

Ontario Land Tribunal

Tribunal ontarien de l'aménagement
du territoire

24-101-OLT Attachment 1

24-102-OLT Attachment 2

24-103-OLT Attachment 3

ISSUE DATE: June 13, 2024

CASE NO(S):

OLT-21-001169



PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Applicant and Appellant:	Valery (Chedoke Browlands) Developments Inc.
Subject:	Request to amend the Official Plan - Failure of City of Hamilton to adopt the requested amendment
Existing Designation:	Neighbourhoods and Open Space
Proposed Designated:	Neighbourhoods and Open Space
Purpose:	To permit the development of 630 residential units while retaining the Long & Bisby Building
Property Address/Description:	801, 820, 828, 855, 865, and 870 Scenic Drive
Municipality:	City of Hamilton
Municipality File No.:	UHOPA-20-026
OLT Case No.:	OLT-21-001169
OLT File No.:	OLT-21-001169
OLT Case Name:	Valery (Chedoke Browlands) Developments Inc. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Applicant and Appellant:	Valery (Chedoke Browlands) Developments Inc.
Subject:	Application to amend Zoning By-law No. 6593 - Refusal or neglect of City of Hamilton to make a decision
Existing Zoning:	Low Density Multiple Dwellings
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the development of 630 residential units while retaining the Long & Bisby Building
Property Address/Description:	801, 820, 828, 855, 865, and 870 Scenic Drive
Municipality:	City of Hamilton
Municipality File No.:	ZAC-20-041
OLT Case No.:	OLT-21-001169
OLT File No.:	OLT-21-001170

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Applicant and Appellant:	Valery (Chedoke Browlands) Developments Inc.
Subject:	Proposed Plan of Subdivision – Failure of City of Hamilton to make a decision
Purpose:	To permit the development of 630 residential units while retaining the Long & Bisby Building
Property Address/Description:	801, 820, 828, 855, 865 and 870 Scenic Drive
Municipality:	City of Hamilton
Municipality File No.:	25T-202008
OLT Case No.:	OLT-21-001169
OLT File No.:	OLT-21-001171

Heard: May 27, 2024, by Video Hearing

APPEARANCES:

Parties

Counsel

Valery (Chedoke Browlands) Developments Inc.	R. Cheeseman S. Fleming
City of Hamilton	P. Krysiak
Niagara Escarpment Commission	K. Hare A. Landre

MEMORANDUM OF ORAL DECISION DELIVERED BY P. TOMILIN ON MAY 27, 2024 AND ORDER OF THE TRIBUNAL

[1] This was a Hearing in the matter of the appeal by Valery (Chedoke Browlands) Developments Inc. (“Appellant”) arising from a non-decision concerning an Official Plan Amendment (“OPA”), Zoning By-law Amendment, and Draft Plan of Subdivision applications to permit the development of 630 residential units and the adaptive reuse of the Long and Bisby building for commercial uses at 801, 820, 828, 855, 865, 870 Scenic Drive, and 828 Sanatorium Road (“subject property” / “site”), in the City of Hamilton (“City”).

[2] Prior to the Hearing, the Parties advised the Tribunal that they had resolved their issues.

[3] Matt Johnston, a Registered Professional Planner, provided a Sworn Affidavit (Exhibit 1) and was qualified by the Tribunal to provide land use planning opinion evidence in relation to the matter under appeal. Mr. Johnston delivered a detailed contextual and land-use planning rationale in support of the settlement.

SITE LOCATION AND SURROUNDINGS

[4] The site is bound by Scenic Drive to the south and the Niagara Escarpment brow to the north and separated by a 30 metre (“m”) development buffer measured from the 2009 staked limit of the brow edge. Below the escarpment is the Chedoke Civic Golf Club. To the east and west of the subject property, there are single detached dwellings fronting onto Scenic Drive.

[5] The subject property is approximately 9.425 hectares (“ha”) in area and is predominantly vacant, other than the existing Long & Bisby Building located at 828 Sanatorium Road, which is proposed to be retained and restored in accordance with the terms and conditions established through the approval of Heritage Permit HP2023-045 on October 4, 2023.

[6] The site is comprised of two development blocks – the East Block and the West Block. These Blocks are separated by an existing creek channel, which is proposed to be restored and realigned as a part of the future development.

[7] Adjacent to the East Block, there is a 3.02 ha Woodlot. The Woodlot will be separated from the proposed development area by a 10 m wide Vegetation Protection Zone (VPZ), as well as an additional 10 m wide Tree Replanting Vegetation Protection Zone located at the south-easterly limit of the Block.

THE PROPOSED DEVELOPMENT

[8] The development proposal is comprised of two five-storey buildings containing 231 dwelling units, 35 townhouse dwelling units within the West Block, and four multi-storey (eight-storeys, six-storeys, five-storeys, and five-storeys) dwellings containing a combined total of 370 units within the East Block. A total of 1,087 parking spaces will be offered across both Blocks, with the majority being located underground. The existing Long & Bisby Building, located at 828 Sanatorium Road, will be retained and restored.

PLANNING RATIONALE

[9] The planning policy documents related to the proposed development are s. 2 of the *Planning Act* (“Act”), the Provincial Policy Statement, 2020 (“PPS”), the Growth Plan for the Greater Golden Horseshoe (“GP”), the Niagara Escarpment Plan (“NEP”), the Urban Hamilton Official Plan (“UHOP”), and the Chedmac Secondary Plan.

[10] It is Mr. Johnston’s opinion that the proposed development is consistent with sections 1.1.1, 1.1.3.1 to 1.1.3.4, 1.2.1, 1.4.1, 1.4.3, 1.5 to 1.8, 2.1, 2.2.2, and 2.6 of the PPS, by developing healthy, livable and safe communities, by maximizing the available supply of land for residential use and optimizing the parcel from a servicing and transportation impact perspective; promoting biodiversity through the dedication of a 3.02 ha Woodlot/Environmentally Significant Area Block (Block 6) and a 1.17 ha Open Space Block (Block 4) to the City.

[11] Mr. Johnston proffered that the development proposal conforms to or does not conflict with the applicable sections of the GP, specifically, with s. 2.2.1, 2.2.6, 3.1 and 4.1, by preparing for the projected population growth; introduction of a range of dwelling types and sizes within an established area, and by contributing to the achievement of a complete community within the area.

[12] Mr. Johnston explained that the subject property is designated 'Urban Area' and 'Escarpment Natural Area' by the NEP. He noted that the strict regulation of the height, massing, and location of all proposed buildings and structures on site were developed in consultation with Niagara Escarpment Commission staff and will ensure the preservation of scenic resources and culturally significant views.

[13] Mr. Johnston provided that the subject property is designated 'Neighbourhoods' and 'Open Space' on Schedule E-1 of the UHOP. In his professional planning opinion, the development proposal aids the City in achieving its goal of accommodating 30% of all residential intensification within the Neighbourhoods designation. It also represents an appropriate form of intensification within an existing built-up area, respecting existing natural features and cultural heritage landscapes.

[14] Mr. Johnston stated that the site is currently designated 'Medium Density Residential 3' and 'Natural Open Space' and is located within Special Policy Area – B of the Chedmac Secondary Plan. He noted that the proposed OPA proposes to maintain these designations while modifying their boundaries. It is his opinion, that the development proposal meets the intent and objectives of the Chedmac Secondary Plan.

BILL 150

[15] Mr. Johnston notes that Bill 150 (and the corresponding removal of Provincial modifications made to OPA 167) has no implications on the proposed development.

ANALYSIS AND FINDINGS

[16] The Tribunal accepts the uncontroverted professional opinion of Mr. Johnston and finds that the proposed OPA, Zoning By-law Amendment and Draft Plan of Subdivision represent good planning, are consistent with and/or conforms to the higher-level policy documents, including the PPS, the GP, the NEP, the UHOP, the Chedmac Secondary Plan, and s. 51(24), and 51(25) of the *Act*.

ORDER

[17] **THE TRIBUNAL ORDERS THAT** the appeals are allowed, in part, and the Official Plan for the City of Hamilton is amended as set out in Attachment 1 to this Order and as modified is approved;

[18] **THE TRIBUNAL ORDERS THAT** the appeals are allowed, in part, and the Tribunal directs the City of Hamilton to amend By-law No. 6593 and By-law No. 05-200 as set out in Attachment 2 to this Order. The Tribunal authorizes the municipal clerk of the City of Hamilton to assign a number to this by-law for record-keeping purposes;

[19] **THE TRIBUNAL ORDERS THAT** the appeals are allowed, in part, and the draft plan shown on the plan prepared by Urban Solutions dated 2023-11-22 comprising "The Browlands", as set out in Attachment 3, is approved subject to the fulfillment of the conditions set out in Attachment 4 to this Order;

[20] **AND THE TRIBUNAL ORDERS THAT** pursuant to subsection 51(56.1) of the *Planning Act*, the City of Hamilton shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the *Act*. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

"P. Tomilin"

P. TOMILIN
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

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BY-LAW NO. 24-101-OLT

Schedule “1”

Urban Hamilton Official Plan Amendment No. 203

The following text, together with:

Appendix “A”	Volume 1: Schedule B – Natural Heritage System
Appendix “B”	Volume 1: Schedule B-2 – Detailed Natural Heritage Features Key Natural Heritage Feature Significant Woodlands
Appendix “C”	Volume 1: Schedule B-6 – Detailed Natural Heritage Features Local Natural Area Environmentally Significant Areas
Appendix “D”	Volume 1: Schedule B-8 – Detailed Natural Heritage Features Key Hydrologic Feature Streams
Appendix “E”	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix “F”	Volume 2: Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.3 – Chedmac Secondary Plan
Appendix “G”	Volume 2: Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan
Appendix “H”	Volume 2: Map B.6.3-2 – Chedmac Secondary Plan – Cultural Heritage Landscape

attached hereto, constitutes Official Plan Amendment No. 203 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to:

- amend the Urban Hamilton Official Plan to modify the limits of the Core Area, modify the boundaries of the Neighbourhoods and Open Space designations, and realign the Key Hydrologic Feature Stream traversing the site;
- amend the Chedmac Secondary Plan to modify the boundaries of the Medium Density Residential 3 and Natural Open Space designations and Area Specific Policy - Area B-1 to B-4, remove the Proposed Private Road and realign the Key Hydrologic Feature Stream; and,
- amend Area Specific Policy - Area B-1 to B-4 to increase the permitted number of units, residential gross floor area and building heights on the subject lands.

The effect of this Amendment is to enhance the extent of the natural heritage

features on the subject lands and to permit the development of five to eight storey multiple dwellings and three storey block townhouse dwellings with a maximum of 266 dwelling units in Area Specific Policy B-1, 370 dwelling units in Area Specific Policy B-2, and the adaptive reuse of the existing Long and Bisby Building for commercial uses or for a maximum of an additional 12 dwelling units.

2.0 Location:

The lands affected by this Amendment are known municipally as 870 Scenic Drive and 828 Sanatorium Road, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development maintains the general intent of the Urban Hamilton Official Plan and Chedmac Secondary Plan;
- The proposed development is compatible with existing and planned development in the immediate area, implements the Residential Intensification policies of the Urban Hamilton Official Plan, and contributes to the development of a range of housing forms; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule B – Natural Heritage System be amended as shown on Appendix “A”, attached to this Amendment;
- b. That Volume 1: Schedule B-2 – Detailed Natural Heritage Features Key Natural Heritage Feature Significant Woodlands be amended as shown on Appendix “B”, attached to this Amendment;

- c. That Volume 1: Schedule B-6 – Detailed Natural Heritage Features Local Natural Area Environmentally Significant Areas be amended as shown on Appendix “C”, attached to this Amendment;
- d. That Volume 1: Schedule B-8 – Detailed Natural Heritage Features Key Hydrologic Feature Streams be amended as shown on Appendix “D”, attached to this Amendment; and,
- e. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating lands as shown on Appendix “E”, attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.3 – Chedmac Secondary Plan

- a. That Policies B.6.3.7.2.2, B.6.3.7.2.4 and B.6.3.7.2.8 a) ii) of Volume 2: Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.3 – Chedmac Secondary Plan, Area Specific Policy – Area B – Chedoke Browlands, be amended as outlined in Appendix “F”, attached to this Amendment.

Maps

4.2.2 Map

- a. That Volume 2: Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan be amended as shown on Appendix “G”, attached to this Amendment; and,
- b. That Volume 2: Map B.6.3-2 – Chedmac Secondary Plan – Cultural Heritage Landscape be amended as shown on Appendix “H”, attached to this Amendment.

5.0 Implementation:

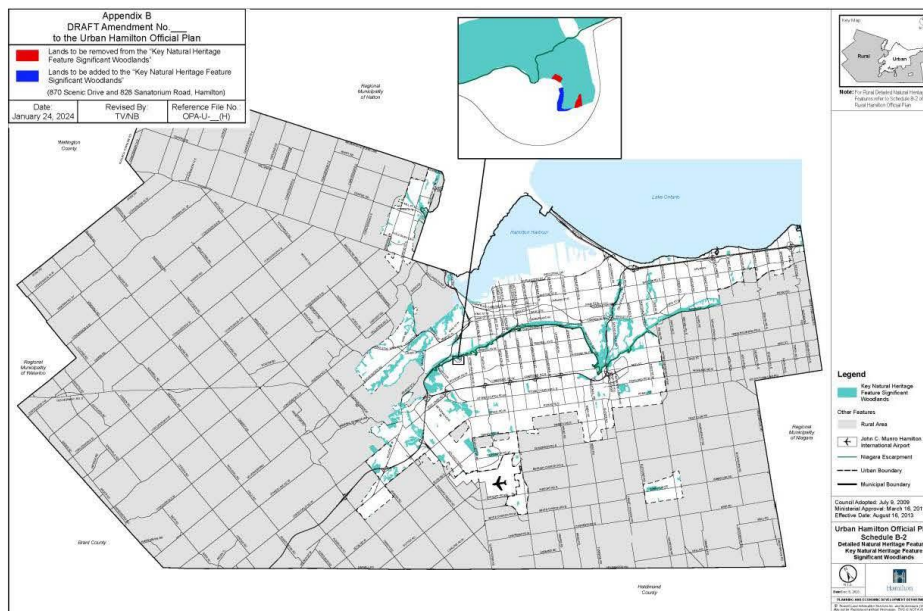
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

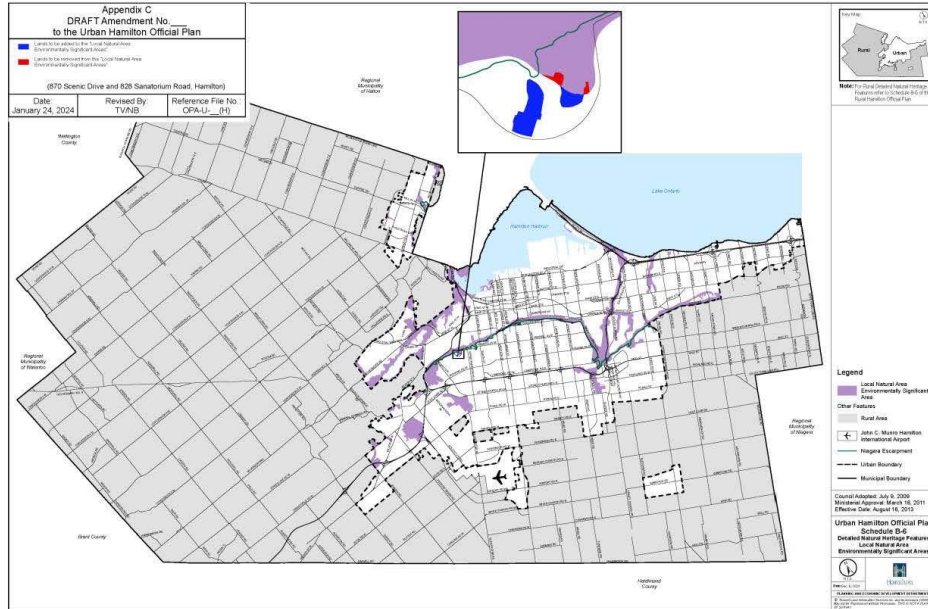
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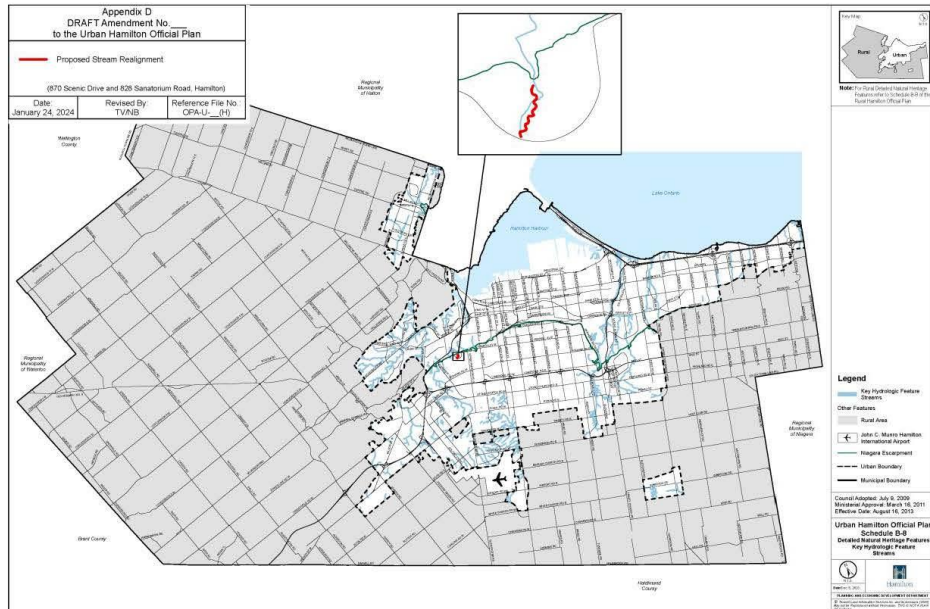
This Official Plan Amendment is Schedule “1” to By-law No. _____ pursuant to the Decision / Order of the Ontario Land Tribunal issued in Case No. XXX on the 13th day of June 2024.

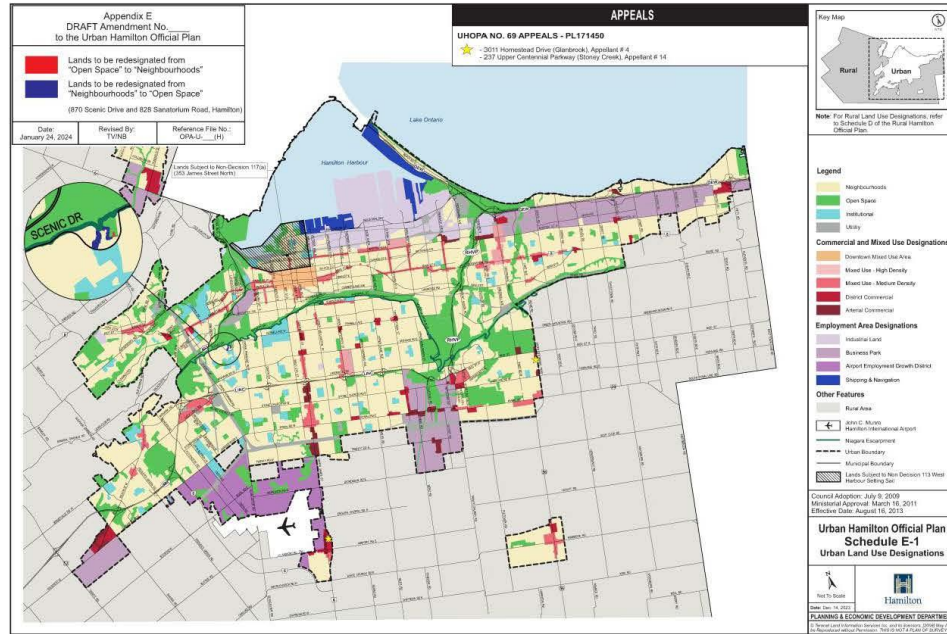
Urban Hamilton Official Plan Amendment No. 203	Page 3 of 3	
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Appendix "F" – Volume 2: Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.3 – Chedmac Secondary Plan

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>B.6.3.7.2.2 Residential Policies Areas B-1 and B-2</p> <p>a) The following policies shall apply to those lands designated Medium Density Residential 3 - Land Use Plan and identified as Areas B-1 and B-2 in Area Specific Policy B on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan:</p> <p>i) In addition to Sections E.3.5.2 – Medium Density designation of Volume 1 and B.6.3.2.4 Medium Density Residential 3 Designation, a retirement home and amenity uses may be permitted.</p> <p>ii) i) Notwithstanding Sections E.3.5.2 – Medium Density Residential designation of Volume 1 and B.6.3.2.3 Medium Density Residential 3 Designation, live/work units may be permitted in block townhouses only, except for lands fronting on Scenic Drive and shall be limited to only the following uses:</p> <p>1. Artists' or photographers' studios;</p> <p>2. Personal services;</p> <p>3. Custom workshop; and,</p> <p>4. Office.</p> <p>iii) Notwithstanding Sections E.3.5.4 – Medium Density Residential designation of Volume 1 and B.6.3.2.4 – Medium Density Residential 3 Designation, limited local commercial uses may be permitted within apartment buildings on the ground floor only and within the heritage buildings existing as of June 22, 2012 and in accordance with the Zoning By-law.</p> <p>iv) Notwithstanding Sections E.3.5.7 – Medium Density designation (scale) of Volume 1 and B.6.3.2.4 – Medium Density 3 Residential Designation, the maximum net residential density shall not exceed 80 units per hectare.</p> <p>v) Notwithstanding Policy B.6.3.7.2.2 a) iv), a maximum of 529 dwelling units shall be permitted. For the purposes of overall unit count and density:</p> <p>1. Up to 100 of the permitted dwelling units may be allocated as retirement dwelling units and two retirement dwelling units shall be</p>	<p>B.6.3.7.2.2 Residential Policies Areas B-1 and B-2</p> <p>a) The following policies shall apply to those lands designated Medium Density Residential 3 - Land Use Plan and identified as Areas B-1 and B-2 in Area Specific Policy B on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan:</p> <p>i) Notwithstanding Sections E.3.5.2 – Medium Density Residential designation of Volume 1 and B.6.3.2.3 Medium Density Residential 3 Designation, live/work units may be permitted in block townhouses only, except for lands fronting on Scenic Drive and shall be limited to only the following uses:</p> <p>1. Artists' or photographers' studios;</p> <p>2. Personal services;</p> <p>3. Custom workshop; and,</p> <p>4. Office.</p> <p>ii) The Long Bisby building, existing as of June 22, 2012, and shown on Map B.6.3-2 – Cultural Heritage Landscapes, shall be retained and conserved through sympathetic adaptive reuse, where structurally feasible.</p> <p>iii) Notwithstanding Policies B.6.3.7.2.2 a) v), b) i) and c) i), uses contained within any existing heritage building shall not contribute to the overall unit count gross floor area or density.</p> <p>iv) Direct vehicular access to individual buildings shall be prohibited from Scenic Drive. The site shall be developed on the premise of a private condominium road network.</p> <p>v) New buildings and structures shall be set back a minimum of 30 metres from the staked limit of the brow of the Niagara Escarpment. If enlarging any part of an existing building which is located closer than the 30 metres, no part of the new construction shall be within the 30 setback to the staked limit of the Niagara Escarpment or closer to the brow than the existing building.</p>

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>equivalent to one residential dwelling unit.</p> <p>2. Should the land owner choose to implement the equivalency option in Policy B.6.3.7.2.2 a) v) 1, a maximum of 429 residential dwelling units and 200 retirement dwelling units shall be permitted within the Area Specific Policy Areas B-1 and B-2.</p> <p>3. Notwithstanding the equivalency option in Policy B.6.3.7.2.2 a) v) 1, retirement dwelling units may also be permitted on a one to one basis exceeding the 200 equivalency units, provided the total number of dwelling units shall not exceed 629.</p> <p>vii) ii) The Long Bisby building, existing as of June 22, 2012, and shown on Map B.6.3-2 – Cultural Heritage Landscapes, shall be retained and conserved through sympathetic adaptive reuse, where structurally feasible.</p> <p>viii) iii) Notwithstanding Policies B.6.3.7.2.2 a) v), b) i) and c) i), uses contained within any existing heritage building shall not contribute to the overall unit count gross floor area or density.</p> <p>viii) iv) Direct vehicular access to individual buildings shall be prohibited from Scenic Drive. The site shall be developed on the premise of a private condominium road network.</p> <p>ix) v) New buildings and structures shall be set back a minimum of 30 metres from the staked limit of the brow of the Niagara Escarpment. If enlarging any part of an existing building which is located closer than the 30 metres, no part of the new construction shall be within the 30 setback to the staked limit of the Niagara Escarpment or closer to the brow than the existing building.</p>	
<p>Area B-1</p> <p>b) In addition to Section B.6.3.7.2.2 a), the following policies shall apply to the lands designated Medium Density Residential 3 and identified as Area sSpecific Policy - Area "B-1" on Map B.6.3-1 – Chedmac - Land Use Plan:</p> <p>i) Notwithstanding Policy E.3.5.7 of Volume 1 and B.6.3.2.4 b):</p> <p>1. a maximum of 195 266 units; shall be</p>	<p>Area B-1</p> <p>b) In addition to Section B.6.3.7.2.2 a), the following policies shall apply to the lands designated Medium Density Residential 3 and identified as Area Specific Policy - Area "B-1" on Map B.6.3-1 – Chedmac - Land Use Plan:</p> <p>i) Notwithstanding Policy E.3.5.7 of Volume 1, and B.6.3.2.4 b):</p> <p>1. a maximum of 266 units shall be permitted; and,</p>

Proposed Change	Proposed New / Revised Policy
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<p>permitted; and,</p> <p>2. the overall gross floor area for all residential units shall not exceed 20,000 32,500 square metres.</p> <p>ii) Notwithstanding Section E.3.5.8 of Volume 1 – Medium Density Residential (scale), the maximum height of buildings shall not exceed 1.45 1.5 storeys for buildings located in the interior of the site; and,</p> <p>2.3 storeys for buildings located on Scenic Drive.</p> <p>iii) Notwithstanding Policy B.6.3.7.2.2 a) ix), a residential building shall be permitted in the vicinity of the former Brow Infirmary building provided:</p> <p>1. it maintains the existing setbacks from the Escarpment brow; and,</p> <p>2. the design of the building shall incorporate the recommendations of the Cultural Heritage Impact Assessment.</p>	<p>2. the overall gross floor area for all residential units shall not exceed 32,500 square metres.</p> <p>ii) Notwithstanding Section E.3.5.8 of Volume 1 the maximum height of buildings shall not exceed</p> <p>1.5 storeys for buildings located in the interior of the site; and,</p> <p>2.3 storeys for buildings located on Scenic Drive.</p>
<p>Area B-2</p> <p>c) In addition to Section B.6.3.7.2.2 a), the following policies shall apply to the lands designated Medium Density Residential 3 and identified as Area Specific B-2, on Map B.6.3-1 – Chedmac – Land Use Plan:</p> <p>i) Notwithstanding Policy E.3.5.7 of Volume 1 and B.6.3.2.4 b):</p> <p>1. a maximum of 335 370 units shall be permitted; and,</p> <p>2. the overall gross floor area for all residential units shall not exceed 34,000 36,000 square metres.</p> <p>ii) Notwithstanding Section E.3.5.8 of Volume 1 – Medium Density Residential (scale), the maximum height of buildings shall not exceed:</p> <p>1. 38 46 storeys for buildings located in the interior of the site block or stacked townhouses; and,</p> <p>2. 46 46 storeys for apartment buildings located on Scenic Drive.</p> <p>iii) In addition to Policy E.3.5.4 of Volume 1 and B.6.3.2.4 b) and notwithstanding Policy E.3.8.2 a) – Local Commercial Permitted Uses in Volume 1, only the following commercial and institutional uses shall be permitted in the existing "Long and Bisby" building:</p>	<p>Area B-2</p> <p>c) In addition to Section B.6.3.7.2.2 a), the following policies shall apply to the lands designated Medium Density Residential 3 and identified as Area Specific B-2, on Map B.6.3-1 – Chedmac – Land Use Plan:</p> <p>i) Notwithstanding Policy E.3.5.7 of Volume 1 and B.6.3.2.4 b):</p> <p>1. a maximum of 370 units shall be permitted; and,</p> <p>2. the overall gross floor area for all residential units shall not exceed 36,000 square metres.</p> <p>ii) Notwithstanding Section E.3.5.8 of Volume 1, the maximum height of buildings shall not exceed:</p> <p>1. 8 storeys for buildings located in the interior of the site; and,</p> <p>2. 6 storeys for buildings located on Scenic Drive.</p> <p>iii) In addition to Policy E.3.5.4 of Volume 1 and B.6.3.2.4 b) and notwithstanding Policy E.3.8.2 a) – Local Commercial Permitted Uses in Volume 1, only the following commercial and institutional uses shall be permitted in the existing "Long and Bisby" building:</p> <p>1. Art Gallery;</p> <p>2. Artist Studio;</p> <p>3. Craftsperson Shop;</p>

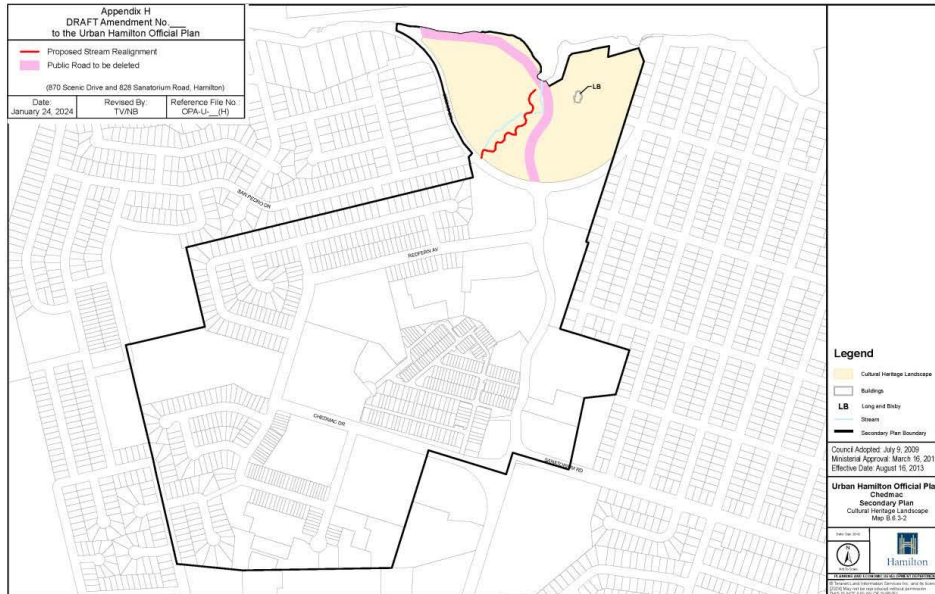
Proposed Change	Proposed New / Revised Policy
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<p>1. Art Gallery; 2. Artist Studio; 3. Craftsperson Shop; 4. Office; 5. Personal Services; 6. Retail Store, excluding a Convenience Store, not to exceed 200 square metres; 7. Day Nursery; 8. Library; 9. Museum; 10. Community Centre; 11. Lecture Room; and, 12. Medical Clinic. iv) The existing "Long and Bisby" building may also be converted to a maximum of 12 residential dwelling units provided the heritage character of the building is not altered significantly.</p>	<p>4. Office; 5. Personal Services; 6. Retail Store, excluding a Convenience Store, not to exceed 200 square metres; 7. Day Nursery; 8. Library; 9. Museum; 10. Community Centre; 11. Lecture Room; and, 12. Medical Clinic. iv) The existing "Long and Bisby" building may also be converted to a maximum of 12 residential dwelling units provided the heritage character of the building is not altered significantly.</p>
<p>B.6.3.7.2.4 Urban Design ... Other Policies k) Significant views to and from the Escarpment Urban Area shall be maintained and enhanced, consistent with the cultural heritage landscape. l) Surface parking shall be prohibited between Scenic Drive and the main wall of any building that faces Scenic Drive. m) The majority of parking shall be accommodated either through underground structures or within buildings. n) A minimum of 30% of landscaped open space shall be maintained for each of Areas B-1 and B-2. In order to preserve the open, park-like setting, the established groupings of trees shall be preserved, where possible. o) Continuous building walls along Scenic Drive shall be prohibited. Buildings shall provide appropriate spacing based on building height to allow light, reduce shadow impacts and provide privacy between buildings. The spacing of the buildings will also promote views into and through the site. p) All block townhouse units shall have the principal front door orientated towards Scenic Drive or an internal private condominium road or driveway. For townhouse units fronting both Scenic Drive</p>	<p>B.6.3.7.2.4 Urban Design ... Other Policies k) Significant views to and from the Escarpment Urban Area shall be maintained and enhanced, consistent with the cultural heritage landscape. l) Surface parking shall be prohibited between Scenic Drive and the main wall of any building that faces Scenic Drive. m) The majority of parking shall be accommodated either through underground structures or within buildings. n) A minimum of 30% of landscaped open space shall be maintained for each of Areas B-1 and B-2. In order to preserve the open, park-like setting, the established groupings of trees shall be preserved, where possible. o) Continuous building walls along Scenic Drive shall be prohibited. Buildings shall provide appropriate spacing based on building height to allow light, reduce shadow impacts and provide privacy between buildings. The spacing of the buildings will also promote views into and through the site. p) All block townhouse units shall have the principal front door orientated towards Scenic Drive or an internal private condominium road or driveway. For townhouse units fronting both Scenic Drive</p>

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>and an internal public street, private condominium road or driveway, the principal entrance shall be orientated towards the public street.</p> <p>q) All apartment buildings shall have a minimum podium height of 2 storeys and a maximum podium height of 4 storeys. These portions of apartment buildings that abut Scenic Drive shall be setback above 4 storeys.</p> <p>q) q) Green roofs shall be incorporated, where feasible, for all buildings that exceed 4 storeys in height.</p> <p>r) r) Development of the Chedoke Browlands (Area B) shall incorporate sustainable site and building features and technologies to minimize energy consumption, conserve water, reduce waste, improve air quality and promote human health and wellbeing. All new development shall incorporate Leadership in Energy and Environmental Design (LEED) certification for new construction and neighbourhood development and Low Impact Development (LID) approaches, where possible.</p>	<p>and an internal public street, private condominium road or driveway, the principal entrance shall be orientated towards the public street.</p> <p>q) Green roofs shall be incorporated, where feasible, for all buildings that exceed 4 storeys in height.</p> <p>r) Development of the Chedoke Browlands (Area B) shall incorporate sustainable site and building features and technologies to minimize energy consumption, conserve water, reduce waste, improve air quality and promote human health and wellbeing. All new development shall incorporate Leadership in Energy and Environmental Design (LEED) certification for new construction and neighbourhood development and Low Impact Development (LID) approaches, where possible.</p>
<p>6.3.7.2.5 Transportation</p> <p>c) A pedestrian pathway network shall be established throughout the Chedoke Browlands (Area B) to connect to the Brow Trail. As Public access easements shall be granted for pedestrian linkages within the north-south portion of the private road along or adjacent to the Chedoke Creek block (as shown as a dashed line "Area B-4" on Map B.6.3-1 Chedmac Secondary Plan – Land Use Plan).</p> <p>...</p> <p>e) The Owner shall submit a streetscape plan for existing Sanatorium Road either as a private condominium road or as a public street.</p> <p>e) e) A bicycle pathway, as identified in the City's Trails Master Plan, shall be provided and maintained through an easement along the north-south alignment of the Sanatorium Road either as a private condominium road or public street or adjacent to the Chedoke Creek block (as shown as a dashed line "Area B-4" on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan).</p>	<p>6.3.7.2.5 Transportation</p> <p>...</p> <p>c) A pedestrian pathway network shall be established throughout the Chedoke Browlands (Area B) to connect to the Brow Trail. Public access easements shall be granted for pedestrian linkages along or adjacent to the Chedoke Creek block (shown as "Area B-4" on Map B.6.3-1 Chedmac Secondary Plan – Land Use Plan).</p> <p>...</p> <p>e) A bicycle pathway, as identified in the City's Trails Master Plan, shall be provided and maintained through an easement along or adjacent to the Chedoke Creek block (shown as "Area B-4" on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan).</p>

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>6.3.7.2.6 Cultural Heritage Resources</p> <p>b) The Chedoke Browlands (Area B) shall be developed in accordance with the following built heritage conservation and planning principles and objectives:</p> <p>i) The continuation of a pedestrian corridor along the brow of the Niagara Escarpment;</p> <p>ii) The protection and retention of the "Long and Bisby" Building as shown as LB on Map B.6.3-2 – Chedmac Secondary Plan – Cultural Heritage Landscapes, in situ and through sympathetic adaptive reuse;</p> <p>iii) A nNew building(s) in the location of the former "Brow Infirmary" Building shall be designed to respect the heritage architecture of the original building shall be constructed in the same approximate building footprint to a maximum height of 4 storeys and be set back from the staked limit of the brow of the Niagara Escarpment no closer than the existing "Brow Infirmary" Building;</p> <p>iv) The preservation and conservation of the pedestrian bridge over the Chedoke Creek and the stone vehicular bridge and associated stone wall/pillars; and,</p> <p>v) The preservation and conservation of other heritage resources shall be encouraged. Where these resources cannot be retained, then the City will require the appropriate documentation of all buildings to be demolished be provided prior to removal.</p> <p>d) Development within the Chedoke Browlands (Area B) shall have regard to the following cultural heritage landscape requirements:</p> <p>i) Development shall be compatible with the existing cultural heritage landscape, such that open spaces, plantings and the curvilinear street pattern are maintained and/or referenced in the new development and that the layout and scale of buildings reflect the existing site, where possible;</p> <p>ii) The existing topography of the perimeter roads, woodlots and Chedoke Creek and stormwater management facility shall be maintained, where feasible.</p> <p>...</p>	<p>6.3.7.2.6 Cultural Heritage Resources</p> <p>b) The Chedoke Browlands (Area B) shall be developed in accordance with the following built heritage conservation and planning principles and objectives:</p> <p>i) The continuation of a pedestrian corridor along the brow of the Niagara Escarpment;</p> <p>ii) The protection and retention of the "Long and Bisby" Building as shown as LB on Map B.6.3-2 – Chedmac Secondary Plan – Cultural Heritage Landscapes, in situ and through sympathetic adaptive reuse;</p> <p>iii) New building(s) in the location of the former "Brow Infirmary" Building shall be designed to respect the heritage architecture of the original building;</p> <p>iv) The preservation and conservation of the pedestrian bridge over the Chedoke Creek and the stone vehicular bridge and associated stone wall/pillars; and,</p> <p>v) The preservation and conservation of other heritage resources shall be encouraged. Where these resources cannot be retained, then the City will require the appropriate documentation of all buildings to be demolished be provided prior to removal.</p> <p>d) Development within the Chedoke Browlands (Area B) shall have regard to the following cultural heritage landscape requirements:</p> <p>i) Development shall be compatible with the existing cultural heritage landscape, such that open spaces, plantings and the curvilinear street pattern are maintained and/or referenced in the new development and that the layout and scale of buildings reflect the existing site, where possible;</p> <p>ii) The existing topography of the perimeter roads, woodlots and stormwater management facility shall be maintained, where feasible.</p> <p>...</p>

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>6.3.7.2.8 Implementation</p> <p>a) The "H" Holding provisions in the implementing Zoning By-law shall include the following requirements and maybe lifted for portions of the site to allow development to occur in phases:</p> <p>i) The Master Site Plan and/or Master Plan for the relevant development phase has been prepared to the satisfaction of the City; and,</p> <p>ii) Studies or updates/addenda to existing studies, as determined by the Director of Planning and Chief Planner, have been prepared which inform and support the master plan(s), and which may include:</p> <ol style="list-style-type: none"> 1. Sustainability Strategy; 2. Detailed Cultural Heritage Impact Assessment(s); 3. Stormwater Management Report that considers Low Impact Development opportunities; 4. Environmental Impact Statement; 4 5. Tree Preservation/Protection Plan; 5 6. Traffic Impact Study; 6 7. Visual Impact Assessment or Update; 7 8. Archaeological Assessments; 8 9. Geotechnical/Engineering Study; and, 9 10. Detailed Servicing Strategy. <p>iii) The urban design guidelines have been prepared in accordance with Policy F.3.2.5.2 of Volume 1, to the satisfaction of the City;</p> <p>iv) An Urban Design Report has been submitted to demonstrate, to the satisfaction of the Director of Planning, compliance with the urban design policies contained in Section B.3.3 – Urban Design Policies of Volume 1 and Section B.6.3.7.2.4 – Chedoke Browlands (Area B).</p>	<p>6.3.7.2.8 Implementation</p> <p>a) The "H" Holding provisions in the implementing Zoning By-law shall include the following requirements and maybe lifted for portions of the site to allow development to occur in phases:</p> <p>i) The Master Site Plan and/or Master Plan for the relevant development phase has been prepared to the satisfaction of the City; and,</p> <p>ii) Studies or updates/addenda to existing studies, as determined by the Director of Planning and Chief Planner, have been prepared which inform and support the master plan(s), and which may include:</p> <ol style="list-style-type: none"> 1. Sustainability Strategy; 2. Detailed Cultural Heritage Impact Assessment(s); 3. Stormwater Management Report that considers Low Impact Development opportunities; 4. Environmental Impact Statement; 5. Tree Preservation/Protection Plan; 6. Traffic Impact Study; 7. Visual Impact Assessment or Update; 8. Archaeological Assessments; 9. Geotechnical/Engineering Study; and, 10. Detailed Servicing Strategy.





ATTACHMENT 2

Schedule "4"
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CITY OF HAMILTON

BY-LAW NO. ~~OLT~~ 24-102-OLT

To amend Zoning By-law No. 6593 with respect to lands located at 870 Scenic Drive and 828 Sanatorium Road, Hamilton

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C did incorporate, as of January 1st, 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 "The Corporation of the City of Hamilton" 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality 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. 6593 (Hamilton) was enacted on the 25th day of July, 1950, and approved by the Ontario Land Tribunal on the 7th day of December, 1951;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. ~~XX~~; 203;

NOW THEREFORE the Ontario Land Tribunal enacts as follows:

1. That By-law No. 12-166 is hereby repealed in its entirety.
2. That Sheet No. W-36 appended to and forming part of Hamilton Zoning By-law No. 6593 is amended as follows:
 - (a) by adding the "E/S-1836a-H" (Multiple Dwellings, Lodges, Clubs, etc. – Holding) District, Modified, the lands comprised of Block 1;
 - (b) by changing the zoning from the "DE/S-1600-H" (Low Density Multiple Dwellings – Holding) District, Modified to the "E/S-1836a-H" (Multiple Dwellings, Lodges, Clubs, etc. – Holding) District, Modified, the lands comprised of Block 2;

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- (c) by adding the "E/S-1836b-H" (Multiple Dwellings, Lodges, Clubs, etc. – Holding) District, Modified, the lands comprised of Block 3; and,
- (d) by changing the zoning from the "E/S-1600-H" (Multiple Dwellings, Lodges, Clubs, etc. – Holding) District, Modified to the "E/S-1836b-H" (Multiple Dwellings, Lodges, Clubs, etc. – Holding) District, Modified, the lands comprised of Block 4;

the extent and boundaries of which are shown on Schedule "A" to this By-law.

3. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks 1, 2, 3 and 4, are modified to include the following special requirements:

- (a) That notwithstanding Section 2.(2)J.(viii), the following shall apply:

"Grade" shall mean the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls.

- (b) That in addition to Section 2.(2), the following definition shall apply:

"Craftsperson shop" shall mean an establishment used for the creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities.

- (c) That notwithstanding any regulation to the contrary, no new buildings or structures shall be permitted within a minimum setback of 30.0 metres to the staked limit, per the survey prepared in 2009, of the brow of the Niagara Escarpment.

- (d) That notwithstanding Section 11.(1), only the following uses shall be permitted:

- i) A multiple dwelling, within the areas identified as Buildings "H", "I", "J" (inclusive of portions "J1", "J2", and "J3"), "K", "L", and "M" on Schedule "C" annexed to and forming part of this By-law;
- ii) A Townhouse Dwelling, within the areas identified as Buildings "A", "B", "C", "D", "E", "F", and "G" on Schedule "C" annexed to and forming part of this By-law; and,
- iii) An artist's studio, craftsperson shop, office, establishment for personal service, retail store, day nursery, medical clinic, and a multiple dwelling within the building existing on the date of the approval of this by-law (including any approved addition thereto) and

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identified as Building "N" on Schedule "C" annexed to and forming part of this By-law.

- (e) That notwithstanding Section 11.(3), as it relates to a parking structure located above, partially above, or below grade, there shall be provided and maintained within the district:
 - i) a front yard of a depth of at least 3.0 metres;
 - ii) along each side yard a width of at least 1.2 metres; and,
 - iii) a rear yard of a depth of at least 1.2 metres.
 - (f) That Section 11.(4) shall not apply.
 - (g) That Section 18.(8) shall not apply.
 - (h) That notwithstanding Section 18A.(1)(f) and Table 6, for Buildings "A", "B", "C", "D", "E", "F", and "G" on Schedule "C" annexed to and forming part of this By-law, a private driveway shall have a minimum manoeuvring space aisle width of 5.8 metres.
 - (i) That notwithstanding Section 18A.(7), the following provisions shall apply:
 - i) Every required parking space shall have dimensions not less than 2.7 metres wide and 5.8 metres long.
 - ii) Barrier-free parking spaces shall have dimensions of not less than 4.4 metres wide and 5.8 metres long.
 - (j) That Section 18A.(24)(b) shall not apply.
4. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks 1 and 2, are modified to include the following special requirements:
- (a) That for the purpose of regulations contained within this By-law, the boundary of the lands zoned "E/S-1836a" (Multiple Dwellings, Lodges, Clubs, Etc.) District shall be deemed to be the lot lines as shown on Schedule "B" annexed to and forming part of this By-law.
 - (b) That notwithstanding Section 11.(2), no building or structure shall exceed the height set forth in column 2 of Schedule "C-1" annexed to and forming part of this By-law, corresponding the building letter set forth in column 1 of Schedule "C-1" with the building letter identified on Schedule "C" annexed to and forming part of this By-law.

- (c) That notwithstanding Section 11.(3) and in addition to subsections 3.(c) and 3.(e) of this By-law, the following provisions shall apply:
- i) There shall be provided and maintained within the district, for every building and structure, the front, side, and/or rear yards of a depth and/or width set forth in columns 2, 3, 4, and 5 of Schedule "C-2" annexed to and forming part of this By-law, corresponding the building letter set forth in column 1 of Schedule "C-2" with the building letter identified on Schedule "C" annexed to and forming part of this By-law;
 - ii) A distance not less than 14.0 metres shall be provided and maintained between Buildings "A", "B", "C", "D", "E", "F", and "G" and Building "H" identified on Schedule "C" annexed to and forming part of this By-law;
 - iii) A distance not less than 3.0 metres shall be provided and maintained between Buildings "A" and "B" identified on Schedule "C" annexed to and forming part of this By-law;
 - iv) A distance not less than 5.0 metres shall be provided and maintained between each of Buildings "C", "D", "E", "F", and "G" identified on Schedule "C" annexed to and forming part of this By-law;
 - v) That a minimum setback of 48.0 metres shall be provided and maintained from the intersection of the front lot line and northerly side lot line to Building "C" identified on Schedule "C" annexed to and forming part of this By-law;
 - vi) That not more than 8 townhouse dwelling units shall be attached in a continuous row for Buildings "A" and "B" identified on Schedule "C" annexed to and forming part of this By-law; and,
 - vii) That not more than 4 townhouse dwelling units shall be attached in a continuous row for Buildings "C", "D", "E", "F", and "G" identified on Schedule "C" annexed to and forming part of this By-law.
- (d) That notwithstanding Section 11.(5), for the lands zoned "E/S-1836a" (Multiple Dwellings, Lodges, Clubs, Etc.) District the following provisions shall apply:
- i) A maximum of 266 Class A dwelling units shall be permitted; and,
 - ii) A maximum Gross Floor Area of 32,500 square metres shall be permitted.

- (e) That notwithstanding Section 11.(6), for every building or structure there shall be provided and maintained on the same lot within the district an amount of not less than 30% of the area of the lot on which the building or structure is situate, as landscaped area.
 - (f) That notwithstanding Sections 18.(3)(vi)(cc) and (d), the following provisions shall apply:
 - i) For Buildings "A" and "B" identified on Schedule "C" annexed to and forming part of this By-law, a bay, balcony, unenclosed porch, or dormer and associated structural columns may project into a required northerly side yard a maximum of 3.0 metres;
 - ii) For Buildings "C", "D", "E", "F", and "G" identified on Schedule "C" annexed to and forming part of this By-law, a bay, balcony, unenclosed porch, or dormer and associated structural columns may project into a required front yard a maximum of 1.6 metres, provided that no such projection shall be closer to a street line than 1.5 metres; and,
 - iii) For Buildings "H" and "I" identified on Schedule "C" annexed to and forming part of this By-law, a balcony may project a maximum of 1.5 metres into any required yard or minimum required distance separation.
 - (g) That in addition to Section 18A., a maximum of 228 parking spaces shall be surface parking spaces, including spaces located within a private garage, a private driveway, and a shared surface parking lot.
 - (h) That notwithstanding Section 18A.(1)(c) and Table 3, a minimum of one (1) loading space shall be provided and maintained for the lands zoned "E/S-1836a" (Multiple Dwellings, Lodges, Clubs, Etc.) District, having minimum dimensions of 11.5 metres in length, 3.25 metres in width, and 4.3 metres in height.
 - (i) That in addition to Section 18A.(21), direct vehicular access to townhouse dwellings shall not be permitted from Scenic Drive.
5. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks 3 and 4, are modified to include the following special requirements:
- (a) That for the purpose of regulations contained within this By-law, the boundary of the lands zoned "E/S-1836b" (Multiple Dwellings, Lodges,

Clubs, Etc.) District shall be deemed to be the lot lines as shown on Schedule "B" annexed and forming part of this By-law.

- (b) That notwithstanding Section 11.(2), no building or structure shall exceed the height set forth in column 2 of Schedule "C-3" annexed to and forming part of this By-law, corresponding the building letter set forth in column 1 of Schedule "C-3" with the building letter identified on Schedule "C" annexed to and forming part of this By-law.
- (c) That notwithstanding Section 11.(3) and in addition to subsections 3.(c) and 3.(e) of this by-law, the following provisions shall apply:
 - i) There shall be provided and maintained within the district, for every building and structure, the front, side, and/or rear yards of a depth and/or width set forth in columns 2, 3, 4, and 5 of Schedule "C-4" annexed to and forming part of this By-law, corresponding the building letter set forth in column 1 of Schedule "C-4" with the building letter identified on Schedule "C" annexed to and forming part of this By-law;
 - ii) A distance not less than 19.5 metres shall be provided and maintained between Buildings "J" and "K" identified on Schedule "C" annexed to and forming part of this By-law;
 - iii) A distance not less than 60.0 metres shall be provided and maintained between Buildings "J" and "L" identified on Schedule "C" annexed to and forming part of this By-law;
 - iv) A distance not less than 52.5 metres shall be provided and maintained between Buildings "K" and "L" identified on Schedule "C" annexed to and forming part of this By-law;
 - v) A distance not less than 12.0 metres shall be provided and maintained between Buildings "L" and "M" identified on Schedule "C" annexed to and forming part of this By-law;
 - vi) A distance not less than 37.0 metres shall be provided and maintained between each of Building "J" (inclusive of portions "J1", "J2", and "J3") and Building "N" identified on Schedule "C" annexed to and forming part of this By-law; and,
 - vii) The maximum building façade length for the portion of Buildings "L" and "M" identified on Schedule "C" annexed to and forming part of this By-law fronting onto Scenic Drive shall be 56.5 metres for each building.

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- (d) That notwithstanding Section 11.(5), for the lands zoned "E/S-1836b" (Multiple Dwellings, Lodges, Clubs, Etc.) District the following provisions shall apply:
 - i) A maximum of 370 Class A Dwelling units shall be permitted in addition to a maximum of 12 Class A Dwelling units provided within Building "N" identified on Schedule "C" annexed to and forming part of this By-law; and,
 - ii) A maximum Gross Floor Area of 36,000 square metres shall be permitted, not including Building "N" identified on Schedule "C" annexed to and forming part of this By-law.
 - (e) That notwithstanding Section 11.(6), for every building or structure there shall be provided and maintained on the same lot within the district an amount of not less than 30% of the area of the lot on which the building or structure is situate, as landscaped area.
 - (f) That notwithstanding Section 18.(3)(vi)(cc), a balcony may project a maximum of 1.5 metres into any required yard or minimum required distance separation.
 - (g) That in addition to Section 18A., a maximum of 118 parking spaces shall be surface parking spaces.
 - (h) That notwithstanding Section 18A.(1)(a) and Table 1 – Section 1.(g), as it relates to a Multiple Dwelling, a minimum number of parking spaces at a ratio of 1.0 space per Class A dwelling unit shall be provided and maintained.
 - (i) That notwithstanding Section 18A.(1)(b) and Table 2, a minimum number of parking spaces exclusively for visitors at a ratio of 0.15 spaces per Class A dwelling unit shall be provided and maintained.
 - (j) That notwithstanding Section 18A.(1)(c) and Table 3, a minimum of one (1) loading space shall be provided and maintained for the lands zoned "E/S-1836b" (Multiple Dwellings, Lodges, Clubs, Etc.) District, having minimum dimensions of 11.5 metres in length, 3.25 metres in width, and 4.3 metres in height.
 - (k) That Sections 18A.(25) and (26) shall not apply.
6. That the 'H' symbol shall be removed for all, or a portion of the lands affected by this By-law, by a further amendment to this By-law, at such time as:








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- (a) An updated Environmental Impact Statement, prepared in accordance with the City's Council adopted Guidelines, is received and approved to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority, in consultation with the Niagara Escarpment Commission. The Environmental Impact Statement is to include appropriate vegetation protection zones (VPZ) for all Core Areas (including the watercourse) as well all measures to mitigate impacts are to be identified as special conditions as part of the Draft Plan of Subdivision.
 - (b) An updated Tree Protection Plan (TPP), prepared in accordance with the City's Council adopted Guidelines, is received and approved to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority, in consultation with the Niagara Escarpment Commission. The TPP is to consider trees in the context of the cultural heritage landscape and an applicable review fee is to be provided with the submission.
 - (c) A Master Site Plan and Precinct Plan for each development phase, as set out in Section B.6.3.7.2 of the Chedmac Secondary Plan, which includes the required studies, is received and approved to the satisfaction of the Director of Planning and Chief Planner, in consultation with the Niagara Escarpment Commission.
 - (d) All required upgrades to municipal infrastructure, including road reconstruction works, are completed and the owner has provided payment to the City for their share of works, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
7. 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 "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, subject to the special requirements referred to in Section Nos. 3, 4 and 5 of this By-law.
8. That Sheet No. W-36 of the District Maps is amended by marking the lands referred to in Section 2 of the By-law as "E/S-1836a-H" and "E/S-1836b-H".
9. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1836.
10. 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*.

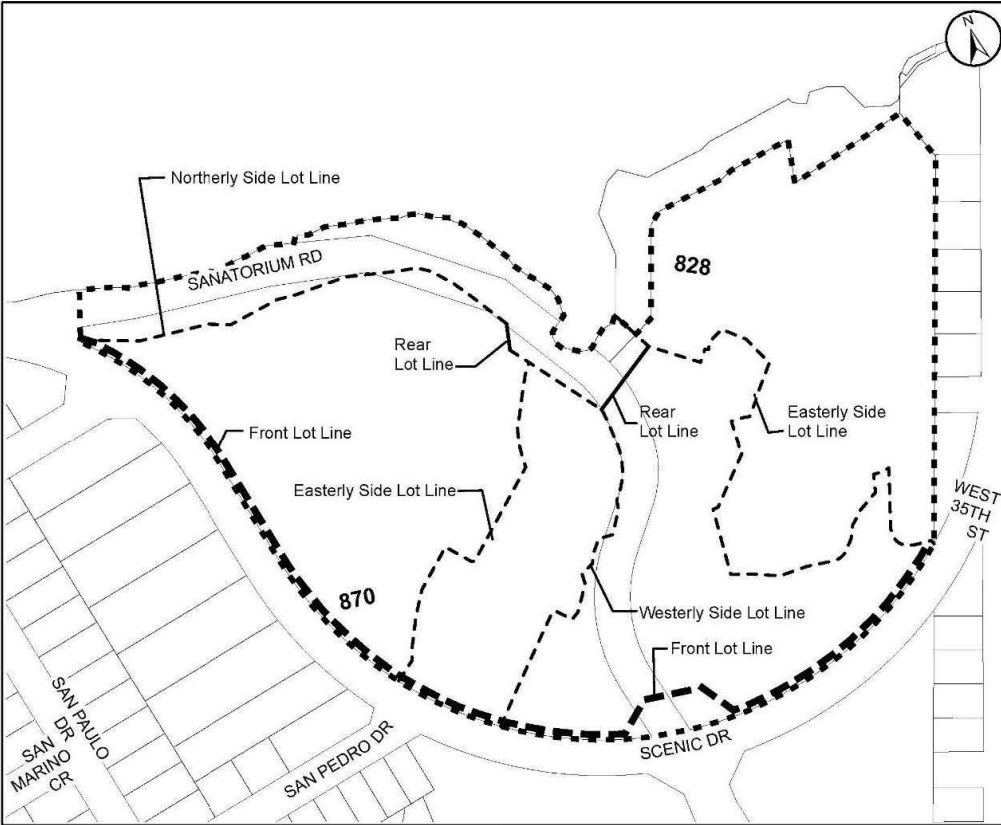





APPROVED this 13th day of June, 2024

ZAC-20-041

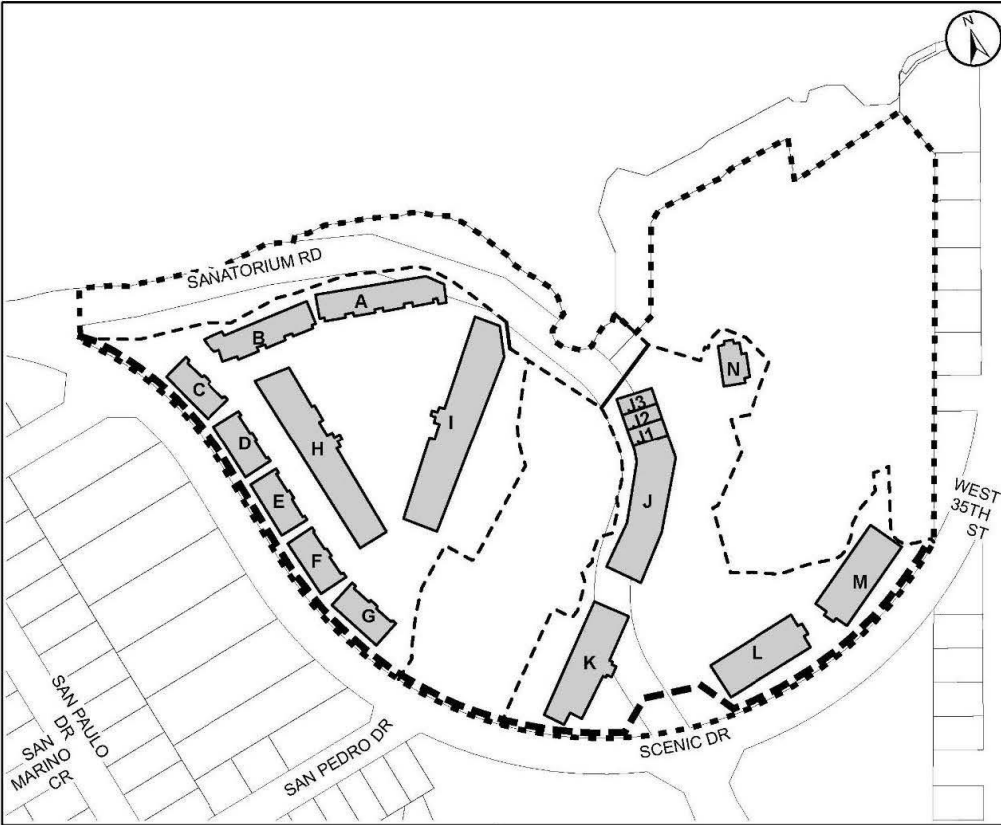






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<p>This is Schedule "A" to By-law No. 24-102-OLT</p> <p>Passed the 13th day of June, 2024</p>	
<p>Mayor _____</p> <p>Clerk _____</p>	
<p>Schedule 'A'</p> <p>Map forming part of By-law No. 24-102-OLT</p> <p>to Amend By-law No. 6593</p>	
<p>Subject Property 700 & 870 Scenic Drive & 828 Sanatorium Road</p>	
<p> Block 1 - Lands to be zoned "E/S-1836a-H" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, Modified</p>	
<p> Block 2 - Change in zoning from the "DE/S-1600-H" (Low Density Multiple Dwellings - Holding) District, Modified to the "E/S-1836a-H" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, Modified</p>	
<p> Block 3 - Lands to be zoned "E/S-1836b-H" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, Modified</p>	
<p> Block 4 - Change in zoning from the "DE/S-1600-H" (Low Density Multiple Dwellings - Holding) district, Modified to the "E/S-1836b-H" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, Modified</p>	
<p> Refer to By-law No. 05-200</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-20-041 & UHOPA-20-026 & 25T-202008</p>
<p>Date: April 22, 2024</p>	<p>Planner/Technician: TV/AL</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p> Hamilton</p>	

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<p>This is Schedule "A" to By-law No. 24-102-OLT</p> <p>Passed the ..13th..... day of ..June....., 2024</p>	
<p>----- Mayor -----</p> <p>----- Clerk -----</p>	
<p>Schedule 'B'</p> <p>Map forming part of By-law No. 24-102-OLT</p> <p>to Amend By-law No. 6593</p>	
<p>Subject Property 700 & 870 Scenic Drive & 828 Sanatorium Road</p> <p>  Existing Property Line  Future Front Lot Line  Side Lot Line  Rear Lot Line </p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-20-041 & UHOPA-20-026 & 25T-202008</p>
<p>Date: April 22, 2024</p>	<p>Planner/Technician: TV/AL</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	

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<p>This is Schedule "A" to By-law No. 24-102-OLT</p> <p>Passed the 13th day of June, 2024</p>	
<p>_____ Mayor</p> <p>_____ Clerk</p>	
<p>Schedule 'C'</p> <p>Map forming part of By-law No. 24-102-OLT</p> <p>to Amend By-law No. 6593</p>	
<p>Subject Property 700 & 870 Scenic Drive & 828 Sanatorium Road</p> <p>  Buildings  Existing Property Line  Future Front Lot Line  Side Lot Line  Rear Lot Line </p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-20-041 & UHOPA-20-026 & 25T-202008</p>
<p>Date: April 22, 2024</p>	<p>Planner/Technician: TV/AL</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	

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SCHEDULE "C-1"

MAXIMUM HEIGHT (BLOCKS 1 AND 2)

Building (Column 1)	Maximum Height (Column 2)
"A"	10.0 metres (202.0 metres above sea level)
"B"	10.0 metres (202.0 metres above sea level)
"C"	11.5 metres (204.5 metres above sea level)
"D"	11.5 metres (204.5 metres above sea level)
"E"	11.5 metres (204.5 metres above sea level)
"F"	11.5 metres (204.5 metres above sea level)
"G"	11.5 metres (204.5 metres above sea level)
"H"	17.5 metres (211.0 metres above sea level)
"I"	17.5 metres (211.0 metres above sea level)

Schedule "4"
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SCHEDULE "C-2"

MINIMUM YARDS (BLOCKS 1 AND 2)

<u>Building (Column 1)</u>	<u>Front Yard (Column 2)</u>	<u>Easterly Side Yard (Column 3)</u>	<u>Northerly Side Yard (Column 4)</u>	<u>Rear Yard (Column 5)</u>
"A"	N/A	N/A	4.0 metres	N/A
"B"	N/A	N/A	4.5 metres	N/A
"C"	4.0 metres	N/A	16.0 metres	N/A
"D"	4.0 metres	N/A	N/A	N/A
"E"	4.0 metres	N/A	N/A	N/A
"F"	4.0 metres	N/A	N/A	N/A
"G"	4.0 metres	10.0 metres	N/A	N/A
"H"	N/A	30.0 metres	35.0 metres	N/A
"I"	N/A	5.0 metres	4.5 metres	4.5 metres

SCHEDULE "C-3"**MAXIMUM HEIGHT (BLOCKS 3 AND 4)**

Building (Column 1)	Maximum Height (Column 2)
"J"	29.5 metres (223.0 metres above sea level)
"J1"	26.5 metres (220.0 metres above sea level)
"J2"	23.5 metres (217.0 metres above sea level)
"J3"	17.5 metres (211.0 metres above sea level)
"K"	21.5 metres (217.0 metres above sea level)
"L"	18.0 metres (213.0 metres above sea level)
"M"	18.0 metres (213.0 metres above sea level)
"N"	9.5 metres (202.0 metres above sea level)

SCHEDULE "C-4"**MINIMUM YARDS (BLOCKS 3 AND 4)**

<u>Building (Column 1)</u>	<u>Front Yard (Column 2)</u>	<u>Easterly Side Yard (Column 3)</u>	<u>Westerly Side Yard (Column 4)</u>	<u>Rear Yard (Column 5)</u>
"J"	63.0 metres	45.0 metres northerly; and, 26.0 metres easterly.	4.5 metres	27.5 metres
"J1"	N/A	37.0 metres	5.0 metres	19. 5 metres
"J2"	N/A	31.0 metres	6.5 metres	12.5 metres
"J3"	N/A	23.0 metres	7.5 metres	4.5 metres
"K"	3.0 metres	58.5 metres	6.5 metres	N/A
"L"	5.5 metres, except 3.5 metres from hypotenuse of daylight triangle	23.5 metres	N/A	N/A
"M"	6.0 metres	3.5 metres northerly; and, 2.25 metres easterly.	N/A	N/A
"N"	N/A	4.7 metres	N/A	38.5 metres

CITY OF HAMILTON**BY-LAW NO. 24-103-OLT****To amend Zoning By-law No. 05-200 with respect to lands located at 700 and 870
Scenic Drive and 828 Sanatorium Road, Hamilton**

WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. ~~XX~~; 24-103-OLT








NOW THEREFORE the Ontario Land Tribunal enacts as follows:

1. That Schedule "A" – Zoning Maps, Map No. 1034 is amended as follows:
 - (a) By adding the Conservation/Hazard Land (P5, 672) Zone to the lands known as 870 Scenic Drive and 828 Sanatorium Road, Hamilton, the extent and boundaries of which are shown on Schedule "A" to this By-law;
 - (b) By removing the lands known as 870 Scenic Drive and 828 Sanatorium Road, Hamilton, the extent and boundaries of which are shown on Schedule "A" to this By-law, from City of Hamilton Zoning By-law No. 05-200;
 - (c) By changing the zoning from the Conservation/Hazard Land (P5, 672, H69) Zone to the Conservation/Hazard Land (P5, 672) Zone for lands known as 700 and 870 Scenic Drive and 828 Sanatorium Road, Hamilton, the extent and boundaries of which are shown on Schedule "A" to this By-law; and,
 - (d) By changing the zoning from the Conservation/Hazard Land (P5) Zone to the Conservation/Hazard Land (P5, 672) Zone for lands known as 870 Scenic Drive, Hamilton, the extent and boundaries of which are shown on Schedule "A" to this By-law.
2. That Schedule "C" – Special Exceptions is amended by deleting subsection (a) of Special Exception 672 in its entirety and replacing it with the following:

"(a) Section 4.23 d) shall not 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 provisions of the Conservation/Hazard Land (P5) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.
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*.

APPROVED this 13th day of June , 2024

ZAC-20-041

	
<p>This is Schedule "A" to By-law No. 24-103-OL</p> <p>Passed the 13th day of June, 2024</p>	
<p>_____ Mayor</p> <p>_____ Clerk</p>	
<p>Schedule 'A'</p> <p>Map forming part of By-law No. 24- 103-OLT</p> <p>to Amend By-law No. 05-200 Map 1034</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-20-041 & UHOPA-20-026 & 25T-202008</p>
<p>Date: April 22, 2024</p>	<p>Planner/Technician: TV/AL</p>
<p>Subject Property 700 & 870 Scenic Drive & 828 Sanatorium Road</p>	
<p> Block 1 - Lands to be zoned Conservation/Hazard Land (P5, 672) Zone</p>	
<p> Block 2 - Lands to be removed from City of Hamilton Zoning By-law No. 05-200</p>	
<p> Block 3 - Change in zoning from Conservation/Hazard Land (P5, 672, H69) Zone to the Conservation/Hazard Land (P5, 672) Zone</p>	
<p> Block 4 - Change in zoning from Conservation/Hazard Land (P5) Zone to the Conservation/Hazard Land (P5, 672) Zone</p>	
<p> Refer to By-law No. 6593</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p> Hamilton</p>	

[illegible]

ATTACHMENT 4

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Special Conditions for Draft Plan of Subdivision Approval for 25T-202008

That this approval for the Draft Plan of Subdivision, 25T-202008, prepared by UrbanSolutions Planning and Land Development Consultants Inc., and certified by Dan McLaren, O.L.S., dated _____, consisting of six blocks, with two blocks for multiple dwellings (Blocks 2 and 5), two Open Space blocks (Blocks 1 and 4), one Woodlot / ESA block (Block 6), and one block for road widening (Block 3), be received and endorsed by City Council with the following special conditions:

Cultural Heritage:

1. That, **prior to preliminary grading**, the Owner shall complete an updated visual impact assessment, to the satisfaction of the Director of Planning and Chief Planner and the Niagara Escarpment Commission. The visual impact assessment shall determine the potential for adverse impact on the Niagara Escarpment as well as views to and through the site and views to, from and between the existing cultural heritage resources.
2. That, **prior to preliminary grading**, the Owner shall prepare and implement the recommendations of a final Cultural Heritage Impact Assessment or Addendum, to the satisfaction of the Director of Planning and Chief Planner. Such recommendations include, but not limited to, vibration monitoring, landscape plan, and interpretive plan for Blocks 1, 4 and 6.

Natural Heritage:

3. That, **prior to preliminary grading and/or servicing**, the Owner shall submit a surveyed limit of tree planting resulting from the "Order to Restore Woodlands" as outlined within the Probation Order issued by the Ontario Court of Justice August 14, 2019, to the satisfaction of the Director of Planning and Chief Planner.
4. That, **prior to preliminary grading and/or servicing**, the Owner agrees, that if it is to be determined through detailed design that grade changes are required in order to accommodate the development adjacent to the vegetation protection zone (VPZ), any grade changes must be accommodated outside of the VPZ, to the satisfaction of the Director of Planning and Chief Planner.
5. That, **prior to preliminary grading and/or servicing**, the Owner is to be aware of the Migratory Birds Convention Act, 1994 and the Endangered Species Act, 2007 and agrees that the removal of any vegetation on the subject lands is to occur from November 1 to March 30 by placing notations relating to breeding birds and bat roosting habitat on the Tree Protection Plan (TPP), to the satisfaction of the Director of Planning and Chief Planner.
 - Birds: In the event that vegetation removal is proposed during the restricted breeding period, the owner shall have a qualified biologist conduct a nest search of the vegetated area with City of Hamilton Natural

Heritage Planning staff, prior to any work commencing. Accordingly, removal may occur if it is determined that active nests are not present in the proximity of the removal area, to the satisfaction of the Director of Planning and Chief Planner.

- Bats: In the event that vegetation removal is proposed during the restricted bat roosting period, the owner shall contact the Ministry of Environment, Conservation and Parks (MECP) to determine further requirements. The applicant/owner shall provide written correspondence (i.e., e-mail, written letter) demonstrating that MECP has been contacted and any further requirements have been implemented to the satisfaction of the Director of Planning and Chief Planner.
6. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement an Invasive Species Management Plan and Monitoring Plan, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. This Plan is to include but is not limited to:
- The removal of Common Buckthorn (*Rhamnus cathartica*) within Polygons 3 (Anthropogenic) and 4 (FOD-Deciduous Forest) (as characterized in the Environmental Impact Statement prepared by Dougan and Associates May 3, 2022);
 - Special consideration to protect the Provincially and locally rare Virginia Bluebells (*Mertensia virginica*) within polygon 4 (FOD-Deciduous Forest) (as characterized in the Environmental Impact Statement prepared by Dougan and Associates May 3, 2022);
 - The control of any invasive species within the watercourse corridor prior to the realignment of the watercourse; and,
 - A cost estimate and Letter of Credit to implement the Plan.
7. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement the detailed design of the realigned watercourse, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. The channel realignment is to be undertaken using natural channel design principles and is to occur outside of the warmwater fisheries timing window. The detail design is also to include a phasing plan for the removal of vegetation.
8. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement a Conservation Management Plan for Pennsylvania Hawthorn (*Crataegus pennsylvanica*), to the satisfaction of the Director of Planning and Chief Planner. This Plan is to be prepared by a qualified botanist and is to include but is not limited to:
- A plan to preserve existing trees;
 - A relocation plan;
 - A propagation plan;
 - A monitoring plan including reports; and,

- Cost estimate and Letter of Credit.
9. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement a detailed Canopy Gap Plan, to the satisfaction of the Director of Planning and Chief Planner, in consultation with the Niagara Escarpment Commission. This Plan is to be prepared by an ecologist and is specific to the removal of the existing tennis court within Polygon 4 (FOD-Deciduous Forest) (as characterized in the Environmental Impact Statement prepared by Dougan and Associates May 3, 2022).
 10. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement a Transplant Plan for Scarlet Hawthorn (*Crataegus pedicellata*) and Downy Hawthorn (*Crataegus mollis*), to the satisfaction of the Director of Planning and Chief Planner. The Transplant Plan will include:
 - Transplant Plan: This will outline the following:
 - Methodology;
 - Timing of re-location;
 - GPS co-ordinates and mapping of the individuals within the subject lands;
 - GPS co-ordinates and mapping of “donor” areas; and,
 - Photographic records of both the subject sites and the “donor” sites;
 - Written Letter indicating the completion of the work: Once the species have been transplanted, a written letter from a qualified botanist is to be submitted; and,
 - Monitoring Plan: Monitoring of the health of the species is to occur for a period of two years. Two monitoring reports would be required to be submitted (1st report after first full year of monitoring; 2nd report submitted after second year of monitoring).
 11. That, **prior to preliminary grading and/or servicing**, the Owner shall provide clarification on how the hydrology of the Virginia Bluebells (*Mertensia virginia*) (within Polygon 4-FOD Deciduous Forest as characterized by the Environmental Impact Statement prepared by Dougan and Associates May 3, 2022) will be maintained and the other natural heritage features will not be negatively impacted, to the satisfaction of the Director of Planning and Chief Planner.
 12. That, **prior to preliminary grading and/or servicing**, the Owner shall prepare and implement a detailed Habitat Restoration and Monitoring Plan, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. This Plan is to include but is not limited to:
 - Restoration within Polygon 3 (Anthropogenic) (as characterized within the Environmental Impact Statement prepared by Dougan and Associates May 3, 2022). This restoration would complement the existing plantings that have resulted from the “Order to Restore Woodlands” (as outlined within the Probation Order issued by the Ontario Court of Justice August

- 14, 2019) and would only occur if there was adequate space. This restoration is to not interfere with the "Order to Restore Woodlands";
- Incorporation of multi-season flowering plants within the creek corridor;
 - The location of cavity snags, brush piles, basking areas, and hibernacula;
 - The location of any potential wildlife crossings;
 - The removal of Common Milkweed plants (*Asclepias syriaca*) outside of the Monarch breeding season (June to September) and the incorporation of this species into restoration plantings; and,
 - Cost estimate and Letter of Credit to implement this Plan.
13. That, **prior to registration**, the Owner shall prepare a Vegetation Protection Zone (VPZ) Planting Plan, to the satisfaction of the Director of Planning and Chief Planner, in consultation with the Niagara Escarpment Commission. The VPZ Planting Plan is to be prepared by a certified landscape architect in consultation with an ecologist and will identify the location and species to be planted. All plantings within the VPZ shall use native species to Hamilton. The VPZ Planting Plan should include but not be limited to: i) site preparation (including removal of roads, paved areas), ii) plantings that create a dense forest edge (canopy trees, saplings, shrubs); and iii) nodal plantings.
14. That, **prior to registration**, the Owner shall prepare and implement a Stewardship Plan, to the satisfaction of the Director of Planning and Chief Planner. This Plan will include but not be limited to:
- Fencing (living fences-dense plantings of thick vegetation, trees screening buffer, or physical fences or a combination of both). The fencing is also to block access to areas adjacent to the provincially and locally rare Virginia Bluebells (*Mertensia virginica*);
 - Bird-friendly design measures;
 - The location of bat boxes within the realigned creek corridor;
 - Stewardship brochure to educate residents on living adjacent to natural areas;
 - The location of snow storage (this is not to be located within the Core Areas or their associated vegetation protection zones);
 - Trail signage (directing residents to the adjacent trails and to reduce the creation of side trails); and,
 - Landscape Maintenance Strategies for the buildings (i.e., mowing, fertilizing).
15. That, **prior to registration**, the Owner shall prepare a Landscape Plan prepared by a certified Landscape Architect including but not limited to the design and construction of all landscaping including tree planting, restoration planting, retaining walls and associated landscaping and showing the placement of compensation trees for any removals, to the satisfaction of the Director of Planning and Chief Planner and the Manager of Forestry and Horticulture, in consultation with the Niagara Escarpment Commission. Native species (originating from native seed sources) are to be incorporated into the Planting Plan. The minimum size of trees required for compensation are to be in

accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.

16. That, **prior to registration**, the Owner shall prepare and implement a Monitoring Plan to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority. This Plan is to include but is not limited to:
 - Monitoring of plantings within the Vegetation Protection Zone (VPZ), Restoration Areas (including the Canopy Gap area), and realigned creek corridor;
 - Monitoring of Invasive Species Management Plan;
 - Monitoring the Virginia Bluebells (*Mertensia virginia*) population (including the number of existing plants, whether numbers are changing, adaptive management actions);
 - Monitoring the use of habitat features that have been created (i.e., wetlands within the channel corridor, cavity snags, brush piles, basking areas, hibernacula, wildlife passages) through species surveys;
 - Monitoring is to be for a period of 10 years;
 - Monitoring reports are to be provided; and,
 - Cost estimate and Letter of Credit to implement this Plan.

Urban Design:

17. That, **prior to registration**, the Owner shall submit and receive approval of urban design guidelines, as set out in Section B.6.3.7.2 of the Chedmac Secondary Plan, to the satisfaction of the Director of Planning and Chief Planner.
18. That, **prior to registration**, the Owner shall submit and receive approval of architectural control guidelines, as set out in Section B.6.3.7.2 of the Chedmac Secondary Plan, to the satisfaction of the Director of Planning and Chief Planner.
19. That, **prior to registration**, the Owner shall submit and receive approval of an Urban Design Report, as set out in Section B.6.3.7.2 of the Chedmac Secondary Plan, to the satisfaction of the Director of Planning and Chief Planner.

Urban Forestry:

20. That, **prior to preliminary grading**, the Owner shall submit a revised Tree Management Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees, including trees within the City owned rights-of-way, and the method to be employed in retaining trees required to be protected; and to implement all approved tree savings measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Manager of Forestry and Horticulture, in consultation with the Niagara Escarpment Commission.

Municipal Servicing:

21. That, **prior to registration**, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey to the City the proposed Open Space for the Brow Park Trail "Block 1", and the Woodlot/ ESA Area "Block 6", to the satisfaction of the Director, Growth Management and Chief Development Engineer.
22. That, **prior to registration**, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey Block 4 to the City. Furthermore, the owner acknowledges and agrees to revise the final plan of subdivision (Block 1 and Block 5) to show that the City will be retaining a portion of the Sanatorium Road right-of-way at the frontage of Block 4 for the purpose of constructing a hammerhead and maintaining the existing outlet structure and escarpment. The additional land requirements for the turnaround or hammerhead (Block 1 and 5) will be finalized as part of the detailed design of the subdivision prior to the registration of the plan, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
23. That, **prior to registration**, the Owner shall agree in writing to register a 4.0 metre wide maintenance and public access easement adjacent to the west side of Block 5 and east side of Block 2, in favor of the City of Hamilton, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
24. That, **prior to registration**, the Owner shall agree in writing to provide an easement over Block 5 for City maintenance and emergency vehicles, to the satisfaction of the Director, Growth Management and Chief Development Engineer and Director of Environmental Services.
25. That, **prior to registration**, the Owner shall agree in writing to register a maintenance access easement adjacent to the east side of Block 2 (a portion of the lands) in favour of the City of Hamilton, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
26. That, **prior to servicing**, the Owner agrees to make a cash payment for the future urbanization of Scenic Drive based on the frontage of the subject lands and "new roads servicing rates" at the time of the payment, to the satisfaction of Director, Growth Management and Chief Development Engineer.
27. That, **prior to servicing or registration**, the Owner agrees to include in the engineering design drawings and cost estimate schedule provisions to construct the following in accordance with City standards at the Owner's sole expense:
 - A 3.0 metre wide maintenance access road/trail within Block 1 from Scenic Drive to the existing trail connection, and including, but not limited to, lighting, safety barriers and fencing, and an electrical service from the Right-of-way to Block 1 and provide and connect to a metered power

pedestal located within Block 1 to facilitate the relighting of the Cross of Lorraine, in accordance with the City of Hamilton's Mountainbrow Multi-Use Pathway Feasibility Study;

- A hammerhead within the retained portion of Sanitorium Road (Block 1 and Block 5);
- A 4.0 metre wide maintenance access within Block 5 from Scenic Drive to the Escarpment Brow Trail/maintenance access within Block 1;
- A 4.0 metre wide maintenance access/trail within Block 2 (a portion of lands) connected to the Escarpment Brow Trail/maintenance access within Block 1;
- Installation of a fence along Block 2, Block 4, and east side of Block 5; and,
- Installation of gates along Blocks 2 and 5 to restrict access to the City's trail and hammerhead;

all to the satisfaction of the Director, Growth Management, and Chief Development Engineer.

28. That, **prior to servicing**, the Owner acknowledges that the existing heritage building will be serviced as part of the development of Block 5, at the Owner's sole expense, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
29. That, **prior to registration**, the Owner agrees that development of the subject site cannot proceed until the City upgrades the existing downstream 375 mm diameter sanitary sewers to 525 mm diameter, extending from the existing MH HD14A063 at the west limit of the property to MH HC14A033 at Goulding Avenue as part of the Scenic Drive reconstruction project. The Owner shall pay their proportionate share of the cost to upgrade the sanitary sewer between MH HD14A063 at the west limit of the property to MH HC14A033 at Goulding Avenue. In addition, the Owner shall pay 100% of the cost for the sanitary sewer, storm sewer and watermain extension including service connection to support the subject development.

Furthermore, if the Owner chooses to proceed with the development before the City completes the sanitary sewer upgrades, they will be responsible for planning, design and reconstruction of Scenic Drive from Goulding Avenue to Angela Avenue. This reconstruction must include all necessary servicing upgrades such as sanitary sewers, storm sewers, water mains, roundabouts, multi-use trails, and streetlights, etc., all in accordance with the City's Complete Streets Design Guidelines and Comprehensive Development Guidelines and Financial Policies Manual. The timing of the construction will be coordinated with the City's planned construction works along Scenic Drive to reduce traffic impacts and conflicts.

All to the satisfaction of the Director of Growth Management and Chief Development Engineer.

30. That, **prior to servicing**, the Owner agrees to provide an updated Functional Servicing Report with a detailed servicing strategy for the entire site, with the submission of the first phase of development of the draft plan lands, including but not limited to, the following:
- Engineering plans;
 - SWM brief;
 - Storm and sanitary design sheets;
 - Parking plans;
 - An adequate water supply and fire protection;
 - Erosion and sedimentation measures to ensure the protection of existing creek and downstream outlets;
 - Constructability conflict issue related to the proposed 250 mm sanitary sewer extension servicing the east side of the site and the proposed 1050 mm storm crossing Scenic Drive;
 - Construction details for the excavation of footing, underground parking, methods used for excavation and the impact on scarcement slope stability; and,
 - Proposed multi-use trail layout and construction detail;
- all to the satisfaction of the Director, Growth Management and Chief Development Engineer and the Hamilton Conservation Authority.
31. That, **prior to servicing**, the Owner acknowledges that the installation of the proposed service connections shall comply with the latest water and sewer drain By-law, to the satisfaction of the City's Director, Growth Management and Chief Development Engineer.
32. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provisions for the construction of the proposed 250 mm sanitary sewer extension on Scenic Drive to service Block 5 at the Owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
33. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provisions to obtain the required approvals and upsize the existing 200 mm dia. watermain along the South side of Scenic Drive, from San Pedro Drive to the existing City's easement to the North, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
34. That, **prior to servicing**, the Owner shall include in the Engineering design and cost estimates provisions for the construction of a 1.5 metre high black vinyl-coated heavy-duty chain-link fence along the following locations:
- on both the east and west sides of the property line of Block 4;
 - along the property line between the Woodlot/ESA area Block 6 and the multi-residential Block 5; and,

- along the property line between the proposed open space Block 1 and the multi-residential Block 2;

all at the Owner's sole expense and to the satisfaction of the Director, Growth Management and Chief Development Engineer.

35. That, **prior to servicing**, the Owner shall submit a rock removal protocol, utilizing methods other than blasting, and vibration monitoring plan ("excavation works"), and associated cost estimates, prepared by a licensed Professional Engineer. The cost to implement the Owner's excavation works shall be included in the engineering cost schedules, to the satisfaction of the Director, Growth Management and Chief Development Engineer in consultation with the Niagara Escarpment Commission.
36. That, **prior to servicing**, the Owner agrees that a third-party peer review of the proposed excavation works shall be completed. Furthermore, the Owner agrees to pay for the peer review and to provide a cash payment to the City in advance of the peer review, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
37. That, **prior to servicing**, the Owner shall conduct a pre-condition survey of residences within 100 metres and notify residents of rock removal within 200 metres of that phase of construction, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
38. That, **prior to servicing**, the Owner shall investigate the noise levels generated from the excavation works as required, at the Owner's sole expense, to the satisfaction of the Ministry of Environment and the Director, Growth Management and Chief Development Engineer.
39. That, **prior to servicing**, the Owner shall include in the engineering design and cost schedules provisions to install an adequate storm sewer system on Scenic Drive fronting Block 5 to accommodate the 5-year storm post-development and direct the flows to the Creek to ensure that there is no adverse impact on the existing upstream stormwater management facility performance, at the Owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
40. That, **prior to servicing**, the Owner shall confirm that the proposed drainage run-off from Block 2 is self-contained as per the City of Hamilton's Grading Policy and ensure that there is no drainage directed toward Scenic Drive, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
41. That, **prior to servicing**, the Owner shall agree that the proposed retaining wall of more than 1.0 metre in height be designed and approved by a Structural Engineer. The design of the retaining wall shall be peer-reviewed at the Owner's

sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

42. That, **prior to servicing**, the Owner agrees to submit a geotechnical report and to implement the recommendations of the final approved geotechnical engineering report, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
43. That, **prior to servicing**, the Owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, provide recommendations to mitigate the groundwater impacts during any construction within the subdivision including, but not limited to, house construction, addressing the impacts of the pond bottom elevation below the groundwater table, and to undertake any mitigative works, as recommended, including monitoring. The report shall include a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
- an aquifer is breached during construction;
 - groundwater is encountered during any construction within the subdivision, including but not limited to, house construction;
 - sump pumps, if required, are found to be continuously running; and,
 - water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted;

all to the satisfaction of the Director, Growth Management and Chief Development Engineer.

44. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provisions for the replacement / re-construction of the existing creek culvert outlet 1630x1120 CSP Arch from MH4 to the existing outfall structure and provide any required energy dissipation, erosion and sedimentation control measures, at the Owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
45. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provisions to upgrade/replace the existing 750 mm CSP dia. culvert crossing Scenic Drive including the outfall to accommodate the existing SWM Pond outlet flow and the proposed minor and major flow from Scenic Drive, and provide any required energy dissipation, erosion and sedimentation control measures, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
46. That, **prior to servicing**, the Owner shall provide to the City a Slope Stability Assessment to ensure that there is no adverse impact on the escarpment slope due to the construction of this subject development, prepared by a qualified geotechnical engineer, at the Owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

47. That, **prior to servicing**, the Owner agrees to submit an Erosion Assessment, prepared by a qualified professional engineer, to demonstrate that there is no increase in the erosion potential of the existing watercourse due to the increased imperviousness of the site, to the satisfaction of the Director, Growth Management and Chief Development Engineer and the Hamilton Conservation Authority.
48. That, **prior to servicing**, the Owner agrees that the abandonment of all existing private or municipal services including the existing sanitary outlet to the north of the subject lands shall be done in accordance with City standards at the Owner's sole expense and to the satisfaction of the Director, Growth Management and Chief Development Engineer.
49. That, **prior to servicing of the first stage of development**, the Owner agrees to submit a detailed Stormwater Management Report to demonstrate that there is no increase in the peak flows, for the 2 to 100 year storm event, on a subwatershed scale as result of the increased imperviousness of the site and that Level 1 quality control of surface runoff is provided on the site to the satisfaction of the Director, Growth Management and Chief Development Engineer and the Hamilton Conservation Authority.
50. That, **prior to servicing**, subject to the findings and recommendations of the approved Stormwater Management Plan and the Erosion Assessment, the Owner agrees to:
- Operate, maintain, and monitor in an acceptable manner, the creek (Block 4) throughout the construction of all stages of draft plan registration or until a time as established by the Director, Growth Management and Chief Development Engineer;
 - Construct, operate and maintain Block 4 including any changes to conditions as result of the ministry of the Environment's approval at the Owner's sole expense;
 - Provide an operating and maintenance manual to the satisfaction of the Director, Growth Management and Chief Development Engineer for Block 4 and agrees to inspect/monitor and maintain the creek in accordance with said manual throughout construction including the monitoring period and during the life of the constructed facility; and,
 - Keep detailed logs concerning performance and required maintenance activities for the Creek (Block 4) until such time that the creek realignment is proven to perform as designed;
- to the satisfaction of the Director, Growth Management and Chief Development Engineer and the Hamilton Conservation Authority.
51. That, **prior to servicing**, the Owner agrees to follow an integrated design process for stormwater management whereby the design of the facility shall ensure the protection of significant trees and heritage resources in accordance

with the Tree Preservation Plan and the Heritage Impact Assessment, to the satisfaction of the Director, Growth Management and Chief Development Engineer in consultation with the Director, Heritage and Urban Design.

52. That, **prior to servicing**, the Owner shall submit a detailed engineering submission outlining how excavation for footings, servicing or underground parking on the subject lands can be achieved utilizing methods other than blasting, to the satisfaction of the Director, Growth Management and Chief Development Engineer in consultation with the Niagara Escarpment Commission. Any peer review required for this study will be at the sole cost of the developer.
53. That, **prior to preliminary grading**, the Owner shall prepare and provide the following:
 - a pre-post construction survey of the escarpment area and the surrounding roads that are outside the subject lands; and,
 - an adequate security for costs to repair and reconstruction to any damages due to construction;

all at the Owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
54. That, **prior to preliminary grading**, the Owner agrees to inspect and monitor the outfall of the upstream SWM facility and downstream creek during construction and after full build-out of the development for a period of 5 years to ensure that there is no adverse impact on the existing outfalls, all at the Owner sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
55. That, **prior to preliminary grading**, the Owner agrees to remove sediment from the downstream creek outfall, attributed to the construction of the subject development at the Owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
56. That, **prior to preliminary grading**, the Owner shall submit a revised detailed stand-alone stormwater management report prepared by a professional engineer that includes, but is not limited to, the following:
 - Demonstrate how the post-development flows from the subject development will be controlled onsite to pre-development levels for all ranges of storm events (2yr, 5yr, 10yr, 25yr, 50yr and 100yr return period storms);
 - Demonstrate Level 1 'Enhanced Protection' quality control for stormwater runoff from the subject development considering treatment train design principles using filter media-landscape based green infrastructure LIDs in accordance with MECP and City's current standards;

- Demonstrate that the onsite quantity control measures are designed considering 100yr water level in the realigned Creek and tailwater level from the culvert downstream of the realigned Creek;
- Demonstrate that the post-development runoff will be self-contained within the private lands (Block 2 and 5) and not directed to Scenic Drive; and,
- Demonstrate that there will be no increase in the erosion potential downstream of the realigned Creek;

all to the satisfaction of the Director, Growth Management and Chief Development Engineer and the Hamilton Conservation Authority.

57. That, **prior to preliminary grading**, the Owner acknowledges that a standalone channel design report prepared and stamped by a qualified professional engineer/geoscientist should be submitted addressing the following parameters:

- Demonstrate that higher of 100yr and regional storm flood line will be contained within the Channel Block 4 maintaining a minimum of 0.3 m freeboard between top of bank of the Creek and regulatory flood elevation, and flood elevation shall not increase under post-development condition;
- Confirming channel cross section (width, side slope, longitudinal slope, n values representing overgrown vegetations, freeboard, 100yr and regional storm flood lines, etc.) by considering natural channel design principle and by using hydraulic model considering appropriate boundary conditions; and,
- Demonstrate that existing storage volume in the Creek Block 4 will not decrease under proposed condition. Furthermore, the proponent must demonstrate that there is no back water effects on the storm water management facility upstream to Block 4;

all to the satisfaction of the Director, Growth Management and Chief Development Engineer.

58. That, **prior to preliminary grading**, the Owner agrees at his sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all the development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins, including but not limited to, demolition, bush clearing, grading, etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221 and to the satisfaction of the Medical Officer of Health.

59. That, **prior to preliminary grading**, the Owner agrees to provide 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 Director, Growth Management and Chief Development Engineer.

Transportation:

60. That, **prior to preliminary grading and/or servicing**, the Owner agrees to retain an expert roundabout engineering consultant at the Owner's expense to design, engineer and analyze and provide cost estimates for the future roundabout at the intersection of Sanatorium Road and Scenic Drive, to the satisfaction of the Director, Growth Management & Chief Development Engineer and the Manager of Transportation Planning. The detailed engineering drawings shall demonstrate that the proposed roundabout design, and any additional traffic calming features, will function as intended, accommodate all road users and provide necessary road allowance areas for utilities and any streetscape treatment.
61. That, **prior to preliminary grading and/or servicing**, the Owner agrees to make a one time cash payment to the City of Hamilton to cover 20% of the estimated cost for construction of a modern roundabout at the intersection of Sanatorium Road and Scenic Drive as determined through Condition X, to the satisfaction of the Director, Growth Management & Chief Development Engineer and the Manager of Transportation Planning.
62. That, **prior to registration**, the Owner agrees that the final plan of subdivision shall include road right-of-way dedications to be dedicated to the City of Hamilton as public highway by the Owner's certificate on the plan as follows:
- ±3.0 metre right-of-way widening along the Scenic Drive frontage to establish the widened limit of Scenic Drive at 26.213 metres from the center line of the original road allowance; and,
 - the ultimate right-of-way limits for the final design of the roundabout at the intersection of Scenic Drive and the extension of Sanatorium Road at the proposed site access to accommodate the roundabout splitter island and pedestrian crossing;
- all to the satisfaction of the Manager of Transportation Planning and the Director, Growth Management and Chief Development Engineer.

63. That, **prior to registration**, the Owner shall provide on the draft plan of subdivision ± 9.14 metre x 9.14 metre daylighting triangle dedications at the intersection of Scenic Drive and the extension of Sanatorium Road at the proposed site access, to the satisfaction of the Manager of Transportation Planning and the Director, Growth Management and Chief Development Engineer.
64. That, **prior to registration**, the Owner shall submit the necessary transfer deeds to the City's Legal Services to dedicate the land (Block 3), required for the installation of the proposed roundabout and daylight visibility triangles as a public highway by the Owner's certificate on the final plan, in accordance with the approved design standards, to the satisfaction of the Director, Growth Management and Chief Development Engineer and the Manager of Transportation Planning.
65. That, **prior to registration**, the Road Closure application for Sanatorium Road, filed with the City of Hamilton Public Works Department, shall be finalized and the road closed as public highway, to the satisfaction of the Director, Growth Management and Chief Development Engineer and the Manager of Transportation Planning.
66. That, **prior to registration**, the Owner agrees to finalize with the City of Hamilton the closure of Old Sanatorium Road and enter into an agreement of Purchase and Sale to acquire from the City of Hamilton the section of the land of Old Sanatorium Road shown within Block 5, in addition to the land required for the daylight triangles to accommodate the final design of the proposed roundabout, to the satisfaction of the Director, Growth Management and Chief Development Engineer and the Manager of Transportation Planning.
67. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimates provision for the installation of a 1.5 metre concrete sidewalk and/or up to a 3.5 metre multiway pathway along the north side of Scenic Drive adjacent to the subject lands, to the satisfaction of the Director, Growth Management & Chief Development Engineer and the Manager of Transportation Planning.

Open Space Development:

68. That, **prior to registration**, the Owner shall, to the satisfaction of the Manager of Landscape Architectural Services, Director of Planning and Chief Planner, and Director of Growth Management & Chief Development Engineer, in consultation with the Niagara Escarpment Commission:
 - Enter into a Parkland Development Financing Agreement (PDFA) with the City of Hamilton which will establish the framework for detailing the future alignment, design and construction of the extension of the Brow Trail within Block 1 including connection to Scenic Drive and with the continuous connection to the existing Brow Trail north of Block 6, in

accordance with the City of Hamilton's Mountainbrow Multi-Use Pathway Feasibility Study (2018), to be shown on a landscape plan prepared by a landscape architect or engineer which includes, but not limited to, tree planting, benches, waste bins, lighting, safety barriers and fencing, and considering the stability of the escarpment edge;

- Enter into a PDFA with the City of Hamilton to relight the Cross of Lorraine and provide for an interpretation area / seating area located within Block 1; or, in the absence of a PDFA, that the Owner provide at the Owner's expense an electrical service from the municipal right-of-way to Block 1 and provide and connect to a metered power pedestal located within Block 1 to facilitate the relighting of the Cross of Lorraine; and,
- Agree to submit for approval for the above noted works through a separate application process where required under the *Niagara Escarpment Planning and Development Act*.

Legislative Approvals and Street Naming:

69. That, **prior to registration**, Draft Plan of Subdivision Application 25T-200712 (Chedoke Browlands) shall be closed to the satisfaction of the Director, Growth Management & Chief Development Engineer.
70. That, **prior to registration**, the owner and agent work with Legislative Approvals / Staging of Development Staff to finalize municipal addressing, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

Hamilton Conservation Authority

71. That, **prior to preliminary grading**, the Owner shall submit and receive approval of a revised Technical Design Brief and supporting plans/drawings for the proposed creek realignment, to the satisfaction of the Hamilton Conservation Authority.
72. That, **prior to preliminary grading**, the Owner shall undertake further assessment to confirm maintenance of site water balance, to the satisfaction of the Hamilton Conservation Authority
73. That, **prior to preliminary grading**, the Owner shall obtain a permit from the Hamilton Conservation Authority pursuant to the Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act*, R.S.O. 1990.

Niagara Escarpment Commission:

74. That, **prior to registration**, the Owner agrees to submit a Niagara Escarpment Development Permit Application to the Niagara Escarpment Commission and have been issued a Development Permit therefrom for the repair of the Chedoke Creek outlet, to the satisfaction of the Niagara Escarpment Commission.

Utilities:

75. That **prior to registration**, the Owner shall agree, in words satisfactory to Alectra Utilities Corporation, to grant to Alectra Utilities Corporation any easements that may be required for electrical services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Alectra Utilities Corporation facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
76. That, **prior to registration**, the owner / developer shall provide to Enbridge Gas Inc., operating as Union Gas ("Union"), the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Telecommunications:

77. That **prior to registration**, the Owner provide the Manager of Development Approvals with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider approved by the Canadian Radio and Telecommunication Commission (CRTC) that adequate telecommunication service will be provided to the subdivision including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.
78. That **prior to registration**, the Owner shall agree in the Subdivision Approval Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner / Developer shall be responsible for the relocation of such facilities or easements.
79. That **prior to registration**, the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Canada Post:

80. That **prior to registration**, the Owner shall include on all offers of purchase and sale, a statement that advises the prospective purchaser:

- a. That the home / business mail delivery will be from a designated Centralized Mail Box.
 - b. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
81. That **prior to registration**, the Owner agrees to:
- c. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - d. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - e. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - f. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - g. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
82. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

NOTES TO DRAFT PLAN APPROVAL

Legislative Approvals:

- 1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. The developer is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Municipal Solid Waste" is finalized, and municipal collection services are initiated.
3. The developer must provide a signed letter from a professional engineer certifying that the road base along the access route can support at least 35,000 kilograms.
4. Prior to the start of municipal waste collection service, the development must be free of construction debris and construction related activities.
5. If the development is not designed according to specifications identified herein, the developer must:
 - a. Arrange a private waste hauler for the removal of all waste materials.
 - b. As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.