

**Authority:** Item 3, Planning Committee  
Report: 11-007 (PED11005(a))  
CM: April 13, 2011

**Bill No. 118**

**CITY OF HAMILTON**

**BY-LAW NO. 11-118**

**To Amend Zoning By-law No. 87-57,  
Respecting Lands Located at 431- 497 Southcote Road (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 area 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22<sup>nd</sup> day of June 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 3 of Report 11-007 of the Planning Committee, at its meeting held on the 13<sup>th</sup> day of April, 2011, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

**AND WHEREAS** this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), upon approval of Official Plan Amendment No. 136, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;

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

1. That Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural "A" Zone:

(a) to the Residential "R4-623" Zone, the lands comprised in Block 1; and,

(b) to the Residential "R5-624" Zone, the lands comprised in Block 2;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

**R4-623** That notwithstanding the provisions of Paragraphs (b), (c), (d) (e), and (f) of Subsection 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", and the Provisions of Section 7.12: "Yard Encroachments", and Section 7.13: "Special Setbacks", the following special provisions shall apply to the lands zoned "R4-623":

Regulations

- |     |                      |  |
|-----|----------------------|--|
| (b) | Minimum Lot Frontage | 15.0 metres, except 17m on a corner lot.   |
| (c) | Maximum Lot Coverage | 45 percent.  |
| (d) | Minimum Front Yard   | 7.5 metres, except 9.0m to the front of the garage.  |
| (e) | Minimum Side Yard    | 1.2 metres, except 0.6 metres on the side with an attached garage, and on a corner lot the minimum side yard abutting a street shall be 3.0 metres; subject to a maintenance easement for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only, for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m. |

- (f) Minimum Rear Yard 7.0 metres.
- (g) Parking Each Dwelling unit shall provide and maintain a minimum of four (4) parking spaces on site, two (2) of which may be in a tandem parking arrangement.
- (h) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment. Notwithstanding this provision, no encroachment shall be permitted within 0.6m of a side lot line.
- (i) A chimney, belt courses, sills, cornices, chimney breasts, decorative brick facing, pilasters, alcoves, windows, fireplaces, or other architectural features, with or without foundations, are permitted to encroach 0.6 metres into a required yard, to a maximum of half the required yard. Notwithstanding this provision, no encroachment shall be permitted within 0.6m of a side lot line.
- (j) Bay windows and other types of windows, with or without foundations, are permitted to encroach 1.0 metre into a required front, exterior side, or rear yard. Notwithstanding this provision, no encroachment shall be permitted within 0.6m of a side lot line.
- (k) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard. Notwithstanding this provision, no encroachment shall be permitted within 0.6m of a side lot line.
- (l) All other yard encroachments are subject to Subsection 7.12 of Zoning By-law No. 87-57.
- (m) Notwithstanding the above, sufficient manoeuvring area consisting of a hammerhead turnaround shall be provided and maintained upon each lot, and shall not be considered within the required parking regulation.
- (n) A minimum 1.0m landscaped area shall be provided and maintained between the manoeuvring area and the front lot line.

**By-law Respecting 431- 497 Southcote Road (Ancaster)**

**R5-624** That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), and (e) of Subsection 13.2 "Regulations" of Section 13: Residential "R5" Zone, Schedule "C", and the Provisions of Section 7.12: "Yard Encroachments", and Section 7.13: "Special Setbacks", the following special provisions shall apply to the lands zoned "R5-624":

Regulations


- (a) Minimum Lot Area 275 square metres, except on a corner lot the minimum lot area shall be 340 square metres.
- (b) Minimum Lot Frontage 10.9 metres, except on a corner lot the minimum lot frontage shall be 13.0 metres.
- (c) Maximum Lot Coverage 55 percent.
- (d) Minimum Front Yard 3.0 metres to the dwelling and 6.0 metres to an attached garage shall be provided.
- (e) Minimum Side Yard 1.2 metres, except 0.6 metres on the side with an attached garage, and on a corner lot the minimum side yard abutting a street shall be 3.0 metres; subject to a maintenance easement for any minimum side yard that is less than 1.2m with said maintenance easement permitting encroachment for maintenance purposes only, for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m.
- (f) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment. Notwithstanding this provision, no encroachment shall be permitted within 0.6m of a side lot line.


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- (g) A chimney, belt courses, sills, cornices, chimney breasts, decorative brick facing, pilasters, alcoves, windows, fireplaces, or other architectural features, with or without foundations, are permitted to encroach 0.6 metres into a required yard, to a maximum of half the required yard. Notwithstanding this provision, no encroachment shall be permitted within 0.6m of a side lot line.
  - (h) Bay windows and other types of windows, with or without foundations, are permitted to encroach 1.0 metre into a required front, exterior side, or rear yard. Notwithstanding this provision, no encroachment shall be permitted within 0.6m of a side lot line.
  - (i) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard. Notwithstanding this provision, no encroachment shall be permitted within 0.6m of a side lot line.
  - (j) All other yard encroachments are subject to Subsection 7.12 of Zoning By-law No. 87-57.
3. That the amending By-law be added to Map 1 of Schedule B of Ancaster Zoning By-law No. 87-57.
4. 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 April, 2011.

  
\_\_\_\_\_  
R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
City Clerk

ZAC-09-025/OPA-10-008/25T-200906



This is Schedule "A" to By-Law No. 11- 118

Passed the 27.th... day of ...April....., 2011

*[Signature]*  
Clerk  
*[Signature]*  
Mayor

### Schedule "A"

Map Forming Part of  
By-Law No. 11-118

to Amend By-Law No.87-57

#### Subject Property

431 - 497 Southcote Road, Ancaster

Block "1"



Lands to be rezoned from the Agricultural "A" Zone to the Residential "R4-623" Zone.

Block "2"



Lands to be rezoned from the Agricultural "A" Zone to the Residential "R5-624" Zone.



Refer to By-Law 05-200

Scale:  
N.T.S.

File Name/Number:  
25T200906 ZAC-09-025 OPA-10-008

Date:  
December 3, 2010

Planner/Technician:  
EJ/SW



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT