

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Red-line Revised Draft Plan of Condominium Application 25CDM-201517 by Urban Solutions Planning and Land Development Consultants Inc.**, to establish a Draft Plan of Condominium (common element) consisting of access driveways, sidewalks, 36 parking spaces and amenity / landscaped open space areas on lands located at 98 Shoreview Place (Stoney Creek), be received and endorsed by City Council with the following special conditions:

- 1) That the final Plan of Condominium shall comply with all of the applicable provisions of Stoney Creek Zoning By-law No. 3692-92, as amended by By-law No. 13-247, or in the event the City of Hamilton has repealed and replaced Stoney Creek Zoning By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium.
- 2) That the applicant receive final approval of Site Plan Control application DA-13-235 and ensures that the final Plan of Condominium complies with the approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
- 3) That the owner shall receive final approval of a Part Lot Control application, including the enactment and registration on title of the associated 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 dwellings having frontage on the condominium road and onto Shoreview Place has legal interest, in common, to the common elements condominium, to the satisfaction of the City Solicitor.
- 5) That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental Leases and in the Development Agreement, to the satisfaction of the Senior Director of Growth Management:
 - (i) The City of Hamilton will not be providing maintenance or snow removal service for the private condominium road;
 - (ii) 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 onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity;
 - (iii) 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, and,

- (iv) The home / business mail delivery will be from a Community Mail Box.
- 6) That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, prior to the closing of any home sales.
 - 7) That the owner work with Canada Post to determine and provide temporary suitable Community 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, to the satisfaction of the Senior Director of Growth Management.
 - 8) That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
 - 9) That the owner identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
 - 10) That the owner determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
 - 11) That the owner / developer provide to Union Gas Limited ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.
 - 12) That the owner / developer ensure the following wording is included in the associated 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."

- 13) That the owner shall agree to include the following clauses in Purchase and Sale Agreements and Rental Leases and in the Development Agreement for units 1 – 26 as identified on Site Plan Control application DA-13-235, to the satisfaction of the Senior Director of Growth Management:
- i) Purchasers / tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the Municipality and the Ministry of the Environment.
 - ii) This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Hamilton's and the Ministry of the Environment's noise criteria.
 - iii) Purchasers / tenants are advised that the acoustical barrier as installed shall be maintained, repaired or replaced by the owner. Any maintenance, repair or replacement shall be with the same material and to the same standards as the original.
- 14) That the owner shall agree to include the following clauses in Purchase and Sale Agreements and Rental Leases and in the Development Agreement for units 27 – 72 as identified on Site Plan Control application DA-13-235, to the satisfaction of the Senior Director of Growth Management:
- i) This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property).
- 15) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

That the owner be advised of the following:

NOTES TO DRAFT PLAN APPROVAL

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