

Authority: Item 3, Planning Committee
Report 18-006 (PED18036(a))
CM: April 25, 2018
Ward: 12

Bill No. 105

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 87-57 To Delete Certain Regulations and Implement New Regulations for the Existing Residential “ER” Zone (Ancaster)

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 Town of Ancaster” 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 3 of Report 18-006 of the Planning Committee at its meeting held on the 25th day of April, 2018, which recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That SECTION 10: EXISTING RESIDENTIAL “ER” ZONE of Zoning By-law No. 87-57 is amended as follows:
 - 1.1 That SECTION 10.2: REGULATIONS, be deleted and replaced as follows:

10.2 Definitions

Notwithstanding Subsections 3.154, 3.155, 3.156, 3.157, 3.158, 3.159, the following definitions shall apply for the purposes of Existing Residential “ER” Zone:

“Lot Line, Flankage” means a lot line other than a front lot line that abuts a street.

“Setback” means the distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot.

“Yard, Flankage” means a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on a lot.

“Yard, Front” means a yard extending across the full width of a lot measured between the front lot line and the nearest part of a building on a lot.

“Yard, Rear” means a yard extending across the full width of a lot measured between the rear lot line and the nearest part of a building on the lot.

“Yard, Side” means a yard extending from the front yard to the rear yard measured between the side lot line and the nearest part of a building on a lot.

10.3 Regulations

The regulations for the lots in the ER Zone are set out in the clauses below and Tables 10.3.1 to 10.3.7:

Table 10.3.1 – Minimum Lot Area

Regulation	
Lot Area	Minimum 695 square metres

Table 10.3.2 – Lot Frontage

Regulation	
Lot Frontage	Minimum 18 metres

Table 10.3.3 – Maximum Lot Coverage

Regulation		
	One-storey	Two-Storey
Lots with an area less than or equal to 1,650 square metres	Maximum 35 percent	

Regulation		
Lots with an area greater than 1,650 square metres	Maximum 30 percent	Maximum 20 percent

Table 10.3.4 – Front Yard Setback

Regulation	
Lot between two interior lots or a lot between an interior lot and a corner lot that has two adjacent dwellings facing the same street	Within 20 percent of the average front yard setback of the two nearest principal dwellings on either side of the lot (1) (2)
Lot between an interior lot and a corner lot that has one adjacent dwelling facing another street	Within 20 percent of the average front yard setback of the one nearest principal dwelling of the interior lot (1) (2)
Corner Lot that has one adjacent dwelling facing the same street	Within 20 percent of the average front yard setback of the one nearest principal dwelling facing the same street (1) (2) (3)
Other cases not described in this Table	Minimum 7.5 metres Maximum 9.0 metres
(1) In no cases shall the front yard setback be less than 5.0 metres.	
(2) In cases where the average front yard setback of the nearest principal dwelling(s) is less than 5.0 metres, the minimum front yard setback shall not be less than 5.0 metres and greater than 6.0 metres.	
(3) In cases where the principal dwelling on the corner lot faces the flankage lot line, Table 10.3.4 shall be applied to the flankage yard and Table 10.3.5 shall be applied to the front yard.	

Table 10.3.5 – Side Yard Setback

Regulation	
Lots with a frontage less than or equal to 23 metres	2.0 metres for an interior side yard (1) 6.0 metres for a flankage yard (1)
Lots with a frontage greater than 23 metres	10 percent of the lot frontage to a maximum setback of 5.0 metres for an interior side yard (1) 6.0 metres for a flankage yard (1)
(1) A minimum of one metre within the side yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.	

Table 10.3.6 – Rear Yard Setback

Regulation	
Lots with a depth less than or equal to 40 metres	25 percent of the lot depth and no less than 7.5 metres (1)
Lots with a depth greater than 40 metres and less than or equal to 45 metres	30 percent (1)
Lots with a depth greater than 45 metres and less than or equal to 50 metres	35 percent (1)
Lots with a depth greater than 50 metres	40 percent (1)
(1) A minimum of one metre within the rear yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.	

Table 10.3.7 – Maximum Height

Regulation	
One-storey	Maximum 7.5 metres(1)
Two-storeys	Maximum 9.5 metres(1)
(1) Section 7.11(a) shall not apply.	

- 10.3.1 An attached or detached garage or carport shall be permitted to project a maximum of 2.0 metres beyond the front façade of a dwelling, and a maximum of 2.0 metres beyond the side façade of a dwelling situated on a corner lot. In no case shall an attached or detached garage or carport be located within a front yard or flankage yard.
- 10.3.2 Notwithstanding Subsection 7.12 (c) and (d), balconies, decks, and enclosed and unenclosed porches shall not be permitted above the first storey within any side yard.
- 10.3.3 Subsection 7.13 (c) shall not apply to any lot within an Existing Residential “ER” Zone.
- 10.3.4 Schedule “C” shall not apply to any lot within an Existing Residential “ER” Zone.
- 10.3.5 Notwithstanding Subsection 7.15 and any other provisions of this By-law, any lot within the Existing Residential “ER” Zone of this By-law and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, side yard, flankage yard, rear yard, lot frontage, lot area and building height and are permitted by this By-law.
- 10.3.6 Parking Regulations
- (i) Notwithstanding Subsection 7.14 (a) (xii), each parking space shall have a minimum width of 3.0 metres and a minimum length of 5.8 metres, exclusive of any land required for access or driveways.
 - (ii) In addition to clause 10.3.5 (i), for parking spaces located within private residential garages, the parking space shall have a minimum width of 3.5 metres and

a minimum length of 6.0 metres, 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 metres into the required width or length of a parking space.

10.3.7 Accessory Buildings The provisions of Subsection 7.18 (a) shall apply.

2. That SECTION 34.2: LANDS AFFECTED ON SCHEDULE "B", be amended by deleting the following site specific exceptions in their entirety:
 - a. ER-204 (Mansfield/Judith Court Area) – as shown on Schedule "A1";
 - b. ER-210 (36 Cait Street, 73,79,80,90, 96 Irma Court) – as shown on Schedule "A1";
 - c. ER-322 (22 Valleyview Drive) – as shown on Schedule "A2";
 - d. ER-323 (26 Valleyview Drive) – as shown on Schedule "A2";
 - f. ER-454 (178 and 182 Central Drive) – as shown on Schedule "A2";
 - g. ER-564 (part of 130 Fiddlers Green Road) – as shown on Schedule "A2"; and,
 - h. ER-588 (427 and 431 Kitty Murray Lane) – as shown on Schedule "A3".
3. That SECTION 34.2: LANDS AFFECTED ON SCHEDULE "B", be amended by deleting and replacing the following site specific exceptions:
 - a. ER-201

Notwithstanding Table 10.3.5 – Side Yard Setback of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, a minimum interior side yard of 3.0 metres shall be required for any interior lot with a lot frontage of less than 30 metres.
 - i. Notwithstanding site specific exception ER-201, for the property located at 38 Park Lane, a minimum westerly side yard of 1.5 metres shall be permitted.
 - b. ER-358

- i. Notwithstanding Subsection 10.1: Permitted Uses of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the property located at 194 Sioux Drive, only one detached dwelling with no garage shall be permitted; and,
 - ii. In addition to Subsection 10.3: Regulations of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the property located at 194 Sioux Drive, the maximum gross floor area of the detached dwelling shall not be greater than 134 square metres.
 - c. ER-380

Notwithstanding Table 10.3.7 – Maximum Height of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the properties located at 49 and 53 Valleyview Drive, the maximum building height shall not be greater than one-storey (7.5 metres).
 - d. ER-392

Notwithstanding Subsection 7.14.(a)(xii) – Parking and Loading of SECTION 7: GENERAL PROVISIONS, for the property located at 14 Valleyview Drive, one of the two required parking spaces may have a minimum length of 5.1 metres.
 - e. ER-393

Notwithstanding Table 10.3.7 – Maximum Height of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the properties located at 16 and 20 Valleyview Drive, the maximum building height shall not be greater than one and half storeys (8.25 metres).
4. That SECTION 34.2: LANDS AFFECTED ON SCHEDULE "B", be amended by adding the following site specific exceptions:
- a. ER-691

Notwithstanding Table 10.3.3, Table 10.3.4, Table 10.3.5, and Table 10.3.6 of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the property located at 357 Shaver Road, the following regulations shall apply:
 - i. A maximum lot coverage of 42%;
 - ii. A minimum front yard setback of 7.0 metres;
 - iii. A minimum side yard setback of 3.0 metres to the daylight triangle;
 - iv. A minimum side yard setback of 3.8 metres on the side lot line abutting Westview Avenue; and,
 - v. A minimum rear yard setback of 5.8 metres on the northerly rear lot line.

b. ER-695

Notwithstanding Table 10.3.3 of SECTION 10: EXISTING RESIDENTIAL "ER" ZONE, for the property located at 196 Woodview Crescent, the following regulation shall apply:

- i. A maximum lot coverage of 41%.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Existing Residential "ER" Zone provisions.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.
7. That for the purposes of the 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*.
8. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this 25th day of April, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CI-18-A



Schedule "A1"

Map Forming Part of
By-law No. 18-_____

This is Schedule "A" to By-law No. 18-

Passed the day of, 2018

Lands Affected



Lands zoned Existing Residential "ER" Zone
Town of Ancaster Zoning By-law No. 87-57

Delete Site Specific Exceptions 204, 210, add
Site Specific Exception 695

----- Mayor -----

----- Clerk -----

Scale:

N.T.S.

File Name/Number:

CI-18-A

Date:

March 26, 2018

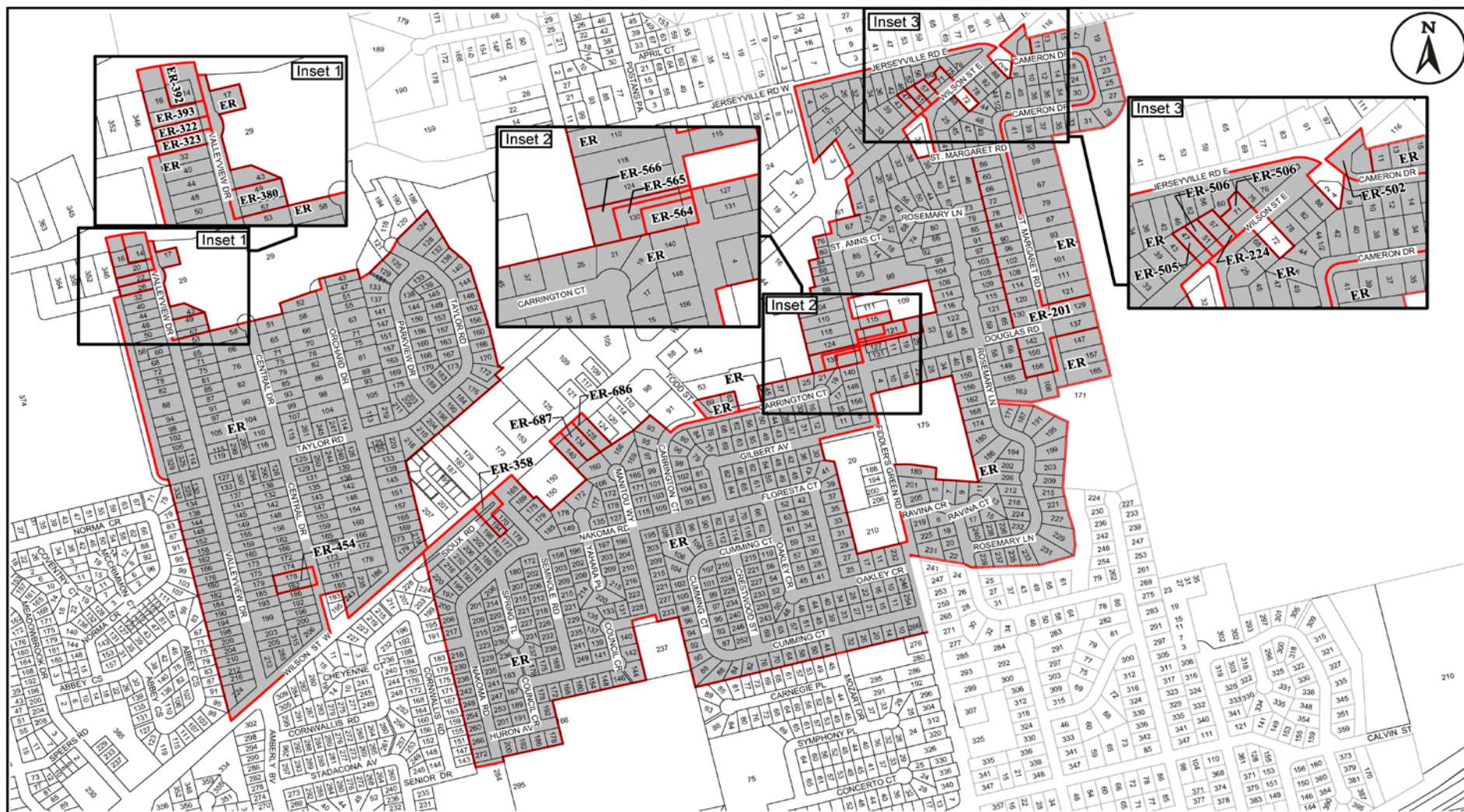
Planner/Technician:

AF/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT




Schedule "A2"

Map Forming Part of
By-law No. 18-

This is Schedule "A" to By-law No. 18-

Passed the day of, 2018

Lands Affected

 Lands zoned Existing Residential "ER" Zone
Town of Ancaster Zoning By-law No. 87-57

Delete Site Specific Exception 322, 323, 454, 564

Mayor

Clerk

Scale:
N.T.S.

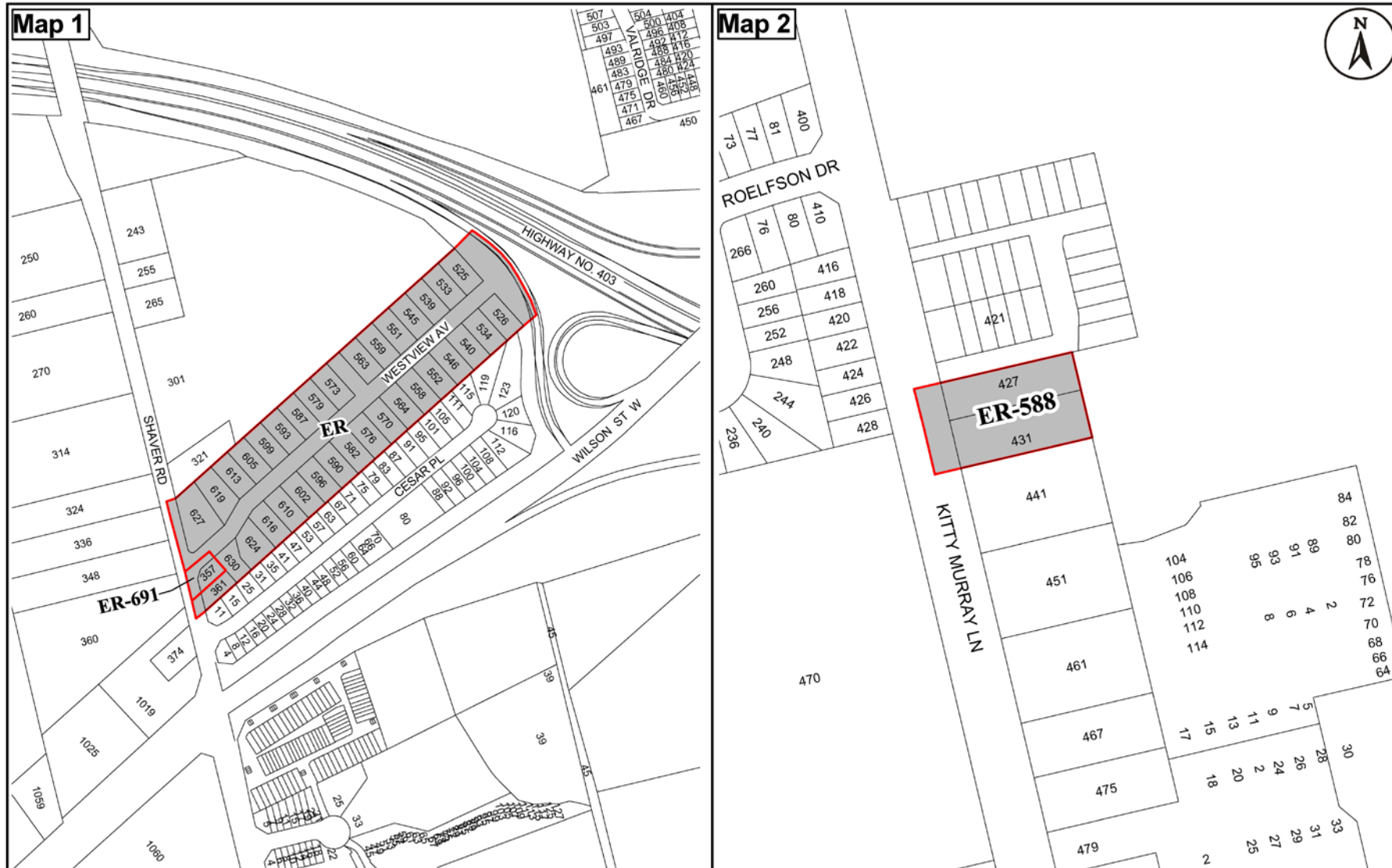
Date:
March 26, 2018

File Name/Number:
CI-18-A

Planner/Technician:
AF/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Schedule "A3"

Map Forming Part of
By-law No. 18-_____

This is Schedule "A" to By-law No. 18-

Passed the day of, 2018

Lands Affected



Lands zoned Existing Residential "ER" Zone
Town of Ancaster Zoning By-law No. 87-57
Delete Site Specific Exception 588,
add Site Specific Exception 691

----- Mayor -----

----- Clerk -----

Scale:
N.T.S.

File Name/Number:
CI-18-A

Date:
March 26, 2018

Planner/Technician:
AF/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT