

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to amend by-law 7018/56/22
being a by-law to set a lapsing date of draft plan approval
for Rosedale Subdivision

Whereas the Council of The Corporation of the City of Port Colborne passed By-law 5991/97/13 to give Draft Plan approval to August 12, 2015; and

Whereas on July 13th, 2015 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2017; and

Whereas on June 26th, 2017 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2019;

Whereas on July 8th, 2019 the Council of The Corporation of the City of Port Colborne passed By-law 6702/66/19 which extended Draft Plan approval to August 12, 2020;

Whereas on July 27th, 2020 the Council of The Corporation of the City of Port Colborne passed By-law 6808/58/20 which extended Draft Plan approval to August 12, 2022;

Whereas on August 9th, 2022 the Council of the Corporation of the City of Port Colborne passed By-law 7018/56/22 which extended Draft Plan approval to December 16, 2022;

Now therefore, the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That a draft approval lapsing date of December 16th, 2023 be set for the Rosedale Plan of Subdivision.
2. That Schedule A to this by-law form the list of conditions of draft approval for the Rosedale Plan of Subdivision.

Enacted and passed this 13th day of December, 2022.

William C. Steele
Mayor

Nicole Rubli
City Clerk

ROSEDALE PLAN OF SUBDIVISION
1988 CONDITIONS WITH 2022 REVISIONS

The conditions for final approval and registration of the Rosedale (Revised) plan of subdivision, R. Rotella, File No. 26T-87018, Part of Lot 30, Conc. 3, City of Port Colborne are:

1. That this approval applies to the Rosedale draft plan of subdivision, Part of Lot 30, Conc. 3 (Former Twp. of Humberstone), City of Port Colborne, prepared by W.A. Mascoe, O.L.S., dated April 29th, 1987, and revised on May 31, 1988, showing 119 single family residential lots, two blocks of land for access reserve purposes and one block of land each for commercial, multiple family residential and park purposes, respectively.
2. That the road allowances within the draft plan be dedicated as public highway.
3. That the proposed streets be named to the satisfaction of the City of Port Colborne.
4. That any dead end streets and open sides of road allowances within the draft plan be terminated in 0.3m (1ft) reserves to be conveyed to the City of Port Colborne.
5. That a temporary point of ingress to and egress from the plan site be provided to the satisfaction of the City of Port Colborne until such time as adjacent residential lands are developed.
6. That all easements required for utility or drainage purposes be granted to the appropriate authority.
7. That the owner dedicate those lands shown as Block 'B' on the revised draft plan to the City of Port Colborne for park purposes pursuant to the provisions of Section 50(5)(a) of the Planning Act, 1983.
8. That the final plan may incorporate minor design revisions requested by the City of Port Colborne which may result in changes to the width or area of some lots but which shall not include a change in the total number shown on the draft approved plan.
9. That development of the subdivision be phased to the satisfaction of the City of Port Colborne and that provision for such phasing be included in the subdivision agreement between the owner and the City.

10. That the owner agrees in writing to satisfy all requirements, financial or otherwise, of the City of Port Colborne concerning the provision of roads, installation of services, drainage, and all other matters related to the development of the subject site.
11. That the subdivision agreement between the owner and the City of Port Colborne be registered by the municipality against the land to which it applies as provided for pursuant to Section 50(6) of the Planning Act, S.O. 1983.
12. That the design for the water distribution system intended to service the draft plan area be submitted to the City of Port Colborne for review and approval.
13. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings, with calculations, for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP). Compliance Approval under the Transfer of Review Program.

Note: Under the MECP Transfer of Review Program, general sanitary and storm systems are reviewed. Any specialized systems and/or stormwater management will require direct application to the MECP office in Toronto. Please note that any additional approvals required from any other agency (NEC, NPCA, MTO, etc.) as part of the application must be obtained prior to submission of the ECA application. The developer should discuss any items with an engineering consultant.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991:
 - (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; and,
 - (b) Detailed erosion and sedimentation control plans.
15. That the owner enters into an agreement with the Regional Municipality of Niagara and assumes their portion of the cost to construct the sanitary sewer to the Industrial Pumping station as a result of this development.
16. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 metre (G.S.C.) contour as being the top of the bank.

17. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
18. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
19. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
20. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
21. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of the agency.
22. That the owner provides a written acknowledgement to the Regional Planning and Development Services Department (Development Service Division) that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.
23. That the owner shall provide the Regional Planning and Development Services Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to registration of the subdivision, shall contain a clause that servicing allocation will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the City of Port Colborne.
24. That in order to provide for Regional curbside collection of waste the owner shall comply with any applicable Regional policies relating to the collection of waste and ensure that all streets and development blocks can provide a through access.
25. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 meter (G.S.C.) contour as being the top of the bank.

26. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
27. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
28. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
29. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
30. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of that agency.
31. That prior to approval of the final plan, the owner prepare and submit to the satisfaction of the Ministry of Transportation a traffic report indicating anticipated peak hour turning volumes at the Highway 58 access to the subdivision site.
32. That prior to approval of the final plan, the owner enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to be responsible for all costs associated with improvements which may be required to Highway 58 and its intersection with the public road access to the subdivision site.
33. That the owner convey a 0.3m (1ft) reserve to the Ministry of Transportation along the Highway 58 frontage of the subdivision site to the satisfaction of that agency.
34. That prior to approval of the final plan, the owner prepare and submit to the Ministry of Transportation for review and approval a drainage plan and report outlining the intended treatment of the calculated run-off from the plan site insofar as it may affect the Highway 58 right-of-way.
35. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for the review and approval a detailed noise impact study assessing potential noise impacts from Highway 58 and the adjacent Loyalist Industrial Park for the proposed development and recommending mitigation measures to meet the applicable

MECP noise guidelines.

36. That the subdivision agreement between the owner and the City of Port Colborne contain provisions whereby the owner agrees to implement the approved mitigation measures recommended by the noise impact study referred to in the condition above.
37. That prior to any grading or construction on the subdivision site, the owner carry out an examination of the site to the satisfaction of the Ministry of Natural Resources to ascertain if previous drilling activity for gas resources poses a potential hazard to existing and subsequent land owners.
38. That prior to any grading or construction on the subdivision site, the owner identify and if necessary replug any gas wells on the site to the satisfaction of the Ministry of Natural Resources and Forestry.
39. That prior to approval of the final plan, the owner demonstrate to the satisfaction of the Ministry of Natural Resources that adequate provisions have been made for the elimination of any on-site hazards related to any abandoned gas wells within the subdivision site.
40. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval a Stage 1 Archaeological Assessment to address the registered archaeological sites on the subject lands. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter of compliance from the Ministry of Tourism, Culture and Sport through the Regional Planning and Development Services Department (Development Services Division) conforming that all archaeological resource concerns have met licensing and resource conservation requirements.”
41. That prior to approval of the final plan, the owner submit a Stage 3 Archaeological Assessment, prepared by a licensed archaeologist (and if required, Stage 4 archaeological assessments) to the Ministry of Citizenship and Multiculturalism (MCM) and receive an acknowledgement letter from MCM (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
42. That prior to approval of the final plan, the owner shall submit to the Region’s Planning and Development Services Department a land use compatibility study, prepared in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guidelines and endorsed by a qualified professional for review and approval. The study should assess existing and potential land use

compatibility issues between the development and the Loyalist Industrial Park and Port Colborne West Transshipment Terminal Employment Area, as identified in the Niagara Official Plan. The land use compatibility study may be subject to peer review, at the sole expense of the owner.

43. That prior to the approval of the final plan, Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 35 and 36 have been carried out to the City's satisfaction.

The clearance letter from the municipality shall include a brief and complete statement for each condition indicating how each has been satisfied or carried out.

44. That prior to the approval of the final plan, the City of Port Colborne is to be satisfied that Conditions 12, 13, 14 and 15 have been met.
45. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Niagara Peninsula Conservation Authority that Conditions 16, 17, 18, 19, 20 and 21 have been carried out to its satisfaction.
46. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Ministry of Transportation that Conditions 31, 32, 33 and 34 have been carried out to its satisfaction.
47. That prior to the approval of the final plan, the City is to be advised by the Ministry of Natural Resources that conditions 37, 38 and 39 have been carried out to its satisfaction.
48. That is final approval is not given to this plan within four years of the draft approval date, and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation is required, together with a resolution from the local municipality which must be received by the Region prior to the lapsing date.