

Authority: Item
Report: (PED20093(c))
CM:
Ward: City-wide

Bill No.

CITY OF HAMILTON

BY-LAW No. _____

**To Amend Zoning By-law No. 05-200
Respecting Modifications and Updates to
Secondary Dwelling Unit and Secondary Dwelling Unit-Detached Regulations**

WHEREAS Council approved Item _____ of Report _____ of the Planning Committee, at its meeting held on the 17th of May, 2022;

AND WHEREAS this By-law is in conformity with the Urban and Rural Hamilton Official Plans.

NOW THEREFORE the Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Section 3: Definitions be amended by renaming the following definitions:

Secondary Dwelling Unit

Additional Dwelling Unit

**Secondary Dwelling Unit –
Detached**

**Additional Dwelling Unit -
Detached**

2. That Section 4.8.1: Buildings Accessory to Residential Uses, be amended by modifying Subsection 4.8.1.1 b) to replaced “Secondary Dwelling Unit – Detached” with “Additional Dwelling Unit – Detached”.
3. That Section 4.12: Vacuum Clause be amended by modifying Subsection h) to replace “Secondary Dwelling Unit” with “Additional Dwelling Unit” so that the first sentence reads:

“h) Notwithstanding Sections 1.4 and 1.7 of this By-law, a Building Permit for an Additional Dwelling Unit...”

4. That Section 4: General Provisions, be amended by deleting Section 4.33 and 4.33.1 and replacing it with the following:

"4.33 Additional Dwelling Unit and Additional Dwelling Unit – Detached

- (a) Parking shall be provided in accordance with Section 5: Parking of this By-law and the following:
 - i) For lands within the D5, I1, I2, C1 and TOC3 Zones, no additional parking space shall be required for either an Additional Dwelling Unit or an Additional Dwelling Unit - Detached, provided the required parking spaces which existed on May 12, 2021 for the existing dwelling shall continue to be provided and maintained; and,
 - ii) Notwithstanding Section 5.1 b) i) and ii), a maximum of two parking spaces for an Additional Dwelling Unit and/or Additional Dwelling Unit - Detached may be provided in the required Front Yard.
 - iii) In addition to Section 5.1 b) viii) 1., parking for a Additional Dwelling Unit and/or Additional Dwelling Unit – Detached shall maintain a minimum of 50% landscaped area in the Flankage Yard.

4.33.1 Additional Dwelling Unit

- (a) For lands within a D5, I1, I2, C1, TOC3, A1, A2 and S1 Zone, a maximum of one Additional Dwelling Unit shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.
- (b) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.1.
- (c) There shall be no outside stairway above the first floor other than a required exterior exit.
- (d) A maximum of one entrance shall be permitted on the front façade of a dwelling containing an Additional Dwelling Unit.

- i) Notwithstanding Section 4.33.1 (d) an additional entrance may be located on the front façade of the principal dwelling for lands identified on Figure 24 of Schedule F – Special Figures.

4.33.2 Additional Dwelling Unit – Detached

- (a) For lands within a D5, I1, I2, C1, and TOC3 Zone, a maximum of one Additional Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling.
- (b) In addition to Section 4.33.2 (a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Additional Dwelling Unit - Detached permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:
 - i) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to an Additional Dwelling Unit – Detached shall be in accordance with the regulations of Section 4.33.2.
- (c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.2.
- (d) An Additional Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.
- (e) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.
 - i) Notwithstanding Section 4.33.2 (e), an eave or a gutter may extend a maximum of 0.45 metres into a required minimum setback area.
 - ii) In addition to Section 4.33.2 (e), a landscape strip is required to be provided within the required side yard adjacent to an Additional Dwelling Unit – Detached and shall be limited to sod, ground cover, or permeable pavers.

- (f) An Additional Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.
- (g) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Additional Dwelling Unit – Detached shall be provided and maintained.
- (h) The following building separation shall be provided:
 - i) Where an Additional Dwelling Unit – Detached is in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached.
 - ii) Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, the following is required:
 - (A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and an Additional Dwelling Unit – Detached; and,
 - (B) An Additional Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.
- (i) A maximum height of 6.0 metres shall be permitted.
 - i) Notwithstanding Section 4.33.2 (i), balconies and rooftop patios shall be prohibited above the first floor level.
- (j) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.
 - i) Notwithstanding Section 4.33.2 (j), the maximum combined lot coverage of all accessory buildings and the Additional Dwelling Unit - Detached shall be 25%.
- (k) A minimum landscaped area of 12.0 square metres shall be provided and maintained within the rear yard.”

5. That Section 4.33.2 be amended as follows:

- i) By renumbering the Section from 4.33.2 to 4.33.3;

- ii) By replacing the term “Secondary Dwelling Unit” with “Additional Dwelling Unit”; and,
 - ii) By deleting reference to “4.33.2” found in clause b), and replacing it with “4.33.3”.
- 6. That Section 5.2 e) i) a) is amended to add the words “, permeable pavers” between the word “stone” and “or gravel” so it reads as follows:

“Shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone, permeable pavers or gravel, and shall be maintained in a dust free condition.”
- 7. That Section 5: Parking Regulations be amended by modifying Subsection 5.6 a) i. – Residential Uses and Subsections 5.6 c) i. – Residential Uses, by replacing the terms “Secondary Dwelling Unit” and “Secondary Dwelling Unit – Detached”, with “Additional Dwelling Unit” and “Additional Dwelling Unit- Detached”, and by modifying Subsection 5.6 c) vii. – Uses in A1 and A2 Zones, by replacing the term “Secondary Dwelling Unit” with “Additional Dwelling Unit”.
- 8. That Section 6.5.3.8, 8.1.3.8, 8.2.3.9, 10.1.7, 11.3.8, 12.1.3.4, 12.2.3.8, and 12.3.4, be amended by replacing the term “Secondary Dwelling Unit Regulations” with “Additional Dwelling Unit Regulations”.
- 9. That Schedule “C” – Special Exceptions, be amended as follows:
 - i) By modifying Special Exception 375, clause b) by replacing “Secondary Dwelling Unit” with “Additional Dwelling Unit”.
 - ii) By modifying Special Exception 800, 801, 802, 803, 804, 805, 806, and 808, by deleting clause b) and replacing it with “Section 4.33 shall not apply”.
- 10. That Schedule “F” – Special Figures, be amended by repealing and replacing Special Figures 24, and 24.1 to 24.5, appended to this By-law.
- 11. 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*.
- 12. 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*.
- 13. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

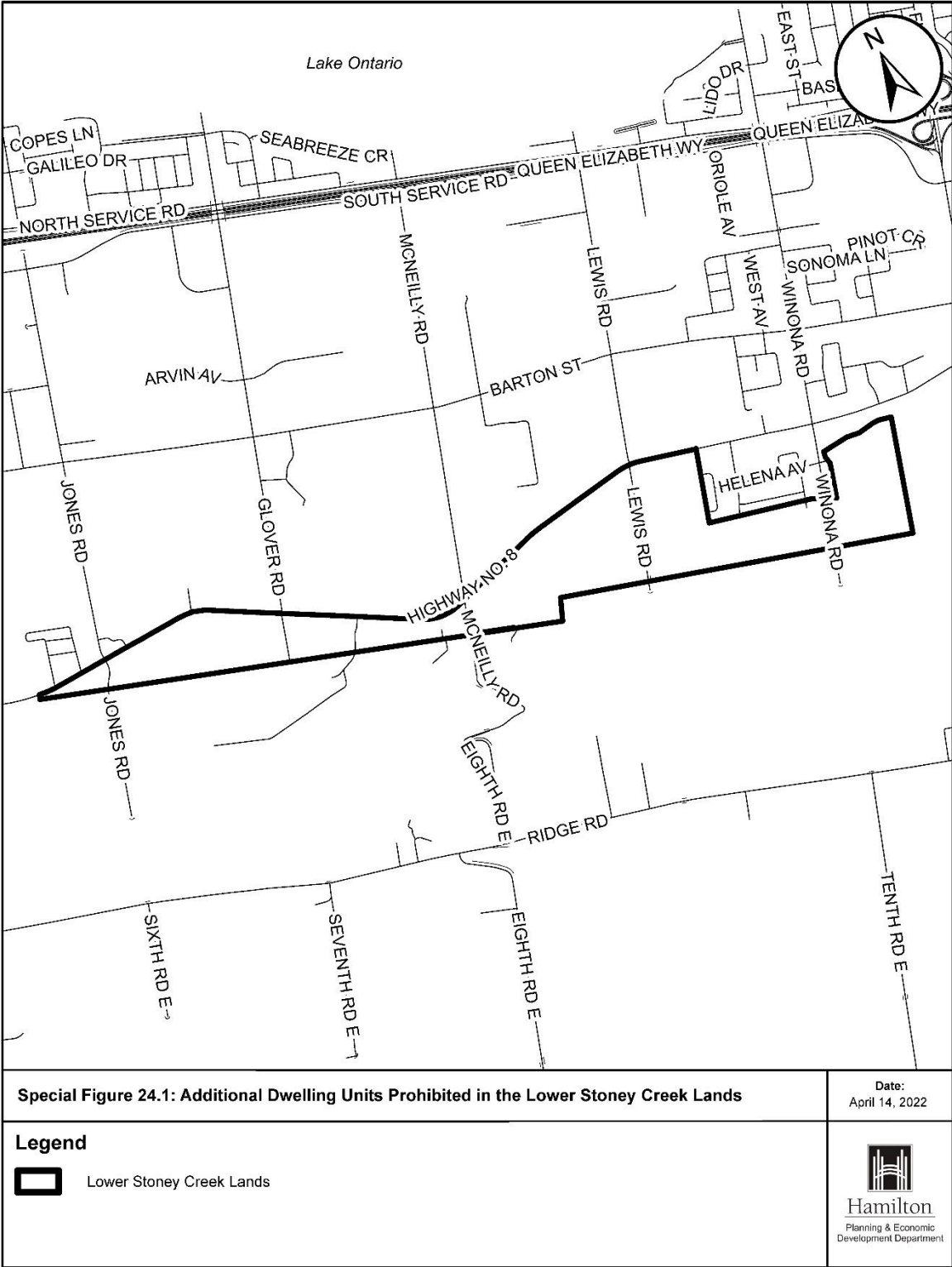
PASSED this _____ , 2022

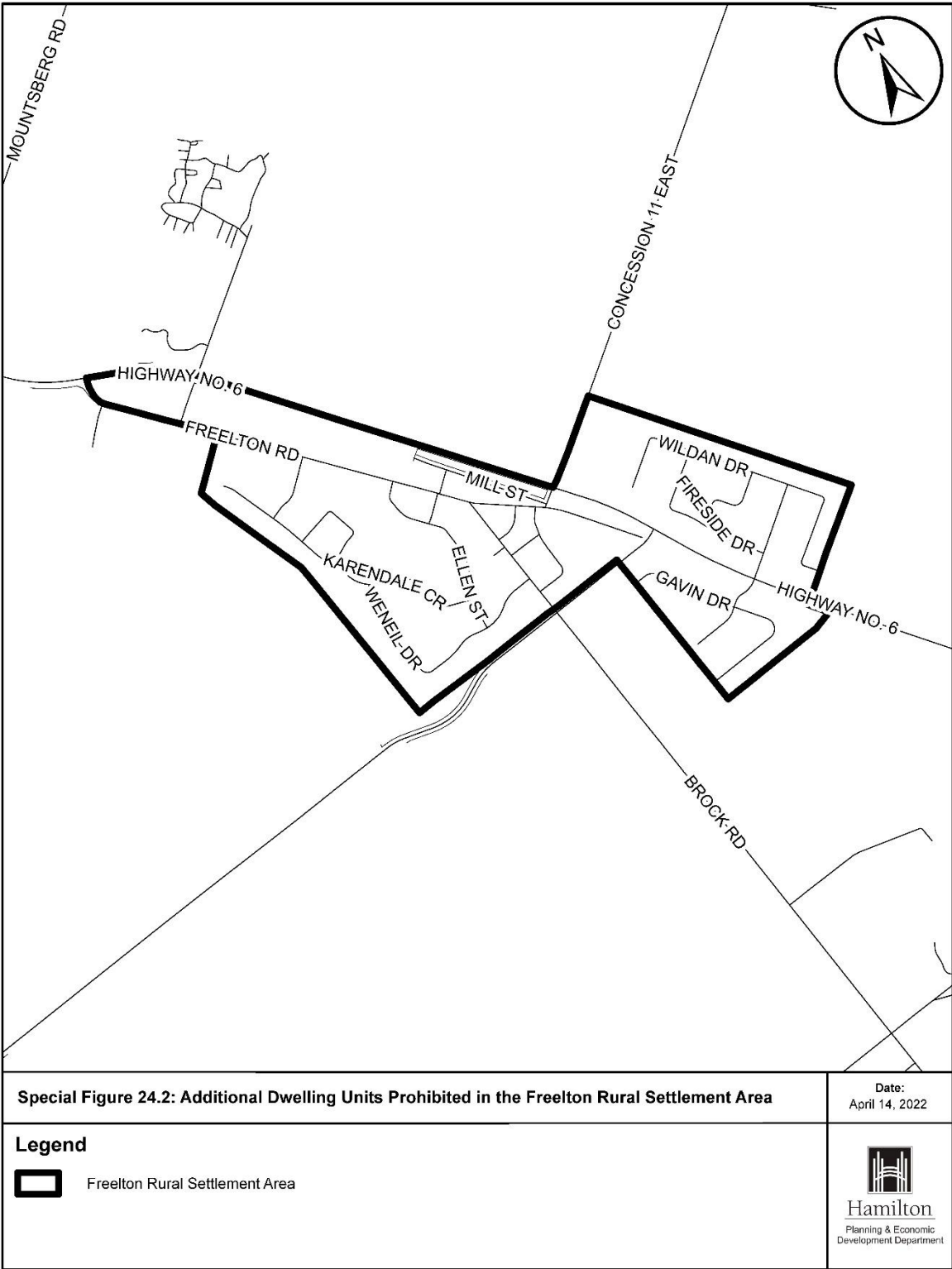
Fred Eisenberger
Mayor

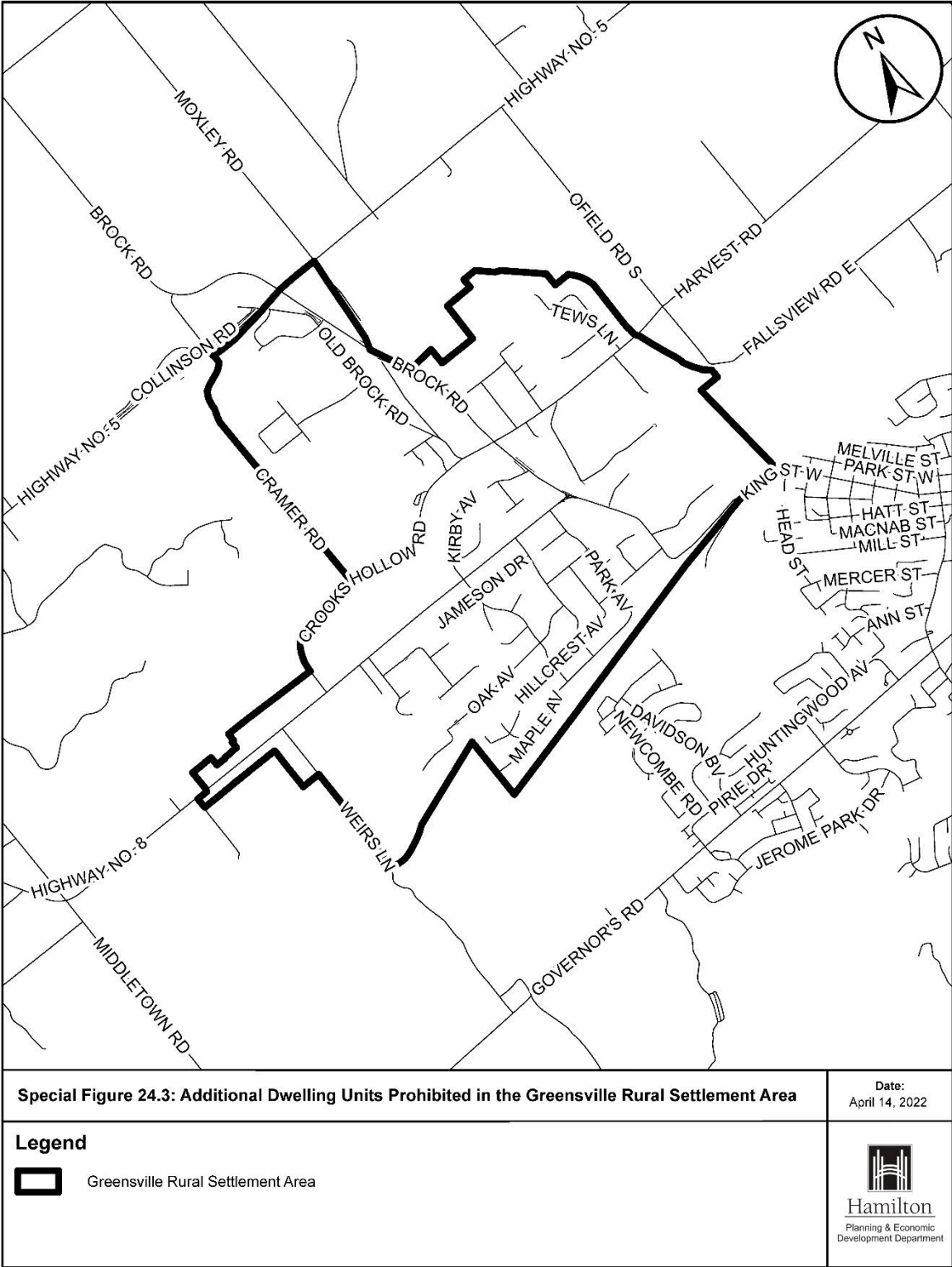
A. Holland
City Clerk

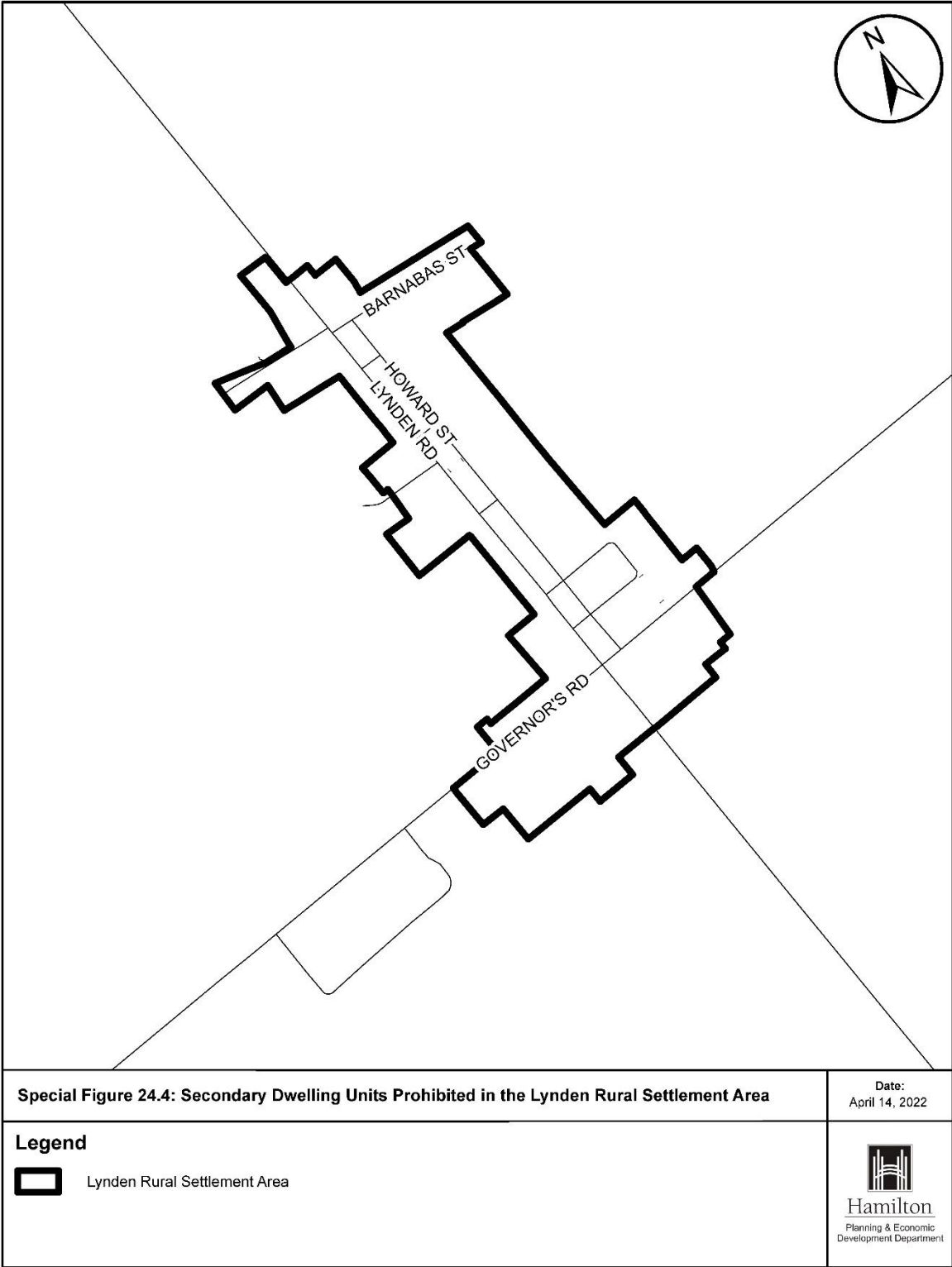
CI 20-E











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Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning Committee Report No.: PED20093(c) Date: 05/17/2022

Ward: City-wide (MM/DD/YYYY)

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