

Recommended Conditions of Draft Plan Approval for  
Draft Plan of Condominium (Common Elements) 25CDM-2015120

That this approval for Draft Plan of Condominium (common elements), 25CDM-201520, prepared by A.T. McLaren Limited, and certified by S. D. McLaren, and dated August 27, 2015, consisting of internal condominium roadways, internal sidewalks, landscaped areas and parking areas, be received and endorsed by City Council with the following special conditions:

Development Planning

- (1) That the final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 3692-92 in the event Zoning By-law No.3692-92 has been repealed in its entirety, or those provisions applicable to the subject lands, then the final Plan of Condominium shall comply with any and all applicable City of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;
- (2) That the Plan of Condominium shall comply, in all respects, to the final plan of Site Plan Control Application No. DA-14-027, to the satisfaction of the Director of Planning and Chief Planner;
- (3) That the owner shall receive final approval of Part Lot Control Application PLC-16-002, 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;
- (4) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold townhouse and back to back townhouse dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;
- (5) 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 Director of Planning and Chief Planner;
  - (i) 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, as amended.

- (6) That the final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 3692-92, as amended.
- (7) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

Development Engineering

- (8) The Owner shall agree to include the following warning clause within the Condominium Declaration to the satisfaction of the Senior Director of Growth Management:

"The Corporation shall maintain and repair the Common Elements at its own expense. The Corporation shall also maintain and repair all utilities (including without limitation, water mains, storm and sanitary sewers, catchbasins, and fire hydrants) which services more than one Parcel of Tied Land (Potl), whether located within the Common Elements or wholly or partly within the Potl and the Corporation and its designated agents shall have full access to a Potl to carry out its obligation pursuant to this paragraph. If the Corporation is required to maintain or repair any utility or service on a Potl, the Corporation shall only be responsible to return the Potl to its original stage and shall not be responsible to repair or replace, or to correct any upgrade or improvement performed or added to the Potl by the Potl owner."

Forestry and Horticulture Section, Public Works Department

- (9) That the Owner / Applicant provide cash in lieu of street trees to the amount of \$4,500 plus HST, payable to Forestry, Department ID: 445990, Account number: 45519; with corresponding amendments to the Landscape Plan / Street Tree Planting Plan, to the satisfaction of the Manager of Forestry and Horticulture, Environmental Services Division, Public Works Department.

Canada Post

- (10) That the owner 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.

- (11) That the owner will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied, 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.