

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** April 29, 2022

**CASE NO(S).:** OLT-22-002305  
(Formerly PL171131)

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

Applicant(s)/Appellant(s): Parkside Hills Inc.  
Subject: Request to amend Official Plan – Failure of the City of Hamilton to adopt the requested amendment  
Existing Designation: Neighbourhoods and Mixed Use – Medium  
Density Proposed Designation: Site Specific  
Purpose: To permit the propose development – Phase 2A  
Property Address/Description: 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Drive  
Municipality: City of Hamilton  
Municipal File No.: UHOPA-17-03  
OLT Case No.: OLT-22-002305  
Legacy Case No: PL171131  
OLT Lead Case No OLT-22-002305  
Legacy Lead Case No: PL171131  
OLT Case Name: Parkside Hills Inc. (Country Green Homes Inc.) v. Hamilton (City)

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

Applicant(s)/Appellant(s): Parkside Hills Inc.  
Subject: Application to amend Zoning By-law No. 90-145-Z – Neglect of the City of Hamilton to make a decision  
Existing Zoning: Automotive Commercial “AC-2” Zone, modified, Urban Residential (Single Detached) “R1-34 Zone, modified and Medium Density Residential “R6-16” Zone

Proposed Zoning: Site specific Medium Density "R6-" Zone and site specific Urban Residential (Single Detached) "R1-" Zone

Purpose: To permit the proposed development – Phase 2A  
Property Address/Description: 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Drive

Municipality: City of Hamilton  
Municipal File No.: ZAC-17-013  
OLT Case No.: OLT-22-002306  
Legacy Case No: PL171132  
OLT Lead Case No OLT-22-002305  
Legacy Lead Case No: PL171131

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

Applicant(s)/Appellant(s): Parkside Hills Inc.  
Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision

Purpose: To permit the creation of 63 residential dwelling units, consisting of 2 semi-detached and 22 back-to-back townhouse units fronting on a public road, 15 block townhouse and 24 back-to-back townhouse dwelling units fronting on a private condo road, and 1 block for road widening purposes – Phase 2A

Property Address/Description: 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Drive

Municipality: City of Hamilton  
Municipal File No.: 25T-201702  
OLT Case No.: OLT-22-002307  
Legacy Case No: PL171133  
OLT Lead Case No OLT-22-002305  
Legacy Lead Case No: PL171131

**Heard:** February 17, 2022 by video hearing

**APPEARANCES:**

**Parties**

Parkside Hill Inc.  
  
City of Hamilton

**Counsel**

Scott Snider  
Anna Toumanians  
  
Patrick MacDonald

## DECISION DELIVERED BY N.P. ROBINSON AND S. deBOER AND ORDER OF THE TRIBUNAL

---

### INTRODUCTION

[1] The Applicant and Appellant, Parkside Hills Inc. (hereinafter “Parkside Hills”), owns lands located at the south-west corner of Hamilton Street North and Nisbet Boulevard, north of Parkside Drive in the City of Hamilton (the “Subject Lands”). The property is irregularly shaped with an area of 1.15 hectares (“ha”) (2.84 acres) and is currently vacant.

[2] The Subject Lands have frontage on Hamilton Street North which is classified as a Minor Arterial Road as well as Truedell Circle and Nisbett Boulevard, which are classified as Local Roads in the Urban Hamilton Official Plan (the “UHOP”).

[3] The surrounding context of the Subject Lands is as follows:

- North: Existing townhouse development;
- South: Existing townhouse development and Waterdown Memorial Park (7.1 hectares, 17.6 acres);
- West: First phase of the proposed development which is made up of townhouse and single detached dwellings, with Waterdown Secondary School located further west; and
- East: Across Hamilton Street North, there is a collection of existing single detached dwellings.

[4] The Subject Lands are designated Neighbourhoods in the UHOP. A portion of the lands are designated Mixed Use – Medium Density and Low Density Residential 2 in the Waterdown North Secondary Plan, while the balance of the lands are not within the Secondary Plan boundary. The Subject Lands are currently zoned as Automotive Commercial “AC-2”, Urban Residential (Single Detached) “R1-34”, and Medium Density Residential “R6-16” under the Town of Flamborough Zoning By-law No. 90- 145-Z.

[5] The Official Plan Amendment (“OPA”) is required to add certain lands to the Waterdown North Secondary Plan and to remove the Urban Site-Specific Policy UFN-1

while placing the lands in the appropriate Medium Density Residential 3 and Low Density Residential 2 land use designation. A Zoning By-law Amendment (“ZBLA”) is required to change the zoning from Automotive Commercial “AC-2”, modified and Medium Density Residential “R6- 16”, modified to a site-specific Medium Density Residential “R6- ” and a site specific Urban Residential (Single Detached) “R1- ” Zone in the Town of Flamborough Zoning By-law No. 90-145-Z. The Draft Plan of Subdivision is required to extend the Truedell Circle right-of-way and to establish the development blocks.

[6] The proposed OPA, ZBLA, Plan of Subdivision and associated Conditions of Draft Plan Approval will facilitate the development of a total of 54 residential units across four (4) development blocks as follows (the “Proposed Development”):

Block 1: 2 semi-detached dwelling units fronting Truedell Circle  
Block 2: 8 street townhouse units fronting Truedell Circle  
Block 3: 7 halves of back-to-back units fronting Nisbet Boulevard  
Block 4: 37 back-to-back units fronting Truedell Circle via three private “finger” roads

[7] The Proposed Development is a continuation of Phase 1 of the existing Parkside Hills subdivision registered as Plan 62M-1125 on July 16, 2009.

[8] Matt Johnston, who was qualified by the Tribunal to give expert opinion evidence in relation to land use planning, was called by Parkside Hills. The City of Hamilton did not call any evidence and the evidence of Mr. Johnston is therefore largely uncontested.

#### **ISSUES:**

[9] The Procedural Order issued December 16, 2021 identifies five issues for the Tribunal’s consideration:

1. Does the development proposal provide for appropriate residential intensification and a range and mix of housing types, as required by Urban Hamilton Official Plan (“UHOP”) Volume 1 policies E.3.2.1, E.3.4.6 and

Volume 2 policies B.4.2.2.1 and B.4.2.4.3?

2. Would approval of the Draft Plan of Subdivision have regard to the matters provided for in section 51(24) of the *Planning Act*?
3. If the Draft Plan of Subdivision is approved by the Tribunal, what are the appropriate conditions to apply to the draft plan of subdivision approval?
4. Would approval of the proposed OPA, ZBA and Draft Plan of Subdivision be consistent with the PPS, 2020 and conform to the Growth Plan for the Greater Golden Horseshoe, 2020?
5. Would approval of the proposed OPA, ZBA and Draft Plan of Subdivision conform to the UHOP?

## **ANALYSIS:**

### Provincial Policy

[10] The Tribunal's decision must conform with the Growth Plan for the Greater Golden Horseshoe 2020 (the "Growth Plan") and be consistent with the Provincial Policy Statement 2020 (the "PPS").

[11] Specific reference to promoting efficient development and land use patterns can be found in PPS policies 1.1.1(a) & (e), 1.1.1.3.2(a) & (b), 1.1.3.6, 1.4.3(d), and 1.1.6.1 (a). Specific references to promoting compact form can be found in policies 1.1.3.4, 1.1.3.6, 1.4.3(f) and 1.8.1(a). Specific policies that reference optimizing the use of land and infrastructure include policies 1.6.3(a), 1.6.6.1(a), 1.6.6.2 and 1.7.1(c).

[12] The Growth Plan places a similar emphasis on efficient development and intensification at Section 2.1:

*It is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development while also providing flexibility for local decision makers to respond to housing need and market demand. This plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.*

[13] Policies that speak specifically to optimizing the use of land and infrastructure and providing for compact built form include policies 2.2.1(3)(c) & (e). Intensification is to be encouraged, "...generally throughout the delineated built-up area." (Policy 2.2.2(3)(c)). The Subject Lands are within a settlement area, in the delineated built-up area of the City of Hamilton with access to public service facilities, municipal water and wastewater systems.

[14] There is strong provincial direction to make the most efficient use of land and infrastructure or to "optimize" the use of land and infrastructure. Recently, the Tribunal recognized this characterization of the balance inherent in the term "optimize":

*Optimization is not maximizing the land use potential but rather is providing the most that is contextually appropriate. The aim is to strike the right balance between these opportunities and moderating elements, where once an optimized and appropriate balance is achieved, the proposal contributes to a complete community environment....*

*CRAFT Acquisitions Corp. v. Toronto (City)* 2021 LNONLPAT 495, paragraphs. 151 and 157-158; *Greendboard Holdings Ltd. v. Toronto (City)* 2021 LNONLPAT 489, at paragraph 16-20.

[15] The only expert evidence presented to the Tribunal was by Mr. Johnston, a professional land use planner, in support of the Proposed Development. Mr. Johnston acknowledged the provincial policy direction to optimize the use of the existing urban land supply, infrastructure and public service facilities and intensification opportunities, particularly within intensification areas.

*Planning Evidence*

[16] Mr. Johnston's uncontested opinion was that the Proposed Development has regard for the matters of provincial interest in s. 2 of the *Planning Act*, is compatible with the PPS, conforms to the Growth Plan and conforms with the goals and objectives of the UHOP and City of Hamilton Zoning-By-law.

[17] It was also Mr. Johnston's uncontested opinion that all of the criteria in s. 51(24) of the *Planning Act* that are relevant to the approval of the draft plan of subdivision have been fully addressed. In addition, Mr. Johnston opined that there is agreement on the proposed conditions of draft plan approval which were completed through consultation and coordination with City staff.

[18] A crucial question for the Tribunal is whether the Proposed Development will be compatible with the existing neighbourhood.

[19] The evidence of Mr. Johnston emphasized the balance inherent in the concept of optimization - optimization requires consideration of how much can be provided while remaining compatible. On this point, Mr. Johnston referred to the definition of compatibility in the UHOP:

*Compatibility/compatible: means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean "the same as" or even as "being similar to*

[20] The truly objective test of compatibility is whether the proposal will have a physical or functional undue adverse impact on existing development.

Re: *Scarborough (City) Official Plan Amendment No. 1001* (Re) [1998] O.M.B.D. No. 1739, at paragraphs 10, 29 and 58-65. *Nahon v. Ottawa (City)* [2005] O.M.B.D No. 571, at paragraph 14.

[21] Mr. Johnston opined that the Proposed Development will not cause undue

adverse impacts on existing development and achieves the right balance between providing as much housing as possible while still maintaining compatibility, for the following reasons:

- The Proposed Development is a logical extension of Phase 1 of the existing plan of subdivision;
- The proposed density and design are compatible with the existing character of the surrounding neighborhood which consists of similar low-rise, low to medium density residential built forms which is in keeping with the surrounding community;
- Urban design considerations will continue to be refined through the site plan approval process and as required by the Conditions of Draft Plan Approval to ensure compatibility;
- The three (3) “finger” road network design provides good integration to Hamilton Street North; and
- Through collaboration with City Staff, special attention was paid to the design of Trudell Circle to ensure safety and compatibility.

[22] It was clear from Mr. Johnston’s evidence that he is satisfied that the Proposed Development is compatible with the surrounding area. The Tribunal notes that the City of Hamilton retained but elected not to call, Mark Dorfman, a land use planner.

[23] The City did not call a single witness at the hearing to support the position that the Proposed Development should not be approved. The cross examination of Mr. Johnston was largely focused on how the design of the Proposed Development could be modified to reduce density.

[24] The City’s position is contrary to the direction in provincial policy to make the



most efficient use of land and infrastructure. The Tribunal has difficulty discerning any demonstrable negative land use planning impacts that would arise from the intensification proposed.

[25] The Growth Plan recognized the importance of addressing housing affordability issues. The Growth Plan observes that:

*...many communities in the GGH are facing issues of housing affordability, which are being driven primarily by sustained population growth and factors such as a lack of housing supply with record low vacancy rates. This Plan helps to address this challenge by providing direction to plan for a range and mix of housing options, including additional residential units and affordable housing and in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.*

[26] In cross examination, Mr. Johnston was asked about how the Proposed Development conforms to the policy direction encouraging a variety of built forms and a range and mix of housing. Mr. Johnston opined that these policies are not narrowly applied on a site-by-site basis and are intended to be applied City wide. The Tribunal notes that the Proposed Development provides housing in the form of semi-detached dwellings, street townhouses and back-to-back units.

[27] Mr. Johnston's oral evidence was consistent with and elaborated on the written statement filed with the Tribunal.

#### *Land Use Planning Impacts*

[28] The Tribunal had the benefit of receiving submissions from a participant. Trenton Wilde resides within the neighbourhood that abuts the Subject Lands. Mr. Wilde made oral submissions that highlighted concerns with respect to the Proposed Development.

[29] Mr. Wilde's submissions were largely based on a previous version of the proposal at 60 units, not the current proposed 54 units. Many of Mr. Wilde's concerns were not land use planning related or within the Tribunal's jurisdiction, such as his

concerns about alleged previous commitments made by Parkside Hills and Building Code issues.

[30] All of the issues raised by Mr. Wilde were previously brought to the attention of staff and the local councillor and were considered when modifications were made to the original proposal.

[31] Mr. Johnston opined that the concerns raised by Mr. Wilde have been addressed as follows:

- **Traffic Capacity and Safety:** The Transportation Impact Study and Transportation Demand Management Options Report was submitted with the original application and indicated no issues or concerns. In addition, extensive discussions and consultation with staff have occurred on these issues to ensure sufficient capacity and safety.
- **Contamination:** The remediation resulting from the former bulk petroleum storage will require a Record of Site Condition from the Province of Ontario's Ministry of the Environment, Conservation and Parks.
- **Density:** The proposed density is appropriate given provincial policy direction for optimization of intensification opportunities and the current and planned surrounding context.
- **Overlook issues resulting from the proposed three (3) storey back-to-back townhouses on Block 2:** This is a common interface in residential areas to have this form of housing with two (2) storey dwellings. Notwithstanding this, the interface only occurs on Block 2 where very generous rear yard setbacks in the range of 10-15 metres are proposed, well above the standard rear yard setback in residential areas of 6-7 metres. This provides a substantial buffer to all existing development and shelters existing residents from any of the traditional impacts associated with

intensification and infill development.

- Noise Impacts: A Noise Impact Study was submitted with the original application and no concerns or issues were identified. Conditions 6 and 8 of the Conditions of Draft Plan Approval also require further noise level investigation and reporting.
- Drainage: A Functional Servicing Report was submitted with the original application and identified no issues or concerns. Condition 27 of the Conditions of Draft Plan Approval also require that this report be updated.

## **CONCLUSIONS:**

[32] For the reasons elaborated above,

- a. The Tribunal is satisfied that the proposal represents appropriate intensification in accordance with the UHOP.
- b. The Tribunal is satisfied that the Draft Plan of Subdivision has regard to the matters provided for in section 51(24) of the *Planning Act*.
- c. The Tribunal is the satisfied that the conditions suggested for proposed draft plan of subdivision are appropriate.
- d. The Tribunal is satisfied that the proposed OPA, ZBLA and Draft Plan of Subdivision are consistent with the PPS, 2020 and conform to the Growth Plan.
- e. The Tribunal is satisfied that proposed OPA, ZBLA and Draft Plan of Subdivision conform to the UHOP.

[33] The City has recommended that the Tribunal refuse the Proposed Development. The City's position will limit the number of families that can live on the Subject Lands.

This position runs counter to the clear direction in provincial policy.

[34] Parkside Hills' proposal advances the objectives of provincial policy in relation to intensification. The evidence of Parkside Hills is uncontradicted and the Tribunal, therefore, has no hesitation in allowing the appeal.

**ORDER:**

[35] **THE TRIBUNAL ORDERS** that the appeals are allowed and THAT:

- The application to amend the Urban Hamilton Official Plan by Parkside Hills Inc. is approved in accordance with Schedule 1 attached hereto and the City is hereby directed to amend the Official Plan accordingly;
- The application to amend Zoning By-law No. 90-145-Z (Flamborough) for the City of Hamilton by Parkside Hills Inc. is approved in accordance with Schedule 2 attached hereto; and the City is hereby directed to amend Zoning By-law No. 90-145-Z accordingly
- The proposed draft Plan of Subdivision by Parkside Hills Inc. is approved in accordance with Schedule 3 attached hereto and subject to the Conditions of Draft Plan of Subdivision Approval attached as Schedule 4;
- Pursuant to section 51(56.1) of the *Planning Act*, the final approval of the proposed Plan of Subdivision for the purposes of section 51(58) is to be given by the City of Hamilton;

[36] The Tribunal may be spoken to should any matters arise respecting the implementation of this Order.

*"N.P. Robinson"*

N.P. ROBINSON  
VICE-CHAIR

*"S. deBoer"*

S. DEBOER  
MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://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

SCHEDULE 1

**Urban Hamilton Official Plan  
Amendment No. X**

The following text together with:

Appendix "A"	Volume 2: Map B.4.2-1 – Waterdown North Secondary Plan – Land Use Plan
Appendix "B"	Volume 2: Map B.4.2-2 – Waterdown North Secondary Plan – Road Classification Plan
Appendix "C"	Volume 2: Appendix A – Waterdown North Secondary Plan – Community Structure Plan
Appendix "D"	Volume 3: Map 2 – Urban Site Specific Key Map

attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan (Waterdown North Secondary Plan).

**1.0 Purpose and Effect**

The purpose of this Official Plan Amendment (OPA) is add certain lands to the Waterdown North Secondary Plan, and to remove the Urban Site-Specific Policy, UFN-1, as it relates to 609 Hamilton Street North (former Town of Flamborough). This OPA will facilitate the development of 54 residential dwelling units comprised of 2 semi-detached units, 8 street townhouses, 6 block townhouse units and 38 back-to-back townhouses.

**2.0 Location**

The lands affected by this Official Plan Amendment are municipally described as 609 Hamilton Street North and 615 Hamilton Street North and legally described as Part of Part 1, Plan 62R-10634 and Part of Part 1, Plan R-163, within Part of Lot 8, Concession 4 (East Flamborough). Other lands included in the proposed residential development as designated in the Waterdown North Secondary Plan are legally known as Blocks 87 to 94 inclusive, Block 100 and Block 106, Registered Plan 62M-1125.

**3.0 Basis of the Amendment**

The basis for permitting this Amendment is:

- (a) The Amendment is consistent with Provincial Policy Statement 2020 and it conforms with A Place to Grow 2019, Growth Plan for the Greater Golden Horseshoe, as amended;
- (b) The Amendment encourages residential intensification with a diverse housing mix, while maintaining the existing pattern, density and community character of residential development in the surrounding neighbourhood;
- (c) The proposed residential development maintains an overall net residential density which aligns with the permitted residential density ranges prescribed by the "Low Density Residential 2" designation and "Medium Density Residential 3" designation policies of the Waterdown North Secondary Plan;
- (d) The proposed residential development conforms with the "Low Density Residential 2" and "Medium Density Residential 3" designations and policies in the Waterdown North Secondary Plan.
- (e) The Site Specific Policy UFN-1 as it applies to the former use of 609 Hamilton Street is no longer required.

#### **4.0 Actual Changes**

#### **4.1 Volume 2 – Secondary Plans and Rural Settlement Areas**

##### ***Maps and Appendices***

##### **4.1.2 Maps**

- (a) That Volume 2: Map B.4.2-1 - Waterdown North Secondary Plan - Land Use Plan be amended by adding all of the lands municipally known as 609 Hamilton Street North and 615 Hamilton Street North, into the Secondary Plan boundary, as shown on Appendix "A" attached to this Amendment.
- (b) That Volume 2: Map B.4.2-1 - Waterdown North Secondary Plan - Land Use Plan be amended by re-designating the lands designated as "Mixed Use – Medium Density" to "Medium Density Residential 3", as shown on Appendix "A" attached to this Amendment.
- (c) That Volume 2: Map B.4.2-1 - Waterdown North Secondary Plan - Land Use Plan be amended by designating the lands east of the proposed extension of

Truedell Circle as "Medium Density Residential 3", as shown on Appendix "A" attached to this Amendment.

- (d) That Volume 2: Map B.4.2-1 - Waterdown North Secondary Plan - Land Use Plan be amended by deleting the "Low Density Residential 2" designation on the lands to be developed as a local street, as shown on Appendix "A" attached to this Amendment.
- (e) That Volume 2: Map B.4.2-1 - Waterdown North Secondary Plan - Land Use Plan be amended by designating the lands to the west of the proposed extension of Truedell Circle as "Low Density Residential 2", as shown on Appendix "A" attached to this Amendment.
- (f) That Volume 2: Map B.4.2-2 - Waterdown North Secondary Plan – Road Classification Plan be amended by adding all of the lands municipally known as 609 Hamilton Street North and 615 Hamilton Street North, into the Secondary Plan boundary, as shown on Appendix "B" attached to this Amendment.

#### 4.1.3 Appendices

- (a) That Volume 2: Appendix A - Waterdown North Secondary Plan - Community Structure Plan be amended by adding all of the lands municipally known as 609 Hamilton Street North and 615 Hamilton Street North, into the Secondary Plan boundary, as shown on Appendix "C" attached to this Amendment.

#### **4.2 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies**

##### ***Text***

#### 4.2.1 Chapter C – Urban Site Specific Areas (Flamborough)

- (a) That Volume 3: Chapter C – Urban Site Specific Policies, be amended by deleting site specific policy UFN – 1, for lands located at 609 Hamilton Street North, former Town of Flamborough, in its entirety.

##### ***Maps***

#### 4.2.2 Map

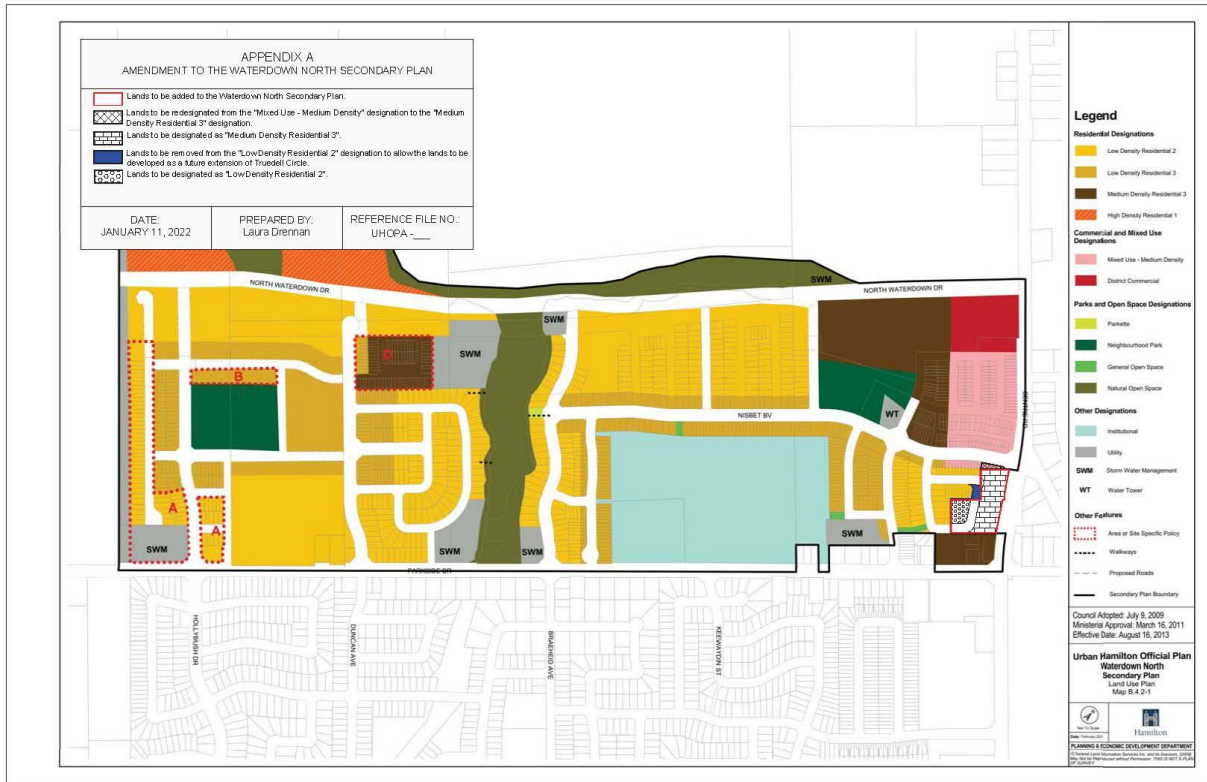


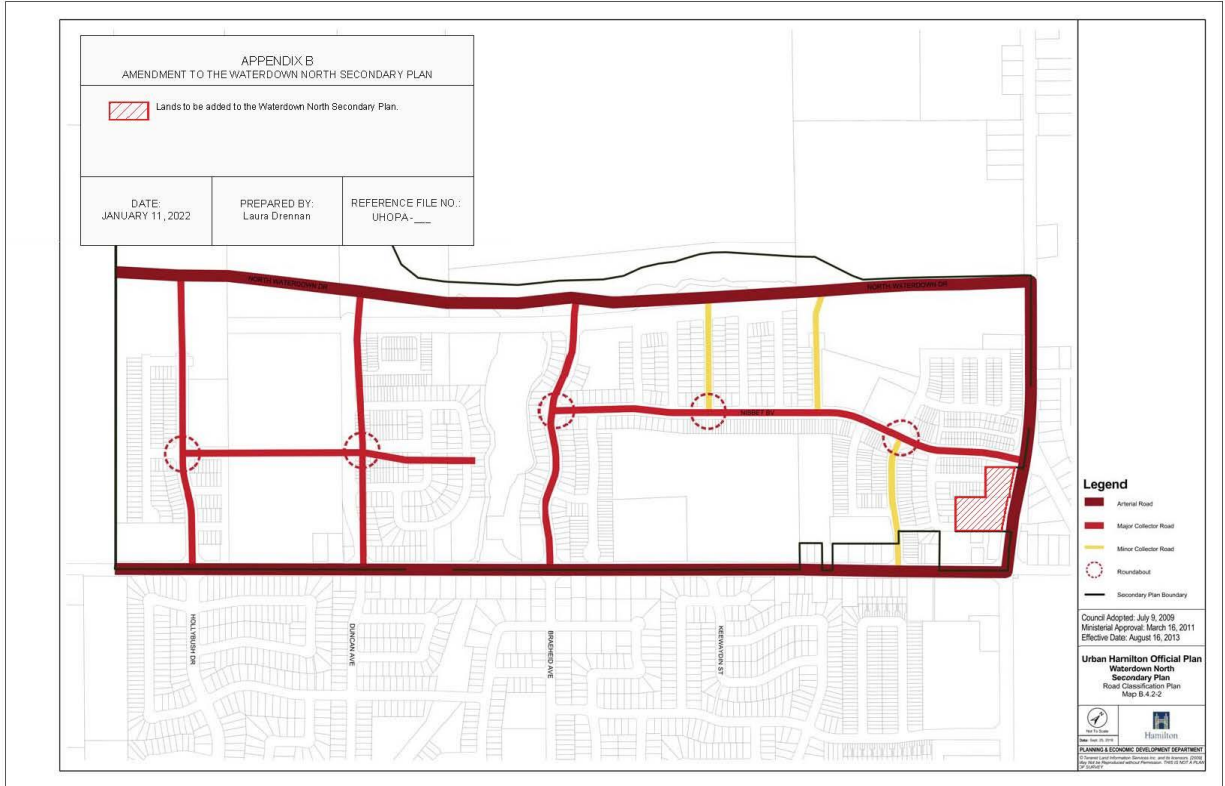
- (a) That Volume 3: Map 2 - Urban Site Specific Policies Key Map be amended by deleting Urban Site Specific UFC-1, as shown on Appendix "D" attached to this Amendment.

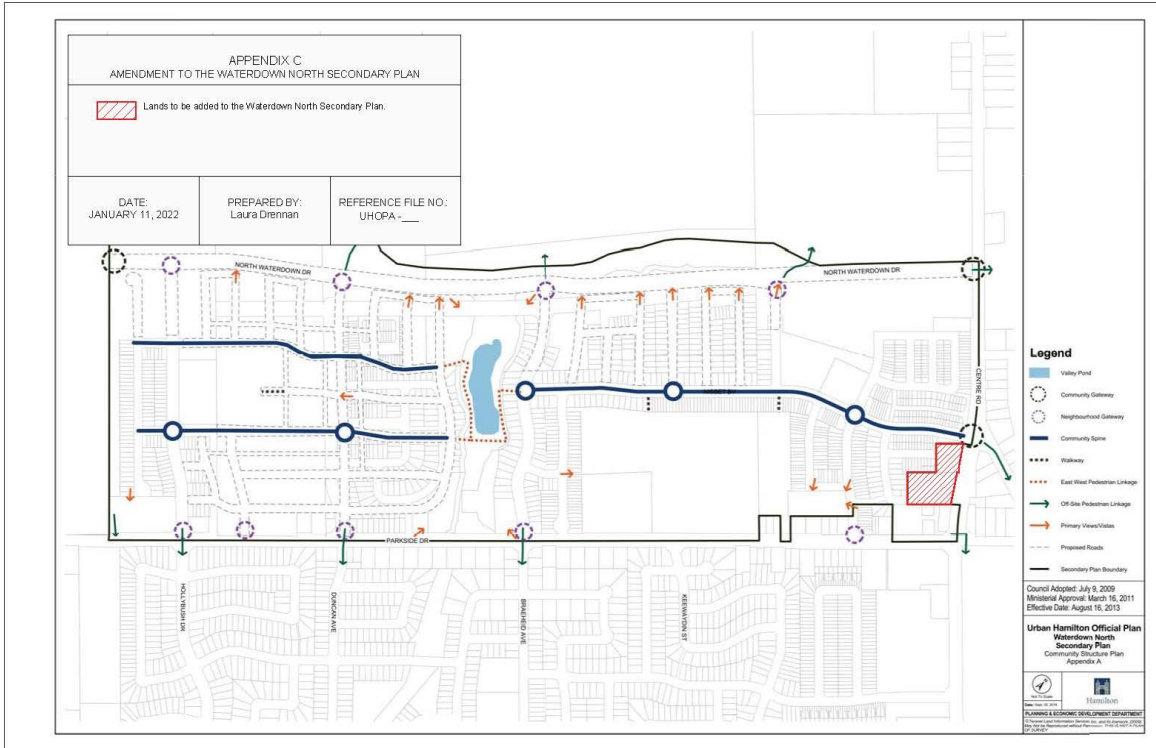
**5.0 Implementation**

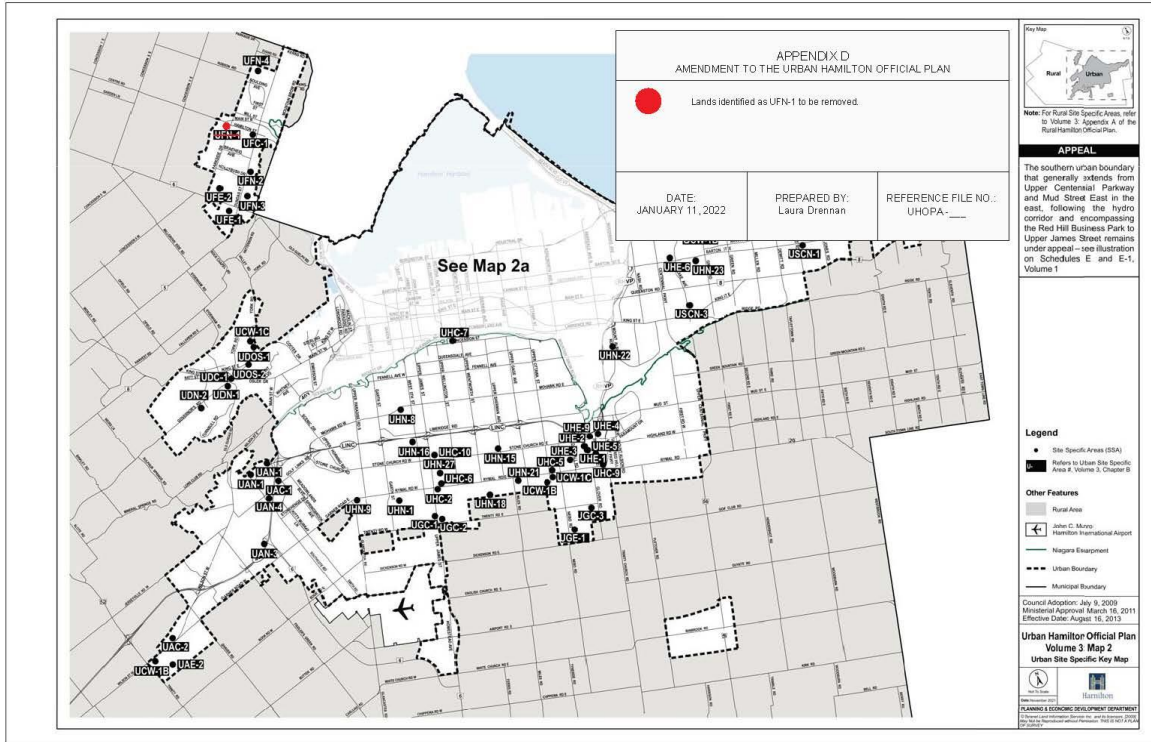
An implementing Zoning By-law Amendment, Plan of Subdivision and Site Plan Agreement will give effect to the intended uses on the subject lands.

This Official Plan Amendment shall come into effect on the date of the issuance of the Order of the Ontario Land Tribunal approving this Amendment.









**Page 125**  
**SCHEDULE 2**

CITY OF HAMILTON

BY-LAW NO. - \_\_\_\_

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended by By-law 07-135, Respecting Lands Located at 609 & 615 Hamilton Street North, 3 Nisbet Boulevard, and 129-137 Truedell Circle, in the former Town of Flamborough, now in the City of 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 Corporation of the Town of Flamborough" and is the successor of the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-law 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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21<sup>st</sup> day of December, 1992;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_ of Report 21-\_\_\_\_ of the Planning Committee at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2021, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011;

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

1. Schedule \_\_ of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended:
  - a. By changing the zoning from the Automotive Commercial "AC-2" Zone, modified, to the Medium Density Zone "R6-\_\_" Zone, modified, on the lands comprised in Block 1;
  - b. By changing the zoning from the Medium Density Residential "R6-16" Zone, modified to the Medium Density Zone "R6-\_\_" Zone, on the lands comprised in Block 2;
  - c. By changing the zoning from the Urban Residential (Single Detached) "R1-34" Zone, modified, to the Medium Density Zone "R6-\_\_" Zone, modified, on the lands comprised in Block 3;
  - d. By changing the zoning from the Automotive Commercial "AC-2" Zone, modified to the Medium Density Zone "R6-\_\_" Zone, on the lands comprised in Block 4.

The extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.

2. That Section 11 – Medium Density Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following sub-section:

11.3 EXCEPTION NUMBERS

11.3 “R6-\_\_\_\_” (Blocks 1, 2 & 3)

Notwithstanding Section 5.7, 5.41, 11.1 and 11.2 the following regulations shall apply:

Permitted Uses

- (a) Townhouse
- (b) Back-to-Back Townhouse

Zone Provisions

- |   |  |
|---|--|
| (a) Lot Area (Minimum)                  | 75 sq. metres  |
| (b) Lot Frontage (Minimum)              | 5.8 metres   |
| (c) Lot Coverage                        | Not Applicable   |
| (d) Front Yard (Minimum) (Nisbet Blvd.) | 3.95 metres, and 2.5 metres for a corner unit except 8.4 metres to an attached garage.   |
| (e) Rear Yard (Minimum)                 |  |
| (i) Townhouse                           | 7.0 metres   |
| (ii) Back-to-Back Townhouse             | 0.0 metres   |
| (f) Side Yard (Minimum)                 | 2.5 metres except 0.5 metres to a curved public right-of-way and 0.0 metres for the side yard related to the common side lot line.   |
| (g) Landscaped Open Spaces              | Not Applicable   |
| (h) Building Height (Maximum)           | 3-storeys  |
| (i) Parking (Minimum)                   | 2 spaces per dwelling unit, one of which includes the garage. 6 visitor parking spaces for those townhouses fronting a private road. |
| (j) Density (Maximum)                   | Not Applicable   |

- (k) Planting Strip (Minimum) Not Applicable
- (l) Number of Dwelling Units in a Building (Maximum)
- (i) Townhouse 6 dwelling units
  - (ii) Back-to-Back Townhouses 14 dwelling units
- (m) Notwithstanding Section 5.30 the following yard encroachments shall apply:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, chimney breasts, pilasters, eaves, or gutters	All	0.65 metres
Bay windows with or without a foundation	Required front, rear, and required side yard	1.00 metres
Balconies, canopies, awnings	Required front, required rear and required side yard	1.5 metres
Unenclosed porches including eaves and gutters, and Steps	Required front and required side yard	Back-to-Back Townhouse porches 1.80 metres into a Front Yard, 1.80 metres into a Side Yard. Unenclosed porch and steps for the enclosed porch may be as close as 1.5 metres from a streetline
	Required rear yard	1.5 metres
Setback of all structures from site triangles	Required front and required side yard	0.30 metres minimum setback from a site triangle
Fire escapes or exterior staircases	Required side yard and required rear yard	1.5 metres
Unenclosed ramps for wheelchair access	All	Unlimited

- (n) Subsections 5.4.2 shall not apply.
- (o) Subsections 5.12.1 and 5.12.2 shall not apply.
- (p) Subsections 5.21.2.2, 5.21.3 and 5.21.5 shall not apply.
- (q) Notwithstanding Subsection 5.21.6 (b) Driveways with two-way vehicular movement shall have a minimum unobstructed width or two-way private Common Element Condominium Road of not less than 6.0 metres.
- (r) Notwithstanding Section 3, for the purpose of this By-law, a Back-to-Back townhouse shall mean a townhouse dwelling with two or more common walls, fully attached to each other, side-by-side, in rows arranged back-to-back, each of which has a minimum of one independent entrance directly



from the outside which may front on either a public street and/or a private common element condominium road.

- (s) Notwithstanding Section 3, a Townhouse unit shall mean a dwelling divided vertically, by an above and below grade common wall, each of which has a minimum of one independent entrance directly from the outside which may front on either a public street and/or a private common element condominium road.
- (t) For the purpose of this By-law a common element condominium road shall be deemed to be a street, and that visitor parking for the dwelling units fronting the common element condominium road and landscaping are permitted within the common element condominium road.
- (u) Notwithstanding any provision/regulation to the contrary, prior to the registration of a plan of subdivision and/or individual property boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control, twenty-eight (28) back-to-back townhouse units and six (6) townhouse dwelling units shall be permitted on one parcel of land.
- (v) Other than contained herein, the provisions of Section 5 shall apply.

11.3 EXCEPTION NUMBERS

11.3. "R6-\_\_\_" (Block 4)

Notwithstanding Section 11.2 the following regulations shall apply:

Zone Provisions

(a) Lot Area (Minimum)	180 sq. metres
(b) Lot Frontage (Minimum)	5.4 metres
(c) Lot Coverage	Not Applicable
(d) Front Yard (Minimum)	6.0 metres
(e) Interior Side Yard (Minimum)	1.2 metres for an end unit, except 0.0 metres for the side yard related to the common side lot line.
(f) Exterior Side Yard (Minimum)	2.5 metres
(g) Landscaped Open Space	Not Applicable
(h) Density (Maximum)	Not Applicable

- (i) Maximum Height 11 metres
- (j) Minimum Rear Yard 7.5 metres
- (k) Planting Strip No minimum
- (l) Notwithstanding Section 5.30, the following yard encroachments shall apply:

Structure or Item	Yard Into Which Encroachment is Permitted	Maximum Encroachment Permitted into Required Yard
Sills, beltcourses, cornices, chimney breasts, pilasters, eaves, or gutters	All	0.65 metres
Bay windows with or without a foundation	Required front, rear, and required exterior side yard	1.00 m
Balconies, canopies, awnings	Required front, required rear and required exterior side	1.5 metres
Steps and unenclosed porches	Required front, required rear, and required exterior side yard	Porches – 2.20 metres into the Front Yard and rear yard or 1.25 metres from a street line; 1.0 metres into an exterior Side Yard Steps – 0.60 metres from streetline
Setback of all structures from site triangles	Required front and required exterior side yard	1.5 metres minimum setback from a site triangle
Fire escapes or exterior staircases	Required exterior side yard and required rear yard	1.5 metres
Unenclosed ramps for wheelchair access	All	Unlimited

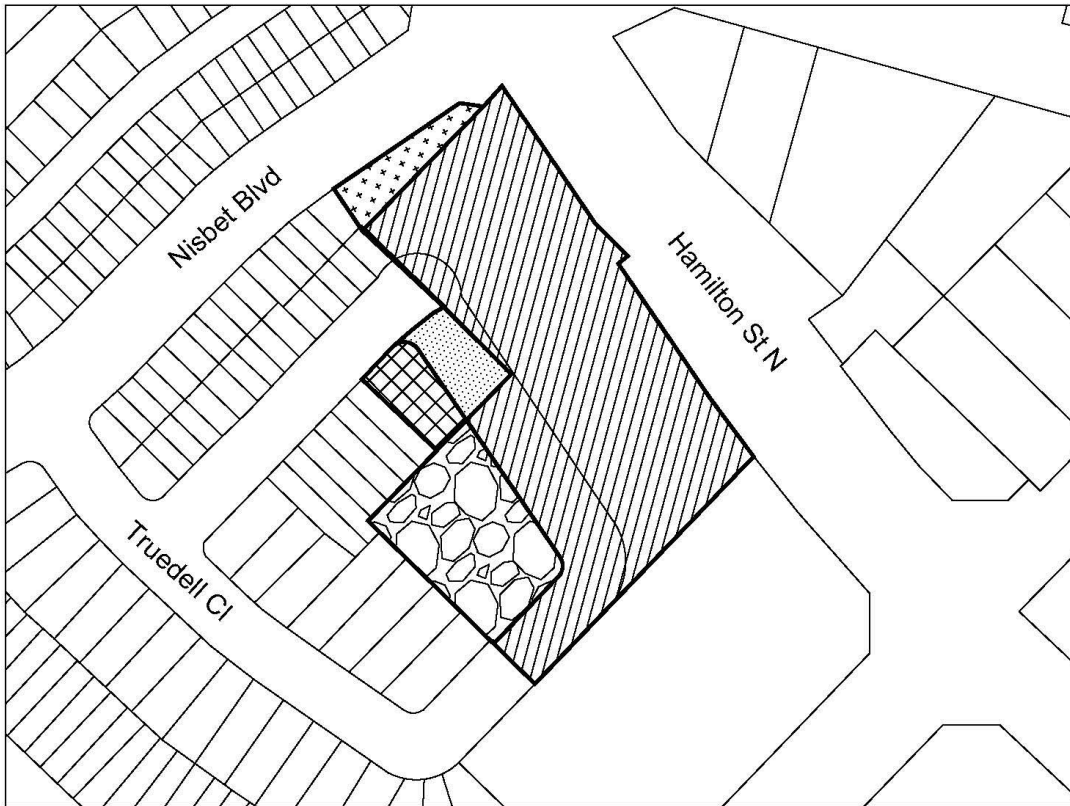
- (m) For the purpose of this section, a street townhouse shall mean a townhouse with each dwelling unit having frontage onto a public street.
  - (n) Subsections 5.12.1 and 5.12.2 shall not apply.
  - (o) Other than contained herein, the provisions of Section 5 shall apply.
3. That Section 11 – Medium Density Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following sub-section:
  4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

ZAC-16-\_\_\_\_\_



This is Schedule "A" to By-law No.  
21- \_\_\_\_\_  
Passed the \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Clerk  
\_\_\_\_\_  
Mayor






## DRAFT Schedule "A"

Map Forming part of  
By-law No. 21-

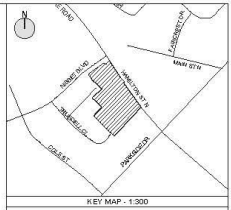
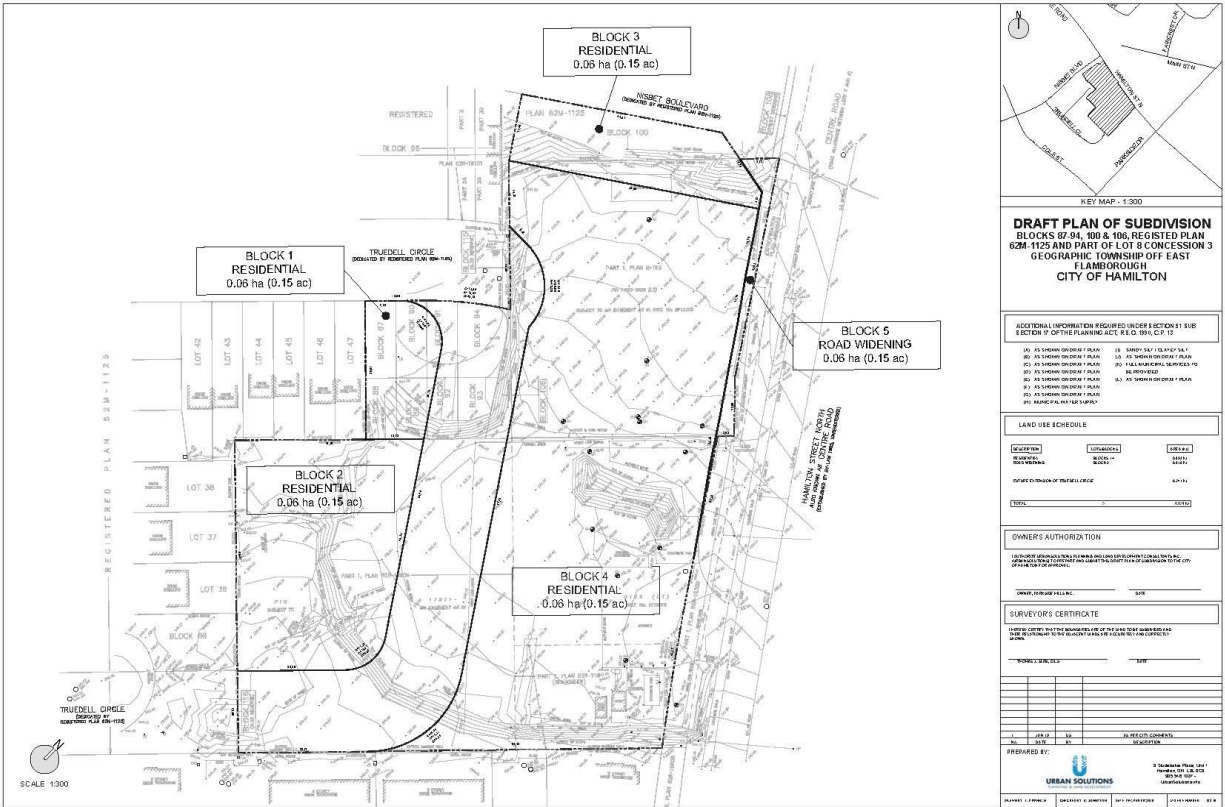
to Amend By-law No. 90-145-Z

### Subject Property

609 & 615 Hamilton Street North, 3 Nisbet Boulevard, and 129-137 Truedell Circle

-  Block 1 - change in zoning from "AC-2" to "R6-\_\_\_\_"
-  Block 2 - change in zoning from "R6-16" to "R6-\_\_\_\_"
-  Block 3 - change in zoning from "R1-34" to "R6-\_\_\_\_"
-  Block 4 - change in zoning from "AC-2" to "R6-\_\_\_\_"
-  Block 5 - lands to remain "R1-34"

Scale: N.T.S	File Name/Number:
Date:	Planner/Technician:
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



**DRAFT PLAN OF SUBDIVISION**  
 BLOCKS 01, 02 & 106, REGISTERED PLAN  
 62M-1125 AND PART OF LOT 8 CONCESSION 3  
 GEOGRAPHIC TOWNSHIP OF EAST  
 FLAMBOROUGH  
 CITY OF HAMILTON

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 11.5(1) OF THE PLANNING ACT, R.S.O. 1990, C.12

01. AS SHOWN ON THIS PLAN	08. UNDER LOT 10, LOT 11 & 12
02. AS SHOWN ON THIS PLAN	09. AS SHOWN ON THIS PLAN
03. AS SHOWN ON THIS PLAN	10. AS SHOWN ON THIS PLAN
04. AS SHOWN ON THIS PLAN	11. AS SHOWN ON THIS PLAN
05. AS SHOWN ON THIS PLAN	12. AS SHOWN ON THIS PLAN
06. AS SHOWN ON THIS PLAN	13. AS SHOWN ON THIS PLAN
07. AS SHOWN ON THIS PLAN	14. AS SHOWN ON THIS PLAN

LAND USE SCHEDULE

RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
RESIDENTIAL	RESIDENTIAL	RESIDENTIAL

OWNER'S AUTHORIZATION

I, the undersigned, being the owner of the land shown on this plan, do hereby authorize the City of Hamilton to use the same for the purposes of the Planning Act, R.S.O. 1990, C.12.

DATE: \_\_\_\_\_

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the above plan is a true and correct copy of the original plan as shown to me.

DATE: \_\_\_\_\_

PREPARED BY:

**URBAN SOLUTIONS**

1000 SHEPPARD AVENUE EAST  
 SUITE 100  
 SCARBOROUGH, ONTARIO M1S 1T7

SCHEDULE 4

PL171131

609-615 Hamilton Street North

Conditions of Draft Plan of Subdivision Approval

1. That, **prior to preliminary grading or servicing**, the Owner/Developer shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of drip lines, edges of existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Planning and Chief Planner.
2. **Prior to any soil alteration, including pre-grading activities**, a Stage 1 and Stage 2 archaeological assessment must be completed to the satisfaction of the Chief Planner.
3. That, **prior to any grading**, servicing, or construction can occur, a Verification of Tree Protection Letter must be prepared by the tree management professional and submitted to the Director of Planning. This will ensure the applicant is complying with the requirements of the TPP and that hoarding and tree protection measures have been implemented on the site.
4. That, **prior to registration**, the Owner/Developer shall prepare a Landscape Plan by a certified Landscape Architect showing the placement of compensation trees for any tree removals, to the satisfaction of the Director of Planning and Chief Planner and showing the placement of all trees on internal and external City property, to the satisfaction of the City of Hamilton, Forestry and Horticulture Section.
5. That, **prior to registration**, the Owner shall complete to the satisfaction of the Director of Engineering and Canada Post:
  - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    - i) That the home/business mail delivery will be from a designated Centralized Mail Box.
    - ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  - b) The owner further agrees to:
    - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box location which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- ii) Install a concrete pad in accordance with the requirements of and in location to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - iv) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, a common indoor or sheltered space.
6. That the applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment and Climate Change (MOECC) recommended sound level limits. **Prior to final registration**, an acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Manager of Planning, Heritage and Design.
7. **Prior to final registration**, the owner shall provide an updated Urban Design Brief addressing all Urban Design comments and the City of Hamilton's Urban Design Report criteria, link: <https://www.hamilton.ca/develop-property/policies-guidelines/guidelines-urban-design-reports>
8. That, prior to the assumption of the subdivision, the City of Hamilton's Building Department inspector or a Professional Engineer qualified to provide acoustical engineer services in the Province of Ontario shall certify that the noise control measures have been properly installed and constructed, to the satisfaction of the Director of Growth Management. Urban Design
9. That, prior to registration, the Owner shall submit revised Urban Design Guidelines, to the satisfaction of the Manager of Development Planning, Heritage and Design, and which shall include: a. Illustrations and mapping reflecting the

most current proposed lot layout and street network; b. Proposed material palette, including principal wall cladding materials; c. Design strategies for priority lot dwellings, including corner lots and lots backing onto public spaces; and, d. Concept designs for each dwelling model.

**Forestry and Horticultural Section, Public Works Department**

10. That, **prior to preliminary grading and/or servicing**, the Owner shall submit a Tree Management Plan and payment of all applicable fees, all to the satisfaction of the Forestry and Horticultural Section, Public Works Department.

**Hamilton Conservation Authority**

11. That, **prior to servicing**, the applicant prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
- a. All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;
  - b. All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;
  - c. Any disturbed area not scheduled and further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and
  - d. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

**Bell Canada**

12. That, **prior to registration**, Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.
13. That, **prior to registration**, the owner must contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.
- a. The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to



pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

- b. If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

#### **Development Engineering Approvals**

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

14. That, ***prior to servicing***, the Owner include in the engineering design and cost estimates provision for the removal of the temporary turning circles, reconstruction of the permanent road, and reconstruction of the permanent boulevard on Truedell Drive and Truedell Circle at 100% the Owner's cost, to the satisfaction of the Director, Growth Management Division.
15. That, ***prior to preliminary grading***, the Owner provides, to the satisfaction of the Director of Growth Management, 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 Division.
16. That, ***prior to servicing***, the Owner prepares and submits a driveway location/on street parking plan showing:
  - i. the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
  - ii. the driveways ramps and curb openings for all lots;
  - iii. the pairing of driveways;
  - iv. where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
  - v. the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities,

all to the satisfaction of the Director, Growth Management Division.

17. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules for the construction of concrete curb, concrete sidewalk, and boulevard grading and restoration within the Hamilton Street North and Nisbet Boulevard road allowances, adjacent to the Draft Plan lands, at 100% the Owner's cost, to the satisfaction of the Director, Growth Management Division.
18. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Truedell Circle and Truedell Drive, entirely at the owner's expense to the satisfaction of the Director, Growth Management.
19. That, **prior to servicing**, the Owner will be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Hamilton Street North and Nisbet Boulevard, entirely at the owner's expense to the satisfaction of the Director, Growth Management.
20. That, **prior to servicing**, the Owner indicate all driveway locations on the engineering drawings for all lots, and that no driveway shall be located within a daylight triangle. Further, all driveway locations at bends and corners shall be situated to ensure that the driveways are within their own lot frontages to the satisfaction of the Director, Growth Management.
21. That, **prior to servicing**, the Owner include provisions in the engineering design and cost estimate schedules to provide an 18-metre cross section including provision to service the Draft Plan lands from the existing turnaround on Truedell Drive to the west limit of the Draft Plan, entirely at the owner's expense, to the satisfaction of the Director, Growth Management.
22. That, **prior to registration of the plan of subdivision**, Block 5 be dedicated to the City of Hamilton as public highway, by Owner's certificate on the final plan of subdivision for road widening on Hamilton Street North to the satisfaction of the Director, Growth Management.
23. That, **prior to preliminary grading**, the Owner shall submit a detailed Stormwater Management Report prepared by a Qualified Professional Engineer to demonstrate how stormwater quality and quantity will be implemented in accordance with Parkside Hills Phase 1 SWM facility design approved by the City and MECP, City of Hamilton Drainage Polices, City of Hamilton Comprehensive Development Guidelines. The stormwater management facility design shall consider the following:
  - i. The stormwater management facility shall be designed and constructed within the proposed condo site. The 100-year post development peak flows from the subject development except Truedell Circle extension shall be

controlled to the 5-year allowable flows identified in Parkside Hills Phase 1 Stormwater Management report (Metropolitan Consulting, Dec 2008). The 100-year operating level of the stormwater management facility shall be minimum of 0.3 below the top of Rear Lot Catch basin (RYLCB) and or condo road catch basin.

All to the satisfaction of the Director, Growth Management.

24. That, **prior to registration of the plan of subdivision**, the Owner include in the engineering design and cost estimate schedules for the removal of the sediment attributed to the development from the stormwater management pond located downstream in the Parkside Hills Phase 1 throughout all phases of the subject development until 2 years after full buildout. The Owner shall carry out a bathymetric survey and confirm volumetric capacity of the stormwater management facility in Parkside Hills Phase 1 prior to release of the Owner's responsibilities (LC) for sediment removal. All to be completed at 100% the Owner's cost and to the satisfaction of the Director, Growth Management.
25. That, **prior to servicing**, the Owner include in the engineering design and cost schedules provision to install a 1.5m wide sidewalk within the proposed road allowance from the existing sidewalk on Truedell Circle to the existing sidewalk on Truedell Drive, to the satisfaction of the Director, Growth Management Division.
26. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for installation of 13.0m pavement radii along the inside curb line and 15m radii along the outside curb line at the 90-degree bends of Truedell Drive and Truedell Circle, to the satisfaction of the Director, Growth Management.
27. That, **prior to servicing**, the Owner submit a revised Functional Servicing Report, prepared by a qualified professional Engineer, to the satisfaction of the Director, Growth Management.
28. That, **prior to servicing**, the Owner submit a pre-construction video inspection report for the existing sanitary and storm sewers immediately downstream from each proposed outlet/connection on Truedell Circle, Truedell Drive and Nisbet Boulevard. The Owner further agrees to provide a post-construction CCTV video of these existing sewers promptly upon completion of the underground servicing construction, to the satisfaction of the Director, Growth Management.
29. That, **prior to servicing**, the Owner include in the engineering design and cost schedules provision to service Block 3 within the Nisbet Boulevard road allowance, including the road reconstruction for the full width of Nisbet Boulevard along the frontage of Block 3 and restoration or reconstruction of existing

concrete curb, sidewalk, and boulevard. All entirely at the Owner's expense, to the satisfaction of the Director, Growth Management Division.

30. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering drawings for all lots and blocks, to the satisfaction of the Manager, Transportation Planning.
31. That, **prior to preliminary grading**, the applicant complete a satisfactory Scoped Hydrogeological Report that will include a door-to-door water well survey as well as supplementary dewatering calculations to characterize, monitor, and mitigate potential impacts to nearby groundwater users, to the satisfaction of the Director, Hamilton Water.
32. That, **prior to preliminary grading**, the owner shall prepare and provide a Construction Management Plan that provides:
  - i. Details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes etc;
  - ii. Location and maximum dimensions of stockpiling;
  - iii. Identification of any required sidewalk and / or lane closures and the estimated length of time for such closures;
  - iv. Details on heavy truck routing; and,
  - v. Alternate arrangements of any City or school bus routing and stop locations that may be impacted;

all to the satisfaction of the Director of Growth Management.

33. That, **prior to preliminary grading**, the owner shall prepare and provide the following:
  - i. a pre-construction survey of surrounding roads that are outside the subject lands; and,
  - ii. an adequate security for costs to repair and reconstruction to any of these roads that are damaged due to construction;

all to the satisfaction of the Director of Growth Management.

**Enbridge**

34. That the Owner shall provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

**Canada Post**

35. That the Owner shall complete to the satisfaction of the Director of Growth Management and Canada Post:
- a. include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    - i. that the home/business mail delivery will be from a designated Centralized Mail Box.
    - ii. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
  - b. the owner further agrees to:
    - i. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
    - ii. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
    - iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
    - iv. determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
    - v. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
  - c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense ( less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

**NOTES TO DRAFT PLAN APPROVAL**

- Any share costs with the Owner will be in accordance with the City's Financial Policy.
- That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit; all in accordance with the Financial Policies for Development, and the City's Parkland Dedication By-law, as approved by Council.
- This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste By-law 09-067, as amended.
- For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or 1-866-272-3330.