDU regulations, this regulation is deleted.

Modifications to By-law 21-73 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
6.31 xxii) (existing)	<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, or in the case of a corner lot, the street frontage where the principal entrance is not located on.</p>	<p>Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the interior Side Lot Line or Rear Lot Line, or in the case of a corner lot, the street frontage where the principal entrance is not located on.</p>	<p>Amendment addresses corner lots where the principal entrance faces a flankage lot line, and where the SDU entrance can only be located facing the front lot line.</p>
6:31.1ii)b) (existing)	<p>A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.</p>

Modifications to By-law 21-73 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
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6:31.1ii)c) (existing)	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.
6:31.1ii)d) (existing)	Notwithstanding Sections Subsections be) and c) , permeable pavers may be permitted where a parking space and driveway abut a laneway or street.	Notwithstanding Subsections b) and c), permeable pavers may be permitted where a parking space and driveway abut a laneway or street.	Also allow permeable pavers in the side yard for purposes of parking.
7.12.1.10 (existing)	Secondary Dwelling Unit, Secondary Dwelling Unit - Detached 1 space per unit	Secondary Dwelling Unit, Secondary Dwelling Unit - Detached 1 space per unit	Secondary Dwelling Unit – Detached was inadvertently excluded from the parking space requirement.

Modifications to By-law 21-74 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
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5.43.1 (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.	(regulation deleted)	The regulation has been deleted as the regulation is unnecessary. The regulation originated from Hamilton Zoning By-law No. 6593. The regulation was interpreted to not permit two front doors. As a regulation already exist in the SDU regulations, this regulation is deleted.
5.43.1 (q) (existing)	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, or in the case of a corner lot, the street frontage where the principal entrance is not located on.	Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the interior Side Lot Line or Rear Lot Line, or in the case of a corner lot, the street frontage where the principal entrance is not located on.	Amendment addresses corner lots where the principal entrance faces a flankage lot line, and where the SDU entrance can only be located facing the front lot line.
5.43.3(b)ii) (existing)	A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod	A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some

Modifications to By-law 21-74 Secondary Dwelling Units			
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	or ground cover.		rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.
5.43.3(b)iii) (existing)	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.
5.43.3(b)xi) (existing)	Each of the landscaped areas in Subsection 5.43.2r 5.43.1r shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres.	Each of the landscaped areas in Subsection 5.43.1r) shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres.	Amendment does not affect intent of the By-law. Correct the cross-referenced subsection.
11.13k)	k) Parking shall be provided: 1) in accordance with Section 7.35a) of this by-law; and, 2) notwithstanding clause (k)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking	k) Parking shall be provided: 1) in accordance with Section 7.35a) of this by-law; and, 2) notwithstanding clause (k)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which	There have been some questions of interpretations on the parking requirements. This change will allow the existing single detached dwelling to

Modifications to By-law 21-74 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
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	spaces, which existed on May 12, 2021, shall continue to be provided and maintained.	existed on May 12, 2021, shall continue to be provided and maintained.	retain whatever parking it legally had as of May 12, 2021 and to ensure the requirement for the SDU parking does not inadvertently affect the existing dwelling.
17.1 (existing)	e) aa) Secondary Dwelling Units and Secondary Dwelling Units – Detached, subject to the provisions of Subsection 5.43.	aa) Secondary Dwelling Units and Secondary Dwelling Units – Detached, subject to the provisions of Subsection 5.43.	Amendment does not affect intent of the By-law. Correct the cross-referenced subsection.

Modifications to By-law 21-75 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added			
11.13k)	(k) Parking shall be provided: 1) in accordance with Section 7.35a) of this by-law; and, 2) notwithstanding clause (k)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.	(k) Parking shall be provided: 1) in accordance with Section 7.35a) of this by-law; and, 2) notwithstanding clause (k)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.	There have been some questions of interpretations on the parking requirements. This change will allow the existing single detached dwelling to retain whatever parking it legally had as of May 12, 2021 and to ensure the requirement for the SDU parking does not inadvertently affect the existing dwelling.
11.13n) (existing)	The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.	(regulation deleted)	The regulation has been deleted as the regulation is unnecessary. The regulation originated from Hamilton Zoning By-law No. 6593. The regulation was interpreted to not permit two front doors. As a regulation already exist in the SDU regulations, this regulation is

Modifications to By-law 21-75 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
			deleted.
11.13p) (existing)	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, or in the case of a corner lot, the street frontage where the principal entrance is not located on.	Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the interior Side Lot Line or Rear Lot Line, or in the case of a corner lot, the street frontage where the principal entrance is not located on.	Amendment addresses corner lots where the principal entrance faces a flankage lot line, and where the SDU entrance can only be located facing the front lot line.
11.13.1b)(ii) (existing)	A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.

Modifications to By-law 21-75 Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
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11.13.1b)(iii) (existing)	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.

Modifications to By-law 21-76			
SECTION 19: RESIDENTIAL CONVERSIONS Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
19.(1) (existing)	Notwithstanding anything contained in this By-law, any new or legally established single detached, semi-detached, and street townhouse dwelling in all Residential Districts, and “H” (Community Shopping and Commercial, etc.) District...	Notwithstanding anything contained in this By-law, any new or legally established single detached, semi-detached, and street townhouse dwelling in all Residential Districts, and “H” (Community Shopping and Commercial, etc.) District...	Provides clarity that a applicant can construct a purpose built single, semi, or street townhouse, plus a purpose built SDU at the same time.
19.(1)(v) (existing)	Delete Clause. (v) A Secondary Dwelling Unit shall not be permitted in a cellar.	n/a	SDUs are permitted in clears in accordance with the requirements of the Ontario Building Code.
19.(1)(vi) to (xxi)	Re-number Clauses (vi) to (xxi) to (i) to (xx)	n/a	Re-numbering required as a result of the deletion of clause (v)
19.(1)(xii) (existing)	Notwithstanding Section 19.(1) (xii) , (xi) for a lot containing a Secondary Dwelling Unit and or 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 May 12, 2021, shall continue to be provided and maintained;	Notwithstanding Section 19.(1)(xi) for a lot containing a Secondary Dwelling Unit or 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 May 12, 2021, shall continue to be provided and maintained; 1. Sections 19.(1)(xii) 2., 3. and 4. shall apply.	Correcting cross references as a result of the deletion of clause (v) The word ‘and’ should be ‘or’.

Modifications to By-law 21-76			
SECTION 19: RESIDENTIAL CONVERSIONS Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
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	<p>1. Sections 19.1(xiii) (xii) 2., 3. and 4. shall apply.</p> <p>4. Notwithstanding Section 19.1(xiii) (xii) 3., for a corner lot, a maximum of one driveway may be permitted from each street frontage.</p>	<p>4. Notwithstanding Section 19(xii) 3., for a corner lot, a maximum of one driveway may be permitted from each street frontage.</p>	
<p>19.(1)(xi) (existing)</p>	<p>Delete clause and replace with a new one:</p> <p>(xii) Parking shall be provided in accordance with Section 18(A) of this by law.</p>	<p>New clause:</p> <p>Notwithstanding Sections 18 - SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS and 18A – PARKING AND LOADING, the following parking requirements shall apply:</p> <p>1. Sections 18A(7), (7a), (9) and (10) shall apply.</p> <p>2. One parking space shall be provided for each Secondary Dwelling Unit and Secondary Dwelling Unit – Detached.</p> <p>3. no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021,</p>	<p>There have been some questions of interpretations on the parking requirements.</p> <p>This change will allow the existing single detached dwelling to retain whatever parking it legally had as of May 12, 2021 and to ensure the requirement for the SDU parking does not inadvertently affect the existing dwelling.</p> <p>Age of Construction: Before July 25, 1950: 0 parking spaces</p>

Modifications to By-law 21-76			
SECTION 19: RESIDENTIAL CONVERSIONS Secondary Dwelling Units			
Clause	Proposed Change	Proposed Revised Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
		<p>shall continue to be provided and maintained.</p> <p>4. For all properties, with the exception of corner lots, parking may be permitted in the front yard provided that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.</p> <p>5. For properties on a corner lot, parking may be permitted in the side yard that abuts the street line provided that: (i) the area for parking shall not occupy more than 50% of the gross area of the side yard; and, (ii) not less than 50% of the gross area of the side yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials.</p> <p>6. For the purposes of calculating the gross areas of the front yard, Sections 18A (14)(d) to (f) shall apply.</p>	<p>July 26, 1950 – May 26, 1997: 1 parking space</p> <p>After May 27, 1997: 2 parking spaces for the first 8 habitable rooms in a dwelling unit, plus 0.5 parking spaces for each additional habitable room.</p>
19(1)(xiii) (existing)	Notwithstanding Section 19.(1)(xii), for a lot containing a Secondary Dwelling Unit and or Secondary Dwelling Unit - Detached identified in Schedule “P” of	Notwithstanding Section 19.(1)(xii), for a lot containing a Secondary Dwelling Unit or Secondary Dwelling Unit - Detached identified in Schedule “P” of Section 22,...	Amendment provides clarity that Schedule “P” applies on a lot containing either types

Modifications to By-law 21-76			
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	Section 22,...		of SDUs, not both.
19.(1)(xv) (existing)	<p>Except as provided in Subsection 19.(1)(xvii)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.</p>	(regulation deleted)	The regulation has been deleted as the regulation is unnecessary. The regulation originated from Hamilton Zoning By-law No. 6593. The regulation was interpreted to not permit two front doors. As a regulation already existin the SDU regulations, this regulation is deleted.
19.(1)(xvii) (existing)	<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, or in the case of a corner lot, the street frontage where the principal entrance is not located on.</p>	Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the interior Side Lot Line or Rear Lot Line, or in the case of a corner lot, the street frontage where the principal entrance is not located on.	Amendment addresses corner lots where the principal entrance faces a flankage lot line, and where the SDU entrance can only be located facing the front lot line.
19.(1)(xviii) (existing)	Notwithstanding 19.(1)(xvii)(xvi)	Notwithstanding 19.(1)(xvi)	Amendment does not change the intent of the original regulation. Corrections in the cross-

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			referencing.
19(1).1(i)(2) (existing)	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) to xiv) to xiii) inclusive, xix) xx), and xxi) , xviii), xix) and xx) and Subsections 19.(1).1 (ii) of this Zoning 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 19.(1) ii)iv) to xiii) inclusive, xviii), xix) and xx)and Subsections 19.(1).1 (ii) of this Zoning By-law	Amendment does not change the intent of the original regulation. Corrections in the cross-referencing.
19(1).1(ii)(2) (existing)	A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.

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19(1).1(ii)(3) (existing)	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.
19(1).1(ii)(4) (existing)	Notwithstanding Sections 19.(1).1(ii) 2 3 . and 3 ., permeable pavers may be permitted where a parking space and driveway abut a laneway or street.	Notwithstanding Sections 19.(1).1(ii)2. and 3., permeable pavers may be permitted where a parking space and driveway abut a laneway or street.	Also allow permeable pavers in the side yard for purposes of parking.
19(1).1(ii)(5) (existing)	Notwithstanding Section 19.(1).1(ii)3., where the SDU Secondary Dwelling Unit - Detached entrance faces the laneway, a minimum 0.3 metres Rear Yard shall be provided abutting a laneway	Notwithstanding Section 19.(1).1(ii)3., where the Secondary Dwelling Unit - Detached entrance faces the laneway, a minimum 0.3 metres Rear Yard shall be provided abutting a laneway	Amendment does not change the intent of the original regulation. The acronym "SDU" is spelled out in its entirety.

Modifications to By-law 21-77 Secondary Dwelling Units			
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6.1.7k)	<p>(k) Parking shall be provided:</p> <p>1) in accordance with Section 4.10 of this by-law; and,</p> <p>2) notwithstanding clause (k)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.</p>	<p>(k) Parking shall be provided:</p> <p>1) in accordance with Section 4.10 of this by-law; and,</p> <p>2) notwithstanding clause (k)1), no additional parking space shall be required for any dwelling on a lot, provided the number of legally established parking spaces, which existed on May 12, 2021, shall continue to be provided and maintained.</p>	<p>There have been some questions of interpretations on the parking requirements.</p> <p>This change will allow the existing single detached dwelling to retain whatever parking it legally had as of May 12, 2021 and to ensure the requirement for the SDU parking does not inadvertently affect the existing dwelling.</p>
6.1.7n) (existing)	<p>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>	<p>(regulation deleted)</p>	<p>The regulation has been deleted as the regulation is unnecessary. The regulation originated from Hamilton Zoning By-law No. 6593. The regulation was interpreted to not permit two front doors. As a regulation already exist in the SDU regulations, this regulation is deleted.</p>

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6.1.7p) (existing)	<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, or in the case of a corner lot, the street frontage where the principal entrance is not located on.</p>	<p>Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the interior Side Lot Line or Rear Lot Line, or in the case of a corner lot, the street frontage where the principal entrance is not located on.</p>	<p>Amendment addresses corner lots where the principal entrance faces a flankage lot line, and where the SDU entrance can only be located facing the front lot line.</p>
6.1.7.2b)ii) (existing)	<p>A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>A minimum 1.2 metres interior Side Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.</p>	<p>Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.</p>

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6.1.7.2b)iii) (existing)	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	A minimum 1.2 metres Rear Yard shall be provided which shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.	Ground cover such as clovers and some ornamental grass also functions to stabilize soils and absorb some rainwater, while not impacting the integrity of the foundation and weeping tiles of the detached SDU.
6.1.7.2b)(xi) (existing)	Each of the landscaped areas in Subsection 4.1.13q) 6.1.7(q).	Each of the landscaped areas in Subsection 6.1.7(q).	Amendment does not change the intent of the original regulation. Corrections in the cross-referencing.
6.1.7.2b)(vi)(1) (existing)	For the purpose of this regulation, a Gross Floor Area shall not include exclude a garage, breezeway, porch, veranda, balcony, attic, basement, cellar, elevator shaft area or boiler room	For the purpose of this regulation, a Gross Floor Area shall not include a garage, breezeway, porch, veranda, balcony, attic, basement, cellar, elevator shaft area or boiler room	Amendment corrects the words “exclude” to “include”.
6.3.6.1 6.4.6.1 6.5.6.1 6.6.5.1 6.7.6.1 6.8.3i) 6.9.5.1 6.10.6.1	Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.9 6.1.7.	Secondary Dwelling Units and Secondary Dwelling Units – Detached are permitted in accordance with Section 6.1.7.	Amendment does not change the intent of the original regulation. Corrections in the cross-referencing.