

Authority: Item 20, Planning Committee:
Report: 18- 014 (PED16200(b))
CM: September 26, 2018
Wards 1, 2, 3 and 4

Bill No. 299

CITY OF HAMILTON

BY-LAW NO. 18-299

To Amend Zoning By-law No. 6593 Respecting Second Dwelling Units for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 20 of Report 18-014 of the Planning Committee at its meeting held on the 26th day of September, 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan and the City of Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the following new Subsection be added to Section 19: Residential Conversion Requirements as follows:

“(5) “C” and “D” Districts – Second Dwelling Unit on a Single Detached Dwelling Lot

- (i) Notwithstanding anything contained in this by-law, a second dwelling unit on the same lot as a single detached dwelling may be constructed provided all the following requirements are met:
 - (a) For the purpose of this Subsection, laneway shall mean a public highway or road allowance having a width of less than 12.0 metres;
 - (b) the lot shall contain a single-detached dwelling unit;
 - (c) the lot shall abut a laneway;
 - (d) Subsection (5) shall apply to lands zoned “C” (Urban Protected Residential, etc.) District and “D” (Urban Protected Residential-One and Two Family Dwellings, etc.) District and identified in Section 22 as Schedule P;
 - (e) An accessory structure to the single detached dwelling legally existing at the date of the passing of this by-law {DATE} may be converted to a dwelling unit provided it meets all the following requirements:
 - (1) For any elevation not facing a laneway, windows and doors are permitted only on the ground floor or within a roof; and
 - (2) it shall not exceed a gross floor area of 50 square metres, excluding any parking contained within the second dwelling unit.
- (f) A second dwelling unit may be constructed on the same lot as a single detached dwelling unit provided it meets all the following requirements:
 - (1) the maximum height shall be 6.0 metres;
 - (2) it shall be permitted in the required rear yard of the principal dwelling but shall be no closer than 7.5 metres to the principal dwelling;
 - (3) it shall not be permitted in a front yard;

- (4) A minimum 1.2 metre setback from a side and rear lot line shall be provided and maintained;
 - (5) for any elevation not facing a laneway, windows and doors are permitted only on the ground floor or within a roof; and,
 - (6) it shall not exceed a gross floor area of 50 square metres, excluding any parking contained within the second dwelling unit.
- (ii) Section 18 (A).(1)(a) shall not apply to secondary dwelling units permitted in clause (i).
- 2. That Section 22: Restricted Areas By-laws Repealed is amended by adding Schedule P.
 - 3. 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*.

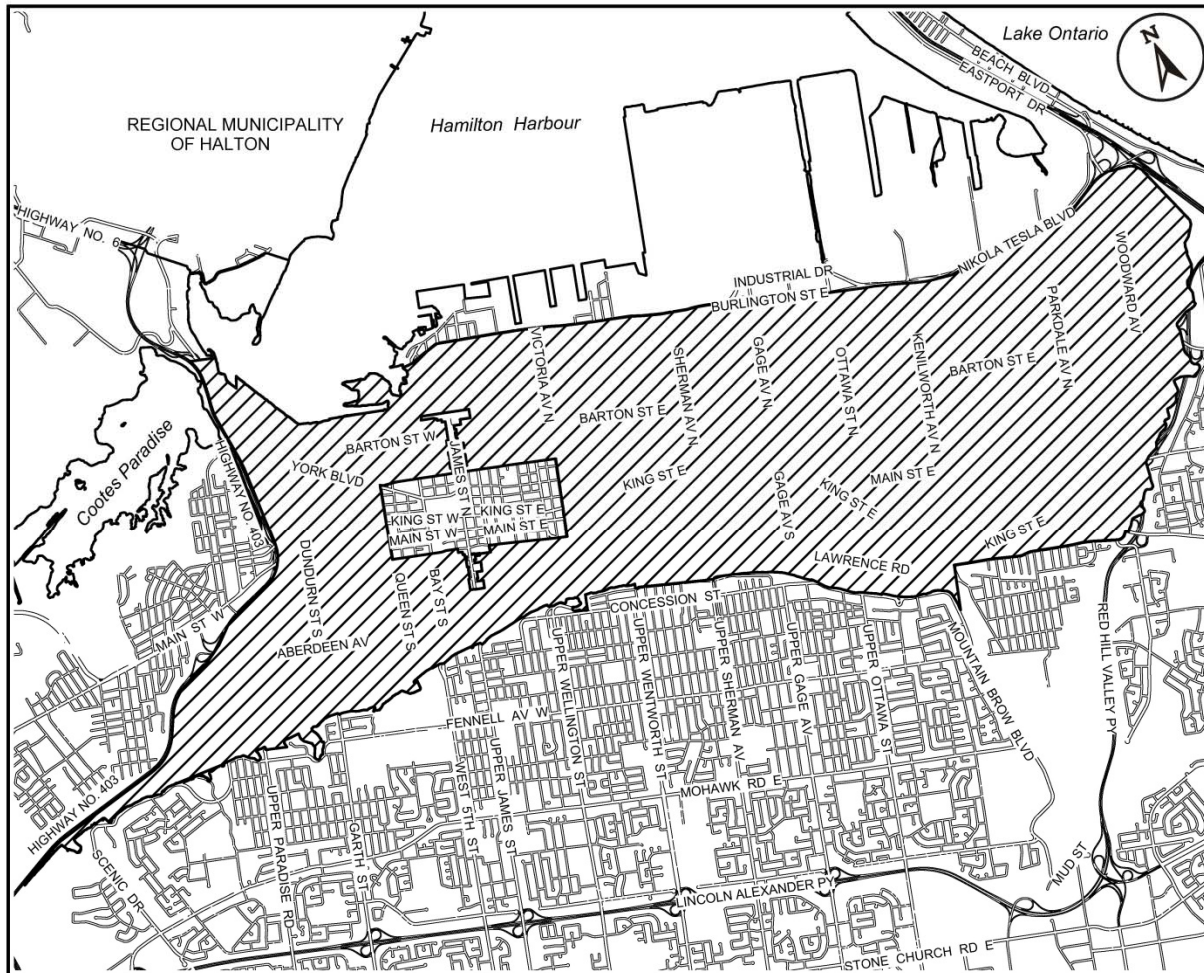
PASSED this 26th day of September, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CI 18-F

To Amend Zoning By-law No. 6593
 Respecting Second Dwelling Units for Certain Lands Bounded by Highway 403, Burlington Street, Red Hill Valley and the Escarpment



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 6593</p>	<p>Add to Section 22 Schedule P</p> <p> Geographical area where Secondary Dwelling units for properties adjoining a laneway are permitted</p>
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Scale: N.T.S.	File Name/Number: CI-18-F	
Date: May 17, 2018	Planner/Technician: EJ/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		