Council Direction:

City Council, in adopting REPORT 10-005 of the Economic Development and Planning Committee on March 10, 2010, approved the following:

"20. Location of Air conditioning units in side yards

That suspension of enforcement of the Zoning By-laws with regards to existing Air Conditioning units in side yard setbacks be implemented until consideration by Council of the new regulations as part of the Comprehensive Zoning By-law in 2011."

Information:

The Council Direction quoted above was given in anticipation of Section 4 of the General Provisions of Zoning By-law 05-200, which is currently in effect for Commercial, Institutional and Industrial zones, coming into effect for Residential and Rural/Agricultural zones when these zones are completed:

Section 4: General Provisions of Zoning By-law 05-200

4.9 Air Conditioners and Pumps
Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,

b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.

The six existing zoning by-laws of the former municipalities which are currently in effect for residential and rural/agricultural zones all have more restrictive setback requirements than subsection 4.9, for example:

Ancaster, Dundas, Hamilton and Stoney Creek\(^1\): 5.0m from front or rear lot line; 2.4m from side lot line

Flamborough: not permitted in front yard; 0.6m from rear or side lot line

Glanbrook: not permitted in front yard; 5.0m from rear lot line; 2.5m from side lot line

As subsection 4.9 does not differentiate between air conditioners, pumps (including heat pumps and swimming pool pumps) or similar mechanical equipment, staff will be suspending enforcement for all three. In addition, as subsection 4.9, once it is in effect for properties zoned Residential or Rural/Agricultural, will require setbacks of 3.0 m from street lines and 0.6 m from side lot lines and rear lot lines, staff will be suspending enforcement when there is compliance with these setbacks. This implementation of the Council Direction ensures consistency in enforcement both before and after subsection 4.9 comes into effect.

Enforcement will continue under the Noise By-law if the operation of an air conditioner, pump or similar mechanical equipment results in a contravention.

MH/CV/dt

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\(^1\) The Stoney Creek Zoning By-law has some exceptions to these setbacks.