SUBJECT: Applications for Approval of a Draft Plan of Subdivision Revision, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57 and 05-200, for Lands Located at 625 Garner Road East (Ancaster) (PED09186) (Ward 12)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200711(R), by Mattamy (Southcote) Limited, Owner, to establish a draft plan of subdivision on the property located at 625 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED09186, subject to the following conditions:

   (i) That this approval apply to the Draft Plan of Subdivision Revision, 25T-200711(R), prepared by Mattamy Homes, and certified by S.D. McLaren, O.L.S., dated May 25, 2009, showing 24 blocks (Blocks 7-12, 14, 17-26, 28-30, 32-34 and 36) for single detached dwellings, 5 blocks for townhouses (Blocks 1 and 3-6), 1 block (Block 13) for a parkette, 1 block (Block 31) for storm water management, 3 blocks for public walkways (Block 16, 27 and 35), 3 blocks for road widenings (Blocks 2, 37 and 38), 1 institutional block (Block 15) and the creation of 4 new streets (Webb Court, Knightrider Drive, Ohara Lane, and Cranston Street), 1 block for a 1 foot reserve (Block 39), and the extension of Roelfson Drive, Barnacle Crescent, and Moorland Crescent, attached as Appendix “B” to Report PED09186, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “G” to Report PED09186;
(ii) Acknowledgement that there will be no City share for any municipal works associated with this development, except for:

1. The City agrees to pay its share of costs for the construction of surface and underground works required along the park frontage (Block 13). For surface works, the City share shall be based on the New Road Servicing Rate.

2. The City will pay 50% of the cost of the chain link fence required between residential lots and the lands being transferred to the City as parkland in accordance with the current financial policy.

3. The City agrees to pay the difference in price in order to construct the board on board privacy fence abutting 661 Garner Road East. The Owner’s contribution towards the privacy fence shall be equivalent to the cost of a 1.5 metre high black vinyl chain link fence.

4. The City agrees to pay for the stormwater management facility from an approved Capital Budget Source. Cost sharing by the City shall be based on as-constructed costs, including lands, to an upset limit of $581,840.00, as approved by the City following completion of the pond.

5. The City will pay 50% of the cost of top coarse asphalt required on Kitty Murray Lane in accordance with the current financial policy.

6. The City agrees to pay its share of costs of the Garner Road / Kitty Murray Lane intersection improvements. The Owner’s contribution towards the Garner Road / Kitty Murray Lane intersection improvements shall be $20,000.00, plus any costs deemed to be temporary. Where construction of Works proceeds prior to Capital Budget approval and allocation of funding for the City’s Share, such costs shall be identified and paid by the Owner at the time of construction, and;

(iii) That the partial dedication of land and payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act. The conveyance of the required lands will be concurrent with the registration of the Plan for the dedication of the lands prior to registration. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of draft approval, and be paid prior to the registration of the plan;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.
SUBJECT: Applications for Approval of a Draft Plan of Subdivision Revision, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57 and 05-200, for Lands Located at 625 Garner Road East (Ancaster) (PED09186) (Ward 12) - Page 3 of 24

(b) That approval be given to **Official Plan Amendment Application OPA-09-001, by Mattamy (Southcote) Limited, Owner**, to amend Map “1”, Meadowlands Neighbourhood III Secondary Plan, from “Low Density Residential 2” to “Medium Density Residential”, from “Low Density Residential 2” to “Low Density Residential 3”, from “Low Density Residential 2” and “Parkette” to “Institutional”, and from “Low Density Residential 2” to “Parkette”, and to amend the table in Subsection 6.6.6 (d) to create a new designation “Low Density Residential 3” with a prescribed Minimum Frontage of “9.0m”; and, to delete Subsections (a) and (b), from Subsection 6.6.9, on lands located at 625 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED09186, on the following basis:

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

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(c) That approval be given to **Zoning Application ZAC-09-002, by Mattamy (Southcote) Limited, Owner**, in order to repeal By-laws 08-147 and 08-148 in their entirety, and to provide for changes in zoning from the Public “P” and “P-391” Zones to the Residential “R4-589” Zone for Block 1, to the Residential “R4-590” Zone for Block 2, to the Residential “R4-591” Zone for Block 3, to the Residential “R4-592” Zone for Block 4, to the Residential Multiple “RM2-593” Zone for Block 5, to the Residential Multiple “RM2-594” Zone for Block 6, and to the Residential “R4-595” Zone for Block 7, as shown on Schedule “A” to Appendix “C”; and to the Neighbourhood Park (P1) Zone for Block 3, to the Institutional (I1, 21) Zone for Block 4, to the Open Space (P4) Zone for Block 1, and to the Conservation/Hazard Lands (P5) Zone for Block 2, as shown on Schedule “A” of Appendix “D” to Report PED09186, for lands located at 625 Garner Road East, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09186, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(iii) That the draft By-law, attached as Appendix “D” to Report PED09186, 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. 1336 and 1337 of Zoning By-law No. 05-200.
EXECUTIVE SUMMARY:

The purpose of the applications is for a revision to a recently approved draft plan of subdivision, Official Plan Amendment, and change in zoning in order to permit the development of the lands for approximately 220 lots for single detached dwellings, 52 street townhouses on a future condominium road, 54 townhouses fronting onto a public street, a Catholic Elementary School, a parkette, two walkways, a block for storm water management, 4 new streets and the extension of Barnacle Crescent, Moorland Crescent and Roelfson Drive (see Appendix “F”).

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

BACKGROUND:

Proposal

The purpose of the applications is to approve amendments to a recently approved draft plan of subdivision, Official Plan Amendment, and change in zoning (approved under ZAC-07-072, OPA-07-018 and 25T200711). The current amendments are required in order to accommodate a proposed new Catholic Elementary School within the subject lands. The proposal also seeks amendments to the number and type of units proposed and the lot fabric, consisting mainly of the additional provision of street townhouse units (approximately 54), a change in road pattern, and the reduction to the minimum...
required frontage of those single detached units located predominately internal of the site. Specifically, the applications would permit:

- 24 blocks for single detached dwellings (Blocks 7-12, 14, 17-26, 28-30, 32-34 and 36);
- 5 blocks for townhouses (Blocks 1 and 3-6);
- 1 block for a school (Block 15);
- 1 block for a parkette (Block 13);
- 3 blocks for public walkways (Block 16, 27 and 35);
- 1 block for storm water management (Block 31);
- 3 blocks for road widenings (Blocks 2, 37 and 38); and,
- 1 block for a 1 foot reserve (Block 39).

In order to implement the revised draft plan of subdivision, an Official Plan Amendment is required to create a new designation (Low Density Residential 3) to delete two existing policies regarding school sites, and to change a number of existing land use designations within the Meadowlands Neighbourhood III Secondary Plan. These amendments are primarily required due to revisions in the location of the parkette, the provision of additional townhouse units, the provision of ‘small lot’ singles, and the location of an institutional block (to be located adjacent Kitty Murray Lane) in order to accommodate the proposed new Catholic Elementary School. Recommendation (b) provides a detailed description of the required amendments to the Ancaster Official Plan, and Appendix “B” is the draft Official Plan Amendment.

The subject lands are also subject to proposed changes in zoning in order to permit the location of the Catholic Elementary School, the relocation of the Parkette, the additional townhouse units, and to facilitate the increased density of ‘small lot’ single detached units located predominately internal of the site (see Appendix “F”). The proposed site-specific zoning modifications to the Residential “R4” Zone for those units internal of the site (i.e. those not fronting on to Kitty Murray Lane) are to implement a more innovative low density residential form of housing characterized by reduced frontages (9.0m) and lot areas (230 sq.m.). A number of other zoning provisions approved under the previous Zoning Application ZAC-07-072 for both the singles and townhouse units will also be incorporated into this amending By-law, however, as a housekeeping amendment staff will formally repeal the previous two By-laws and incorporate all requested modifications under two new, consolidated By-laws. Notwithstanding this, given that these zoning provisions have already been approved and are now in effect, the review contained and discussed within this report will focus only upon those new additional required zoning provisions.

**Location:**
625 Garner Road East, Ancaster

**Owner/Applicant:**
Mattamy (Southcote) Limited

**Agent:**
WEBB Planning Consultants, c/o James Webb.
SUBJECT: Applications for Approval of a Draft Plan of Subdivision Revision, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57 and 05-200, for Lands Located at 625 Garner Road East (Ancaster) (PED09186) (Ward 12) - Page 6 of 24

Property Description:

Frontage: 119m (measured along Garner Road East)

Flankage: 651m (east property line along Kitty Murray Lane)

Lot Area: 16.786ha.

Servicing:

Full municipal services on Kitty Murray Lane and Southcote Road and full municipal sewers on all new roads.

EXISTING LAND USE AND ZONING:

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<th>Existing Zoning</th>
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<td>Conservation/Hazard Lands (P5) Zone</td>
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<td>North</td>
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<td>Residential “R4” Zone and Residential “R4-450” Zone</td>
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<td>South</td>
<td>Future EMS Station (661 Garner Road East) and Golf Driving Range (south side of Garner Road East)</td>
<td>Public “P” Zone and Agricultural - Holding “H-A-455” Zone and Agricultural “A” Zone (south side of Garner Road East)</td>
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<td>East</td>
<td>Redeemer University College and Single Detached Dwellings</td>
<td>Institutional “I” Zone and Agricultural “A” Zone</td>
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<tr>
<td>West</td>
<td>Single Detached Dwellings and Future Moorland Park</td>
<td>Residential “R4” Zone, Agricultural “A” Zone, Commercial “C6-343” Modified Zone and Neighbourhood Park (P1) Zone</td>
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ANALYSIS/RATIONALE:

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

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

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

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

   (iv) The Official Plan Amendment and Subdivision provides for increased linkages between an existing park and an open space trail system around a storm water management pond and a better designed and located parkette.

2. The applications currently before the City represent amendments to the subdivision, OPA, and Rezoning applications previously approved under ZAC-07-072, OPA-07-018, and 25T200711. Many of the issues that were considered and resolved through the previous recommended set of Draft Plan Conditions, and still remain relevant to these applications, will be incorporated within the amended Subdivision Agreement recommended in this report. Similarly, while the previous Zoning By-laws are to be repealed in their entirety, the amending By-laws will contain many of the previously approved provisions, in addition to a small number of additional provisions requested through the current applications. This report, therefore, will focus on the fundamental changes that have arisen and have been requested through these amended applications, and will only touch upon, in part, those issues which have already been resolved and/or approved previously by City Council.

3. The area in question has been the subject of detailed review in the development of the Meadowlands Neighbourhood III Secondary Plan. The Meadowlands Neighbourhood III Secondary Plan (as amended) identifies 2 parks, a larger square shaped neighbourhood park on Moorland Crescent (Moorland Park) with a planned area of approximately 1.6 ha, and a smaller neighbourhood park with a planned area of approximately 0.4 ha in-between Kitty Murray Lane and Southcote Road. A walkway connection to Moorland Park (Block 27) is proposed to provide a pedestrian link to Moorland Park from this subdivision (Cranston Street), and to provide a continuous linkage through the subdivision to a walkway within the proposed block for storm water management (Block 31). Two other
walkways (Blocks 16 and 35) have been proposed linking the residential development and school site with the proposed new parkette. These walkways do not form part of any required parkland dedication. Construction of these walkways is at the applicant’s cost, and is addressed through Special Conditions of Draft Plan Approval Nos. 9, 13 and 18 (Appendix “G”).

Due to the location of the school block adjacent to Kitty Murray Lane, the applicants are proposing to relocate the previously approved smaller Parkette more centrally into the development (Block 13 on Appendix “F”). The revised park location is considered relatively minor compared to its previous location, and would afford the same level of accessibility and functionality. The applicant has also agreed to construct the parkette, including all of its play/shade equipment and other features, so that the park would be ready to be utilized by residents of the new subdivision instead of at such time that the City of Hamilton has budgeted for the construction. Special Conditions of Draft Plan Approval Nos. 30 and 31 (Appendix “G”) would apply pertaining to the construction of the parkette. The applicant would also be responsible for maintaining the park, at their cost, until such time that the entire subdivision has been assumed by the City of Hamilton.

4. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to a parkland dedication, or a Cash-in-Lieu of parkland dedication payment of five percent (5%) of the total land area of the subject property for the residential portion, and 5% for the Institutional Block. The Medium Density Residential Blocks (Blocks 1 and 3-6) will, however, be subject to a dedication of 1 ha per 300 units, which results in a parkland dedication requirement of 0.164 ha (based on the maximum permitted density for Block 1) and a dedication of 0.188 ha (based on the maximum permitted density’s for Blocks 3-6).

The remaining subdivision, subtracting the medium density residential contained in Block 1, the Institutional block (Block 15), and the storm water management block (Block 31), is 12.026 ha, with 10.87 ha subject to 5% dedication (0.543 ha) and 1.15 ha subject to 1 ha per 300 units (0.188) of parkland dedication. Subsequently, a 0.731 ha is to be dedicated as parkland. The parkette to be dedicated is 0.405 ha, which results in a remaining 0.326 ha of land required to be dedicated. As no additional parkland is needed by the City of Hamilton, the remaining dedication will be required through a payment of Cash-in-Lieu of parkland, which translates into a 2.18% dedication.

Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, in-lieu of the conveyance of the land, will be required prior to the registration of the plan, for the lots within the plan, based on the 2.18% dedication rate. This requirement has been included in Recommendation (a) (iii), and through Special Condition of Draft Plan Approval No. 30 (Appendix “G”).
5. Sidewalks will be provided on the east side of Barnacle Crescent, the north side of Roelfson Drive, the west side Kitty Murray Lane, both sides of Knightrider Drive, the west side of Cranston Street, and on one side of Ohara Lane (see Special Condition of Draft Plan Approval No. 27 (Appendix “G”) for the exact description of the final sidewalk locations). In addition, a number of other special development engineering conditions of approval would apply. These include obligations on the applicant to:

- Submit a storm water management report, maintain the storm water management facility until assumption by the City of Hamilton, and submit and implement a landscape plan for the storm water management facility incorporating public walkways (Appendix “G” - Special Conditions of Draft Plan Approval Nos. 2, 3 and 36).

- Reconstruct Kitty Murray Lane due to the number of servicing cuts being required (Appendix “G” - Special Condition of Draft Plan Approval No. 4).

- Construct intersection improvements for an east-bound left turn lane in consideration of the requirements of the Garner Road Transportation EA (Appendix “G” - Special Condition of Draft Plan Approval No. 5).

- Provide appropriate fencing abutting parkland, the storm water management facility, walkways, and around the EMS station (Appendix “G” - Special Conditions of Draft Plan Approval Nos. 12, 13, 14 and 15.

- Submit a hydrogeological report and groundwater study and mitigate any impacts during construction including monitoring (Appendix “G” - Special Condition of Draft Plan Approval Nos. 16).

- Dedication of road widenings on Garner Road East (Block 2) and Southcote Road (Block 37) (Appendix “G” - Special Conditions of Draft Plan Approval Nos. 20 and 21). The final plan must also show a road widening on Kitty Murray Lane, which must be dedicated to the City of Hamilton as public highway (Appendix “G” - Special Condition of Draft Plan Approval No. 22).

- Pay their proportionate share for existing sewers and watermains on Kitty Murray Lane (Appendix “G” - Special Condition of Draft Plan Approval No. 24).

- Pay their proportionate share for the future urbanization of Garner Road East adjacent to Block 33 (Appendix “G” - Special Condition of Draft Plan Approval No. 26).
SUBJECT: Applications for Approval of a Draft Plan of Subdivision Revision, and Amendments to the Ancaster Official Plan and Zoning By-law No. 87-57 and 05-200, for Lands Located at 625 Garner Road East (Ancaster) (PED09186) (Ward 12) - Page 10 of 24

- Pay their proportionate share for the existing storm sewer on Southcote Road adjacent to Block 34 (Appendix “G” - Special Condition of Draft Plan Approval No. 26).

6. The applicants submitted a noise study under the previous application that has been approved. However, as the current applications constitute a revision to the proposed subdivision layout, an addendum noise report will be required and their recommendations implemented through the Standard Form Subdivision Agreement and through Special Draft Plan Condition No. 39 (Appendix “G”).

Hamilton Conservation were circulated the application and are in support of the applications subject to several conditions. These conditions, pertaining to Storm Water Management, Landscaping, Erosion and Sedimentation, and Hydrogeological review are covered in the Standard Form Subdivision Agreement and through Special Conditions of Draft Plan Approval Nos. 36, 37, 38 and 16 (Appendix “G”).

7. The City of Hamilton has constructed a new EMS station at the northwest corner of Kitty Murray Lane and Garner Road East. The station was approved under Site Plan Control Application DA-07-142. As part of the approval of the site plan, Mattamy Homes has agreed to cost share with the City of Hamilton for fencing between the two properties. As such, the applicant is required to construct a 2.4m high pressure treated horizontal board-on-board privacy fence (or approved equivalent) abutting 661 Garner Road East prior to the issuance of building permits for Blocks 1 and 3 (Appendix “G” - Special Condition of Draft Plan Approval No. 14). The City of Hamilton will then cost share with Mattamy Homes for the difference in price between the board-on-board privacy fence and the cost of a 1.5 metre high chain link fence (see recommendation (a)(ii)(3) of this report).

8. In accordance with Council’s Public Participation Policy, the application was pre-circulated to 169 property owners within 120 metres of the subject property in February 2009. The applicants also hosted a Neighbourhood Information Meeting on February 24, 2009, at which time a number of residents attended. At this meeting, 1 written representation was made, which was in support of the proposed school block (see Appendix “E”). As a result of the pre-circulation, 1 letter expressing concerns with the proposed density of development was received (see Appendix “E”). In addition, the Ancaster Community Council advised that they do not support the application due to concerns over the provision of high density, 9m lot frontages, and its subsequent impact with regard to the character of Ancaster (see Appendix “E”). These concerns, in addition to other issues raised by the current applications, will be discussed in the following section. Finally, a Public Notice sign was erected on the property in March, 2009.
As detailed earlier, the main change to the previous Draft Plan approved under 25T200711 has been the introduction of an institutional block (Catholic Elementary School). In addition to this, the rezoning application also seeks reductions to the minimum frontage provision and lot areas applied to select single detached units, and to permit the introduction of additional street townhouse units. This is in order to maintain a similar residential net density to that approved under the previous rezoning application (ZAC-07-072). The following review will, consequently, focus upon these requested amendments.

Institutional Block

The proposed Catholic Elementary School will be located immediately adjacent to Kitty Murray Lane. The provision of the school would require both zoning changes and changes to the existing Meadowlands III Secondary Plan. With regard to the Secondary Plan changes, the proposal would require a change in designation from "Residential" to "Institutional", as well as the deletion of two existing policies contained in Subsections (a) and (b), of Policy 6.6.9. These policies state the following:

"Policy 6.6.9 School Policies"

(a) No new Schools are required within Meadowlands Neighbourhood III.

(b) The Meadowlands Neighbourhood III shall be served by secondary and elementary school facilities outside of the neighbourhood."

The intent of these policies is to ensure sufficient residential densities are secured in the neighbourhood in order to satisfy current housing demands without jeopardizing the existing low density character of the area. The requirement for this neighbourhood to satisfy the rising demand for housing is given greater direction through Policy 6.6.5, in which specific unit numbers are attributed to the entire Secondary plan area:

"Policy 6.6.5. Planned and Future Population"

The Meadowlands Neighbourhood III shall have a planned future population of ± 2000 persons and contain ± 625 dwelling units…”

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

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

Consequently, through directing the location of new school sites outside of the planned neighbourhood area, the Secondary Plan seeks to maximize the provision of residential units, while maintaining the low density character of the area.

It is staff’s opinion that despite the location of an institutional block, sufficient opportunity exists - and has been appropriately demonstrated within the Draft Plan of Subdivision - to maintain the previous density targets contemplated within the Meadowlands III Secondary Plan, without conflicting with the existing residential character of the area.

Indeed, the net residential densities achieved in this subdivision are only marginally different to that requested under the previous applications, and yet still utilizes units of a similar type and form as previously approved. Staff is, therefore, satisfied that the change in designation from ‘Residential’ to ‘Institutional’ and the deletion of the above policies required through the Official Plan Amendment maintain the intent of the Secondary Plan, and are supportable. Further, it should be noted that the lifespan of a school building, although beyond the scope of a secondary plan, still provides the opportunity to return to residential use at some point in the future.

Notwithstanding staff’s support of the Official Plan Amendment detailed above, the zoning analysis of the school, and subsequent increases in residential densities, have been further assessed in detail below.

In support of the elementary school in particular, and the proposal in general, a Traffic Report, compiled by Paradigm Transportation Solutions Limited, was submitted in March 2009. A further addendum report was compiled in April 2009, specifically assessing the left turn warrants at the intersection of Kitty Murray Lane and Garner Road. With regard to the school, the reports concluded that with an expected enrolment of 550 students, the additional trips generated above and beyond the current level of service provided is expected to remain reasonable. However, the assessment does indicate that while the future potential traffic volumes would not be significantly different, the existing situation does already warrant an eastbound left turn lane on Garner Road at Kitty Murray Lane.
It is anticipated that with total future traffic (including the proposed units), the intersection of Kitty Murray Lane with Garner Road East would, in the absence of a turning lane, experience higher delays in both the AM and PM peak hour for left turn movements. The report, in conclusion, draws attention to the fact that a Class EA study for the Garner Road corridor is currently underway, and that long term improvements may be necessary and implemented for this intersection and could include the location of a roundabout.

Notwithstanding the potential improvements to be identified through the Class EA study, staff recommends that the Owner design and construct the interim intersection improvements for an east-bound left turn lane in consideration of the requirements of the Garner Road Transportation EA, and front-end the full amount of the actual costs of such improvements. It has been agreed that the Owner’s contribution shall be no more than $20,000.00. This is addressed through Recommendation (a) (ii) 6 regarding cost sharing.

Although only preliminary details have been reviewed regarding the future school site (no plans have been formally submitted), it is anticipated that the school would include adequate circulation of traffic (“kiss and drop” lane) in order to ensure parking and traffic flows associated with parents dropping children off at school, will not affect existing traffic movements within and around the subject lands.

The proposed school would also conform to all the provisions (including parking and landscaping) of the Neighbourhood Institutional (I1, 21) designation, save and except for the height provision of 10.5m, which will be modified to permit a maximum height of 13.5m. It is considered that this would have a relatively minor impact upon the streetscape and can, therefore, be supported. The site would also benefit from its proximity to Kitty Murray Lane, would be located within close proximity to the parkette, as well as benefit from pedestrian walkways linking the two as proposed in Block 16. This is considered in accordance with Official Plan Policy 4.7.2, which states:

“Policy 4.7.2.

(g) Institutional uses shall be encouraged to be associated and integrated with Open Space and Conservation uses…shall be encouraged to locate near major transportation routes for ease of access.”

Finally, it should be noted that the School site will also be subject to site plan review, which will provide the opportunity for staff to review, in detail, factors including but not limited to: elevational design, landscaping/buffering, and internal circulation of traffic and pedestrians. In light of the above, staff considers the provision and location of the school site and increase in height acceptable.
Additional Townhouse Units

The introduction of approximately 54 additional townhouse units within the subdivision, following the introduction of an eastbound turning lane, is not considered to result in any significant impact upon traffic flows into and out of the subject lands, as substantiated in the submitted Traffic Study by Paradigm Transportation Solutions Limited. Furthermore, the type and form of the townhouse units proposed (including the requested zoning provisions) are very similar to that approved under the previous applications.

The applicant has, however, requested that both the townhouses and singles be permitted to have balconies and porches that encroach a maximum of 2.0m into the required side, rear and front yards, instead of the 1.5m encroachment permitted in the Ancaster By-law’s General Provisions. With regard to the townhouses and smaller lot singles, there is concern that this relief would further erode the level of already limited landscaping. In addition, it is acknowledged that through the previous applications, concerns were raised over the number and subsequent impact of the modifications requested for the proposed townhouses.

Notwithstanding this, staff is of the opinion that the porches and/or balconies would provide additional amenity to the occupants, as well as give greater articulation to the dwelling. The current layout of the townhouses adjacent Garner Road East has also been modified since the previous applications, and now have a more conventional fabric, which staff consider can more appropriately accommodate the requested modifications. It is, therefore, considered that on balance, the encroachment of the balconies/porches can be supported and would not unacceptably affect the streetscape with regard to reduced landscaping.

Similarly, the applicant has requested that bay windows also be permitted to encroach into a side, rear, and front yard a maximum of 2.0m, instead of the permitted 0.6m, as permitted in the Ancaster By-law’s General Provisions. Although this constitutes a greater relief from the standard provision of the By-law than that proposed for the balconies/porches, staff is in a position to support the additional encroachment, given that the introduction of the bay windows would provide greater articulation to the proposed elevations.

The location of these units would also be in the south west portion of the Draft Plan, in close proximity to the previously approved block of townhouses and within close proximity to the main Garner and Kitty Murray intersection and the new parkette. This provides both a steady transition in densities west to east across the subdivision, as well as locating the increased densities closer to the exit of the subdivision, the main intersection, and the proposed new Catholic school site, consistent with the residential policies of the Official Plan, including Policy 4.4.8.
“Policy 4.4.8 In locating new townhouses…and other forms of attached housing, consideration shall be given to the gradation of densities so that there is a gradual transition from low to high residential densities. Consideration should also be given to the following criteria:

i) Attached housing should abut or be in close proximity to an arterial or a collector…

ii) Attached housing should be encouraged to locate in proximity to community services and facilities such as transit, shopping areas, schools, churches, and parks;”

Staff is, therefore, of the opinion that the provision of additional townhouse units within the subdivision would not prejudice highway amenity, would maintain the character of the area, and would be in accordance with the relevant policies of the Ancaster Official Plan.

Reduced frontages and areas

Arguably, the most notable amendment to the previous approved subdivision would be the incorporation of ‘small lot’ single detached dwellings with a minimum lot frontage of 9m. Staff acknowledges that while small frontages have previously been approved in Ancaster (9.1m in Valridge Drive), such lot sizes remain in the minority, with Ancaster, in general, being characterized by larger lots in established neighbourhoods. As such, staff is concerned that indiscriminately located lots at this size could serve to erode the character of the area, and set an unsuitable precedent. In order to mitigate the visual impact of these small lots, the applicant has agreed to accommodate the same side yard setbacks administered to that of the larger single detached dwelling lots. Consequently, the provision of a 1.2m (external) and 0.6m side yard (internal) would be required, and thus limit the building envelope of each unit, and maintain the general spacing between larger and smaller singles when viewed from the street.

In addition, the maximum lot coverage for both the small and larger lots would remain the same (55%), maintaining a balance between lot size and unit size, and avoiding the undesirable situation of oversized dwellings on reduced lots (please refer to Table 1.1 below and Appendix "C" for more details). However, while staff acknowledges that this treatment may serve to maintain the rhythm of the streetscape and mitigate the overall impact of the smaller singles, concern remains over the location of these units with regard to the character of Ancaster in general.
With regard to existing policies, the provision of a range of lot sizes at what is still considered low density housing (i.e. singles) is considered in keeping with the residential policies of the Secondary Plan. Indeed, staff is of the opinion that the proposed mixture of singles ranging from 13.1m to 9m in frontage, as well as the provision of street and block townhouses, would ‘provide a moderate mix of housing opportunities in terms of lot sizes, unit size, type, and tenure that are suitable for different age groups, lifestyles, and household structures’ (Policy 6.6.6). Furthermore, the densities achieved would be efficient enough to satisfy the intent of the Places to Grow Legislation without resorting to higher density forms of housing that could potentially have greater impact on the character of the area.

Notwithstanding this, staff recommends that these lots be located only internal of the subdivision ensuring that the larger lots are located along Kitty Murray Lane. This would assist in preserving the established character of the area; which is typified by larger lots, and would also resist any potential unsuitable precedent being established. This concern over precedent refers to pressures both within the immediate vicinity (with the likely range of severances expected across the street on Kitty Murray Lane), and also for Ancaster in general (ensuring such innovative small lot singles are restricted to only comprehensive plans of development where they are not viewed in the context of any established streetscape).

The By-law contained in Appendix “C” details how the locations for these small lot singles will be controlled. This is further simplified in Table 1.1 below, which identifies the two main single family zoning categories proposed within the subdivision (the remaining more prohibitive single family zoning categories are detailed in Appendix “C”). Consequently, staff is of the opinion that the required amendments to the Policies of the Secondary Plan and the Zoning regulations necessary to implement the revised subdivision, are consistent with the intent of the Secondary Plan, would maintain the character of the area, and would represent good planning.

Table 1.1 Proposed Zoning Regulations

<table>
<thead>
<tr>
<th>Schedule “A” Block Numbers</th>
<th>Minimum Frontage</th>
<th>Minimum Lot Area</th>
<th>Minimum Side yard</th>
<th>Maximum Lot Coverage</th>
<th>Permitted Encroachments of Balconies/ Porches in side/front yards</th>
</tr>
</thead>
</table>
Road Pattern

Finally, changes will be required to the road pattern in order to accommodate the changes addressed in this report (see Appendix “F”). Engineering and traffic comments confirm that while the length of Webb Court is not ideal - with respect to the potential for speeding traffic - the location of a park block in addition to the proximity of the School Site would serve as potential traffic calming measures. In addition, as it is a court, the roadway offers no shortcut to other areas of the neighbourhood, and the likelihood of anyone but residents and visitors using the roadway is unlikely.

In order to limit the number of accesses onto Garner Road, staff has placed a one foot reserve along the boundary of Block 1 and Garner Road East. This will ensure no access to this townhouse block be provided from Garner Road.

Staff also notes that given the provision of a school within the neighbourhood, Knightrider Drive should be widened to create a standard 20m Right of Way. This would allow for sidewalks on both sides of the street, as well as permit the accommodation of all necessary utilities. However, the applicant has managed to demonstrate that sidewalks on both sides, as well as all the necessary utilities, can be accommodated in an 18m Right of Way. Following review of this information, staff is satisfied, and supports the width remaining at 18m for this development, but notes that the standard 20m Right of Way shall remain in effect for future subdivisions unless otherwise demonstrated through justification satisfactory to the Director of Development Engineering.
With regard to the walkway block (Block 16), staff is concerned that the pedestrian link through the parkette to the school may be problematic given that it is midblock and does not provide for a controlled pedestrian crossing. A Special Draft Plan Condition of approval has, therefore, been recommended, requiring a suitable form of traffic calming control be provided in order to ensure a safe and visible crossing. This treatment will be secured through Special Subdivision Condition No. 34 (Appendix “G”). In addition, staff has requested flashing school zone beacons be installed in front of the proposed school on Kitty Murray Lane (Block 15). This has been recommended in Special Subdivision Condition No. 35 (Appendix “G”).

Finally, the applicant will also be required to submit a parking plan that details the provision of at least 40% on street parking is provided and maintained within the Draft Plan of Subdivision. This is detailed in Special Condition of Draft Plan No. 17 v) (Appendix “G”).

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed draft plan of subdivision, Official Plan Amendment, and changes in zoning be denied, the subject lands could be developed for uses permitted within the existing Residential “R4-572” Zone, Residential “R4-573” Zone, Residential “R4-574” Zone, Residential “R4-577” Zone, Residential “RM2-575” Zone, Neighbourhood Park (P1) Zone, and Conservation/Hazard Lands (P5) Zone.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

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

**POLICIES AFFECTING PROPOSAL:**

**Provincial Growth Plan for the Greater Golden Horseshoe**

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

**Provincial Policy Statement**

The application is consistent with the Provincial Policy Statement, in that it focuses growth in settlement areas and implements Policies 1.1.3.2 and 1.4.1, which speak to the provision of densities that efficiently uses land and to provide a mix of housing types.

Policy 2.6.2 of the Provincial Policy Statement (PPS) 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 that maintains the heritage integrity of the site will be permitted. An archaeological assessment has been completed for the site, and has been approved by the Ministry of Culture.

Policy 1.7.1(e) also outlines that long term economic prosperity will be supported by planning so that major facilities (such as transportation corridors) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects. Due to the proximity of the lands to Garner Road East, a noise assessment is required. This study was carried out as part of the previous subdivision plan, however, given the changes in layout, an additional addendum report is required. This is recommended as covered through the standard form agreement and through Special Draft Plan Condition No. 39 (Appendix “G”).

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan. The proposed residential subdivision, Official Plan Amendments, and changes in zoning conform to the policies of the Hamilton-Wentworth Official Plan. Policy B-9.2, pertaining to archaeology, has been addressed and approved (see discussion above in the subsection pertaining to the Provincial Policy Statement).

**Ancaster Official Plan**

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

“Policy 4.4.1. The predominant use of the lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains). Other uses, which are
In assessing the location and integration of the school site into the new subdivision, regard was given to the following policy:

“Policy 4.7.2.

(g) Institutional uses shall be encouraged to be associated and integrated with Open Space and Conservation uses...shall be encouraged to locate near major transportation routes for ease of access.”

Similarly, as discussed in the Analysis/Rationale section, the additional street townhouses were assessed, and their location ultimately directed in part by the following policy:

“Policy 4.4.8 In locating new townhouses...and other forms of attached housing, consideration shall be given to the gradation of densities so that there is a gradual transition from low to high residential densities. Consideration should also be given to the following criteria:

i) Attached housing should abut or be in close proximity to an arterial or a collector…

ii) Attached housing should be encouraged to locate in proximity to community services and facilities such as transit, shopping areas, schools, churches, and parks;”

Meadowlands Neighbourhood III Secondary Plan

The subject lands are designated “Low Density Residential 2”, “Medium Density Residential”, “Parkette”, “Open Space & Conservation”, and “Storm Water Management” in the Meadowlands Neighbourhood III Secondary Plan. The applicants are proposing a range of amendments in order to implement the proposed draft plan of subdivision (see Appendix “F”). A copy of the proposed draft Official Plan Amendment is attached as Appendix “B”.

The Secondary Plan provides for a future population within the plan of +/- 2000 persons, and +/- 625 dwelling units at a mix of land uses comprising of 80% low density residential and 20% medium density residential (Policy 6.6.5 and 6.6.6). These policies are for guidance only, and meant to be approximate. The plan (as amended) also identifies the “Low Density Residential 2 and 3” designation and “Medium Density Residential” designation, which permit a maximum density of 27 and 55 units/ha, respectively, (Policy 6.6.6).
The proposed development would maintain the range of dwelling types and population figures contemplated for the plan area, and would also satisfy the maximum density provisions. It should be noted, however, that the applicant has requested the minimum lot frontage for single detached dwellings located internal of the site, as detailed in Policy 6.6.6, be amended from 10.7m to 9.0m.

As discussed in the Analysis/Rationale section of this report, staff considers that the location of these innovative ‘small lot’ singles should be controlled in order to safeguard the general character of the area. This will be facilitated through the creation of a new residential designation (“Low Density Residential 3”), which would permit these units only within the internal portion of the subdivision. The implementing Zoning By-law will also restrict the location of these small frontage singles from any public vantage point from outside of the site. It should also be noted that the 9.0m frontage will not necessarily be applied to all applicable units internal of the site, but instead provide the flexibility to permit the developer to take advantage of this provision discriminately within the subdivision. Furthermore, the density threshold of 27 units per ha would limit the overall number of singles within the subdivision, and thus ensure a mix of sizes is maintained. The amendment to 9.0m frontages can be supported as an acceptable modification, as it would permit the location of smaller singles, where appropriate, and would still be in keeping with the intended housing split between the low to medium density residential uses.

Through Policy 6.6.11, the need for neighbourhood parks is identified and that the parks are to be utilized in conjunction with a walkway/bikeway system. The application would provide for the second park identified in the Secondary Plan, and at a similar location. This parkette would benefit from a walkway block linking it to the school site and providing ready access to the parkette to future residents. Moorland Park would also be connected to the Storm Water Management facility via walkways to provide the necessary walkway/bikeway system (Appendix “G” - Special Conditions of Draft Plan Approval Nos. 9, 13, 18 and 36).

Finally, in order to accommodate the Catholic Elementary School, Subsections (a) and (b), of Subsection 6.6.9 are to be deleted in their entirety. The Catholic School Board has made it clear that there exists a requirement for an elementary school at this location, and the infrastructure and population both existing and proposed are considered sufficient to accommodate such a use while maintaining sufficient and appropriate residential densities. Staff, therefore, is in a position to support the deletion of these polices from the Secondary Plan.

Based on the foregoing, the proposed Official Plan Amendments to the Meadowlands Neighbourhood III Secondary Plan can be supported, as they maintain the intended mix of housing within the plan and provide for required storm water management, parkland, and walkway features.
Corporate Services (Budgets and Finance Division) - That the applicant/owner pays the Best Effort charges of $105,138.00 for sanitary sewer and $155,189.30 for watermain.

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

- Traffic calming measures in front of Block 15 on Kitty Murray Lane.
- No access to Block 1 from Garner Road.
- Sidewalks on both sides of Knightrider Drive.
- Dedicate daylight triangles, if required, at the intersection of Roelfson Drive/Kitty Murray Lane to accommodate the roundabout.
- 4m concrete walkway through Block 16, with possible raised crosswalk.
- Location of driveways to be shown and approved.

Staff also raised concern over the length of Webb Court with regard to the potential of speeding and requested an updated traffic report. This was received and circulated to staff in March. In terms of the updated Traffic Study (March 5), and the subsequent left turn lane review (memo of April 7, 2009), an East Bound left turn lane on Garner Road at Kitty Murray Lane with 65m of storage is required. This has been addressed in Special Condition 5.

Due to the East Bound left turn requirement, the following additional draft plan condition will also be required:

As a condition of Draft Plan approval, we will require a pavement marking plan for the EB left turn lane on Garner Road at Kitty Murray Lane. The pavement marking plan must be submitted to the traffic office on CD, in micro-station Version V8, to the attention of Mr. Ron Gallo, Senior Project Manager, Signals and Systems, and must receive final approval of the Manager of Traffic Engineering and Operations. This has been addressed in Special Condition 33 (Appendix “G”).

Public Works Department (Open Space Development Section) - Recommend conditions of subdivision pertaining to the construction and dedication of the park and walkway blocks.
Public Works Department (Forestry and Horticulture Section) - Staff acknowledges that the previous comments still apply. As a consequence, a Tree Management Plan will be required as a condition of Draft Plan Approval. This is covered in the Standard Form Subdivision Agreement.

Hamilton Street Railway states the following:

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

Hamilton Conservation Authority has provided comments regarding the revised functional servicing report, and the Mattamy stormwater management outfall reconstruction report. HCA staff raises a number of observations and issues to be addressed in these reports pertaining to Storm Water Management and hydrogeology, and on the submitted Environmental Impact Statement, and has advised that conditions of approval pertaining to submission of an erosion and sediment control plan, storm water management plan, and grading plan would apply. These requirements are included within the Standard Form Subdivision Agreement. Additional conditions of approval pertaining to submission of a landscape plan for the Storm Water Management facility, receipt of a permit due to a portion of the property being within a regulated area, and submission of a hydrogeological report, are addressed through the Standard Form Subdivision Agreement, and through Special Conditions of Draft Plan Approval Nos. 16, 36, 37 and 38 (Appendix “G”).

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

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

In accordance with Council’s Public Participation Policy, the application was pre-circulated to 169 property owners within 120 metres of the subject property in February 2009. The applicants also hosted a Neighbourhood Information Meeting on February 24, 2009, at which time a number of residents attended. At this meeting, 1 written representation was made, which was in support of the proposed school block (see Appendix “E”). As a result of the pre-circulation, 1 letter expressing concerns with the proposed density of development was received (see Appendix “E”). The Ancaster Community Council also advised that they do not support the application due to concerns over the provision of high density, 9m lot frontages, and its subsequent impact with regard to the character of Ancaster (see Appendix “E”). In addition, a Public Notice sign was erected on the property in March, 2009. Finally, notice of the Public Meeting has been given in accordance with the requirements of the Planning Act.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
Shelter, care, and satisfying employment are accessible to all Hamiltonians.

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

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

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

:EJ
Attachs. (7)
The following text constitutes Official Plan Amendment No. XX to the Official Plan of the former Town of Ancaster.

**Purpose:**

The purpose of this amendment is to:

- Re-designate portions of the Meadowlands Neighbourhood III Secondary Plan to permit revisions to a previously approved plan of subdivision in order to accommodate an elementary school;

- Create a new ‘Low Density Residential 3’ designation in order to permit reduced minimum frontages of 9 metres; and,

- Delete Subsections (a) and (b) from Policy 6.6.9 in order to accommodate the location of an elementary school within the secondary plan.

**Location:**

The lands affected by this amendment are located north of Garner Road East and west of Kitty Murray Lane, known municipally as 625 Garner Road East.

**Basis:**

The basis for permitting the proposal is as follows:

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

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

- The proposed amendment is an appropriate redistribution of density with the higher residential density being moved adjacent to arterial roads instead of in the interior of the neighbourhood.

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

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

**Actual Changes:**

**A. Text Changes:**

1. Amend the Table in Subsection 6.6.6 (d) such that an additional ‘Low Density 3’ designation is created, permitting a Minimum Frontage of 9.0m, housing in the form of Singles and a Maximum Gross/Net Density (Units/Ha) of “27”.

2. Amend Subsection 6.6.9 School Policies of the Meadowlands Neighbourhood III Secondary Plan as follows:
   
   a) Delete Subsections (a) and (b) from Subsection 6.6.9.

**B. Schedule Changes:**

3. Meadowlands Neighbourhood III - Map 1 - Land Uses is revised by redesignating portions of the subject lands, as shown on Schedule “B” attached to this amendment, from:

   - “Low Density Residential 2” to “Medium Density Residential”;
   - “Low Density Residential 2” to “Low Density Residential 3”;
   - “Low Density Residential 2” and “Parkette” to “Institutional”; and,
   - “Low Density Residential 2” to “Parkette”.

**Implementation:**

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

This is Schedule "1" to By-law No. 0X-XXX, passed on the day of 2009.

The City of Hamilton

_______________________                               __________________________
Kevin C. Christenson     Fred Eisenberger
Clerk        Mayor
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located at 625 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 _______ of Report 09-_______ of the Economic Development and Planning Committee at its meeting held on the _______ day of __________, 2009, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), upon approval of Official Plan Amendment No. _______, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Public “P” Zone and Public “P-391” Zone:

(a) to the Residential “R4-589” Zone, the lands comprised in Block 1;
(b) to the Residential “R4-590” Zone, the lands comprised in Block 2;
(c) to the Residential “R4-591” Zone, the lands comprised in Block 3;
(d) to the Residential “R4-592” Zone, the lands comprised in Block 4;
(e) to the Residential Multiple “RM2-593” Zone, the lands comprised in Block 5;
(f) to the Residential Multiple “RM2-594” Zone, the lands comprised in Block 6; and,
(g) to the Residential “R4-595” Zone, the lands comprised in Block 7;

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

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

**R4-589** That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (f) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R4-589”:

**Regulations**

(a) Minimum Lot Area 280 square metres, except on a corner lot the minimum lot area shall be 320 square metres.

(b) Minimum Lot Frontage 10.9 metres, except on a corner lot the minimum lot frontage shall be 12.7 metres.

(c) Maximum Lot Coverage 55 percent.

(d) Minimum Front Yard 3.0 metres to the dwelling and 5.8 metres to an attached garage shall be provided.
For attached staggered double car garages on a lot having a minimum frontage of 10.9 metres, one attached garage shall have a minimum front yard of 2.5 metres and the other shall have a minimum front yard of 5.8 metres.

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

(f) Minimum Rear Yard 7.0 metres.

(g) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment.

(h) A chimney, belt courses, sills, cornices, chimney breasts, decorative brick facing, pilasters, alcoves, windows, fireplaces, or other architectural features, with or without foundations, are permitted to encroach 0.6 metres into a required yard, to a maximum of half the required yard.

(i) Bay windows and other types of windows, with or without foundations, are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

(j) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

R4-590

That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (f) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R4-590”:

Regulations:

All special regulations of the Residential “R4-589” Zone shall apply except that:
(a) For a lot abutting 20 Roelfson Drive to the east, a minimum lot frontage of 13.7 metres, a minimum front yard setback of 5 metres and 5.8 metres to an attached garage, and a minimum westerly side yard setback of 1.2 metres shall be provided.

(b) For a lot abutting a lot for which the special exemption in Subsection (a), above would apply, a minimum front yard setback of 4 metres and 5.8 metres to an attached garage shall be provided.

(c) Except as provided for in Subsection (a) above, a minimum lot frontage of 13.1 metres shall be provided.

**R4-591**

That notwithstanding the provisions of Paragraphs (d) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone and Schedule “C”, the following special provision shall apply to the lands zoned “R4-591”:

(a) Minimum Front Yard 10.0 metres.

**R4-592**

That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (f) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R4-592”:

**Regulations**

(a) Minimum Lot Area 230 square metres, except on a corner lot the minimum lot area shall be 270 square metres.

(b) Minimum Lot Frontage 9.0 metres, except on a corner lot the minimum lot frontage shall be 10.8 metres.

(c) Maximum Lot Coverage 55 percent.

(d) Minimum Front Yard 3.0 metres to the dwelling and 5.8 metres to an attached garage shall be provided,

For attached staggered double car garages on a lot having a minimum frontage of 10.9 metres one attached garage shall have a
minimum front yard of 2.5 metres and the other attached garage shall have a minimum front yard of 5.8m.

(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.

(f) Minimum Rear Yard 7.0 metres.

(g) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment.

(h) A chimney, belt courses, sills, cornices, chimney breasts, decorative brick facing, pilasters, alcoves, windows, fireplaces, or other architectural features, with or without foundations, are permitted to encroach 0.6 metres into a required yard, to a maximum of half the required yard.

(i) Bay windows and other types of windows, with or without foundations, are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

(j) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

**RM2-593**

That notwithstanding the provisions of Subsection 15.1, and Paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) of Subsection 15.2 “Regulations” of Section 15: Residential Multiple “RM2” Zone, Schedule “C”, Definitions 3.49, 3.83, 3.84, 3.86 and 3.132, and the Provisions of Section 7.11(a), “Maximum Building Height”, Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “RM2-593”:

(a) Minimum Lot Area 136 square metres.

(b) Minimum Lot Frontage 5.5 metres on a condominium road.

(c) Minimum Lot Depth 24 metres.

(d) Maximum Lot Coverage 55 percent.
(e) Minimum Front Yard 3.0 metres and 5.8 metres from a condominium road for an attached garage.

(f) Minimum Side Yard 1.5 metres for a dwelling end unit not abutting a flanking street, and for a dwelling end unit abutting a flanking street the minimum side yard shall be 2.5 metres.

(g) Minimum Rear Yard 7.0 metres.

(h) Maximum Height 13 metres.

(i) Minimum landscaping 30%.

(j) Planting Strip N/A.

(k) Notwithstanding any provisions or definitions to the contrary, legal frontage for a street townhouse shall be permitted on a common element condominium road.

(l) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment.

(m) Bay windows and other types of windows, with or without foundations, are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

(n) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

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

(o) A minimum of 12 visitor parking spaces or 0.23 visitor parking spaces per unit, whichever is the greater, within a condominium driveway shall be provided and maintained.

RM2-594 That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g), (h) (i) and (j) of Subsection 15.2 “Regulations” of Section 15: Residential Multiple “RM2” Zone, Schedule “C”, Definitions 3.49, 3.83, 3.84, 3.86 and 3.132, and the Provisions of Section 7.11(a), “Maximum Building Height”, Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “RM2-594”:
Appendix “C” to Report PED09186 (Page 7 of 9)

(a) Minimum Lot Area 130 square metres for an interior lot and 180 metres for a flankage lot.

(b) Minimum Lot Frontage 5.5 metres.

(c) Minimum Lot Depth 24.0 metres.

(d) Maximum Lot Coverage N/A.

(e) Minimum Front Yard 3.0 metres to the dwelling and 5.8 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 flanking street, and for a dwelling end unit abutting a flanking street the minimum side yard shall be 3.0 metres.

(g) Minimum Rear Yard 7.0 metres.

(h) Maximum Height 13 metres.

(i) Minimum Landscaping 30% of the lot area.

(j) Planting Strip N/A.

(k) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment.

(l) Bay windows and other types of windows, with or without foundations, are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

(m) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

All other yard encroachments are subject to Subsection 7.12 of Zoning By-law No. 87-57.
That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e) and (f) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R4-595”:

Regulations:

All special regulations of the Residential “R4-589” Zone shall apply except that:

(a) A minimum lot frontage of 13.1 metres shall be provided and maintained.

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

4. That By-law 08-147 be repealed in its entirety;

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

PASSED and ENACTED this _ day of _ , 2009

______________________________  ________________________________
Fred Eisenberger               Kevin C. Christenson
Mayor                            Clerk

ZAC-09-002/OPA-09-001/25T200711(R)
Appendix "C" to Report PED09186 (Page 9 of 9)

This is Schedule "A" to By-Law No. 09-

Passed the .......... day of ..................., 2009

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 09--

to Amend By-law No. 87-57

Subject Property

625 Garner Road East, Ancaster
Change in Zoning from the Public "P" and "P-391" Zones to:

- Block 1 - Residential "R4-589" Zone
- Block 2 - Residential "R4-590" Zone
- Block 3 - Residential "R4-591" Zone
- Block 4 - Residential "R4-592" Zone
- Block 5 - Residential "RM2-593" Zone
- Block 6 - Residential "RM2-594" Zone
- Block 7 - Residential "R4-595" Zone
CITY OF HAMILTON

BY-LAW No. ______

To Amend Zoning By-law 05-200,
Respecting Lands Located at 625 Garner Road East (Ancaster)

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item ______ of Report 09-____ of the Economic Development and Planning Committee at its meeting held on the ______ day of ______, 2009, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), upon approval of Official Plan Amendment No. ______ 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 Maps 1336 and 1337 of Schedule “A” to Zoning By-law 05-200 are amended by incorporating the Open Space (P4) Zone (Block “1”), Conservation/Hazard Land (P5) Zone (Block “2”), Neighbourhood Park (P1) Zone (Block “3”), and Neighbourhood Institutional (I1) Zone (Block 4) boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;
2. That Schedule “C” of By-law 05-200 be amended by adding the additional special exceptions as follows:

“21. Within the lands zoned Neighbourhood Institutional (I1, 21) Zone, identified on Map 1337 of Schedule “A”, and described as 625 Garner Road East, the following special provisions shall apply:

(a) Notwithstanding Section 8.1.3.2 b) i) of this By-law, the Maximum Building Height shall be 13.5m.”

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 By-law 08-148 be repealed in its entirety;

5. 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 , 2009.

__________________________  ____________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                       Clerk

ZAC-09-002/OPA-09-001 and 25T200711(R)
Schedule "A"

Map Forming Part of By-Law No. 09-____ to Amend By-law No. 05-200

<table>
<thead>
<tr>
<th>Subject Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>625 Garner Road East, Ancaster</td>
</tr>
<tr>
<td>Block 1 - Lands to be zoned Open Space (P4) Zone</td>
</tr>
<tr>
<td>Block 2 - Lands to be zoned Conservation/Hazard Land (P5) Zone</td>
</tr>
<tr>
<td>Block 3 - Lands to be zoned Neighbourhood Park (P1) Zone</td>
</tr>
<tr>
<td>Block 4 - Lands to be zoned Neighbourhood Institutional (11, 21) Zone</td>
</tr>
</tbody>
</table>

This is Schedule "A" to By-Law No. 09-

Passed the .......... day of ....................., 2009

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Clerk

Mayor

Scale: N.T.S.

File Name/Number: ZAC-09-0920/PM29/00/237-20071112

Date: May 28, 2009

Planner/Technician: EJNB

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
### Community Information Meeting - Comment Form

**Ancaster Arbor Plan of Subdivision**  
**February 24, 2009**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Mel Squizzato</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address &amp; Postal Code:</td>
<td>461 Killy Murray LN L9G 3K8</td>
</tr>
</tbody>
</table>

**Comments:**

To night I am representing a neighbors who are away or cannot attend.  
As a group we are extremely  
upset to have a school on the  
street opposite our homes  

![Signature](signature.png)

---

Please complete this form at the meeting and leave with one of the project team members. Completed forms can also be mailed to our attention c/o:

WEBB Planning Consultants Inc.  
244 James Street South  
Hamilton ON L8P 3B3  
Attention: Mr. James Webb, MCIP, RPP
John, Edward

From: Brian McCutcheon
Sent: Wednesday, March 18, 2009 9:28 AM
To: John, Edward
Subject: FW: Ancaster Fairgrounds

Edward: I have been advised that you are the current planner dealing with the former Ancaster Fairgrounds and Mattamy site.

I submitted written objections to Mattamy’s proposal for the Ancaster Fairgrounds redevelopment, based upon my concern for traffic flow, particularly lack of direct access from the site to Southcote, even though there is an existing fairgrounds access to Southcote which Mattamy wishes to block up with houses.

While I was not particularly pleased with the original Mattamy proposal for 36 and 43 foot lots, I did not make objections to Mattamy’s plan based upon the frontage of the lots.

I now understand that Mattamy is intending to change the proposal for the frontage to 30 foot lots. Is this correct? If so, what is the process for public input and when will information be available for review by the public.

Thank you.

Regards,

Brian McCutcheon

HIMELFARB, PROSZANSKI LLP
480 University Avenue, Suite 1401
Toronto, ON M5G 1V2

This message (including attachments, if any) is confidential, may be privileged and is intended for the above-named recipient(s) only. If you have received this message in error, please notify me by return email and delete this message from your system. Any unauthorized use or disclosure of this message is strictly prohibited.

From: Bishop, Kathy [mailto:Kathy.Bishop@hamilton.ca]
Sent: Wednesday, March 18, 2009 9:12 AM
To: Brian McCutcheon
Subject: RE: Ancaster Fairgrounds

Brian,
The planner assigned to this application is Edward John and he can be reached at 905-546-2424 ext. 5803 or Edward.John@hamilton.ca

Thanks
Kathy

-----Original Message-----
From: Ferguson, Lloyd

3/18/2009
Ancaster Community Council

MOTION

Date: June 1, 2009

MOVED BY WALTER BUCHKO……………………………………………
SECONDED BY MIKE CRUSE …………………………………………………..

WHEREAS the Ancaster Community Council met on June 1st with City Planners to discuss the Mattamy Homes development at the former Ancaster Fair Grounds on Garner Road in Ancaster;

WHEREAS this application, due to its 9 metre lots and high density will not be complimentary to the character of Ancaster;

AND WHEREAS the members of the Ancaster Community Council advised the City of Hamilton planners that this development be denied;

Be it, therefore, resolved that the Ancaster Community Committee unanimously voted that the Mattamy application be denied due to the reasons noted above.
Special Conditions of Draft Plan Approval for 25T-200711(r), Part of Lot 48, Concession 3, 625 Garner Road East, Ancaster

That, prior to registration, the Owner agree, in writing, to:

1. That this approval apply to the Draft Plan of Subdivision, 25T-200711(R), prepared by Mattamy Homes, and certified by S.D. McLaren, O.L.S., dated May 25, 2009 and red lined revised on June 2, 2009, showing 24 blocks (Blocks 7-12, 14, 17-26, 28-30, 32-34 and 36) for single detached dwellings, 5 blocks for townhouses (Blocks 1 and 3-6), 1 block (Block 13) for a parkette, 1 block (Block 31) for storm water management, 3 blocks for public walkways (Block 16, 27 and 35), 3 blocks for road widenings (Blocks 2, 37 and 38), 1 institutional block (Block 15) and the creation of 4 new streets (Webb Court, Knightrider Drive, Ohara Lane and Cranston Street) 1 block for a 1 foot reserve (Block 39) and the extension of Roelfson Drive, Barnacle Crescent and Moorland Crescent, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions:

2. That, prior to servicing, the Owner shall submit a detailed Storm Water Management report prepared by a qualified professional engineer, to demonstrate how quality and quantity control criteria will be handled in accordance with City of Hamilton Storm Drainage Policies, the Meadowlands Neighbourhood 3, 4 and 5 Class Environmental Assessment Master Plan and City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design.

3. That the Owner agree, in writing, to:
   i) Operate and maintain, in an acceptable manner, the storm water management facility(s) throughout the construction of all stages of draft plan registration or until a time as established by the Director of Development Engineering and monitor such operation and effects thereof.
   ii) Assume full responsibility for the cost to construct, operate and maintain the facility including any changes to conditions of the MOE’s Approval until such time that the Storm Water Management Facility is assumed by the City.
   iii) Provide an operating and maintenance manual to the satisfaction of the City for the pond and agrees to inspect/monitor and maintain the storm pond in accordance with said manual throughout construction including the maintenance period up to assumption of the storm pond by the City.
iv) Keep detailed logs concerning performance and required maintenance activities for the pond, including costs for cleaning and removal of sediment etc. to the satisfaction of the City. This information is to be included in the operation and maintenance manual that will be provided to the City by the Owner upon the future assumption of the facility.

v) Be responsible for the removal of sediment attributed to the development and for verifying the volumetric capacity of the Stormwater Management Facility prior to assumption of the subdivision.

4. That the Owner agree, in writing, to reconstruct Kitty Murray Lane adjacent to Blocks 8 and 20, to the satisfaction of the Manager of Engineering, Design and Construction.

5. That the Owner agree, in writing, to construct intersection improvements for an east-bound left turn lane in consideration of the requirements of the Garner Road Transportation EA, to the satisfaction of the Director of Development Engineering.

6. That the Owner agree, in writing, that in the event that development of the property is to 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.

7. That prior to servicing, the Owner agrees to 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.

8. That prior to servicing, the Owner include in the engineering design for the draft plan lands, provisions for the looping of the watermain on Webb Court, through the park block, to the satisfaction of the Director of Development Engineering.
9. That, prior to servicing, the Owner include in the engineering design for the draft plan lands, the installation of public walkways on Blocks 16, 27 and 35. The public walkway for Block 16 shall consist of a 4.0m wide concrete sidewalk centered in the walkway right of way, with the remaining portions sodded and fenced where abutting single family dwellings. The public walkway for Block 27 shall consist of a 3m wide concrete sidewalk, and on Block 35 shall consist of a 1.5m wide concrete sidewalk, both centered in the walkway right of way, with the remaining portions sodded and fenced where abutting single family dwellings.

10. That, prior to servicing, the Owner includes in the engineering design for the draft lands, traffic calming measures on Roelfson Drive, if required, to the satisfaction of the Director of Development Engineering.

11. That, prior to servicing, the Owner shall prepare a Groundwater Study, which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the Owner shall propose appropriate mitigative measures to address the concerns, to the satisfaction of the Director of Development Engineering.

12. That, prior to servicing, the Owner include in the engineering design for the draft plan lands, installation of a minimum 1.5 metre high chain link fence along the side yards of Blocks 10, 11, 12 and 18, which abuts City parklands; and the rear yards of Blocks 26 and 28, which rear yards abuts City parklands.

13. That, prior to servicing, the Owner include in the engineering design for the draft plan lands, installation of a minimum 1.5 metre high chain link fence along the side yards of Blocks 12, 14, 17, 26, 28 and 36, and lighting, if required, which side yards abuts a City public walkway.

14. That prior to servicing, the Owner include in the engineering design for the draft plan lands, provisions for a minimum 2.4 metre pressure treated horizontal board on board privacy fence, with 6” post and 2”x6” rail construction, or approved equivalent, adjacent to Blocks 1 and 3 abutting 661 Garner Road East.

15. That, prior to servicing, the Owner shall include in the engineering design for the draft plan lands installation of a minimum 1.5 metre high chain link fence along the rear or side yards of Blocks 23, 24, 25 and 30, which rear or side yards abuts the storm water management pond (Block 31).
16. That, prior to servicing, the Owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house construction, and to undertake the works as recommended including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof: i) an aquifer is breached during excavation; ii) groundwater is encountered during any construction within the subdivision, including but not limited to house construction; iii) sump pumps are found to be continuously running; 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, and the Hamilton Conservation Authority.

17. That, prior to servicing, a driveway location/on-street parking plan shall be submitted showing the following:

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

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

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

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

v) A street parking plan providing a total number of street parking spots equivalent to 40% of total single family and street townhouse units, to the satisfaction of the Director of Development Engineering.

18. That the Owner agrees, in writing, that rear portions of the lots backing onto Moorland Park shall drain into the park. The Owner will install a storm sewer system adjacent to these lots, entirely within the park, and raise the grades from the rear of the lots on Blocks 26, 27 and 28 to the existing asphalt walkway in the park and restore all disturbed areas with 150mm topsoil and sod, in accordance to the layout and grades shown on City of Hamilton Drawing 04-M-18 (L3), prepared by Strybos Barron King, dated May 23, 2008, and titled Moorland Park - Ultimate Grading & Servicing Plan. Furthermore, the Owner agrees to transplant any existing trees that need to be adjusted due to the new grades, and to construct a 3.0m wide
asphalt walkway to City standards from the west limit of the walkway (Block 27) through the park to the existing asphalt walkway by the Moorland Park play area. These works shall be completed at the sole expense of the Owner, and to the satisfaction of The Manager of Open Space Development and Park Planning, Manager of Construction Services, and the Director of Development Engineering.

19. That, prior to servicing, the Owner shall design and construct a culvert on Kitty Murray Lane to provide a proper outlet for the proposed SWM facility, to the satisfaction of the Director of Development Engineering.

20. That, prior to registration of the draft plan, Block 2 be dedicated to the City of Hamilton as public highway, by the Owner’s certificate on the final plan of subdivision, for road widening on Garner Road East.

21. That, prior to registration of the draft plan, Block 37 be dedicated to the City of Hamilton as public highway, by the Owner’s certificate on the final plan of subdivision, for road widening on Southcote Road.

22. That, prior to registration of the draft plan, the final plan of subdivision 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 Kitty Murray Lane at 13.108 metres from the center line of the original road allowance.

23. That, prior to registration of the final plan of subdivision, the Owner shall submit the necessary transfer deeds to the City’s Legal Department to convey Block 31 of the draft plan to the City for storm water management pond.

24. That, prior to registration of the draft plan, the Owner pay their proportionate share of the actual cost plus interest, less over-sizing, for existing sewers and watermains on Kitty Murray Lane adjacent to Blocks 3, 8, 15, 20, 21, 23, 29, 30, 31, Cranston Street, Roelfson Drive, and Knightrider Drive of the draft plan.

25. That, prior to registration of the draft plan, the Owner pay their proportionate share of the actual cost plus interest, less over-sizing, for the existing storm sewer on Southcote Road adjacent to Block 37 of the draft plan.

26. That, prior to registration of the draft plan, the Owner pay their proportionate share for the future urbanization of Garner Road East adjacent to Block 2 based on the City’s “New Roads Servicing Rate” in effect at the time of payment.
27. That the Owner agree, in writing, to construct concrete sidewalks in the locations listed below:

- Barnacle Crescent - east side; full length.
- Roelfson Drive - north side; full length to Kitty Murray Lane.
- Kitty Murray Lane - west side, from north limit of development to south limit of development.
- Knightrider Drive - both sides, full length from Roelfson Drive to Kitty Murray Lane.
- Ohara Lane - one side, outer loop adjacent to Blocks 6 and 7.
- Cranston Street - west side; full length (Kitty Murray Lane to Roelfson Drive).
- Webb Court - one side, inner loop.

28. That, notwithstanding Section 1.13 of the Standard Form Subdivision Agreement, Blocks 32 and 33 may be considered build-able lots if the Owner can demonstrate that Moorland Crescent can be extended to the south limits of Blocks 32 and 33 to City standards with minimal impacts to 207 and 211 Moorland Crescent, including full restoration of affected driveways, to the satisfaction of the Director of Development Engineering.

29. That, prior to registration, the Owner receives final approval of the Traffic Impact Study from the Senior Project Manager, Traffic Planning and Community Services, Public Works Department (Traffic Engineering and Operations Section). Any municipal road infrastructure upgrades that are recommended by the Traffic Impact Study or by municipal traffic planning staff will be at the expense of the Owner.

30. That, prior to registration, the Owner agree, in writing, to convey Block 13 to the City of Hamilton, as provided for under Section 51 of the Planning Act, and in accordance with the City’s Parkland Dedication By-law No. 09-124, as partial contribution toward the parkland dedication requirement, to the satisfaction of the Director of Planning. In this instance, 0.405 ha of land is needed for the park, which is less than the total land area required to be dedicated, being 0.731 ha. Consequently, the remainder of the land dedication is to be satisfied by payment of Cash-in-Lieu of parkland dedication. The Cash-in-Lieu payment shall be required prior to the registration of the plan, based on the market value of the lands on the day prior to the day of draft approval, and the calculation of the payment is based upon the unit count, as shown on the final M Plan. The development may be subject to the alternate dedication rate of
1 hectare per 300 dwelling units if the density of development is between 20 and 75 Dwelling units per hectare, inclusive; a rate of 0.6 hectares per 300 dwelling units if the density of development is between 75 and 120 units per hectare, inclusive; and a rate of 0.5 hectares per 300 dwelling units if the density of development is greater than 120 units per hectare. Cash-in-Lieu of parkland dedication for Blocks 1 and 3 - 6 shall be based on the highest permitted density.

31. That, prior to registration, the Owner agree, in writing, to enter into any applicable agreements with the City of Hamilton for the purpose of designing, constructing, and maintaining the park (Block 13), to the satisfaction of the Manager of Open Space Development and Park Planning, the Manager of Construction, the Manager of Parks Operations, the Director of Planning, and the Manager of Engineering Design and Construction. The Owner also shall agree, in writing, to construct the park within 12 months of registration and to maintain the park, at a level of maintenance, to the satisfaction of the Manager of Parks Operations, at their cost for 2 years upon substantial completion of the construction of the park and approval of the completed works by the City of Hamilton.

32. That, prior to servicing, the Owner shall include in the engineering design for the draft plan lands illustrating the connection of Roelfson Drive to the roundabout at Kitty Murray Lane, and must dedicate any required daylight triangles at the intersection of Roelfson Drive and Kitty Murray Lane to accommodate the roundabout, to the satisfaction of the Senior Project Manager, Traffic Planning and Community Services, Public Works Department (Traffic Engineering and Operations Section).

33. That, prior to issuance of building permits, a pavement marking plan for the East Bound left turn lane on Garner Road at Kitty Murray Lane be submitted to the traffic office on CD in micro-station V8, to the satisfaction of the Manager of Traffic Engineering and Operations.

34. That, prior to issuance of building permits, a method of traffic calming shall be incorporated (such as a raised crosswalk with a texture change) on the leg of the crosswalk that connects the walkway (Block 16) with the proposed park (Block 13), to the satisfaction of the Manager of Traffic Engineering and Operations.

35. That, prior to issuance of building permits, a method of traffic calming in the form of reduced speed limit flashing school zone beacons (solar), shall be incorporated in front of Block 15 on Kitty Murray Lane, to the satisfaction of the Manager of Traffic Engineering and Operations. All costs associated with the provision of this measure will be at the sole expense of the applicant and dedicated to the City of Hamilton.
36. That, prior to servicing, the Owner shall submit a detailed landscaping plan prepared by a Landscape Architect for the Storm Water Management Block 31 showing how accessible and safe public amenity areas will be incorporated into the design of the storm water pond including, but not limited to, the provision of a pedestrian/bicycle pathway with access from the adjacent streets through to Block 31. Approval and implementation of the landscape plan shall be to the satisfaction of the Manager of Open Space Development and Park Planning, the Director of Planning, and the Hamilton Conservation Authority.

37. That, prior to preliminary grading, the applicant prepares and implements a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

38. That, prior to preliminary grading, a permit be obtained 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, to the satisfaction of the Hamilton Conservation Authority.

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

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

41. That, prior to the signing of the final plan, the Director of Planning must be satisfied that Conditions (1) to (40) inclusive, have been carried out to his satisfaction, with a brief but complete statement indicating how each condition has been satisfied.