

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: March 20, 2020

CASE NO(S): PL161115

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	Upper Centennial Developments Ltd.
Subject:	Request to amend the Official Plan - Failure of City of Hamilton to adopt the requested amendment
Existing Designation:	Arterial Commercial, Low Density Residential 2b, Institutional and Arterial Commercial
Proposed Designated:	Neighbourhoods, Low Density Residential 3C, Medium Density Residential 3 and Local Commercial
Purpose:	To permit the proposed development of street townhouses, maisonettes, semi-detached dwellings, an apartment building, and a range of retail and service commercial uses
Property Address/Description:	165 Upper Centennial Parkway
Municipality:	City of Hamilton
Approval Authority File No.:	UHOPA-15-007
OMB Case No.:	PL161115
OMB File No.:	PL161115
OMB Case Name:	Upper Centennial Developments Ltd. 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:	Upper Centennial Developments Ltd.
Subject:	Application to amend Zoning By-law No. 3692-92 - Neglect of the City of Hamilton to make a decision

Existing Zoning: Community Shopping Centre (Holding) – SC2-5(H) and Community Shopping Centre (Holding) – SC2-6(H)

Proposed Zoning: Multiple Residential RM2-23, Multiple Residential RM3, Residential R5-10, Multiple Residential RM4, Local Commercial LC

Purpose: To permit the proposed development of street townhouses, maisonettes, semi-detached dwellings, an apartment building, and a range of retail and service commercial uses

Property Address/Description: 165 Upper Centennial Parkway
 Municipality: City of Hamilton
 Municipality File No.: ZAC-15-015
 OMB Case No.: PL161115
 OMB File No.: PL161116

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

Applicant and Appellant: Upper Centennial Developments Ltd.
 Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision

Purpose: To permit the proposed development of street townhouses, maisonettes, semi-detached dwellings, an apartment building, and a range of retail and service commercial uses

Property Address/Description: 165 Upper Centennial Parkway
 Municipality: City of Hamilton
 Municipality File No.: 25T-201503
 OMB Case No.: PL161115
 OMB File No.: PL161117

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

Applicant and Appellant: Penta Properties Inc.
 Subject: Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment

Existing Designation: Institutional-Elementary School, Utility, Low Density Residential 2b, Medium Density Residential 3

Proposed Designated: Low Density Residential 3c, Low Density Residential 2b, Utility

Purpose: To permit the development of a range of low density residential uses comprising of townhouses, single detached, duplex and semi-detached dwellings

Property Address/Description: 198 First Rd. W. & 165 Upper Centennial Parkway

Municipality: City of Hamilton

Approval Authority File No.: UHOPA-14-012

OMB Case No.: PL161118

OMB File No.: PL161118

OMB Case Name: Penta Properties 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: Penta Properties Inc.

Subject: Application to amend Zoning By-law Nos. 05-200 and 3692-92 - Neglect of the City of Hamilton to make a decision

Existing Zoning: Neighbourhood Institutional (I1), Community Shopping Centre (Holding) "SC-2-5 (H)", Multiple Residential "RM4"

Proposed Zoning: Multiple Residential RM2-23, Single Residential "R4", Conservation/Hazard (P5)

Purpose: To permit the development of a range of low density residential uses comprising of townhouses, single detached, duplex and semi-detached dwellings

Property Address/Description: 198 First Rd. W. & 165 Upper Centennial Parkway

Municipality: City of Hamilton

Municipality File No.: ZAC-14-027

OMB Case No.: PL161118

OMB File No.: PL161119

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

Applicant and Appellant: Penta Properties Inc.

Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision

Purpose: To permit the development of a range of low density residential uses comprising of townhouses, single detached, duplex and semi-detached dwellings

Property Address/Description: 198 First Rd. W. & 165 Upper Centennial Parkway
 Municipality: City of Hamilton
 Municipality File No.: 25T-200908R
 OMB Case No.: PL161118
 OMB File No.: PL161120

Heard: November 20, 2017 in Hamilton, Ontario,
 October 31, 2019 and December 17, 2019 by
 telephone conference call

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
Upper Centennial Developments Ltd.	S. Snider (on November 20, 2017 only) and A. Toumanians
Penta Properties Inc.	S. Snider (on November 20, 2017 only) and A. Toumanians
City of Hamilton	M. Kovacevic
Michael Tellerd	J. Petropoulos* (on November 20, 2017 only)

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON
 DECEMBER 17, 2019 AND ORDER OF THE TRIBUNAL**

[1] This decision arises from a settlement hearing that was commenced in the City of Hamilton (“City”) on November 20, 2017 and continued on October 31, 2019 and December 17, 2019 by telephone conference calls (“TCC”). The proceedings consist of appeals brought by Upper Centennial Developments Ltd. (“Upper Centennial”) and Penta Properties Inc. (“Penta”) (together, the “Appellants”) regarding proposed developments on lands in the area of 165 Upper Centennial Parkway and 198 First Road West (“subject lands”). A decision arising from the October 31, 2019 TCC, which addressed procedural issues, was issued separately on November 6, 2019.

[2] Both sets of appeals concern the failure of the City to make decisions on official plan amendment, zoning by-law amendment, and draft plan of subdivision applications filed by the Appellants.

[3] At the settlement hearing on November 20, 2017, the Ontario Municipal Board (“Board”) heard evidence regarding the proposed instruments but was informed that further details needed to be negotiated by the Parties before the proposed settlement and instruments could be fully presented to the Board. On the October 31, 2019 TCC, Upper Centennial, Penta and the City informed the Local Planning Appeal Tribunal (“Tribunal”) that, pending City Council approval, the remaining aspects of the proposed settlement and instruments were ready for the Tribunal’s consideration. On the December 17, 2019 TCC, those outstanding aspects of the proposed settlement were presented to the Tribunal. The Tribunal allowed the appeal in part and approved the proposed instruments.

Evidence and Submissions

November 2017 Settlement Hearing

[4] At the settlement hearing on November 20, 2017, the Tribunal heard evidence from Karl Gonnsen, on behalf of the Appellants. The Tribunal qualified him to provide opinion evidence as a professional planner and a professional engineer.

[5] Mr. Gonnsen described the proposed multi-phase residential development. He stated that phases 1 and 2 have been completed and that only phases 3 and 4 are before the Tribunal in these proceedings. He described the existing official plan designations and zoning for the subject lands and the proposed designations and zoning envisioned by the Appellants. He said the proposed developments would include street townhouses, maisonettes, single detached dwellings, semi-detached dwellings, duplexes, an apartment building, and a range of retail and service commercial uses on the subject lands.

[6] Mr. Gonnsen described the draft plan of subdivision. He reviewed conditions addressing traffic, road layout, drainage, stormwater management, and municipal servicing. He opined that the proposed draft plan of subdivision has regard for the matters set out in s. 51(24) of the *Planning Act*, including those addressing the public interest, prematurity, flood control, and municipal services.

[7] Mr. Gonnsen reviewed the proposed conditions for draft plan approval, including those on drainage. He said the proposed development would drain to a new stormwater management pond, which would be constructed on lands owned by Penta. He said the conditions of draft plan approval require the construction of a ditch along Upper Centennial Parkway to ensure drainage of neighbouring properties and require that if the proposed development prevents drainage from the adjacent properties, a suitable outlet will be provided. He said these conditions will ensure that there are no adverse drainage impacts to neighbouring properties, including the adjacent property owned by M & M Tables and Fine Furniture ("M & M"). His evidence was that the proposed conditions are reasonable.

[8] Mr. Gonnsen opined that the proposed official plan and zoning by-law amendments and the proposed draft plans of subdivision are consistent with the Provincial Policy Statement, 2014 ("PPS"). He said the proposed developments will facilitate the creation of a healthy, liveable and safe community with appropriate land use patterns and density. He stated that they facilitate transit-supportive development and will lead to more efficient use of new and existing infrastructure.

[9] Mr. Gonnsen opined that the proposed official plan and zoning by-law amendments and the proposed draft plans of subdivision conform with the Growth Plan for the Greater Golden Horseshoe, 2017 ("Growth Plan, 2017"). He said the proposed instruments would facilitate a development that assists the City in attaining its growth targets, provides for a safe and healthy community with appropriate turn lanes, sidewalks and bike lanes, and assists the City in making infrastructure investments in the area, including for sewers and drainage. He said they will provide for lower cost

rental housing options in the area and will help create complete communities.

[10] Mr. Gonnsen opined that the proposed official plan and zoning by-law amendments and the proposed draft plans of subdivision conform with the Urban Hamilton Official Plan (“UHOP”) and the West Mountain Area (Heritage Green) Secondary Plan. He opined that they help create a complete community with retail, park and residential uses in the area. He said that the proposed developments will provide a full range of housing forms, types and densities and will address stormwater management issues.

[11] At the November 20, 2017 settlement hearing, John Petropoulos provided fact evidence on behalf of Michael Tellerd who has been operating M & M on a property adjacent to the subject lands since 1986. He said that the grade of the neighbouring property to the south has been raised to address drainage concerns. He said this has resulted in drainage problems on M & M’s property, excessive snow accumulation, and stormwater flowing on to the property. Mr. Petropoulos stated that Mr. Tellerd supports development in the area, but requests that drainage, sewer and water issues be addressed.

December 2019 Settlement Hearing

[12] At the December 17, 2019 settlement hearing, Mr. Gonnsen provided opinion evidence in support of a proposed revision to the zoning by-law amendment for 198 First Road West. The revision is proposed on consent of the Parties. He said the proposed revision would change the zoning for Block EE of that development from RM4, which only permits apartment dwellings, to R5-10 with modifications, which would permit lots on Block EE. He said that during phase 1 of the development, services were put in place in this block to accommodate 24 lots. He said R5-10 zoning only permits 22 lots and requires lot areas of at least 225 square metres (“m²”). Due to the development patterns completed under phase 1, there is only space for lot areas of 190 m² if 24 lots are to be developed. He stated that the Parties have agreed on consent to

modify the R5-10 zoning in order to allow these proposed lots. He opined that the proposed revisions would have no adverse grading or drainage impacts on M & M's lands. He opined that these zoning modifications are consistent with the PPS in that they promote efficient development and land use patterns, promote cost-effective development, and promote development in locations where there is appropriate infrastructure. He opined that they conform with the Growth Plan, 2017, and its recent update, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan, 2019"), in that they support the achievement of complete communities by providing a diverse range and mix of housing options and encourage coordination of infrastructure planning and land use planning and infrastructure investment. He opined that they conform with the UHOP in that they facilitate the development of a full range of housing forms, types and densities, contribute to a mix of lot widths and sizes compatible with the existing character of the area, are in a location for which full urban services will be available, and are compatible with adjacent developments. He also opined that they have regard for matters of provincial interest set out in s. 2 of the *Planning Act*.

[13] The Parties submitted that there are no other proposed substantive changes to the proposed instruments since the November 2017 settlement hearing.

[14] The City did not provide evidence at the settlement hearings. Mr. Tellerd did not attend the December 2019 settlement hearing.

ANALYSIS AND FINDINGS

[15] Based on the uncontradicted opinion evidence of Mr. Gonnson, the Tribunal found at the December 17, 2019 settlement hearing that the proposed official plan and zoning by-law amendments and the proposed draft plans of subdivision are consistent with the PPS, conform with the Growth Plan 2017, the Growth Plan, 2019, and UHOP, and have regard to the matters of provincial interest set out in s. 2 of the *Planning Act*. The Tribunal found that the proposed instruments promote efficient and cost-effective

development, facilitate the achievement of complete communities with a diverse range and mix of housing options, are located in an area that will have appropriate municipal services and infrastructure, and will be compatible with existing and planned developments in the area. Based on Mr. Gonnson's opinion evidence, the Tribunal found that the proposed instruments, with the proposed conditions of draft plan approval, will not cause adverse sewer, water or drainage impacts to M & M's property or the surrounding area. The Tribunal also found that based on the evidence before it, the proposed draft plan of subdivision has regard to the criteria set out in s. 51(24) of the *Planning Act* and that the proposed conditions for draft plan approval are reasonable.

ORDER

[16] The Tribunal orders that for the appeals contained in LPAT Case File Nos. PL161115, PL161116 and PL161117:

- a. The application to amend the Urban Hamilton Official Plan by Upper Centennial Developments Ltd. respecting the lands located at 165 Upper Centennial Parkway is approved in accordance with Schedule 1 attached hereto;
- b. The application to amend Zoning By-law No. 3692-92 (Stoney Creek) Upper Centennial Developments Ltd. respecting the lands located at 165 Upper Centennial Parkways is approved in accordance with Schedule 2 attached hereto; and
- c. The proposed Plan of Subdivision by Upper Centennial Developments Ltd. respecting the lands located at 165 Upper Centennial Parkway is approved in accordance with Schedule 3 attached hereto and subject to the Conditions of Approval attached as Schedule 4. Pursuant to section 51(56.1) of the *Planning Act*, the final approval of the Plan of Subdivision for the purposes of

section 51(58) is to be given by the City of Hamilton.

[17] The Tribunal orders that:

- a. The application to amend the Urban Hamilton Official Plan by Penta Properties Inc. respecting the lands located at 198 First Road West is approved in accordance with Schedule 5 attached hereto;
- b. The application to amend Zoning By-law No. 3692-92 (Stoney Creek) by Penta Properties Inc. respecting the lands located at 198 First Road West is approved in accordance with Schedule 6 attached hereto;
- c. The application to amend Zoning By-law No. 05-200 by Penta Properties Inc. respecting the lands located at 198 First Road West and 165 Upper Centennial Parkway is approved in accordance with Schedule 7 attached hereto; and
- d. The proposed Plan of Subdivision by Penta Properties Inc. respecting the lands located at 198 First Road West is approved in accordance with Schedule 8 attached hereto and subject to the Conditions of Approval attached as Schedule 9. Pursuant to s. 51(56.1) of the *Planning Act*, the final approval of the plan of subdivision for the purposes of s. 51(58) is to be given by the City of Hamilton.

[18] The Tribunal orders that Schedules 1 to 9 attached to this Order shall form part of the Order.

“Hugh S. Wilkins”

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.elfto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
Website: www.elfto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE 1

Urban Hamilton Official Plan Amendment No. 85

The following text, together with:

Appendix "A" Urban Hamilton Official Plan – Urban Land Use Designations – Volume 1: Schedule E-1

Appendix "B" West Mountain (Heritage Green) Secondary Plan – Land Use Plan – Volume 2: Map B.7.6-1

attached hereto, constitutes Official Plan Amendment No. 85 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate lands on Schedule E-1 – Urban Land Use Designations of Volume 1 and West Mountain (Heritage Green) Secondary Plan – Land Use Plan of Volume 2 to allow for the establishment of a range of Low, Medium and High Density Residential uses, comprised of Townhouse and Multiple Dwelling units, as well as the establishment of Local Commercial uses.

2.0 Location:

The lands affected by this Amendment are located north of Highland Road West and west of Upper Centennial Parkway (known municipally as 165 Upper Centennial Parkway), in the former City of Stoney Creek.

3.1 Basis:

The basis for permitting this Amendment is as follows:

- The proposed amendment is in keeping with the policies of the Urban Hamilton Official Plan and the West Mountain (Heritage Green) Secondary Plan, which promotes a range of housing types and densities.
- The proposed development is considered to be consistent with, and complementary to, the planned and existing development in the immediate area.
- The proposed amendment is consistent with the Provincial Policy Statement,

2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.1 **Actual Changes:**

4.2 **Text Changes:**

Volume 2 – Section B.7.6 – West Mountain (Heritage Green) Secondary Plan

4.2.1 Volume 2 – Chapter 7.0 – Stoney Creek Secondary Plans – Section B.7.6 – West Mountain (Heritage Green) Secondary Plan is amended by:

(a) amending Policy 7.6.2.1 by:

- (i) replacing the word “and” with “,” between the phrases “Low Density Residential 3c” and “Medium Density Residential 3”; and,
- (ii) adding the phrase “, and High Density Residential 1” after the phrase “Medium Density Residential 3c”;

so the policy reads as follows:

“7.6.2.1 The residential areas for West Mountain (Heritage Green) Secondary Plan area are designated Low Density Residential 2b, Low Density Residential 3c, Medium Density Residential 3, and High Density Residential 1 on Map B.7.6-2 – West Mountain Area (Heritage Green) – Land Use Plan.”

(b) adding a new policy, as follows:

“7.6.2.4 Section E.3.6 – High Density Residential of Volume 1 shall apply to lands designated High Density Residential 1 on Map B.7.6-1 – West Mountain (Heritage Green) – Land Use Plan.”

(c) adding a new Area Specific Policy, as follows:

“Area Specific Policy – Area F

7.6.8.22 Notwithstanding Policy E.3.4.4 of Volume 1 and Policy B.7.6.2.2 b) ii) of Volume 2, for the lands located at 165 Upper Centennial Parkway, designated “Low Density Residential 3c”, and identified as “Area Specific Policy – Area F” on Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan – Land Use Plan, the permitted density shall be from 30 to 105 units per net residential hectare.”

(d) adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area G

7.6.8.23 Notwithstanding Policy E.3.6.6 b) of Volume 1 and Policy B.7.6.2.4 of Volume 2, for the lands located at 165 Upper Centennial Parkway, designated “High Density Residential 1”, and identified as “Site Specific Policy – Area G” on Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan – Land Use Plan, the permitted density shall be from 100 to 300 units per net residential hectare.”

4.3 Mapping Changes:

Volume 1 – Schedule E-1, Urban Land Use Designations

4.3.1 Schedule E-1: Urban Land Use Designations is amended by redesignating lands from “Arterial Commercial” to “Neighbourhoods”, as shown on Appendix “A” attached to this amendment.

Volume 2 – Map B.7.6-1, West Mountain (Heritage Green) Secondary Plan

4.3.2 Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan Land Use Plan is amended by:

a) redesignating lands from “Low Density Residential 2b”

and “Arterial Commercial” to “Low Density Residential 3c”;

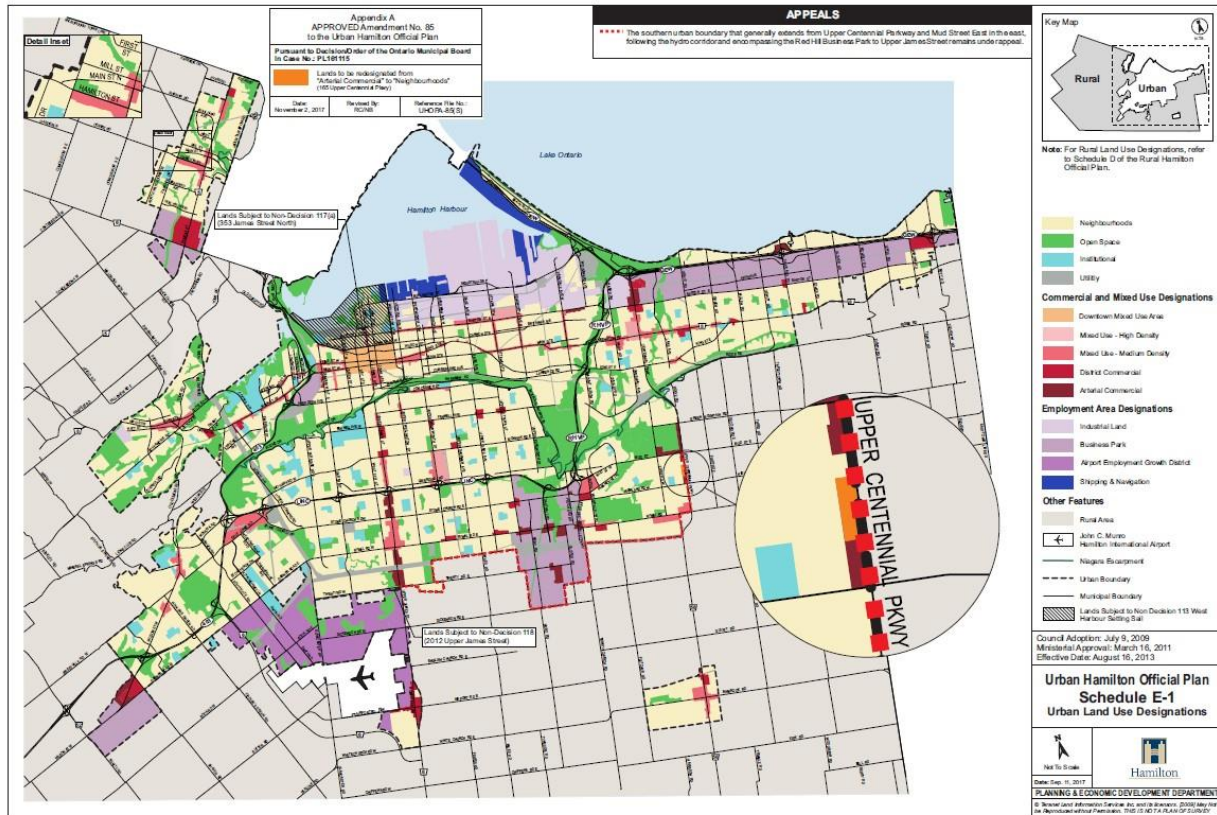
- b) redesignating lands from “Institutional” and “Arterial Commercial” to “High Density Residential 1”;
- c) redesignating lands from “Arterial Commercial” and “Low Density Residential 2b” to “Local Commercial”;
- d) removing “Site Specific Policy - Area C” from the subject lands;
- e) adding “Area Specific Policy – Area F” to lands designated “Low Density Residential 3c”; and,
- f) adding “Site Specific Policy – Area G” to lands designated “High Density Residential 1”,

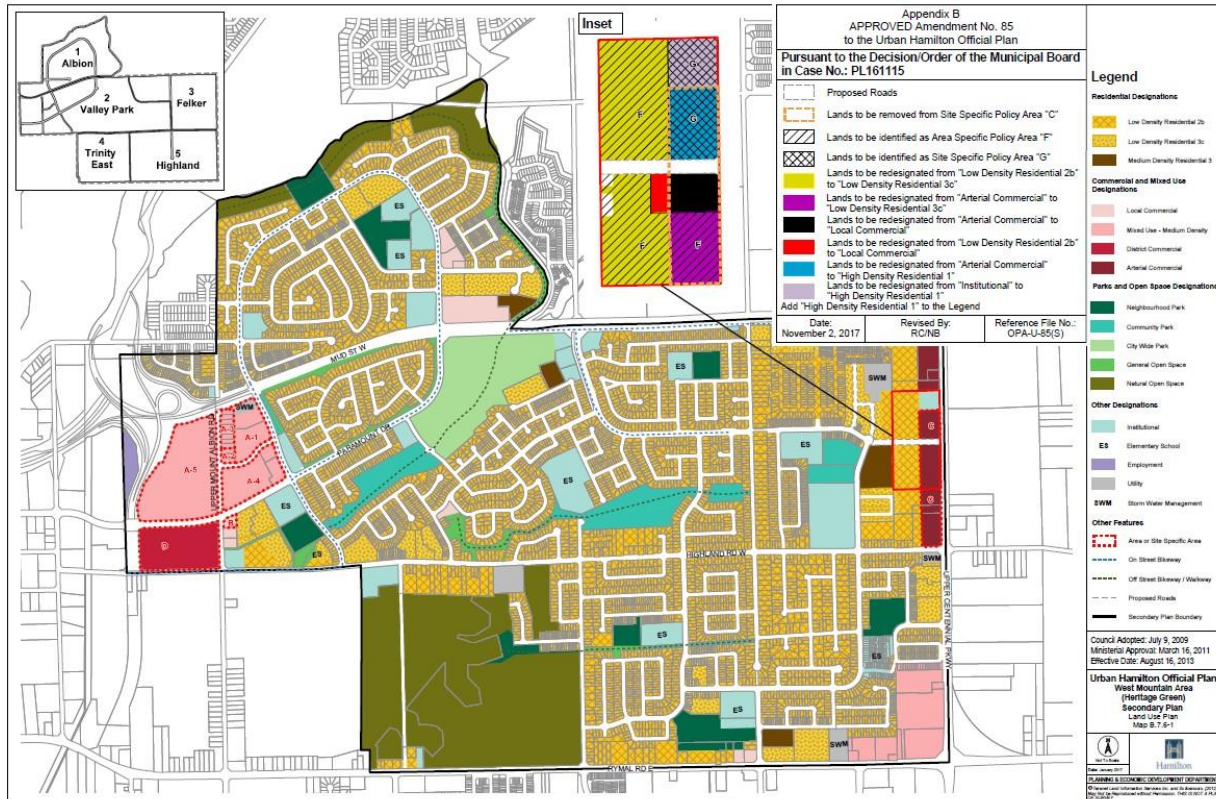
as shown on Appendix “B”, attached to this amendment.

5.0 Implementation:

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

This Official Plan Amendment is Schedule “1” to By-law No.____, pursuant to Decision / Order of the Local Planning Appeal Tribunal issued in Case No. PL161115.





SCHEDULE 2
CITY OF HAMILTON
BY-LAW NO. XX

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 165 Upper Centennial Parkway (Stoney Creek)

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

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Stoney Creek" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

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

WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 85;

NOW THEREFORE the Local Planning Appeal Tribunal orders:

1. That Map No. 16 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
 - (a) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to the Multiple Residential (Holding) "RM3-60(H2)" Zone, Modified, on the lands comprised of "Block 1";
 - (b) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to the Multiple Residential (Holding) "RM5-12(H2)" Zone, Modified, on the lands comprised of "Block 2";
 - (c) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM5-12(H2)" Zone, Modified, on the lands comprised of "Block 3";
 - (d) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-60(H2)" Zone, Modified, on the lands comprised of "Block 4";
 - (e) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to the Local Commercial (Holding) "LC-10(H2)" Zone, Modified, on the lands comprised of "Block 5";

- (f) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to the Multiple Residential (Holding) "RM3-61(H2)" Zone, Modified, on the lands comprised of "Block 6";
 - (g) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to Multiple Residential (Holding) "RM2-23(H2)" Zone, Modified, on the lands comprised of "Block 7";
 - (h) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to the Multiple Residential (Holding) "RM2-23(H1)(H2)" Zone, Modified, on the lands comprised of "Block 8";
 - (i) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to Multiple Residential (Holding) "RM3-60(H1)(H2)" Zone, Modified, on the lands comprised of "Block 9";
 - (j) by changing the zoning from Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-60(H1)(H2)" Zone, Modified, on the lands comprised of "Block 10";
 - (k) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-23(H2)" Zone, Modified, on the lands comprised of "Block 11";
 - (l) by changing the zoning from the Neighbourhood Development "ND" Zone to the Local Commercial (Holding) "LC-10(H2)" Zone, Modified, on the lands comprised of "Block 12";
 - (m) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-23(H1)(H2)" Zone, Modified, on the lands comprised of "Block 13"; and,
 - (n) by changing the zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified, to the Multiple Residential (Holding) "RM2-23(H1)(H2)" Zone, Modified, on the lands comprised of "Block 14".
2. That Subsection 6.10.7: "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM3-60", as follows:

RM3-60 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding Section 6.10.2, and the provisions of Paragraphs (a), (b), (c), (d), (f), (i), (k), (l), and (m) of Subsection 6.10.3, and Subsection 6.10.5 (a), of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-60" by this By-law, the following shall apply:

6.10.2 Permitted Use for Each Lot

- (a) Maisonettes

6.10.3	(a)	Minimum Lot Area	70.0 square metres
	(b)	Minimum Lot Frontage	6.3 metres
	(c)	Minimum Front Yard	4.5 metres except 5.8 metres to an attached garage
	(d)	Minimum Side Yard	0.0 metres interior, 1.2 metres for an end unit and 2.4 metres for flankage yard
	(f)	Minimum Rear Yard	0.0 metres
	(i)	Maximum Density	100 units per hectare
	(k)	Maximum Lot Coverage	71 percent
	(l)	Minimum Privacy Area	Notwithstanding the yard requirements above, each maisonette unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling. The privacy area shall have a minimum area of 7.65 square metres and may comprise porches, decks, balconies, and verandas.
	(m)	Minimum Landscaped Open Space	10 percent.
6.10.5	(a)	Minimum Number of Parking Spaces	2 parking spaces for each dwelling unit, tandem parking is permitted.

3. That Subsection 6.12.6: "Special Exemptions" of Section 6.12 Multiple Residential "RM5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM5-12", as follows:

RM5-12 165 Upper Centennial Parkway, Schedule "A", Map No. 16

In addition to Section 6.12.2, notwithstanding the provisions of paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) of Section 6.12.3, and notwithstanding the provisions of Section 6.12.4 (a), of the Multiple Residential "RM5" Zone, on those lands zoned "RM5-12" by this By-law, the following shall apply:

- | | | |
|--------|-----|---|
| 6.12.2 | (a) | Commercial uses permitted in Section 8.2.2 of By-law No. 3692-92 may be permitted on the ground floor. |
| 6.12.3 | (b) | Minimum Lot Frontage 50.0 metres |
| | (c) | Minimum Front Yard 4.5 metres |
| | (d) | Minimum Side Yard |
| | i) | Minimum Easterly Side Yard 4.5 metres for storeys 1 to 3 |
| | ii) | Minimum Westerly Side Yard 4.5 metres for storeys 1 to 3 |
| | (e) | Minimum Rear Yard 4.5 metres |
| | (f) | Increased Yards and Height |
| | i) | 6.0 metres for storeys 4 to 6 abutting a street |
| | ii) | 7.5 metres for storeys 7 to 12 abutting a street |
| | (g) | Maximum Lot Coverage 41 percent |
| | (h) | Maximum Residential Density 300 units per hectare |
| | (i) | Maximum Height 12 storeys or 43 metres |
| | (j) | Minimum Landscaped Open Space |
| | 1) | The landscaped area shall not be less than 12 percent of the lot area. |
| | 2) | A landscaped strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress. |
| | (k) | Minimum distance between residential buildings on the same lot - N/A |

- 6.12.4 (a) 1.0 parking spaces and 0.25 visitor parking spaces for each dwelling unit.
 - (b) The required visitor parking space shall be maintained for the shared use between the commercial use(s) and residential use, have a sign legibly marking that the parking space is for the shared use of both commercial and residential visitor parking, and shall be maintained readily accessible for either use, free and clear of all obstructions.
4. That Subsection 6.10.6: “Special Exemptions” of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, “RM3-61”, as follows:

RM3-61 165 Upper Centennial Parkway, Schedule "A", Map No. 16

The following regulations apply to the “RM3-61” Zone, should the development proceed as a Standard Condominium:

Notwithstanding the provisions of Section 6.10.2, and the provisions of paragraphs (c), (h), (i), (l), and (m) 1. and 4. of Section 6.10.3, and in addition to the provisions of Section 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-61" by this By-law, the following shall apply:

- 6.10.2 Permitted Uses For Each Lot
 - (a) Townhouses
- 6.10.3 (c) Minimum Front Yard 3.0 metres, and 5.8 metres for a garage.
- (h) Minimum Distance Between Buildings on the Same Lot
 - 12 metres, except 2.4 metres between end walls and 9 metres between an end wall and a rear wall.
- (i) Maximum Density 47 unit per hectare
- (l) Privacy Area – notwithstanding the yard requirements above, each townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have an area of 36 square metres.
- (m) Minimum Landscaped Open Space
 - 1. Not less than 40% of the lot area shall be landscaped including privacy areas.
 - 4. A landscaped strip having a minimum width of

4.5 metres, within which retaining walls are allowed in addition to swales, berms and fences, shall be provided and thereafter maintained adjacent to every portion of any lot that abuts Upper Centennial Parkway except for points of ingress and egress.

The following regulations apply to the “RM3-61” Zone, should the development proceed as Freehold Street Townhouse Units tied to a Common Element Condominium Road:

For the purposes of this By-law, a common element condominium road shall be deemed to be a street.

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (g) and (i) of Section 6.9.3 of Zoning By-law No. 3692-92, on those lands zoned “RM3-61” by this By-law, the following shall apply:

- (a) Minimum Lot Area
 - Interior Unit - 150 square metres
 - End Unit - 175 square metres
 - Corner Unit - 200 square metres
- (b) Minimum Lot Frontage
 - Interior Unit - 6.0 metres
 - End Unit - 7.0 metres
 - Corner Unit - 8.0 metres
- (c) Minimum Front Yard - 3.0 metres, except 5.8 metres for a garage
- (d) Minimum Side Yard
 - End Unit - 1.5 metres
 - Corner Unit - 2.4 metres
- (e) Minimum Rear Yard - 6.0 metres
- (i) Maximum Lot Coverage - N/A
- (g) Minimum Landscaped Open Space

A landscaped strip having a minimum width of 4.5

metres, within which retaining walls are allowed in addition to swales, berms and fences, shall be provided and thereafter maintained adjacent to every portion of any lot that abuts Upper Centennial Parkway except for points of ingress and egress.

5. That Subsection 8.2.4: "Special Exemptions" of Section 8.2 Local Commercial "LC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "LC-10", as follows:

LC-10 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 8.2.2 and Section 8.2.3 (i), and in addition to the provisions of Section 8.2.3 of the Local Commercial "LC" Zone, on those lands zoned "LC-10" by this By-law, the following shall apply:

- 8.2.2 (a) Artist Studio
- (b) Car Washing Establishment
- (c) Catering Service
- (d) Commercial School
- (e) Communications Establishment
- (f) Community Garden
- (g) Craftsperson Shop
- (h) Day Nursery
- (i) Dwelling Units in conjunction with a Commercial Use on the ground floor
- (j) Emergency Shelter
- (k) Financial Establishment
- (l) Laboratory
- (m) Medical Clinic
- (n) Microbrewery
- (o) Motor Vehicle Gas Bar
- (p) Motor Vehicle Service Station
- (q) Office

- (r) Personal Services
 - (s) Repair Service
 - (t) Restaurant
 - (u) Retail
 - (v) Social Services Establishment
 - (w) Tradesperson's Shop
 - (x) Urban Farm
 - (y) Urban Farmers Market
 - (z) Veterinary Service
- 8.2.3 (i) Maximum Building Height - 14.0 metres
- (n) Restriction of Residential Uses within a Building
- i) Notwithstanding Section 8.2.2, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50 percent of the total gross floor area of all the building(s) within the lot.

6. That Subsection 6.10.7: "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM3-60(H1)(H2)", as follows:

RM3-60(H1) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-60(H1)" by this By-law, the Holding "(H1)" symbol may be removed by City Council and thereby give effect to the "RM3-60" Zone provisions upon completion of the following:

- a) Land assembly with the abutting lands to the west to permit orderly development, and confirmation of an adequate level of engineering services to support the uses, to the satisfaction of the City's Director of Planning and Chief Planner, and the Senior Director of Growth Management.

RM3-60(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-60(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "RM3-60" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property (198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.
7. That Subsection 6.9.6: "Special Exemptions" of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM2-23(H1)(H2)", as follows:

RM2-23(H1) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM2-23(H1)" by this By-law, the Holding "(H1)" symbol may be removed by City Council and thereby give effect to the "RM2-23" Zone provisions upon completion of the following:

- a) Land assembly with the abutting lands to the west to permit orderly development, and confirmation of an adequate level of engineering services to support the uses, to the satisfaction of the City's Director of Planning and Chief Planner, and the Senior Director of Growth Management.

RM2-23(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM2-23(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "RM2-23" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property

(198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.

8. That Subsection 6.12.6: "Special Exemptions" of Section 6.12 Multiple Residential "RM5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "RM5-12(H2)", as follows:

RM5-12(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM5-12(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "RM5-12" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property (198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.
9. That Subsection 8.2.4: "Special Exemptions" of Section 8.2 Local Commercial "LC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, "LC-10(H2)", as follows:

LC-10(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "LC-10(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "LC-10" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property (198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.
10. That Subsection 6.10.7: "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemptions, "RM3-61(H2)", as follows:

RM3-61(H2) 165 Upper Centennial Parkway, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-61(H2)" by this By-law, the Holding "(H2)" symbol may be removed by City Council and thereby give effect to the "RM3-61" Zone provisions upon completion of the following:

- a) Owner shall have entered into a cost sharing agreement with Penta Properties Inc. (Penta) which will require the Owner to pay its proportionate share of the cost of construction of any downstream improvements to the storm conveyance system from downstream outside limit of the storm water management pond block on the adjacent property (198 First Road West), such downstream improvements to include the roadside ditches along Upper Centennial Parkway, Mud Street East including all necessary culvert upgrades and any downstream monitoring and remediation costs required to provide for proper conveyance of the post development drainage from 165 Upper Centennial and 198 First Road West (Paletta). Such costs are to be calculated on a contributory

area and percent impervious basis, in respect of costs associated with the land and construction and other reasonable and related costs of the storm water conveyance system net of any monies recoverable from the City of Hamilton. These costs shall be calculated by the engineering consultant for Penta in a timely manner and agreed upon by an engineering consultant retained by the Owner of 165 Upper Centennial Parkway and shall be paid to Penta prior to the lifting of the Hold Symbol. If agreement regarding the costs is not reached, they shall be determined by arbitration pursuant to the *Ontario Arbitration Act*.

11. 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 Multiple Residential "RM2-23" Zone, Modified, the Multiple Residential "RM3" Zone, the Multiple Residential "RM5" Zone, and the Local Commercial "LC" Zone subject to the special requirements referred to in Sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 of this By-law.
12. That this By-law No. 17- shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.
13. 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 this ____ day of _____, 2019.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

UHOPA-15-07(R) / ZAC-15-015(R) / 25T-201503(R)



This is Schedule "A" to By-law No. 17-

Passed the day of, 2017

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 17-_____

to Amend By-law No. 3692-92

Subject Property

165 Upper Centennial Parkway

- Block 1** - Change in zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, to Multiple Residential "RM3-60 (H2)" Zone, Modified
- Block 2** - Change in zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, to Multiple Residential "RM5-12 (H2)" Zone, Modified
- Block 3** - Change in zoning from the Neighbourhood Development "ND" Zone, to Multiple Residential "RM5-12 (H2)" Zone, Modified
- Block 4** - Change in zoning from the Neighbourhood Development "ND" Zone, to Multiple Residential "RM3-60 (H2)" Zone, Modified
- Block 5** - Change in zoning from the Community Shopping Centre (Holding) "SC2-6 (H)" Zone, Modified, to Local Commercial "LC-10 (H2)" Zone, Modified
- Block 6** - Change in zoning from the Community Shopping Centre (Holding) "SC2-6 (H)" Zone, Modified, to Multiple Residential "RM3-61 (H2)" Zone, Modified
- Block 7** - Change in zoning from the Community Shopping Centre (Holding) "SC2-6 (H)" Zone, Modified to Multiple Residential "RM2-23 (H1) (H2)" Zone, Modified
- Block 8** - Change in zoning from the Community Shopping Centre (Holding) "SC2-6 (H)" Zone, Modified to Multiple Residential "RM2-23 (H1) (H2)" Zone, Modified
- Block 9** - Change in zoning from the Community Shopping Centre (Holding) "SC2-5 (H)" Zone, Modified to Multiple Residential "RM3-60 (H1) (H2)" Zone, Modified
- Block 10** - Change in zoning from the Neighbourhood Development "ND" Zone, Modified to Multiple Residential (Holding) "RM3-60 (H1) (H2)" Zone, Modified
- Block 11** - Change in zoning from the Neighbourhood Development "ND" Zone, to Multiple Residential (Holding) "RM2-23 (H2)" Zone, Modified
- Block 12** - Change in zoning from the Neighbourhood Development "ND" Zone, to the Local Commercial (Holding) "LC-10 (H2)" Zone, Modified
- Block 13** - Change in zoning from the Neighbourhood Development "ND" Zone, to Multiple Residential (Holding) "RM2-23(H1) (H2)" Zone, Modified
- Block 14** - Change in zoning from the Community Shopping Centre (Holding) "SC2-6(H)" Zone, Modified to Multiple Residential (Holding) "RM2-23 (H1) (H2)" Zone, Modified

Scale:
N.T.S.

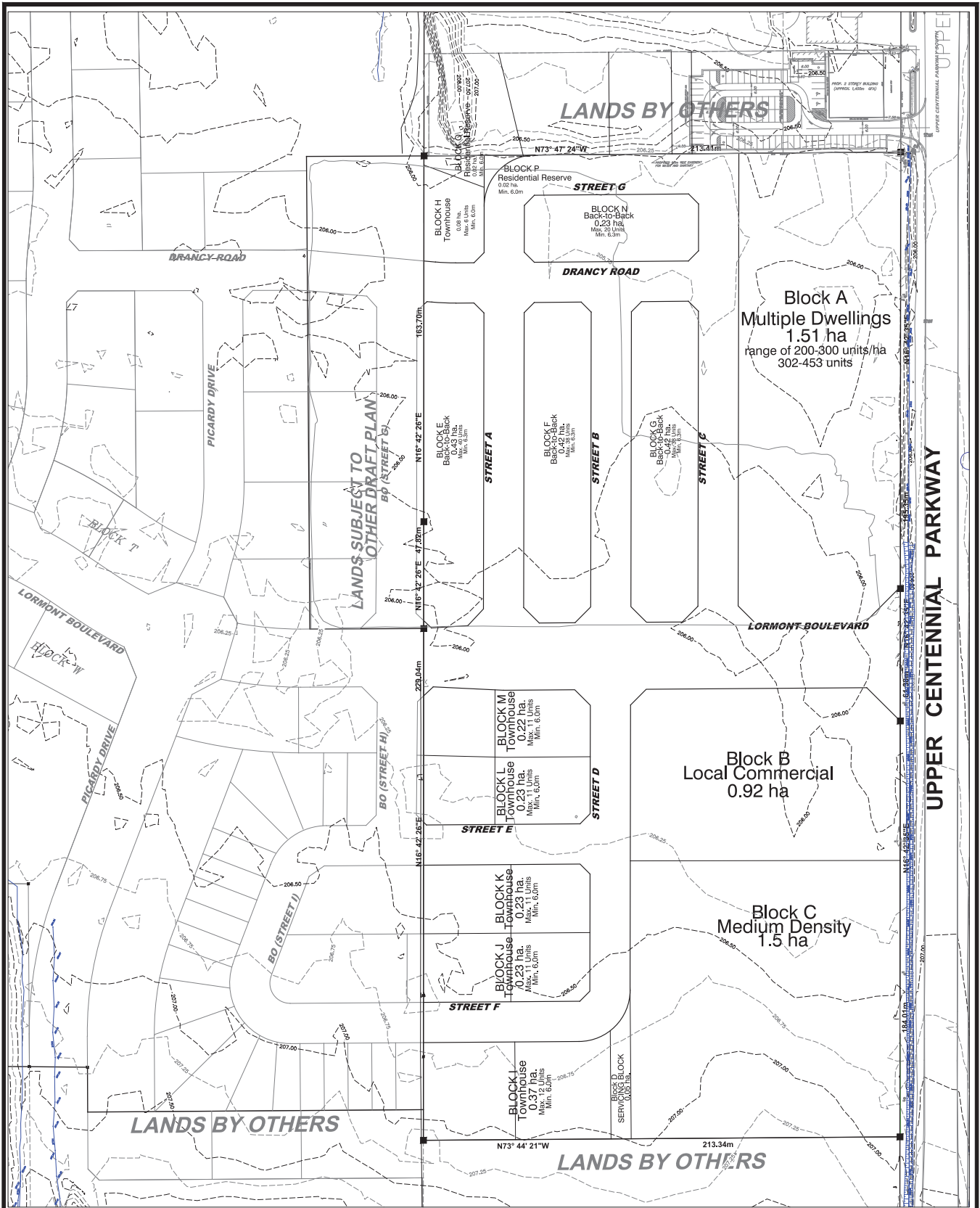
File Name/Number:
ZAC-15-015(R)/JHOPA-15-07(R)/25T-201503(R)

Date:
Nov. 15, 2017

Planner/Technician:
RC/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



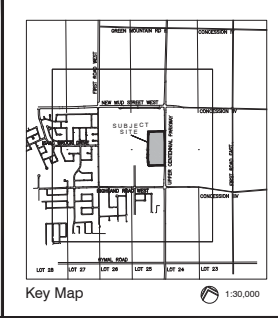
Schedule of Land Use	
PROPOSED LAND USE	ha
Multiple Dwellings (Block A)	1.51
Local Commercial (Block B)	0.92
Medium Density (Block C)	1.50
Residential Reserve (Block P)	0.02
Back-to-Back Residential (Block H)	0.43
Back-to-Back Residential (Block J)	0.23
Back-to-Back Residential (Block K)	0.23
Back-to-Back Residential (Block L)	0.23
Back-to-Back Residential (Block M)	0.22
Back-to-Back Residential (Block N)	0.23
Back-to-Back Residential (Block O)	0.37
Residential Reserve (Block P)	0.02
Residential Reserve (Block Q)	0.02
TOTAL SITE AREA	8.40
PROPOSED RESIDENTIAL UNITS	
Multiple Dwellings (Block A)	302-453
Local Commercial (Block B)	79
Medium Density (Block C)	118
Back-to-Back Residential (Block H)	81
Back-to-Back Residential (Block J)	47
Back-to-Back Residential (Block K)	47
Back-to-Back Residential (Block L)	47
Back-to-Back Residential (Block M)	47
Back-to-Back Residential (Block N)	47
Back-to-Back Residential (Block O)	79
Residential Reserve (Block P)	0
Residential Reserve (Block Q)	0
TOTAL UNITS	687-762
PROPOSED PLOTS	
Multiple Dwellings (Block A)	1862
Local Commercial (Block B)	213
Medium Density (Block C)	213
Back-to-Back Residential (Block H)	81
Back-to-Back Residential (Block J)	47
Back-to-Back Residential (Block K)	47
Back-to-Back Residential (Block L)	47
Back-to-Back Residential (Block M)	47
Back-to-Back Residential (Block N)	47
Back-to-Back Residential (Block O)	79
Residential Reserve (Block P)	0
Residential Reserve (Block Q)	0
TOTAL PLOTS	2842

Additional Information Required Under Section 51(17) of the Planning Act R.S.O. 1990

(a) SHOWN ON DRAFT PLAN
 (b) SHOWN ON DRAFT AND KEY PLAN
 (c) SHOWN ON KEY MAP
 (d) LAND TO BE USED IN ACCORDANCE WITH LAND USE SCHEDULE
 (e) SHOWN ON DRAFT PLAN
 (f) SHOWN ON DRAFT AND KEY PLAN
 (g) SHOWN ON KEY MAP
 (h) MUNICIPAL PIPED WATER
 (i) SAND AND CLAY TILES
 (j) SHOWN ON DRAFT PLAN
 (k) FULL MUNICIPAL SERVICES
 (l) SHOWN ON DRAFT PLAN

DRAFT PLAN OF SUBDIVISION

OF PART OF LOTS 25 & 26 CONCESSION 7
 Now in the Formerly in the Geographic Township of Saltfleet
 CITY OF HAMILTON
 City File No:25T-2015(03)



Owner's Authorization
 I authorize MetroPlan Consulting Inc. to prepare and submit this Revised Draft Plan of Subdivision to the City of Hamilton for approval.
 Date: _____

Surveyor's Certificate
 I hereby certify that the boundaries of the land to be subdivided on this plan and their relationship to adjacent lands are correctly and accurately shown.
 Date: _____

Dasha Page, O.L.S.
 MetroPlan Consulting Inc.
 4450 PALETTA COURT
 BURLINGTON, ON L7L5R2
 TEL: 905.637.3288
 FAX: 905.637.3288
 EMAIL: INFO@METROPOLITANCONSULTING.COM

METROPOLITAN CONSULTING INC.

Scale 1:750
 October 23, 2017

SCHEDULE 4

Special Conditions for Draft Plan of Subdivision Approval

For “Upper Centennial Developments” 25T-201503R

(165 Upper Centennial Parkway)

1. That this approval apply to the Revised Draft Plan of Subdivision, 25T-201503R, prepared by Metropolitan Consulting and certified by Dasha Page, O.L.S., dated, July 27, 2017, consisting of one Block for a maximum of 453 multiple dwelling units (Block A), one Commercial Block (Block B), one Block for a maximum of 70 block townhouse units (Block C), four Blocks for a maximum of 136 maisonette units (Blocks E – G, N), six Blocks (Blocks H – M) for a maximum of 62 Townhouse units, two Residential Reserve Blocks (Block O and P), one Servicing Block (Block D), and nine Internal Public Roads (A – G, and the extension of Drancy Road and Lormont Boulevard), subject to the owner entering into a standard Form Subdivision Agreement with the following special conditions.

Development Planning, Heritage and Design

2. That, ***prior to registration***, the Owner / Applicant shall provide a Landscape Plan that has been prepared by a Landscape Architect showing:
 - i) the placement of trees on internal / external City property, to the satisfaction of the City of Hamilton, Manager of Forestry and Horticulture;
 - ii) the placement of compensation trees for any tree removals, completed in accordance with the Tree Preservation Plan to the satisfaction of the Director of Planning and Chief Planner; and,
3. That, ***prior to grading***, the Owner / Applicant submit an updated noise / vibration study prepared by a qualified professional, with said study containing an investigation of the noise / vibration levels impacting the proposed development, and the necessity for noise / vibration control measures, to the satisfaction of the Director of Planning and Chief Planner.

Hamilton Conservation Authority

4. That, ***prior to grading***, the Owner agrees to prepare an Erosion and Sediment Control Plan for the subject property, to the satisfaction of the Hamilton Conservation Authority (HCA).
5. That, ***prior to grading***, the Owner agrees to prepare a Lot Grading Plan to the satisfaction of the Hamilton Conservation Authority (HCA).
6. That, ***prior to grading***, the Owner agrees to prepare a Hydrogeological Study to the satisfaction of the Hamilton Conservation Authority (HCA).
7. That, ***prior to grading***, the Owner agrees to prepare a Storm Water Management Plan for the subject property, to the satisfaction of the Hamilton Conservation Authority (HCA).

Traffic

8. That, ***prior to servicing***, the Owner agrees to include in the engineering design and cost estimate schedule, provision to complete the design and construction of the signalized intersection of Lormont Boulevard and Upper Centennial Parkway in conjunction with the construction of Lormont Boulevard at the Owner's expense exclusive of the supply and installation of the above ground poles, signals heads and controller panel, wiring, co-ordination and system requirements, communications equipment and detectors . The design elements of the new intersection will be identified as part of the staff review and acceptance of the revised Traffic Impact Study by BA Consulting Group Ltd, and must be to the satisfaction of Director of Engineering Services, Public Works.
9. That, ***prior to registration***, the application shall ensure that Lormont Boulevard be established at a 30 metre right of way from Street "A" easterly. The remainder of the street will be 26 metres. This shall be to the satisfaction of the Director of Engineering Services, Public Works.
10. That, ***prior to registration***, the Owner shall dedicate or secure sufficient lands and daylight triangles that may be necessary to facilitate the required road network upgrades on Upper Centennial Parkway at Lormont Drive as determined through the Traffic Impact Study approval process and intersection design project, to the satisfaction of the Director of Engineering Services, Public Works.

Engineering

11. That, the Owner agrees, in writing, to satisfy all conditions, financial and otherwise of the City of Hamilton to the satisfaction of the Senior Director, Growth Management Division.
12. That, ***prior to registration***, the trunk sanitary sewer must be commissioned by the City of Hamilton, to the satisfaction of the Senior Director, Growth Management Division.
13. That, ***prior to registration***, the Owner agree, in writing, to provide a 9.0 metre wide easement to the City of Hamilton for installation of a sanitary sewer on Street 'E' to provide for an outlet for the lands that are part of 198 First Road West Subdivision (25T-200908), to the satisfaction of the Senior Director, Growth Management Division.
14. That, ***prior to registration***, the Owner shall submit the necessary transfer deed to the City's Legal Department to convey Block 'D' of the plan to the City for a walkway / servicing corridor, to the satisfaction of the Senior Director, Growth Management Division.
15. That, ***prior to registration***, the Owner agrees to submit sufficient information to demonstrate that the inner radius on Street 'F', Street 'E', and Street 'G' at the 90 degree bends, provide for installation of a 13.0 metre pavement radius and appropriate width of the boulevard to the satisfaction of the Senior Director, Growth Management Division.
16. That, ***prior to registration***, the Owner shall submit a parking plan to demonstrate a minimum 40% of on-street parking, based on the total number of ground related residential units, is provided within the subject lands to the satisfaction of the Senior Director, Growth Management Division. Further Owner agrees that Block 'A', Block 'B' and Block 'C' will meet the parking requirements within the site based on City's the City's Zoning By-law at the time of site plan stage to the satisfaction of Senior Director of Growth Management.
17. That, ***prior to registration***, the Owner agrees to secure their proportional share for the downstream drainage improvement & monitoring costs and ongoing operation and maintenance of the stormwater management pond located within 198 First Road West subdivision (Draft Plan 25T-200908R) throughout all phases of the development or until such time as the stormwater management pond is assumed by the City of Hamilton, all to the satisfaction of the Senior Director, Growth Management Division.

18. That, ***prior to preliminary grading***, the Owner shall submit a detailed SWM Brief to demonstrate compliance with the assumptions taken into the approved design of the SWM Facility at the adjacent development known as 198 First Road West (25T-20908(R)), as they relate to the subject lands in regards to the minor and major storm conveyance systems, including the 100 year Hydraulic Grade Line computations in Excel format, all to the satisfaction of the Senior Director, Growth Management Division.
19. That, ***prior to preliminary grading***, the Owner acknowledges that the preliminary grading and servicing shall not be commenced until the Stormwater Management facility on 198 First Road West (Draft Plan-25T-200908) is constructed and operational as per the design approved by the City and MOECC, to the satisfaction of the Senior Director, Growth Management Division.
20. That, ***prior to preliminary grading***, the Owner shall submit a Hydrogeological Study completed by a qualified professional, which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the study, the Owner shall propose appropriate mitigation measures to address the concerns and provide municipal water and sewer services, as required at the developer's expense, to any property that may be negatively impacted, to the satisfaction of the Senior Director, Growth Management Division.
21. That, ***prior to servicing***, the Owner agrees to include in the engineering design and cost estimate schedule, provision for looping of the 400 mm watermain on Lormont Boulevard by connecting the existing 400 mm dia. watermain stub at the adjacent development known as 198 First Road West to the existing dead end watermain at the northwest corner of the intersection between Highland Road and Upper Centennial Parkway at their expense and to the satisfaction of the Senior Director, Growth Management Division. Cost recovery shall be attempted through best effort clause in the subdivision agreement in accordance with City's financial policies at the time of registration.
22. That, ***prior to servicing***, the Owner shall submit a detailed engineering design for the ditch along Upper Centennial Parkway up to Highland Road to the satisfaction of the Senior Director of Growth Management.
23. That, ***prior to registration***, the Owner agrees to reconstruct the west ditch, at the Owner's cost, along Upper Centennial Parkway from the southern property limit to the outlet to ensure drainage of neighbouring properties, Further, the Owner agrees that in the event, the proposed development prevent/blocks the drainage from the adjacent

properties, the Owner shall provide a suitable outlet to the satisfaction of the Senior Director of Growth Management which may include amongst other measures the reconstruction of the ditch along Upper Centennial Parkway to provide a positive drainage from Highland Road to the limit of this draft plan, If any such construction is required shall all be at the Owner's cost, to the satisfaction of the Senior Director, Growth Management Division.

24. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provision for installation of a 1.5 metre wide concrete sidewalk at:

- a) West side of Street 'A';
- b) East side of Street 'B';
- c) East side of Street 'C';
- d) North Side of Street 'G';
- e) South side of Drancy Road;
- f) East side of Street 'D';
- g) South side of Street 'F';
- h) North side of Street 'E';
- i) both sides of Lormont Boulevard; and,
- j) the middle of Block 'D';

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

25. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provision for installation of a 1.5 metre high chain link fence along both sides of Block "D" at their expense and to the satisfaction of the Senior Director, Growth Management Division.

26. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule, provision for any road improvements within the existing right-of-way of Upper Centennial Parkway in accordance with the revised Traffic Impact Study (BA Group Ltd) and Stormwater Management Report, These works include all the recommendations from the above reports but is not limited to pavement widening, re-ditching, pavement markings, installation of Traffic Signals, etc. at their expense, and to the satisfaction of the Senior Director, Growth Management Division.
27. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provision for installation of storm sewer within Block 'D' to provide for servicing of the adjacent lands to the satisfaction of the Senior Director, Growth Management Division.
28. That, **prior to registration**, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the following intersections:
- a) Street 'A' and Drancy Road;
 - b) Street 'B' and Drancy Road
 - c) Street 'C' and Drancy Road
 - d) Street 'E' and Street 'D';
 - e) Street 'F' and Street 'D';
 - f) Street 'G' and Drancy Road; and,
 - g) Street 'H' and Street 'E';
- to the satisfaction of the Senior Director of Growth Management.
29. That, **prior to registration**, 7.0 metre by 7.0 metre daylight triangles be established on the final plan of subdivision at the following intersections:
- a) Lormont Boulevard and Street 'A';
 - b) Lormont Boulevard, Street 'B' and Street 'D';
 - c) Street 'C' and Lormont Boulevard; and,
 - d) Lormont Boulevard, Street 'G' and Street 'H';
- to the satisfaction of the Senior Director of Growth Management.

30. That, **prior to registration**, 15.0 metre by 15.0 metre daylight triangles be established on the final plan of subdivision at the intersection of Upper Centennial Parkway and Lormont Boulevard to the satisfaction of the Senior Director of Growth Management.
31. That, **prior to registration**, the Owner shall agree to include in all offers of Purchase and Sale a statement that advises the prospective purchaser that there is an approved grading plan and that the purchaser agrees not to alter any lands in a way that would conflict with the approved grading plan without approval from the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
32. That, **prior to registration**, the Owner will be required to make a cash payment to the City of Hamilton for the future urbanization of Upper Centennial Parkway based on the "New Roads Servicing Rate" in effect at the time of payment to the satisfaction of the Senior Director of Growth Management. Further, if the applicant can demonstrate that the above and below ground services are built to the ultimate location and capacity to the satisfaction of Senior Director, Growth Management, City will adjust the urbanization cost accordingly.
33. That, **prior to registration**, the Owner shall agree to include in all offers of Purchase and Sale a statement that advises the prospective purchaser that it is the sole responsibility of the home Owner to maintain any and all noise barrier or other infrastructure required within the approved noise study and that the purchaser agrees not to alter any noise barrier or other infrastructure without approval from the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
34. That, **prior to registration**, the Owner shall agree to include on all notices of purchase and sale of residential units, the following warning clause:
- "On-street, public parking in the surrounding neighbourhood will be limited and cannot be guaranteed in perpetuity. Garage space for this unit is provided and intended for the purposes of parking a vehicle. It is the Owner's responsibility to ensure that their parking needs can be accommodated."*
- to the satisfaction of the Senior Director of Growth Management.
35. That, **prior to registration**, the Owner shall include in any Agreements of Purchase and Sale for lots, blocks, units, and severed parcels:
- a) in respect of sidewalks:
- i) a plan showing the location of sidewalks; and,
- ii) a notice advising prospective purchasers and tenants that a sidewalk will, or will not, be constructed within the street right-of-way fronting the lot/block, unit or severed parcel;
- to the satisfaction of the Senior Director of Growth Management.

36. That, **prior to servicing**, the Owner shall agree that a maximum of 100 residential units of the final plan of subdivision shall be permitted to be constructed with only one (1) public road access to service each phase of the development. A second public road access to the subject lands is required, prior to development, beyond the initial one hundred (100) residential units to the satisfaction of the Senior Director of Growth Management.
37. That, **prior to servicing**, the Owner shall 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 Senior Director of Growth Management.
38. That, **prior to grading**, the Owner agrees to submit and implement the following revised reports to the satisfaction of the Senior Director of Growth Management:
- a) Functional Servicing Report;
 - b) Storm Water Management (SWM) Report;
 - c) Traffic Impact Study;
 - d) Hydrogeological Report;
 - e) Geotechnical Report;
 - f) Noise Report; and,
 - g) Any other reports required to support the development.

The Owner further agrees to incorporate / revise the draft plan to implement all the recommendations from the above reports to the satisfaction of the Senior Director of Growth Management.

39. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provision for the extension of services (Water and Sanitary Sewer) along Upper Centennial Parkway up to the limit of subdivision (North and South Property limit), at their expense, and to the satisfaction of the Senior Director, Growth Management Division. In addition, prior to servicing the Owner agrees to provide additional information satisfactory to the Senior Director of Growth Management regarding the need for construction of the sanitary sewer on Upper Centennial Parkway from the trunk stub north to the north limit of their land and the City will determine if it requires this section of sanitary sewer.

40. The Owner agrees in writing that Blocks 'N' and 'H' will remain undevelopable until the Owner acquires sufficient lands from the adjacent land Owner (219 Upper Centennial Parkway) to extend Street 'G' to the satisfaction of the Senior Director of Growth Management.
41. [INTENTIONALLY LEFT BLANK]
42. That, **prior to registration**, the Owner agrees to revise the Draft Plan to provide 20 metre road Right of Way width instead of 18 metre road right of way width, if the Owner fails to submit the full Engineering drawings submission and reports in accordance with current City's Development Guidelines and Financial Policy, one year after receiving the latter of draft plan approval and/or a copy of the Elfrida Sub-watershed study modeling from the City.
43. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule, provision to complete the design and construction of a dedicated eastbound left turn lane and a shared eastbound left and right turn lane at the intersection of Lormont Blvd and Upper Centennial Parkway, to the satisfaction of the Senior Director, Growth Management Division."

NOTES TO DRAFT PLAN APPROVAL

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

The Owner and Contractor should be aware of the Migratory Birds Convention Act, 1994 requiring that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (March 31st to August 31st). In the event that vegetation removal is proposed during the restricted breeding period, the Owner / Applicant shall have a qualified biologist conduct a nest search of the vegetated area with City 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 to the removal area, to the satisfaction of the Director of Planning and Chief Planner.

City Share

There is a City share for installation of the services in excess of the local servicing component for the Draft Plan lands as per the current Financial Policy.

SCHEDULE 5

**Urban Hamilton Official Plan
Amendment No. 87**

The following text, together with:

Appendix “A” – West Mountain (Heritage Green) Secondary Plan – Land Use Plan – Volume 2: Map B.7.6-1

attached hereto, constitutes Official Plan Amendment 87 to the Urban Hamilton Official Plan.

1.1 Purpose and Effect:

The purpose and effect of this Amendment is to amend Map B.7.6-1 – Land Use Plan of the West Mountain (Heritage Green) Secondary Plan of the Urban Hamilton Official Plan, by redesignating lands as follows:

1. “Institutional – Elementary School” to “Low Density Residential 3c”
2. “Institutional – Elementary School” to “Low Density Residential 2b”
3. “Utility” to “Low Density Residential 3c”
4. “Low Density Residential 2b” to “Utility”
5. “Low Density Residential 2b” to “Low Density Residential 3c”
6. “Medium Density Residential 3” to “Low Density Residential 3c”
7. “Medium Density Residential 3” to “Low Density Residential 2b”

2.0 Location:

Lands located at 198 First Road West and 165 Upper Centennial Parkway, in the former City of Stoney Creek, are affected by this Amendment.

3.1 Basis:

The intent of this Amendment is to permit a range of Low Density Residential uses comprised of townhouse units at approximately 40 to 60 units per net residential hectare; maisonettes up to 110 units per net residential hectare; and single detached and semi detached dwellings not exceeding 40 units per net residential hectare. The amendment also allows for a reconfiguration of the Utility designation to accommodate a resized Storm Water Management pond.

The basis for permitting this Amendment is as follows:

- The proposed amendment is in keeping with the policies of the Urban Hamilton Official Plan and West Mountain (Heritage Green) Secondary Plan to provide a

diversity of housing opportunities that are suitable for different segments of the population and higher density development in order to make the best use of urban lands, especially along a local road.

- The proposed development is considered to be consistent with, and complementary to, the planned and existing development in the immediate area.
- The proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

4.1 Actual Changes:

4.2 Text Changes:

Volume 2 – Section B.7.6 – West Mountain (Heritage Green) Secondary Plan

4.1.1 Volume 2 – Chapter 7.0 – Stoney Creek Secondary Plans – Section B.7.6 – West Mountain (Heritage Green) Secondary Plan is amended by:

- (a) adding a new Area Specific Policy, as follows:

“Area Specific Policy – Area F

7.6.8.22 Notwithstanding Policy E.3.4.4 of Volume 1 and Policy B.7.6.2.2 b) ii) of Volume 2, for the lands located at 165 Upper Centennial Parkway, designated “Low Density Residential 3c”, and identified as “Area Specific Policy – Area F” on Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan – Land Use Plan, the permitted density shall be from 30 to 105 units per net residential hectare.”

4.1 Mapping Changes

Urban Hamilton Official Plan Volume 2 – Map B.7.6-1, West Mountain (Heritage Green) Secondary Plan

4.1.1 That Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan Land Use Plan be amended by redesignating the lands as follows:

1. “Institutional – Elementary School” to “Low Density Residential 3c”;
2. “Institutional – Elementary School” to “Low Density Residential 2b”;
3. “Utility” to “Low Density Residential 3c”;
4. “Low Density Residential 2b” to “Utility”;
5. “Low Density Residential 2b” to “Low Density Residential 3c”;
6. “Medium Density Residential 3” to “Low Density Residential 3c”;
7. “Medium Density Residential 3” to “Low Density Residential 2b”;
and,
8. Adding “Area Specific Policy – Area F” to lands designated “Low Density Residential 3c”

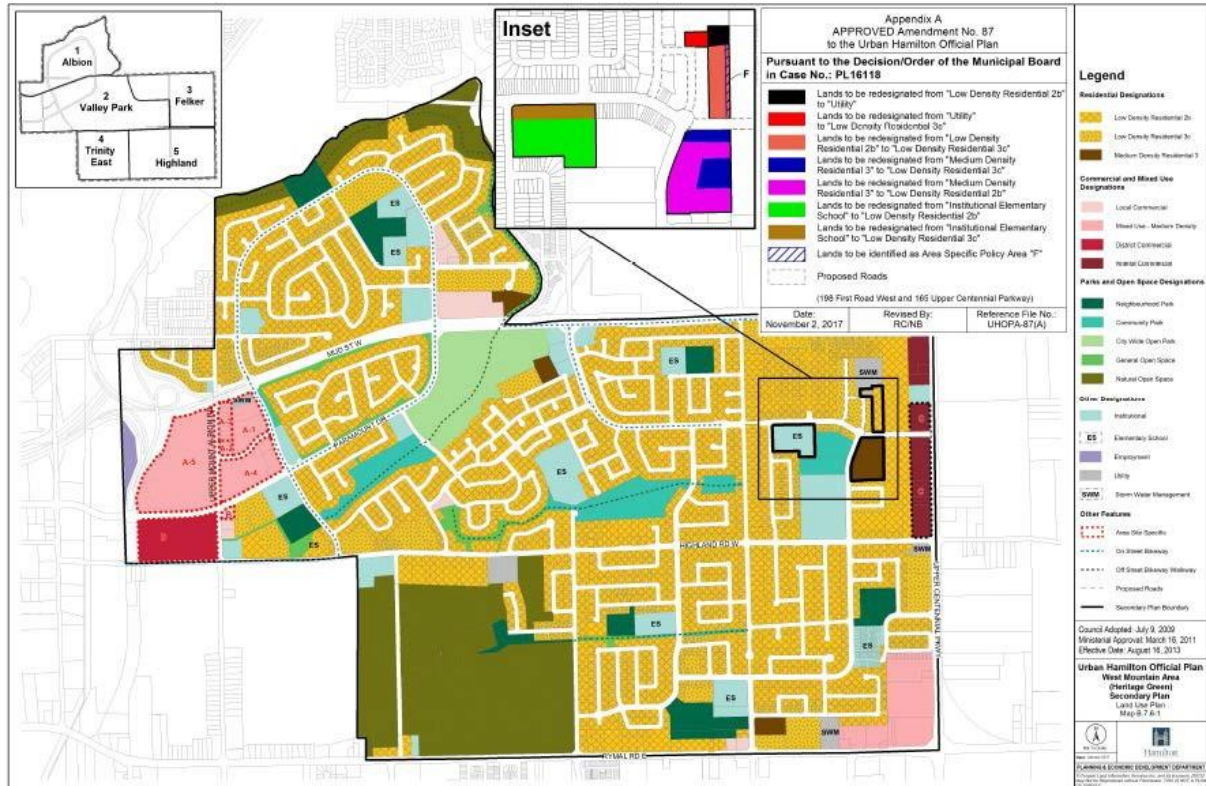
as shown on Appendix “A”, attached.

5.0 Implementation:

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

This Official Plan Amendment is Schedule "1" to By-law No. __, pursuant to Decision / Order of the Local Planning Appeal Tribunal issued in Case No. PL161118.

Urban Hamilton Official Plan Amendment No. XX	Page 3 of 4	 Hamilton
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SCHEDULE 6**CITY OF HAMILTON****BY-LAW NO. XX**

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 198 First Road West (Stoney Creek)

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

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Stoney Creek" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

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

WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 87;

NOW THEREFORE the Local Planning Appeal Tribunal orders:

1. That Map No. 16 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
 - (a) by removing from Stoney Creek Zoning By-law No. 3692-92, the lands comprised of "Block 1" and "Block 13";
 - (b) by adding to Stoney Creek Zoning By-law No. 3692-92 the Residential Multiple "RM2-23" Zone, Modified, on the lands comprised of "Block 2" and "Block 3";
 - (c) by adding to Stoney Creek Zoning By-law No. 3692-92 the Single Residential "R4" Zone, on the lands comprised of "Block 4";
 - (d) by changing the zoning from the Multiple Residential "RM4" Zone to the Residential "R5-10" Zone, Modified, on the lands comprised of "Block 5";
 - (e) by changing the zoning from the Multiple Residential "RM4" Zone to the Multiple Residential "RM2-23" Zone, Modified, on the lands comprised of "Block 6";

- (f) by changing the zoning from the Multiple Residential "RM4" Zone to the Single Residential "R4" Zone, on the lands comprised of "Block 7";
- (g) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to the Multiple Residential (Holding) "RM3-60(H)" Zone, Modified, on the lands comprised of "Block 8";
- (h) by changing the zoning from the Community Shopping Centre (Holding) "SC2-5(H)" Zone, Modified, to the Multiple Residential "RM2-23" Zone, Modified, on the lands comprised of "Block 9";
- (i) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-60(H)" Zone, Modified, on the lands comprised of "Block 10";
- (j) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM2-23" Zone, Modified, on the lands comprised of "Block 11";
- (k) by changing the zoning from the Multiple Residential "RM4" Zone to the Multiple Residential (Holding) "RM2-23(H)" Zone, Modified, on the lands comprised of Block 12";
- (l) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM2-23(H)" Zone, Modified, on the lands comprised of "Block 14"; and,
- (m) by changing the zoning from the Multiple Residential "RM4" Zone to the Multiple Residential "RM2-23" Zone, Modified, on the lands comprised of "Block 15";

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

2. That Subsection 6.6.7: "Special Exemptions" of Section 6.6 Residential "R5" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended as follows:

In addition to By-law No. 10-320 (OMB), the "R5-10" Zone shall be modified as follows:

- (a) Minimum Lot Area

2. Divided Semi-Detached Lot

Interior Lot

- 190 square metres

3. That Subsection 6.9.6: "Special Exemptions" of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended as follows:

In addition to By-law No. 10-320 (OMB), the following shall also apply:

RM2-23(H) 198 First Road West, Schedule “A”, Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM2-23 (H)" by this By-law, the Holding "H" symbol may be removed by City Council and thereby give effect to the "RM2-23" Zone provisions upon completion of the following:

- a) Land assembly with the abutting lands to the east to permit orderly development, to the satisfaction of the City’s Director of Planning and Chief Planner, and the Senior Director of Growth Management.
4. That Subsection 6.10.7: “Special Exemptions” of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding new special exemption, “RM3-60(H)”, as follows:

RM3-60(H) 198 First Road West, Schedule "A", Map No. 16

Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-60(H)" by this By-law, the Holding "H" symbol may be removed by City Council and thereby give effect to the "RM3-60" Zone provisions upon completion of the following:

- a) Land assembly with the abutting lands to the east to permit orderly development, to the satisfaction of the City’s Director of Planning and Chief Planner, and the Senior Director of Growth Management.
5. 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 Single Residential “R4” Zone, the Residential “R5-10” Zone, Modified, the Multiple Residential “RM2-23” Zone, Modified, and the Multiple Residential “RM3-60” Zone, Modified, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
6. That this By-law No. 17- shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.
7. 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 this ____ day of _____, 2019.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk



This is Schedule "A" to By-law No. 17-
 Passed the day of, 2017

 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 17-_____
 to Amend By-law No. 3692-92

- Subject Property** 198 First Road West & 165 Upper Centennial Parkway
- Block 1** - Refer to By-law No. 05-200
 - Block 2** - Lands added to Zoning By-law No. 3692-92 and zoned the Residential Multiple "RM2-23" Zone, Modified
 - Block 3** - Lands added to Zoning By-law No. 3692-92 and zoned the Residential Multiple "RM2-23" Zone, Modified
 - Block 4** - Lands added to Zoning By-law No. 3692-92 and zoned the Single Residential "R4" Zone
 - Block 5** - Change in zoning from the Multiple Residential "RM4" Zone, to the Residential "RS-10" Zone, Modified
 - Block 6** - Change in zoning from the Multiple Residential "RM4" Zone, to the Multiple Residential "RM2-23" Zone, Modified
 - Block 7** - Change in zoning from the Multiple Residential "RM4" Zone, to the Single Residential "R4" Zone
 - Block 8** - Change in zoning from the Community Shopping Centre (Holding) "SC2-5 (H)" Zone, Modified, to the Multiple Residential (Holding) "RM3-60 (H)" Zone, Modified
 - Block 9** - Change in zoning from the Community Shopping Centre (Holding) "SC2-5 (H)" Zone, Modified, to the Multiple Residential "RM2-23" Zone, Modified
 - Block 10** - Change in zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-60 (H)" Zone, Modified
 - Block 11** - Change in zoning from the Neighbourhood Development "ND" Zone, to the Multiple Residential "RM2-23" Zone, Modified
 - Block 12** - Change in zoning from the Multiple Residential "RM4" Zone, to the Multiple Residential (Holding) "RM2-23 (H)" Zone, Modified
 - Block 13** - Refer to By-law No. 05-200
 - Block 14** - Change in zoning from the Neighbourhood Development "ND" Zone, to the Multiple Residential (Holding) "RM2-23 (H)" Zone
 - Block 15** - Change in zoning from the Multiple Residential "RM4" Zone, to the Multiple Residential "RM2-23" Zone, Modified

Scale: N.T.S.	File Name/Number: ZAC-14-027/25T200908R/UHOPA-14-012
Date: October 31, 2017	Planner/Technician: AF/VIS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SCHEDULE 7**CITY OF HAMILTON****BY-LAW NO. XX**

To Amend Zoning By-law No. 05-200, Respecting Lands located at 198 First Road West and 165 Upper Centennial Parkway, Stoney Creek

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

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

AND WHEREAS 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. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 87;

NOW THEREFORE the Local Planning Appeal Tribunal orders:

1. That Map No. 16 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 be amended by deleting lands, the extent and boundaries of which are shown as "Block 1" on a plan hereto annexed as Schedule "A" to this By-law;
2. That Map No. 16 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 is amended by incorporating additional Conservation / Hazard (P5) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as "Block 2" on a plan hereto annexed as Schedule "A" to this By-law;
3. That Map No. 16 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 is amended by rezoning lands from Neighbourhood Institutional (I1) Zone to Open Space (P4) Zone, the extent and boundaries of which are shown as Block "4" on a plan hereto annexed as Schedule "A" to this By-law; and,
4. That this By-law No. 17- shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.
5. 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*.

To Amend Zoning By-law No. 05-200
Respecting Lands located at 198 First Road West and 165 Upper Centennial Parkway
(Stoney Creek)

PASSED this ____ day of _____, 2019.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

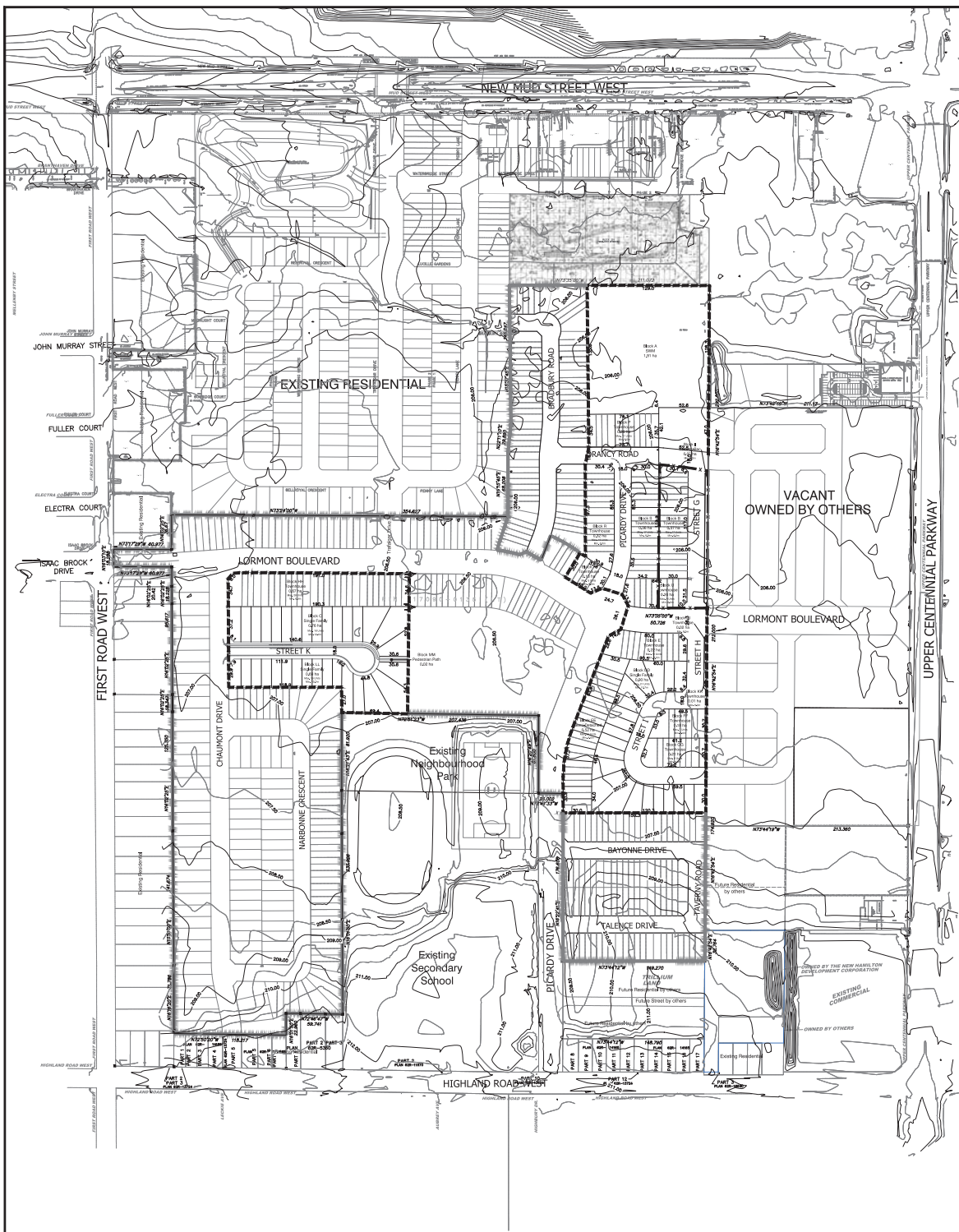
ZAC-14-027 / UHOPA-14-012 / 25T-200908R

To Amend Zoning By-law No. 05-200
 Respecting Lands located at 198 First Road West and 165 Upper Centennial Parkway
 (Stoney Creek)



This is Schedule "A" to By-law No. 17- Passed the day of, 2017		----- Mayor ----- Clerk
<h2 style="margin: 0;">Schedule "A"</h2> Map Forming Part of By-law No. 17-_____ to Amend By-law No. 05-200 Maps 1504, 1505, 1552 & 1551		Subject Property 198 First Road West & 165 Upper Centennial Parkway Block 1 - Lands removed from By-law 05-200 Block 2 - Land added to By-law No. 05-200 and zoned Conservation / Hazard (P5) Zone Block 3 - Refer to By-law No. 3692-92 Block 4 - Change in zoning from Neighbourhood Institutional (I1) Zone to Open Space (P4) Zone
Scale: N.T.S.	File Name/Number: ZAC-14-027/25T200908R/UHOPA-14-012	
Date: October 19, 2017	Planner/Technician: RC/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Schedule 8



Schedule of Land Use

PROPOSED LAND USE	sq. ft.	sq.
(1) Single-Family Housing (Blocks 2-20/11)	2,235	0.80
(2) Medium-Density Housing (Block 20/12)	2,381	0.86
(3) Townhouses (Block 20/13-UPP-18)	2,381	0.86
(4) Medium-Density Housing (Block 20/14)	2,381	0.86
(5) Future Residential (Block 20/15)	2,381	0.86
(6) Future Residential (Block 20/16)	2,381	0.86
(7) Future Residential (Block 20/17)	2,381	0.86
(8) Future Residential (Block 20/18)	2,381	0.86
(9) Future Residential (Block 20/19)	2,381	0.86
(10) Future Residential (Block 20/20)	2,381	0.86
TOTAL SITE AREA	23,810	8.64

PROPOSED RESIDENTIAL UNITS	Total Units
(1) 18.0m Row Local	322
(2) 24.0m Row Local	22
(3) 24.0m Row Mid-Density	22
(4) 24.0m Row Mid-Density	22
(5) 19.7m DAS-17 Single Detached	55
TOTAL YIELD	403

PROPOSED PLANS	sq.	sq.
(1) 18.0m Row Local	885.62	319.58
(2) 24.0m Row Local	126.23	45.52
(3) 24.0m Row Mid-Density	126.23	45.52
(4) 19.7m DAS-17 Single Detached	897.85	324.15
TOTAL ROAD SIDEWALKS		

Additional Information
 Required Under Section 51(17) of the Planning Act R.S.O. 1990

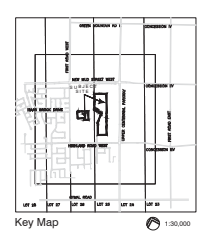
(A) SHOWN ON DRAFT PLAN
 (B) SHOWN ON DRAFT AND KEY PLAN
 (C) SHOWN ON DRAFT AND KEY PLAN
 (D) SHOWN ON KEY MAP
 (E) LAND TO BE USED IN ACCORDANCE WITH LAND USE SCHEDULE
 (F) SHOWN ON DRAFT PLAN
 (G) SHOWN ON DRAFT PLAN AND KEY PLAN
 (H) SHOWN ON DRAFT PLAN
 (I) MANHOLES, PEDEST WELLS
 (J) SAND AND CLAY TILLS
 (K) SHOWN ON DRAFT PLAN
 (L) FULL MUNICIPAL SERVICES
 (M) SHOWN ON DRAFT PLAN

Legend

PHASE 1B2 LIMIT
 PHASE 3 LIMIT
 PHASE 4 LIMIT

PHASES 3 & 4 REVISED DRAFT PLAN OF SUBDIVISION

OF PART OF LOTS 25 & 26 CONCESSION 7
 Now in the Formerly in the Geographic Township of Saltfleet
 CITY OF HAMILTON
 City File No: 25T-200908



Owner's Authorization
 I authorize the City of Hamilton to prepare and submit the final draft plan of subdivision to the City of Hamilton for approval.

Public Property Inc. _____ DATE

Surveyor's Certificate
 I hereby certify that the boundaries of the land to be subdivided on this plan are the result of a survey conducted in accordance with the provisions of the Survey Act, R.S.O. 1990, Chapter S.5.

Markay, Markay & Peters Limited _____ DATE

METROPOLITAN CONSULTING
 4433 FALETTA COURT
 BRIMLEY ON M16/902
 TEL: 905.657.5344
 FAX: 905.657.5348
 WWW.METROPOLITANCONSULTING.COM

Scale 1:1,500
 JUNE 4, 2014
 (Revised Oct 24, 2017)

SCHEDULE 9

Special Conditions for Draft Plan of Subdivision Approval

For “Felker Phases 3 & 4” 25T-200908R

(198 First Road West)

1. That this approval apply to the Revised Draft Plan of Subdivision, 25T-200908R, prepared by Metropolitan Consulting and certified by Anita Simic, O.L.S., dated, June 4, 2014 (Revised Oct 24, 2017), consisting of Three Blocks for a maximum of 53 single detached dwellings (Blocks C, DD & LL), one Block for 24 semi detached dwellings (Block EE), and 10 blocks for a maximum of 132 street townhouse units (Blocks B, E, P, R – U, FF – HH), one Block for a Storm Water Management Pond (Block A), seven streets (Street G, H, I & K, Picardy Drive, Lormont Boulevard, and Drancy Road), and three Blocks for future residential uses (Blocks II – KK) subject to the owner entering into a standard Form Subdivision Agreement with the following special conditions.

Development Planning, Heritage and Design

2. That, ***prior to registration***, the owner / applicant shall provide a Landscape Plan that has been prepared by a Landscape Architect showing:
 - i) the placement of trees on internal / external City property, shall be submitted to the to the satisfaction of the City of Hamilton, Manager of Forestry and Horticulture; and,
 - ii) the placement of compensation trees for any tree removals, completed in accordance with the Tree Preservation Plan to the satisfaction of the Director of Planning and Chief Planner.
3. That, ***prior to grading***, the owner / applicant submit an updated noise / vibration study prepared by a qualified professional, with said study containing an investigation of the noise / vibration levels impacting the proposed development, and the necessity for noise / vibration control measures, to the satisfaction of the Director of Planning and Chief Planner.

Development Engineering

4. That, ***prior to registration***, the trunk sanitary sewer must be commissioned except Blocks ‘C’, ‘P’, ‘R’, ‘S’, ‘T’, ‘EE’, ‘HH’ and ‘LL’ by the City of Hamilton, to the satisfaction of the Senior Director, Growth Management Division.

5. That, **prior to registration**, the Owner shall include a 6.0 metre wide block from the east limit of Street 'K' to the City parklands, for installation of a public walkway and shall submit the necessary transfer deeds to the City's Legal Department to convey such block to the City, to the satisfaction of the Senior Director, Growth Management Division.
6. That, **prior to registration**, a 7.0 metre x 7.0 metre daylight triangle be established on the final plan of subdivision at the intersection of Lormont Boulevard with Street 'G' and Street 'H', to the satisfaction of the Senior Director, Growth Management Division.
7. That, **prior to registration**, a 4.5 metre x 4.5 metre daylight triangle be established on the final plan of subdivision at the intersection of Street 'J' with Street 'E' and Street 'G'; Street 'H' and Street 'I'; and Street 'K' with Chaumont Drive, to the Senior Director, Growth Management Division.
8. That, **prior to registration**, the Owner agrees to submit sufficient information to demonstrate that the inner radius on Street 'I' at the 90 degree bend, provides for installation of a 13.0 metre pavement radius, and appropriate width of the boulevard to the satisfaction of the Senior Director, Growth Management Division.
9. That, **prior to preliminary grading**, the Owner shall demonstrate appropriate minor and major storm conveyance systems to accommodate the existing and ultimate development drainage for 135, 151, 157 & 165 Upper Centennial Parkway into the proposed stormwater management facility on the subject draft plan lands, to the satisfaction of the Senior Director, Growth Management Division.
10. That, **prior to preliminary grading**, the Owner agrees, to the satisfaction of the Senior Director, Growth Management Division:
 - a) To submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer that demonstrates how quality and quantity control including the erosion downstream, will be handled in accordance with the approved Davis Creek Sub-watershed Study as further refined in the Felker Neighborhood Drainage Assessment, prepared by AMEC dated March, 2010 recommendations and City of Hamilton Drainage Policy and Development Guideline;

- b) To identify and establish a suitable storm outlet for the proposed Storm Water Management facility to convey controlled and uncontrolled flows for all storm events including the Regional storm flow through the existing culverts and ditches on Mud Street East and Centennial Parkway to Stoney Creek tributary, east of Centennial Parkway;
 - c) To demonstrate a minimum of 0.30 m freeboard between the finished grades on the existing lots along Mud Street East and the Regional Storm water level in the woodlot to avoid potential flooding on private properties;
 - d) To demonstrate that the hydraulic grade line (HGL) for the post development 100-Year storm event is located at or below the top of grate elevation at all inlet locations, and the 5 year HGL shall not exceed the obvert of the sewers;
 - e) To verify that the proposed SWM Facility, Block A, shall be of sufficient size, shape and depth to adequately accommodate the ultimate SWM facility, including an adequate decanting area as per City standards. Until such time as the size and shape are confirmed, the adjacent Block 'P' shall be considered, as undevelopable. The SWM facility design geometry shall be as per City of Hamilton Development Guidelines(2016), and facility landscaping as per City of Hamilton Landscape Design Guidelines for SWM facilities (2009); and,
 - f) That the proposed Storm Water Management facility rating curve and erosion exceedance shall be evaluated using the Elfrida Sub-watershed Study models.
11. That, ***prior to preliminary grading***, the Owner shall design and construct the required storm conveyance capacity improvement works for the Upper Centennial Parkway culvert and the roadside ditches along Upper Centennial Parkway and Mud Street East, including the driveway culverts for 244 Upper Centennial Parkway, in order to address a suitable storm outlet as per draft plan condition # 9, and shall complete said works at his own expense, to the satisfaction of the Senior Director, Growth Management Division.
12. That, ***prior to preliminary grading***, the Owner acknowledges that the earth works within the draft plan lands shall not commence until the required storm conveyance capacity improvement works for the Upper Centennial Parkway culvert and the roadside ditches along Upper Centennial Parkway and Mud Street East including the driveway culverts for 244 Upper Centennial Parkway are constructed at the owner's cost and are operational as per the design approved by the Hamilton Conservation Authority (HCA) and the City of Hamilton, to the satisfaction of the Senior Director, Growth Management Division.

13. That, ***prior to preliminary grading***, the Owner agrees to monitor Stoney Creek tributary drainages across the lands from Upper Centennial Parkway to Second Road East to ensure that the existing lands are not negatively impacted by the development. The monitoring plan will occur throughout the construction of the subdivision and for a period of not less than 2 years after all lot/blocks within the draft approved plans (25T200908R and 25T201503R) are fully developed. In the event that a problem arises, the Owner further agrees to complete the necessary remedial works at their cost and to the satisfaction of the Senior Director, Growth Management Division.
14. That, ***prior to servicing***, the Owner agrees to include in the cost estimate schedule provision for security deposit to the satisfaction of the Senior Director of Growth Management for downstream creek monitoring works and potential remedial works. The security shall not be released or reduced until it has been demonstrated that there are no impacts as a result of development for a period of not less than 2 years after full buildout of draft approved plans (25T200908R and 25T201503R), to the satisfaction of the Senior Director, Growth Management Division.
15. That, ***prior to preliminary grading***, the Owner shall demonstrate that the subject development has riparian rights to drain onto private lands. The Owner shall notify the downstream land owner(s) whose properties are traversed by Stoney Creek Tributaries from Upper Centennial Parkway to Second Road East, of a proposed SWM outfall, and impending pond construction, to the satisfaction of the Senior Director, Growth Management Division.
16. That, ***prior to assumption of the stormwater management facilities***, the Owner agrees in writing with the following requirements:
 - a) To submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Senior Director of Growth Management, and inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility in accordance with the conditions of ECA issued by MOECC;
 - b) To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the operation manual;
 - c) To construct, operate and maintain at the Owner's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the MOECC's approval, throughout servicing of all stages of draft plan

registration and development of all registered lots and blocks, or until such time as determined by the Senior Director of Growth Management Division; and,

- d) To remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey and verify volumetric capacity of the stormwater management facility, prior to release of the Owner's operation and maintenance responsibilities for the stormwater management facility;

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

- 17. That, ***prior to preliminary grading***, the Owner shall complete an erosion flow exceedance analysis (geomorphologic and erosion) for Stoney Creek tributaries with consideration of future development of the 165 Upper Centennial Parkway lands (25T201503R) in accordance with Elfrida Subwatershed Study models, to the satisfaction of the Senior Director of Growth Management Division.
- 18. That, ***prior to servicing***, the Owner agrees to include in the engineering design and cost estimate schedule provision for installation of a 1.5 metre wide concrete sidewalk at:
 - a) south side of Street 'J';
 - b) east side of Street 'G';
 - c) east side of Street 'H';
 - d) inner side of Street 'I'; and,
 - e) the north side of Street 'K';

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

- 19. That, ***prior to servicing***, the Owner agrees to include in the engineering design and cost estimate schedule provision for installation of a 1.5 metre high chain link fence along east and south sides of Block 'C' adjacent to the lands owned by the City as well on both side of the public walkway at his expense and to the satisfaction of the Senior Director, Growth Management Division.

Hamilton Conservation Authority

20. That, ***prior to grading***, the Owner agrees to prepare an Erosion and Sediment Control Plan for the subject property, to the satisfaction of the Hamilton Conservation Authority (HCA).
21. That, ***prior to grading***, the Owner agrees to prepare a Lot Grading Plan to the satisfaction of the Hamilton Conservation Authority (HCA).
22. That, ***prior to grading***, the Owner agrees to prepare a Hydrogeological Study to the satisfaction of the Hamilton Conservation Authority (HCA).
23. That, ***prior to grading***, the Owner agrees to obtain a Development Permit from the Hamilton Conservation Authority (HCA).
24. That, ***prior to grading***, the Owner agrees to prepare a Storm Water management Brief for the subject property, to the satisfaction of the Hamilton Conservation Authority (HCA).
25. That, ***prior to preliminary grading***, the Owner agrees to evaluate the proposed stormwater management facility rating curve and erosion flow exceedance using a base model, if the development proceeds prior to an approved Elfrida Sub-watershed model, to the satisfaction of Senior Director of Growth Management. The base model shall include the following but not limited to;
 - a) A calibrated hydrologic model in consideration with the hydrometeorologic and fluvial geomorphologic data downstream which shall demonstrate the existing condition of erosion flow exceedance and pre development flow rates for all ranges of storm events , based on a geomorphologic and hydraulic assessments of Stoney Creek tributaries from Upper Centennial Pkwy to Second Road East; and,
 - b) Develop a baseline condition (potential erosion sites, natural heritage features etc.) for Stoney Creek tributaries from Upper Centennial Pkwy to Second Road East.
26. That, ***prior to registration of the agreement***, the owner agrees to revise the Draft Plan to provide 20 metre road Right of Way width instead of 18 metre road right of way width, if the owner fails to submit the full Engineering drawings submission and reports in accordance with current City's Development Guidelines and Financial Policy, one year after receiving the latter of draft plan approval and /or a copy of the Elfrida Sub-watershed study modeling from the City.

Traffic

27. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedule provision for installation of a modern roundabout at the intersection of Lormont Boulevard and Picardy Drive, at owner's cost, and all to the satisfaction of the Senior Director, Growth Management Division.

Further, the owner agrees that if any additional lands are required to construct the roundabout it will be dedicated from the subject lands, to the satisfaction of the Senior Director of Growth Management.

28. That the Owner shall:
- i) within five business days of request by the Senior Director of Growth Management or prior to registration, whichever is the earliest, pay to the City \$335,000.00 to be used by the City to acquire 194 First Road West for the Isaac Brock Extension (Lormont Boulevard); and
 - ii) upon the acquisition of 194 First Road West and the demolition of the existing house on the property by the City, proceed to construct the Isaac Brock Extension at the Owner's expense (excluding any costs to demolish the existing house) to its full cross-section from First Road West to the east limits of the subdivision. In the event that the Owner is unable to construct the Isaac Brock Extension prior to registration, the Owner shall fully secure the cost to construct the Extension to the satisfaction of the Senior Director of Growth Management.
29. That, **prior to grading**, the Owner shall revise the on street parking plan to remove the necessary spaces from the intersection of Highbury Drive at Street 'F' (north leg) to accommodate the above noted pedestrian crossing location, to the satisfaction of the Director of Engineering Services, Public Works.
30. That, **prior to servicing**, the Owner agrees to include the engineering design and cost estimate schedule of Isaac Brock Extension (Lormont Boulevard) between Highbury Drive (Picardy Drive) and the east limits of this draft plan with the continuation of the road over the adjacent lands to the east to its termination at Upper Centennial Parkway, at owner's cost, and to the satisfaction of the Director of Engineering Services, Public Works.
31. That, **prior to servicing**, the owner agrees to include the engineering design and cost schedule provision for bike lane and roundabout pavement marking plan and signage for the 26 metre ROW collector roads at owner's expense, to the satisfaction of the Director of Engineering Services, Public Works.

32. That, ***prior to servicing***, the Owner shall be required to hire BA Group or a traffic engineering consultant from the City's roster. The traffic consultant has to submit the design of the pavement marking in Microstation format to the satisfaction of Superintendent of Traffic Engineering.
33. That, ***prior to servicing***, the Owner agrees to include the engineering design and cost schedule to construct Lormont Boulevard extension at a 26 metre ROW and provide designated 1.5 metre on-street bike lanes, at owner's cost, to the satisfaction of the Director of Engineering Services, Public Works. On street parking on these roadways will not be permitted unless parking bays can be incorporated into the cross-section design, where feasible.
34. That, ***prior to registration***, the Owner shall dedicate 12 metre x 12 metre daylight triangles on all corners of Isaac Brock Extension/Lormont Boulevard at Highbury Drive / Street 'E' (Picardy Drive) for single lane modern roundabout construction, to the satisfaction of the Director of Engineering Services, Public Works.
35. That, ***prior to registration***, the Owner shall provide engineering drawings illustrating the driveway locations for the lots located at bends in the local roadways. The Applicant must ensure that the placement of the driveways is completely within the limits of the property and does not encroach over onto the neighbour's lot area, to the satisfaction of the Director of Engineering Services, Public Works.
36. That, the owner / applicant shall agree in writing to amend the existing subdivision agreement registered under Instrument Number WE899379 if required to include lands added to the original draft plan and the additional draft plan conditions imposed by the City of Hamilton.
37. That, the owner / applicant agrees, in writing, to satisfy all conditions, financial and otherwise of the City of Hamilton to the satisfaction of the Senior Director, Growth Management Division.

NOTES TO DRAFT PLAN APPROVAL

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

The Owner and Contractor should be aware of the Migratory Birds Convention Act, 1994 requiring that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (March 31st to August 31st). In the event that vegetation removal is proposed

during the restricted breeding period, the Owner/Applicant shall have a qualified biologist conduct a nest search of the vegetated area with City 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 to the removal area, to the satisfaction of the Director of Planning and Chief Planner.

Note concerning Condition #28: securities are currently being held by the City to assure the connection of Isaac Brock Extension (Lormont Boulevard) to First Road West under the first phase of development on the subject lands (25T-200908). It is not the intention of the City to secure the duplicate value of the connection in two separate plans. In light of this application for a revised draft plan of subdivision (25T-200908R) and DPC #28, upon receiving the payment for the acquisition of the land under DPC #28, the City agrees to hold the security for the construction of the Extension only under 25T-200908 to fulfill the requirement of 25T-200908R (or vice versa) subject to the Owner demonstrating to the satisfaction of the Senior Director Growth Management that the security can be legally remitted when requested by the City. If the value of the construction of the connection exceeds that of what is being held to secure the implementation then the Owner agrees to increase the security requirement at the time of registration of the revised draft plan of subdivision (25T-200908R). Further, if the subject lands are sold prior to the implementation of the connection or registration of the revised draft plan, the Owner shall disclose to the buyer the financial obligation for the connection and agrees that the security being held by the City for the implementation will not be released until the security is replaced, the connection is implemented or some other arrangements are made to the satisfaction of the Senior Director of Growth Management.

City Share

There is a City share for installation of the services in excess of the local servicing component for the Draft Plan lands as per the current Financial Policy.

There is a City share for land and construction cost for the proposed Stormwater Management facility in accordance the current financial policy.