

Authority: Item 4, Planning Committee
Report 22-005 (PED22046)
CM: April 13, 2022
Ward: 12

Bill No. 085

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend Zoning By-law No. 87-57 Respecting Modifications to the Existing Residential “ER” Zone in the former Town of Ancaster Zoning By-law

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 Council, in approving Item 4 of Report 22-005 of the Planning Committee, at its meeting held on the 13th day of April, 2022, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE Council of the City of Hamilton amends Zoning By-law No. 87-57 (Ancaster) as follows:

1. That Section 10: EXISTING RESIDENTIAL “ER” ZONE, Table 10.3.5 – Side Yard Setback, of Zoning By-law No. 87-57 (Ancaster), as amended, is further amended by introducing a clause (2) and adding said clause to the Table 10.3.5 regulations as follows:

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) (2) 6.0 metres for a flankage yard (1) (2)
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) (2) 6.0 metres for a flankage yard (1) (2)
(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.	
(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).	

2. That Section 10: EXISTING RESIDENTIAL “ER” ZONE, Table 10.3.6 – Rear Yard Setback, of Zoning By-law No. 87-57 (Ancaster), as amended, is further amended by introducing a clause (2) and adding said clause to the Table 10.3.6 regulations as follows:

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) (2)
Lots with a depth greater than 40 metres and less than or equal to 45 metres	30 percent (1) (2)
Lots with a depth greater than 45 metres and less than or equal to 50 metres	35 percent (1) (2)
Lots with a depth greater than 50 metres	40 percent (1) (2)
(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.	

To Amend Zoning By-law No. 87-57 Respecting
Modifications to the Existing Residential “ER” Zone
in the former Town of Ancaster Zoning By-law

Page 3 of 3

Regulation

(2) Notwithstanding (1), a fence or gate shall be permitted to traverse the minimum one metre within the side yard described in (1).
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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 13th day of April, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

CI 22-C