

Authority: Item 7, Planning Committee
Report 22-012 (PED22154)
CM: August 12, 2022
Ward: City Wide
Bill No. 193

**CITY OF HAMILTON
BY-LAW NO. 22-**

**To Amend Zoning By-law No. 90-145-Z (Flamborough) Respecting
Modifications and Updates to Low Density Residential Zones**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Town of Flamborough”, and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th of November 1990 and approved by the Ontario Land Tribunal on the 21st of December, 1991;

AND WHEREAS Council, in approving Item 7 of Report 22-012 of the Planning Committee, at its meeting held on the 12th day of August, 2022, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon final approval of Official Plan Amendment No. 167;

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

1. That the TABLE of CONTENTS be amended as follows:
 - i) By renumbering SECTION 35 – APPROVAL, to SECTION 36 and changing the page number to 36-1.
 - ii) By adding a new SECTION 35 as follows:

“SECTION 35 SPECIAL FIGURES

2. That SECTION 3: DEFINITIONS, be amended by removing the words “...erected prior to the date of passing of this By-law...” from the definition of Converted Dwelling so that it reads:

Converted Dwelling shall mean a dwelling altered to contain a greater number of *Dwelling Units*.

3. That SECTION 4: Zones, be amended by adding a new Section as follows:

“4.10 SPECIAL FIGURES

Section 4.10: Special Figures exists where figures referenced in the text of Zoning By-law No. 90-145-Z are used to more clearly identify areas and/or properties affected by regulations required by this By-law, applicable to the area delineated in the special figure.”

4. That SECTION 5: General Provisions, be amended by modifying Subsection 5.21: PARKING REGULATIONS as follows:

- i) That Subsection 5.21.1 be amended by deleting “and Converted” from Residential clause (a) so that it reads:

“(a) Single detached, Semi-detached,
Duplex and Triplex dwellings,
Street Townhouses and farm
related residences”

- ii) That Subsection 5.21.5 (a) be amended by deleting the word “converted,”.

- iii) That Subsection 5.21.6 be amended by deleting the word “converted,”.

5. That SECTION 5: General Provisions, be amended by adding the following to Section 5.43:

- i) By adding a clause to Subsection 5.43 (a) (i):

“(A) Notwithstanding Section 5.43 (a) (i), one parking space shall be required for a Secondary Dwelling Unit - Detached if it constitutes the fourth Dwelling Unit on a lot.”

6. That SECTION 5: General Provisions, be amended by adding a new Section as follows:

“5.44 CONVERTED DWELLINGS

- (a) For the purpose of Section 5.44, a Converted Dwelling shall mean a single detached, semi-detached, or link dwelling, existing as of XX, 2022, converted to contain greater than two but no more than four Dwelling Units.
 - (b) A Converted Dwelling shall only be permitted on a lot in a R1, R4, or R5 Zone, identified on Figure 1 of Section 35: Special Figures.
 - (c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 5.44.
 - (d) Notwithstanding any applicable regulations of this By-law, no more than four Dwelling Units shall be permitted on a lot subject to Converted Dwelling permissions and identified in Section 5.44 (b).
 - (e) No parking spaces are required for Dwelling Units within a Converted Dwelling, provided the required parking spaces which existed on XX, 2022 for the existing dwelling shall continue to be provided and maintained.
 - (i) Notwithstanding Section 5.44 (e), one parking space is required for the following conditions:
 - A. For the fourth Dwelling Unit in a Converted Dwelling; and,
 - B. For the fourth Dwelling Unit on a lot.”
7. That SECTION 6 – Urban Residential (Single Detached) Zone – R1, be amended as follows:
- i) By adding a clause to Section 6.1: Permitted Uses, as follows:
 - “(d) In addition to the uses permitted in Section 6.1 (a), (b), and (c), on a lot identified on Figure 1 of Section 35: Special Figures, the following additional uses are permitted:
 - (i) Semi-Detached Dwelling
 - (ii) Duplex Dwelling
 - (iii) Street Townhouse”

- ii) By modifying Section 6.2 by adding the following words after “ZONE PROVISIONS”:

“FOR SINGLE DETACHED DWELLINGS”

- iii) By renumbering Section 6.2.3 as 6.2.4, and deleting “The use” after clause (a) so that it reads:

“(a) Shall comply with the provisions of Section 5.43.”

- iv) By adding new Subsections 6.2.3 and 6.2.5 as follows:

“6.2.3 ZONE PROVISIONS FOR USES PERMITTED IN SECTION 6.1 (d)

- (a) Semi-detached dwellings shall comply with the provisions of Section 10.2 and the applicable regulations of Section 6.
- (b) Duplex dwellings shall comply with the provisions of Section 10.2 and the applicable regulations of Section 6.
- (c) Street townhouse dwellings shall comply with the provisions of Section 11.2 (ii) and the applicable regulations of Section 6.

6.2.5 ZONE PROVISIONS FOR CONVERTED DWELLINGS

- (a) Shall comply with the provisions of Section 5.44.”

- 8. That SECTION 9 – Urban Residential (Semi-Detached and Link) Zone – R4, be amended as follows:

- i) By adding a clause to Section 9.1: Permitted Uses, as follows:

“(e) In addition to the uses permitted in Section 9.1 (a), (b), (c), and (d), on a lot identified on Figure 1 of Section 35: Special Figures, the following additional uses are permitted:

- (i) Duplex Dwelling
- (ii) Street Townhouse”

- ii) By modifying Section 9.2 by adding the following words after “ZONE PROVISIONS”:

“FOR SINGLE DETACHED AND SEMI-DETACHED DWELLINGS”

- iii) By renumbering Section 9.2.3 as 9.2.4, and deleting “The use” after clause (a) so that it reads:

“(a) Shall comply with the provisions of Section 5.43.”

- iv) By adding new Subsections 9.2.3 and 9.2.5 as follows:

“9.2.3 ZONE PROVISIONS FOR USES PERMITTED IN SECTION 9.1 (e)

(a) Duplex dwellings shall comply with the provisions of Section 10.2 and the applicable regulations of Section 9.

(b) Street townhouse dwellings shall comply with the provisions of Section 11.2 (ii) and the applicable regulations of Section 9.

9.2.5 ZONE PROVISIONS FOR CONVERTED DWELLINGS

(a) Shall comply with the provisions of Section 5.44.”

9. That SECTION 10 – Core Area Residential Zone – R5, be amended as follows:

- i) By adding a clause to Section 10.1 (a): Permitted Uses, as follows:

“(vii) In addition to the uses permitted in Section 10.1(a) (i), (ii), (iii), (iv), (v), and (vi), on a lot identified on Figure 1 of Section 35: Special Figures, the following additional use is permitted:

A. Street Townhouse”

- ii) By renumbering Section 10.2.3 as 10.2.4, and deleting “The use” after clause (a) so that it reads:

“(a) Shall comply with the provisions of Section 5.43.”

- iii) By adding new Subsections 10.2.3 and 10.2.5 as follows:

“10.2.3 ZONE PROVISIONS FOR THE USE PERMITTED IN SECTION 10.1(a) (vii):

(a) Street townhouse dwellings shall comply with the provisions of Section 11.2 (ii) and the applicable regulations of Section 10.

10.2.5 ZONE PROVISIONS FOR CONVERTED DWELLINGS

(a) Shall comply with the provisions of Section 5.44.”

10. That SECTION 11 – Medium Density Residential Zone – R6, be amended by deleting “The use” after Section 11.2.3 (a) so that it reads:

“(a) Shall comply with the provisions of Section 5.43.”
11. That SECTION 17 – Urban Commercial Zone – UC, be amended as follows:
 - i) By deleting Subsection 17.1 (aa) in its entirety.
 - ii) By adding new Subsection 17.2.4 as follows:

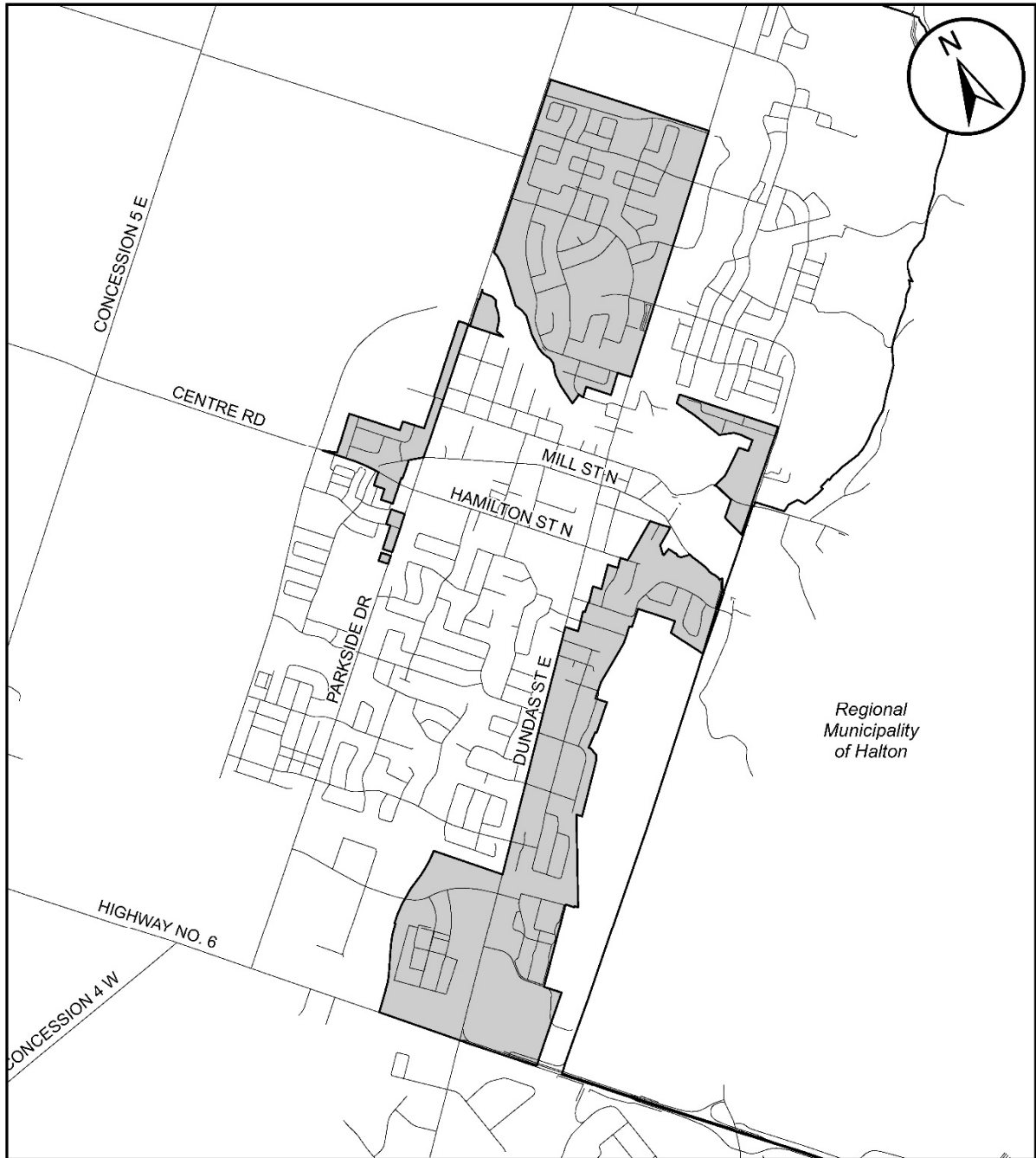
“ZONE PROVISIONS FOR SECONDARY DWELLING UNITS AND
SECONDARY DWELLING UNITS – DETACHED

(a) Shall comply with the provisions of Section 5.43.”
12. That SECTION 35: SPECIAL FIGURES, be amended by adding Figure 1: Additional Permissions in Low Density Residential Zones Outside of Secondary Plans, appended to this By-law.
13. 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*.
14. That this By-law shall not come into force and effect until such time as Official Plan Amendment No. 167 to the Urban Hamilton Official Plan is in full force and effect.
15. 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*.

PASSED this 12th day of August, 2022.

F. Eisenberger
Mayor


A. Holland
City Clerk



Special Figure 1: Additional Permissions in Low Density Residential Zones Outside of Secondary Plans

Date:
July 19, 2022

Legend

 Lands Outside of Secondary Plans (excluding employment lands)

