

Recommended Conditions of Draft Plan Approval for
Draft Plan of Condominium (Common Elements) 25CDM-201502

That this approval for Draft Plan of Condominium (common elements), 25CDM-201502, prepared by A.T. McLaren Limited, and certified by S. D. McLaren, and dated April 17, 2015, consisting of a common element road, a sidewalk on the south side of the condominium roadway, thirteen (13) visitors parking spaces, and two (2) layby visitor parking spaces, be received and endorsed by City Council with the following special conditions:

Development Planning

- (i) That the final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 87-57 in the event Zoning By-law No.87-57 has been repealed in its entirety, or those provisions applicable to the subject lands, then the final Plan of Condominium shall comply with any and all applicable City of Hamilton Zoning By-law provisions;
- (ii) That the owner shall receive final approval of Site Plan Control Application No. MDA-14-093, to which the Plan of Condominium shall comply, in all respects, where applicable, to the satisfaction of the Director of Planning and Chief Planner;
- (iii) That the owner shall receive final approval of Part Lot Control Application PLC-15-013, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner;
- (iv) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold single detached dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;
- (v) That the owner shall include the following in all offers of purchase and sale and rental leases and in the development agreement, and any rental or lease agreements required for occupancy, to the satisfaction of the Senior Director of Growth Management:
 - (1) Purchasers/tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.

- (2) Purchasers/tenants are advised that garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner/tenant to ensure that their parking needs (including those of visitors) can be accommodated on-site. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity;
 - (3) Purchasers/tenants are advised that this property is eligible for weekly collection of garbage, recycling, organics and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067.
 - (4) That the owner/developer and/or purchasers/tenants are advised of the annual amount of \$28.00 for sanitary sewer local improvement charges expiring on December 31, 2015.
 - (5) Purchasers/tenants are advised that the home/business mail delivery will be from a designated centralized mailbox.
 - (6) That the owner will be responsible for officially notifying the purchasers of the exact centralized mailbox locations, prior to the closing of any home sales.
 - (7) Purchasers/tenants are advised that students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board Transportation Policy.
 - (8) Purchasers/tenants are advised that despite the fact the City has ownership of the Cooley Cemetery archaeological site AhGx-567, City maintenance of this site will be at a minimum, and grass will be cut, potentially interfering with some activities of the abutting land owners.
 - (9) Purchasers/tenants are advised that the sidewalk on the south side of the common element road will provide public access to the cemetery. The Owners will be required to permit the general public access to the cemetery.
- (vi) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

Development Engineering

- (vii) The Owner shall agree to include in all offers of Purchase and Sale a statement that advises the prospective purchaser that there is an approved grading plan and that the purchaser agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres of the property line will be permitted including retaining walls, walkways, curbs, etc.
- (viii) The Owner shall submit to the City's Legal Department the necessary transfer deeds to convey any required easements for municipal services, including public access that may be necessary through Block 20 – 22 of "Legacy" Plan of Subdivision (62M-1212) to the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
- (ix) The Owner shall prepare and submit a stewardship brochure for distribution to all future homeowners within the condominium which describes the importance of the Environmentally Significant Area (ESA) and the Niagara Escarpment and which details good stewardship practices for landowners adjacent to the ESA to the satisfaction of the Director of Planning and the Hamilton Conservation Authority. The Owner further agrees to include a copy of this stewardship brochure in all offers of purchase and sale for the lands adjacent to the Environmentally Significant Areas.
- (x) The Owner include in the engineering design drawings and cost estimate schedules, the construction of a minimum 1.5m sidewalk within Block 20 from Highvalley Road to permit public pedestrian access to the cemetery and provide an easement over the sidewalk to the City to the satisfaction of the Director of Development Engineering and the Director of Planning. The Owner further agrees to advise all potential purchasers in all agreements of purchase and sale that under the Draft Plan of Condominium, the Owners will be required to permit the general public access to the cemetery.
- (xi) The Owner shall submit a typical cross section of the common element road showing all utilities to determine if the easement shown on the Draft Plan of Condominium is of sufficient size to accommodate all the necessary utilities, to the satisfaction of the Senior Director of Growth Management.

Geomatics and Corridor Management Section (Public Works Department)

- (xii) That a stop sign (Ra-1) and painted stop bar shall be installed at the driveway limits angled internally towards the condo driveway. The sign must be designed, installed and maintained in accordance with the Manual of Uniform Traffic Control Devices of Canada, to the satisfaction of the Senior Project Manager, Geomatics and Corridor Management Section, Public Works Department.

Canada Post

- (xiii) That the owner/developer shall provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin, along with the expected installation date(s) for the CMB(s), to the satisfaction of Canada Post and the Senior Director of Growth Management.

NOTES TO DRAFT PLAN APPROVAL

NOTE: Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.