

APPENDIX B

Conditions of Draft Plan of Vacant Land Condominium Approval for Bauer Landing (File No. 26CD19-04-2021)

DRAFT PLAN

1. Approval applies to the Draft Plan of Vacant Land Condominium, Part of Lot 237, Geographic Township of Thorold, Town of Pelham, Regional Municipality of Niagara prepared by Suda & Maleszyk, dated October 8, 2021, which includes the following:
 - Twenty-seven (27) block townhouse units
 - Common element areas for a private road and parking.
2. The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.

AGREEMENTS AND FINANCIAL REQUIREMENTS

3. The Owner shall provide an electronic copy of the pre-registration plan, prepared by an Ontario Land Surveyor, and a letter to the Department of Community Planning and Development stating how all the conditions imposed have been or are to be fulfilled.
4. The Owner shall agree to pay to the Town all required processing and administration fees.
5. The Owner shall submit a Solicitor's Certificate of Ownership for the Vacant Land Condominium land to the Town prior to the preparation of the Condominium Agreement.
6. The Owner shall enter into a Condominium Agreement with the Town, to be registered on title, to satisfy all requirements, financial or otherwise, related to the development of the land, prior to final approval of the plan of condominium. The condominium agreement will require the condominium corporation to assume the terms of the site plan agreement.
7. The Owner shall pay the applicable Town and Niagara Region development charges in place at the time of the Building Permit issuance.
8. The Owner shall enter into a Site Plan Agreement with the Town, to be registered on title, to satisfy all requirements, financial or otherwise, related to the development of the land.

APPENDIX B

9. Prior to any site alteration, or final approval, the Owner shall submit all supporting materials, prepared by a qualified professional, as required by the Town or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the Town and any other applicable authority.
10. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Owner wishes to request an extension to the approval, a written explanation must be submitted for Town Council's consideration.
11. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
12. It is the Owner's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town, quoting file number **26CD19-04-2021**.

LAND TRANSFERS AND EASEMENTS

13. The Owner shall agree in the Condominium Agreement that such land transfers/conveyances and easements as may be required shall be designated to the satisfaction of, and granted to the appropriate agencies and authorities, free and clear of all encumbrances, save and except such encumbrances as may be permitted by the Town, in its sole discretion, to the satisfaction of the Town.
14. The Owner shall grant an easement in perpetuity to the Town of Pelham across the private roadway to ensure that the private roadway can be extended to the west to connect with future development.
15. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

APPENDIX B

16. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

MAIL DELIVERY

17. The owner shall complete to the satisfaction of the Director of Engineering of the town of Pelham and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development.
 - 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.

ZONING

18. Prior to final approval, that the concurrent zoning by-law amendment application (File No. AM-08-2021), which reflects the layout of the proposed final Niagara South Condominium Plan and the proposed site plan, has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.
19. The Owner shall submit to the Department of Community Planning and Development an electronic copy of the proposed site plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.

APPENDIX B

WATER AND SANITARY SERVICES

20. The Owner shall grant, in the Condominium Agreement, the Town, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber is made free and clear of all encumbrances, at all times, which may interfere with such tasks.
21. The Owner shall complete and fully commission all internal and external water works, as specified by the Site Plan Agreement, prior to the construction of any structures within the subdivision.
22. The Owner shall, in the Condominium Agreement, ensure that no storm, surface or roof water or weeping tiles be discharged into the sanitary sewer system.
23. The Owner shall obtain an easement for any portion of land where the proposed sanitary system must cross adjacent properties in order to service the condominium.
24. The Owner shall complete all sanitary system works, as specified in the Site Plan Agreement and required to service the subdivision prior to the construction of any structures within the condominium.

STORMWATER MANAGEMENT

25. The Owner shall agree in the Condominium Agreement to carry out the recommendations of the approved Stormwater Management Report and to maintain the Stormwater Management System during development.
26. The Owner acknowledges that the stormwater management works on Quaker Road will be completed by and the responsibility of the Niagara Region.
27. The Owner shall obtain an easement for any portion of land where the proposed storm system, as indicated in the Site Plan Agreement, must cross adjacent properties in order to properly service the subdivision.
28. The Owner shall complete all storm system works, as specified in the Site Plan Agreement, prior to the construction of any structures within the development.

ROADS AND ACCESS

APPENDIX B

29. The owner acknowledges that during construction there may be a period where access to the site will be impeded due to Regional construction on Quaker Road.
30. The owner shall, at its own expense, restore any curb cuts and/or reinstate with topsoil and nursery sod the boulevards within the Town road allowance to Town standards.

FIRE PROTECTION

31. The Owner shall submit the necessary servicing drawings, identifying the locations of the fire hydrants, in accordance with section 3.2.5.7 of the Ontario Building Code and shall test fire hydrant(s) as required.
32. A development which has only one roadway as an access point and exceeds 90m in length shall have all units in the development sprinklered as per NFPA 13. Designs shall meet or exceed this standard and shall be approved by the Chief Fire Official.

WARNING CLAUSES

33. The Owner shall agree in the Condominium Agreement to include a clause within all Offers of Purchase and Sale Agreements advising prospective purchasers that private roadways are subject to a Condominium Corporation and agreements for maintenance, snow removal and garbage pick-up. Owners are advised that all laneways are to be kept free and clear of vehicles to ensure that emergency service, snow removal and waste collection vehicles have continued access and that failure to comply with this clause will result in ticketing and potentially towing.

NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

34. That the condominium agreement include the following clause:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture and Industries should also be notified to

APPENDIX B

ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

35. That the condominium agreement include the following clause:

“These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants”.

36. That the owner ensure that all streets and development blocks can provide an access in accordance with the Niagara Region’s Corporate Policy and By-laws relating to the curbside collection of waste and recycling.

37. That the owner shall comply with the Niagara Region’s Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.

38. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for the units 7-10 and 14-27 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance with the Niagara Region’s Corporate Waste Collection Policy.

39. That the following clause be included in the condominium agreement and inserted into all offers and agreement of purchase and sale or lease for units 7-10 and 14-27 (subject to the Regional waste collection trucks reverse limits):

“That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 7-10 and 14-27 (subject to the Regional waste collection trucks reverse limits). The waste collection pads shall be in accordance to the details outlined in the Niagara Region’s corporate waste collection policy.”

40. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

41. That the owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the owner and the Town.

APPENDIX B

42. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment, Conservation and Parks Environmental Compliance Approval under the Transfer of Review Program.
43. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors, to Niagara Region for review and approval:
- a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
 - b. Detailed erosion and sedimentation control plans.
44. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the conditions above.

FINAL APPROVAL

45. Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final approval shall be granted by the Town.

CLEARANCE OF CONDITIONS

Prior to granting approval to the final plan, the Department of Community Planning and Development requires written notice from applicable Town Departments and the following agencies indicating that their respective conditions have been satisfied and fees have been paid:

Department of Community Planning and Development for Conditions 3-14 & 18-19

Bell for Condition 15

Enbridge for Condition 16

Canada Post for Condition 17

Department of Fire and Protection Services for Conditions 31-32

Department of Public Works for Conditions 20-30 & 33

Niagara Region Planning and Development Services Department for Conditions 34 - 44 (Inclusive)