

Authority: Item 7, Planning Committee
Report 22-012 (PED22154)
CM: August 12, 2022
Ward: City Wide
Bill No. 191

**CITY OF HAMILTON
BY-LAW NO. 22-191**

**To Amend Zoning By-law No. 87-57 (Ancaster), Respecting
Modifications and Updates to Low Density Residential Zones**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June, 1987, and approved by the Ontario Land Tribunal on the 23rd day of January, 1989;

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. 87-57 (Ancaster), 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 Council of the City of Hamilton amends Zoning By-law No. 87-57 (Ancaster) as follows:

1. That the TABLE OF CONTENTS be amended by adding a new Section as follows:

“SECTION 39: SPECIAL FIGURES.....APPENDIX F”
2. That Section 3: DEFINITIONS, be amended by adding the following definition:

“3.43.1 “Dwelling, Converted”

Means a dwelling altered to contain a greater number of dwelling units.”

3. That Section 6: INTERPRETATION, be amended by adding a Section as follows:

“6.7 SPECIAL FIGURES

SECTION 39: SPECIAL FIGURES exists where figures referenced in the text of Zoning By-law No. 87-57 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 9: GENERAL PROVISIONS FOR RESIDENTIAL ZONES, be amended by adding the following to Section 9.14:

- i) By adding a clause to Section 9.14 (a) (i) as follows:

“A. Notwithstanding Section 9.14 (a) (i), one parking space shall be required for a Secondary Dwelling Unit - Detached if it constitutes the fourth Dwelling Unit on a lot.”

5. That Section 9: GENERAL PROVISIONS FOR RESIDENTIAL ZONES, be amended by adding a new Section as follows:

“9.15 Converted Dwellings

- (a) For the purpose of Section 9.15, a Converted Dwelling shall mean a Single Detached Dwelling, existing as of June 2, 2022, converted to contain greater than two but no more than four Dwelling Units.
- (b) A Converted Dwelling shall be permitted on a lot in a “R1”, “R2”, “R3”, “R4”, “R5”, or “RM1” Zone, identified on Figure 1 of Section 39: Special Figures.
- (c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 9.15.
- (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 9.15 (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 9.15 (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.

6. That Section 11.1: RESIDENTIAL “R1” ZONE, be amended as follows:

- i) By numbering Section 11.1.1: Permitted Uses, such that the existing use becomes (a), and by adding a new clause to Section 11.1.1 so that it reads:
 - “(a) One detached dwelling on one lot and uses, buildings and structures accessory thereto.
 - (b) In addition to the use permitted in Section 11.1.1 (a), on a lot identified on Figure 1 of Section 39: Special Figures, the following additional uses are permitted:
 - (i) One semi-detached dwelling and uses, buildings and structures accessory thereto.
 - (ii) Street townhouse dwellings and uses, buildings and structures accessory thereto.”
- ii) By modifying Section 11.1.2 by adding the following after the word “Regulations”:

“for the Use Permitted in Subsection 11.1.1 (a)”
- iii) By adding the following new clause to Section 11.1.2:

- (b) The regulations of subsection 15.2 shall apply to street townhouse dwellings.

8. That Section 11.3: RESIDENTIAL “R3” ZONE, be amended as follows:

- i) By numbering Section 11.3.1: Permitted Uses, such that the existing use becomes (a), and by adding a new clause to Section 11.3.1 so that it reads:

- “(a) One detached dwelling on one lot and uses, buildings and structures accessory thereto.

- (b) In addition to the use permitted in Section 11.3.1 (a), on a lot identified on Figure 1 of Section 39: Special Figures, the following additional uses are permitted:

- (i) One semi-detached dwelling and uses, buildings and structures accessory thereto.

- (ii) Street townhouse dwellings and uses, buildings and structures accessory thereto.”

- ii) By modifying Section 11.3.2 by adding the following words after the word “Regulations”:

- “for the Use Permitted in Subsection 11.3.1 (a)”

- iii) By adding new Subsection 11.3.3 as follows:

- “11.3.3 Regulations for the Uses Permitted in Subsection 11.3.1 (b)

- (a) The regulations of subsection 14.2 shall apply to semi-detached dwellings.

- (b) The regulations of subsection 15.2 shall apply to street townhouse dwellings.

9. That Section 12: RESIDENTIAL “R4” ZONE, be amended as follows:

- i) By numbering Section 12.1: Permitted Uses, such that the existing use becomes (a), and by adding a new clause to Section 12.1 so that it reads:

- “(a) One detached dwelling on one lot and uses, buildings and structures accessory thereto.
 - (b) In addition to the use permitted in Section 12.1 (a), on a lot identified on Figure 1 of Section 39: Special Figures, the following additional uses are permitted:
 - (i) One semi-detached dwelling and uses, buildings and structures accessory thereto.
 - (ii) Street townhouse dwellings and uses, buildings and structures accessory thereto.”
 - ii) By modifying Section 12.2 by adding the following words after the word “Regulations”:

“for the Use Permitted in Subsection 12.1 (a)”
 - iii) By adding the following new clause to Section 12.2:
 - “(k) Converted Dwellings The provisions of Subsection 9.15 shall apply.”
 - iv) By adding new Subsection 12.3 as follows:

“12.3 Regulations for the Uses Permitted in Subsection 12.1 (b)

 - (a) The regulations of subsection 13.2 shall apply to semi-detached dwellings.
 - (b) The regulations of subsection 15.2 shall apply to street townhouse dwellings.
10. That Section 13: RESIDENTIAL “R5” ZONE, be amended as follows:
- i) By numbering Section 13.1: Permitted Uses, such that the existing uses become (a) and (b) as follows:
 - “(a) One detached dwelling and uses, buildings and structures accessory thereto.

- (b) One semi-detached dwelling and uses, buildings and structures accessory thereto.”
 - ii) By adding the following clause to Section 13.1:
 - “(c) In addition to the uses permitted in Section 13.1 (a) and (b), on a lot identified on Figure 1 of Section 39: Special Figures, the following additional use is permitted:
 - (i) Street townhouse dwellings and uses, buildings and structures accessory thereto.”
 - iii) By modifying Section 13.2 by adding the following words after the word “Regulations”:
 - “for Uses Permitted in Subsection 13.1 (a) and (b)”
 - iv) By modifying Section 13.2 by renumber the clause for Secondary Dwelling Units from (i) to (j).
 - v) By adding the following new clause to Section 13.2:
 - “(k) Converted Dwellings The provisions of Subsection 9.15 shall apply.”
 - vi) By adding new Subsection 13.3 as follows:
 - “13.3 Regulations for the Use Permitted in Subsection 13.1 (c)
The regulations of subsection 15.2 shall apply.”
11. That Section 14: RESIDENTIAL MULTIPLE “RM1” ZONE, be amended as follows:
- i) By numbering Section 14.1: Permitted Uses, such that the existing use becomes (a), and by adding a new clause to Section 14.1 so that it reads:
 - “(a) One semi-detached dwelling and uses, buildings and structures accessory thereto.

- (b) In addition to the use permitted in Section 14.1 (a), on a lot identified on Figure 1 of Section 39: Special Figures, the following additional use is permitted:
 - (i) Street townhouse dwellings and uses, buildings and structures accessory thereto.”
 - ii) By modifying Section 14.2 by adding the following words after the word “Regulations”:

“for the Use Permitted in Subsection 14.1 (a)”
 - iii) By adding the following new clause to Section 14.2:

“(l) Converted Dwellings The provisions of Subsection 9.15 shall apply.”
 - iv) By adding new Subsection 14.3 as follows:

“14.3 Regulations for the Use Permitted in Subsection 14.1 (b)

 The regulations of subsection 15.2 shall apply.”
- 12. That Section 15: RESIDENTIAL MULTIPLE “RM2” ZONE, be amended by deleting Section 15.2 (j) in its entirety but maintaining the section number so that it reads:

“(j) (Deleted).”
- 13. That SECTION 39: SPECIAL FIGURES, be amended by adding Figure 1: Additional Permissions in Low Density Residential Zones Outside of Secondary Plans, appended to this By-law.
- 14. 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*.
- 15. 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.
- 16. 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

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