

**Special Conditions for Draft Plan of Subdivision Approval for 25T-201804**

That this approval for the Draft Plan of Subdivision, 25T-201804, prepared by IBI Group and certified by S. Dan McLaren, O.L.S., dated September 19, 2019, consisting of four development blocks (Blocks 1-4) and one block for a road widening (Block 5) be received and endorsed by City Council with the following special conditions:

**Development Engineering:**

1. That, **prior to registration of the final plan of subdivision**, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public right-of-way by the Owner's certificate on the plan, to establish the ultimate widened limit of North Service Road at 36.576 metres, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
2. That, **prior to registration of the final plan of subdivision**, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public right-of-way by the Owner's certificate on the plan, to establish the widened limit of Lakeview Drive at 18.29 metres from the centreline of the original road allowance, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
3. That, **prior to registration of the final plan of subdivision**, a 12.19m x 12.19m daylight triangle is established on the final plan of subdivision at the intersection of the widened limit of Lakeview Drive and Fruitland Road to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
4. That, **prior to registration of the final plan of subdivision**, sufficient land is dedicated to the City at the northwest corner of the property (at North Service Road and Lakeview Drive for road widening) to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
5. That, **prior to registration of the final plan of subdivision**, the Owner pay their proportionate share for the future urbanization of North Service Road (excluding the cost of sidewalk) based on the City's "New Roads Servicing Rate" in effect at the time of payment, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.
6. That, **prior to registration of the final plan of subdivision**, the Owner shall include in the engineering design and cost estimate schedules for the draft plan lands installation of sidewalk on the south side of Lakeview Drive from North Service Road to Fruitland Road, to the satisfaction of the City of Hamilton, Senior Director of Growth Management.

**Development Planning:**

7. That in event the proposed noise control measures do not fully achieve the MOE's recommended sound level limits for residential land uses, and a slight noise level excess remains, that the owner agrees to the inclusion in the Subdivision Agreement the following noise warning clause:

"Purchasers are advised that despite the inclusion of noise/vibration measures within the development area and within the individual building units, noise levels may become of concern, occasionally interfering with some activities of the occupants."

8. That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

**Growth Planning:**

9. The owner agrees to enter into a Subdivision Agreement or Agreements with the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
10. That **prior to registration of the plan of subdivision**, the owner enter into a Joint Use Agreement and register any necessary easements for the proposed multiple storey condominium north of the site to the satisfaction of the Senior Director of Growth Management.

**Bell Canada:**

11. That **prior to registration of the plan of subdivision**, the owner, grant to Bell Canada any easements that may be required for telecommunication services. If there are any conflicts with existing Bell Canada facilities or easements, the owner/developer shall be responsible for rearrangements of relocation.

**Canada Post:**

12. That **prior to registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale or lease agreements, a statement that advises the prospective purchaser:
  - a. That the home / business mail delivery will be from a designated Centralized Mail Box.
  - b. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

13. That **prior to registration of the plan of subdivision**, the Owner agrees to:
- c. work with Canada Post to determine and provide temporary suitable Centralized 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.
  - d. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - e. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - f. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - g. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

**Ministry of Transportation:**

14. That prior to final approval, the owner shall enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the construction of all associated highway improvements.

**Union Gas:**

15. That **prior to registration of the plan of subdivision**, the owner / developer provide to Enbridge Gas Inc.'s operating as Union Gas, ("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.

**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 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

**Recycling and Waste Disposal:**

2. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to

compliance with the City's Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email [wastemanagement@hamilton.ca](mailto:wastemanagement@hamilton.ca) or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.