

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: Chair and Members Planning Committee | WARD(S) AFFECTED: WARD 11 |
| COMMITTEE DATE: January 14, 2014 | |
| SUBJECT/REPORT NO: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law No. 464, Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision, "Fairgrounds West", for Lands Located at 3450 Binbrook Road (Glanbrook) (PED14003) (Ward 11) | |
| SUBMITTED BY: Joe-Anne Priel Acting General Manager Planning & Economic Development Department | PREPARED BY: Alvin Chan (905) 546-2424 Ext. 1334 |
| SIGNATURE: | |

RECOMMENDATION

- (a) That approval be given to **Amended Official Plan Amendment (OPA) Application OPA-06-020, by Losani Homes (1998) Ltd., c/o Fred Losani, (Owner)**, for OPA No. [REDACTED], for changes in designation from: "Parkette" to "Low Density Residential 2e"; "Low Density Residential 2h" to "Low Density Residential 2e"; "Low Density Residential 2e" to "Low Density Residential 2h" and as Special Policy Area "[REDACTED]"; "Local Commercial" to "Low Density Residential 2h" and as Special Policy Area "[REDACTED]"; "Parkette" to "Low Density Residential 2h" and as Special Policy Area "[REDACTED]"; "Low Density Residential 2e" to "Natural Open Space"; "Parkette" to "Natural Open Space"; and, "Low Density Residential 2e" to "Utility (SWM)", on Map B.5.1-1 - Binbrook Village Secondary Plan - Land Use Plan in the Urban Hamilton Official Plan (UHOP), and, that the "Open Space Linkages" be removed from Map B.5.1-2 - Binbrook Village - Open Space Linkages, on the lands known as 3450 Binbrook Road (Glanbrook), as shown on Appendix "A" to Report PED14003, on the following basis:

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- (i) That the draft OPA, attached as Appendix "B" to Report PED14003, be adopted by Council.
 - (ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Places to Grow Plan.
- (b) That approval be given to **Amended Zoning Amendment Application ZAC-06-074, by Losani Homes (1998) Ltd., c/o Fred Losani, (Owner)**, for changes in zoning from the Restricted Agricultural "A2" Zone to the: Single Residential "R4-279" Zone (Block 1); Residential Multiple "RM2-274" Zone (Block 2); Residential Multiple "RM3-223" Zone (Block 3); Residential "R4-222" Zone (Blocks 4 and 5); and, for changes in zoning for lands to be added to City of Hamilton Zoning By-law No. 05-200 by zoning Blocks 6 and 7 as Conservation/Hazard Lands (P5) Zone, for lands known as 3450 Binbrook Road (Glanbrook), as shown on Appendix "A" to Report PED14003, on the following basis:
- (i) That the draft By-laws, attached as Appendices "C" and "D" to Report PED14003, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the amending By-law be added to Schedule "H" of the Township of Glanbrook Zoning By-law No. 464.
 - (iii) That the proposed changes in zoning will be in conformity with the UHOP upon approval of OPA No. [REDACTED].
- (c) That approval be given to **Amended Draft Plan of Subdivision Application 25T-200614, by Losani Homes (1998) Ltd., c/o Fred Losani, (Owner)**, to establish a draft plan of subdivision known as "Fairgrounds West", on lands known as 3450 Binbrook Road (Glanbrook), as shown on Appendix "A" to Report PED14003, subject to the following conditions:
- (i) That this approval apply to "Fairgrounds West", 25T-200614, as red-line revised, prepared by Losani Homes, and certified by S.D. McLaren, O.L.S., dated July 29, 2013, showing 164 single detached dwelling lots (Lots 1-164), 12 blocks for a maximum of 74 street townhouse units (Blocks 165-176), 3 blocks for future development with adjacent lands (Blocks 177-179), 1 block for Natural Open Space Purposes (Block 180), 1 block for a Stormwater Management Pond (Block 181), and 4 blocks for 0.30 m. reserves (Blocks 182-185), and 7 proposed streets (Streets A-G), attached as Appendix "E" to Report PED14003, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by

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City Council, and with the Special Conditions attached as Appendix "F" to Report PED14003.

- (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item:
 - a) The oversizing of watermains on Pumpkin Pass and storm sewers on Kinsman Drive, will be in accordance with the City's Financial Policies.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Townhouse Blocks 178; and, 168-176, inclusive, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Block.

With regard to Block 178 (Block Townhouse), a parkland dedication, at a ratio of 1 ha. per 300 dwelling units, will be required.

Furthermore, regarding Blocks 168-176, inclusive, (Street Townhouse), a parkland dedication, at a ratio of 0.6 ha. per 300 dwelling units, will be required.

Finally, Lots 1-164, inclusive, and Blocks 177 and 179, (Single Detached Residential), will require a parkland dedication ratio of 5%.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (iv) That the Final Plan of Subdivision conform with all the applicable provisions of the final approved UHOP Amendment No. [REDACTED], and comply with the provisions of Glanbrook Zoning By-law No. 464, as amended.

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| EXECUTIVE SUMMARY |
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The subject applications were amended on September 11, 2013, by the applicant/owner, in light of the UHOP coming into force and effect, and to accommodate municipal requirements with respect to Stormwater Management.

The purpose and effect of the applications are to amend the Official Plan and Zoning By-laws, and for approval of a Draft Plan of Subdivision, in order to permit the

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development of approximately 238 units on 7 streets with associated open space and stormwater management blocks (attached as Appendix "E").

It is noted that the requested zoning is to be carried over from the established zoning of the "Fairgrounds East" subdivision approved in 2007 and 2012. However, additional minor modifications to reflect the City's "Lot Grading Policy, Criteria and Standards for Single and Semi-Detached Dwellings Created Through Development Applications" have been recommended and are to be applied to all other lands not subject to consolidated development with "Fairgrounds East".

The proposal has merit and can be supported since the applications are consistent with the PPS, and conform to the Growth Plan for the Greater Golden Horseshoe, and the general intent and purpose of the UHOP.

The proposed development is compatible with and complementary to the existing uses in the immediate area, representing good planning and providing for the development of a complete community, while making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.

Alternatives for Consideration - See Page 28.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider applications for amendment to the Official Plan and Zoning By-law and for approval of a draft plan of subdivision.

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The subject lands, 3450 Binbrook Road, totalling 14.45 ha., are located east of Fletcher Road and north of Binbrook Road, with frontage on Festival Way, Grandstand Drive, Pumpkin Pass, and Kinsman Drive to the east.

As mentioned above, in order to address comments provided with respect to stormwater management, and to reflect the UHOP having now come into force and effect, the subject applications were revised in September, 2013.

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The purpose and effect of the amended applications are to amend the Official Plan and Zoning By-laws in order to permit a draft plan of subdivision, comprised of 164 single detached dwelling lots (Lots 1-164), 12 blocks for a maximum 74 street townhouse units (Blocks 165-176), 3 blocks for future development with adjacent lands (Blocks 177-179), 1 block for Natural Open Space Purposes (Block 180), 1 block for a Stormwater Management Pond (Block 181), 4 blocks for a 0.30 m. reserve (Blocks 181-185), and 7 streets (Streets A-G).

As mentioned above, it is the intent of the owner/applicant to zone the subject lands to those previously established under By-law No.'s 07-217 and 12-047, for the lands to the east, known as "Fairgrounds East" being Registered Plans 62M-1128, 62M-1149 and 62M-1179, with minor modifications to the existing zones, to reflect the City's "Lot Grading Policy, Criteria and Standards for Single and Semi-Detached Dwellings Created Through Development Applications".

Chronology:

- August 28, 2006: Submission of Applications ZAC-06-074 (Zoning By-law Amendment), 25T-200616 (Draft Plan of Subdivision) and OPA-06-20 (OPA) by Armstrong Hunter & Associates on behalf of Losani Homes. The purpose of these applications was to permit a draft plan of subdivision known as "Fairgrounds West" consisting of 245 lots for single detached dwellings, 1 block for street townhouse dwellings for a total of 61 units, and one block for a passive park.
- October 30, 2006: Public Notice Sign erected on Subject Lands.
- March 22, 2007: Revised plans were circulated to Development Engineering, Traffic Planning, Building Services, Environmental Planning (Public Works) and the Niagara Peninsula Conservation Authority.
- October 5, 2010: A revised Zoning By-law Amendment, OPA, and Draft Plan of Subdivision were submitted. The purpose of these applications were for the creation of 201 lots for single detached dwellings, 12 blocks for a total of 72 street townhouses, 3 blocks for future development, 1 block for the existing woodlot, and 2 blocks for one foot reserves.
- May 31, 2011: Revised applications were submitted based on comments received from various departments as a result of the October 2010 circulation. The plan was revised to eliminate the cul-

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de-sac, previously proposed as Street "F", with an increase of 3 dwelling units for a total of 276 residential units.

- January 17, 2012: Based on Natural Heritage comments provided through the previous circulations, a revised plan was submitted proposing a phased draft plan of subdivision with the future second phase to be held in abeyance pending the completion of a satisfactory Environmental Impact Statement (EIS), with respect to the existing woodlot.
- October 16, 2012: Submission of EIS and revised applications submitted to reflect findings of EIS.
- December 7, 2012: Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-06-074 (Zoning By-law Amendment), 25T-200616 (Draft Plan of Subdivision) and OPA-06-20 (OPA) to all residents within 120 m. of the subject lands.
- January 3, 2013: Public Notice Sign Updated to reflect Revised Applications ZAC-06-074 (Zoning By-law Amendment), 25T-200616 (Draft Plan of Subdivision), and OPA-06-20 (OPA).
- February 5, 2013: Preliminary Parking Plan received and circulated.
- February 13, 2013: Environmentally Significant Areas Impact Evaluation Group (ESAIEG) Meeting.
- February 19, 2013: Submission of Revised Applications ZAC-06-074 (Zoning By-law Amendment), 25T-200616 (Draft Plan of Subdivision), and OPA-06-20 (OPA) to reflect an increased Natural Heritage Buffer.
- July 31, 2013: Submission of Revised Applications ZAC-06-074 (Zoning By-law Amendment), 25T-200616 (Draft Plan of Subdivision), and OPA-06-20 (OPA) to reflect the Development Engineering requirement for a Stormwater Management Pond.
- September 11, 2013: Submission of Revised Applications ZAC-06-074 (Zoning By-law Amendment), 25T-200616 (Draft Plan of Subdivision) and OPA-06-20 (OPA), to reflect the UHOP having come into force and effect.

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November 6, 2013: Public Notice Sign updated with Public Meeting Information.

November 15, 2013: Circulation of the Notice of Public Meeting to all residents within 120 m. of the subject lands.

Details of Submitted Application:

Location: 3450 Binbrook Road (See Appendix "A").

Owner/Applicant: Losani Homes (1998) Ltd. (c/o Fred Losani)

Agent: WEBB Planning Consultants Inc. (c/o James Webb)

Property Description:

| | | |
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| <u>Lot Frontage:</u> | Festival Way | - 20.30 m. |
| | Grandstand Drive | - 18.04 m. |
| | Pumpkin Pass | - 20.00 m. |
| | Kinsman Drive | - 18.00 m. |
| | | |
| <u>Lot Depth:</u> | Irregular - 379.42 m. | |
| | | |
| <u>Lot Area:</u> | 14.45 ha. | |
| | | |
| <u>Servicing:</u> | Extension of Existing Full Municipal Services | |

EXISTING LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------------------|---|-----------------------------------|
| <u>Subject Lands:</u> | Vacant – Former Agricultural Lands with an Existing Woodlot | Restricted Agricultural "A2" Zone |
| <u>Surrounding Land Uses:</u> | | |
| North | Enbridge Pipeline Easement and Agricultural Lands | General Agricultural "A1" Zone |

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|--------------|---|---|
| South | Existing Woodlot and Single Detached Dwellings | Restricted Agricultural "A2" Zone |
| East | Block Townhouse Dwellings and Single Detached Dwellings | Residential Multiple "RM3-223" Zone and Residential "R4-222" Zone |
| West | Existing Woodlot and Agricultural Lands | Restricted Agricultural "A2" Zone |

POLICY IMPLICATIONS/LEGISLATED REQUIRMENTS

Provincial Policy Statement

The applications have been reviewed with respect to the PPS. Staff recognize that the applications are consistent with the policies that focus growth in Settlement Areas (i.e. Policy No. 1.1.3.1).

As per Policy No. 1.1.3.2, the proposed land use pattern will provide a mix of densities that efficiently use the land and resources, and appropriate for the infrastructure and public service facilities planned or available for this area.

However, it is noted that the subject lands are identified as a Core Area and Natural Open Space and, accordingly, Policy No.'s 2.1.4 and 2.1.6 restrict development or site alteration within or adjacent to significant woodlands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Staff have reviewed the EIS by Renovo Watershed Sciences Inc., dated September 12, 2013, and are satisfied that the natural heritage concerns have been appropriately addressed and protected, where necessary.

Lastly, Policy No. 2.6.2 requires that development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. A Stage 1 and 2 Archaeological Report dated August 2006, prepared by *Archaeological Assessments Inc.*, was submitted to the Ministry of Tourism and Culture and the City of Hamilton. Upon review, City staff concur with the findings of the Report, and have no further concerns.

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Based on the foregoing, as the subject lands are located within a settlement area, and are proposed to be developed to provide for a mix of densities with appropriate infrastructure and public service facilities while protecting the provincial interest with respect to cultural and land resources, the proposal is consistent with the PPS.

Greenbelt Plan:

The subject lands are designated as "Towns and Villages" in the Greenbelt Plan. As such, Policy No. 3.4.2 states that Towns/Villages, as identified in municipal official plans and within their approved boundaries as they existed on the date this Plan came into effect, continue to be governed by municipal official plans and related programs or initiatives and are not subject to the policies of this Plan, save for external connection policies of Section 3.2.5. Based on the foregoing, the applications are consistent with the policies of the Greenbelt Plan subject to compliance with the Official Plan and the adoption of the proposed OPA.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The subject applications are consistent with the Guiding Principles, Section 1.2.2 and the Managing Growth policies of the Plan, through a planned and managed growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land, air, and water for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; and establishing a built compact, vibrant, and complete community.

As noted above, the subject lands are of both cultural and natural heritage value, which is governed by Policy Section 4.2.1 - Natural Systems, and 4.2.2 - A Culture of Conservation. The requisite studies, being an EIS and Archaeological Assessment have been submitted, reviewed, and deemed satisfactory in addressing the Provincial Interest.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan).

Urban Hamilton Official Plan

The subject lands are designated "Neighbourhoods" and "Open Space" on Schedule "E-1" - Land Use Designations. Additionally, the lands also form part of the Binbrook Village Secondary Plan and are designated as "Low Density Residential 2e"; "Low Density Residential 2h"; "Parkette"; "Local Commercial"; and, "Natural Open Space" on Map B.5.1-1 - Binbrook Village Secondary Plan - Land Use Plan.

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Furthermore, the subject lands contain open space linkages as shown on Map B.5.1-2 - Binbrook Village Secondary Plan - Open Space Linkages.

As the proposal provides for the logical extension of the adjacent draft plan of subdivision, and has incorporated similar existing zoning standards, the applications satisfy the "Policy Goals", Section E.3.1 and the "General Policies", Section E.3.2, of the Neighbourhoods designation, by providing for a complete community through intensification of an appropriate scale and location that enhances and respects the character of existing neighbourhoods, while at the same time, allowing their on-going evolution.

Albeit the proposal conforms to the above noted policies, it should be noted that Policies E.3.1.4 and E.3.2.4 remain under appeal with the Ontario Municipal Board (OMB).

The proposed draft plan of the subdivision conforms to the "Scale and Design" policies by providing a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm that is compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping, with access to community facilities and/or services, such as schools and open space.

Similarly, the proposed layout and form of development conforms to the "Residential Uses - General Policies" of Section E.3.3, the "Low Density Residential" policies of Section E.3.4, and the "Residential Greenfield Design" policies of Section E.3.7.

Staff are of the opinion that the proposed development conforms to the above policies, as the proposed development maintains and achieves a range of dwelling types and tenures, with a character that is compatible and consistent with the surrounding area in terms of use, scale, form and character, and, is serviced with adequate infrastructure and transportation capacity.

The southern portion of the subject property has been identified as a Core Area (Significant Woodland) on Schedule B - Natural Heritage Systems.

In review of the Natural Heritage policies, in particular Policies C.2.5.4 and C.2.5.5, development or site alteration shall not be permitted within or adjacent to Significant Woodlands, unless it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.

As previously mentioned, the owner/applicant has submitted an EIS, which was subsequently reviewed and approved by staff and ESAIEG. Accordingly, the proposed development conforms to the above policies with the inclusion of appropriate natural heritage protection measures.

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Lastly, as previously mentioned, the subject lands are of archaeological potential and were previously assessed, and subsequently cleared, of any Provincial interest. Accordingly, the proposal satisfies Section B.2.4.3 "Residential Intensification and Cultural Heritage Resources".

With regard to Map B.5.1-2 - Binbrook Village - Open Space Linkages, the proposed development seeks to remove the three "Open Space Linkages" identified on the subject lands. It is noted that given the parkettes are to be removed, and as access has been restricted to the natural open space woodlot, the intent and purpose of these "Open Space Linkages" no longer exist, as they no longer provide connections to active, accessible open space. Therefore, staff support the amendment to remove the subject "Open Space Linkages" from the lands known municipally as 3450 Binbrook Road.

In addition, the owner/applicant has agreed to provide an east-west trail/pedestrian connection in proximity to Kinsman Drive to be shown on a future Landscape Plan as recommended by staff under Condition No. 27 of Appendix "F".

Binbrook Village Secondary Plan:

The subject lands are designated as "Low Density Residential 2e", "Low Density Residential 2h", "Parkette", "Local Commercial", and "Natural Open Space", on Map B.5.1-1 - Binbrook Village Secondary Plan - Land Use Plan. The proposed draft plan of the subdivision proposes a redistribution of the density and, accordingly, an OPA has been proposed.

Furthermore, the proposed amendment also seeks a change to the residential designation for the two parkettes and local commercial designations, along with a reconfiguration of the natural open space designation.

In particular, the requested amendment proposes changes in designation from:

- "Parkette" and "Low Density Residential 2h" to "Low Density Residential 2e";
- "Low Density Residential 2e", "Local Commercial" and "Parkette" to "Low Density Residential 2h" and as Special Policy Area "██████";
- "Low Density Residential 2e" and "Parkette" to "Natural Open Space"; and,
- "Low Density Residential 2e" to "Utility (SWM)", as identified on Appendix "B".

With respect to the redesignation of the parkettes, as there is no longer an envisioned Enbridge Pipeline trail system, and as access to the Binbrook Village Woodlot is to be

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restricted, staff support the removal of the parkettes as the envisioned linkage function is no longer feasible.

It is further noted that an east-west linkage will be provided outside of the natural open space, to ensure pedestrian connectivity to the open space envisioned to the west, through a future landscape plan as required by Condition No. 27 of Appendix "F".

Similarly, there is justification for the removal of the "Open Space Linkages" for Binbrook Village, associated with the above redesignations as the intent and purposes of these linkages no longer exist, given the restriction to the natural open space woodlot, and the elimination of the Enbridge Pipeline trail system.

In review of redesignating the "Local Commercial" lands, staff are of the opinion that the subject development will be serviced by commercial developments in close proximity as envisioned along the Binbrook Road and Regional Road 56 corridors. Therefore, the requested amendment can be supported.

Staff also support the redesignation of "Residential" lands to "Utility", to facilitate the Stormwater Management Pond, which is required to ensure adequate services for the proposed development. Additionally, the removal of these lands maintains the overall density envisioned for this area and, therefore, can be supported.

In review of the redistribution of the existing densities envisioned by the Binbrook Village Secondary Plan, it is noted that the general redistribution of density is supportable as it maintains the envisioned density and the intent and purpose of the Binbrook Village Secondary Plan.

However, the proposed street townhouse units will result in a density of 50.3 units per net residential hectare, which exceeds the permitted density of the "Low Density Residential 2h", being a maximum density of 40 units per hectare. Therefore, in addition to the subject redesignations, Special Policy Area "██████" is to be established over the lands designated as "Low Density Residential 2h" to allow for an increased maximum density of 51 units per net residential hectare.

It is noted that the Official Plan currently designates approximately 7.0 ha. of "Low Density Residential 2e" and approximately 1.7 ha. of "Low Density Residential 2h".

The proposed amendment is generally in keeping with the land areas as designated, being approximately 6.45 ha. of "Low Density Residential 2e" and approximately 1.47 ha. of "Low Density Residential 2h". The table below provides a summary of the land areas, applicable density, and resulting number of units between the current Official Plan designations and the proposed amendment and redesignations.

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| Binbrook Village Secondary Plan Designation | Net Residential Hectares as designated in Binbrook Village Secondary Plan | Net Residential Density Range as per Binbrook Village Secondary Plan | Proposed Redesignations in Hectares | Proposed Net Residential Densities |
|---|---|--|-------------------------------------|------------------------------------|
| Low Density Residential 2e | 7.0 ha. | 30 u.p.h = 210 units | 6.45 ha. | 25.4 u.p.h.= 164 units |
| Low Density Residential 2h | 1.7 ha. | 26 - 40 u.p.h. = 44 – 68 Units | 1.47 ha. | 50.3 u.p.h = 78 units |

In particular, the Secondary Plan envisioned approximately 254-278 total residential units based on the existing designations and corresponding permitted densities. The proposed draft plan of the subdivision proposes 242 units, slightly under the envisioned number of units. Accordingly, the resulting densities are comparable, and the proposed amendments are therefore supportable, as the overall loss in units is minimal and has no overall adverse impact to the envisioned function of the Binbrook urban area.

Lastly, the proposed Special Policy Area "████" to increase the "Low Density Residential 2h" maximum density from 40 units per hectare to 50.3 units per hectare, is supportable, as the proposed plan maintains the general intent and purpose of the Official Plan, and is generally consistent with the envisioned density and number of units.

Staging of Development

This plan has been identified in the City of Hamilton’s Staging of Development Plan. The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and conforms to the Official Plan.

RELEVANT CONSULTATION

Recreation Division (Community and Emergency Services Department) have identified that the subject area appears to be deficient in neighbourhood parkland, as per approved and proposed draft plans, within the northwest quadrant of the Binbrook Secondary Plan. This may be further pronounced as access to the proposed trail on the pipeline lands and existing woodlot will not be accessible to the community as originally approved. It should be determined if there will be a negative impact for the future residents of the proposed loss of parkland (parkette spaces adjacent to pipeline and woodlot).

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In review of the proposed Draft Plan of Subdivision, it is noted that the only loss in natural open space will be the parkette in the northwest abutting the Enbridge Pipeline Easement. As there is no longer a trail envisioned over the Enbridge Pipeline Easement, the removal of this parkette is supportable given that the intent and purpose of this parkette and open space linkage is no longer in place.

Additionally, the envisioned natural open space woodlot is being maintained and the previous parkette and open space linkage abutting this woodlot has been relocated to the eastern portion of the subject development. Furthermore, as access to the woodlot is to be restricted, the owner/applicant has agreed to a draft plan condition of approval for an east-west linkage to be established in proximity to the woodlot.

Furthermore, any deficiency would be further offset through the adjacent lands to west, which envisions a large "General Open Space" as shown within the Binbrook Village Secondary Plan. Staff have requested an east-west linkage through Condition No. 27 of Appendix "F" which would provide connection from the subject lands to the future envisioned "General Open Space."

Based on the foregoing, staff are of the opinion that the net loss of parkland/open space is minimal, and is supportable, given the envisioned linkage to and across the Enbridge Pipeline Easement and Woodlot as identified within the Binbrook Village – Open Space Linkages Secondary Plan, are no longer feasible. Additionally, adjacent lands will provide a future "General Open Space" to further offset any deficiencies.

Accordingly, the above matters have been addressed, or will be addressed, through appropriate conditions of draft plan approval.

Operations and Waste Management Division (Public Works Department) have identified that the subject development is eligible for waste collection. Accordingly, the standard notation is to be added as a warning clause in any and all future offers and/or agreements for purchase and sale and/or lease, as per Condition No. 1 of Appendix "F". Additionally, the required design standards were provided as follows:

1. Road layout must be designed to permit the continuous forward movement of collection vehicles, including the radius of a cul-de-sac turning circle. Continuous forward movement must be provided exclusive of any parking spaces and stored snow. A drive through access route, a 13 m. radius turning circle or a turnaround area, allowing for a maximum three-point turn of not more than one truck length are all acceptable options for accommodating this requirement.
2. The City of Hamilton is committed to providing safe and effective waste collection service, and will fully comply with Ontario Occupational Health and Safety Act (OHSA) regulations at all times. Section 104(1) of the 2012 OHSA, Ontario

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Regulation 213/91 states: "Every project shall be planned and organized so that vehicles, machines and equipment are not operated in reverse or are operated in reverse as little as possible."

3. Waste collection service will commence when the development is substantially completed and there is free and clear access. The developer or owner is required to contact the Public Work Department to request the start of waste collection service. A site visit by Public Works staff is required prior to the start of waste collection service.
4. Prior to the commencement of City waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied units.
5. Construction material will not be collected; collection arrangements must be made with a private contractor.
6. For collection of waste on Private Roads, an Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City prior to the start of service.
7. On collection day, the collection area shall be in an accessible location, free and clear of any construction debris and vehicles.
8. Individual waste containers, blue boxes and green carts will be collected curbside in front of each property.

Lastly, the applicant/owner is advised that the City's Encroachments on City Property Policy (the "Policy") discourages encroachments on City Property. Accordingly, the applicant is advised that all proposed buildings and other structures (including awnings, eaves and canopies), landscaping, fences, etc. must be constructed within the legal boundaries of the private property. It is incumbent on the applicant to determine the property lines. Any encroachments existing as of today's date that are not permitted under an Encroachment Agreement must be removed.

Alternatively, the applicant may choose to apply to have the existing encroachments legitimized by applying for an Encroachment Agreement under the Policy.

Based on the foregoing, as the appropriate notation will be included as a warning clause and as the owner/applicant has been advised of the above details, staff are satisfied that the above matters have been appropriately addressed and have no further comments and/or concerns.

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Hamilton Municipal Parking System (HMPS) has advised that they have no concerns with the proposal, as long as all parking requirements are met on site. Driveways and garages should be designed without encumbrances to ensure they can be used for parking purposes, with driveways aligned in such a way that will maximize the availability of on-street parking, by allowing a minimum of 6.5 m. of curb space between driveway approaches.

The proposed development is consistent with the required parking for the proposed form of development, and a preliminary parking plan has been submitted, conceptually showing the recommended 40 percent on-street parking. Based on the foregoing, staff are satisfied that the above concerns have been appropriately addressed.

Corporate Assets & Strategic Planning (Public Works Department) have identified that the subject development dedicate the required road widenings, and incorporate Transit Oriented Design, Transportation Demand Management, and Accessibility design standards. Staff note that the proposed plan of the subdivision will incorporate the necessary design standards, and is subject to Section 1.5 of the Standard Form Subdivision Agreement which will ensure that dedication of the required widenings is completed.

Lastly, Landscape Architectural Services have identified that although a trail system through the proposed natural open space woodlot is not feasible, an alternative trail, preferably within the buffer area of the woodlot is recommended.

Staff note that a condition requiring a landscape plan, which shall include the requested trail, has been included as Condition No. 27 of Appendix "F". Based on the foregoing, staff are satisfied that the above concerns have been appropriately addressed and have no further comments and/or concerns.

Forestry and Horticulture Section (Public Works Department) has advised that there are no Municipal Tree Assets located on the road allowance of this proposed development, however, a buffer zone is to be established along the length of the woodlot.

In accordance with the New Developments Tree Planting Policy, the City of Hamilton collects cash in lieu of Trees for residential subdivisions. The Forestry & Horticulture Section will provide clearance of a Street Tree Planting condition upon receipt of a plan depicting new trees and a cash payment, as shown in Item 2.8 of the completed Subdivision Agreement. The remittance is to be made payable directly to the Forestry & Horticulture Section.

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A detailed Landscape Plan showing the placement of trees on internal/external City property will be required for approval, specifically outlining the size and species of trees to be planted on the site.

As noted above, the Street Tree Planting Plan is captured under Section 2.8 of the Standard Form Subdivision Agreement. With respect to the Landscape Plan, staff have recommended special Condition No. 27 of Appendix "F". Based on the foregoing, staff have no further comments and/or concerns.

Traffic Engineering Section (Public Works Department) has advised that the number of units constructed through this draft plan application must be in accordance with the allotted unit cap identified by the City of Hamilton through the 'Three Party Developer Agreement'. The previously approved unit cap was 900 units. A Binbrook Area Traffic Review Update, August 2013, has identified that a further increase in the unit cap can be accommodated in the development lands on the westerly portion of Binbrook Village.

The Traffic Review has provided increased development scenarios and calculated projected levels of service at the collector and arterial road intersections. Staff are satisfied that an increase in the dwelling unit cap of approximately 450 units (total 1,350) will still maintain an acceptable level of service at the temporary traffic signal intersection of RR 56 at Fall Fair Way/Maggie Johnson Drive. The proposed 238 units in Fairgrounds West are slightly over the 900 cap limit, but well below the increased 1,350 cap limit.

Hamilton Street Railway Company have identified that there is currently no bus service to the development area with no planned changes. It is recommended that street orientation and pedestrian entrances, to provide direct short walking distances between dwellings and possible future transit service, are preferable. The inclusion of mixed uses, as opposed to strictly residential, with high quality pedestrian amenities at this development like walkways, lighting etc. and sidewalks on all streets, would serve to ensure good pedestrian access.

In review of the above comments, staff note that mixed use development would not be permissible under the current and proposed Official Plan designations. Regardless, staff have ensured that the design of the subdivision include appropriate pedestrian connections and amenities. Based on the foregoing, staff are of the opinion that the above comments have been addressed, and have no further concerns.

Financial Planning and Policy Division, Corporate Services Department have identified an outstanding payment in the amount of \$32,846.00 for the Binbrook Stormwater Management Pond, By-Law No.607-00, payable to Corporate Services,

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Budgets & Finance, City Hall. Accordingly, staff have included Condition No. 26 of Appendix "F".

Niagara Peninsula Conservation Authority (NPCA) has reviewed the "Preliminary Engineering Report: Fairgrounds West Application for Draft Plan Approval" (Revised July 2013) by S. Llewellyn and Associates Ltd. Based on our review, the NPCA offers the following comments:

1. The NPCA understands that stormwater quality controls for the Fairgrounds West development is still proposed to be provided in the downstream Summerlea West Stormwater Management Pond 1A. The NPCA had previously approved this stormwater strategy and still offers no objection to this arrangement.
2. With respect to stormwater quantity control:
 - a) The NPCA had previously approved the proposal to attenuate all Fairgrounds West post-development peak storm flows (up to the 100 year event) within the downstream Summerlea West Stormwater Management Pond 1A.
 - b) The NPCA understands that the City of Hamilton now requires that major flows be prevented from discharging across Binbrook Road from the Fairgrounds West development en route to Pond 1A.
 - c) As such, the NPCA understands that a stormwater management dry pond is proposed to be constructed in order to attenuate post development peak stormwater flows from the Fairgrounds West and the adjacent 10.1 ha. Catarini development, to the capacity of the receiving storm sewer on Royal Winter Drive. The NPCA has no objection to this proposal.
 - d) Based on the preliminary design, it appears that the proposed "Stormwater Management Block 181" contains adequate area to accommodate the required stormwater management dry pond.
 - e) Prior to construction, the NPCA will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be circulated to this office for review and approval.

Based on the above information, the NPCA has no objection to the proposed stormwater management plan and revised draft plan of the subdivisions, subject to "Item e" above being included in the City's Conditions of Draft Approval.

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Staff note that the above matters are addressed in various sections of the City's Standard Form Subdivision Agreement, and have no further comments and/or concerns.

Canada Post has advised that their original comments dated November 3, 2010, continue to apply, and, as such, the proposed subdivision will receive mail service to centralized mail facilities provided through their Community Mailbox Program.

The owner shall complete, to the satisfaction of the Director of Growth Management of the City of Hamilton and Canada Post:

- a) Include on all offers of purchase and sale, 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 concrete 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 cooperation with Canada Post, and to indicate the location of the Centralized Mail Facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

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The conditions requested by Canada Post are addressed through Condition No.'s 28-31, inclusive of Appendix "F", and, as required, under Section 1.22 of the City of Hamilton's Standard Form Subdivision Agreement.

Enbridge Pipelines Inc. have identified that they operate two high pressure petroleum pipelines contained in an 18.3 m. wide right-of-way/easement adjacent to the subject lands.

Enbridge has no objections to the proposed development provided the following conditions for working on or near the Enbridge right-of-way are adhered to:

- Enbridge requests a permanent fence be constructed prior to construction along the south edge of the Enbridge right-of-way, to prevent future encroachments and ensure heavy equipment does not cross the pipeline during construction. The Enbridge Inspector must be present during fence installation.
- Enbridge is regulated by the National Energy Board (NEB) Act. Section 112 of the Act states that "No person shall, unless leave is first obtained from the Board, construct a facility across, on, along or under a pipeline or excavate using power-operated equipment or explosives within 30 meters of a pipeline".
- No grading or placing fill on Enbridge's right-of-way will be permitted without the prior written approval of Enbridge.
- No work shall take place on Enbridge's right-of-way without the presence of an Enbridge inspector.
- No heavy machinery will be permitted to cross Enbridge's right-of-way without the prior written approval of Enbridge.
- No landscaping shall take place on Enbridge's right-of-way without Enbridge's written approval.

To obtain locates of our facilities please contact (905) 659-7236 and Ontario One Call at 1-800-400-2255. Request to meet "Enbridge Pipelines Inc." onsite at the specified address.

Staff have included the above as Condition No.'s 32 - 37, inclusive of Appendix "F". Based on the foregoing, the above requirements have been appropriately addressed.

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PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 121 property owners within 120 m. of the subject property on December 7, 2012, for the proposed Official Plan and Zoning By-law Amendment Applications, and for approval of a Draft Plan of Subdivision. To date, no public responses have been received.

A Public Notice sign was also posted on the property on October 30, 2006, and was updated on January 3, 2013. Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS, and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, Places to Grow, as it represents an opportunity for growth in the Settlement Area, in a compact form, providing for a range of density and housing forms, where full municipal services and public infrastructure and services are available.
 - (ii) It conforms to the general intent and purpose of the UHOP and Binbrook Village Secondary Plan.
 - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, enhancing and continuing the streetscape within the neighbourhood, while making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.
2. The applicant has requested amendments to the Glanbrook Zoning By-law No. 464 in order to implement the draft plan of subdivision known as "Fairgrounds West". The requested zoning for the single detached and street townhouse dwellings in this subdivision are the same as that previously approved on the lands to the immediate east, also developed by the applicant.

In particular, the proposed changes are from the Restricted Agricultural "A2" Zone to the: Residential "R4-279" Zone, Modified (Block 1); Residential Multiple

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"RM2-274" Zone, Modified (Block 2); Residential Multiple "RM3-223" Zone, Modified (Block 3); and, Residential "R4-222" Zone, Modified, (Blocks 4 and 5).

Staff support the proposed changes in zoning as it will ensure consistency with and allow for the development of these lands with the adjacent lands of the "Fairgrounds East" development.

However, modifications to the minimum side yard requirements have been included to better reflect the City's "Lot Grading Policy, Criteria and Standards for Single and Semi-Detached Dwellings Created Through Development Applications".

In particular, the Residential "R4-273" Zone from the adjacent "Fairgrounds East" Plan of Subdivision, is to be further modified with a provision to reflect the above noted grading policy. In particular, the proposed by-law will establish minimum side yards for an interior lot with a garage and require a minimum 2.0 m. separation distance where there is an overland flow route or emergency spillway.

Additionally, the minimum side yard for a corner lot abutting a flankage street is to be reduced from 4.5 m. to 2.4 m. and establishing a minimum 2.0 m. setback for any building from the hypotenuse of the daylight triangle, where one is required.

As the above modifications are to accommodate the new City standards/requirements, while also implementing the previously approved and established zones to be carried over from the adjacent plan of subdivision "Fairgrounds East", staff support the requested modifications.

Lastly, the woodlot and the Stormwater Management Pond are to be added to Zoning By-law No. 05-200 and zoned as Conservation/Hazard Lands (P5) Zone accordingly.

Based on the foregoing, staff support the requested amendments to the Zoning By-laws.

3. The proposed Draft Plan of Subdivision (see Appendix "E") will consist of 164 single detached residential lots (Lots 1-164), 12 blocks for a maximum of 74 street townhouse units (Blocks 165-176), 3 blocks for future development with adjacent lands (Blocks 177-179), 1 block for Natural Open Space Purposes (Block 180), 1 block for a Stormwater Management Pond (Block 181), 4 blocks for 0.30 m. reserves (Blocks 182-185), and 7 proposed streets (Streets A - G).

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In review of Sub-section 51(24) of the Planning Act, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
- (b) It is not premature, and is in the public interest since the planned function of the lands is being implemented.
- (c) It conforms with the intent and purpose of the UHOP, in that the proposed amendment simply facilitates the redistribution of the envisioned density within the subject lands, in a form that is compatible with the existing adjacent plan of subdivision (i.e. "Fairgrounds East").
- (d) The lands can appropriately be used for residential purposes.
- (e) The existing road network abutting the property and road linkages to the neighbourhood are adequate to service the proposed units.
- (f) The dimensions and shape of the proposed lots are appropriate.
- (g) Any restrictions on the proposed development can be accommodated by the development.
- (h) The natural open space woodlot has been preserved and will be zoned accordingly to protect the natural heritage value, and appropriate stormwater management and drainage have been incorporated to ensure appropriate flood control, where applicable.
- (i) Adequate municipal services are available, the particulars of which will be determined as part of the standard conditions of draft plan approval and Subdivision Agreement, and the required Stormwater Management Pond has been appropriately designed to support the development.
- (j) The School Boards did not express any concerns with the proposed development.
- (k) No land will be dedicated to the City of Hamilton for park purposes, but the owner will be required to pay Cash-in-Lieu of Parkland in accordance with Recommendation (c)(iii) above.
- (l) The proposed development is in a compact, efficient form that supports a strong and competitive economy, while protecting, conserving, enhancing,

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and wisely using the valuable natural resources of land, air, and water, for current and future generations; optimizing the use of existing and new infrastructure; thereby establishing a built compact, vibrant, and complete community.

- (m) The massing, character, and external design of the proposed buildings are being carried over from the adjacent plan of subdivision "Fairgrounds East" and will ensure consistency and integration with the existing land uses in the area.

4. Engineering Details:

The subject lands must be developed under a satisfactory plan of subdivision.

Staging of Development

This plan has been identified in the City of Hamilton's Staging of Development Plan. The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and conforms to the Official Plan.

Zoning Setbacks

With respect to the proposed side yard setbacks, a 1.2 m. minimum side yard setback is recommended for all side yards of all lots, to accommodate the required drainage swales, and to provide for unobstructed pedestrian access to the back yard.

Regardless, there must be provision in the engineering design for a minimum of 2.0 m. separation between foundation walls in order to facilitate one way (back to front) drainage, and a 1.2 m. side yard to accommodate any rear yard catch basin. Where two garages abut each other, the combined minimum separation between the two foundation walls will be 2.4 m. Furthermore, the Owner will need to demonstrate that all minor and major overland flows from the rear yards can be safely conveyed to appropriate outlets.

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Water

- i. The watermain between Pumpkin Pass and Kinsman Drive must be looped.
- ii. There are existing watermains on Festival Way and Grandstand Drive available to the east, which can be extended westerly, to service the proposed development. The owner is required to submit a water servicing study focusing on the following issues:
 - a) Provide the expected occupancy, water demand generation, and fire flow calculation for the development;
 - b) Demonstrate how the proposal fits with the Growth Related Integrated Development Strategy's numbers;
 - c) Confirm the water servicing layout based on field information and hydraulic models;
 - d) Provide the new hydrant locations on the Water Distribution Plan.
- iii. The owner is advised that water servicing approvals are no longer processed under the Ministry of Environment (MOE) Safe Drinking Water Act Certificate of Approval Program. Water servicing is now approved under the MOE's New Municipal Drinking Water Licensing Program.

Under provincial license, the new system provides the municipality with a Municipal Drinking Water Permit from which the municipality issues Drinking Water Works Permit Amendment for the works to be constructed by the developer. For more information and requirements on this program, please visit the Ministry of Environment website.

Sewers

- i. There are existing storm and sanitary sewers on Festival Way, Grandstand Drive, Pumpkin Pass Extension, and Kinsman Drive Extension, available to the east which can be extended westerly to service the proposed development.
- ii. The owner is advised that the storm and sanitary sewer MOE Certificate of Approval is now called the Environmental Compliance Approval as of October 31, 2011. The new form can be found on the Ministry website.

Stormwater

- i. The pond, in the present location, may not be adequately sized to accommodate the drainage areas of the development. Therefore, the owner will be required, as a condition of development approval, to verify that the proposed SWM Facility (Block 181) shall be sufficient size and shape to adequately accommodate the ultimate SWM Facility, and accommodate any external drainage areas west of the subject lands. Until it is determined that Block 181 is adequately sized and shaped to accommodate the proposed Stormwater Management Facility, Lots 104, 105, 111 and 112 will remain undevelopable.

Grading

- i. The City will not allow Lots 1-19 inclusive, Lots 38-48 inclusive, and Block 177 to drain northerly onto the Interprovincial Pipeline Easement lands. In addition, the construction of a retaining wall along these lots and block is not desirable. To avoid retaining walls, the Owner shall demonstrate an alternative grading design using transitional grading and appropriate house styles to suit the grades. Drainage from the rear yards to the woodlot, south of Kinsman Drive, is acceptable.
- ii. Back to front lot grading is not permitted on narrow width lots. External surface drainage from adjacent lots should not be directed through lots with narrow widths. Catchbasins in rear yard swales shall be designated as "private" and shall drain not more than:
 - a) A maximum of a swale measured along rear property lines;
 - b) A maximum of four lots on either side of any side of the catchbasin, collection from both sides of the rear lot line is acceptable; and,
 - c) A maximum residential area of 3600 m².

As per City of Hamilton's stormwater management design guidelines, the maximum ponding depth on rear yard catchbasins should not exceed 0.30 m. Also, a minimum 2.0 m. space between foundation walls should be provided to allow for an overland flow route and a rear yard catch basin lead, with the lead being installed on the lot with the 1.2 m. setback.

Parking

- i. Due to the narrow width of some of the lots within the proposed development, it is recognized that on-street parking may be a concern. The owner has provided the City with an on-street parking plan based on the premise of achieving on-street parking for 40 percent of the total number of single family units. The City is satisfied with the plan dated July 13, 2013.

Cost Sharing

- i. Cost sharing for oversizing of watermains on Pumpkin Pass and storm sewers on Kinsman Drive will be in accordance with the City's Financial Policies.
- ii. The Stormwater Management facility is not identified within the development charges study. Therefore, the City cannot cost share at this time, as the pond was not included in the approved Capital Budget.

If it is determined, at a future date, that the pond can be included as a development charge pond and funds are available, in accordance with the approved budget, then cost sharing by the City shall be based on 'as constructed' costs, including lands, as approved by the City, following completion of the pond. Payment from the City will not exceed a predetermined upset limit, the amount which will be specified at a later date.

Binbrook Sanitary and Stormwater Systems Performance

Staff have been made aware of recent complaints in the Binbrook Village Area as it pertains to flooding of properties during the most recent major storm event on July 22, 2012.

It is noted that the stormwater management for the subject development has already been accounted for within the existing pond of the Summerlea West Phase 4 development.

In light of the flooding concerns raised, this development will incorporate additional flood control facilities, including, but not limited to, an onsite dry pond flood control facility, identified as Block 181. This onsite dry pond will provide additional flood controls beyond the existing controls of Summerlea West Phase 4, in order to minimize any potential overland flooding and sewer surcharging of the downstream system.

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Furthermore, it is noted that staff are currently undertaking work on the Binbrook Sanitary and Stormwater Systems Performance, under reports "PED12182(a)/PW13016". Accordingly, any development, including the subject proposal, shall be subject to the recommendations and requirements as established through the above noted report.

Staff have therefore included Condition No. 38 of Appendix "F", to address the above concerns. Based on the foregoing, staff are satisfied that adequate services are and will be available to support the proposed development, and have no further comments and/or concerns as it pertains to sanitary and stormwater management services.

ALTERNATIVES FOR CONSIDERATION

If the applications are denied, the applicant would be able to develop the lands for agricultural operations, commercial greenhouse operations, farm help houses, seasonal farm produce stands, the outside storage of larger vehicles, fish, wildlife and/or forest management, save and except for new intensive livestock operations and/or kennels, or the lands can be developed for a single detached dwelling with associated uses, including home occupations/professions, home industries, and a Bed and Breakfast Establishment, as regulated by the Restricted Agricultural "A2" Zone.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

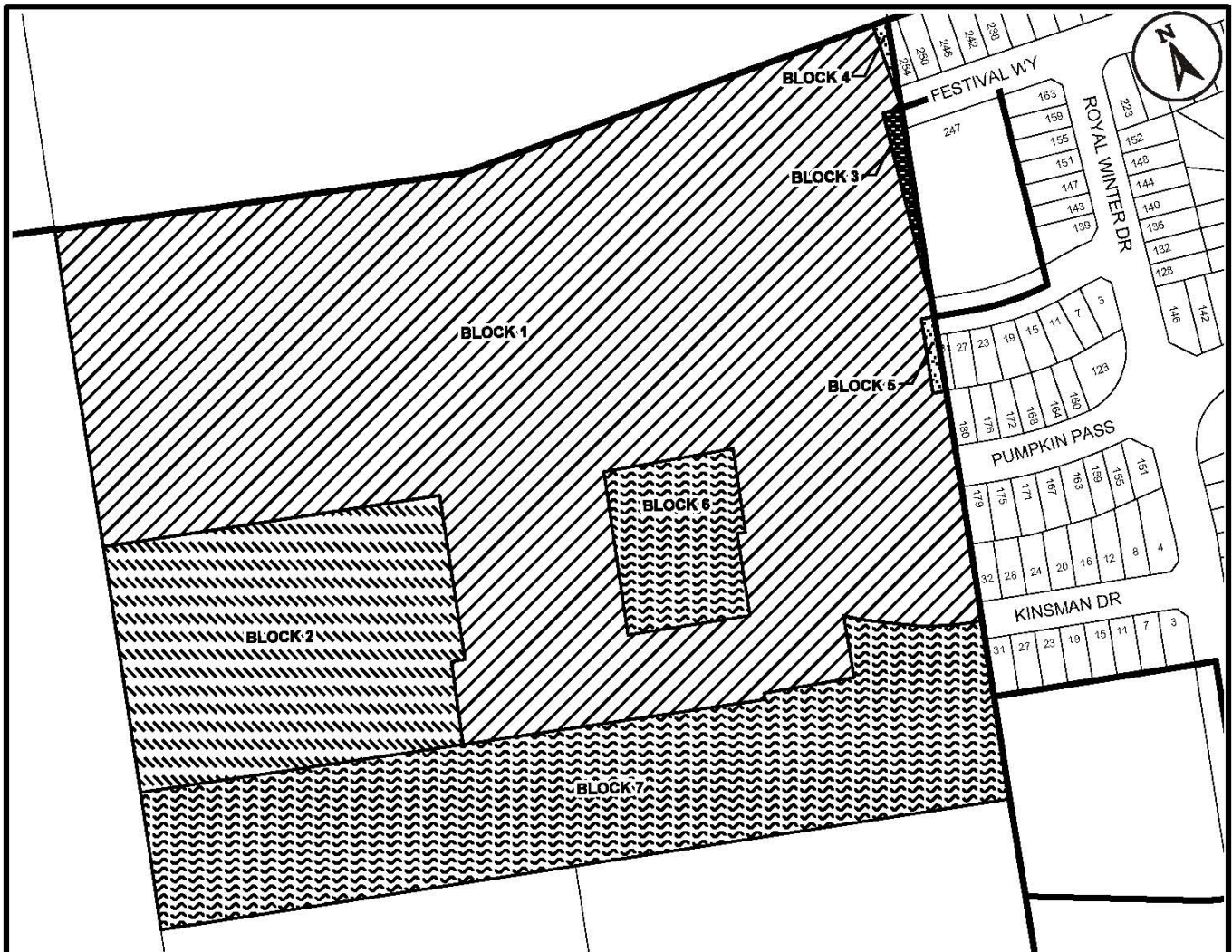
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APPENDICES / SCHEDULES

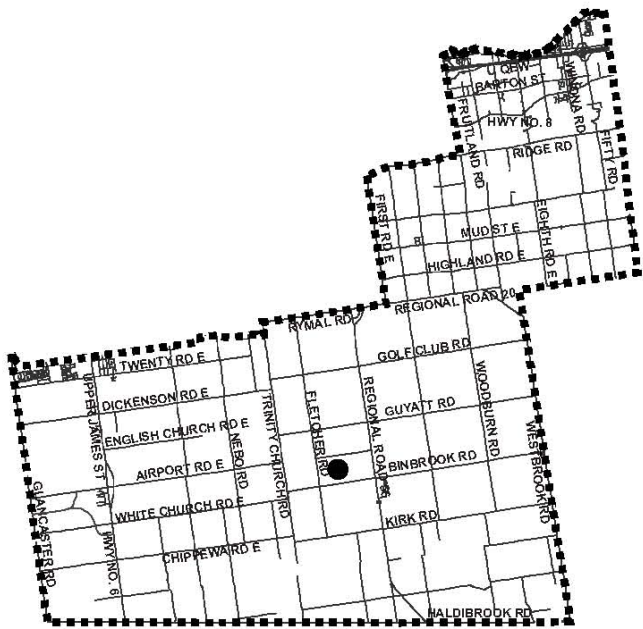
- Appendix "A": Location Map
- Appendix "B": Urban Hamilton Official Plan Amendment
- Appendix "C": Zoning By-law No. 464 Amendment
- Appendix "D": Zoning By-law No. 05-200 Amendment
- Appendix "E": Draft Plan of Subdivision
- Appendix "F": Special Conditions for Draft Plan of Subdivision

:AC

Attachs. (6)



● Site of the Application



Ward 11 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-06-074

Date:
October 30, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AC / AL

Subject Property



Block 1 - Change in zoning from Restricted Agricultural "A2" Zone to Residential "R4-279" Zone, Modified



Block 2 - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-274" Zone, Modified



Block 3 - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM3-223" Zone, Modified



Block 4 & 5 - Change in zoning from Restricted Agricultural "A2" Zone to Residential "R4-222" Zone, Modified



Block 6 & 7 - Lands to be added to Zoning By-law No. 05-200 and zoned Conservation/Hazard Lands (P5) Zone

Schedule "1"

**Urban Hamilton Official Plan
Amendment No. [REDACTED]**

The following text, together with:

1. Appendix "A" (Volume 2: Map B.5.1-1 - Binbrook Village Secondary Plan - Land Use Plan); and,
2. Appendix "B" (Volume 2: Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages), attached hereto, constitute Official Plan Amendment [REDACTED] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is for a redistribution of the densities within Binbrook Village, the inclusion of a utility designation for stormwater management purposes, removal of the parkettes and local commercial designations on Map B.5.1-1, and removal of the Open Space Linkages from Map B.5.1-2, in order to permit the development of a Draft Plan of Subdivision.

2.0 Location:

The lands affected by this Amendment are referred to as "Fairgrounds West" and are known municipally as 3450 Binbrook Road, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed amendment is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, Places to Grow, as it represents an opportunity for growth in the Settlement Area, in a compact form providing for a range of density and housing forms, where full municipal services, public infrastructure and services are available.
- The proposed amendment will permit a development which is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of

Schedule “1”

a complete community, enhancing and continuing the streetscape within the neighbourhood while making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.

4.0 Actual Changes:

4.1 Text Changes:

Urban Hamilton Official Plan Volume 2 – Chapter B.5.1 – Binbrook Village Secondary Plan

4.1.1 Volume 2 – Chapter B.5.1 – Binbrook Village Secondary is amended by adding a new site specific policy, as follows:

Site Specific Policy – Area X

“5.1.13.6 Notwithstanding Policy B.5.1.4.5 c) ii), for the lands designated Low Density Residential 2h, located at 3450 Binbrook Road, known as “Fairgrounds West”, a maximum density of 51 units per net hectare shall be permitted.”

4.2 Mapping Changes:

Urban Hamilton Official Plan Volume 2 – Chapter B.5.1 – Binbrook Village Secondary Plan

4.2.1 Urban Hamilton Official Plan Volume 2: Map B.5.1-1 - Binbrook Village Secondary Plan - Land Use Plan, be amended by deleting and replacing the proposed land use designations and road network with those shown in “Inset 1”, as shown on Appendix “A” attached to this amendment.

4.2.2 Urban Hamilton Official Plan Volume 2: Map B.5.1-2 - Binbrook Village Secondary Plan - Open Space Linkages, be amended by:

- deleting the Open Space Linkages; and,
- deleting and replacing the proposed road network, with those shown in “Inset 1”, and adding lands to the Woodlot designation,

as shown on Appendix “B” attached to this amendment.

Schedule "1"

5.0 Implementation:

An implementing Zoning By-Law Amendment and Draft Plan of Subdivision will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. [REDACTED] passed on the day of [REDACTED], 2014.

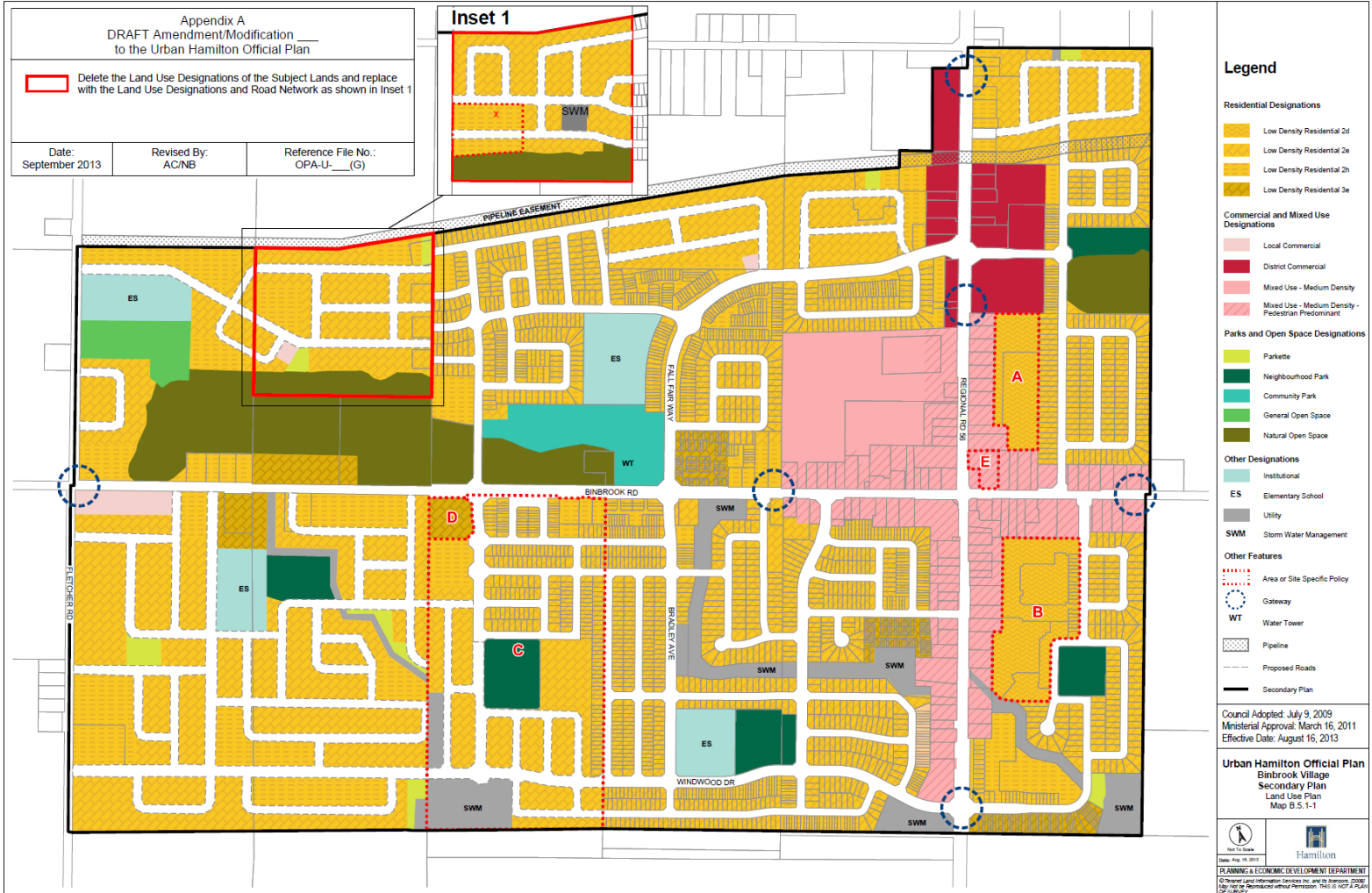
**The
City of Hamilton**

R. Bratina
MAYOR

Rose Caterini
CITY CLERK

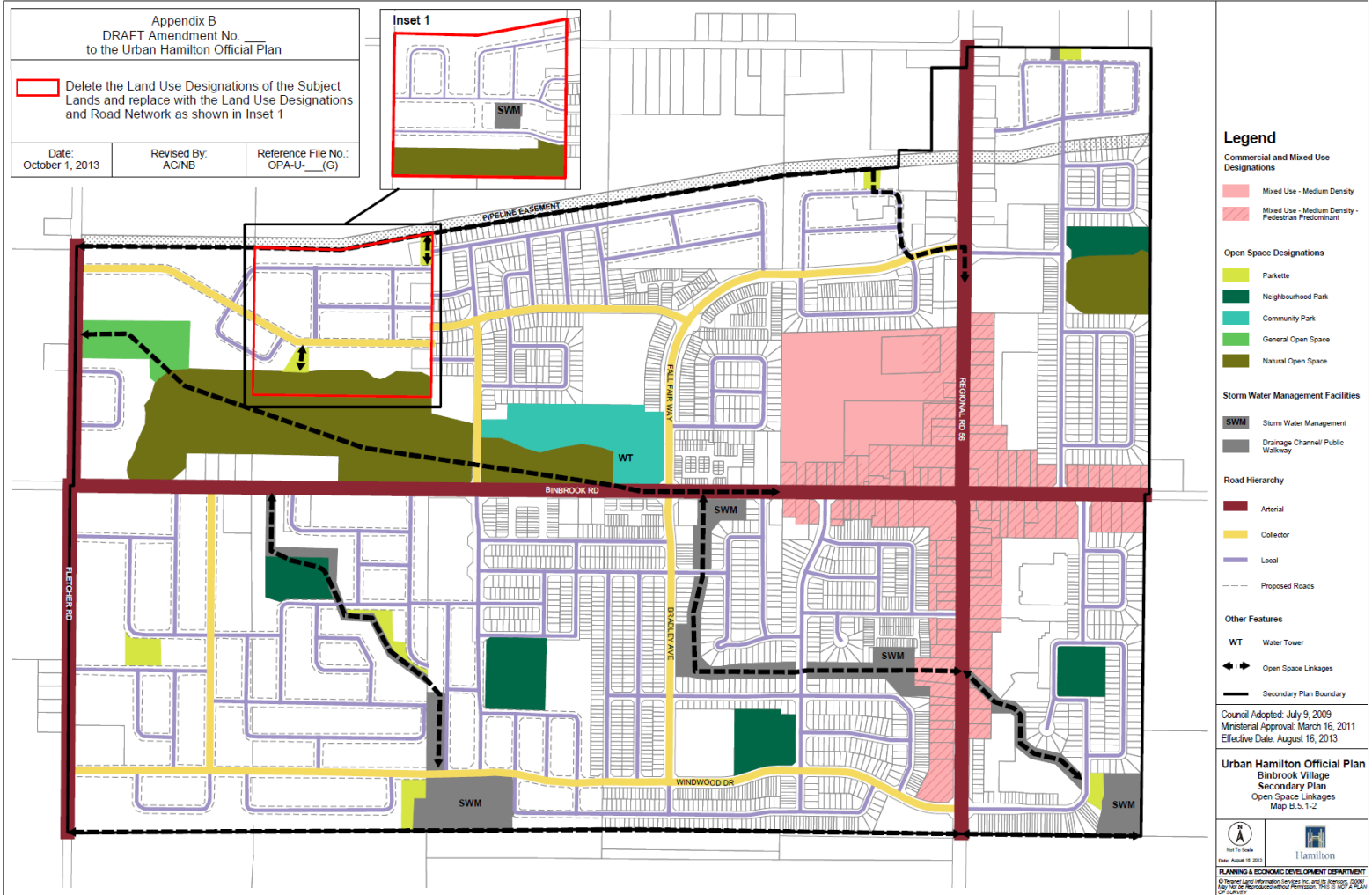
Schedule "1"

Appendix "A"



Schedule "1"

Appendix "B"



Authority: Item [REDACTED]
Economic Development and
Planning Committee
Report 14- [REDACTED] (PED14003)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 3450 Binbrook Road, Fairgrounds West**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City Of Hamilton";

AND WHEREAS the City Of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City Of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 14-[REDACTED] of the Economic Development and Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2014, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011, upon approval of Amendment No. [REDACTED];

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing from the Restricted Agricultural "A2" Zone to the:
 - (i) Residential "R4-279" Zone, Modified, the lands identified as "Block 1";
 - (ii) Residential Multiple "RM2-274" Zone, Modified, the lands identified as "Block 2";
 - (iii) Residential Multiple "RM3-223" Zone, Modified, the lands identified as "Block 3"; and,
 - (iv) Residential "R4-222" Zone, Modified, the lands identified as "Blocks 4 and 5".

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 44, "Exceptions To The Provisions Of This By-law", of Zoning By-law No. 464 (Glanbrook), be amended by adding Special Exception, "R4-279", as follows:
 - (i) **"R4-279" - 3250 Binbrook Road, Schedule "H"**

Notwithstanding the provisions of Section 16.1, "PERMITTED USES"; of Section 16, Residential "R4" Zone, of Zoning By-law No. 464, the following additional use shall apply on those lands zoned "R4-279" by this By-law:

- (c) A storm water management pond/facility.

Notwithstanding the provisions of Paragraph (e), of Section 16.2, "REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLING)", of Section 16, Residential "R4" Zone, of Zoning By-law No. 464, the regulations of the Residential "R4-273" Zone, as established under By-law No. 12-047, shall apply on those lands zoned "R4-279" by this By-law, save and except for Regulation (e), the following shall apply:

- (e) Minimum Side Yard: A minimum 1.2 m. on the garage side and 0.6 m. on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 m., with said maintenance easement

permitting encroachment for maintenance purposes only for no more than 0.6 m. into the side yard of the lot adjacent the yard with a side yard setback less than 1.2 m., except:

On a corner lot, the minimum side yard abutting the flankage street shall be 2.4 m., except that an attached garage which fronts on the flankage street shall not be located within 6.0 m. of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0 m. setback for any building from the hypotenuse of the daylight triangle is required; and,

On a lot where an emergency spillway / overland flow route shall be located or where back-to-front drainage is proposed, a minimum 2.0 m. side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

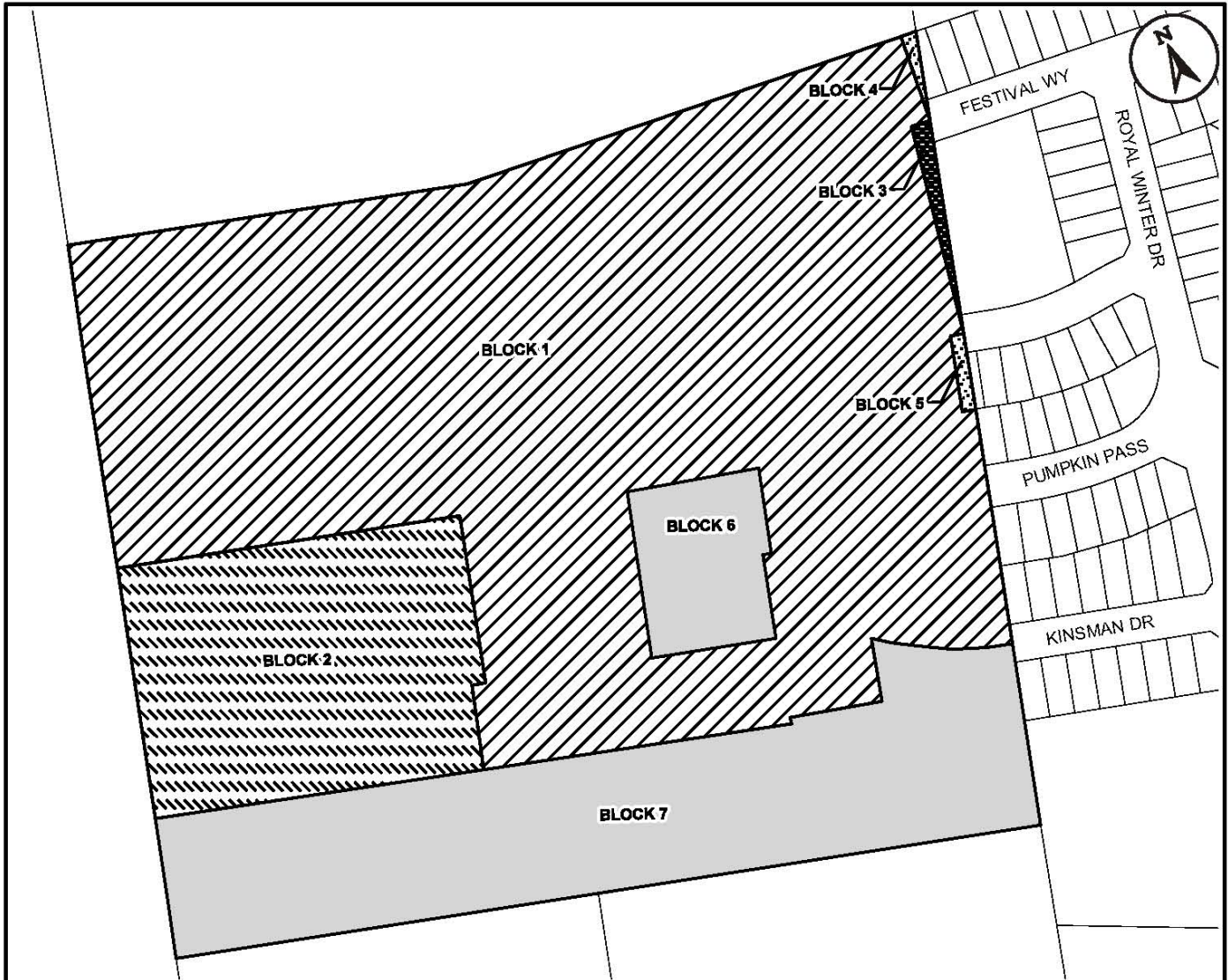
All other regulations of the Residential "R4" Zone shall apply.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential "R4" Zone provisions, subject to the special requirements referred to in Section 2.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2014.

R. Bratina
Mayor

Rose Caterini
Clerk



This is Schedule "A" to By-Law No. 14-

Passed the day of, 2014

Clerk

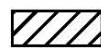
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 14-_____

to Amend By-law No. 464

Subject Property



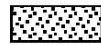
Block 1 - Change in zoning from Restricted Agricultural "A2" Zone to Residential "R4-279" Zone, Modified



Block 2 - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM2-274" Zone, Modified



Block 3 - Change in zoning from Restricted Agricultural "A2" Zone to Residential Multiple "RM3-223" Zone, Modified



Block 4 & 5 - Change in zoning from Restricted Agricultural "A2" Zone to Residential "R4-222" Zone, Modified



Block 6 & 7 - Lands subject to Zoning By-law No. 05-200

Scale:
N.T.S.

File Name/Number:
ZAC-06-074

Date:
Nov. 28, 2013

Planner/Technician:
AC/AL



Hamilton

Authority: Item [REDACTED], Economic Development
and Planning Committee
Report: 14- [REDACTED] (PED14003)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 3450 Binbrook Road (Glanbrook)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 14-[REDACTED] of the Economic Development and Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2014, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011, upon approval of Amendment No. [REDACTED];

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "A" of By-law No. 05-200 is amended by adding lands to Map No. 1885 and Map No. 1910, and to zone the lands Conservation/Hazard Lands (P5) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A"

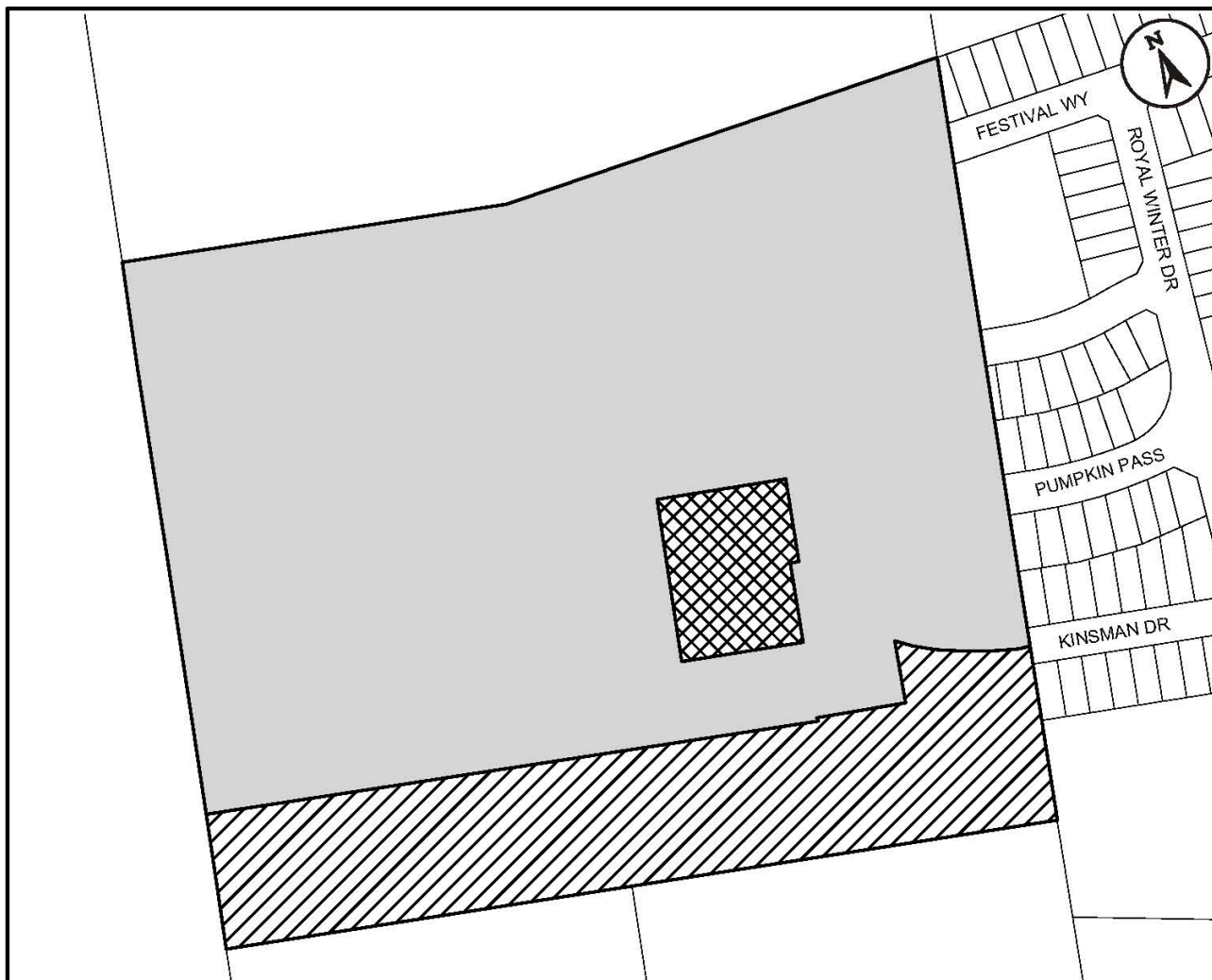
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
3. That this By-law No. [REDACTED] shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as provided by the said Subsection.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2014.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-06-074



This is Schedule "A" to By-Law No. 14-

Passed the day of, 2014

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 14-_____

to Amend By-law No. 05-200
Map 1885 & 1910

Subject Property

Losani Homes - Fairground West



Block 1 - Lands to be added to Zoning By-law No. 05-200 and zoned as Conservation/Hazard Lands (P5) Zone



Block 2 - Lands to be added to Zoning By-law No. 05-200 and zoned as Conservation/Hazard Lands (P5) Zone



Block 3 - Lands Subject to Zoning By-law No. 464

Scale:
N.T.S.

File Name/Number:
ZAC-06-074

Date:
Nov. 28, 2013

Planner/Technician:
AC/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Special Conditions for Draft Plan of Subdivision Approval
for "Fairgrounds West"

1. That, **prior to the registration of the Subdivision Agreement**, the owner shall include the following warning clauses, which shall be identified in the Subdivision Agreement, and in all offers of purchase and sale agreements and/or lease agreements:
 - (a) This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law No. 09-067.
2. That, **prior to registration of the final plan of subdivision**, the Owner pay to the City any outstanding commutation charges assessed against the lands in the draft plan, which amount represents the Owner's share of the Binbrook Village Stormwater Management Pond in accordance with a sewer rate established by the City for the Binbrook Village Urban Drainage Area under By-law No. 607-00, to the satisfaction of the Senior Director, Growth Management Division.
3. That, **prior to registration of the final plan of subdivision**, 7.0 m. by 7.0 m. daylight triangles be established on the final plan of subdivision at the corner of Lots 27, 28, 58, 59, 76, 77, 110, 122, 133, 136, 137, and 141, to the satisfaction of the Senior Director, Growth Management Division.
4. That, **prior to registration of the final plan of subdivision**, 4.5 m. by 4.5 m. daylight triangles be established on the final plan of subdivision at the corner of Lots 81, 106, 147, and 157, to the satisfaction of the Senior Director, Growth Management Division.
5. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for construction of a 1.5 m. high black vinyl coated heavy duty chain-link fence along the rear yard of Block 177, Lots 1 to 19 inclusive, and Lots 38 to 48 inclusive, abutting the easement of the Interprovincial Pipeline Company, to the satisfaction of the Senior Director, Growth Management Division.
6. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for construction of a 1.5 m. high black vinyl coated heavy duty chain-link fence along the rear of Lots 106 to 110 inclusive, and along the flankage of Lots 105 and 111, abutting the stormwater management pond, to the satisfaction of the Senior Director, Growth Management Division.

7. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for the storm manhole at the intersection of Kinsman Drive and Royal Winter Drive in the Fairgrounds East subdivision to be re-benched, and the temporary connection to be removed, to the satisfaction of the Senior Director, Growth Management Division.
8. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for the installation and removal of a temporary turnaround, minimum asphalt radius $R=13.0$, minimum outside radius $R=18.0m$, on Kinsman Drive at the westerly limits of the subdivision, to the satisfaction of the Senior Director, Growth Management Division.
9. That, **prior to servicing**, the Owner indicates all driveway locations on the engineering drawings for all lots and further that the driveways be established outside of the daylight triangles, to the satisfaction of the Senior Director, Growth Management Division.
10. That, **prior to servicing**, the Owner prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns and provide municipal water and sewer services, as required at the developer's expense, to any property that may be negatively impacted, to the satisfaction of the Senior Director, Growth Management Division.
11. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for construction of municipal sidewalks as per current City of Hamilton policy in force at the time of the engineering plan submission, to the satisfaction of the Senior Director, Growth Management Division.
12. That, **prior to servicing**, the Owner prepares and submits a driveway location/on street parking plan showing:
 - i) the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
 - ii) the driveways ramps and curb openings for all lots;
 - iii) the pairing of driveways;
 - iv) where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
 - v) the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities,to the satisfaction of the Senior Director, Growth Management Division.

13. That, **prior to servicing**, the Owner provides a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary, to the satisfaction of the Senior Director, Growth Management Division.
14. That, **prior to servicing**, the Owner completes a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development. The report shall also focus on the following issues:
 - a. Tabularize the expected occupancy;
 - b. Generate residential and institutional water demand and fire flow calculation for this development;
 - c. Demonstrate how the proposal fits with Growth Related Integrated Development Strategy (GRIDS) numbers;
 - d. Confirm the water servicing layout based on field information and hydraulic models; a looped network is strongly recommended for stormwater quality and conveyance purposes; and,
 - e. Provide the new hydrant locations on the Water Distribution Plan,to the satisfaction of the Senior Director, Growth Management Division.
15. That, **prior to servicing**, the Owner shall submit a hydrogeological study, prepared by a qualified professional, that: assesses impacts to existing and future homes, identifies any significant recharge and discharge zone, and provides recommendations to mitigate the groundwater impacts such as continuously running sump pumps both during construction and post construction, and to undertake any remedial works as recommended including monitoring, to the satisfaction of the Senior Director, Growth Management Division.
16. That, **prior to preliminary grading**, the Owner shall prepare a plan showing the design and location of siltation and erosion control measures including a ESC pond in accordance with the "Erosion and Sediment Control Guidelines for Urban Construction December 2006" manual, to the satisfaction of the Senior Director, Growth Management.
17. That, **prior to registration of the final plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey an adequate Stormwater Management Facility block (Block 181, and potential additional lands being Lots 104, 105, 111 and 112), subject to an approved stormwater management design, of the draft plan to the City, to the satisfaction of the Senior Director, Growth Management Division.

18. That, **prior to preliminary grading**, the Owner agrees to the satisfaction of the Senior Director, Growth Management Division:

- i) To demonstrate how quantity control criteria will be handled in accordance with the City of Hamilton drainage policies, City of Hamilton Criteria Guidelines for Stormwater Infrastructure Design and Ministry of Environment Storm Water Management Design Guidelines. The Stormwater Management Facility shall be designed and constructed within the Fairgrounds West development to control post development flow rate up to and including a 100 year design storm for the subject property and the abutting Caterini Development to the capacity of the outletting storm sewer system on Kinsman Drive;
- ii) To verify that the proposed quantity Stormwater Management Facility block 181 shall be sufficient size and shape to adequately accommodate the ultimate Stormwater Management Facility. The Stormwater Management Facility design shall not create any standing water within upstream storm sewers during minor and major system events;
- iii) To include within the engineering design drawings and cost estimate schedules, a landscape design of the Stormwater Management Facility as per City of Hamilton Landscape Design Guidelines for stormwater management facilities (May 2009). The pond design geometry shall be as per City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design 2007; and,
- iv) To submit a drainage area plan and a functional grading plan, indicating how adjacent properties, namely Caterini Development, will be accommodated.

Furthermore, that **prior to assumption**, the Owner agrees to the satisfaction of the Senior Director, Growth Management:

- (i) To submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Senior Director, Growth Management, and inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility;
- (ii) To construct, operate, and maintain at the Owner's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the Ministry of Environment's approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Director of Development Engineering; and,

- (iii) To remove sediment from the stormwater management facility attributed to development, carry out a survey and verify volumetric capacity of the stormwater management facility, prior to release of the Owner's operation and maintenance responsibilities for the stormwater management facility.
- 19. That, **prior to servicing**, the Owner prepares a geotechnical report and implements the report's recommendations, to the satisfaction of the Senior Director, Growth Management.
- 20. That, **prior to registration of the final plan of subdivision**, there is sufficient sanitary capacity available including, but not limited to, upgrades to the Binbrook Sanitary Sewer Pumping Station and the existing sanitary forcemain to service the increased flows from the proposed development, to the satisfaction of the Senior Director, Growth Management.
- 21. That, **prior to servicing**, there is sufficient sanitary capacity at the Sewage Treatment Plant to facilitate the development, to the satisfaction of the Senior Director, Growth Management.
- 22. That, **prior to servicing**, the Owner shall submit a detailed sump pump design to include a secondary relief/overflow on surface and back-up power unit. The pump design shall consider the weeping tile inflow based on the groundwater and severe wet weather conditions, to the satisfaction of the Senior Director, Growth Management.
- 23. That, **prior to servicing**, the Owner shall include in the engineering design all road geometric to City of Hamilton standards. The minimum urban residential horizontal centreline road radius excluding 90 degree curves shall be; 90 m. for local roads, 95 m. for minor collectors and 160 m. for major collectors, to the satisfaction of the Senior Director, Growth Management.
- 24. That, **prior to preliminary grading**, the Owner agrees that Lots 104, 105, 111 and 112, which are abutting the stormwater management block, are undevelopable until the size and shape of the abutting stormwater management block is confirmed to be sufficient to accommodate the final design of the quality stormwater management facility, to the satisfaction of the Senior Director, Growth Management.
- 25. That, **prior to registration of the final plan of subdivision**, the Owner agrees to secure his proportional share for the ongoing operation and maintenance of the stormwater management pond located downstream in the Summerlea West Phase 4 development (draft plan 25T200605) throughout all phases of the development or until such time as the stormwater management pond is assumed by the City of Hamilton, all to the satisfaction of the Senior Director, Growth Management.
- 26. That, **prior to registration of the final plan of subdivision**, the Owner shall submit payment in the amount of \$32,846.00 for the Binbrook Stormwater Management Pond, By-Law #607-00, payable to Corporate Services, Budgets & Finance, City Hall.

27. That, **prior to registration of the final plan of subdivision**, the owner shall submit a landscape plan, which shall include an east-west trail connection, prepared and signed by a certified Landscape Architect, in accordance with the recommendations of the approved Environmental Impact Statement, to the satisfaction of the Senior Director, Growth Management
28. That, **prior to the registration of the Subdivision Agreement**, the owner shall include the following warning clauses in the Subdivision Agreement and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy:
 - 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.
29. That the owner/developer shall work with Canada Post and the Senior Director of Growth Management 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.
30. That the owner/developer shall determine the location of all centralized mail receiving facilities in cooperation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
31. That the owner covenants and agrees to provide the Senior Director of Growth Management with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation and activation of Community Mail Boxes in locations satisfactory to the City of Hamilton.
32. That, **prior to construction**, the owner/developer shall erect a permanent fence along the south edge of the Enbridge right-of-way to prevent future encroachments and ensure heavy equipment does not cross the pipeline during construction. Enbridge Inspector must be present during fence installation.
33. That the owner/developer shall obtain leave from the Enbridge Board, prior to any construction of a facility across, on, along, or under a pipeline; or, to excavate using power-operated equipment or explosives within 30 m. of a pipeline.
34. That the owner/developer shall obtain written approval from Enbridge prior to any grading or placing fill on Enbridge's right-of-way.

35. That the owner/developer shall ensure the presence of an Enbridge Inspector for any works within Enbridge's right-of-way.
36. That the owner/developer shall obtain written approval prior to any heavy machinery being permitted to cross Enbridge's right-of-way.
37. That the owner/developer shall obtain written approval prior to any landscaping within Enbridge's right-of-way.
38. That, **prior to registration of the final plan of subdivision**, the owner/developer shall implement any and all recommendations of the "Binbrook Sanitary and Storm Water Systems Performance" report, to the satisfaction of the Senior Director, Growth Management.