TO: Chair and Members Planning Committee  
WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: January 18, 2011

SUBJECT/REPORT NO:
Applications for Approval of a Draft Plan of Subdivision, and Amendments to the Ancaster Official Plan and Zoning By-law Nos. 87-57 and 05-200, for Lands Located at 431-497 Southcote Road (Ancaster) (PED11005) (Ward 12)

SUBMITTED BY:
Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY:
Edward John  
(905) 546-2424, Ext. 5803

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-10-008, by Dawn Victoria (Don Husack), Owner, to amend Map “1”, Meadowlands Neighbourhood III Secondary Plan, from “Low Density Residential (Infill)” to “Low Density Residential 2”, and to revise the current road pattern, on lands located at 431-497 Southcote Road (Ancaster), as shown on Appendix “A” to Report PED11005, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED11005, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and Places to Grow Plan.
(b) That approval be given to Official Plan Amendment No. [redacted], to modify the Urban Hamilton Official Plan by changing Map B.2.5-1, the Meadowlands Neighbourhood III Secondary Plan, from “Low Density Residential (Infill)” to “Low Density Residential 2a”, and to amend the Road Pattern, for the lands located at 431-497 Southcote Road (former Town of Ancaster), and should Council’s decision on the amendment occur prior to the final decision on the Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include these amendments in the Official Plan and defer them until the Official Plan Amendment to the Town of Ancaster Official Plan is final and binding.

(i) That the draft Official Plan Amendment, attached as Appendix “H” to Report PED11005, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement.

(c) That approval be given to Zoning Application ZAC-09-025, by Dawn Victoria [redacted], Owner, in order to provide for changes in zoning from the Agricultural “A” Zone to the Residential “R4-623” Modified Zone, with a Special Exception (Block “1”), and the Residential “R5-624” Modified Zone, with a Special Exception (Block “2”), as shown on Schedule “A” to Appendix “C”; and to the Open Space (P4) Zone, as shown on Schedule “A” to Appendix “D”, to Report PED11005, for lands located at 431-497 Southcote Road, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED11005, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57.

(iii) That the draft By-law, attached as Appendix “D” to Report PED11005, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map No. 1336, of Zoning By-law No. 05-200.

(v) That the proposed changes in zoning will be in conformity with the Town of Ancaster Official Plan upon approval of Official Plan Amendment No. [redacted].
(d) That approval be given to **Subdivision Application (25T-200906), by Dawn Victoria (Don Husack) Owner**, to establish a draft plan of subdivision on the property located at 431-497 Southcote Road (Ancaster), as shown on Appendix “A” to Report PED11005, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-200906, prepared by Design Plan Services Inc., and certified by B.J. Clarke, O.L.S., dated October 29, 2010, showing 65 lots (Lots 1-65) for single-detached dwellings, 1 block for a public walkway (Block 66), 1 block for a road widening (Block 67), and the creation of 1 street (Street A - Burbridge Way), and the extension of Moorland Crescent (Street B), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “G” to Report PED11005;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development;

That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the **Planning Act**, prior to the issuance of each building permit for the lots within the plan. The calculation of Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

**EXECUTIVE SUMMARY**

The purpose of the applications is for approval of an Official Plan Amendment, change in zoning, and a draft plan of subdivision, in order to permit the development of the lands for 65 lots for single-detached dwellings, one walkway, the extension of Moorland Crescent, and one new street - Burbridge Way (see Appendix “E”).

The proposal has merit and can be supported since it is consistent with the Provincial Policy Statement, conforms with the Hamilton-Wentworth Official Plan and Places to Grow Plan, and generally implements the plan for the residential re-development of the subject lands, as identified in the approved Meadowlands Neighbourhood III Secondary Plan (as amended), and contributes to the mix of land uses and dwelling types envisioned within the Secondary Plan. The proposed development is also compatible with existing and planned development in the area.

*Alternatives for Consideration - See Page 25.*
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FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for a Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment.

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The purpose of the applications is to approve an Official Plan Amendment, change in zoning, and draft plan of subdivision, in order to permit a residential subdivision consisting of 65 single-detached dwellings (see Appendix “E”). Specifically, the applications would permit:

- 65 lots for single-detached dwellings (Lots 1-65);
- 1 block for a public walkway (Block 66);
- 1 block for a road widening (Block 67);
- the creation of 1 public street (Street A); and,
- the extension of Moorland Crescent (Street B).

In order to implement the draft plan of subdivision, an Official Plan Amendment is required to amend the existing Meadowlands Neighbourhood III Secondary Plan. Currently, a portion to the rear of the site is designated Low Density Residential 2, with the front portion of the site designated Low Density Residential (infill). The Official Plan Amendment proposes to extend the existing Low Density Residential 2 designation in order to permit all the properties fronting onto the internal streets to benefit from reduced frontages (10.9m). It should be noted that those properties fronting onto Southcote Road would remain within the Low Density Residential (infill) designation and, as such, would be required to have a minimum 15m frontage.

In addition to this, changes in the road pattern are also proposed in order to implement the plan of subdivision. Recommendation (a) provides a detailed description of the required amendments to the Ancaster Official Plan, and Appendix “B” is the draft Official Plan Amendment. Changes to the New Urban Official Plan, which adopted the Meadowlands III Secondary Plan, will also be required. Recommendation (b) provides a detailed description of the required amendments to the New Urban Official Plan, and Appendix “H” is the draft Official Plan Amendment.
The subject lands are also subject to proposed changes in zoning in order to permit the proposed residential development and the location of a public walkway (see Appendix “E”). It is noted that the proposed units would conform, in general, to the standard Residential “R-4” and “R-5” Zones of the Ancaster Zoning By-law. However, a number of modifications are required to each zoning category in order to accommodate increased coverage, reduced lot areas, rear yards, and a number of encroachments necessary to facilitate porches, bay windows, and other similar features.

In addition, staff will be recommending an increase in the minimum lot frontage of both proposed residential zones, with the “R-5” zone increased from 10m to 10.9m, and the “R-4” zone increased from 12m to 15m. The increases to the minimum lot frontage for each zone is required in order to comply with the minimum lot frontage requirement, as detailed in the Secondary Plan Designations (the “Low Density Residential 2” designation proposed for the internal lots and the “Low Residential (infill)” designation currently existing for those lots fronting Southcote Road). The merits of these proposed modifications will be addressed in detail in the Analysis/Rationale for Recommendation section of this Report.

**Location:**
431-497 Southcote Road (Ancaster)

**Owner/Applicant:**
Dawn Victoria (Don Husack)

**Agent:**
WEBB Planning Consultants (c/o James Webb)

**Property Description:**
- **Frontage:** 302m
- **Depth:** 110m
- **Lot Area:** 3.29ha.

**Servicing:**
Full municipal services on Southcote Road
VISION:
To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

VALUES:
Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

EXISTING LAND USE AND ZONING:

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<th>Subject Lands:</th>
<th>Existing Land Use</th>
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<td>Single-Detached Dwellings and Vacant</td>
<td>Agricultural “A” Zone</td>
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<td>North</td>
<td>Single-Detached Dwellings</td>
<td>Residential “R4” Zone and Residential “R4-590” Zone</td>
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<td>South</td>
<td>Single-Detached and Vacant</td>
<td>Agricultural “A” Zone</td>
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<td>East</td>
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<td>Residential “R4-592” Zone / Residential “R4-589” Zone Neighbourhood Institutional “I1” Zone and Neighbourhood Park (P1) Zone</td>
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<td>West</td>
<td>Single-Detached Dwellings</td>
<td>Residential “R4-516” Zone, and Agricultural “A-216” Zone</td>
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Finally, it is noted that the lands to the east have recently been reviewed and approved for residential and institutional uses. The former Ancaster Fairgrounds site, under Applications ZAC-09-002, OPA-09-001, and 25T-200711(R) approved the development of small lot singles, townhouses, a school, and parkette. The review of the current application has considered both the established development pattern within the area, as well as the future development approved under these applications.

POLICY IMPLICATIONS

Provincial Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff considers the application to conform with the policies that manage growth, and direct general residential intensification to the built up areas, as per the Policies contained in 2.2.2 and 2.2.3.
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The proposal maintains the intent to create vibrant neighbourhoods, which provide residential uses that are transit supportive.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas, Policy 1.1.3.1.

However, Policy 1.7.1(e) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff notes that the subject lands are intended for residential purposes, are located adjacent to Southcote Road, are within approximately 62 metres of stationary noise sources, and are within approximately 150 metres of Garner Road East. The proximity of the proposed sensitive land use to road and stationary noise sources triggers the requirement for a Noise Study. Based on the proposed design, which is reflective of noise concerns on Southcote Road, staff is satisfied with the submission of a Noise Study as a condition of Draft Approval (see Special Condition of Draft Plan Approval No. 29 - Appendix “G”).

In addition, Policy 2.6.2 states that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff notes that the subject lands are located within an area of archaeological potential. In addition, staff notes that an Archaeological Assessment, titled “The Stage 1-3 Archaeological Assessment of 431-497 Southcote Road, Part of Lot 48, Concession 3, Geographic Township of Ancaster, City of Hamilton”, dated August, 2009, and prepared by Archaeological Assessments Ltd., has been submitted with the subject application. Staff is, therefore, satisfied that sufficient regard has been given to the protection and preservation of archaeological resources.
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Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

However, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and re-development. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As noted previously, the subject lands are located within an area of archaeological potential. In addition, staff notes that an Archaeological Assessment, titled “The Stage 1-3 Archaeological Assessment of 431-497 Southcote Road, Part of Lot 48, Concession 3, Geographic Township of Ancaster, City of Hamilton”, dated August, 2009, and prepared by Archaeological Assessments Ltd., has been submitted with the subject application. Staff is, therefore, satisfied that sufficient regard has been given to the protection and preservation of archaeological resources.

Ancaster Official Plan

The subject lands are designated “Residential” on Schedule ‘B’, Land Use - Urban Area Plan, in the Ancaster Official Plan. The “Residential” designation permits residential, institutional, and parkland uses, as detailed in Policy 4.4.1, which states:

“Policy 4.4.1 The predominant use of the lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains). Other uses, which are considered necessary to serve the needs of the residents, may also be permitted such as schools, parks, community centres, churches…”

It is noted that the proposal would provide for a residential development of different densities with urban services and, in addition, is located in an area that benefits from compatible institutional (School) and Parkland uses. As such, staff considers the proposal to conform with the “Residential” designation in the Ancaster Official Plan.

The development would, through the extension of Moorland Crescent and the creation of a walkway, also facilitate convenient and appropriate access to these surrounding uses in line with Policy 4.4.11, which states:
“Policy 4.4.11  A system of walkways and bikeways shall be designed to integrate new Residential areas and to provide linkages to Commercial and community facilities, Institutional uses and Open Space and Conservation areas and, where possible, to existing Residential areas.”

Similarly, as discussed in the Analysis/Rationale for Recommendation section, the proposed expansion of the “Low Density Residential 2” designation, in order to permit additional internal lots to have a frontage of not less than 10.7m under the Secondary Plan (with the proposed Zoning By-law increasing this minimum to 10.9m), would be consistent with Policy 4.4.6, which states:

“Policy 4.4.6 Although single-detached dwellings shall predominate, Council shall encourage a broad range and mix of residential units in terms of lot size, unit size, type, and tenure…”

Finally, it is considered that the proposed performance standards of the applicable Residential Zones recommended have been reviewed and have satisfied the Residential Intensification policies of the Official Plan and, in particular, Policy 4.4.10, which states:

“Policy 4.4.10 i) a) Complementing the established development pattern by taking into consideration natural vegetation, lot frontages and areas, building height, coverage, mass setbacks, privacy, and overview;…”

Meadowlands Neighbourhood III Secondary Plan

The subject lands are designated “Low Density Residential - Infill” and “Low Density Residential 2” in the Meadowlands Neighbourhood III Secondary Plan. The applicants are proposing the extension of the lands designated “Low Density Residential 2” in order to implement the proposed draft plan of subdivision (see Appendix “E”). A copy of the proposed draft Official Plan Amendment is attached as Appendix “B”.

The Secondary Plan provides for a future population within the plan of +/- 2,000 persons, and +/- 625 dwelling units at a mix of land uses comprising of 80% low density residential and 20% medium density residential (Policy 6.6.5 and 6.6.6). The plan (as amended) also identifies the “Low Density Residential 2 and 3” designation and “Medium Density Residential” designation, which permit a maximum density of 27 and 55 units/ha, respectively, (Policy 6.6.6).
The proposed development would maintain the range of dwelling types and population figures contemplated for the plan area, and would also satisfy the maximum density provisions. It should be noted that the applicant has requested that a portion of the subject lands currently designated “Low Density Residential 2” be expanded in order to permit the lot frontages of those units internal of the site to be no less than 10.7m (it should be noted that all the proposed lots exceed this frontage requirement and, as such, the amending By-law will, in fact, require a minimum lot frontage of 10.9m). The lands subject to this change are currently designated “Low Density Residential - (Infill)”, which requires lot frontages to be no less than 15m. The “Low Density Residential - (Infill)” designation (requiring minimum 15m frontages) would, however, remain for all units fronting onto Southcote Road.

As discussed in the Analysis/Rationale for Recommendation section of this Report, staff considers that the expansion of the existing “Low Density Residential 2” designation, in order to permit additional lots for single-detached dwellings with a minimum of 10.9m frontages internal of the site, is appropriate and conforms with the intent of the Secondary Plan. In particular, the gradation of densities and the provisions within the proposed By-law (see Appendix “C”) conform with the design policies of the Secondary Plan, as detailed in 6.6.17 (c) which states:

“Policy 6.6.17 (c) Building and site design, setbacks, landscaping, screening, and buffering techniques shall be applied to minimize potential conflicts related to the physical compatibility of adjacent uses between new residential development and existing residential land uses located both within and adjacent to the neighbourhood.”

It is noted through Policy 6.6.1.5 (g) that local roads are to be defined during the subdivision process, and that minor adjustments would not require an amendment to the Plan, as it states:

“Policy 6.6.1.5 (g) Local Roads shall be further defined during the plan of subdivision approval process. The location of Local Roads on Map 1- Land Use is approximate, and minor adjustments shall not require an amendment to this Plan as long as the intent of its policies is maintained.”

It is noted that the plan of subdivision proposes a road extension and new street not anticipated in the existing Plan. As a result, the amended road pattern, which is considered beyond what can be deemed as a minor adjustment, will also form part of the Official Plan Amendment. In assessing the merits of this amendment, staff is of the opinion that the extension of Moorland Crescent, and new access point onto Southcote Road, is considered acceptable and in keeping with the intent of the Secondary Plan.
The road pattern amendment would ensure the desired mix of dwelling units throughout the Secondary Plan Area, as well as preserve the gradation and character of properties along Southcote Road. It is also noted that the Amendment has precipitated from the road pattern implemented in the adjacent subdivision to the east (the former Ancaster Fairgrounds). As a result of this road pattern, the extension of Moorland Crescent was required to ensure the efficient and comprehensive development of the subject lands, in keeping with the residential policies of the Secondary Plan in particular, and the intent of the Secondary Plan and Official Plan in general.

With regard to the proposed lots that front onto Southcote Road, it is also noted that each of the 16 lots would have driveways directly onto Southcote Road. Policy 6.6.15(c) recognizes that private entrances onto arterial roads are partially restricted by the use of collector lanes as it states:

“Policy 6.6.15 (c) Accesses to Stonehenge Road and Southcote Road are partially restricted by the use of collector lanes separated from the main roadway by berms in order to avoid numerous private entrances onto arterial roads, and to provide a screen to properties facing the roadway.”

As discussed in the Rational/Analysis for Recommendation section of this Report, the proposed 15m wide frontages of these lots, and their configuration, ensures sufficient space for a hammerhead turn-around, as well as limits the overall number of lots created. This is considered to satisfy the intent of Policy 6.6.15(c).

Finally, through Policy 6.6.11, the need for neighbourhood parks is identified, and that the parks are to be utilized in conjunction with a walkway/bikeway system. The amended road pattern, through the extension of Moorland Crescent and the incorporation of a walkway, would provide for both the vehicular and pedestrian linkages to the parks within the neighbourhood and, as such, the proposed development and amended road pattern is considered in keeping with the intent of this policy.

Based on the foregoing, the proposed Official Plan Amendment to the Meadowlands Neighbourhood III Secondary Plan can be supported, as it maintains the intended mix of lot sizes within the plan and provides for pedestrian and vehicular access points to other portions of the neighbourhood.

**Urban Hamilton Official Plan Designation (Council Adopted)**

The proposal has also been evaluated against the policies of the Council adopted Urban Official Plan, which is currently awaiting Ministerial approval. The site is located within the Neighbourhoods Designation and, as such, the following Policies have been considered:
“Policy 3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve local residents.”

The proposal would contribute to a neighbourhood that has existing and planned uses including schools, parks, and a range of residential housing opportunities based on full services.

“Policy 3.3.2 Development or re-development adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

As discussed in greater detail in the Analysis/Rational for Recommendation section, the proposal demonstrates compatibility with the existing character, form, and density of development in the area and, in addition, strikes a balance with the form and density of approved future developments.

It is noted, however, that the Meadowlands Neighbourhood III Secondary Plan has been adopted in the New Urban Official Plan and, as such, would require the same amendments proposed within the in force Ancaster Official Plan / Secondary Plan with respect to designation and road pattern. As discussed in greater detail in the Analysis/Rational for Recommendation section, this is considered both acceptable and appropriate.

Based upon the forgoing, planning staff is of the opinion that development would be appropriate, and would conform to the general intent of the new Urban Official Plan subject to the proposed amendments detailed in Recommendation (b) and Appendix “H”.

**City of Hamilton Staging of Development**

The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies with the land use policies of the Town of Ancaster Official Plan. The applications have been identified in the staging plan with a 2010 draft approval date.
Agencies/Departments Having No Comment or Objections

- Budgets and Finance Division, Corporate Services Department.
- Recreation Division, Community Services Department.
- Parking Services Division, Hamilton Municipal Parking System.
- Hydro One Networks Inc.

Public Works Department (Traffic Engineering and Operations Section) - Staff provided comments regarding the following Draft Plan Requirement:

Burbridge Way (Street A) and Moorland Crescent (Street B) will function as neighbourhood collector roads; therefore, as a condition of draft plan approval, a 20m Right of Way and sidewalks on both sides of these streets will be required. In addition, the following has been requested:

- Confirmation will be required that Block 66 (walkway) aligns with a walkway to Webb Court.
- All driveways will be required to be located to the satisfaction of the Manager of Traffic Engineering.
- The Hammerheads for those units located along Southcote Road will be designed to the satisfaction of the Manager of Traffic Engineering.
- The driveway locations must be shown on approved engineering drawings submitted with the registered Subdivision Agreement.
- Street A must align centreline-to-centreline with Secinaro Avenue.

These issues have been addressed through the Standard Form Subdivision Agreement and through Special Conditions of Draft Plan Approval Nos. 17, 21, 22, and 23 (see Appendix “G”).

Public Works Department (Forestry and Horticulture Section) - A Tree Management Plan will be required as a condition of Draft Plan Approval. This is covered in the Standard Form Subdivision Agreement.
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Hamilton-Wentworth District School Board - The School Board has no objections to the proposal, but does recommend a number of draft plan conditions to address the issue that schools within the surrounding area are exceeding or at current enrolment capacity. These have been addressed through Special Conditions of Draft Approval Nos. 26, 27, and 28 (see Appendix “G”).

Hamilton Street Railway states the following:

- HSR does not provide fixed transit service in this area at this present time.
- HSR has recommended an extension of its route to operate along Garner Road to the Ancaster Industrial Park.
- The provision of sidewalks on all streets helps to encourage walking and use of public transit.

Hamilton Conservation Authority (HCA) has provided comments regarding the functional servicing report. HCA staff raises a number of observations and issues to be addressed in these reports pertaining to Stormwater Management, drainage, and peak flows, and has advised that conditions of approval pertaining to submission of an erosion and sediment control plan, stormwater management plan, and grading plan would apply. These requirements are included within the Standard Form Subdivision Agreement and within Special Conditions of Draft Approval Nos. 24 and 25 (see Appendix “G”).

Bell Canada has requested standard conditions pertaining to the availability of communication/telecommunication infrastructure. This requirement is included within the Standard Form Subdivision Agreement.

Canada Post has advised that mail service to the subdivision will be provided via the Community Mailbox Program, and that conditions of approval should be included pertaining to a statement in offers of purchase and sale about the centralized mailbox; and that the developer/owner must agree to install concrete pads for the mailbox, identify the pads on engineering drawings, and post the location of the mailbox on appropriate maps, information boards, and plans. These conditions are included within the Standard Form Subdivision Agreement.

Public Consultation

In accordance with Council’s Public Participation Policy, the application was pre-circulated to 87 property owners within 120 metres of the subject property in September, 2009. As a result of the pre-circulation, no letters of concern were received, however, an adjacent landowner has requested that development potential to his land to
the south, not be affected by this proposal (see Appendix “F”). This issue will be discussed in more detail in the following section of the Report. A Public Notice sign was erected on the property in September 21, 2009. Finally, notice of the Public Meeting has been given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION
(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement, and conforms with and implements the “Urban” designation of the Hamilton-Wentworth Official Plan, and Places to Grow Plan.

   (ii) It conforms with the “Residential” designation of the Ancaster Official Plan, in that residential uses are permitted within this designation.

   (iii) It implements the intent of the Meadowlands Neighbourhood III Secondary Plan, in that the proposed mix of land uses and densities is consistent with the planned mix of uses and densities, and is compatible with the existing and planned development in the immediate area.

   (iv) The subdivision provides for increased linkages between a proposed park, school, and an open space trail system around a stormwater management pond and an existing park.

2. The area in question has been the subject of detailed review through the development of the Meadowlands Neighbourhood III Secondary Plan. The Meadowlands Neighbourhood III Secondary Plan (as amended) identifies two parks, a larger square shaped Neighbourhood Park on Moorland Crescent (Moorland Park) with a planned area of approximately 1.6 ha, and a smaller Neighbourhood Park with a planned area of approximately 0.4 ha in-between Kitty Murray Lane and Southcote Road. A walkway connection to Moorland Park would be provided through this subdivision by the extension of Moorland Crescent. In addition, a pedestrian link would be provided into the adjacent subdivision to the East (Mattamy Subdivision) providing a link to the school and park area approved within this subdivision. Access into this subdivision would also facilitate a linkage to a walkway within the proposed block for stormwater management. Construction of the pedestrian walkway is at the applicant’s cost, and is addressed through Special Conditions of Draft Plan Approval Nos. 12 and 13 (see Appendix “G”).
3. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to a parkland dedication, or a Cash-in-Lieu of parkland dedication payment of five percent (5%) of the total land area of the subject property. As no additional parkland is needed by the City of Hamilton, the dedication will be required through a payment of Cash-in-Lieu of parkland.

This requirement has been included in Recommendation (d) (iii) and through the Standard Form Subdivision Agreement.

4. Sidewalks are required on both sides of the Moorland Crescent extension (Street B) and on Burbridge Way (Street A) for the full length. The Functional Servicing Report is to be revised to reflect these sidewalk locations (see Special Condition of Draft Plan Approval No. 19- Appendix “G”). In addition, a number of other special development engineering conditions of approval would apply. These include obligations on the applicant to:

- Revise the Functional Servicing Report such that the proposed storm sewer within Southcote Road is to be extended to the north and south limits of the lands of the draft plan. The storm sewers are to be constructed in the appropriate location in the road allowance, and designed to accept external drainage, if any. Further to this, the Functional Servicing Report shall be revised to confirm that there is sufficient cover over the proposed system given the existing elevation of the receiving culvert crossing Southcote Road (this is covered in the Standard Form Subdivision Agreement).

- Under the Ancaster Arbour Plan of Subdivision (25T200711(R)), the temporary turning circle at the south end of Moorland Crescent, as shown on this draft plan, has been extended southerly to the north limit of this development. The Owner will be required to remove this temporary turning circle and restore the road allowance, including, but not limited to: the restoration of the boulevards, curb and pavement removal, curb and gutter and sidewalk installation. The City of Hamilton is holding securities from the Owner of the Ancaster Arbour Plan of Subdivision (25T200711(R)) for the removal of the temporary turning circle (see Special Condition of Draft Plan Approval No. 7 - Appendix “G”).

- Submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision including, but not limited to, house construction, and to undertake the works as recommended including monitoring (see Special Condition of Draft Plan Approval No. 11 - Appendix “G”).
• Private driveways for the proposed lots fronting onto Southcote Road (Lots 1 to 14, inclusive, and Lots 64 and 65) shall be designed with a hammerhead to provide for a three point turn of a vehicle within a private property as these lots would have frontage onto Southcote Road, which is classified as an arterial road (see Special Condition of Draft Plan Approval No. 17 - Appendix “G”).

• The future width of this section of Southcote Road is 105 ft. (32.0m). The applicant will be required to convey 29 ft. (8.84m) from the original road allowance limit to establish this future width. Staff acknowledges that 10 ft. (3.048m) has already been conveyed to the City from 457 and 469 Southcote Road, and the balance to be conveyed is approximately 19 ft. (5.79m) (see Special Condition of Draft Plan Approval No. 15 - Appendix “G”).

5. Staff notes that the subject lands are intended for residential purposes, are located adjacent to Southcote Road, are within approximately 62 metres of stationary noise sources, and are within approximately 150 metres of Garner Road East. The proximity of the proposed sensitive land use to road and stationary noise sources (e.g. commercial uses along Garner Road East) triggers the requirement for a Noise Study. Based on the proposed design, which is reflective of noise concerns on Southcote Road, staff is satisfied with the submission of a Noise Study as a condition of Draft Approval in order to address this issue (see Special Condition of Draft Plan Approval No. 29 - Appendix “G”).

Staff notes that the subject lands are also located within an area of archaeological potential. In this regard, staff notes that an Archaeological Assessment, titled “The Stage 1-3 Archaeological Assessment of 431-497 Southcote Road, Part of Lot 48, Concession 3, Geographic Township of Ancaster, City of Hamilton”, dated August, 2009, and prepared by Archaeological Assessments Ltd., has been submitted with the subject application. Following review of this information, staff is satisfied that sufficient regard has been given to the protection and preservation of archaeological resources.

6. With regard to the site’s topography and drainage, it is noted that the subject lands slope westerly towards Southcote Road, with a major portion being drained into an existing culvert below Southcote Road, which flows into an intermittent tributary of Ancaster Creek. Consequently, the HCA was circulated the application and the Functional Engineering and Stormwater Management Report, prepared by A.J. Clarke, dated October 29, 2008. The HCA raised a number of concerns that require additional information. However, they indicated that the submission was sufficient enough in order to allow the principle of the land-use to be established, and further, that those points of clarification required could be satisfactorily dealt with, in detail, through conditions of Draft Plan Approval. These conditions, pertaining to Stormwater Management, Landscaping, Erosion
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

and Sedimentation, and lotting are covered in the Standard Form Subdivision Agreement and through Special Conditions of Draft Plan Approval Nos. 24 and 25 (see Appendix “G”).

7. In accordance with Council’s Public Participation Policy, the application was pre-circulated to 87 property owners within 120 metres of the subject property in September, 2009. As a result of the pre-circulation, no letters of concern were received, however, an adjacent landowner has requested that the development potential of his land to the south not be detrimentally precluded by this proposal (see Appendix “F”). The concern pertains to the original Draft Plan of Subdivision, which illustrated a road pattern that provided no internal connection to the lands to the south. This has since been discussed with the applicant and revisions have been made to the Draft Plan of Subdivision, which now provides an internal road connection to the lands to the south (see Appendix “E”). Staff is, therefore, satisfied that the revised proposal would facilitate considered, efficient, and appropriate planning. Finally, a Public Notice sign was erected on the property in September 21, 2009.

8. As discussed previously, the purpose of the applications is for approval of an Official Plan Amendment, change in zoning, and a draft plan of subdivision in order to permit the development of the lands for 65 lots for single-detached dwellings, one walkway, the extension of Moorland Crescent, and one new street (see Appendix “E”).

The subject lands are located within the south-west limits of the Meadowlands Neighbourhood III Secondary Plan and, as such, the form and density of development deemed appropriate for this location has been guided, in detail, by the policies and designations of this Secondary Plan. In terms of overall use, the plan identifies that much of the neighbourhood, including these lands, is intended to accommodate residential development.

“Policy 6.6.5. Planned and Future Population

The Meadowlands Neighbourhood III shall have a planned future population of ± 2,000 persons and contain ± 625 dwelling units…”

The Meadowlands Neighbourhood III Secondary Plan also recognizes that the opportunity for high density residential developments (apartment buildings, etc.) to meet this demand for housing is constrained by the extent of existing low-profile development. This is detailed specifically in Policy 6.6.6, which states:
“Policy 6.6.6 Residential Policies

(a) This Secondary Plan is intended to provide a moderate mix of housing opportunities in terms of lot sizes, unit size, type, and tenure that are suitable for different age groups, lifestyles, and household structures. The preparation of the Secondary Plan has considered the extent of existing development as a constraint to a broader range of higher density development.”

In order to achieve this balance of densities, the Secondary Plan created a number of residential designations ranging from the “Low Density Residential - Infill” designation, which encourages larger (minimum 15m frontage) lots, up to the “Medium Density 1” designation, which permits Street and Block Townhouses up to a maximum density of 50 units p/ha.

The current designations for the subject lands identify the lowest density designation along Southcote Road - “Low Density Residential - Infill”, with an anticipated increase in density towards the rear (internal) part of the site to the “Low Density Residential - 2” designation. It is considered that the gradation of density from the front to the rear of the site strikes the balance between preserving the character of the larger, lower density lots existing along Southcote Road, and the opportunity to raise the density internal of the site where such impacts would not affect or prejudice such character. This gradation of increasing densities also continue beyond the limits of the site, with the adjacent lands to the east (Mattamy - former Ancaster Fairgrounds) providing higher densities in the form of smaller lot singles and street and block townhouses.

On this basis, staff is, therefore, of the opinion that the Official Plan Amendment to expand the existing “Low Density Residential 2” designation (which requires a minimum frontage of 10.7m) for all internal lots is appropriate, and maintains the general intent of the Secondary Plan with regard to the balance between existing and future residential densities. The preservation of character would be achieved through the creation of larger lots along Southcote Road, while the expanded “Low Density Residential 2” designation would permit the efficient and appropriate provision of smaller lots internal of the site, where currently no established streetscape character exists.

With particular regard to this matter, it is noted that the Official Plan Amendment would also consist of a change to the existing road pattern design. The extension of Moorland Crescent and the subsequent access onto Southcote Road was not anticipated within the Secondary Plan; however, is required in part, following the approved road pattern of the subdivision to the east (former
Ancaster Fairgrounds). Consequently, in order to secure the efficient and comprehensive development of the area, including and beyond the limits of the subject lands, the proposed road design is required. Staff supports this amendment, as it considered that it would implement the desired mix of dwelling units throughout the Secondary Plan Area, as well as preserve the gradation and character of properties along Southcote Road.

In order to achieve this gradation of densities, the Official Plan Amendment would be implemented through an accompanying subdivision plan and Zoning By-law (see Appendices “C”, “D”, and “E”). With regard to the Zoning By-law, a number of modifications to the standard “R4” and “R5” Zones have been requested by the applicant, consisting of reductions to the minimum lot area, minimum rear, front, and side yards, and an increase to the maximum lot coverage and maximum encroachments. In addition to the modifications requested by the applicant, staff is also proposing increases to the minimum lot frontages to both proposed zones. This is in order to satisfy the intent of the Secondary Plan with respect to the gradation of densities discussed above. The applicant has confirmed that they are willing to accept these proposed increases. These modifications will now be discussed in detail.

Requested Modifications

The lands will be placed within two different residential zoning categories. Block 1 will apply to those lots to be created along Southcote Road. This will be a Modified Residential “R4-623” Zone, while the internal lots within Block 2 shall be placed within a Modified Residential “R5-624” Zone (see Appendix “C”).

Reduced Areas, Side and Rear Yards, and Increased Coverage

The applicant is seeking reductions for both blocks with respect to Minimum Side Yards and, in turn, is also seeking an increase in the Maximum Lot Coverage. The applicant has also requested that the internal lots (Block 2) benefit from a reduced Minimum Lot Area and Minimum Front Yard, and that Block 1 (lots along Southcote Road) benefit from a reduced Minimum Rear Yard.

In assessing the above modifications, it is important to note that the depth of each lot and, therefore, the resulting modifications, have in many ways resulted from the request by staff to have a full 20m Right-of-Way (the extension of Moorland Crescent) extending north to south through the subdivision. Given that the existing portion of Moorland Crescent is 20m, and further, that the extension would lead to a Neighbourhood Park (Moorland Park), staff considered it necessary to ensure there were sidewalks present on both sides of the street in
order to allow for safe and accessible linkages to the park in accordance with Policy 6.6.15 (e), which states:

“Policy 6.6.15 (e) The Town may require sidewalks be provided on both sides of all Arterial and Collector Roads. Sidewalk requirements shall be determined through the plan of subdivision approval process.”

With regard to the subsequent impacts this has had on lot depth and, in turn, the proposed modifications, staff is of the opinion that these modifications are, therefore, both acceptable and reasonable. The reduction to the front yards of the internal lots is consistent with the new urbanism form of development, whereby units are located closer to the street, while maintaining a parking space within the driveway. Whereas, those lots created along the established streetscape of Southcote Road maintain the existing pattern of development, with respect to larger front yards, they have, however, proposed to nominally reduce their rear yards from 7.5m to 7.0m, which, in the opinion of staff, would not impact the streetscape or have a significant impact upon the level of amenity area.

It should also be noted that staff is proposing the lot frontage for each Residential Zone be increased beyond the standard Minimums (12m for the “R4” Zone and 10m for the “R5” Zone). This additional width (15m for the “R4” Zone and 10.9m for the “R5” Zone), is considered to acceptably offset the minor reductions to the Side and Rear Yards, particularly as it would provide the opportunity for additional amenity area and landscaping.

Finally, with respect to increasing Lot Coverage, staff considers that this modification is in keeping with the existing and proposed development within the area - achieving balance between the built characteristics along Southcote Road and the performance standards recently approved for the units within the subdivision to the east (Mattamy - former Ancaster Fairgrounds).

In conclusion, it is considered that these proposed modifications would be consistent with Official Plan Policy 4.4.10, which highlights criteria for evaluating Residential Intensification, and Secondary Plan Policy 6.6.17(c), which provides guidance on general design, as they state:

“Policy 4.4.10 i) a) Complementing the established development pattern by taking into consideration natural vegetation, lot frontages and areas, building height, coverage, mass setbacks, privacy, and overview;...”
and,

“Policy 6.6.17 (c) Building and site design, setbacks, landscaping, screening and buffering techniques shall be applied to minimize potential conflicts related to the physical compatibility of adjacent uses between new residential development and existing residential land uses located both within and adjacent to the neighbourhood.”

Lot Frontage

With regard to the issue of lot frontage, it should be noted that this performance standard for both proposed zoning categories would, in fact, be increased from their current minimums. The “R4” Zone currently requires a Minimum Lot Frontage of 12m - to be increased to 15m through the amending Site-Specific By-law, and the “R5” Zone currently requires a Minimum Lot Frontage of 10m - to be increased to 10.9m by the amending Site-Specific By-law.

Staff has recommended these increases for a number of reasons. First, it would ensure that both blocks conform to the minimum required frontages, as detailed in the Secondary Plan Designations within the Ancaster Official Plan. As discussed in detail previously, this is in order to achieve the gradation of densities as envisaged within the Secondary Plan.

Secondly, it is considered that the extra width would not only ensure sufficient driveways for those units on Southcote Road to ingress/egress in a forward motion, but would also ensure that all the lots compensate from the loss of depth (and, therefore, amenity) by having wider lots. Given this rationale, the applicant has confirmed they are in agreement with this request.

Notwithstanding the increase to Lot Frontage for both residential zones, staff remains of the opinion that, through the proposed Official Plan Amendment, the subdivision would still ‘provide a moderate mix of housing opportunities in terms of lot sizes, unit size, type, and tenure that are suitable for different age groups, lifestyles, and household structures’ (Policy 6.6.6). And further, the densities achieved would be efficient enough to satisfy the intent of the Places to Grow Plan without resorting to higher density forms of housing that could potentially have a greater impact on the character of the area.

The By-law contained in Appendix “C” details the amendments necessary to implement these modifications. This is further simplified in Table 1.1 below, which identifies the two single-detached zoning categories proposed within the subdivision. Consequently, staff is of the opinion that the required amendments
to the Policies of the Secondary Plan and the Zoning regulations necessary to implement the subdivision are consistent with the intent of the Secondary Plan, would maintain the character of the area, and would represent good planning.

Table 1.1 Proposed Zoning Regulations

<table>
<thead>
<tr>
<th>Schedule “A” Block Numbers</th>
<th>Min. Frontage</th>
<th>Min. Lot Area</th>
<th>Minimum Side Yard</th>
<th>Max. Lot Coverage</th>
<th>Min. Front / Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block 1</td>
<td>15m (except corner lot being 17m)</td>
<td>400 sq.m (except corner lot being 500 sq.m)</td>
<td>1.2m (except 0.6m side with attached garage and corner lot being 3.0m)</td>
<td>45%</td>
<td>7.5m / 7.0m</td>
</tr>
<tr>
<td>Block 2 (internal of site)</td>
<td>10.9m (except corner lot being 13m)</td>
<td>275 sq.m (except corner lot being 340 sq.m)</td>
<td>1.2m (except 0.6m side with attached garage and corner lot being 3.0m)</td>
<td>55%</td>
<td>3.0m and 6.0m to an attached garage / 7.0m</td>
</tr>
</tbody>
</table>

Encroachments by Porches / Bay Windows / Balconies

In addition to the above, the applicant has also requested that the units be permitted to have balconies and porches encroach a maximum of 2.0m into the required side, rear, and front yards, instead of the 1.5m encroachment permitted in the Ancaster By-law’s General Provisions.

Staff is of the opinion that the porches and/or balconies would provide additional amenity to the occupants, as well as give greater articulation to each dwelling. It is, therefore, considered that, on balance, the encroachment of the balconies/porches can be supported, and would not unacceptably affect the streetscape with regard to reduced landscaping. However, given that staff is also in support of reduced side yards, staff has recommended that notwithstanding this encroachment, no encroachment shall be permitted to be
any closer than 0.6m to a side lot line. This is in order to ensure suitable separation between buildings.

Similarly, the applicant has requested that bay windows also be permitted to encroach into a side, rear, and front yard a maximum of 1.0m, instead of the permitted 0.6m, as permitted in the Ancaster By-law's General Provisions. Although this constitutes a greater relief from the standard provision of the By-law than that proposed for the balconies/porches, staff is in a position to support the additional encroachment given that the introduction of the bay windows would provide greater articulation to the proposed elevations. Staff will also be recommending a similar 'notwithstanding' provision, as discussed above, in order to ensure any encroachment in a side yard maintains a 0.6m distance from a side lot line.

Staff, therefore, considers that the impact these modifications would exert upon the level of landscaping and amenity area, given the size of the lots, would not be considered significant.

Road Pattern

As discussed earlier, the amendments to the Secondary Plan road pattern are considered both appropriate and necessary for the comprehensive and efficient, orderly development of the area.

With regard to the impact of this road pattern design upon highway safety and amenity, comments from the City’s Traffic Section indicate no objection to the proposal, subject to a number of conditions. This will include approval for all driveway locations and the approval of the hammerheads required for those lots fronting onto Southcote Road (see Conditions 17 and 23 - Appendix “G”). In addition, as discussed previously, the Moorland Crescent extension and Burbridge Way (Street A) will be required to function as neighbourhood collectors, and will be a 20m Right-of-Way with sidewalks on both sides (see Condition 19 - Appendix “G”).

It will also be required that the proposed walkway block (Block 66) align with the walkway to Webb Court, and a condition requiring that Burbridge Way (Street A) must align centreline-to-centreline with Secinaro Avenue. These are detailed in Special Conditions of Draft Plan Approval Nos. 21 and 22 (see Appendix “G”).

Finally, the applicant will also be required to submit a parking plan that details the provision of at least 40% on street parking is provided and maintained within the Draft Plan of Subdivision. This is detailed in Special Condition of Draft Plan No. 10 (see Appendix “G”).
In conclusion, staff considers the applications to represent an efficient and comprehensive development that successfully balances the character of the existing area with the drive to provide a mix of housing opportunities.

ALTERNATIVES FOR CONSIDERATION:
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the proposed draft plan of subdivision, Official Plan Amendment, and changes in zoning be denied, the subject lands could be developed for uses permitted within the existing Agricultural “A” Zone.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Social Development

• Everyone has a home they can afford that is well maintained and safe.

APPENDICES / SCHEDULES

• Appendix “A”: Location Plan
• Appendix “B”: Draft Official Plan Amendment (Ancaster)
• Appendix “C”: Draft Zoning By-law Amendment (By-law 87-57)
• Appendix “D”: Draft Zoning By-law Amendment (By-law 05-200)
• Appendix “E”: Draft Plan of Subdivision
• Appendix “F”: Public Comments
• Appendix “G”: Special Conditions of Draft Approval
• Appendix “H”: Draft Official Plan Amendment (New Urban Official Plan)

:EJ
Attachs. (8)
Draft Amendment No. [Redacted] to the

Official Plan of the Former Town of Ancaster

The following text constitutes Official Plan Amendment No. [Redacted] to the Official Plan of the former Town of Ancaster.

Purpose:

The purpose of this amendment is to:

- Re-designate portions of the Meadowlands Neighbourhood III Secondary Plan from the existing “Low Density Residential - Infill” designation to the “Low Density Residential 2” designation, in order to permit additional small lot singles within the Secondary Plan area.

- To amend the existing road pattern design in order to accommodate the extension of Moorland Crescent and the new access onto Southcote Road.

Location:

The lands affected by this amendment are located north of Garner Road East and east of Southcote Road, known municipally as 431-497 Southcote Road.

Basis:

The basis for permitting the proposal is as follows:

- The proposed amendment is consistent with the Provincial Policy Statement.

- The proposed amendment is compatible with the existing and planned development in the immediate area.

- The proposed amendment is an appropriate gradation of density through the existing neighbourhood.

- The proposed amendment maintains the planned housing mix in the Meadowlands Neighbourhood III Secondary Plan.

- The proposed amendment increases linkages between an existing park and an
open space trail system.

**Actual Changes:**

A.  **Schedule Changes:**

1. Meadowlands Neighbourhood III - Map 1 - Land Uses is revised by re-designating portions of the subject lands, as shown on Schedule “A” attached to this amendment, from:
   - “Low Density Residential - (Infill)” to “Low Density Residential 2”

2. Meadowlands Neighbourhood III - Map 1 - Land Uses road pattern is amended in order to accommodate the extension of Moorland Crescent and the new access onto Southcote Road.

**Implementation:**

A Zoning By-law Amendment and Plan of Subdivision will give effect to this Amendment.

This is Schedule "1" to By-law No. ____, passed on the ____ day of ____?, 2011.

*The City of Hamilton*

_______________________                               __________________________

R. Bratina                                                        Rose Caterini

Mayor        Clerk
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 87-57 (Ancaster),
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 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report of the Planning Committee, at its meeting held on the day of 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. , 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.

(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) 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.

(h) 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.

(i) 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.

(j) 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.

(k) All other yard encroachments are subject to Subsection 7.12 of Zoning By-law No. 87-57.

**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.
Appendix “C” to Report PED11005 (Page 4 of 6)

(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.

(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 and ENACTED this ___ day of ____, 2011.

_____________________________  _______________________________
R. Bratina                        Rose Caterini
Mayor                             Clerk

ZAC-09-025/OPA-10-008/25T-200906
Appendix "C" to Report PED11005 (Page 6 of 6)

This is Schedule "A" to By-Law No. 11-
Passed the ............ day of ...................., 2011

Schedule "A"

Map Forming Part of By-Law No. 11-____
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: 2ST2003095 2AC-25-6-354 0FA-10-053
Date: December 3, 2010
Planner/Technician: EJ/SW

Hamilton PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
CITY OF HAMILTON

BY-LAW No. [illegible]

To Amend Zoning By-law 05-200,
Respecting Lands Located at 431 - 497 Southcote Road (Ancaster)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [illegible] of Report 11-[illegible] of the Planning Committee at its meeting held on the [illegible]day of [illegible], 2011, recommended that Zoning By-law No. 05-200, 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. [illegible], 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 Map 1336 of Schedule “A” to Zoning By-law 05-200 is amended by incorporating the Open Space (P4) Zone boundaries for the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

2. 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.
3. That this By-law No. [Redacted] shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Subsection.

PASSED and ENACTED this [Redacted] day of [Redacted], 2011.

_________________________  _________________________
R. Bratina  Rose Caterini
Mayor  Clerk

ZAC-09-025/OPA-10-008/25T-200906
Appendix “D” to Report PED11005 (Page 3 of 3)

This is Schedule "A" to By-Law No. 11-
Passed the .......... day of ....................., 2011

Schedule "A"
Map Forming Part of By-Law No. 11-

to Amend By-Law No.05-200
(Map 1336)

Subject Property
431 - 497 Southcote Road, Ancaster

- Lands to be zoned Open Space (P4) Zone.
- Refer to By-Law 87-57
September 22, 2009

To whom it may Concern:

Re: Property at 509 Southcote Rd., Ancaster, ON L9G 2W4

We, Jack and Jane Verboon, are the owners of the above property. The properties adjacent to the North side of our property, are all owned by the developer, who is now seeking approval for his development plan.

We are requesting that in that plan there will be a road allowance to the North side of our property, parallel to Southcote Rd.

Signed: [Signature]
(Jack Verboon)

[Signature]
(Jane Verboon)
Special Conditions of Draft Plan Approval for 25T-200906, 431-497 Southcote Road, Ancaster

That this approval apply to the Draft Plan of Subdivision, 25T-200906, prepared by Design Plan Services Inc., and certified by B.J. Clarke, O.L.S., dated October 29, 2010, showing 65 lots (Lots 1-65) for single-detached dwellings, 1 block for a public walkway (Block 66), 1 block for a road widening (Block 67), and the creation of 2 streets (Street A - Burbridge Way, and Street B - Moorland Crescent), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following Special Conditions:

1. That, **prior to servicing**, the owner shall submit a detailed Stormwater Management Report, prepared by a qualified professional engineer, to demonstrate how quality and quantity control criteria will be achieved in accordance with the MOE Stormwater Management Planning and design Manual - 2003, the Garner Neighborhood Master Drainage Plan and any subsequent analysis or updates, and the City of Hamilton Stormwater Management Policies, to the satisfaction of the Director of Development Engineering.

2. That, **prior to pre-grading**, the owner shall submit an engineering design demonstrating how all minor and major overland flow from rear yards can be safely conveyed to roadways and/or the Stormwater Management Facilities, to the satisfaction of the Director of Development Engineering.

3. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules for the draft plan lands, provisions for the expansion of the existing temporary stormwater management facility within the “Southcote Woodlands - Phase 2” (25T200401) Subdivision, to the satisfaction of the Director of Development Engineering.

4. That, **prior to pre-grading**, approximately 2.0km of creek restoration works shall have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation, to the satisfaction of the Director of Development Engineering.

5. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules provision for reconstruction of Southcote Road adjacent to the subject lands, at his expense, and to the satisfaction of the Director of Development Engineering.

6. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, provision for removal and replacement of the existing 450mm culvert under Southcote Road to provide for conveyance of the major flows from the contributing drainage area, to the satisfaction of the Director of Development Engineering.
7. That, **prior to servicing**, the owner shall include in the engineering design for the draft plan lands, provisions for the removal of the existing temporary cul-de-sac at the south limit of Moorland Crescent including, but not limited to: the restoration of the boulevards, curb and pavement removal, curb and gutter and sidewalk installation, and full restoration of the affected driveways, to the satisfaction of the Director of Development Engineering.

8. That, **prior to servicing**, the owner shall submit, to the satisfaction of the Director of Development Engineering, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary.

9. That, **prior to servicing**, the owner shall include in the engineering design for the draft plan lands, provisions for a municipal storm sewer within the Southcote Road allowance to the limits of the subdivision, to the satisfaction of the Director of Development Engineering.

10. That, **prior to servicing**, the owner shall provide a driveway location/on-street parking plan showing the following, to the satisfaction of the Director of Development Engineering:

   (i) The location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;

   (ii) Driveway ramps and curb openings for all lots;

   (iii) The pairing of driveways;

   (iv) Where lots in the subdivision abut a park entrance or a public walkway; and,

   (v) The location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities.

11. That, **prior to servicing**, the owner shall submit a Hydrogeological Study, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to, house construction, and to undertake the works, as recommended, including monitoring. The Study shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof: (i) an aquifer is breached during excavation; (ii) groundwater is encountered during any construction within the subdivision, including but not
limited to house construction; (iii) sump pumps are found to be continuously running; and, (iv) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted, all to the satisfaction of the Director of Development Engineering.

12. That, prior to servicing, the owner shall include in the engineering design for the draft plan lands, a 3.0m wide asphalt walkway to City standards between Lots 49 and 50, to the satisfaction of the Director of Development Engineering.

13. That, prior to servicing, the owner shall include in the engineering design for the draft plan lands, installation of a minimum 1.5 metre high chain link fence along the sides yard of Lots 49 and 50, which side yard abuts a public walkway.

14. That, prior to registration, the owner shall provide a 9.0m storm sewer and major overland flow easement between Lots 3 and 4 and between Lots 31 and 32, to the satisfaction of the Director of Development Engineering.

15. That, prior to registration, the owner shall submit a final plan of subdivision, including a block showing sufficient lands (8.84m) to be dedicated to the City of Hamilton as public highway, by the owner’s certificate on the plan, to establish the widened limit of Southcote Road at 52 feet and 6 inches (16.00m) from the center line of the original road allowance, to the satisfaction of the Director of Development Engineering.

16. That, prior to registration, the owner shall pay its proportionate share for the future urbanization of Southcote Road adjacent to the lands of the draft plan, based on the City’s “New Roads Servicing Rate” in effect at the time of payment, to the satisfaction of the Director of Development Engineering.

17. That, prior to issuance of building permit, the owner shall agree that private driveways for Lots 1 to 14, inclusive, and Lots 64 and 65 be designed with a hammerhead to provide for a three point turn of a passenger vehicle within private property, to the satisfaction of the Director of Development Engineering.

18. That, prior to registration, the owner shall pay its proportionate share for installation of the existing 250mm sanitary sewer on Southcote Road adjacent to the subject lands, including the installation of four private sanitary services to the draft plan lands, to the satisfaction of the Director of Development Engineering.

19. That, prior to servicing, the owner shall include in the engineering design for the draft plan lands, sidewalks in the locations listed below:

   Street A - both sides
   Street B - both sides  -
20. That, **prior to registration**, the owner shall agree to include a suitable warning clause in all agreements of purchase and sale for Lots 1 to 14, inclusive, and Lots 64 and 65, advising the purchasers that driveways must be constructed with a hammerhead turnaround in order to provide maneuvering space for a three point turn of a passenger vehicle within private property.

**Traffic**

21. That, **prior to registration**, the owner shall agree to align Block 66 (Walkway Block) with the walkway to Peer Court. The walkway alignment must be shown on approved engineering drawings submitted with the registered Subdivision Agreement, to the satisfaction of the Manager of Traffic Engineering.

22. That, **prior to registration**, the owner shall agree to align Burbridge Way (Street A) centreline-to-centreline with Secinaro Avenue. The road alignment must be shown on approved engineering drawings submitted with the registered Subdivision Agreement, to the satisfaction of the Manager of Traffic Engineering.

23. That, **prior to registration**, the owner shall agree to locate all driveways, to the satisfaction of the Manager of Traffic Engineering. The driveway locations must be shown on approved engineering drawings submitted with the registered Subdivision Agreement.

**Hamilton Conservation Authority**

24. That **prior to servicing**, the Developer shall prepare a Stormwater Management Plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that post development flows will equal pre-development levels, and that current Provincial Drainage and Stormwater Quality Guidelines are implemented.

25. That, **prior to grading**, the Developer shall prepare a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

**School Board**

26. That, **prior to registration**, the Developer, at their expense, shall place adequate signage on the site, based on Board specifications, advising that: “Students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported, as governed by the Board Transportation Policy.”
27. **That, prior to registration**, the Developer shall be required to include in all agreements of purchase and sale, notice to purchasers advising that: “Students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported, as governed by the Board Transportation Policy.”

28. **That, prior to registration**, any rental or lease agreement required for occupancy shall include, in all agreements to renters or leasers, a clause advising that: “Students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported, as governed by the Board Transportation Policy.”

**Development Planning**

29. **That, prior to registration**, the owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

30. **That, prior to the issuance of building permits** for any lot for a single-detached dwelling where an interior side yard setback is less than 1.2 metres, that the owner shall establish all required maintenance easements. Where a foundation wall must be constructed prior to final determination of the easement location, the owner shall agree, in writing, that the maintenance easements will be established prior to occupancy, all to the satisfaction of the Director of Planning.

**Public Health Services**

31. **That, prior to registration**, the owner shall undertake an assessment of the lands to determine whether there are any abandoned septic tanks or wells. The owner shall take proper measures to ensure that any existing or non-functioning septic tank or water well is abandoned according to Regulation 903 under the Ontario Water Resources Act, to the satisfaction of the Director of Public Health Services.
Draft Amendment No. [Redacted] to the

Urban Hamilton Official Plan

The following text constitutes Official Plan Amendment No. [Redacted] to the Urban Hamilton Official Plan.

Purpose:
The purpose of this amendment is to:

- Re-designate portions of the Meadowlands Neighbourhood III Secondary Plan from the existing “Low Density Residential - Infill” designation to the “Low Density Residential 2a” designation, in order to permit additional small lot singles within the Secondary Plan area.

- To amend the existing road pattern design in order to accommodate the extension of Moorland Crescent and the new access onto Southcote Road.

Location:
The lands affected by this amendment are located north of Garner Road East and east of Southcote Road, known municipally as 431-497 Southcote Road.

Basis:
The basis for permitting the proposal is as follows:

- The proposed amendment is consistent with the Provincial Policy Statement.

- The proposed amendment is compatible with the existing and planned development in the immediate area.

- The proposed amendment is an appropriate gradation of density through the existing neighbourhood.

- The proposed amendment maintains the planned housing mix in the Meadowlands Neighbourhood III Secondary Plan.

- The proposed amendment increases linkages between an existing park and an
open space trail system.

**Actual Changes:**

A. **Schedule Changes:**

1. Meadowlands Neighbourhood III - Map B.2.5-1 - Land Use Plan is revised by re-designating portions of the subject lands, as shown on Schedule “A” attached to this amendment, from:

   - “Low Density Residential - (Infill)” to “Low Density Residential 2a”

2. Meadowlands Neighbourhood III - Map B.2.5-1 - Land Use Plan, road pattern is amended in order to accommodate the extension of Moorland Crescent and the new access onto Southcote Road.

**Implementation:**

A Zoning By-law Amendment and Plan of Subdivision will give effect to this Amendment.

This is Schedule "1" to By-law No. [redacted], passed on the [redacted] day of [redacted], 2011.

**The City of Hamilton**

_______________________                               __________________________
R. Bratina                                                        Rose Caterini
Mayor        Clerk