



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

February 25, 2025

PED24208(a) – Modifications and Updates to existing Accessory Dwelling Unit and Accessory Dwelling Unit – Detached Regulations to Implement Ontario Regulation 462/24 – Additional Residential Units

Presented by: Emily Coe

The City has been at the forefront of advancing Additional Dwelling Unit permissions and has demonstrated a commitment to this form of development in achieving the City's housing goals



While the *Planning Act* establishes province-wide, as-of-right permissions for up to three residential units on a lot where residential uses are permitted, the City has gone beyond the Provincial requirement by permitting up to four dwelling units on most residential properties in the urban area of Hamilton



Ontario Regulation 299/19: Additional Residential Units

- O.Reg. 299/19 was introduced in 2019, enacting requirements and standards for Additional Residential Units (Additional Dwelling Units)
- Bill 185, *Cutting Red Tape to Build More Homes Act*, 2024 received Royal Assent on June 6, 2024, and enacted **an enhanced regulation-making authority providing the Minister with broader authority to remove municipal zoning by-law barriers that may be limiting development of Additional Residential Units**
- Proposed Amendments to O.Reg. 299/19 included performance standards for Additional Dwelling Units that would apply province-wide to lands that permit Additional Dwelling Units

Ontario Regulation 299/19: Additional Residential Units

- Staff expressed opposition to the proposed province-wide performance standards at the Planning Committee meeting of November 19, 2024 (PED24208)
- This position was endorsed by Council on November 27, 2024

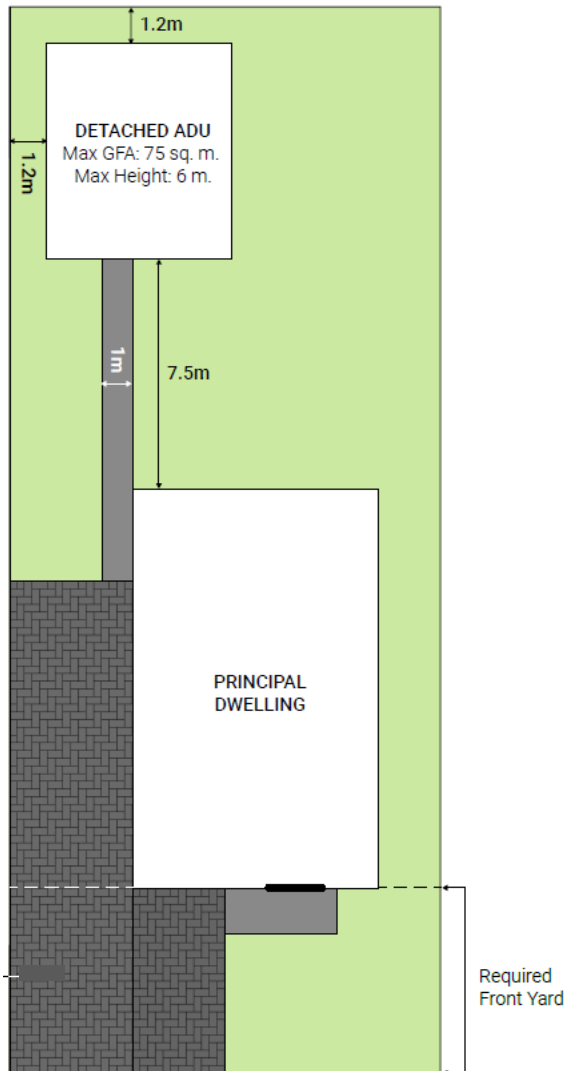
Ontario Regulation 462/24: Additional Residential Units

- O.Reg. 462/24 was filed on November 20, 2024, introducing province-wide regulations for additional residential units:
 - Angular Plane
 - Lot Coverage
 - Floor Space Index
 - Minimum Lot Size
 - Minimum Separation Distance
- These regulations render certain Additional Dwelling Unit Zoning By-law Regulations not to be in force and effect
- Amendments are required to Zoning By-law No. 05-200 and the Former Community Zoning By-laws to comply with O.Reg. 462/24

Impact on the City's Zoning By-laws

1. Angular Plane	No amendments required.
2. Lot Coverage	<p>Amendments are required to all Zoning By-laws to establish a maximum 45% lot coverage regulation only where the Zoning By-law currently requires a lot coverage less than 45%.</p> <p>All existing maximum GFA regulations for detached Additional Dwelling Units will remain the same.</p>
3. Floor Space Index	<p>No amendments required to most Zoning By-laws.</p> <p>Amendments are required to Hamilton Zoning By-law No. 6593 to remove the Floor Area Ratio requirement from the limited number of zones where they currently exist.</p>
4. Minimum Lot Size	No amendments required.
5. Building Separation Distance	Amendments are required to all Zoning By-laws to reduce the minimum separation distance from 7.5 metres to 4.0 metres when the detached Additional Dwelling Unit is located in the rear yard.

Regulating Additional Dwelling Units in Hamilton



Location

- Rear or interior side yard
- Minimum setbacks from rear and interior side lot lines
- Separation from principal dwelling – 7.5 m when in rear yard, 4.0 metres when in side yard

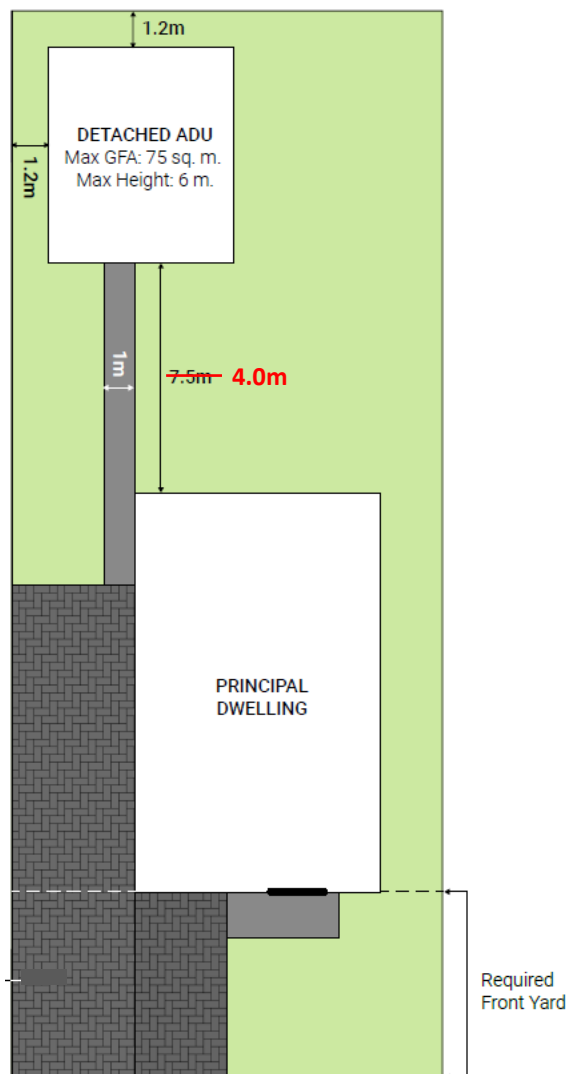
Size

- Maximum height of 6 m
- Maximum GFA of 75 sq. m. or the GFA of the principal dwelling (whichever is lesser)
- The size of the Detached ADU is further capped if the footprint of the principal dwelling is small (≤ 105 sq. m.)

Access

- Primary access from the street (not a laneway), via an unobstructed path.

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- Separation from principal dwelling – ~~7.5 m~~ **4.0 m** when in rear yard, 4.0 metres when in side yard

Size

- Maximum height of 6 m
- Maximum GFA of 75 sq. m. or the GFA of the principal dwelling (whichever is lesser)
- The size of the Detached ADU is further capped if the footprint of the principal dwelling is small (≤ 105 sq. m.)
- **The total maximum lot coverage of all buildings and structures on the lot is 45%**

Access

- Primary access from the street (not a laneway), via an unobstructed path.

Lot Coverage

- Lot Coverage regulations are intended to manage scale, intensity of use, and constraints like stormwater servicing capacity
- Hamilton's approach is to ensure detached ADUs are compatible in scale with built form across neighbourhoods
 - Detached ADUs are limited to the lesser of 75 sq m or the principal dwelling's GFA
 - Detached ADU's ground floor area shall not exceed 70% of the principal dwelling's ground floor area when less than or equal to 105 sq m
- Staff propose to maintain Hamilton's current regulatory framework limiting the GFA in relation to the principal dwelling, with a modification to permit a lot coverage of 45% for all buildings and structures on a lot containing a detached ADU

Minimum Separation Distance

- Hamilton requires a minimum separation distance of 7.5 m when ADU-D is located in the rear yard
- O.Reg. 462/24 requires a minimum separation distance of 4.0 m
- Amendment is required to all Zoning By-laws to address this requirement

Floor Space Index

- Former Hamilton Zoning By-law No. 6593 employs Floor Area Ratio for a limited number of residential zones
- O.Reg. 462/24 requires that subject to maximum height and minimum setback requirements, there is no limit to Floor Space Index / Floor Area Ratio
- Amendment is required only to Zoning By-law No. 6593 to address this requirement



THANK YOU

CITY OF HAMILTON PLANNING COMMITTEE