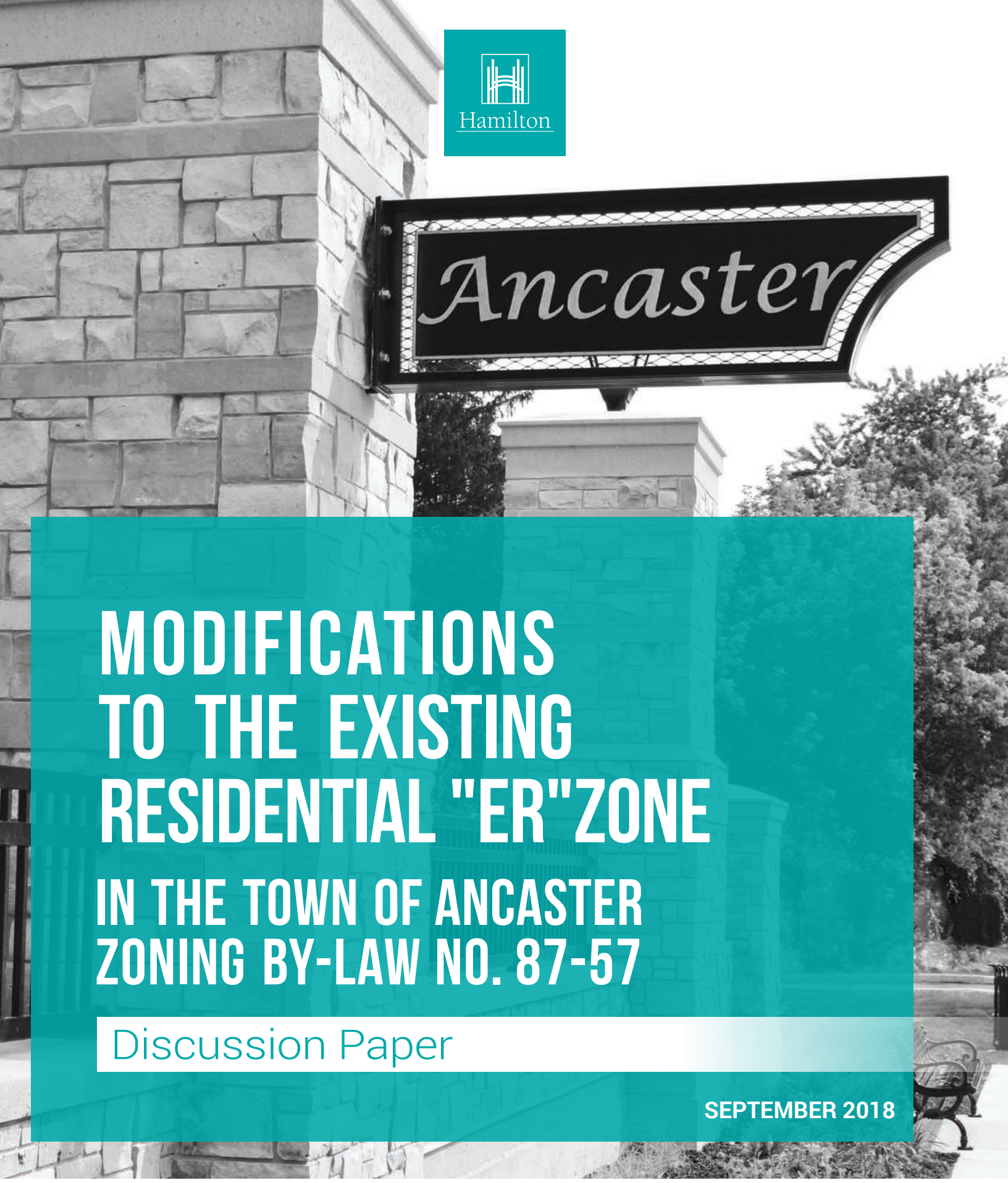


Hamilton

MODIFICATIONS TO THE EXISTING RESIDENTIAL "ER"ZONE

IN THE TOWN OF ANCASTER ZONING BY-LAW NO. 87-57

Discussion Paper

SEPTEMBER 2018

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING DIVISION

CONTENTS

INTRODUCTION

Ancaster is one of many communities facing change where larger homes are replacing smaller ones that were built decades before. Concerns were raised in the community about the compatibility of new development with the existing built form and the perception of "over-building". In consultation with the Ancaster community, a pilot project was developed for properties located in the Existing Residential "ER" Zone in Ancaster, consisting of a series of changes to the zoning regulations of the "ER" Zone.

Zoning by-law regulations establish an as-of-right building envelope that guides development or redevelopment on individual properties. 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.

In April 2018, City Council approved the new regulations for the "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 (amending By-law No. 18-105).

NEW OR MODIFIED REGULATIONS WERE INTRODUCED FOR:

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

The changes to the regulations are not intended to remove the flexibility of land owners when building new homes or additions, or to control design or building materials. The changes are intended to provide a more sensitive integration of new development within mature neighbourhoods.

This is a pilot project, meaning the changes to the regulations will be comprehensively monitored over an 18 to 24 month period to evaluate the impacts of the regulatory changes on built form. Staff will be able to evaluate if the regulations are working as intended and if any modifications or new regulations are warranted.

This **DISCUSSION PAPER** is intended as a primer on the changes to the Existing Residential "ER" Zone in Ancaster. The following information is contained within this document:

1. **DATA ANALYSIS OF THE EXISTING RESIDENTIAL "ER" ZONE**
   Presents data on lot characteristics, recent development activity, and approved minor variances in the "ER" Zone since January 2012.

2. **OPTIONS FOR CHANGES TO THE EXISTING RESIDENTIAL "ER" ZONE REGULATIONS**
   Identifies options for modifying the "ER" Zone regulations and describes the option ultimately selected.

3. **ILLUSTRATIONS OF THE NEW AND MODIFIED REGULATIONS**
   Presents illustrations of the changes to the "ER" Zone regulations

DATA ANALYSIS OF THE EXISTING RESIDENTIAL "ER" ZONE

This document provides an overview of lot and dwelling characteristics in the Existing Residential "ER" Zone (Part 1). A summary of recent development activity (Part 2) and minor variances (Part 3) is also provided. Development data was collected for the period of January 2012 to October 1st, 2017, and minor variance data was collected for the period of January 2012 to December 2017. The data was used to analyze the existing context and develop the recommended regulatory framework to address issues of overbuilding in the "ER" Zone.

PART 1: CHARACTERISTICS OF EXISTING LOTS AND DWELLINGS IN THE "ER" ZONE

There are approximately 2,500 lots in the "ER" Zone. Lots are located in the Clearview, Garner, Hamilton Golf and Country Club, Leeming, Lime Kiln, Marritt, Old Mill, Shaver, Spring Valley, St. John's, and Sulphur Springs planning units (please see the Location Map located at end of this document).

There is significant variation in the lot size from planning unit to planning unit. Lot configuration also substantially varies, both between planning units, and between lots within a particular planning unit.

Lot Size

The "ER" Zone regulations prescribe the minimum required lot frontage (18 m) and lot area (695 m2). In many cases, frontages and areas are larger than the minimum required by the regulations. Table 2 identifies general characteristics of lot fabric in the "ER" Zone.

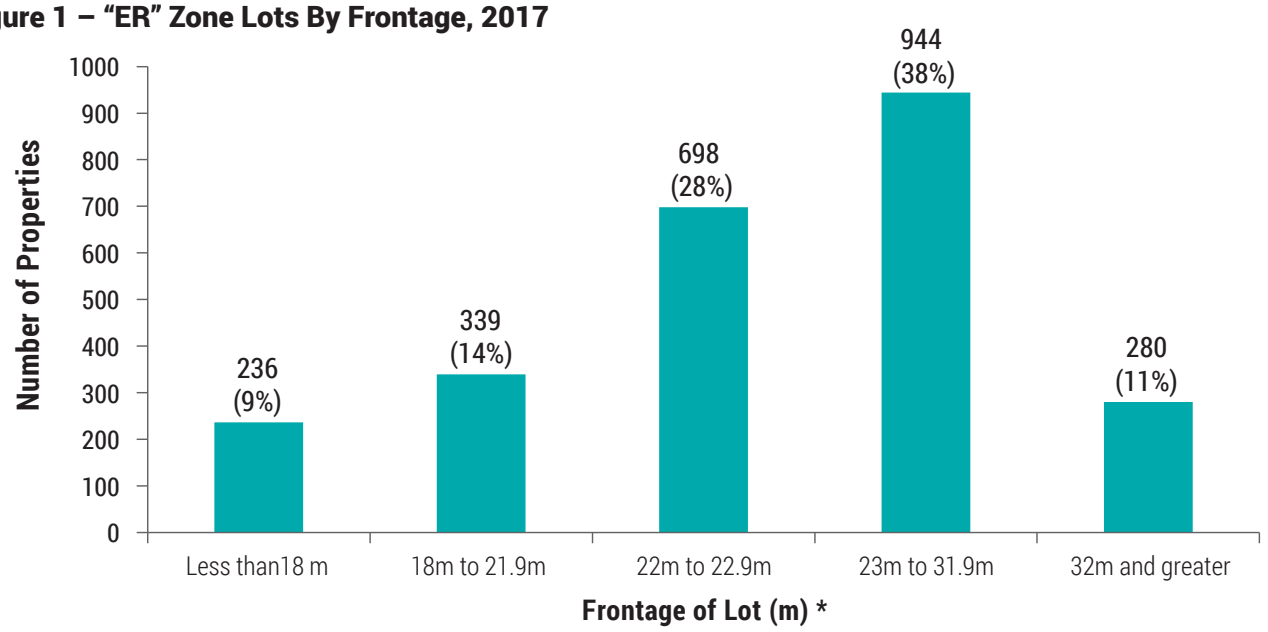
Table 1 – Lot Frontage, Depth, and Area Characteristics in the "ER" Zone

	Minimum	Maximum	Average	Median
Lot Frontage (m)*	7.3	123.4	25.4	22.9
Lot Depth (m)	5.8	139.5	45.3	41.2
Lot Area (m2)	105.8	10089.4	1139.1	1029.72

**Note: Exclude frontages below 7 meters (4 Properties)*

Average lot frontage in the "ER" Zone is 25 m. The majority of lots (66 percent) have frontages in the range of 22 m to 32 m (see Figure 1). Approximately 28 percent of lots have a frontage of 22 m.

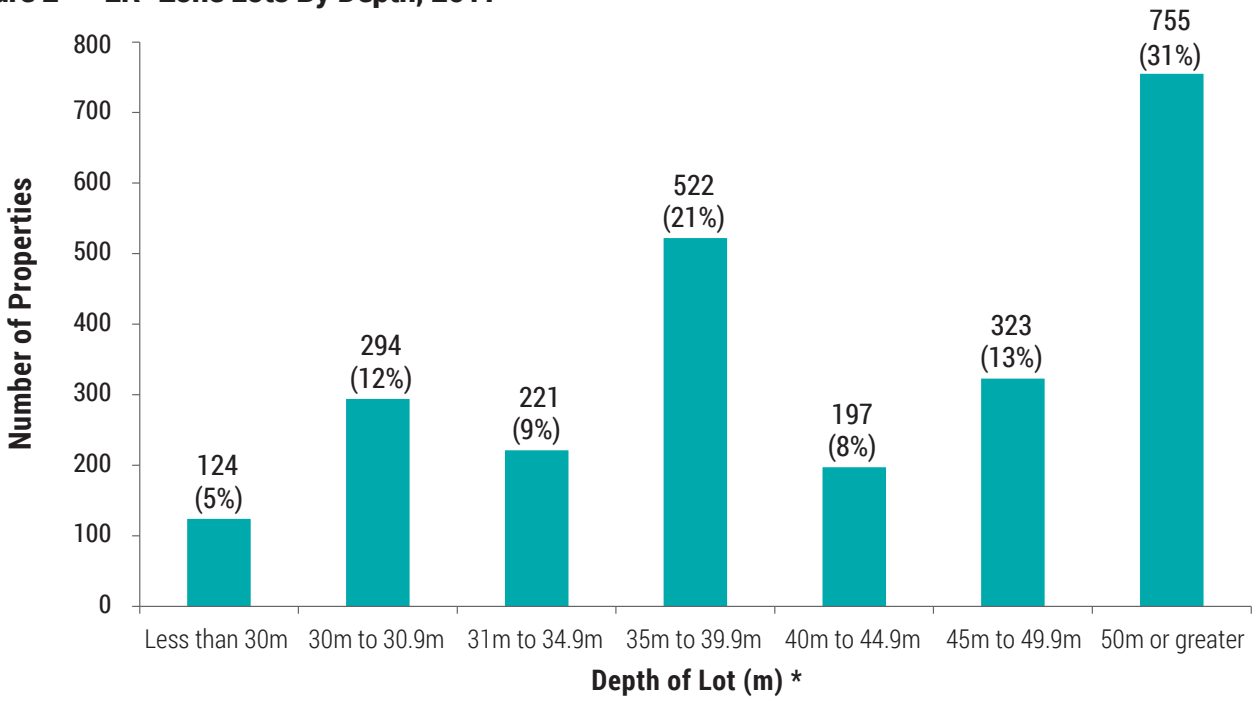
Figure 1 – "ER" Zone Lots By Frontage, 2017



**Note – Data ranges were selected based on the large occurrence of lot frontages of 22 metres. The proposed side yard setback regulation is also tied to the frequency of frontages at 22 metres.*

Average lot depth is 45 m. Thirty-one percent of lots have a depth of over 50 m (see Figure 2). A significant number of lots are within the lot depth category of 35 m to 39.9m.

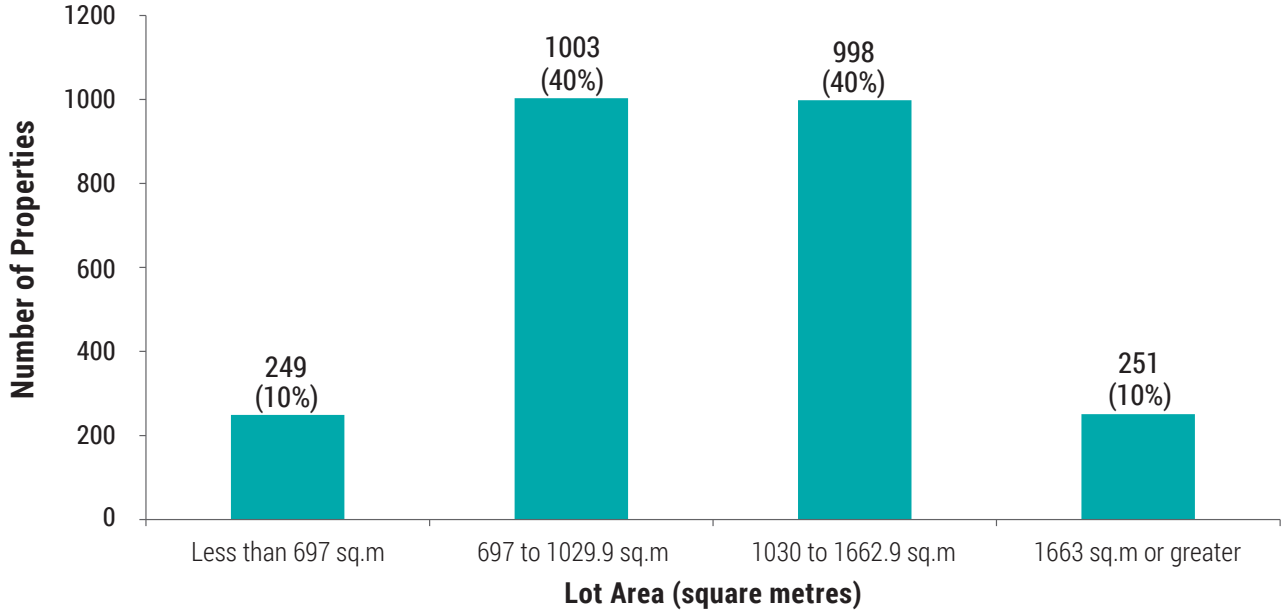
Figure 2 – "ER" Zone Lots By Depth, 2017



**Note – Data ranges were selected based on the proposed rear yard setback regulation, which requires a progressively larger rear yards setback tied to depth of a lot.*

Average lot area is 1139 m2. There is a relatively event distribution of lots between the ranges of 697 m2 to 1030 m2 and 1030 m2 to 1663 m2, with eighty (80) percent of lots falling in this two ranges (see Figure 3).

Figure 3 – "ER" Zone Lots By Area, 2017



The median lot frontage is approximately 2.5 m less than the average lot frontage, and the median lot depth is approximately 4 m less than average lot depth (see Table 2). The median represents the middle number in a series. The difference between the average and median indicates there may be some lots with very large frontages and depths that are causing a bias in the averages. Acknowledging this limitation, the average lot dimensions were used as a guide in understanding the lot fabric and possible modifications to the regulations respecting the building envelope.

Lot Configuration

It is important to consider lot configuration when addressing regulations that set the parameters for building envelope because some regulations may not be appropriate on every type of lot. For example, on lots with very shallow depths, large rear yard setbacks are not possible. On lots that are narrow but deep, the orientation of the dwelling will likely need to be narrow and long. In developing the proposed zoning regulations to address development in the "ER" Zone, staff took into consideration the following types of lot configurations:

- An average lot configuration based on the average frontage and depth of all lots in the "ER" Zone;
- Lots that are wide and deep;
- Lots that are wide and shallow;
- Lots that are narrow and deep; and,
- Lots that are narrow and shallow.

Although there are more possible lot configurations, these lot configurations represent the average and any substantial deviation from the average lot configuration. Consideration was also given to corner lot configurations. Table 3 identifies the frequency of the lot configurations listed above. An average lot configuration was considered to be a lot with an average frontage and average depth, plus or minus 2 metres.

Table 2 – Frequency of Lot Type

Type of Lot (Configuration)	Frontage	Depth	Number of Lots
Average Lot (±2 m from average dimensions)	23 m up to 28 m	43 m up to 48 m	98
Wide, Deep Lot (≥2m wider and ≥2m deeper than average lot)	Equal to or greater than 28 m	Equal to or greater than 48 m	187
Wide, Shallow Lot (≥2m wider and <2m shallower than average lot)	Equal to or greater than 28 m	Less than 43 m	339
Narrow, Deep Lot (<2m narrower and ≥2m deeper than average lot)	Less than 23 m	Equal to or greater than 48 m	471
Narrow, Shallow Lot (<2m narrower and <2m shallower than average lot)	Less than 23 m	Less than 43 m	620
		Other Irregular Lots	786
		Total	2,501

A typical lot is rectangular in shape with a frontage that is shorter than its depth, with an average lot frontage of 25.3 m and an average lot depth of 45.3 m. There are a substantial number of lots that are narrow and shallow, as well as narrow and deep. Wide lots are less common.

PART 2: DEVELOPMENT ACTIVITY IN THE "ER" ZONE (2012 - 2017)

A review of redevelopment activity in the "ER" Zone was undertaken to explore the change in built form of dwellings between January 2012 and October 2017. Building size and lot coverage data was sourced from Municipal Property Assessment Corporation (MPAC) assessment data. The City's internal application tracking database (AMANDA) was used to determine dates of demolitions and replacement dwellings, as well as additions to existing dwellings.

Demolition and Replacement of Homes

There are approximately 2,500 single detached dwellings in the "ER" Zone. In total, 126 dwellings were demolished and replaced since 2012, representing approximately 5 percent of the building stock. On average, about 21 homes per year were demolished and replaced from 2012 to 2017, indicating an average replacement rate of less than one percent (about 0.8%) per year. Table 4 identifies number of replacement dwellings, increase in size between demolished and replacement dwellings, and change in lot coverage.

Table 3 – Characteristics of Demolished and Replaced Dwellings (January 2012-October 2017)

	2012	2013	2014	2015	2016	2017
Number of Replacement Dwellings	26	20	9	23	26	22
Average Size of Demolished dwelling (total building space)	140 m2 (1,511 sq. ft.)	130 m2 (1,404 sq. ft.)	137 m2 (1,472 sq. ft.)	160 m2 (1,722 sq. ft.)	157 m2 (1,687 sq. ft.)	155 m2 (1,664 sq. ft.)
Average Size of Replacement dwelling (total building space)	348 m2 (3,745 sq. ft.)	359 m2 (3,866 sq. ft.)	381 m2 (4,096 sq. ft.)	390 m2 (4,194 sq. ft.)	411 m2 (4,426 sq. ft.)	396 m2 (4,265 sq. ft.)
% increase in size	148%	175%	178%	144%	162%	156%
Average Lot Coverage of demolished dwelling	11.58%	12.73%	13.24%	11.51%	13.47%	13.44%
Average Lot Coverage of replacement dwelling	20.08%	23.15%	24.85%	19.21%	23.80%	23.28%
% change in coverage (replacement dwelling / demolished dwelling)	73%	82%	88%	67%	77%	73%

There is an overall trend of replacement dwellings being substantially larger (approximately double the size) than the dwellings they replace. Demolished dwellings have been in the range of 1,400 to 1,700 sq. ft., while replacement dwellings are in the range of 3,700 to 4,400 sq. ft.

Lot coverage has also increased. Lot coverage of demolished dwellings was in the range of 11.5 percent to 13.5 percent. For replacement dwellings, lot coverage falls in the range of 19 percent to 25 percent. Note that lot coverage is calculated by adding the footprint of the dwelling and all accessory structures.

Additions to Existing Homes

Since 2012, thirty-one (31) permits for additions to existing single detached dwellings were completed in the "ER" Zone. Addition size is outlined in Table 5.

Table 4 – Building Footprint Area and Total Added Building Space through Additions to Single Family Dwellings (January 2012 to October 2017)

	2012	2013	2014	2015	2016	2017
Average size of footprint of addition	16 m2 (176 sq.ft.)	34 m2 (370 sq.ft.)	42 m2 (451 sq.ft.)	46 m2 (495 sq.ft.)	29 m2 (315 sq.ft.)	18 m2 (196 sq.ft.)
Average amount of total building space added	142 m2 (1524 sq.ft.)	52 m2 (564 sq.ft.)	75 m2 (809 sq.ft.)	70 m2 (754 sq.ft.)	52 m2 (564 sq.ft.)	58 m2 (629 sq.ft.)
Number of Properties	1	8	11	8	2	1

Additions have been infrequent in the past six (6) years, with an average of 5.2 additions occurring annually. There is no trend during this time period respecting average footprint of additions or total area added to the building.

PART 3: ANALYSIS OF MINOR VARIANCES GRANTED IN "ER" ZONE (2012 - 2017)

Staff reviewed all Committee of Adjustment decisions relating to the Ancaster "ER" Zone between 2012 and 2017. In total, there were 57 residential properties in the "ER" Zone that required applications for one or more minor variances. Fifty-five (55) of these applications/properties were granted permission for minor variances and two (2) were denied. A total of 145 variances were granted for the 55 properties. Approximately half of the properties (23) required only one minor variance.

Of the fifty-five properties with one or more minor variances, the breakdown is:

- Twelve (12) of the properties had minor variance(s) for new dwelling construction (possibly in conjunction with variances for attached garages, porches, decks, accessory structures, and lot dimensions);
- Thirty (30) properties had minor variance(s) for an addition including attached garages (possibly in conjunction with variances for porches, decks, accessory structures, and lot dimensions); and,
- Fourteen (13) properties had minor variance(s) relating strictly to accessory structures, or variances that recognized existing site/dwelling conditions.

To the greatest extent possible, only properties with minor variances relating to the dwelling are considered in this analysis. Other types of variances (e.g. for accessory structures, decks, and porches) are technical and do not relate to the dwelling. However, it is important to note that the lot coverage, as prescribed in the zoning by-law, is calculated by adding the building footprint of all structures (dwelling and accessory) on a lot.

New Dwellings

Of the twelve properties where new dwelling construction was occurring, a total of 21 variances were granted that relate strictly to the dwelling or lot dimensions. Table 6 identifies the nature of these variances and the variance with the greatest deviation from the regulation. On average, each new dwelling with a successful minor variance application obtained 1.75 variances relating to the dwelling and lot dimensions.

Table 5 – Nature of Minor Variances Granted for New Dwellings (2012 – 2017)

Regulation	Number of New Dwellings with Variance to this Regulation	Variance with greatest deviation from regulation
Minimum Lot Area (695 m2)	1	Minimum Lot Area of 623 m2
Minimum Frontage (18 m)	3	Minimum Frontage of 16.4 m
Maximum Height (10.5 m)	1	Maximum of 11.9 m
Minimum Front Yard (7.5 m)	3	Minimum Front Yard of 5.6 m
Minimum Side Yard (1.5 m)	4	Minimum Side Yard of 1.2m*
Minimum Flankage Yard (6.0 m)	2	Minimum Flankage of 3m
Minimum Rear Yard (7.5 m)	2	Minimum Rear Yard of 5.8m
Maximum Lot Coverage (35%)	5 (Note – two different lot coverage variances were obtained for the same property).	Maximum Lot Coverage of 42%

** Note – While the parent ER zone requires a minimum side yard of 1.5m, some parcels have a special exception which requires a minimum side yard of 3m. The other three variances granted were for parcels with the special exception requiring the 3m side yard.*

Analysis of Minor Variances for New Dwellings

Of the 126 new dwelling constructions since January 2012, twelve had minor variances relating to the new dwelling or lot dimensions. Per year, an average of 2.4 new dwellings have obtained minor variances.

Variances that set the parameters for building envelope are maximum height, minimum setbacks, and lot coverage. These variances are considered to be most important in terms of their impact on the potential building envelope and massing of the dwelling. Variances for lot dimensions are considered technical in nature.

The average new setbacks for front, side, and rear yard do not deviate from the parent regulation by more than 1.5 meters (20% of the maximum setback). As such, the setback variances granted are considered to be minor. While height is perceived to be a major issue in terms of its impact on privacy and massing, it is important to note that there is only one minor variance granted for maximum height between 2012 and 2017. In reviewing the built form and surrounding context of the dwelling that obtained the minor variance for height, it does not appear to be out of character with the surrounding dwellings.

In terms of variances for lot coverage, it does not appear that the new dwellings are substantially out of character with the existing neighbouring dwellings, although 2 of the 5 parcels with a lot coverage variance have not been built. All of the parcels with minor variances for lot coverage are smaller than average or irregularly shaped.

Additions

Thirty (30) properties undergoing an addition had a minor variance granted, equating to five (5) variances per year over the period of January 2012 to October 2017. Porch and deck related variances were, to the greatest extent possible, not included in the analysis, even though they would typically be considered an addition to the dwelling. Table 7 outlines the number of variances granted and the most substantial variance granted for each regulation.

Table 6 - Nature of Minor Variances Granted for Additions (January 2012 – October 2017)

Regulation	Number of Additions with Variance to this Regulation*	Variance with greatest deviation from regulation
Minimum Lot Area (695 m2)	1	Minimum Lot Area of 580.6 m2
Minimum Frontage (18 m)	1	Minimum Frontage of 15.2 m
Maximum Height (10.5 m)	0	-
Minimum Front Yard (7.5 m)	13	Minimum Front Yard of 3.8 m
Minimum Side Yard (1.5 m)	7	Minimum Side Yard of 0.9 m
Minimum Flankage Yard (6.0 m)	6	Minimum Flankage of 1.5 m
Minimum Rear Yard (7.5 m)	9	Minimum Rear Yard of 1.8 m
Maximum Lot Coverage (35%)	2	Maximum Lot Coverage of 37.4%

** Note – Projections not counted. Garage only counted if attached to dwelling. Variance only counted if it was not possible to determine if it was tied to porch or dwelling addition – if it was discernible that variance was only related to porch, it was not counted.*

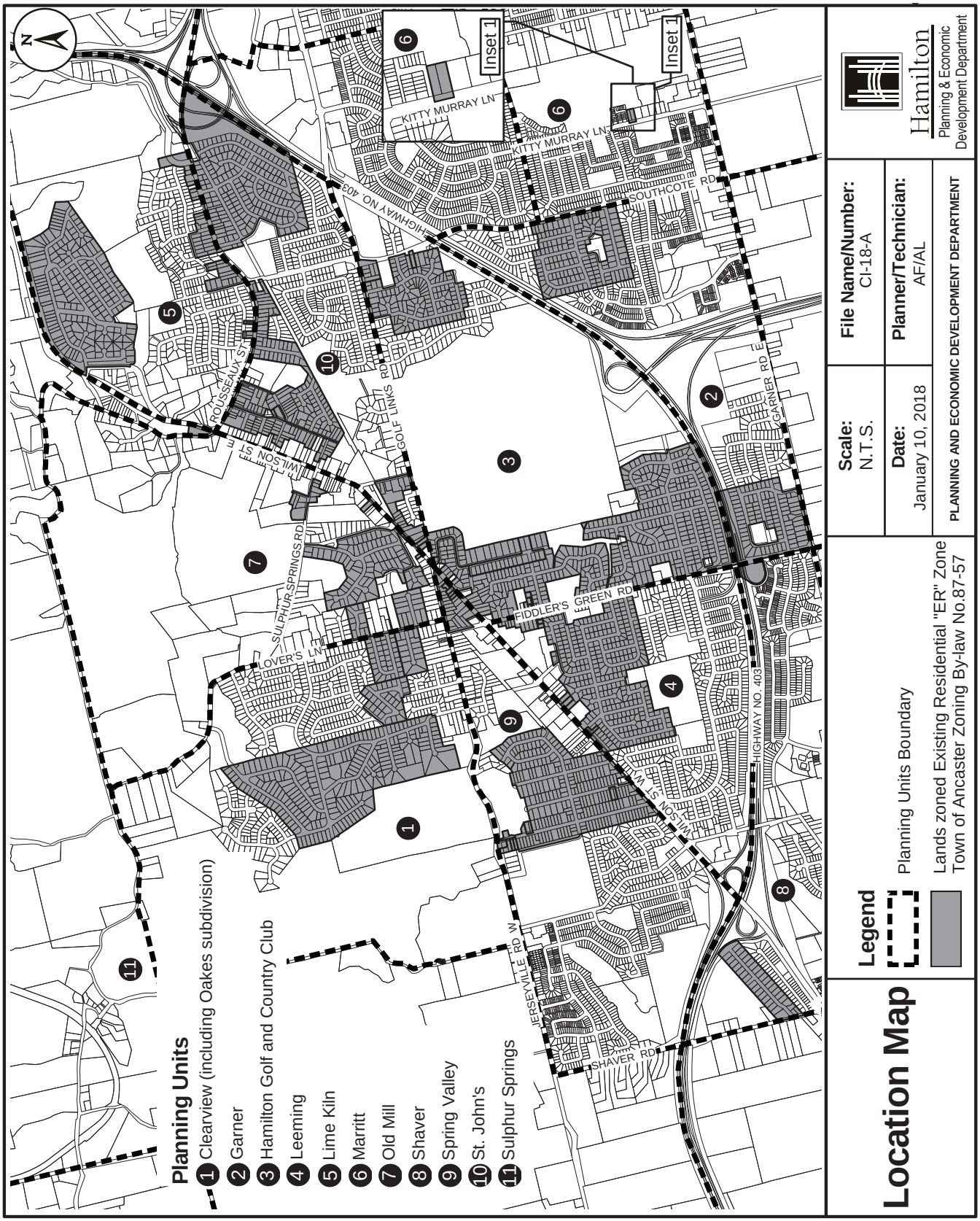
Analysis of Minor Variances for New Additions

The total number of variances granted for the 30 properties with variances relating to additions is 64 (includes variances for porch projections and decks). If variances for porches, projections, and decks are removed from the calculation, the number of variances is 42, addressing 25 properties. Relative to the number of additions completed since January 2012 (31), it appears that the vast majority have obtained one or more variance(s).

The most frequent type of variance granted was front yard setback followed by rear yard setback, side yard setback, and flankage yard setback. Some of these variances are a significant deviation from the parent regulation (for example, a front yard setback of 3.8 m is nearly half of the setback required by the parent zone regulation. There were no variances for height and only two (2) variances for lot coverage.

It is important to acknowledge that for minor variances relating to additions, there are likely many cases where the variance is required to address existing site conditions. In general, there are cases where variances are required to address situations where an addition is being built on a dwelling that existing prior to the implementation of the "ER" Zone regulations as they are today. Dwelling location and orientation can also trigger the need for variances, as dwellings are often angled. Overall, while there are some examples of significant deviation from the required minimums / maximums of the zoning by-law, the vast majority of these variances are minor in nature.

Location Map



OPTIONS FOR CHANGES TO THE EXISTING RESIDENTIAL "ER" ZONE REGULATIONS

Concerns have been expressed from some Ancaster residents about the size, height and location of new dwellings which may be of a mass and scale in excess of the existing homes, despite meeting the Existing Residential "ER" Zone regulations in the Ancaster Zoning By-law. Compatibility issues can be magnified when new dwellings are constructed adjacent to existing dwellings which are often of a scale and built form that reflect the design preferences and economic conditions of a much earlier time period.

Zoning regulations work together to establish parameters around buildable footprint, location of a dwelling on a lot, and building mass.

The purpose of this document is to identify the options that were considered for modifying the "ER" Zone regulations and to describe the option that was ultimately recommended. The modifications to building height, combined with modifications to lot coverage and setbacks, collectively establish an as-of-right building envelope that is more sympathetic to existing conditions and streetscape character. Changes to the front, rear, and side yard setback requirements are detailed in the sections that follow, which together with modifications to the height and lot coverage regulations, work together to regulate the built form.

The accompanying document "Illustrations of the new and Modified Regulations", illustrate the changes to the "ER" Zone regulations described in detail in this document.

1. Maximum Height of Principal Dwelling[1]

The height of new dwellings and/or additions are often higher than existing bungalows and two-storey dwellings. Topography and variations in roof design also affect the visual perception of how a high a building is.

Previous Regulation	Proposed Regulations	
	Option 1	Option 2
Maximum height of 10.5 metres	Reduce the maximum height to: i) 7.5 metres for a one-storey dwelling ii) 9.5 metres for a two-storey dwelling.	Differentiate between roof style when regulating height (i.e. pitched roof, flat roof). i) Establish a new maximum height specific to roof style or, ii) Establish a new maximum height and modify how height is measured based on roof style.

Recommendation:

The Ancaster Zoning By-law regulates height to the uppermost point of the building. Depending on how a house is built, it is possible to have a three-storey house and be under the 10.5 metre height maximum.

Staff recommended Option 1 which reduced the building height to 9.5 metres from the previous permission of 10.5 metres. Further, staff recommended that maximum height be correlated to storeys so that a separate maximum height could be applied to one-storey dwellings. The maximum number of storeys permitted was recommended 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.

The second option considered by staff would have regulated height based on roof style (e.g flat roof, hip roof, etc.) by either introducing different maximum heights based on the roof style, or by maintaining one maximum height, but changing the way height is measured based on the type of roof. Staff were of the opinion the intent of the changes to maximum building height could be achieved through Option 1 instead of requiring further modifications to the way height is defined and measured.

The modification to the height regulations are intended to reduce the previous permissions while still working within the existing regulatory framework for measuring height. As with all changes to the regulations, the maximum height regulation will be closely monitored to evaluate how the regulation, combined with the other modifications to the "ER" Zone provisions, are impacting built form.

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.

2. Lot Coverage[2]

Concern has been expressed by area residents about the scale of new dwellings; specifically, the mass of the new dwellings is greater than the existing built form which may lead to overlook and privacy concerns from adjacent properties. As mentioned previously, issues of compatibility are magnified when new dwellings are constructed adjacent to existing one-storey dwellings which are of a scale and built form that reflects the design preferences and economic conditions of an earlier time period.

Staff note that many of the existing dwellings in the "ER" Zone (both older housing stock and newer infill developments), have lot coverages that are below the maximum 35% lot coverage permitted in the Zoning By-law. This situation is predominantly a function of the varied and often larger lot sizes in the "ER" Zone. Of the approximately 2,500 lots comprising the "ER" Zone, the average lot area is 1,139 square metres, while the median (mid-point) of all "ER" Zone lots is 1,029 square metres. The result is that new dwellings can be constructed that meet the lot coverage requirement of the Zoning By-law but that are of a scale that is larger than the surrounding built form. It should be noted that lot coverage includes all buildings and accessory structures (with the exception of swimming pools and decks).

Previous Regulation	Proposed Regulations	
	Option 1	Option 2
Maximum Lot Coverage of 35%	Correlate maximum lot coverage to building height (storeys) and reduce the lot coverage for two-storey dwellings. i) Maximum lot coverage of 35% (one-storey) ii) Maximum lot coverage of 25% (two-storeys)	Apply the regulations of Option 1 and introduce further regulations for large lots. For lots greater than 1,650 square metres in area: i) Maximum lot coverage of 30% (one-storey) ii) Maximum lot coverage of 20% (two-storeys)

Recommendation:

Staff recommended implementing both Option 1 and Option 2 which has the effect of correlating lot coverage to building height so that two-storey dwellings are subject to a lower permitted maximum lot coverage, and further reducing the maximum lot coverage for the largest lots in the "ER" Zone. As noted previously, the current lot coverage maximum of 35% is generous in the context of the varied and often larger lot fabric of the "ER" Zone.

Given the evolution in built form and design preferences, it is considered appropriate to reduce the overall massing permitted for new dwellings and additions to existing dwellings so they are of a scale that is more complementary to the existing built form and character. For dwellings greater than one-storey in height, a maximum lot coverage of 25% was proposed, to account for the potential mass of the building. However, staff recommended the maximum lot coverage of 35% remain in place for one-storey dwellings, as they generally

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

result in a mass that is more complementary to the existing built form. As well, bungalows represent an important housing form in a neighbourhood and greater community as they help to promote aging in place and contribute to overall complete communities.

Staff further recommended there be a reduction to the maximum lot coverage regulation for lots greater than 1,650 square metres 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 square metres in area represents the top 10th percentile of lots within the "ER" Zone, with approximately 260 lots within this category. It was 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.

City Council ultimately approved maintaining the existing maximum lot coverage regulation of 35% for lots with an area less than or equal to 1,650 square metres (for both one-storey and two-storey dwellings). As the changes to the regulations in the "ER" Zone have been introduced as a pilot project, the regulations will be comprehensively monitored to evaluate the impacts on built form.

3. Front Yard Setback

The front yard setback provision regulates the distance of a dwelling from the front lot line and can assist in establishing a consistent streetwall. Although the location of new dwellings in the "ER" Zone generally maintains the front yard setback of adjacent dwellings, there are instances where this setback has not been maintained, creating visual impacts from the street and which can impact neighbours from an overlook and privacy perspective. Introducing a more specific regulation for front yard setback ensures the existing front yard setbacks of adjacent dwellings is respected and maintained.

Previous Regulation	Proposed Regulations	
	Option 1	Option 2
Minimum Front Yard of 7.5 metres, plus any applicable distance as specified in Schedule "C"[3].	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 can a front yard setback be less than 5.0 metres. 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 metres, the minimum setback shall be 5.0 metres and the maximum setback shall be 6.0 metres. Where a lot is a corner lot, the existing front yard setback of the adjacent dwelling that faces the same street applies. Where the lot is a corner lot and the principal dwelling faces the flankage lot line[4], the front yard setback regulation will be applied to the flankage yard and the side yard setback regulation will be applied to the front yard. Where an interior 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 applies. In all other cases not listed above, a minimum front yard setback of 7.5 metres and a maximum front yard setback of 9.0 metres shall be provided.	A minimum front yard of 7.5 metres, up to a maximum of 15 metres or 20% of the lot depth, whichever is lesser.

Recommendation:

The intent of changes to front yard setback is to establish a regulation that directly relates to the existing conditions of neighbouring properties, to create consistency along the streetscape. Changes to this regulation must consider the varied lot fabric of the "ER" Zone which creates varied front yard depths.

3 Schedule "C" does not apply to the ER Zone.

4 The Flankage Lot Line means a lot line other than a front lot line that abuts a street. For a corner lot, it describes the exterior side lot line.

Staff recommended Option 1, which introduced an average front yard regulation within the parameters as outlined in the table above.

In the majority of cases, the existing front yards of the two abutting lots will be averaged to establish the front yard setback of the lot to be developed. To allow for 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 metres is maintained.

In some cases, the average front yard setback may result in a setback that is less than the 5 metre minimum. In these cases, the front yard setback must be between 5 metres (the established minimum) and 6 metres.

The nearest principal dwellings on either side of a lot are used to calculate the average front yard setback. If an adjacent lot is vacant, the next nearest principal dwelling is used to calculate the average, provided it faces the same street.

For a corner lot or a lot abutting a corner lot, only those abutting properties with houses that 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. While the flankage yard of a house of an abutting property could be considered so that two abutting properties are counted in the calculation of the average, often this flankage yard is not reflective of the streetwall and would not contribute to the intent of the regulation.

For a corner lot where the dwelling faces the flankage lot line, the front yard setback regulation is applied to the flankage yard, and the side yard setback regulation is applied to the front yard. When the dwelling faces the flankage yard, it is appropriate to apply the front yard setback regulation to this yard as it is effectively functioning as the front yard.

For all other scenarios not identified in the regulation, a minimum front yard of 7.5 metres and maximum front yard of 9 metres must be provided. This regulation could apply to lots that do not have an abutting residential use or lots with no abutting lots that have dwellings facing the same street.

For clarity, the accompanying document of illustrations includes a series of illustrations to visualize the front yard setback regulation applied to various scenarios.

To implement the new front yard setback 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 building permit.

Staff did not recommend Option 2 which was a modification of the current minimum front yard of 7.5 metre regulation, as it did not adequately capture and consider the existing context since there is no link to the established streetwall (existing front yard setback). Although a maximum front yard was contemplated in this option to introduce more defined parameters for front yard setbacks, the varied lot fabric of the "ER" Zone and corresponding placement of dwellings makes it difficult to establish a maximum front yard that is applicable to all scenarios. To recognize established streetwalls that have a greater setback from the front lot line yet which are appropriate in the context of larger lot patterns, this maximum front yard would have to be a large number, which would not be appropriate for shallow lots.

4. Rear Yard Setback

Concerns have been expressed about the scale and massing of dwellings and the resulting overlook issues that may impact the privacy of rear yard amenity space. Variations in the size of dwellings, combined with variable lot fabric in the "ER" Zone may result in inconsistent rear yard setbacks. A minimum rear yard setback of 7.5 metres is a regulatory tool that has less impact on the size and location of a dwelling as the depth of the lot increases.

Previous Regulation	Proposed Regulations	
	Option 1	Option 2
Minimum Rear Yard of 7.5 metres.	Maximum depth of dwelling measured from the building wall closest to front lot line, to building wall closest to rear lot line.	Correlate minimum rear yard with lot depth. • For lots with less than or equal to 40 metres lot depth, a minimum rear yard of 25% of the lot depth; • For lots greater than 40 metres lot depth and less than or equal to 45 metres lot depth, a minimum rear yard of 30% of the lot depth; • For lots greater than 45 metres lot depth and less than or equal to 50 metres lot depth, a minimum rear yard of 35% of the lot depth; and, • For lots greater than 50 metres lot depth, a minimum rear yard of 40% of the lot depth. In no cases can the minimum rear yard be less than 7.5 metres. In addition, at minimum, one metre within the rear yard must be free and clear of all structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

Recommendation:

Staff recommended Option 2 (minimum rear yard depth), which correlates the minimum rear yard setback to lot depth, and more appropriately reflects specific lot conditions by increasing the rear yard setback as the lot depth increases. This regulation is better able to address the varied lot fabric of the "ER" Zone. A minimum rear yard of 7.5 metres has little influence on building location and built form for deeper lots. The new regulation, which assigns a specific percentage of lot depth to the determination of minimum rear yard, limits how far back a dwelling may extend into a lot.

Four separate categories representing percentage of lot depth were 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 metres in depth. A lot with a depth of 39 metres would require a minimum rear yard of 25% (9.75 metres). With the requirement to maintain a minimum rear yard of 7.5 metres, any lot under 30 metres in depth must defer to this minimum. The highest percentage has been set at 40% for lots greater than 50 metres. A lot with a depth of greater than 50 metres would require a minimum rear yard of 20 metres. At 40% of the lot depth, a minimum rear yard is required that when contemplated with the front yard setback, establishes a front to back building envelope (depth of dwelling) that will be consistent with the as-of-right building envelopes of surrounding properties of similar depth. The accompanying illustrations document illustrates the setback requirements applied to sample "ER" Zone lots.

As lot area and depth increase, the lot coverage maximum is less restrictive in and of itself. The minimum rear yard requirement, which increases as lot depth increases, is the predominant tool to limit the building envelope as lot depths increase. By placing limits on the permitted building envelope based on lot depth, impacts resulting from building mass may be reduced, and privacy concerns created by the inconsistent location of rear yard amenity space may be tempered. Staff note that a certain degree of variability in building location and dwelling depth is expected in a given neighbourhood, with greater variability anticipated between existing and new dwellings and where lot patterns are less consistent.

Staff did not recommend Option 1 (maximum depth of dwelling) for the "ER" Zone. While it can be an effective tool to control building mass, mitigate privacy concerns, and address overlook into adjacent properties, the regulation is considered most effective with narrower, deeper lots, and a more consistent lot fabric. It may not be the most appropriate tool in the "ER" Zone context where the lot fabric is varied. Given this variability, a depth of dwelling regulation may not provide enough flexibility to respond to the lot conditions in the "ER" Zone, whereas relating the minimum rear yard to lot depth can better respond to specific lot conditions. As noted previously, all the changes to the regulations will be closely monitored to evaluate how the regulations are impacting development.

The final modification to the minimum rear yard regulation is a requirement that a minimum of one metre in the rear yard remain free and clear of all structures, walkways, sidewalks, hard-surfaced material, and landscaping other than sod. This restriction includes trees, shrubs and all other natural landscaping other than grass. This regulation also applies to the side yard. Applying this standard to the rear and side yard provides assurance that a free and clear area is maintained to provide adequate space for drainage.

5. Side Yard Setback

A number of concerns were raised by residents about the space between dwellings on adjacent lots. The concerns generally related to building mass and resulting issues of overlook and loss of privacy, as well as drainage concerns along shared lots lines.

Previous Regulation	Proposed Regulations	
	Option 1	Option 2
Minimum Side Yard of 1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres and any applicable distance as specified in Schedule "C".	The minimum side yard shall be 2 metres. At minimum, one metre within the side yard must be free and clear of all structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.	Correlate minimum side yard with lot frontage. • For lots with a lot frontage of less than or equal to 23 metres, a minimum side yard of 2 metres. • For lots with a lot frontage greater than 23 metres, a minimum side yard of 10% of the lot frontage, up to a maximum of 5 metres. Except on a corner lot where the minimum flankage yard must be 6 metres. In addition, at minimum, one metre within the side yard must be free and clear of all structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod.

Recommendation:

Staff recommended Option 2 which correlates the minimum side yard to lot frontage. The wider the lot, the greater the minimum side yard requirement up to a maximum of 5 metres. The minimum side yard permitted is 2 metres. By establishing a higher minimum standard, greater spacing between dwellings is maintained which will assist with overlook and privacy concerns and maintain a larger area between dwellings for property maintenance and drainage. Increasing the minimum side yard as lot frontage increases achieves these objectives, and also limits the as-of-right building envelope and the corresponding impacts of building mass and perceptions of scale as visible from the street. 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 regulation for minimum flankage yard (side yard) abutting a street (for a corner lot), continues to apply.

From a drainage perspective, staff recommended a regulation requiring that a minimum of one metre in the side yard remain free and clear of all structures, walkways, sidewalks, hard-surfaced material, and landscaping other than sod. This restriction includes trees, shrubs and all other natural landscaping other than grass.

6. Garage Location

Garages projecting beyond the front wall of the dwelling have the effect of dominating the entire front façade of the dwelling, with the front entrance of the dwelling diminished in presence. This dwelling design is generally not consistent with the established housing form in the neighbourhood and may have the potential to create differences in dwelling depths vis-à-vis the abutting properties which may result in privacy concerns for rear yard amenity space.

Previous Regulation	Proposed Regulations	
	Option 1	Option 2
Not regulated	No part of a garage (attached or detached) or carport may be located closer to the front lot line than the front wall of any principal building or closer to the corner lot line than the side wall of any principal building.	The garage (attached or detached) or carport may extend up to 2 metres beyond the front wall of any principal building, or side wall of any principal building on corner lots, but cannot encroach into the front yard or flankage yard.

Recommendation:

Staff recommended Option 2 which limits the projection of the garage to de-emphasize the presence of the garage vis-à-vis the front façade and primary entrance of the dwelling. The garage is permitted to project up to 2 metres beyond the front wall or side wall of the dwelling provided it does not encroach into the front yard or flankage yard. A 2 metre projection enables more flexibility for front façade articulation in the dwelling design, which can enhance the visual aesthetic of the built form and reduce the overall sense of dwelling mass.

7. Second Storey Projections

Some concerns have been expressed that second storey features such as balconies may have adverse impacts on rear yard privacy, particularly when a new dwelling is of a height and scale that is greater than the adjacent built form. Building mass, combined with variations in the depth of dwelling can result in overlook issues between neighbouring properties. In addition, the larger the side yard setback, the greater potential for side yard balconies.

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

Recommendation:

Staff recommended introducing a regulation that prohibits balconies, decks and porches to project into the side yard, if located above the first storey of a dwelling. This regulation is intended to protect the privacy of the adjacent properties, given variability in building mass and dwelling depths. It can also reduce the perceived massing impact of a dwelling as these features add to the overall building mass.

ILLUSTRATIONS OF THE NEW AND MODIFIED REGULATIONS

The following illustrations visualize the intent of the changes to the regulations in the "ER" Zone of Ancaster. Four sample lots with distinct lot dimensions that are representative of lots found within the "ER" Zone have been used to illustrate the previous "ER" Zone permissions, which are then compared to the new regulations for rear yard setback, side yard setback, building height and lot coverage. The average front yard setback regulation is illustrated separately.

The four sample lots are characterized as a median lot (representing the mid-point of all lot frontages and lot depths in the "ER" Zone), a narrow / deep lot, a wide / deep lot, and a corner lot.

Lot coverage in the Ancaster Zoning By-law includes all buildings and accessory structures, with the exception of swimming pools and decks. For illustration purposes though, the coverage of the principal dwelling has been maximized to the maximum lot coverage permitted. Please note, the maximum lot coverage permitted may not be achievable on all lots due to lot configurations and setback requirements.

Median Lot (22 m frontage x 40 m depth)

FIGURE 1: PREVIOUS REGULATIONS

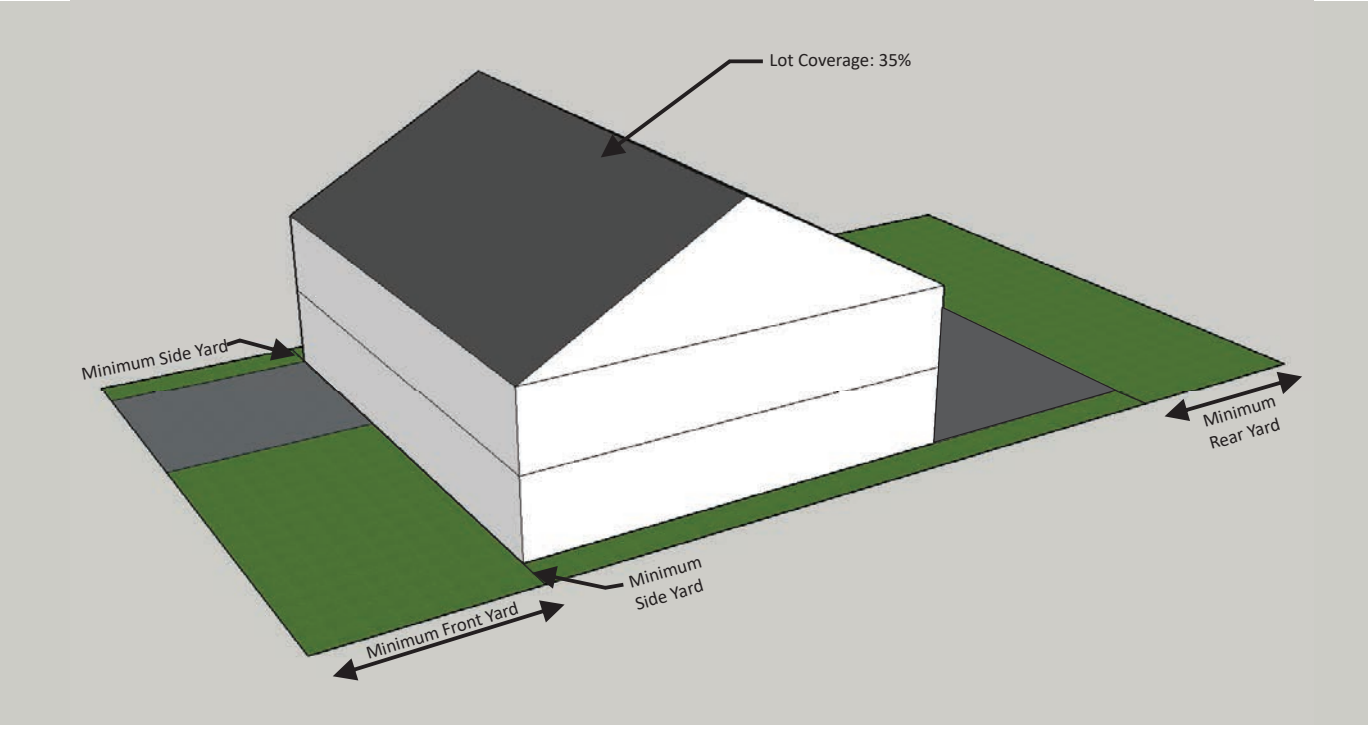
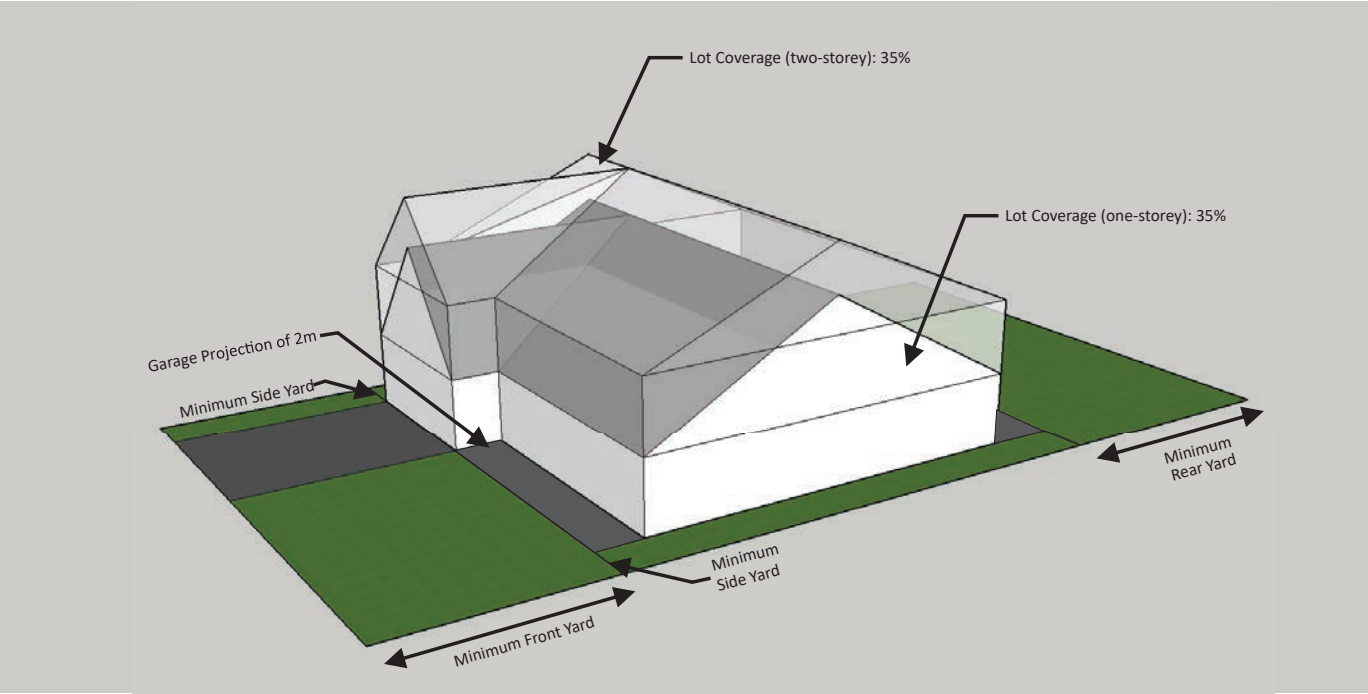


FIGURE 2: NEW REGULATIONS



	Previous Regulation	New Regulation	
MAXIMUM LOT COVERAGE	35%	35% (one- storey)	35% (two-storeys)
MAXIMUM HEIGHT	10.5 metres	7.5 metres (one-storey)	9.5 metres (two- storeys)
MINIMUM FRONT YARD	7.5 metres	Average front yard setback[1]	
MINIMUM SIDE YARD	1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres	2 metres	
MINIMUM REAR YARD	7.5 metres	10 metres	

1 For the purpose of Figure 2, the average front yard setback has been estimated at 9 metres. Separate illustrations have been prepared for the front yard setback regulation.

Narrow / Deep Lot (18 m frontage by 55 m depth)

FIGURE 3: PREVIOUS REGULATIONS

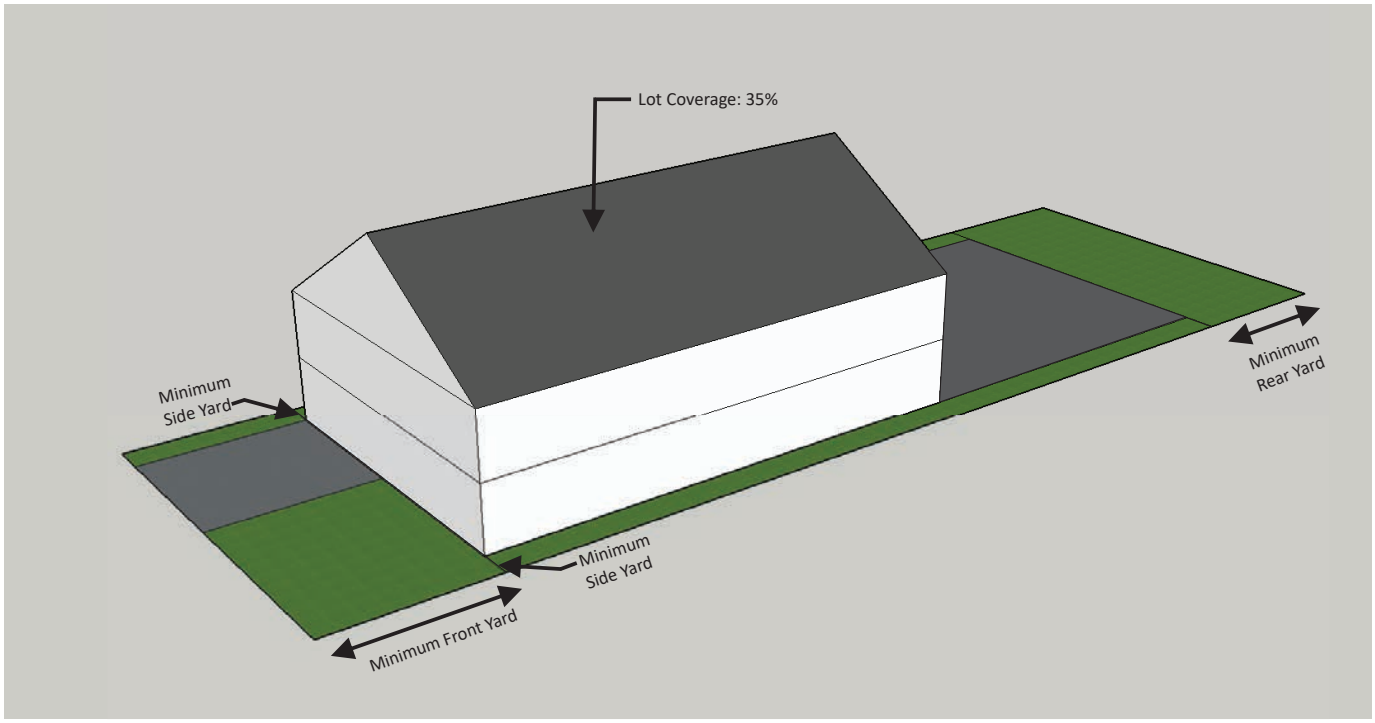
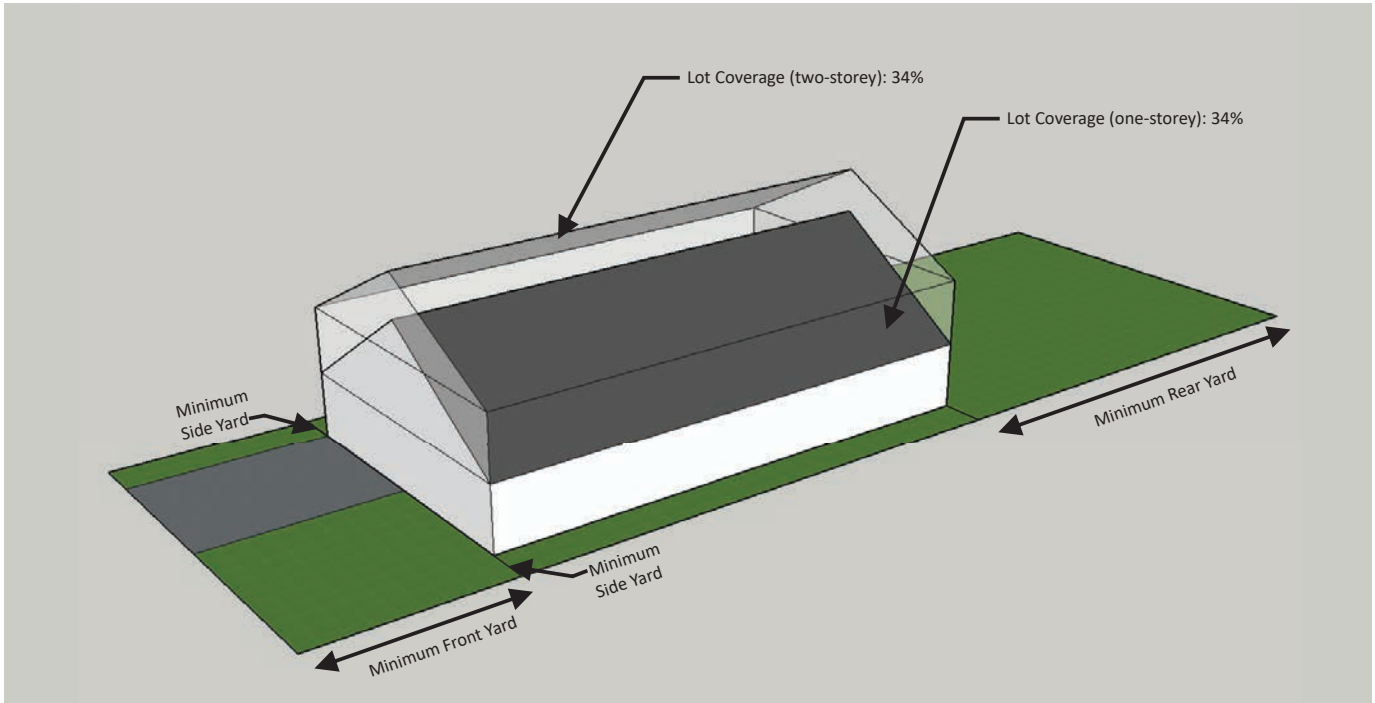


FIGURE 4: NEW REGULATIONS



	Previous Regulation	New Regulation	
MAXIMUM LOT COVERAGE	35%	35%[1] (one- storey)	35%[1] (two-storeys)
MAXIMUM HEIGHT	10.5 metres	7.5 metres (one-storey)	9.5 metres (two-storeys)
MINIMUM FRONT YARD	7.5 metres	Average front yard setback[2]	
MINIMUM SIDE YARD	1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres	2 metres	
MINIMUM REAR YARD	7.5 metres	22 metres	

1 Based on the setback requirements, the maximum lot coverage for a dwelling on this lot is 34%, below the maximum permitted of 35%. The maximum lot coverage permission cannot be achieved on all lots, given lot dimensions and setback requirements As well, the estimated front yard setback (see Note 2), may also influence the maximum lot coverage that can be achieved.

2 For the purpose of Figure 4, the average front yard setback has been estimated at 9 metres. Separate illustrations have been prepared for the front yard setback regulation.

Wide / Deep Lot (38 m frontage by 77 m depth)

FIGURE 5: PREVIOUS REGULATIONS

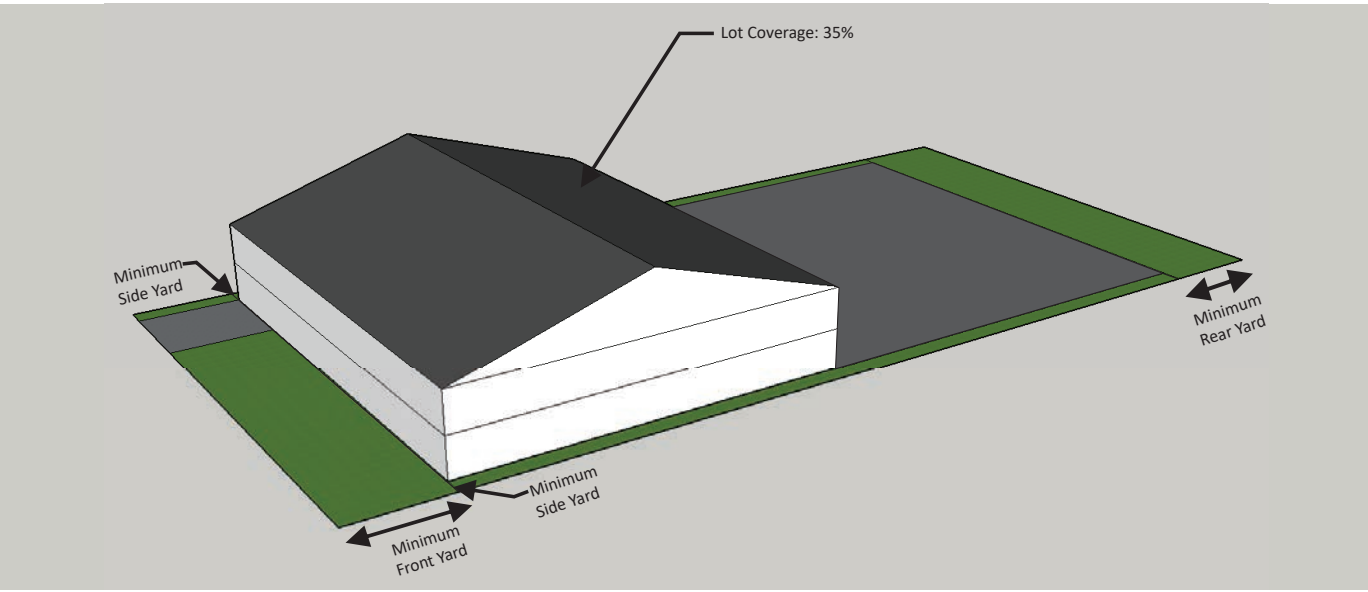
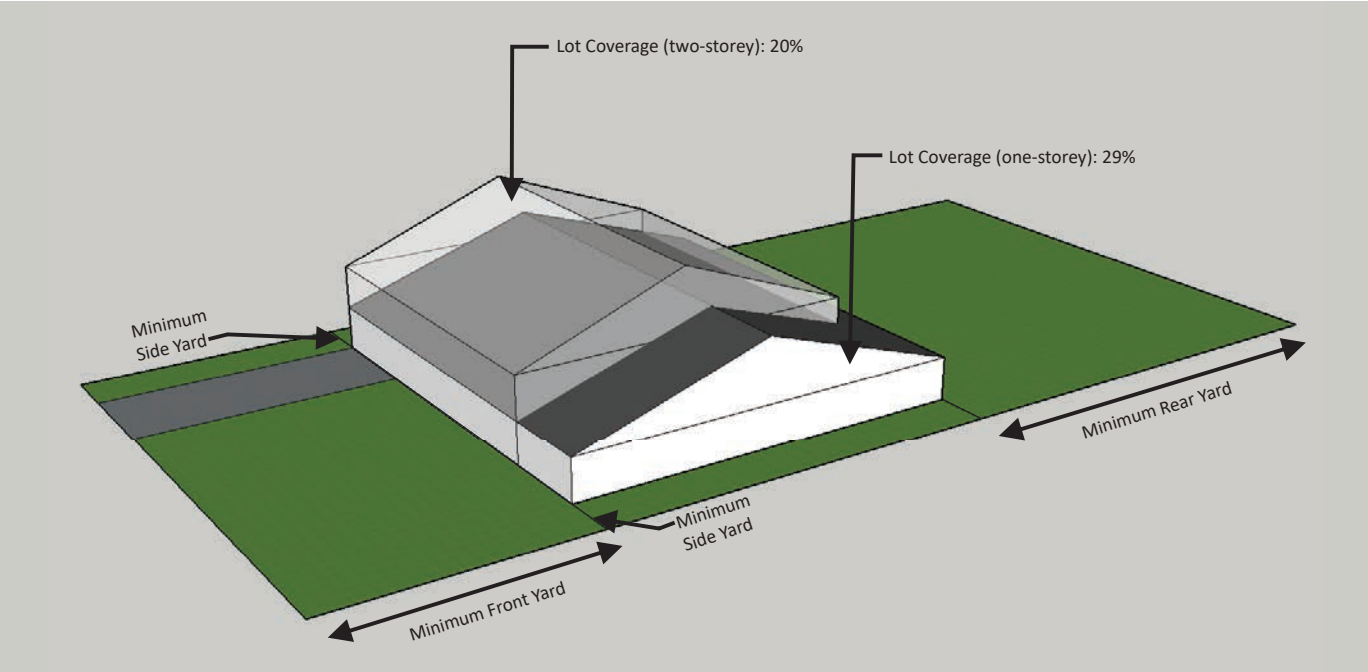


FIGURE 6: NEW REGULATIONS



	Previous Regulation	New Regulation	
MAXIMUM LOT COVERAGE	35%	30%[1] (one- storey)	20% (two-storeys)
MAXIMUM HEIGHT	10.5 metres	7.5 metres (one-storey)	9.5 metres (two-storeys)
MINIMUM FRONT YARD	7.5 metres	Average front yard setback[2]	
MINIMUM SIDE YARD	1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres	3.8 metres	
MINIMUM REAR YARD	7.5 metres	30.8 metres	

1 Based on the setback requirements, the maximum lot coverage for a one-storey dwelling on this lot is 29%, below the maximum permitted of 30%. The maximum lot coverage permission cannot be achieved on all lots, given lot dimensions and setback requirements. As well, the estimated front yard setback (see Note 2), may also influence the maximum lot coverage that can be achieved.

2 For the purpose of Figure 6, the average front yard setback has been estimated at 18 metres. Separate illustrations have been prepared for the front yard setback regulation.

Corner Lot (22 m frontage by 30 m depth)

FIGURE 7: PREVIOUS REGULATIONS

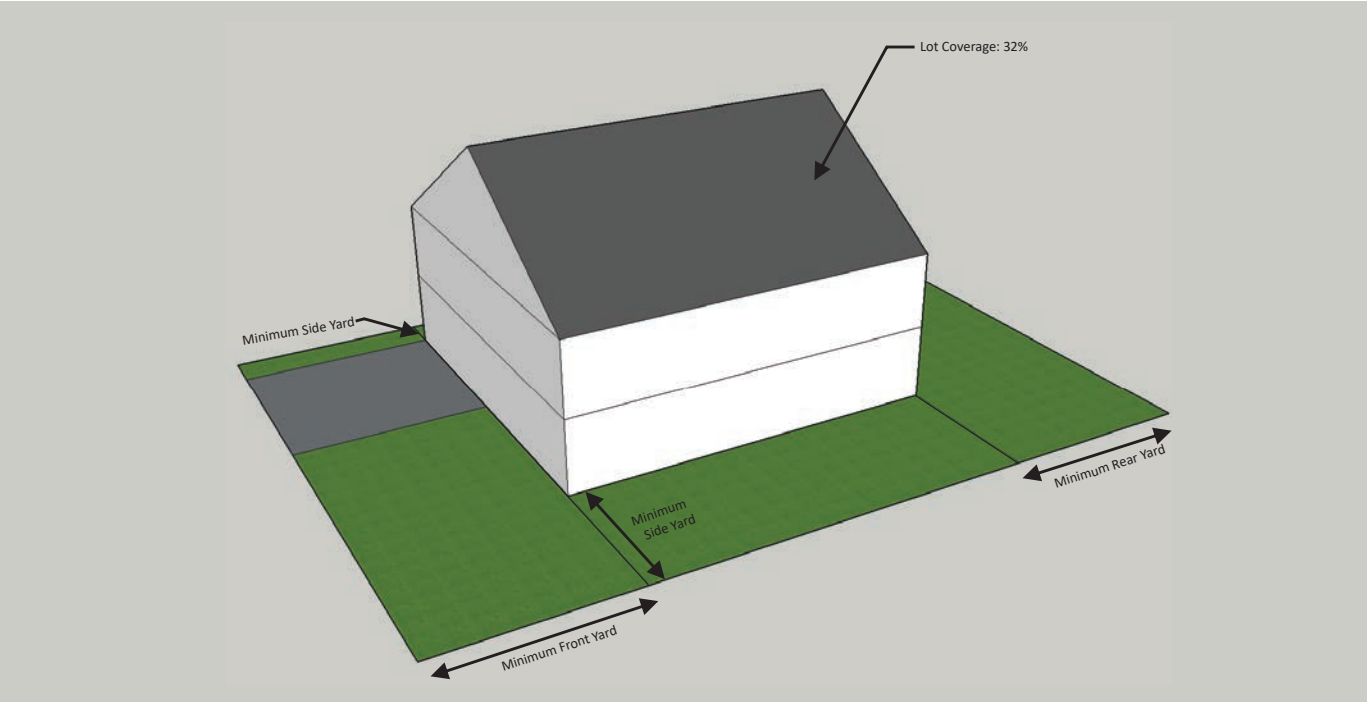
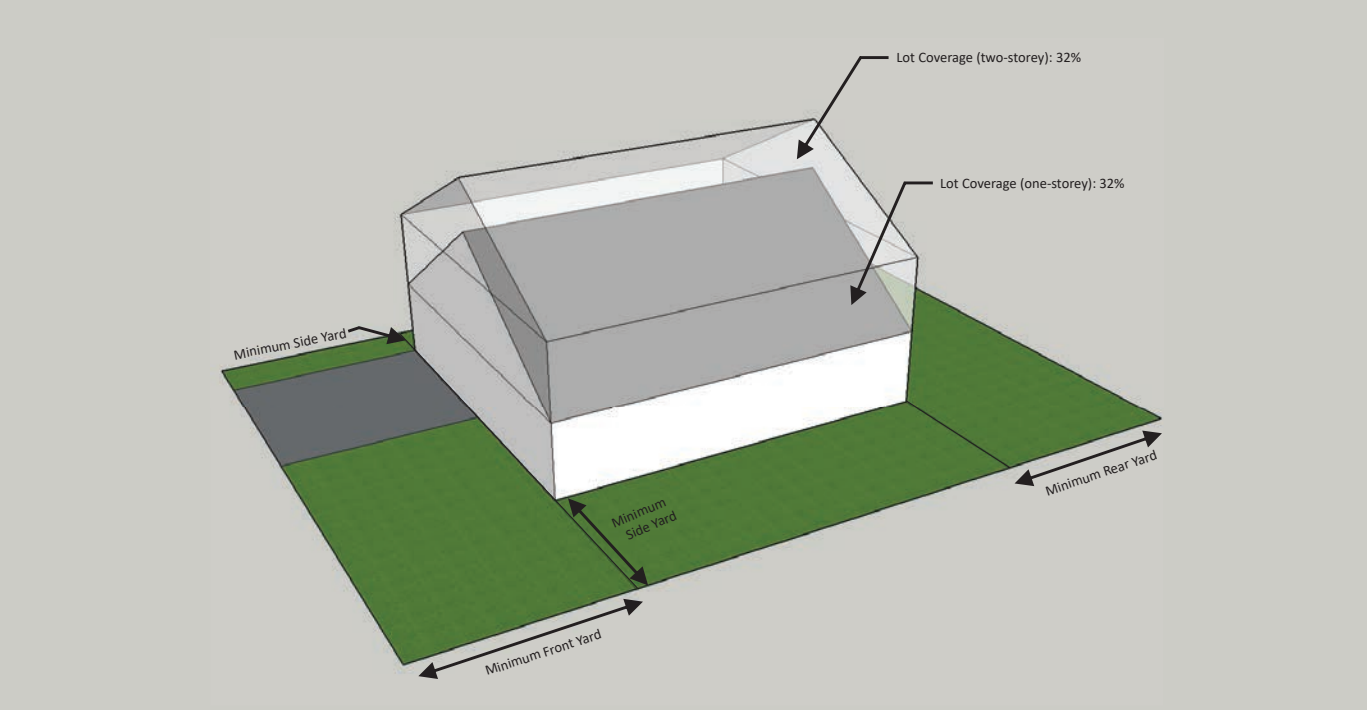


FIGURE 8: NEW REGULATIONS



	Previous Regulation	New Regulation	
MAXIMUM LOT COVERAGE	35%	35%[1] (one- storey)	35%[1] (two-storeys)
MAXIMUM HEIGHT	10.5 metres	7.5 metres (one-storey)	9.5 metres (two-storeys)
MINIMUM FRONT YARD	7.5 metres	Average front yard setback[2]	
MINIMUM SIDE YARD	1.5 metres, except on a corner lot the minimum side yard abutting a street shall be 6.0 metres	2 metres and 6 m (abutting the street)	
MINIMUM REAR YARD	7.5 metres	7.5 metres	

1 Based on the setback requirements, the maximum lot coverage for this lot is 32%, below the maximum permitted of 35%. The maximum lot coverage permission cannot be achieved on all lots, given lot dimensions and setback requirements. In this case, the corner lot is subject to an exterior side (flankage) yard of 6 metres, which reduces the buildable envelope.

2 For the purpose of Figure 8, the average front yard setback has been estimated at 7.5 metres. Separate illustrations have been prepared for the front yard setback regulation.

AVERAGE FRONT YARD SETBACK

Four sample lot fabrics representative of lot patterns in the "ER" Zone are illustrated to visualize the various outcomes when applying the average front yard setback regulation. The illustrations depict:

1. A street of consistent front yard setbacks.
2. An inconsistent streetwall of varying front yard setbacks.
3. A corner lot and abutting properties.
4. A corner lot on which the front wall of the proposed dwelling faces the flankage yard (exterior side yard).

The front yard setback is the average of the existing front yards of the two nearest principal dwellings on either side of the lot, that face the same street (within 20 percent of that average), provided the front yard setback is no less than 5 metres.

Note: the nearest principal dwellings on either side of a lot to be developed are used to calculate the average front yard setback. If there is a vacant lot on one or both sides of the lot, the next nearest principal dwelling on the same side of the street is used, provided the dwelling faces the same street.

For the following figures (Figures 9 – 15), the lot to be developed is shaded grey. The adjacent dwelling(s) used to calculate the average front yard setback are outlined in red.

FIGURE 9: SAMPLE LOTS WITH INCONSISTENT FRONT YARD

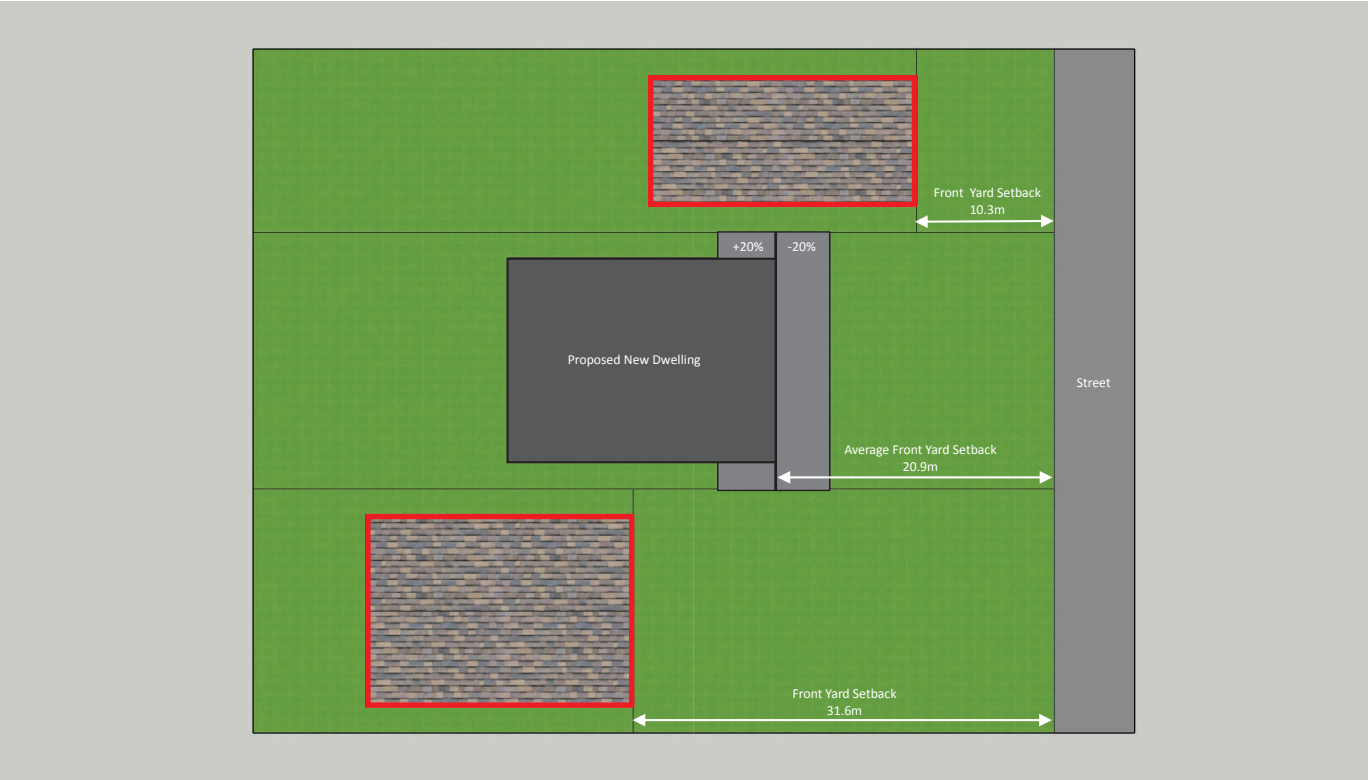


FIGURE 10: SAMPLE LOTS WITH CONSISTENT FRONT YARD SETBACKS

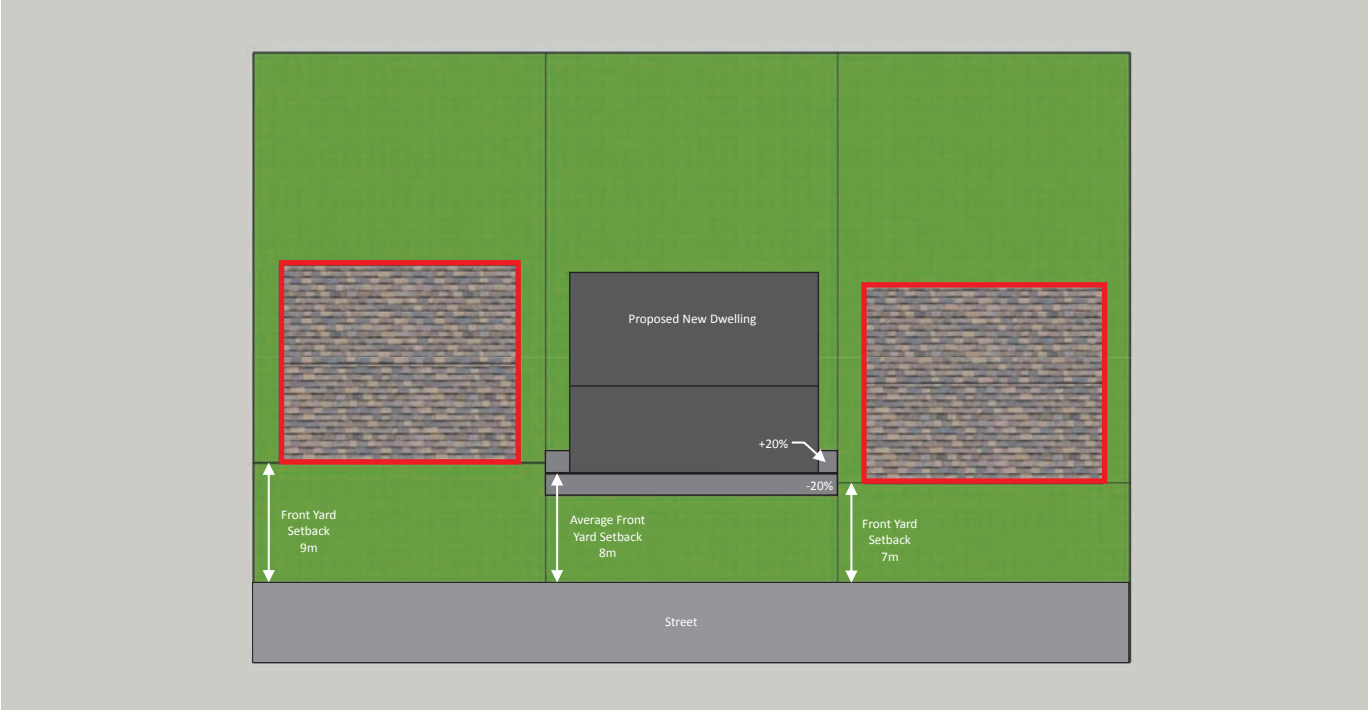


FIGURE 11: CORNER LOT FABRIC - SCENARIO A

The next three figures illustrate the average front yard setback regulation applied to the same sample of five lots (one corner lot and four interior lots).

In this scenario, the lot to be developed has two adjacent dwellings that face the same street (outlined in red). These dwellings are used to calculate the average front yard setback.

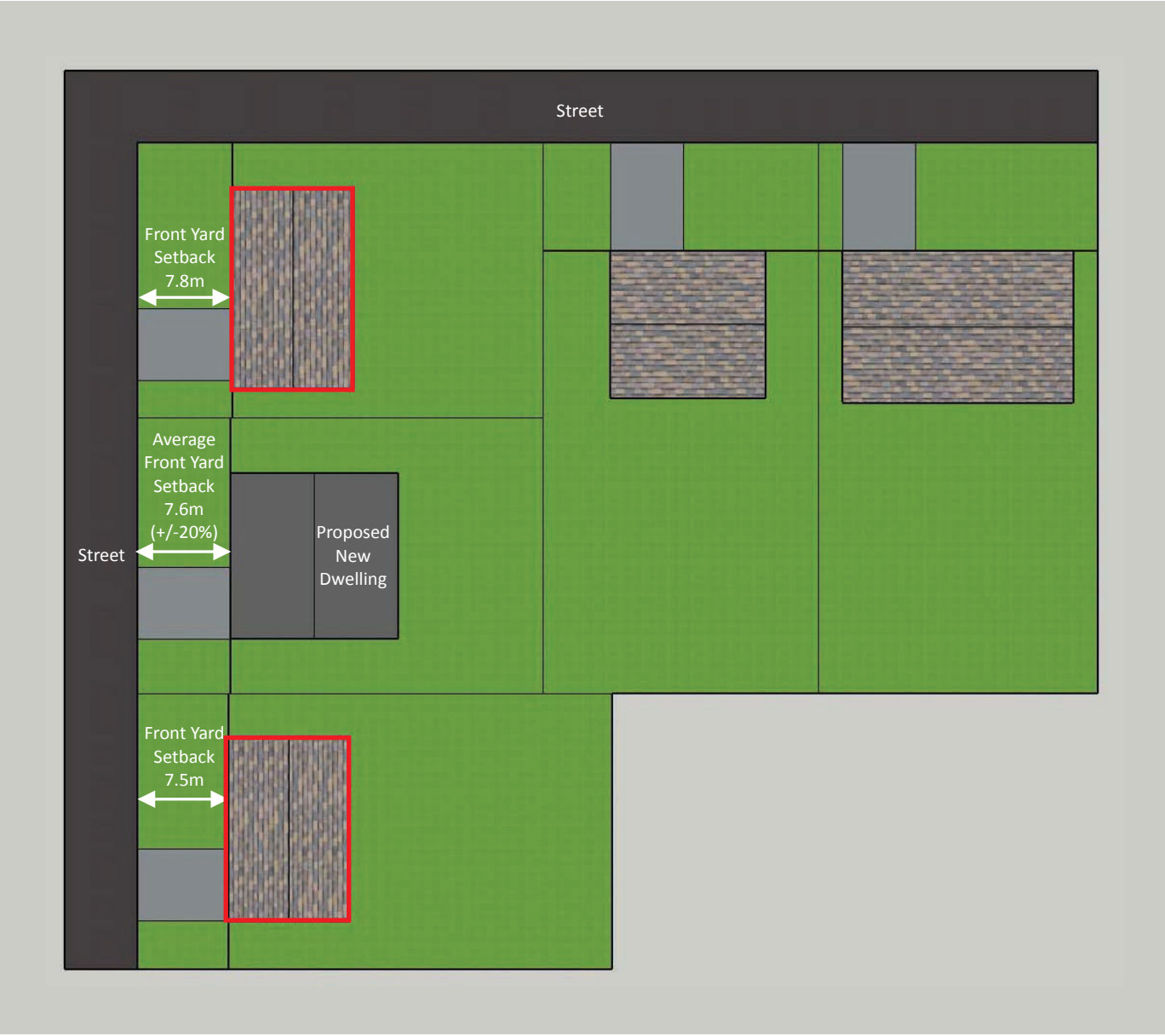


FIGURE 12: CORNER LOT FABRIC – SCENARIO B

In this scenario, the corner lot is being developed, thus only the adjacent dwelling facing the same street (outlined in red), is used to calculate the average front yard setback

* *With an average front yard setback of 5.4 metres, this number cannot be adjusted downward by 20% as it would fall under 5 metres, the minimum front yard setback that must be maintained.*

FIGURE 13: CORNER LOT FABRIC – SCENARIO C

In this scenario, the lot being developed only has one adjacent dwelling facing the same street (outlined in red). This is the dwelling used to calculate the average front yard setback.

FIGURE 14: CORNER LOT FABRIC – SCENARIO D1

The next two figures illustrate the average front yard setback regulation applied to a sample of five lots. It illustrates a scenario where the lot to be developed is a corner lot and the front wall of the proposed dwelling on this corner lot faces the flankage (side) lot line instead of the front lot line.

In this scenario, the front yard setback regulation is applied to the flankage yard and the side yard setback regulation is applied to the front yard (see Figure 15).

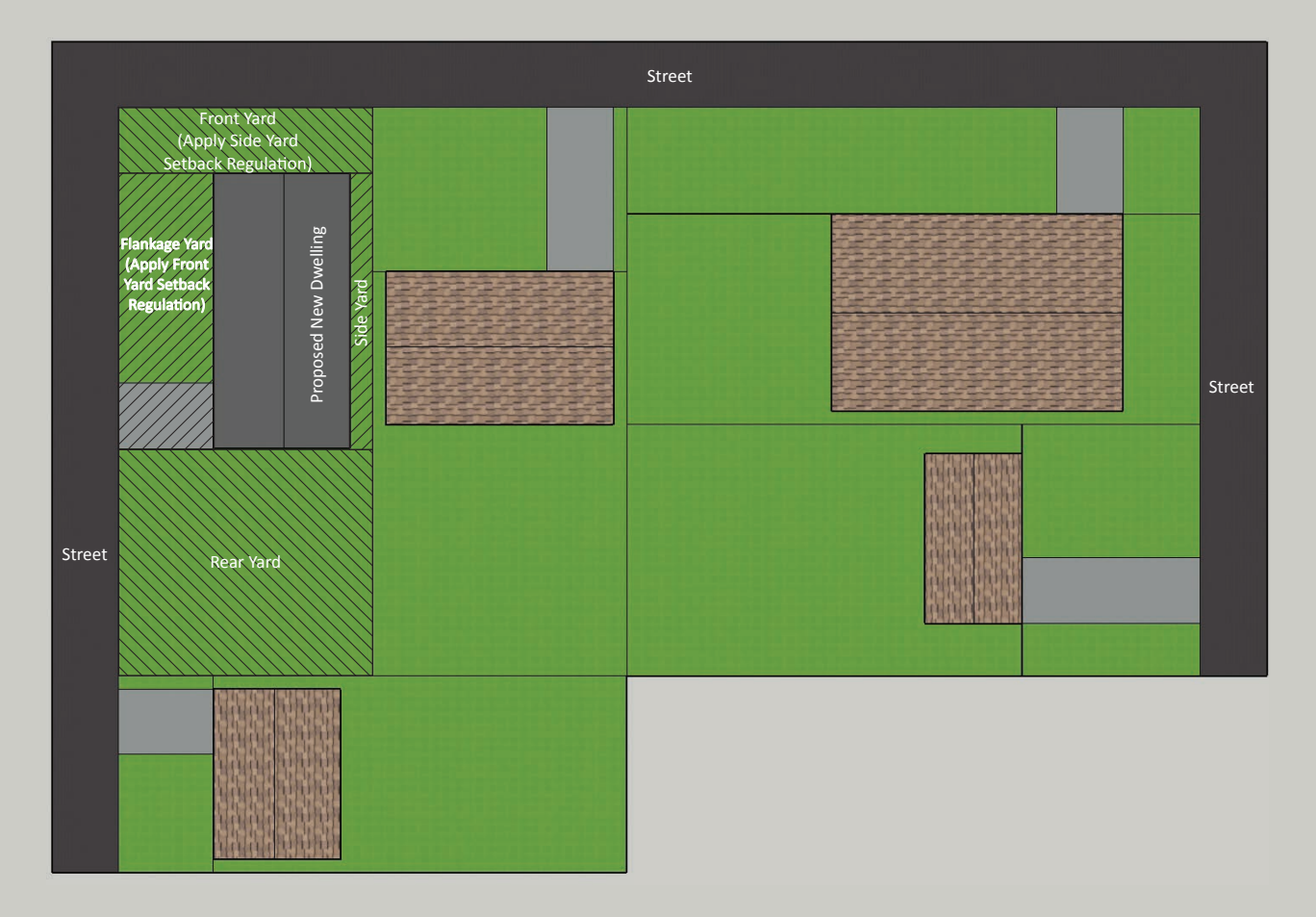


FIGURE 15: CORNER LOT FABRIC – SCENARIO D2

To calculate the average front yard setback for this scenario, the adjacent dwelling facing the same street (outlined in red) is used to calculate the average front yard setback.

The flankage (side) yard regulation (minimum of 6 metres) is applied to the front yard.

DO YOU REQUIRE MORE INFORMATION?

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