

Authority: Item 8, Planning Committee Report 24-003 (PED22002(b))

CM: March 27, 2024 Ward: 9, 10, 11, 12, 13, 15

Written approval for this by-law was given by Mayoral Decision MDE-2024 07 dated March 27, 2024

Bill No. 039

CITY OF HAMILTON

BY-LAW NO. 24-039

To Amend Zoning By-law No. 05-200 with Respect to Farm Labour Residences and Additional Dwelling Units – Detached in Rural Zones

WHEREAS Council approved Item 8 of Report 24-003 of the Planning Committee, at its meeting held on March 27, 2024;

AND WHEREAS this By-law conforms with the Rural Hamilton Official Plan upon adoption of Rural Hamilton Official Plan Amendment No. 39;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Section 4: General Provisions be amended by adding the following Section:

“4.33.4 ADDITIONAL DWELLING UNIT – DETACHED IN AGRICULTURE (A1), RURAL (A2) AND SETTLEMENT RESIDENTIAL (S1) ZONES

- a) For lands within an A1, A2, S1 Zone, a maximum of one Additional Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling having a minimum lot area of 1.5 hectares.
 - i) Notwithstanding 4.33.4 a) above, an Additional Dwelling Unit – Detached shall not be permitted on lands identified in Figures 24.1 to 24.5 of Schedule “F” – Special Figures.
- b) In addition to Section 4.33.4 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 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 4.33.4.

- c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.4.
- 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 4.33.4 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 4.33.4 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 4.33.4 i), balconies and rooftop patios shall be prohibited above the first floor level.
 - j) The maximum gross floor area shall not exceed the principal dwelling.
 - k) Notwithstanding 4.33.4 g) above, the maximum combined lot coverage of all accessory buildings, Farm Labour Residence(s) and the Additional Dwelling Unit - Detached shall be 25%.
 - l) The waste disposal and water supply systems shall be in accordance with Section 4.22 iii)."

2. That Section 9.12.3.1 j) be deleted and replaced with the following:

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| “j) Farm Labour Residence | A Farm Labour Residence, accessory to Agriculture, may be permitted in accordance with the following: |
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1. Shall have a maximum building height of 10.5 metres.
 2. All Farm Labour Residences shall have an aggregate maximum lot coverage of 420 square metres.
 3. Individual Farm Labour Residence units shall have a maximum gross floor area of 200 square metres.
 4. All Farm Labour Residences shall be separated from the principal Farm Dwelling by a minimum of 30 metres.
 5. All Farm Labour Residences shall be a separated by a minimum of 10 metres.
 6. In addition to Section 5 of this By-law, a minimum of 1 parking space per Farm Labour Residence shall be required in the absence of a principal farm dwelling on the same lot.

3. That Section 12.1.3.1 j) be deleted and replaced with the following:

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|---------------------------|---|
| “j) Farm Labour Residence | A Farm Labour Residence, accessory to Agriculture, may be permitted in accordance with the following: |
| | <ol style="list-style-type: none">1. Shall have a maximum building height of 10.5 metres.2. All Farm Labour Residences shall have an aggregate maximum lot coverage of 420 square metres.3. Individual Farm Labour Residence units shall have a maximum gross floor area of 200 square metres.4. All Farm Labour Residences shall be separated from the principal Farm Dwelling by a minimum of 30 metres.5. All Farm Labour Residences shall be a separated by a minimum of 10 metres.6. In addition to Section 5 of this By-law, a minimum of 1 parking space per Farm Labour Residence shall be required in the absence of a principal farm dwelling on the same lot. |

4. That Section 12.1.3.4 be amended by adding the words “ADDITIONAL AND DWELLING UNIT – DETACHED” between the words “UNIT” and “REGULATIONS”.

5. That Section 12.2.3.1 j) be deleted and replaced with the following:

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| “j) Farm Labour Residence | A Farm Labour Residence, accessory to Agriculture, may be permitted in accordance with the following: |
| | <ol style="list-style-type: none">1. Shall have a maximum building height of 10.5 metres.2. All Farm Labour Residences shall have an aggregate maximum lot coverage of 420 square metres. |

3. Individual Farm Labour Residence units shall have a maximum gross floor area of 200 square metres.
 4. All Farm Labour Residences shall be separated from the principal Farm Dwelling by a minimum of 30 metres.
 5. All Farm Labour Residences shall be a separated by a minimum of 10 metres.
 6. In addition to Section 5 of this By-law, a minimum of 1 parking space per Farm Labour Residence shall be required in the absence of a principal farm dwelling on the same lot.
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6. That Section 12.2.3.8 be amended by adding the words “AND ADDITIONAL DWELLING UNIT – DETACHED” between the words “UNIT” and “REGULATIONS”.
 7. That Section 12.3.4 be amended by deleting the words “Secondary Dwelling” and replacing them with “ADDITIONAL DWELLING UNIT AND ADDITIONAL DWELLING UNIT – DETACHED”.
 8. That Figures 24.1 to 24.5 of Schedule “F” – Special Figures be amended by adding the words “and Additional Dwelling Units – Detached” to the title block.
 9. 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 27th day of March, 2024

A. Horwath
Mayor

J. Pilon
Acting City Clerk

CI-23-J