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Subdivision/Condominium Typical Conditions

\*\*Provided below is a list of typical conditions which may be applied to Draft Approval of a Subdivision/Condominium depending on the situation. **This is not an all encompassing or exhaustive list but provided for basic information only.**

**CONDITIONS**

1. That this approval applies to the draft plan (insert drawing number) prepared by (insert firm name), dated (insert date), which shows a total of (insert number and type of lots) lots (identify lots) and (insert number and type of blocks) blocks (identify blocks).
2. That this approval applies to the draft plan (insert drawing number), prepared by (insert firm name), dated (insert date), as revised on the attached plan to show a total of (insert number and type of lots) lots (identify lots) and (insert number and type of blocks) blocks (identify blocks).
3. That the road allowances included in this draft plan shall be shown and dedicated as public highways.
4. That the street(s) shall be named to the satisfaction of the (name of municipality).
5. That (insert amount of land/sufficient land/block no.), to widen (road/highway), shall be shown and dedicated as public highways on the final plan.
6. That (insert amount of land) from the centre line of (name road) shall be shown and dedicated as public highways on the final plan.
7. That a 0.3 metre reserve adjacent to, but outside of the widened limit of (name road) as shown on the draft plan, shall be conveyed to (name municipality).
8. That a 0.3 metre reserve adjacent to, but outside of the widened limit of (name highway), as shown on the draft plan, shall be conveyed to the Province of Ontario, Ministry of Transportation.
9. That prior to final approval, the owner shall submit to the Ministry of Transportation for approval, a copy of a drainage plan showing the intended treatment of the calculated runoff.

10. That prior to final approval, the owner shall:
  - a. Submit to the Ministry of Transportation a traffic report, containing the anticipated peak hour turning volumes at the proposed street entrance to Highway (insert highway number); and
  - b. Enter into an agreement with the Ministry of Transportation, in respect of responsibility for street entrance and related highway improvements.
11. That temporary turning circles as shown on the draft plan be shown on the final plans as blocks. These shall be conveyed to and held by the municipality until the extension of the road allowance, when the blocks shall be conveyed without charge to the owners of abutting lots.
12. That any dead ends and open side of road allowance created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the municipality.
13. That day lighting triangles, as shown on the draft plan, shall be shown and dedicated as public highways on the final plan.
14. That a detailed stormwater management and drainage plan be prepared by a qualified consultant to the satisfaction of the Municipality and the Conservation Authority. The findings of the stormwater management plan will be included within the Subdivision Agreement.
15. That Block(s) (name blocks) as shown on the draft plan, shall be shown and dedicated as public walkways on the final plan.
16. That the road allowance (include description) in this draft plan of subdivision shall be properly closed (and conveyed to the owner) prior to final approval. (The closed road allowance shall be identified as part of the lots on the final plan).
17. That the owner convey up to 5% of the land included in the plan to the municipality for park purposes. This shall include (name block(s) or lots).
18. That the owner convey up to (5% residential) (2% commercial/industrial) of all land included in the plan to the municipality (or insert the appropriate authority) for park or other public recreational purposes. This shall include (name block(s) or lots).
19. That the owner convey up to 5% of the land included in the plan to the municipality for park purposes. Alternatively, the municipality may accept cash-in-lieu of all or a portion of the conveyance.

20. That the owner convey up to 5% residential and/or 2% commercial/industrial of the land included in the plan to the municipality (or insert appropriate authority) for park or other public recreational purposes. Alternatively, the municipality may require cash-in-lieu of all or a portion of the conveyance.
21. That prior to the final approval by the County we are to be advised by (name party) that appropriate zoning is in effect for this proposed (subdivision/condominium).
22. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the (name municipality) concerning the provision of roads, installation of services and drainage.
23. That the subdivision agreement between the owner and the (name municipality) contain a provision that this (subdivision or insert lot number) shall not be developed except in conjunction with (subdivision/condominium file no...or identify adjacent lands).
24. That prior to final approval by the County the owner has (transferred or acquired) (identify lands) (to or from) the adjacent lands.
25. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
26. That the subdivision agreement between the owner and the municipality contain phasing arrangements to the satisfaction of the municipality.
27. That the subdivision agreement between the owner and the municipality contain a provision that a (specify portion) interest in (specify blocks) be conveyed to each of the purchasers of (specify lots).
28. That the subdivision agreement between the owner and the municipality:
  - a. contain a provision that lots will be made suitable for subsurface sewage disposal systems to the standards of (name authority).
  - b. require that all agreements of purchase and sale for (all lots (Lots X to Y)) provide notice that the importation of suitable fill may be required to construct subsurface sewage disposal systems to the satisfaction of the (name authority).
  - c. contain a provision wherein the owner agrees to prepare (all lots (Lots X to Y)) by levelling or importing suitable fill to construct a subsurface sewage disposal system to the satisfaction of the (name authority).

29. That the subdivision agreement between the owner and the municipality shall provide for the installation of a piped water supply system subject to the approval of the appropriate authority and, furthermore, shall provide for the municipality to assume ownership and operation of the system.
30. That prior to final approval by the County, the owner demonstrate to the satisfaction of the appropriate authority that there is an adequate supply of potable water to service this development.
31. That prior to final approval, the appropriate authority shall be in receipt of hydrogeologist's report which ascertains the availability of an adequate supply of potable water to service the development. The report should also discuss ground water quality based on data from a representative well and provide detailed discussion on the potential for cross-contamination between the proposed septic tank systems and the wells.
32. That prior to final approval, a copy of the fully executed subdivision agreement between the developer and the municipality containing provisions with the recommendations of the hydrogeologist's report, as approved by the appropriate authority, shall be provided.
33. That prior to final approval by the County, County staff are to be advised by the appropriate authority that a noise report has been prepared and provision for the intended noise attenuation measures has been incorporated into the subdivision agreement between the owner and the municipality.
34. That prior to final approval by the County, the developer consult with the appropriate authority about noise affecting the site and the provision of noise attenuation measures, and shall agree in the subdivision agreement to undertake any necessary noise attenuation measures to the satisfaction of the municipality.

35. That the subdivision agreement between the owner and the municipality contain the following provisions with wording acceptable to (name authority), wherein the owner agrees:
- a. before commencing any grading or construction on any lot, to have prepared a detailed report, drawings and site plans acceptable to both the municipality and the (name authority) which will show:
    - i. the location of all buildings and structures to be erected on the site and all final grades and vegetation;
    - ii. the means whereby storm drainage will be accommodated, and the means whereby erosion and siltation will be contained and minimized, both during and after the construction period.
  - b. to apply the provision of condition (insert number) above to the construction of roads and services.
  - c. to carry out, or cause to be carried out, the works recommended in the reports described in condition(s) (insert number(s)) above.
  - d. to erect snow fencing or other suitable barriers prior to initiating any grading or construction on the site to prevent the unauthorized dumping of fill and to keep these barriers in place until all grading and construction on abutting lots and roadways has been completed to the satisfaction of both the municipality and any other agencies.
36. That prior to final approval by the County, the owner shall, at his own expense, independent of the provisions of the Statute Labour Act, construct, grade and surface the road(s) and provide drainage on this subdivision to a standard not less than the requirements for a maintenance subsidy from the appropriate authority.
37. That the subdivision agreement between the owner and the municipality be registered against the lands to which it applies once the plan of subdivision has been registered.
38. That prior to final approval by the County, we are to be advised by the (agency name) that the owner has agreed to, or complied with, the municipality's requirements concerning construction of the development, landscaping, parking facilities, access for fire protection and maintenance of the complex.
39. That prior to final approval by the County, we are to be advised in writing by the (agency name), how conditions (condition numbers) have been satisfied.

## NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Grey, quoting the County file number.
2. We suggest you make yourself aware of the following subsections of the *Land Titles Act*:
  - a. subsection 144(1) requires all new plans be registered in a Land Titles System if the land is situated in a land titles division;
  - b. subsection 144(2) allows certain exceptions.
3. It is suggested that the municipality register the subdivision agreement as provided by subsection 51(26) of the *Planning Act*, RSO, 1990, as amended, against the land to which it applies, as notice to prospective purchasers.
4. Inauguration, or extension of a piped water supply, a sewage system or a storm drainage system, is subject to the approval of the Ministry of the Environment and Energy under the Ontario Water Resources Act, RSO 1990, as amended.
5. After registration, the owner must obtain permits from the appropriate road authority for all access points to highways, all encroachments of utilities, buildings, structures and signs within their area of control.
6. The road authority may use a 0.3 metre reserve to notify the public that access to the highway will not be granted across the reserve. It should be shown as a block on the final plan outside the highway right-of-way.

All existing entrances crossing a 0.3 metre reserve must be removed at the owner's expense after registration of the plan.

7. A shoreline road closing by-law is necessary as a result of this application. When preparing the appropriate road closing by-law, the municipality should ensure that the present high water mark is identified on the survey accompanying the by-law. Lands below the present high water mark should not be included in the final plan since they should remain in public ownership.

8. Clearances are required from the following agencies:

(insert agency names, addresses, etc.)

If any of the agencies listed above require (a) condition(s) in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.

9. If final approval is not given to this plan, within three years of the draft approval date, and no extensions have been granted, draft approval shall lapse under subsection 51(32) of the Planning Act, RSO, 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation, together with a resolution from the local municipality, must be received by the Planning Committee prior to the lapsing date.

\*\*Please note than an updated review of the plan, and revisions to the conditions of approval, may be necessary if an extension is to be granted.

10. The area of this subdivision plan is controlled by the Niagara Escarpment Development Control Regulations. Before building permits are issued, and prior to an alteration of, or construction on the site, development permits must be obtained from the Niagara Escarpment Commission.
11. All buildings must comply with the Ontario Building Code since December 31, 1975.
12. All measurements in subdivision and condominium final plans must be presented in metric units.
13. When the zoning by-law required in condition (insert number) is being prepared, reference to this subdivision application T-file number should be included in the explanatory note. This will expedite the County's and other agencies' consideration of the By-law.

14. In addition, the following notification(s) should be included in all Agreements of Purchase and Sale:
- a. that the importation of fill may be required to make the lots suitable for subsurface sewage disposal systems;
  - b. water from (name water body) should be adequately filtered and disinfected prior to being used for human consumption and domestic purposes;
  - c. no fill should be placed or removed, nor any existing vegetation should be altered within the setback areas from the (name water body) for each lot without consultation with the Ministry of Natural Resources,
  - d. no filling or dredging of the shore or bed of (name water body), nor any erection of docks or boathouses on the shores or bed of (name water body), should be undertaken without the written permission of the Ministry of Natural Resources.
15. For your information, easements required for utility or drainage purposes should be granted to the appropriate authority.
16. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(59) of the Planning Act, RSO 1990, as amended.