

### **Recommended Conditions of Draft Plan of Condominium Approval**

That this approval for the **Draft Plan of Condominium Application 25CDM-202002, by GSP Development Inc., on behalf of Eman Construction Inc., owner**, to establish a Draft Plan of Condominium (Vacant Land) to create a twenty four (24) residential lots, private road, sidewalks, landscaped areas, visitor parking areas, centralized mailboxes on lands located at 3140 and 3150 Binbrook Road (Glanbrook), be received and endorsed by City Council with the following special conditions:

#### **Engineering Approvals**

- 1 That the owner shall agree to include the following in the Condominium Declaration, to the satisfaction of the Manager of Engineering Approvals:
  - a) All future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to retaining walls, private watermain/sewers, services, catch basins, parking areas, fencing along the property lines adjacent to private lands owned by others, City lands, etc. is the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration.
  - b) The following easement is created upon registration of this Declaration and Description pursuant to section 20 of the Condominium Act, 1998: 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 the all of the Units and the Common Elements of the Condominium, from time to time, for the purposes entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton.
  - c) The proponent 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 management storage tank and 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. The Owner is advised to follow the manufacturers' maintenance recommendations for the above stated items.
2. That the servicing for the condominium development must be completed and inspected by the City prior to any condominium unit being registered to the satisfaction of the Manager of Engineering Approvals.

**Development Planning**

3. That the owner 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:

**Warning Clause A:**

"Purchasers/tenants are advised that sound levels due to increasing road traffic (rail traffic) (air traffic) may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton and the Ministry of the Environment."

**Warning Clause B:**

"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 may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton and the Ministry of the Environment, Conservation and Parks."

4. 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.
5. That the Final Plan of Condominium (Vacant Land) shall comply, in all respects: with all of the applicable provisions of Zoning By-law No. 464, as amended or in the event the City of Hamilton has repealed and replaced By-law No. 464 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.

**Niagara Peninsula Conservation Authority**

6. Prior to construction, the NPCA will require that finalized grading, storm servicing, stormwater management, and construction erosion control drawings be circulated to their office for review and approval.

**Corporate Services**

7. That the Owner Pay the Municipal Act Sanitary Mainline and Sanitary Connection and Municipal Act Watermain Connection amount under By-law No. 14-174 and the

Municipal Act Watermain Frontage under By-law No. 06-252 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.

## **Rogers**

8. The Developer/Owner will, at its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Site Plan (collectively, the "Communications Service Providers"). Immediately following registration of the Site Plan, the Developer/Owner will cause these documents to be registered on title.
9. The Developer/Owner will, with consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Site Plan, as well as the timing and phasing of installation.

## **Canada Post**

10. The owner shall complete to the satisfaction of the Senior Director of Growth Management and Canada Post:
  - a) include in all offers of purchase and sale and lease or rental agreements, a statement that advises the prospective purchaser:
    - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
    - ii) 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.
  - b) the owner further agrees to:
    - i) 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.
    - ii) 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

- iii) 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.
  - iv) 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.
  - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

### **Bell Canada**

11. That the owner 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.

### **Union Gas**

12. 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.

### **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.
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.