



**SUBJECT: Construction and mobility management for low density residential development**

**TO: Environment, Infrastructure & Community Services Cttee.**

**FROM: Capital Works Department**

Report Number: CW-15-20

Wards Affected: all

File Numbers:

Date to Committee: June 8, 2020

Date to Council: June 22, 2020

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### **Recommendation:**

Approve the amendment to the Construction and Mobility Management Policy with the addition of Schedule B, as included in Appendix A to capital works report CW-15-20; and

Approve the amendment to the Grading and Drainage Clearance Certificate By-law 52-2018 with the addition of Condition 15 (i.e.: the requirement for a construction and mobility management plan for low density residential development), in the terms and conditions of Schedule A, as included in Appendix B to capital works report CW-15-20.

### **PURPOSE:**

#### **Vision to Focus Alignment:**

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

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### **Background and Discussion:**

At the regular meeting of Council on October 28, 2019 the following staff direction was approved:

- 1) Direct the Executive Director of Environment, Infrastructure and Community Services to prepare an appendix to the Construction and Mobility Management Policy with a focus on Low Density Residential and infill development applications, to establish additional guidelines for established neighbourhood development. The guidelines will ensure that land development does not unduly impact public health, safety, traffic, privacy or environment including flood mitigation in the surrounding area. Staff shall report back to Planning & Development Committee in February 2020 with a recommendation.

The following background information provides context for this requested staff direction:

As developers attempt to maximize the developable area of their site, construction staging on private property is becoming less feasible and as a result, construction staging is occurring on the public road allowance which may adversely impact one's ability to use sidewalks, cycling facilities, parking and streets.

In response to these concerns, Capital Works staff brought forward report "CW-27-19 Construction and Mobility Management Policy" in the Fall of 2019. This policy was focused on major Site Plan development sites. It was approved by Council on September 23, 2019.

This Construction and Mobility Management Policy provides guidelines to:

- Minimize the impacts to sidewalks, cycling facilities, parking and streets during the construction of new development projects;
- Provide consistency in staff's review and approval of proposed developments;
- Successfully manage multiple developments, potentially in close proximity, while maintaining an active city for residents and businesses; and
- Coordinate private development with planned construction by the City, Region of Halton and Utility companies in the public road allowance.

This policy requires that developers provide a Construction and Mobility Management Plan (CMMP), for approval, with every major Site Plan development application. A CMMP shall specify how construction activity will be organized to minimize disruption to the surrounding community, including but not limited to sidewalks, cycling facilities, parking and streets. Concerns that are addressed in a CMMP include:

- Public safety, amenity and site security;
- Construction Schedule
- Operating hours;
- Noise control;
- Air and dust management;
- Stormwater and sediment control;
- Waste management;
- Traffic management;
- Loss of parking;
- Site-generated parking demands (i.e. contractor / tradespeople parking); and

There are generally three stages to a development. The CMMP addresses each of the following stages below:

- Demolition
- Excavation
- Construction

The primary purpose of an amendment to the current Construction and Mobility Management Policy is to establish new guidelines for the approval and management of low density residential construction activities, to ensure that we minimize adverse impacts public health and safety, amenity, traffic and the environment in the surrounding area.

It is understood that the development approval process for low density residential development is not as detailed as for Site Plans. It is also clear that the construction process is significantly different, however concerns related specifically to low density residential development are recognized as problematic for the neighbouring residents.

### **Strategy/process**

Firstly, staff are aware of the challenges related to these developments and the negative impacts to neighbouring residents.

Secondly, staff are also aware that builders/developers will be subject to any proposed changes. As a result, we requested their input to provide a balanced viewpoint.

Thirdly, staff carefully reviewed current policies and By-laws related to the matters under consideration.

### **Primary Concerns of Neighbouring Residents**

- 1) Public safety, amenity and site security
  - a) The road and boulevard should be safe for residents use.
- 2) Waste management
  - a) Porta-Potties should not be located in front of the site and should not cause undesirable odours for the neighbourhood.
- 3) Traffic management & mud tracking on the road
  - a) Resident traffic should not be negatively impacted by construction sites. Traffic should be able to safely pass the site. The construction activities should not cause mud to be tracked on the surrounding residential streets.
- 4) Site-generated parking demands (i.e. contractor / trades parking)
  - a) Trades should not be parking on the road and on the boulevard, blocking traffic and pedestrians.
- 5) Loss of parking

- a) Trades parking should not be taking up all street parking spaces around the construction site.
- 6) Construction Scheduling
  - a) Construction activities are a negative impact to the local residents.
- 7) Management of multiple construction sites in local proximity
  - a) When more than one construction site is in the same area, the negative impacts and much more significant.

#### Primary Concerns of Builders/Developers

The following comments were provided by local custom home builders:

- The CMMP is a requirement for larger sites where there are longer construction periods, disruptions and closures.
- Smaller projects require less time to complete, less road closures, less impact to the neighbourhood, roads, curbs sidewalks, etc.
- Why have the same requirements for large projects ( example: 500 houses/condo units, that take 3-5 year to complete), and new single-family homes or a major renovation to a single-family homes (may take 2 months to a year to complete from servicing to occupancy)?
- This policy will not change how construction will be completed for smaller sites with limited space. Completing a CMMP will not change the fact that trucks will have to haul dirt away from the site. It will not change the fact that trades will need to park on the road or block the road from time to time for deliveries (to load and unload).
- We have typically had few complaints about parking, noise, tree hoarding, site fencing and protection. If complaints occurred, they were addressed through the Site Engineering department by sending a notice to the builder to repair the issue or address the complaints. Through coordination with Site Engineering, we have been able to address all of the issues. If we were to have completed a CMMP, it would not have changed how the project proceeded. It would have only added a cost to the builder and delayed the approval process.
- The trades need to park on-site or in front of the construction site for the following reasons:
  - The trades need access to their tools. In some cases, they have very large tools.
  - Their vehicles are their offices, their factories. A place to get warm in the winter, a place to eat their lunch and make phone calls.
  - Some trades are on-site for only a short period of time, having to make many stops during the day. Parking far away from the project site would be waste a lot of time. They cannot be restricted to 1 site for the whole day.
  - Many other unrelated trades/businesses park on the road. Landscapers and those that cut grass, pool companies, couriers, renovation contractors. The list goes on.

- A vehicle is the safest when it is stationary. Having to move a vehicle for the sake of moving it a few feet maximizes the danger to children.
- Portable toilets are mandatory and must be on every construction site. They cannot be placed at the back of houses as access and moving them could create quite a mess.
- Only 51 homes were built in Burlington last year.
- Families that moved into phase 1 of a 3-phase subdivision have to deal with daily noise, dust, large trucks for years. Such is the construction business.
- I took a drive to look at many construction sites in the low density residential areas. I found all of them to be spotless. Photos can be provided, if requested.
- Lastly, out of 450 Municipalities in Ontario, how many have a CMMP process or protocol in place with this few low density residential construction starts?
- This is the same building process that has take place for many years in Burlington.

## **Options Considered**

### Review of Current City By-laws

- The following By-laws were reviewed. These are currently utilized to manage low density residential construction:
  - Grading and the Drainage Clearance Certificate By-law 52-2018
  - Noise and Nuisance By-law 19-2003
- The City has no mechanism to prevent construction trades from parking on local residential streets. We cannot discriminate against certain groups. The land is publicly owned and unless there are parking restrictions in place for everyone (e.g. no parking/stopping, time limits), there is no legal way to prevent the workers from parking on the roads.
- There are instances in other cities where “residential permit parking only” has been included in their Parking By-laws. This is typically for certain streets but there needs to be a very compelling reason to implement such a restrictive regulation (for example: in urban areas where there are no driveways and on-street parking is in high demand).
- There are also costs associated with these types of permits. Transportation Services does not support recommending such a regulation. A restriction such as this would also be detrimental to those wishing to have visitors and/or have vehicles that are not registered to an address on the street.

### Assessment of Overall Concerns related to a proposed CMMP for Low Density Residential Development

#### 1) Public safety, amenity and site security

As per current practice, site safety and security is the responsibility of the builder, to ensure and maintain via Ministry of Labour requirements and Grading and the

Drainage Clearance Certificate By-law 52-2018. Sidewalks and/or roads are not permitted to be closed for low density residential development.

2) Construction Scheduling

Construction scheduling for low density residential building can be very unpredictable. To force a builder to adhere to a defined schedule would have a large impact on the builder as well as city staff resources for monitoring and enforcement. Construction scheduling is also subject to specified operating hours as explained in the next item.

3) Operating hours

This is currently managed under the Noise and Nuisance By-law 19-2003 as amended, as well as the current interim provincial directives related to COVID-19.

4) Noise control

This is currently managed under By-law 19-2003 as amended, as well as the provincial directives related to COVID-19.

5) Air and dust management

Our current By-laws do not deal with this matter, however it is the responsibility of the Owner and Applicant to ensure that all works on the subject site (the "Site") are completed using air and dust management best practices to minimize negative impacts to adjacent properties.

This shall be included in the CMMP.

6) Stormwater and sediment control

This is currently managed under GDCC approvals, as per By-law 52-2018.

7) Waste Management

Porta-potties should be placed in a location that is convenient for the builder and that will not be directly adjacent to adjacent properties. Every effort should be made to have these facilities located in an appropriate place. It is the responsibility of the Owner and Applicant to ensure that all waste management facilities on the subject site (the "Site") are located to minimize negative impacts to adjacent properties.

This shall be included in the CMMP.

8) Traffic management & mud tracking on the road

A CMMP would not take precedence over current traffic and parking regulations/by-laws. Any traffic contraventions would be managed and enforced by Transportation Services or Halton Regional Police.

Management of mud tracking on the roads is a current condition included in a GDCC permit.

The identification of a construction hauling/delivery route shall be included in a CMMP.

9) Loss of parking

In the current CMMP, “loss of parking” is referring to paid parking spaces. Generally, this is minimal and confined to the vicinity of the construction site. A CMMP could not take precedence over current parking regulations.

10) Site-generated parking demands (i.e. contractor / trades parking)

Low density residential development commonly does not generate a large demand for trades parking. These demands are typically accommodated either on-site, on-street or a combination thereof.

When a greater demand is needed, it’s usually for a brief period during a specific component of construction, within permitted operating hours. If this is proposed to be for a long duration, Site Engineering and the applicant may cooperatively find suitable parking in the area and encourage carpooling at the planning stages of the project.

11) Management of multiple construction sites in local proximity

In consultation with the respective builders, staff will establish suitable conditions for multiple construction sites and the coordination of concurrent construction. Staff will establish a suitable strategy to minimize, as best possible for the neighbourhood.

This shall be included in the CMMP.

Conclusions of Assessment

The following items from the list above were identified as already having By-laws, policies and/or legislative regulations in effect which provide management and enforcement capabilities. It is not necessary to have these matters included in a Construction and Mobility Management Policy for Low Density Residential Development.

- Public safety, amenity and site security
- Construction Scheduling
- Operating hours
- Noise control
- Stormwater and sediment control
- Traffic management & mud tracking on the road
- Loss of parking

The following shall be included in the proposed Construction and Mobility Management Policy for Low Density Residential Development. By doing so, this would allow staff to better manage construction issues related to these projects.

- Air and dust management

- Waste management
- Construction/delivery haul routes
- Impacts to school zones
- Management of multiple construction sites in local proximity

Staff propose to review each low density residential development application with respect to CMMP requirements and request information from the applicant. Where concerns with respect to construction and mobility management persist during construction, staff and the applicant will implement an agreed upon solution.

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### **Financial Matters:**

Not applicable

### **Total Financial Impact**

Not applicable

### **Source of Funding**

Not applicable

### **Other Resource Impacts**

These amendments will increase the staff time required to oversee low density residential construction projects. It is expected that additional staff resources will be needed to administer and regulate these new requirements.

Subject to the current COVID-19 restrictions, staff will review this matter over the course of 2020. If necessary, additional staff resources will be requested in the 2021 Proposed Operating Budget.

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### **Conclusion:**

This assessment has identified that a Construction and Mobility Management Policy for Low Density Residential Development can be established to assist staff with the construction management of Low Density Residential construction.

1. Amending the Construction and Mobility Management Policy with the addition of an appendix related to Low Density Residential Development can accomplish this. Attached in Appendix A, is the recommended amendment to the currently adopted Construction and Mobility Management Policy.



2. In support of the proposed Construction and Mobility Management Policy amendment, the GDCC By-law 52-2018 shall be amended to include the following additional condition in “Schedule A - Terms and Conditions” (see Appendix B):

*15. The Owner and the Applicant agree to provide a Construction and Mobility Management Plan for Low Density Residential Development as detailed in the Construction and Mobility Management Policy – Schedule B, as amended.*

These amendments are supported by Capital Works and Transportation Services staff and recommended for approval.

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Respectfully submitted,

Angelo Capone, C.E.T.  
Coordinator of Site Engineering  
(905)335-7600

### **Appendices:**

Appendix A - Construction and Mobility Management Policy, amended.

Appendix B - By-law 52-2018, to regulate the altering of grades or drainage on Low Density Residential Lands, amended.

### **Notifications:**

Jamie Tellier, City of Burlington

Vito Tolone, City of Burlington

### **Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.

## **APPENDIX A**

### **Construction and Mobility Management Policy**

Approved by Council: September 23, 2019

The intent of the Construction and Mobility Management Policy is to establish new guidelines for the approval and regulation of construction activities associated with land development and to ensure that land development does not adversely impact public health and safety, amenity, traffic or the environment in the surrounding area.

The policy is based on the following principles:

- Minimize the impacts to sidewalks, cycling facilities, parking and streets during the construction associated with land development; and
- Managing multiple developments, potentially in close proximity, while maintaining an active city for residents and businesses.

The Executive Director of Capital Works and the Director of Transportation Services shall be responsible for the administration of this policy. The Executive Director and Director shall be authorized to amend or revise the policy requirements and/or guidelines, from time to time, provided that the policy amendment(s) or revision(s), as the case may be, are in a form satisfactory to the City Solicitor.

#### **Requirements**

Developers will be required to provide a Construction and Mobility Management Plan (CMMP), for approval, with every development application (as identified in the City of Burlington Official Plan), such that staff are able to evaluate feasibility and impact to the public road allowance. The CMMP shall be completed in accordance with the CMMP Guidelines in Schedule A and to the satisfaction of the Executive Director of Capital Works and the Director of Transportation Services.

## Schedule A

### Construction and Mobility Management Guidelines

The following is an index of the Construction and Mobility Management requirements:

- 1. General Requirements**
  - 1.1 Construction Management
  - 1.2 Mid-Rise and High-Rise Construction
  - 1.3 Additional Requirements
- 2. Public Communication**
- 3. Road Occupancy Permit**
- 4. Securities**

#### **1. General Requirements**

An applicant shall pre-consult with Capital Works and Transportation Services staff prior to submitting a Construction and Mobility Management Plan (CMMP). Through pre-consultation, City staff shall outline CMMP constraints and restrictions, including but not limited to emergency access roads that shall not be impacted and/or sidewalks and/or driving lane closures that will not be permitted.

The CMMP shall be a drawing that is plotted on a 24" x 36" sheet and to an acceptable scale. The proposed works shall be underlain by a legal survey. The CMMP shall indicate all existing property lines as well as any required road widening(s) and/or daylight and visibility triangle(s).

#### **1.1 Construction Management**

The following construction management information shall be shown on the CMMP:

- Proposed limits of construction;
- Proposed construction staging areas, including any staging areas required on the City's road allowance for concrete pours, material deliveries, site servicing, etc. and written justification for any construction staging areas on the City's road allowance;
- Show all existing above/below grade services and/or utilities;

- Show the limits of underground parking and dimension distance from the property lines. All elements of the underground parking structure (i.e. walls, foundation drains, shoring, etc.) are required to be within the limits of the subject property;
- Proposed temporary/permanent encroachments on the City's road allowance and written justification for any required encroachment on the City's road allowance;
- Should there be private encroachments onto adjacent properties, a letter (agreeing to such an encroachment from the affected party) shall be submitted to the City;
- Proposed location of mud mat and vehicle wash down area;
- Proposed location of site trailer, material storage and sanitary facilities prior to, during and following excavation for the underground parking structure;
- Written notification of construction sequence including start-finish for any occupancies/closures; and
- Proposed location of crane assembly and swing radius.
- Proposed truck haulage route, location of truck stacking and trades parking (Parking Management Plan may be required);
- Proposed traffic control measures, specifically addressing signage and/or any lane closures/restrictions (All related signing as per OTM Book 7);
- Pedestrian control measures, specifically addressing signage, sidewalk closures/restrictions and pedestrian routing; and
- Temporary and permanent asset removals and relocations (i.e. street lights, parking meters, street signs, etc.);
- Full street and/or lane closures shall be strongly discouraged and generally not permitted, unless extenuating circumstances (which have been mutually agreed to by the developer and the Director of Transportation Services) exist;
- Sidewalk closures are not permitted unless extenuating circumstances (which have been mutually agreed to by the developer and the Director of Transportation) exist. Closure of sidewalks adjacent to Arterial streets is not permitted under any circumstance;
- Loss of on-street parking is not permitted unless extenuating circumstances (which have been mutually agreed to) exist and financial compensation for loss of parking may be required;
- Hoarding and protection shall be provided to safe-guard pedestrians;
- Shoring and formwork must be contained within the limits of the development site. This will result in the potential elimination of "Zero set-backs". No formwork encroachments will be allowed on City property or road allowances; and
- Anchor rods will be permitted to encroach into the road allowances, but will be subject to an Encroachment Agreement.

## **1.2 Additional Requirements**

- The developer shall be responsible to provide a staging and mitigation plan, to be approved by the City and implemented by the developer;

- Coordination of closures between existing and/or proposed adjacent developments as well as other construction projects (i.e.: City and/or Region of Halton projects, utility company projects and City events) must occur. The developer in consultation with the City will be responsible to coordinate financial or otherwise with the above mentioned, to the satisfaction of the City;
- Any encroachments/obstructions shall be progressively removed as the project proceeds including but not limited to moving construction containers/offices/sanitary facilities into the site once construction is above ground, reinstating/repairing sidewalks, curbs and asphalt). The City may request removal of the above at its sole discretion;
- If site dewatering is required, the following shall be outlined:
  - The discharge location(s) and amount (L/s) must be clearly identified;
  - Dewatering equipment and method (quantity/quality controls) shall be specified as well as any associated processes in order to carry out the dewatering; and
  - The applicant is reminded that dewatering discharge must comply with the City of Burlington's Storm Sewer Discharge By-Law No. 086-2002. Water quality testing will be required prior to discharge approval.
- A Vibration Study prepared by a Professional Engineer outlining the following:
  - The anticipated vibration generated by the proposed construction on adjacent lands;
  - The anticipated vibration generated by the proposed construction on itself.
  - Details of the measures proposed to mitigate or reduce the anticipated negative vibration impacts.

## **2. Public Communication**

The developer shall be responsible to submit for approval a Public Communication Plan. The Plan shall include, but not be limited to, the following:

- A preconstruction written notice shall be sent out to all adjacent properties and along the construction access routes, all Emergency agencies (fire, police, and ambulance) as well as any impacted bus authorities (Burlington Transit, GO Transit and School Boards);
- Include all project information on signs surrounding the project site (including but not limited to phone number, email address, fax, website, etc.). Additionally, include project schedule (anticipated completion date) and general working hours;
- An onsite supervisor shall be appointed and a phone number shall be posted onsite and to adjacent residents;
- 48 hours of written notice shall be provided to adjacent properties should any construction operations produce impacts beyond the normal day-to-day operations of the site (including but not limited to excessive noise and/or

vibration, unanticipated construction traffic including large-type deliveries, temporary road closures, any disruption to public transit, etc.);

- Informing of the Mayor and Ward Councillor, business community, residents;
- A link to the development website and social media, to provide construction updates and contact information; and
- Indicate on-site emergency protocols (shall comply with the Ministry of Labour requirements).

### **3. Road Occupancy Permit**

Prior to starting a minor or major construction or demolition project, a Road Occupancy Permit shall be obtained from Transportation Services for any temporary occupation of a City road allowance or right-of-way, including but not limited to construction staging or equipment/material storage.

### **4. Securities**

Securities (as determined by the Executive Director of Capital Works and Director of Transportation Services) shall be deposited in cases where damage to public infrastructure and/or required maintenance may likely occur as a result of occupying the road right-of-way. Additional securities may also be taken for road damage along the proposed haulage route during excavation and construction.

## **Schedule B**

### **Construction and Mobility Management Guidelines for Low Density Residential Development**

The following is an index of the Construction and Mobility Management requirements:

- 1. General Requirements**
- 2. Communication**
- 3. Road Occupancy Permit**
- 4. Securities**

#### **1. General Requirements**

An applicant shall pre-consult with Capital Works and Transportation Services staff prior to submitting a Grading and Drainage Clearance Certificate (GDCC) application. Through pre-consultation, City staff shall outline CMMP for Low Density Residential Developments constraints and restrictions, including but not limited to emergency routes that shall not be impacted and/or sidewalks and/or driving lane closures that will not be permitted.

The requested information shall be provided in writing or on a drawing as agreed upon with staff.

### **1.1 Construction and Mobility Management**

In addition to the current construction management conditions required for the issuance of a GDCC permit, the GDCC application form shall be amended to include the following requirements:

- Air and dust management
- Waste management facility locations
- Construction haul route identification
- Impacts to school zones
- Management of multiple construction sites in local proximity

## **2. Communication**

The applicant/builder shall be responsible to provide the following:

- Preconstruction written notices shall be sent to schools and the school boards, where construction traffic will be passing school properties;
- Include all project information on a sign at the project site (including but not limited to phone number, email address, fax, website, etc.). Additionally, include the project schedule (anticipated completion date) and general working hours.

## **3. Road Occupancy Permit**

Prior to starting the project, a Road Occupancy Permit shall be obtained from Transportation Services for any temporary occupation of a City road allowance or right-of-way, including but not limited to construction staging or equipment/material storage.

## **4. Securities**

Securities already a requirement of the GDCC permitting process. These securities are retained until project completion and final GDCC inspection and approval.

## **APPENDIX B**

### **THE CORPORATION OF THE CITY OF BURLINGTON**

#### **By-law 52-2018**

#### **A By-law to regulate the altering of grades or drainage on Low Density Residential Lands**

WHEREAS Council determines it necessary to enact a By-law for regulating the altering of grades or drainage on low density residential lands within the City of Burlington to limit interference and damage to watercourses, drainage systems and water supplies, to regulate unanticipated grading and drainage alterations, to limit the use of improper fill and potential environmental impacts, to limit erosion arising from such changes and to limit impacts on neighbouring and surrounding properties;

WHEREAS Section 142 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the Council of a local municipality may pass By-laws prohibiting or regulating the placing or dumping of fill, removal of topsoil or fill, alteration of the grades and drainage of land in any defined area or on any class of land;

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

### **CONTENT**

#### **INTRODUCTION**

The By-law provides an explanation of what defines the requirements for a Grading and Drainage Clearance Certificate. It also details the steps involved in submitting an application, calculating fees and securities, issuing a Grading and Drainage Clearance Certificate, and administering/inspecting the site engineering works. The following is an index of the contents of By-law 52-2018.

#### **1. Definitions**



2. Authority
3. Administration
4. General Requirements
5. Application Procedure
6. Grading and Drainage Plan
7. Legal Agreements
8. Fees and Security Requirements
9. Enforcement, Remedial Action and Expense Recovery
10. Offences and Penalties
11. Revocation
12. Renewal
13. Transfer
14. Severance
15. Effective Date

Schedule "A"	Application Form
Schedule "B"	Fees and Securities
Schedule "C"	Drainage System Appurtenances Agreement

## **1. Definitions**

### **1.01 In this By-law:**

- 1.01.01 "Adjacent Lands" means any lot, block, section or parcel of property owned by a Person, other than the Owner of the Site, that shares a property boundary with the Owner of the Site;
- 1.01.02 "Agreement" means a legal agreement between the property Owner and the City;
- 1.01.03 "Applicant" includes any Person, partnership, organization or corporation who or which is the certified agent to act on behalf of the registered Owner of the Site in the application process and the performance of the Site Engineering work;
- 1.01.04 "Approved Subdivision Grading Plan" means a grading plan in a form acceptable to the Director, which is approved at the time of final subdivision approval which illustrates the drainage systems and patterns common to two or more lots in a plan of subdivision;
- 1.01.05 "Body of Water" includes any bodies of flowing or standing water, whether naturally or artificially created;

- 1.01.06 “Certificate” means a Grading and Drainage Clearance Certificate issued pursuant to this By-law;
- 1.01.07 “Certificate Holder” includes the Owner of the Site and any Person, partnership, organization or corporation who or which is the certified agent to act on behalf of the registered Owner of the Site in the performance of the Site Engineering work;
- 1.01.08 “City” means the Corporation of the City of Burlington;
- 1.01.09 “Complete Application” means an application including the contents pursuant to Section 4, 5, 6, 7 and 8 of this By-law, to the satisfaction of the Director;
- 1.01.10 “Council” means the Council of The Corporation of the City of Burlington;
- 1.01.11 “Cut” and “Cutting” means to remove by digging, scraping or scooping;
- 1.01.12 “Director”, means the Director of Capital Works for The Corporation of the City of Burlington and shall include any person authorized by the Director to carry out any of the powers or duties of the Director pursuant to this By-law;
- 1.01.13 “Ditch” means a narrow channel dug in the ground, typically used for Drainage alongside a road or the edge of a field;
- 1.01.14 “Drainage” means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by artificial means;
- 1.01.15 “Drainage System Appurtenance” includes the various accessories on the Drainage System that are necessary for the approved operation of the Drainage System, including but not limited to catch basins, area drains, manholes, infiltration galleries and low impact development measures;
- 1.01.16 “Drainage System” includes areas of land surface that contribute water flow to a particular point;
- 1.01.17 “Dump”, “Dumped” and “Dumping” means the movement and depositing of Fill in a location other than where the Fill originated;

- 1.01.18 “Environmentally Sensitive Area” or “ESA” refers to Environmentally Sensitive Areas identified in the Halton Region Environmentally Sensitive Areas Consolidation Report dated April 2005, as amended;
- 1.01.19 “Erosion” means the detachment and movement of Soil, sediment or rock fragments by water, wind, ice or gravity;
- 1.01.20 “Excavation” means to remove by digging, scraping or scooping out;
- 1.01.21 “Fee” means a nonrefundable payment by certified cheque or cash in a form acceptable to the Director;
- 1.01.22 “Fill” means any type of material capable of being removed from or deposited on lands, including Topsoil;
- 1.01.23 “Flooding” means a large amount of water covering an area of land that is usually dry;
- 1.01.24 “Grade” means the elevation of the ground surface and shall be more particularly defined as follows:
  - 1.01.24.01 “Existing Grade” means the elevation of the existing ground surface of the Site upon which the Placing, Dumping, Cutting or Removal of Fill or altering of the Grade is proposed and of the existing ground surface of Adjacent Lands up to 5 m wide surrounding such Site, except that where such activity has occurred in contravention of this By-law, Existing Grade shall mean the ground surface of the Site and Adjacent Lands as existed prior to the said activity requiring a Certificate under this By-law;
  - 1.01.24.02 “Proposed Grade” means the proposed finished elevation of ground surface of the Site after Fill is Dumped or Placed, the Grade altered or Topsoil Removed; and
  - 1.01.24.03 “Finished Grade” means the approved elevation of ground surface of the Site upon which Fill has been Placed, Dumped, Cut or Removed or the Grade altered pursuant to this By-law.
- 1.01.25 “Grading and Drainage Plan” and “GDCC” means a drawing or drawings pursuant to Section 6 of this By-law, that details the Site Engineering to the satisfaction of the Director;

- 1.01.26 “Inspector” means any Person designated by this or any other By-law of the City as an Inspector for the purposes of this By-law;
- 1.01.27 “Lot” means a parcel of land, described in a deed or other document legally capable of being conveyed, or shown as a block on a registered plan of subdivision;
- 1.01.28 “Low Density Residential Lands” means all Lots that are intended for any single detached dwelling, duplex dwelling or semi-detached dwelling used solely for residential use;
- 1.01.29 “Municipality” means a city, town or village incorporated for local self-government;
- 1.01.30 “Owner” includes any Person, partnership, organization or corporation who or which is the registered owner of, or controls, maintains or occupies lands;
- 1.01.31 “Person” means an individual, property Owner, multiple Persons, partnership or corporation;
- 1.01.32 “Place”, “Placed” and “Placing” means the distribution of Fill on Low Density Residential Lands to establish a Finished Grade higher than the originally Existing Grade;
- 1.01.33 “Ponding” means the accumulation of surface water in an area not having Drainage there from which the lack of Drainage could have been caused by the Placing or Dumping of Fill, altering of Grade or removing of Fill;
- 1.01.34 “Removal” and “Removing” means the moving of Fill off of an existing property;
- 1.01.35 “Security” means a refundable deposit by certified cheque, cash or an irrevocable Letter of Credit in a form acceptable to the Director;
- 1.01.36 “Site” means the Low Density Residential Lands which are the subject of an application for a Certificate pursuant to this By-law;
- 1.01.37 “Site Alteration Permit” means a Site Alteration Permit issued pursuant to City By-law 64-2014, as amended;

- 1.01.38 “Site Control Measures” means Erosion and siltation control measures imposed by the Director pursuant to this By-law;
- 1.01.39 “Site Engineering” means:
  - 1.01.39.01 the Placing, Dumping, Cutting or Removal of Fill from Low Density Residential Lands;
  - 1.01.39.02 the alteration of the Grade of Low Density Residential Lands by any means including Placing, Dumping, Cutting or Removal of Fill, clearing and grubbing, the compaction of Soil or the creation of impervious surfaces,
  - 1.01.39.03 the alteration of the Drainage, Drainage System and/or Drainage System Appurtenances of Low Density Residential Lands; or
  - 1.01.39.04 any combination of these activities.
- 1.01.40 “Soil” means material commonly known as earth, Topsoil, loam, subsoil, clay, sand or gravel;
- 1.01.41 “Storm Sewer” means a sewer for the collection and transmission of uncontaminated water, storm water, Drainage from land or from a Watercourse or any combination thereof under City roads and on City property;
- 1.01.42 “Swale” means a shallow depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of Drainage;
- 1.01.43 “Topsoil” means the upper, outermost layer of Soil, usually the top 5 - 20 cm, containing organic material and includes deposits of partially decomposed organic matter such as peat;
- 1.01.44 “Tree Removal” means digging up, cutting down, bulldozing, pulling down or any other method required to remove a tree;
- 1.01.45 “Vegetation” means trees, shrubs or other plant life found within a defined geographic location;

- 1.01.46 “Watercourse” means an identifiable depression, channel, or Ditch either natural or artificial, in which the flow of water occurs either continuously or intermittently;
- 1.01.47 “Wetlands” means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes, which no longer exhibit wetland characteristics, are not considered to be wetlands for the purposes of this definition; and
- 1.01.48 “Wildlife” means all wild mammals, birds, reptiles, amphibians, fish, invertebrates, plants fungi, algae, bacteria and other wild organisms.

## **2. AUTHORITY**

- 2.01 Nothing in this By-law shall be interpreted so as to permit Site Engineering, which by provisions of any applicable City By-law, Plan, approval, etc. or Provincial Act, Regulation, Policy, etc. or to a provision thereof is prohibited.
- 2.02 Any reference to any City By-law, Plan, approval, etc. or Provincial Act, Regulation, Policy, etc. or to a provision thereof shall be deemed to include a reference to any City By-law, Plan, approval, etc. or Provincial Act, Regulation, Policy, etc. or provision enacted in substitution or amendment thereof.
- 2.03 This By-law shall apply to Site Engineering on all Low Density Residential Lands.
- 2.04 Notwithstanding Section 2.03, this By-law shall not apply to the following:
  - 2.04.01 renovation of an existing building that does not involve changes to the building footprint or changes to the Existing Grade and Drainage of the Site; or
  - 2.04.02 development construction where the Finished Grade is regulated by an approved Site Alteration Permit, Site Plan, Draft Plan of Subdivision, Approved Subdivision Grading Plan or a Consent under Sections 41, 51 or 53 of the *Planning Act* or as a requirement of a Site Plan Agreement or Subdivision Agreement entered into under those sections.

## **3. ADMINISTRATION**

- 3.01 The Director shall be responsible for the administration of this By-law.
- 3.02 The Director shall be authorized to issue a Grading and Drainage Clearance Certificate (GDCC) in the form of an approved Application Form and/or Grading and Drainage Plan including conditions of approval, pursuant to this By-law, and to amend or revise such GDCC, from time to time, provided that the GDCC, amendment(s) or revision(s), as the case may be, are in a form satisfactory to the City Solicitor.

#### **4. GENERAL REQUIREMENTS**

- 4.01 Nothing in this By-law shall exempt any person from complying with any other By-law or requirement of the City, or from obtaining any certificate, license, permission, permit, authority or approval required by any other City By-law, Plan, approval, etc. or Provincial Act, Regulation, Policy, etc. or to a provision thereof.
- 4.02 Where the provision of this By-law conflict with those of any other City By-law, Plan, approval, etc. or Provincial Act, Regulation, Policy, etc. or to a provision thereof, the more stringent requirements shall prevail.

#### **5. APPLICATION PROCEDURE**

- 5.01 Subject to Section 2, no lands shall have any Site Engineering undertaken unless a Grading and Drainage Clearance Certificate has been issued by the Director.
- 5.02 Subject to Section 2, an application for a Grading and Drainage Clearance Certificate shall be made prior to or at the same time as a Building Permit application or any other required permit application.
- 5.03 An application for a Grading and Drainage Clearance Certificate shall include three (3) copies of a Grading and Drainage Plan prepared pursuant to Section 6 and as follows:
  - 5.03.01 where an Approved Subdivision Grading Plan exists, and the Drainage patterns depicted on the Approved Subdivision Grading Plan are being modified, the Grading and Drainage Plan is to be prepared and certified by a Professional Engineer; or
  - 5.03.02 where an Approved Subdivision Grading Plan does not exist, the Grading and Drainage Plan is to be prepared and certified by either an Ontario Land Surveyor or a Professional Engineer.

## **6. GRADING AND DRAINAGE PLAN**

- 6.01 A Grading and Drainage Plan is deemed to be approved when it meets the requirements of this By-law and a Grading and Drainage Clearance Certificate has been issued by the Director.
- 6.02 A Grading and Drainage Plan, pursuant to Section 5.03, shall be to the satisfaction of the Director and include but not be limited to the following:
  - 6.02.01 the metric scale of the drawing;
  - 6.02.02 the property lines of the Site where the Site Engineering is to be undertaken;
  - 6.02.03 the location and dimensions of the City's right-of-way and if the City's right-of-way is not at its deemed width, an Ontario Land Surveyor will need to determine the required right-of-way widening (measured from the original centreline of the City's right-of-way and to 3 decimal places);
  - 6.02.04 the location, dimensions, elevations and use of any buildings and other structures, including fencing, to be protected or demolished or proposed to be erected on the Site and Adjacent Lands;
  - 6.02.05 the location, dimensions, elevations and Grade of existing or proposed driveways, including the locations of existing and proposed driveway curb cuts;
  - 6.02.06 the location, dimensions and elevations of the Existing Grade, including Swales, Ditches and any Drainage System Appurtenances, on the Site and 5 metres beyond the property line for the Adjacent Lands and the location, dimensions, elevations and Grade of any proposed Site Engineering, including Swales, Ditches and any Drainage System Appurtenances, to address Site runoff;
  - 6.02.07 the location and discharge direction of all existing and proposed downspouts and sump pumps;
  - 6.02.08 the location of all existing and proposed services (water, sanitary and storm) and appurtenances and all aboveground utility locations;
  - 6.02.09 the location, dimensions and instrument number of any existing or proposed easements;



- 6.02.10 the location of all Site Control Measures;
  - 6.02.11 the locations of all public and private trees and tree protection measures;  
and
  - 6.02.12 the location of Environmentally Sensitive Areas, lakes, streams,  
channels, Ditches, Swales, Water Courses and other bodies of water on  
the site and 15 m beyond the property lines for Sites less than 0.2 ha,  
and 30 m beyond the property lines for Sites greater than 0.2 ha.
- 6.03 Following the issuance of a Grading and Drainage Clearance Certificate, a Person shall only undertake Site Engineering pursuant to the approved Grading and Drainage Plan.

## **7. LEGAL AGREEMENTS**

- 7.01 A Drainage System Appurtenances Agreement, pursuant to Section 2 of the *Drainage Act*, R.S.O. 1990, c. D.17, as amended, shall be executed and registered against title on the site when the Grading and Drainage Plan includes Drainage System Appurtenances on the Site and for the Site's Drainage only.
- 7.02 The Drainage System Appurtenances Agreement shall be to the satisfaction of the City Solicitor and shall be in accordance with Schedule "C".
- 7.03 The Fees associated with Drainage System Appurtenances Agreement shall be paid by the Owner, pursuant to Section 8 of this By-law.
- 7.04 When the provisions above have been fully complied with, to the satisfaction of the Director, the Certificate Holder's Securities shall be eligible for release, pursuant to Section 8 of this By-law.

## **8. FEES AND SECURITY REQUIREMENTS**

### ***Fees***

- 8.01 The Fees for processing, administration, renewal and inspection for a Grading and Drainage Clearance Certificate and the Fees for preparation, registration and disbursement for a Drainage System Appurtenances Agreement shall be in accordance with the City's Rates and Fees by-law, as amended.
- 8.02 Where unauthorized Site Engineering works occur prior to the issuance of a Grading and Drainage Clearance Certificate, and the Director determines that a

Certificate can be issued, the Certificate fees will be as identified in the City's Rates and Fees by-law, as amended, in addition to all other applicable fees, costs and Securities related to the Certificate and the costs of rehabilitation and/or reinstatement of the site as may be required by the Director.

### ***Inspection Fees***

- 8.03 The prescribed inspection fees for a Grading and Drainage Clearance Certificate are included in the application fees detailed in the City's Rates and Fees by-law, as amended.
- 8.04 Additional Inspection Fees, as identified in the City's Rates and Fees by-law, as amended, refer to additional inspections being required by the City, in circumstances where the Certificate Holder's contractor has not complied with the conditions of the Certificate and remedial work is required to meet the conditions of the Certificate.

### ***Security Requirements***

- 8.05 Securities, as identified in Schedule "B", shall be required in the form of a certified cheque, cash or irrevocable Letter of Credit in a form acceptable to the Director.
- 8.06 Securities may be required to ensure maintenance of Site Control Measures, proper rehabilitation, to prevent fouling or tracking of soil, mud, or debris on roads and highways of the City and Halton Region, and to secure performance of the Applicant's and Owner's obligations pursuant to this By-law and any Certificate that is issued, including as may be needed, returning the Site and/or the City's right-of-way to its original condition so far as possible, carrying out the work under the Certificate, and complying with other provisions of the By-law including rehabilitation of the Site.
- 8.07 Securities must remain in effect for the full duration of the Certificate.
- 8.08 It is the responsibility of the Certificate Holder to obtain the approval of the Director that the Site has been adequately reinstated and stabilized in accordance to this By-law and the plans accompanying the Certificate and to request that the City carry out a final inspection of the Site and obtain the approval of the Director that this By-law and terms and conditions of the Certificate have been complied with by the Certificate Holder.
- 8.09 When the provisions above have been fully complied with, to the satisfaction of the Director, the Certificate Holder's Securities shall be released.

- 8.10 If the Certificate is revoked, the Securities are to remain in effect until the Site is restored to a condition acceptable to the Director.

## **9. ENFORCEMENT, REMEDIAL ACTION AND EXPENSE RECOVERY**

- 9.01 The Director shall be responsible for the enforcement of this By-law.
- 9.02 The Director, or any person acting under his or her direction, may enter upon any Site or Adjacent Lands at any reasonable time without a warrant for the purpose of inspecting the lands, machinery, equipment, work, activity or documents to determine:
- 9.02.01 whether the Site conforms to the standards prescribed in this By-laws; or
  - 9.02.02 whether a notice of contravention, Order to Comply or Certificate made under this By-law has been complied with.
- 9.03 It is the responsibility of the Owner and Applicant to ensure that any changes in grading and drainage will not have a negative impact on neighbouring properties, pursuant to City Drainage By-law 17-2018, as amended, and to comply with all other City by-laws.
- 9.04 If the Owner fails to comply with this By-law, the Director may issue an Order to Comply to the Owner and the Owner shall, at the Owner's sole expense, bring the Site into compliance with this By-law.
- 9.05 An Order to Comply issued pursuant to Subsection 9.03 of this By-law shall specify the date on which the Site is to be brought into compliance.
- 9.06 The Order to Comply shall be served: (i) upon the Owner by personal service or (ii) by mailing a copy of the notice by registered mail to the last known address noted on the tax assessment roll and shall be deemed to have been served five (5) days after it is mailed.
- 9.07 In the event that an Order to Comply issued pursuant to Subsection 9.03 of this By-law is not complied with by the specified date, the City may take such action as necessary to rectify and remedy the contravention of this By-law at the Owner's sole expense and the City may send an invoice to the Owner of the expenses incurred by the City thereto. In the event of failure to pay the entire invoice within thirty (30) days of the date of the invoice, at the discretion of the Director, the outstanding balance of the invoice may be added to the tax roll of the Owner's property as municipal taxes and collected in the same manner as municipal taxes.

## **10. OFFENCES AND PENALTIES**

10.01 Every Person, other than a corporation, who contravenes any provisions of this By-law, the terms or conditions of a Certificate issued pursuant to this By-law or an order issued pursuant to this By-law and Section 444(1) or 445(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, is guilty of an offence and, upon conviction, is liable:

10.01.01 on a first conviction, to a fine of not more than \$10,000; and

10.01.02 on any subsequent conviction to a fine of not more than \$25,000.

10.02 Every corporation that contravenes any provision of this By-law, the terms or conditions of a Certificate issued pursuant to this By-law, or an order issued pursuant to this By-law and Section 444(1) or 445(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, is guilty of an offence and on conviction is liable:

10.02.01 on a first conviction, to a fine of not more than \$50,000; and

10.02.02 on any subsequent conviction to a fine of not more than \$100,000.

## **11. REVOCATION**

11.01 A Grading and Drainage Clearance Certificate which was issued pursuant to this By-law may be revoked by the Director for the following reasons:

11.01.01 the Certificate Holder has failed to comply with the provisions of this By-law;

11.01.02 the Site Engineering authorized under the Certificate has been halted for a period of 1 year;

11.01.03 the Certificate was obtained on mistaken, false or incorrect information;

11.01.04 the Certificate was issued in error;

11.01.05 the Certificate Holder requests in writing that the Certificate be revoked;

11.01.06 the Site has been transferred and the new Owner has not complied with the requirements under Section 13 of this By-law.

11.02 Where a Certificate has been revoked under this section or for any other reason pursuant to this By-law, the Certificate Holder shall forthwith cease all work under

the revoked Certificate and restore the Site and City right-of-way to a condition acceptable to the Director.

## **12. RENEWAL**

12.01 A Grading and Drainage Clearance Certificate which has been revoked and which was issued pursuant to this By-law may be renewed by the Director provided:

12.01.01 a period of not more than 6 months has passed from the date of revocation;

12.01.02 a written request for renewal is submitted to the Director;

12.01.03 a payment of one-half of the original Application Fee is submitted to the Director; and

12.01.04 the proposed work, which was the subject of the revoked Certificate, has not been revised.

12.02 A Certificate which has been renewed pursuant to this section shall thereafter be treated as a new Certificate except that it shall not again be renewed, unless specifically noted in the Certificate.

## **13. TRANSFER**

13.01 A Grading and Drainage Clearance Certificate shall be revoked upon the transfer of ownership of the Site unless the new Owner provides written commitment to comply with all conditions under which the Certificate was issued, prior to transfer of the Site, including:

13.01.01 compliance with this By-law; and

13.01.02 agreement to provide security in a form and amount acceptable to the Director, at which time any security previously provided by the original Certificate Holder pursuant to this By-law shall be released.

13.02 Failing the written commitment from the new Owner, the Certificate shall be deemed revoked as of the date of property ownership transfer.

13.03 A Certificate is not transferable to another Site.

**14. SEVERANCE**

14.01 In the event that any provision or part of a provision in this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

**15. EFFECTIVE DATE**

15.01 This amended by-law shall come into force and take effect on enactment.

Schedule "A" to By-law No. 52-2018

Grading and Drainage Clearance Certificate (GDCC)



Community Planning  
P.O. Box 5013, 426 Brant St.  
Burlington, ON L7R 3Z6  
905-335-7642 [burlington.ca](http://burlington.ca)

**CONSOLIDATED PRE-BUILDING PERMIT APPLICATION  
FOR DETACHED, DUPLEX OR SEMI-DETACHED DWELLINGS**

(Zoning Clearance Certificate; Grading and Drainage  
Clearance Certificate & Forestry Review)

<b>Site Address:</b>	
<b>Detailed Project Description:</b>	

Scope of Work (check all that apply)			
New Dwelling		Accessory Building or Structure	
Addition to dwelling		Roofed over patio or deck	
Internal or external renovation		Uncovered deck	
Accessory Dwelling Unit		Other:	

Applicant Information: Note the City will only communicate with the applicant	
Applicant is: <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Other: _____	
Name:	Phone #:
Company Name (if applicable):	
Mailing Address:	
City:	Province: Postal Code:
Email:	

Registered Property Owner: If different from above	
Name:	Phone #:
Mailing Address:	
City:	Province: Postal Code:
Email:	

**Declaration of Applicant:** I, \_\_\_\_\_, certify that:  
(Print name)

1. The information contained in this application, attached documents, plans and specifications, and any other attached documentation is true to the best of my knowledge.
2. I have authority to bind the corporation or partnership (if applicable).
3. Where a Grading and Drainage Clearance Certificate is required, I acknowledge and accept the Grading and Drainage Clearance Certificate "Terms and Conditions" listed in Schedule A.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)

**Property Owner Authorization** (required if Applicant is not the Property Owner)

I/We \_\_\_\_\_, being the registered Owner(s) of the subject  
(Print name)  
lands hereby authorize \_\_\_\_\_ to prepare and submit this  
(Print name)  
Consolidated Pre-Building Permit Application (Zoning Clearance Certificate, Grading and Drainage  
Clearance Certificate and Forestry Review), and to act on my/our behalf as the authorized Applicant.

\_\_\_\_\_  
(Signature of Owner(s))

\_\_\_\_\_  
(Date)

*Personal information contained on this form is collected under the authority of the Municipal Act, 2001, as amended, and in accordance with the Municipal Freedom of Information and Protection of Privacy Act, as amended, to process Zoning Clearance Certificate applications, Grading and Drainage Clearance Certificate applications and Tree Permit applications. Questions regarding the collection of this information may be addressed to the Manager of Development Planning, Community Planning.*

**Submission process for applications while City Hall is closed due to COVID-19 pandemic:**

- Complete pages 1-8 of application and submit to [zoning@burlington.ca](mailto:zoning@burlington.ca) along with all required checklists, plans and reports.
- Subject line should state: "New ZC application\_applicant name\_property address"
- Staff will contact you concerning payment of fees.

**For office use only**

ZC File #: \_\_\_\_\_

ZC Fee: \$ \_\_\_\_\_

GDCC File #: \_\_\_\_\_

GDCC Fee: \$ \_\_\_\_\_

Method of payment: \_\_\_\_\_

Receipt #: \_\_\_\_\_

Date: \_\_\_\_\_

File taken in by: \_\_\_\_\_



**A. FEES SUBMITTED AT TIME OF APPLICATION**

(submit this form with application)

<b>ZONING CLEARANCE CERTIFICATE – ZCC</b>	<b>Fee</b>	<b>Select applicable fee</b>
* New Detached, Semi-detached or Duplex dwelling unit including residential reconstruction	\$460.00	
* Renovation to create an Accessory Dwelling Unit	\$450.00	
* Addition to Residential Dwelling Unit	\$300.00	
* Deck, Porch, Accessory Building or Residential Basement Finish	\$220.00	
* Zoning Exemption	\$100.00	
<b>GRADING &amp; DRAINAGE CLEARANCE CERTIFICATE – GDCC (select one)</b>		
* New Detached or Semi-Detached Dwelling, Large Addition ( $\geq 75 \text{ m}^2$ ), Large Accessory Building/Structure ( $\geq 75 \text{ m}^2$ )	\$1,377.00	
* Second Storey Addition, Small Addition, Small Accessory Building/Structure, Porches and Patios	\$306.00	
* Uncovered decks with no grading alterations (Exempt from GDCC)	No fee	
<b>FORESTRY REVIEW FEE</b>	No fee	
<b>FEES PAYABLE AT TIME OF APPLICATION:</b>		

**B. ADDITIONAL FEES DETERMINED DURING PROCESSING**

<b>ZONING CLEARANCE REVIEW FEES</b>	<b>Paid during processing if applicable</b>
ZCC Plan Revision Fee	50% of base zoning review fee
* applicable from 3 <sup>rd</sup> plan submission onwards	
<b>GRADING &amp; DRAINAGE CLEARANCE CERTIFICATE FEES</b>	<b>Paid during processing if applicable</b>
* GDCC Additional Inspection Fee (per inspection)	\$150.00
* GDCC Extension or Renewal	50% of initial application fee
* GDCC Securities (minimum \$5,000.00)	Determined by Site Engineering Staff
<b>FORESTRY FEES (submitted to RPF Dept):</b>	<b>Paid during processing if applicable</b>
* Tree Permit for Development Application (per property)	\$680.00
* Tree Permit for Non-Development Application (per property)	\$390.00
* Tree Replacement Compensation	Determined by Forestry Staff
* Securities – Tree Permit	Determined by Forestry Staff

**SUBMISSION FORM**

**This Submission Form must be completed by the applicant and will be reviewed by staff. Incomplete applications will not be accepted.**

Zoning Information	Provide below
Zone Designation:	
Is property within a designated area for lot coverage?	
Is property in a Character Area (Roseland, Shoreacres or Indian Point)?	
Provide deemed street width (see Zoning By-law, Part 1, Section 2.27):	
Is street(s) at deemed width? (contact <a href="mailto:geomatics@burlington.ca">geomatics@burlington.ca</a> if necessary)	

Grading & Drainage Information (see pages 7-12)	Yes or No	Staff Review
Is a Grading & Drainage Clearance Certificate required?		
Is a Grading & Drainage Plan required?		
Is a Stormwater Management Brief required?		
Is a Geotechnical Investigation required?		

Plan Submission Requirements	✓	Staff Review
Electronic submission of all plans. Site Plan and Grading & Drainage Plan must be prepared at same metric scale with legible dimensions.		
Applicable Zoning Clearance Certificate Checklist (select from new dwelling; additions; accessory dwelling units; accessory buildings and structures; or decks & roofed over patios)		
Forestry Checklist (pages 5-6)		
Grading and Drainage Plan Requirements Checklist (pages 7-8)		

Is approval from other agencies required? If yes, approval must be submitted with application.	Yes or No	Staff Review
Conservation Halton Permit or approval		
MTO Permit		
Niagara Escarpment Commission Development Permit		
Pipeline approval		
Burlington Hydro		
Other: _____		

**FORESTRY REVIEW**

Checklist to be submitted with Application
--

FORESTRY REQUIREMENTS	Applicant's initials or n/a	Staff Review
Arborist Report and Tree Preservation Plan		
Location and radial dimension of Tree Protection Zones indicated		
Tree Replacement Plan		
Completed Table of Tree Details		

TREE PERMIT FEES	Fee
Development Related Application * new dwelling, additions, accessory buildings & structures	\$680.00
Non-Development Related Application: * new deck, patio, fence, pool and tree removal for maintenance purposes	\$390.00

**Compensation:** Trees that are injured or removed under the provisions of a tree permit will need to be replaced using the City's method of calculation. The tree's size as well as the overall condition rating will impact the total number of cm required to be replaced.

**TABLE OF TREE DETAILS**

The Table of Tree Details must be submitted with the Tree Permit application for both public and private trees within the City of Burlington.

**Note:**

- All work within a tree's critical root zone constitutes injury
- Removal of City trees may require Council approval
- Shared and neighbours trees are protected by the Provincial Forestry Act (RSO 1990) Section 10. Signed approval from the neighbour will be required.

**Instructions:**

- Complete one row for every tree, row one is completed as an example
- Use the information from your Arborist Report
- Add additional rows as required on a separate sheet

Tree No. (as indicated on site plan)	Tree species	Diameter at Breast Height (1.37m above grade)	Injure or remove	Tree ownership (private, public, shared, neighbours)
1	Norway maple	30	remove	Private

**GRADING & DRAINAGE PLAN REQUIREMENTS – BY-LAW 52-2018****Checklist to be submitted with Application**

Is a Grading & Drainage Clearance Certificate required?		✓ if applicable	Staff Review
<b>YES</b>	New dwellings, large additions, large accessory buildings and structures		
	Second storey additions, small additions, small accessory buildings and structures, porches and patios		
<b>NO</b>	Uncovered deck with no grading alterations		

Is a Grading & Drainage Plan prepared by an OLS or Professional Engineer required?		✓ if applicable	Staff review
<b>YES</b>	New dwellings, including reconstruction on existing foundation		
	Large and small additions to dwellings		
	Large and small accessory buildings and structures		
	Basement walkout		
	Applications including the creation of additional impervious area (i.e. covered decks and porches) in the side or rear yard		
	Applications including new catchbasins, area drains, infiltration galleries and/or low impact development measures		
	Applications requiring an NEC permit where the permit conditions indicate that a Grading and Drainage Plan is required by Site Engineering staff		
<b>NO</b>	Second storey addition only		
	Applications including the creation of additional impervious area (i.e. covered porches) in the front yard		
	Uncovered decks with no grading alterations		
	Applications requiring an NEC permit where the permit conditions indicate that a Grading and Drainage Plan is not required by Site Engineering staff		

Grading Plan Requirements	Applicant's Initials or n/a	Staff review
Stamped and certified by Ontario Land Surveyor or Professional Engineer		
Drawn to a metric scale of 1:100, 1:200, 1:250 or 1:300		
Show road widening if street is not at deemed width		
All existing and proposed elevations shall be derived from a City of Burlington control monument and reference to the monument shall be provided on the plan		
Existing and proposed grading and/or drainage system appurtenances		
Existing and proposed location, dimensions, elevations and use of any buildings and other structures, including fencing		
Existing and proposed location, dimensions and elevations of any retaining walls to protected, demolished or erected		
Existing and proposed location, dimensions, elevations and grades of any driveways and/or walkways		
Existing and proposed total hard surface area indicated (i.e. asphalt + concrete + roof = xx m <sup>2</sup> )		
Existing and proposed locations and discharge directions of any sump pumps and downspouts		
Existing and proposed location and details of any existing and proposed underground and aboveground services		
Existing and proposed location, dimensions and instrument numbers of any existing or proposed easements		
Proposed location and details of all silt/erosion control and tree protection measures		
Location of any Environmentally Sensitive Areas		
Location and dimensions of Conservation Halton's regulated area		
Location and diameter at breast height of any City-owned or privately-owned trees on the site and within 3 metres of the property line on adjacent lands		

### Grading and Drainage Clearance Certificate Detailed Plan Requirements

1. The Grading and Drainage Plan (the "Plan") shall be stamped and certified by an Ontario Land Surveyor or a Professional Engineer, pursuant to Section 5.03 of By-law 52-2018.
2. Submit three (3) copies of a Grading and Drainage Plan, for approval, pursuant to Section 6 of By-law 52-2018 and in accordance with the following requirements:
  - a) Only a Plan drawn to a metric scale of 1:100, 1:200, 1:250 or 1:300 will be accepted.
  - b) All property lines shall be shown on the Plan.
  - c) If the City's right-of-way is not at its deemed width, an Ontario Land Surveyor will need to determine the required right-of-way widening (measured from the original centreline of the City's right-of-way and to 3 decimal places) and the deemed right-of-way shall be shown on the Plan.
  - d) All site engineering, as defined in Section 1 of By-law 52-2018, shall be shown on the Plan and shall not encroach onto the City's deemed right-of-way or adjacent lands.
  - e) All site engineering shall be in accordance with City of Burlington Lot Grading Standard Drawings S-118 and S-119.
  - f) All restoration of the City's right-of-way shall be shown on the Plan and shall be in accordance with City of Burlington Reinstatement Standard Drawings S-114, S114-A and S-114-B, as required.
  - g) All existing and proposed elevations shall be derived from a City of Burlington control monument and reference to the monument shall be provided on the Plan. For a complete list of control monuments, visit the City's Navigate Burlington webpage:  
<https://navburl-burlington.opendata.arcgis.com/pages/apps>.
  - h) The location, dimensions and elevations of the existing grade, including swales, ditches and any drainage system appurtenances, on the site and 5 metres beyond the property line for the adjacent lands and the location, dimensions, elevations and grade of any proposed site engineering, including swales, ditches and any drainage system appurtenances, to address site runoff shall be shown on the Plan. The proposed site engineering shall be in accordance with the following:
    - i) Drainage system appurtenances shall be designed to accommodate the stormwater runoff of a 5-year storm event and the design shall be certified by a Professional Engineer;
    - ii) Minimum slope for side and rear yard swales shall be 2% or shall require subdrain;
    - iii) Minimum slope for finished ground (except impervious surfaces) shall be 1%;
    - iv) Maximum slope for finished ground (except impervious surfaces) shall be:
      - ☐ 2:1 for slopes less than 0.6 metres in height;
      - ☐ 3:1 for slopes from 0.6 metres to 1.25 metres in height;
      - ☐ 4:1 for slopes greater than 1.25 metres in height; and
    - v) Minimum slope for impervious surfaces (except driveways) shall be 0.5%.
  - i) The location, dimensions, elevations and use of any buildings and other structures, including fencing, to be protected or demolished or proposed to be erected on the site and adjacent lands shall be shown on the Plan. The provided elevations of any buildings and other structures on the site shall include and be in accordance with the following (where applicable):
    - i) Top of Foundation Wall (TFW) – shall be a minimum of 0.15 metres above surrounding finished ground elevations;



- ii) Finished Floor Elevation (FFE) – shall be a minimum of 0.30 metres above TFW;
  - iii) Basement Slab Elevation (BSE);
  - iv) Underside of Footing Elevation (USF); and
  - v) Garage Floor Elevation (GFE).
- j) The location, dimensions and elevations of any retaining walls to be protected or demolished or proposed to be erected on the site shall be shown on the Plan. Any proposed retaining walls shall be located a minimum of 0.3 metres from the property line. Any proposed retaining walls greater than 1 metre in height shall be designed by a Professional Engineer. Any proposed retaining walls greater than 0.6 metres in height may require a barrier.
- k) The location, dimensions, elevations and grade of existing or proposed driveways, including the locations of existing and proposed driveway curb cuts shall be shown on the Plan. Proposed driveways shall be in accordance with the following:
  - i) Normal Driveway – shall be between 2% (minimum) and 8% (maximum); and
  - ii) Reverse Driveway – shall be between 2% (minimum) and 5% (maximum) and shall only be permitted when it is proven by a Professional Engineer that the driveway will not flood during a 100-year storm event.
- l) The location and discharge direction of all existing and proposed sump pumps and downspouts shall be shown on the Plan. Sump pumps shall not discharge to a side yard and both sump pumps and downspouts shall discharge to a permeable surface via concrete splash pads or outlet extensions.
- m) The location of any existing and proposed underground services (water, sanitary, storm, gas and hydro) and appurtenances and any aboveground utilities (overhead lines, poles, boxes, etc.) and any connections to services or utilities on the City's right-of-way shall be shown on the Plan.
- n) The location, dimensions and instrument number of any existing or proposed easements shall be shown on the Plan.
- o) The location and details of all site control measures shall be shown on the Plan.
- p) The location of Environmentally Sensitive Areas, as identified in the Halton Region Environmentally Sensitive Areas Consolidation Report dated April 2005, as amended, lakes, streams, channels, ditches, swales, water courses and other bodies of water on the site and 15 m beyond the property lines for sites less than 0.2 ha, and 30 m beyond the property lines for site greater than 0.2 ha shall be shown on the Plan.
- q) The location and dimensions of Conservation Halton's regulated area shall be shown on the Plan (where applicable).
- r) The location and diameter at breast height (DBH) for any City owned trees shall be shown on the Plan. All City owned trees require tree protection, in accordance with City of Burlington Tree Protection and Preservation Specification SS12A, the location and details of which shall be shown on the Plan. Please Note: The proposed removal of any City owned trees may require Council approval.
- s) The location and diameter at breast height (DBH) for any privately-owned trees on the site and within 3 metres of the property line on adjacent lands and with a DBH of 0.1 metres or shall be shown on the Plan. All other vegetation shall be shown as massed outlines.



## **Schedule A**

### **Grading and Drainage Clearance Certificate Terms and Conditions**

1. It is the responsibility of the Owner and Applicant to ensure that all works on the subject site (the "Site") are completed in accordance with the approved Grading and Drainage Plan (the "Plan") that details the site engineering and forming part of the Grading and Drainage Clearance Certificate (the "Certificate") issued by the City of Burlington (the "City") pursuant to By-law 52-2018, as amended.
2. It is the responsibility of the Owner and Applicant to execute a Drainage System Appurtenances Agreement (the "Agreement"), if required by the Executive Director of Capital Works (the "Director") and register the Agreement against title on the Site when the Plan includes drainage system appurtenances on the Site and for the Site's drainage only, pursuant to By-law 52-2018. The Agreement shall be to the satisfaction of the City Solicitor and shall be in accordance with Schedule "C" of By-law 52-2018, as amended.
3. It is the responsibility of the Owner and Applicant to ensure that any changes in grading and drainage will not have a negative impact on neighbouring properties, pursuant to City Drainage By-law 17-2018, as amended, and to comply with all other City by-laws.
4. It is the responsibility of the Owner and Applicant to document (i.e. photograph/video) the pre-construction condition of the City's right-of-way that is adjacent to the Site and provide copies of this documentation to the City, at its discretion, in order to assess any damage to the City's right-of-way that may have been caused during construction. All damage to the City's right-of-way will be attributed to the construction if the pre-construction condition is not documented.
5. It is the responsibility of the Owner and Applicant to ensure that an Entrance Permit is obtained from the Capital Works Department, if required by the Director, prior to the commencement of any construction.
6. It is the responsibility of the Owner and Applicant to ensure that a Tree Permit is obtained from the Roads, Parks and Forestry Department, if required by the Director of Road, Parks and Forestry, prior to the commencement of any construction, pursuant to Public Tree By-law 68-2013, as amended, and Private Tree By-law 43-2018, as amended.
7. It is the responsibility of the Owner and Applicant to ensure that a Permit for Construction on Public Property is obtained from the Capital Works Department, if required by the Director, prior to the commencement of any construction on the City's right-of-way and to ensure that any restoration of the City's right-of-way is completed in accordance with City of Burlington Reinstatement Standard Drawings S-114, S114-A and S-114-B, as required. Contact City's Utility Coordinator at 905-335-7600 ext. 7668 for permit and additional security requirements.
8. It is the responsibility of the Owner and Applicant to ensure that a Road Occupancy Permit is obtained from the Transportation Services Department, if required by the Director of Transportation Services, for storage of equipment/bins/materials/etc. on the City's right-of-way.
9. It is the responsibility of the Owner and Applicant to ensure that throughout the duration of construction that all City's right-of-ways and adjacent lands are kept in good condition and clear of construction materials and debris. If deemed damaged by the Director, the City's right-of-ways and/or adjacent lands will be restored immediately and to the satisfaction of the Director. All costs associated with restoration of the City's right-of-ways and/or adjacent lands shall be borne by the Owner and Applicant. Failure to complete the restoration works in a period of time deemed satisfactory to the Director may result in the necessary works being carried out by the City's contractor and charged against the security, pursuant to By-law 52-2018, as amended.

10. It is the responsibility of the Owner and Applicant to contact Capital Works staff and request that the City carry out a final inspection of the completed works on the Site, the adjacent lands and the City's right-of-way. If the completed works are deemed acceptable and the terms and conditions of the Certificate have been complied with the securities shall be released.
11. The City of Burlington, its employees, officers, and/ or agents are not responsible for any errors, omissions, or inaccuracies, due to negligence or otherwise. All information should be verified.
12. The Owner and Applicant agree to indemnify and forever save harmless the City, its officers, employees and agents and City Council, from any claim, suit, demand, action, costs or causes of action against the City by any other party, arising out of or in connection with the Certificate or any work, act, matter or thing done or omitted to be done by the City, its officers, employees or agents or City Council pursuant to or in connection with this Certificate.
13. The Owner and Applicant authorize Capital Works Department staff to enter onto the property (exterior only) for the limited purpose of inspecting the proposed, approved and/or constructed works associated with this Certificate, pursuant to By-law 52-2018, as amended.
14. The Owner and Applicant agree to provide "As Constructed" certification in the form of an "As Built" survey plan completed by an Ontario Land Surveyor, to the satisfaction of the Director, prior to staff undertaking a final inspection of the completed works.
15. The Owner and the Applicant agree to provide a Construction and Mobility Management Plan for Low Density Residential Development as detailed in the Construction and Mobility Management Policy – Schedule B, as amended.

**Schedule “B” to By-law No. 52-2018**

**Grading and Drainage Clearance Certificate**

**SECURITIES**

The following Grading and Drainage Clearance Certificate Securities shall be effective upon approval by City Council.

1. For Grading and Drainage Clearance Certificates for new housing development and large additions (floor area increases of 75m<sup>2</sup> or greater) on Low Density Residential Lands:
  - 1.01 Security = \$5,000 minimum
2. For Grading and Drainage Clearance Certificates for small additions (floor area increases of less than 75m<sup>2</sup>) and accessory buildings/decks/etc. on Low Density Residential Lands:
  - 2.01 Security = \$5,000 minimum

**Schedule “C” to By-law No. 52-2018**

**Grading and Drainage Clearance Certificate**

**THIS DRAINAGE SYSTEM APPURTENANCES AGREEMENT**

is made the <#> day of <month>, <year>

**B E T W E E N:**

**THE CORPORATION OF THE CITY OF BURLINGTON,**

(Hereinafter called the “City”)

**OF THE FIRST PART**

- and -

**<NAME>**

(Hereinafter called the “Owner”)

**OF THE SECOND PART**

**WHEREAS** the Owner is the registered owner of the lands municipally known as <address>, legally described as <legal description> in the City of Burlington, in the Regional Municipality of Halton (the “Lands”);

**AND WHEREAS** the Owner has applied to the City pursuant to the provisions of Section 142 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and Section 2 of the Drainage Act, R.S.O. 1990, c. D.17, as amended, for a Grading and Drainage Clearance Certificate (the “Certificate”) pursuant to By-law 52-2018 to allow for the Site Engineering on the Lands (City of Burlington Grading and Drainage Clearance Certificate No. <#>);

**AND WHEREAS** conditional approval of the Certificate and the required Grading and Drainage Plan (the “Plan”) was given by the City on <date>; and

**AND WHEREAS** the execution of this agreement and the registration of this agreement against title to the Lands was a condition of approval of the Certificate.

**NOW THEREFORE:**

1. For the purposes of this agreement:

a. *Site Engineering* – means:

i. the placing, dumping, cutting or removal of fill;

- ii. the alteration of the grade by any means including placing, dumping, cutting or removal of fill, clearing and grubbing, the compaction of soil or the creation of impervious surfaces;
    - iii. the alteration of the drainage, drainage system and/or drainage system appurtenances; or
    - iv. any combination of these activities.
  - b. *Drainage* – means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by artificial means.
  - c. *Drainage System* – includes areas of land surface that contribute water flow to a particular point.
  - d. *Drainage System Appurtenance* – includes the various accessories on the drainage system that are necessary for the approved operation of the drainage system, including but not limited to catch basins, area drains, manholes, infiltration galleries and low impact development measures.
2. The Owner agrees that all Drainage System Appurtenances identified on the Plan shall be completed to the satisfaction of the City at the Owner's expense.
  3. The Owner agrees to complete a video inspection to document the pre-construction condition of the City's storm sewer and provide copies of this documentation to the City, at its discretion, in order to assess any damage to the City's storm sewer that may have been caused during construction. The Owner further agrees that all damage to the City's storm sewer will be attributed to the construction if the pre-construction condition is not documented.
  4. The Owner agrees that prior to the release of securities any drainage system connection to the City's storm sewer shall be cleaned and confirmation of acceptable Mandrel testing and video inspection shall be submitted to the City, for approval.
  5. The Owner agrees that all Drainage System Appurtenances identified on the Plan shall be maintained ensuring the Drainage System Appurtenances function and perform as designed and/or intended. Should any required Drainage System Appurtenances fail to function or perform for any reason, the Owner further agrees to promptly cause the Drainage System Appurtenances to be repaired and/or replaced.
  6. The Owner agrees that all Drainage System Appurtenances identified on the Plan shall not be removed or altered in a manner that would not comply with the Plan without the written consent of the City.
  7. The Owner agrees that, should the City be unable to register this agreement on title of the Lands as a result of incorrect information provided by the Owner, any additional costs incurred by the City to register the agreement will be paid by the Owner to an upset limit of \$250.00.

8. The Owner waives any claim he/she now has, or may have in the future against the City, its officers, employees, servants or agents, and the Owner hereby agrees to indemnify and save harmless the City, its members of council, its officers, employees, servants or agents, or contractors from and against all costs, damages, claims, actions, demands, losses, causes of action, interest or suits that it or they may incur or be put to as a result of or in any way connected with the Drainage System Appurtenances identified on the Plan, or any part thereof, including damage to property or injury or death to any person as a result of the presence and use of the Drainage System Appurtenances or any part thereof by the Owner or in respect of anything undertaken or neglected to be undertaken in connection therewith.
9. The Owner and the City agree that this Drainage System Appurtenances Agreement is transferable to all future owners of this property until such time as the Drainage System Appurtenances are removed from the Lands by the Owner or the City, subject to the terms of this Drainage System Appurtenances Agreement.
10. This Drainage System Appurtenances Agreement and everything contained in this agreement shall run with the Lands and enure to the benefit of and be binding upon the parties, their heirs, administrators, successors and assigns.

**IN WITNESS WHEREOF** the corporate parties have hereunto caused their corporate seals to be affixed and attested by their proper officers and the individual parties have hereunto set their hands and seals, at the times and places indicated.

<p>SIGNED, SEALED &amp; DELIVERED</p> <p>At the City of Burlington This &lt;day&gt; of &lt;month&gt;, 2020</p> <p>Legal Services Approved:</p> <p>Authorized by By-law 52-2018 as amended, Delegated Approval Passed on: June 22, 2020</p> <p>CW-15-20</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>THE CORPORATION OF THE CITY OF BURLINGTON</p> <p>_____ MAYOR</p> <p>Marianne Meed-Ward</p> <p>_____ CITY CLERK</p> <p>Kevin Arjoon</p>
<p>SIGNED, SEALED &amp; DELIVERED</p> <p>&lt;NAME OF CORPORATION&gt;</p> <p>This &lt;day&gt; of &lt;month&gt;, 2020 at the _____ of _____ Province of Ontario</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>&lt;NAME OF OWNER&gt;</p> <p>_____ OWNER</p> <p>&lt;Name&gt;</p>

