




COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 29, 2024
SUBJECT:	Ontario Regulation 462/24: Additional Residential Units
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Anita Fabac Acting Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

At the November 19, 2024, Planning Committee, staff presented the City of Hamilton's Response to the Proposed Regulation under the Planning Act to Facilitate the Creation of Additional Residential Units - Proposed Amendment to Ontario Regulation 299/19 Additional Residential Units ([PED24208 - Agenda Item 11.2](#)).

As detailed in the report and presented to Planning Committee, the Province had proposed amendments to Ontario Regulation 299/19 for comment. The proposed amendments introduced performance standards that would apply to all lands across the province that permit Additional Residential Units (Additional Dwelling Units). Formal comments provided to the Province expressed the City's continued opposition to the introduction of province-wide performance standards for Additional Residential Units that are unable to address context specific conditions. As conveyed, a one size fits all approach to all municipalities in Ontario does not represent good planning.

On November 19, 2024, Ontario Regulation 462/24 was made and subsequently filed on November 20, 2024 ([Ontario Regulation 462/24](#)). The performance standards are now in effect and are consistent with the performance standards proposed that were presented at the November 19, 2024, Planning Committee. The following performance standards now apply province-wide:

- A building containing an Additional Dwelling Unit may penetrate any angular plane in the by-law. For the purposes of this regulation, an angular plane is defined as "an imaginary flat surface projecting over a parcel of land at an inclined angle measured up from the horizontal";

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- A minimum separation distance of 4.0 metres is required between the principal dwelling and a Detached Additional Dwelling Unit;
- Up to 45% of a lot containing Additional Dwelling Unit(s) is permitted to be covered by buildings and structures;
- There is no limit to the floor space index on a lot containing Additional Dwelling Unit(s). For the purposes of this regulation, floor space index is defined as “the sum of the total area of each floor of all buildings and structures on a parcel of land divided by the area of the parcel”; and,
- No minimum lot size requirements are permitted on urban lands containing Additional Dwelling Unit(s).

With these regulations now in force, staff will be preparing the necessary amendments to Zoning By-law No. 05-200 and the former Community Zoning By-laws and will bring the proposed amendments to Planning Committee in early 2025.

Please contact Anita Fabac, Acting Director of Planning and Chief Planner at Anita.Fabac@hamilton.ca or Alana Fulford, Supervisor of Zoning By-law Reform at Alana.Fulford@hamilton.ca with any questions or comments.

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