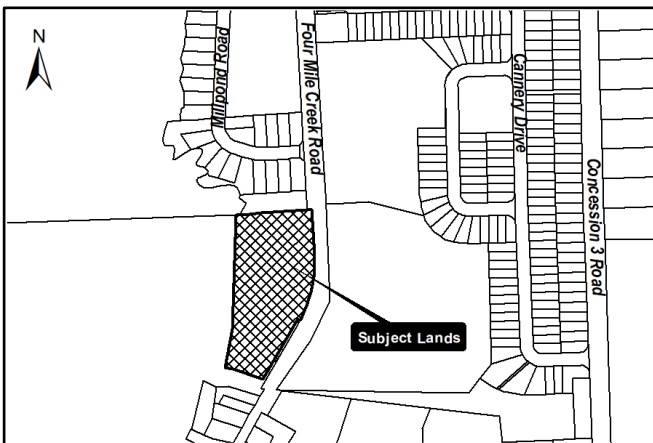




<b>What:</b>	<b>Notice of Decision for a Zoning By-law Amendment and Modification to an Approved Draft Plan of Condominium</b> (under Section 34 and Section 51, respectively, of the <i>Planning Act, R.S.O. 1990, c. P.13</i> , as amended).
<b>When:</b>	<b>Approved at the February 24, 2026 Council Meeting</b>
<b>Regarding:</b>	Zoning By-law Amendment - By-law <b>4316FQ(1)-26</b> (File ZBA-24-2025) Draft Plan of Vacant Land Condominium (File 26CD-18-25-06) 308 Four Mile Creek Road, Niagara-on-the-Lake



### What is this?



Town Council for Niagara-on-the-Lake has considered written and oral submissions and approved a Zoning By-law Amendment and a Modification to an Approved Draft Plan of Vacant Land Condominium on the subject lands as follows (see the location map):

#### Zoning By-law 4316FQ(1)-26

The By-law provides a “Residential Multiple (RM1-41) Site Specific Zone” for the development portions of the property to

permit the proposed townhouse dwelling units, with site-specific provisions for front yard setbacks, rear yard setbacks, interior side yard setbacks, garage door width, distance between buildings on the same lot, and encroachments into front and rear yards.

#### Draft Plan of Vacant Land Condominium Modification 26CD-18-25-06

The Modification to an Approved Draft Plan of Vacant Land Condominium proposes the addition of six (6) condominium units for block townhouse dwellings at the southern portion of the subject lands, which is marked as Phase 2 – Future Development on the approved Draft Plan, for a total of fifteen (15) condominium units for townhouse dwellings. The proposed block townhouse dwellings will be accessed via a private road, with common elements for landscaping, the private road, and an environmental conservation area. The portions of the land containing environmental features are to be protected, with permission to allow for a private road and private infrastructure, subject to approval from the Niagara Peninsula Conservation Authority. The modified Draft Plan and Conditions of Approval are attached to this Notice.



### **The last date for filing a notice of appeal is March 17, 2026.**

A notice of appeal:

- i. must be filed with the Town Clerk;
- ii. must set out the reasons for the appeal; and
- iii. must be accompanied by the fee required by the Ontario Land Tribunal.

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this amendment may be made by filing a notice of appeal with the Town Clerk by one (1) of the following means:

- Through the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting the Town of Niagara-on-the-Lake as the Approval Authority; or,
- Through providing physical copies of the appeal materials to Town Hall at the address below; or,
- Through providing electronic copies of the appeal materials to the Town Clerk at [clerks@notl.com](mailto:clerks@notl.com).

The appeal fee can be paid online through e-file or by certified cheque/money order and submitted to the Town (certified cheque/money order to be addressed to the Minister of Finance, Province of Ontario). Further information and the required forms are available on the OLT website at [www.olt.gov.on.ca](http://www.olt.gov.on.ca).

**Further notice and appeal eligibility:**

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed Zoning By-law Amendment and/or a Draft Plan of Vacant Land Condominium to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Any of the Conditions of Approval may be appealed at any time before final approval of the plan of condominium by the applicant, public body, a specified person, the Minister and the Town by filing a notice of appeal with the Town Clerk. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of condominium if you have made a written request to be notified of changes.



No person or public body shall be added as a party to the hearing of the appeal of the decision of Town Council, unless the person or public body, before Town Council made its decision, made oral submissions at a public meeting or written submissions to Town Council, or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

Third party appeals are restricted for this application as per Bill 185, *Cutting Red Tape to Build More Homes Act, 2024. Planning Act* appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by the *Planning Act 1(1)*), and any “public body” (as defined by the *Planning Act 1(1)*).

Information with respect to the Official Plan Amendment and/or Zoning By-law Amendment and the decisions are available for public inspection from 8:30 a.m. to 4:30 p.m., Monday to Friday at the Town of Niagara-on-the-Lake, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0. For inquiries, please contact the Town Clerk.

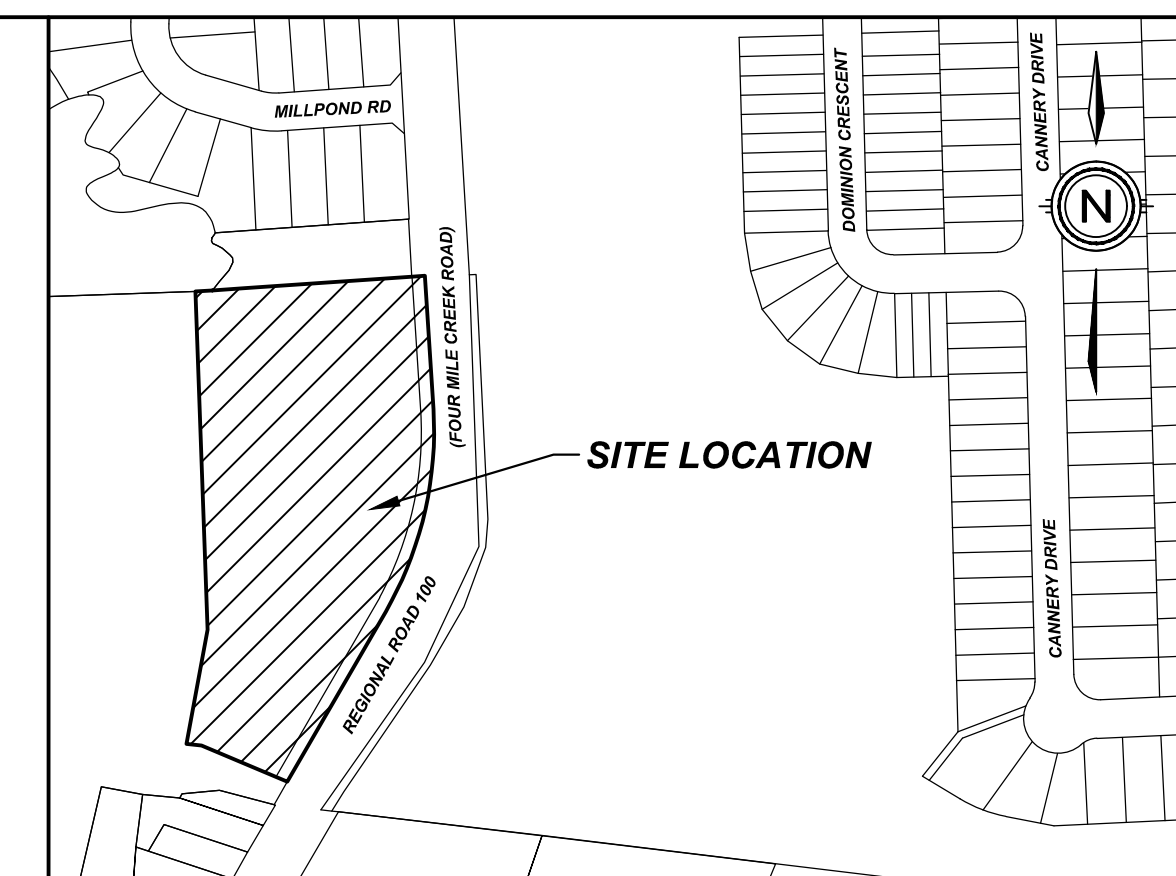
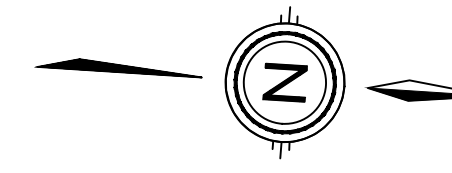
Dated at the Town of Niagara-on-the-Lake, **February 25, 2026**

Grant Bivol, Town Clerk ([clerks@notl.com](mailto:clerks@notl.com) or 905-468-3266)

Town Hall, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0

# 308 FOUR MILE CREEK ROAD-REDLINE DRAFT PLAN

## NIAGARA-ON-THE-LAKE



**KEY PLAN**  
N.T.S.

**LEGAL DESCRIPTION**

PART OF TOWNSHIP LOT 89  
(GEOGRAPHIC TOWNSHIP OF NIAGARA)  
TOWN OF NIAGARA-ON-THE-LAKE  
REGIONAL MUNICIPALITY OF NIAGARA

**OWNER'S CERTIFICATE**

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF NIAGARA-ON-THE-LAKE FOR APPROVAL.

*[Signature]*  
HUMMEL PROPERTIES INC. JULY 9, 2025  
DATE

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

*[Signature]*  
BRENT LAROUCHE, B.Sc., OLS, OLP JULY 9, 2025  
DATE

**REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT**

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) SILTY SAND
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

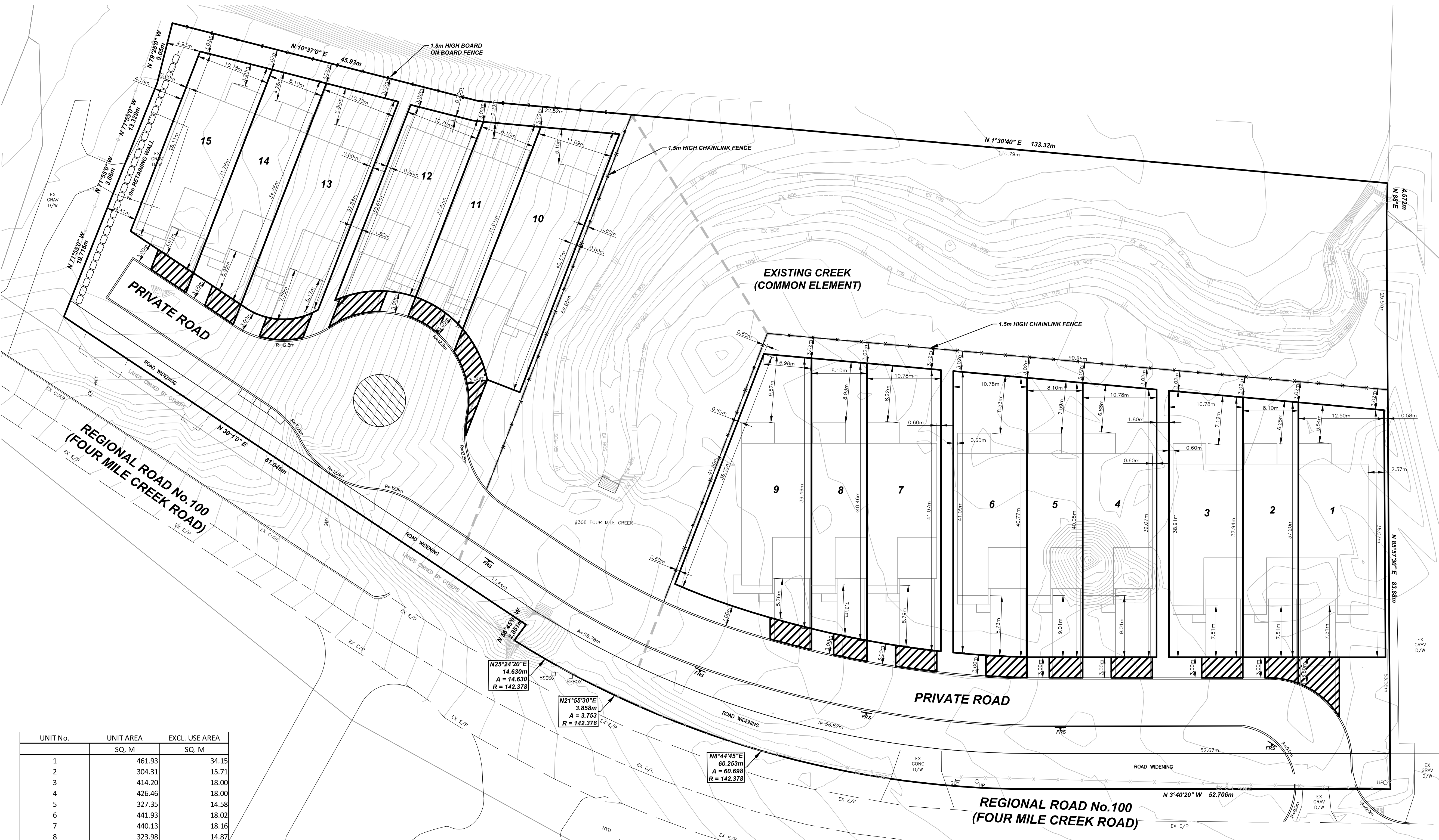
**SITE STATISTICS**

AREA	ha	% COVERAGE
BUILDING (15 UNITS)	0.318	34.12
ROAD/DRIVEWAY/PARKING	0.250	26.82
LANDSCAPING	0.364	39.06
TOTAL DEVELOPABLE AREA	0.932	100.00
UNITS		15
DEVELOPABLE DENSITY		16.09 u/ha

#	ISSUED FOR APPROVAL	DATE	INIT
0	ISSUED FOR APPROVAL	2025-11-17	TA
	REVISION		



DRAWING TITLE	DRAFTING	TA
<b>REDLINE DRAFT PLAN</b>	DATE	NOVEMBER 17, 2025
	PRINTED	NOVEMBER 18, 2025
	SCALE	1:300
	DWG No.	1520-DP
	REV	0



UNIT No.	UNIT AREA SQ. M	EXCL. USE AREA SQ. M
1	461.93	34.15
2	304.31	15.71
3	414.20	18.00
4	426.46	18.00
5	327.35	14.58
6	441.93	18.02
7	440.13	18.16
8	323.98	14.87
9	519.60	18.61
10	409.84	29.96
11	236.02	14.78
12	303.09	21.90
13	375.48	19.82
14	268.94	14.94
15	323.10	18.45
TOTAL UNIT AREA	5576.36	
TOTAL EXCL. USE	289.95	
TOTAL COMM. ELEM.	9001.77	
TOTAL LOT AREA	14868.08	

**Files:** 26CD-18-23-01 and 26CD-18-25-06

**Draft Approval Date:** \_\_\_\_\_

**Lapse Date:** \_\_\_\_\_

**Town of Niagara-on-the-Lake**  
**Conditions of Draft Plan Approval of Vacant Land Condominium**

The conditions of Draft Plan Approval and Registration for lands municipally known as 308 Four Mile Creek Road and legally described as “FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE” are as follows:

**TOWN PLANNING, BUILDING AND DEVELOPMENT SERVICES**

1. That this approval applies to the Draft Plan of Vacant Land Condominium prepared by Upper Canada Consultants, dated November 17, 2025, identified as Drawing Number 1520-DP, for lands municipally known as 308 Four Mile Creek Road, legally described as “FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE”, showing fifteen (15) vacant land units for townhouse dwellings, in addition to common elements for a private road, landscaping and environmental protection.
  
2. That the Owner enters into one or more agreements with the Town of Niagara-on-the-Lake (the “Town”) agreeing to satisfy all requirements, financial and otherwise, of the Town including but not limited to the provision of services, roads, signage, grading, drainage, trees, streetlighting and sidewalks. The agreement shall also specifically prohibit development on the lands, until such time as grading and services are adequately provided, to the satisfaction of the Town.

3. That if final approval is not given to this plan within three (3) years of the draft approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the Condominium 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*.
5. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake that any outstanding taxes will be paid prior to the registration of the final plan.
6. That the Owner provides a preliminary Condominium Description, in accordance with Ontario Regulation 49/01 under the *Condominium Act, 1998, S.O. 1998, c. 19*, and a letter to the Director of Planning, Building and Development Services stating how all conditions of Draft Plan Approval have been satisfied at the time of request for condition clearance.
7. That the Owner receives final approval to a Zoning By-law Amendment to provide land use regulations for the development of the subject lands.
8. That the Owner pays 5% cash-in-lieu of parkland dedication to the Town pursuant to the provisions of the *Planning Act* based on the total value of the subject lands as determined by an appraisal prepared by a qualified person and approved by the Town. All costs associated with obtaining an appraisal are the responsibility of the Owner.
9. That the Owner receives final approval from the Director of Planning, Building and Development Services for a Site Plan to implement the requirements of the Draft Plan of Vacant Land Condominium.

10. That the Owner submits a Landscape Plan and Planting Plan that includes native species and which is in accordance with the recommendations set out in the two (2) Arborist Reports, prepared by Beacon Environmental Ltd. (dated April 2023 and November 27, 2025, respectively), in addition to proposed dwelling elevations for the future Site Plan application for review and approval, to the satisfaction of the Director of Planning, Building and Development Services.
11. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake to grant to the Town any required easements for services or utilities free and clear of any mortgages, liens or encumbrances.
12. That the private road within the development be named to the satisfaction of the Town, in accordance with the Town's Municipal Street Naming Policy.
13. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake that during the construction of the development site that 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 as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).
14. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake that, prior to the issuance of a building permit, each dwelling within the Plan of Condominium will be subject to the review and approval of the Director of Planning, Building and Development Services respective urban design considerations in accordance with the St. Davids Urban Design Guidelines.
15. That the Owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy, and that it is also included in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake:

*“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.”*

## **TOWN URBAN FORESTRY**

16. That the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake contain wording wherein the Owner agrees to implement the following:

- (a) The Owner agrees to implement the recommendations outlined in the two (2) Arborist Reports, prepared by Beacon Environmental Ltd. (dated April 2023 and November 27, 2025, respectively), including but not limited to the recommendations set out in Section 5 of the Arborist Report dated April 2023, which specify proper precautions and protection measures for implementation in advance of site preparation and construction.
- (b) That the Owner agrees to the following clauses in order for the Town to issue permits to injure the two (2) Black Walnut trees on the abutting property to the north, as identified in the Arborist Report prepared by Beacon Environmental Ltd (dated April 2023):
  - i. “That the injuring be carried out by, or under the direct supervision of a Certified Arborist following approved industry standards. In advance of any work proceeding on the subject lands, including but not limited to site grading, the Certified Arborist shall confirm in writing that the trees on the adjacent property can be safely retained following the injuring of the trees.*
  - ii. That the recommendations of the Tree Protection Plan submitted as part of the Arborist Report be implemented with respect to injuring trees on the adjacent property to the north of the subject lands.*

*iii. The Certified Arborist which carries out or supervises the work, shall submit a report to the Town's Urban Forestry By-law Enforcement Officer, which clearly identifies and documents the process carried out. Hydrovac or air spading and root pruning must be documented with photographs.*

*iv. Tree protection fencing shall be installed and inspected by Town staff prior to any work proceeding on the subject lands.*

*v. The Owner agrees to pay the required intent to injure permit fees, to be paid in accordance with Town By-law No. 5139-19."*

(c) That the Owner agrees to obtain permission from the abutting landowner to the south to remove the four (4) Silver Maple Trees (Tree Numbers 1870-1873), identified for removal in the Arborist Report prepared by Beacon Environmental Ltd. Dated November 27, 2025.

(d) That the Owner agrees to pay the required fees set out by the Town's Urban Forestry By-law Enforcement Officer for the replacement of any trees removed from the subject lands or abutting lands, in advance of any site preparation or construction occurring. The fee amount set out by the Town's Urban Forestry By-law Enforcement Officer shall only be applicable to trees identified for removal that will not be replaced. The fee shall be calculated after a detailed Landscape Plan is provided which includes plant species, sizes, planting specifications and details, to the satisfaction of the Town of Niagara-on-the-Lake.

## **TOWN DRAINAGE AND IRRIGATION**

17. That the Owner, at their own expense, enter into a Reapportionment Agreement for assessment of future maintenance of the municipal drain, subject to the approval of the Drainage Superintendent.

## **TOWN PUBLIC WORKS AND INFRASTRUCTURE**

18. That detailed design drawings with calculations for the watermain system, including required fire flows and existing system flows, be submitted to the Public Works and Infrastructure Department for its review and approval.
19. That detailed design drawings with calculations for the sanitary sewer system and stormwater drainage systems required to service this proposal be submitted to the Town's Public Works and Infrastructure Department for its review and approval.
20. That prior to the approval of the final plan and registration of the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake, the owner submits detailed construction plans showing the entrance, and internal road designs to the Town's Public Works and Infrastructure Department for its review and approval.
21. The Owner agrees to consult with the Town's Public Works and Infrastructure Department to determine suitable permanent locations for the community mailboxes, if required, which shall be included on appropriate servicing plans.
22. That the Owner agrees to the following in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake:
  - (a) That on street parking is prohibited, and that the Owner is responsible for the purchase and installation of all required regulatory and street signage.
  - (b) That the Condominium Agreement includes a clause that the Town's Public Works and Infrastructure Department will not provide any snow plowing and/or sanding within the Condominium Corporation lands, and that the Owner must provide sufficient space to accommodate snow storage within the development lands.
  - (c) That the Condominium Agreement include a statement that the private sanitary and

stormwater management systems may be subject to periodic inspections by the Public Works and Infrastructure Department and shall be maintained by the Condominium Corporation and if not maintained, after receiving written notice, the Town's Public Works and Infrastructure Department has the authority to enter the private lands, carry out the required repairs and charge the Condominium Corporation accordingly.

- (d) That the Owner will be required to post the standard securities and cash deposits relating to primary and secondary services for both on-site and of-site works, plan reviews, site inspections (based on working days), signs and barricades and road clean up prior to commencing the installation of any services.
- (e) That the owner installs a sidewalk of 1.5m in width along the entire subject property's frontage which abuts the Four Mile Creek Road public right of way, which shall connect to the existing sidewalk terminating approximately 23 metres north of the subject property's northern limit, the cost of which shall be wholly borne by the Owner.
- (f) That all infrastructure works will be constructed to current Town specifications.
- (g) That all construction plans and supporting reports will be subject to a peer review at the Owner's cost.
- (h) That all proposed infrastructure will be subject to the Town's inspection at the Owner's expense including qualitative and quantitative tests made of any materials used in the construction of any works.
- (i) That a Street Lighting Design/Plan is submitted to the Town's Public Works and Infrastructure Department for review and approval.
- (j) That a Streetscape Plan of the internal streets illustrating the location of street trees, pavement markings, community mailbox(s) locations, hydrants, regulatory and no parking signs and street lighting is submitted to the Town's Public Works and

Infrastructure Department for review.

- (k) That a Landscape Plan and Planting Plan be submitted, separate from the Streetscape Plan, to the Town's Public Works and Infrastructure Department for review and approval.
- (l) That all sanitary sewer, watermain and storm sewer construction will be in accordance with current Town Specifications and subject to the Town's Public Works and Infrastructure Department for approvals.
- (m) That a comprehensive Stormwater Management Report be submitted to the Town's Public Works and Infrastructure Department for review and approval.
- (n) That the Owner is required to submit an overall Lot Grading Plan for review and approval to the Town's Public Works and Infrastructure Department noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
- (o) That a Sediment Control Plan is submitted to the Town's Public Works and Infrastructure Department for review and approval.
- (p) That the private internal water system shall be subject to annual inspections and maintenance by the Public Works and Infrastructure Department and that the costs associated with those inspections and maintenance will be borne by the Condominium Corporation.
- (q) That any future proposed works and/or maintenance on the private internal water system proposed to be completed by the Condominium Corporation be subject to the review and approval of the Town's Public Works and Infrastructure Department prior to any such works taking place.
- (r) That the internal private watermain system be metered in a chamber at the property line

inside the Condominium Corporation lands, and further that the Condominium Corporation shall be responsible for the monetary difference between the amount of metered water entering the development and the total amount of water individually billed to each unit on an annual basis.

- (s) That the Owner conduct flow testing on all installed on-site hydrants, and that the Owner install the appropriate colour-coded discs, to be completed at the time of watermain commissioning. Such flow testing results shall be provided to the Town.
- (t) That the Owner provides payment to the Town of Niagara-on-the-Lake pursuant to the Agreement Respecting Servicing dated June 27, 2014, between the Regional Municipality of Niagara and Solmar Homes Inc., representing the Owner's proportionate share of costs towards storm sewer improvements installed along Four Mile Creek Road in 2014 by Solmar Homes Inc., as detailed within the Agreement, the total value of which shall be determined via Schedule C-4 of the Agreement.

## **REGIONAL MUNICIPALITY OF NIAGARA**

- 23. That a Letter of Reliance for the Noise Feasibility Study, prepared by HGC Engineering (dated August 19, 2025) shall be submitted to the Town of Niagara-on-the-Lake to indicate that, despite any limitations or qualifications included in the submitted reports/documents, the Town is authorized to rely on all information and opinions provided in the reports submitted.
- 24. That the Condominium Agreement between the Owner and the Town contain a provision whereby the owner agrees to implement the noise mitigation measures and ensure the required warning clauses are included in all offers and agreements of purchase and sale or lease for each dwelling unit in accordance with the Noise Feasibility Study required in the condition above. The following clauses shall be included in the Condominium Agreement:

*"Type A: Purchasers/tenants are advised that sound levels due to increasing road traffic on Four Mile Creek Road may occasionally interfere with some activities of*

*the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation, and Parks' noise criteria.*

*Type C: This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound limits of the Town of Niagara-on-the-Lake and the Ministry of the Environment, Conservation and Parks.*

*Type C: The lands in the Plan of Vacant Land Condominium may be exposed to noise, odour and dust from nearby agricultural operations and agricultural-related traffic, industrial operations and industrial/commercial traffic that may occasionally interfere with some activities of the owners who may occupy the lands.*

*Type E: Purchasers are advised that due to the proximity of the existing commercial/industrial facilities, sound levels from the facilities may be audible at times."*

25. That the following clause be included in the Condominium Agreement:

*"Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) and a licensed archaeologist is required 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, MCM*

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

26. That the Condominium Agreement contain wording wherein the Owner agrees to implement the following:
  - a. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
  - b. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
  - c. That a no-gate bylaw be included in the agreement to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
  - d. That the Owner prepare an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps that they can take to protect the natural environment. This information package is to be reviewed and approved by the Town of Niagara-on-the-Lake. The package should be provided as an Appendix to all offers of purchase and sale for properties within the condominium development.
  
27. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
  
28. That a Grading Plan be provided to the satisfaction of Niagara Region that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials

which will at a minimum be outside of the natural heritage features and their buffers.

29. That the Preliminary Landscape Plan, prepared by James McWilliam Landscape Architect, dated July 2025, be updated to include plant species, sizes, planting specifications and details, to the satisfaction of the Town of Niagara-on-the-Lake.
30. That the Condominium Agreement contain wording wherein the owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan and Landscape Plan.
31. That the Owner dedicate the required widening (of varying width) across the frontage of the property along Regional Road 100 (Four Mile Creek Road) to Niagara Region prior to the issuance of any regional road use permits, to the satisfaction of the Surveys section of the Niagara Region Transportation Services Division. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.
32. That prior to any construction within the Regional Road 100 (Four Mile Creek Road) road allowance, the Owner shall obtain the required Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department.
33. That revised engineering drawings to address transportation engineering comments and required urbanization be submitted for review and approval by Niagara Region.
34. That the applicant submit payment of the Region's 'Minor Urban Design Review' fee, as per the Council-approved Schedule of Rates and Fees.
35. That the Owner is responsible for the design and the construction costs to urbanize Four Mile Creek Road along the frontage of the development and enter into a legal agreement with Niagara Region for such work, and provide security in the form of a letter of credit for such work.

36. 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 successor, 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;
  - b. Detailed erosion and sedimentation control plans.
37. 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 above condition.
38. That prior to final approval for registration, the Owner shall submit engineering drawings showing all servicing crossings of the Regional watermain and forcemain, as well as plan and profile drawings for the storm sewer, for review and approval by Niagara Region.
39. That the Owner submit Regional waste collection truck turning templates for review and approval.
40. That the Owner comply with the requirements of Niagara Region's Corporate Waste Collection Policy and complete the required Indemnity Agreement and commencement of collection form prior to Regional waste collection services commencing on-site.
41. That the condominium agreement between the owner and the Town contain a provision whereby the Owner agrees to include the following warning clause within future Purchase

and Sale or Lease Agreement:

- a. Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies).

42. That the Contractor/Owner will contact Niagara Region Operations and Maintenance Managers for Area 3 a minimum of two weeks in advance of the proposed crossings of the Regional sanitary force main and Regional water main, and again for follow-up confirmation three days prior to construction. If crossing below the Regional main, the Contractor must provide detail on how the Regional main will be supported during construction.
43. That the Condominium Agreement between the Owner and the Town contain a provision whereby the Owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

#### **NIAGARA PENINSULA CONSERVATION AUTHORITY**

44. That the Owner provide detailed grading, storm servicing, and construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
45. That the Owner submit detailed drawings and plans for the proposed private road and private infrastructure to the Niagara Peninsula Conservation Authority for review and approval.
46. That the Owner provide a 1.5-metre-high chain-link fencing along the rear and side lot lines,

along the creek block. The applicable Engineering Drawings and the Condominium Agreement are to clearly indicate that chain link fencing is not to have any gates for the lots.

47. That the above Conditions set out by the Niagara Peninsula Conservation Authority be incorporated into the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Niagara-on-the-Lake shall circulate the Draft Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

### **BELL CANADA**

48. That the Condominium Agreement between the Owner and the Town include the following clauses:

- (a) *“That 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.*
  
- (b) *That 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.*
  
- (c) *That the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.”*

**ENBRIDGE GAS INC.**

49. That the Condominium Agreement between the Owner and the Town include the following clauses:

- (a) *“That the applicant shall use the Enbridge Gas Get Connected tool to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.*
- (b) *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.*
- (c) *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 at no cost and/or agreements required by Enbridge Gas for the provision of local gas services, in a form satisfactory to Enbridge Gas.*
- (d) *The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.”*

**NIAGARA ESCARPMENT COMMISSION**

50. That the Niagara Escarpment Commission is circulated on the Site Plan Approval application, and is consulted in the review of Conditions 22(n), 27, 28, 35, and 44.

## **Clearance of Conditions**

Prior to granting final approval for the condominium plan, the Town of Niagara-on-the-Lake Planning, Building and Development Services Department requires **written notification** from the following agencies that their respective conditions have been met satisfactorily.

<b>Department or Agency</b>	<b>Conditions</b>
Town Community & Development Services	1-15
Town Urban Forestry	16
Town Drainage and Irrigation	17
Town Public Works and Infrastructure	18-22
Niagara Region	23-43
Niagara Peninsula Conservation Authority	44-47
Bell Canada	48
Enbridge Gas	49
Niagara Escarpment Commission	50

Clearance of the conditions of final approval should be coordinated with the following contacts:

<b>Department or Agency</b>	<b>Contact Name</b>	<b>Address</b>	<b>Phone</b>	<b>Email</b>
Town Planning, Building and Development Services	Aimee Alderman, Director of Planning, Building & Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Aimee.alderman@notl.com
Town Public Works Department	Jordan Frost, Director of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Jordan.frost@notl.com
Town Fire and Emergency Services	Jay Plato, Fire Chief	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	jay.plato@notl.com
Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	clerks@notl.com
Town Urban Forestry	Harry Althorpe, Urban Forestry By-law Enforcement Officer	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Harry.Althorpe@notl.com
Town Drainage and Irrigation	Brandon Enns, Drainage and Irrigation Superintendent	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Brandon.Enns@notl.com

Niagara Region	Katie Young, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	(905) 980-6000	Katie.young@niagararegion.ca
Niagara Peninsula Conservation Authority	Taran Lennard, Watershed Planner 2	250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W	(905)-788-3135	tlennard@npca.ca
Enbridge Gas	Willie Cornelio, Sr Analyst Municipal Planning	500 Consumers Road, North York, ON M2J 1P8	(416)-495-6411	municipalplanning@enbridge.com
Bell Canada	Juan Corvalan, Senior Manager, Municipal Liaison		(416) 570-6726	planninganddevelopment@bell.ca
Niagara Escarpment Commission	Rosi Zirger, Senior Planner	232 Guelph Street, Georgetown, ON, L7G 4B1	905-703-7216	Rosi.zirger@ontario.ca

### Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.