

**CITY OF HAMILTON**

**BY-LAW NO. 21-  
To Amend Zoning By-law No. 87-57 (Ancaster)  
Respecting Secondary Dwelling Unit 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 will be in conformity with the Urban Hamilton Official Plan.

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

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

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

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

**“9.14 Secondary Dwelling Units and Secondary Dwelling Units - Detached**

- (a) For the purposes of **Section 9.14 - Secondary Dwelling Units and Secondary Dwelling Units - Detached**, the following definitions shall apply:
  - (i) **Ditch** means a small to moderate excavation created to channel water.
  - (ii) **Lot Line, Flankage** means a lot line other than a Front Lot Line that abuts a street.
  - (iii) **Secondary Dwelling Unit** means a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling.
  - (iv) **Secondary Dwelling Unit – Detached** means a separate and self-contained detached Dwelling Unit that is accessory to and located on the same lot as the principal dwelling.
  - (v) **Swale** means a graded or engineered landscape feature appearing as a linear, shallow, open channel to provide for water drainage.

- (vi) **Yard, Flankage** means a yard extending from the front yard to the Rear Yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.
- (b) Notwithstanding Section 7.18, a Secondary Dwelling Unit – Detached shall only be considered as an accessory building for the purposes of Lot Coverage.
- (c) For lands within a Residential Zones or Deferred Development “D” Zone, a maximum of one Secondary Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling or Street Townhouse Dwelling.
- (d) For lands within a Residential Zones, a maximum of one Secondary Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling or a Street Townhouse Dwelling.
- (e) Notwithstanding Section 9.6, a Secondary Dwelling Unit and Secondary Dwelling Unit – Detached may be permitted in a basement.
- (f) A Secondary Dwelling Unit shall be permitted in each semi-detached or street townhouse dwelling unit on a non-severed lot.
- (g) A single detached dwelling containing one Secondary Dwelling Unit, Secondary Dwelling Unit – Detached, or both, shall not be considered a duplex or triplex.
- (h) A semi-detached dwelling containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex, apartment building, or multi-plex dwelling.
- (i) A street townhouse dwelling on one lot containing one Secondary Dwelling Unit, one Secondary Dwelling Unit – Detached, or both, shall not be considered a triplex, apartment building, or multi-plex dwelling.
- (j) Notwithstanding Section 7.14a)xiii), permeable pavers may also be permitted.
- (k) Not less than 50% of the gross area of the Front and Flankage Yards shall be used for a landscaped area and shall not include concrete, asphalt, gravel, pavers, or other similar material, and where required parking may be located in a required Front or Exterior Side Yard;
- (i) Encroachments in the Front and Flankage Yards identified in Section 9.14k) shall be subject to Section 7.12.

- (ii) Notwithstanding Section 9.14k), where at least half the Front Lot Line is curved and the landscaped area of the Front Yard is less than 50%, the following exemptions for the calculation of the gross area of the Front Yard shall apply and provided all the remaining area shall be landscaped excluding concrete, asphalt, gravel, pavers or other similar materials:
  - (A) A driveway between the front entrance of the garage and the Front Lot Line with maximum width of 3.0 m for each door of a one, two or three car garage or 5.5 m for a double door of a two car garage; and,
  - (B) A walkway between the front entrance of the principle dwelling and the Front Lot Line or driveway with a maximum width of 0.6 m;
- (iii) A maximum one driveway shall be permitted for each lot containing a Secondary Dwelling Unit or Secondary Dwelling Unit - Detached; and,
- (iv) Notwithstanding Section 9.14k) iii), for a corner lot, a maximum of one driveway may be permitted from each street frontage.
- (l) A Secondary Dwelling Unit – Detached shall only be permitted in a Rear and interior Side Yard. In the case of a through lot, a Secondary Dwelling Unit – Detached shall not be permitted in any yard abutting a street.
- (m) The exterior appearance and character of the front façade of the Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling shall be preserved.
- (n) There shall be no outside stairway above the first floor other than an required exterior exit.
- (o) Any separate entrance and exit to the Secondary Dwelling Unit shall be oriented toward the Flankage Lot Line, interior Side Lot Line or Rear Lot Line.
- (p) A minimum landscaped area shall be provided and maintained in the rear yard for each Secondary Dwelling Unit – Detached on the lot, in accordance with the following provisions:
  - (i) A landscaped area of 8.0 sq. m. for each dwelling unit less than 50 sq. m.; and,

- (ii) An landscaped area of 12.0 sq. m. for each dwelling unit 50 sq. m. or more.

#### **9.14.1 Regulations for Secondary Dwelling Units – Detached**

- (a) A legally established accessory building existing as of May 12, 2021 in a Residential Zone may be converted to a Secondary Dwelling Unit - Detached on a lot containing a single detached dwelling, semi-detached dwelling, and street townhouse dwelling subject to the following provisions:
  - (i) The number of required parking spaces for the principal dwelling shall be provided and maintained on the lot in accordance with the applicable provisions of this by-law.
  - (ii) Any additions over 10% of the existing gross floor area of the legally established accessory building to create a Secondary Dwelling Unit – Detached shall be in accordance with Subsections 4.33 (b), (d), (e), (g) to (l), n), and p) and Subsections 9.14.1 (b) of this Zoning By-law;
- (b) A Secondary Dwelling Unit – Detached in a Residential Zone shall be subject to the following provisions:
  - (i) Notwithstanding Section 7.18, only Subsections 7.18(a)(i), 7.18(a)(viii) shall apply.
  - (ii) 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.
  - (iii) 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.
  - (iv) A minimum setback from a Swale, Ditch or Drainage Management System measured from the upper most interior edge of the swale's slope of 1.0 m shall be provided and maintained.
  - (v) A maximum height of 6.0 m shall be permitted.
  - (vi) The maximum Gross Floor Area shall not exceed the lesser of 75.0 sq. m. or the Gross Floor Area of the Single Detached Dwelling, the Semi-Detached Dwelling Unit or the Street Townhouse Dwelling Unit.

- [illegible]

The provisions of Subsection 9.14 shall apply.”

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

The provisions of Subsection 9.14 shall apply.”

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

The provisions of Subsection 9.14 shall apply.”

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

The provisions of Subsection 9.14 shall apply.”

9. 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*.
10. That for the purposes of the Ontario Building Code, this By-law or any part of it is not made until it has come into force as provided by Section 34 of the *Planning Act*.
11. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12th day of May, 2021.

F. Eisenberger  
Mayor

A. Holland  
City Clerk