



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 20, 2018
<b>SUBJECT/REPORT NO:</b>	Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Alana Fulford (905) 546 - 2424 Ext. 4771
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Report PED18036 (City Initiative CI-18-A) to amend the Existing Residential “ER” Zone regulations in the Town of Ancaster Zoning By-law No. 87-57, to address the redevelopment of single detached dwellings in mature neighbourhoods, be received;
- (b) That Report PED18036, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report and amending by-law to be presented to the April 17, 2018 Planning Committee.

**EXECUTIVE SUMMARY**

Concerns have been raised about redevelopment of existing residential lots. In some cases, new dwellings and additions may not be compatible with existing dwellings in mature neighbourhoods. Changes in built form have led to the perception of “over-building”, with the term “monster home” also commonly used to describe newer infill development. As such, changes are proposed to the regulations of the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57, the culmination of a review that was initiated in response to the Ward Councillor’s concerns.

The Existing Residential “ER” Zone in the Town Ancaster Zoning By-law No. 87-57 is comprised of approximately 2,500 single family dwelling lots, characterized by a varied lot fabric although generally consisting of larger lots. The average lot area in the “ER”

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Zone is 1,139 sq m. The Location Map, shown as Appendix “A” to Report PED18036, identifies the location of all “ER” Zoned properties in Ancaster.

In a previous staff report (Report PED14132), staff addressed the compatibility of redevelopment in mature neighbourhoods and identified potential tools to address this issue and recommended further study of the suite of potential tools, in consultation with the Ancaster community.

As directed through Report PED14132, staff undertook consultation with the Ancaster community through two public information centres (PICs), held on September 26, 2016. A survey was distributed at the meetings, asking residents to identify and comment on their top two concerns with respect to existing “ER” Zone regulations. A more detailed discussion of the PICs can be found in the Relevant Consultation section to this Report. Further, the document “Summary of Written Comments from Public Information Centres”, is attached as Appendix “F” to Report PED18036.

In consideration of the public feedback received, staff’s review of other municipal regulatory approaches, and consideration of the lot patterns, existing conditions, and development pressures in the “ER” Zone, a series of changes to the regulations of the “ER” Zone are proposed. The document “Proposed Options for Changes to the “ER” Zone Regulations” is attached as Appendix “C” to Report PED18036 and provides a detailed description and evaluation of the proposed changes. New or revised regulations are proposed for:

- Maximum Height of Principal Dwelling;
- Lot Coverage;
- Front Yard Setback;
- Rear Yard Setback;
- Side Yard Setback;
- Garage Location (projection); and,
- Second Storey Projections.

While there are a number of tools that can be employed to respond to redevelopment in mature neighbourhoods, changes to zoning regulations directly impact the buildable footprint of a lot and thus the built form. Other approaches such as making the “ER” Zone subject to Site Plan Control, could influence some aspects of the built form and design, but it would not address the essential building permissions, which have the greatest impact on the built form permitted.

Staff are recommending a two-step process to bring forward the proposed modifications to the Existing Residential “ER” Zone. The first step is a Public Meeting to receive Report PED18036 and to receive any public submissions. Once the Public Meeting is

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closed, staff will prepare a further report and amending by-law to present to Planning Committee. This process is intended to inform Planning Committee of the recommended changes to the regulations of the “ER” Zone and allow any public submissions received at the Public Meeting to be considered by staff before an amending by-law is subsequently brought before Planning Committee for consideration. Staff intend to bring forward a second report and the Draft By-law to the April 17, 2018 Planning Committee. The proposed Draft By-law is attached as Appendix “B” to Report PED18036.

City Initiative CI-18-A is a pilot project, intended to introduce a series of regulations that are to be comprehensively monitored to evaluate the impact of regulatory changes on built form and to assess the ease of administering the regulations. Should revisions to the regulations or new regulations be warranted, staff will have the benefit of the results of the monitoring program in order to make an informed decision going forward in the development of the new residential zones. The results of this pilot project are also intended to inform the evaluation of residential infill in mature neighbourhoods in other urban areas of the City and will inform the upcoming city-wide residential zoning project.

It is also noted that changes to the Zoning By-law regulations is one tool within a suite of potential tools to address redevelopment in mature neighbourhoods. As part of the monitoring program, and alongside the upcoming residential zoning project, staff will evaluate other potential tools to determine if suitable as complementary to the regulation changes.

***Alternatives for Consideration – See Page 26***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Zoning By-law. The Public Meeting is being held to receive Report PED18036 and to receive any public submissions, which will be referred to staff for consideration and incorporated into a further report and amending by-law to be presented to Planning Committee for consideration.

## **HISTORICAL BACKGROUND**

Neighbourhood character is influenced by a number of factors, including social, economic, and physical factors such as design elements. The “look” and “feel” of a neighbourhood can also be shaped by zoning by-law regulations which establish as-of-right building envelopes which influence built form. While many neighbourhoods are characterized as being stable, they are not static and evolve over time. As this evolution takes place, it is not uncommon for residential infill and redevelopment to be perceived as incompatible with existing dwellings in mature neighbourhoods. Hamilton is not alone in facing neighbourhood change as small homes in mature neighbourhoods are replaced with larger homes. While new development may meet the requirements of the Zoning By-law, it may be of a scale that is larger than the existing built form. In addition to Ancaster, there have been concerns expressed about the compatibility of new development in other areas of the City, including Ward 1, 6 and in the Waterdown community.

In 2014, through Report PED14132, staff responded to concerns about redevelopment of existing residential lots in the “ER” Zone in Ancaster. Staff reported on the issues identified, characteristics of recent building activity, and the suite of tools recommended for further study to determine if suitable to address redevelopment and its impact on character in the “ER” Zone” in Ancaster. Report PED14132 also provided further historical background on the issue of “over-building” which has been raised for various areas of the City in the past.

At their meeting of July, 2014, City Council adopted the following recommendations,

- “(a) That Staff Report PED14132 and Appendix “B” - Redevelopment in Ancaster “ER Zone” Neighbourhoods be received;
- (b) That staff be directed to work with the Ward Councillor to undertake consultation with the neighbourhoods regarding options for addressing redevelopment issues as described in Appendix “B” and any potential changes to the zoning by-law.”

Staff consulted with the Ancaster community in September 26, 2016 and in consideration of public feedback received, developed a pilot project for the “ER” Zone of Ancaster consisting of a series of changes to the regulations of the “ER” Zone which will be monitored once implemented to inform future decisions and regulations relating to the new residential zones, and the evaluation of residential infill in mature neighbourhoods in other urban areas of the City.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **1.0 Provincial Policy**

The Growth Plan for the Greater Golden Horseshoe 2017 and the 2014 Provincial Policy Statement (PPS) do not expressly address redevelopment based on the same use; it contains policies that require the City to accommodate more residential uses in the existing urban area (through intensification). Policies addressing the location, compatibility and quantity of new housing are the responsibility of the municipality.

The proposed changes conform to the 2017 Growth Plan and are consistent with the 2014 PPS.

### **2.0 Urban Hamilton Official Plan (UHOP)**

The areas zoned “ER” Zone are designated “Neighbourhoods” in the UHOP. Further, there are portions of the “ER” Zone which are located within Secondary Plans. A number of properties are located within the Shaver Neighbourhood Secondary Plan and are designated “Low Density Residential 1”. Portions of the “ER” Zone are also located within the Garner Neighbourhood Secondary Plan and designated “Low Density Residential (Existing)”. Finally, there are properties along Wilson Street or in close vicinity to Wilson Street that are located within the Ancaster Wilson Street Secondary Plan. They are designated “Low Density Residential 1” and “Low Density Residential 3”. There is one property on Wilson Street that is designated “Medium Density Residential 2” in the secondary plan.

Similar to the discussion on provincial policy, the UHOP does not contain redevelopment policies for single detached dwellings. However, when preparing new zones or amending existing zones, support for the changes can be derived from UHOP policies. In this project, the following policies apply:

#### Residential Intensification

“B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

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- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;”

The proposed changes to the Existing Residential “ER” Zone regulations are intended to direct new development that is more complementary to established neighbourhood patterns, built form, and character.

### Built Form

With respect to built form, the following policies are referenced:

“B.3.3.3.2 New *development* shall be designed to minimize impact on neighbouring

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buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.

B.3.3.3.4 New *development* shall define the street through consistent setbacks and building elevations.”

The proposed changes to the “ER” Zone regulations are intended to improve the compatibility of new development with existing built form by responding to matters such as privacy and overlook concerns, and building height, massing and scale in relation to adjacent dwellings. In addition, changes to the setback regulations are proposed that relate setbacks to established streetscapes and lot dimensions, and are intended to create a more consistent streetscape pattern.

#### Shaver Neighbourhood Secondary Plan

A small portion of the “ER” Zone is located within the Shaver Neighbourhood Secondary Plan and designated “Low Density Residential 1”. The Low Density Residential 1 designation permits single detached dwellings.

#### Garner Neighbourhood Secondary Plan

A portion of the “ER” Zone is located within the Garner Neighbourhood Secondary Plan and designated “Low Density Residential (Existing)”. The Low Density Residential (Existing) Designation applies to the existing Maple Lane Annex, Maple Land Gardens, Harmony Hall and Greenwood Estates subdivisions.

#### Ancaster Wilson Street Secondary Plan

The properties located within the Ancaster Wilson Street Secondary Plan are designated “Low Density Residential 1” and “Low Density Residential 3”, with one property designated “Medium Density Residential 2”. The Low Density Residential 1 designation permits single detached dwellings and semi-detached dwellings. In areas designated Low Density Residential 3, all forms of townhouses and low-rise multiple

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dwelling are permitted, in addition to the permitted uses of Volume 1 of the UHOP, which includes single detached and semi-detached dwellings.

The following policy applies to lands designated Low Density Residential 3:

“B.2.8.7.3 b) vi) *New development or redevelopment shall ensure the height, massing, scale, and arrangement of the buildings and structures are compatible with the abutting uses.*”

In the Medium Density Residential 2 designation, which applies to one property zoned “ER” Zone, permitted uses are limited to single detached dwellings, semi-detached dwellings, all forms of townhouse dwellings, low-rise multiple dwellings, and live-work units.

The proposed changes to the “ER” Zone conform to the secondary plan policies of the UHOP. Permitted uses are not being modified. The changes to the “ER” Zone regulations are intended to regulate height, massing and scale so that new development is more compatible with adjacent existing built form.

## **RELEVANT CONSULTATION**

### **1.0 Understanding Community Concerns**

On numerous occasions staff received emails, through the Ward Councillor and individual submissions, identifying concern that a new “monster home” was being built in the older areas of Ancaster that was out of character with the existing neighbourhoods. From a planning perspective, there were several potential reasons that lead to the community’s apprehension about new development.

In advance of the Public Information Centres (PICs), staff, along with the Ward Councillor, met with a small group of residents so they could articulate their specific concerns about new dwellings and in turn, staff could explain what municipal tools were available to address concerns. This initial meeting was critical to ensure the information presented at the PICs addressed the concerns identified, and potential options to address these concerns were explored. The PIC panels, the handouts and the presentation addressed the community issues.

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## **2.0 Public Input Received from the Public Information Centres (PICs)**

On September 26, 2016, staff, in conjunction with the Ward Councillor, held two Public Information Centres to:

- educate the community on what tools are available to the City to address the impact of redevelopment on mature neighbourhoods ; and,
- gain an understanding, on a community wide basis, of the major concerns the community has about redevelopment. Feedback from these sessions will be used to inform Council’s decision on new residential zoning in Ancaster and across the City.

The two PICs were held at the Ancaster Town Hall. Both the afternoon and evening sessions included an open house component prior to presentation and the question and answer session. Staff from Planning, Building and Growth Management Divisions were present to discuss and answer questions on planning, building and grading matters. Approximately 75 people attended the afternoon session and 90 people attended the evening session. Attendees were asked to fill out a survey identifying their major issues. Staff received a total of 32 written comments relating to 28 properties in Ancaster, the vast majority of which were in the form of survey response. A more detailed description of the PICs and the results of the survey are contained in Appendix “F” to Report PED18036.

In summary, the key issues identified by respondents were maximum building height and maximum lot coverage regulations (see Figure 1). These regulations were identified as the “top two concerns” (nineteen and thirteen times respectively). Minimum yard setbacks and landscaping requirements were also identified as a top two concern seven times each. Minimum lot area was not identified as a top concern.

Residents also identified issues outside the purview of the existing “ER” Zone regulations. These issues related to grading, the Committee of Adjustment process, building inspections for new development activity, and general nuisances caused by construction.

The issues identified by respondents appear to have several impacts on residents. In general, the massing of new dwellings and additions to existing dwellings can be disruptive to the privacy of residents in neighbouring smaller homes and bungalows, especially when new buildings and additions overlook adjacent buildings and rear yards. Larger homes may block views to trees and sunlight, and can visually overwhelm smaller dwellings on neighbouring properties. Several respondents also identified concern with lack of integration of new homes with existing streetscapes and neighbourhood character.

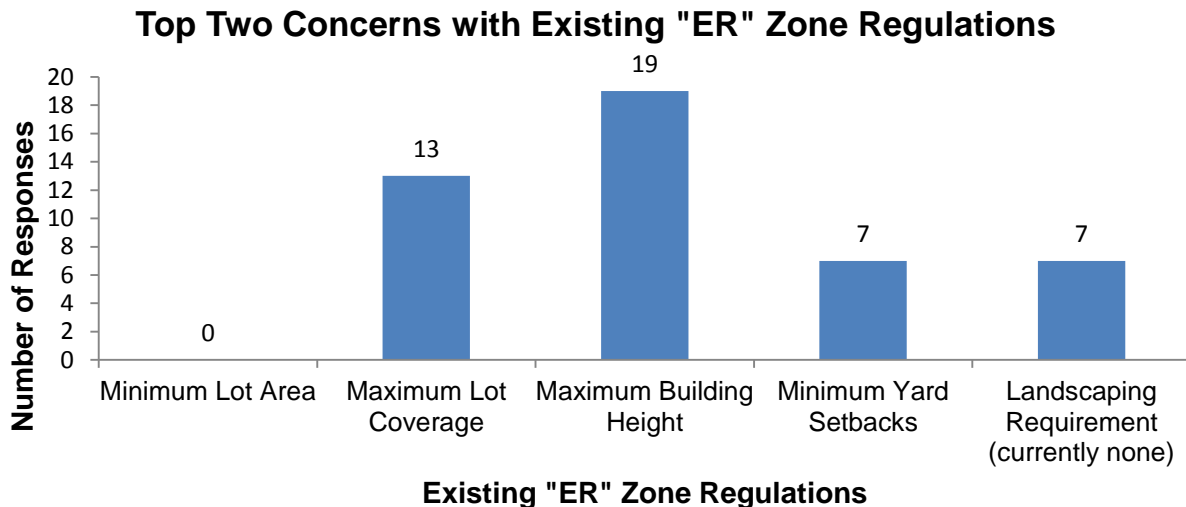
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**Figure 1 – Survey Responses from the PICs**



Other impacts that existing regulations are having on the neighbourhood include poor drainage and lack of tree retention. These impacts are tied to maximum lot coverage, minimum side yard setbacks, and landscaping requirements. Pervious surfaces and trees/shrubbery allow for greater stormwater drainage and side yards often act as a swale to control stormwater drainage. Trees and natural foliage also serve as a natural screening/buffer between homes.

### **3.0 Internal Consultation**

The Growth Management Division was closely consulted in the development of the recommended grading pilot project for the “ER” Zone.

The Building Division was consulted in the development of the proposed regulations, specifically on matters of implementation.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The purpose of this Report is to:

- a) recommend changes to the regulations of the Existing Residential “ER” Zone in Ancaster to respond to concerns about perceived over-building in mature neighbourhood, that will provide for a more sensitive integration of new homes or additions to existing homes into established stable neighbourhoods; and,

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- b) initiate a monitoring program for the changes to the Existing Residential “ER” Zone which will allow staff to evaluate the impact of the regulatory changes on built form. The results will be used to:
- i) evaluate other planning measures such as design guidelines, to inform development and redevelopment in mature neighbourhoods; and,
  - ii) inform the development of new residential zones for other areas of the City with similar zoning, lot characteristics, and experiences with infill and redevelopment.

## **1.0 Context**

The character of a neighbourhood is distinguished by lot sizes, style and size of dwelling, and the location of the dwelling on a lot. The style of homes in this part of Ancaster is varied, depending on the era in which the dwellings were built. Much of the existing housing stock is comprised of modestly sized bungalows or one-and-a-half to two-storey dwellings on large lots, reflective of an earlier time period. Many of these older homes were built in the decade of the 1950’s, when there was a great deal of post-war building activity. To a lesser extent but still of significance, was the period 1946 – 1949, and 1960 – 1969 when the “ER” Zone also experienced a fair amount of new construction. The lots are generally larger in size because at the time, homes were serviced by private septic tanks and wells. Roads were built with ditches and no sidewalks. As hard services became available, existing homes were connected to municipal services. However, stormwater is still collected by the ditches.

The goal of planning is to allow for redevelopment that is sensitive to the existing and planned character of an area. Through the evolution of mature neighbourhoods, zoning regulations should address appropriate redevelopment.

### 1.1 Building Activity – 2012 to 2017

From January 2012 to October 2017, there were 126 dwellings demolished and replaced, and an additional 31 additions to existing dwellings in the “ER” zone, which represent 5% and 1.2% of the housing stock respectively. Please refer to the document “Data Analysis of the “ER” Zone”, attached as Appendix “E” to Report PED18036, for a more detailed analysis of building activity.

### 1.2 Redevelopment in Mature Neighbourhoods – Other Municipal Approaches

Many municipalities have addressed the issue of redevelopment in mature neighbourhoods through the implementation of various tools, whether through official

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plan policies, zoning by-law regulations, design guidelines, or a combination of. Appendix “B” to Report PED14132 summarized a number of municipal approaches in an Ontario context as well as other Canadian approaches which informed the series of tools summarized as potential options in the “ER” Zone context. Prior to establishing the potential regulations that staff have evaluated for this Report, the review of municipal approaches was updated to capture new initiatives that were implemented since the 2014 report. The update includes:

Town of Oakville: Design Guidelines for Stable Residential Communities (2013) and Urban Design Direction for Oakville (2014).

City of Burlington: Character Area Studies were completed for three mature neighbourhoods within the City (Roseland, Indian Point, Shoreacres), culminating in new official plan policy and zoning by-law regulations (2016).

City of Ottawa: Mature Neighbourhoods By-law (2012), Infill II By-law (2015) which built on the 2012 By-law to address other elements that impact built form across a wider area of the City.

City of St. Catharines: Residential Infill / Intensification Development Review culminated in official plan policies, zoning by-law regulations, changes to development review procedures and practices, and new urban design guidelines for low rise infill housing (2017).

Concerns expressed by communities regarding residential infill in mature neighborhoods have common themes around incompatibility concerns and the preservation of neighbourhood character. Approaches taken must be sensitive to the context, including neighbourhood characteristics and scale i.e. whether neighbourhood specific or city-wide, as some measures are introduced to respond to concerns identified in specific neighbourhoods that are of a smaller scale and more uniform in lot patterns and other defining characteristics.

## **2.0 What Zoning By-law Regulations Can Address**

### **2.1 Zoning By-law**

Zoning regulations are one of the key tools that shape neighbourhood patterns and built form by establishing the as-of-right building envelope and parameters within which development may take place. The Existing Residential “ER” zone in Ancaster contains the following regulations to guide development:

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<b>Regulations</b>	
<b>Minimum Lot Area</b>	695 sq m
<b>Minimum Lot Frontage</b>	18 m
<b>Maximum Lot Coverage</b>	35%
<b>Minimum Front Yard</b>	7.5 m <sup>1</sup>
<b>Minimum Side Yard</b>	1.5 m, except on a corner lot the minimum side yard abutting a street shall be 6.0 m <sup>1</sup>
<b>Minimum Rear Yard</b>	7.5 m
<b>Maximum Height</b>	10.5 m
<b>Accessory Buildings</b>	Subject to the provisions of Section 7.18 (a) apply (General Provisions)

<sup>1</sup> Plus any applicable distance as specified in Schedule “C”.

**Lot Coverage:** Lot coverage establishes the amount of the lot that can be covered by buildings and directly relates to the amount of open space that remains on a lot. All building, exclusive of decks and swimming pools, are included within the 35% lot coverage requirement. While many of the lots within the “ER” Zone have lot coverages well below the maximum permitted of 35% given the frequency of larger lots in the “ER” Zone, there are also existing situations where the 35% coverage cannot be achieved due to lot configurations and setback requirements (meaning the buildable envelope of a lot is below the 35% permitted).

**Front and Rear Yard Setbacks:** These yard requirements dictate the minimum distance a building must be set back from the front and rear property line. The front yard setback helps to define the streetwall by establishing a minimum distance to the leading edge of the building. However, as there is no maximum setback regulation, there is variability in the distance actual buildings may be set back from the front and rear property lines.

**Side Yard Setbacks:** The side yard setback establishes a minimum distance between buildings for the purpose of drainage, building maintenance, rear yard access, and privacy between buildings. Side yard setbacks also contribute to streetscape character by establishing consistent spacing between buildings.

**Height:** The maximum building height is the vertical distance from grade to the uppermost point of the building. Grade means the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls.

Please refer to the “Illustrations of Proposed Regulations” document attached as Appendix “D” to Report PED18036, for illustrations of the various regulations.

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## 2.2 Municipal Processes

If a new single detached dwelling or alternations / additions to an existing dwelling meets the zoning by-law requirements, no *Planning Act* application is required. Single detached dwellings are exempt from Site Plan Control except for a number of specific situations, including when a proposed building is located adjacent to or within a Core Area of the City’s Natural Heritage System. A Tree Preservation Plan or an Environmental Impact Statement (through the Site Plan Control Process) may be required to identify and mitigate any impacts on the natural features.

For development requiring a building permit only, prior to issuance of a building permit, other municipal requirements may be required.

### *2.2.1 Site Alteration / Grading*

A detailed review of the grading plans to identify the impacts to drainage on adjacent properties, tree preservation is not conducted as part of building permit application. Where Grading Plans are required to be submitted as supporting documentation for a building permit, these plans are reviewed against the requirements of the City’s Fill By-Law, being a By-law for Prohibiting and Regulating the Alteration of Property Grades, The Placing or Dumping of Fill and the Removal of Topsoil (By-Law No. 03-126, as amended). As per Section 3.3 of this By-law, a Site Alteration Permit is not required provided:

- a) the placement or removal of fill does not or will not alter the grade of any part of the lot at any location by more than 0.5 m;
- b) the placement or removal of fill does not alter that grade of the lot within 3 m of the property line by more than 0.2 m;
- c) the placement or removal of fill does not obstruct the flow of water in a watercourse; and,
- d) the placement or removal of fill does not cause water normally contained on the lot to drain off site.

### *2.2.2 Tree Removal*

Ancaster has a specific tree removal by-law (By-law 2000-118) which regulates the injury or destruction of certain classes of trees on public and private property in Ancaster. A permit must be submitted for the removal of certain classes of trees, and at

the time of development, temporary tree protection measures must be erected to protect trees during construction activity.

### **3.0 Proposed Changes to Zoning By-law Regulations**

Zoning By-law regulations establish an as-of-right building envelope that guides development or redevelopment on individual properties. Based on public feedback, Committee of Adjustment activity, staff’s review of other municipal approaches, and consideration of the lot patterns and other existing conditions of the “ER” Zone, a series of changes are recommended to the regulations of the “ER” Zone. The document “Proposed Options for Changes to the “ER” Zone Regulations” is attached as Appendix “C” to Report PED18036 and details each proposed regulation and evaluates the regulation against other options that were considered in staff’s evaluation. The document “Illustrations of Proposed Regulations” is attached as Appendix “D” to Report PED18036 and illustrates the proposed regulations on a series of sample lots.

The recommended changes to the regulations are not intended to remove the flexibility of land owners when building new homes or additions, or control design or building materials. The proposed changes are intended to provide a more sensitive integration of new construction within mature neighbourhoods and to provide for better on-site storm water management.

#### **3.1 Maximum Height of Principal Dwelling**

<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>
Maximum Height <sup>1</sup>	10.5 m	i. 7.5 m for a one-storey dwelling ii. 9.5 m for a two-storey dwelling

1 Building height is measured as the vertical distance from grade to the uppermost point of the building, not including any mechanical equipment or features (e.g. chimneys), that extend beyond the uppermost point of the roof.

A reduction in the permitted building height from 10.5 m, to 9.5 m is recommended. Further, it is recommended that maximum height be correlated to storeys so that a separate maximum height can be applied to one-storey dwellings. The maximum number of storeys permitted is proposed at two-storeys. By reducing the maximum height permitted and further, limiting the number of storeys to two, the variation in heights between existing and new dwellings will be moderated, as will the overall massing effect. The modifications to the regulations are intended to establish height parameters that are more sensitive to the existing built form.

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**3.2 Lot Coverage**

Regulation	Existing	Proposed
Maximum Lot Coverage <sup>2</sup>	35%	<p>For lots with an area less than or equal to 1,650 sq m:</p> <ul style="list-style-type: none"> <li>i. Maximum lot coverage of 35% (one-storey)</li> <li>ii. Maximum lot coverage of 25% (two-storeys)</li> </ul> <p>For lots with an area greater than 1,650 sq m:</p> <ul style="list-style-type: none"> <li>i. Maximum lot coverage of 30% (one-storey)</li> <li>ii. Maximum lot coverage of 20% (two-storeys)</li> </ul>

<sup>2</sup> Includes all buildings and accessory structures, with the exception of swimming pools and decks.

Lot coverage is proposed to be correlated to building height such that two-storey dwellings are subject to a lower maximum lot coverage. For dwellings greater than one-storey in height, a maximum lot coverage of 25% is proposed, to account for the potential mass of the building. However, staff recommend the maximum lot coverage of 35% remain in place for one-storey dwellings, as they generally result in a mass that is more complementary to the existing built form. Bungalows represent an important housing form and help to promote aging in place. As a result of the recommended changes, a two-storey dwelling will have a smaller building footprint permission than a one-storey dwelling.

In addition, it is recommended that a further reduction to the maximum lot coverage regulation be introduced for lots greater than 1,650 sq m in area such that a one-storey dwelling is subject to a maximum lot coverage of 30% and a two-storey dwelling is subject to a maximum lot coverage of 20%. Lots greater than 1,650 sq m in area represent the top 10<sup>th</sup> percentile of the total number of lots within the “ER” Zone, which is approximately 260 lots. It is considered appropriate to apply a further reduction to the maximum lot coverage permitted given the size of dwelling that could be constructed and in consideration of compatibility in built form and neighbourhood character. It is noted that the definition of lot coverage in the Ancaster Zoning By-law includes all buildings and accessory structures, with the exception of swimming pools and decks. Thus, the various maximum lot coverage regulations must include any buildings or accessory structures in addition to the principal dwelling.

The proposed reductions in lot coverage must be considered in the context of the other suite of regulations proposed which work together to set parameters on buildable footprint, location of a dwelling on a lot, and building mass.

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Report PED14132 also spoke to floor area ratio (FAR), the ratio of the floor area of a building to the lot size, as a tool for consideration in the “ER” Zone context. As part of staff’s evaluation, staff initially considered a FAR as an additional means of controlling building mass. However, once staff recommended correlating lot coverage to building height (storeys), FAR became a somewhat redundant tool. Thus, FAR was not pursued further.

**3.3 Front Yard Setback**

Regulation	Existing	Proposed
Minimum Front Yard	7.5 m, plus any applicable distance as specified in Schedule “C”	<p>The front yard setback shall be the average of the existing front yards of the nearest adjacent dwellings on either side of the lot, within 20 percent of the established average. In no case shall a front yard setback be less than 5.0 m.</p> <p>Notwithstanding the above, where the average of the existing front yards of the nearest adjacent dwellings on either side of the lot provides a front yard setback less than 5.0 m, the minimum setback shall be 5.0 m and the maximum setback shall be 6.0 m.</p> <p>Where a lot is a corner lot, the existing front yard setback of the adjacent dwelling that faces the same street shall apply.</p> <p>Where a lot abuts a corner lot on which the dwelling faces a different street, only the existing front yard setback of the abutting dwelling that faces the same street shall apply.</p> <p>In all other cases not listed above, a minimum front yard setback of 7.5 m and a maximum front yard setback of 9.0 m shall be provided.</p>

An average front yard setback is recommended to establish a regulation that directly relates to the existing conditions of neighbouring properties. The front yard setbacks of

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the two nearest abutting lots will be averaged to establish the front yard setback of the affected lot. To allow some flexibility given the range of possible conditions and scenarios, the front yard setback may be increased or decreased by 20%, provided a minimum front yard of 5 m is maintained. For a corner lot or a lot abutting a corner lot, only those abutting properties which face the same street are used for the purposes of calculating the front yard setback. In some scenarios, only one property will be used to determine the front yard setback for a property that is being redeveloped. For all other possible scenarios not identified in the regulation, a minimum front yard of 7.5 m and maximum front yard of 9 m must be provided.

Staff note that the application of an average to establish a setback is not precedence setting, as Section 18(3) (iii) of City of Hamilton Zoning By-law 6593 permits a minimum front yard for an interior lot that is equal to the average depth of the two adjoining front yards, subject to provisions of the By-law.

To implement this regulation, the proponent will be required to survey the location of the front wall of the dwelling on each abutting lot (as applicable), and the dimension of the front yard setback on each abutting lot, so that staff can confirm the front yard setback for an affected property. The City of Hamilton requires a survey with the application for a building permit.

**3.4 Rear Yard Setback**

Regulation	Existing	Proposed
Minimum Rear Yard	7.5 m	<ul style="list-style-type: none"> <li>For lots with less than or equal to 40 m lot depth, a minimum rear yard of 25% of the lot depth. In no cases can the rear yard be less than 7.5 m.</li> <li>For lots greater than 40 m lot depth and less than or equal to 45 m lot depth, a minimum rear yard of 30% of the lot depth.</li> <li>For lots greater than 45 m lot depth and less than or equal to 50 m lot depth, a minimum rear yard of 35% of the lot depth.</li> <li>For lots greater than 50 m lot depth, a minimum rear yard of 40% of the lot depth.</li> </ul> <p>In addition, at minimum, 1 m immediately adjacent to the rear lot line shall be free and clear of all walkways, sidewalks or other hard-surfaced material, and landscaping other than sod.</p>

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The recommended rear yard setback regulation directly relates the minimum rear yard to lot depth and more appropriately reflects specific lot conditions by increasing the rear yard setback as the lot depth increases. Four separate categories representing percentage of lot depth have been established, as this enables a consistent and incremental increase to the minimum rear yard as lot depth increases. The lowest percentage is set at 25% for lots less than or equal to 40 m in depth. A lot with a depth of 39 m would require a minimum rear yard of 25% (9.75 m). With the requirement to maintain a minimum rear yard of 7.5 m, any lot under 30 m in depth must defer to this minimum. The highest percentage has been set at 40% for lots greater than 50 m. A lot with a depth greater than 50 m would require a minimum rear yard of 20 m. The minimum rear yard requirement, which increases as lot depth increases, is the predominant tool to limit the building envelope as lot depths increase.

Staff are also recommending a further regulation to require that at minimum, 1 m immediately adjacent to the rear lot line remain free and clear of all structure’s, hard-surfaced material and landscaping other than sod (including trees, shrubs and other natural landscaping other than grass). Applying this standard to the rear yard provides assurance that a free and clear area is maintained to provide space for drainage.

**3.5 Side Yard Setback**

Regulation	Existing	Proposed
Minimum Side Yard	1.5 m, except on a corner lot the minimum side yard abutting a street shall be 6.0 m and any applicable distance as specified in Schedule “C.”	<ul style="list-style-type: none"> <li>For lots with a lot frontage of less than or equal to 23 m, a minimum side yard of 2 m.</li> <li>For lots with a lot frontage greater than 23 m, a minimum side yard of 10% of the lot frontage, up to a maximum of 5 m.</li> </ul> <p>Except on a corner lot where the minimum flankage yard shall be 6 m.</p> <p>In addition, at minimum, 1 m immediately adjacent to the side lot line shall be free and clear of all walkways, sidewalks or other hard-surfaced material, and landscaping other than sod.</p>

A side yard setback regulation which correlates the minimum side yard to lot frontage is recommended; the wider the lot, the greater the minimum side yard requirement up to a maximum of 5 m. A minimum side yard of 2 m is proposed. By establishing a higher

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minimum standard, greater spacing between dwellings is maintained which assists with overlook and privacy concerns and maintain a larger area between dwellings for property maintenance and drainage. Streetscapes with a similar lot frontage will be subject to consistent minimum side yards thus contributing to a consistent rhythm of building frontages. The existing minimum side yard abutting a street (for a corner lot), shall continue to apply.

Staff recommend a regulation that requires a minimum of 1 m immediately adjacent to the side lot line remain free and clear of all hard-surfaced material and landscaping other than sod. This restriction shall include trees, shrubs and all other natural landscaping other than grass. No encroachments are permitted within this 1 m adjacent to the side lot line such as eaves or gutters, so this area remains free and clear for drainage, access and maintenance purposes.

**3.6 Garage Location**

Regulation	Existing	Proposed
Garage Location (projection)	Not regulated	The garage (attached or detached) or carport may extend up to 2 m beyond the front wall of any principal building, or side wall of any principle building on corner lots, but shall not be permitted to encroach into the front yard or flankage yard.

A new regulation is recommended to limit the projection of the garage to de-emphasize the presence of the garage vis-à-vis the remaining front façade and primary entrance of the dwelling, and to be more consistent with the established streetscape character. The garage is permitted to project up to 2 m beyond the front wall of the dwelling provided it does not encroach into the front yard or flankage yard.

**3.7 Second Storey Projections**

Regulation	Existing	Proposed
Second Storey Projections	Not regulated	Balconies, decks and enclosed and unenclosed porches located above the first storey shall not be permitted in the side yard.

Staff recommend introducing a regulation that will prohibit balconies, decks and porches to project into the side yard, if it is located above the first storey of a dwelling. This

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regulation is intended to protect the privacy of the adjacent properties, given variability in building mass and dwelling depths.

**3.8 Technical By-law Changes**

Similar to other recent zoning initiatives (e.g. rural and commercial and mixed use zoning), a vacuum clause is proposed to recognize existing situations as it relates to the location of any building or structure existing on the effective date of the proposed By-law. The location of any existing building or structure is deemed to comply with the regulations for any required setbacks, front yard, side yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by the By-law. Thus, the vacuum clause is intended to address existing situations which are not in compliance with the Zoning By-law regulations, such that a variance(s) is not required to recognize existing matters of non-compliance with the By-law. However, any additions or alterations to a building or structure shall be subject to the new regulations in effect through adoption of the Draft By-law.

The following additional technical changes are proposed to the “ER” Zone:

Regulations	Existing	Proposed
Section 7.13 (c) – Special Setbacks	Where the regulations of a Zone include a requirement that the minimum yard of a lot shall be a specific number of metres plus any applicable distance as specified in Schedule “C”, such minimum yard shall be determined by measuring at right angles from the centre line of the street a distance equal to the sum of  (i) the relevant minimum setback for the appropriate Zone; and  (ii) the relevant distance specified in Schedule “C”.	The provision shall not apply to the “ER” Zone as Schedule “C” will not apply to any lot within the “ER” Zone.
Section 7.14 (a) (xii)	(a)(xii) Where required in a parking area or parking structure, each parking	As per Council direction, the standard for required parking space size is a minimum of 3 m

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Regulations	Existing	Proposed
	space shall have a minimum width of 2.6 m and a minimum length of 5.5 m, exclusive of any land required for access or driveways.	in width by 5.8 m in length. This standard will be included in the proposed changes to the “ER” Zone.
Parking standards – encroachments		Report PED17089 identified the need to establish regulations for parking spaces located within private residential garages, including the provisions of manoeuvring space and permitted encroachments. Therefore, as part of this By-law, parking spaces within private residential garages shall have a minimum width of 3.5 m and a minimum length of 6 m, exclusive of any land used for access, manoeuvring, driveways or a similar purpose. A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than 0.3 m into the required width or length of a parking space
Section 7.18 (a) (iii) - Accessory Structures	(iii) Accessory buildings shall not be located less than 75 cm from any lot line, however;  (A) on a corner lot, accessory buildings, excluding totally inground swimming pools, shall not be located less than 7.5 m from the flanking street line; and  (B) on a corner lot which	Notwithstanding Section 7.18(a)(iii), a minimum of 1 m directly abutting the side lot line and rear lot line shall be unobstructed and shall not contain walkways, sidewalks, hard surfaced material, and landscaping other than sod.

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Regulations	Existing	Proposed
	has three street lines, or on a through lot, accessory buildings, excluding totally inground swimming pools, shall not be located less than 7.5 m from the rear lot line.	
Schedule “C” – Setback Standards	Setback standards for the required distance from the centreline of an identified street / highway, to the front wall or any principal building.	Schedule “C” will not apply to any lot within the “ER” Zone.

### 3.9 Site Specific Zoning Exceptions

There are several site specific zoning exceptions for either individual properties or areas. Most of these regulations were established to address houses that were to be built or additional uses to be added that either exceeded or were less than the minimum “ER” Zone requirements.

Based on the proposed zoning by-law changes, certain site specific zoning are proposed to be deleted or modified to ensure no conflicts with the new regulations, remove regulations that have been addressed by the vacuum clause, add addressees for greater clarity and remove redundant wording. Appendix “G” to Report PED18036 identifies the changes to each of these exceptions.

### 3.10 Variances

Variances may have been granted on properties that are zoned “ER” Zone but for which a building permit has not yet been obtained to build as per the approved variance application. To ensure that approved variances to the regulations of the “ER” Zone that are being changed through the proposed modifications to the “ER” Zone continue to be permissible once the modifications to the “ER” Zone are in effect, a site specific exception must be added to an affected property.

Staff have identified two such properties and have dealt with them through site specific exceptions to recognize the variances to lot coverage and setbacks that were approved. Site specific exceptions are required as building permits have not yet been issued to construct the proposed development.

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Staff will be monitoring Committee of Adjustment decisions to identify any properties that are zoned “ER” Zone and for which variances are subsequently approved to vary any applicable regulations of the “ER” Zone. If the variance(s) receive final and binding status prior to the Draft By-law with proposed modifications to the “ER” Zone going before Council for adoption, the variances will be captured through site specific exceptions on the affected properties.

### 3.11 Other Neighbourhood Concerns

Another major concern expressed by areas residents was landscaping (e.g. tree removal for both privacy and drainage). The extent to which landscaping can be modified is regulated by the Ancaster Tree By-law and Fill By-law, where applicable. In addition, some residents want a prescriptive regulation to require the planting of trees, maximum front yard paving and other landscape requirements. There are no zoning provisions, nor are any changes proposed, to regulate how much of a lot is to be landscaped or the composition of landscaping (hard, soft). Landscaping is a matter of individual choice.

### 3.12 Summary of Proposed Changes to Zoning By-law Regulations

In summary, the recommended changes to the regulations of the “ER” Zone have been developed to respond to the recurring issues raised by the community, namely the height, massing and bulk of new dwellings, as well as grading, and are intended to apply to the variable lot fabric of the “ER” Zone. However, there will continue to be circumstances where variances to the Zoning By-law are requested, as the regulatory changes are not intended to address each and every development scenario in the “ER” Zone which can be impacted by variable lot fabric, unique lot configurations, the placement of the existing dwelling on a lot, grade changes along a street, etc.

While a zoning by-law is a key planning tool to establish land use permissions and development regulations which generate as-of-right building envelopes, there are elements that are beyond the scope of a zoning by-law including the range of design elements (e.g. material, placement of windows, doors, etc.), that influence a neighbourhood’s character defining qualities. The proposed regulatory changes are intended to respond to community concerns and set parameters for built form that is more complementary to mature neighbourhoods.

## **4.0 Potential Tools not to be Addressed at this Time**

Changes to zoning by-law regulations is one tool to address redevelopment in mature neighbourhoods. Report PED14132 described a series of measures, in addition to changes to zoning regulations, that could also be considered.

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The proposed changes to the Zoning By-law regulations is a pilot project, to be comprehensively monitored and evaluated going forward. As part of the monitoring program, and in consideration of the upcoming residential zoning project, staff will evaluate other potential tools, namely design guidelines, to determine if suitable as complementary to the regulation changes.

## **5.0 Grading / Drainage**

As noted in Section 2.2.1 of the Analysis and Rationale for Recommendation section of this Report, a detailed review of Grading Plans to identify the impacts to drainage on adjacent properties, tree preservation, or the City’s road widening requirements, is not conducted as part of a building permit application. Where Grading Plans are required to be submitted as supporting documentation for a building permit, these plans are reviewed against the requirements of the City’s Fill By-Law.

A gap in the service level has been identified in the review of Residential Lot Grading for infill development. For the purpose of this Report, infill development is defined as the full demolition and re-construction of a dwelling. Under the current process, the building permit review does not include a full and thorough review of lot grading and drainage and does not consider impacts to stormwater management, downstream flooding, tree preservation and the municipal right-of-way. Most of the infill rebuild houses are generally much bigger in footprint than the existing buildings. This redevelopment can have major impacts on the neighbouring properties and City streets.

Since January of 2012, there have been 126 new single-detached dwellings within the area covered by the “ER” Zone, representing approximately 21 per year. These trends on infill developments are expected to continue.

Staff is reviewing the implications of requiring a full grading and drainage review for infill development. Given the proposed changes to the “ER” Zone in Ancaster, and the significant staff time allocated to this area of the City, staff are exploring the feasibility of establishing a pilot project for infill development within the “ER” Zone to address grading. This new process could be facilitated through appropriate amendments to the Site Alteration By-Law and would require landowners to submit grading plans for all infill development. It will allow staff to evaluate impacts to stormwater management, downstream flooding, tree preservation and the municipal right-of-way. This matter would be addressed through a separate Report to Planning Committee by Q2 2018.

The City’s current Lot Grading and Drainage Policy applies only to single and semi-detached lots created through severances. Until such time as standards for infill lot grading requirements are created and adopted by Council, it is proposed that the current practice of reviewing infill lot grading against the Fill By-Law continue.

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## **6.0 Next steps**

This initiative is a pilot project. These new regulations will be monitored as part of the residential zoning project to determine if any changes are required and if these regulations should be extended to other areas of the City with large lots. This review will include the location of the homes on the lots, a review of variances to the new or modified regulations, and the ease of administration of the regulations.

### **ALTERNATIVES FOR CONSIDERATION**

- Option 1: Planning Committee / City Council could choose alternative performance standards for the Existing Residential “ER” Zone.
- Option 2: Planning Committee / City Council could table this Report and direct any future changes to be included in the new residential zones for Zoning By-law No.05-200.
- Option 3: Planning Committee / City Council could recommend the changes proposed to the Existing Residential “ER” Zone not be approved. The existing “ER” Zone regulations would remain in effect.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

#### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

### **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map  
Appendix “B”: Draft Zoning By-law No. 87-57 Amendment  
Appendix “C”: Proposed Options for Changes to the “ER” Zone Regulations  
Appendix “D”: Illustrations of Proposed Regulations  
Appendix “E”: Data Analysis of the “ER” Zone  
Appendix “F”: Summary of Written Comments from Public Information Centres  
Appendix “G”: Summary of Site Specific Zoning Exceptions to the “ER” Zone to be Modified / Deleted

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