

STANDARD CONDITIONS OF APPROVAL FOR SITE PLANS IN THE DOWNTOWN CIPA

1.0 PRIOR TO THE APPLICATION FOR ANY BUILDING PERMITS

1. (a) To develop and maintain the site in compliance with the Site Plan, dated attached hereto and hereinafter referred to as the "Site Plan". Minor changes to the Site Plan or condition(s) shall be permitted only upon written approval from the City's Manager of Development Planning, Heritage and Design.
- Site Plan and Underground Parking Plan**
1. (b) To develop and maintain the site in compliance with the Site Plan and underground parking plan, attached hereto each of which is dated and hereinafter collectively referred to as the "Site Plan". Minor changes to the Site Plan or conditions shall be permitted only upon written approval from the City's Manager of Development Planning, Heritage and Design.
- Approval Limitation**
1. (c) That, in the event a all required building permits for the ~~proposed development~~ Conditionally Approved plans and drawings ~~has have~~ not been issued within ~~one~~ (1) year 15 months from the date of Conditional site plan approval, the approval shall lapse and no further extensions shall be granted, in accordance with Council direction. ~~Prior to the approval lapsing, a request for an extension for a period up to, but not exceeding a one (1) year period, may be made directly to the Manager of Development Planning, Heritage and Design, with written justification and the required fee. The Manager of Development Planning, Heritage and Design will consider the request in light of current requirements and:~~
- ~~May deny the request;~~
~~May grant the request; or~~
- Ground Cover to Prevent Soil Erosion**
1. (d) Where the construction or demolition of a building, or buildings, or site development works are, in the opinion of the City's Director of Building Services, substantially suspended or discontinued for more than 45 days the Owner shall forthwith provide suitable ground cover to prevent soil erosion by wind, rain and snow for the protection of adjoining lands to the satisfaction of the said Director.
- Phasing**
1. (e) ~~That the proposed development may be implemented in phases. Where conditions are required to be completed prior to building permit or occupancy, or within one year of occupancy, such timing shall relate to all site works within the boundary of the particular phase with specific details and extent of each phase to be approved by the City's Manager of Development Planning, Heritage and Design.~~

Erosion and Siltation Control

1. ~~(f)~~ (e) To show all erosion and siltation control features in detail on a Grading and Drainage Control Plan hereinafter described in Section 2(b); to the satisfaction of the City's Manager of Engineering Approvals; and to implement all such erosion and siltation control measures. The Owner further agrees to maintain all such measures to the satisfaction of the City's Manager of Development Engineering Approvals until the site has been fully developed as determined by the City's Manager of Development Planning, Heritage and Design.

 Tree Management

1. ~~(g)~~ (f) To prepare a Tree Preservation/Enhancement Plan as part of the required Landscape Plan hereinafter described in Section 2(e), showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; to obtain approval thereof from the City's Manager of Development Planning, Heritage and Design; and to implement all approved tree savings measures.

 Fill Permits

1. ~~(h)~~ (g) To obtain a permit from the **Choose CA** pursuant to the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation under Ontario Regulation 97/04.

 Building Elevations

1. ~~(i)~~ (h) To submit six (6) copies of final building elevations and one (1) reduced 11" x 17" copy to the satisfaction of the Manager of Development Planning, Heritage and Design. Minor changes to the Building Elevations or condition(s) shall be permitted only upon written approval from the City's Manager of Development Planning, Heritage and Design.

 Foundation Support & Construction

1. ~~(j)~~ (i) To prepare detailed engineering plans that demonstrate the location of existing underground services and the proposed method of foundation construction. The plans must be submitted to the satisfaction of the Director of Engineering Services, Public Works.

 Interior Garbage Storage/Outdoor Garbage Containers

1. ~~(k)~~ (j) To show the following on the required Landscape Plan:
 - i) The location of any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, including those which may be internal to a proposed or existing building; or
 - ii) The location of any outdoor garbage and recycling containers and details for a supporting concrete pad and, if required by the City's Manager of Development Planning, a roofed enclosure having a height sufficient to conceal the containers.

Cost Estimate and Letter of Credit

1. ~~(j)~~ (k)
 - i) To provide cost estimates for 100% of the total cost of all exterior on-site works to be done by the Owner. Such cost estimates shall be in a form satisfactory to the City's Manager of Development Planning, Heritage and Design; or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering.
 - iii) Calculate the lump sum payment for exterior works using the City's Letter of Credit Policy to the satisfaction of the City's Manager of Development Planning, Heritage and Design.
 - iv) To provide an irrevocable Letter of Credit to the City's Manager of Development Planning, Heritage and Design for 75% of the total cost of all on-site development works in a form satisfactory to Finance (Development Officer, Budget, Taxation and Policy) to be held by the City as security for the completion of the on-site development works required in this Agreement.

Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with 1. (l) ii). above.
 - v) The Letter of Credit shall be kept in force until the completion of the required site development works in conformity with the approved design and requirements, securities may be reduced in accordance with the City's Letter of Credit Policy. If the Letter of Credit is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit forthwith.
 - vi) In the event that the Owner fails to complete, to the satisfaction of the City's Manager of Development Planning, Heritage and Design, the required site development works in conformity with its approved design within the time required, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its authority under (Section 446 of the Municipal Act) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes.

2.0 PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS

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2. (a) Satisfy all pre-grading conditions set out in Section 1 above.

Grading and Drainage Control

2. (b) i) To prepare a detailed Grading and Drainage Control Plan showing drainage details for the subject property, abutting properties and public rights-of-way so as to ensure compatible drainage, and to show thereon all existing and proposed connections to the municipal storm sewer to provide for that drainage i.e. catch basins/leads etc. to the satisfaction of the City's Manager of Development Engineering Approvals.
- ii) To pay fee of **Choose Fee** for the final inspection all aboveground features, such as but not limited to, landscaping, drainage, roads, driveways, noise barriers/fencing, lighting, etc., to the satisfaction of the City's Manager of Development Engineering Approvals.

 Storm Water Management Design

2. (c) To submit to the satisfaction of the City's Manager of Development Engineering Approvals detailed engineering design for storm water management or to receive from the said Manager an exemption from this requirement.

 Road Widening

2. (d) To convey to the City, without cost and free of encumbrance, the road widening and/or daylighting triangles as indicated on the Site Plan to the satisfaction of the City's Manager of Development Engineering Approvals.

 Landscape Plan

2. (e) To prepare a Landscape Plan showing planting and surfacing details for all areas not covered by buildings, structures, loading areas or parking areas; and to obtain approval thereof from the City's Manager of Development Planning, Heritage and Design.

 Fencing/Visual Barriers

2. (f) To obtain approval of the details of all fencing and visual barriers as indicated on the Site Plan, from the City's Manager of Development Planning, Heritage and Design, as part of the approval of the Landscape Plan.

 Boulevard Sodding

2. (g) To show on the required Landscape Plan, planting and surfacing details for the portion of all adjacent public property located between the sidewalks, curbs or streets and the Owner's property line so as to ensure a contiguous landscaped area between the public streets and the Owner's proposed development.

 Treatment of Future Development Areas

2. (h) To make provision on the required Landscape Plan for the surface treatment of areas intended for future development so as to prevent the occurrence of noxious weeds and erosion.

Site Lighting-Design

2. (i) To prepare a Site Lighting Plan, including lighting for any underground parking facilities, and to submit said plan with a signed certification from an Electrical Engineer stating that said plan complies with Section 3.9 "Lighting" of the City of Hamilton Site Plan Guidelines.

Multiple Unit Identification Sign

2. (j) To prepare a concept plan for a multiple unit identification sign for emergency access or for a multiple unit development that shows unit numbers and to obtain approval thereof from the City's Manager of Development Planning, Heritage and Design.

Site Servicing Plan

2. (k) i) To submit to the City's Manager of Development Engineering Approvals a satisfactory Site Servicing Plan and pay the applicable drawing review fee based on the approved User Fees Schedule for the year that the Servicing Plans are submitted for review.
- ii) To pay for and obtain the required Site Servicing Permits, the cost of which will be calculated based on the approved servicing design.

On Site Servicing Approvals

2. (l) To obtain approval from the (City's Director of Building Services or Ministry of the Environment and Climate Change) for all private sewage systems. If approval is under the jurisdiction of the MOECC (sanitary system greater than 10,000 li/day), then written copies of such approval shall be provided to the City's Director of Building Services. For water taking systems over 50,000 li/day, approval is required from the Ministry of Environment and Climate Change (General Inquiry Line 905-521-7640).

Ministry of Transportation

2. (m) To obtain a Building/Land Use Permit from the Ministry of Transportation.

Cash-in-Lieu of Parkland

2. (n) To pay to the City of Hamilton Park Trust Fund Account the required cash-in-lieu of parkland contribution based on the value of the lands the day before the issuance of a Building Permit.

Development Charges

2. (o) To pay to the City of Hamilton all applicable Development Charges in accordance with the Development Charges By-law, as amended, to the satisfaction of the City's Director of Building Services.

Site Plan Drawing

2. (p) To submit six (6) copies of the final site plan drawing and one (1) reduced 11" x 17" copy to the satisfaction of the Manager of Development Planning, Heritage and Design.

Taxes

2. (q) To submit proof from the Taxation Division that the Municipal Taxes are current on the subject lands to the satisfaction of the Manager of Development Planning, Heritage and Design.

 Tariff of Fees

2. (r) To pay to the City of Hamilton the applicable additional charges as per the Tariff of Fees By-law for the proposed development type as follows:
- Residential - \$520.00/unit for the first 10 units and \$315.00 for units 11 to a maximum of 50 units;
 - Industrial - \$5.00/m² of new gross floor area to a maximum of 5,000m², and;
 - Commercial - \$5.00/m² of new gross floor area to a maximum of 50,000m² to the satisfaction of the Manager of Development Planning, Heritage and Design.

 Wastewater Assessment

2. (s) To submit a wastewater generation assessment to the satisfaction of the City of Hamilton Public Works Department using Part 8 of the latest edition of the Code and Guide for Sewage Systems to establish an updated equivalent population density.

 Water Service Assessment

2. (t) To submit a water service assessment to the satisfaction of the City Public Works Department which tabularizes the expected occupancy and provides a water demand estimation, and needed fire flow calculation based on the "Water Supply for Public Protection, Fire Underwriters Survey, 1999".

 Storm Drainage Area Plan

2. (u) To submit a storm drainage area plan that clearly illustrates the extent of the property which will contribute surface water and ground water by direct connection to the existing systems. The plan must also illustrate where runoff from the remainder of the subject property if applicable, will be directed and/or collected. Appropriate runoff coefficients are to be assigned for the consideration and records of the Public Works Department.

 Construction Management Plan

2. (v) To prepare a Construction Management Plan that provides details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes etc. The plan must identify any required sidewalk and/or lane closures and the estimated length of time for such closures). Details on heavy truck routing must also be included. The plan must be submitted to the satisfaction of the Director of Engineering Services, Public Works.

 Arterial Lane Closure

2. (w) To pay for and obtain approval of an Arterial Lane and Sidewalk Occupancy permit for any lane or sidewalk closure on an arterial road.

Garbage Collection

2. (x) The Owner acknowledges that garbage collection for the proposed development shall be in accordance with the applicable Municipal By-Law.

3.0 PRIOR TO OCCUPANCY

Prior to occupancy of the proposed development the Owner agrees to fulfill each of the conditions which follow:

Driveway Closure

3. (a) To complete the closure of all redundant driveways to the City's or Ministry of Transportation's standards.

Driveway Installation

3. (b) To install, at the Owner's cost and to the City's or Ministry of Transportation's standards, new driveway ramps at grade with the (existing, proposed or future) sidewalk. That the Owner must apply for and receive an Access Permit from the Public Works Department or the Ministry of Transportation.

Relocation of Municipal and/or Public Utilities

3. (c) That the relocation of any Municipal and/or Public Utilities, such as but not limited to, street furniture, transit shelters, signs, hydrants, utility poles, transformers, communication pedestals, wires or lines, required due to the location of buildings, structures, walkways, boulevards, driveways, curbing or parking, be arranged and carried out at the Owner's cost, to the satisfaction of the appropriate City Department or Public Utility.

Emergency/Fire Routes

3. (d) That any required "Emergency/Fire Routes" shall be established by the City's Director of Building Services and that such signage shall be installed at the Owner's cost and to the satisfaction of the City's Director of Building Services.

Traffic Control Signs

3. (e) To install, at the Owner's cost, all required traffic signs, including directional, visitor parking and barrier-free parking signs, to the satisfaction of the City's Senior Project Manager of Traffic Planning & Community Services.

Multiple Unit Identification

3. (f) To erect the multiple unit identification sign in accordance with the approved concept plan.

Fire Hydrant

3. (g) To install at the Owner's cost, any fire hydrant required by the Ontario Building Code as directed by the City's Director of Building Services.

Site Servicing

3. (h) To complete site servicing to the satisfaction of the City's Manager of Development Engineering Approvals.

4.0 WITHIN ONE YEAR OF OCCUPANCY (PRIOR TO RELEASE OF CREDIT)

- Grading and Drainage Completion**
 - 4. (a) To complete the site grading and drainage scheme in accordance with the Grading and Drainage Control Plan approval.
- Storm Water Management Implementation**
 - 4. (b) To complete any storm water management scheme and all related drainage control facilities in accordance with the approval Plan.
- Tree Management**
 - 4. (c) To complete the tree management requirements for the lands in accordance with the approved Tree Preservation/Enhancement Plan.
- Landscape Completion**
 - 4. (d) To complete the landscaping in accordance with the approved Landscape Plan.
- Interior Garbage Storage/Outdoor Garbage Container Installation**
 - 4. (e) To install or demarcate on-site any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, in accordance with the approved Landscape Plan.
- Fencing/Visual Barriers Installation**
 - 4. (f) To install all fencing and visual barriers as indicated on the Site Plan in accordance with the approved Landscape Plan.
- Boulevard Sodding**
 - 4. (g) To complete, at the Owner's cost, the landscaping on all adjacent public property in accordance with the approved Landscape Plan.
- Curb Installation**
 - 4. (h) To install 0.15 metre raised curbing in the locations shown on the Site Plan.
- Site Lighting Installation**
 - 4. (i) To implement the approved Site Lighting Plan.
- Paving**
 - 4. (j) To pave all areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan with hot-mixed asphalt or equivalent and to demarcate the parking on said surface.
- Certification of Site Development Works**
 - 4. (k) To submit to the City's Director of Building Services, Site Development Works Certification Forms prepared by the appropriate consultants, certifying that the site development works required under this approval have been completed in accordance with the respective plans prepared by such consultant and accepted by the City.