

Special Conditions for Draft Plan of Condominium Approval 25CDM-201802

That this approval for the Draft Plan of Condominium, 25CDM-201802, prepared by A.J. Clarke and Associates Ltd., and certified by Nicholas P. Muth, O.L.S., dated February 12, 2020, consisting of 28 vacant land units for single detached dwellings, common elements, and exclusive use waterfront, on lands located at 42, 44, 48, 52, and 54 Lakeshore Drive (Stoney Creek), be received and endorsed by City Council with the following special conditions:

Corporate Services:

1. That the Owner pay the outstanding storm, sanitary and sewer connection total charge under By-law 11-052, Bridgeport Phase I, for 42, 44 & 48 Lakeshore Drive, to the satisfaction of the Capital Budgets and Financing Section, Corporate Services Department. The recoverable amount is subject to cost indexing to the date that payment is made to the City.

Development Engineering:

2. That suitable easements are to be established for drainage purposes over Units 1-28, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management.
3. That suitable easement(s) are to be established for shoreline maintenance purposes for Units 17 through 23, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management.
4. That the Owner agrees to provide an easement with a total width of 6.0 m over Units 21 and 22 for purposes of a drainage and maintenance access to the shore of Lake Ontario to the satisfaction of the Senior Director of Growth Management.
5. That the Owner shall be required to pay the outstanding servicing costs associated with the removal of the portion of the 0.3m reserve along the frontage of 42, 44 and 48 Lakeshore Drive described as Block 111 on Plan 62M-1073, to the satisfaction of the Senior Director of Growth Management. The recoverable amount is subject to cost indexing to the date that payment is made to the City.
6. That the Owner shall be required to register an easement for common elements (drainage, road, sewer, water etc.) in favour of the Future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management.
7. That the Owner agrees to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, mailboxes, etc. on the frontage of the subject lands along Watershore Drive and Lakeshore Drive, at the Owner's expense, to the satisfaction of the Senior Director of Growth Management.

8. That the Owner agrees that any existing septic tank be pumped out by a licensed contractor, collapsed and/or refilled with suitable material to prevent it from caving in, to the satisfaction of the Medical Officer of Health, Public Health Services, City of Hamilton.
9. That the Owner agrees that any existing abandoned water wells are plugged in accordance with Ontario Regulation 903/90 under the Ontario Water Resource Act (Environment Ontario's Fact Sheet entitled: "Water Wells and Groundwater Supplies Recommended Methods of Plugging Water Wells", to the satisfaction of the Senior Director of Growth Management.
10. That the Owner agrees to discharge the existing reciprocal access easements over 42, 44 and 48 Lakeshore Drive described as Parts 16, 17, 18, 19, 20, 24, 25, 26, 27 and 28, 62R- 4789, to the satisfaction of the Senior Director of Growth Management.
11. That the Owner acquires the City Owned lands described as Parts 17 and 25, 62R-4789, to the satisfaction of the Senior Director of Growth Management.
12. That the owner agrees to include a clause in the condominium declaration and identify on the grading plan(s) that a permit is required from the Hamilton Conservation Authority under its Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04 prior to the commencement of any grading or construction activities on Units 17 through 23, to the satisfaction of the Senior Director of Growth Management.

Development Planning:

13. The owner shall agree to submit a Landscape Plan prepared by a certified Landscape Architect (OALA) to the satisfaction of the Director of Planning and Chief Planner, which outlines the following:
 - a. The placement of compensation trees required for the removal of any tree (10 cm DBH or greater) (compensation would be required for 42 trees).
 - b. Trees and shrubs shall be planted along the side and rear yards of Lots 17-23. This is to increase canopy cover over time. The plant material is to be comprised exclusively of native species and is to include deciduous and coniferous trees as well as shrubs. The minimum caliper size for deciduous trees is 50 mm DBH while the minimum height for coniferous trees is 1.5 metres.

14. The owner shall agree to hire a certified arborist to monitor trees #36 (Silver Maple), 37 (Silver Maple), 45 (Honey Locust) and 47 (Catalpa) twice a year (spring and fall) for any signs of failure or decline for a period of 3 years post construction and replace any trees that die as per the Tree Inventory and Preservation Plan Report (October 1, 2019) prepared by Jackson Arboriculture Inc. to the satisfaction of the Director of Planning and Chief Planner.
15. The owner shall agree to submit a Verification of Tree Protection Letter to the satisfaction of the Director of Planning and Chief Planner. This letter is to confirm that all tree protection fencing has been installed as per the approved Tree Inventory and Preservation Plan prepared by Jackson Arboriculture Inc. (Oct. 1, 2019) and is to be prepared by a recognized tree management professional (i.e. certified arborist, registered professional forester or landscape architect).
16. That the owner shall include the following warning clause in all Agreement of Purchase and Sale and/or Lease and the condominium declaration, to the satisfaction of the Director of Planning and Chief Planner:
 - a. To maintain the function of the Linkage, the removal of trees and shrubs within the rear of Lots 17-23 is prohibited without the written approval of the City of Hamilton.
17. That the Owner submits an Urban and Architectural Design Guidelines report, at the owner's expense, prepared by a qualified architect or urban designer, to the satisfaction of the Director of Planning and Chief Planner.
18. That the Owner agrees to retain a qualified Urban Designer/Architect to administer architectural development standards for all lots in this development, prior to acceptance of a building permit application, to the satisfaction of the Director of Planning and Chief Planner.
19. That the Owner acknowledges that Site Plan Control By-law No. 15-176 applies to the subject lands and submits a complete application for and receives final approval of a Site Plan Control application, to the satisfaction of the Director of Planning and Chief Planner.
20. That the Final Plan of Condominium (Vacant Land) shall comply, in all respects: with all of the applicable provisions of Zoning By-law No. 3692-92, as amended, or in the event the City of Hamilton has repealed and replaced By-law No. 3692-92 with By-law No. 05-200, the final Plan of Condominium shall comply with all the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium (Vacant Land); and, with the final approved Site Plan Control application; to the satisfaction of the Director of Planning and Chief Planner.

Forestry and Horticulture:

21. That the Owner shall submit a Landscape Plan and the payment of all applicable fees, all to the satisfaction of the Forestry and Horticulture Section, Public Works Department.

Growth Planning:

22. That the Owner of 54 Lakeshore Drive (Unit 23) submit a Change of Address application, along with the required fee, to the Growth Planning section, to the satisfaction of the Senior Director of Growth Management.

Hamilton Conservation Authority:

23. That the Owner obtain a permit from the Hamilton Conservation Authority under Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O. 1990 for any development within HCA regulated lands to the satisfaction of the Hamilton Conservation Authority.
24. That the Owner prepares and implements a lot grading and drainage plan to the satisfaction of the Hamilton Conservation Authority.
25. That the Owner prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority.
26. That the Owner prepare and implement a landscaping plan to the satisfaction of the Hamilton Conservation Authority.

Public Health:

27. That the Owner agrees at their sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete, to the satisfaction of the Director of the Health Protection Division, Public Health Services Department.

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 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.