

Authority: Item 7, Planning Committee
Report 22-012 (PED22154)
CM: August 12, 2022
Ward: City Wide
Bill No. 192

CITY OF HAMILTON
BY-LAW NO. 22-192

**To Amend Zoning By-law 3581-86 (Dundas) 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 area municipality known as "The Corporation of the Town of Dundas" 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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May 1986, and approved by the Ontario Land Tribunal on the 10th day of May, 1988

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. 3581-86 (Dundas) 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 amends Zoning By-law No. 3581-86 (Dundas) as follows:

1. That SECTION 3: DEFINITIONS, be amended by adding the following definition:

"3.2.20.1 **DWELLING, CONVERTED**

Means a dwelling altered to contain a greater number of Dwelling Units."

2. That Section 6.22: DIVISION OF SEMI-DETACHED LOTS, be amended by modifying clause ii) by adding the sentence “or subject to the semi-detached dwelling regulations of the R3 or R4 Zone,” after “...and if located in a R3 or R4 Zone...”.
3. That Section 6.31: SECONDARY DWELLING UNITS AND SECONDARY DWELLING UNITS – DETACHED, be amended by adding a clause to Subsection 6.31 i) a) as follows:
 - “1) Notwithstanding Section 6.31 i) a), one parking space shall be required for a Secondary Dwelling Unit - Detached if it constitutes the fourth Dwelling Unit on a lot.”
4. That Section 6: GENERAL REGULATIONS, be amended by adding a new Section as follows:

“6.32 CONVERTED DWELLINGS

- i) For the purpose of Section 6.32, a Converted Dwelling shall mean a single detached or duplex dwelling, existing as of XX, 2022, converted to contain greater than two but no more than four Dwelling Units.
- ii) A Converted Dwelling shall be permitted within the R1, R2, R3, R3A, R4, R6, R.C.C, and RH-1 Zones.
- iii) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 6.32.
- iv) 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 as identified in Section 6.32 (ii).
- v) 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.
 - a) Notwithstanding Section 6.32 v), one parking space is required for the following conditions:
 - 1) For the fourth dwelling unit in a Converted Dwelling; and,
 - 2) For the fourth dwelling unit on a lot.

5. That Section 8: SINGLE-DETACHED RESIDENTIAL ZONE (R1) be amended as follows:

i) By modifying the PURPOSE paragraph by deleting the word “housing” from the end of the paragraph, and replacing it with the following:

“, and semi-detached dwellings, duplex dwellings, street townhouse dwellings, and the conversion of existing dwellings to contain up to four dwelling units.”

ii) By adding the following to Section 8.1: PERMITTED USES:

“8.1.8 A SEMI-DETACHED DWELLING

8.1.9 A DUPLEX DWELLING

8.1.10 A STREET TOWNHOUSE DWELLING”

iii) By renumbering Section 8.8 as 8.11 and deleting and replacing it with the following:

“8.11 REGULATIONS FOR SECONDARY DWELLINGS UNITS AND SECONDARY DWELLING UNITS - DETACHED

8.11.1 Shall comply with the provisions of Section 6.31.”

iv) By adding new Subsections 8.8, 8.9, 8.10, and 8.12 as follows:

“8.8 REGULATIONS FOR SEMI-DETACHED DWELLINGS

8.8.1 The use shall comply with the provisions of Section 10.3 and the applicable regulations of Section 8.

8.9 REGULATIONS FOR DUPLEX DWELLINGS

8.9.1 The use shall comply with the provisions of Section 10.4 and the applicable regulations of Section 8.

8.10 REGULATIONS FOR STREET TOWNHOUSE DWELLINGS

8.10.1 The use shall comply with the provisions of Section 12.4 and the applicable regulations of Section 8.

8.12 REGULATIONS FOR CONVERTED DWELLINGS

8.12.1 Shall comply with the provisions of Section 6.32.

6. That Section 9: SINGLE-DETACHED RESIDENTIAL ZONE (R2) be amended as follows:

i) By modifying the PURPOSE paragraph by deleting the word “housing” from the end of the paragraph, and replacing it with the following:

“, and semi-detached dwellings, duplex dwellings, street townhouse dwellings, and the conversion of existing dwellings to contain up to four dwelling units.”

ii) By adding the following to Section 9.1: PERMITTED USES:

“9.1.8 A SEMI-DETACHED DWELLING

9.1.9 A DUPLEX DWELLING

9.1.10 A STREET TOWNHOUSE DWELLING”

iii) By modifying Section 9.2 by adding the words “AND DUPLEX DWELLINGS” to the end of the header so that it reads:

REGULATIONS 9.2	<u>REGULATIONS FOR SINGLE-DETACHED DWELLINGS AND DUPLEX DWELLINGS</u>
FOR SINGLE- DETACHED DWELLINGS AND DUPLEX DWELLINGS	

iv) By renumbering Section 9.8 as 9.10 and deleting and replacing it with the following:

“9.10 REGULATIONS FOR SECONDARY DWELLINGS UNITS AND SECONDARY DWELLING UNITS - DETACHED

9.10.1 Shall comply with the provisions of Section 6.31.”

v) By adding new Subsections 9.8, 9.9, and 9.11 as follows:

“9.8 REGULATIONS FOR SEMI-DETACHED DWELLINGS

9.8.1 The use shall comply with the provisions of Section 10.3 and the applicable regulations of Section 9.

9.9 REGULATIONS FOR STREET TOWNHOUSE DWELLINGS

9.9.1 The use shall comply with the provisions of Section 12.4 and the applicable regulations of Section 9.

9.11 REGULATIONS FOR CONVERTED DWELLINGS

9.11.1 Shall comply with the provisions of Section 6.32.

7. That Section 10: LOW DENSITY RESIDENTIAL ZONE (R3) be amended as follows:

i) By modifying the PURPOSE paragraph by deleting the word “and” before duplex dwellings and adding a sentence to the end of the paragraph so that it reads:

“PURPOSE

The purpose of this zone is primarily to provide for low density residential development in the form of single-detached, semi-detached, duplex dwellings, street townhouse dwellings, and the conversion of existing dwellings to contain up to four dwelling units.”

ii) By adding the following to Section 10.1: PERMITTED USES:

“10.1.10 A STREET TOWNHOUSE DWELLING”

iii) By renumbering Section 10.10 as 10.11 and deleting and replacing it with the following:

“10.11 REGULATIONS FOR SECONDARY DWELLINGS UNITS
AND SECONDARY DWELLING UNITS - DETACHED

10.11.1 Shall comply with the provisions of Section 6.31.”

iv) By adding new Subsections 10.10, and 10.12 as follows:

“10.10 REGULATIONS FOR STREET TOWNHOUSE DWELLINGS

10.10.1 The use shall comply with the provisions of Section 12.4 and the applicable regulations of Section 10.

10.12 REGULATIONS FOR CONVERTED DWELLINGS

10.12.1 Shall comply with the provisions of Section 6.32.

8. That Section 10A: LOW DENSITY RESIDENTIAL ZONE (R3A) be amended as follows:

i) By adding the following to Section 10A.1: PERMITTED USES:

“10A.1.6 A SEMI-DETACHED DWELLING

10A.1.7 A DUPLEX DWELLING

10A.1.8 A STREET TOWNHOUSE DWELLING”

- ii) By renumbering Section 10A.6 as 10A.9 and deleting and replacing it with the following:

“10A.9 REGULATIONS FOR SECONDARY DWELLINGS UNITS
AND SECONDARY DWELLING UNITS - DETACHED

10A.9.1 Shall comply with the provisions of Section 6.31.”

- iii) By adding new Subsections 10A.6, 10A.7, 10A.8, and 10A.10 as follows:

“10A.6 REGULATIONS FOR SEMI-DETACHED DWELLINGS

10A.6.1 The use shall comply with the provisions of Section 10.3 and the applicable regulations of Section 10A.

10A.7 REGULATIONS FOR DUPLEX DWELLINGS

10A.7.1 The use shall comply with the provisions of Section 10.4 and the applicable regulations of Section 10A.

10A.8 REGULATIONS FOR STREET TOWNHOUSE DWELLINGS

10A.8.1 The use shall comply with the provisions of Section 12.4 and the applicable regulations of Section 10A.

10A.10 REGULATIONS FOR CONVERTED DWELLINGS

10A.10.1 Shall comply with the provisions of Section 6.32.

9. That Section 11: LOW DENSITY RESIDENTIAL ZONE (R4) be amended as follows:

- i) By modifying the PURPOSE paragraph by deleting the word “and” before duplex dwellings, by adding “street townhouse dwellings,” after “duplex dwellings,”, and by replacing “including the conversion of dwellings up to a maximum of three separate dwelling units” with “and the conversion of existing dwellings to contain up to four dwelling units”, so that it reads:

“PURPOSE

The purpose of this zone is primarily to provide for low density residential development in the form of single-detached, semi-detached, duplex dwellings, street townhouse dwellings, and the conversion of existing dwellings to contain up to four dwelling units.”

- ii) By deleting Section 11.1.4 but maintaining the section number as follows:
“11.1.4 (Deleted).”
 - iii) By adding new Subsection 11.1.13 as follows:
“11.1.13 A STREET-TOWNHOUSE DWELLING”
 - iv) By deleting Section 11.5 but maintaining the section number as follows:
“11.5 (Deleted).”
 - v) By renumbering Section 11.12 as 11.13 and deleting and replacing it with the following:
“11.13 REGLATIONS FOR SECONDARY DWELLINGS UNITS AND SECONDARY DWELLING UNITS - DETACHED
11.13.1 Shall comply with the provisions of Section 6.31.”
 - vi) By adding new Subsections 11.12 and 11.14 as follows:
“11.12 REGULATIONS FOR STREET-TOWNHOUSE DWELLINGS
11.12.1 The use shall comply with the provisions of Section 12.4 and the applicable regulations of Section 11.
11.14 REGULATIONS FOR CONVERTED DWELLINGS
11.14.1 Shall comply with the provisions of Section 6.32.”
10. That Section 11A: LOW DENSITY RESIDENTIAL ZONE (R6) be amended as follows:
- i) By adding the following to Section 11A.1: PERMITTED USES:
“11A.1.6 A DUPLEX DWELLING
11A.1.7 A STREET-TOWNHOUSE DWELLING”
 - ii) By renumbering Section 11A.7 as 11A.9 and deleting and replacing it with the following:
“11A.9 REGLATIONS FOR SECONDARY DWELLINGS UNITS AND SECONDARY DWELLING UNITS - DETACHED
11A.9.1 Shall comply with the provisions of Section 6.31.”

iii) By adding new Subsections 11A.7, 11A.8, and 11A.10 as follows:

“11A.7 REGULATIONS FOR DUPLEX DWELLINGS

11A.7.1 The use shall comply with the provisions of Section 11A.2 and the applicable regulations of Section 11A.

i) Notwithstanding Section 11A.7.1, Section 11A.2.3 shall not apply.

11A.8 REGULATIONS FOR STREET-TOWNHOUSE DWELLINGS

11.A.8.1 The use shall comply with the provisions of Section 12.4 and the applicable regulations of Section 11A.

11A.10 REGULATIONS FOR CONVERTED DWELLINGS

11A.10.1 The use shall comply with the provisions of Section 6.32.”

11. That Section 12: LOW TO MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM1) be amended by modifying Section 12.9 so that it reads:

“REGULATIONS FOR SECONDARY DWELLINGS UNITS AND SECONDARY DWELLING UNITS - DETACHED

12.9.1 Shall comply with the provisions of Section 6.31.”

12. That Section 13: MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM2) be amended by deleting Section 13.1.2 and Section 13.3 in their entirety, but maintaining the section numbers as follows:

“13.1.2 (Deleted).

13.3 (Deleted).”

13. That Section 15A: RESIDENTIAL AND COMMERCIAL CONVERSION ZONE (R.C.C) be amended as follows:

i) By deleting Section 15A.1.4 and 15A.5 in their entirety, but maintaining the section numbers as follows:

“15A.1.4 (Deleted).

15A.5 (Deleted).”

ii) By modifying Section 15.A.11 so that it reads:

“REGLATIONS FOR SECONDARY DWELLINGS UNITS AND
SECONDARY DWELLING UNITS - DETACHED”

15A.11.1 Shall comply with the provisions of Section 6.31.”

- iii) By adding new Subsection 15A.12 as follows:

“15A.12 REGULATIONS FOR CONVERTED DWELLINGS

15A.12.1 Shall comply with the provisions of Section 6.32.”

14. That Section 15B: SINGLE-DETACHED RESIDENTIAL ZONE: CROSS-MELVILLE HERITAGE DISTRICT (RH-1) be amended as follows:

- i) By modifying the PURPOSE paragraph so that it reads:

“PURPOSE

The purpose of this zone is to provide for low-density residential development within the context and character of the Cross-Melville Heritage District.”

- ii) By adding the following to Section 15B.1: PERMITTED USES:

“15B.1.5 A SEMI-DETACHED DWELLING

15B.1.6 A DUPLEX DWELLING

15B.1.7 A STREET TOWNHOUSE DWELLING”

- iii) By modifying Section 15B.2 by deleting the word “DWELLINGS” and adding the words “AND DUPLEX DWELLINGS” to the end of the header so that it reads:

“REGULATIONS FOR SINGLE DETACHED AND DUPLEX DWELLINGS”

- iv) By renumbering Section 15B.5 as 15B.7 and deleting and replacing it with the following:

“15B.7 REGLATIONS FOR SECONDARY DWELLINGS UNITS
AND SECONDARY DWELLING UNITS - DETACHED

15B.7.1 Shall comply with the provisions of Section 6.31.”

- v) By adding new Subsections 15B.5, 15B.6, and 15B.8 as follows:

“15B.5 REGULATIONS FOR SEMI-DETACHED DWELLINGS

15B.5.1 The use shall comply with the provisions of Section 10.3 and the applicable regulations of Section 15B.

15B.6 REGULATIONS FOR STREET TOWNHOUSE DWELLINGS

15B.6.1 The use shall comply with the provisions of Section 12.4 and the applicable regulations of Section 15B.

15B.8 REGULATIONS FOR CONVERTED DWELLINGS

15B.8.1 The use shall comply with the provisions of Section 6.32.”

15. That Section 32: EXCEPTIONS, be amended by modifying S-105 as follows:
- i) That Section (i) be amended by deleting “...on the date of the passing of this By-law...” and replacing it with “on April 13, 2005”.
 - ii) That Section (i) (i) be deleted.
 - iii) That Section (ii) be deleted in its entirety and replaced with the following:
 - (ii) Notwithstanding Section 6.32 (ii), a Converted Dwelling is permitted and shall comply with the provisions of Section 6.32.
 - iv) That Section (iii) be amended by deleting “...on the date of the passing of this By-law...” and replacing it with “on April 13, 2005”.
 - v) That Section (iv) be amended by deleting “this” and adding “No. 05-090” after “...By-law...” so that it reads:

“Notwithstanding the provisions in subclauses 6.11.1 LANDSCAPING ALONG STREET LINES, and 6.11.2.2 WIDTH OF BUFFER STRIP of Subsection 6.11: LANDSCAPE REQUIREMENTS, the following special requirement shall apply only to the building existing on the date of the passing of By-law No. 05-090 (April 13, 2005) on the lands shown as “RM2/S-105”:
 - vi) That Section (vi) be amended by deleting “...this by-law...” and replacing it with “By-law No. 05-090”.
16. 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*.
17. 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.

18. 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