

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-201514 by WEBB Planning Consultants Inc., on behalf of Losani Homes (1998) Limited**, to establish a Draft Plan of Condominium (common element) consisting of a condominium road, sidewalks, landscaped areas, visitor parking areas and centralized mailboxes in favour of 70 townhouse dwelling units on lands located at 35 John Frederick Drive (Ancaster), 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 Ancaster Zoning By-law No. 87-57, as amended by By-law Nos. 14-176 and 14-177, or in the event the City of Hamilton has repealed and replaced Ancaster Zoning By-law No. 87-57 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable provisions of the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 subject lands be developed in accordance with the final approved Site Plan Application DA-14-140 and 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 Part Lot Control Application PLC-15-033, 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 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; and,
 - (iii) 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 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, catch basins, 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.”
- 12) The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner / developer shall be responsible for the relocation of such facilities or easements.

- 13) Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.
- 14) That the owner / developer ensure the following condition be adhered to in the associated Condominium Declaration to the satisfaction of the Senior Director of Growth Management

NOTICE REGARDING PERMEABLE PAVER MAINTENANCE

The primary maintenance requirement for permeable pavers is to clean the surface drainage voids. Fine debris and dirt accumulate in the drainage openings and reduce the pavement's flow capacity. It is natural for clogging to occur over time, but routine maintenance can reduce this problem. A maintenance checklist follows:

- Inspection of the site should occur monthly for the first few months after construction. Then inspections can occur on an annual basis, preferably after rain events when clogging will be obvious.
- Conventional street sweepers equipped with vacuums, water, and brushes can be used to restore permeability. Vacuum sweep ideally four (4) times a year, properly disposing of the removed material. Follow the sweeping with high-pressure hosing of the surface pores. If necessary, add additional aggregate fill material made up of clean gravel.
- Potholes and cracks can be filled with patching mixes, and spot clogging of porous concrete may be fixed by drilling approximately 0.5-inch holes every few feet. Damaged interlocking paving blocks can be replaced.
- An active street sweeping program in the site's drainage area will also help to prolong the functional life of the pavement.

Even though some irreplaceable loss in permeability should be expected over the paver's lifetime, the longevity of the system can be increased by following the maintenance schedule for vacuum sweeping and high pressure washing, restricting the area's use by heavy vehicles, limiting the use of de-icing chemicals and sand, and implementing a stringent sediment control plan.

- 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.