

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-201713, by WEBB Planning Consultants Inc., on behalf of 1541079 Ontario Inc. (Losani Homes Ltd.), Owner,** to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 62 visitor parking spaces, and centralized mailboxes, on lands located at 389 Garner Road East (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 the Town of Ancaster Zoning By-law No. 87-57, as amended by By-law Nos. 16-220 and 14-177, or in the event the City of Hamilton has repealed and replaced the Town of Ancaster Zoning By-law No. 87-57 with By-law No. 05-200, the final Plan of Condominium shall comply with all of the applicable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 approved Site Plan Control Application DA-16-169 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-17-030, 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 maisonette and 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 or Lease Agreements and in the Development Agreement, to the satisfaction of the Senior Director of Growth Management:
 - (i) Purchasers 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.
 - (ii) Purchaser are advised that 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.

- (iii) 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.
 - (iv) The home 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, to the satisfaction of Senior Director of Growth Management and Canada Post 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 enter into a Joint Use Agreement and register on title with the adjacent land owner of 35 John Frederick Drive in order to permit the use of shared sanitary and water services across the property line 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. The Joint Use Agreement fee is \$4,110.00.
 12. That the owner shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements and in the Condominium Declaration, as described in the report titled "Environmental Noise Assessment, Proposed Residential Development, Ancaster Glen Phase 3B, Highway No. 6 and

Garner Road, City of Hamilton", dated November 14, 2016, to the satisfaction of the Director of Planning and Chief Planning:

- (i) All Blocks/Units:

Warning Clause "A":

"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 on Highway 403, Highway No. 6, the ramp from Garner Road to Highway 403 and Garner Road, may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton's and the Ministry of the Environment's noise criteria."

- (ii) Blocks C, D, E, F, G, H and I

Warning Clause "B":

"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 Municipality's and the Ministry of the Environment's noise criteria."

- (iii) Blocks A, B, J, K, L, M, N, O and P

Warning Clause "C":

"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.)"

13. 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:

- (i) 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.

14. That the owner / developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
15. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

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.