



Town of Niagara-on-the-Lake

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REPORT #: CDS-24-171

COMMITTEE DATE: N/A
DUE IN COUNCIL: 2024-10-29

REPORT TO: Council

SUBJECT: Request for Delegated Authority for Model Home Agreements

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council delegate authority to authorize the Director of Community and Development Services to execute Model Home Agreements with registered property owners;
- 1.2 The By-law attached as **Appendix II** for delegated authority for Model Home Agreements be adopted by Council; and
- 1.3 The By-law attached as **Appendix III** for the Model Home Agreement for Tawny Ridge Phase 1 be adopted by Council.

2. EXECUTIVE SUMMARY

- Model homes are typically constructed for subdivisions and private road condominium developments, prior to registering the necessary subdivision or condominium agreements.
- A model home is a show property, and it displays the floorplan/layout and possible furnishings and decorations for prospective buyers. Model homes may be temporary or permanent in nature.
- A Model Home Agreement is registered on title to ensure that approval requirements, such as an archaeological assessment, tree inventory and savings plan, servicing and grading plans, are clear at the time of the issuance of building permit to construct the model home.
- Staff is seeking delegated authority to sign Model Home Agreements to streamline the process and enhance customer service excellence.
- Staff is also seeking Council's authorization to enter into a Model Home Agreement with the owner of Tawny Ridge Phase 1.

3. PURPOSE

The purpose of this report is to provide Council with information on the Model Home Agreement process and to request delegated authority for the Director of Community and Development Services to sign these agreements, and authorize the execution of the Tawny Ridge Phase 1 Model Home Agreement.

4. BACKGROUND

The Model Home Agreement is required to permit a permanent model home on a property, prior to the registration of the subdivision/condominium agreement. A model home is used by a builder to show prospective home purchasers the floorplan/layout and potential furnishing and decorations of a dwelling unit.

A model home may be temporary or permanent in nature. If a model home is permanent, it typically is intended for future use as a permanent dwelling (i.e., to remain on the property as part of the finished subdivision/condominium development). In some instances, model homes may be proposed on lots which already contain an existing single-detached dwelling. The Town's Zoning By-law permits for only one single-detached dwelling on residentially zoned lots; however, a real estate sales office is permitted on a construction site until building completion. The Model Home Agreement will also address these circumstances.

The Model Home Agreement will be registered on title to ensure that all requirements are implemented in accordance with the outlined timeline. The requirements and timeline may be unique per model home and are dependent on various factors. **Appendix I** provides an example of the Model Home Agreement template.

5. DISCUSSION / ANALYSIS

The Model Home Agreement is a legal agreement between a property owner and the Town to ensure that all necessary requirements are fulfilled. As part of the review of a model home, Town Staff may consider matters such as the associated approved draft plan conditions, archaeological and heritage matters, and environmental and servicing requirements.

As there have been limited requests for model homes in recent years, there is currently no established process to issue a Model Home Agreement. Staff have prepared a Model Home Agreement process for the review of these requests. An applicant/owner is required to consult with Town Staff regarding the required materials to support the request to construct a model home. Such materials are based on any factors to be satisfied prior to the construction of the dwelling. The submitted materials are circulated to Town Staff and external Agencies for review and response. This circulation ensures that all requirements are captured through the draft Agreement, and are in alignment with the associated Draft Plan Conditions.

The Model Home Agreement will ensure that all requirements have been considered and addressed prior to the construction of the model home. The Town also collects securities to require that the model home is built in accordance with the approved plans and details.

While a model home will look like a dwelling unit, it will be utilized as a show home only. It will not be granted an occupancy permit for human habitation until such time as the Draft Plan of Subdivision/Condominium receives its final clearances and is registered.

A Model Home Agreement will not be executed for properties which do not have Draft Plan Approval. Accordingly, model homes may only be located on lands within the urban area which have received approval for a draft plan of subdivision and/or condominium. Town Council remains as the approval authority for Subdivision and Condominium Agreements.

The Model Home Agreement is similar to Development Agreements and Demolition and Construction Agreements in terms of its content and function. Town Council delegated authority for the Director of Community and Development Services to sign Development Agreements on October 24, 2023, and authority for the Chief Building Official to sign Demolition and Construction Agreements on September 26, 2023.

5.1 Model Home Agreement Request – Tawny Ridge Phase 1

Town Staff has received a Model Home Agreement request for a permanent model home located on the Tawny Ridge Phase 1 lands. The model home is proposed to be located immediately to the north of the existing dwelling at 170 Tanbark Road. The model home is intended to be utilized as a future single-detached dwelling, comprising part of the Tawny Ridge Phase 1 development. The dwelling at 170 Tanbark Road will be used as a sales office.

Town Staff has followed the process outlined above and required the submission of a number of documents/plans, which address matters including servicing and grading, through the request for a model home. The owner is concurrently addressing the Conditions of Draft Plan Approval for the Phase 1 development, and has satisfied many conditions, including the submission of the archaeological assessments and associated Ministry clearance report.

Town Staff are satisfied with the submission of the required information and has prepared a Model Home Agreement for the proposed model home on the Tawny Ridge Phase 1 lands, including conditions to be satisfied prior to construction. Given this, Town Staff recommend that Council authorize the By-law, attached as **Appendix III**, to execute the Model Home Agreement for Tawny Ridge Phase 1.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

4. Optimize Organizational Excellence

Priority

4.1 Streamline & Modernize

Action

4.1 a) Streamline Processes

7. OPTIONS

7.1 **Option 1:** Council authorizes that signing Model Home Agreements be delegated to the Director of Community and Development Services, and authorize the execution of the Model Home Agreement for Tawny Ridge Phase 1.

(Recommended)

7.2 **Option 2:** Council does not authorize that signing Model Home Agreements be delegated to the Director of Community and Services, and direct that only the Model Home Agreement for Tawny Ridge Phase 1 be signed by the Lord Mayor

- and Clerk and require an individual authorizing by-law. *(Not Recommended)*
- 7.3 **Option 3:** The authority to sign Model Home Agreements is with the Lord Mayor and Clerk and requires individual authorizing by-laws. If delegated authority to sign Model Home Agreements is not provided to the Director of Community and Development Services, the authority will be with the Lord Mayor and Clerk, and will require individual authorizing by-laws, to be adopted by Council. *(Not Recommended)*

8. FINANCIAL IMPLICATIONS

There are no cost or revenue implications for the Town. The owner would bear all costs associated with future agreements.

9. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental impacts as a result of this report. However, Model Home Agreements can implement requirements related to environmental impacts, such as arborist/tree inventory and preservation plans, and the provision of tree permits.

10. COMMUNICATIONS

Information regarding the Model Home Agreement process will be communicated to applicants, as requested.

11. CONCLUSION

Staff request delegated authority to sign Model Home Agreements to allow for the timely registration of such agreements. This change has many benefits, including expediting the process for owners wishing to construct a model home to display for prospective buyers of the development, streamlining the Town's processes, ensuring that all requirements are addressed prior to construction of the model home, and enhancing the Town's customer service excellence.

The draft By-law authorizing delegation to the Director of Community and Development Services is attached as **Appendix II**.

In recognition of the request received prior to initiating this delegated authority, Staff also request that Council pass the draft By-law for the Tawny Ridge Phase 1 Model Home Agreement, attached as **Appendix III**.

12. PREVIOUS REPORTS

Not applicable.

13. APPENDICES

- **Appendix I** – Model Home Agreement Template
- **Appendix II** – Draft By-law to Authorize Model Home Agreements
- **Appendix III** – Draft By-law for Tawny Ridge Phase 1 Model Home Agreement

Respectfully submitted:

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