

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 12
COMMITTEE DATE: April 3, 2012	
SUBJECT/REPORT NO: Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, "435 Garner Road East", for Lands Located at 435 Garner Road East (Ancaster) (PED12054) (Ward 12)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Daniel Barnett (905) 546-2424, Ext. 4445
SIGNATURE:	

RECOMMENDATION:

- (a) That approval be given to **Amended Zoning Application ZAR-11-048, by Losani Homes, Owner**, for changes in zoning from the Residential "R4" Zone to the Residential "R4-642" Zone, with a Special Exception (Block 1); from the Residential "R4-608" Zone to the "Residential "R4-643" Zone, with a Special Exception (Block 2); from the Residential Multiple "RM2-604" Zone to the Residential Multiple "RM2-644" Zone, with a Special Exception (Block 3); from the Residential Multiple "RM2-602" Zone to the Residential Multiple "RM2-645" Zone, with a Special Exception (Block 4); from the Residential "R5" Zone to the Residential "R5-646" Zone, with a Special Exception (Block 5); from the Residential "R5-601" Zone to the Residential "R5-647" Zone, with a Special Exception (Block 6); from the Residential "R4-621" Zone to the Residential "R4-648" Zone, with a Special Exception (Block 7) and "R4-649" Zone, with a Special Exception (Block 8); and from the Residential "R4" Zone to the Residential "R4-650" Zone, with a Special Exception (Block 9), for lands located at 435 Garner Road East (Ancaster), as shown on Schedule "A" of Appendix "B" to Report PED12054, on the following basis:

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- (i) That the draft By-law, attached as Appendix "B" to Report PED12054, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the amending By-law be added to Schedule "B", Map No. 1, of Zoning By-law No. 87-57.
 - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, and conform with the Places to Grow Plan, Hamilton-Wentworth Official Plan, and the Official Plan for the Town of Ancaster.
- (b) That approval be given to **Red Lined Revised Draft Plan of Subdivision Application, 25T-200725(R), by Losani Homes**, to establish a draft plan of subdivision, on lands located within Part of Lot 46, Concession 3, in the Former Geographic Township of Ancaster (435 Garner Road East), as shown on Appendix "A" to Report PED12054, subject to the following conditions:
- (i) That this approval apply to **Draft Plan of Subdivision, 25T-200725(R), prepared by Armstrong Hunter & Associates**, and certified by Wm. E. Bennett, as red lined revised, showing 152 lots for single detached dwellings (Lots 1-152), seven blocks for 42 townhouse units (Blocks 153 to 159), two blocks for future development (Blocks 171 and 173), two blocks for a total of 49 apartment units (Blocks 166 and 168), one block for a total of 94 units for mixed-use, commercial/residential (Block 169), one block for an elementary school (Block 165), one block for a neighbourhood park (Block 160), two blocks for stormwater management (Blocks 161 and 162), two blocks for open space/conservation (Blocks 163 and 164), two blocks for future road access (Blocks 167 and 170), three blocks for 0.3 metre reserves (Blocks 172, 174, and 175), the creation of 4 streets (Streets "A", "B", "C", and "D"), and the extension of 4 streets (John Fredrick Drive, Annalee Drive, Gregorio Avenue, and Bookjans Drive) attached as Appendix "D" to Report PED12054, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "E" to Report PED12054.
 - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City's Development Charge Reserve with respect to this development for the following items:
 - (1) That the City agrees to pay for the stormwater management facilities from an approved Capital Budget Source.

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That the 2011 Development Charge Background Study identifies a combined value for both facilities to an upset limit of \$3,616,217.00, including lands, construction engineering, and inspection fees.

- (2) That the City agrees to pay its share of cost for the construction of surface and underground works required along the stormwater management facility frontage, which is greater than 8.0m where the additional frontage beyond 8.0m is mandated by the City. For surface works, the City share shall be based on the New Road Servicing Rate.
 - (3) That the City agrees to pay its share of cost for the construction of surface and underground works required along the park frontage (Block 160). For surface works, the City share shall be based on the New Road Servicing Rate.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan of subdivision.

With regard to lots 1 - 152 (Single-Detached Residential) a parkland dedication at a ratio of 5% will be required.

With regard to Blocks 153 - 159 (Street Townhouse), a parkland dedication at a ratio of 1 ha of the net land area for each 300 dwelling units proposed will be required.

With regard to Blocks 166 and 168 (Medium Density Residential Apartments), a parkland dedication at a ratio of 0.6ha of the net land area for each 300 dwelling units proposed will be required.

With regard to Block 169 (Mixed-Use), a parkland dedication at a combined rate of 2% of the land to be developed for commercial purposes, and depending on the number of residential units proposed, a required parkland dedication, at a ratio of 1 ha of the net land area for each 300 dwelling units proposed, will be required if the residential density is between 20 and 75 units per hectare, or at a ratio of 0.6 ha of the net land area for each 300 dwelling units proposed if the residential density is greater than 120 units per hectare.

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The total net Cash-in-Lieu payment will be calculated based on the gross Cash-in-Lieu payment, minus a credit for the dedication of Block 160 (park block), as shown on the Final Plan of Subdivision (see Appendix “D” to Report PED12054).

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

EXECUTIVE SUMMARY

The proposed application is to amend the Town of Ancaster Zoning By-law for the lands located on the northerly half of the lands municipally known as 435 Garner Road East, as shown on Appendix “A”, and to revise the draft plan of subdivision and associated conditions of approval. The effect of the applications is to modify the previously approved draft plan of subdivision (see Appendix “C”) and the By-law requirements for the single detached and townhouse lots in order to increase the number of dwelling units from 331 to 337 within the existing approved Draft Plan of Subdivision (25T-200725), known as 435 Garner Road East, as shown on Appendix “D”.

In order to improve the compatibility of the proposed subdivision with respect to the existing residential neighbourhoods to the east, staff has requested several modifications to the subdivision plan and implementing By-law in order establish a more gradual transition between the existing residential neighbourhoods and the smaller lots proposed by the applicant. The applicant is in agreement with these changes.

The amended proposal is in conformity with the Places to Grow Plan, is consistent with the Provincial Policy Statement, and conforms to the policies of the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Garner Neighbourhood Secondary Plan. In addition, the proposed modifications to the zoning will maintain the general streetscape of the community with respect to lot frontage, density, and housing types.

Alternatives for Consideration - Page 37.

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

Financial: None.

Staffing: None.

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

HISTORICAL BACKGROUND (Chronology of events)

Official Plan Amendment / Zoning By-law Amendment / Draft Plan of Subdivision (OPA-07-031 / ZAC-07-105 / 25T-200725):

Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications were submitted in 2007.

These applications were approved by the Economic Development and Planning Committee on September 21, 2010.

The proposed development consisted of 146 single detached dwelling units, 42 townhouse dwelling units, 49 medium density apartment units, and 94 apartment units within a mixed-use building. In addition to the 331 dwelling units, the subdivision established blocks for stormwater management, a neighbourhood park, a public elementary school, and commercial within a mixed-use building, as shown in the Draft Plan of Subdivision (see Appendix “C”).

Zoning By-law Amendment (ZAR-11-048) and Revised Subdivision Application 25T200725(R):

The applicant submitted a new rezoning application in August 2011, to modify the recently established zoning and approved Draft Plan of Subdivision by revising the lotting pattern to accommodate 6 additional dwelling units. The new proposed development will consist of 152 single detached dwelling units, 42 townhouse dwelling units, 49 medium density apartment units, and 94 apartment units within a mixed-use building. The blocks for stormwater management, the neighbourhood park, public elementary school, and commercial within a mixed-se building will remain unchanged.

Chronology:

December 19, 2007: The original Official Plan Amendment, Rezoning Application, and Subdivision Application were submitted to the City of Hamilton.

September 21, 2010: The application was brought before the Economic Development and Planning Committee for a Public Meeting.

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- October 13, 2010: The Official Plan Amendment, Zoning By-law, and conditionally approved Draft Plan of Subdivision were approved by Council.
- August 23, 2011: Submission of Application ZAR-11-048, by Armstrong Hunter and Associates, on behalf of Losani Homes Ltd.
- September 20, 2011: Circulation of the Application to internal departments and external agencies.
- September 23, 2011: Notice of Complete Application sent to applicant.
- October 4, 2011: Notice of Complete Application and Pre-Circulation sent to all property owners within 120 metres.
- December 2, 2011: Revised draft plan of subdivision submitted showing the modified lot layout established as a result of the proposed By-law modifications.
- December 5, 2011: Revised plans circulated to internal departments and external agencies.
- March 16, 2012: Notice of Public Meeting sent to all property owners within 120 metres.

Details of Submitted Application:

Location: 435 Garner Road East (Ancaster)

Owner: Losani Homes Ltd.

Property Description:

Frontage: 144.4 metres

Lot Depth: 1,036 metres

Flankage: 953.5 metres (Along Hwy. No. 6 S, Off Ramp)

Area: 22.046 hectares (54.47 acres)

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EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Residential “R4” Zone, Residential “R4-608” Zone, Residential Multiple “RM2-604” Zone, Residential Multiple “RM2-602” Zone, Residential “R5” Zone, Residential “R5-601” Zone, Residential “H-R5-601” Holding Zone, Residential Multiple “H-RM2-609” Holding Zone, Residential “H-R5-622” Holding Zone, Residential Multiple “H-RM3-603” Holding Zone, General Commercial “H-C3-610” Holding Zone, Residential “R4-621” Zone, Neighbourhood Park “P1” Zone, Conservation/Hazard Land “P5” Zone, and Neighbourhood Institutional “I1, H39” Holding Zone.
 <u>Surrounding Lands:</u>		
North	Highway No. 403	Agricultural “A-216” Zone
South	Farmland	Agricultural “A” Zone, Airport Prestige Business Park “M11” Zone (Under Appeal 05-200)
East	Existing Single Detached Residential/Open Space/Woodlot and Future Residential	Public Open Space (O2) Zone, Agricultural “A-216” Zone, Existing Residential “ER” Zone, and Residential “R4-514” Zone
West	Highway No. 6	Agricultural “A-216” Zone, and Private Open Space “O1” Zone

POLICY IMPLICATIONS

Places to Grow:

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

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS).

- “1.1.3.1 Settlement Areas shall be the focus of growth and their vitality and regeneration shall be promoted.

- 1.1.3.2 Land use patterns within Settlement Areas shall be based on:
 - a) Densities and a mix of land uses which:
 - 1. Efficiently use land and resources;
 - 2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
 - 3. Minimize negative impacts on air quality and climate change, and promote energy efficiency in accordance with Policy 1.8;

 - b) A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3.

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1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including Brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

As the proposal is to modify the By-law requirements in order to accommodate the building product proposed by the applicant and to establish 6 additional single detached residential lots, and as the proposal will efficiently use the planned infrastructure, the proposal is consistent with Policies 1.1.3.1, 1.1.3.2, and 1.1.3.3 of the Provincial Policy Statement.

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Sub-section C.3.1 of the Plan states that:

“A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.”

As the proposal is to modify the By-law requirements in order to accommodate the building product proposed by the applicant and to establish 6 additional single detached residential lots within the Urban Area, with full municipal services, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Town of Ancaster Official Plan:

The Ancaster Official Plan designates the subject lands as “Residential”, “Commercial”, and “Institutional” on Schedule “B” Land Use - Urban Area. The subject lands are also designated as “Specific Policy Area No. 32” on Schedule “F” Specific Policy Area, in the Ancaster Official Plan. Schedule “F” is superseded by Schedule “D” Secondary Plan of the Garner Neighbourhood, which is discussed in further detail in the following section. It is noted that the portion of the subject lands, subject to the requested changes in Zoning, all fall within the “Residential” designation of the Official Plan.

When reviewing development applications and applications requesting modifications to a residential area, regard shall be had to the Official Plan policies that relate to the character of the area. In this regard, the following policies, among others, apply:

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- “3.1.4 New residential development shall complement the established character of the Town, which is typified by a predominance of single detached dwellings, a low building profile, and significant natural features such as the Niagara Escarpment. Residential development in the Urban Area shall be suitable for different income groups, age levels, and household structures. In this regard, a broad range and mix of residential units in terms of lot size, unit size, type, and tenure will be encouraged.
- 4.4.1 The predominant use of 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).
- 4.4.2 Types of residential development permitted in the Residential designation shall be single detached dwellings, semi-detached dwellings, townhouses, low-rise apartments, and innovative forms of attached housing. Residential buildings shall have no more than three occupied storeys entirely above grade.”

As the proposal is to establish predominately single detached dwellings, in addition to a limited number of townhouse dwelling units, that will not have more than three occupied storeys above grade; and as the proposed development will provide a broad range and mix of residential units in terms of lot size, unit size, and type, the proposal conforms to Policy 3.1.4 of the Town of Ancaster Official Plan.

When reviewing development applications and requested modifications that will alter the storm water drainage of the area, regard shall be had to the Official Plan policies that relate to addressing appropriate stormwater management. In this regard, the following policies, among others, apply:

- “3.3.1 Notwithstanding Policy 3.1.6 of this Plan, development of the Urban Area shall be permitted only on the basis of full municipal services including storm services designed to take surface run-off.
- 3.3.2 In accordance with the intent of the Regional Official Plan, Council shall co-operate with the Region and the Conservation Authority having jurisdiction, in any study or program, to investigate and implement suitable and economical methods of reducing storm run-off. In this regard, the policies of the Town of Ancaster Stormwater Management Guidelines shall be applied to all new development.”

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The applicant has requested modifications for Lots 102-130 (see Appendix “D”), which represents Block 5 of the amending By-law (see Schedule “A” - Appendix “B”), in order to establish a side yard setback of 0.6m on one side of a dwelling. Consistent with the new Grading Reform Policy, approved by Council on October 26, 2011 (PED10091(d)), a number of special provisions, both within the amending By-law and Draft Plan Conditions, are required to accommodate a 0.6 metre side yard. Firstly, split drainage must be secured for all lots approved with a minimum 0.6 metre side yard setback. This will be applied and secured through Special Condition of Draft Plan Approval No. 15 (Appendix “E”). Secondly, a number of pre-requisite By-law provisions will be introduced into the amending By-law for those units with a permitted minimum required side yard setback of 0.6 metres. These include the restriction of the 0.6 metre side yard to only the non-garage side of the dwelling, a minimum building separation of 1.8 metres, maintenance easements, and restrictions on encroachments into these reduced side yards. On this basis, the proposal conforms with the Town of Ancaster Official Plan.

Garner Neighbourhood Secondary Plan:

The subject property is designated “Medium Density Residential 1”, “Medium Density Residential 2”, “High Density Residential”, “Convenience Commercial”, “Public Elementary School”, and “Stormwater Management”, in the Garner Neighbourhood Secondary Plan.

When reviewing development applications and applications requesting modifications to a residential area, regard shall be had to the Secondary Plan policies that outline the overall vision and scale of development intended to be established within the Garner Neighbourhood Secondary Plan. In this regard, the following policies, among others, apply:

“6.4.5.1 “Residential Policies:

- a) The Garner Neighbourhood shall have a planned future population of approximately 4,700 persons, and contain approximately 1,760 dwelling units.

The population and dwelling unit figures for the Garner Neighbourhood are approximate. Minor adjustment will not require an amendment to this Secondary Plan.

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g) The appropriate housing mix shall be as follows:

Low Density Residential	56%
Medium Density Residential	24%
High Density Residential	20%

h) Where appropriate, more innovative housing types, zoning standards, and subdivision designs shall be encouraged.

k) For the purpose of calculating residential density in the Garner Neighbourhood, the following definition shall apply:

i) **Gross/Net Residential Density**

Means the area of land measured in hectares utilized for residential dwellings units including the lot area and adjacent principal local and local residential roads. The calculation excludes neighbourhood parks, including walkways and bicycle ways, public elementary schools, places of worship, and other institutions such as a cemetery, convenience commercial, arterial roads, and open space and conservation lands such as watercourses and wooded areas.

l) The Garner Neighbourhood shall contain the following residential density types, as shown on Map 1 - Land Use, which constitutes Schedule B to this Amendment:

iv) **Medium Density Residential 1**

Medium Density Residential 1 areas shall include single detached dwelling units on minimum 10m frontage lots and semi-detached dwelling units on minimum 9m frontage lots. The residential density in the Medium Density Residential 1 areas shall not exceed 27 dwelling units per gross/net residential hectare.

v) Medium Density Residential 2

Medium Density Residential 2 areas shall include street townhouses, block townhouses, courtyard townhouses, and other innovative, ground-oriented attached housing forms. The residential density in Medium Density Residential 2 areas shall not exceed 37 dwelling units per gross/net residential hectare.”

As the proposal is to modify the By-law requirements in order to accommodate the building product proposed by the applicant and to establish 6 additional single detached residential lots, and as the proposal will conform to the overall maximum density requirement of 27 dwelling units per gross/net residential hectare and 37 dwelling unit per gross/net residential hectare, it conforms to the policies of the Garner Neighbourhood Secondary Plan.

Regard shall also be had to the Secondary Plan policies that encourage a transition of residential density between existing residential neighbourhoods and policies that encourage the separation, screening, and buffering between low and high density development. In this regard, the following policies, among others, apply:

- “6.4.5.1
- o) To ensure the suitable integration of new residential development in the Garner Neighbourhood upon existing single detached dwelling residences in the Maple Lane Annex and Harmony Hall subdivisions, a transition in the dwelling type and scale shall be applied. Adjacent to these existing single detached residential areas, single detached dwellings on minimum 15 metre lots shall be located to ensure compatibility with existing adjacent residences in those built-up areas.
 - p) Where a High Density Residential or Medium Density Residential area is adjacent or in proximity to a low Density Residential area, potential conflicts related to physical compatibility of adjacent uses shall be reduced through the use of open space buffers, setbacks, screening, dwelling unit type and density transition, building/site design, and/or separator roads.”

A transition has been provided within the subdivision between the large single detached dwellings located to the east and the Medium Density Residential (Townhouse) area located towards the western portion of the subject lands. Furthermore, the amended proposal, as recommended by staff and agreed to by the applicant, will ensure that there is a transition between the dwelling type and scale from the larger single detached residential lots to the east and the smaller single detached residential dwelling lots

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within the proposed development. These amendments would consist of a transition in lot frontages along John Frederick Drive, Annalee Drive, Gregorio Avenue, and Bookjans Drive from 15 metres to 12 metres, as illustrated in the revised Subdivision Plan (see Appendix “D”). The proposed modifications will, therefore, conform to Policy 6.4.5.1 o) and p) of the Garner Neighbourhood Secondary Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections.

- Recreation Division, Community Services Department.
- Environment and Sustainable Infrastructure Division, Public Works Department.
- Hamilton Municipal Parking Services.

Traffic Engineering Section (Public Works Department):

The Traffic Engineering Section expressed a concern with respect to the additional lots proposed near the John Fredrick/Annalee roundabout. The additional driveway could interfere with the functional operation of the roundabout with respect to splitter island design. Traffic Engineering staff request that engineering plans be submitted that demonstrate the additional lots can be accommodated without impeding the roundabout design, including the splinter islands. The applicant will be required to satisfy the concerns of Traffic Engineering staff as part of the revised conditions of subdivision approval (see Condition No. 34 - Appendix “E”).

Ministry of Transportation (MTO):

The Ministry of Transportation (MTO) advises that all proposed permanent buildings and structures, both above and below ground, utilities, frontage roads/fire routes, essential parking spaces, stormwater management facilities, including stormwater management ponds and associated berms, must be setback 14m (45 ft.) from the Highway 403/ Highway 6 Right-of-Way limit.

It is noted that the applicant has not requested any modifications to the required 14 metre rear yard setback for lots backing onto the Highway 403/ Highway 6 Right-of-Way limit. As such the amended Zoning By-law and Subdivision Plan would be consistent with the above comments.

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Operations and Waste Management Division:

The Operations and Waste Management Division notes that the property is eligible for weekly collection of garbage, organics, recyclable material, and leaf and yard waste through the City of Hamilton, subject to compliance with specifications indicated by the Operations and Waste Management Division, and subject to compliance with the City's Solid Waste Management By-law 09-067.

Forestry and Horticulture Section (Operations and Maintenance Division):

The Forestry and Horticulture Section has identified that there are Municipal Tree Assets located on the road allowance of this proposed development, as well as heritage diameter and woodlot trees internal to the site. Therefore, the Forestry and Horticulture Section has requested an amended Tree Management Report. A Tree Management Report formed part of the conditions of the previous draft plan of approval, and continue to apply (see Condition 1 - Appendix "E").

Canada Post Corporation:

Canada Post Corporation has noted that the subdivision will receive mail service to centralized mail facilities provided through their Community Mailbox Program. Canada Post has requested that the owner complete the following conditions, to the satisfaction of the City of Hamilton Senior Director of Growth Management and Canada Post.

- 1) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) That the home/business mail delivery will be from a designated centralized mail box.
 - ii) That the developers/owners be responsible for officially notifying the purchasers of the exact centralized mail box locations prior to the closing of any home sales.
- 2) The owner further agrees to:
 - i) Work with Canada Post to determine and provide temporary suitable centralized mail box locations which may be utilized by Canada Post until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.

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- b. Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post, to facilitate the placement of community mail boxes.
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - d. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in sales office(s) showing specific centralized mail facility locations.
- 3) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility, at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor, or sheltered space.

The conditions requested by Canada Post form part of the previously required Standard Form Subdivision Agreement, and continue to apply.

Hamilton Conservation Authority:

The Hamilton Conservation Authority has indicated that they have no objection to the amended subdivision and By-law modifications, and that the subdivision conditions previously required for the subdivision approval should remain. The previous conditions have been modified to reflect the changes in the lot and block numbers only (see Conditions 35 - 39 of Appendix "E").

Public Consultation

In accordance with Council's Public Participation Policy, the application was pre-circulated as part of the Notice of Complete Application to 103 residents within 120 metres of the subject lands on October 4, 2011. One local resident/property owner wrote to the Department raising issues with the proposed application. The issues raised were primarily with respect to the impact of the proposed development on traffic safety and traffic volumes for an existing street to the east of the proposed development (see Appendix "F"). These issues have been highlighted and addressed in the Analysis/Rationale for Recommendation section of this Report. Notice of the Public Meeting was given in accordance with the requirements of the Planning Act through circulation to property owners within 120 metres of the subject lands. In addition, a Public Notice Sign was posted on the property on October 26, 2011.

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ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The Zoning By-law Amendment, and revised draft plan of subdivision and associated conditions, as amended, have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Places to Grow Plan.
 - (ii) They conform to the Hamilton-Wentworth Official Plan, Town of Ancaster Official Plan, and Garner Neighbourhood Secondary Plan.
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.
 - (iv) The proposed development represents good planning by providing a compact urban form.

2. The purpose of the application is to modify the By-law requirements for a portion of the subject property in order to accommodate the proposed building product to be constructed by the applicant - Losani Homes. The modifications will also create 6 additional single detached residential dwelling lots, increasing the total number of dwelling units from 331 to 337 from the previously approved Draft Plan of Subdivision (25T200725).

The requested modifications apply to several of the existing zoning Blocks approved under previous Zoning Application ZAC-07-105. Consequently, the following site-specific modifications to the implementing "R4-642", "R4-643", "RM2-644", "RM2-645", "R5-646", "R5-647", "R4-648", and "R4-649" Zones (see Schedule "A" of Appendix "B") are proposed:

Block 1 Residential "R4-642" Zone (See Appendix "B"- Schedule "A"); See Also Appendix "D" - Lots 1-4, 15-21, 26-28, 35-42, 51-66 and 81-84:

Lot Area:

The applicant has requested a minimum lot area of 380 sq. m. for an interior lot and 386 sq. m. for a corner lot, whereas 400 sq. m. for an interior lot and 500 sq. m. for a corner lot is required in the existing By-law.

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With respect to the single detached dwellings in Block 1, the proposed reduction in the minimum lot area from 400 sq. m. to 380 sq. m. for an interior lot is considered a minor change. The proposed 380 sq. m. single detached lots will be located away from the existing established neighbourhoods to the east, and will be located within the interior of an area that has not yet been developed, and therefore, does not currently have an established character. The proposed 380 sq. m. lots will be of sufficient size to accommodate a suitable sized dwelling with approximately 84 sq. m. of rear yard amenity space.

With respect to the corner lots within Block 1, the requested reduction in the minimum lot area is from 500 sq. m. to 386 sq. m. Based on staff's review of the revised Subdivision Plan, the smallest corner lot is 401 sq. m. in size; therefore, staff recommends that a minimum lot area of 400 sq. m. be established in Block 1 for a corner lot.

In support of this reduction to 400 sq. m. for a corner lot, staff notes that the majority of the corner lots within Block 1 would remain closer to 500 sq. m. in size, and are located away from the existing residential neighbourhood to the east. In addition, staff considers that the smallest corner lot (401 sq. m.) will be of sufficient size to accommodate a suitable sized dwelling and will maintain approximately 96 sq. m. of rear yard amenity space.

Staff notes that the applicant maintains the request for the reduction to minimum lot area for a corner lot to 386 sq. m. in order to provide for flexibility. However, it is considered that given the constraints posed by corner lots with respect to amenity space and setbacks, that a minimum lot area below 400 sq. m. should not be supported. As such, the implementing By-law proposes a minimum lot area of 400 sq. m. for corner lots.

Lot Frontage:

The proposed reduction in lot frontage for Block 1 is with respect to the corner lots only, and would reduce the minimum lot frontage from 16 metres to 13.8 metres. None of the corner lots within Block 1 are located immediately adjacent to any existing residential development and, therefore, the proposed 2.2m reduction to the minimum lot frontage for a corner lot will not detract from the streetscape character of the existing residential neighbourhood. The proposed 13.8 metre minimum lot frontage, along with a 3 metre exterior side yard setback, will be of an adequate size to accommodate a suitable size dwelling on-site.

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Lot Coverage:

The applicant has requested that the maximum lot coverage requirement be deleted, whereas a maximum lot coverage of 35% is permitted in the existing By-law.

In assessing this request, staff notes that the setback requirements will restrict the size of the dwellings, and will ensure that adequate open space is maintained on each lot.

The development limitations established by the setback requirements will also ensure that adequate space is maintained with respect to stormwater management. Furthermore, the developer will be required, as a part of their amended subdivision plan, to demonstrate that adequate stormwater capacity exists to address the stormwater management needs of the area, should all lots be built to the maximum limits that the setbacks would provide. This is addressed in Special Subdivision Conditions 15 and 16 (see Appendix “E”).

Front Yard Setback:

The applicant has requested a minimum front yard setback of 4.5 metres to a dwelling and 6 metres to an attached garage, whereas a minimum front yard setback of 7.5 metres is required in the existing By-law.

Given that the subject lands are being developed on a comprehensive basis, this request is considered appropriate, and corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire draft plan of subdivision, and providing for sufficient parking space within the driveway.

Side Yard Setback:

The applicant has requested a minimum side yard setback of 3 metres for a corner lot, whereas a minimum side yard setback of 5.2 metres is required in the existing By-law.

Staff notes that the proposed reduction for the exterior side yard from 5.2 metres to 3 metres for corner lots would maintain a similar building line with those units oriented perpendicular to the corner lots, as staff is also in support of the reduction of the front yard setback to 4.5 metres for these units.

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Given this, and the understanding that the subject lands are being developed on a comprehensive basis, this request is considered appropriate, and corresponds with guiding principles of urban streetscape character and design.

Rear Yard Setback:

The applicant has requested a minimum rear yard setback of 7.0 metres, whereas a minimum rear yard setback of 7.5 metres is required in the existing By-law.

The applicant maintains that a 7 metre rear yard setback will provide a minimum of 84 sq. m. of rear yard amenity space for a 12 metre wide lot, and a minimum 105 sq. m. of rear yard amenity space for a 15 metre wide lot. However, given the relief also requested to the front yard setback (detailed above), staff considers that the additional reduction would detrimentally affect the provision of adequate amenity space, and would similarly promote over-building. Consequently, staff does not support the requested reduction.

Encroachment Bay Window:

The applicant has requested a maximum encroachment of a bay window of 0.9 metres into a front, rear, and side yard abutting a street, whereas a maximum encroachment of a bay window of 0.6 metres is permitted in the existing By-law.

The proposed modification would apply to only the front yard, rear yard, and exterior side yard of a single detached dwelling lot, and would not apply to the interior side yard of a lot. As the subject lands are being developed on a comprehensive basis, this request is considered appropriate, and corresponds with guiding principles of urban streetscape character and design. The proposed 0.9 metre encroachment will ensure that sufficient space is maintained within an exterior side yard for access, maintenance, and drainage. The 0.9m encroachment for a bay window will not significantly reduce the amount of rear yard private amenity space available on the lots and, as such, can be supported.

Encroachment Porch:

The applicant has requested a maximum encroachment of a porch of 1.8 metres into a side yard abutting a street, whereas a maximum encroachment of 0.45 metres is permitted in the existing By-law.

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The intent and purpose of restricting the maximum encroachment of a porch within a side yard to 0.45 metres is to maintain the streetscape character of the area, and to maintain adequate space for access, maintenance, and drainage. The proposed modification would only apply to dwellings that are on a corner lot. The proposed modification to permit an unenclosed porch to project 1.8 metres into a side yard is only for the side yard abutting a street, and is not permitted within an interior side yard. The proposed 1.8 metre encroachment is greater than the maximum encroachment of an unenclosed porch into a front yard, which is 1.5 metres. Staff recommends that the proposed By-law modification be amended to permit an unenclosed porch to project no more than 1.5 metres into a side yard abutting a street in order to be consistent with the maximum permitted encroachment allowed for a porch in the front yard.

As a minimum 3 metre exterior side yard setback is required for all single detached dwellings, a porch projecting 1.5 metres into the required side yard abutting a street would maintain a setback of 1.5 metres from the property line and, given that it would also be an exterior side yard, would maintain adequate space to access the rear yard, to conduct maintenance to the building, and would provide adequate space for drainage.

The applicant previously requested a modification to encroach 3 metres into the required front yard setback. As a 3 metre encroachment would allow the porch to be within 1.5 metres of the front lot line, the requested modification would not have conformed to the character of the area. As a result of discussions with staff, the applicant has withdrawn the requested modification and, therefore, a porch may only project a maximum of 1.5 metres into the required front yard.

Technical Modification

Finally, it is noted that a minor technical modification to the Definition Section of the Ancaster By-law is required in order to ensure the appropriate development of two irregular shaped lots (Lots 18 and 41). Given their irregular shape, modifications to the definition of 'Rear' and 'Side Lot Lines' have been included in the amending By-law for the purpose of providing clarity (see Appendix "B").

Block 2 Residential “R4-643” Zone (See Appendix “B” - Schedule “A”); See Also Appendix “D” - Lots 5-14:

Lot Coverage:

The applicant has requested that the maximum lot coverage requirement be deleted, whereas a maximum lot coverage of 35% is permitted in the existing By-law.

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The analysis and rationale for this modification is identical to that found for Block 1 and, as such, can be supported.

Front Yard Setback:

The applicant has requested that the minimum front yard setback of 7.5 metres be reduced to a minimum 4.5 metres to the dwelling and 6 metres to the garage for Block 2. The analysis and rationale for this modification is identical to that found for Block 1 and, as such, can be supported.

Rear Yard Setback:

The applicant has requested that the minimum rear yard setback of 7.5 metres be reduced to 7.0 metres for Block 2. The analysis and rationale for this modification is identical to that found for Block 1 and, as such, is not supported by staff.

Encroachment Bay Window:

The applicant requested that the maximum encroachment of a bay window into a front yard, rear yard, and side yard abutting a street be increased from 0.6 metres to 0.9 metres for Block 2. The analysis and rationale for this modification is identical to that found for Block 1, and as such can be supported.

Block 3 Residential Multiple “RM2-644” Zone (See Appendix “B” - Schedule “A”); See Also Blocks 153-158 of Appendix “D”:

Lot Frontage:

The applicant has requested a minimum lot frontage of 8.1 metres for a townhouse end unit, whereas a minimum lot frontage of 9 metres for a corner lot is required in the existing By-law.

Staff notes that the total number of townhouse units, as previously approved, would not be increased by the proposed modification. In order to ensure this, an additional provision has been included for Block 3 that will limit the maximum number of townhouse units to 36, in line with the previously approved number of units.

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The proposed townhouse units are located a significant distance from existing residential neighbourhoods, and the character of the lands surrounding the townhouse lots has not yet been established. Furthermore, the proposed 0.9m reduction in the minimum lot frontage will not significantly alter the size of the proposed lots, and would still ensure that a suitable size dwelling can be provided on-site.

Lot Area:

The applicant has requested a minimum Lot Area of 240 sq. m., whereas 280 sq. m. is required in the By-law, and also requests a total parcel area of 1,200 sq. m., whereas a minimum total parcel area of 1,850 sq. m. is required in the existing By-law.

Staff acknowledges that the total lot area of each townhouse unit will be of a sufficient size to accommodate adequate amenity space and a reasonable sized unit and, as such, can be supported. With respect to the reduction in total parcel size, it is noted that this requested modification is in order to permit a townhouse block of 4 units (as opposed to the 6-8 units normally constructed in a row). The proposal to have fewer units in a townhouse block is not considered to affect the character or amenity of the area and, as such, can be supported.

Lot Coverage:

The applicant requested that the maximum lot coverage of 35% be deleted for Block 3. The analysis and rational for this modification is identical to that found for Block 1, and on that basis, can be supported.

Front Yard Setback:

The applicant has requested that the minimum front yard setback of 7.5 metres be reduced to a minimum 4.5 metres to the dwelling and 6 metres to the garage for Block 3. The analysis and rational for this modification is identical to that found for Block 1, and on that basis, can be supported.

Side Yard Setback:

The proposed reduction in the minimum side yard setback of an end townhouse unit from 2.5 metres to 1.2 metres, and from 7.5 metres to 3 metres for a corner lot, will reflect the 1.2 metre side yard setbacks required for single detached dwelling lots proposed in the area and the 3 metre side yard setback for corner lots in the area. As the subject lands are being developed on a comprehensive basis, this request is considered appropriate, and corresponds with guiding

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principles of urban streetscape character and design. The proposed side yard setbacks will maintain adequate space for access, maintenance, and drainage.

Setback from Detached Dwelling:

The intent and purpose of requiring that the front yard of a townhouse lot does not abut the rear yard of a single detached dwelling is to provide adequate buffering between the two residential densities. There is only one instance in which the rear yard of a single-detached dwelling abuts the front yard of a townhouse dwelling lot (Lot 1 and Townhouse Block 153) (see Appendix “D”). The two lots abutted in an identical manner within the previously approved draft plan of subdivision; however, the necessary By-law modification was not included in the implementing Zoning By-law.

The end unit in Townhouse Block 153 is a large, irregular shaped lot and will, therefore, maintain adequate buffering space between the front yard of the townhouse unit and the rear yard of the single detached dwelling. As a result, the proposed modification to delete the special setback requirement can be supported.

Block 4 Residential Multiple “RM2-645” Zone (See Appendix “B” - Schedule “A”); See Also Block 159 - Appendix “D”:

Lot Area:

The applicant has requested a minimum lot area of 192 sq. m. for an interior townhouse lot, whereas a minimum lot area of 213 sq. m. is required in the existing By-law; and the applicant has requested that the minimum total parcel area be deleted, whereas a minimum total parcel area of 1,850 sq. m. is required in the existing By-law.

While the applicant has requested that the total parcel area be deleted, staff is of the opinion that the minimum total required parcel area instead be reduced (not deleted), in order to accommodate the revised area. Consequently, the amending By-law includes a requirement for a minimum total parcel area of 1,400 sq. m.

The total number of townhouse dwellings would not be increased from what was previously approved. The requested reductions in lot area are to accommodate a small reduction in the depth of the lot and a small reduction to the width of the corner lots. The proposed 192 sq. m. lots will be compatible with the intended streetscape character of the area, and will be of sufficient size to accommodate a suitable size dwelling.

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The applicant previously requested a modification to the minimum lot area for a corner lot. The modification is no longer required and, therefore, the modification has been withdrawn.

Lot Frontage:

The applicant is proposing to reduce the minimum lot frontage of an end unit from 9 metres to 8.2 metres for Block 4. The analysis and rationale for this modification is similar to that found for Block 3, and on that basis, can be supported.

Lot Coverage:

The applicant requested that the maximum lot coverage of 35% be deleted for Block 4. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

Front Yard Setback:

The applicant has requested that the minimum front yard setback of 7.5 metres be reduced to a minimum 4.5 metres to the dwelling and 6 metres to the garage for Block 4. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

Side Yard Setback:

The applicant has requested that the minimum side yard setback of an end unit be reduced from 2.5 metres to 1.2 metres, and the side yard setback of a corner lot be reduced from 7.5 metres to 3 metres. The analysis and rationale for this modification is identical to that found for Block 3, and on that basis, can be supported.

Lot Depth:

The intent and purpose of requiring a minimum lot depth of 30 metres is to ensure that the lots are of a sufficient size to accommodate a suitable sized dwelling with adequate amenity space, and adequate space for on-site parking. The proposed modification to reduce the lot depth by 2 metres is only required with respect to Block 4. The townhouse lots on Block 4 will maintain a 7.5 metre rear yard setback and will, therefore, maintain a minimum of 52 sq. m. of rear yard private amenity space. The townhouse lots will also maintain a minimum front yard setback for a garage of 6 metres and will, therefore, maintain adequate space for on-site parking.

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Landscaping:

The intent and purpose of requiring a minimum of 30% landscaping for each unit is to ensure that adequate green space is provided on-site in order to maintain the streetscape character of the area. The proposed 25% landscaping is required for only a small number of the internal townhouse lots within Block 4. Staff notes that the corner lots, most visible from the public realm, would satisfy the minimum requirement, and further, would exceed it such that the overall landscaping area for the entire block would conform to the minimum 30% landscaping requirement. On this basis, staff is satisfied that the townhouse block would have sufficient landscaping as not to appear over developed.

Block 5 Residential “R5-646” Zone (See Appendix “B” - Schedule “A”); See Also Lots 102-130 - Appendix “D”:

Lot Frontage:

The proposed reduction in lot frontage for Block 5 is with respect to only 1 corner lot (Lot 130 - Appendix “D”), and will reduce the lot frontage of the lot from 14 metres to 11.8 metres. The lot is narrower at the front of the lot and is wider towards the rear of the lot. The lot is not located immediately adjacent to the existing residential neighbourhoods, and the proposed 2.2m reduction to the minimum lot frontage will not impact the streetscape character of the area. The proposed 11.8 metres minimum lot frontage, along with a 3 metre exterior side yard setback, will also be of an adequate size to accommodate a suitable size dwelling on-site. Staff is, therefore, in support of this request.

Lot Coverage:

The applicant has requested that the maximum lot coverage requirement be deleted, whereas a maximum lot coverage of 40% is permitted in the existing By-law.

The analysis and rationale for this modification is similar to that found for Block 1, and on that basis, can be supported.

Front Yard Setback:

The applicant has requested that the minimum front yard setback of 7 metres be reduced to a minimum 4.5 metres to the dwelling and 6 metres to the garage for Block 5. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

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Side Yard Setback:

The applicant has requested a reduction for the side yard abutting a street (exterior side yard) from 5.2 metres to 3 metres for corner lots within Block 5. The analysis and rationale for this modification is identical to that found in Block 1.

The proposed reduction for the interior side yard, from 1.2 metres to 0.6 metres for lots within Block 5 with a lot width of 11 metres, are for lots that are located within the interior of the subdivision and not lots located in proximity to existing residential neighbourhoods. As discussed on Page 11, the proposed 0.6 metre side yard setback will be permitted for only the garage side of the dwelling, and a 1.2 metre side yard setback will be required on the opposite side of the dwelling. As the subject lands are being developed on a comprehensive basis, this request is considered appropriate, and corresponds with guiding principles of urban streetscape character and design.

With respect to access and maintenance, as a minimum 1.8 metre building setback will be required on the 0.6 metre side yard, access to the rear yard can be maintained. In addition, the proposed 0.6 metre side yard setback will necessitate the need for a maintenance easement to ensure any necessary works can be conducted. With respect to drainage, the applicant, as part of the revised subdivision approval, will be required to provide split drainage for all lots with a permitted 0.6 metre side yard (see Condition No. 15 on Appendix “E”). This would be in line with the Grading Reform Policy, approved by Council on October 26, 2011 (PED10091(d)). On this basis, staff is in support of the requested provision.

Driveway Restriction:

The intent and purpose of requiring that a driveway not occupy more than 50% of the front yard is to provide sufficient landscaping in order to maintain the streetscape character of the area, and to ensure that adequate on-street parking is maintained. The By-law requirement that restricts a driveway to not more than 50% of the front yard only applies to Block 5, and the proposed modifications to increase the maximum driveway size to 60% are only for the lots that have a lot width of 11 metres.

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From a streetscape character perspective, as the subject lands are being developed on a comprehensive basis, this request is considered appropriate and corresponds with guiding principles of urban streetscape character and design. With respect to on-street parking, the subdivision, as a whole, will maintain a minimum of 89 on-street parking spaces. The 89 on-street parking spaces were required within the on-street parking plan for the previously approved plan of subdivision (see Condition 19 - Appendix "E"). A minimum of 40% on-street parking is required to be maintained, and the proposed 89 parking spaces will provide approximately 46.3% on-street parking. Therefore, the proposed 60% maximum front yard driveway will not impact the on-street parking requirement.

It should be noted that a 60% driveway is required only for a two car garage. Any dwelling established on an 11 metre wide lot that has only a one car garage would have a driveway that is less than 50% and would, therefore, allow for additional on-street parking.

Encroachment Bay Window:

The applicant requested that the maximum encroachment of a bay window into a front yard, rear yard, and side yard abutting a street be increased from 0.6 metres to 0.9 metres for Block 5. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

Encroachment Porch:

The applicant requested that the maximum encroachment of a porch into a side yard abutting a street be increased from 0.45 metres to 1.8 metres for Block 5. Staff is recommending a maximum encroachment of 1.5 metres for Block 5. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

The applicant previously requested a modification to encroach 3 metres into the required front yard setback. As a 3 metre encroachment would allow the porch to be within 1.5 metres of the front lot line, the requested modification would not have conformed to the character of the area. Based on discussions, the applicant withdrew the requested modification and, therefore, a porch may only project a maximum of 1.5 metres into the required front yard.

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Block 6 Residential “R5-647” Zone (See Appendix “B” - Schedule “A”); See Also Appendix “D” - Lots 94-101:

Lot Coverage:

The applicant requested that the maximum lot coverage of 40% be deleted for Block 6. The analysis and rationale for this modification is similar to that found for Block 1, and on that basis, can be supported.

Front Yard Setback:

The applicant has requested that the minimum front yard setback of 7 metres be reduced to a minimum 4.5 metres to the dwelling and 6 metres to the garage for Block 6. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

Side Yard Setback:

The applicant has requested a reduction for the side yard abutting a street (exterior side yard) from 5.2 metres to 3 metres for corner lots within Block 6. The analysis and rationale for this modification is identical to that found in Block 1, and on that basis, can be supported.

Encroachment Bay Window:

The applicant requested that the maximum encroachment of a bay window into a front yard, rear yard, and side yard abutting a street be increased from 0.6 metres to 0.9 metres for Block 6. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

Encroachment Porch:

The applicant requested that the maximum encroachment of a porch into a side yard abutting a street be increased from 0.45 metres to 1.8 metres for Block 6. Staff is recommending a maximum encroachment of 1.5 metres for Block 6. The analysis and rationale for this modification is identical to that found for Block 1.

The applicant previously requested a modification to encroach 3 metres into the required front yard setback. As a 3 metre encroachment would allow the porch to be within 1.5 metres of the front lot line, the requested modification would not have conformed to the character of the area. Based on discussions, the applicant withdrew the requested modification and, therefore, a porch may only project a maximum of 1.5 metres into the required front yard.

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Block 7 Residential “R4-648” Zone; See Also Appendix “D” - Lots 43-47, 50, 72-75 and 90-93:

Lot Frontage:

The applicant had originally requested a reduction to the minimum lot frontage of a corner lot within Block 7; however, due to the realignment of the boundaries of Blocks 7 and 8, there are no longer any corner lots within Block 7 and, therefore, the modification is not required and has been withdrawn.

In order to implement the transitional lotting pattern, the minimum lot frontage of Block 7 would be required to be reduced from 15 metres to 14 metres to permit 2 lots with a minimum lot frontage of 14 metres. As currently illustrated in the revised Draft Plan of Subdivision (see Appendix “D”), the 14 metre wide lots will be separated from the existing residential neighbourhoods to the east by 3 lots with a minimum lot frontage of 15 metres. Staff notes that whereas a minimum of 14 metres of frontage will be permitted for all units within Block 7, given its size and configuration, there would be no opportunity to revise the Draft plan of Subdivision at a future date in order to increase the number of units. Consequently, staff is satisfied that this provision will ensure that the transitional lotting, as currently illustrated in the revised Draft plan, will be achieved (see Appendix “D”). On this basis, and given that the 14 metre wide lots are not currently proposed adjacent any existing residential units, and that the staff recommended reduction is for only 1 metre, the proposed 14 metre wide lots are considered to maintain the streetscape character of the area and will ensure that a suitable size dwelling can be accommodated on-site.

Lot Coverage:

The applicant requested that the maximum lot coverage of 35% be deleted for Block 7. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

Front Yard Setback:

The applicant has requested that the minimum front yard setback of 7.5 metres be reduced to a minimum 4.5 metres to the dwelling and 6 metres to the garage for Block 7.

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Staff notes that although this provision has been supported for a number of the proposed units within the revised subdivision, the units within this block form part of an extension to an existing established street. Consequently, concern remains that the subsequent building line that would be created, if approved, would be to the detriment of the existing character and streetscape of Gregario Avenue and Bookjans Drive, respectively. On this basis, staff is not in support of this provision for Block 7.

Side Yard Setback:

The applicant previously requested a modification to the side yard setback abutting a street (exterior side yard) from 5.2 metres to 3 metres for a corner lot; however; due to the realignment of the boundaries of Blocks 7 and 8, there are no longer any corner lots within Block 7 and, therefore, the modification is not required and has been withdrawn.

Rear Yard Setback:

The applicant has requested that the minimum rear yard setback of 7.5 metres be reduced to 7 metres for Block 7. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, is not supported.

Encroachment Bay Window:

The applicant requested that the maximum encroachment of a bay window into a front yard, rear yard, and side yard abutting a street be increased from 0.6 metres to 0.9 metres for Block 7. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

Encroachment Porch:

The applicant previously requested a modification to encroach 3 metres into the required front yard setback. As a 3 metre encroachment would allow the porch to be within 1.5 metres of the front lot line, the requested modification would not have conformed to the character of the area. Based on discussions, the applicant withdrew the requested modification, and, therefore, a porch may only project a maximum of 1.5 metres into the required front yard.

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The applicant previously requested a modification to encroach 1.8 metres into the side yard abutting a street for a corner lot. As there are no longer any corner lots within Block 7 due to the realignment of the boundaries of Blocks 7 and 8, the proposed modification is no longer required and the modification can be withdrawn.

Block 8 Residential "R4-649" Zone (See Appendix "B" - Schedule "A"); See Also Appendix "D" - Lots 48-49, 67-71, 76-80 and 85-89:

Lot Area:

With respect to the single detached dwellings in Block 8, the proposed reduction in the minimum lot area from 400 sq. m. to 348 sq. m. for an interior lot, and 500 sq. m. to 386 sq. m. for a corner lot, is required to facilitate a reduction in the lot frontage for an interior lot from 15 metres to 12 metres. The smallest corner lot within Block 8 has a lot area greater than 455 sq. m.; therefore, staff recommends that the modification be changed to 455 sq. m.

With respect to the interior lots, the proposed lot fabric between Gregorio Avenue and Bookjans Drive consists of 10 interior lots with a lot frontage of 12 metres, and 8 interior lots with a lot frontage of 15 metres. The transition from 15 metre wide lots to 12 metre wide lots is instantaneous without any transition. Staff is recommending that the lots be modified to create 6 interior lots with a lot frontage of 15 metres, 4 interior lots with a lot frontage of 14 metres, 2 interior lots with a lot frontage of 12.8 metres, and 6 lots with a lot frontage of 12 metres in order to create a transition from the larger lots to the smaller lots. This will be secured through both the implementing By-law and the Draft Plan Approval process.

Staff is also recommending that the lots located on the north side of Gregorio Avenue, known as Lots 48, 49, and 50, be modified to improve the compatibility of the middle lot. The proposed modification would include decreasing the size of Lots 48 and 50 by 0.8 metres to increase the size of Lot 49 by 0.8 metres. The larger lot size of Lot 49 would increase the compatibility of the lot with respect to surrounding properties, and would make the potential building size more compatible with that of the dwellings on Lots 48 and 50. As Lots 48 and 49 are to be included within Block 8, the lots will conform to the minimum lot area of 348 sq. m. for an interior lot and 455 sq. m. for a corner lot. Based on the establishment of transitional lotting, the proposed lot frontage will maintain the streetscape character of the area, and the proposed lot size of 348 sq. m. for an interior lot and 455 sq. m. for a corner lot will be of adequate size to accommodate a suitable size dwelling.

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster) (PED12054) (Ward 12) - Page 33 of 38

Lot Frontage:

The proposed reduction in lot frontage for Block 8 is for both corner lots and interior lots, and will reduce the lot frontage of a corner lot from 16 metres to 15.5 metres, and the lot frontage of an interior lot from 15 metres to 12 metres. The proposed 0.5m reduction to the proposed lot frontage of a corner lot is a minor modification that will only apply to 2 lots and will not significantly alter the streetscape character of the area.

With respect to the interior lots, Council previously established a site-specific “R4” Zone for the lands in Blocks 7 and 8. Council modified the standard “R4” Zone provisions, which permits a minimum lot frontage of 12m for an interior lot, and established site-specific zoning that required a minimum lot frontage of 15 metres. The intent of requiring 15 metre wide lots along Gregorio Avenue and Bookjans Drive was intended to reflect the lotting fabric in the existing residential neighbourhood to the east. In order to buffer the residential neighbourhood to the east, and to create a gradual transition from the larger 15 metre lots to the smaller 12 metres lots, staff is recommending that the lotting pattern along the south side of Gregorio Avenue and the north side of Bookjans Drive be modified. Through the modified lotting pattern, the first three lots from the abutting residential neighbourhood to the east would be 15 metres wide (which form part of Block 7 - See Appendix “B”), the next two lots would be 14 metres wide, the next lot would be 12.8 metres wide, and the final three lots would be 12 metres wide (see Appendix “D”). This lotting pattern would create a more gradual change from 15 metre lots to 12 metre lots, as opposed to the sudden change that is currently being proposed. In order to implement this lotting pattern, the boundary between Block 8 and Block 1 would have to shift to the west by 2 metres.

With respect to the lots on the north side of Gregorio Avenue, east of Street ‘C’, staff is of the opinion that the proposed 12 metre wide lot (Lot 49) would not be compatible with the lots across the street or on either side of the property, nor would it be compatible to the lotting fabric of the residential neighbourhood to the east. Therefore, staff is recommending that Lots 48 and 50 be reduced in size so as to increase the size of Lot 49 from 12 metres to 12.8 metres. A 12.8 metre wide lot would be more compatible with the lotting pattern in the area, and would result in a dwelling that is more compatible to the size of dwellings that are to be located on Lots 48 and 50.

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The interior lots on the north side of Gregorio Avenue, west of Street ‘C’, will range in size from 14 metres to 12 metres. The smaller 12 metre wide lots will be located further from the existing residential subdivision than the 14 metre wide lots and will, therefore, maintain the streetscape character of the area and be of an adequate size to accommodate a suitable size dwelling.

Lot Coverage:

The applicant requested that the maximum lot coverage of 35% be deleted for Block 8. The analysis and rational for this modification is identical to that found for Block 1, and on that basis, can be supported.

Front Yard Setback:

The applicant has requested that the minimum front yard setback of 7.5 metres be reduced to a minimum 4.5 metres to the dwelling and 6 metres to the garage for Block 8. The analysis and rational for this modification is identical to that found for Block 7, and on that basis, can not be supported.

Side Yard Setback:

The applicant has requested a reduction for the side yard abutting a street (exterior side yard) from 5.2 metres to 3 metres for corner lots within Block 8. The analysis and rational for this modification is identical to that found for Block 1, and on that basis, can be supported.

Rear Yard Setback:

The applicant has requested that the minimum rear yard setback of 7.5 metres be reduced to 7 metres for Block 8. The analysis and rational for this modification is identical to that found for Block 1, and on that basis, can not be supported.

Encroachment Bay Window:

The applicant requested that the maximum encroachment of a bay window into a front yard, rear yard, and side yard abutting a street be increased from 0.6 metres to 0.9 metres for Block 8. The analysis and rational for this modification is identical to that found for Block 1, and on that basis, can be supported.

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster) (PED12054) (Ward 12) - Page 35 of 38

Encroachment Porch:

The applicant requested that the maximum encroachment of a porch into a side yard abutting a street be increased from 0.45 metres to 1.8 metres for Block 8. Staff is recommending a maximum encroachment of 1.5 metres for Block 8. The analysis and rationale for this modification is identical to that found for Block 1, and on that basis, can be supported.

The applicant previously requested a modification to encroach 3 metres into the required front yard setback. As a 3 metre encroachment would allow the porch to be within 1.5 metres of the front lot line the requested modification would not have conformed to the character of the area. Based on discussions the applicant withdrew the requested modification, and therefore a porch may only project a maximum of 1.5 metres into the required front yard.

Block 9 Residential “R4-650” Zone (See Appendix “B”- Schedule “A”); See Also Appendix “D” - Lots 22-25 and 29-34:

The applicant has requested all the same modifications to Block 9 that are included and discussed for Block 1. The position of staff and the subsequent assessment of these requests remain identical to that presented in the discussion of Block 1, save and except the request to reduce the front yard setbacks.

For the reasons set out in the discussion of Blocks 7 and 8, staff is not in support of this request and, as such, requires the standard 7.5m front yard setback be imposed.

3. Draft Plan of Subdivision, 25T200725, was originally approved for the subject lands on July 15, 2011. The current application will revise the approved Draft Plan of Subdivision by adding 6 additional single detached dwelling lots, and modifying the lotting pattern to ensure a more gradual transition between the larger existing single detached dwelling lots to the east and the proposed smaller single detached dwelling lots in the interior of the plan.

The amended Draft Plan of Subdivision will require modifications to a number of conditions required as part of the previous Draft Plan approval process in order to reflect changes to the lot numbers. In order to address areas of concern, additional conditions of Draft Plan Approval will be required, as well as modifications to secure all of the existing conditions. The additional conditions and modifications will ensure, amongst other matters, that proper drainage can be achieved for the proposed development, and that an amended Tree Management Plan will be undertaken and submitted, to City staff’s satisfaction.

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, "435 Garner Road East", for Lands Located at 435 Garner Road East (Ancaster) (PED12054) (Ward 12) - Page 36 of 38

In order to provide clarity, a complete list of conditions, including both the new and modified conditions as well as the previously recommended conditions, has been created. This is contained in Appendix "E".

As previously discussed, the requested modification to establish a 0.6 metre side yard setback on one side of the 11 metre wide lots within Block 5 will result in a requirement for the applicant to provide split drainage. This will be secured through Draft Plan Condition No. 15 (see Appendix "F").

Finally, two red line revisions have been included in the Draft Plan of Subdivision (see Appendix "D"). These consist of a 0.3m Reserve Block (Block 172) being extended over a partial block (Block 171) in order to restrict development until satisfactory land assembly has occurred; and, the second consists of assimilating a currently proposed partial block intended for future development (Block 175) into an existing lot (Lot 143) in order to avoid the creation of unnecessary remnant parcels and to avoid pre-determining the development of the future mixed-use Residential/Commercial Block to the south.

4. Following Public circulation of the application, staff received one letter of objection. The letter of objection (see Appendix "E") is in respect to concerns over the extension of John Frederick Drive, the conversion of John Frederick Drive into a main thoroughfare running through the new development, and the inadequacy of John Fredrick Drive within the Harmony Hall Subdivision. In regard to the inadequacy of John Fredrick Drive, the objecting party's concerns are with respect to pedestrian safety due to there being no sidewalks, vehicular safety due to reduced visibility at existing intersections, a lack of street lighting, and the narrow nature of John Fredrick Drive, which creates safety problems for pedestrians, children, and vehicles.

The concerns raised by the objecting party are focused on John Frederick Drive and existing conditions along the portion of John Frederick Drive that are currently established. The concerns pertain to increased traffic along John Frederick Drive as a result of the subdivision. It should be noted that the extension of John Frederick Drive was established and approved under the previous Draft Plan Approval process and John Frederick Drive is not being re-aligned as part of the revised subdivision. Furthermore, it is not anticipated that the 6 additional proposed lots created under the revised subdivision would significantly alter the traffic generated by the subdivision.

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster) (PED12054) (Ward 12) - Page 37 of 38

ALTERNATIVES FOR CONSIDERATION:

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

If the proposed rezoning application and revised draft plan of subdivision are denied, the applicant would be permitted to develop the lands as outlined within the previously approved draft plan of subdivision and based on the By-law standards established through the previous rezoning approval. It should be noted that if the proposed rezoning application is denied, the applicant would have to either seek separate relief with respect to the existing non-conformity between Lot 1 and Block 153, or revise the Draft Plan of Subdivision to eliminate the existing non-conformity, such that no front yard of a townhouse unit abut the rear yard of a detached dwelling.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management.
- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.

Social Development

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

Environmental Stewardship

- ◆ Reduced impact of City activities on the environment.

Healthy Community

- ◆ Plan and manage the built environment.

SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law No. 87-57 and Revisions to Previously Approved Draft Plan of Subdivision, “435 Garner Road East”, for Lands Located at 435 Garner Road East (Ancaster) (PED12054) (Ward 12) - Page 38 of 38

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft By-law
- Appendix “C”: Previously Approved Plan of Subdivision
- Appendix “D”: Revised Plan of Subdivision
- Appendix “E”: List of Subdivision Conditions
- Appendix “F”: Letter of Objection

:DB

Attachs. (6)



● Site of the Application

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-11-048

Date:
September 14, 2011

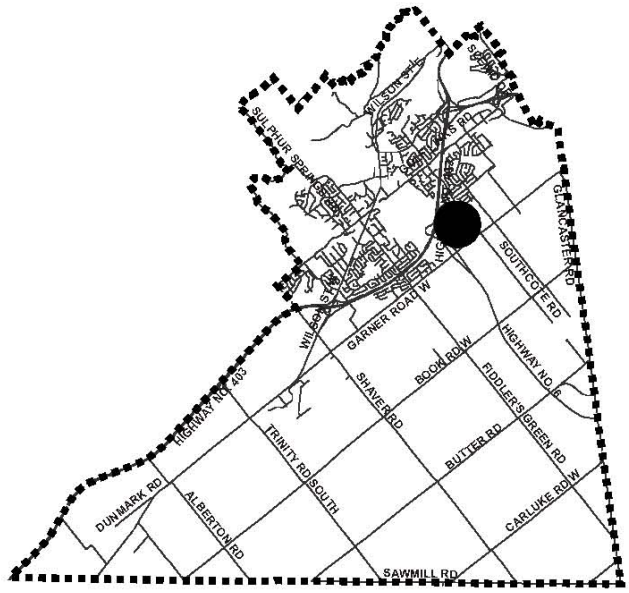
Appendix "A"

Scale:
N.T.S.


Planner/Technician:
DB/KA

Subject Property

 435 Garner Road East



Ward 12 Key Map

N.T.S. 

Authority: Item [REDACTED]
Planning Committee
Report: 12-[REDACTED] (PED12054)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 87-57, as amended by By-law 10-285, Respecting Lands Located at 435 Garner Road East, in the former Town of Ancaster, now in the City of Hamilton

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 [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster).

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 1 of Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:
 - (a) By changing the zoning from the Residential "R4" Zone to Residential "R4-642" Zone, the lands comprised of Block 1;
 - (b) By changing the zoning from the Residential "R4-608" Zone to Residential "R4-643" Zone, Modified, the lands comprised of Block 2;
 - (c) By changing the zoning from the Residential Multiple "RM2-604" Zone to Residential Multiple "RM2-644" Zone, Modified, the lands comprised of Blocks 3;
 - (d) By changing the zoning from the Residential Multiple "RM2-602" Zone to Residential Multiple "RM2-645" Zone, Modified, the lands comprised of Block 4;
 - (e) By changing the zoning from the Residential "R5" Zone to Residential "R5-646" Zone, the lands comprised of Block 5;
 - (f) By changing the zoning from the Residential "R5-601" Zone to Residential "R5-647" Zone, Modified, the lands comprised of Block 6;
 - (g) By changing the zoning from the Residential "R4-621" Zone to Residential "R4-648" Zone, Modified, the lands comprised of Block 7;
 - (h) By changing the zoning from the Residential "R4-621" Zone to Residential "R4-649" Zone, Modified, the lands comprised of Block 8; and,
 - (i) By changing the zoning from the Residential "R4" Zone to Residential "R4-650" Zone, the lands comprised of Block 9;

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 Sub-sections:

R4-642 That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (f) of Sub-section 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", the provisions of Paragraphs (a) and (d) of Sub-section 7.12 "Yard Encroachments", and the provisions of Paragraphs 3.83 and 3.84 of Section 3: "Definitions", the following special provisions shall apply to the lands zoned "R4-642":

Development Regulations:

- a) Minimum Lot Area: 380 square metres, except for a corner lot the minimum lot area shall be 400 square metres.
- b) Minimum Lot Frontage: 12 metres, except for a corner lot the minimum lot frontage shall be 13.8 metres.
- c) Maximum Lot Coverage: N/A.
- d) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached garage.
- e) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- f) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.
- g) Maximum Front Yard, Exterior Side Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- h) Rear lot line shall mean the lot line opposite to, and furthest from, the front lot line.
- i) Side lot line shall mean a lot line other than the front lot line or rear lot line.
- j) All other provisions of the Residential "R4" Zone apply.

R4-643 That notwithstanding the provisions of Paragraphs (c), (d), (e), and (f) of Sub-section 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", and the provisions of Paragraphs (a) and (d) Sub-section 7.12 "Yard Encroachments", the following special provisions shall apply to the lands zoned "R4-643":

Development Regulations:

- a) Maximum Lot Coverage: N/A.
- b) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached garage.
- c) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- d) Minimum Rear Yard: 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.
- e) Maximum Front Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- f) All other provisions of the Residential "R4" Zone apply.

RM2-644 That notwithstanding the provisions of Paragraph (b), (d), (e), (f), (g), and (m) of Sub-section 15.2 "Regulations" of Section 15: Residential Multiple "RM2" Zone, Schedule "C", the following special provisions shall apply to the lands zoned "RM2-644":

Development Regulations:

- a) Minimum Lot Area: 1,200 square metres for total parcel area; and 240 square metres per dwelling unit.
- b) Minimum Lot Frontage: 7.0 metres for an interior lot and 8.1 metres for all other lots.
- c) Maximum Lot Coverage: N/A.
- d) Minimum Front Yard: 4.5 metres to dwelling unit and 6.0 metres to an attached garage.

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- e) Minimum Side Yard: 1.2 metres for a dwelling end unit which does not abut a flanking street, and for a dwelling unit abutting a flanking street the minimum side yard shall be 3.0 metres.
- f) Minimum Rear Yard: 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.
- g) Setback from Detached Dwellings: N/A.
- h) Total Number of Townhouse Dwellings: 36 units
- i) All other provisions of the Residential Multiple "RM2" Zone apply.

RM2-645 That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (i), and (m) of Sub-section 15.2 "Regulations", of Section 15: Residential Multiple "RM2" Zone, the following special provisions shall apply to the lands zoned "RM2-645":

Development Regulations:

- a) Minimum Lot Area: 1,400 square metres for total parcel area, and 192 square metres for an interior lot dwelling, and 270 square metres for all other dwelling units.
- b) Minimum Lot Frontage: 7.0 metres for an interior lot, and 8.2 metres for all other lots.
- c) Minimum Lot Depth: 28 metres.
- d) Maximum Lot Coverage: N/A.
- e) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached garage.

- f) Minimum Side Yard: 1.2 metres for a dwelling end unit which does not abut a flanking street, and for a dwelling unit abutting a flanking street the minimum side yard shall be 3.0 metres.
- g) Minimum Landscaping: 25% per dwelling unit.
- h) All other provisions of the Residential Multiple "RM2" Zone apply.

R5-646 That notwithstanding the provisions of Paragraphs (b), (c), (d), (e), and (h) of Sub-section 13.2 "Regulations" of Section 13: Residential "R5" Zone, and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 "Yard Encroachments", the following special provisions shall apply to the lands zoned "R5-646":

Development Regulations:

- a) Minimum Lot Frontage: 10 metres, except for a corner lot the minimum lot frontage shall be 11.8 metres.
- b) Maximum Lot Coverage: N/A.
- c) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached garage.
- d) Minimum Side Yard: 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2metres. A 0.6 metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres.

Except on a corner lot, the minimum side yard abutting a street shall be 3.0 metres.

- e) Parking: Driveways shall occupy no more than 60 percent of any front yard of a lot with a frontage less than 12 metres. For all other lots, a driveway shall occupy no more than 50 percent of any front yard.
- f) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.
- g) Maximum Front Yard, Exterior Side Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- h) Notwithstanding the provisions of Section 7.12 a) and d), if the combined interior side yard between dwellings is less than 2.4m, no encroachments are permitted.
- i) All other provisions of the Residential "R5" Zone apply.

R5-647 That notwithstanding the provisions of Paragraphs (c), (d), (e), and (f) of Sub-section 13.2 "Regulations" of Section 13: Residential "R5" Zone, and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 "Yard Encroachments", the following special provisions shall apply to the lands zoned "R5-647":

Development Regulations:

- a) Maximum Lot Coverage: N/A.
- b) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached garage.
- c) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- d) Minimum Rear Yard: 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.

- e) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.
- f) Maximum Front Yard, Exterior Side Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- g) All other provisions of the Residential "R5" Zone apply.

R4-648 That notwithstanding the provisions of Paragraphs (b), (c), (e), and (f) of Sub-section 12.2 "Regulations" of Section 12: Residential "R4" Zone, and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 "Yard Encroachments", the following special provisions shall apply to the lands zoned "R4-648":

Development Regulations:

- a) Minimum Lot Frontage: 14.0 metres, except on a corner lot the minimum lot frontage shall be 16 metres.
- b) Maximum Lot Coverage: N/A.
- c) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- d) Maximum Front Yard and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- e) All other provisions of the Residential "R4" Zone apply.

R4-649 That notwithstanding the provisions of Paragraphs (a), (b), (c), (e), and (f) of Sub-section 12.2 "Regulations" of Section 12: Residential "R4" Zone, and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 "Yard Encroachments", the following special provisions shall apply to the lands zoned "R4-649":

Development Regulations:

- a) Minimum Lot Area: 348 square metres, except on a corner lot the minimum lot area shall be 455 square metres.

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- b) Minimum Lot Frontage: 12 metres, except on a corner lot the minimum lot frontage shall be 15.5 metres.
- c) Maximum Lot Coverage: N/A.
- d) Minimum Side Yard: 1.2 metres, except on a corner lot, the minimum side yard abutting a street shall be 3.0 metres.
- e) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.
- f) Maximum Front Yard, Exterior Side Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- g) All other provisions of the Residential "R4" Zone apply.

R4-650 That notwithstanding the provisions of Paragraphs (a), (b), (c), (e), and (f) of Sub-section 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 "Yard Encroachments", the following special provisions shall apply to the lands zoned "R4-650":

Development Regulations:

- a) Minimum Lot Area: 380 square metres, except for a corner lot the minimum lot area shall be 400 square metres.
- b) Minimum Lot Frontage: 12 metres, except for a corner lot the minimum lot frontage shall be 13.8 metres.
- c) Maximum Lot Coverage: N/A.
- d) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- e) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.

- f) Maximum Front Yard, 0.9 metres.
Exterior Side Yard, and
Rear Yard Encroachment
of a Bay Window:
 - g) All other provisions of the Residential "R4" Zone apply.
3. That By-law 10-285 is hereby repealed in part, with respect to Special Exceptions "RM2-602", "RM2-604", "R4-608", and "R4-621"; and that Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster) is hereby amended by deleting Special Exceptions "RM2-602", "RM2-604", "R4-608", and "R4-621" in its entirety.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [] day of [], 2012.

R. Bratina
Mayor

Rose Caterini
Clerk



This is Schedule "A" to By-Law No. 12-

Passed the day of, 2012

Clerk










Mayor

Schedule "A"

Map Forming Part of
By-Law No. 12-_____

to Amend By-law No. 87-57

Subject Property: 435 Garner Road East

-  Block 1 - Change in Zoning from the Residential "R4" Zone to the Residential "R4-642" Zone.
-  Block 2 - Change in Zoning from the Residential "R4-608" Zone to the Residential "R4-643" Zone.
-  Block 3 - Change in Zoning from the Residential Multiple "RM2-604" Zone to the Residential "RM2-644" Zone.
-  Block 4 - Change in Zoning from the Residential Multiple "RM2-602" Zone to the Residential "RM2-645" Zone.
-  Block 5 - Change in Zoning from the Residential "R5" Zone to the Residential "R5-646" Zone.
-  Block 6 - Change in Zoning from the Residential "R5-601" Zone to the Residential "R5-647" Zone.
-  Block 7 - Change in Zoning from the Residential "R4-621" Zone to the Residential "R4-648" Zone.
-  Block 8 - Change in Zoning from the Residential "R4-621" Zone to the Residential "R4-649" Zone.
-  Block 9 - Change in Zoning from the Residential "R4" Zone to the Residential "R4-650" Zone.

Scale:
N.T.S.

File Name/Number:
ZAR-11-048

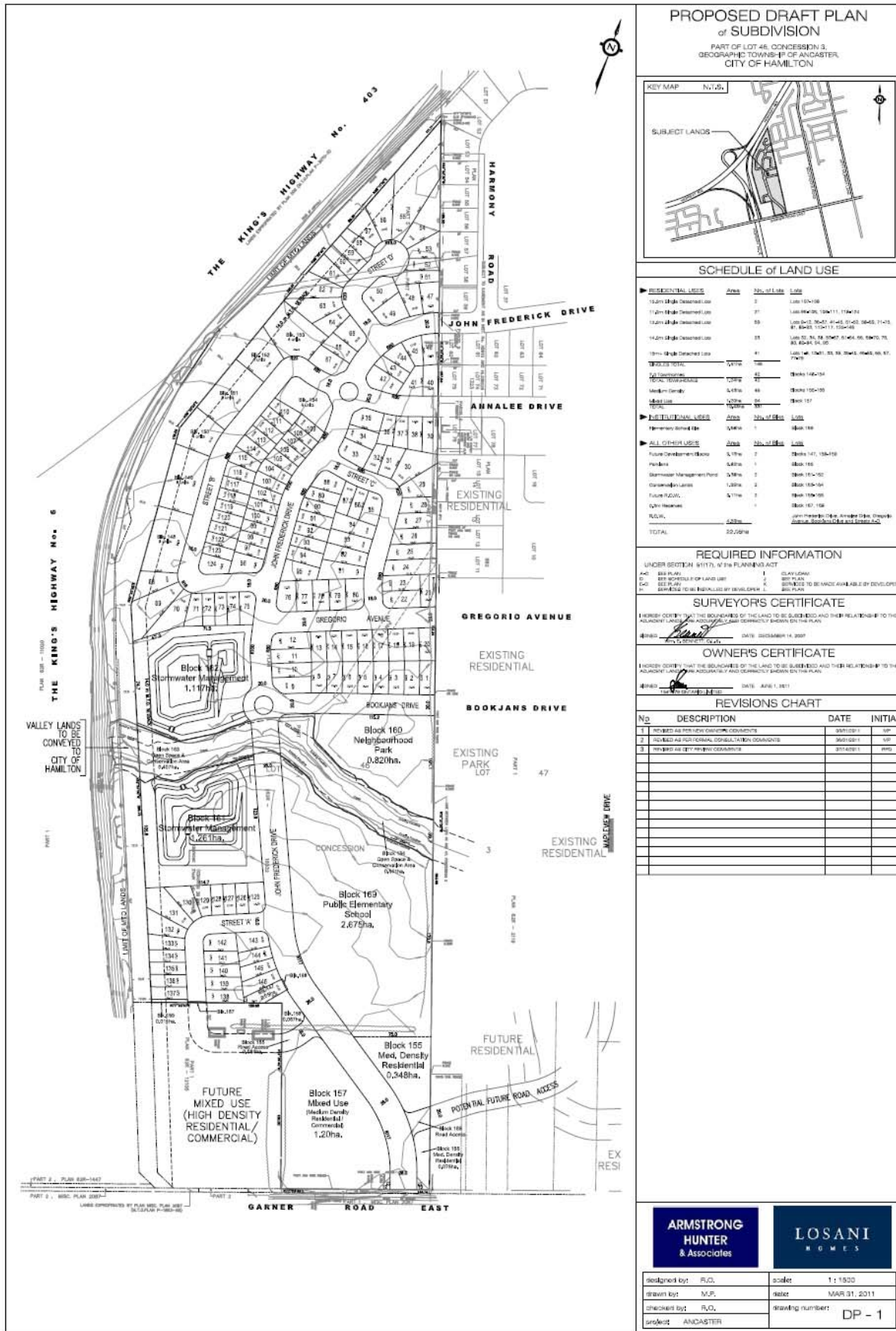
Date:
March 8, 2012

Planner/Technician:
DB/KA



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

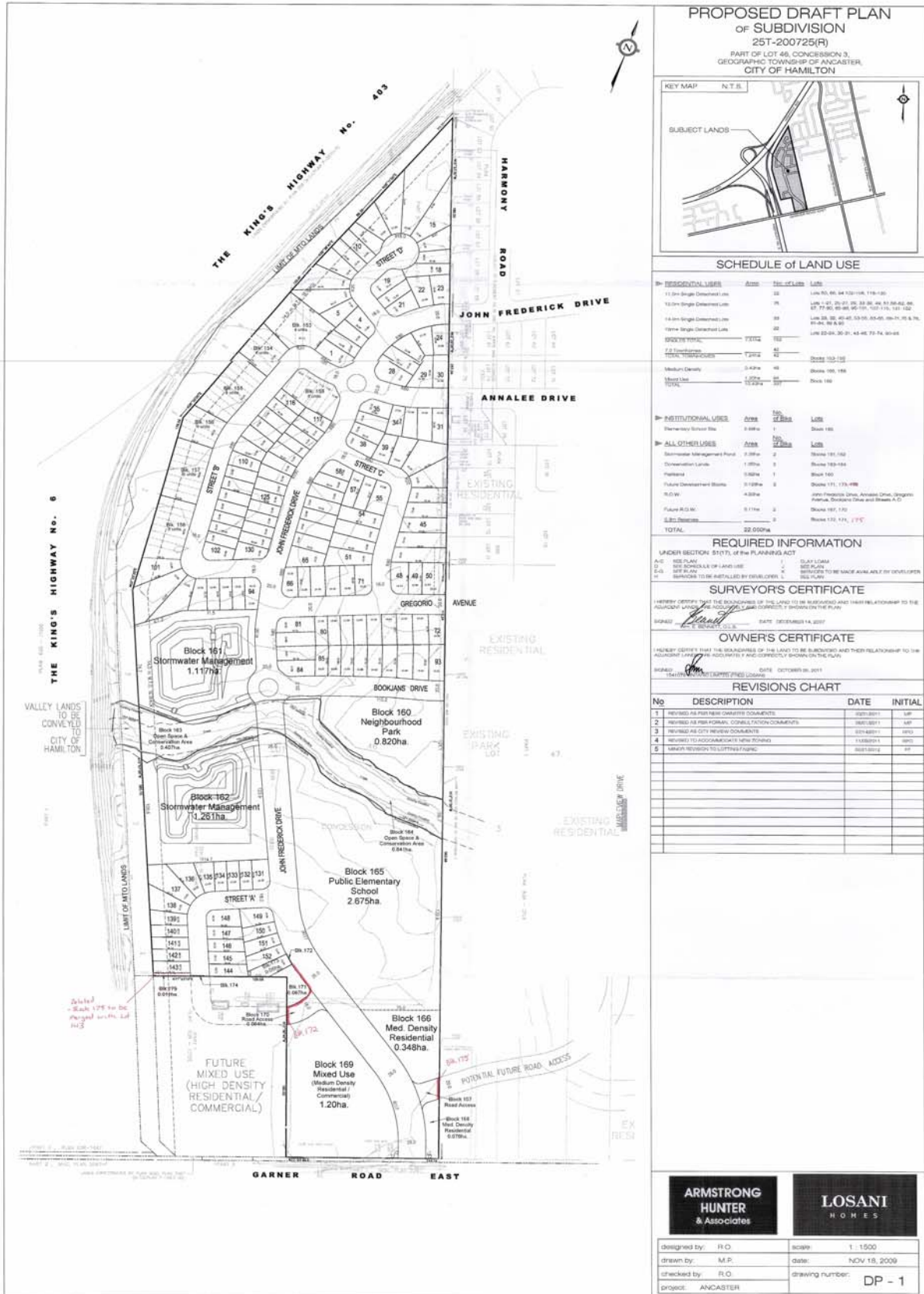


PROPOSED DRAFT PLAN of SUBDIVISION
 PART OF LOT 46, CONCESSION 3,
 GEOGRAPHIC TOWNSHIP OF ANCASTER,
 CITY OF HAMILTON



SCHEDULE of LAND USE

RESIDENTIAL USES	Area	No. of Lots	Lot Size
1.2m Single Detached Lot	3	3	1.00 (32x108)
1.2m Single Detached Lot	37	37	1.00 (32x108) 104x111 170x170
1.2m Single Detached Lot	53	53	1.00 (32x108) 40x45 51x55 58x65 71x75 81 (Block 104) 111 (25x48)
1.2m Single Detached Lot	88	88	1.00 (32x108) 30x40 30x45 30x50 30x55 30x60 30x65 30x70 30x75 30x80 30x85 30x90 30x95 30x100 30x105 30x110 30x115 30x120 30x125 30x130 30x135 30x140 30x145 30x150 30x155 30x160 30x165 30x170 30x175 30x180 30x185 30x190 30x195 30x200 30x205 30x210 30x215 30x220 30x225 30x230 30x235 30x240 30x245 30x250 30x255 30x260 30x265 30x270 30x275 30x280 30x285 30x290 30x295 30x300 30x305 30x310 30x315 30x320 30x325 30x330 30x335 30x340 30x345 30x350 30x355 30x360 30x365 30x370 30x375 30x380 30x385 30x390 30x395 30x400 30x405 30x410 30x415 30x420 30x425 30x430 30x435 30x440 30x445 30x450 30x455 30x460 30x465 30x470 30x475 30x480 30x485 30x490 30x495 30x500 30x505 30x510 30x515 30x520 30x525 30x530 30x535 30x540 30x545 30x550 30x555 30x560 30x565 30x570 30x575 30x580 30x585 30x590 30x595 30x600 30x605 30x610 30x615 30x620 30x625 30x630 30x635 30x640 30x645 30x650 30x655 30x660 30x665 30x670 30x675 30x680 30x685 30x690 30x695 30x700 30x705 30x710 30x715 30x720 30x725 30x730 30x735 30x740 30x745 30x750 30x755 30x760 30x765 30x770 30x775 30x780 30x785 30x790 30x795 30x800 30x805 30x810 30x815 30x820 30x825 30x830 30x835 30x840 30x845 30x850 30x855 30x860 30x865 30x870 30x875 30x880 30x885 30x890 30x895 30x900 30x905 30x910 30x915 30x920 30x925 30x930 30x935 30x940 30x945 30x950 30x955 30x960 30x965 30x970 30x975 30x980 30x985 30x990 30x995 30x1000
1.5m Single Detached Lot	41	41	1.50 (40x120) 25.50 (30x100) 30x110 40x120 40x130 40x140 40x150 40x160 40x170 40x180 40x190 40x200 40x210 40x220 40x230 40x240 40x250 40x260 40x270 40x280 40x290 40x300 40x310 40x320 40x330 40x340 40x350 40x360 40x370 40x380 40x390 40x400 40x410 40x420 40x430 40x440 40x450 40x460 40x470 40x480 40x490 40x500 40x510 40x520 40x530 40x540 40x550 40x560 40x570 40x580 40x590 40x600 40x610 40x620 40x630 40x640 40x650 40x660 40x670 40x680 40x690 40x700 40x710 40x720 40x730 40x740 40x750 40x760 40x770 40x780 40x790 40x800 40x810 40x820 40x830 40x840 40x850 40x860 40x870 40x880 40x890 40x900 40x910 40x920 40x930 40x940 40x950 40x960 40x970 40x980 40x990 40x1000
2.0m Single Detached Lot	42	42	2.00 (40x120)
3.0m Single Detached Lot	46	46	3.00 (40x120)
4.0m Single Detached Lot	49	49	4.00 (40x120)
5.0m Single Detached Lot	51	51	5.00 (40x120)
6.0m Single Detached Lot	52	52	6.00 (40x120)
7.0m Single Detached Lot	53	53	7.00 (40x120)
8.0m Single Detached Lot	54	54	8.00 (40x120)
9.0m Single Detached Lot	55	55	9.00 (40x120)
10.0m Single Detached Lot	56	56	10.00 (40x120)
11.0m Single Detached Lot	57	57	11.00 (40x120)
12.0m Single Detached Lot	58	58	12.00 (40x120)
13.0m Single Detached Lot	59	59	13.00 (40x120)
14.0m Single Detached Lot	60	60	14.00 (40x120)
15.0m Single Detached Lot	61	61	15.00 (40x120)
16.0m Single Detached Lot	62	62	16.00 (40x120)
17.0m Single Detached Lot	63	63	17.00 (40x120)
18.0m Single Detached Lot	64	64	18.00 (40x120)
19.0m Single Detached Lot	65	65	19.00 (40x120)
20.0m Single Detached Lot	66	66	20.00 (40x120)
21.0m Single Detached Lot	67	67	21.00 (40x120)
22.0m Single Detached Lot	68	68	22.00 (40x120)
23.0m Single Detached Lot	69	69	23.00 (40x120)
24.0m Single Detached Lot	70	70	24.00 (40x120)
25.0m Single Detached Lot	71	71	25.00 (40x120)
26.0m Single Detached Lot	72	72	26.00 (40x120)
27.0m Single Detached Lot	73	73	27.00 (40x120)
28.0m Single Detached Lot	74	74	28.00 (40x120)
29.0m Single Detached Lot	75	75	29.00 (40x120)
30.0m Single Detached Lot	76	76	30.00 (40x120)
31.0m Single Detached Lot	77	77	31.00 (40x120)
32.0m Single Detached Lot	78	78	32.00 (40x120)
33.0m Single Detached Lot	79	79	33.00 (40x120)
34.0m Single Detached Lot	80	80	34.00 (40x120)
35.0m Single Detached Lot	81	81	35.00 (40x120)
36.0m Single Detached Lot	82	82	36.00 (40x120)
37.0m Single Detached Lot	83	83	37.00 (40x120)
38.0m Single Detached Lot	84	84	38.00 (40x120)
39.0m Single Detached Lot	85	85	39.00 (40x120)
40.0m Single Detached Lot	86	86	40.00 (40x120)
41.0m Single Detached Lot	87	87	41.00 (40x120)
42.0m Single Detached Lot	88	88	42.00 (40x120)
43.0m Single Detached Lot	89	89	43.00 (40x120)
44.0m Single Detached Lot	90	90	44.00 (40x120)
45.0m Single Detached Lot	91	91	45.00 (40x120)
46.0m Single Detached Lot	92	92	46.00 (40x120)
47.0m Single Detached Lot	93	93	47.00 (40x120)
48.0m Single Detached Lot	94	94	48.00 (40x120)
49.0m Single Detached Lot	95	95	49.00 (40x120)
50.0m Single Detached Lot	96	96	50.00 (40x120)
51.0m Single Detached Lot	97	97	51.00 (40x120)
52.0m Single Detached Lot	98	98	52.00 (40x120)
53.0m Single Detached Lot	99	99	53.00 (40x120)
54.0m Single Detached Lot	100	100	54.00 (40x120)
55.0m Single Detached Lot	101	101	55.00 (40x120)
56.0m Single Detached Lot	102	102	56.00 (40x120)
57.0m Single Detached Lot	103	103	57.00 (40x120)
58.0m Single Detached Lot	104	104	58.00 (40x120)
59.0m Single Detached Lot	105	105	59.00 (40x120)
60.0m Single Detached Lot	106	106	60.00 (40x120)
61.0m Single Detached Lot	107	107	61.00 (40x120)
62.0m Single Detached Lot	108	108	62.00 (40x120)
63.0m Single Detached Lot	109	109	63.00 (40x120)
64.0m Single Detached Lot	110	110	64.00 (40x120)
65.0m Single Detached Lot	111	111	65.00 (40x120)
66.0m Single Detached Lot	112	112	66.00 (40x120)
67.0m Single Detached Lot	113	113	67.00 (40x120)
68.0m Single Detached Lot	114	114	68.00 (40x120)
69.0m Single Detached Lot	115	115	69.00 (40x120)
70.0m Single Detached Lot	116	116	70.00 (40x120)
71.0m Single Detached Lot	117	117	71.00 (40x120)
72.0m Single Detached Lot	118	118	72.00 (40x120)
73.0m Single Detached Lot	119	119	73.00 (40x120)
74.0m Single Detached Lot	120	120	74.00 (40x120)
75.0m Single Detached Lot	121	121	75.00 (40x120)
76.0m Single Detached Lot	122	122	76.00 (40x120)
77.0m Single Detached Lot	123	123	77.00 (40x120)
78.0m Single Detached Lot	124	124	78.00 (40x120)
79.0m Single Detached Lot	125	125	79.00 (40x120)
80.0m Single Detached Lot	126	126	80.00 (40x120)
81.0m Single Detached Lot	127	127	81.00 (40x120)
82.0m Single Detached Lot	128	128	82.00 (40x120)
83.0m Single Detached Lot	129	129	83.00 (40x120)
84.0m Single Detached Lot	130	130	84.00 (40x120)
85.0m Single Detached Lot	131	131	85.00 (40x120)
86.0m Single Detached Lot	132	132	86.00 (40x120)
87.0m Single Detached Lot	133	133	87.00 (40x120)
88.0m Single Detached Lot	134	134	88.00 (40x120)
89.0m Single Detached Lot	135	135	89.00 (40x120)
90.0m Single Detached Lot	136	136	90.00 (40x120)
91.0m Single Detached Lot	137	137	91.00 (40x120)
92.0m Single Detached Lot	138	138	92.00 (40x120)
93.0m Single Detached Lot	139	139	93.00 (40x120)
94.0m Single Detached Lot	140	140	94.00 (40x120)
95.0m Single Detached Lot	141	141	95.00 (40x120)
96.0m Single Detached Lot	142	142	96.00 (40x120)
97.0m Single Detached Lot	143	143	97.00 (40x120)
98.0m Single Detached Lot	144	144	98.00 (40x120)
99.0m Single Detached Lot	145	145	99.00 (40x120)
100.0m Single Detached Lot	146	146	100.00 (40x120)
101.0m Single Detached Lot	147	147	101.00 (40x120)
102.0m Single Detached Lot	148	148	102.00 (40x120)
103.0m Single Detached Lot	149	149	103.00 (40x120)
104.0m Single Detached Lot	150	150	104.00 (40x120)
105.0m Single Detached Lot	151	151	105.00 (40x120)
106.0m Single Detached Lot	152	152	106.00 (40x120)
107.0m Single Detached Lot	153	153	107.00 (40x120)
108.0m Single Detached Lot	154	154	108.00 (40x120)
109.0m Single Detached Lot	155	155	109.00 (40x120)
110.0m Single Detached Lot	156	156	110.00 (40x120)
111.0m Single Detached Lot	157	157	111.00 (40x120)
112.0m Single Detached Lot	158	158	112.00 (40x120)
113.0m Single Detached Lot	159	159	113.00 (40x120)
114.0m Single Detached Lot	160	160	114.00 (40x120)
115.0m Single Detached Lot	161	161	115.00 (40x120)
116.0m Single Detached Lot	162	162	116.00 (40x120)
117.0m Single Detached Lot	163	163	117.00 (40x120)
118.0m Single Detached Lot	164	164	118.00 (40x120)
119.0m Single Detached Lot	165	165	119.00 (40x120)
120.0m Single Detached Lot	166	166	120.00 (40x120)
121.0m Single Detached Lot	167	167	121.00 (40x120)
122.0m Single Detached Lot	168	168	122.00 (40x120)
123.0m Single Detached Lot	169	169	123.00 (40x120)
124.0m Single Detached Lot	170	170	124.00 (40x120)
125.0m Single Detached Lot	171	171	125.00 (40x120)
126.0m Single Detached Lot	172	172	126.00 (40x120)
127.0m Single Detached Lot	173	173	127.00 (40x120)
128.0m Single Detached Lot	174	174	128.00 (40x120)
129.0m Single Detached Lot	175	175	129.00 (40x120)
130.0m Single Detached Lot	176	176	130.00 (40x120)
131.0m Single Detached Lot	177	177	131.00 (40x120)
132.0m Single Detached Lot	178	178	132.00 (40x120)
133.0m Single Detached Lot	179	179	133.00 (40x120)
134.0m Single Detached Lot	180	180	134.00 (40x120)
135.0m Single Detached Lot	181	181	135.00 (40x120)
136.0m Single Detached Lot	182	182	136.00 (40x120)
137.0m Single Detached Lot	183	183	137.00 (40x120)
138.0m Single Detached Lot	184	184	138.00 (40x120)
139.0m Single Detached Lot	185	185	139.00 (40x120)
140.0m Single Detached Lot	186	186	140.00 (40x120)
141.0m Single Detached Lot	187	187	141.00 (40x120)
142.0m Single Detached Lot	188	188	142.00 (40x120)
143.0m Single Detached Lot	189	189	143.00 (40x120)
144.0m Single Detached Lot	190	190	144.00 (40x120)
145.0m Single Detached Lot	191	191	145.00 (40x120)
146.0m Single Detached Lot	192	192	146.00 (40x120)
147.0m Single Detached Lot	193	193	147.00 (40x120)
148.0m Single Detached Lot	194	194	148.00 (40x120)
149.0m Single Detached Lot	195	195	149.00 (40x120)
150.0m Single Detached Lot	196	196	150.00 (40x120)
151.0m Single Detached Lot	197	197	151.00 (40x120)
152.0m Single Detached Lot	198	198	152.00 (40x120)
153.0m Single Detached Lot	199	199	153.00 (40x120)
154.0m Single Detached Lot	200	200	154.00 (40x120)
155.0m Single Detached Lot	201	201	155.00 (40x120)
156.0m Single Detached Lot	202	202	156.00 (40x120)
157.0m Single Detached Lot	203	203	157.00 (40x120)
158.0m Single Detached Lot	204	204	158.00 (40x120)
159.0m Single Detached Lot	205	205	159.00 (40x120)
160.0m Single Detached Lot	206	206	160.00 (40x120)
161.0m Single Detached Lot	207	207	161.00 (40x120)
162.0m Single Detached Lot	208	208	162.00 (40x120)
163.0m Single Detached Lot	209	209	163.00 (40x120)
164.0m Single Detached Lot	210	210	164.00 (40x120)
165.0m Single Detached Lot	211	211	165.00 (40x120)
166.0m Single Detached Lot	212	212	166.00 (40x120)</



Special Conditions of Draft Plan Approval for 25T200724(R)
435 Garner Road East (Ancaster)

For information purposes only: Please note that the highlighted conditions are conditions that have been updated to reflect the updated lot and block numbers, and that only those conditions marked with an asterisk are new or have been significantly modified. Those unmarked conditions are as originally recommended and approved under 25T200725.

That this approval apply to the draft plan of Subdivision, located at 435 Garner Road East, 25T-200725(R), prepared by Armstrong Hunter & Associates., and certified by Wm. E. Bennett, O.L.S., dated December 14, 2007, and revised July 14, 2011, showing 152 lots for single detached dwellings (Lots 1 to 152), seven blocks for 42 townhouse units (Blocks 153 to 159), two blocks for future development (Blocks 171 and 173), two blocks for a total of 49 apartment units (Blocks 166 and 168), one block for a total of 94 units for mixed-use commercial/residential (Block 169), one block for an elementary school (Block 165), one block for a neighbourhood park (Block 160), two blocks for stormwater management (Blocks 161 and 162), two blocks for open space/conservation (Blocks 163 and 164), two blocks for future road access (Blocks 167 and 170), three blocks for 0.3 metre reserve (Blocks 172, 174, and 175), and the creation of four streets (Streets "A", "B", "C", and "D"), and the extension of four streets (John Frederick Drive, Annalee Drive, Gregorio Avenue, and Bookjans Drive), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions.

Development Planning:

- (1) That, **prior to preliminary grading or servicing**, the owner shall submit a Tree Preservation Study and plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Capital Planning and Implementation, Public Works Department, and provide written certification from the owners landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters, and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the City, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.
- (2) That, **prior to the registration of the final plan of subdivision**, the owner shall dedicate to the Hamilton Conservation Authority, a minimum 10 metre buffer from the dripline of the Significant Woodland (labeled as an ESA in the "Southcote Woodlands" Subdivision) for the easterly portions of Blocks 160 and 165, to the satisfaction of the Director of Planning.

- (3) That, **prior to registration of the final plan of subdivision**, and at the owner's expense, the owner shall submit Architectural and Urban Design Guidelines, prepared by a qualified architect or urban designer (referred to as the "Design Architect"), to the satisfaction of the Director of Planning.
- (4) That, **prior to registration of the final plan of subdivision**, and at the owner's expense, the owner shall design and construct an entrance feature on Block 169, prepared by a qualified landscape architect, to the satisfaction of the Director of Planning and the Manager of Traffic Engineering, Public Works Department.
- (5) That, **prior to registration of the final plan of subdivision**, the owner shall investigate the noise levels on the site, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An Acoustical Report, prepared by a qualified Professional Engineer and containing the recommended control measures, shall be submitted, to the satisfaction of the Director of Planning. Should a peer review of the Acoustical Report be warranted, all associated costs shall be borne by the owner, and shall be submitted, to the satisfaction of the Director of Planning, the Senior Director of Growth Management, and the Ministry of Transportation.
- (6) That, **prior to registration of the final plan of subdivision**, the owner shall submit a signed Record of Site Condition (RSC) to the Director of Planning and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
- (7) That, **the owner shall agree in the Subdivision Agreement**, to include the following warning clauses in all offers of purchase and sale:
 - "Purchasers / Residents / Tenants are advised that due to the proximity of the lots to the abutting King's Highway No. 6 and King's Highway No. 403, a noise wall with a berm shall be required, and that special setbacks exist for the landowners"; and,
 - "Purchasers / Residents / Tenants of this development are advised that King's Highway No. 6 and King's Highway No. 403 abut the subject lands, and have been mitigated for noise attenuation, however, there is a potential for increased levels of noise."

Growth Management:

- (8) That, **prior to registration of the draft plan of subdivision**, should the development of the property be phased, a phasing plan must be submitted prior to final approval and registration of the first phase. The phasing plan shall indicate the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading, and construction of municipal services, all to the satisfaction of the Senior Director of Growth Management.
- (9) That, **prior to registration of the draft plan of subdivision**, the owner shall agree that John Fredrick Drive and Annalee Drive shall align centreline-to-centreline with the existing sections of John Fredrick Drive and Annalee Drive in the adjacent development, to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.
- (10) That, **prior to registration of the draft plan of subdivision**, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway, by the owner's certificate on the plan, to establish the widened limit of Garner Road East at 18 metres (60 feet) from the centerline of construction, as shown on Plan P-1853-55, to the satisfaction of the Senior Director of Growth Management.
- (11) That, **prior to registration of the draft plan of subdivision**, the owner shall submit the necessary transfer deeds to the City's Legal Department to convey Blocks 161 and 162 of the draft plan to the City for Stormwater Management Ponds; convey Blocks 163 and 164 of the draft plan to the City as Open Space; and convey Block 160 of the draft plan to the City as Parkland, to the satisfaction of the Senior Director of Growth Management.
- * (12) That, **prior to preliminary grading**, the creek restoration (Ancaster, from the 403 culvert to Golf Links Road) will have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation, to the satisfaction of the Senior Director of Growth Management. Furthermore, the owner acknowledges that with the exception of the installation of erosion and siltation control fencing, the City will not authorize any construction activities, including but not limited to, topsoil stripping and tree removal, prior to July 30, 2012, to the satisfaction of the Senior Director of Growth Management.

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

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

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(15) That, **prior to preliminary grading**, the owner shall demonstrate how side yard swales, rear yard catch-basins, and split drainage can be adequately accommodated. Back-to-front lot drainage shall only be permitted if a minimum of 2.0m can be provided between single residential dwellings. The owner further agrees that Lots 102 to 130, inclusive, shall be provided with split-drainage, to the satisfaction of the Senior Director of Growth Management.

(16) That, **prior to the servicing of the draft plan of subdivision**, the following shall be completed, all to the satisfaction of the Senior Director of Growth Management:

- i) To submit a detailed Stormwater Management (SWM) Report, prepared by a qualified professional engineer, to demonstrate how quality control criteria will be handled in accordance with the Garner Neighbourhood Master Drainage Plan, City of Hamilton Storm Drainage Policies, and City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design. The Report shall include the supplementary 24-hour extended detention volumes for the south and north facilities, which are 1,890m³ and 3,150m³, respectively, in addition to the target volumes outlined in the Garner Neighbourhood Master Drainage Plan;
- ii) To verify that the SWM facility, namely Blocks 161 and 162, are outside of the limits of the creek flood plain and erosion hazard areas, as well as avoid the ESA buffers. The proposed Blocks shall be of sufficient size and shape to adequately accommodate the ultimate SWM facility and accommodate the external drainage areas for adjacent developments;

- iii) Pond design geometry shall be as per the City of Hamilton Stormwater Management Design Criteria 2007, and pond landscaping shall be as per the City of Hamilton Landscape Design Guidelines for Stormwater Management Facilities (May 2009);
 - iv) Inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the land;
 - v) Produce and submit an Operation and Maintenance Manual, and keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the Operational Manual;
 - vi) Construct, operate, and maintain, at the owner's expense, the stormwater management facility, in a manner acceptable to the City, and include any changes to conditions of the MOE's approval throughout the servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Senior Director of Growth Management;
 - vii) Remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey, and verify volumetric capacity of the stormwater management facility, prior to release of the owner's operation and maintenance responsibilities for the stormwater management facility; and,
 - viii) Submit an Operation and Maintenance Manual, as per City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Senior Director of Growth Management, prior to release of the owner's Operation and Maintenance responsibilities for the stormwater management facility.
- (17) That, **prior to the servicing of the draft plan of subdivision**, the owner shall implement outlet erosion protection measures for major system flows into the Ancaster Creek at the John Fredrick Drive outlet, to the satisfaction of the Senior Director of Growth Management.

- (18) That, **prior to the servicing of the draft plan of subdivision**, the owner shall provide, to the satisfaction of the Senior Director of Growth Management, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary, to the satisfaction of the Senior Director of Growth Management.
- (19) That, **prior to the servicing of the draft plan of subdivision**, a driveway location/on-street parking plan shall be submitted showing:
- i) the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
 - ii) the driveway ramps and curb openings for all lots;
 - iii) the pairing of driveways;
 - iv) where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
 - v) the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities;

all to the satisfaction of the Senior Director of Growth Management:

(20) That **prior to the servicing of the draft plan of subdivision**, the owner shall submit a detailed Stormwater Management Report, prepared by a qualified professional engineer, demonstrating that the minor system flows from the external area to the east of the draft plan lands (6.46ha), as shown in the Functional Servicing Report, can be successfully conveyed to the stormwater management facility on Block 162, to the satisfaction of the Senior Director of Growth Management.

(21) That, **prior to the servicing of the draft plan of subdivision**, the owner shall include within the engineering design drawings and cost estimate schedules, a 1.5 metre high chainlink fence along the property boundary line, which separates the SWM facility from the adjacent residential lots being, Lots 94 to 100, inclusive, and Lots 131 to 137, inclusive, which rear yards abut the facilities, to the satisfaction of the Senior Director of Growth Management.

(22) That, **prior to the servicing of the draft plan of subdivision**, the owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, provide recommendations to mitigate the groundwater impacts during any construction within the subdivision including, but not limited to, house construction, address the impacts of the pond bottom elevation being below the ground water table, and to undertake the works, as recommended, including monitoring. The Report shall be to the satisfaction of the Senior Director of Growth Management, and shall provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:

- i) an aquifer is breached during excavation;
- ii) groundwater is encountered during any construction within the subdivision including, but not limited to, house construction;
- iii) sump pumps are found to be continuously running; and,
- iv) water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted;

all to the satisfaction of the Senior Director of Growth Management.

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

(24) That, **prior to the registration of the draft plan of subdivision**, the temporary stormwater management facility in "Southcote Woodlands Subdivision - Phase 2" (25T200410) shall be decommissioned upon construction and acceptance by the City of the ultimate stormwater facility on Block 161, to the satisfaction of the Senior Director of Growth Management.

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

- John Fredrick Drive - Garner to Bookjans; 2.0m wide; both sides;
- John Fredrick Drive - Bookjans to existing John Fredrick Drive; 1.5m wide; both sides;
- Annalee Drive - 1.5m wide; both sides; full length;
- Gregorio Avenue - 1.5m wide; both sides; full length;
- Bookjans Drive - 1.5m wide; both sides; full length;
- Block 165 to match future "Southcote Woodlands - Phase 2"; 1.5m wide; both sides; Street A and Block 166 - 1.5m wide; one side; inside loop;
- Street B - 1.5m wide; inner loop, full length;
- Street C - 1.5m wide; east and north sides; full length; and,
- Street D - not required;

all to the satisfaction of the Senior Director of Growth Management.

(26) That, **prior to the servicing of the draft plan of subdivision**, the owner shall include in the engineering design drawings and cost estimate schedules, a noise attenuation wall, as per the recommendations outlined in an approved Environmental Noise Analysis, and obtain all required permits from the Ministry of Transportation, as per the Plan by G.S.P. Group, dated September 19, 2010, to the satisfaction of the Senior Director of Growth Management.

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

- a) Tabularize the expected occupancy;
- b) Generate residential and institutional water demand and fire flow calculation for this development;

- c) Demonstrate how the proposal fits with GRIDS numbers;
- d) Confirm the water servicing layout based on field information and hydraulic models; and,
- e) Provide the new hydrant locations on the Water Distribution Plan.

Traffic Engineering:

- (28) That, **prior to registration of the final plan of subdivision**, the Traffic Impact Study for this application must receive final approval, and all required works are to be implemented, at the owner's expense, to the satisfaction of the Manager of Traffic Engineering.
- (29) That, **prior to the registration of the final plan of subdivision**, all driveway locations shall be shown on approved engineering drawings, and that each driveway shall be located, to the satisfaction of the Manager of Traffic Engineering, Public Works Department.
- (30) That, **prior to the registration of the final plan of subdivision**, a detailed profile and plan of the roundabouts shall be provided, and that the drawings shall illustrate pedestrian crossing locations through the splitter islands, which should be approximately 6.0 metres behind the yield control line, and be raised, except at the pedestrian crossing locations. Driveway locations for the adjacent lots must also be shown, to the satisfaction of the Manager of Traffic Engineering.
- (31) That, **prior to the registration of the final plan of subdivision**, no development shall occur on Blocks 166 and 168 until the future road location to the east has been confirmed, to the satisfaction of the Manager of Traffic Engineering.
- (32) That, **prior to the registration of the final plan of subdivision**, a pavement marking plan for the eastbound left-turn lane on Garner Road East and the Southbound left-turn lane on John Frederick Drive shall be submitted. The pavement marking plan shall be submitted to the Traffic Office, on CD, in Micro Station Version 8.0, to the satisfaction of the Manager of Traffic Engineering.
- (33) That, **prior to the registration of the final plan of subdivision**, the owner shall secure 100% of the cost to install "Reduced Speed" limit flashing school zone beacons in front of Block 165, to the satisfaction of the Manager of Traffic Engineering.

- * (34) That, **prior to the registration of the final plan of subdivision**, the owner shall submit engineering plans that demonstrate the additional lots proposed near the John Fredrick/Annalee roundabout can be accommodated without impeding the roundabout design, including the splinter islands, to the satisfaction of the Director of Traffic Engineering Design.

Hamilton Conservation Authority:

- (35) That, **prior to the registration of the final plan of subdivision**, the owner shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
- a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;
 - b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
 - c) Any disturbed area not scheduled for further construction within 45-days will be provided with a suitable temporary mulch and seed cover within 7-days of the completion of that particular phase of construction; and,
 - d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.
- (36) That, **prior to the registration of the final plan of subdivision**, the owner shall prepare and implement a stormwater management plan, in accordance with the Garner Neighbourhood Drainage Study, for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that the current Provincial Drainage and Stormwater Quality Guidelines are implemented, to the satisfaction of the Hamilton Conservation Authority.
- (37) That, **prior to the registration of the final plan of subdivision**, the owner shall prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.
- (38) That, **prior to the registration of the final plan of subdivision**, the owner shall prepare and implement a Tree Preservation Plan, as well as a Landscaping Plan for the stormwater management facilities (Blocks 161 and 162) and the watercourse corridor (Blocks 163 and 164), to the satisfaction of the Hamilton Conservation Authority.

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

Director of Planning:

- (40) That, prior to the signing of the final plan, the Director of Planning must be satisfied that Conditions 1) to 39), inclusive, have been carried out to his/her satisfaction, with a brief but complete statement indicating how each condition has been satisfied.

Steve & Jane Fletcher
502 John Frederick Dr
Ancaster, ON
L9G 3P1

January 30, 2012

City of Hamilton
71 Main St. West
Hamilton, ON
L8P 4Y5
Attention: Gavin Norman P.Eng

Dear Mr. Norman:

Re: Connection of John Frederick Dr to the proposed Ancaster Glen development (25T200725)

Further to our recent conversation, we wish to outline certain safety issues we believe will become of greater concern when more vehicle traffic is added to John Frederick Dr.

It appears that the new John Frederick Dr. extension will be the main thoroughfare running through the new Ancaster Glen development and will connect into the old existing section of John Frederick Dr. in the Harmony Hall subdivision. As John Frederick Dr. would be the most direct route for Ancaster Glen residents to access the Meadowlands shopping area, there will no doubt be more additional traffic.

The Harmony Hall subdivision is about 40 years old, and we believe it was not designed with current development practices, nor was it designed to carry increased vehicle traffic. We are concerned about the safety of pedestrians, especially children, when more vehicles are added to the street. We would like to point out the following:

- There are no sidewalks. Pedestrians have to walk on the street; parents push their strollers on the street; and, children ride their bicycles on the street. This is already a minor safety issue, but tolerable with low levels of traffic. With more traffic it will become a greater concern.
- Between the proposed Ancaster Glen development and Southcote Rd., there are six intersections along John Frederick Dr. A number of these are already somewhat blind intersections with the mature trees and landscaping in the neighbourhood. Vehicles cannot always see children approaching the intersection on bicycles. While one should exercise caution now, with more traffic this will become a greater concern.
- There are no street lights, other than one located at the intersection of Lima Court & John Frederick Dr. Walking at night or early in the morning is already a safety concern. Five out of six intersections along John Frederick Dr. are not lit by street lights. The

Harmony Hall subdivision is very dark at night, especially when overcast or in foul weather. Even with current vehicle traffic, one has to be very careful walking at night.

- John Frederick Dr. is a relatively narrow street, especially given that there are no sidewalks. When there are cars parked on the street, two cars cannot safely pass each other. There is a further concern that pedestrians including children on bicycles cannot be seen, when they walk or ride their bikes around a parked car. This becomes a greater concern in winter months, as snow mounds narrow the street further.
- We are very concerned that during the construction of Ancaster Glen, that if the new John Frederick Dr. is open to the existing section, there would be construction vehicle traffic. We would hope that the connection will be left closed, at least until the Ancaster Glen subdivision is fully complete. This was done for the Marz Home development, where the Harmony Hall Dr. connection was closed until all construction and grading was fully complete.

The Harmony Hall subdivision is an old style subdivision. The mature nature of the area is enjoyed by all the neighbours. It's nice to see new young families moving in along John Frederick Dr. and the adjacent streets, and wonderful to see the young children walking and riding their bikes along John Frederick Dr. on their way to and from the Harmony Hall park.

While we understand that we cannot stop progress, we believe that connecting John Frederick Dr. in its current form would be ill advised and should be considered a very significant safety issue.

We would appreciate the City seriously considering the safety concerns and reviewing other options for either modifying John Frederick Dr. and/or considering a different layout for Ancaster Glen to even the traffic flow to other streets.

We would be delighted to further discuss this issue.

Sincerely,



Steve Fletcher

cc: Mr. Lloyd Ferguson, City Counsellor