(a) That approval be given to **Zoning Application ZAC-06-02, by Paletta Corporation International, Owner**, for changes in zoning from the Institutional “I” Zone to the Residential “R5-525” Zone, with a Special Exception, to permit 192 single-detached lots (Block “1”); to the Residential Multiple “RM2-615” Zone, with a Special Exception, to permit 153 units for street townhouses on public streets (Block “2”); to the Residential “R5-618” Zone, with a Special Exception, to permit 78 semi-detached lots (Block “3”); to the Residential Multiple “RM2-616” Zone, with a Special Exception, to permit 77 street townhouses on window roads (Block “4”); to the Residential Multiple Holding “RM2-617-H” Zone, with a Special Exception and Holding Provision, to permit 32 units for street townhouses on future public streets (Block “5”); and to the Residential “R4” Zone to permit 2 residential blocks for future assembly with adjacent lands (Block “6”), all as shown on Appendix “A” to Report PED10177; and by incorporating additional lands into By-law 05-200 to be zoned Neighbourhood Park (P1) Zone to permit a 2 ha. neighbourhood park (Block “1”); to the Institutional (I1) Zone to permit a
SUBJECT: Proposed Draft Plan of Subdivision and Zoning By-law Amendment for “Ancaster Meadows - Phase 2” (Ancaster Meadowlands Neighbourhood IV) (PED10177) (Ward 12) - Page 2 of 38

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public school (Block “2”); and Conservation/Hazard Land (P5) Zone to permit stormwater management facilities, all on lands located at 1061 Garner Road East (former Town of Ancaster), as shown on Schedule “A” of Appendix “C” to Report PED10177, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED10177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) That the amending By-law, attached as Appendix “B” to Report PED10177, be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57;

(iii) That the draft by-law, attached as Appendix “C” to Report PED10177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(iv) That the amending By-law, attached as Appendix “C” to Report PED10177, be added to Schedules “1233”, “1285”, “1286”, and “1339” of Zoning By-law No. 05-200; and,

(v) That the proposed changes are in conformity with the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Meadowlands Neighbourhood IV Secondary Plan.

(b) That approval be given to **Amended Subdivision Application 25T-200601, by Paletta Corporation International, Owner**, to establish a draft plan of subdivision (Ancaster Meadows - Phase 2) on lands located at 1061 Garner Road East, as shown on Appendix “A” to Report PED10177, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-200601, prepared by Metropolitan Consulting Inc. and certified by Wayne Pearce, Pearce Surveying Inc., dated March, 2010, showing 15 blocks for 192 single-detached lots (Blocks 15-26 and 28-30); 3 blocks for 78 semi-detached dwelling units (Blocks 27, 31, and 32); 2 blocks for 77 street townhouse units on “window roads” (Blocks 1 and 7); 10 blocks for 153 street townhouses on public streets (Blocks 2-6 and Blocks 8, 9, 10, 12, and 13); 2 Blocks for 34 street townhouses that would not have public street frontage (Blocks 11 and 14); 1 block for a stormwater outlet (Block 33); 1 block for an access to a stormwater management pond (Block 37); 1 block for a drainage easement (Block 36); 2 blocks to be merged with adjacent lands (Blocks 34 and 35); and 5 blocks for 0.3m reserves for future road connections (Blocks “DD”, “EE”, “FF”, “GG”, and “HH”),
attached as Appendix “D” to Report PED10177, 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 PED10177;

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item:

(1) That the City agrees to pay for the installation of chainlink fences adjacent to the Stormwater Management Blocks that abut the subject lands;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the building permit stage. Payment of Cash-in-Lieu of Parkland will be calculated in accordance with the City’s Parkland Dedication By-law, currently at a maximum rate of 1 hectare for each 300 dwelling units proposed. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit. Parkland Credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of parkland from the registration of the “Ancaster Meadows - Phase 1” Draft Plan of Subdivision (25T-200405);

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

EXECUTIVE SUMMARY

Paletta International Corporation has submitted applications for a Draft Plan of Subdivision and corresponding Zoning By-law Amendment to allow for the residential development of their lands located in the Ancaster Meadowlands Neighbourhood IV Community (see Appendix “A”).

The revised application proposes the creation of 15 blocks for single-detached dwellings, 2 blocks to be merged with adjacent lands for future single-detached dwelling lots, 3 blocks for semi-detached dwellings, 12 blocks for street townhouses and 2 blocks for street townhouses along “window” roads, 1 block for a stormwater management outlet, 1 block for access to a stormwater management pond, 1 block for a drainage easement, and 5 blocks for 0.3m reserves for future road connections. As per the “Ancaster Meadows - Phase 1” Draft Plan of Subdivision (25T-200405), the Phase 2 draft plan proposes “lotless blocks” for the proposed residential uses, which the owner will further subdivide prior to final approval to yield approximately 534 residential units.
The proposed “window roads” will be condominium roads that will limit the number of access points onto Raymond Road and/or Garner Road East.

The required Zoning By-law Amendment (see Appendix “B”) proposes to rezone the subject lands in the Ancaster Zoning By-law from the Institutional “I” Zone to the Residential “R5-525” Zone, with a Special Exception, to permit single-detached dwellings on 11-14m wide lots; to an “R5-618” Zone, with a Special Exception, to permit semi-detached dwellings on 6.7-10.1m wide lots; to a Residential Multiple “RM2-616” Zone, with a Special Exception, to permit street townhouses on “window” roads; to a Residential Multiple “RM2-615” Zone, with a Special Exception, to permit street townhouses; and to a Residential Multiple “RM2-617” Zone, with a Special Exception, to permit street townhouses.

The proposal also requires changes to By-law 05-200 by adding additional lands to be zoned to a Neighbourhood Park (P1) Zone to permit a public park, Neighbourhood Institutional (I1) Zone to permit a public school, and Conservation/Hazard Land (P5) Zone to permit stormwater management facilities (i.e. outlets, easements for drainage, and an access road (see Schedule “A” - Appendix “C”)). While the proposed amending By-law will address the rezoning of the future school and park blocks, the proposed draft plan of subdivision has been modified, at the applicant’s request, to remove these blocks from the draft plan and to incorporate them into the “Ancaster Meadows - Phase 1” Draft Plan of Subdivision (25T-200601) through a revision to the approved plan.

The proposed draft plan requires the development of stormwater management (SWM) facilities in the form of 2 (SWM) ponds on the adjacent Cimino-D’Amico lands, which are the subject of a concurrent application for draft plan approval (25T-200518). The City’s responsibility for cost-sharing has been limited to the provision of fences for the required SWM ponds on the Cimino-D’Amico lands.

The proposal has merit and can be supported since the proposed changes in zoning and draft pan of subdivision are consistent with the intent of the Places to Grow Plan and the Provincial Policy Statement, and comply with the Hamilton-Wentworth Official Plan, the Ancaster Official Plan, and the Meadowlands Neighbourhood IV Secondary Plan. The proposed subdivision would be compatible with other planned future residential development in the surrounding area.

**Alternatives for Consideration - See Page 38.**

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** Cost-sharing for fencing (Recommendation (b)(ii)(1).

**Staffing:** None.
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The proposed “Ancaster Meadows - Phase 2” Draft Plan also included community facilities for a new public school and a park in the initial proposal, consistent with the intent of the Meadowlands Neighbourhood IV Secondary Plan. More recently, the applicant has requested modifications to incorporate the school and park blocks into the “Ancaster Meadows - Phase 1” Draft Plan, and for the subsequent removal of these lands from the “Ancaster Meadows - Phase 2” Draft Plan to satisfy the applicant's parkland dedication requirements, and to accelerate the timing of the construction and dedication of the parkland. For zoning purposes, however, the school and park block will be included in the amending Zoning By-law for the “Ancaster Meadows - Phase 2” lands.

Changes to the orientation of the school and park blocks from that initially proposed show the park block positioned on the Draft Plan so that it would be located west of the school instead of north of the school. The proposed change is considered minor since the same general location would be maintained.

The enlargement of the school block to 2.58 ha. is also relatively minor, and was proposed in order to accommodate the requirements of the Hamilton-Wentworth District School Board because the 2 ha. site identified in the Secondary Plan would not meet their current site requirements for new public schools.

The removal of street townhouses abutting the park block is a minor change that does not require an Official Plan Amendment because a medium density block has been shifted north of the park block. The Interpretation Policies in the Meadowlands Neighbourhood IV Secondary Plan would allow for minor changes such as this providing the intent of the Secondary Plan is maintained. The change is to allow for the enlargement of the school block to meet current requirements. It is an acceptable change because it will provide street frontage and, therefore, improved access to the park from the street.

The relocation of 2 designated stormwater management (SWM) ponds to the Cimino-D'Amico lands to the east is to accommodate the required storm facilities for both subdivisions. The proposed relocation of the ponds is appropriate as it would allow for more intensive use of the subject lands, and would be less intrusive on the more sensitive Cimino-D'Amico lands. The proposed SWM pond would also be more favourably located on lower land with a suitable outlet to the adjacent wetland, and to accommodate all drainage areas to a centralized drainage facility. This change is also considered minor and is within the allowances provided by the Interpretation Policies in the Meadowlands Neighbourhood IV Secondary Plan.

**Details of Submitted Application**

**Owner:** Paletta Corporation International

**Location:** 1061 Garner Road East (see Appendix “A”)
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Property Size:

Width: 621.24m along Robertson Road (widest point)
86.73m along northerly limit (abutting ESA)

Frontage: 239m along Garner Road East

Depth: 1,041.14m (westerly boundary) and 1,054.18m (easterly boundary)

Area: 19.18 hectares (Paletta - Phase 2)
31.12 hectares (Paletta - Phase 1)

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Vacant Lands</td>
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<td>Institutional “I” Zone</td>
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<th>Surrounded Lands:</th>
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<tr>
<th>North</th>
<th>Environmentally Sensitive Lands and Residential</th>
<th>Public Open Space “O2-529” Zone</th>
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<tr>
<td>East</td>
<td>Environmentally Sensitive Lands and Agriculture (Proposed Subdivision - Cimino-D’Amico Lands)</td>
<td>Agricultural “A” Zone (Proposed Residential and Open Space Zoning)</td>
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<td>South</td>
<td>Existing Residential and High School</td>
<td>Agricultural “A” Zone and Institutional “I-418” Zone</td>
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<tr>
<td>West</td>
<td>Existing Residential along Garner Road East and Vacant (Future Residential)</td>
<td>Agricultural “A” Zone and Residential “R4-519” Zone</td>
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Policy Implications

The following Provincial and local policy documents were examined in the review of these applications.
Places to Grow Plan

The subject lands are within the “Built-up Area” of the Places to Grow Growth Plan, which includes the lands within the limits of the developed urban boundary.

The policies encourage development and re-development within the Built-up Area of the City, and encourage the provision of a range and mix of housing which includes affordable housing needs. The direction provided in Places to Grow has been incorporated into the City’s New Official Plan for the Urban Area to ensure that the growth management targets, as mandated by the Province, are met.

The City of Hamilton is required to accommodate 40% of all new residential growth within the Built-up Area starting in 2015.

In particular, the proposal would be consistent with Places to Grow to encourage the development of affordable housing types such as street townhouses and semi-detached dwelling units, and to promote the efficient utilization of land through compact housing forms. The proposed draft plan of subdivision to permit up to 534 residential units would be consistent with the direction in the Places to Grow Plan that new growth be within the Built-up Area.

The provision of shared stormwater management facilities, which would be developed on the adjacent Cimino-D’Amico lands, is also consistent with the direction in Policy 3.2.5.8 of Places to Grow to encourage and support innovative stormwater management solutions.

Therefore, based on the foregoing, the proposal conforms with the Places to Grow Plan.

Provincial Policy Statement

The proposal is consistent with Policy 1.1.3.1 that encourages growth to be focused in settlement areas.

Policy 1.1.3.2 directs that land use patterns within settlement areas shall be based on the development of densities and a mix of land uses that use land efficiently, are appropriate for the available or planned infrastructure, and which minimize negative impacts to air quality and promote energy efficiency. The proposed Draft Plan of Subdivision would provide opportunities for low density and medium density development consistent with this policy direction.

As well, other policies in the PPS, such as 1.4.3c), also support the development of a range of housing types in locations where appropriate infrastructure will be available. The policy encourages the use of infrastructure, which is efficient and economical.
The use of shared stormwater management facilities with the abutting Cimino-D’Amico lands to the east would provide for efficient and economical infrastructure consistent with the intent of this policy.

Policy 1.1.3.6 directs that new development taking place in designated growth areas should occur adjacent to the existing built-up area, and shall have a compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure, and public service facilities. The development of a residential plan of subdivision within an approved Secondary Plan, consisting of small lot single-detached dwellings, semi-detached dwellings, and various forms of street townhouses, would allow for an appropriate housing mix for future residential development as well as a range of densities.

The long-term protection of an existing Provincially Significant Wetland and Environmentally Significant Area (ESA) also conforms to the intent of the Natural Heritage policies provided in Section 2.1 of the PPS.

Policy 1.7.1(e) of the PPS directs that a Noise Study be undertaken to investigate the impacts of noise levels from major transportation corridors, which include Garner Road East. A Noise Assessment will be undertaken as a condition of draft plan approval (see Appendix “G” - Special Condition 27).

The subject lands have archaeological potential and the assessment of such lands is a requirement of the PPS (Policy 2.6.2). An Archaeological Assessment will be undertaken as a condition of draft plan approval (see Appendix “G” - Special Condition 28).

Therefore, based on the foregoing, the application is consistent with the PPS.

**Hamilton Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1.1 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. Urban areas are intended to accommodate approximately 96% of new residential housing units in the City by the year 2020. As the nature of the application is for the approval of a residential draft plan of subdivision and the requisite changes in zoning, the proposal conforms to this policy direction of the Hamilton-Wentworth Official Plan.

Policy C-3.1.1 identifies that a compact higher density urban form, with mixed-use development in identified Regional and Municipal Centres and along corridors, best meets the environmental, social, and economic principles of sustainable development. As the proposed application would provide for the development of compact housing
forms, including semi-detached dwellings and street townhouses in addition to single-detached dwellings, the proposal would conform to the policy direction of the Hamilton-Wentworth Official Plan.

Policy C-3.1.1 further states that mixed forms of development within the Urban Area are preferable to widespread, low density development because of reduced per capita servicing costs and efficiencies, cost savings for public transit systems, effective community design, and the development of compact communities to encourage walking and bicycling. The proposed development pattern would encourage a mix of housing types, and the use of shared stormwater management facilities would be consistent with this policy direction.

The proposed Draft Plan of Subdivision is located adjacent to the Tiffany Creek Headwaters ESA, which is on the “Ancaster Meadows - Phase 1” lands, and the Cimino-D’Amico lands to the east. The proposed Draft Plan of Subdivision would provide for appropriate buffer requirements for new development, which is to the satisfaction of the Hamilton Conservation Authority and ESAIEG.

Based on the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan.

**Town of Ancaster Official Plan**

The subject lands are designated “Residential” on Schedule “B”, Land Use Plan for the Urban Area.

Policy 4.4.1 directs that the predominant use of lands designated “Residential” shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains).

Policy 4.4.2 directs that the types of residential development permitted in the Residential designation shall be single-detached dwellings, semi-detached dwellings, townhousing, low-rise apartments, and innovative forms of attached housing. Residential buildings shall also be limited to no more than 3 occupied storeys.

Policy 4.4.6 directs that single-detached dwellings shall predominate, and that Council shall encourage a broad range and mix of residential units regarding lot size, unit size, type, and tenure. The range and mix of residential units shall be suitable for different income groups, age levels, lifestyles, and household structures.

As the proposed Draft Plan identifies singles, semis, and various forms of street townhouses, it would conform to the above-noted policies.
Policy 4.4.8 directs that attached housing should be encouraged to locate in close proximity to facilities such as schools and parks. The proposed draft plan would conform to this policy as street townhouses would be located to the south and also to the north along Street “B”.

The subject lands are also situated adjacent to a sizeable natural system identified on Schedule “C” as “Hazard Lands”.

Based on the foregoing, the proposal conforms to the Ancaster Official Plan.

**Meadowlands Neighbourhood IV Secondary Plan**

**Land Use Policies**

The subject lands are located in the easterly portion of the Meadowlands Neighbourhood IV Secondary Plan and are designated “Low Density Residential”, “Medium Density Residential”, “Institutional”, “Park”, and “Stormwater Management” on Map 1, Land Use Plan (see Appendix “H”).

The “Low Density Residential” designation applies to lands located in the interior and northerly portions of the Secondary Plan, and the “Medium Density Residential” designation applies to lands which are located along or close to Garner Road East.

Policy 6.8.6.(c), (i) and (ii) prescribes density, uses, and location for Low Density and Medium Density Residential, respectively, as follows:

**Low Density**: Approximately 1 to 30 units per Net Residential Hectare. This designation permits predominantly single family dwellings, duplex, and semi-detached dwellings. These uses are to be generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.

**Medium Density**: A maximum of 50 units per Net Residential Hectare. This designation permits predominantly town house dwellings, duplex, and innovative housing forms. These uses are to be generally located at the periphery of Residential Neighbourhoods adjacent to or close to arterial and/or collector roads.

The draft plan proposes densities of 29.4 units per net residential hectare for low density residential and 44.5 units per net residential hectare for medium density residential, which conforms to the density requirements of Policy 6.8.6 (c).

The blocks shown in the proposed Draft Plan for Low Density (see Appendix “D”) development maintain the required density provision, and generally conform to the location and configuration provided in the Neighbourhood IV Secondary Plan. Minor changes have been noted between the location of several medium and low density
blocks within the draft plan, which are permitted through the interpretation policies in Subsection 6.8.17 of the Meadowlands Neighbourhood IV Secondary Plan, to allow for minor changes where the intent of the Plan is maintained. These include the proposal for semi-detached dwelling blocks on Robertson Road and Street “A” (Blocks 31 and 32) on Medium Density Residential lands, and the proposal for on-street townhouses between Street “O” and Street “R” on Low Density Residential lands (Blocks 8 and 11 and Part of Blocks 9, 12, and 13).

Policy 6.8.10 directs that the park site is to be located adjacent to the public/elementary school site, and the configuration of the combined site will be completed at the Draft Plan of Subdivision stage or the Site Plan Approval stage. Policy 6.8.17 further identifies that the boundaries between land uses are approximate, except where they coincide with major roads, the wetland, or any other clearly defined physical feature, which would allow these types of modifications to the Draft Plan to be accommodated without an Amendment to the Ancaster Official Plan (Ancaster Meadowlands Neighbourhood IV Secondary Plan). In addition, the proposed relocation of the 2 stormwater management ponds from the “Ancaster Meadows - Phase 2” lands to the abutting Cimino-D’Amico lands is similarly regarded as a minor modification, which would be acceptable under Policy 6.8.17 and, therefore, not subject to an Official Plan Amendment.

Policy 6.8.6(f) identifies that the approximate overall housing mix in the Secondary Plan shall be 70% Low Density, 25% Medium Density, and 5% High Density. The housing mix for the proposed draft plan of subdivision would be approximately 50.5% Low Density, 49.5% Medium Density, and 0% High Density.

The higher percentage development of medium density residential uses in the proposed Draft Plan of Subdivision would be offset by the lower percentage of medium density development in the “Ancaster Meadows - Phase 1” Draft Plan (i.e. 11%). The absence of High Density Residential in both the Ancaster Meadows” Phase 1 and 2 Draft Plans is consistent with the Meadowlands IV Neighbourhood Plan. High Density development would be provided within a portion of the proposed Cimino-D’Amico Draft Plan of Subdivision.

On the basis of the foregoing, the proposed draft plan of subdivision conforms to the land use policies of the Meadowlands Neighbourhood IV Secondary Plan.

Urban Design Policies

The Design Policies contained in Section 6.8.7 of the Meadowlands Neighbourhood IV Secondary Plan are applicable to this proposal.
Map 1 - Land Use Plan identifies a “Feature Intersection” south of the proposed School Block at the intersection of Raymond Road at Robertson Road, which is consistent with the Meadowlands Neighbourhoods 3, 4, and 5 Class Environmental Assessment Master Plan. This requirement was addressed as a condition of draft plan approval in “Ancaster Meadows - Phase 1” (25T-200405). Another “Feature Intersection” is located on the “Ancaster Meadows - Phase 1” lands at the intersection of Raymond Road and Collector Road “B”.

Policy 6.8.7(h) identifies that development which is adjacent to Garner Road East or the collector road (Raymond Road) will require the provision of a “window road” for direct access to these streets. The policy further requires that a minimum 3.0 metre wide landscape strip is to be provided between the window roads and the public street. With respect to the proposed Draft Plan, Blocks 1 and 7 would front onto Garner Road East and Raymond Road, respectively, and would have additional lands for the required window roads and landscaping strip.

In addition, the proposed development of the adjacent Cimino-D’Amico lands would be subject to the policy direction of Special Policy Area “E” of the Meadowlands Neighbourhood IV Secondary Plan for development within the Tiffany Creek Headwaters ESA.

On the basis of the foregoing, the proposed draft plan of subdivision conforms to the Urban Design policies of the Meadowlands Neighbourhood IV Secondary Plan.

Transportation

With respect to Transportation, the Secondary Plan identifies Raymond Road as Collector Road “A”, and establishes a pattern of local roads on Map 1, Land Use Plan. Compared with Map 1, the proposed Draft Plan of Subdivision identifies minor modifications to include the additions of Streets “R” and “P” as new local streets, and an alignment change to the portion of Street “C” north of the proposed Park Block.

Streets “R” and “P” have been added to accommodate street townhouses in the southerly portion of the subdivision, while the change to Street “C” is required to accommodate modifications to the road pattern that were approved for the “Ancaster Meadows - Phase 1” Draft Plan of Subdivision (25T-200403). Since Policy 6.8.15 b) identifies the location of roads in the Secondary Plan as being approximate, and minor adjustments are not subject to an Official Plan Amendment, the above-noted changes can be accommodated.

The proposed Draft Plan of Subdivision includes an area of land south of Raymond Road and Robertson Road intended for Medium Density development, which is identified on Map 2 as Special Policy Area “C”. Policy 6.8.12 requires that lands to be developed for street townhouses within this Special Policy Area require the submission

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and approval of a street parking plan to address visitors parking based on a minimum of 0.5 parking spaces per unit. The applicant has provided a suitable street parking plan (see Appendix “J”), which identifies a total of 68 street parking spaces for 135 townhouse units. The majority of parking (i.e. 40 spaces) would be provided along the west side of Street “A” and along the easterly side of Raymond Road. The policies of the Secondary Plan do not identify any parking restrictions along these streets.

On the basis of the foregoing, the proposed draft plan of subdivision conforms to the Transportation policies of the Meadowlands Neighbourhood IV Secondary Plan.

**City of Hamilton Urban Official Plan (Council Approved)**

The subject lands are within the “Neighbourhoods” designation in the City of Hamilton Urban Official Plan, which is Council-approved and pending Ministerial approval.

Policy 3.2.1 directs that areas designated “Neighbourhoods” shall function as complete communities, consisting of the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.

Policy 3.3.1 directs that lower density residential uses shall generally be located in the interior of neighbourhood areas with higher density dwelling forms and supporting uses located on or in close proximity to Major or Minor Arterial Roads.

Policy 3.4.4 directs that Low Density Residential shall have a maximum net residential density of 60 units per hectare. As a comparison, Policy 3.5.7 directs that Medium Density Residential shall have a maximum net residential density of 100 units per hectare. The proposed draft plan of subdivision proposes density at 55.9 units per net hectare, which is within the upper range for low density residential development.

The Urban Official Plan also provides policies to address Greenfield Development. The policies which are most relevant to this proposal are provided below.

Policy 3.7.1 directs that new Greenfield communities shall be designed with a unique and cohesive character, and buildings, streetscape, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.

Policy 3.7.2 directs that new Greenfield communities shall be designed to include a focal point. All elements of the design of the community, including the layout of streets, trails, pedestrian connections, and transit routes, as well as the location of land uses and transit stops, shall contribute to the creation of the community focal point.

Policy 3.7.3 directs that the configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the Greenfield community to the focal point and adjacent neighbourhoods.
Policy 3.7.6 directs that new development or re-development adjacent to open space or natural heritage system features shall:

(a) Have no negative impacts on natural heritage features;
(b) Maintain or enhance public access to trails, bikeways, and parks within these features;
(c) Preserve or enhance public views to these features; and,
(d) Use native plant material adjacent to these features.

The proposed Draft Plan of Subdivision would provide for a range of housing types and densities consistent with the policy direction of the Hamilton Urban Official Plan. The policies which concern Greenfield development would generally be addressed through conditions provided in the applicant's Subdivision Agreement following Draft Plan Approval for streetscaping and detailed road design, as well as through guidance provided in the Meadowlands Neighbourhood Secondary Plan.

In terms of Policy 3.7.6, the proposed development in the area adjacent to the ESA would have an appropriate buffer of 10 metres from the ESA to ensure suitable protection of the sensitive lands. It is noted that the policies and designations from the existing Meadowlands Neighbourhood IV Secondary Plan were carried forward into the Urban Official Plan and, as previously discussed, the proposal is consistent with the Secondary Plan. On the basis of the foregoing, the proposed draft plan of subdivision conforms to the policies of the Hamilton Urban Official Plan.

City of Hamilton Staging of Development Plan:

The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies with the Official Plan. Furthermore, priority is to be given to the processing of unidentified 'infill' development.

PUBLIC CONSULTATION

In accordance with the Public Participation Policy, this application was pre-circulated to all property owners within 120 metres, and a sign was posted on the site. A total of 29 notices were circulated. There was 1 letter submitted from the public which outlined concerns with land-locking proposed development, and the identification of roads on adjacent properties that are not the subject of current development interests (see Appendix “F”). This matter is further discussed in Item 6 in the Analysis/Rationale for Recommendation section of the Report.
Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

### RELEVANT CONSULTATION

The following internal departments and external agencies had no concerns or objections to the proposed applications:

- Forestry and Horticulture Section, Public Works Department.
- Finance Section, Corporate Services Department.
- Recreation Division, Community Services Department.

**Landscape Architectural Services, Public Works Department:**

Landscape Architectural Services (LAS) (formerly Open Space Development) provided comments on parkland dedication and park development (i.e. grading, fencing, and seeding) for the dedication of Block 38 to the City as a future neighbourhood park. As the park block does not apply to the current Draft Plan, the conditions for developing the future park have been applied to the revised Draft Approved Plan for “Ancaster Meadows - Phase 1”.

There is no other Open Space component in the “Ancaster Meadows - Phase 2” Draft Plan.

**Health Protection Services:**

Health Protection Services has advised that if there is an existing, or no longer functioning, septic tank on the subject property, the water well should be abandoned according to Regulation 903 under the Ontario Water Resources Act (see Appendix “G” - Special Condition 14).

**Traffic Engineering Section, Public Works Department:**

Traffic Studies concerning the intersection of Garner Road East and Raymond Road were addressed through the Ancaster Meadows - Phase 1” Draft Plan of Subdivision (25T-200403). The following comments have been provided by Traffic Engineering for the revised Draft Plan of Subdivision:

- No access to Garner Road will be granted from Block 1;
- Parking Plan Policy Area 'C'; the two parking spaces in the elbow of Streets A and Q must be removed as they will obstruct sightlines for Lots 477-480; and,
- On-street parking plan; the location of super-mailboxes has not been identified. Given that they are generally located along flankage streets, it may impact the overall number of available on-street parking spaces. Robertson Road shows parking on both sides of the street, generally one side is restricted.

  **Note:** Adjustments to the parking plans for On-Street Parking and for Special Policy “C” would be required to accommodate the above-noted changes. This matter would be addressed through Special Condition 26.

**Environmental Planning Section, Public Works Department:**

The Environmental Planning Section has provided the following comments for the proposed draft Plan of Subdivision:

- The Functional Servicing Report indicates the connection of roof leaders to storm sewers. The integrated Class EA for Meadowlands Neighbourhoods 3, 4, and 5 states that roof leaders should be discharged to grassed areas. New Design Guidelines require that roof leaders be disconnected from sewers.

- The Functional Servicing Report should include sewer design calculation sheets for all the streets in Phase 2, and a preliminary design for stormwater management ponds, including size requirements and drawings.

- Road, stormwater, and other infrastructure improvements must conform to the recommendations of the Meadowlands 3, 4, and 5 Integrated Class EA.

**Hamilton Conservation Authority:**

The Hamilton Conservation Authority has provided the following comments:

- The north-east corner of the property borders the Tiffany Creek Headwater Environmentally Significant Area (ESA) and the Tiffany Creek Headwaters Provincially Significant Wetland (PSW), which was staked and surveyed in conjunction with the Phase 1 subdivision. In this regard, the ESA, PSW, and the associated buffer area, being Block A in “Ancaster Meadows - Phase 1”, 25T-200405, is required, as per Draft Plan Condition 85, to be dedicated to the Hamilton Conservation Authority in order to maintain the features and functions of the natural heritage lands. We note that the revised Draft Plan, prepared by Metropolitan Consulting Inc., dated September, 2009 (received by HCA on January 13, 2010), accurately identifies the ESA and buffer area (Block A), and that the abutting Block 15 maintains the approved setback from the ESA;
• The subject property is located within the Tiffany Creek subwatershed area that drains into Hamilton Harbour, and which has a Remedial Action Plan to restore the health of the Harbour by reducing the amount of sediment entering the Harbour and Lake Ontario, and by improving stormwater quality. As such, the proposed new development must satisfactorily address stormwater quantity control to treat pre to post development levels for storms from 1:2 year to the 1:100 year and Enhanced (Level 1) quality control. In this regard, HCA has reviewed several stormwater management reports and engineering submissions for the two proposed stormwater management ponds to be located on the D’Amico/Cimino lands, and which will service both subdivisions, 25T-200601 and 25T-200518;

• As the subject property is located partially within an area regulated by the HCA, due to its proximity to the ESA and PSW, a permit will be required from HCA pursuant to our Regulation 161/06 under Ontario Regulation 97/04, prior to any new development, including grading works, within the regulated lands.

Specific requirements for draft plan approval include the following, which are to be addressed to the satisfaction of the Hamilton Conservation Authority:

• A sediment and erosion control plan, including the installation of sediment and erosion control measures for the construction phase and the re-vegetation of disturbed areas (see Appendix “G” - Special Condition 15);

• A stormwater management plan to address stormwater quantity and quality to current Provincial standards (see Appendix “G” - Special Condition 16);

• The requirement that the SWM facilities be substantially completed prior to construction of the subdivision (see Appendix “G” - Special Condition 17);

• The dedication of the SWM facilities to the City of Hamilton (see Appendix “G” - Special Condition 18);

• The preparation and implementation of a lot grading plan (see Appendix “G” - Special Condition 19);

• The preparation and implementation of landscaping plans for the stormwater management facility, to the satisfaction of the Hamilton Conservation Authority (see Appendix “G” - Special Condition 20);

• The preparation and implementation of a tree preservation and landscaping plan for the area abutting Tiffany Creek Headwaters Environmentally Significant Area (ESA) (see Appendix “G” - Special Condition 21);
• The installation of chainlink or other acceptable fencing along rear lot lines of all lots and blocks that abut the ESA, PSW, and/or watercourse channels, to the satisfaction of the Hamilton Conservation Authority (see Appendix “G” - Special Condition 22);

• Pursuant to the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, permits must be obtained prior to any development within the HCA’s regulated area (see Appendix “G” - Special Condition 23).

**Hamilton-Wentworth District School Board:**

Comments relating to the proposed School Block in the initial circulation identified concerns with combining the school and park on a single block, and the possibility of minimal space for a future school expansion.

For the revised proposal, the School Board has identified that the 2.5 hectare Block (enlarged from 2.0 hectares) would be adequate for the School Board’s needs based on current facility requirements and projected enrolments.

As noted, the proposed School Block has been removed from the “Ancaster Meadows - Phase 2” Draft Plan of Subdivision (25T-200601), and has been addressed as a revision to the “Ancaster Meadows - Phase 1” Draft Approved Plan of Subdivision (25T-200405).

**Bell Canada:**

Bell has provided the following comments:

• A telecommunication easement has been identified as a requirement for the proposed subdivision;

• The owner/developer shall be required to grant to Bell any required easements for telecommunications services. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements; and,

• The owner/developer shall enter into a Letter of Understanding with Bell Canada to comply with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed, the owner shall advise the municipality of the arrangement made for the servicing.

These have been included as conditions in the City of Hamilton Standard Form Subdivision Agreement.
Canada Post:

Canada Post has advised that the following requirements would apply:

The owner shall, to the satisfaction of the Director of Engineering of the City of Hamilton, and Canada Post:

(a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

   i) That the home/business mail delivery will be from a designated Centralized Mail Box.

   ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

(b) The owner further agrees to:

   i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.

   ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes.

   iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

   iv) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

(c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor, or sheltered space (see Appendix “G” - Special Condition 24).
ANALYSIS / RATIONALE FOR RECOMMENDATION

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

   (i) It is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

   (ii) It will implement the approved Ancaster Meadowlands Neighbourhood IV Secondary Plan of the Town of Ancaster Official Plan.

   (iii) It is consistent with planned future development in the surrounding area.

2. The proposed draft plan of subdivision will allow for the Phase 2 portion of development of the lands owned by Paletta International Corporation. Phase 2 proposes 15 blocks for single-detached dwellings (192 units); 2 blocks to be merged with the adjacent Cimino-D'Amico lands for assembly as single-detached dwelling lots; 3 blocks for semi-detached dwellings (78 units); 2 blocks for street townhouses along “window” roads (77 units); 12 blocks for street townhouses (187 units); and various blocks for engineering-related interests (i.e. SWM pond access, drainage easements, a drainage outlet, and 0.3m reserves).

   Through the review process, the proposed draft plan was revised to conform more closely to the Meadowlands Neighbourhood IV Secondary Plan, particularly with respect to housing mix, traffic, and urban design issues. As noted, the proposed park and school blocks have been removed from the proposed draft plan of subdivision and will be included in the “Ancaster Meadows - Phase 1” Draft Plan of Subdivision through a redline amendment to the approved plan. In particular, the following information is noted:

   - The revised Draft Plan proposes a range of dwelling sizes, which include 11m and 12m wide lots for singles (with wider corner lots), 6.7m wide semis (with wider corner lots), 5.50m and 6.7m wide street townhouse lots with wider corner lots, and 5.5m wide street townhouse lots on window roads with extended lots depths (i.e. 34m - 36m). The proposed housing mix provides a suitable transition from the lower density uses proposed north of Robertson Road and the medium density development proposed south of Robertson Road.

   - The proposed blocks for singles would conform to the Secondary Plan requirement of up to 30 units per Net Residential Hectare for Low Density Residential, and the proposed townhouses and semis would be within the Medium Density Requirement for up to 50 units per net Residential Hectare.
The proposed street townhouses within Special Policy Area “C” (located between Raymond Road and the Municipal reservoir lands, and Robertson Road and the lands adjacent to the proposed street townhouses north of the window road along Garner Road East) would have minimum frontages of 6.7m to meet the Secondary Plan parking requirement of 0.5 spaces per unit (see Appendix “I”).

The proposed on-street townhouses along “window” (condominium) roads would be subject to site plan approval to address access, landscaping, and urban design issues (i.e. gateway and entrance features).

The recommended zoning for the street townhouses (i.e. “RM2-615” and “RM2-616” Zones) includes various provisions to maintain a high quality streetscape in light of reduced standards for lot areas and frontages. This is to accommodate the development of smaller frontage townhouse blocks in the southerly portion of the proposed draft plan of subdivision on both public streets and condominium roads. These provisions include requirements for minimum landscaping (i.e. 40%), minimum and maximum driveway widths (i.e. 2.7m and 3.0m respectively), and minimum regulations for flankage yards (i.e. 2.5m). These regulations will provide flexibility for achieving an appropriate balance of greenspace on the smaller lots to allow for good urban design and the development of an appropriate neighbourhood character within this area.

Therefore, staff is satisfied that the proposed draft plan would provide for suitable residential development for low and medium density uses in conformity with the intent of the Meadowlands Neighbourhood IV Secondary Plan.

3. The proposed draft plan of subdivision would require amendments to the Ancaster Zoning By-law (see Appendix “B”) to permit the proposed land uses which include single-detached dwellings, semi-detached dwellings, street townhouses with a window road, street townhouses with conventional access, and to By-law 05-200 to permit a school and a park (see Appendix “C”). The following discussion is provided on the proposed zoning for this draft plan of subdivision:

Block 1 - Residential “R5-525” Zone and Special Provisions:

The Residential “R5-525” Zone, Modified, was created for the “Ancaster Meadows - Phase 1” Draft Plan of Subdivision, and would allow for the development of small lot, single-detached dwellings with frontages and lot areas which are generally above, or close to above, the standard “R5” Zone requirements. In this regard, the “R5-525” Zone permits minimum frontages of 11 metres and 13.8 metres for corner lots, instead of 10 metres and 14 metres,
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respectively, and allows for minimum lot areas of 330 square metres and 380 square metres for corner lots, instead of 275 square metres and 385 square metres, respectively.

Special provisions allow for slightly greater lot coverages of 45% instead of 40%, reduced front yard requirements of 4.5 metres instead of 7.0 metres allow for street-oriented development, larger rear yards, and greater building massing. The “R5-525” Zone, applying generally to the lands north-east of Raymond Road and Robertson Road (192 singles), would provide for the development of single-detached dwellings, which are consistent with the direction of the Places to Grow Plan and the Provincial Policy Statement to encourage compact development.

Block 2 - Residential Multiple “RM2-615” Zone and Special Provisions:

The Residential Multiple “RM2-615” Zone is proposed for Blocks 2-6 and 8-14 to permit street townhouses which would have frontage on public streets. The proposed blocks are generally consistent with the Meadowlands Neighbourhood IV Secondary Plan for Medium Density Residential Development. The proposed blocks, as indicated on the lotted plan, would allow for mostly smaller townhouse lots with some variation in frontages (i.e. 5.5m to 8.0m) and lot depths (i.e. 30m to 36m). At this time, there is no zone in the Ancaster Zoning By-law that permits townhouses with 5.5m frontages on public streets, however, zones have been created for such townhouses along condominium roads. In order to allow for appropriate development on corner lots, and to provide a range of housing, several additional special zoning provisions have been included in the recommended zoning.

The following special zoning provisions would be required for street townhouses based on the applicant’s proposed lotting plan.

1. Minimum Lot Area

Proposed change to permit 165 square metres per dwelling instead of 280 square metres, and to not require the provision of minimum lot area per total parcel.

The proposed minimum lot area per parcel is 165 square metres, which would be based on minimum lot frontages of 5.5m and minimum lot depths of 30m.

As noted in the comments for the “RM-616” Zone, the total parcel area per townhouse block is not required in the amending zoning because of other regulations (such as maximum lot coverage, setbacks, and building...
2. Minimum Lot Frontage

Proposed change to permit 5.5m for the internal units, 6.7m for end units, and 7.5m for flankage units instead of 9m per dwelling unit, 11m for end units, and 17m for flankage units.

Staff notes that the introduction of the proposed small lot frontages for street townhouses has not been previously applied to public streets in Ancaster. The smaller frontages for street townhouses to this point have been confined to condominium developments.

In light of the limited number of units with reduced frontages and their location outside of Special Policy Area “C”, it would be reasonable to support the proposed reduced frontages for the internal lots as they would maintain the direction of compact development, efficient land utilization, and higher density development provided in Places to Grow, the Provincial Policy Statement, and the Meadowlands Neighbourhood IV Secondary Plan.

However, the proposed reduced frontage of 7.5m for flankage lots is not supported because of privacy and noise concerns for the units along the collector road. Staff is of the opinion that a minimum frontage of 8.0m for the flankage lots should be provided to allow for reasonable building setbacks (i.e. 2.5m side yards).

3. Maximum Lot Coverage

Proposed change to permit the maximum lot coverage to be 45% for 1-storey buildings, and 42.5% for 2-storey buildings instead of 35%.

The proposed maximum lot coverage is reasonable for the primarily smaller townhouse parcels, and would allow for a good balance between the built form and the landscaped portion of the townhouse dwelling lot. The proposed lot coverages would ensure that high standards are maintained to ensure that the lots are not over-developed.
4. Minimum Front Yards

Proposed change to permit the minimum front yard to be 4.5 metres, except 6.0 metres to an attached garage, and to remove the Schedule ‘C’ requirements, instead of 7.5 metres, including Schedule ‘C’ requirements.

The proposed reduced yards are reasonable, consistent with good urban design policies to encourage street-oriented development, and would provide flexibility for the development of various yard sizes on smaller townhouse lots.

5. Minimum Side Yards

Proposed change to permit the minimum side yard to be 1.2 metres, instead of 2.5m for end units, and 7.5m for flankage units.

The application, as originally submitted, was to permit the minimum side yard for all units to be 1.2m. The proposed reduced side yard is not recommended for flankage yards because it would create privacy issues and would contribute to over-developed lots. The application has been amended to permit minimum 2.5m side yards for flankage yards to ensure appropriate setbacks for privacy and to minimize street noise due to the location of the flankage units along Robertson Road. To allow for this adjustment, a regulation is also being added to permit the development of up to 10 units in a row for townhouses located south of Robertson Road.

The reduced side yard setback of 1.2 metres would be acceptable for townhouse end units which abut other townhouse end units in which there are no habitable room windows.

6. Yard Encroachments

Proposed change to permit an enclosed porch or open stairway to encroach 1.5m into a front or rear yard, and 45cm into any side yard.

The proposed encroachments are reasonable and consistent with reduced standards for enclosed porches and stairways for new development.
7. **Maximum Number of Units in a Row**

   **Recommended provision to permit 10 units in a row, instead of 8 units.**

   The recommended change to permit up to 10 units in a row is to allow for adjustments to the lotting for the provision of wider flankage lots (i.e. 8.0m) along Robertson Road. This provision is necessary to allow for the provision of wider corner lots with 3.0 side yards, as noted in Item 5 - Minimum Side Yards. This change is primarily to allow for the development of the proposed street townhouses along Streets O and R, near Robertson Road, and south of the school and park blocks.

8. **Landscaped Area Requirement**

   **Proposed change to remove the minimum requirement of 30% for landscaping. Staff recommended that this provision be modified to require the minimum front yard landscaping to be 40%.**

   Staff has reviewed this matter in light of other small frontage townhouse zoning outside of Ancaster and the need to maintain quality streetscapes (i.e. 810 Rymal Road west near Garth Road). Staff’s concern is that the removal of landscaping requirements would create opportunities for expanded driveways with minimal or no landscaped front yard areas, which will impact the character of the area. Accordingly, staff recommends that a special zoning provision be provided to require that a minimum landscaped area of 40% be provided in the front yard. This amount would be larger than the 35% provided for street townhouses at 810 Rymal Road East, but is recommended because of the requirement for high standards of urban design in the Meadowlands Neighbourhood IV Secondary Plan, and because of the relatively higher concentration of medium density development in the proposed draft plan. To allow for flexibility with this requirement, an additional zoning provision is recommended to allow for reduced driveway widths (i.e. 2.7m widths). The requirements would allow for the driveways and landscaped areas to be more proportionate to one another and would reduce the likelihood of driveways being the more dominant feature on the site.
9. **Minimum and Maximum Driveway Widths**

Recommended provision to permit driveway widths to be reduced to 2.7m, and to limit the maximum width of a driveway to 3.0m.

To allow for increased flexibility in the provision of the recommended 40% minimum front yard landscaping, it is recommended that the driveway widths be reduced to a minimum of 2.7m and to a maximum width of 3.0 metres. The standard driveway length of 6m would be maintained because of the greater lot depths (i.e. 30m). The reduced driveway width of 2.7m is consistent with standards which are currently permitted in By-law 05-200, and also in effect in the Stoney Creek Zoning By-law. The maximum width of 3.0m is to ensure that landscaped areas in the front yard are not less than 40% of the front yard area, and are relatively proportionate to the driveway widths.

**Block 3 - Residential “R5-618” Zone and Special Provisions:**

The Residential “R5-618” Zone, Modified, proposes the development of small semi-detached dwellings with reduced lot frontages and lot areas that are less than the "R5" Zone requirements. The inclusion of the proposed semi-detached dwelling lots, accounting for 78 units along Robertson Road and Street “A” (Blocks 27, 31, and 32), is important in the establishment of a broader housing mix, which contributes to efficient land use and the development of higher densities which are encouraged in the PPS, Places to Grow, and the Meadowlands Neighbourhood IV Secondary Plan.

1. **Minimum Lot Area and Frontage**

   Proposed change to permit 210 square metres per dwelling lot and 315 square metres for corner lots, instead of 247 square metres per dwelling lot and 357 square metres for corner lots.

   Proposed Change to permit a minimum frontage of 6.7m for the internal units and 8.0m for flankage units, instead of 9m for the internal units and 14m for flankage units.

   The proposed lot area is supportable because the standard would be consistent with the trend towards compact development consisting of taller units with smaller frontages. The proposed lots are also located along and close to Robertson Road, adjacent to street townhouses which have reduced lot areas and frontages and would be a suitable transitional use between the larger single-detached dwellings and smaller townhouse lots.
For the reasons noted, staff is in support of the proposed reduced lot frontages and areas.

2. **Maximum Lot Coverage**

   **Proposed change to permit 45% for 1-storey units and 42.5% for 2-storey units, instead of 40%.**

   The proposed changes are minor and can be supported.

3. **Minimum Front Yard Setbacks**

   **Proposed change to permit 4.5m to a dwelling and 6m to a garage, instead of 7.5m to a dwelling.**

   The proposed changes are minor and are consistent with reduced setbacks for single-detached dwellings and townhouses within this draft plan application.

4. **Minimum Side Yards**

   **Proposed change to permit 3m to a dwelling for flankage lots, instead of 5.2m.**

   The proposed change is reasonable and can be supported as it is consistent with other reduced setbacks for flankage yards that are being supported for similarly-sized street townhouse units.

**Block 4 - Residential Multiple “RM2-616” Zone and Special Provisions:**

The Residential Multiple “RM2-616” Zone is proposed to permit the development of condominium street townhouses on private “window” roads in order to limit access along and close to Garner Road East. The proposed zoning affects Blocks 1 and 7 in the Draft Plan, which would allow for up to 77 street townhouse units. The proposed street townhouse lots are shown on the lotted Draft Plan as deep lots with reduced frontages, and are within the area designated “Medium Density Residential” in the Meadowlands Neighbourhood IV Secondary Plan. The required special provisions for the “RM2-616” Zone include the following:
1. Minimum Lot Area

Proposed change to permit 187 square metres per dwelling instead of 280 square metres, and to not require the provision of minimum lot area per total parcel.

The proposed lot area is supportable because the standard would be consistent with the trend towards compact development consisting of reduced lot width and lot areas. The proposed lot area would also have considerable depth to allow for sizeable rear yard privacy areas. An additional regulation for maximum lot coverage is included to ensure that the lots are not over-developed.

Staff is of the opinion that the minimum lot area requirement of the total parcel area per dwelling (i.e. 1,850 square metres for 8 units) is not required for the proposed zone as other regulations can be used to control lot size and development requirements (i.e. maximum lot coverage will regulate the amount of building area in relation to the lot size, and minimum front, rear, and flankage yard setbacks also maintain appropriate controls for the amount of building on the property).

2. Minimum Lot Frontage

Proposed change to permit 5.5m for the internal units, 6.7m for end units, 7.8m for flankage units fronting Raymond Road, and 8.24m for flankage units fronting Garner Road East, instead of 9m per dwelling unit, 11m for end street townhouse units, and 17m for flankage street townhouse units.

The proposed reduced frontages can be supported for Block 7 facing Raymond Road, providing the frontages are 8.25m, because it would provide for a reasonable setback from public streets (i.e. 2.7m) to allow for landscaping and privacy. However, the flankage unit proposed for Block 1 should be increased to 8.4m to ensure an improved setback (i.e. 2.9m) from Raymond Road. The proposed reduced frontages would conform to the direction of the Meadowlands Neighbourhood IV Secondary Plan to encourage efficient land use through the encouragement of higher density development.

The standard RM2 Zoning also includes a provision for minimum lot frontage per total parcel, which is 50m, and for which the applicant is requesting that this requirement be reduced to 40m. Staff is of the opinion that this provision is not necessary in the amending zoning due to the use of other zoning regulations to address development requirements.
3. Minimum Front Yards

Proposed change to permit 4.5m to a dwelling, 3m to an unenclosed porch or stairs, and 6m to a garage, instead of 7.5m to a dwelling.

Staff supports the proposed change because the reduced front yards are consistent with reduced front yards for other street townhouse zones in Ancaster, which allow for more compact street-oriented development with recessed garages and larger rear yard areas. The recessed garage would maintain the requirement for 2 parking spaces per unit, including one of the required spaces in the garage.

4. Maximum Lot Coverage

Recommended change to permit the maximum lot coverage to be 45%, instead of 35%.

The standard “RM2” Zone requirement for lot coverage is 35%, which is based on regulations for larger frontages (i.e. 9m), front yards (i.e. 7.5m), and rear yards that were developed at the time of adoption of the Ancaster Zoning By-law. As noted, the development for larger dwellings on smaller townhouse blocks through reduced setbacks has become more commonplace, recognizing the need for more efficient land use.

Given the considerable lot depths of the proposed townhouse parcels, the concern with over-development, and possible impacts on the proposed stormwater management system, the amount of lot coverage should be limited to 45% of the parcel. This would allow for the provision of deeper rear yards (i.e. at least 10 metres), which would provide a suitable balance between the built form and the landscaped areas.

5. Minimum Side Yards

Proposed change to permit flankage yards and end units to have side yard setbacks of 1.2m, instead of 2.5m for end units and 7.5m for flankage units.

The applicant is requesting that the side yards be reduced to 1.2 metres. Due to the gateway location of the proposed townhouse blocks and the need for high standards of urban design, through landscaping, staff is recommending that side yards on flankage streets should not be reduced below 2.7m for lots facing Raymond Road, and not less than 3.0m for units facing Garner Road East. This is generally consistent with reduced
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side yard requirements of 2.5m for street townhouses along condominium roads at 625 Garner Road East.

Given the narrow nature of the proposed lots, and the need for adjustments to the proposed frontages, the reduced requirement of 1.15m for minimum side yards would be reasonable for interior end units which would abut other townhouse end units in which there are no habitable room windows. This would allow for a spacing of 2.3m between buildings.

6. Window Road

A 6m wide “window” road is required.

The recommended “RM2-616” Zone would require the provision of a minimum 6m wide “window” road (i.e. a condominium road) for 2-way access to reduce the number of access points onto Garner Road East and Raymond Road. The provision of a window road is consistent with the direction of the Meadowlands Neighbourhood IV Secondary Plan to address traffic concerns at the intersection of Garner Road East and Raymond Road.

An additional provision will be included in the amending zoning to permit a window road to be considered in the same manner as a public street for purposes of determining frontage and setback requirements.

7. Landscaping Strip

A minimum 3m wide landscaping strip is required in conjunction with the window road.

A minimum 3m wide landscaping strip is a requirement of the Meadowlands Neighbourhood IV Secondary Plan in conjunction with the development of window roads adjacent to Garner Road East and Raymond Road to enhance the development of a gateway at this intersection.

8. Site Plan Approval

Development of condominium street townhouses on window roads is subject to Site Plan Approval.

The development of the proposed street townhouse units on window roads would be subject to site plan approval to ensure the provision of
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high quality landscaping, building design, and to provide proper points of access from Raymond Road for the 2 condominium townhouse blocks.

9. Minimum Landscaped Area

The recommended minimum landscaped area is 40% of the front yard.

To maintain high standards of urban design consistent with the Meadowlands Neighbourhood IV Secondary Plan for gateway locations, and to provide opportunities for front yard landscaping and appropriate streetscaping, it is recommended that the minimum front yard landscaped area be limited to 40% of the front yard. This requirement would also be consistent with the recommended “RM2-615” Zone.

10. Minimum and Maximum Driveway Widths

The recommended minimum and maximum driveway widths are 2.7m and 3.0m, respectively.

This change is also consistent with the recommended “RM2-615” Zone, and would allow for the amount of driveway space to be better regulated on reduced frontage lots and more proportional to the front yard landscape areas.

Other “RM2” Zoning Regulations

The recommended “RM2-616” Zone would also include the following standard RM2 Zone regulations:

- Minimum Rear Yard (7.5m); and,
- Maximum Number of Dwelling Units in a Row (8 units).

Block 5 - Residential Multiple “RM2-617” Zone and Special Provisions:

The Residential “RM2-617” Zone, to permit street townhouses, would include the same zoning provisions as the Residential Multiple “RM2-615” Zone, but would include special regulations for minimum lot frontage and minimum side yard where end units abut the future park. To ensure reasonable levels of privacy, the recommended minimum lot frontage for the end units abutting the park, or a single-detached dwelling, is 8.5m, and the recommended side yard setback from the park or a single-detached dwelling is 3m.
Block 6 - Residential “R4” Zone (By-law 87-57):

The Residential “R4” Zone would apply to Blocks 34 and 35, located between Curran Road and Woodhouse Road, abutting the Cimino-D’Amico Draft Plan of Subdivision. The “R4” Zone is recommended in order to allow for the assembly of these blocks as single-detached lots with the abutting lands on the Cimino-D’Amico side, which would also have the same zoning.

The recommended zoning would be consistent and be compatible with the adjacent development in both draft plans, and would allow for minimum 12m frontages. Special Condition 25 has been included in Appendix “G” to allow for the transfer of these blocks to the Cimino-D’Amico lands to ensure orderly and comprehensive development.

Block 1 (By-law 05-200) - Neighbourhood Park (“P1”) Zone and Special Provisions:

A Park Block, shown as Block 1 in the recommended Zoning to amend By-law 05-200, would require a change in zoning from the Institutional “I” Zone under By-law No. 87-57 to the Neighbourhood Park (P1) Zone (see Appendix “C”). The proposed change is effected by adding the lands to City of Hamilton By-law 05-200, which has established updated zoning for parks on a City-Wide scale.

The proposed park is a 2 hectare site that would be appropriately zoned “P1” to serve the central and easterly portion of the Meadowlands Neighbourhood IV community. The “P1” Zoning would permit recreation uses, but would prohibit uses such as community centres, swimming pools, or tennis courts which are to be provided on larger parks such as the Community Park (“P2”) Zone. The “P1” Zone does not have requirements for minimum lot area or lot frontage.

The proposed orientation of the park and adjacent school blocks has been modified from the Meadowlands Neighbourhood IV Secondary Plan; however, the changes are both minor and acceptable. The proposed park would also meet the minimum 2 hectare requirement for this future park in the Secondary Plan.

Block 2 (By-law 05-200) - Neighbourhood Institutional (“I1”) Zone and Special Provisions:

A school block, shown as Block 2 in the recommended Zoning to amend By-law 05-200, would require a change in zoning from the Institutional “I” Zone under By-law No. 87-57 to the Neighbourhood Institutional “I1” Zone (see Appendix “C”). The proposed change is effected by adding the lands to City of Hamilton By-law 05-200, which has established updated City-Wide zoning for institutional uses.
The “I1” Zone permits educational establishments, in addition to a range of other institutional and residential uses, however, there are no minimum requirements for lot frontage or lot area for the permitted uses. There are no concerns with the proposed change in orientation or the slight enlargement of the proposed school block from 2.0 ha to 2.5 ha, as a larger area is necessary to accommodate the current requirements of the Hamilton-Wentworth District School Board based on future enrolment projections.

Block 3 (By-law 05-200) - Conservation/Hazard Land (P5) Zone:

The stormwater management facilities are small blocks of land identified on the proposed draft plan as a stormwater outlet (Block 33), which will serve as an outlet to the existing SWM Pond in “Ancaster Meadows - Phase 1”; a drainage easement (Block 36), which is located along the easterly boundary of the draft plan between Curran Road and Street “K”; and an access for the SWM Pond, shown as Block 72 on the adjacent Cimino-D’Amico lands. These facilities would be subject to a change in zoning from the Institutional “I” Zone under By-law No. 87-57 to the Conservation/Hazard Land (P5) Zone under By-law No. 05-200, and are permitted as flood and erosion control facilities. The “P5” Zone does not include regulations for these uses or any other permitted use.

4. In accordance with the Planning Act and the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the proposal is subject to Parkland Dedication or Cash-in-Lieu requirements. As no parkland is being dedicated, the proposed development is subject to a Cash-in-Lieu of Parkland dedication payment, which will be calculated at a rate of 1 hectare of land for each 300 dwelling units proposed. Based on the proposal for the development of 534 units, this would amount to a parkland dedication requirement of 1.78 hectares, and shall be determined on the value of the lands on the day prior to the issuance of a building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit. However, any parkland credits as a result of any over-dedication of parkland through the registration of “Ancaster Meadows - Phase 1” (25T-200405), as revised, may be applied to the approval of the subject application.

The requirement is included in Recommendation (b) (iii), and as Condition 1.6 in the Standard Form Subdivision Agreement.

5. The servicing requirements for the proposed draft plan of subdivision, developed through the review of the applicant’s Functional Servicing Report and SWM Report, are summarized in the following discussion.
Raymond Road and Other Proposed Roads

“Ancaster Meadows - Phase 1” previously addressed the extension of the major north-south collector road known as “Raymond Road” to Garner Road East. The “Ancaster Meadows - Phase 2” Draft Plan of Subdivision will establish Robertson Road, a 26m wide east-west collector which will run adjacent to the proposed school and park block. The small local roads shown as Streets “O” and “R” will require temporary cul-de-sacs to provide turnarounds, which are addressed in the City’s Standard Form Subdivision Agreement.

Provisions have been made for Woodhouse Street, Curran Road, Street “K”, Robertson Road, and Street “S” to connect with the Cimino-D’Amico lands to the east. The 0.3m reserves would be lifted when the Cimino-D’Amico lands are registered.

Since the future roads which will provide access to street townhouses proposed on Blocks 11 and 14 are located on adjacent parcels outside of this application, ‘H’ Holding provisions are required until the roads are fully constructed and serviced. This matter has been addressed in the recommended Amended Zoning. A Special Condition of Draft Plan Approval has also been provided to require that Blocks 11 and 14 not be registered until they have frontage on a public road having a full road allowance width of 18 metres (see Appendix “G” - Special Condition 29).

Approximately 8.23m of land is required along the Garner Road East frontage for road widening purposes.

Specific road requirements for this subdivision include:

- A plan for dust control and street cleaning (external roads included), including a schedule for regular cleaning of streets, with specific methods, contractor information, water sources, etc., prior to servicing, (see Appendix “G” - Special Condition 6);

- A driveway location/on-street parking plan based on the provision of on-street parking equal to 40% of total single family units and street townhouse units to show the location of driveways, driveway ramps, and curb openings for all lots, paired driveways, park entrances, public walkways, transit pads, community mailbox pads, and fire hydrants prior to servicing (see Appendix “G” - Special Condition 7);

- Engineering design to include concrete sidewalks for all streets (see Appendix “G” - Special Condition 11); and,
A cash security or letter of credit is required to secure the construction of the owner’s proportionate share of the future road, including all above and belowground works, from the south limit of Street O to the west limit of the lands of the draft plan prior to registration (see Appendix “G” - Special Condition 13).

**Stormwater Management (SWM)**

The proposed subdivision requires the construction of 2 SWM ponds, which are to be developed on the adjacent Cimino-D’Amico lands to the east at 1169 Garner Road East, through Draft Plan Application 25T-200518. A revised SWM Report has been reviewed to address the appropriate sizing of the proposed SWM ponds to service the proposed “Ancaster Meadows - Phase 2” lands, and is to be to the satisfaction of the City and the Hamilton Conservation Authority. The SWM facilities would need to be constructed and operational prior to registration of the final plan.

The SWM facility provided in “Ancaster Meadows - Phase 1” (north pond) would require access via Block 33 of the proposed draft plan in the form of a 12m wide block to accommodate a municipal storm sewer outlet to the pond.

Specific requirements for matters pertaining to SWM have been included as Special Conditions 1, 3, 4, 5, 8, and 9, in addition to the Hamilton Conservation Authority requirements on Appendix “G” of this Report.

**Sanitary and Water**

The sanitary sewer outlet and municipal water supply for the proposed subdivision will be constructed through the adjacent development to the west, known as Ancaster Meadows - Phase 1” (25T200405). Registration of the final plan of subdivision for the proposed subdivision is subject to the construction of the sanitary sewer outlet and a water distribution system in Phase 1.

A 12.0m wide storm and sanitary sewer easement is required from Curran Road to Street “K” on the north-east side of the proposed subdivision. The easement will consist of a 6.0 m wide easement along the east side of Blocks 18 and 19, and a 6.0m wide easement along the adjacent Cimino-D’Amico lands.

A storm and sanitary sewer is required to be constructed along Garner Road East from the easterly to the westerly limits of the subdivision.

Specific requirements for services and related requirements have been included as Special Conditions 2 and 12 on Appendix “G” of this Report.
6. The circulation of the proposed draft plan of subdivision produced 1 letter from a neighbouring property owner at 927 Garner Road East, which was received in February, 2006 (see Appendix “F”).

The concerns in the letter were with respect to the identification of proposed lotting on the west and south sides of the proposed draft plan for the “Ancaster Meadows - Phase 2” lands, which would be landlocked, and the placement of roads on adjacent properties.

Staff provided a letter on April 10, 2006, to Mr. Wilson explaining the nature of how the proposed development could proceed in light of the concerns. The letter identified the following information:

- The Meadowlands Neighbourhood IV Secondary Plan process was undertaken to establish a formal land use plan to guide the future development of this area. This process involved extensive public consultation, and was formalized through the approval by City Council of Official Plan Amendment No. 98 on February 25, 2004, and, ultimately approved by the Ontario Municipal Board on September 15, 2004;

- The roads which were identified as the subject of concern are identified on the Neighbourhood IV Secondary Plan Land Use Schedule as local roads. While the long-term development of this area is intended to proceed in accordance with the approved Secondary Plan, the development rights of the neighbouring land owners is ultimately required in order to allow for the creation of these roads. The roads in question, therefore, cannot be created until a new draft plan and re-zoning application is submitted and approved;

- The proposed draft plan of subdivision for “Ancaster Meadows - Phase 2” could be approved and registered, however, the development of blocks which require access from private lands outside of the subdivision could not proceed until such access is available. These lands would not be registered as separate Blocks in the Draft Plan (see Appendix “G” - Special Condition 29); and,

- Temporary turn-arounds would also be applied on roads that would not have continuous access through adjacent lands, to enable the creation of temporary cul-de-sacs (dead ends) which would remain in effect until new approvals are granted for the new lands.

There was no further correspondence from Mr. Wilson after this information was provided.
Should the proposed draft plan of subdivision and requisite changes in zoning be denied, the subject lands could be developed for uses permitted within the existing Institutional “I” Zone.

CORPORATE STRATEGIC PLAN


Environmental Stewardship

• Aspiring to the highest environmental standards.
• Natural resources are protected and enhanced.

Healthy Community

• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Draft Zoning By-law Amendment (Ancaster Zoning By-law)
• Appendix “C”: Draft Zoning By-law Amendment (Zoning By-law 05-200)
• Appendix “D”: Proposed Draft Plan of Subdivision Showing Blocks
• Appendix “E”: Proposed Composite Plan Showing Cimino-D’Amico Lands and Lotting
• Appendix “F”: Letter from Resident
• Appendix “G”: Special Conditions of Approval
• Appendix “H”: Meadowlands Neighbourhood IV Secondary Plan Maps
• Appendix “I”: Special Policy Area “C” - Parking Plan

CT
Attachs. (9)
Appendix "A" to Report PED10177
(Page 1 of 1)
CITY OF HAMILTON

BY-LAW NO. [Bill No.]

To Amend Zoning By-law No. 87-57 (Ancaster), as Amended
Respecting Lands Located at 1061 Garner Road East at Part of Lots 52 and 53,
Concession 3 (Ancaster)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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 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 of the former area municipalities 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 [Item] of Report 10-[PED10177] of the Economic Development and Planning Committee, at its meeting held on the [day of] [date], 2010, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND WHEREAS the By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 1 to Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Institutional “I” Zone to the following:

   (a) Residential “R5-525” Zone, Modified, the lands comprised of Block “1”;

   (b) Residential Multiple “RM2-615”, Modified, the lands comprised of Block “2”;

   (c) Residential “R5-618” Zone, Modified, the lands comprised of Block “3”;

   (d) Residential Multiple “RM2-616” Zone, Modified, the lands comprised of Block “4”;

   (e) Residential Multiple “RM2-617” Zone, Modified, the lands comprised of Block “5”; and,

   (f) Residential “R4” Zone, the lands comprised of Block “6”; the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.

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

   “RM2-615” Notwithstanding any provisions to the contrary of Section 15.2, Regulations of Section 15: Residential Multiple “RM2” Zone and Section 9, General Provisions for Residential Zones of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “RM2-615”.

Zone Provisions

   (a) Minimum Lot Area 165 square metres per dwelling unit. Notwithstanding Section 15.2.a), the Total parcel area per dwelling shall not apply.

   (b) Minimum Lot Frontage 5.5 metres per dwelling unit, except, 6.7 metres for an end dwelling unit which does not abut a flanking street; and, 8.0 metres for an end dwelling unit which abuts a flanking street.
Notwithstanding Section 15.2b), the minimum Total Parcel Frontage per dwelling unit provision shall not apply.

(c) Maximum Lot Coverage
45% for a 1-storey dwelling unit and 42.5% for a 2-storey dwelling unit.

(d) Minimum Front Yard
4.5 metres to a dwelling, except 6.0 metres to an attached garage.

Notwithstanding Section 15.2(e), Schedule “C” requirements shall not apply.

(e) Minimum Side Yard
1.2 metres for a dwelling end unit that abuts a dwelling end unit in which there are no habitable room windows; and, 3.0 metres for a dwelling unit abutting a flankage yard.

(f) Yard Encroachments
1.5 metres for an enclosed porch or open stairways that project into any minimum front or rear yard and into any minimum side yard not more than 45 centimetres.

(g) Dwelling Unit Placement
(i) Not more than 10 units shall be attached in a continuous row.

(ii) Section 15.2(k)(ii) shall apply.

(h) Minimum Landscaping
Section 15.2 (i) shall not apply, however, the minimum landscaped area for the front yard shall be 40%.

(i) Driveways
The minimum driveway width shall be 2.7m, and the maximum driveway width shall be 3.0m.

(j) All other zone provisions of Subsection 15.2, Residential Multiple “RM2” Zone, and Section 9 shall apply.

“R5-618” Notwithstanding any provisions to the contrary of Section 13.1, Permitted Uses, and Section 13.2, Regulations of Section 13: Residential “R5” Zone and Section 9, General Provisions for Residential Zones of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “R5-618”. 
Permitted Uses

Only semi-detached dwellings and uses, buildings, and structures accessory thereto.

Zone Provisions

(a) Minimum Lot Area 210 square metres per unit and 315 square metres or corner lots.

(b) Minimum Lot Frontage 6.7 metres for internal units and 8.5 metres for flankage units.

(c) Maximum Lot Coverage 45% for 1-storey units and 42.5% for 2-storey units.

(d) Minimum Front Yard 4.5m to a dwelling and 6.0 metres to an attached garage.

(e) Minimum Side Yard In accordance with Section 13, except 3.0 metres for a flankage yard.

(f) All other zone provisions of Subsection 13.2, Residential “R5” Zone, and Section 9, General Provisions for Residential Zones shall apply.

“RM2-616” Notwithstanding any provisions to the contrary of Section 15.1, Permitted Uses and Section 15.2, Regulations of Section 15: Residential Multiple “RM2” Zone and Section 9, General Provisions for Residential Zones of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “RM2-616”.

Permitted Uses

Street townhouse dwellings along a condominium “Window” road and uses, buildings, and structures accessory thereto.

Zone Provisions

(a) Minimum Lot Area 187 square metres per dwelling unit.

Notwithstanding Section 15.2.a), the Total Parcel area per Dwelling shall not apply.

(b) Minimum Lot Frontage 5.5 metres per dwelling unit, except 6.7 metres for an end dwelling unit which does not abut a flanking street.
8.25 metres for an end dwelling unit which abuts Robertson Road.

8.4 metres for an end dwelling unit which abuts Raymond Road.

Notwithstanding Section 15.2b), the minimum Total Parcel Frontage per dwelling unit provision shall not apply.

(c) Maximum Lot Coverage 45% for a dwelling unit.

(d) Minimum Front Yard 4.5 metres to a dwelling, except 6 metres to an attached garage.

Notwithstanding Section 15.2(e), Schedule “C” requirements shall not apply.

(e) Minimum Side Yard 1.15 metres for a dwelling end unit that abuts a dwelling end unit in which there are no habitable room windows;

2.7 metres for a dwelling unit with a flankage yard abutting Robertson Road; and,

3.0 metres for a dwelling unit with a flankage yard abutting Raymond Road.

(f) Yard Encroachments 1.5 metres for an enclosed porch or open stairways that project into any minimum front or rear yard and into any minimum side yard not more than 45 centimetres.

(g) Dwelling Unit Placement (i) Not more than 8 units shall be attached in a continuous row.

(ii) Section 15.2(k)(ii) shall apply.

(h) Minimum Landscaping Section 15.2 (i) shall not apply, however, the minimum landscaped area for the front yard shall be 40%.

(i) Window Road A minimum 6 metre wide interior road shall be provided along the frontage of the townhouse block to provide driveway access to the individual dwelling units.
For the purposes of this by-law, the window road shall be used to determine minimum lot frontage, setbacks and lot area requirements for dwelling lots.

(j) Landscaping Strip
A minimum 3 metre wide landscaping strip shall be provided in conjunction with window roads that are required along Garner Road East and Raymond Road.

(k) Site Plan Approval
All street townhouses to be developed along a window road shall be subject to Site Plan Approval.

(l) Driveways
The minimum driveway width shall be 2.7m and the maximum driveway width shall be 3.0m.

(m) All other zone provisions of Subsection 15.2, Residential Multiple “RM2” Zone and Section 9, General Provisions for Residential Zones shall apply.

“RM2-617” Notwithstanding any provisions of Section 15.2, Regulations of Section 15: Residential Multiple “RM2” Zone and Section 9, General Provisions for Residential Zones of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “RM2-617”.

Permitted Uses

In accordance with Subsection 15.1

Zone Provisions

(a) In accordance with the provisions of the Residential Multiple “RM2-616” Zone, with the following exceptions:

(b) Minimum Lot Frontage
8.5 metres for an end dwelling unit abutting a Neighbourhood Park “P1” Zone or a Residential “R5” Zone.

(c) Minimum Side Yard
3.0 metres for an end dwelling unit abutting a Neighbourhood Park “P1” Zone or a Residential “R5” Zone.
3. 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 , 2010.

________________________________________      _______________________________________
Fred Eisenberger                                Rose  Caterini
Mayor                                          Clerk

25T-200601 / ZAC-06-02
This is Schedule "A" to By-Law No. 10-
Passed the ........ day of ....................., 2010

Schedule "A"
Map Forming Part of
By-Law No. 10-_____
to Amend By-law No. 87-57

Subject Property
1061 Gainer Road East

Refer to By-law 05-200

Block 1 - Change in Zoning from Institutional "I" Zone to Residential "R5-525" Zone, Modified
Block 2 - Change in Zoning from Institutional "I" Zone to Residential Multiple "RM2-616" Zone, Modified
Block 3 - Change in Zoning from Institutional "I" Zone to Residential "R5-618" Zone, Modified
Block 4 - Change in Zoning from Institutional "I" Zone to Residential Multiple "RM2-616" Zone, Modified
Block 5 - Change in Zoning from Institutional "I" Zone to Residential Multiple "RM2-617" Zone, Modified
Block 6 - Change in Zoning from Institutional "I" Zone to Residential "R4" Zone
CITY OF HAMILTON

BY-LAW NO. 

To Amend Zoning By-law No. 05-200, as Amended, Respecting Lands Located at 1061 Garner Road East, Part of Lots 52 and 53, Concession 3 (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 Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 10 of the Economic Development and Planning Committee, at its meeting held on the day of , 2010, recommended that Zoning By-law No. 05-200 (Ancaster) be amended as hereinafter provided;

AND WHEREAS the By-law is in conformity with the Official Plan of the City of Hamilton (formerly the Official Plan of the Town of Ancaster) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map Nos. 1233, 1285, 1286, and 1339 of Schedule “A” to Zoning By-law No. 05-200, are amended, by incorporating additional Neighbourhood Institutional (I1) Zone, Neighbourhood Park (P1) Zone, and Conservation/Hazard Lands (P5) Zone boundaries for the applicable lands, the lands, the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.

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 have 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 provided by the said Subsection.

PASSED and ENACTED this [Redacted] day of [Redacted], 2010.

__________________________  ____________________________
Fred Eisenberger             Rose Caterini
Mayor                         Clerk

25T-200601, ZAC-06-02
Appendix "C" to Report PED10177
Draft Amended Zoning - By-law 05-200
(Page 3 of 3)

This is Schedule "A" to By-Law No. 10-
Passed the ............ day of ...................., 2010

Clerk
Mayor

Schedule "A"
Map Forming Part of
By-Law No. 10-____
to Amend By-law No. 05-200
Map 1233, 1285, 1286 and 1339

Subject Property
1001 Garner Road East, Ancaster

Block 1 - Lands to be zoned Neighbourhood Park (P1) Zone

Block 2 - Lands to be zoned Neighbourhood Institutional (I) Zone

Block 3 - Lands to be zoned Conservation/Hazard
Lands (F) Zone

Refer to By-law 87-57
Appendix "D" to Report PED10177
Proposed Draft Plan Showing Blocks
(Page 1 of 1)
Appendix “E” to Report PED10177
Proposed Composite Draft Plan Showing Lotting
(Page 1 of 1)
Feb, 16, 2006

City of Hamilton,
City Hall, 71 Main St. W.
Hamilton, Ont.
L8P 4Y5

Dear Mr. Tom, Planner,

Re: File No. 257200601, ZAC-06-02

I write with concerns over the plan of subdivision for Lots 52-53 Concession 3, Tappah Lake Township of Ancaster.

In the draft plan, house lots on the west side and south side of the property are landlocked. This is not allowed by the Planning Act and will have to be addressed. Roads which have been placed are shown encroaching on mine and neighboring properties.

The placement of roads on other peoples property is illegal as you can only plan the applicants land, not the neighbours.

This plan will have to be adjusted to provide adequate access to these landlocked lots by and from the applicant.
Failure to comply with these orders will result in an O.M.B. hearing. I trust you will use wise judgement.

Yours sincerely,

Raymond Nelson

927 Garner Rd. E
RR #1 Ancaster, Ont.
L9G 3K9.

(905) 648-4898
Special Subdivision Conditions

Engineering:

1. That prior to registration, the owner shall agree to enter into a private Maintenance Agreement with the adjacent developer of 1169 Garner Road East (25T200518), stipulating how the maintenance responsibilities for the stormwater management facilities are to be addressed between owners until all lots and blocks in both developments have been built, to the satisfaction of the Director of Development Engineering.

2. That prior to registration, the owner shall transfer a 6.0 m easement from Curran Road to Street K for drainage purposes along the east limits of Blocks 18 and 19, to the satisfaction of the Director of Development Engineering.

3. That prior to any grading on the site, the owner shall include in the engineering design a plan demonstrating that all minor and major overland flow from the rear yards can be safely conveyed to roadways and/or the Stormwater Management Facilities, to the satisfaction of the Director of Development Engineering.

4. 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 Meadowlands Neighbourhood 3, 4, and 5 Class Environmental Assessment Master Plan, and any subsequent analysis or updates and the City of Hamilton Stormwater Management Policies, to the satisfaction of the Director of Development Engineering.

5. That prior to servicing, the owner shall submit a revised Functional Servicing Report confirming the system capacities for the sanitary sewer system and watermain system, based on the densities proposed, to the satisfaction of the Director of Development Engineering. The Functional Servicing Report shall also include a storm and sanitary sewer to be constructed on Garner Road from the west limit of the subdivision to the east limit of the subdivision.

6. 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.

7. That prior to servicing, the owner shall provide a driveway location/on-street parking plan based on the premise of providing a total number of street parking spots equivalent to 40% of the total single family units and street townhouse units. The plan shall show the following information, to the satisfaction of the Director of Development Engineering:

i) The location of driveways, driveway ramps, and curb openings for all lots;

ii) The pairing of driveways, except where considered impractical or unnecessary by the Director of Development Engineering;

iii) Where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,

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

8. 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 chainlink fence along the rear and/or side yards of Blocks 28, 29, and 30, which rear and/or side yards abut the stormwater management ponds and/or access to the stormwater ponds, to the satisfaction of the Director of Development Engineering.

9. 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 chainlink fence along the side and/or rear yards of Blocks 14, 31, and 32, abutting City-owned lands, to the satisfaction of the Director of Development Engineering (Municipal Reservoir/Parklands).

10. That prior to servicing, the owner shall 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. The Report 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.

11. That prior to registration, the owner shall include in the engineering design, concrete sidewalks in the locations listed below, to the satisfaction of the Director of Development Engineering:

- Woodhouse Street - south side; full length.
- Curran Road - south side; full length.
- Robertson Road - north and south sides, from Raymond Road to Street L.
- Grandell Drive - east side; full length.
- Raymond Road - east side; full length (west side constructed under Phase 1).
- Street A - west side; full length.
- Street D - south side; full length.
- Street K - south side; Grandell Street to Street L.
- Street L - west side; full length.
- Street M - south side; full length.
- Street N - south side; full length.
- Street P - south side; full length.
- Street Q - north side; full length.
- Street O - west side; full length.
- Street P - west side; full length.

12. That prior to registration of the final plan of subdivision, sanitary sewers, storm sewers, watermains, and road access shall be available to service the lands of the draft plan or, alternatively, the owner shall acquire the necessary land or easements and pay the full cost, less over-sizing, to construct sanitary sewers, storm sewers, watermains, and road access to service the lands of the draft plan, to the satisfaction of the Director of Development Engineering.

13. That prior to registration of the final plan of subdivision, the owner shall submit to the City, a cash security or letter of credit, to secure the construction of their proportionate share of the future road, including all above and below-ground works, from the south limit of Street O to the west limit of the lands of the draft plan, to the satisfaction of the Director of Development Engineering.
Public Health Services:

14. That prior to registration of the final plan of subdivision, 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.

Hamilton Conservation Authority:

15. That prior to registration, the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:

   a) All erosion and sediment control measures shall be installed, prior to development, and maintained throughout the construction process, until all disturbed areas have been re-vegetated;

   b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;

   c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

   d) All disturbed areas shall be re-vegetated with permanent cover immediately following the completion of construction.

16. That prior to registration, the applicant shall prepare and implement a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall address stormwater quantity and quality to current Provincial standards.

17. That prior to registration, the subdivision shall not proceed to construction until the stormwater management facility to service the site has been substantially completed.

18. That prior to registration, the stormwater management facility shall be dedicated to the City of Hamilton for ownership and maintenance.

19. That prior to registration, the applicant shall prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.
20. That prior to registration, the applicant shall prepare and implement a landscaping plan for the stormwater management facility, to the satisfaction of the Hamilton Conservation Authority.

21. That prior to registration, the applicant shall prepare and implement a tree preservation and landscaping plan for the area abutting Tiffany Creek Headwaters Environmentally Significant Area (ESA), to the satisfaction of the Hamilton Conservation Authority.

22. That prior to registration, the applicant shall install chainlink fencing, or some other acceptable type, in a location on the rear lot lines abutting the Tiffany Creek Headwaters ESA, to the satisfaction of the Hamilton Conservation Authority.

23. That prior to registration, the applicant shall obtain a permit from the Hamilton Conservation Authority (HCA), pursuant to our Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, prior to any development within the HCA’s regulated area.

**Canada Post:**

24. That prior to registration, the owner shall, to the satisfaction of the Director of Engineering of the City of Hamilton, and Canada Post:

   a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

   i) That the home/business mail delivery will be from a designated Centralized Mail Box.

   ii) That the developers/owners shall be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

   b) The owner further agrees to:

   i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.

   ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by Canada Post, to facilitate the placement of Community Mail Boxes.
iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility, at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor, or sheltered space.

**Development Planning:**

25. That prior to registration, the owner shall agree, in writing, that Blocks 34 and 35 be transferred in title to the owner of the lands to the east in order to ensure orderly and comprehensive development, to the satisfaction of the Director of Planning.

26. That prior to registration, the owner shall provide updated on-street parking plans in accordance with City policies for the draft plan of subdivision and Special Policy Area “C, to the satisfaction of the Director of Development Engineering and the Director of Planning.

27. That prior to registration, the owner shall investigate the noise levels on 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 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 Director of Planning.
28. That prior to registration, the owner shall undertake an Archaeological Assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, or soil disturbances shall take place on the subject property, prior to the approval by the Director of Planning and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

29. That the owner agrees Blocks 10 and 11 are to be merged into one Block to avoid the creation of a landlocked parcel, and that a 0.3m reserve be established to ensure orderly development, to the satisfaction of the Director of Planning.