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

COMMITTEE DATE: September 21, 2010

SUBJECT/REPORT NO:
Applications for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57, the City of Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision, for the Lands Located at 435 Garner Road East (Ancaster) (PED10186) (Ward 12)

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

PREPARED BY: Joe Muto  
(905) 546-2424, Ext. 7859

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-07-031, by Ontario Realty Corporation**, to amend Map “1” of the Garner Neighbourhood Road Secondary Plan from: “Low Density Residential 1” to “Medium Density Residential 1” and “Medium Density Residential 2”, and from “Low Density Residential 2” to “High Density Residential” and “Public Elementary School”, for the lands located at 435 Garner Road East (former Town of Ancaster), in the City of Hamilton, as shown on Appendix “A” to Report PED10186 on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “I” to Report PED09186, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
(b) That approval be given to Official Plan Amendment No. [Redacted], to modify the Urban Hamilton Official Plan to amend Map B.2.3-1, the Garner Neighbourhood Secondary Plan, from “Low Density Residential 1” to “Institutional” and “Medium Density Residential 2b”, from “Low Density Residential 1a” to “Low Density Residential 2c”, and from “Local Commercial” to “Mixed-Use - Medium Density”, for the lands located at 435 Garner Road East (former Town of Ancaster), and should Council’s decision on the amendment occur prior to the final decision on the Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include these amendments in the Official Plan and defer them until the Official Plan Amendment to the Town of Ancaster Official Plan is final and binding.

(i) That the draft Official Plan Amendment, attached as Appendix “J” to Report PED09186, be adopted by City Council.

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

(c) That approval be given to Amended Zoning Application ZAC-07-105, by the Ontario Realty Corporation, Owner, for changes in zoning to Ancaster Zoning By-law No. 87-57 from the Agricultural “A-216” Zone to: the Residential “R5-601” Zone, with a Special Exception (Block 1); the Residential “H-R5-601” Holding Zone, with a Special Exception (Block 2); the Residential “R4-602” Zone, with a Special Exception (Blocks 3 and 4); the Residential “R4-608” Zone, with a Special Exception (Blocks 5 and 6); the Residential “H-R4-608” Holding Zone, with a Special Exception (Block 7); the Residential “R4-609” Zone, with a Special Exception (Block 8); the Residential Multiple “RM2-604” Zone, with a Special Exception (Block 9); the Residential Multiple “H-RM2-604” Holding Zone, with a Special Exception (Block 10); the Residential Multiple “H-RM6-603” Holding Zone, with a Special Exception (Blocks 11 and 12); the General Commercial “H-C3-610” Holding Zone, with a Special Exception (Block 13); and by incorporating additional lands into By-law 05-200 to be zoned Conservation/Hazard (P5) Zone (Block 14); Neighbourhood Park (P1) Zone (Block 15); and Neighbourhood Institutional (I1, H42) Holding Zone (Block 16), on lands municipally known as 435 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED09186, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED10186, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “B”, Map No. 1, of Zoning By-law No. 87-57.
(iii) That the draft By-law, attached as Appendix “E” to Report PED10186, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map Nos. 1283, 1335 1336 and 1388, of Zoning By-law No. 05-200.

(v) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Town of Ancaster upon finalization of Official Plan Amendment No.

(d) That approval be given to **Amended Draft Plan of Subdivision Application 25T-200725 by the Ontario Realty Corporation, Owner**, to establish a draft plan of subdivision, on lands located within Part of Lot 46, Concession 3, in the Former Geographic Township of Ancaster (435 Garner Road East), as shown on Appendix “B” to Report PED10186, subject to the following conditions:

(i) That this approval apply to Draft Plan of Subdivision, 25T-200725, prepared by GSP Group Inc., and certified by Bennett Young Limited, OLS, dated November 10, 2009, and revised July 27, 2010, showing 166 lots for single-detached dwellings (Lots 1-166), two blocks for 52 townhouses units (Blocks 167 to 173), two blocks for future residential (Blocks 174 and 175) for a total of one single-detached dwelling, two blocks for a total of 49 apartment units (Blocks 176 and 177), one block for a total of 94 units for mixed-use commercial/residential (Block 178), one block for an elementary school (Block 179), one block for a neighbourhood park (Block 180), two blocks for stormwater management (Blocks 181 and 182), two blocks for open space/conservation (Blocks 183 and 184), two blocks for future road access (Blocks 185 and 186), and the creation of 4 streets (Streets “A”, “B”, “C”, and “D”), attached as Appendix “B” to Report PED10186, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “C” to Report PED10186;

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City’s Development Charge Reserve with respect to this development for the following items:

(1) That the City agrees to pay for the stormwater management facilities from an approved Capital Budget Source;
That the 2009 Development Charge Background Study identifies a combined value for both facilities to an upset limit of $952,323.00, including lands, construction engineering, and inspection fees;

(2) That the City agrees to pay its share of costs for the construction of surface and underground works required along the stormwater management facility frontage, which is greater than 8.0m where the additional frontage beyond 8.0m is mandated by the City. For surface works, the City share shall be based on the New Road Servicing Rate;

(3) That the City agrees to pay its share of costs for the construction of surface and underground works required along the park frontage (Block 180). For surface works, the City share shall be based on the New Road Servicing Rate;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan of subdivision.

With regard to Lots 1 - 166 and Block 175 (Single-Detached Residential), a parkland dedication at a ratio of 5% will be required.

With regard to Blocks 167 - 173 and Block 174 (Street Townhouse), a parkland dedication at a ratio of 1 ha of the net land area for each 300 dwelling units proposed will be required.

With regard to Blocks 176 - 177 (Medium Density Residential Apartments), a parkland dedication at a ratio of 0.6 ha of the net land area for each 300 dwelling units proposed will be required.

With regard to Block 178 (Mixed-Use), a parkland dedication at a combined rate of 2% of the land is to be developed for commercial purposes, and depending on the number of residential units proposed, a required parkland dedication at a ratio of 1 ha of the net land area for each 300 dwelling units proposed will be required if the residential density is between 20 and 75 units per hectare or at a ratio of 0.6 ha of the net land area for each 300 dwelling units proposed if the residential density is greater than 120 units per hectare.

The total net Cash-in-Lieu payment will be calculated based on the gross Cash-in-Lieu payment minus a credit for the dedication of Block 180 (park block), as shown on the Final Plan of Subdivision.
all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

**EXECUTIVE SUMMARY**

The purpose of the applications is for an Official Plan Amendment, changes in zoning, and draft plan of subdivision in order to permit the development of the subject lands for a mix of residential uses and mixed-use development through a proposed draft plan of subdivision (see Appendix “B”). The draft plan proposes an open space block (existing creek), two stormwater management blocks, one elementary school block, and one neighbourhood park block to be built in conjunction with the existing block to the east. The residential mix will allow for a gradation of low to medium density residential uses to the north, with a mix of apartments and ground floor commercial uses to the south, for a total maximum of 361 units.

The proposal has merit and can be supported as the changes in the Official Plan, the Zoning By-law, and the Draft Plan of Subdivision are consistent with the Provincial Policy Statement and Places to Grow Plan, and conform to the Hamilton-Wentworth Official Plan. The Official Plan Amendment (OPA) is required so as to increase and broaden the range of uses, densities, and lot sizes, as well as unit types, which will involve mapping and policy changes to the Official Plan (see Appendix “I”). The OPA will facilitate the development, as outlined in the Draft Plan of Subdivision and implementing Zoning By-law. The new Urban Official Plan policies are discussed below, as well as the alternatives related to timing of Ministerial Approvals.

**Alternatives for Consideration - See Page 39.**

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)**

**Financial:** The City’s responsibility for cost-sharing is set out in Recommendation (d)(ii).

**Staffing:** N/A.

**Legal:** As required by The Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an amendment to the Official Plan, the Zoning By-law, and approval of a Draft Plan of Subdivision.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

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

HISTORICAL BACKGROUND (Chronology of events)

Proposal

Applications for Official Plan Amendment, Zoning By-law Amendment, and draft plan of subdivision where accepted by the City on January 21, 2008. Those applications proposed a total of 653 residential units, which included a mix of apartments, single-detached, semi-detached, and street townhouse units.

The subject lands are located at the southeast corner of the King’s Highway No. 6 (South) Off-Ramp, at the King’s Highway No. 403, in the City of Hamilton (former Town of Ancaster) (see Appendix “A”). The lands comprise an area of approximately 22 hectares (54 acres), and are irregularly shaped with approximately 144 metres of frontage along Garner Road East. The lands are currently vacant, with a watercourse (Ancaster Creek) traversing the centre of the property from east to west. The easternmost tip of the lands abuts the municipal right-of-ways of John Fredrick Drive and Annalee Drive. South of those roadways, the subject lands will also incorporate additional connections to Bookjans Drive and Gregorio Avenue in the new residential development to the east, known as the “Southcote Woodlands” Subdivision, that was draft approved on March 30, 2005, and subsequently registered on February 19, 2009.

The recently constructed “Southcote Woodlands” residential subdivision contains a range of single-detached and street townhouse units, totalling 153 units, on approximately 7 hectares of land. The other remaining 7 hectares of the development also includes blocks for a park, open space, and a sanitary pumping station.

The purpose of the subject applications is to redesignate and rezone the lands to accommodate the proposed development identified in the draft plan of subdivision. As mentioned above, the original submission proposed a total of 653 residential units, which included a mix of apartments, single-detached, semi-detached, and street townhouse units. In November, 2009, a second draft plan submission was made, and revised to show 568 units in order to accommodate technical and planning concerns which arose through the review of the applications.

In 2010, the plan was further revised for a third time, in order to consider and incorporate connectivity with the existing residential neighbourhood, as well as the vacant block to the southwest. The plan was also revised to address on-street parking standards, the proposed school block, as well as urban design standards to address the medium/high density residential and mixed-use blocks. A total of 493 units were proposed.

The current draft plan of subdivision is the fourth submission, and was prepared to address stormwater management concerns. Two proposed stormwater management ponds were enlarged, thereby reducing the total unit yield from the original submission.
by 290 units. Each submission of the revised draft plan maintained the required blocks for the elementary school, open space blocks, stormwater management facilities, and a neighbourhood park, the only difference being the configuration of those boundaries based on the technical review and recommendations of the reports and studies submitted. The current draft plan identifies a total of 361 units, and is broken down into the following: 166 units for single-detached dwellings, 52 units for townhouses, 49 units for walk-up apartments, 94 units in the mixed-use commercial/residential block, and 2 blocks for future residential development (see Appendix “B”).

Location: 435 Garner Road East (see Appendix “A” - attached)

Owner: Ontario Realty Corporation

Property Description:
- Frontage: 144.14 metres
- Depth: 1,036 metres
- Flankage: 953.51 metres (Along Hwy. No. 6 S Off-Ramp)
- Lot Area: 22,046 hectares (54.47 acres)

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</td>
<td>Agricultural “A-216” Zone</td>
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| Surrounding Lands: | | |
|-------------------|-------------------|
| North | King’s Highway No. 403 | Agricultural “A-216” Zone |
| South | Farmland | Agricultural “A” Zone |
| East | Existing Single-Detached Residential/Open Space/Woodlot and Future Residential | Public Open Space (O2) Zone, Agricultural “A-216” Zone, and Residential “R4-514” Zone |
| West | King’s Highway No. 6 Off-Ramp | Agricultural “A-216” Zone |
POLICY IMPLICATIONS

Provincial Policy Statement

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

Policy 2.6.2 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. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. An Archaeological Study has been completed and reviewed by both the Ministry of Culture and the City of Hamilton. No further concerns exist, and the applicant has satisfied archaeological interests.

Additionally, Policy 1.1.1(c) outlines that healthy, liveable, and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Furthermore, Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use, such that there will be no adverse effects.

As indicated by the applicant under Section 4.10 of the application, the subject lands may have been contaminated. As such, an Enhanced Phase 1 Environmental Site Assessment (ESA) and remediation has been undertaken. It is recommended that the owner/applicant be required to file a Record of Site Condition (RSC) with the Ministry of the Environment to address this concern. This has been addressed through a draft plan condition (see Appendix “C” - Special Condition 6).

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to Highway 403/Highway No. 6 Off-Ramp, a noise assessment was prepared and submitted to the City. As a condition of draft plan approval, the applicant will be required to submit and implement an additional Noise Study (see Appendix “C” - Special Condition 5).
As the nature of the application is for the creation of a draft plan of subdivision for complete neighbourhood land uses, the proposal is consistent with the policies of the Provincial Policy Statement, subject to the applicable proposed conditions of draft plan approval.

Places to Grow

The Places to Grow Plan is more formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005 by the Province of Ontario. The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity. This development proposal will meet the general intent of the Places to Grow Plan, in that it is a designated Greenfield area within the built boundary, and provides for development that contributes to creating a complete community. The applications meet the general intent of the Places to Grow Plan.

Hamilton-Wentworth Official Plan

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

Policy B-9.2 of the Plan states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and re-development. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As mentioned above, no further archaeological concerns exist.

Policy B-2.3 states that the identification of contaminated sites is essential. Redevelopment must not occur until it has been demonstrated that a proposal will not put people in significant risk. Based on information provided at the time of the application, there is potential for on-site contamination due to previous uses of the subject lands. An Enhanced Phase 1 Environmental Site Assessment was prepared by The Thompson Rosemount Group Inc., and submitted with the applications. The study identified evidence of potential environmental concerns on the subject lands that may contribute to soil and groundwater contamination. As mentioned above, the applicant will be required to file a Record of Site Condition (RSC) with the Ministry of the Environment, and the City’s required RSC administration fee, to address this concern (see Appendix “C” - Special Condition 6). The proposal conforms to the policies of the Hamilton-Wentworth Official Plan.
Town of Ancaster Official Plan


Garner Neighbourhood Secondary Plan


The Secondary Plan identifies that more innovative housing types, zoning standards, and subdivision designs shall be encouraged. This proposal meets this objective given the subdivision design and proposed development regulations. An Official Plan Amendment is required to recognize and allow greater flexibly to the policies as it pertains to densities, height, and lot frontages. These changes are discussed in further detail below in the Analysis/Rationale for Recommendation section of this Report.

The Secondary Plan policies note that plans of subdivision shall refine the location, size, and shape of the site for community facilities as it relates to Public Elementary Schools, neighbourhood parks, and open space walkways. The Plan also requires that there should be minimal impact from these facilities onto adjacent residential uses, and that this can be achieved through the use of building setbacks, visual screening, planting, fencing, and other forms of buffering, where appropriate. To implement these policies, conceptual massing plans have been submitted by the applicant (see Appendices “G” and “H”), and further elaborated on this matter in the Planning Justification Report, prepared by GSP Group Inc. (dated July 16, 2010). The proposed design concepts, in relation to the justification text provided, have been reviewed, and are supported by Planning staff. Both the proposed Public Elementary School block and the proposed Neighbourhood Park have been configured appropriately and meet the Secondary Plan policies, and the implementing By-law also ensures that these facilities provide an appropriate level of buffering. This will be further reviewed at the Site Plan Stage for the school block. The School Policies of the Secondary Plan specify that the Public Elementary School (PES) shall be located on a site having a minimum lot area of 2.5 hectares within a planned elementary school/neighbourhood park complex. The draft plan of subdivision identifies the PES Block to be 2.692 hectares, and abuts the open space system/park blocks. The Hamilton-Wentworth District School Board has reviewed the draft plan and has no concerns with respect to the configuration of the school block.
The Secondary Plan policies for Open Space and Parks specify that the Garner Neighbourhood shall include a neighbourhood park, elementary school playfields, pedestrian walkways, and the Ancaster Creek and wooded areas. The draft plan of subdivision complies with these requirements (see Appendix “B”). The Secondary Plan policies require that the east part of the Garner Neighbourhood have a neighbourhood park of approximately 2.5 hectares established in a complex along with a PES. The subdivision to the east of the subject lands identifies a partial park block of approximately 0.71 hectares, and the subject draft plan identifies the neighbourhood park block at 0.820 hectares, for a total of 1.53 hectares, the PES block is approximately 2.675 hectares, and the Ancaster Creek block, identified as open space/conservation, is identified at 0.641 hectares. In total, the open space school and park blocks are 4.846 hectares and, therefore, meet the intent of the Plan.

In accordance with the City’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, parkland dedication is to be calculated on the following basis:

“a. In the case of lands to be developed for residential purposes:

   i. At a density less than 20 units per hectare, dedication of land in the amount of five percent (5%) of the Net land area to be developed or redeveloped;

   ii. At a density of 20 units per hectare to 75 units per hectare, dedication of land at a rate of 1.0 hectare of the Net land area for each 300 dwelling units proposed, except for street townhouse dwellings, which shall be at a land dedication rate of 0.6 hectare of the Net land area for each 300 dwelling units proposed;

   iii. At a density of 75 units per hectare to 120 units per hectare, dedication of land at a rate of 0.6 hectare of the Net land area for each 300 dwelling units proposed;

   iv. At a density greater than 120 units per hectare, dedication of land at a rate of 0.5 hectare of the Net land area for each 300 dwelling units proposed;

   v. Notwithstanding Clause ii., a maximum land dedication of five percent (5%) of the Net land area will apply to developments of single and semi-detached lots, duplexes, and a maximum of two (2) apartment dwellings above a commercial use.”

The applicant is dedicating approximately 0.820 hectares of parkland to the City of Hamilton, which constitutes a dedication of 4.4% of the total area (save and except the open space and stormwater managements blocks). As such, there would be an under-dedication of land to the City of Hamilton for park purposes pursuant to the City’s
Parkland Dedication and Cash-in-Lieu of Parkland By-law. However, the final parkland dedication requirements can only be determined once the final details of development are known because the draft plan of subdivision is comprised of apartments and commercial units. In this regard, payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan. The calculation of the Cash-in-Lieu payment shall be based upon the unit count, as shown on the Final M Plan, and the maximum permitted density on Blocks 176, 177, and 178. A credit against the total Cash-in-Lieu payment will be given for the dedicated park block.

The Secondary Plan Environmental Policies require that the Ancaster Creek floodplain and wooded areas, which contain significant natural features, be protected. The applicant has completed the appropriate studies, identified the boundary of the Creek with the regulated floodplain area on the draft plan, and provided for connectivity to the wooded area on the “Southcote Woodlands” Subdivision. The school and part of the neighbourhood park abut the significant woodlot in the “Southcote Woodlands” Subdivision. As a result, a special condition has been included to require a minimum 10 metre buffer along the dripline of the woodlot to preserve the root system, and that this buffer is to be dedicated to the City (see Appendix “C” - Special Condition 2). The Garner Neighbourhood Master Drainage Plan identified the requirement for new development to maintain a minimum 15 metre wide fisheries buffer, measured horizontally from both sides of the channel bank of the Ancaster Creek. The Open Space and Conservation Area (Blocks 183 and 184) will incorporate this buffer. Staff has reviewed the fisheries buffer and is satisfied with the 15 metres identified in the draft plan.

Section 6.4.6.3 (Noise Policies) of the Secondary Plan specifies that no development shall occur within one kilometre of the King’s Highway 403 until an acoustical study has been prepared by a qualified professional. The applicant submitted an Acoustical Study with the applications. The City of Hamilton and the Ministry of Transportation (MTO) have reviewed the study and, in principle, are satisfied that noise can be mitigated. However, an addendum is required to the study to reflect the City’s and MTO’s comments regarding the materials for the fence. In this regard, a condition of draft plan approval has been included to address this (see Appendix “C” - Special Condition 5). To achieve an acceptable noise level, a noise fence or a combination landscaped earth berm/noise fence, is required to be constructed. Noise fences shall generally be 1.8 metres in height, except where alternative arrangements have been made with the public body responsible for the roadway (MTO), as per the Secondary Plan. In this regard, the combination wood noise fence and berm, the height of the fence, as well as the location of the earth berm, are the subject of the addendum. The applicant, in discussions with the City and MTO has, in principle, resolved this issue, but a formal addendum to the Noise Study is required. In this regard, a Special Condition (see Appendix “C” - Special Condition 7) has been included to advise purchasers/residents of noise mitigation measures and potential increased levels of noise.
Section 6.4.7.1 identifies policies related to archaeological resources, and that where there is a demonstrated potential for the presence of additional significant sites, an Archaeological Assessment is required to protect those potential resources. The applicant has provided an Archaeological Assessment of the subject lands. The assessment has been reviewed by the City of Hamilton and the Ministry of Culture, and all archaeological concerns have been satisfied.

Based on the foregoing, staff is of the opinion that, if approved, the proposal would conform to the policies of the Town of Ancaster Official Plan and the Garner Neighbourhood Secondary Plan, however, an OPA is required to recognize changes to the designations.

**Urban Hamilton Official Plan**

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect. The New Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E” Urban Structure. Furthermore, the lands are designated as “Public Elementary School”, “Low Density Residential 1”, “Low Density Residential 1a”, “Low Density Residential 2a”, “Medium Density Residential 2b”, “Local Commercial”, “Natural Open Space”, “Neighbourhood Park” and “Stormwater Management” in the Garner Neighbourhood Secondary Plan Land Use Plan Map B.2.3-1. The Secondary Plan policy requirements for the Garner Neighbourhood in the New Urban Official Plan are consistent with those in the Town of Ancaster Official Plan and, as such, the application meets these provisions. Once the Official Plan Amendment in Recommendation (b) is final and binding, the New Hamilton Official Plan designations for the subject lands will be updated.

The Urban Hamilton Official Plan has been sent to the Ministry of Municipal Affairs and Housing for approval. Once a final decision is given by the Province, the Official Plan can no longer be modified by way of Council resolution, but requires a formal amendment process pursuant to the Planning Act.

**City of Hamilton Staging of Development**

The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies with the land use policies of the Town of Ancaster Official Plan. The applications have been identified in the staging plan with a 2010 draft approval date.
Traffic Engineering and Operations Section, Operations and Maintenance Division, has advised that the Traffic Impact Study which was prepared for this application must receive final approval from the Manager of Traffic Engineering. They further advise that the Traffic Study indicates that traffic signals at the intersection of Garner Road East and King’s Highway No. 6 South Off-Ramp are warranted. The Study also advises that a traffic signal is warranted at the intersection of Garner Road East and John Frederick Drive Extension at ultimate build out, and the details of that intersection design will further be identified once the Garner Road East/Rymal Road West - Hwy. 6 New Interchange to West 5th Street, Municipal Class EA, Phases 3 and 4, has been completed. In this regard, a draft plan condition shall be imposed that addresses this requirement, including costs to be secured, for the future design and construction of traffic signal control (see Appendix “C” - Special Condition 28). They further advise that John Frederick Drive is to function as a collector road, with traveled lanes 4.25 metres in width to accommodate shared use with cyclists. For intersection design purposes, they will require a 26 metre right-of-way, with 2 metre sidewalks, from Garner Road East to Bookjans Drive. They have also advised that from Bookjans Drive, northerly, a 20 metre ROW, with 1.5 metre sidewalks on both sides, shall be required. The provision of shared use lands will require the implementation of “No Parking” restrictions on John Frederick Drive. These concerns have been addressed through draft plan conditions (see Appendix “C” - Special Conditions 28 to 33).

Forestry and Horticulture Section, Operations and Maintenance Division, has advised that an assessment of the Tree Protection Plan, dated August 6, 2008, and submitted on behalf of the Ontario Realty Corporation for their development proposal, has addressed all Municipal Urban Forestry concerns. The removal of any municipal trees or stumps will be the responsibility of the owner and shall be removed during the construction process. All possible protective measures for trees 5, 6, 9, and 11 shall be fully implemented, as indicated in the policy, before work may commence and not be removed until its completion. The Forestry Planning and Protection Coordinator must be contacted to conduct a site review of the completed Tree Protection Zones (TPZ) before grading may commence. The determination of ownership of all borderline trees is the responsibility of the owner, and any civil issues which may exist between property owners with respect to trees must also be resolved by the owner. They further advise that the only item of note which is missing is a TPZ detail, as per the Tree Preservation and Protective Measures for Trees Affected by Construction Policy. The Tree Protection is adequately described in the text, but the addition of a TPZ detail would be helpful to any future owner, perspective developer, or builder of the subject lands. As a result, a condition has been included in the draft plan conditions (see Appendix “C” - Special Condition 1).
Ministry of Transportation (MTO) has advised that they have agreed with the placement of the configuration of the proposed noise wall along the Kings’ Highway No. 6 ROW. The noise wall will be placed entirely inside of the Ontario Realty Corporation (ORC) managed property (i.e. the lands subject to the applications). The noise wall will be constructed in a manner consistent with the berm detail provided by MTE Consultants on behalf of ORC. The ORC will be permitted to re-grade a portion of the Highway No. 6 ROW to accommodate the noise wall. MTO further advises that ORC has agreed to place the future stormwater management ponds outside of the 14.0 metre MTO setback entirely within the subject lands. Through this latest submission, the ponds have been located outside of the 14.0 metre setback, and the noise related concern has been addressed through a draft plan condition (see Appendix “C” - Special Condition 5).

Hamilton Conservation Authority (HCA) has advised that the applicant is proposing to subdivide the subject lands, located on the north side of Garner Road East, east of King’s Highway No. 6, and south of King’s Highway No. 403, to permit a mix of residential uses consisting of 166 single-detached dwellings, 7 blocks of townhomes (Blocks 167-173), 2 blocks (Blocks 174 and 175) for future residential; 2 medium density residential blocks (Blocks 176 and 177); 1 mixed-use block (Block 178) for medium density residential and commercial; 1 school block (Block 179) for a Public Elementary School; 1 neighbourhood park block (Block 180); 2 stormwater management blocks (Blocks 181 and 182); 2 Conservation/Hazard Land blocks (Blocks 183 and 184); 2 road access blocks (Blocks 185 and 186); and 1 0.3m reserve (Block 187).

The subject property is traversed by a tributary of Ancaster Creek, a coldwater watercourse. In conjunction with the proposal to develop the site as a residential subdivision, a site walk with the applicant’s former consultant, Weston Consulting Group, and staff from the City of Hamilton and the HCA, was undertaken in August, 2007. At that time, HCA staff indicated that new development would have to be located above the Regional Storm flood elevation, with the exception of the two proposed stormwater management ponds that had to be located above the 100 year flood level, as indicated in the December, 2005, Garner Neighbourhood Master Drainage Plan (MDP), prepared by Philips Engineering. HCA staff identified the MDP’s requirement for new development to maintain a minimum 15 metre wide fisheries buffer, measured horizontally from both sides of the channel bank of Ancaster Creek. City and HCA staff requested that an updated floodplain analysis be undertaken, and a Tree Preservation Plan and a Functional Servicing Report be prepared and submitted to our respective agencies for review and approval.

Subsequently, the HCA has received and reviewed a Tree Protection Plan, prepared by Howes-Jones and Associates Inc. and Shaheen & Peaker, dated August 6, 2008; a Preliminary Geotechnical Investigation, prepared by Shaheen & Peaker Limited, dated December, 2007; and several stormwater management submissions, the latest being the Functional Servicing Study Addendum, prepared by MTE, dated July, 2010. The HCA

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previously had a concern with a portion of Bookjans Drive being located below the Regional Storm flood level, however; this issue has been resolved through a proposed minor fill placement and adjustment of the floodplain. As such, we note that the Draft Plan of Subdivision, prepared by GSP Group, revision date July 27, 2010, now satisfactorily addresses our requirements, whereby all new development will maintain the minimum 15 metre development setback from the watercourse channel (with the exception of John Fredrick Drive, which crosses over Ancaster Creek); all of the residential lots and blocks, including the school block (Block 179) and the park block (Block 180), which will be located above the Regional Storm floodplain; and the two stormwater management facilities (Blocks 181 and 182) will be located outside the floodway, above the 100 year flood level, leaving the non-developable watercourse channel and buffer areas and floodplain lands being contained within proposed Open Space (Blocks 183 and 184).

As the subject property is traversed by Ancaster Creek and contains floodplain lands, a portion of the site is affected by HCA’s Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04. Therefore, a permit from HCA will be required for any new development within the regulated area, including the construction of the stormwater management facilities and outlet structures, the construction of John Fredrick Drive across Ancaster Creek, and the fill placement and grading works within the floodplain associated with the construction of Bookjans Drive. The HCA’s concerns have been addressed through the conditions of draft plan approval (see Appendix “C” - Special Conditions 1, 2, and 34 to 38).

Bell Canada has advised that the owner will be required to contact Bell to make the appropriate arrangements prior to the issuance of final plan approval. Through the City’s Standard Form Subdivision Agreement, this concern will be addressed.

The following Departments and Agencies had no comments or objections:

- Culture and Recreation Division, Community Services Department.
- Strategic and Environmental Planning Sections, Public Works Department.
- Hamilton-Wentworth District School Board.
- Hamilton Street Railway.
- Horizon Utilities.
- Canada Post.
- Union Gas.
- Ministry of Transportation.
- Hydro One Networks.
- Bell Canada.
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Public Consultation

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 92 property owners within 120 metres of the subject lands on February 15, 2008, and a Public Notice sign was posted on the property on March 25, 2008. A total of four local residents and property owners in the immediate area wrote into the Department raising issues with respect to the proposed applications regarding building height, traffic, and the road network (see Appendix “F”). These issues have been highlighted and addressed in the Analysis/Rationale for Recommendation section of this Report. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

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

   (i) They are consistent with the Provincial Policy Statement and the Places to Grow Plan.

   (ii) They conform to the Hamilton-Wentworth Official Plan.

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

   (iv) The proposed development represents good planning by providing a compact urban form.

   (v) The proposal avoids Natural Hazards (floodplain) and provides for the protection of Open Space areas.

2. The applicant has requested a modification to the Town of Ancaster Official Plan to permit an increased building height (3.5 metre increase for Blocks 176 and 177) and increased densities (100 uph for Blocks 176 and 177). Building heights in the Town of Ancaster have generally been limited to a maximum of 3 storeys. The proposed 4-storey walk-up buildings will be limited to two blocks on the draft plan of subdivision (Blocks 176 and 177 (see Appendix “B”)). The proposed 4-storey walk-up apartments have been appropriately located in the proposed draft plan of...
subdivision as there is a natural gradation from single-detached dwellings to the north, which is sympathetic to the existing single-detached dwellings in the neighbourhood, and south of the proposed Public Elementary School. The proposed 4-storey units are situated across from a mixed-use site that will permit limited commercial uses. The location supports pedestrian movement, and has a compatible building relationship with the lands to the west. Further, the site is ideally situated close to an existing bus route and a major transit corridor, which is in keeping with the Provincial mandate identified in the Places to Grow Plan which, therefore, meets the intent of the Plan.

The Medium Density Block(s) have been calculated at 41 units per hectare (uph), whereas the designation identifies 37 uph. The proposed Low Density Residential blocks in the draft plan are calculated at 22 uph, which is in keeping with the average density identified in the Official Plan. Lastly, the High Density Residential, which will be designated Medium Density Residential to coincide with the new Urban Official Plan (see Appendix “J”), will have a density of 100 uph, whereas the High Density designation in the Town of Ancaster Official Plan provides for a maximum of 70 uph. The proposed higher density blocks are situated closer to Garner Road East, which is on an existing transit corridor. For commuting purposes to downtown Hamilton and the Greater Toronto Area, the higher density blocks are situated in close proximity to King’s Highway No. 403, with on and off ramp access to the highway, which also includes future opportunities for car pooling. The proposed increased density is in keeping with the new Urban Official Plan and the current Provincial initiatives related to development and growth, and considered good planning.

The Secondary Plan specifies the minimum frontages for each of the various low density residential designations. Since the proposed subdivision has varying lot sizes, the proposed OPA has been drafted to incorporate one uniform frontage. This uniformity of single-detached lots is consistent with some of the existing older lots to the north, including some of the newer lots in the “Southcote Woodlands” Subdivision. The OPA has been drafted to eliminate the various lot frontages, which ranged between 10.7 and 15 metres, and was replaced with a blanket minimum of 9.0 metres for Lots 1 to 166 in the draft plan of subdivision. This is considered good planning, as the intent of the Official Plan is to provide a general planning policy without getting into too much regulation as it relates to land use, which is generally achieved through the Zoning By-law. In this regard, a uniform approach was taken in order to be sympathetic to the existing Secondary Plan policy related to lot frontages.
3. Development Engineering staff has recommended that an ‘H’ Holding Provision be placed on Lots 99 to 127, inclusive, Blocks 174 to 179, inclusive, and Block 186, until such time as the following works have been completed, to the satisfaction of the Director of Development Engineering:

i. Stage 2 upgrades to the Sanitary Sewer Pumping Station HC061 have been implemented;

ii. The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

iii. A sanitary sewer outlet is identified, designed, and constructed to service Lots 99 to 127, inclusive, and Blocks 174 to 179, inclusive;

iv. A road connection through Block 186 to the east, from John Frederick Drive, has been determined and deeded to the City of Hamilton; and,

v. The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

As these works are required to support the proposed development, and will be further reviewed and assessed during the detailed engineering review, it is appropriate to place these lands in a Holding (H) Zone.

Engineering staff has further provided the following information and recommendations regarding Draft Plan of Subdivision Application 25T-200725:

- The subject lands are dependent on the subdivision to the east, known as “Southcote Woodlands - Phase 2” (25T-200401), for a sanitary sewer outlet. Sanitary Sewer Pumping Station HC061 on Mapleview Drive has been commissioned and is now operational. It has been designed such that approximately 11.13 hectares north of the existing creek may proceed without upgrades to the station or downstream infrastructure on Southcote Road, Dorval Drive, and Golf Links Road. Future upgrades are necessary to Pumping Station HC061 and the downstream sanitary sewers to Maplevale Drive, through the adjacent lands to the east, for the catchment area south of the Creek, namely Lots 99 to 127, inclusive, and Blocks 174 to 179, inclusive. Therefore, this development shall be phased until such time as the noted upgrades have been satisfactorily completed.
The existing temporary ponds are located within the Bookjans Drive and Gregorio Avenue right-of-ways in the “Southcote Woodlands - Phase 2” (25T-200401) subdivision immediately to the east. In conjunction with the construction of the ultimate pond in Block 181, the temporary ponds must be decommissioned. Servicing (water, sanitary, and storm sewers) within the existing right-of-ways must also be extended through Bookjans Drive and Gregorio Avenue from “Southcote Woodlands - Phase 2” (25T-200401).

The owner will submit an engineering design and cost estimate, and obtain the necessary approvals, to construct the creek crossing at John Frederick Drive, to the satisfaction of the Director of Development Engineering.

Once the stormwater management facilities are operational, the owner will agree to decommission the temporary ponds located within the development to the east, at their sole expense, to the satisfaction of the Director of Development Engineering.

The owner will submit an engineering design and cost estimate, and obtain the necessary approvals, to construct the creek crossing at John Frederick Drive to the satisfaction of the Director of Development Engineering.

The applicant will be required to pay to the City of Hamilton the future urbanization costs of Garner Road East, based on the New Road Servicing Rate for the year that final approval is obtained. The current rate is $469.70/metre of frontage.

The Garner Neighbourhood Master Drainage Plan and supplementary investigation has identified that the receiving watercourse to the north requires restoration works to be completed prior to the development of these lands.

Fencing will be required where the stormwater management facility abuts residential development. The fence will be a 1.5m chainlink, and be in accordance with City Standards.

The future width of this section of Garner Road East is 37 metres (120 feet). An additional 4.5 metres (15 feet) is required to establish the property line 18 metres (60 feet) from centerline of construction of Garner Road East, as shown on P-1853-55. The plan should be revised to show a road widening block.
• The submitted Traffic Study, dated February, 2008, recommends an eastbound left turning lane at the intersection of Garner Road East and John Frederick Drive. Any improvements needed at this intersection would be done at the sole expense of the owner.

• The stormwater management blocks will be located outside of the 100 year flood line and other environmental setbacks.

• The draft plan is to be revised to show the existing and proposed road pattern in the adjacent development, “Southcote Woodlands - Phase 1 and 2”, and to ensure that the roads align. A street connection from the south limit of Maplevale Drive in the adjacent development to John Frederick Drive is required.

• All trees on Municipal property, which are found to be in conflict with this development and do not meet the City’s criteria for removal, are subject to City of Hamilton By-law 06-151, to Regulate the Planting, Maintenance, and Preservation of Trees on or Affecting Public Property, as well as a Replacement fee, as outlined in the City of Hamilton Reforestation Policy - Municipally Owned Lands.

• As outlined in the City of Hamilton Engineering Guidelines, Sidewalks and Financial Policies for Development, sidewalks will be required in the following locations:

  ➢ John Fredrick Drive - Garner to Bookjans; 2.0 metres wide on both sides.
  ➢ John Fredrick Drive - Bookjans to existing John Fredrick Drive; 1.5 metres wide on both sides.
  ➢ Annalee Drive - both sides; full length.
  ➢ Gregorio Avenue - both sides; full length.
  ➢ Bookjans Drive - both sides; full length.
  ➢ Block 186 to match future “Southcote Woodlands - Phase 2”.
  ➢ Street A and Block 185 - one side; inside loop.
  ➢ Street B - inner loop, full length.
  ➢ Street C - east and north sides; full length.
  ➢ Street D - not required.

• The owner is required to provide a temporary turn-around on Street “A”, with sign, and convey sufficient land and 0.30 metre reserves to the City, by deed. Building on lots fronting the 0.30m reserve will not be allowed until the cul-de-sac is extended and the 0.30m reserve is lifted.
• The Stormwater Management Report will address how major and minor flows, currently conveyed to the existing storm drainage easements and registered as Instrument Numbers AB27632 and AB113581, will be conveyed, to the satisfaction of the Director of Development Engineering.

• 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 is required to provide a temporary turn-around, with sign, and convey sufficient land and 0.30 metre reserves to the City, by deed. Building on lots fronting the 0.30 metre reserve will not be allowed until the cul-de-sac is extended and the 0.30m reserve is lifted. The required radii for the turning circle of 13.0 metres pavement, and 18.0 metres ROW, shall be required.

• The owner will be required to construct a roundabout at the intersection of John Fredrick Drive and Bookjans Drive, and a second roundabout at the intersection of John Fredrick Drive and Annalee Drive/Street “B”, and to also provide detailed engineering drawings that demonstrate the proposed roundabout design accommodates all road users and provides the necessary road allowance area for utilities and streetscape treatments.

• The Stormwater Management Report will address how major and minor flows currently conveyed to an existing storm drainage easement (describe) will be picked up and conveyed to a suitable outlet.

Additional Engineering concerns are formally addressed through draft plan conditions (see Appendix “C” - Special Conditions 8 to 27).

4. To implement the Secondary Plan and the development concept proposed by the applicant, amendments to the parent Ancaster Zoning By-law are required. This section will outline, assess, and address the specific modifications required for both the residential and mixed-uses proposed:

**Residential “R5-601” Zone (see Appendix “D” - Block 1):**

*Minimum Lot Area:*

The applicant has requested a minimum lot area of 270 square metres, except 360 square metres for a corner lot, whereas the By-law requires 275 square metres for an interior lot, and 385 square metres for a corner lot. The reduction in lot area is 5m² and 25m², respectively, which is considered to be minor and can be supported.
**Minimum Lot Frontage:**

The applicant is requesting a reduction in the minimum lot frontage to permit 9.0 metres for an interior lot, except 12.0 metres for a corner lot, whereas the By-law requires 10.0 metres, and 14.0 metres for a corner lot. The modification will allow for an overall greater mix of lot sizes and increased density. The reduction in lot area is considered minor in nature and, therefore, supportable, as it conforms to the policies outlined in the Garner Neighbourhood Secondary Plan.

**Maximum Lot Coverage:**

The applicant has also requested that the maximum 35% lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. The City of Hamilton Zoning By-law No. 05-200 has removed this requirement from the regulations for this very reason. As a result, this request is considered minor and supportable.

**Minimum Front Yard:**

Relief is also being sought for a minimum front yard of 4.5 metres to the dwelling, whereas the By-law requires 7.0 metres. The implementing By-law also establishes a minimum front yard setback of 6.0 metres to an attached garage, whereas the parent provision indicates that dwellings cannot have a front yard setback that is more than 1.5 metres greater than the setback of any garage. As the subject lands are being developed on a comprehensive basis, this request is considered appropriate, and corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire draft plan of subdivision, and providing for tandem parking.

**Minimum Side Yard:**

Modifications to the minimum required side yard are also proposed. The “R5” Zone requires 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 5.2 metres plus any applicable distance identified in Schedule “C”, whereas the applicant has requested 1.2 metres on one side and 0.6 metres on the other side, except for a corner lot abutting a flankage street, which shall be 2.4 metres; and where the garage fronts onto the flankage street, it shall not be located within 6.0 metres of the flankage lot line. These modifications are considered minor, and are commonly requested and supported throughout the City; these modifications further fit the character of Ancaster, as it relates to more recent developments in the area such as Meadowlands.
Minimum Rear Yard:

No modification is required to the parent 7.5 minimum rear yard setback, but a stipulation has been incorporated into the implementing By-law to implement the 14.0 metre MTO right-of-way setback if a lot abuts the MTO corridor (King’s Highway No. 6 and King’s Highway no. 403). The special provision identifies that the minimum setback for buildings and/or structures shall be 14.0 metres from the right-of-way, in conjunction with a berm. This requirement is consistent with the draft plan condition regarding setback from the MTO required as part of the MTO permit process (see Appendix “C” - Special Condition 7).

Accessory Building:

The parent provisions for this regulation still apply, save and accept the recognition of the minimum rear yard to address the 14.0 metre MTO requirement.

Residential “H-R5-601” Holding Zone (see Appendix “D” - Block 2):

Block “2” incorporates all of the aforementioned site-specific provisions, but the lands have also been placed in an ‘H’ Holding Provision. The (H) Zone will prohibit development of these lands until such time as:

- Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;

- The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

- A sanitary sewer outlet is identified, designed, and constructed to service Lots 99 to 127, inclusive, and Blocks 174 to 179, inclusive; and,

- The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

This is required for the orderly development of the subject lands, and is good planning.
Residential “R4-602”, “R4-608”, and “R4-609” Zone (see Appendix “D” - Blocks 3, 4, 5, 6, and 8):

Minimum Lot Area:

The proposed “R4” Zone will apply the same lot coverage, front yard setback, side and rear yard regulations as per the site-specific “R5” Zone regulations. However, as the “R4” and “R5” Zones have different lot area and lot frontage requirements, a discussion on this matter is presented below.

The applicant has respectively requested a reduction in minimum lot area for an interior lot of 300, 360, and 450 square metres, except 420, 450, and 510 square metres for a corner lot, whereas the By-law requires 400 square metres for an interior lot, and 500 square metres for a corner lot. In order to provide for a more diverse gradation of lot areas from north to south, this request is supportable as it conforms to the policies outlined in the Garner Neighbourhood Secondary Plan, and is consistent with the Places to Grow Plan, yet is sympathetic to the existing larger lots in the neighbourhood.

Minimum Lot Frontage:

As mentioned above, the Residential “R4” Zone Exceptions include a variety of lot frontages throughout the blocks noted. The required change to the minimum lot frontage for an interior lot is 10.0, 12.0, and 15.0 metres, except 14.0, 16.0, and 17.0 metres for a corner lot, whereas the By-law requires 12.0 metres for an interior lot, and 16.0 metres for a corner lot. The modification will allow for an overall greater mix of lot sizes and increased density, which is considered minor in nature and, therefore, supportable, as it conforms to the policies outlined in the Garner Neighbourhood Secondary Plan.

Maximum Lot Coverage:

The applicant has also requested that the maximum 35% lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. The City of Hamilton Zoning By-law No. 05-200 has removed this requirement from the regulations for this very reason. As a result, this request is considered minor and supportable.
Minimum Front Yard:

Relief is also being sought for a minimum front yard of 4.5 metres to the dwelling, whereas the By-law requires 7.0 metres. The implementing By-law also establishes a minimum front yard setback of 6.0 metres to an attached garage, whereas the parent provision indicates that dwellings cannot have a front yard setback that is more than 1.5 metres greater than the setback of any garage. As the subject lands are being developed on a comprehensive basis, this request is considered appropriate, and corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire draft plan of subdivision, and providing for tandem parking.

Minimum Side Yard:

Modifications to the minimum required side yard are also being requested from 1.2 metres on one side and 0.6 metres on the other side, except for a corner lot abutting a flankage street, which shall be 2.4 metres; and where the garage fronts onto the flankage street, it shall not be located within 6.0 metres of the flankage lot line for all residential zones. These modifications are considered minor and can be supported.

Minimum Rear Yard:

No modification is required to the parent 7.5 minimum rear yard setback as it relates to the length. However, a stipulation has been incorporated into the implementing By-law to address the 14.0 metre MTO right-of-way setback if a lot abuts the MTO corridor (King’s Highway No. 6 and King’s Highway No. 403). The special provision identifies that the minimum setback for buildings and/or structures shall be 14.0 metres from the right-of-way, in conjunction with a berm. This requirement is further entrenched as a draft plan condition (see Appendix “C” - Special Condition 7).

Accessory Building:

The parent provisions for this regulation still apply, save and accept the recognition of the minimum rear yard to address the 14.0 metre MTO requirement.

Residential “H-R4-608” Holding Zone (see Appendix “D” - Block 7):

As per the previous discussion on Block 2, the lands have been placed in an ‘H’ Holding Provision until such time as:
Subject: Applications for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57, the City of Hamilton Zoning By-law No. 05-200, and Draft Plan of Subdivision, for the Lands Located at 435 Garner Road East (Ancaster) (PED10186) (Ward 12) - Page 27 of 40

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- Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;

- The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

- A sanitary sewer outlet is identified, designed, and constructed to service Lots 99 to 127, inclusive, and Blocks 174 to 179, inclusive; and,

- The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

This is required for the orderly development of the subject lands, and is good planning.

Residential Multiple “RM2-604” Zone (see Appendix “D” - Block 9):

Minimum Lot Area:

The applicant has requested no change as it relates to the total parcel area, however, they requested changes as it relates to actual lot area per unit. They have requested the following modifications to minimum lot area requirements: 180 square metres for an interior lot; 240 square metres for an end lot; and, 270 square metres for an exterior lot (whereas the By-law requires a minimum of 280 square metres). The varying lot areas allow for a unique streetscape character and diverse opportunity for built form and design. These modifications are supportable.

Minimum Lot Frontage:

Modifications to the individual lot frontages have been requested by the applicant. The required change to the minimum lot frontage is for 6.0 metres for an interior lot, 8.0 metres for an end lot, and 9.0 metres for a corner lot, whereas the By-law requires 9.0 metres for an interior lot, 11.5 metres for an end lot, and 17.0 metres for a corner lot. The modification will allow for an overall greater mix of unit sizes and facilitate increased density. These changes to the proposed site-specific provisions are considered minor in nature and, therefore, supportable, as it conforms to the policies outlined in the Garner Neighbourhood Secondary Plan.
**Minimum Lot Depth:**

The applicant is requesting to delete the minimum lot depth provision, whereas the By-law requires a minimum lot depth of 30 metres. The proposed units can be developed with minimum lot depths of 35.0 metres, as most of those units back onto the MTO right-of-way. Lot depth will be regulated through a combination of minimum lot area and frontage, and the removal of this requirement provides for greater flexibility in the design and layout of the subdivision.

**Maximum Lot Coverage:**

The applicant has requested relief to delete the maximum 35% lot coverage provision. The justification for allowing no maximum lot coverage is that it allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the required setbacks. Furthermore, a lot coverage provision discourages the construction of 1-storey and 1½-storey units because a 1-storey building requires larger lot coverage compared to a 2-storey building with the same gross floor area.

**Minimum Front Yard:**

Relief is also being sought for a minimum front yard of 4.5 metres to the dwelling, whereas the By-law requires 7.0 metres. The implementing By-law also establishes a minimum front yard setback of 6.0 metres to an attached garage. This request is considered appropriate and corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire draft plan of subdivision, and provides for tandem parking.

**Minimum Side Yard:**

Modifications to the minimum required side yard are also being requested from 1.2 metres for a dwelling end unit which does not abut a flankage street, and for a dwelling end unit abutting a flankage street the minimum side yard shall be 3.0 metres, whereas the “RM2” Zone requires 2.5 metres for a dwelling end unit which does not abut a flanking street, and for a dwelling end unit abutting a flanking street, the minimum side yard shall be 7.5 metres. These modifications are considered minor, and will maintain adequate access to the rear yard as well as a setback from the street. Further, there is only one instance that an end unit would abut a flankage street in the draft plan of subdivision (Block 174), which is a future block and will require land assembly to develop.
Minimum Rear Yard:

As identified earlier, there is no modification required to the parent 7.5 minimum rear yard setback. However, a stipulation has been incorporated into the implementing By-law to require a 14.0 metre setback if a lot abuts the MTO corridor (King’s Highway No. 6 and King’s Highway No. 403). The special provision identifies that the minimum setback for buildings and/or structures shall be 14.0 metres from the right-of-way, in conjunction with a berm. This requirement is further entrenched as a draft plan condition (see Appendix “C” - Special Condition 7).

Minimum Landscaping:

The By-law requires 30% of the lot area (including the required privacy area) to be landscaped, whereas the applicant is seeking to delete this requirement to provide for greater design flexibility. Since the street townhouse units will be freehold, similar to a single-detached dwelling, landscaping is generally provided by the individual homeowners. In addition, street townhouses in a plan of subdivision are not subject to Site Plan Control. Furthermore, the requirement of one’s own privacy area is not appropriate to be considered for the overall landscaping of the site. The relief sought is considered minor and supportable.

Setback from Detached Dwelling:

The parent By-law includes a design provision that no front yard of a townhouse dwelling shall abut the rear yard of an abutting single-detached dwelling. In this regard, the applicant has requested to delete this provision as the front yard of the proposed Residential Multiple “RM2” Zone abuts the rear yard of a single-detached dwelling. For this proposal, it could potentially occur in only one instance, and is, therefore, considered minor and supportable. It is in keeping with good planning, as it promotes diversity and character of the neighbourhood, and discourages segregation of residential land uses.

Residential Multiple “H-RM2-604” Holding Zone (see Appendix “D” - Block 10):

The proposed zoning modifications for Block 10 are the same as Block 9. However, the lands have been placed in an ‘H’ Holding Provision until such time as:

- Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;
The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

A sanitary sewer outlet is identified, designed, and constructed to service Lots 99 to 127, inclusive, and Blocks 174 to 179, inclusive; and,

The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

As previously discussed, these provisions are required for the orderly development of the subject lands, and are good planning.

Residential Multiple “H-RM6-603” Holding Zone (see Appendix “D” - Blocks 11 and 12):

Both Blocks 11 and 12 are to be placed in an ‘H’ Holding Provision until such time as:

Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented; and,

The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

A sanitary sewer outlet is identified, designed, and constructed to service Lots 99 to 127, inclusive, and Blocks 174 to 179, inclusive;

A road connection through Block 186 to the east, from John Frederick Drive has been determined and deeded to the City of Hamilton; and,

The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

As previously noted, the ‘H’ Holding Provision is required for the orderly development of the subject lands. In addition, modifications to the “RM6” Zone have been requested, as follows:
Minimum Lot Area:

The applicant has requested that the minimum lot area be 0.3 hectares, whereas the minimum in the By-law is 0.4 hectares. Given the development constraints of the site related to the required open space channel, school block, and neighbourhood park, the reduction in the minimum lot area is appropriate. This modification is considered minor and, therefore, supportable.

Maximum Density:

The applicant has requested that the combined maximum density for Blocks 11 and 12 be 110 units per hectare (uph), whereas 70 uph is permitted in the “RM6” Zone. Staff is of the opinion, that given that the proposed Official Plan designation is for “High Density Residential”, and that the new Urban Official Plan policies and designation will be “Medium Density Residential 2b”, both of which will allow a maximum of 100 uph, it would not be appropriate to permit 110 uph in the implementing By-law. Rather, a maximum permitted density of 100 uph in keeping with the new Urban Official Plan for “Medium Density Residential 2b” should be applied. The proposed higher density blocks are situated closer to Garner Road East, which is on an existing transit corridor, and Garner Road East is also identified in the New Urban Official Plan as a Potential Rapid Transit Line (B.L.A.S.T.). In regards to vehicular movement and commuting purposes to downtown Hamilton and the Greater Toronto Area, as the higher density blocks are situated in close proximity to King’s Highway No. 403, with on and off ramp access to the highway, the Province has targeted this particular area for a future car pooling site. The proposed increased density is in keeping with the new Urban Official Plan and the current Provincial initiatives related to development and growth, and considered good planning.

Minimum Lot Frontage:

The applicant has requested that the minimum lot frontage be reduced to 15 metres, whereas the By-law requires 30 metres. This request is to recognize the proposed flankage along the “potential future road access” in the draft plan. These lands are also proposed to be in a Holding zone, for the appropriate road connection. Land assembly will be required to effectively develop Block 177 in the draft plan. In this instance, the modification requested is considered minor and supportable.
**Maximum Yard Abutting a Street Line:**

The applicant has requested that a maximum yard setback adjacent to a street line be 2.0 metres, whereas the By-law requires 3.0 metres. The 2.0 metre modification is consistent with the City of Hamilton Zoning By-law No. 05-200. Given the built form of the proposed units, this provision is appropriate, as it brings the buildings closer to the street edge, creating a unique design character and streetscape, and also assisting in the enhancement of the future gateway feature on this block. For these reasons, the inclusion of this provision is appropriate and supportable.

**Maximum Height:**

The applicant is seeking to increase the permitted maximum height to 14.0 metres (four storeys), whereas the By-law permits 10.5 metres (three storeys). The overall increase is 3.5 metres in height. The increase in height will provide increased flexibility for an innovative design and compact urban form. The location of the proposed apartment building blocks is appropriate in that it enhances streetscape character, while maintaining good urban design principles and overall built form. Furthermore, the proposed blocks are set some distance from the existing residential dwellings, which provides for a gradation of residential unit types and lot sizes from north to south. The site is large enough to accommodate parking requirements, is located on a transit corridor, and has good access to and from the King’s Highway No. 403. The request for increased height is consistent with building planned communities, which is driven by the shift in planning through the Provincial Growth Plan for the Greater Golden Horseshoe, 2006, which supports increased densities. For these reasons, the increase in height is appropriate for this area.

**Canopies:**

The “RM6” Zone permits a canopy to encroach 2.5 metres into any yard facing a street. However, the proposed site-specific zoning regulations establish a maximum building setback of 2.0 metres adjacent to a street. To ensure that a canopy does not project to the lot line, it is necessary to revise this regulation to restrict the encroachment to a maximum of 1.5 metres. This will maintain a pedestrian-oriented streetscape and provide for flexibility in building design and architecture. In addition, the reduction in the encroachment will allow for natural light to penetrate the ground floor. Since this projection does not impact abutting side yards, and only the yard facing the street, the request is considered minor and can be supported.
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General Commercial “H-C3-610” Holding Zone (see Appendix “D” - Block 13):

The modifications to the “C3” Zone provisions are discussed below. This Block is also proposed to be placed in an ‘H’ Holding Provision until such time as:

- Stage 2 upgrades to the Sanitary Sewer Pumping Station HC061 have been implemented;
- The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;
- A sanitary sewer outlet is identified, designed, and constructed to service Lots 99 to 127, inclusive, and Blocks 174 to 179, inclusive; and,
- The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

The use of the ‘H’ Holding Provision will ensure orderly development, and also ensure that there are adequate services to support the proposed development. In addition, the following modifications have been requested:

Permitted Uses:

Block 13 is designated as Convenience Commercial in the Garner Neighbourhood Secondary Plan, which permits convenience retail and personal service uses that serve the day-to-day needs of the residents, such as a milk store, variety store, drug store, dry cleaning depot, walk-in medical clinic, or community service office. The General Commercial Zone has been proposed, as it allows for a residential component and commercial uses. No stand alone commercial shall be permitted, and the opportunity for some stand alone residential to the north and east of the block shall be permitted. The mixed-use buildings shall be focused around the intersection of John Fredrick Drive and Garner Road East. The proposed uses in the implementing By-law include a bank, home business, restaurant, as well as apartment dwelling units located above the ground floor commercial. Based on the concept plan provided by the applicant, provision has also been included which ensures that the uses must be developed comprehensively with the flexibility to construct either mixed-use buildings and/or apartment buildings. The proposed uses maintain the day-to-day needs of the residents, are in keeping with the future mixed-use designation in the new Urban Official Plan, and are consistent with the Provincial Growth Plan. The proposed commercial component
fosters a complete community, which allows for greater pedestrian movement, while reducing the need to use vehicles for day-to-day needs. For these reasons, the proposed uses are therefore, supportable.

**Maximum Yard Abutting a Street:**

Similar to the proposed site-specific “RM6” Zone above, the applicant has also requested that a maximum yard setback abutting a street line be 2.0 metres for this block, whereas the parent “C3” Zone requires a minimum of 13.0 metres. Given the built form of the proposed units, this provision is applicable, as it brings the buildings closer to the street edge, creating a unique design and streetscape, which enhances the proposed future commercial component providing for a vibrant pedestrian oriented environment along the proposed John Fredrick Drive Extension. For these reasons, this site-specific provision is appropriate and supportable.

**Minimum Rear Yard:**

The applicant has requested that the minimum rear yard be modified to 6.0 metres, whereas the required rear yard in the General Commercial “C3” Zone is 9.0 metres. Since the range of proposed uses are limited, and focused on community needs and uses, the impact to adjacent uses is limited. The reduction of 3.0 metres is minimal considering the lands to the west will also be developed for mixed-uses. A conceptual plan has been prepared by the applicant, and the parking area will be located in the centre of the development with only two of the proposed buildings requiring the setback (see Appendix “G”). The proposal is subject to Site Plan Control and, at that time, the City will ensure that an enhanced level of landscaping and fencing is applied to minimize any impacts.

**Minimum Side Yard:**

The applicant has requested that the minimum side yard be reduced to 3.0 metres, whereas the required side yard in the General Commercial “C3” Zone is 7.5 metres. The subject block is situated on a proposed intersection of cross streets, with a future road abutting to the north, and the lands to the west are also proposed for future mixed-uses. The reduction of 4.5 metres in the side yard would have no negative impact. Further, the proposal requires residential and commercial uses to be developed comprehensively.
Maximum Building Height:

The applicant is seeking to increase the permitted maximum height to 11.0 metres (three storeys), whereas the By-law permits 10.5 metres. The overall increase is 0.5 metres in height, and is considered minor as there will be no noticeable impact at street level. It will provide increased flexibility for an innovative design that enhances streetscape character and implementation of good urban design principles.

Visual Barrier Requirement:

The parent “C3” Zone does not require a visual barrier. The applicant has proposed that one be provided in the form of a board fence, along any lot line abutting a residential zone. Staff has further modified the provision to also include a 2.0 metre planting strip in conjunction with the fence. The inclusion of the planting strip is significant, as it allows for additional privacy between the proposed parking lot and the future mixed-use lands to the west. The inclusion of the 2.0 metres reinforces the applicants proposed 2.0 metre minimum landscaping along any lot line that abuts a street (see below). The proposal is consistent with the City’s Site Planning Guidelines, and is considered appropriate, as it will provide clarity to the City’s requirements.

Outdoor Display for Sale and Open Storage of Goods and Materials:

In order to facilitate an urban streetscape with pedestrian oriented uses, the applicant has proposed that no storage of goods, materials, or equipment be permitted in any front or flankage yard, except for the display of goods or material for retail purposes. This modification will enhance the streetscape by providing a sidewalk and façade inviting to pedestrians. This modification is considered appropriate and supportable.

Minimum Parking Requirements:

The conceptual plan identifies a total of 131 parking spaces, including visitor parking for the residential units and one common loading space for the residential and commercial uses, whereas the By-law would require an average of one space for every 10 to 25 square metres of floor area (depending on the use). In this regard, the implementing By-law allows a maximum of 1200m² for commercial uses, which is in keeping with the Official Plan Policy of 1,200 square metres of gross floor area (GFA) for commercial uses. Based on an average maximum calculation (15m²/1,200m²), the proposed site would require approximately 80 parking spaces for the commercial uses and 219 parking spaces for the residential units, including visitor spaces (299 total parking spaces). The parking
spaces are at a size of 2.6 metres by 5.5 metres, which is the new standard stall size in Zoning By-law No. 05-200.

The applicant has advised that all parking would be shared, and that potential opportunities exist for on-street parking along the proposed John Fredrick Extension. The applicant further advised that the Secondary Plan permits a maximum gross floor area of 1,200 square metres on the site for commercial uses. The applicant’s justification identified a hypothetical calculation of one space per 30 square metres of GFA (40 parking spaces) for the commercial, and one space per dwelling unit (94 spaces), for a total of 134 parking spaces, which is a difference of three spaces from the concept plan provided. They also advised that since the block will be mixed-use, the visitor parking could be shared with the commercial parking allowing for a total integration of the site. The implementing By-law has been drafted to permit one space per residential unit, and one space for every 33m² of non-residential space which, if developed, would allow for 131 parking spaces. The standard parking provisions of Section 7.14 shall apply, and the proposed parking modifications, in principle, would be sufficient given that much of the trade would be pedestrian oriented. However, a more in-depth review of the development and parking will be evaluated through Site Plan Control, and minor variances may be necessary once the details of development have been established.

**Maximum Gross Floor Area (GFA):**

Through review of the proposal, staff was primarily concerned with ensuring that future development took on the same built form that was identified in the conceptual massing and urban design exercise that was prepared and provided by the applicant. For these reasons, the inclusion of a maximum gross floor area of 1,200 square metres was established to ensure that future development would have an appropriate ratio/mix of residential and commercial uses. The By-law has been drafted to ensure that the commercial uses are located on the ground floor below apartment units. Further, an additional provision was included to ensure no stand-alone retail would be developed on the block in question. The Ancaster Zoning By-law does not specify a maximum (GFA) for the “C3” Zone, only a minimum lot area and maximum lot coverage. This direction is consistent with the future mixed-use designation in the new Urban Official Plan.

**Minimum Landscaping Requirements:**

The applicant has proposed that a minimum 2.0 metre wide landscaped area shall be provided, and thereafter maintained adjacent to every portion of any lot line that abuts a street, whereas the By-law requires a minimum 3.0 metre planting strip. Based on the concept plan, and maintaining consistency with the City of
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Hamilton Zoning By-law No. 05-200, staff has proposed that the landscaped area not be less than 10% of the lot area. This modification is considered minor as it is consistent with By-law No. 05-200 and, therefore, supportable. The landscaped area will be further reviewed and evaluated through Site Plan Control. The applicant has indicated that garbage recycling and waste enclosures will not require any modification to the By-law, as they will be internal to the building.

5. The subject application also included lands that are to be included in the City of Hamilton Zoning By-law No. 05-200:

**Neighbourhood Park (P1) Zone (see Appendix “E” - Block 2):**

The parent Neighbourhood Park (P1) provisions shall apply to this block. No modifications are required. Since the City of Hamilton Zoning By-law No. 05-200 is in force and effect, as it relates to parks and open space zones, it is standard procedure for all rezoning applications with these lands/zones to be placed in By-law 05-200.

**Conservation/Hazard (P5) Zone (see Appendix “E” - Block 1):**

The parent Conservation/Hazard (P5) provisions shall apply to this block. No modifications are required. Since the City of Hamilton Zoning By-law No. 05-200 is in force and effect, as it relates to parks and open space zones, it is standard procedure for all rezoning applications with these lands/zones to be placed in By-law 05-200.

**Neighbourhood Institutional (I1, H42) Holding Zone (see Appendix “E” - Block 3):**

The parent Neighbourhood Institutional (I1) provisions shall apply to this block. However, an ‘H’ Holding Provision is required until such time as engineering concerns, as identified in Section 2 above, have been satisfied. No Special Exemptions are required for this Zone. Since the City of Hamilton Zoning By-law No. 05-200 is in force and effect as it relates to “Institutional” zones, it is standard procedure for all rezoning applications with these lands/zones to be placed in By-law 05-200.

6. A total of 92 land owners/residents were circulated the notice of complete applications and preliminary circulation, and four residents provided a written response (see Appendix “F”). Their concerns are as follows:
• Potential for increase in traffic;
• Request for the extension of infrastructure (street lighting and sidewalks) into the existing neighbourhood;
• Maintaining the existing building height regulation of 3-storeys;
• Alignment of John Fredrick Drive (extension) at Garner Road East; and,
• Design and conceptual details of the medium and mixed-use blocks.

Traffic Concerns:

With respect to the concerns raised over increased traffic, the Traffic Operations and Engineering Section of the Public Works Department has advised that a Traffic Impact Study was prepared and reviewed. Public Works staff has advised that the Study is satisfactory, but that further detailed consideration regarding signalization (via the current Environmental Assessment) is required. A draft plan condition has been implemented to address finalization of the Study (see Appendix “C” - Special Condition 7). In terms of additional traffic, trips generated will vary, and some may traverse the existing neighbourhood, while others will travel to the proposed John Fredrick Drive/Garner Road East intersection. Traffic staff has not identified any concerns with respect to traffic impacts.

Extension of Infrastructure:

As with many development scenarios, the extension of services and utilities, such as sidewalks and street lights, is dealt with at the detailed design stage. However, as a condition of draft plan approval, the proponent will be required to build all required infrastructure (roads, sidewalks, etc.) associated with the proposed development.

Building Height:

Building heights in the Town of Ancaster have generally been limited to a maximum of three storeys. However, in certain circumstances and developments, additional height has been granted. The proposed increase in building height can be supported for the following reasons. The location of the proposed four storey buildings will be limited to two blocks in the draft plan of subdivision, Blocks 176 and 177 (see Appendix “B”). Those two blocks will be placed in an ‘H’ Holding Zone. The provision of the Holding is for the assembly of additional lands with respect to the location of the proposed road, as well as for engineering related concerns mentioned above. The location of the proposed four storey walk-up apartments has been appropriately located in the proposed draft plan of subdivision, as there is a natural gradation from single-detached dwellings to the
north, which is sympathetic to the existing neighbourhood (lot frontages and area). The proposed 4-storey units are situated across from a mixed-use site that permits commercial uses, thereby accommodating pedestrian movement and building relationship with the lands to the west. Further, the site is ideally situated close to an existing bus route and a major transit corridor, which is in keeping with the Provincial mandate identified in the Places to Grow Plan.

Alignment of John Fredrick Drive Extension:

Concern was raised over the intersection of John Fredrick Drive Extension at Garner Road East, specifically with the turning radius and alignment with Garner Road East. This issue has been satisfactorily addressed with the most recent submission of the draft plan, as the applicant has realigned the road to the west, thereby addressing this concern.

Built Form and Design of the Medium Density Mixed-use Blocks:

The applicant, through this most recent submission, has prepared conceptual massing plans of the proposed three and four storey buildings to the south on the subject lands (see Appendix “G”). The applicant, through their Planning Justification Report, has stated that the overall intent in developing these blocks is to recognize their significance, given their location at a major gateway into the community. The guiding principles in achieving good built form are through building placement, parking, pedestrian access, and landscaping.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the application be denied, the lands could only be developed in accordance with the current Agricultural “A-216” Zone provisions, which permits agricultural uses, buildings and structures and uses accessory thereto, including one detached dwelling, and uses, buildings and structures accessory to the dwelling.
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<th>CORPORATE STRATEGIC PLAN</th>
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**Financial Sustainability**
- Financially Sustainable City by 2020.

**Intergovernmental Relationships**
- Maintain effective relationships with other public agencies.

**Social Development**
- Everyone has a home they can afford that is well maintained and safe.

**Environmental Stewardship**
- Natural resources are protected and enhanced.

**Healthy Community**
- Plan and manage the built environment.

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:JM
Attachs. (10)
Special Conditions of Draft Plan of Subdivision Approval for “Ontario Realty Corporation”

Planning:

1. That, **prior to preliminary grading or servicing**, the owner shall submit a Tree Preservation Study and plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Capital Planning and Implementation, Public Works Department, and provide written certification from the owner’s landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters, and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the City, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.

2. That, **prior to the registration of the final plan of subdivision**, the owner shall dedicate to the Hamilton Conservation Authority, a minimum 10 metre buffer from the dripline of the Significant Woodland (labeled as an ESA in the “Southcote Woodlands” Subdivision) for the easterly portions of Blocks 179 and 180, to the satisfaction of the Director of Planning.

3. That, **prior to registration of the final plan of subdivision**, and at the owner’s expense, the owner shall submit Architectural and Urban Design Guidelines, prepared by a qualified architect or urban designer (referred to as the “Design Architect”), to the satisfaction of the Director of Planning.

4. That, **prior to registration of the final plan of subdivision**, and at the owner’s expense, the owner shall design and construct an entrance feature on Block 177, prepared by a qualified landscape architect, to the satisfaction of the Director of Planning and the Manager of Traffic Engineering, Public Works Department.

5. That, **prior to registration of the final plan of subdivision**, the owner shall investigate the noise levels on the site, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An Acoustical Report, prepared by a qualified Professional Engineer and 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, and shall be submitted, to the satisfaction of the Director of Planning and Director of Development Engineering and the Ministry of Transportation.
6. That, **prior to registration of the final plan of subdivision**, the owner shall submit a signed Record of Site Condition (RSC) to the Director of Planning and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administration fee.

7. That, **the owner shall agree in the Subdivision Agreement**, to include the following warning clauses in all offers of purchase and sale:

   “Purchasers/Residents/Tenants are advised that due to the proximity of the lots to the abutting King’s Highway No. 6 and King’s Highway No. 403, a noise wall with a berm shall be required, and that special setbacks exist for the landowners”; and,

   “Purchasers/Residents/Tenants of this development are advised that King’s Highway No. 6 and King’s Highway No. 403 abut the subject lands, and have been mitigated for noise attenuation, however, there is a potential for increased levels of noise.”

**Development Engineering:**

8. That, **prior to registration of the draft plan of subdivision**, should the development of the property be phased, a phasing plan must be submitted prior to final approval and registration of the first phase. The phasing plan shall indicate the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading, and construction of municipal services, all to the satisfaction of the Director of Development Engineering.

9. That, **prior to registration of the draft plan of subdivision**, the owner shall agree that John Fredrick Drive and Annalee Drive shall align centreline-to-centreline with the existing sections of John Fredrick Drive and Annalee Drive in the adjacent development, to the satisfaction of the Manager of Traffic Engineering and the Director of Development Engineering.

10. That, **prior to registration of the draft plan of subdivision**, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway, by the owner’s certificate on the plan, to establish the widened limit of Garner Road East at 18 metres (60 feet) from the centerline of construction, as shown on Plan P-1853-55, to the satisfaction of the Director of Development Engineering.
11. That, prior to registration of the draft plan of subdivision, the owner shall submit the necessary transfer deeds to the City’s Legal Department to convey Blocks 181 and 182 of the draft plan to the City for Stormwater Management Ponds; convey Blocks 183 and 184 of the draft plan to the City as Open Space; and convey Block 180 of the draft plan to the City as Parkland, to the satisfaction of the Director of Development Engineering.

12. That, prior to registration of the draft plan of subdivision, the creek restoration (Ancaster, from the 403 culvert to Golf Links Road) will have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation, to the satisfaction of the Director of Development Engineering.

13. That, prior to registration of the draft plan of subdivision, the owner shall agree to construct an eastbound left-turn lane on Garner Road East at John Fredrick Drive, with 40 metres of storage, a southbound left-turn lane on John Fredrick Drive at Garner Road East, with 20 metres storage, at his sole expense, to the satisfaction of the Manager of Traffic Engineering and the Director of Development Engineering.

14. That, prior to preliminary grading, the owner shall submit an engineering design demonstrating that all minor and major overland flow from the rear yards of all Lots and Blocks can be safely conveyed to roadways and/or the stormwater management facilities, to the satisfaction of the Director of Development Engineering.

15. That, prior to preliminary grading, the owner shall demonstrate how side yard swales, rear yard catch-basins, and split drainage can be adequately accommodated, to the satisfaction of the Director of Development Engineering. Back-to-front lot drainage shall only be permitted if 2.4m can be provided between single residential dwellings, to the satisfaction of the Director of Development Engineering.

16. That, prior to the servicing of the draft plan of subdivision, the following shall be completed, all to the satisfaction of the Director of Development Engineering:

i) To submit a detailed Stormwater Management (SWM) Report, prepared by a qualified professional engineer, to demonstrate how quality control criteria will be handled in accordance with the Garner Neighbourhood Master Drainage Plan, City of Hamilton Storm Drainage Policies, and City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design. The Report shall include the supplementary 24-hour extended detention volumes for the south and north facilities, which are 1890m$^3$ and 3150m$^3$, respectively, in addition to the target volumes outlined in the Garner Neighbourhood Master Drainage Plan;
Appendix “C” to Report PED10186
(Page 4 of 9)

ii) To verify that the SWM facility, namely Blocks 181 and 182, are outside of the limits of the creek flood plain and erosion hazard areas, as well as avoid the ESA buffers. The proposed Blocks shall be of sufficient size and shape to adequately accommodate the ultimate SWM facility and accommodate the external drainage areas for adjacent developments;

iii) Pond design geometry shall be as per the City of Hamilton Stormwater Management Design Criteria 2007, and pond landscaping shall be as per the City of Hamilton Landscape Design Guidelines for Stormwater Management Facilities (May 2009);

iv) Inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the land;

v) Produce and submit an Operation and Maintenance Manual, and keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the Operational Manual;

vi) Construct, operate, and maintain, at the owner’s expense, the stormwater management facility, in a manner acceptable to the City, and include any changes to conditions of the MOE’s approval, throughout the servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Director of Development Engineering;

vii) Remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey, and verify volumetric capacity of the stormwater management facility, prior to release of the owner’s operation and maintenance responsibilities for the stormwater management facility; and,

viii) Submit an Operation and Maintenance Manual, as per City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Director of Development Engineering, prior to release of the owner’s Operation and Maintenance responsibilities for the stormwater management facility.

17. That, prior to the servicing of the draft plan of subdivision, the owner shall implement outlet erosion protection measures for major system flows into the Ancaster Creek at the John Fredrick Drive outlet, to the satisfaction of the Director of Development Engineering.
18. That, **prior to the servicing of the draft plan of subdivision**, the owner shall provide, 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, to the satisfaction of the Director of Development Engineering.

19. That, **prior to the servicing of the draft plan of subdivision**, a driveway location/on-street parking plan shall be submitted showing:

   i) the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
   
   ii) the driveway ramps and curb openings for all lots;
   
   iii) the pairing of driveways;
   
   iv) where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
   
   v) the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities;

all to the satisfaction of the Director of Development Engineering.

20. That, **prior to the servicing of the draft plan of subdivision**, the owner shall submit a detailed Stormwater Management Report, prepared by a qualified professional engineer, demonstrating that the minor system flows from the external area to the east of the draft plan lands (6.46ha), as shown in the Functional Servicing Report, can be successfully conveyed to the stormwater management facility on Block 182, to the satisfaction of the Director of Development Engineering.

21. That, **prior to the servicing of the draft plan of subdivision**, the owner shall include within the engineering design drawings and cost estimate schedules, a 1.5 metre high chainlink fence along the property boundary line, which separates the SWM facility from the adjacent residential lots being, Lots 119 to 127, inclusive, and Lots 130 to 135; inclusive, which rear yards abut the facilities, to the satisfaction of the Director of Development Engineering.
22. That, prior to the servicing of the draft plan of subdivision, 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, provide recommendations to mitigate the groundwater impacts during any construction within the subdivision including, but not limited to, house construction, address the impacts of the pond bottom elevation being below the ground water table, and to undertake the works, as recommended, including monitoring. The report shall be to the satisfaction of the Director of Development Engineering, and shall 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.

23. That, prior to the servicing of the draft plan of subdivision, the owner shall design and construct a structure to convey the 100 year flow at the John Frederick Drive Creek crossing, with consideration to the geomorphologic and ecological features, including the potential impact to features such as bank stability/erosion potential and riparian vegetation, stream morphology, fish habitat and other aquatic habitat features, to the satisfaction of the Director of Development Engineering.

24. That, prior to the registration of the draft plan of subdivision, the temporary stormwater management facility in “Southcote Woodlands Subdivision - Phase 2” (25T-200410) shall be decommissioned upon construction and acceptance by the City of the ultimate stormwater facility on Block 181, to the satisfaction of the Director of Development Engineering.

25. That, prior to the servicing of the draft plan of subdivision, the owner shall include in the engineering design, concrete sidewalks in the locations listed below:

- John Fredrick Drive - Garner to Bookjans; 2.0m wide; both sides;
- John Fredrick Drive - Bookjans to existing John Fredrick Drive; 1.5m wide; both sides;
- Annalee Drive - 1.5m wide; both sides; full length;
• Gregorio Avenue - 1.5m wide; both sides; full length;
• Bookjans Drive - 1.5m wide; both sides; full length;
• Block 186 to match future “Southcote Woodlands - Phase 2”; 1.5m wide; both sides;
• Street A and Block 185 - 1.5m wide; one side; inside loop;
• Street B - 1.5m wide; inner loop, full length;
• Street C - 1.5m wide; east and north sides; full length;
• Street D - not required;

all to the satisfaction of the Director of Development Engineering.

26. That, **prior to the servicing of the draft plan of subdivision**, the owner shall include in the engineering design drawings and cost estimate schedules, a noise attenuation wall, as per the recommendations outlined in an approved Environmental Noise Analysis, and obtain all required permits from the Ministry of Transportation, as per the Plan by G.S.P. Group, dated July 27, 2010, to the satisfaction of the Director of Development Engineering.

27. That, **prior to servicing of the draft plan of subdivision**, the owner shall complete a water distribution analysis of the H18 Zone water system to determine whether the existing water system can adequately service the proposed development, to the satisfaction of the Director of Development Engineering. The Report shall also focus on the following issues:

   a) Tabularize the expected occupancy; and,

   b) Generate residential and institutional water demand and fire flow calculation for this development; and,

   c) Demonstrate how the proposal fits with GRIDS numbers; and,

   d) Confirm the water servicing layout based on field information and hydraulic models; and,

   e) Provide the new hydrant locations on the Water Distribution Plan.

Traffic:

28. That, **prior to registration of the final plan of subdivision**, the Traffic Impact Study for this application must receive final approval, and all required works are to be implemented, at the owner's expense, to the satisfaction of the Manager of Traffic Engineering.
29. That, prior to the registration of the final plan of subdivision, all driveway locations shall be shown on approved engineering drawings, and that each driveway shall be located, to the satisfaction of the Manager of Traffic Engineering, Public Works Department.

30. That, prior to the registration of the final plan of subdivision, a detailed profile and plan of the roundabouts shall be provided, and that the drawings shall illustrate pedestrian crossing locations through the splitter islands, which should be approximately 6.0 metres behind the yield control line, and be raised, except at the pedestrian crossing locations. Driveway locations for the adjacent lots must also be shown, to the satisfaction of the Manager of Traffic Engineering.

31. That, prior to registration of the final plan of subdivision, no development shall occur on Blocks 176 and 177 until the future road location to the east has been confirmed, to the satisfaction of the Manager of Traffic Engineering.

32. That, prior to the registration of the final plan of subdivision, a pavement marking plan for the eastbound left-turn lane on Garner Road East and the southbound left-turn lane on John Frederick Drive shall be submitted. The pavement marking plan shall be submitted to the Traffic Office, on CD, in Micro Station Version 8.0, to the satisfaction of the Manager of Traffic Engineering.

33. That, prior to the registration of the final plan of subdivision, that the owner shall secure 100% of the cost to install “Reduced Speed” limit flashing school zone beacons in front of Block 179, to the satisfaction of the Manager of Traffic Engineering.

**Hamilton Conservation Authority:**

34. That, prior to the registration of the final plan of subdivision, the owner 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 completion of construction.

35. That, prior to the registration of the final plan of subdivision, the owner shall prepare and implement a stormwater management plan, in accordance with the Garner Neighbourhood Drainage Study, for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that the current Provincial Drainage and Stormwater Quality Guidelines are implemented, to the satisfaction of the Hamilton Conservation Authority.

36. That, prior to the registration of the final plan of subdivision, the owner shall prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

37. That, prior to the registration of the final plan of subdivision, the owner shall prepare and implement a Tree Preservation Plan, as well as a Landscaping Plan for the stormwater management facilities (Blocks 181 and 182) and the watercourse corridor (Blocks 183 and 184), to the satisfaction of the Hamilton Conservation Authority.

38. That, prior to the registration of the final plan of subdivision, the owner shall obtain a permit from the Hamilton Conservation Authority, under its Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, prior to any construction and/or grading activities within the area regulated by the Hamilton Conservation Authority.
CITY OF HAMILTON

BY-LAW NO. [Blank]

To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 435 Garner Road East

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item [Blanks] of Report 10-[Blank] of the Economic Development and Planning Committee, at its meeting held on the [Blank] day of [Blank], 2010, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), upon approval of Official Plan Amendment No. [Blanks], proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A-216” Zone:

   (a) to the Residential “R5-601” Zone, the lands comprised in Block “1”;

   (b) to the Residential “H-R5-601” Holding Zone, the lands comprised in Block “2”;

   (c) to the Residential “R4-602” Zone, the lands comprised in Blocks “3” and “4”;

   (d) to the Residential “R4-608” Zone, the lands comprised in Blocks “5” and “6”;

   (e) to the Residential “H-R4-608” Zone, the lands comprised in Block “7”;

   (f) to the Residential “R4-609” Zone, the lands comprised in Block “8”;

   (g) to the Residential Multiple “RM2-604” Zone, the lands comprised in Block “9”;

   (h) to the Residential Multiple “H-RM2-604” Holding Zone, the lands comprised in Block “10”;

   (i) to the Residential Multiple “H-RM6-603” Holding Zone, the lands comprised in Blocks “11” and “12”; and,

   (j) to the General Commercial “H-C3-610” Holding Zone, the lands comprised in Block “13”,

the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

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

   **R5-601** That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), and (i) of Subsection 13.3 “Regulations” of Section 12: Residential “R5” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R5-601”: 
### Regulations

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Area</th>
<th>270 square metres, except on a corner lot the minimum lot area shall be 360 square metres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Minimum Lot Frontage</td>
<td>9 metres, except on a corner lot the minimum lot frontage shall be 12 metres.</td>
</tr>
<tr>
<td>b</td>
<td>Maximum Lot Coverage</td>
<td>N/A.</td>
</tr>
<tr>
<td>d</td>
<td>Minimum Front Yard</td>
<td>4.5 metres to the dwelling and 6.0 metres to an attached garage shall be provided.</td>
</tr>
<tr>
<td>e</td>
<td>Minimum Side Yard</td>
<td>1.2 metres, except 0.6 metres on the side with an attached garage, and on a corner lot the minimum side yard abutting a street shall be 3.0 metres, and if the garage fronts the flankage street the minimum side yard shall be 6.0 metres.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In addition to the above requirements, a side yard of less than 1.2 metres shall only be permitted where there is an encroachment agreement between the owners of the abutting lands, and a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of the abutting lands.</td>
</tr>
<tr>
<td>f</td>
<td>Minimum Rear Yard</td>
<td>7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.</td>
</tr>
</tbody>
</table>
(g) Accessory Building Accept as provided in Paragraph (f) above, the provisions of Subsection 7.18 (a) shall apply.

**H-R5-601**

That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), and (i) of Subsection 13.3 “Regulations” of Section 12: Residential “R5” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “H-R5-601”:

**Regulations**

The provisions of the “R5-601” Zone shall apply. The ‘H’ Holding prefix shall be lifted from the “H-R5-601” Zone once the following conditions have been completed, to the satisfaction of the Director of Development Engineering:

i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;

ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands; and,

iv) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

**R4-602**

That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), and (i) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R4-602”:

**Regulations**

(a) Minimum Lot Area 300 square metres, except on a corner lot the minimum lot area shall be 420 square metres.

(b) Minimum Lot Frontage 10 metres, except on a corner lot the minimum lot frontage shall be 14 metres.
<table>
<thead>
<tr>
<th>Appendix “D” to Report PED10186 (Page 5 of 15)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(c) Maximum Lot Coverage</strong> N/A.</td>
</tr>
<tr>
<td><strong>(d) Minimum Front Yard</strong> 4.5 metres to the dwelling and 6.0 metres to an attached garage shall be provided.</td>
</tr>
<tr>
<td><strong>(e) Minimum Side Yard</strong> 1.2 metres, except 0.6 metres on the side with an attached garage, and on a corner lot the minimum side yard abutting a street shall be 3.0 metres, and if the garage fronts the flankage street the minimum side yard shall be 6.0 metres.</td>
</tr>
<tr>
<td>In addition to the above requirements, a side yard of less than 1.2 metres shall only be permitted where there is an encroachment agreement between the owners of the abutting lands, and a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of the abutting lands.</td>
</tr>
<tr>
<td><strong>(f) Minimum Rear Yard</strong> 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.</td>
</tr>
<tr>
<td><strong>(g) Accessory Building</strong> Accept as provided in Paragraph (f) above, the provisions of subsection 7.18 (a) shall apply.</td>
</tr>
</tbody>
</table>

**R4-608** That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), and (i) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R4-608”: |
### Regulations

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Minimum Lot Area</td>
<td>360 square metres, except on a corner lot the minimum lot area shall be 450 square metres.</td>
</tr>
<tr>
<td>(b) Minimum Lot Frontage</td>
<td>12 metres, except on a corner lot the minimum lot frontage shall be 15 metres.</td>
</tr>
<tr>
<td>(c) Maximum Lot Coverage</td>
<td>N/A.</td>
</tr>
<tr>
<td>(d) Minimum Front Yard</td>
<td>4.5 metres to the dwelling and 6.0 metres to an attached garage shall be provided.</td>
</tr>
<tr>
<td>(e) Minimum Side Yard</td>
<td>1.2 metres, except 0.6 metres on the side with an attached garage, and on a corner lot the minimum side yard abutting a street shall be 3.0 metres, and if the garage fronts the flankage street the minimum side yard shall be 6.0 metres. In addition to the above requirements, a side yard of less than 1.2 metres shall only be permitted where there is an encroachment agreement between the owners of the abutting lands, and a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of the abutting lands.</td>
</tr>
<tr>
<td>(f) Minimum Rear Yard</td>
<td>7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.</td>
</tr>
</tbody>
</table>
(g) Accessory Building

Accept as provided in Paragraph (f) above, the provisions of Subsection 7.18 (a) shall apply.

H-R4-608

That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), and (i) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “H-R4-608”:

Regulations

The provisions of the “R4-608” Zone shall apply.

The ‘H’ Holding prefix shall be lifted from the “H-R4-608” Zone once the following conditions have been completed, to the satisfaction of the Director of Development Engineering:

i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;

ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands; and,

iv) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

R4-609

That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), and (i) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R4-609”:

Regulations

(a) Minimum Lot Area

450 square metres, except on a corner lot the minimum lot area shall be 510 square metres.
Appendix “D” to Report PED10186 (Page 8 of 15)

(b) Minimum Lot Frontage 15 metres, except on a corner lot the minimum lot frontage shall be 17 metres.

(c) Maximum Lot Coverage N/A.

(d) Minimum Front Yard 4.5 metres to the dwelling and 6.0 metres to an attached garage shall be provided.

(e) Minimum Side Yard 1.2 metres, except 0.6 metres on the side with an attached garage, and on a corner lot the minimum side yard abutting a street shall be 3.0 metres, and if the garage fronts the flankage street the minimum side yard shall be 6.0 metres.

In addition to the above requirements, a side yard of less than 1.2 metres shall only be permitted where there is an encroachment agreement between the owners of the abutting lands, and a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of the abutting lands.

(f) Minimum Rear Yard 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.

(g) Accessory Building Accept as provided in Paragraph (f) above, the provisions of Subsection 7.18 (a) shall apply.

RM2-604 That notwithstanding the provisions of Subsection 15.1, and Paragraphs (a), (b), (c), (d), (e), (f), (g), (i), (j), and (m) of Subsection 15.2 “Regulations” of Section 15: Residential Multiple “RM2” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard
Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “RM2-604”:

Regulations

(a) Minimum Lot Area 1,850 square metres of total parcel area and,
   (i) 180 sq. metres for an interior lot;
   (ii) 240 sq. metres for an end lot;
   (iii) 270 sq. metres for a corner lot.

(b) Minimum Lot Frontage 50 metres for the total parcel frontage and,
   (i) 6 metres for an interior lot;
   (ii) 8 metres for an end lot;
   (iii) 9 metres for a corner lot.

(c) Minimum Lot Depth N/A.

(d) Maximum Lot Coverage N/A.

(e) Minimum Front Yard 4.5 metres to the dwelling and 6.0 metres to an attached garage shall be provided.

(f) Minimum Side Yard 1.2 metres for a dwelling end unit which does not abut a flankage street, and for a dwelling end unit abutting a flankage street the minimum side yard shall be 3.0 metres.

(g) Minimum Rear Yard 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.

(i) Minimum Landscaping N/A.

(m) Setback from Detached Dwelling N/A.
**H-RM2-604**

That notwithstanding the provisions of Subsection 15.1, and Paragraphs (a), (b), (c), (d), (e), (f), (g), (i), (j), and (m) of Subsection 15.2 “Regulations” of Section 15: Residential Multiple “RM2” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “H-RM2-604”:

**Regulations**

The provisions of the “RM2-604” Zone shall apply.

The ‘H’ Holding prefix shall be lifted from the “H-RM2-604” Zone once the following conditions have been completed, to the satisfaction of the Director of Development Engineering:

i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;

ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands; and,

iv) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

**H-RM6-603**

That notwithstanding the provisions of Subsection 19.1, and Paragraphs (a), (b), (c), (e), and (j) of Subsection 19.2 “Regulations” of Section 19: Residential Multiple “RM6” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “RM6-603”:

**Regulations**

(a) Minimum Lot Area 0.3 hectares.

(c) Maximum Density For the lands Zoned H-RM6-603 shall be 100 uph combined.

(d) Minimum Lot Frontage 15 metres (flankage along proposed John Fredrick Drive).
Appendix “D” to Report PED10186 (Page 11 of 15)

(h) Minimum Yard Abutting a Street 2.0 metres.

(d) Maximum Height 14 metres (4 storeys).

(i) Minimum Landscaping 30% of the Lot Area.

(j) Planting Strip N/A.

(m) Setback from Detached Dwelling N/A.

(p) Canopies A canopy attached to an apartment building may project not more than 1.5 metres into any minimum yard facing a street.

The ‘H’ Holding prefix shall be lifted from the “H-RM6-603” Zone once the following conditions have been completed, to the satisfaction of the Manager, Traffic Engineering, Public Works Department and the Director of Development Engineering:

i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;

ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands, inclusive;

iv) A road connection through Block 186 to the east, from John Frederick Drive, has been determined and deeded to the City of Hamilton; and,

v) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

H-C3-610 That notwithstanding the provisions of Subsection 22.1 “Permitted Uses”, and Paragraphs (a), (b), (c), (e), and (j) of Subsection 22.2 “Regulations” of Section 22: General Commercial “C3” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “H-C3-610”:
Permitted Uses

Only the following uses shall be permitted in the “C3-610” Zone:

a) Bank and Financial Institutions;
   Business and Professional Offices;
   Dry Cleaning Depot;
   Home Business;
   Laboratory;
   Medical Offices;
   Medical Clinics;
   Personal Service Shops;
   Restaurants, including a drive thru;
   Retail stores; and,
   A maximum of 94 Apartment Dwelling Units.

Regulations

i) Commercial uses shall only be permitted in conjunction with residential units above the ground floor.

ii) Maximum Yard Abutting a Street 2.0 metres.

iii) Minimum Rear Yard 6.0 metres.

iv) Minimum Side Yard 3.0 metres.

v) Maximum Building Height 11.0 metres (3 storeys).

vi) Visual Buffer Shall be required only in the form of a board-on-board fence in conjunction with a 2.0 metre planting strip, along any lot line abutting a Residential Zone.

vii) Outdoor Display for Sale and Open Storage of Goods and Materials No outdoor storage of goods, materials, or equipment shall be permitted in any front yard or flankage yard. This shall not include the display of goods or materials for retail purposes.
viii) Minimum Parking Requirements

In addition to the provisions of Section 7.14, the following special regulations shall also apply:

The parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres.

Visitor Parking may be shared with the commercial parking area. However, one parking space per residential unit shall be provided, and 1 parking space per 33 square metres of non-residential GFA shall be provided.

One loading space shall be required and shared for the residential and commercial uses.

ix) Maximum Gross Floor Area for Commercial

1,200 square metres.

x) Minimum Landscaping Requirements

Not less than 10% of the lot area shall be landscaped area.

The 'H' Holding prefix shall be lifted from the “H-C3-610” Zone once the following conditions have been completed, to the satisfaction of the Director of Development Engineering:

i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;

ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;
iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands, inclusive; and,

iv) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

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

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this [date] day of [date], 2010

______________________________  ______________________________
Fred Eisenberger               Rose Caterini
  Mayor                        Clerk

ZAC-07-105                    OPA-07-031
OPA-07-031                    25T-200725
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
435 Gamet Road East

Block 1 - Change in Zoning from the Agricultural "A-218" Zone to the Residential "H-60" Zone
Block 2 - Change in Zoning from the Agricultural "A-216" Zone to the Residential "H-45-601" Zone
Blocks 3 & 4 - Change in Zoning from the Agricultural "A-218" Zone to the Residential "H-4-612" Zone
Blocks 6 & 8 - Change in Zoning from the Agricultural "A-218" Zone to the Residential "H-4-400" Zone
Block 7 - Change in Zoning from the Agricultural "A-218" Zone to the Residential "H-4-603" Zone
Block 9 - Change in Zoning from the Agricultural "A-218" Zone to the Residential "H-6-604" Zone
Block 10 - Change in Zoning from the Agricultural "A-216" Zone to the Residential Multiple "H-RM6-600" Zone
Blocks 11 & 12 - Change in Zoning from the Agricultural "A-218" Zone to the Residential Multiple "H-RM6-600" Zone
Block 13 - Change in Zoning from the Agricultural "A-218" Zone to the General Commercial "H-C3-610" Zone

Refer to By-law 05-200
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 No. 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, be amended as hereinafter provided;

AND WHEREAS the By-law will be in conformity with the Official Plan of the City of Hamilton (formerly the Official Plan of the Town of Ancaster) upon the approval of OPA No. 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. 1283, 1335, 1336, and 1388 of Schedule “A” to Zoning By-law No. 05-200 is amended by incorporating additional Conservation/Hazard Land (P5) Zone, Neighbourhood Park (P1) Zone, and Neighbourhood Institutional (I1, H42) Holding Zone boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

2. That Schedule “D” of By-law No. 05-200 is amended by adding additional Holding provisions as follows:
“42. Notwithstanding Section 8.3, within the lands zoned Neighbourhood Institutional (I1) Zone, identified on Maps 12, 1283, 1335, 1336, and 1388 of Schedule “A” - Zoning Maps, and described as 435 Garner Road East (Ancaster), no development shall proceed until the following has been completed, to the satisfaction of the Director of Development Engineering:

i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;

ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;

iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands;

iv) A road connection through Block 186 to the east, from John Frederick Drive has been determined and deeded to the City of Hamilton; and,

v) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.”

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.

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

PASSED and ENACTED this       day of       , 2010.

__________________________   ____________________________
FRED EISENBERGER             ROSE CATERINI
MAYOR                        CLERK

ZAC-07-105/OPA-07-031/25T-200725
This is Schedule "A" to By-Law No. 10-
Passed the ........ day of ...................., 2010

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Clerk

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Mayor

Subject Property
435 Garmer Road East

Block 1 - Lands to be zoned Conservation / Hazard Land (P5) Zone
Block 2 - Lands to be zoned Neighbourhood Park (P1) Zone
Block 3 - Lands to be zoned Neighbourhood Institutional (I1.H42) Holding Zone
Refer to By-law 07-57

Schedule "A"
Map Forming Part of
By-Law No. 10---
to Amend By-law No. 05-200
(Maps 1283, 1335, 1336 & 1388)
Macdonald, Greg

From: fred daymond
Sent: Saturday, March 01, 2008 3:59 PM
To: Macdonald, Greg
Cc: Ferguson, Lloyd
Subject: Plan of subdivision, lot 46, concession 3, Ancaster

Dear Sir,

Thankyou for the information dated February 15, 2008 on the proposed development. I have a few questions and concerns that I would like clarification on.

1/ We have a height restriction in Ancaster. I believe that we need to adhere to this. We do not need any buildings higher than three storeys in Ancaster.
2/ On the proposed land use designation there are no details on the medium density residential 3 or any details on the residential/commercial designation.
3/ Why does it say other zoning modifications may be required. If all the plan is in place why do we need other modification. We do not need the developer to all of a sudden change his mind because he made a bad judgement call in the first place. We already have had this happen in Ancaster.

Thankyou for your time in reading my concerns and I look forward to hearing from you.

Fred Daymond

3/3/2008
Thank you for your prompt response. I wasn't really expecting to hear back on a Sunday afternoon. I think the statement "enhancing the value of these lands" says it all. Setting up potential gray areas that a future developer can take advantage of is not my idea of management on behalf of the people of Ancaster and Ontario. It begs the question "Why is the government running the gullett on these amendments". Is this normal practice? Is it preceived that there will be less sustained objections if it is the government we are dealing with? I hope not.

We appreciate your commitment to send a detailed response and to make sure we are notified of any public meetings that are scheduled. Looking forward to the reasonable development of this parcel of land.

John & Nancy Turner
>think that there is some hidden agenda not being detailed in the
>applications.
>
>- It does state at the bottom of page 2 that "It must be noted that while
>the applicant has not requested any other specific zoning modifications,
>additional zoning modifications may be required in order to implement the
>proposed draft plan of subdivision". We're no planning experts but from
>reading the proposed draft plan, it appears to us that additional zoning
>modifications will be required to implement the complete proposal. Again,
>the absence of any details on the most contentious issues of this proposal
>does not leave us with a good feeling.
>
>It almost seems that our government through the Ontario Realty Corporation
>is trying to "grease the vines" for some future developer.
>
>Your truly:
>
>John & Nancy Turner
Appendix "F" to Report PED10186 (Page 4 of 5)

Macdonald, Greg

From: MisolInternational
Sent: Friday, March 14, 2008 11:45 PM
To: Macdonald, Greg
Subject: 436 Garner rd.e.

Reference: Zoning Amendment Application (ZAC-07-105)
Subdivision Application (25T-200725)

Dear Greg,

First of all, I appreciate you for your kindness when I visited your office this afternoon.
As I explained to you, let me appeal my concerns.

1. Three-way Junction.
   My house will be located, exactly at the three-way junction when you make the road as a draft plan of subdivisions.
   This change will effect to decreasing my property value as of residential purposes because nobody prefers to stay at a three-way junction.
   If possible, I would appreciate your consideration of moving the exit road a little aside to the left.

2. Zoning.
   There is no doubt the traffic volume will be increased around the new exit at Garner road. All the front buildings will be commercial buildings, all the way to Garner rd. Only one house -my property- remains under residential property.
   Can you consider changing my zoning to commercial, too?
   It looks more natural when you change the zoning all together with me.
   Please understand my particular property location.

You can contact me when you have any feedbacks.
Your Sincerely,

Sochyeun Hwangbo/ Property owner of 436 Garner Rd. E.

강력히 보안성, 이웃복을 닦아 편리해진 기능들로 무장한 Windows Live Hotmail! 지금 로그인해 보세요!
http://www.hotmail.com
Mr. & Mrs. Montgomery  
374 Harmony Hall Dr.  
Ancaster, ON. L9G 2T4  
March 17, 2008

Greg Macdonald  
Senior Planner  
City of Hamilton, Planning and Economic Development Department  
Hamilton City Centre  
77 James Street North, Suite 400, 4th Floor  
Hamilton ON L8R 2K3

Re: File Nos. ZAC-07-105/OPA-07-031/25T-200725

Dear Mr. Macdonald:

We are writing to voice some concerns about the above amendment for zoning and the Official Plan and the approval of a Plan of Subdivision.

We are concerned about this process moving ahead without conveying adequate information about the impact to existing residents and addressing the safety concerns brought to the attention of the City of Hamilton on previous occasions.

I think we are all in agreement that when the subject lands are developed we will see a significant increase of vehicle traffic on existing residential streets. Those streets likely to be impacted the greatest being Grey Court Drive, Harmony Hall Drive, Annalee Drive, and John Frederick Drive. The safety concerns that we have are that none of these streets have pedestrian sidewalks and none of these streets have street lighting. We are very concerned about the safety of all pedestrians walking in our neighbourhood and especially so of the elderly and children. The increase in vehicle traffic will make an already unsafe situation that much worse. Now would seem to be the appropriate time to address these safety deficiencies with the ability to cost share with the land developer and the City of Hamilton. We would like a commitment from the City of Hamilton to install pedestrian sidewalks and street lighting on the above mentioned streets without any costs being offloaded to the existing residents.

We look forward to hearing from the City of Hamilton as they plan and develop our neighbourhoods in manner that is safe for all, pedestrians, cyclists and drivers.

Sincerely,

Mr. & Mrs. Montgomery
Draft Amendment No. to the

Official Plan of the Former Town of Ancaster


**Purpose:**

The purpose of this Amendment is to:

(a) Re-designate lands within the Garner Neighbourhood Secondary Plan Area on Map 1 - Land Use of the Garner Neighbourhood Secondary Plan from:

- “Low Density Residential 1” to “Medium Density Residential 2”;
- “Low Density Residential 1” to “Medium Density Residential 1”;
- “Low Density Residential 2” to “High Density Residential”;
- “Low Density Residential 2” to “Public Elementary School”; and,

(b) Create three specific policy areas within the Garner Secondary Plan Area to permit:

- The residential component of the proposed future commercial development;
- A minimum lot frontage of 9 metres for singles; and,
- A maximum height of 4-storeys for lands designated high density residential.

The effect of the Amendment is to facilitate the development of a subdivision.

**Location:**

The lands affected by this Amendment are located on Lot 46, Concession 3, at the north side of Garner Road East, east of Highway 6, and west of Southcote Road, in the former Town of Ancaster.
The intent of the Amendment is to permit the development of single-detached, townhouse, mixed-use commercial and residential units, and a Public Elementary School. The basis for the re-designation is as follows:

- The proposed development is consistent with the Provincial Policy Statement;
- The proposed development offers an opportunity for increased density, including mixed land uses, which is consistent with the intent of the Places to Grow Plan;
- The proposed development conforms with the Region of Hamilton-Wentworth Official Plan and the intent of the Town of Ancaster Official Plan;
- The proposed ground-floor commercial uses provide for a self sustaining community;
- The proposed development is located close to a major transportation corridor for vehicular accessibility, and is also situated close to public transit routes, and planned for bicycle and pedestrian movement; and,
- The proposed development is compatible with the exiting and planned development in the immediate area.

**Actual Changes:**

**Text Changes:**

1. Subsection 5.10 - Specific Policy Area No. 32, is amended by adding a new policy as follows:

   “5.10.12 In addition to the Policies of Section 6.4.5.5, residential uses shall be permitted on the lands identified as Specific Policy Area 32f. Residential units located in the same building as convenience commercial uses shall generally be located above the ground floor. Some components of the residential use may be located in ground floor areas in the rear of buildings. All commercial space shall be located on the ground floor with the primary entrances to the commercial space through the principal façade of the building.”

2. Subsection 5.10 - Specific Policy Area No. 32, is amended by adding a new policy as follows:

   “5.10.13 Notwithstanding Policy 6.4.5.1(l)(iv) of the Garner Neighbourhood Secondary Plan, single-detached dwellings are permitted a minimum frontage of 9 metres.”

3. Subsection 5.10 - Specific Policy Area No. 32, is amended by adding a new policy
as follows:

“5.10.14 Lands designated as High Density Residential will be permitted with a maximum height of 4 storeys.”

Map Changes:

1. Schedule ‘B’ - Land Use - Urban Area, is amended by re-designating lands from “residential” to “institutional”, and “residential” to commercial”, as shown on the attached Schedule “A” to this Amendment.

2. Secondary Plan for the Garner Neighbourhood - Map “1” - Land Use, is amended by deleting the land use designations on the subject lands and replacing them with the land use designations shown in the inset on Schedule “B” to this Amendment.

3. Schedule “F” - Special Policy Area, is amended by identifying the lands as Specific Policy Area 32f, 32g, and 32h, as shown on Schedule “C” to this Amendment.

Implementation:

A Zoning By-law Amendment and Site Plan Agreement will give effect to this Official Plan Amendment.

This is Schedule "1" to By-law No. ___, passed on the ___ day of ___, 2010.

The City of Hamilton

_______________________  __________________________
Fred Eisenberger       Rose Caterini
Mayor                  Clerk
Urban Hamilton Official Plan
Amendment No.  [

The following text, together with:

1. Schedule “A” (Volume 2: Map B.2.3-1 - Garner Neighbourhood Secondary Plan - Land Use Plan);

attached hereto, constitutes Official Plan Amendment/Modification No.  to the Urban Hamilton Official Plan.

1.0 Purpose:

The purpose of this Amendment is to redesignate lands within the Garner Neighbourhood Secondary Plan on Map B.2.3-1 - Land Use Plan:

- “Low Density Residential 1” to “Institutional”;
- “Low Density Residential 1” to “Medium Density Residential 2b”;
- “Low Density Residential 1a” to “Low Density Residential 2c”;
- “Local Commercial” to “Mixed Use - Medium Density”.

The effect of this Amendment is to facilitate the development of a subdivision.

2.0 Location:

The lands affected by this Amendment are located on Lot 46, Concession 3, at the north side of Garner Road East, east of Hwy. 6, and west of Southcote Road, in the former Town of Ancaster.

3.0 Basis:

The intent of the Amendment is to permit the development of single-detached, townhouse, mixed-use commercial and residential units, and a Public Elementary School. The basis for the re-designation is as follows:

- The proposed development is consistent with the Provincial Policy Statement;
- The proposed development offers an opportunity for increased density, including mixed land uses, which is consistent with the intent of the Places to Grow Plan;
• The proposed development conforms with the intent of the Urban Hamilton Official Plan;

• The proposed ground-floor commercial uses provides for a self-sustaining community;

• The proposed development is located close to a major transportation corridor for vehicular accessibility, and is also situated close to public transit routes, and planned for bicycle and pedestrian movement; and,

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

4.0 Changes:

4.1 Text Changes

4.1.1 Volume 2, Chapter B.2.3 - Garner Neighbourhood Secondary Plan

Volume 2, Chapter B, Section 2.3 - Garner Neighbourhood Secondary Plan is amended as follows:

a) Adding the words “Medium Density Residential 3” to the list of residential designations in Policy B.2.3.1.1 so that the section reads as follows:

“2.3.1.1 The residential areas are designated Low Density Residential 1, Low Density Residential 1a, Low Density Residential 2a, Low Density Residential 2c, Low Density Residential 3a, Medium Density Residential 2b, and Medium Density Residential 3, as identified on Map B.2.3-1 - Garner Neighbourhood - Land Use Plan.”

b) Adding a new policy to 2.3.1.4, as follows:

2.3.1.4 b) In the Medium Density Residential 3 designation:

i) The permitted uses shall be a full range of housing forms, except single-detached and semi-detached dwellings.

ii) The density shall be in the range of 75 - 100 dwelling units/hectare per gross/net residential hectare.
Appendix “J” to Report PED10186 (Page 3 of 5)

Schedule “1”

c) Changing the title of Policy B.2.3.2 from “Local Commercial Designation” to “Commercial Designations”;

d) Adding the title “Local Commercial Designation” to Policy B.2.3.2.1; and,

e) Adding a new Policy “2.3.2.2 - Mixed Use Medium Density Designation”,

So that the revised Section B.2.3.2 reads as follows:

“2.3.2 Commercial Designations

The commercial areas are lands designated Local Commercial and Mixed-Use Medium Density on Map B.2.3-1 - Garner Neighbourhood Secondary Plan - Land Use Plan.

2.3.2.1 Local Commercial Designation

Notwithstanding Section E.3.8 - Local Commercial of Volume 1, the following policies shall apply to the lands designated Local Commercial on Map B.2.3-1 - Garner Neighbourhood - Land Use Plan:

a) The westerly Local Commercial facility shall have a maximum gross leasable area of 1,200 square metres on a site of 0.5 hectares. The easterly Local Commercial site shall have a maximum gross leasable area of 1,800 square metres on a site of 0.8 hectares.

b) Adequate landscaping, buffering, on-site parking, loading area, and screened refuse disposal shall be provided to minimize impacts on adjacent land uses.

c) New Local Commercial facilities shall require a Zoning By-law Amendment and Site Plan Approval.

2.3.2.2 Mixed-Use Medium Density Designation

Section E.4.6 - Mixed-Use Medium Density Designation shall apply to the lands designated Mixed-Use Medium Density on Map B.2.3-1 - Garner Neighbourhood Secondary Plan - Land Use Plan.

f) Adding a new Area Specific Policy to Section B.2.3.6 to read as follows:
“Area Specific Policy - Area B

2.3.6.2 Notwithstanding Policy 2.3.1.3 d) ii), for lands shown as Area Specific Policy - Area B, single-detached dwellings shall be permitted at a minimum frontage of 9 metres.”

g) Adding a new Site-Specific Policy to Section B.2.3.6 to read as follows:

“Site Specific Policy - Area C

2.3.6.3 For lands identified as Site-Specific Policy - Area C, the maximum permitted height shall be 4 storeys.”

4.2.2 Map Changes

a) Volume 2, Chapter B, Map B.2.3-1 - Garner Neighbourhood Secondary Plan - Land Use Plan, is amended by redesignating lands from:

- “Low Density Residential 1” to “Institutional”;
- “Low Density Residential 1” to “Medium Density Residential 2b”;
- “Low Density Residential 1a” to “Low Density Residential 2c”;
- “Local Commercial” to “Mixed Use Medium Density”.

as shown on Schedule “A” attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment, Plan of Subdivision, and Site Plan will give effect to the intended uses on the subject lands.

This is Schedule “1” to By-law No. passed on the day of , 2010.

The
City of Hamilton

_________________________  _________________________
Fred Eisenberger Rose Caterini
MAYOR CLERK