

**Authority:** Item 3, Planning Committee  
Report 21-007 (PED21022)  
CM: May 12, 2021  
Ward: 12

**Bill No. 069**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-069**

#### **To Amend Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026, Respecting Lands Located in Certain Residential Areas of Ancaster (“ER” Zoned Lands)**

**WHEREAS**, under the provisions of Section 41 of the Planning Act, a Council of a Municipality may by by-law designate the whole or any part of the Municipality as a Site Plan Control Area:

a

**AND WHEREAS** the City of Hamilton passed Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026;

**AND WHEREAS** the Urban Hamilton Official Plan in effect for the City of Hamilton describes a proposed site plan control area and contains policies related to Site Plan Control;

**AND WHEREAS** it is desirable that the policies of the Official Plans be applied to the proposed site plan control area by way of a designation and implementation by-law;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 3 of Report 21-007 of Council, at its meeting held on the 12th day of May, 2021, recommended that By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026, be amended as hereinafter provided;

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

1. That Subsection 9.3 (ii) of By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026, be deleted and replaced with the following subsection:

“(ii) in certain residential areas of Ancaster, as shown on the maps attached to and forming part of this by-law as Schedules “C1” to “C13”, in accordance with the following provisions:

a) The construction of a single detached dwelling, duplex dwelling or semi-detached dwelling that is not a reconstruction, as per Subsection 9.3 (ii) j).

- b) An addition to a single detached dwelling, duplex dwelling or semi-detached dwelling if the ground floor area of the addition is greater than or equal to 50 percent of the ground floor area of the dwelling existing on February 14, 2019.
- c) The reconstruction of a single detached dwelling, duplex, dwelling or semi-detached dwelling if the ground floor area of the reconstructed dwelling is greater than or equal to 50 percent of the ground floor area of the dwelling existing on February 14, 2019.
- d) Notwithstanding Subsection 9.3 (ii) b), for an addition to a single detached dwelling, duplex dwelling or semi-detached dwelling, if a dwelling was previously subject to the provisions of Subsection 9.3 (ii), the ground floor area of said addition shall be measured against the ground floor area of the dwelling as shown on the site plan approved on the date of Site Plan approval. If the provisions of Subsection 9.3 (ii) have been applied on more than one occasion, the most recent Site Plan approval date shall apply.
- e) Notwithstanding Subsection 9.3 (ii) c), for a reconstructed dwelling, if a dwelling was previously subject to the provisions of Subsection 9.3 (ii), the ground floor area of said reconstructed dwelling shall be measured against the ground floor area of the dwelling as shown on the site plan approved on the date of Site Plan approval. If the provisions of Subsection 9.3 (ii) have been applied on more than one occasion, the most recent Site Plan approval date shall apply.
- f) The following buildings or structures if greater than 40 square metres ground floor area:
  - 1) Accessory buildings; and,
  - 2) Detached Secondary Dwelling Units.
- g) On lots with a maximum lot coverage of 35 percent, development that results in a lot coverage that exceeds the maximum lot coverage permitted.
- h) For the purpose of Subsection 9.3 (ii), the ground floor area shall include the area covered by attached garages, attached carports, unenclosed porches, and stairs, but shall not include decks.

- i) For the purpose of Subsection 9.3 (ii) b), an addition shall mean the expansion of a dwelling that has the effect of increasing the ground floor area of said dwelling, but shall not include the expansion of a reconstructed dwelling.
  - j) For the purpose of Subsection 9.3 (ii) c), reconstruction shall mean a dwelling built on all or part of an existing foundation and any additions or alterations to said foundation, and may include existing ground floor walls as part of the reconstruction.
2. That Subsection 9.13 of By-law No. 15-176, as amended by By-law No. 18-104 and By-law No. 19-026, be deleted in its entirety.

**PASSED** this 12th day of May, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk