SUBJECT: Applications for a Draft Plan of Subdivision Approval and for a Change in Zoning for Lands Located Within Part of Lot 51, Concession 3 (Ancaster) (PED06052) (Ward 12)

RECOMMENDATION:

(a) That approval be given to **Subdivision Application 25T-200501, Landmart Realty Corp., owner**, to establish a draft plan of subdivision to create 139 lots for single detached dwellings, 1 block for block or stacked townhouse dwellings, and 8 blocks for future single detached dwellings, on lands located within Part of Lot 51, Concession 3, as shown on Appendix “B” to Report PED06052, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06052, and the following:

(i) Acknowledgement by the City of Hamilton of its responsibilities for cost sharing with respect to this development for the following items:

1. The cost of oversizing the watermain, the extra width asphalt pavement and extra depth asphalt on Raymond Road;

2. The recreational trail through the Hydro One corridor, where possible, for the length of the subject lands; and,

(ii) Acknowledgement by the City of Hamilton that there is no requirement for parkland dedication in this phase of development as a result of the over-dedication within Phase 8 of the owner’s lands, and that the remaining over-dedication of 0.16 hectares of parkland will be applied as a credit towards the next phase of development by the owner,

all in accordance with the Financial Policies for Development, and the City's Parkland Dedication Policy, as approved by Council.
SUBJECT: Applications for a Draft Plan of Subdivision Approval and for a Change in Zoning for Lands Located Within Part of Lot 51, Concession 3 (Ancaster) (PED06052) (Ward 12) - Page 2 of 12

(b) That approval be given to Zoning Application ZAC-05-20, Landmart Realty Corp., owner, for a change in zoning from the Agricultural “A” Zone and the Residential, Holding “R5-525 (H)” Zone to the Residential “R4” Zone, Modified, the Residential “R5” Zone, Modified, and the Residential Multiple “RM4” Zone, Modified, in order to permit the use of the subject lands for 139 lots for single detached dwellings, 1 block for block or stacked townhouse dwellings, and 8 blocks for future single detached dwellings, on lands located within Part of Lot 51, Concession 3, as shown on Appendix “A” to Report PED06052, on the following basis:

(i) That Block 1 be rezoned from the Agricultural “A” Zone to the Residential “R4-519” Zone.

(ii) That Block 2 be rezoned from the Agricultural “A” Zone to the Residential Multiple, Holding “RM4-527(H)” Zone.

(iii) That Block 3 be rezoned from the Residential, Holding “R5-525(H)” Zone to the Residential, Holding “R4-519 (H)” Zone.

(iv) That Block 4 be rezoned from the Agricultural “A” Zone to the Residential, Holding “R5-525 (H)” Zone.

(v) That the Holding 'H' symbols applied to the subject lands under Section 36 of the Planning Act, not be removed until such time as the lands have been merged with adjacent lands to allow for a comprehensive development to occur.

(vi) That the draft By-law, attached as Appendix “C” to Report PED06052, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(vii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan for Ancaster.

(viii) That upon satisfying the condition of the 'H' symbol(s) and submitting the required fee, the Director of Development and Real Estate be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act, and to prepare a By-law, in a from satisfactory to the City Solicitor, to remove the 'H' symbol(s) for presentation to City Council.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The applicant has applied for the approval of a Draft Plan of Subdivision, (see Appendix “B”), and to change the zoning of the subject lands (see Appendix “A”) in order to permit the development of a total of 139 lots for single detached dwellings, 1 block for block or stacked townhouse dwellings, and 8 blocks for future development of single detached dwellings in conjunction with adjoining lands. A Holding ‘H’ symbol has been placed on the Blocks for future development and can be removed once land assembly with adjacent lands has occurred.

This proposal has merit and can be supported since the draft plan of subdivision and changes in zoning are consistent with the Provincial Policy Statement and they conform to the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan. The proposal is considered to be compatible with the existing and proposed development in the surrounding neighbourhood.

BACKGROUND:

Proposal

The purpose of these applications is for the approval of a draft plan of subdivision and to change the zoning of the subject lands in order to permit the following:

- 139 lots for single detached dwellings (Lots 1 to 139 on Appendix “B”).
- 1 block for block or stacked townhouse dwelling units (Block 140 on Appendix “B”).
- 8 blocks for future development of single detached residential dwellings in conjunction with adjoining lands (Blocks 141 to Block 148 on Appendix “B”).

The proposed lots for single detached dwellings range in lot frontages from a minimum of 12.2 metres to a maximum of 18.7 metres. Lot areas range from a minimum of approximately 400 square metres to a maximum of approximately 800 square metres.

Block 140 is intended to be developed comprehensively with the lands to the immediate east for townhouse dwellings. Based upon the Official Plan, a maximum density of approximately 46 units could be developed comprehensively on the two parcels. These lands have been placed in a Holding Zone until such time as they have been merged to allow for a comprehensive development to occur.

Blocks 141 to 148 are intended to be developed with the adjacent lands to the east for single detached dwellings. These blocks have been placed in Holding Zones until such time as they have been merged in title.

In order to implement the proposed draft plan of subdivision, the applicant has applied to change the zoning of the subject lands from the Agricultural “A” Zone and the Residential, Holding “R5-525(H) Zone to the following Zones:
• Residential “R4-519” Zone, (Lots 1 to 139 on Appendix “B”) and to the Residential “R4-519 (H)” Zone, (Blocks 141 to 143 and Block 148 on Appendix “B” and Block 3 on Appendix “A”) in order to permit single detached dwellings. It is noted that Block 3 on Appendix “A” does not form part of this draft plan of subdivision. It is included within the Paletta draft plan of subdivision and is required to be rezoned in order to be developed with Phase 9 lands. Paletta has agreed to having its parcel of land rezoned as part of this application.

• Residential Multiple “RM4-527 (H)” Zone, (Block 140 on Appendix “B”) in order to permit block or stacked townhouses.

• Residential, Holding “R5-525 (H)” Zone, (Blocks 144 to 147 on Appendix “B”) in order to permit single detached residential dwellings.

Staff has recommended that the Holding “H” symbols be placed on the blocks of land requiring land assembly and the applicant has agreed to this recommendation.

The applicant has requested the following modifications to the “R4” Zone, which permits single detached dwellings:

• To permit a maximum 45% lot coverage for one-storey and back-split single detached dwellings, whereas the Zoning By-law permits a maximum lot coverage of 35%.

• To permit a maximum 40% lot coverage for 2 storey single detached dwellings, whereas the Zoning By-law permits a maximum lot coverage of 35%.

• To permit a minimum front yard of 3.0 metres to the dwelling and a minimum of 6.0 metres to the attached garage, whereas the Zoning By-law requires a minimum front yard for both of 7.5 metres.

• To permit a minimum flankage side yard of 3.0 metres, whereas the Zoning By-law requires a minimum flankage side yard of 5.2 metres.

• To permit a maximum 60 centimetre “bump out” (alcove) for pantries, hutches etc. to be permitted as a yard encroachment, whereas the Zoning By-law does not permit alcoves to encroach into any required yard.

• To exempt single detached dwellings from the provisions of Schedule “C” of the Zoning By-law for lots developed on roads having an 18 metre right-of-way. Schedule “C” requires a 10 minimum metre setback from the centre line of the road, and in the case of an 18 metre R.O.W., an additional 1 metre is added to the minimum front yard and exterior side yard.
The applicant has also requested modifications to the “RM4” Zone, which permits block or stacked townhouses, in order to permit the following:

- To also permit stacked townhouses in accordance with the Residential Multiple “RM5” Zone,
- To permit a maximum density of 50 units per hectare, whereas the Zoning By-law permits a maximum density of 30 units per hectare,
- To require a minimum 3.0 metre landscaped strip between a “window road” and public street, whereas the Zoning By-law does not contain such a regulation.

The applicant has also requested modifications to the “R5” Zone, which permits single detached dwellings, in order to permit the following:

- To permit a maximum 45% lot coverage for one-storey and back-split single detached dwellings, and a maximum lot coverage of 45.2% for 2 storey semi-detached dwellings, whereas the Zoning By-law permits a maximum lot coverage of 40%.
- To permit a minimum front yard of 4.5 metres to the dwelling and a minimum of 6.0 metres to the attached garage, whereas the Zoning By-law requires a minimum front yard for both of 7.0 metres.
- To permit a minimum side yard for a corner lot of 3.0 metres, whereas the zoning By-law requires a minimum side yard for a corner lot of 5.2 metres.
- To exempt single detached dwellings from the provisions of Schedule “C” of the Zoning By-law for lots developed on roads having an 18 metre right-of-way. Schedule “C” requires a minimum 10 metre setback from the centre line of the road and in the case of an 18 metre R.O.W. an additional 1 metre is added to the minimum front yard and exterior side yard.

**Details of Submitted Application**

**Owner/Applicant:** Landmart Realty Corporation  
**Location:** Part of Lot 51, Concession 3  
**Description:** 
- Frontage: N/A  
- Depth: 675.96 metres (west side), and 577.52 metres (east side)  
- Lot Area: 10.056 hectares
EXISTING LAND USE AND ZONING:

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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td><strong>Subject Lands</strong></td>
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<td>Agricultural “A” Zone and Residential, Holding “R5-525 (H) Zone</td>
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<td>North</td>
<td>Vacant</td>
<td>Agricultural “A” Zone and Residential Multiple “RM6-489” Zone</td>
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<td>Vacant/Single Detached Dwellings/Agricultural</td>
<td>Agricultural “A” Zone</td>
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<td>East</td>
<td>Vacant</td>
<td>Institutional “I” Zone and Residential, Holding “R5-525 (H) Zone</td>
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<td>West</td>
<td>Vacant/Single Detached Dwellings</td>
<td>Agricultural “A” Zone</td>
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ANALYSIS/RATIONALE:

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

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

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

   (iii) It is considered to be compatible with the existing and planned development in the immediate area.

2. The applicant has requested the same modifications to the Zoning By-law that were recently approved for the applicants’ lands located to the immediate west (Meadowlands of Ancaster - Phase 8 draft plan of subdivision). Further, they have requested zoning that is the same (Residential, Holding “R5-525 (H) Zone, Block 4 on Appendix “A”) as that of the lands to the immediate east which were also recently draft plan approved (Paletta International). They have asked for this zoning since these lands will be sold to Paletta International to be developed with blocks of land in Paletta’s subdivision.
These modifications will allow for a desirable, appropriate and consistent form of development to occur on the subject lands. The reduction in minimum front yards and side yards and increased maximum lot coverage will aid in creating a compact urban form envisioned by the Meadowlands Neighbourhood IV Secondary Plan. The request to include “bump outs” (alcoves) for dining rooms for example, as yard encroachments, will allow the applicant to incorporate specific architectural design elements to be incorporated into their houses.

3. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland Policy and By-law, the application is subject to parkland dedication. The Secondary Plan includes a park, which is located on the applicant’s lands located to the immediate west. The applicant made an over-dedication of 0.66 hectares in Phase 8, which will be applied as a credit towards this phase of the development. The total area of this subdivision is 10.056 hectares and the 5% contribution would represent 0.50 hectares. Therefore, the applicant has still over contributed 0.16 hectares. It is noted that the Parkland Dedication Policy allows the Director of Development and Real Estate the authority to vary the application of the parkland credit policy where it would be fair, reasonable and just to do so. Therefore, since the applicant is developing other lands within Meadowlands Neighbourhood IV, it is appropriate for the 0.16 hectare excess dedication to be applied as parkland dedication to the owner’s further stages of development.

4. As a result of the preliminary circulation, staff received written comments from one land owner, Mr. Raymond Wilson. Mr. Wilson’s letter is attached as Appendix “E”. The concerns raised in the letter relate to Special Policy Area “B” Policies of the Secondary Plan, the Hydro corridor, fencing, and the expropriation of lands for the road crossings of the hydro corridor. Each issue is addressed individually.

**Special Policy Area “B”**

Mr. Wilson’s property (927 Garner Road East) is identified in the Meadowlands Neighbourhood IV Secondary Plan as Special Policy Area “B” and is located immediately south of the subject lands. Special Policy Area “B” states that as a condition of approval of any development within 120 metres of his property, future landowners are to be notified through a purchase and sale agreement of the potential of noise, odour and other nuisance effects from the livestock operation of Mr. Wilson. This requirement has been included as a draft plan condition (Development Planning Condition No. 17 in Appendix “D”) and will also be incorporated into the Subdivision Agreement.
Hydro Corridor

Mr. Wilson has a lease with Hydro One to farm the hydro corridor, which abuts the subject lands. In his letter, he has stated that in order for future roads to cross the hydro corridor, negotiations must occur with him. As a condition of approval of Phase 8, the applicant was required to acquire the portion of the Hydro Corridor required to extend roads across the corridor. Comments received from Hydro One on this application indicate that they have no objection in principle to this proposal. It is staff's understanding that the acquisition of these lands from Hydro is well under way.

Fencing

Mr. Wilson has requested that fencing be provided adjacent to his property and adjacent to the Hydro Corridor. It is noted that both the City and Hydro One, as a draft plan conditions (Development Engineering Condition 7 and Hydro One Standard Condition No. 3 both in Appendix “D”), require fencing on both sides of the hydro corridor. It is noted that fencing between private properties is the responsibility of those landowners.

Expropriation

Mr. Wilson has requested that he receive appropriate notice of expropriation of the lands for the future roads crossing the Hydro corridor. The applicant of Phase 8 will be required to fulfil all requirements of the purchase agreement of the lands from Hydro One.

5. In accordance with the City’s Sidewalk Policy, sidewalks will be provided on both sides of the streets for any Collector Road (Street “A”) and on one side of the street for all local roads (Streets B, C, D, E, and F on the draft plan of subdivision, Appendix “B”).

6. It is noted that the Tiffany Creek Headwater’s ESA is located to the north of the subject lands. An Environmental Assessment, Background Study for the Meadowlands Neighbourhoods 3, 4 and 5 was completed in February 2000. This EA established buffers from the ESA and was reviewed at the time by ESAIEG. All issues surrounding this ESA have been previously addressed and this proposal will not have any impact on the ESA. As a result, this application was not circulated to ESAIEG.

7. As a condition of approval (Condition No. 22 on Appendix “D”), the applicant is required to participate in the construction of a recreational trail, where possible, along the hydro corridor. The applicant has agreed to participate in this process with the Public Works Department. Details of the recreational trail will be determined through the City’s Trail Master Plan Study. The cost of trails, external to a subdivision, are covered by the City’s Development Charge Reserve.
8. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “D”, including the applicable City’s standard conditions of approval. Several special conditions will also apply, many of which have already been referenced in this report. In addition, conditions relating to payment for survey monumentation, required daylight triangles, and servicing costs have also been included.

**ALTERNATIVES FOR CONSIDERATION:**

The subject lands are zoned Agricultural “A” Zone and Residential, Holding “R5-525 (H)” Zone in the Ancaster Zoning By-law. Should these applications not be approved, the applicant could use these lands in accordance with these zones (i.e. agricultural uses, a single detached dwelling). It is noted that the block zoned Residential, Holding “R5-525 (H)” Zone could not be developed for single detached dwellings until such time as the ‘H’ is removed after land assembly has occurred.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial – Financial implications to the City are outlined under Recommendation (a) (i) of this Report. Funding for this cost-sharing is all from the City’s Development Charges reserve.

Staffing – N/A.

Legal – As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for a draft plan of subdivision and a change in zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

This application has been reviewed with respect to the Provincial Policy Statement (PPS) and it is consistent with Policy 1.1.1 (a), which focuses growth in urban areas. However, Policy 2.5.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. The applicant, as a condition of draft plan approval, will be required to conduct an archaeological assessment of the entire development property and mitigate, through the preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. This is addressed through Development Planning Standard Condition No. 10 in Appendix “D”.
The subject lands are designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through the Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the City to the year 2020. Therefore, as the nature of the applications is seeking amendments to the existing zoning to facilitate the development of a residential plan of subdivision and related facilities on full municipal services, this proposal conforms with the Hamilton-Wentworth Official Plan policies.

Town of Ancaster Official Plan

The subject lands are designated “Low Density Residential”, and “Medium Density Residential” on Map 1, Land Use Plan of the Ancaster Meadowlands Neighbourhood IV Secondary Plan.

The Policies applicable to this proposal are contained in Section 6.8.7, Design Policies, of the Secondary Plan. It is noted that Paragraph (j) requires that a traffic calming study be prepared for the Collector Road contained within this proposal. The traffic calming study prepared for Phase 8 also addressed Phase 9 and has been approved by Public Works. Therefore, Development Planning Condition No. 19 of Appendix “D” requires that the recommendations of the Traffic Calming Study be implemented in Phase 9.

Special Policy Area “B” of the Secondary Plan states the owner of land being developed within 120 metres of the lands known as 927 Garner Road East shall be required to advise future property owners, through an appropriate agreement, (i.e. purchase and sale agreement) that there may be odours, noise or other nuisance impacts associated with the keeping of livestock on 927 Garner Road East. This is addressed in Development Planning Condition No. 18.

The intersection of Street “A” and the extension of Raymond Road are identified in the Secondary Plan as a “Feature Intersection”. The applicant will be required to submit a Streetscape Plan addressing the treatment of this intersection (i.e. landscaping, design). This is addressed through Development Planning Standard Condition No. 17.

Staff has reviewed these applications against the Secondary Plan Policies and notes that this proposal conforms to the Secondary Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Objection

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Revenues Division, Corporate Services Department.
- Public Health and Community Services Department.
- The Hamilton-Wentworth District School Board.
SUBJECT: Applications for a Draft Plan of Subdivision Approval and for a Change in Zoning for Lands Located Within Part of Lot 51, Concession 3 (Ancaster) (PED06052) (Ward 12) - Page 11 of 12

Roads and Traffic Division, Public Works Department advised that, as a condition of draft plan approval, the applicant be required to construct a mini roundabout (traffic calming circle) at the intersection of Street "A" and Raymond Road. The applicant must submit engineering drawings that demonstrate the proposed mini roundabout design accommodates all road users and provides the necessary road allowance area for utilities.

This is addressed in Condition No. 19 of Appendix “D”.

Hydro One advised that they had no objections, in principle, to the proposed plan of subdivision, subject to certain conditions. These are included as Hydro One Standard Conditions 1 to 5 of Appendix “D”.

In addition, Hydro One advised that the Transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 6 metres to an energized 500 kV conductor. The distance for the 230 kV conductors is 4.5 metres and for the 115 kV conductors is 3 metres. It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower limits without warning, depending on the electrical demand placed on the line.

Bell Canada requests a draft plan condition requiring the developer to enter into a Letter of Undertaking for underground servicing. This issue is addressed through Bell Canada’s Standard Condition No. 1 of Appendix “D”.

Capital Planning and Implementation, Public Works Department advised that the draft plan approval is subject to the completion of the Municipal Engineers Association Municipal Class Environmental Assessment (EA) Process, including Phases 3 and 4 of the Class EA process, if required for Street “A” of the draft plan, to the satisfaction of the Director of the Capital Planning and Implementation Division. This condition has been included as Condition No. 24 in Appendix “D”.

Public Consultation

In accordance with the Public Participation Policy approved by Council on May 29, 2003, these applications were pre-circulated to all property owners (a total of 8) within 120 metres of the subject lands. Staff received correspondence from one landowner whose concerns are addressed under the Analysis/Rationale portion of this report. The letter is attached as Appendix “E”.
CITY STRATEGIC COMMITMENT:

By evaluating the "Triple Bottom Line", (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

The public has participated in this process as they were invited to submit comments as part of the pre-circulation of the applications to property owners with 120 metres of the subject lands.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

The proposed development does not impact on the adjacent ESA. (See item #6 of Analysis/Rationale for more detail).

Economic Well-Being is enhanced. ☑ Yes ☐ No
Existing services will be utilized

Does the option you are recommending create value across all three bottom lines?
☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
☐ Yes ☑ No

: PAM
Attachs. (5)
City of Hamilton

By-Law No. __________

To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Lands Located within Part of Lot 51, Concession 3

Whereas the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

And whereas the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the Town of Ancaster” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

And whereas the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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

And whereas the Council of the City of Hamilton, in adopting Section _______ of Report of the Planning and Economic Development Committee at its meeting held on the _______ day of ________, 2006, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

And whereas this by-law is in conformity with the Official Plan of the City of Hamilton (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. Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A” Zone to the:

   a) Residential “R4-519” Zone, for the lands comprised of Block “1”;
(b) Residential Multiple, Holding “RM4-527(H)” Zone, for the lands comprised of Block “2”; and

(c) Residential, Holding “R5-525(H)” Zone, for the lands comprised of Block “4”.

the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

2. Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Residential, Holding “R5-525(H)” Zone to the:

(a) Residential, Holding “R4-519 (H)” Zone, for the lands comprised of Block “3”.

the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

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

“R4-519” and “R4-519(H)”: Notwithstanding the provisions of paragraphs (c), (d) and (e)(ii) of Subsection 12.2, Regulations, of Section 12: Residential “R4” Zone, and Schedule “C” the following special provisions shall apply to the lands zoned “R4-519”

Regulations:

(a) Maximum Lot Coverage 45% for one storey and back split single detached dwellings and 40% for 2 storey single detached dwellings.

(b) Minimum Front Yard A minimum front yard of 3.0 metres to the dwelling and 6.0 metres to a garage shall be provided.

(c) Minimum Side Yard On a corner lot, the minimum side yard abutting a street shall be 3.0 metres.

(d) Holding Removal The Holding ‘H’ Symbol shall not be removed from the lands zoned “R4-519” until such time as the lands have been
merged on title with adjacent lands to the satisfaction of the Director, Development and Real Estate Division.

In addition to the Provisions of Section 7.12, Yard Encroachments, an alcove and similar architectural features, shall be permitted to project into any minimum yard a distance of not more than 60 centimetres.

3. That the amending By-law be added to Map 1 of Schedule B of the Ancaster Zoning By-law No. 87-57.

4. 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 , 2006.

__________________________________________  ____________________________________________
MAYOR                                       CLERK

ZAC-05-20
This is Schedule "A" to By-Law No. 06—

Passed the __________ day of ______________, 2006

Clerk

Mayor

Subject Property

Block 1 - Change from the Agricultural "A" Zone to the Residential "R4-519" Zone

Block 2 - Change from the Agricultural "A" Zone to the Residential Multiple, Holding "RM4-527(H)" Zone

Block 3 - Change from the Residential, Holding "R5-525(H)" Zone to the Residential, Holding "R4-519(H)" Zone

Block 4 - Change from the Agricultural "A" Zone to the Residential, Holding "R5-525(H)" Zone

Schedule "A"

Map Forming Part of

By-Law No. 06-

to Amend By-Law No. 87-57

Planning and Economic Development Department

Hamilton
CONDITIONS OF DRAFT APPROVAL

1. That this approval apply to the draft plan of subdivision, known as Meadowlands of Ancaster Phase 9, prepared by A.J. Clarke and Associates Ltd. and signed by B.J. Clarke, O.L.S. dated February 4, 2005, as shown on Appendix “B” to Report PED06052, showing a total of one hundred and thirty nine (139) lots for single detached dwellings (Lots 1 to 139), eight (8) blocks (Blocks 141 to 148) for future single detached residential lots, one (1) block (Block 140) for future block or stacked townhouse dwellings, and 5 (five) Blocks (Blocks 149 to 153) for 0.3 metre reserves. Streets “A” to “F” will be dedicated to the City as public highways.

2. That the following standard conditions from Appendix “A” to Report PD01184 – Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process, shall apply:

   (1) Development Engineering Condition Nos. 1, 2, 7, 13, 15, 16, 17, 21, 22, 23, 24, 25, 27, 29, 33, and 35.

   (2) Development Planning Condition Nos. 2, 3, 4, 5, 10, 12, 16, 17, 18, 20 and 21.

   (3) Bell Canada Condition No. 1.

   (4) Hydro One Condition Nos. 1 to 5.

Development Engineering

3. That the Owner agree in writing to satisfy all conditions, financial and otherwise, of the City of Hamilton prior to registration of any portion of the draft approved plan.

4. That the Owner agree in writing to convey such easements as may be required for utility or drainage purposes to the appropriate authority, by deed, prior to registration of any portion of the draft approved plan.

5. That the Owner agree in writing to terminate any dead-ends or open side of the road allowance created by registration of the final plan, with a 0.30 metre reserve(s) and to transfer these reserve(s) to the City, by deed.

6. That the Owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.
7. That the owner agree in writing to install a 1.5 m high chain-link fence along the common boundary of Meadowlands Phase 9 with the Hydro-One corridor.

8. That the Owner dedicates sufficient lands to the City of Hamilton in order to establish 12m x 12m daylight triangles on Raymond Road at the intersection of Street “A”, and sufficient lands from Block 140, for purposes of installing a traffic calming device, and dedicate the lands to the City by certificate on the final plan.

9. That where registration of a draft approved plan, or any portion thereof, results in the creation of lots which front onto a dead-end street of 45 metres or more in length, with no cul-de-sac bulb, then the Owner agree, in writing, to provide a temporary turn-around with sign and convey sufficient land and 0.30 metre reserves to the City, by deed, over the Owner’s lands and to provide securities for the removal of the turn-around and restoration of the effected area to the satisfaction of the Manager of Development Engineering. Further, that upon extension of the road in conjunction with future development and the temporary turning circle is no longer required the City is authorized to transfer the Block of land back to the adjacent lands for a consideration fee.

10. That the Owner agree in writing to erect a sign to the satisfaction of the City at any temporary turn-around created by registration of any portion of the draft approved plan indicating that the street will be extended in conjunction with future development.

11. That the Owner agree in writing to submit a Stormwater Management Report, prepared by a qualified professional engineer, to address how quality and quantity control criteria will be handled in accordance with the MOE Stormwater Management Planning & Design Manual – 2003 and the Meadowlands Neighbourhood 3, 4 and 5 Class Environmental Assessment Master Plan.

12. That the Owner agree in writing to install concrete sidewalks in the locations listed below:

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>“A”</td>
<td>Both sides, full</td>
<td>full length</td>
</tr>
<tr>
<td>“B”</td>
<td>South side only,</td>
<td>full length</td>
</tr>
<tr>
<td>“C”</td>
<td>West side only,</td>
<td>full length</td>
</tr>
<tr>
<td>“D”</td>
<td>South side only,</td>
<td>full length</td>
</tr>
<tr>
<td>“E”</td>
<td>North side only,</td>
<td>full length</td>
</tr>
<tr>
<td>“F”</td>
<td>North side only,</td>
<td>full length</td>
</tr>
</tbody>
</table>

13. That the Owner agree in writing that the final plan of subdivision shall not be registered until such time as an adequate storm sewer outlet is provided to the limit of the draft plan of subdivision.
14. That the Owner agree in writing to phase the subdivision to the satisfaction of the Manager of Development Engineering in a manner that a maximum 100 dwelling units proceed to registration until a second access is provided.

15. That the owner agree in writing that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the owner will submit a Hydrogeological report to the city, prepared by a qualified professional, to assess the impacts, provide recommendations to mitigate the groundwater impacts and to undertake the works as recommended including monitoring, to the satisfaction of the Manager of Development Engineering.

16. That the Owners provide sufficient back up information to confirm the adequacy of the proposed water distribution system in the absence of a proper looped system.

17. That the owner agree to submit a Streetscape Plan prepared by a qualified professional addressing treatment of the intersection of Raymond Road and Street “A”, with a minimum roundabout (traffic calming circle). Detailed Engineering drawings must be submitted that demonstrate that the mini roundabout design accommodates all road users and provides the necessary road allowance area for utilities to the satisfaction of the Manager, Development Engineering and the Manager, Operations and Maintenance Division, Public Works Department.

**Development Planning**

18. That the owner agree to provide notice, through a purchase and sale agreement with all future residents located within 120 metres of the lands known as 927 Garner Road East, of the potential for odour, noise and/or other nuisance impacts associated with the keeping of livestock on the aforementioned lands. A warning clause shall also be provided to this effect in the subdivision agreement.

19. That the owner implement the recommendations of the approved Traffic Calming Study, namely a roundabout at Street “A” and Raymond Road, and to include bump out/curb extensions on Street “A” at Street “F” and on Street “A” at Street “D” as shown on the final engineering drawings, to the satisfaction of the Manager of Development Engineering and the Manager, Operations and Maintenance Division, Public Works Department.

20. That the owner agrees that Blocks 140 to 147 be deemed unbuildable until such time as they are merged in title with the lands to the east.
21. That the owner agrees that Lots 64 to 66 and Block 148 not be registered as individual lots until such time as they have frontage on a road having a full road allowance width of 18 metres.

Open Space Development and Park Planning – Public Works Department

22. The owner shall design and construct a recreational trail through the Hydro One corridor, where possible, for the length of the owner's property, to the satisfaction of the Director of Capital Planning and Implementation, Public Works. The design and tender drawings shall include a cost estimate for the works, and shall be prepared by a full member, in good standing, of the Ontario Association of Landscape Architects (OALA), and be approved by the Director of Capital Planning and Implementation, Public Works. Design drawings and estimates will include grading plans, layout, and construction details, as required. The trail shall be 4 metres in width, of granular “D”, as per Public Works standards, with a maximum slope of 8%, located approximately in the middle of the corridor, where grades and space permit. The owner shall arrange and negotiate, to the City's satisfaction, any required agreements with Hydro One, on behalf of the City of Hamilton. The trail shall provide linkages to, where possible, stormwater management ponds, school, and park blocks, to the satisfaction of the Director of Capital Planning and Implementation, Public Works. All costs associated with this recreational trail shall be paid for, or credited through, the City’s Development Charge Reserve. This recreational trail shall be shown on the land use plan of subdivision.

Hydro One

23. Should the approval for a road crossing of the hydro corridor be granted, the subdivider shall then make arrangements satisfactory to The Management Board of Cabinet (MBC) / Hydro One Networks Inc. (HONI) for the dedication of the proposed road allowance to the City of Hamilton. Access to and road construction on the MBS/HONI transmission corridor shall not occur until the legal transfer(s) of lands or interests are completed.

Strategic and Environmental Planning - Public Works Department

24. That the owner agree to complete the Municipal Engineer’s Association Municipal Class Environmental Assessment (EA) Process, including Phases 3 and 4 of the Class EA Process, if required for Street “A”, to the satisfaction of the Director of the Capital Planning and Implementation Division.
March 30, 2005

City of Hamilton,
Planning and Development Dept,
City Hall, 71 Main St. West,
Hamilton, Ont.
L8P 4Y5

Attn: Mr. Paul Moore

Dear Mr. Moore:

I have received the notice of Draft Plan of subdivision Application by Landmart Realty Corp. of Hamilton. on part of Lot 51
Concession 3 in the former Town of Ancaster.
There are some items which will need to be dealt with.

1. Special Policy Area “B”

In referring to the Special Policy Area, I bring your attention to my livestock operation on the adjacent property. All future property owners within the prescribed distance must be advised through appropriate agreement regarding the impacts of the neighbouring livestock operation.

2. Hydro corridor

Please be advised that either the Municipality or the Applicant will have to negotiate with myself for the ending of the registered
lease which I hold with Hydro One. This will have to happen before approval of the plan can be accomplished and the placement of roads across the Hydro property.

① Fencing

Adequate fencing will be necessary along my property line. This must be applied and installed by the Applicant at no cost to myself. Fencing will also be necessary on both sides of the Hydro corridor at no cost to myself or Hydro One should negotiations for ending the lease with Hydro One not happen.

② Expropriation

I will be in need of adequate notice for the expropriation of land for roads necessary to accommodate access to the planned property.

I would appreciate receiving copies of staff reports prior to any meetings held for this application.

I trust these items will be dealt with to my satisfaction.

Yours truly,

Raymond Wilson

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

(905) 648-4898