



Department of Community
& Development Services
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The Town of Niagara-On-The-Lake

1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

Report: CDS-19-001 **Committee Date:** February 04, 2019

Due in Council: February 11, 2019

Report To: Community & Development Advisory Committee
Subject: File Nos. ZBA-05-2018 & 26T-18-18-02 - 108 and 114 Tanbark Road -
Applications for Zoning By-law Amendment and Draft Plan of Subdivision

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Zoning By-law Amendment for lands known municipally as 108 and 114 Tanbark Road be approved;
- 1.2 The draft Zoning By-law Amendment for lands known municipally as 108 and 114 Tanbark Road, attached as **Appendix B** to this report, be forwarded to Council for adoption;
- 1.3 The Draft Plan of Subdivision for lands known municipally as 108 and 114 Tanbark Road, attached as **Appendix C** to this report, be approved in accordance with the provisions of the *Planning Act* and regulations thereunder, subject to the conditions contained in **Appendix D** to this report; and
- 1.4 The Lord Mayor be authorized to endorse the Draft Plan of Subdivision for 108 and 114 Tanbark Road as approved 20 days after notice of Council's decision has been given, provided that no appeals have been received.

2. PURPOSE / PROPOSAL

The purpose of this report is to provide recommendations to Council regarding applications under the *Planning Act* for approval of a Draft Plan of Subdivision and Zoning By-law Amendment (together, the "Applications") for lands known municipally as 108 Tanbark Road, 114 Tanbark Road and Block 69 (30M-418) of the St Davids Estates subdivision.

The Applications propose to create eight (8) new lots for the development of eight (8) single-detached residential dwellings. The proposed Draft Plan of Subdivision is attached as **Appendix C** to this report, and is shown on Map 4 of **Appendix A** to this report.

3. BACKGROUND

3.1 Site Description and Surrounding Land Uses

The subject lands are located on the west side of Tanbark Road, between Apricot Glen Drive and Kenmir Avenue. The subject lands have frontage onto Tanbark Road and abut Kenmir Avenue at the rear, as shown on Map 1 of **Appendix A** to this report. The subject lands were occupied by single-detached dwellings on each of the lots, and are now vacant.

The lands proposed for the subdivision consist of the properties known municipally as 108 Tanbark Road and 114 Tanbark Road, as well as a reserve from the St Davids Estates subdivision, known as Block 69. Block 69 abuts Kenmir Avenue and extends along the entire rear of 108 and 114 Tanbark Road.

The surrounding land uses are predominantly residential, largely comprised of single-detached residential dwellings. The subject lands abut the St Davids Estates residential subdivision.

4. DISCUSSION / ANALYSIS

4.1 Policy and Legislative Framework

The applications have been evaluated for consistency and conformity with relevant Provincial, Regional and Town planning policies and legislation, as discussed in the following sections of this report.

4.1.1 Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect. Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect. Subsection 51(24) of the *Planning Act* provides criteria for the evaluation of proposed draft plans of subdivision.

Subject to the analysis provided in the following sections of this report, Staff consider the Applications to comply with the provisions of the *Planning Act*.

4.1.2 Provincial Policy Statement, 2014

The subject lands are located within a settlement area, which includes the urban area of St Davids, in respect of the policies of the Provincial Policy Statement (PPS). Section 1.1.3 of the PPS provides that settlement areas to be the focus of growth and development, and be appropriate locations for intensification and redevelopment.

The applications are considered to meet the PPS definition of intensification as it is "the development of a property, site or area at a higher density than currently exists through redevelopment, the development of vacant and/or underutilized lots within previously developed areas and infill development.

Section 1.4 of the PPS provides policy direction for housing, as well as to accommodate residential growth through residential intensification and redevelopment on lands that are designated for residential development. The Applications are considered to satisfy the PPS policy direction for intensification and accommodation of residential growth on lands designated for residential development.

Staff consider the Applications to be consistent with the PPS.

4.1.3 Greenbelt Plan, 2017

The subject lands are designated as Towns/Villages in Schedule 1 of the Greenbelt Plan. Section 3.4.3 of the Greenbelt Plan directs that lands within the Towns/Villages designation are subject to the policies of the Growth Plan and official plans, with the exception of select Greenbelt Plan policies. Of the excepted policies, the pertinent policy is Section 3.3, which is regarding the development of a public parkland system. Staff note that the Owner will be required to contribute cash-in-lieu of parkland pursuant to the provisions of the *Planning Act*, which will contribute to the development of a parkland system.

Staff consider the Applications to conform to the Greenbelt Plan.

4.1.4 Growth Plan for the Greater Golden Horseshoe, 2017

Section 2.2.1.4 of the Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan) provides policy direction regarding growth management by prioritizing intensification and higher densities to build compact, complete communities in order to make efficient use of land and infrastructure.

Section 2.2.2 of the Growth Plan requires that a minimum amount of residential development occur each year within the built-up area (the "minimum intensification target"). Section 2.2.2.3 states that the annual minimum intensification target established in the applicable upper-tier official plan will continue to apply until the next municipal comprehensive review is in effect. The minimum intensification target for the Town will be discussed in the following report sections.

Section 2.2.2.4 encourages intensification to achieve a desired urban structure; appropriate type and scale of development and transition of built form to adjacent areas; ensuring lands are zoned and development is designed to support the achievement of complete communities; and that these policies be implemented through official plan policies and designations and zoning by-laws.

Staff consider the Applications to conform to the Growth Plan.

4.1.5 Niagara Escarpment Plan, 2017

The subject lands are designated as part of the St Davids Minor Urban Centre in the Niagara Escarpment Plan (NEP). Section 1.6.1 of the NEP sets out objectives for growth within Minor Urban Centres to areas that can accommodate growth and

additional services, away from Escarpment Natural and Escarpment Protection Areas. As the proposal is within an existing residential area, and is relatively minor in scale, the Niagara Escarpment Commission (NEC) offered no objections to the Applications.

Staff consider the Applications to conform to the NEP.

4.1.6 Regional Official Plan

The subject lands are designated Built-up Area on Schedule A of the Regional Official Plan. Section 4.A of the Regional Official Plan provides policy direction for the Town to have a minimum residential intensification target of 15 per cent. This target is set to encourage a range of housing type and densities to meet the projected needs of current and future residents, as well as the intensification of lands where there is existing servicing and infrastructure. Regional staff have no objections to the Applications, subject to standard conditions which are contained in the Conditions of Draft Approval.

Subject to the following analysis of the minimum intensification target, Staff consider the Applications are considered to conform to the Regional Official Plan.

4.1.7 Town's Official Plan

The subject lands are designated Built-up Area and Low Density Residential in Schedules D and I-3, respectively, of the Town's Official Plan. The subject lands fall within Special Policy Area A-3 (St Davids) of the Town's Official Plan.

4.1.7.1 Special Policy Area A-3 (St Davids)

The relevant policies of Special Policy Area A-3 (St Davids) provide policy direction for the future evolution and physical development of the urban area.

A. Objectives

5. *Provide for efficient future growth within the urban area boundaries based on comprehensive plan for municipal infrastructure and compatible land uses.*
6. *Provide for appropriately located active parkland and recreational facilities.*
13. *Provide for well-designed new development through urban design guidelines to address streetscape character, infill opportunities and community focal points.*

The Applications are considered to meet the above objectives as they provide for efficient future growth within an established urban area. No new municipal infrastructure (e.g. road, water, sanitary, storm) is required as the proposed subdivision is located along two established public roads, both of which are provisioned with appropriate municipal servicing.

The Applications, in proposing a subdivision as a form of redevelopment and infill, will be required to adhere to the St Davids Urban Design Guidelines and Zoning By-law Amendment, both of which will address streetscape character.

B. Policies

General Development Policies for St Davids

- 1. Where appropriate the scale, massing and design of any new development shall be compatible with the character of adjacent development and support the characteristics of the Village. All new street-related development should enhance the streetscape.*
- 2. New development shall be designed, where appropriate to preserve and enhance the streetscape in terms of such elements as building setback, facade design and facade density.*
- 3. New development shall respect established building lines and significant landscape features.*
- 4. Access to new buildings that have a direct relation to the street shall be arranged in relation to, and design to facilitate, street-oriented pedestrian movement.*
- 6. Proposals for infill development shall be designed to be sensitive to the attributes of adjacent properties in terms of such elements as scale, massing, building separations and landscaped open space.*
- 7. Signage, lighting and landscaping treatments shall be compatible with the character of adjacent properties and the Village in general.*

The Applications are considered to be in conformity and consistent with the above General Development Policies. Eight single-detached residential dwellings are proposed and are suitable to the character of the surrounding land uses and neighbourhood context. Four lots will each be fronting onto Tanbark Road and Kenmir Avenue, which is consistent with the lot pattern and character (in terms of scale, massing, building separations and landscaped open space) of the surrounding neighbourhood context.

Servicing

- 1. New development including plans of subdivision, plans of vacant land condominium and new lots created by consent shall be designed and serviced to the approval of the Town's Public Works Department and other agencies.*
- 2. Approval of new development shall be coordinated by the Town to ensure that the provision of municipal infrastructure takes place in an orderly, efficient and cost-effective manner.*
- 3. New development shall proceed only if Council is satisfied that services and utilities are or can be made available and have the adequate capacity to accommodate and safely service the proposed development.*
- 4. Developers shall be financially responsible for providing all services and utilities to new development.*
- 5. All lots shall be served by municipal water and wastewater services.*

A Functional Servicing Report was submitted as part of the Applications, which was reviewed by the Town's Operations Department. The report concludes that the proposed subdivision can be serviced by existing municipal infrastructure along Tanbark Road and Kenmir Avenue, and that the existing infrastructure has the

appropriate capacity to handle this proposal. The Town's Operations Department has reviewed and are satisfied with the report. The Operations Department has also requested conditions for both a servicing brief and stormwater management plan/report to be completed to their satisfaction.

Land Division and Land Assembly

1. *Land division within St Davids should generally proceed by plan of subdivision to ensure that an appropriate lotting pattern is created; that an appropriate roadway design will be achieved; and that suitable arrangements for the provision of services are addressed in a subdivision agreement.*
2. *Land assembly or lot consolidation may be required to ensure parcel configurations that are appropriate for development plans by way of plan of subdivision, the orderly design of public infrastructure, and compatibility with abutting lands. The Town will encourage the merging of lands, or the undertaking of multi-party development agreements, in order to meet this policy intent.*

The applications are considered to be in conformity and consistent with the above Land Division and Land Assembly policies.

Residential Land Use

1. *Low density residential land uses and building types are recognized as the predominant permitted housing type intended in the St Davids Special Policy Area. A mix of low density building types shall be encouraged.*
2. *Low density residential projects may be developed to a maximum of 6 units per acre net density as provided for in the residential density policies of this Plan.*

The applications are are considered to be in conformity and consistent with the above Residential Land Use policies. Single-detached residential dwellings, considered low density residential, are proposed for all eight lots. The residential density policies of this plan is found in Section 9.4(4) of the Town's Official Plan, which states:

Generally, low-density residential developments will not exceed 6 units per acre residential net density. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial policy.

The residential net density is calculated as follows:

Lot size (for 108 and 114 Tanbark Road): 1.369 acres

Proposed number units: 8 units

*8 units ÷ 1.369 acres = **5.84 units per acre***

The calculated residential net density is 5.84 units per acre and does not exceed permitted maximum of 6 units per acre. Therefore, the proposal meets the residential density policies of the Town's Official Plan.

Urban Design

2. *All development, redevelopment and infill in St Davids shall be designed in a manner consistent with the urban design guidelines adopted by Council.*

The proposed single-detached residential dwellings will be required to conform to the St Davids Urban Design Guidelines. If approved, the lots are intended to be sold with individual owners proposing their own home designs. At a later application stage, it will be a condition in the Subdivision Agreement that all architectural plans and drawings conform to the St Davids Urban Design Guidelines, and be subject to urban design review by Staff, prior to issuance of a building permit.

C. Implementation

Zoning By-law

2. *Until a new Zoning By-law for St Davids is enacted, the current Zoning By-law shall remain in effect. However, any amendments to the Zoning By-law shall conform to the special area policies for St Davids.*

The proposed draft Zoning By-law Amendment application is in conformity to Special Policy Area A-3 (St Davids). It has been concluded that the Applications are in conformity and are consistent with the relevant policies of Special Policy Area A-3 (St Davids).

4.1.8 Zoning By-law Amendment

The subject lands are zoned as Residential 1 (R1) and Residential 1 - Site Specific (R1-11) in the St Davids Community Zoning District, and shown on Map 3 of **Appendix A** to this report. Permitted uses in these zones include single-detached dwellings. The current Zoning By-law Amendment application is required to permit the configuration of the proposed subdivision lots and dwellings. The subject lands will be rezoned to Residential 1 - Site Specific Holding (R1-31-H) for the parcel known municipally as 108 Tanbark Road and Residential 1 - Site Specific (R1-31) for the parcel known municipally as 114 Tanbark Road and Block 69.

In order to accommodate the proposal, the following amended provisions are required:

- Minimum lot frontage: from 18m to 16m
- Minimum lot area: from 668m² to 614m²

The above provisions are not substantially different than the current minimum requirements, and the proposed lots are consistent with the lot pattern and size of the surrounding lands. Staff do not anticipate any negative impacts to the subject and neighbouring lands from the proposed amendments required of the Zoning By-law

arising from the Applications.

4.1.8.1 Holding Provision

A Holding (H) provision is attached to the parcel known municipally as 108 Tanbark Road for archaeological purposes to ensure that there is no construction or other disturbance of the lands prior to receiving compliance letters from the Ministry of Tourism, Culture and Sport (MTCS). In order to remove the H provision, a subsequent minor Zoning By-law Amendment application will need to be submitted and approved. The draft Zoning By-law Amendment is attached as **Appendix B** of this report. It should be noted that compliance letters from MTCS were received for 114 Tanbark Road and Block 69. Therefore, an H provision is not required to be attached to those parcels.

4.2 Consultation

4.2.1 Public Comments

An Open House was held on July 25, 2018. There was one person in attendance who spoke in opposition to the Applications. A Public Meeting, a statutory requirement under the *Planning Act*, was held on August 13, 2018.

At both meetings, there was opposition heard in regard to the Applications concerning the increase of traffic arising from the new lots constructed along Tanbark Road. At the time of pre-consultation, a traffic impact study was not requested by the Town's Operations Department, Niagara Region or any other department/agency due to the minimal increase in traffic that these Applications would generate. Staff determine that the impact in terms of traffic to the surrounding area arising from the Applications is minimal and not anticipated to produce significant negative impacts.

4.2.2 Town Department and Agency Comments

The applications were circulated to applicable Town departments and external agencies. Circulation comments received were found to have no objection to the proposed applications. Some Town departments and agencies required conditions of draft approval, which have been incorporated into the list of Conditions of Draft Approval, attached as **Appendix D**, of this report.

5. STRATEGIC PLAN

Not applicable.

6. OPTIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

The proposed subdivision will utilize existing municipal services along Tanbark Road and Kenmir Avenue. There are no new long-term infrastructure costs associated with these Applications.

The Owner will be responsible for all costs associated with the development. The Town will collect development charges at time of issuance of building permits. Cash-in-lieu of

parkland dedication will be collected as per the requirements of the *Planning Act*.

8. COMMUNICATIONS

A 20-day appeal period will follow the decision of Council after which, if no appeals are received, the decision of Council is final. The decision of Council regarding the Draft Plan of Subdivision is deemed to have been made on the day after the last day for appealing the decision, if no appeals are received.

9. CONCLUSION

Staff consider the Applications to meet the requirements of the *Planning Act*, and to be consistent with and conform to the relevant Provincial, Regional and Town policies. Staff recommend approval of the Applications.

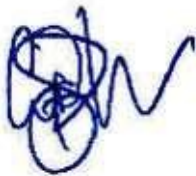
Respectfully submitted,



Raymond Tung, MCIP, RPP
Urban Design Specialist



Eric Withers, MCIP, RPP
Manager of Planning



Craig Larmour
Director of Community
& Development Services



Holly Dowd
Chief Administrative Officer

ATTACHMENTS



Appendix A - Maps.pdf Appendix B - Draft Zoning By-law.pdf Appendix C - Draft Plan of Subdivision.PDF]

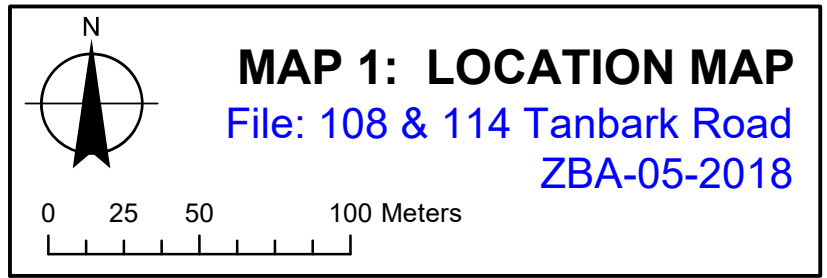
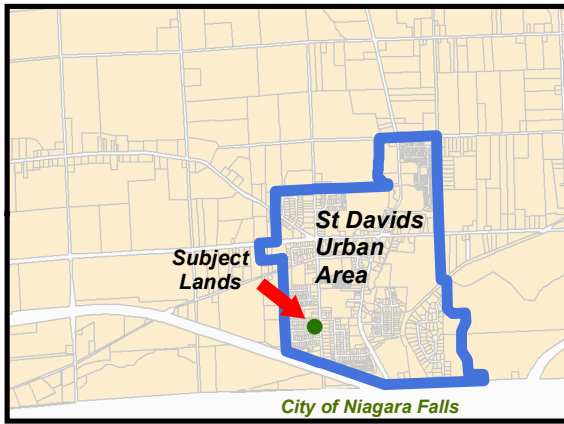


Appendix D - Conditions of Draft Plan Approval.pdf

WEB ATTACHMENTS

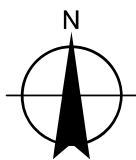
ATTACHMENTS FOR LINK

Key Map



1:2,500



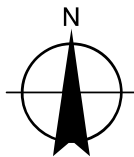


MAP 2: OFFICIAL PLAN

Land Use Designations

File: 108 & 114 Tanbark Road
ZBA-05-2018

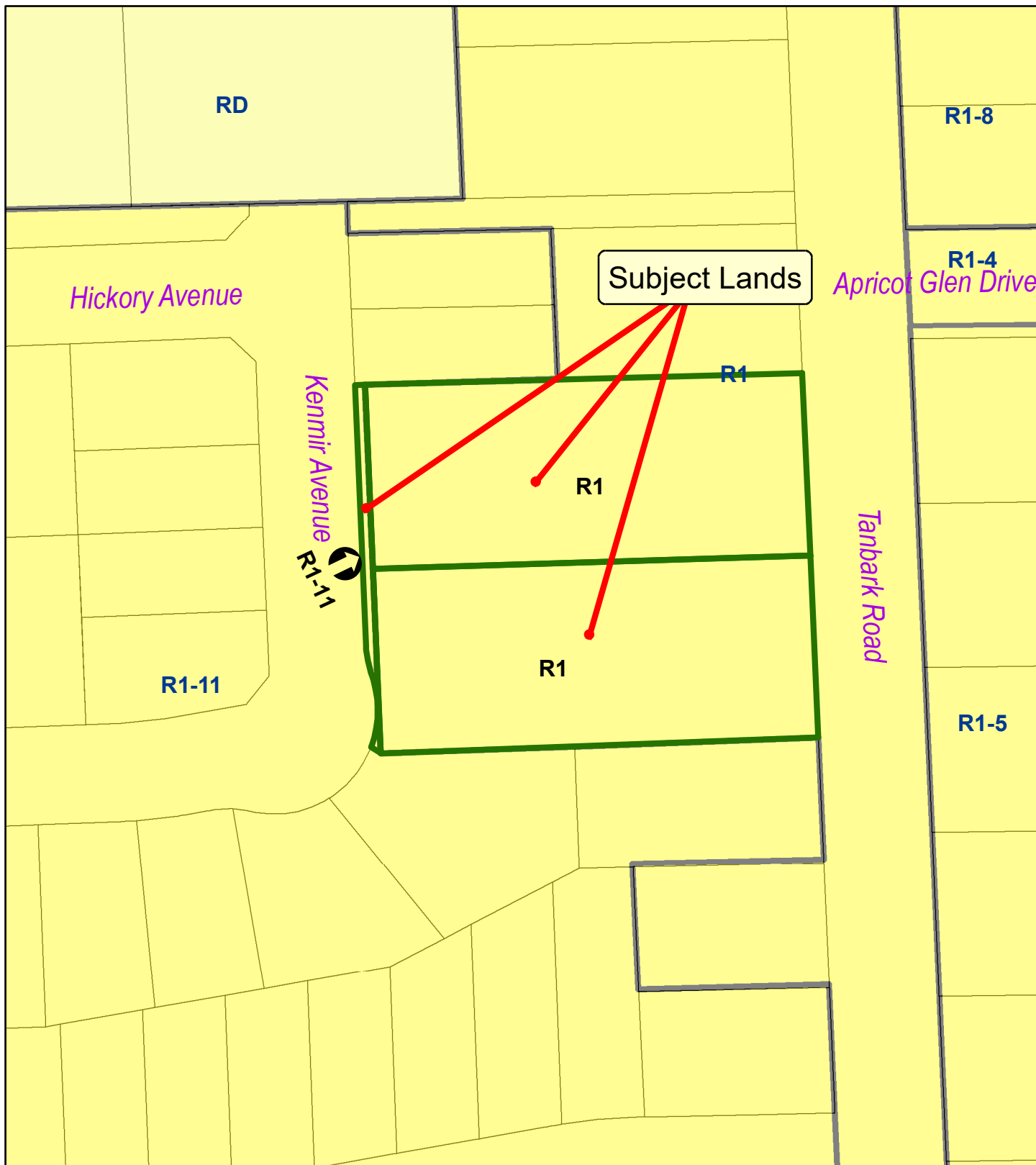




MAP 3: ZONING

As per Zoning By-law 4316-09, as amended

File: 108 & 114 Tanbark Road
ZBA-05-2018



(COMMONLY KNOWN AS) TANBARK ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS)
(FORMERLY HANNIWEILL ROAD) (FORMERLY CONCESSION 4 ROAD)
(20.0m WIDE)
(TRAVELLED ROAD)

Explanation of the Purpose and Effect of
By-law 4316XX-19

The subject lands are a parcel of land described as 108 & 114 Tanbark Roads, Niagara-on-the-Lake, more particularly described as Part Lot 94, Town of Niagara-on-the-Lake and Block 69 of PLAN 30M418, Town of Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the property to permit the development of eight (8) lots for the development of eight (8) single-detached dwellings.

Effect

The effect of this By-law is to rezone the property from “St. Davids Community Zoning District – Residential 1 (R1) Zone” and “St. Davids Community Zoning District – Residential 1 (R1-11) Zone” to “St. Davids Community Zoning District – Residential 1 (R1-31-H) – Site-Specific Holding Zone” and “St. Davids Community Zoning District – Residential 1 (R1-31) – Site-Specific Zone” with site-specific provisions pertaining to the following:

- Minimum lot frontage and
- Minimum lot area.

<i>Owner:</i>	Nemat Agahzadeh
<i>File Number:</i>	4316XX-19
<i>Report Number:</i>	CDS-1x-xxx
<i>Assessment Roll Number:</i>	262702002513700 262702002513500 262702002514499

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316XX - 19**

108 Tanbark Road Roll 262702002513700
114 Tanbark Road Roll 262702002513500
Block 69 Roll 262702002514499

A BY-LAW TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED
A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION,
USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND
STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. Schedule "A-23" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map A attached to and forming part of this By-law, from "Residential 1 (R1)" and "Residential 1 (R1-11) – Site Specific" to "Residential 1 (R1-31-H) – Site Specific Holding Zone" and "Residential 1 (R1-31) – Site-Specific Zone".

2. That Subsection 9.13 of By-law 4316-09, as amended, is further amended by adding the following:

9.13.31 108 & 114 Tanbark Roads – See Schedule A-23 (R1-31 & R1-31-H)

9.13.31.1 Zone Requirements:

Despite the corresponding provisions of Section 9.1.2, the following provisions shall apply on the lands identified as R1-31 and R1-31-H on Schedule 'A-23' to this By-law:

(a)	Minimum lot frontage	16 m (52.5 ft)
(b)	Minimum lot area	614 m ² (6609 ft ²)

9.13.31.2 Holding ("H") Provision

That development of the lands identified as R1-31-H shall only be permitted upon removal of the Holding ("H") provision. The Holding ("H") provision shall only be removed upon receipt of a compliance letter from the Ministry of Tourism, Culture and Sport indicating that no further archaeological assessment of the subject lands is required.

3. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS _____ DAY OF _____, 2019.

LORD MAYOR BETTY DISERO

TOWN CLERK PETER TODD

DRAFT PLAN OF SUBDIVISION OF
**PART OF BLOCK 69,
REGISTERED PLAN 30M-418**

AND
PART OF LOT 94
GEOGRAPHIC TOWNSHIP OF NIAGARA
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 500
10 0 10 20 30 metres

MATTHEWS, CAMERON, HEYWOOD - KERRY T. HOWE
SURVEYING LTD.
JDB# 16-16-742-00
2018

**ADDITIONAL INFORMATION REQUIRED UNDER
SECTION 51 OF THE PLANNING ACT.**

- (A)-AS SHOWN ON DRAFT PLAN
(B)-AS SHOWN ON DRAFT PLAN
(C)-AS SHOWN ON DRAFT AND KEY PLANS
(D)-THIS IS A PROPOSED RESIDENTIAL DEVELOPMENT OF 8 UNITS.
(E)-AS SHOWN ON DRAFT PLAN
(F)-AS SHOWN ON DRAFT PLAN
(G)-AS SHOWN ON DRAFT PLAN
(H)-MUNICIPAL
(I)-SANDY LOAM
(J)-SEE ELEVATIONS ON PLAN
(K)-ALL MUNICIPAL SERVICES AVAILABLE
(L)-NONE

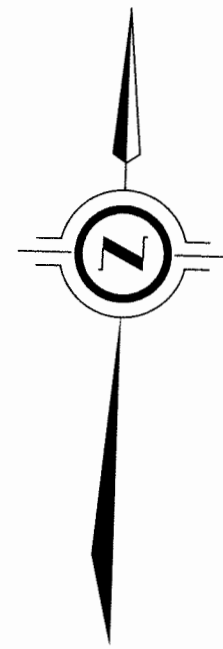
LAND USE ANALYSIS

TOTAL AREA OF SUBDIVISION = 0.554 HECTARES (1.369 ACRES)

NUMBER OF LOTS 8

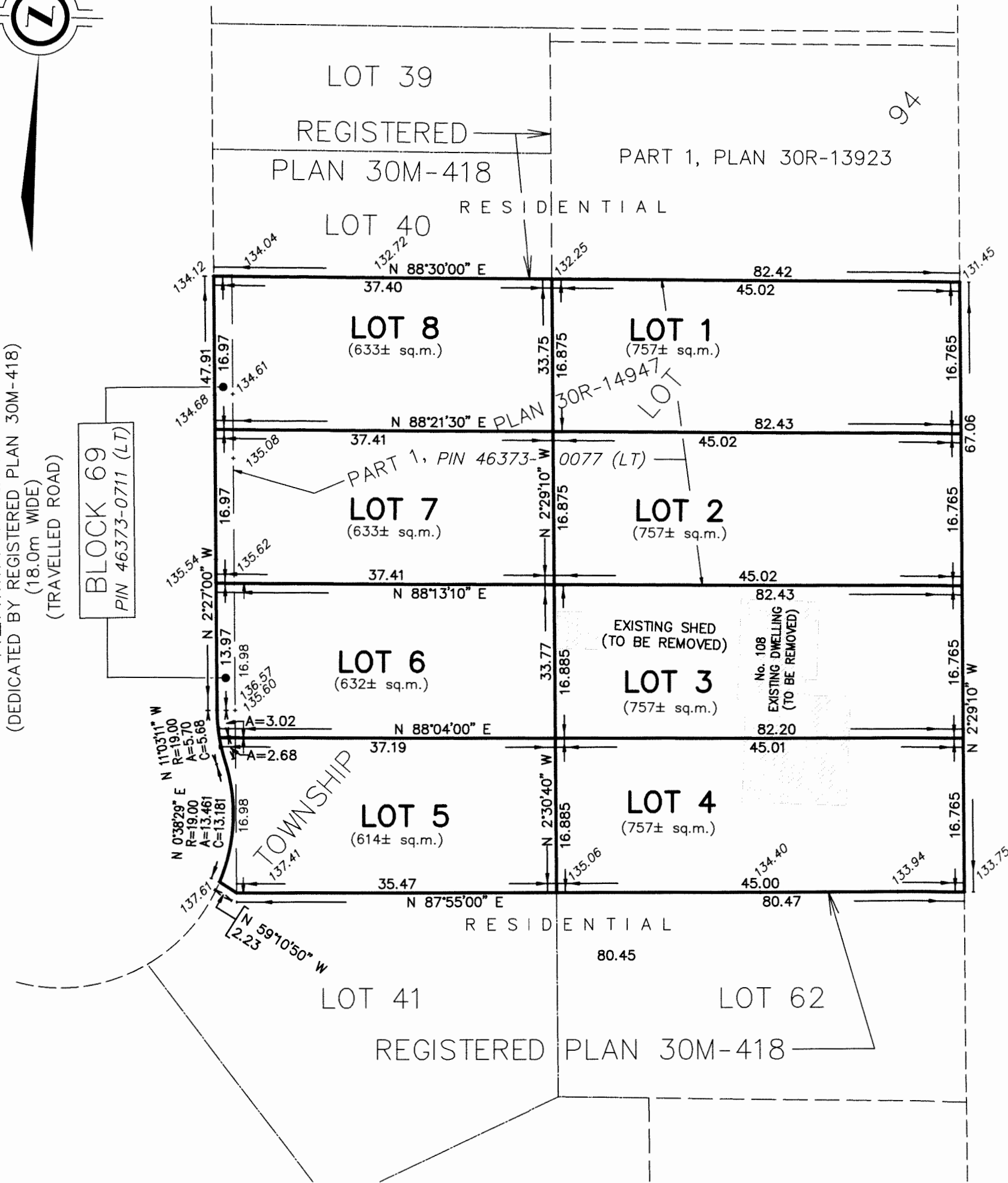
14.4 LOTS PER HECTARE

— DENOTES BOUNDARY OF SUBDIVISION



KENMIR AVENUE
(DEDICATED BY REGISTERED PLAN 30M-418)
(18.0m WIDE)
(TRAVELLED ROAD)

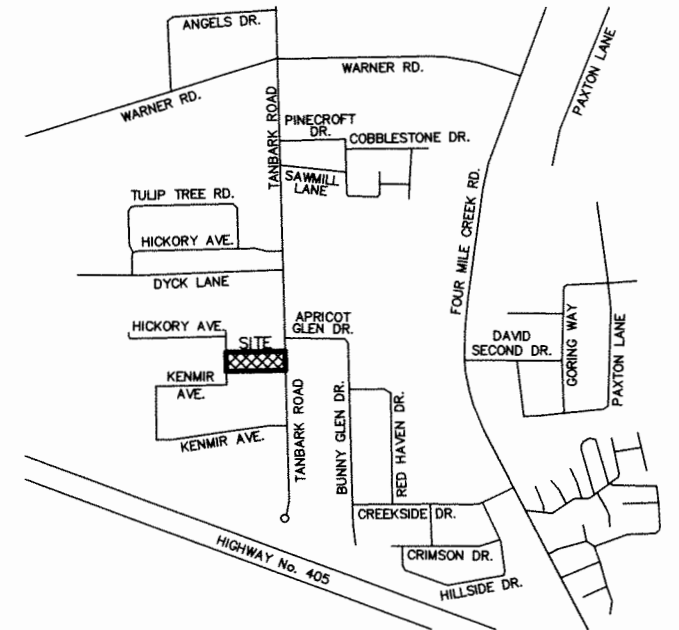
BLOCK 69
PIN 46.373-0711 (LT)



(COMMONLY KNOWN AS) TANBARK ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS)
(FORMERLY HANNIWELL ROAD) (FORMERLY CONCESSION 4 ROAD)
(20.0m WIDE)
(TRAVELLED ROAD)

APPENDIX C

KEY PLAN (NOT TO SCALE)



File nos.:
ZBA-05-2018
26T-18-18-01

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE MATTHEWS, CAMERON, HEYWOOD - KERRY T. HOWE
SURVEYING LTD. TO SUBMIT THIS PLAN TO THE TOWN OF NIAGARA-ON-THE-LAKE
FOR THEIR APPROVAL.

Feb. 2, 2018
DATE

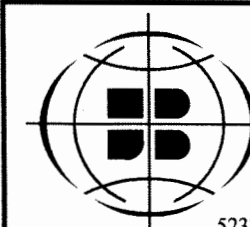
NEMAT AGHAZADEH
(I HAVE THE AUTHORITY TO BIND THE CORPORATION)
CARMEL CONSTRUCTION LTD.

SURVEYOR'S CERTIFICATE

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

Feb. 2, 2018
DATE

ALLAN J. HEYWOOD
ONTARIO LAND SURVEYOR



**MATTHEWS, CAMERON,
HEYWOOD - KERRY T. HOWE**
SURVEYING LIMITED

A wholly owned subsidiary of J.D. Barnes Limited
5233 STANLEY AVENUE, UNIT 1, NIAGARA FALLS, ON L2E 7C2
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

DRAWN BY: AA	CHECKED BY: AH	REFERENCE NO.: 16-16-742-00
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FILE: G:\16-16-742\00\Drawing\16-16-742-00-DRAFT PLAN.dgn DATED: 01/31/2018

PLOTTED: 02/02/2018

File No.: File 26T-18-18-02
Decision Date: _____
Extension Date: _____
Lapse Date: _____

TOWN OF NIAGARA-ON-THE-LAKE
CONDITIONS OF DRAFT APPROVAL

The conditions of draft approval of “108-114 Tanbark Road”, File No. 26T-18-18-02 are as follows:

1. That this approval applies to the Draft Plan of Subdivision entitled “108-114 Tanbark Road”, being Part Lot 94 and Block 69 of PLAN 30M418 in the Town of Niagara-on-the-Lake, prepared by Matthews, Cameron, Heywood – Kerry T. Howe Surveying Limited, dated February 2, 2018. (CDS)
2. That the Owner enter into one or more agreements with the Town of Niagara-on-the-Lake agreeing to satisfy all requirements, financial and otherwise, of the Municipality including the provision of services, roads, signage, grading, drainage, streetlighting, and sidewalks. 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. The developer is also advised that the subdivision agreement will contain provisions with regard to Canada Post’s requirements for locations for centralized mailboxes to be provided at the developer’s expense and that the final plan identify mailbox locations and the location(s) is to be approved by the Town’s Operations Department, and that Niagara-on-the-Lake Hydro requires a separate agreement for servicing. (CDS)
3. That the Owner agrees in the subdivision agreement to grant to the municipality any required easements for services or utilities. (CS, Operations)
4. 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. (CDS)
5. That the Owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Region of Niagara 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. (Region)
6. That the Owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease which may be negotiated prior to registration of this subdivision, shall contain a clause that servicing allocation for the subdivision will not be assigned until the plan is registered. A similar clause shall be inserted in the subdivision agreement between the owner and the Town. (Region)

7. That prior to approval of the final plan or any on-site grading, the owner shall submit to the Town's Operations Department for review and approval a copy of a detailed stormwater management plan/report for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991:

- a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
- b) Detailed sediment and erosion control plans.

Note: A copy of the detailed stormwater management plan for the subdivision should also be sent to the Region of Niagara for information. (Operations, NPCA)

8. That the subdivision agreement between the Owner and the Town of Niagara-on-the-Lake contain provisions whereby the owner agrees to implement the approved stormwater management, erosion and sediment control measures required in accordance with Condition 8 above. (Operations, NPCA)
9. The applicant submit a Stage 1-2 archaeological assessment (and any required subsequent archaeological assessments) for 108 Tanbark Road to the Ministry of Tourism, Culture and Sport (MTCS) and receiving an acknowledgement letter from MTCS (copied to the Region) conforming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. (Region)
10. That the subdivision agreement between the owner and the Town contain the following clauses:

"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 Ontario Ministry of Tourism, Culture and Sport (416-212-8886) and a licensed archaeologist [owner's archaeology consultant] 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 in Toronto (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS 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.

Purchasers/tenants are advised that sound levels due to increasing road traffic on Highway 405 (General Brock Parkway) may occasionally interfere with some activities of the dwelling unit occupants." (Region)

11. That the Owner agrees in the subdivision agreement:
- (a) To address fire flows requirements and any deficiencies and to construct the necessary system improvements to provide adequate water pressure and fire flows to the proposed

development to the satisfaction of the Town's Operations Department and Fire Department prior to any approvals.

- (b) That all proposed infrastructure will be constructed to current Town specifications and subject to Town inspection at the owner's expense.
 - (c) The Owner will be required 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.
 - (d) 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. (Operations, Fire, Region)
12. 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 submitted to the Town's Operations Department and the Fire Department for review and approval. (Operations, Fire)
13. That the Owner enters into a separate agreement with Niagara-on-the-Lake Hydro for the provision of hydro services for the development. (Fire, NOTL Hydro)
14. That the Owner agrees in the subdivision agreement that any outstanding taxes will be paid prior to the registration of the final plan. (Corporation Services)
15. That the subdivision agreement between the Owner and the Town include the following clauses:
- (a) *"The applicant shall contact Enbridge Gas Distribution's Customer Connections department for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) 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 phase construction, all costs are the responsibility of the applicant."*
 - (c) *"Easement(s) are required to service this development and any future adjacent developments. The applicant will provide all easement(s) to Enbridge Gas Distribution at no cost."*
 - (d) *"In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department."*
 - (e) *"The applicant will grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping."* (Enbridge)
16. That the subdivision agreement between the Owner and the Town include the following clause:

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”. (Bell)

17. That the subdivision agreement between the owner and the Town include the following clause:

“That the Owner shall complete to the satisfaction of the Director of Operations of the Town of Niagara-on-the-Lake 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 Owners/Developers 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 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 on the engineering servicing drawings. Said pads are to be poured at the time of sidewalk and/or curb installation within each phase of the plan of subdivision; and*
 - 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.**
- c) Canada Post’s multi-unit policy, which requires that the Owner/Developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for building and complexes with a common lobby, common indoor or sheltered space”. (Canada Post)*

18. That prior to approval of the final plan or any on-site grading, the owner shall submit to the Town’s Operations Department for review and approval a copy of a servicing brief for the subdivision to account for the additional demands of the new lots and to confirm that existing servicing is adequate. (Operations)

19. That the Owner receive final approval to a Zoning By-law Amendment application to permit the proposed lot dimensions within the Draft Plan of Subdivision. (CDS)

20. That prior to approval of the final plan or prior to the issuance of building permits, the Town's Community & Development Services Department and Region of Niagara shall receive compliance letters from the Ministry of Tourism, Culture and Sport regarding archaeology, and that a Zoning By-law Amendment application to remove the Holding provision be approved. (CDS, Region)
21. 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 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. (CDS)

Clearance of Conditions

Prior to granting final approval for the subdivision plan the Town of Niagara-on-the-Lake Department of Community & Development Services will require **written notification** from the following agencies that their respective conditions have been met satisfactorily.

The Town of Niagara-on-the-Lake Community & Development Services Department for conditions: 1, 2, 3, 4, 19, 20, 21
The Town of Niagara-on-the-Lake Operations Department for conditions: 3, 7, 8, 11, 12, 18
The Town of Niagara-on-the-Lake Corporate Services Department for conditions: 14
The Town of Niagara-on-the-Lake Fire Department for conditions: 11, 12, 13
The Region of Niagara for conditions: 5, 6, 9, 10, 11, 20
Niagara Peninsula Conservation Authority for conditions: N/A
Niagara-on-the-Lake Hydro for conditions: 13
Enbridge Gas Distribution for conditions: 15
Bell Canada for conditions: 16
Canada Post for conditions: 17

1. **Notes**

An electrical distribution line operation at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise or lower without warning, depending on the electrical demand placed on the line. Warnings signs should be posted on the wood poles supporting the conductors stating "**DANGER - Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

2. **Conveying**

- a) As the land mention above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by “metes and bounds”, we suggest that the description be so worded, and,
- b) We further suggest that the owner give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the Plan.

3. **Land Required to be Registered Under the Land Titles Act**

- a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in land titles system;
- b) Section 160(2) - allows certain exceptions

4. **Water and Sewage Systems**

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to approval of the Ministry of the Environment under Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

5. **Agencies to be Contacted**

- a) With regard to the regard to the requirements of the Region of Niagara: Richard Wilson, 1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, Ontario L2V 4T7 (905) 685-4225 FAX (905) 905-687-8056
- b) With regard to the requirements of the Town of Niagara-on-the-Lake Community & Development Services Department: Craig Larmour, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, Ontario L0S 1T0 (905) 468-3266 FAX (905) 468-0301
- c) With regard to the requirements of the Niagara Peninsula Conservation Authority: David Deluce, 250 Thorold Road West, 3rd Floor, Welland, Ontario, L3C 3W2 (905) 788-3135 FAX (905) 788-1121
- d) With regard to the requirements of the Town of Niagara-on-the-Lake Operations Department: Sheldon Randall, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, Ontario L0S 1T0 (905) 468-3278 FAX (905) 468-1722
- e) With regard to the requirements of the Town of Niagara-on-the-Lake Fire Department: Fire Chief Robert Grimwood, 1593 Creek Road, P.O. Box 100, Virgil, Ontario L0S 1T0 (905) 468-3266 FAX (905) 468-0301
- f) With regard to the requirements of the Town of Niagara-on-the-Lake Corporate Services Department: Holly Dowd, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, Ontario L0S 1T0 (905) 468-3266 FAX (905) 468-2959
- g) With regard to the requirements of Niagara-on-the-Lake Hydro: Mr. K. Sidey, NOTL Hydro, 8 Henegan Road, P.O. Box 460, Virgil, Ontario L0S 1T0 (905) 468-4235 FAX (905) 468-3861

- h) With regard to the requirements of Enbridge Gas Distribution: Alice Coleman, Municipal Planning Coordinator, Long Range Distribution Planning, 500 Consumers Rd., North York, ON, M2J 1P8, Phone: 416-495-5386, Email: municipalplanning@enbridge.com
- i) With regard to the requirements of Bell Canada: Meaghan Palynchuk, Manager, Municipal Relations, Access Network Provisioning, Ontario, Phone: 905-540-7254, Email: meaghan.palynchuk@bell.ca
- j) With regard to the requirements of the Canada Post: Mr. Andrew Carrigan, 955 Highbury Avenue, London, ON N5Y 1A3 (226) 268-5914

6. **Review of Conditions**

Applicants are advised that should any of the conditions appear unjustified or their resolution appear to onerous, they are invited to bring their concerns to the Planning Advisory Committee's attention. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.