

Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the **Draft Plan of Condominium Application 25CDM-2021007, by Wilson Street., Ancaster Inc., Owner** to establish a Draft Plan of Condominium (Common Element) comprised of a private road, sidewalks, landscaped areas, and eight visitor parking for 42 street townhouse dwellings on lands located at 270 Melvin Avenue (Hamilton), 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 Hamilton Zoning By-law No. 05-200, and Minor Variance application HM/A-19:207, at the time of registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
2. That Site Plan Application DA-19-073 receive final approval and that the final Plan of Condominium complies with the final approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. The Owner / Developer shall receive final approval of Part Lot Control application PLC-21-002, 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. The Owner / Developer shall enter into a Development Agreement to ensure that the tenure of each of the proposed street townhouse dwellings have frontage on the condominium road has legal interest, in common, to the common element condominium, to the satisfaction of the City Solicitor.
5. That the Owner / Developer shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements, 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.
 - (ii) The home mail delivery will be from a Community Mail Box.
 - (iii) Garages and visitor parking areas 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.
6. That the Owner / Developer will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of the

Senior Director of Growth Management and Canada Post prior to the closing of any home sales.

7. That the Owner / Developer 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 / Developer 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 / Developer 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 / Developer 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 is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Solid Waste" is finalized, and municipal collection services are initiated, to the satisfaction of the Manager of Waste Operations, Public Works Department.
12. If the development is not designed according to municipal waste collection specifications, the Owner / Developer shall complete the following, to the satisfaction of the Manager of Waste Operations, Public Works Department:
 - (i) Arrange a private waste hauler for the removal of waste materials.
 - (ii) Include in all agreements of purchase and sale or lease agreements that the property is not serviceable for municipal waste collection.
13. That the Owner / Developer finalize municipal addressing for the parcels of tied lands and street naming for the proposed common element with Growth Management staff, to the satisfaction of the Senior Director of Growth Management.
14. That the Owner / Developer shall include in the Declaration and Description pursuant to Section 93 of the *Condominium Act*, 1998, a provision to establish a

Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the underground stormwater Oil/Grit Separator (OGS) unit by a qualified service provider as per the manufacturers' requirements to ensure compliance with the approved stormwater management plan by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management. The Owner is advised to follow the manufacturers' maintenance recommendations for the above stated items.

15. That the Owner / Developer register an easement in a form that has been pre-approved by the City following registration of the Declaration and Description and prior to any transfer of any POTL, reserving unto the Condominium Corporation, its assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the POTLs, from time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said POTLs in accordance with the Detailed Grading Plan and the overall Grading Plan approved by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management. In addition, that the Owner / Developer include and describe the forgoing easement in the Declaration of the Condominium pursuant to Section 20 of the *Condominium Act*, 1998.
16. That the Owner / Developer note in the Declaration and Description that any / all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to: private water services, booster pumps, private storm and sanitary sewers, area drains, maintenance holes, sewage pumps, roadways, walkways, etc. is the sole responsibility of the condominium corporation.
17. 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.
18. That the Owner / Developer shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement for communication / telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements, in a form satisfactory to Bell Canada.
19. That the Owner / Developer shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

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 two months before the draft approval lapses.