

	The Corporation of the Township of Hamilton
	By-Law Number 2021-XX

BEING A BY-LAW TO AMEND BY-LAW NO. 2001-58 AS AMENDED, THE TOWNSHIP OF HAMILTON LAND USE CONTROL BY-LAW.

WHEREAS Zoning By-law No. 2001-58, as otherwise amended, was passed under a predecessor Section 34 of the *Planning Act*, R.S.O. 1990, as amended;

AND WHEREAS the Council of the Corporation of the Township of Hamilton conducted a public meeting on the ___ day of ___, 2021 as required by Section 34(12) of the *Planning Act*, R.S.O. 1990, as amended;

AND WHEREAS the Council of the Corporation of the Township of Hamilton deems it advisable to amend Zoning By-law 2001-58, as otherwise amended, and under the provisions of the *Planning Act* has the authority to do so.

NOW THEREFORE BE IT RESOLVED:

1. **THAT** Section 3 be amended to add the following definitions, as follows:

“Additional Residential Unit” shall mean a self-contained residential unit containing a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures (such as above a garage or within a detached accessory structure), accessory to the principal residential dwelling and located on the same lot.

“Parking, Tandem” shall mean the parking of motor vehicles one behind the other.

2. **THAT** former Section 3.3 be renumbered to Section 3.4 and renumbered from this point forward and that former Section 3.152 be renumbered to Section 3.154 and renumbered from this point forward.
3. **THAT** Section 5.44 be added to the by-law to regulate additional residential units with respect to the following provisions:

5.44 Additional Residential Units

1. Notwithstanding any other provision of this By-law, where an additional residential unit is permitted hereunder, the following provisions shall apply:
 - i. Additional residential units shall only be permitted in association with the following permitted principal uses:
 - a. Single detached dwellings; and
 - b. Semi-detached dwellings.

- ii. Additional residential units are not permitted within the:
 - a. Limited Service Residential (LSR) Zone;
 - b. Waterfront Residential (WR) Zone;
- iii. Where an existing garden suite is situated on a lot it shall be classified as an additional residential unit. As such, only one additional residential unit within the principal dwelling shall be permitted subject to the provisions of this section.
- iv. Additional residential units are only permitted on lots with direct frontage on a year round maintained road;
- v. A maximum of two additional residential units may be permitted per lot subject to the provisions of this section:
 - a. One (1) additional residential unit may be permitted within an existing or new single detached or semi-detached dwelling on a lot; and
 - b. One (1) additional residential unit may also be permitted within a building or structure accessory to the single detached or semi-detached dwelling on a lot.
- vi. Where additional residential unit(s) is/are proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the authority having jurisdiction.
 - a. Where up to two additional residential units are proposed and the site is serviced with municipal water, a servicing statement is required from the municipality's water purveyor.
 - b. Where up to two additional residential units are proposed, and the site is privately serviced, the owner shall provide a current well test completed by licensed well contractor, showing well flow rate along with a current potable water test from the local Health Unit.
- vii. Additional residential units may be connected to the same servicing system for potable water and sewage disposal as the main dwelling on the lot pending approval of the municipality and authority having jurisdiction. If the servicing system is deemed to be inadequate to support the proposed additional residential unit(s), it is up to the property owner/applicant to provide an alternative servicing system to the satisfaction of the municipality and any other authority having jurisdiction as the case may be.
- viii. Additional residential units shall be clearly accessory to the principal permitted use on the same lot;
- ix. The establishment of additional residential units shall not be limited by any special zone provision that establishes the maximum number of dwelling units.

- x. The maximum floor area of an additional residential unit within a principal dwelling shall not exceed 50%, or up to 186 square metres (2,002 square feet), of the gross floor area of the dwelling in which it is located.
- xi. Additional residential units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.
- xii. Additional residential units shall comply with the required minimum Landscaped Open Space provision, where such requirement has been established for the zone in which the Additional Residential Unit is located.
- xiii. In addition to the parking space(s) required for single detached or semi-detached dwellings, one (1) parking space is required for each additional residential unit. Tandem parking to a maximum of only one (1) space is permitted.
- xiv. Additional residential units within or otherwise attached to the principal dwelling unit shall provide a separate entrance which may be located at the side, rear or front of the principal dwelling unit. The entrance shall be accessed by a 1.2 metre (4 feet) wide unobstructed pathway from the front of the principal dwelling or the front lot line. For the purposes of this subsection, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres (7.5 feet). This provision shall not prevent the establishment of a gate to access the rear yard.
- xv. If an additional residential unit is proposed in a floodplain or an area rendered inaccessible to people and vehicles during times of flooding it shall require the approval of the authority having jurisdiction.
- xvi. Where an additional residential unit is located within a detached accessory building, the following provisions apply:
 - a. Shall comply with the accessory use minimum yard requirements of the zone;
 - b. Shall be setback a minimum of 1.2 m (4 feet) from the principal dwelling located on the same lot;
 - c. Shall have a maximum building height of 5.5 metres (18 feet);
 - d. i) Where a principal dwelling has a footprint of 100 square metres or less, the gross floor area of the detached additional unit shall not exceed 50 square metres;
ii) Where a principal dwelling has a footprint greater than 100 square metres, the gross floor area of the detached additional unit shall not exceed 50% of the principal dwelling footprint or a maximum of 186 square metres (2,002 square feet), whichever is lesser.
 - e. Shall comply with all other relevant accessory use provisions of the zone in which it is located; and
 - f. A detached additional residential unit shall comply with the Minimum Distance Separation formulae.

4. **THAT** Zoning By-law No. 2001-58, as otherwise amended, is hereby amended to give effect to the foregoing, that Zoning By-law No. 2001-58, as otherwise amended, shall in all other respects remain in full force and effect save as it may otherwise be amended or thereafter dealt with.

5. **THAT** this By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of Hamilton, subject to applicable provisions of the *Planning Act*, R.S.O. 1990, as amended.

THIS BY-LAW READ A FIRST AND SECOND TIME THIS ___ DAY OF ___ 2021.

**THIS BY-LAW READ A THIRD TIME AND FINALLY PASSES THIS ___ DAY OF ___
2021.**

**Mayor
Bill Cane**

**Clerk
Kate Surerus**