

**Authority:** Item 9, Planning Committee  
Report 21-006 (PED20093(a))  
CM: April 28, 2021  
Ward: City Wide

**Bill No. 070**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-**

#### **To Amend Zoning By-law No. 05-200, Respecting Interpretation and New Accessory Building Regulations**

**WHEREAS** Council approved Item 9 of Report 21-006 of the Planning Committee, at the meeting held on April 28, 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. m<sup>2</sup> – 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**

An 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
    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
    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
    - 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.

**4.8.5 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 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

CI-21-A