

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to approve a draft plan of vacant land condominium, for the lands legally known as Part of Lot 3, Part of Blocks B – C on Registered Plan 775, Part 1 on 59R-16070, Part 1 on 59R-17101, and Part 1 on 59R-17102 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 690-700 Elm Street.

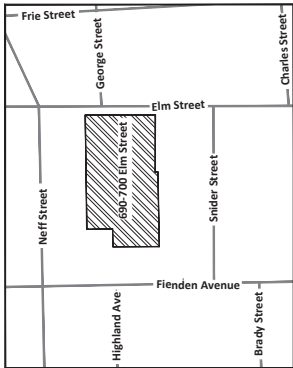
Now therefore, the Council of the Corporation of the City of Port Colborne is desirous of approving a draft plan of vacant land condominium in accordance with the recommendations of Development and Legislative Services Department Report 2022-235, Subject: Recommendation Report for Draft Plan of Condominium and Zoning By-law Amendment at 690-700 Elm Street, to approve the draft plan of vacant land condominium and associated draft plan conditions attached as Schedules “A” and “B”, respectively, to this by-law and to set a lapsing date of November 8, 2025, after which approval will lapse unless an extension is approved by Council.

Enacted and passed this day of , 2022.

William C Steele
Mayor

Nicole Rubli
Acting Clerk

Schedule "A" to By-law _____



Key Map Not To Scale



Preliminary

Legal Description
Part of Lot 3 on west side of Cranberry Street, Part of Blocks B & C on Registered Plan No. 775, and Part 1 on 59R-16070, in the City of Port Colborne

Requirments 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/Potable
(I) Granular Fill	(J) See Plan	(K) Full Urban Services	(L) See Plan
			/Silty Clay

Owner's Certificate

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE BETTER NEIGHBOURHOODS INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF VACANT LAND CONDOMINIUM TO THE TOWN OF PORT COLBORNE

(Signature)
2022-04-06

Owner (Townside Property Development Inc. - Arni Okonkwo)	DATE
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Surveyor's Certificate

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

Paul Leverage 2022-04-04

DATE

Revised: 1. Michael L. and J. E.

Land Use Schedule			
Use	Unit (Lot)	#	Area (m ²)
Single Detached	20 - 24	5	1,867.67
Semi-Detached	16 - 19	2	2,163.95
Townhouses	1 - 11	15	2,999.37
Apartments	31	41	2,412.61
Street / Lanes / Common			3,403.36
Total		71	12,346.96

[illegible]

190A Ontario Street, St Catharines, Ontario L2R 5K9 Studio: 905.684.8585 Betterm

PROJECT TITLE:

690-700 Elm Street
Port Colborne, Ontario

Draft Plan of Vacant Land
Condominium

DATE OF ISSUE: 2022-03-30

DRAWING No: 0397-DPVLC-1





**690-700 Elm Street Conditions of Draft
Plan of Vacant Land Condominium
Approval**

(Council approval granted on _____)

Whereas the Council of the Corporation of the City of Port Colborne approves Draft Plan of Vacant Land Condominium for lands described as Part of Lot 3, Part of Blocks B – C on Registered Plan 775, Part 1 on 59R-16070, Part 1 on 59R-17101, and Part 1 on 59R-17102 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 690-700 Elm Street., for the creation of 30 lots for five (5) single-detached units, 10 semi-detached units, 15 street townhouse units and one (1) block for a 41 unit apartment building, subject to the following conditions:

Draft Plan

1. This approval applies to the 690-700 Elm Street Draft Plan of Vacant Land Condominium, described as Part of Lot 3 on west side of Cranberry Street, Part of Blocks B & C on Registered Plan No. 775, and Part 1 on 59R-16070, in the Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, designed by Better Neighbourhoods Inc., dated March 30, 2022, proposing:
 - 30 lots for five (5) single-detached units, 10 semi-detached units, 15 street townhouse units;
 - One (1) block for a 41 unit apartment building;
 - Common element areas consisting of a private condominium road, laneways, parking areas, and landscaped open space areas.
2. The headings inserted in these conditions are for convenience only and shall not be used as a means of interpreting the conditions.

Agreements and Financial Requirements

3. The Owner shall provide three (3) paper copies and an electronic copy of the pre-registration plan(s), prepared by an Ontario Land Surveyor.
4. The Owner shall provide a letter to the Department Development and Legislative Services stating how all the conditions imposed have been or are to be fulfilled.
5. The Owner shall agree to pay to the City of Port Colborne all required processing and administration fees and any outstanding taxes or fees associated with the subject lands.

6. The Owner shall submit a Solicitor's Certificate of Ownership for the Plan of Condominium land to the Department of Planning and Development Services prior to the preparation of the Condominium Agreement.
7. That the Owner enter into a Condominium and/or Site Plan Agreement, as applicable, with the City of Port Colborne and the Agreement(s) be registered by the Municipality against the title of the lands to which it applies.
8. That the Owner shall pay the applicable City of Port Colborne, Niagara Region, District School Board of Niagara, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
9. That the Owner agrees in writing to satisfy all of the requirements, financial and otherwise, of the City of Port Colborne concerning the provision of roads, sidewalks, fencing, fire hydrants, street lighting, the extension and installation of services (sanitary sewers, watermain, and storm sewers), stormwater management, and drainage, including the upgrading of services, and the restoration of existing roads damaged during the development of the Plan of Condominium.
10. Prior to any site alteration, or final approval, the Owner shall submit all supporting materials, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the City, and any other applicable authority.
11. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the Planning Act R.S.O. 1990, c. P.13 but no extension can be granted once the approval has lapsed. If the Owner wishes to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for City Council's consideration, prior to the lapsing date.
12. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the Planning Act R.S.O. 1990, c. P.13.
13. It is the Owner's responsibility to fulfill the conditions of Final Condominium Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City, quoting file number D07-01-22 and referencing the conditions that are cleared.
14. That no grading or construction work commence until such time as the Condominium and/or Site Plan Agreement, as required, has been entered into and financial securities are in place.

Land Transfers and Easements

15. That the Owner agrees to deed any and all easements that may be required for access for utility and drainage purposes be granted to the appropriate authorities and utilities.

Zoning

16. That prior to final approval, the Zoning By-law Amendment application (File No. D14-13-21), which reflects the layout of the Draft Plan of Condominium has come into effect in accordance with the provisions of Section 34 of the Planning Act R.S.O. 1990, c. P.13.
17. The Owner shall submit to the Department of Planning and Development Services two (2) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.

Roads

18. If applicable, that the condominium road be named to the satisfaction of the City of Port Colborne.
19. That the Owner provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the City for review and approval.

Municipal Services

20. That a Functional Servicing Report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and adequate fire flows are provided to the development be submitted to the City for review and to the satisfaction of the Department of Public Works and the Fire Chief.
21. That the Owner will provide the City with the proposed site servicing plans for the subject property. The Department of Public Works shall approve the plans prior to construction.
22. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Department of Public Works for review and approval. The City of Port Colborne is responsible for the review and approval of watermain under the MOE Water License Program.
23. At the end of the project, the design engineer shall certify that all grading, storm sewers and stormwater management controls have been constructed in general conformity to the approved drawing. Copies of the certification shall be provided to the Department of Public Works.
24. That all foundation drainage be directed to a sump that will have a pump discharge to grade. Direct gravity or piped connections with sump pump to the

storm sewer system are not permitted.

Stormwater Management, Grading and Sediment/Erosion Control

25. That the Condominium Agreement/Site Plan Agreement between the Owner and the City of Port Colborne contain provisions whereby the Owner agrees to implement the approved stormwater management plan.
26. That the Owner prepare a detailed grade control plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Department of Public Works and the for review and approval. The Owner will ensure that the Plan of Condominium land will remain in a natural state until such time as the detailed grade control plan is approved.
27. That prior to final approval or any on-site grading, the Owner submit to the Department of Public Works for review and approval two copies of a detailed stormwater management plan for the condominium and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment, Conservation and Parks documents entitled "Stormwater Management Practices Planning & Design Manual – March 2003" (Ministry of Environment, Conservation and Parks), or the latest revision, and in accordance with the City of Port Colborne's Lot Grading and Drainage Policy:
 - 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; and
 - b) Detailed sediment and erosion control plans.
28. 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. Muddy water shall not be allowed to leave the site.

Community Benefits and Public Park

29. That the Owner confirm satisfaction of Community Benefits and Parkland Dedication Requirements as permitted in Sections 37 and 51.1 of the Planning Act R.S.O. 1990, c. P.13.
30. The Developer agrees to pay cash-in-lieu to the City of Port Colborne for the value of the land otherwise required to be conveyed (5% of the land included in the plan), less any credits, as applicable.

Utilities

31. That the Owner shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
32. That the Owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the

standards of the City of Port Colborne. All utilities servicing the condominium shall be underground.

33. That the Owner agrees to grant easements as may be required for utility purposes to the appropriate authority.

Bell Canada

34. 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.
35. The Owner shall contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.
36. Prior to commencing any work, the Owner must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Owner shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.
37. If the Owner elects not to pay for the above noted connection, then the Owner will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

Canada Post

38. The Owner shall complete to the satisfaction of the Director of Public Works of the City of Port Colborne 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 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 Plan of Condominium.

- ii. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the Plan of Condominium.
 - 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 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 buildings and complexes with a common lobby, common indoor or sheltered space.

Enbridge Gas Inc.

39. The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, 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.
40. 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.
41. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Niagara Region

42. That the Condominium Agreement between the owner and the City contain the following clause relating to the potential discovery of archaeological resources and remains during construction and grading activities:

"Should deeply buried archaeological remains/resources be found on the property during construction activities, the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

(MHSTCI) and the owner's consulting archaeologist shall be notified immediately. In the event that human remains are encountered during construction, the owner should immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services in Toronto (416-326-8392), the Ministry of Heritage, Sport, Tourism and Culture Industries and the owner's consulting archaeologist."

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, MHSTCI 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."

43. That the Owner provides a Letter of Reliance from a Qualified Professional to be submitted to the Niagara Region and City of Port Colborne for the completed Environmental Site Assessment work for the development. The Letter of Reliance shall indicate that, despite any limitations or qualifications included in the submitted ESA work, that the Region is authorized to rely on all information and opinions provided there within.
44. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
45. That the Owner submit a written undertaking to Niagara Region Planning and Development Services Department that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that a servicing allocation for this development will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement.
46. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed Stormwater Management Plan for the Vacant Land of Condominium and the following plans designed and sealed by a Qualified Professional Engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services 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;

47. That the Condominium Agreement between the Owner and the City contain provisions whereby the Owner agrees to implement the approved plans required in accordance with the approved Stormwater Management Plan.
48. That a Garbage Truck Turning Plan using the Regional truck template be submitted for Regional review and approval to ensure the development is able to accommodate internal Regional curbside waste collection services.
49. That a revised Draft Plan be submitted showing the location of the waste collection pads required to service units 1-19, designed in accordance with Regional requirements.
50. That the following clauses be included in the Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for the affected units:
- *“Purchasers/Tenants of townhouse units 1-19 are advised that in order to accommodate Regional Curbside Waste Collection Services, waste and recycling containers will need to be brought to the designated waste collection pads on the required collection day.”*
 - *“Purchasers/Tenants of the mixed-use apartment building are advised that the building is not eligible for Regional waste collection and waste collection of the Molok waste system will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.”*
51. That the Owner / Developer shall comply with Niagara Region’s Corporate Waste Collection Policy and complete the Application for Commencement of Collection and Indemnity Agreement with Niagara Region’s Waste Management Division.
52. Prior to granting final approval, the City of Port Colborne must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.
53. The Owner acknowledges that prior to final approval for registration, a copy of the draft Condominium Agreement for the proposed development will be submitted to Niagara Region by the City for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.
54. The Owner acknowledges that clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports

(one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

Fire Department

55. Municipal and private fire hydrants shall be maintained in operating condition and shall be maintained free of snow and ice accumulations. Fire hydrants shall be readily available and unobstructed for use at all times.
56. Fire hydrants shall be inspected annually and after each use in accordance with the Ontario Fire Code. When fire hydrants are in use or being inspected in accordance with the Ontario Fire Code, fire hydrants shall be equipped with port caps that are secured wrench-tight. The port caps shall be removed and the connections inspected for wear, rust or obstructions that in any way hamper easy removal and corrective action shall be taken as needed. If the caps are missing, the hydrant shall be examined for obstructions or accumulated refuse and flushed. When complete the port caps shall be re-installed.
57. The hydrant barrel shall be inspected to ensure that no water has accumulated within the barrel when the main valve is in the closed position. Where the hydrant barrel is found to contain water, the drain valve shall be inspected for operation.
58. If the hydrant barrel is found to contain water because of poor drainage that is impractical to correct, approved measures shall be taken to prevent freezing during winter conditions.
59. The Owner acknowledges the Condo Agreement will permit the Fire Department uninhibited access to inspect the private fire hydrant(s) and that in the event of any repairs deemed necessary, the condo corporation shall bear the costs associated with those works.
60. Municipal and Private fire hydrants shall be color-coded in accordance with NFPA 291, "Recommended Practice for Fire Flow Testing and Marking of Hydrants".

Planning Division

61. That a Landscape Plan and Photometric Plan be submitted to the City of Port Colborne through the Site Plan Control application and subject to the approval of the City.

Final Approval

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

Clearance of Conditions

Prior to granting Final Condominium Approval, the City of Port Colborne requires written notice from the following agencies indicating that their respective conditions have been satisfied:

<u>Agency</u>	<u>Conditions</u>
Bell Canada	34-37
Canada Post	38
Enbridge Gas Inc.	39-41
Niagara Region	42-54

Agency Contacts

<u>Agency</u>	<u>Contact</u>	<u>Address</u>	<u>Email/Phone</u>
Bell Canada	Tyler Collins		Tyler.collins@bell.ca
Canada Post	Andrew Carrigan	955 Highbury Avenue London, ON N5Y 1A3	Andrew.Carrigan@canadapost.ca 226-268-5914
Enbridge Gas Inc.	Jasleen Kaur	500 Consumers Road North York, ON M2J 1P8	MunicipalPlanning@enbridge.com
Niagara Region	Katie Young	1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON L2V 4T7	Katie.young@niagararegion.ca 905-980-6000 ext. 3727