

Proposed Revised Conditions of Draft Plan Approval

The conditions of final approval and registration of “The Settlements at St. Davids Extension Subdivision”, File 26CD-18-12-01 Revised are as follows:

1. That this approval applies to “Settlements at St. Davids Extension Subdivision”, being Part of Lot 90, Formerly in the Township of Niagara, in the county of Lincoln, designated as Part 1 on Reference Plan 30R-3213 save and except Part 2 on Reference Plan 30R-1960 prepared by Andrew Cameron, Ontario Land Surveyor, dated June 29th 2012 consisting of 12 single detached lots, 4 blocks of 17 townhouse units, Blocks 18 and 19, for future development, and Block 17, a private road, as a common element in a plan of condominium.
2. That the owner enter into one of more agreements with the Town of Niagara-on-the-Lake agreeing to satisfy all requirements, financial and otherwise, of the Municipality including the provisions of services, roads, signage, grading, drainage, streetlighting, sidewalks and urban design. The agreement shall also specifically prohibit development on the lands, save and except for model homes until such time as sanitary sewers can be adequately provided.
3. That the subdivision agreement between the owner and the Town of Niagara-on-the-Lake be registered by the municipality against the lands to which it applies, pursuant to the provisions of the Planning Act.
4. That the owner agrees in the subdivision agreement to grant to the municipality any required easements for services or utilities.
5. That the owner pays 5% cash in lieu of park dedication pursuant to Section 51.1 of the Planning Act.
6. That the owner acknowledges within 60 days of draft plan approval of this subdivision that draft approval does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.
7. That immediately within 60 days of draft plan approval, the owner shall provide the Regional Niagara Planning and Development Department with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this subdivision, shall contain a clause clearly indicating that a servicing allocation for this subdivision will not be assigned until the plan is granted final approval for registration.
8. That the design drawings for the water, sanitary sewer and stormwater drainage systems required to service this development (including any required downstream municipal sewer improvements) be submitted to the Regional Public Works Department for review and approval.
9. That prior to final approval for registration of this plan, the owner shall obtain Ministry of the Environment Certificates of approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, storm sewers and sanitary sewers) for this development.
10. That the owner complies with the Regional policies relating to the collection of waste on private property (“Collection of Material By Way of Entry on Private Property (Policy C.3.17)”) to the satisfaction of the Niagara Region Public Works Department (Development Services Division).

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Otherwise, if the common element condominium plan does not satisfy Regional waste collection policy, the following warning clause shall be included in the condominium agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit.

Purchasers/tenants are advised that due to the site layout, waste collection for this development cannot be provided by the Region but will be provided by the condominium corporation through a private contractor.

11. That prior to approval of the final plan or any on-site grading, the owner shall submit to the Regional Planning and Development Department for review and approval two copies of the following plans for the subdivision designed and sealed by a suitably qualified professional engineer.
 - a. Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flow will be accommodated across the site;
 - b. Detailed sediment and erosion control plans;
 - c. That the subdivision agreement between the owner and the Town of Niagara-on-the-Lake contain provision whereby the owner agrees to implement these approved plans.
Note: The Region may request the Niagara Peninsula Conservation Authority to review the detailed lot grading and drainage plans as well as the detailed sediment and erosion control plan on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning Staff.
12. That the owner receive clearance from the Ministry of Tourism, Culture and Sport for reports titled Archaeological Assessment (Stages 1 and 2), dated April 2012, and Archaeological Assessment (Stage 3) dated September 2010, both prepared by Mayer Heritage Consultants Inc., and for any other required archaeological assessments. All archaeological issues shall be resolved to the satisfaction of the Town, Niagara Region and the Ministry of Tourism, Culture and Sport which may include modifications to the draft plan. No demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry, through the Niagara Region Public Works Department (Development Services Division), confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Note: Copies of the archaeological assessment reports are to be submitted to the Town and the Niagara Region Public Works Department (Development Services Division) for information.
13. That Blocks 18 & 19 be placed into a Holding (H) Zone in order to preclude development until such time as development applications have been approved for these blocks, and Archaeological Clearance has been issued by the Ministry of Tourism, Culture and Gaming.
14. That the lands below top of bank, and within 7.5 m of the stable top of bank be placed within an "Environmental Conservation Zone" that prohibits structural development and prevents removal of existing vegetation on steep slopes and that these prohibitions be registered on the title of Lots 11, 12 & 13, including reference to an approved landscape plan designed to ensure slope protection/stability (see conditions #19).
15. That detailed sedimentation and erosion control plans be prepared for this agency's review and approval.

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Space and will not be taken as parkland dedication,¶
The Common Element Condominium Corporation will provide maintenance on the blocks and that the Common Element Corporation will enter into an agreement with the Town detailing the maintenance standards for the site. ¶
That the applicant provides a landscape plan design to the satisfaction of the Ministry of Tourism, Culture and Sport and the Niagara on the Lake Parks & Recreation Department for Blocks 19 and 20. The blocks will be not maintained as a public park and this will be registered on the title of each owner in the subdivision. ¶
may be subject to a Heritage Conservation Easement to be held either by the Ontario Heritage Trust or the Town of Niagara-on-the-Lake.

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16. That detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Conservation Authority for their review and approval.
17. That prior to the approval of the final plan, the owner submit to the Conservation Authority a detailed stormwater management plan for the subdivision completed by a qualified engineer and prepared in accordance with the MOEE Stormwater Management Practices, Planning and Design Manual, June 1994.
18. That the owner agrees in the executed subdivider's agreement to:
 - a. Erect a limit of work fence a minimum of 3m from the top of the Four Mile Creek valley slope during the construction phase;
 - b. That the recommendations of the stormwater management plan be implemented;
 - c. Notify potential homebuyers that the Four Mile Creek Valley and an area 15m from the top of bank on each side of the creek are regulated by the Conservation Authority in accordance with Regulation 155/06.
 - d. Not place or dump material of any kind, whether originating on-site, or off-site, on the Four Mile Creek valley slope, and to maintain the natural grades of this valley slope; and,
 - e. Re-vegetate all disturbed areas immediately upon completion of the works.
19. That prior to approval of the plan, a landscape architect prepares a landscape plan for the rear yards of lots 11, 12 & 13 that will provide slope protection/stability, subject to confirmation and approval by a qualified geotechnical engineer.
20. That the above noted draft plan conditions 10-20 inclusive be implemented in the subdivision agreement.
21. That the detailed design drawings with calculations for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be in accordance with current Town Specifications and subject to M.O.E. and Town Public Works Approvals and submitted to the Town's Public Works Department and the Fire Department for review and approval.
22. That the owner agrees in the subdivision agreement to construct all on-site and off-site servicing in accordance with the servicing plans as approved by the Town's Public Work Department and to post the standard subdivision agreement securities and cash deposits relating to primary, secondary and tertiary works, plan reviews, site inspections (based on working days), signs and barricades and road clean up prior to commencing the installation of any services. The owner shall also agree in the subdivision agreement to:
 - a. Cost share in the watermain looping along Paxton Lane and the existing stormwater management facility in the Settlement of Davids to the south.
 - b. Cost share in the construction costs of the main entrance to Four Mile Creek Road.
23. That the owner agrees in the subdivision agreement to submit a residential street lighting plan for approval by the Town Public Works Department. The street lighting poles and fixtures should be the same as provided in the Settlement of St. Davids to the south.
24. That the owner agrees in the subdivision agreement to provide a sidewalk/trail through the development approved by the Town Public Works Department and connecting new and old Paxton Lane.
25. That the owner agrees in the subdivision agreement to provide 13 guest parking spaces within the development.

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26. That the owner agrees in the subdivision agreement, subject to the approval of the Public Works Department, to provide for a turnaround at the entrance to the subdivision from Paxton Lane to accommodate snow plows and other Town maintenance vehicles.
27. That the owner agrees in the subdivision agreement that during the construction of development the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris and that any standing water is eliminated.
28. That the subdivision agreement between the owner and the Town of Niagara-on-the-Lake address any required fencing and/or landscaping along the perimeter of townhouse blocks (excluding the front line) to be detailed in the site plan control agreement.
29. That the owner shall agree in the subdivision agreement that:
- The north most emergency access from Paxton Lane shall be gated/chained to restrict vehicular access and access will be permitted only for emergency vehicles. The emergency access required for the development shall be built to meet or exceed all applicable code requirements by the developer to the satisfaction of the Town and a 0.3 municipal reserve shall be dedicated to the municipality from Old Paxton Lane.
30. The owner agrees in the subdivision agreement that, because the single dwelling units are more than 90 metres from the principle access to the subdivision, the single dwelling units Lots 5, 6, 7, 8, 9, 10 and 11 shall be sprinklered or;
The owner agrees to provide a minimum 6m wide vehicular access for emergency vehicles over the existing Paxton House laneway on Lot 15. The emergency access shall be built to meet or exceed all applicable code requirements to the satisfaction of the Town and a 0.3m reserve shall be dedicated to the municipality from Old Paxton Lane.
31. That the owner agrees in the subdivision agreement that the development will be subject to the Village of St. Davids Urban Design Guidelines. The subdivision agreement shall include urban design approval process procedures and shall also contain the following:
- That prior to site plan approval for the townhouse units and prior to a building permit being issued by the Town for the single detached dwellings that the design of the proposed buildings be reviewed and approved by the Urban Design Committee in accordance with the approved Village of St. Davids Urban Design Guidelines.
 - That the owner agrees that all offers and agreements of purchase and sale shall contain a clause clearly indicating that prior to the issuance of a building permit the design of the dwelling units is subject to approval by the Urban Design Committee in accordance with the approved Village of St. Davids Urban Design Guidelines.
32. That the owner agrees in the subdivision agreement that any outstanding taxes will be paid prior to the registration of the final plan.
33. That the owner enters into a separate agreement with Niagara-on-the-Lake Hydro for the provision of hydro services for the development.
34. That the owner agrees to include on all offers of purchase and sale a statement that advised the prospective purchaser that:
- Business mail delivery will be from a designated centralized mail box.
 - The developers/owners are responsible for officially notifying the purchasers of the centralized mail box locations prior to closing of any sale.

Deleted: The owner agrees in the subdivision agreement that the Paxton House lot (Lot 15) be designated under Part IV of the Ontario Heritage Act and the exterior of the Paxton House (Lot 11) be restored.

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That the owner further agrees to:

1. Install a concrete pad in accordance with the requirements of, and in locations to be approved, by Canada Post to facilitate the installation of Community Mail Boxes.
 2. Identify the pads on engineering and servicing drawings. The pads re to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 3. Determine the location of all centralized mails facilities in cooperation with Canada Post and to post the location of these sites on an appropriate maps, information boards and plans.
35. Prior to commencing any work with the Plan, the developer must confirm with Bell Canada that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is advised that he may be required for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for such connection, the developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management (i.e. 911 emergency services).
36. That if final approval is not given to this plan within 3 (three) years of the draft approval date and no extensions have been granted; draft approval shall lapse. If the owner wishes an extension to the draft approval, a written explanation with reasons why the extension is required, must be received by the Town prior to the lapsing date.
37. The developer agrees in the subdivision agreement that where an environmental assessment is not required as a condition of draft subdivision approval that:
- a. During the construction services or other works being undertaken on the lands that Owner agrees that should waste, materials or other contaminates be discovered that the Ministry of the Environment, the Regional Municipality of Niagara and the Town of Niagara-on-the-Lake shall be notified by the Owner.
 - b. The Owner will indemnify and save harmless the Town from and against actions, causes of action, interest, claims, demands, costs, charges, damages, expenses and loss.