SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Binbrook Heights”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Known as 2490 Regional Road No. 56 in the Former Township of Glanbrook (Binbrook) (PED10007) (Ward 11)

RECOMMENDATION:

(a) That approval be given to Revised Draft Plan of Subdivision Application 25T-200005R, by 1080907 Ontario Ltd. (Bruce Robinson), Owner, to revise the draft approved plan of subdivision for “Binbrook Heights” to amend the street pattern and change the density and form of development of various blocks, as shown on Appendix “B” to Report PED10007, subject to the following conditions:

(i) That this approval apply to “Binbrook Heights Revision”, 25T-200005R, as red-line revised, prepared by A.J. Clarke and Associates Limited, and certified by Barry J. Clarke, OLS, dated June 3, 2009, showing 68 single detached lots (Lots 1-68), 1 block for street townhouses (Block 69), 4 blocks for commercial purposes (Blocks 70-73), 1 block for block townhouses (Block 74), 2 blocks for street widening purposes (Blocks 75 and 76), and 1 block for a 0.3m reserve (Block 77), attached as Appendix “B” to Report PED10007, subject to the revised conditions attached as Appendix “G” to Report PED10007;
(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City’s Development Charge Program with respect to this development for the following item:

(1) That the City will cost share for installation of a 400mm diameter watermain, extra asphalt and extra depth asphalt, all on Fall Fair Way; however, temporary works shall not be eligible for cost sharing, and the City shall not cost share for the extra width of sidewalks along Fall Fair Way;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Townhouse Blocks 74 and 69, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Block.

With regard to Block 74 (Block Townhouse), a parkland dedication, at a ratio of 1 ha per 300 dwelling units, will be required.

Furthermore, regarding Block 69 (Street Townhouse), a parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required.

Additionally, Lots 1-68 (Single Family Detached Residential) will require a parkland dedication ratio of 5%.

Lastly, Blocks 70-73 (General Commercial) shall require a parkland dedication ratio of 2%.

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

(b) That approval be given to **Official Plan Amendment Application OPA-06-18, by 1080907 Ontario Ltd. (Bruce Robinson), Owner**, for Official Plan Amendment No. ____, to amend Schedule “B”, Binbrook Village Secondary Plan Land Use Plan, from “Medium Density Residential” to “Low Density Residential”; from “Low Density Residential” and “Parkette” to “Medium Density Residential”; and, to revise the local road pattern of the Official Plan for the Township of Glanbrook, on lands located at 2490 Regional Road No. 56 (Binbrook), on the following basis:
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Binbrook Heights”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Known as 2490 Regional Road No. 56 in the Former Township of Glanbrook (Binbrook) (PED10007) (Ward 11) - Page 3 of 24

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10007, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(c) That approval be given to Zoning Application ZAC-06-62, by 1080907 Ontario Ltd. (Bruce Robinson), Owner, for changes in zoning from the Residential “R4-167” Zone to the Residential “R4-228” Zone (Block 1) with a Special Exception; from the Residential Multiple “RM3” Zone to the Residential “R4-228” Zone (Block 2) with a Special Exception; from the Residential “R4-167” Zone to the Residential Multiple “RM2-229” Zone (Block 3) with a Special Exception; from the Residential Multiple “RM3” Zone to the Residential Multiple “RM2-229” Zone (Block 4) with a Special Exception; from the General Commercial “C3” Zone to a Holding - General Commercial “H-C3-230” Zone (Block 5) with a Special Exception and Holding provision; from the General Commercial “C3” Zone to the General Commercial “C3-230” Zone (Block 6) with a Special Exception; from the Residential “R4-167” Zone to the Residential Multiple “RM3-231” Zone (Block 7) with a Special Exception; from the Public Open Space “OS2” Zone to the Residential Multiple “RM3-231” Zone (Block 8) with a Special Exception; from the Residential Multiple “RM2” Zone to the Residential Multiple “RM3-231” Zone (Block 9) with a Special Exception; and from the Residential Multiple “RM3” Zone to the Holding - Residential “H-R4-228” Zone (Block 10) with a Special Exception and Holding provision, as shown on Appendix “A” to Report PED10007, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED10007, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment;

(ii) That the amending By-law be added to Schedule “H” of Zoning By-law No. 464; and,

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Township of Glanbrook Official Plan upon approval of Official Plan Amendment No. ______.

(d) That upon finalization of Official Plan Amendment No. ______, and the implementing Zoning By-law, the approved Binbrook Village Secondary Plan be amended to reflect the changes in designation.
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Binbrook Heights”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Known as 2490 Regional Road No. 56 in the Former Township of Glanbrook (Binbrook) (PED10007) (Ward 11) - Page 4 of 24

(e) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the New Urban Hamilton Official Plan to implement Council’s decision once Official Plan Amendment No. _____ in Recommendation (b) is final and binding.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant has applied to revise the “Binbrook Heights” draft plan of subdivision, along with concurrent Official Plan and Zoning By-law Amendments, in order to implement the proposed revised draft plan of subdivision; whereby the density and form of development on the north side of Fall Fair Way is to be changed from the “Low Density Residential” to the “Medium Density Residential” designation. In addition, modifications to the local street pattern are also proposed.

The proposal has merit and can be supported as the applications are consistent with the Provincial Policy Statement, and they conform to the Hamilton-Wentworth Official Plan. The proposal is considered to be compatible with the existing and planned development in the neighbourhood.

BACKGROUND:

Binbrook Heights Draft Plan of Subdivision (25T-200005)

On March 2, 2005, final approval was given to the draft plan of subdivision known as “Binbrook Heights” (attached as Appendix “E”). The approved draft plan of subdivision, subject to the original Schedule 1, dated February 3, 2005, and further revised on March 10, 2006, (attached as Appendix “H”) proposed the creation of the following:

- 129 lots for single detached dwellings;
- 1 block townhouse development (42 units);
- 2 blocks for street townhouses (21 units);
- 4 blocks for general commercial development;
- 1 block for passive parkland (parkette); and,
- 2 blocks of land to be developed in conjunction with adjacent lands.
Proposal

The applicant has submitted a further revision to the approved “Binbrook Heights” draft plan of subdivision (25T-200005), whereby changes to the density and form of development along the north side of Fall Fair Way, from “Low Density Residential” to the “Medium Density Residential” designation are proposed, along with corresponding changes to the local road pattern. The request for modification will create a more compact and intense form of urban development. In addition, applications to amend the Official Plan and Zoning By-law are also required to facilitate the amended form of development.

As mentioned above, the original proposal was approved under the previous Subdivision Agreement(s) and, subsequently, approval of the proposed amendments outlined below will entail a revision to the existing Schedule 1, dated February 3, 2005, and further revised on March 10, 2006.

The revised draft plan of subdivision (attached as Appendix “B”) proposes the following:

- 68 single detached dwelling lots;
- 1 block for Street Townhouses (24 units);
- 4 blocks for general commercial development;
- 1 block for block townhouses (174 units);
- 2 blocks for road widenings; and,
- 1 block for a 0.3m reserve.

The foregoing revisions result in an increase in the number of residential units from 192 to 266 units, and also include the removal of the parkette. In addition, the applicant has requested the following zoning modifications:

Single Detached Dwelling Units (Blocks 1, 2 and 10 - Appendix “A”):

- Reduce the minimum lot frontage for a corner lot from 16 metres to 15.2 metres;
- Reduce the minimum lot area for an interior lot from 400 square metres to 350 square metres, and for a corner lot from 500 square metres to 450 square metres;
- Increase the maximum lot coverage from 35% to 50%;
- Reduce the minimum front yard setback from 7.5 metres to 6 metres;
• Reduce the minimum side yard on a corner lot abutting the flanking street from 4.5 metres to 3.0 metres, and to permit a 2.0 metre setback from the hypotenuse of any required daylight triangle; and,

• Permit additional encroachments for covered porches, bay windows, cantilevers, alcoves, and stairs.

In addition to the modifications proposed above, the lands shown as Lot 10 of the subject draft plan of subdivision (Appendix “B”), fronting onto Garinger Crescent, will be subject to an “H” Holding provision prohibiting development until such time as the rear portion of the lands can be developed comprehensively in conjunction with the lands to the East, known municipally as 2544 Regional Road No. 56 and/or 2532 Regional Road No. 56. A future part lot control application or consent to sever application will be required to facilitate the development.

Street Townhouse Dwelling Units (Blocks 3 and 4 - Appendix “A”):

• Reduce the minimum lot frontage for an interior lot from 7 metres to 6 metres;

• Reduce the minimum lot frontage for a dwelling end unit which does not abut a flanking street from 9 metres to 8 metres;

• Reduce the minimum lot area for an interior lot/unit from 210 square metres to 190 square metres;

• Reduce the minimum lot area for an end unit which does not abut a flanking street from 270 square metres to 250 square metres;

• Remove the maximum lot coverage requirement;

• Reduce the minimum front yard setback from 7.5 metres to 6 metres;

• Reduce the minimum side yard for an end dwelling unit not abutting a flanking street from 2 metres to 1.5 metres; and,

• Amend the definition of a “Street” to include a private condominium road.
Commercial Blocks (Block 5 and 6 - Appendix “A”):

To limit the permitted uses to the following:

(a) Banks and financial institutions, Brewers Retail stores, building supply sales in wholly enclosed buildings, commercial schools, custom workshops, dairies, day nurseries, department stores, dry cleaning establishments, farm equipment establishments, funeral homes, garden centres, hotels, laundries, Liquor Licence Board of Ontario stores, medical centres, motels, offices, personal service shops, photographic studios, places of entertainment or recreation, post offices, printing establishments, private or commercial clubs, professional and business offices, public and private parking lots and structures, public transportation depots, fast food restaurants, standard restaurants, take-out restaurants, retail stores, service shops, taverns, and uses, buildings and structures accessory to the above permitted uses.

(b) Residential uses ancillary to the uses permitted in Paragraph (a) of this Subsection.

As mentioned above, Lot 10 will be subject to an “H” Holding provision prohibiting any development until such time as the rear portion of the lands can be developed comprehensively with the General Commercial lands to the east.

Block Townhouse Block (Blocks 7 to 9 - Appendix “A”):

- Increase the Maximum Lot Coverage from 30% to 45%;
- Reduce the minimum front yard setback from 9.0 metres to 3.5 metres for any building, and from 9.0 metres to 6 metres for any garage;
- Reduce the minimum side and rear yard setbacks from 7.5 metres to 7.0 metres;
- Reduce the minimum side and rear yard setbacks from 10.7 metres to 7.0 metres where the abutting lands are zoned Existing Residential “ER” or Residential “R1”, “R2”, “R3”, “R4” or “RM1”;
- To remove the Minimum Amenity Area Requirement;
- To reduce the landscape requirement from 50% to 30%;
- To reduce the separation distance for parking from a street line from 6.0 metres to 4.0 metres; and,
To replace the Minimum Separation Distance with the following provisions:

- 3.0 metres between end walls, except 10.0 metres between walls separated by a private road;
- 12.0 metres between the front of dwellings separated by a private road;
- 8.5 metres between rear walls;
- 12.5 metres between front walls and side walls; and,
- 7.5 metres between end walls and rear walls.

In addition, the applicant has also requested that this Block be subject to amendments to Section 7: General Provisions for All Zones and Section 11: General Provisions for All Residential Zones, as detailed below:

**Section 7: General Provisions for All Zones:**

- To reduce the minimum setback distance from the boundary of a transmission pipeline right-of-way for all principal buildings from 10.0 metres to 7.5 metres;
- To replace the parking requirements with the following parking standards:
  - The minimum driveway width for each dwelling unit shall be the distance between the exterior walls of the garage;
  - The minimum dimensions for visitor parking spaces shall be 2.6 metres in width and 5.5 metres in length; and,
  - The minimum dimensions for disabled parking spaces shall be 4.4 metres in width and 5.5 metres in length.

**Section 11: General Provisions for All Residential Zones:**

- To reduce the minimum setback distance for a Patio deck from a street line from 7.5 metres to 3.5 metres.

The applicant has also requested an amendment to the Official Plan (Binbrook Village Secondary Plan) (see Appendix “C”) to re-designate a portion of the lands and to amend the local road pattern to implement the proposed plan of subdivision.
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Binbrook Heights”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Known as 2490 Regional Road No. 56 in the Former Township of Glanbrook (Binbrook) (PED10007) (Ward 11) - Page 9 of 24

Details of Submitted Application

Owner/Applicant: 1080907 Ontario Ltd. (Bruce Robinson, Owner)

Agent: A.J. Clarke and Associates (Steven Fraser)

Location: 2490 Highway 56

Description: Frontage: 77.62 metres (Regional Road No. 56)  
Lot Area: 13.19 hectares

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands</td>
<td>Vacant</td>
</tr>
<tr>
<td></td>
<td>General Commercial “C3” Zone, Residential Multiple “RM2” Zone, Residential Multiple “RM3” Zone, Public Open Space “OS2” Zone, and Residential “R4-167” Zone</td>
</tr>
</tbody>
</table>

Surrounding Lands

| North             | Farmland, Commercial, and Pipeline Easement |
| North             | General Commercial “C3” Zone, and General Agricultural A1-124 Zone |
| South             | Binbrook Fairgrounds |
| South             | Public Open Space “OS2” Zone, and Public Open Space “OS2-039” Zone |
| East              | Single Detached Residential and Commercial |
| East              | Existing Residential “ER” Zone, and General Commercial “C3” Zone |
| West              | Vacant (future residential) and Street Townhouse Units |
| West              | Restricted Agricultural “A2” Zone, Residential Multiple “RM2-161” Zone, and Residential Multiple “RM3-161” Zone |

ANALYSIS/RATIONALE:

1. The proposed Official Plan Amendment, changes in zoning, and draft plan of subdivision have merit, and can be supported for the following reasons:
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Binbrook Heights”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Known as 2490 Regional Road No. 56 in the Former Township of Glanbrook (Binbrook) (PED10007) (Ward 11) - Page 10 of 24

(i) They are consistent with the Provincial Policy Statement;

(ii) They conform to the Hamilton-Wentworth Official Plan;

(iii) They maintain the intent and purpose of the Binbrook Village Secondary Plan;

(iv) The proposal conforms with the “Neighbourhoods” and “District Commercial” Designations of the New Urban Hamilton Official Plan; and,

(v) The proposed development is considered to be compatible with the existing and planned development in the immediate area.

2. As shown on Appendix “C”, changes to the Binbrook Village Secondary Plan are required as follows:

- From “Low Density Residential” to “Medium Density Residential”;
- From “Parkette” to “Medium Density Residential”;
- From “Medium Density Residential” to “Low Density Residential”; and,
- To reconfigure the local road pattern.

Staff supports the proposed changes, as they meet the general intent and residential objectives of the Binbrook Village Secondary Plan by providing for an intensification in the total number of residential units, being an additional 74 residential units, as a result of the proposed change from single detached dwelling lots to a block townhouse residential format on the north side of Fall Fair Way.

These changes will maintain compatibility with the existing and planned uses in the immediate area. In particular, the changes propose a reduction of 61 single family residential lots, an additional 3 street townhouse units, an additional 132 block townhouse units, and removal of the parkette block.

Regarding the redesignation of the parkette, through consultation with the City’s Culture and Recreation Division, and Open Space and Park Planning Section, it has been determined that the parkette is not desirable in this location.

There is no possibility of a pedestrian trail along the existing pipeline easement, as originally envisioned in the Official Plan, due to the lands being in private ownership and access along the Enbridge pipeline easement being restricted. The removal of the parkette will not impact the parkland standards for the neighbourhood, and its inclusion as part of the proposed block townhouse development can be supported.
3. The applicant has requested amendments to the Township of Glanbrook Zoning By-law No. 464 in order to implement the revised draft plan of subdivision known as “Binbrook Heights”. The requested amendments include additional modifications, which are discussed as follows:

**Blocks 1, 2 and 10 - Residential “R4-228” Zone (Appendix “A”)**

The applicant is proposing that the Residential “R4” Zone be further modified to reduce the minimum lot frontage from 16 metres to 15.2 metres for a corner lot, reduce the minimum lot area for an interior lot from 400 square metres to 350 square metres and from 500 square metres to 450 square metres for a corner lot, remove the maximum lot coverage requirement, reduce the minimum front yard setback from 7.5 metres to 6.0 metres, reduce the minimum side yard on a corner lot abutting the flanking street from 4.5 metres to 3.0 metres, and to permit further encroachments for covered porches, bay windows, cantilevers, alcoves, and stairs.

The purpose and intent of the By-law is to require minimum lot frontage, minimum lot areas, and maximum lot coverage in order to maintain streetscape character, and a scale and density of development that is compatible with the surrounding neighbourhood. The proposed reductions in lot frontage, lot area, and lot coverage are considered to be minor in nature and will not negatively impact the scale of development envisioned for the area. Furthermore, these modifications are proposed throughout the revised draft plan of subdivision area, which provides consistency with regard to the scale and density of development in the area. As a result, the modifications can be supported.

In addition, the minimum front yard setback, and exterior side yard setbacks are intended to maintain streetscape character and provide adequate space for parking and landscaping. The applicant has also requested a 2.0 metre setback for any building from the hypotenuse of any required daylight triangle, whereas the By-law requires the standard side yard setback of 4.5 metres. The requirement for a daylight triangle is to ensure appropriate setback of buildings from an intersection for traffic sightline purposes. The proposed amendment will maintain the intent and purpose of the By-law and is, therefore, supportable as the proposed reductions will not adversely impact the streetscape character and will maintain sufficient space for parking and landscaping.

Furthermore, the applicant has requested further encroachments of covered porches, bay windows, cantilevers, alcoves, and stairs into the required front, rear and/or side yards. The proposed encroachments are considered to be minor in nature, and can be supported by staff.
Lastly, the front portion of Lot 10, fronting onto Garinger Crescent, shown as Block 10 on Appendix “A”, shall be subject to an “H” Holding provision in order to prohibit the development of the subject lands until such time as the rear Commercially zoned portion (Block 5 on Appendix “A”) can be developed comprehensively in conjunction with the commercial lands to the east fronting Regional Road No. 56. The owner/applicant is advised that a future Part Lot Control or Consent to Sever application will be required to facilitate the required comprehensive development of the commercial properties fronting onto Regional Road No. 56.

Blocks 3 and 4 - Residential Multiple “RM2-229” Zone (Appendix “A”)

The applicant is proposing that the Residential Multiple “RM2” Zone be modified to reduce the minimum lot frontage for an interior lot/unit from 7.0 metres to 6.0 metres and from 9.0 metres to 8.0 metres for an end lot/unit which does not abut a flanking street, reduce the minimum lot area for an interior lot/unit from 210 square metres to 190 square metres and from 270 square metres to 250 square metres for an end lot/unit which does not abut a flanking street, remove the maximum lot coverage provision, reduce the minimum front yard setback from 7.5 metres to 6.0 metres, reduce the minimum side yard for an end dwelling unit not abutting a flanking street from 2.0 metres to 1.5 metres, and to add a “private condominium road” to the definition of a “Street”.

The requested changes to lot frontage, minimum lot area, and maximum lot coverage will be uniform throughout the proposed street townhouse block and will not negatively impact the scale of development envisioned for the area, as these special provisions shall only apply to the units fronting onto Fall Fair Way. The proposed reductions in lot frontage, lot area, and lot coverage will, therefore, establish the streetscape character, scale, and density of development in this neighbourhood, and are considered to be minor in nature and, therefore, supportable.

The purpose and intent of the By-law is to require a minimum front yard setback, and side yard setbacks in order to maintain streetscape character and provide adequate space for parking, landscaping, maintenance, and drainage. However, the street townhouse block will front onto a private road, which shall have access onto Fall Fair Way. The reductions are, therefore, minor in nature and supportable as they will not significantly impact the streetscape character of Fall Fair Way, and shall maintain adequate space for landscaping, maintenance, and drainage.
The proposal to modify the definition of a “Street” to include a private condominium road is for the purpose of tenure only. The modification will permit flexibility and allow freehold townhouse units fronting onto a private condominium road. As such, staff supports the modification.

Blocks 5 and 6 - General Commercial “C3-231” Zone (Appendix “A”)

The applicant has requested that the General Commercial “C3” Zone be modified to limit the permitted uses to the following:

(a) Banks and financial institutions, Brewers Retail stores, building supply sales in wholly enclosed buildings, commercial schools, custom workshops, dairies, day nurseries, department stores, dry cleaning establishments, farm equipment sales establishments, funeral homes, garden centres, hotels, laundries, Liquor Licence Board of Ontario stores, medical centres, motels, offices, personal service shops, photographic studios, places of entertainment or recreation, post offices, printing establishments, private or commercial clubs, professional and business offices, public and private parking lots and structures, public transportation depots, fast food restaurants, standard restaurants, take-out restaurants, retail stores, service shops, taverns, and uses, buildings and structures accessory to the above permitted uses.

(b) Residential uses ancillary to the uses permitted in Paragraph (a) of this subsection.

The proposed modification will maintain the small town community character of Binbrook Village by removing the more intense commercial uses, and reducing potential impacts on the adjacent residential zones. In particular, the following uses were removed:

“Boat and/or motorized snow vehicle sales establishments, cold storage locker establishments, new and used motor vehicle dealerships, motor vehicle rental and leasing offices, recreational vehicle sales establishments, taxi establishments, and veterinary service establishments.”

In addition to the modifications proposed above, Block 5 on Appendix “A” will be subject to an “H” Holding provision in order to prohibit the development of the subject lands until such time as land assembly has occurred in conjunction with the lands to the East fronting onto Regional Road No. 56.
Blocks 7 to 9 - Residential Multiple “RM3-231” Zone (Appendix “A”)

The applicant has requested that the Residential Multiple “RM3” Zone be modified to increase the maximum lot coverage from 30% to 40%; reduce the minimum front yard setback from 9.0 metres to 3.5 metres for any building and from 9.0 metres to 6.0 metres for any garage; reduce the minimum side and rear yard from 7.5 metres to 7.0 metres, and from 10.7 metres to 7.0 metres where the abutting lands are zoned Existing Residential “ER” or Residential “R1”, “R2”, “R3”, “R4” or “RM1”; remove the Minimum Amenity Area requirement; to reduce the required landscaping from 50% to 30%; to reduce the minimum setback for a parking space or area from a street line from 6.0 metres to 4.0 metres; and to replace the Minimum Separation Distance requirements with site-specific provisions.

The maximum lot coverage, minimum landscape area, and minimum separation distance are required in order to maintain the streetscape character, privacy, and a scale and density of development that is compatible with the surrounding neighbourhood. It is noted that the proposed development will front onto a private condominium roadway with access onto Fall Fair Way. Therefore, the increase in lot coverage, reductions in minimum landscaping and minimum separation distance are minor in nature, and supportable, as they will not be visible from Fall Fair Way.

With regard to the minimum yard setback and the removal of the minimum amenity area, adequate open space and privacy areas shall be maintained as the proposed reductions will be internal to the Block Townhouse development with minimal impact on streetscape character, and is, therefore, supportable.

The “Binbrook Heights” draft approved plan of subdivision (see Appendix “E”), would have permitted 129 single-detached dwellings, 2 blocks for street townhouses, 1 block for block townhouses, 4 commercial blocks, and 1 block for a parkette. The revised plan proposes 68 lots for single-detached dwellings, 24 street townhouse dwellings, a block for future block townhouse units, and 5 commercial blocks. The changes documented in Section 2 above provide for an overall increase of 74 units, and are supportable as they maintain the overall population projections and density provisions envisioned in this area, while providing for a greater variety of housing types, tenures, and unit/lot size, providing for a more complete community.
5. The Binbrook Village Secondary Plan identifies a parkette in the north-east portion of the subject lands, adjacent to the pipeline easement. There will be no access to the parkette from Fall Fair Way, and as access to the pipeline/parkette has been restricted by Enbridge Pipelines, the Culture and Recreation Division and Open Spaces and Parks Planning Section have determined the provision of a pedestrian trail along the existing pipeline easement is no longer feasible. Therefore, an amendment to the Secondary Plan is required to redesignate the “Parkette” to “Medium Density Residential”.

6. The original proposed commercial block has now been merged with the residential lot fronting onto Garinger Crescent, shown as Lot 10 on the subject draft plan of subdivision (see Appendix “B”). This lot will have split zoning comprised of the Holding - Residential “H-R4-228” Zone and the Holding - General Commercial “H-C2-230” Zone. The “H” Holding provision, as per the amending By-law (Appendix “D”), will prohibit development until such time as land assembly has occurred and the rear portion of the lands can be developed comprehensively with the adjacent commercial lands fronting Regional Road No. 56.

The owner/applicant is hereby advised that a future Part Lot Control or Consent to Sever application shall be required to facilitate the required comprehensive development.

Lastly, the revised draft plan of subdivision shows a connection from Block 74 to the Commercial lands, known municipally as 2400 Regional Road 56. In order to facilitate comprehensive development, staff has included Condition 66 (Appendix “G”), whereby prior to registration of the final plan of subdivision, the Owner shall establish an easement over Block 74 in favour of the lands known municipally as 2400 Regional Road No. 56 for the purposes of construction, vehicular and pedestrian access, and servicing, to the satisfaction of the Director of Development Engineering.

7. Payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of building permits. The calculation for the Cash-in-Lieu payment is summarized under Recommendation (a)(iii) of this report:

In particular, the calculation of parkland dedication, based on the concept plans and subsequent densities, will require a dedication amount of 1 hectare per 300 units for the proposed block townhouse development, 0.6 hectare per 300 units for the proposed street townhouse development, 5% for the proposed single detached residential lots, and 2% for the future commercial blocks.
8. Staff received one letter (attached as Appendix “F”) from an adjacent landowner as a result of the pre-circulation of these applications. The only issue raised was regarding the proposed multi-lane roundabout at the intersection of Regional Road No. 56 and Fall Fair Way.

The owners of 2520 and 2506 Regional Road No. 56 state that they object to the location of the roundabout as it will infringe on their existing commercial property, and that they prefer the roundabout to be relocated to the north so as to not require any of their lands to implement the proposed roundabout.

The Council approved Binbrook Village Transportation Master Plan, which was completed in December of 2004, identifies the recommended traffic control and lane configuration alternatives at Regional Road No. 56 and the Community Collector Road (Fall Fair Way) intersection. The Master Plan notes a multi-lane traffic signal or a multi-lane roundabout as recommended alternatives to be considered in Phase 3 of the Municipal Class Environmental Assessment. In 2007, staff started a formal review of roundabout construction on Fall Fair Way at Regional Road No. 56, and also at the mid-block collector Pumpkin Pass midway between Regional Road No. 56 and Binbrook Road. Consideration was given to improved safety for roadway users, increased intersection capacity, vehicle speed reduction, and aesthetics. The Binbrook Road and Regional Road No. 56 Phase 3 and 4 Class Environmental Assessment has recommended a multi-lane roundabout as the preferred intersection design.

To implement the proposed roundabout, a portion of 2520 and 2506 Regional Road No. 56 is required, whereby the land area for a traditional road widening and daylight triangle, which would normally be required as a condition of redevelopment of these lands, is approximately equivalent to the land area that would be required to implement the proposed multi-lane roundabout.

As such, staff is satisfied that the impact of the required dedications for the proposed multi-lane roundabout would not be any more limiting than the amount of dedication required for redevelopment of 2520 & 2506 Regional Road No. 56.

Additionally, staff has included a condition of approval (Special Condition No. 46 - Appendix “G”), which requires the owner/applicant to demonstrate their attempts to acquire all lands necessary to implement the ultimate roundabout prior to the registration of the plan, to the satisfaction of the Director of Development Engineering. However, it should be noted that the multi-lane roundabout will not be constructed until such time as all required lands have been acquired.
The subject lands have received draft plan approval and are zoned for residential development. The applicant could proceed to develop these lands in accordance with these approvals.

**Financial/Staffing/Legal Implications:**

**Financial -** The City shall cost share for the installation of a 400mm diameter watermain, extra width asphalt, and extra depth asphalt, all on Fall Fair Way, in accordance with the City's Financial Policies. Temporary works are not eligible for cost sharing, and the City shall not cost share for the extra width sidewalks on Fall Fair Way (see Recommendation (a)(ii)).

**Staffing -** N/A.

**Legal -** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for approval of a revised draft plan of subdivision, amendment to the Official Plan, and change in Zoning.

**Policies Affecting Proposal:**

**Provincial Growth Plan for the Greater Golden Horseshoe**

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff considers the application to be consistent with the policies that manage growth, and direct general residential intensification to the built up areas, as per the Policies contained in 2.2.2 and 2.2.3. The proposal maintains the intent to create vibrant neighbourhoods, which provide both employment and residential uses that are transit supportive and, therefore, conforms with the general intent and purpose of the Provincial Growth Plan.

**Provincial Policy Statement**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The applications are consistent with Policy 1.1.3.1 of the PPS, which focuses growth in urban areas.
However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

A Stage 3 assessment was submitted and signed off in a letter dated March 6, 2007, by the Ministry of Culture.

Furthermore, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as transportation corridors) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety.

Due to the proximity of the subject lands to Regional Road No. 56, and the proposed multi-lane “Community Core By-pass” (Fall Fair Way) acting as the major transportation corridor for the neighbourhood, and lastly the proximity to the Binbrook Fairgrounds, the Owner is required to complete a noise assessment (Special Condition No. 48 - Appendix “G”), and will also be required to include noise warning clauses for the lots and blocks abutting the Binbrook Fairgrounds (Special Condition No. 37 - Appendix “G”). Based on the foregoing, the proposal is consistent with the policies of the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through the Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. The proposed amendments conform to the Urban Area policies of the Hamilton-Wentworth Official Plan.

However, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment.

Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As outlined earlier, archaeological interest has been addressed and was signed off by the Ministry of Culture on March 6, 2007. The proposal, therefore, conforms with the policies of the Hamilton-Wentworth Official Plan.
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Binbrook Heights”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Known as 2490 Regional Road No. 56 in the Former Township of Glanbrook (Binbrook) (PED10007) (Ward 11) - Page 19 of 24

Township of Glanbrook Official Plan

The subject lands are designated “Urban Residential” in the Glanbrook Official Plan, and more specifically, designated “Low Density Residential”, “Medium Density Residential”, “Parkette”, and “General Commercial” on Schedule B - Binbrook Village Land Use Plan. An amendment to the Official Plan is required to redesignate a portion of the subject lands from “Low Density Residential” to “Medium Density Residential”, from “Medium Density Residential” to “Low Density Residential”, and from “Parkette” to “Low Density Residential”, as shown on Appendix “C”.

The applicant has requested amendments to the Official Plan in order to permit the proposed revisions to the draft plan of subdivision. Generally, the amendments are required to re-arrange land uses and densities throughout the subdivision, change the local road pattern, and allow for a total increase of 74 units within the draft plan area.

The proposed amendments to the Binbrook Village Secondary Plan will maintain the general intent of the Official Plan and will permit a form of development that is consistent with and complementary to the planned and existing development in the immediate area.

New Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” and “District Commercial” on Schedule E - Urban Structure of the New Urban Hamilton Official Plan, which is not yet in effect. The Policy Goals provided under Section E.3.1 for Neighbourhoods are intended to:

“E.3.1.1 Develop compact mixed use, transit-supportive and active transportation friendly neighbourhoods.

E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.

E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods, while at the same time allowing their ongoing evolution.

E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.”
The proposed residential units would satisfy the above noted goals of a compact, mixed use development of complete communities with varying housing types and densities, while promoting and enhancing the existing neighbourhood of a scale and location appropriate for the neighbourhood.

The proposal would also satisfy the General Policies for Residential Uses, in particular:

“E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas, and higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

In review of the proposed Draft Plan of Subdivision, the medium density development is located along Fall Fair Way, shown as a Collector road on Schedule “C” of the New Urban Hamilton Official Plan, while the single detached dwellings are proposed to the interior of the neighbourhood along Garinger Crescent. The proposed form of development is of a height, massing, and arrangement consistent with the existing and future uses in the surrounding area.

Furthermore, the proposal conforms with Policy E.3.5.5, whereby “Medium Density” residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, schools, active or passive recreational facilities, and local or District Commercial uses. It is further noted that the Commercial uses are to be located along Regional Road 56, deemed as a Minor Arterial within Schedule “C” of the New Hamilton Official Plan.

With regards to the lands designated as “District Commercial”, Policy E.4.7.6 states that the preferred location of a new District Commercial designated area is at the intersection of a collector road and a major or minor arterial road. Policy E.4.7.1 also states that the range of retail uses are intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods.

The “District Commercial” area shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place. The permitted commercial uses have been limited to a local nature along a Minor Arterial roadway (Regional Road 56) and Collector Road (Fall Fair Way) and, therefore, conform with the “District Commercial” policies of the New Hamilton Official Plan.
The subject lands are also designated as “Low Density Residential 2e”, “Low Density Residential 2h”, “District Commercial” and “Parkette” on Schedule B.5.1-1 - Binbrook Village Secondary Plan Land Use Plan of the New Hamilton Official Plan.

As noted in Section 5 of the Analysis/Rationale section, the Parkette is no longer required, and shall be redesignated to “Medium Density Residential” to facilitate the proposed Block Townhouse Development.

With regards to the “Low Density Residential 2e”, Policy B.5.1.4.5(b) states:

“(i) The permitted uses shall consist primarily of single detached dwellings. Semi-detached dwellings, duplexes, and cluster homes may also be permitted.

(ii) The density shall not exceed 30 units per hectare.”

This designation and its corresponding policies are akin to the existing “Low Density Residential” designation of the present Binbrook Village Secondary Plan forming part of the former Township of Glanbrook Official Plan. The Official Plan Amendment for a change in designation from “Low Density Residential” to the “Medium Density Residential” designation will require the New Hamilton Official Plan to be updated upon adoption of the respective Official Plan Amendment (see Recommendation (d)).

Additionally, Policy B.5.1.4.5(c) states:

“(i) The permitted uses shall consist primarily of multiple dwelling unit types including street, block, and stacked townhouse dwellings’.

(ii) The density range shall be from 26 to 40 units per net hectare.

(iii) New institutional uses, such as churches and day nurseries, shall be permitted on lands designated as Low Density Residential 2h and adjacent to collector or major or minor arterial roads without an amendment to this plan.”

As mentioned above, the Owner has requested an Official Plan Amendment for a change in designation from the “Medium Density Residential” to “Low Density Residential” for the proposed single detached residential lots along Garinger Crescent. Therefore, upon adoption of the proposed Official Plan Amendment, the Binbrook Village Secondary Plan shall be amended correspondingly (see Appendix “D”).
SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Binbrook Heights”, and Amendments to the Glanbrook Official Plan and Zoning By-law No. 464 for Lands Known as 2490 Regional Road No. 56 in the Former Township of Glanbrook (Binbrook) (PED10007) (Ward 11) - Page 22 of 24

Based on the foregoing, the proposal would conform to the Neighbourhood, Residential, and District Commercial Policies of the New Urban Hamilton Official Plan. The proposal will, upon adoption of the proposed Official Plan Amendment, conform with the policies of the Binbrook Village Secondary Plan, as provided within the New Urban Hamilton Official Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Objection

- Transportation, Energy and Facilities Division, HSR, Public Works Department.
- Operations and Waste Management Division, Urban Forestry, Public Works Department.
- Recreation Division, Community Services Department.
- Environment and Sustainable Infrastructure, Open Space Division, Public Works Department.
- Public Health Services, Health Protection Branch.
- Hamilton Police Services.
- Emergency Services, Hamilton Emergency Services Department.
- Hydro One Networks Inc.
- Niagara Peninsula Conservation Authority.
- Municipal Property Assessment Corporation (MPAC).
- Mountain Cable Vision.
- Union Gas Limited.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- French Public School Board.
- French Catholic School Board.
- Ministry of Natural Resources.
- Ministry of the Environment.
- Ministry of the Environment.
- TransCanada PipeLines Limited.

Public Works Department (Open Space Development and Parks Planning Section) has determined that with the restrictions to the pipeline easement imposed by Enbridge Pipelines, the trail/parkette system originally envisioned within the Binbrook Village Secondary Plan at this location is no longer feasible and, therefore, had no comments or concerns with the redesignation of the “Parkette” to “Medium Density Residential”.

Parking and By-law Services Division has recommended that, where feasible, primarily Garinger Crescent, driveway approaches should be aligned in such a way that will maximize the availability of on-street parking by allowing a minimum 6.5m of curb space between driveway approaches (see Condition 58 - Appendix “G”).
Public Works Department (Strategic and Environmental Planning) has advised that there is an ongoing City wide Erosion Assessment Study. The proponent should also be made aware of the Binbrook Urban Settlement and Southbrook Stormwater Management Report and any updates, and any recommendations from the Welland River Watershed Strategy and Twenty Mile Creek Watershed Plan.

In addition, recommendations of the City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans.

Furthermore, the proponent should follow recommendations of the Binbrook Village Transportation Master Plan; Improvements to Binbrook Road and Regional Road No. 56 Class Environmental Assessment; and the City of Hamilton’s New Urban Hamilton Official Plan referring to Schedule C-2, Future Road Widений.

Lastly, the proposed development must be designed using the requirements of the Binbrook Village Community Core Urban Guidelines.

Public Works Department (Traffic Engineering) has advised of the following:

It is recommended that Block 73 be developed in conjunction with the adjacent lands, and not as an individual property. This has been addressed as Special Condition No. 54 to Appendix “G”.

Furthermore, a specific “no-build” area be established on Block 72 to ensure safe sightlines can be provided for drivers exiting the site to Regional Road No. 56 should restricted access (right out) to Block 72 be permitted to Fall Fair Way at the far west side of the block (see Condition 54 - Appendix “G”).

Niagara Peninsula Conservation Authority has advised that they have no objection to the proposal, subject to the inclusion of the previous conditions of approval. These conditions have been addressed as Special Conditions No. 77-80, inclusive, of Appendix “G”.

Enbridge Pipelines Incorporated has advised that they have no objection to the proposal, subject to the inclusion of the previous conditions of approval, as contained within their original response dated March 11, 2009. These conditions have been addressed as Special Conditions No. 70-76, inclusive, of Appendix “G”.

Canada Post has advised that they have no objection to the proposal, subject to the inclusion of the requested conditions of approval. These conditions have been addressed as Special Conditions No. 81-83, inclusive, of Appendix “G”.

Public Works Department (Strategic and Environmental Planning) has advised that
Bell Canada has advised that they have no objection to the proposal, subject to the inclusion of the requested conditions of approval. These conditions have been addressed as Special Conditions No. 84-86, inclusive, of Appendix “G”.

Public Consultation

In accordance with the Public Participation Policy approved by Council, this application was pre-circulated to 140 property owners within 120 metres of the subject lands on August 5, 2009.

In addition, a Public Notice sign was placed on the subject lands on August 28, 2009, and notice of the Public Meeting will be given in accordance with the regulations of the Planning Act.

One letter (attached as Appendix “F”) was received in response to the pre-circulation letter. A concern was raised in the letter regarding the proposed roundabout at the intersection of Fall Fair Way and Regional Road No. 56. This issue is discussed in the Analysis/Rationale section of this report.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The proposed Plan of Subdivision provides for complete communities with a range of housing types, densities, and tenures.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage systems are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

:AC
Attachs. (8)
Appendix "A" to Report PED10007 (Page 1 of 1)

Location Map

Site of the Application

File Name/Number:
ZAC-06-82/25T-200005(R)

Date:
December 1, 2009

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AC/AL

Subject Property

Block 1 - From the Residential "R4-167" Zone to the Residential "R4-226" Zone.

Block 2 - From the Residential Multiple "RM3" Zone to the Residential "R4-226" Zone.

Block 3 - From the Residential "R4-167" Zone to the Residential Multiple "RM3-226" Zone.

Block 4 - From the Residential Multiple "RM3" Zone to the Residential Multiple "RM2-226" Zone.

Block 5 - From the General Commercial "C3" Zone to the General Commercial "C3-230" Zone.

Block 6 - From the General Commercial "C3" Zone to the General Commercial "C3-230" Zone.

Block 7 - From Residential "R4-167" Zone to the Residential Multiple "RM3-231" Zone.

Block 8 - From the Public Open Space "OS2" Zone to the Residential Multiple "RM2-231" Zone.

Block 9 - From the Residential Multiple "RM3" Zone to the Residential Multiple "RM2-231" Zone.

Block 10 - From the Residential Multiple "RM3" Zone to the Residential "R4-226" Zone.

Ward 11 Key Map

N.T.S.
Schedule “1”

Draft Amendment No.  to the

Official Plan for the former Township of Glanbrook

The following text, together with Schedule “A” - Land Use Plan and Schedule “B”- Binbrook Village Secondary Plan, attached hereto, constitute Official Plan Amendment No. to the Official Plan of the former Township of Glanbrook.

Purpose

The purpose of the Amendment is to redesignate portions of Schedule “B” - Binbrook Village Secondary Plan from “Low Density Residential” to “Medium Density Residential”, from “Medium Density Residential” to “Low Density Residential”, and from “Parkette” to “Medium Density Residential”, as well as to realign portions of the Local Roads to permit the development of a draft plan of subdivision.

Location

The lands affected by this Amendment are Part of Lot 1, Block 4, Concession 3, located north of Binbrook Road and west of Regional Road No. 56, within the Binbrook Village Secondary Plan, and adjacent to the northern boundary of the Community Core designation, known municipally as 2490 Regional Road No. 56, in the former Township of Glanbrook.

Basis

The basis for the Amendment is as follows:

- The amendment will allow for an increase in the total number of residential units, while maintaining a more homogenous and uniform organization of densities consistent with the objectives and direction for growth prescribed by the Places to Grow Plan.

- The proposal is consistent with the Provincial Policy Statement.

- The proposed Amendment conforms to the Regional Municipality of Hamilton-Wentworth Official Plan.

- The proposed Amendment is consistent with the general intent and purpose of the residential development objectives of the Binbrook Village Secondary Plan, which forms part of the Former Township of Glanbrook Official Plan.
• The proposed development is compatible with the existing and planned uses in the immediate area.

• The revision to the local road pattern within the subject draft plan of subdivision will maintain the planned and existing flow of traffic within the neighbourhood.

• Adequate parkland and open space for the neighbourhood is maintained, notwithstanding the recommended removal of the “Parkette” block.

Actual Changes

1) Schedule “A”, Land Use Plan, is hereby revised by identifying the subject lands as OPA No. [REDACTED], as shown on Schedule “A”, attached to this Amendment.

2) Schedule “B”, Binbrook Village Secondary Plan, is hereby revised by redesignating a portion of the subject lands from “Low Density Residential” to “Medium Density Residential”, from “Medium Density Residential” to “Low Density Residential”, and from “Parkette” to “Medium Density Residential”, as well as re-arranging the pattern of Local Roads, as shown on Schedule “B”, attached to this Amendment.

Implementation

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

This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2010.

The

City of Hamilton

_________________________  _________________________
Fred Eisenberger  Kevin C. Christenson
Mayor  Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 2490 Regional Road 56

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item _______ of Report 10-____ of the Economic Development and Planning Committee, at its meeting held on the ______ day of _______, 2010, recommended that Zoning By-law No. 464 (Glanbrook) be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook) upon approval of Official Plan Amendment No. ______.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook), is amended as follows:
   (a) by changing from the Residential “R4-167” to the Residential “R4-228” Zone, the lands comprised of Block 1;
   (b) by changing from the Residential Multiple “RM3” Zone to the Residential “R4-228” Zone, the lands comprised of Block 2;
   (c) by changing from the Residential “R4-167” to the Residential Multiple “RM2-229” Zone, the lands comprised of Block 3;
   (d) by changing from the Residential Multiple “RM3” Zone to the Residential Multiple “RM2-229” Zone, the lands comprised of Block 4;
   (e) by changing from the General Commercial “C3” Zone to the Holding - General Commercial “H-C3-230” Zone, the lands comprised of Block 5;
   (f) by changing from the General Commercial “C3” Zone to the General Commercial “C3-230” Zone, the lands comprised of Block 6;
   (g) by changing from the Residential “R4-167” Zone to the Residential Multiple “RM3-231” Zone, the lands comprised of Block 7;
   (h) by changing from the Public Open Space “OS2” Zone to the Residential Multiple “RM3-231” Zone, the lands comprised of Block 8;
   (i) by changing from the Residential Multiple “RM2” Zone to the Residential Multiple “RM3-231” Zone, the lands comprised of Block 9; and,
   (j) by changing from the Residential Multiple “RM3” Zone to the Holding - Residential “H-R4-228” Zone, the lands comprised of Block 10,

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

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding the following new special provisions:

   “R4-228 & H-R4-228

   Notwithstanding the regulations of Paragraphs (a), (b), (c), (d), and (e)(ii) of Subsection 16.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 16.1 (SINGLE DETACHED DWELLINGS) of SECTION 16: RESIDENTIAL “R4” ZONE, for those lands zoned “R4-228”, the following regulations shall apply:
(a) Minimum Lot Frontage………………12 metres (39 feet),
    except on a corner lot the minimum
    frontage shall be 15.2 metres (50 feet)

(b) Minimum Lot Area……………………………………350 square metres
    (3,767 square feet),
    except on a corner lot the minimum lot
    area shall be 450 square metres (4,844 square feet)

(c) Maximum Lot Coverage……………………………………….50%

(d) Minimum Front Yard…………………………………….6 metres (20 feet)

(e) Minimum Side Yard

   (ii) On a corner lot, the minimum side yard abutting the flanking street
        shall be 3.0 metres (10 feet), except that an attached garage or
        attached carport which fronts on the flankage street shall not be
        located within 6.0 metres (20 feet) of the flanking street line, and on a
        corner lot with a daylight triangle a minimum 2.0 metre setback for any
        building from the hypotenuse of the daylight triangle is required.

In addition to the provisions of Subsection 7.26 **ENCROACHMENT INTO YARDS**, for those lands zoned “R4-228”, the following regulations shall apply:

(i) Covered porches may project into any required front yard a distance of not
    more than 3.0 metres.

(ii) Bay windows, either with or without foundations, may project into any
    required front, rear or flankage yard a distance of not more than 0.9 metres.

(iii) A cantilever and/or alcove, either with or without foundations, may project
     into any required front, rear, or side yard a distance of not more than 0.6
     metres.

(iv) Stairs may project into any required front yard a distance of not more than
     4.5 metres.

(v) Covered porches may project into a required flankage yard a distance of
    not more than 1.8 metres.

(vi) On corner lots, the minimum setback from the hypotenuse of the daylight
     triangle for a porch shall be 0.5m, including foundation walls, and 0.0m for
     eaves or gutters.
The “H” Holding symbol may be removed by a further amendment to this By-law at such time as the following has been satisfied:

(a) That no development shall be permitted until such time as comprehensive development and land assembly has occurred with the lands to the east, being 2544 Regional Road 56 and/or 2532 Regional Road 56.

RM2-229

Notwithstanding the regulations of Paragraphs (a), (b), (c), (d), and (e)(i) of Subsection 18.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLINGS) of SECTION 18: RESIDENTIAL MULTIPLE “RM2” ZONE, and Notwithstanding the Definition of a Street in SECTION 4: DEFINITIONS, for those lands zoned “RM2-229”, the following regulations shall apply:

(a) Minimum Lot Frontage………………………………………………………6 metres (20 feet) per dwelling unit, except:

   (i) For a dwelling end unit which does not abut a flanking street, the minimum lot frontage shall be 8 metres (26 feet).

(b) Minimum Lot Area……………………………………………………190 square metres (2,045 square feet) per dwelling unit, except:

   (i) On an end lot which does not abut a flanking street, the minimum lot area shall be 250 square metres (2,691 square feet).

(c) Maximum Lot Coverage……………………………………………………N/A

(d) Minimum Front Yard…………………………………………………….6 metres (20 feet)

(e) Minimum Side Yard

   (i) End dwelling unit not abutting a flanking street……………………………………1.5 metres (5 feet)

In addition to the definitions of SECTION 4: DEFINITIONS, for those lands zoned Modified “RM2-229”, the following definition shall apply:

(i) On the lands zoned “RM2-229”, the definition of a “Street” shall include a private condominium road.

C3-230 and H-C3-230
Notwithstanding the regulations of Paragraphs (a), (b) and (c) of Subsection 25.1 
PERMITTED USES of SECTION 25: GENERAL COMMERCIAL “C3” ZONE, for 
those lands zoned Modified “C3-230”, the following regulations shall apply:

Permitted uses on these lands shall only include the following:

(a) Banks and financial institutions, Brewers Retail stores, building 
supply sales in wholly enclosed buildings, commercial schools, 
custom workshops, dairies, day nurseries, department stores, dry 
cleaning establishments, farm equipment establishments, funeral 
homes, garden centres, hotels, laundries, Liquor Licence Board of 
Ontario stores, medical centres, motels, offices, personal service 
shops, photographic studios, places of entertainment or recreation, 
post offices, printing establishments, private or commercial clubs, 
professional and business offices, public and private parking lots and 
structures, public transportation depots, fast food restaurants, 
standard restaurants, take-out restaurants, retail stores, service 
shops, taverns, and uses, buildings and structures accessory to the 
above permitted uses.

(b) Residential uses ancillary to the uses permitted in Paragraph (a) of 
this Subsection.

The “H” Holding symbol may be removed by a further amendment to this By-law at 
such time as the following has been satisfied:

(a) The lands shall be developed in conjunction with the lands to the east, 
being 2544 Regional Road 56 and/or 2532 Regional Road 56.

RM3-231

Notwithstanding the regulations of Paragraphs (c), (e), (f), (g), (j), (m), and (n)(ii) of 
Subsection 19.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) 
OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS) of SECTION 19: 
RESIDENTIAL MULTIPLE 3 “RM3” ZONE, for those lands zoned modified “RM3-
231”, the following regulations shall apply:

(c) Maximum Lot Coverage ................................................................. 45%

(e) Minimum Front Yard ............................................................... 3.5m to any building and 
6.0m to any garage.

(f) Minimum Side and Rear Yards .................................................... 7.0m

(g) Minimum Separation Distance Between Buildings:

(i) 3.0m between end walls, except 10.0m between end walls separated 
by a private road;
(ii) 12.0m between the front of dwellings separated by a private road;

(iii) 8.5m between rear walls;

(iv) 12.5m between front walls and side walls; and,

(v) 7.5m between end walls and rear walls.

(j) Minimum Landscaped Area………………………………………………30 percent of the lot area, which may include the required privacy area.

(m) Minimum Amenity Area……………………………………………………N/A

(n) Minimum Parking Requirements:

(ii) Permit a parking space or area to be located a minimum of 4.0m to the street line.

Notwithstanding the regulations of Subsections 7.25 and 7.35 (a)(vii) in Section 7: GENERAL PROVISIONS FOR ALL ZONES and Subsection 11.3 (d)(i) SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES, for those lands zoned “RM3-231”, the following regulations shall apply:

7.25 A minimum setback of 7.5m from the boundary of a transmission pipeline right-of-way shall be provided and maintained for all buildings and/or structures.

7.35(a)(vii) The following shall apply:

(A) The minimum driveway width for each dwelling unit shall be the distance between the exterior walls of the garage;

(B) The minimum dimensions for visitor parking spaces shall be 2.6m in width and 5.5m in length;

(C) The minimum dimensions of disabled parking spaces shall be 4.4m in width and 5.5m in length.

11.3(d)(i) A patio deck shall provide a minimum setback of 3.5m from any municipal street line.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential “R4”, Residential Multiple “RM2” and
“RM3”, and Commercial “C3” Zone provisions, subject to the special requirements referred to in Section 2.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2010.

__________________________________________  __________________________________________
FRED EISENBERGER                        KEVIN C. CHRISTENSON
MAYOR                                  CLERK

ZAC-06-62
Appendix “D” to Report PED10007 (Page 8 of 8)

This is Schedule "A" to By-Law No. 10-
Passed the ........... day of ................., 2010

Schedule "A"

Map Forming Part of By-Law No. 10-____ to Amend By-law No.464

Subject Property

- Block 1 - From the Residential "R4-167" Zone to the Residential "R4-228" Zone.
- Block 2 - From the Residential Multiple "RM3" Zone to the Residential "R4-228" Zone.
- Block 3 - From the Residential "R4-157" Zone to the Residential Multiple "R4-228" Zone.
- Block 4 - From the Residential Multiple "RM3" Zone to the Residential Multiple "R4-228" Zone.
- Block 5 - From the General Commercial "C3" Zone to the General Commercial "C3 200" Zone.
- Block 6 - From the General Commercial "C3" Zone to the General Commercial "C3 200" Zone.
- Block 7 - From Residential "R4-157" Zone to the Residential Multiple "RM2-231" Zone.
- Block 8 - From the Public Open Space "C62" Zone to the Residential Multiple "RM2-231" Zone.
- Block 9 - From the Residential Multiple "RM2" Zone to the Residential Multiple "RM2-231" Zone.
- Block 10 - From the Residential Multiple "RM3" Zone to the Holding Residential "H+R4-228" Zone.
Ms. B. Wielgosz & Ms. D. Anderson
2520 & 2506 56Hwy.
Binbrook On.
P.O. Box 454
L0R 1C0
Sept. 22nd 2006

Re: PRELIMINARY CIRCULATION, ZONING By-LAW AMENDMENT ZAC-06-62, OFFICIAL PLAN AMENDMENT, O PA-06-18, AND REVISED SUBDIVISION 25T-200005(R)

Dear Mr. David Falletta,

This is a follow up after our meeting of Sept. 13/06.
Enclosed you will find how things evolved prior to our meeting, our meeting details and our objections to the round about.

- letter received in the mail Sept. 12 2006 regarding the proposed amendments refer to above.
- our meeting on Sept. 13 2006 was originally meant to address our objection letter to Mr. De Iulio and Mr. Sergi dated Oct. 31 2005. We were called in Dec. 2005 from City Hall with the message that our letter was received and that a follow up will be in the near future. In Sept. 2006th we were informed that our objection letter was never received. This information was then related to you during our meeting.

- meeting with you Sept. 13th/06 we addressed the proposed round about on 56 hwy that has a profound effect on our commercial property.

- upon receiving your amendment proposal on Sept. 12th/06 we noticed the appearance of a round about on the plan of Binbrook Heights Part of Lots 1 - Block 4 - Concession 3, yet the round about is not open to an objection. In fact the round about is not referred to at all, as if it was already passed. Upon our meeting on Sept. 13th/06 you informed us that the round about
in the plan has not been approved at this time (Sept 13th/06).

We would like to be put on record that we object to the building of the round about on Hwy. 56 (regional road 56) as it is shown on the plan of Binbrook Heights which is attached to your Amendments and Revised Subdivision 25T-200005(r) Ward 11 notification.

Our objection is related to its placement. We feel that it can be moved to the north of our property and that would be in keeping with the original plan. In the original plan which was passed, all traffic issues or plans did not infringe on our commercial property.

If the round about is passed as proposed in this plan, which effects our commercial property we will be forced to bring our objections to the OMB and engage the ombudsman for a further reconsideration.

Yours Truly

[Signature]

B. Wielgosz & D. Anderson
Revised Conditions of Approval for “Binbrook Heights”

1. That this approval apply to the Revised Draft Plan of Subdivision, 25T-200005R, prepared by A.J. Clarke and Associates Limited, and certified by Barry J. Clarke, OLS, dated June 3, 2009, showing 68 single detached lots (Lots 1-68), 1 block for street townhouses (Blocks 69), 4 blocks for commercial purposes (Blocks 70-73), 1 block for up to 174 block townhouse units (Block 74), 2 blocks for street widening purposes (Blocks 75 and 76), and 1 block for a 0.3m reserve (Block 77).

Planning Division

2. That all road allowances, daylight triangles, public walkways, and road widenings be dedicated by certificate as public highways on the final plan.

3. That the owner agrees to deed, free and clear to the appropriate authority, all easements or blocks required for utility purposes.

4. That if required by the City of Hamilton, the owner/subdivider shall transfer to the City of Hamilton any easement over the subdivider’s lands needed for water or sewer service, or both, which easements will permit development to occur on adjacent property in accordance with the criteria approved by Council. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of that draft approved land.

5. That the owner agrees to provide a Geodetic Benchmark, in a location to the satisfaction of the City of Hamilton.

6. That the owner agrees that any dead-ends and open sides of road allowance created by this draft plan of subdivision shall be terminated in 0.3m reserves and conveyed to the City of Hamilton.

7. That the owner shall submit detailed engineering design drawings to current standards, and to the satisfaction of the Director of Development Engineering.

8. That the owner agrees that all lots and blocks shall be developed with full municipal services.

9. That the owner agrees to submit a servicing report, to the satisfaction of the Director of Development Engineering.

10. That the owner agrees that all roads shall be designed to current geometric design standards of the City of Hamilton.
11. That the owner agrees to construct all works which may be considered temporary to facilitate the development of the subject property, as required by the Director of Development Engineering. These may include, but are not limited to, emergency access, temporary turn around, or outfalls.

12. That the owner shall submit a detailed grading plan showing how the grading within the development will be integrated with the existing adjacent residential properties. The grading of the buildings will attempt to blend in with the existing topography and natural setting, where possible.

13. That the owner agrees that grading shall be carried out in accordance with the current standard drawings and specifications. Any modification to these drawings/specifications will require approval by the Director of Development Engineering.

14. That the owner agrees that all dead or diseased trees shall be removed from the road allowances, and that the removal and replacement of street trees, as required by the reconstruction of the roads, will be at the sole expense of the owner.

15. That the owner agrees to provide street lighting throughout the subdivision to the limits of the subdivision, to the satisfaction of the Director of Development Engineering.

16. That the owner shall prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns, to the satisfaction of the Director of Development Engineering.

17. That the owner agrees, in writing, that no clearing or grubbing of the subject lands commence until such time as a tree preservation plan has been approved, to the satisfaction of the Director of Development Engineering, and all grading plans and siltation control plans, as part of the engineering submission, have been approved, to the satisfaction of the Director of Development Engineering.

18. That all storm drainage, siltation and erosion control, lot grading, and a noise control plan be implemented, to the satisfaction of the City of Hamilton.

19. That the final plan of subdivision for any phase of the draft approved plan not be registered until adequate storm and sanitary sewer outlets have been provided to the limit of each phase proposed for registration, to the satisfaction of the Director of Development Engineering.
20. That phasing of the draft plan and the number of units proposed within each phase of “Binbrook Heights” shall be to the satisfaction of the City of Hamilton.

21. That the applicant/owner implements the final recommendations of the Binbrook Transportation Master Plan Study as they relate to this draft plan.

22. That the owner, through a qualified consultant, shall check existing wells which provide a potable water supply to other properties located within a reasonable distance of the subject lands, to establish the existing depth of water within wells prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. If any problems arise, they must be appropriately addressed by the owner, to the satisfaction of the Director of Development Engineering.

23. That the owner prepares a geotechnical report and implements the report’s recommendations, to the satisfaction of the Director of Development Engineering.

24. That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the “Keeping Soils on Construction Sites” manual. The owner shall demonstrate how he will implement and monitor the plan, to satisfaction of the Director of Development Engineering.

25. That the owner agrees that a maximum of 100 residential units shall be permitted to be constructed with only one (1) public road access to service the development. A second public road access to the subject lands is required prior to development beyond the initial 100 residential units.

26. That the owner agrees to provide a servicing report, to the satisfaction of the Director of Development Engineering, to confirm that there is adequate domestic pressures and fire flows to support the development in absence of watermain looping.

27. That the owner agrees that no blasting will take place without a pre-blast survey being completed and adequate monitoring conducted by a qualified consultant.

28. That the owner prepares and implements a stormwater management plan for the subject lands, to the satisfaction of the Director of Development Engineering. This plan must indicate how stormwater is to be accommodated on and off the subject lands to an adequate outlet, including erosion and siltation control. The report should address the design and requirements of the approved Binbrook Village Master Stormwater Management Report, dated January 2000.
29. That the owner agrees to select a street name from the City of Hamilton Reserved Street Name Index and/or submit street names, to the satisfaction of the City of Hamilton.

30. That the owner agrees to provide and implement, at the owner’s expense, a Streetscape and Street Tree Planting Plan detailing enhanced boulevard landscaping treatment, fencing and street lighting for the required streets, prepared by a full member of the Ontario Association of Landscape Architects (OALA), and to the satisfaction of the Director of Planning.

31. That the owner agrees to submit a Tree Preservation Study and Plan, prepared by a certified arborist or landscape architect, at the owner’s expense, and to the satisfaction of the City’s Manager of Development Planning.

32. That the owner agrees to erect a sign in accordance with the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

33. That the final plan conforms to the Zoning By-law approved under the Planning Act.

34. That the final plan not be registered until the owner demolishes all buildings and structures, to the satisfaction of the City’s Chief Building Official.

35. That the owner agrees to provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block, and the gross area of the subdivision in the final plan.

36. That the owner agrees to enter into a Subdivision Agreement or Agreements with the City of Hamilton.

37. That the owner agrees, in writing, to include the following warning clause in all offers of sale and purchase and/or lease for Lots 1 to 68 and Block 69:

“Future residents are advised that Binbrook Fairgrounds is located on the property to the south and, as a result, there is potential for noise and other nuisances associated with the various activities and uses of the Binbrook Fairgrounds.”

38. That the owner agrees, as provided for under Section 42 of the Planning Act, to provide a Cash-in-Lieu payment for parkland dedication prior to registration of the final plan.

39. That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.
40. That prior to registration, the owner agrees, in writing, that Urban Design/Architectural Guidelines be approved for the draft plan and included as an Appendix to the Subdivision Agreement, to the satisfaction of the Director of Planning.

41. That prior to the issuance of building permits, the owner agrees to retain a qualified Urban Designer/Architect, to administer architectural development standards for those lots subject to architectural control, to the satisfaction of the Director of Planning. Furthermore, the owner agrees to adhere to those lots identified in the Urban Design/Architectural Guidelines and submit building plans of the lots to the City’s Urban Designer/Architect for review and approval prior to the issuance of a building permit.

42. That prior to final approval, the owner shall, based on the three-part developer Cost Sharing Agreement (Rob-Geof Properties Limited, 1622115 Ontario Limited and Marz Homes (Binbrook) Inc., Empire Communities (Binbrook) Ltd.), finalize the functional engineering drawings for the multi-lane roundabout at the intersection of Regional Road 56 and Fall Fair Way/Maggie Johnson Drive to a level of design satisfactory to the Director of Development Engineering, and in accordance with the approved Binbrook Road and Regional Road 56 Phase 3 & 4 Municipal Class Environmental Assessment.

43. That prior to registration, the owner agrees to secure the full cost for the future removal of the temporary traffic signal and for any necessary restoration, based on the three part developer Cost Sharing Agreement (Rob-Geof Properties Limited, 1622115 Ontario Limited and Marz Homes (Binbrook) Inc., Empire Communities (Binbrook) Ltd.).

44. That prior to registration of the draft plan, the owner agrees to hire a traffic engineering consultant, recommended by the City of Hamilton Traffic Engineering office, to design a temporary traffic signal and related road works, at the intersection of Regional Road 56 at Maggie Johnson Drive/Fall Fair Way as part of the first phase of development of Binbrook Heights Subdivision, based on the three-part developer Cost Sharing Agreement (Rob-Geof Properties Limited, 1622115 Ontario Limited and Marz Homes (Binbrook) Inc., Empire Communities (Binbrook) Ltd.), to the satisfaction of the Manager of Traffic Engineering.

45. That prior to registration, the owner further agrees to provide full costs for the design, Traffic Engineering staff review, equipment purchase, and construction of a temporary traffic signal based on the three party developer Cost Sharing Agreement (Rob-Geof Properties Limited, 16221155 Ontario Limited and Marz Homes (Binbrook) Inc., Empire Communities (Binbrook) Ltd.). The design work will include any required pavement widenings, drainage, utility relocation, sidewalks, above and below ground traffic signal hardware, signal interconnect (if necessary), pavement markings, and traffic signage.
46. That prior to registration, the owner agrees to demonstrate their attempt to obtain from adjacent property owners any required lands necessary for the construction of the multi-lane roundabout at the intersection of Regional Road 56 and Maggie Johnson Drive/Fall Fair Way, identified through the approved Binbrook Road and Regional Road 56 Phase 3 & 4 Municipal Class Environmental Assessment, to the satisfaction of the Director of Development Engineering. The owner will provide the documentation once 50% of the gross allocation of 660 units has been reached, or when any one owner in the three party Cost Sharing Agreement has reached their maximum allocation, in accordance with the three party developer Cost Sharing Agreement (Rob-Geof Properties Limited, 1622115 Ontario Limited and Marz Homes (Binbrook) Inc., Empire Communities (Binbrook) Ltd.).

47. That prior to registration, the owner agrees to construct a median island on Fall Fair Way, including the construction of left turn lanes at locations to be determined for Block 69, Block 74 or Garinger Crescent, to the satisfaction of the Director of Development Engineering.

48. That the owner/applicant shall investigate noise levels on site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment’s recommended sound limits. An acoustical report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the Director of Planning.

49. That the owner agrees to install a minimum 1.5m high galvanized chain link fence along the rear of Lots 10 to 35, inclusive, which rear lots abut existing Public Open Space “Binbrook Fairgrounds”.

50. That the owner agrees, in writing, that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the owner will submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, to identify any significant recharge and discharge zone, to provide recommendations to mitigate the groundwater impacts, and to undertake the works as recommended including monitoring, all to the satisfaction on the Director of Development Engineering.

51. That 7.0 metre x 7.0 metre daylight triangles be established on the final plan of subdivision at the east and west intersections of Garinger Crescent and Fall Fair Way.

52. That 4.5 metre x 4.5 metre daylight triangles be established on the final plan of subdivision at the corner of Lots 46 and 62 at the “L” shaped bend on Garinger Crescent.
53. That Blocks 75 and 76 be dedicated to the City Of Hamilton as public highway, by the owner's certificate on the final plan of subdivision for road widening on Regional Road No. 56.

54. That the owner agrees that Blocks 72 and 73 are undevelopable until such time as they are merged with the adjacent lands, all to the satisfaction of the Director of Planning.

55. That the owner pays for the future urbanization of Highway No. #56 adjacent to Block 75 of the draft plan based on the City's “New Roads Servicing Rate” in effect at the time of payment.

56. That the owner pays to the City any outstanding commutation charges assessed against the lands in the draft plan, which amount represents the owner's share of the Binbrook Village Stormwater Management Pond in accordance with a sewer rate established by the City for the Binbrook Village Urban Drainage Area under By-law No. 607-00.

57. That the owner installs 1.5m wide sidewalks in accordance with City policy on the outer loop of Garinger Crescent, and that the owner installs 2.0m wide sidewalks on both sides of Fall Fair Way.

58. That the owner prepares an on-street parking plan based on the premise of achieving on-street parking for 40% of the total units, to the satisfaction Director of Development Engineering.

59. That the owner agrees to provide, in writing, to the satisfaction of the Director of Development Engineering, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary.

60. That the owner agrees to convey Blocks 70 and 71 to the City of Hamilton for future development purposes and negotiations. The lands shall be transferred to the City of Hamilton, at no cost and free of any encumbrances. Any lands not required by the City for roadway purposes or for negotiations with the adjacent owner shall be returned to the Developer, at no cost. Timing of the return of the lands shall be discussed again when the 660 unit cap is reached.
61. That the owner agrees to provide lands to the City of Hamilton from the current holding of Block 72 for the future multi-lane roundabout at the intersection of Regional Road #56 and Maggie Johnson Drive/Fall Fair Way, identified through the detailed engineering review, to the satisfaction of the Director of Development Engineering.

62. That the owner agrees that registration of the draft plan, based on a temporary traffic signal, is limited to 195 total units until such time as the roundabout, or an alternative intersection upgrade, at Fall Fair Way/Maggie Johnson Drive and Regional Road #56 has been constructed, and is fully operational, to the satisfaction of the Director of Development Engineering.

Further, that the owner agrees:

i) To comply with all terms and conditions of the executed private Cost Sharing Agreement (CSA) between Rob-Geoff Properties Limited, 1622115 Ontario Limited and Marz Homes (Binbrook) Inc., and Empire Communities (Binbrook) Ltd. for the approved intersection upgrade (temporary traffic signal) at Fall Fair Way and Regional Road #56; and,

ii) A maximum development cap in the Binbrook Development area of 660 new units has been established based on the temporary intersection upgrade at Regional Road #56 at Fall Fair Way/Maggie Johnson Drive, based on the three party developer Cost Sharing Agreement (Rob-Geof Properties Limited, 1622115 Ontario Limited and Marz Homes (Binbrook) Inc., Empire Communities (Binbrook) Ltd.); and,

iii) Registration of subsequent phases of the draft plan beyond the first 195 units is subject to the available capacity of an approved intersection upgrade beyond the set maximum development cap of 660 units, and that allocation of capacity to the intersection will be based on the percentage share of costs in said CSA.

63. That prior to registration of the final plan of Subdivision, the owner pays to the City any outstanding commutation charges assessed against the lands in the draft plan, which amount represents the owner’s share of the Binbrook Village Stormwater Management Pond, in accordance with a sewer rate established by the City for the Binbrook Village Urban Drainage Area under By-law No. 607-00.

64. That prior to registration of the final plan of Subdivision, the owner pays the required amount of **Municipal Act** Watermain Best Recovery Charge of $5,937.48 to Corporate Services, Budgets and Finance.
65. That prior to the registration of the final plan of Subdivision, the owner submits proof from the Taxation Division that the Municipal Taxes are current on the subject lands, to the satisfaction of the Manager of Development Planning.

66. That prior to the registration of the final plan of Subdivision, the owner shall establish an easement over Block 74, in favour of the lands known municipally as 2400 Regional Road No. 56, for the purposes of construction, vehicular and pedestrian access, and servicing, to the satisfaction of the Director of Development Engineering.

Social and Public Health Services Division

67. That any existing or proposed development(s) constructed on the above described draft plan are properly connected to municipal sewers and water supply.

68. That any existing septic tank be pumped out by a licensed contractor and refilled with suitable material to prevent it from collapsing.

69. That any existing abandoned water wells are plugged in accordance with Environment Ontario’s Fact Sheet entitled: “Water Wells and Groundwater Supplies Recommended Methods for Plugging Water Wells.”

Enbridge Pipelines Inc.

70. That during the entire construction phase, the Enbridge right-of-way shall be delineated with snowfence of equivalent material, which is subject to Enbridge's approval, where applicable.

71. That Enbridge is regulated by the National Energy Board (NEB) Act, whereby Section 112 of the Act states that "No person shall, unless leave is first obtained from the Board, construct a facility across, on, along or under a pipeline or excavate using power-operated equipment or explosives within 30 metres of a pipeline."

72. That no grading or placing fill on Enbridge’s right-of-way shall be permitted without the prior written approval of Enbridge.

73. That no work shall take place on Enbridge's right-of-way without the presence of an Enbridge inspector.

74. That no heavy machinery shall be permitted to cross Enbridge’s right-of-way without the prior written approval of Enbridge.

75. That no landscaping shall take place on Enbridge’s right-of-way without Enbridge's written approval.
76. That any crossing of the Enbridge right-of-way shall be approved through Enbridge’s “Standard Crossing Agreement”.

**Niagara Peninsula Conservation Authority**

77. That detailed lot grading and drainage plans, noting both existing and proposed grades, and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval.

78. That detailed sedimentation and erosion control, detailing controls to be implemented both during and after construction, be submitted to the Conservation Authority for review and approval.

79. That the detailed design of the stormwater quality and quantity management facilities be submitted to the Conservation Authority for review and approval.

80. That the owner agrees, in the executed Subdivision Agreement:

   (a) To implement Conditions 77) to 79), as listed above;

   (b) That the Conservation Authority approved stormwater quality and quantity management facilities be in place prior to construction of the subdivision; and,

   (c) To re-vegetate all disturbed areas immediately upon completion of grading and servicing works.

**Canada Post**

81. That the owner shall agree to include in all offers of purchase and sale, a statement that advises the prospective purchaser of the following:

   “(i) that the home/business delivery will be from a designated centralized mail box.

   (ii) that the developers/owners be responsible for officially notifying the purchasers of the exact centralized mail box locations prior to the closing of any homes”

82. That the owner shall agree to:

   (i) Work with Canada Post to determine and provide temporary suitable centralized mail box locations which may be utilized by Canada Post until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.
(ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes.

(iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

(iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

83. That the owner/developer shall be required to provide the centralized mail facility, at their own expense, for buildings and complexes with a common lobby, indoor or sheltered space, in accordance with the Canada Post multi-unit policy.

Bell Canada

84. That Bell Canada shall confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell Canada facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.

85. That the owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services and/or fibre-optic digital switching equipment sites.

86. That the owner shall agree, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services.
SCHEDULE 1
(Further Revised on March 10, 2006)

As authorized by By-law No. R95-041, I, T. McCabe, hereby further revise the draft plan approval for "Binbrook Heights", 1080907 Ontario Ltd., owner, for lands located in the City of Hamilton (formerly in the Township of Glanbrook), under File No. 25T200005, to add the following new (3) conditions:

a) That prior to final approval, the owner shall provide detailed engineering drawings showing a roundabout at the intersection of Maggie Johnson Drive/Fall Fair Way (formerly referred to as the "Binbrook By-Pass road") at Regional Road 56, to the satisfaction of the General Manager of Public Works.

b) That prior to final approval, the owner shall acquire all lands required to implement the above (a) roundabout at the intersection of Maggie Johnson Drive/Fall Fair Way (formerly referred to as the "Binbrook By-Pass road") at Regional Road 56 to the satisfaction of the General Manager of Public Works.

c) That the owner agrees in writing to construct the above (a) roundabout as part of the first phase of development of "Binbrook Heights" subdivision, to the satisfaction of the General Manager of Public Works.

Signed: ____________________________ Date: March 13, 2006
Tim McCabe, Director
Development & Real Estate Division
SCHEDULE 1
(Revised February 3, 2005)

As authorized by By-law No. R95-041, I, T. McCabe, hereby approve draft plan of subdivision, "Binbrook Heights", 1080907 Ontario Ltd., owner, for lands located in the City of Hamilton (formerly in the Township of Glanbrook), under File No. 25T200005, subject to the following conditions:

1) That this Approval apply to the Redlined Revised draft plan of subdivision prepared by A.J. Clarke & Associates Ltd. dated May 16th, 2001 showing a total of 129 lots, 2 street townhouse blocks, 1 multiple dwelling block, 4 commercial blocks, 1 block for a parkette and 4 Streets identified as Street A, Crescent B, Street C, and Crescent D.

Development & Real Estate Division

2) That all road allowances, daylight triangles, public walkways and road widenings be dedicated by certificate as public highways on the final plan.

3) That the owner agrees to deed, free and clear to the appropriate authority, all easements or blocks required for utility purposes.

4) That, if required by the City of Hamilton, the owner/subdivider shall transfer to the City of Hamilton any easement over the subdivider’s draft approved lands need for water or sewer services, or both, which easements will permit development to occur on adjacent property in accordance with the criteria approved by Council. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of that draft approved land.

5) That the owner agrees to provide a Geodetic Benchmark in a location to the satisfaction of the City of Hamilton.

6) That the owner agrees that any dead-ends and open sides of road allowance created by this draft plan of subdivision shall be terminated in 0.3m reserves and conveyed to the City of Hamilton.

7) That the owner shall submit detailed engineering design drawings to current standards and to the satisfaction of the Manager of Development Engineering.

8) That the owner agrees that all lots and blocks shall be developed with full municipal services.

9) That the owner agrees to submit a servicing report to the satisfaction of the Manager of Development Engineering.
10) That the owner agrees that all roads shall be designed to current geometric design standards of the City of Hamilton.

11) That the owner agrees to have prepared by a qualified consulting engineer and submitted to the City of Hamilton, a detailed engineering design submission to be approved by the Manager of Development Engineering prior to the preparation of the Subdivision Agreement.

12) That the owner agrees to construct all works which may be considered temporary to facilitate the development of the subject property, as required by the Manager of Development Engineering. These may include, but not be limited to, emergency access, temporary turn around, or outfalls.

13) That the owner shall submit a detailed grading plan showing how the grading within the development will be integrated with the existing adjacent residential properties. The grading of the buildings will attempt to blend in with the existing topography and natural setting, where possible.

14) That the owner agrees that grading shall be carried out in accordance with the current standard drawings and specifications. Any modification to these drawings/specifications will require approval by the Manager of Development Engineering.

15) That the owner agrees that all dead or diseased trees shall be removed from the road allowances and that the removal and replacement of street trees, as required by the reconstruction of the roads, will be at the sole expense of the owner.

16) That the owner agrees to provide street lighting throughout the subdivision to the limits of the subdivision, to the satisfaction of the Manager of Development Engineering.

17) That the owner shall prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns to the satisfaction of the Manager of Development Engineering.

18) That the Developer/Owner guarantee an appropriate portion of its development, through an agreement for the early payment of the Binbrook Special Area Charge.

19) That the owner agrees in writing that no clearing or grubbing of the subject lands commence until such time as a tree preservation plan has been approved to the satisfaction of the Manager of Development Engineering, and all grading plans and siltation and erosion control plans, as part of the engineering submission, have been approved to the satisfaction of the Manager of Development Engineering.
20) That all storm drainage, siltation and erosion control, lot grading and noise control plans be implemented to the satisfaction of the City of Hamilton.

21) That the final plan of Binbrook Heights shall not be registered until the new water tower to service the Binbrook area has been completed and is in full operation.

22) That the final plan of subdivision for any phase of the draft approved plan not be registered until adequate storm and sanitary sewer outlets have been provided to the limit of each phase proposed for registration, to the satisfaction of the Manager of Development Engineering.

23) That phasing of the draft plan and the number of units proposed within each phase of "Binbrook Heights" shall be to the satisfaction of the City Of Hamilton.

24) That the Owner provide a minimum centreline radius of 160m on the neighbourhood collector roadway (Street "A").

25) That the Final Plan not be registered until the driveway locations for Lots 12 to 14 inclusive, Lots 32 to 34 inclusive and Lots 42 to 44 inclusive have been shown on the engineering drawings and approved by the City Of Hamilton.

26) That the applicant / owner implement the final recommendations of the Binbrook Transportation Master Plan Study as they relate to this Draft plan.

27) That the owner, through a qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. If any problems arise, they must be appropriately addressed by the owner to the satisfaction of the Manager of Development Engineering.

28) That the owner acquire lands and dedicate said lands to the City of Hamilton for the purpose of a 15.0m by 15.0m daylight triangles from the widened limits of Regional Road No. 56 at Street A to the satisfaction of the Manager of Development Engineering.

29) That the owner dedicate sufficient land to the City of Hamilton on the Final Plan to establish the property 18.29m from the centerline of Regional No. 56 and that these lands are to be shown as a separate block on the Final Plan.

30) That the owner prepares a geotechnical report and implement the report’s recommendations, to the satisfaction of the Manager of Development Engineering.
31) That the owner installs sidewalks in accordance with City policy on the north and south of Street A, and the outside loop of Crescent D.

32) That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the "Keeping Soils on Construction Sites" manual. The owner shall demonstrate how he will implement and monitor the plan to the satisfaction of the Manager of Development Engineering.

33) That the owner agree that a maximum of 100 residential units shall be permitted to be constructed with only one (1) public road access to service the development. A second public road access to the subject lands is required prior to development beyond the initial 100 residential units.

34) That the owner agrees to provide a servicing report the satisfaction of the Manager of Development Engineering to confirm that there is adequate domestic pressures and fire flows to support the development in absence of watermain looping.

35) That the owner agrees that no blasting will take place without a pre-blast survey being completed and adequate monitoring conducted by a qualified consultant.

36) That the owner prepares and implements a stormwater management plan for the subject lands to the satisfaction of the City of Hamilton. This plan must indicate how stormwater is to be accommodated on and off the subject lands to an adequate outlet, including erosion and siltation control. The report should address the design and requirements of the approved Binbrook Village Master Stormwater Management Report dated January 2000.

37) That the owner agrees to pay his proportionate share of the required overall Stormwater Management facility, which is located in the southeast corner of Binbrook Village, to the satisfaction of the City of Hamilton.

38) That the owner agrees to select a street name from the City of Hamilton Reserved Street Name Index and/or submit street names to the satisfaction of the City of Hamilton.

39) That the Owner agrees to provide and implement, at the Owner's expense, a Streetscape Plan detailing enhanced boulevard landscaping treatment, fencing and street lighting for the required streets, prepared by a full member of the Ontario Association of Landscape Architects (OALA) and to the satisfaction of the Director of Capital Planning and Implementation, Public Works.

40) That the owner agrees to submit a Tree Preservation Study and Plan prepared by a certified arborist or landscape architect at the owner's expense and to the satisfaction of the City of Hamilton.

41) That the owner agrees to erect a sign in accordance with the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
42) That the final plan conforms to the Zoning By-law approved under the Planning Act.

43) That the final plan not be registered until the Owner demolishes all buildings and structures to the satisfaction of the Director of Building and Licensing.

44) That the owner agrees to provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan.

45) The owner agrees to enter into a Subdivision Agreement or Agreements with the City of Hamilton.

46) That the owner agrees to include the following warning clause in all offers of sale and purchase or lease for Lots 28 to 50 and Block 137 and 138:

"Future residents are advised that Binbrook Fairgrounds is located on the property immediately to the south and as a result there is potential for noise and other nuisances associated with the various activities and uses of the Binbrook Fairgrounds."

47) That the owner agrees to convey Block 130 to the City of Hamilton, as provided for under Section 51 of the Planning Act in partial fulfillment of the parkland dedication requirement. Further, the owner agrees to provide a cash-in-lieu payment for the balance of the parkland dedication, prior to registration of the final plan, based on the value of the lands as of the day before the day of the draft approval.

48) That the owner submits a Phase 1 Environmental Assessment for Park Block 130 to confirm that the lands are free of any environmental contaminants to the satisfaction of the Director of Development and Real Estate, Planning and Development Department.

49) That the owner agrees in writing to install a minimum 1.5m high black vinyl chain link fence along the east, west, and north sides of Park Block 130. The installation of the fence will be at one-half the owner's expense and one-half the expense of the City of Hamilton.

50) That the owner shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Planning and Development Department and the Ministry of Citizenship, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
51) The Owner agrees to provide and implement, at the Owner's expense, a Street Tree Planting Plan for boulevard trees along the required streets and lands, as prepared by a certified Arborist or Landscape Architect (OALA) and to the satisfaction of the of the Director of Capital Planning and Implementation, Public Works.

52) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

53) That the owner/applicant shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Development and Real Estate.

Social and Public Health Services Division

54) That any existing or proposed development(s) constructed on the above described draft plan are properly connected to municipal sewers and water supply.

55) That any existing septic tank be pumped out by a licensed contractor and refilled with suitable material to prevent it from collapsing.

56) That any existing abandoned water wells are plugged in accordance with Environment Ontario's Facts Sheet entitled:"Water Wells and Groundwater Supplies Recommended Methods for Plugging Water Wells".

Enbridge Pipelines Inc

57) That no permanent structures are permitted within the limits of the Enbridge right-of-way

58) That Enbridge shall have the ability to access the right-of-way at all times for maintenance, inspection and alteration of the pipelines.

59) That any proposed crossings of the right-of-way by roads, laneways, bikes/walking paths, fences, services and utilities must receive prior written approval by Enbridge's Crossing Coordinator, at (519) 339-0503. The applicant will be required to enter into Enbridge's Standard Crossing Agreement.

60) That vehicle barriers shall be installed where public roads cross the Enbridge right-of-way. The design and location of the vehicle barriers must be approved by Enbridge.

61) That any roads or streets designed to run parallel to the right-of-way shall not have any portion of the road allowance limits located within the right-of-way.
62) That any development adjacent to or surrounding the Enbridge right-of-way shall be separated from the right of way by temporary fencing of a location, type and height acceptable to Enbridge and which will remain in place for the duration of construction.

63) That any excavation within thirty (30) metres of Enbridge's right-of-way shall be approved by Enbridge. For locations of Enbridge facilities contact (905) 659-7236 and Ontario One Call at 1-800-400-2255, three business days prior to the proposed work for arrangement of an onsite meeting.

64) That no work shall take place on Enbridge's right-of-way without the presence of an Enbridge inspector.

65) That no fill or building materials shall be stored on the Enbridge right-of-way unless prior written approval is obtained from Enbridge.

66) That no grading on Enbridge's right-of-way shall be permitted without the prior written approval of Enbridge.

67) That no heavy machinery shall be permitted to cross Enbridge's right-of-way without the prior written approval of Enbridge.

68) That no landscaping shall take place on the Enbridge right-of-way without Enbridge's prior written approval.

69) That the conditions, restrictions and/or covenants specified by Enbridge shall be registered against title to the subject lands and the subdivision plan.

70) That prior to registration of the subdivision plan, the developer shall obtain written confirmation from Enbridge that all of Enbridge's conditions, restrictions and/or covenants have been satisfied.

**Niagara Peninsula Conservation Authority**

71) That detailed lot grading and drainage plans, noting both existing and proposed grades, and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval.

72) That detailed sedimentation and erosion control, detailing controls to be implemented both during and after construction, be submitted to the Conservation Authority for review and approval.

73) That the detailed design of the stormwater quality and quantity management facilities be submitted to the Conservation Authority for our review and approval.

74) That the owner agrees in the executed subdivision agreement to:

   a) implement conditions 71) to 74) as listed above;
b) that the Conservation Authority approved stormwater quality and quantity management facilities be in place prior to construction of the subdivision;

c) revegetate all disturbed areas immediately upon completion of grading and servicing works.

Canada Post
75) That the owner agrees to provide Canada Post facilities as required by Canada Post Corporation and to locate these facilities to the satisfaction of the City of Hamilton and Canada Post. The facilities are to be installed as part of the installation of Public Works.

Bell Canada
76) That Bell Canada shall confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell Canada facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.

77) That the owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services and/or fibre-optic digital switching equipment sites.

78) That the owner shall agree in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services.

Director of Development & Real Estate
79) That prior to the signing of the final plan, the Director of Development & Real Estate be satisfied that:
   a) Development & Real Estate Division conditions 2) to 53) inclusive;
   b) Social and Public Health Services Division conditions 54) to 56) inclusive;
   c) The Enbridge PipeLines Inc. that conditions 57) to 70) inclusive;
   d) The Niagara Peninsula Conservation Authority that conditions 71) to 74) inclusive;
   e) Canada Post Corporation that condition 75);
   f) Bell Canada that conditions 76) to 78) inclusive; and

   has/have been carried out to his satisfaction with a brief but complete statement indicating how each condition has been satisfied.
NOTE: Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.

Signed: Tim McCabe, Director
Development & Real Estate Division
Date: February 9, 2005