

**Authority:** Item 5, Planning Committee  
Report: 22-009 (PED20093(c))  
CM: June 8, 2022  
Ward: City Wide  
**Bill No. 132**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-132**

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

**WHEREAS** Council approved Item 5 of Report 22-009 of the Planning Committee, at its meeting held on the 8<sup>th</sup> day of June, 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.
- (b) Notwithstanding Section 1.4 of this By-law, the following provisions shall apply:
- i) A Building Permit application for an Additional Dwelling Unit or Additional Dwelling Unit - Detached, received by the City of Hamilton prior to the date By-law No. 22-132 was approved by Council, will be evaluated against the provisions of Section 4.33 of this By-law, in effect before By-law No. 22-132 came into effect.
    - (A) Notwithstanding Section 4.33 (b) i), if a Building Permit is not issued within 180 days of the effective date of this By-law, By-law No. 22-132 shall apply in all respects to the Building Permit in question.
  - ii) A Building Permit may be issued to permit an Additional Dwelling Unit or Additional Dwelling Unit – Detached, in accordance with any Minor Variance that has been approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law 22-132 was approved by Council, provided the Building Permit application complies with Section 4.33 of this By-law, in effect the day before By-law No. 22-132 came into effect.
  - iii) For the purposes of determining zoning conformity, the following shall apply:

- (A) This By-law is deemed to be modified to the extent necessary to permit an Additional Dwelling Unit or Additional Dwelling Unit – Detached that is constructed in accordance with Section 4.33 (b) i) or ii).
- (B) Once a Building Permit has been issued under Section 4.33 (b) i) or ii), or more than 180 days has transpired as per Section 4.33 (b) i) (A), the provisions of this By-law apply in all other respects.

#### **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 within 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, permeable pavers, or a planting strip, and may include a visual barrier.
- (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%.
    - ii) In addition to Section 4.33.2 (j), the ground floor area of a Secondary Dwelling Unit – Detached shall not exceed 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres.
  - (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 8<sup>th</sup> day of June , 2022

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B. Johnson  
Acting Mayor

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A. Holland  
City Clerk

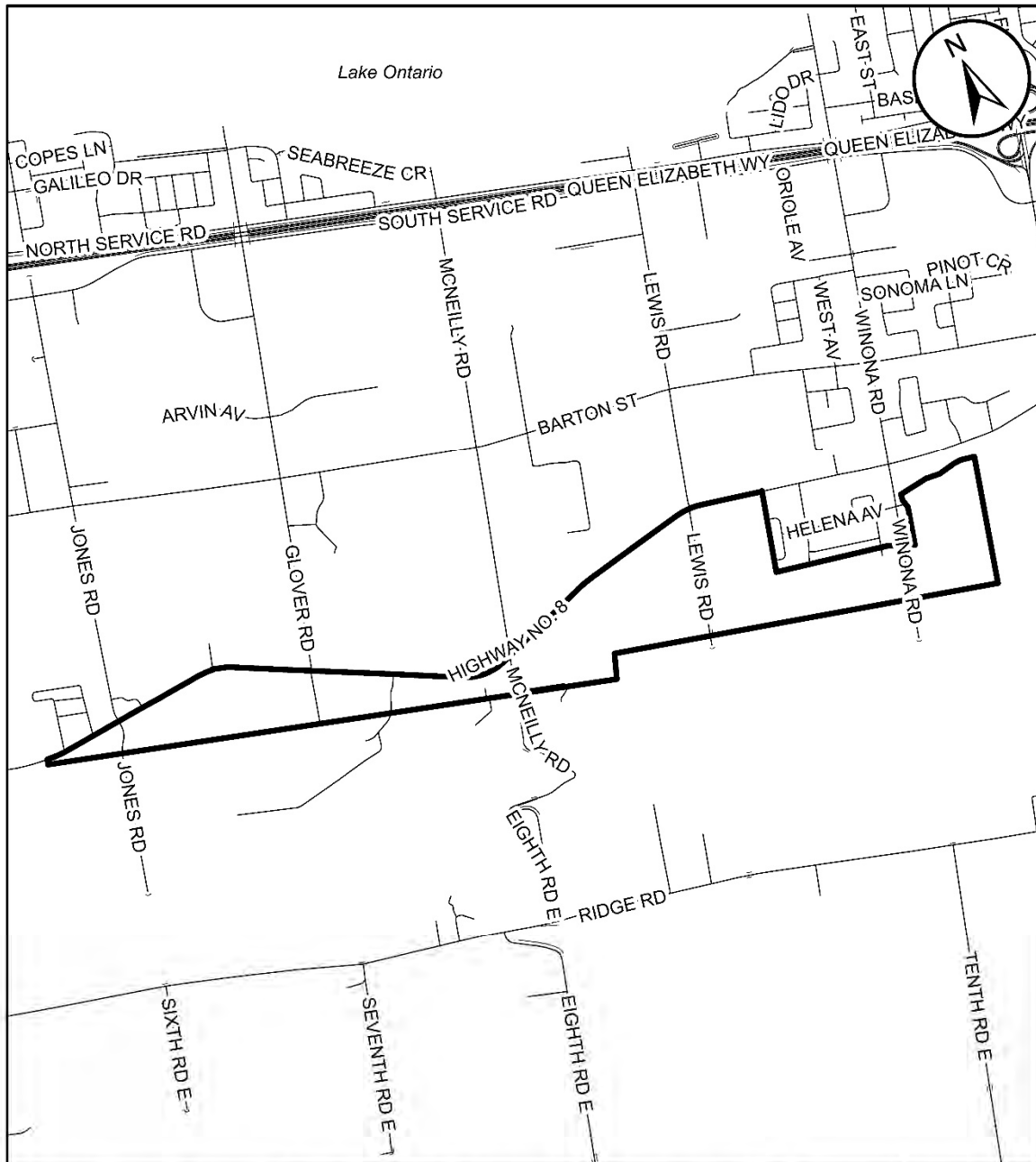


**Special Figure 24: Areas where one additional entrance may be located on the front facade of a dwelling containing an Additional Dwelling Unit.**

Date:  
 April 14, 2022

**Legend**  
 Lower Hamilton Lands






**Special Figure 24.1: Additional Dwelling Units Prohibited in the Lower Stoney Creek Lands**

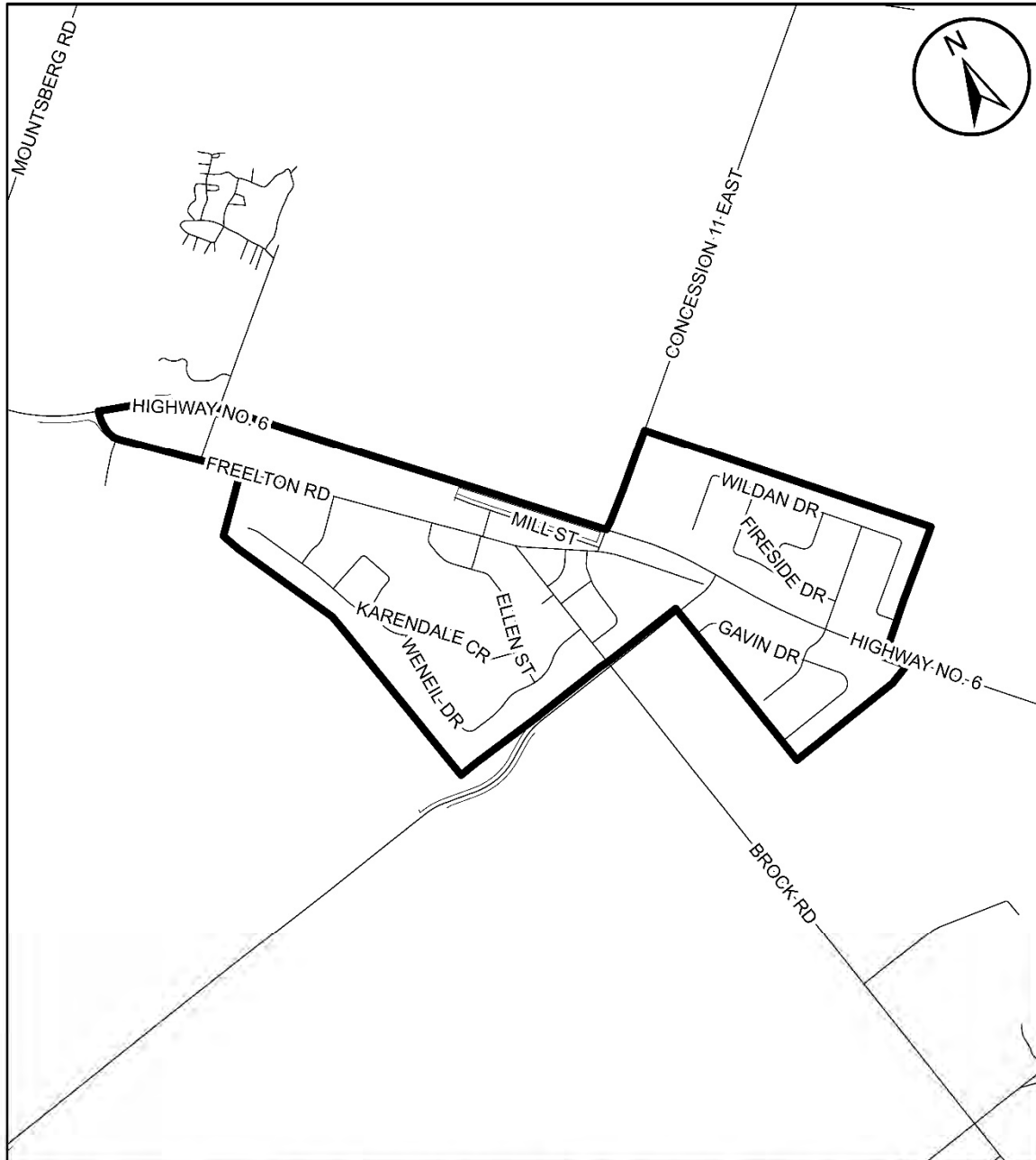
Date:  
April 14, 2022

**Legend**

 Lower Stoney Creek Lands








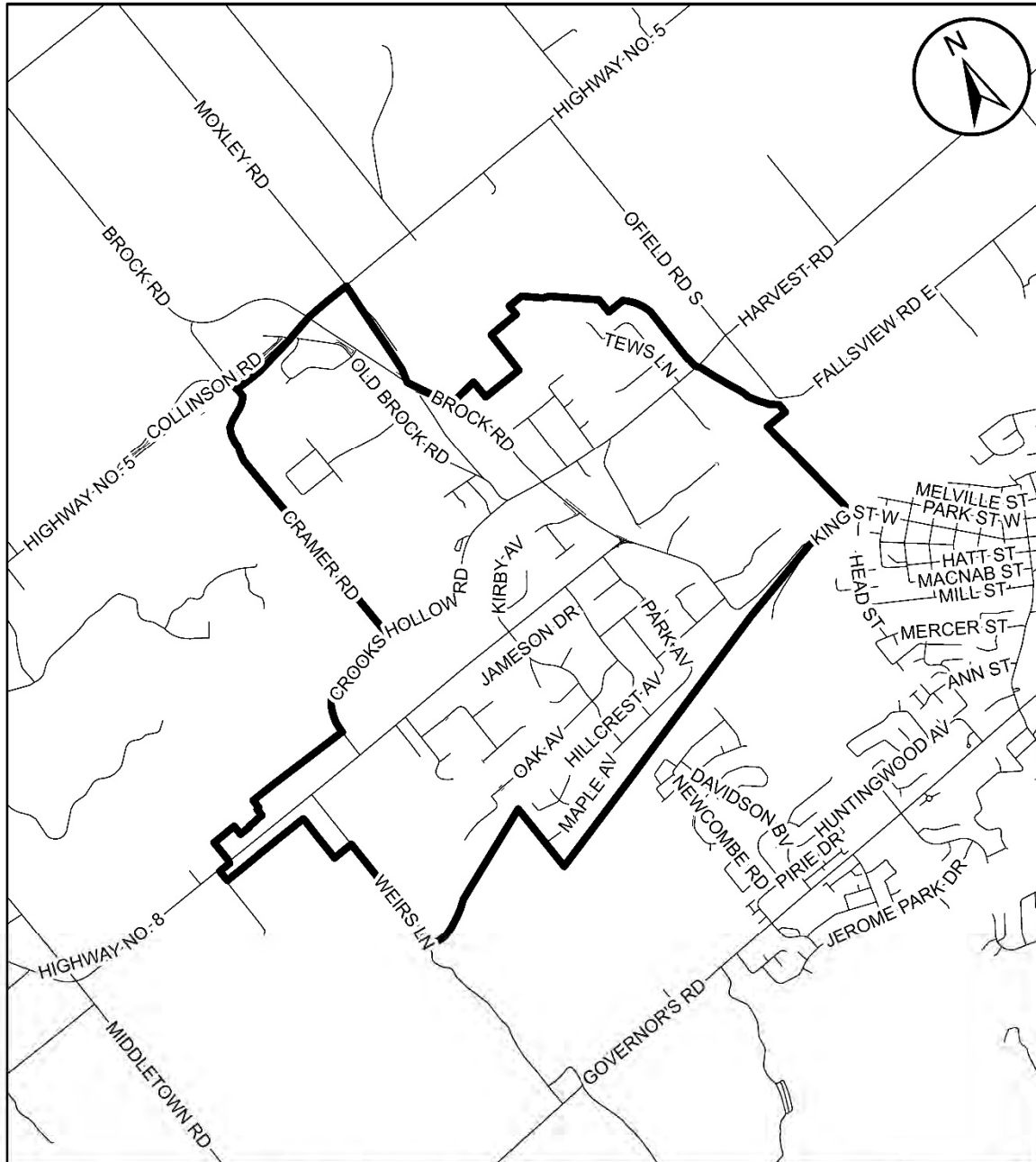
**Special Figure 24.2: Additional Dwelling Units Prohibited in the Freelon Rural Settlement Area**

Date:  
April 14, 2022

**Legend**

 Freelon Rural Settlement Area






**Special Figure 24.3: Additional Dwelling Units Prohibited in the Greenville Rural Settlement Area**

Date:  
April 14, 2022

**Legend**

 Greenville Rural Settlement Area



