

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Redline Revised Draft Plan of Condominium Application 25CDM-201608 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, 19 visitor parking spaces, centralized mailboxes and also exclusive use common element area identified as E-11 to E-26 and common element – restricted access (limits to be fenced) area, identified as E-27 and E-28, in favour of 52 semi detached dwelling units on lands located at 120 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 Hamilton Zoning By-law No. 05-200 as amended by Minor Variance applications AN/A-15:419 and AN/A-16:226, to the satisfaction of the Director of Planning and Chief Planner.
2. That the subject lands be developed in accordance with the final approved Site Plan Application DAR-15-024 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 provide the letter of approval from the Ministry of Tourism, Culture and Sport addressing the Stage 1-2 Archeological Report to the satisfaction of the Director of Planning and Chief Planner.
4. That the owner shall receive final approval of Part Lot Control Application PLC-16-019, 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.
5. That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed semi 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.
6. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental Leases and in the Condominium Declaration, to the satisfaction of the Director of Planning and Chief Planning:
 - (i) Within the Condominium Declaration, that the owner shall include the following warning clauses in all purchase and sale agreements and any rental or lease agreements required for occupancy:
 - a. Purchasers / tenants are advised that access is restricted to the Southcote Woodland identified as E-27 and E-28 on the Draft Plan of Condominium.

- b. Purchasers / tenants are advised that the erection or use of any building, structures or swimming pools that would require a building permit is prohibited within the area identified as E-11 and E-26 on the Plan of Condominium.
 - c. Purchasers / tenants are advised that the removal of any existing vegetation within E-27 and E-28 on the Plan of Condominium is prohibited without written approval of the City of Hamilton.
 - d. Purchasers / tenants are advised that the removal of native trees and shrubs within E-11 and E-26 on the Plan of Condominium is prohibited without written approval of the City of Hamilton. These plants are to aid in mitigating possible impacts such as encroachment, dumping and invasive species.
 - e. Purchasers / tenants are advised that grading is prohibited within the area identified as E-27 and E-28 on the Plan of Condominium. Also, within the area identified as E-11 and E-26 on the Plan of Condominium, limited grading (i.e. transitional grading) at least 1 m from the drip line of the trees is permitted; however wholesale grading is prohibited.
 - f. A 1.8 metre high black vinyl coated heavy duty chain link fence is to be placed along the drip line of the Southcote Woodland. Purchasers / tenants are advised that removal of this fencing, replacement of this fencing with different material (e.g. wood) and the addition of gates within the fencing is prohibited.
 - g. Purchasers / tenants are advised that the future Condominium Corporation will retain a right of access to the area identified as E-11 and E-26 on the Plan of Condominium for maintenance purposes.
 - h. Purchasers / tenants are advised that removal of the interpretative signage within locations identified as E-11 and E-28 on the Plan of Condominium is prohibited.
 - i. Purchasers / tenants will be provided a Stewardship Brochure that describes the importance of the Significant Woodland and how the homeowner can minimize their impact on this feature.
7. That the owner shall agree to, prior to the commencement of collection service on private property, an "Agreement for on-site Collection of Municipal Solid Waste" must be completed and submitted to the City. A certificate of insurance naming the City as additional insured (in relation to waste collection services) must also be submitted prior to the start of service to the satisfaction of the Manager of Public Works Department (Operations Division).

8. 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 mail delivery will be from a Community Mail Box.
9. That the owner will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of Senior Director of Growth Management and Canada Post prior to the closing of any home sales.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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.

16. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

17. That the Owner enter and register into a Joint Use Agreement with the City in order to permit the use of shared storm and water services across the future property line(s) and to establish a private sewer and water servicing easement over the adjacent common element private condominium road in addition to easements for vehicular and pedestrian access to the satisfaction of the Senior Director of Growth Management.

That the owner be advised of the following:

NOTES TO DRAFT PLAN APPROVAL

- 1) 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.