



Hamilton

Comprehensive  
Development Guidelines  
and Financial Policies  
Manual  
2019



**Comprehensive Development Guidelines and Financial Policies Manual**

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## **L FINANCIAL POLICIES**

### **L1. Cost Sharing for Over-sizing of Infrastructures**

The term 'over-sizing' in the context of this policy refers to sewers, watermains and road works whose size has been increased (over-sized) to service multiple upstream or downstream lands and therefore the size is no longer local to the development in which the works are constructed. The term 'over-sizing', the over-sizing limits and over-sizing rates within this policy do not apply to municipal capital improvement projects within the City's Development Charge Background Study.

Contribution by the City towards the cost of over-sized services constructed under Subdivision Agreements within this policy is funded from revenues collected by the City through its Development Charge. Payment by the City for over-sizing shall be determined based on the over-sizing rates within the cost estimate schedules approved by the City for the constructed works. Temporary works are not eligible for over-sizing contribution by the City.

#### **L1.1. Sanitary Sewers, Storm Sewers and Watermains**

##### **Residential Development**

A Proponent is required to pay the full cost for construction of storm and sanitary sewers, maintenance holes and watermains in residential developments up to and including the following sizes:

SANITARY SEWER	450mm Ø
STORM SEWER	1200mm Ø
WATERMAIN	300mm Ø

For pipes the sizes listed above, the Proponent shall pay the local component of the service cost and the City shall pay the over-size component on a "Flat Rate" basis in accordance with the City's table of rates for over-sized works constructed under Subdivision Agreements, plus applicable overhead fees and HST.

##### **Stipulation**

The City's contribution for storm sewer over-sizing shall be applied only to storm sewer systems that provide for drainage and conveyance of runoff arising from storm event designs having a five (5) year return period (minor system). Storm sewers conveying 100 year storm event designs (major system) are not eligible for cost contribution by the City.

Where a Proponent proposes a storm sewer system based on a five (5) year return period (minor system) incorporating large diameter pipes at a shallow depth and grade, where smaller diameter pipes can be utilized at lower depth and steeper grades, then the sewer is not considered over-sized by definition under this policy and therefore is not eligible for cost contribution by the City.

## Non-Residential Development

In non-residential development a Proponent is required to pay the full cost for installation of sanitary sewers, maintenance holes and watermains up to and including the following sizes:

SANITARY SEWER	450mm Ø
WATERMAIN	300mm Ø

### Note

Over-sizing rates shall be adjusted annually by the City at the time of adjustment of the City's Development Charge By-law using the Non-residential Building Construction Price Index for Toronto.

## L12 Roadworks

### Residential Development

A Proponent is required to pay the full cost for installation of an 8.0 metre wide (local) residential roadway and minimum 1.50 metre wide concrete sidewalk.

The City of Hamilton shall pay for:

1. The portion of a residential road beyond 8.0 metres in width.

#### Exceptions

- Where an existing local residential road is wider than 8.0 metre and must be extended by development, the Proponent shall pay the full cost for the road extension due to its local road classification; and,
  - Where a turning circle is constructed at the intersection of two local roads, there shall be no cost sharing by the City for any portion of the turning circle or land due to the local road classification;
2. The portion of base course asphalt which is beyond 80mm in depth and/or Granular "A" base beyond 150mm in depth, and/or Granular "B" base beyond 300mm in depth;
  3. Lay-bys within or abutting residential subdivision plans, provided the lay-by is mandated by the City for the purpose of servicing a public or community facility. This does not include lay-bys required for private multiple residential sites;
  4. The portion of the cost for roundabouts constructed on collector roads, which is over and above the cost of a turning circle for local and collector roads; and,
  5. The full cost of splitter islands required for roundabouts, where the City has paid a portion of the round-about cost.

## Non-Residential Development

A Proponent is required to pay the full cost for installation of up to an eleven (11) metre wide non-residential road. The City of Hamilton shall contribute towards the portion of non-residential roads, which is determined to be beyond a local width and/or depth of base course asphalt and/or granular bases.

### Notes

Where widening of a road surface is necessary to accommodate traffic requirements specific to a development site, there shall be no contribution by the City toward the additional road cost as the widening is local to the development site only.

For both residential and non-residential roads:

- Contribution by the City toward the cost of newly constructed over-sized roads shall be on a "Flat Rate" basis in accordance with the rates shown in the table of rates for over-sized works constructed under Subdivision Agreements;
- The City shall not contribute toward the cost of extra depth asphalt or granular bases required to compensate for sub-soil conditions and/or method of construction; and,
- Contribution by the City toward the cost of upgrading existing roads shall be in accordance with the City's Development Charges Background study and Local Service Policy

## L2 Cost Sharing for Street Frontage

In this policy, aboveground works refers to and includes all of the following:

- Base and surface course asphalt pavement on a granular base;
- Concrete curb and gutter, including sub-drain;
- Sidewalk;
- Catch basins and connections;
- Street lighting; and,
- Utility trenching.

Underground works refers to and includes all of the following:

- Storm and sanitary sewers, including maintenance holes;
- Storm and sanitary private drain connections;
- Watermains, valves and chambers; and,
- Water service connections and hydrants.

## L21. New Roads Servicing Rate

The New Roads Servicing Rate is a flat rate representing the average cost of local roads constructed under residential Subdivision Agreements and includes all applicable overheads.

All cost sharing for street frontage by the City for the local component of aboveground works shall be based on the New Roads Servicing Rate. The length of street property frontage and/or flankage, which abut the works, shall be multiplied by the New Roads Servicing Rate and the sum shall be the contribution to be paid by the City as cost sharing for above ground works. This rate shall be adjusted annually by the City at the time of adjustment to the City's Development Charge.

In the case of a cost recovery, where a property owner can demonstrate to the satisfaction of the Senior Director of Growth Management that payment has been previously made to the City for existing road works or part thereof, the New Roads Servicing Rate shall be adjusted accordingly.

## L22 City Lands

The City shall contribute toward the cost of aboveground and underground works adjacent to the street property frontage of City land:

- i) That has been or will be transferred to the City to satisfy the requirement for parkland dedication under the Planning Act. The City's share of servicing cost for aboveground and underground works shall be paid at the time construction of above and underground works is accepted as complete by the City.

### Stipulation

Where a Proponent has initiated a neighbourhood and/or draft plan amendment which results in an increase in park street property frontage, the City's contribution toward above and underground works shall be based on the length of park street property frontage before the amendment;

- ii) That has been or will be transferred to the City for storm water management ponds, for the portion of street pond frontage beyond the first 8.0 metres in length, where the City has mandated storm pond land with street property frontage.

### Stipulation

Where open space lands have been incorporated into the lands of a storm water management pond, the City will not contribute to the underground or aboveground works abutting the street property frontage of the open space portion of the storm pond lands;

- iii) Which is vacant and can be developed through a Planning Act application. In this particular case, the Proponent shall pay the initial upfront servicing cost adjacent to the vacant City land and this cost shall be identified under a 'Cost Recovery' schedule of the City's Subdivision Agreement for the front-ending

Proponent. Payment for the works which relate to the City land shall be made at the time of final release of a development or subdivision application on the vacant land or, in the case of underground works, when an application is made for a service connection to the underground works; and,

- iv) That is currently used for the operation of the City such as fire halls, public works yards, arenas or community centres. The City's share of underground works shall be paid at the time when an application is made for a service connection to the underground works. The Proponent shall pay the initial upfront servicing cost adjacent to the City land and this cost shall be identified under a 'Cost Recovery' schedule of the City's Subdivision Agreement for the front-ending Proponent.

### **Stipulation**

There shall be no contribution by the City toward the cost of aboveground works as the City facility is considered existing development benefiting from previous road access.

### **Note**

The City's contribution towards the cost of underground works shall be calculated by taking the street property frontage of City land as a percent of the total street property frontage abutting the limits of the underground works for the street abutting the City land and applying that percentage to the total cost of the underground works, including all applicable overhead.

Contribution toward the cost of aboveground works by the City on new roads within development plans shall be based on the New Roads Servicing Rate multiplied by the street property frontage of the City land.

## **L23. Fencing Adjacent to City Lands**

Where a development abuts City land or land to be transferred to the City as a condition of development approval and a Proponent is required to install a fence to separate the developed lands from City lands, the Proponent shall pay the full cost of the fence installation. For lands transferred to the City to fulfil the requirement for parkland dedication under the *Planning Act*, the cost to install a fence separating parkland from development land shall be shared equally between a Proponent and the City based on the cost to install a 1.50 metre high chain link fence.

**Delete L.2.4 as written:**

## **~~L24. Value of Land for Road Allowances~~**

~~Where a Proponent is required to dedicate more than thirteen (13) metres of land to establish a new road allowance width, measured from the centerline of the road allowance to one side to its ultimate width, the City shall compensate the Proponent~~

~~for the value of dedicated land beyond 13 metres in width on that side of the road allowance, for the length of the conveyance.~~

~~Daylight triangles and daylight radius curves are not included in the calculation to determine over-dedication of land to establish or widen road allowance.~~

~~Land value shall be determined by the City's Real Estate Section and shall be funded from the Development Charge Reserve.~~

**And replace with:**

#### **L.2.4. Value of Land for Road Allowances**

Where a Proponent is required to dedicate more than thirteen (13) metres of land to establish a new road allowance width for a residential road, and more than 16m for a non-residential road, measured from the centerline of the road allowance to one side to its ultimate width, the City shall compensate the Proponent for the value of dedicated land beyond 13 metres in width on that side of the road allowance for a residential road, and 16m for a non-residential road, respectively, for the length of the conveyance. For clarity, non-residential roads include those roads that are meant to carry mixed traffic and not solely residential traffic.

Daylight triangles and daylight radius curves are not included in the calculation to determine over-dedication of land to establish or widen road allowance.

Land value shall be determined by the City's Real Estate Section and shall be funded from the Development Charge Reserve.

**....Revision complete**

#### **L25. Storm Water Management Facilities**

- Contribution by the City toward the cost of storm water management facilities will be limited to the 'growth related' component of the capital project cost as outlined in the Development Charges Background Study which includes construction, land and applicable overhead.
- Piping and headwalls for the conveyance system to a storm water management facility are not included in the 'growth related' component of the capital project cost and shall be constructed at the expense of the Proponent unless otherwise stipulated by the City's storm water master plan, master drainage plan or watershed/sub-watershed study and development charge background study.
- Storm water management facilities and on-site open watercourse improvements for non-residential development shall be constructed at the expense of the Proponent unless otherwise stipulated by the City's storm

water master plan, master drainage plan or watershed/sub-watershed study and development charge background study.

## **L26. Availability and Timing of Funding by the City**

- Timing of payment for the City's share of servicing costs in any year for works constructed under is subject to availability of funding in the capital budget as approved by the City for that year. [Appendix K - Protocol for City Share](#) further outlines the Protocol for Repayment of City Share.
- Any Proponent requesting allocation of funding for the City's share of servicing costs under Development Applications shall do so, in writing to the City's Senior Director of Growth Management, prior to August 1<sup>st</sup> of previous calendar year. Such requests can apply to completed works or imminently proposed works.
- Any development requiring the City's share of works to be paid beyond the approved Capital Budget amount for that year shall require the approval of City Council. The Senior Director of Growth Management Division may authorize funding to be paid during the year for completed eligible projects not initially allocated funding during the Capital Budget process, subject to the availability of reserved monies funded that year.
- Where the total City's share of servicing cost, before overhead, under the Schedule of Works approved by the City is greater than fifty thousand dollars (\$ 50,000) a public tender process must be carried out by the Proponent to award the contract.

### **Note**

- For all works constructed under development applications where a Proponent increases the size and/or length or alters the routing and/or configuration of works in their own interest, then contribution by the City toward the cost of such works, if applicable, shall apply to only the portion of works required by the City's policies, design criteria standards and specifications.

### **L3. Cost Recovery Policies**

#### **L3.1. Cost Recovery in favour of Proponent**

A Proponent is required to pay the initial up-front cost, less City contribution, of all works required to service land to be developed, including the cost of works which may be required through or adjacent to lands of others, except City owned land as described under this policy.

For further clarity, the Proponent is required to install services at their cost up to the limit of the property.

#### **Works Identified for Cost Recovery**

A front-ending Proponent's consulting Engineer shall calculate the estimated cost of works which will benefit the lands of others, identify the benefiting lands and the portion of the cost attributable to the benefiting lands. This information shall be included in the City's 'Cost Recovery' schedule for the purpose of recording future cost recovery obligations of the City in favour of a front-ending Proponent against the benefiting lands.

Temporary works are not eligible for inclusion under the City's 'Cost Recovery' obligation and are described as works which will be removed at the time when the benefiting lands or surrounding lands develop or when the ultimate plan is implemented such as the urbanization of a road. In addition, the City reserves the right to disallow any works from inclusion in the City's 'Cost Recovery' schedule which, in the opinion of the City using reasonable judgment, do not benefit the abutting or surrounding lands.

Where a benefiting land owner is required to resurface or reconstruct a road or remove and replace services identified for recovery under the City's 'Cost Recovery' obligation as a result of development of the benefiting lands, then the cost of the removed item shall be excluded from the City's cost recovery calculation against the benefiting lands.

#### **Determination of Cost Recovery Rates**

Upon completion of works identified in the City's 'Cost Recovery' schedule, the front-ending Proponent's consulting Engineer shall provide the City with a certified progress payment certificate detailing the actual cost of the completed works. The City shall use the costs within the payment certificate to calculate the total cost of the constructed works, less any City share of the construction cost, and determine a rate to be applied to the benefiting lands.

Where the actual cost of the works exceeds the estimated cost as approved by the City, by more than ten percent (10%) then, the rate to be applied to the benefiting lands for the purpose of cost recovery shall be based on the approved estimated cost, plus ten percent (10%).

A copy of the City's calculations shall be provided to the front-ending Proponent's consulting Engineer for review. Upon Agreement by the consulting Engineer and City to the actual costs and recovery rate for the works, the rate for the 'Cost Recovery' shall

be set by the City and applied to the frontage and/or flankage of the benefiting lands. The cost of individual sewer and water service connections shall be based on the actual cost of each connection.

In the instance where development of a benefiting property takes place prior to completion of the works, then the cost calculation to determine a recovery rate shall be based on the unit cost of the incomplete item within the signed tender document for the works.

### **Cost Recovery for New Development**

Where the City receives an application under the Planning Act to subdivide or develop land, which has been identified in the City's 'Cost Recovery' schedule of an existing Subdivision/External Works Agreement as benefiting from previously constructed works, the City shall impose a condition requiring the benefiting land owner to pay their proportionate share of the servicing cost for the works, prior to final release of the Planning Act application.

New development refers to land, or the portion of land, that when subdivided is vacant. Cost recoveries for new development shall apply to the vacant portion of subdivided land only.

### **Cost Recovery for Existing Development**

Where a Proponent is required to construct sewers and/or watermains within roads or easements that are adjacent to existing development, the City will pass a Fees and Charges By-law in accordance with the provisions under the Municipal Act, for the purpose of assessing and charging existing property owners for their share of the cost of services to an existing dwelling or building in fulfillment of its 'Cost Recovery' obligation to a front-ending Proponent. The City will recover the assessed cost, prior to issuance of a sewer and/or water service permit to connect an existing building or dwelling to the sewer and/or watermain.

There shall be no cost recovery imposed on existing development for enhancements to or urbanization of existing roads carried out by Proponents as these lands have already derived benefit of road access prior to the road improvement.

Existing development refers to land, or the portion of land as determined by the City, exercising reasonable judgment, where a building or dwelling exists prior to construction of municipal works by a front-ending Proponent which services the existing dwelling or building.

All monies collected by the City from existing and new development in fulfillment of its 'Cost Recovery' obligation under the Subdivision/External Works Agreement shall be forwarded to the Proponent named in the Agreement for the works to which the cost recoveries relate.

**Exceptions Include:**

- Where an existing dwelling or building is located within a lot or block of a plan of subdivision, then for the purposes of cost recoveries, the frontage/flankage of the lot or block upon which the existing dwelling or building is located shall be included in all cost recovery calculations by the City;
- Where an application to develop or subdivide land requires or results in the demolition of an existing building/dwelling then, for the purposes of cost recoveries, the whole of the land subject to the development application shall be considered vacant and referred to as new development;
- The City reserves the option to limit recovery costs for mainline sewers and watermains abutting existing houses or buildings to the equivalent of a minimum sized pipe;
- Where the lands of an existing house have the potential to be subdivided in the future and where a connection to sewers or a watermain is made to the house only, the City reserves the option to apply a flat rate recovery charge for the existing house based on the total recovery amount owed against the lands divided by the potential number of lots that could be created by subdivision of the lands. The flat rate charge shall be paid to the City prior to issuance of a sewer and/or water service permit. The balance of the outstanding cost shall be recovered by the City as a condition of a Planning Act application to subdivide the lands;
- Recovery costs for sewers and watermains identified as municipal capital improvement projects funded partly or wholly by Development Charges abutting existing dwellings or buildings shall be limited to the lesser of either the actual non-growth related portion of the project cost or the sewer/watermain extension flat fee under the City's Tariff of Planning and Growth Management Fees By-law; and,
- There shall be no recovery by the City for the cost of storm sewers installed as part of urbanization of an existing rural road which results in removal of the abutting property's overland storm outlet (ditch).

**Limit of 'Cost Recovery' Obligation**

The City's obligation to recover servicing costs under the 'Cost Recovery' provision of its Subdivision/External Works Agreements shall be limited to no more than ten (10) years from the date of registration of the subdivision plan which relates to the 'Cost Recovery' works, or in the case of site plan and consent applications, ten (10) years from the date of final release of the application.

**L32 Cost Recoveries in favour of the City**

**Aboveground Works**

Where the City has previously paid for construction of aboveground works along 0.30 metre reserves under previous Subdivision Agreements, the City shall recover the cost, less the portion identified as over-sizing, from an abutting landowner prior to removal of the reserve. The City shall multiply the 'New Roads Servicing Rate' in effect at the time of payment by the length of the property frontage/flankage of the lands abutting the 0.30

metre reserve. The sum shall be collected by the City as a recovery for the aboveground works.

## **Underground Works**

In the past where the City has previously paid for construction of underground works (sewers and/or water mains) along 0.30 metre reserves under previous Subdivision Agreements, the City shall recover the cost from an abutting land owner prior to removal of the reserve. The cost to be recovered shall be determined based on the as-constructed cost of the works, less the portion of the cost identified as over-sizing, plus applicable overhead. The as-constructed cost shall be divided by the total frontage of the lands abutting the limits of the underground works in order to determine a recovery rate to be applied to the abutting lands. Cost recoveries along 0.30 metre reserves shall be determined by multiplying the recovery rate of the works by the property frontage/flankage of the lands abutting the reserve and the sum shall be adjusted by the Canada Construction Cost Index (Ontario Series) from the month when the works were accepted by the City as complete to the month when a recovery is made by the City.

### **L33. Cost Recovery on Corner Lots with Daylight Triangle/Radius**

Where a corner lot has a daylight triangle or daylight radius thereby reducing the overall length of street property frontage of the lot, then for the purposes of cost recoveries, the length of the frontage and flankage shall be based on the full width (frontage) or depth (flankage) of the lot as if the daylight triangle or daylight radius did not exist.

## **Municipal Infrastructure**

Where it is known that land under a development application is adjacent to works that will be constructed in the future by the City or other Proponents, the City shall collect a security deposit under its Subdivision or Consent Agreement, as the case may be, to secure payment of the Proponent's share of future aboveground and underground works. Security for future aboveground works shall be based on the New Roads Servicing Rate applied to the frontage and/or flankage of the Proponent's lands adjacent to the future works. Security for underground works shall be estimated based on the pipe size of the future underground services.

Following construction of the future works, the City shall invoice the Proponent for the Proponent's share of the actual cost of the works. Upon receipt of payment from the Proponent the City shall release the Proponent's security deposit held under the Subdivision or Consent Agreement.

## **Street Tree Planting**

Where land is subdivided to create single, semi-detached or street town house development, the City shall collect a cash payment from the Proponent for street treeplanting to be carried out by the City at a rate of one tree for the front yard of each lot and unit created and two additional trees along the side yard of each corner lot. The cash payment shall be collected by the City prior to registration of a subdivision plan or prior to execution of a consent agreement by the city.

### **L34. Payment for Future Urbanization of Existing Rural Roads**

Where land is subdivided, adjacent to an existing road of rural cross section which is located within the Urban Area Boundary as defined by the City's Official Plan, the City shall collect a cash payment representing the Proponent's contribution toward the cost to urbanize existing rural roads including local size storm sewer. The requirement to pay toward future road urbanization shall be imposed by the City as a condition of an application to subdivide land. Payment shall be determined by multiplying the New Roads Servicing Rate in effect at the time of payment by the property frontage of the subdivided land which represents new development as defined under this policy and the sum shall be collected by the City prior to final release of the Planning Act application. Development fee tables can be obtained from Planning and Economic Development Department, Growth Management Division.