



CITY OF KITCHENER CONDITIONS REQUIRED FOR ISSUANCE OF SITE PLAN APPROVAL

The following is a list of conditions requiring completion to the City's Satisfaction prior to Site Plan Approval being granted

- A. **Prior to the commencement of any grading on the site**, the Owner agrees to fulfil each of the conditions which follow:

EROSION AND SEDIMENT CONTROL

- (1) to show all Erosion and sediment control features in detail on a Grading and Drainage Control Plan hereinafter described in Section B(2); to the satisfaction of the (*City's Director of Engineering Services and the Regional Municipality of Waterloo, GRCA or Ministry of Transportation*); and to implement all such erosion and sediment control measures. The Owner further agrees to maintain all such measures to the satisfaction of the City's Director of Engineering Services until the site has been fully developed as determined by the City's Manager of Development Review.

TREE MANAGEMENT

- (2) to prepare a Tree Preservation/Enhancement Plan (*including Arborist's report and letters of permission from adjacent property owners*) as required by the City's Tree Management Policy in effect on the date of the application for site plan approval granted under this Agreement; and to show on the Landscape Plan hereinafter described in Section B(5), the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; to obtain approval thereof from the City's Manager of Development Review; and to implement all approved tree saving measures.

GRCA PERMIT

- (3) to obtain a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from the Grand River Conservation Authority and provide the City's Manager of Development with copies thereof.

UTILITY EASEMENTS

- (4) to grant to the (*City, Kitchener-Wilmot Hydro, or Regional Municipality of Waterloo*), without cost and free of encumbrance, the easement(s) as indicated on the Site Plan.

- B. **Prior to Site Plan Approval** for the proposed development, the Owner agrees to fulfil each of the conditions which follow:

SATISFY PRE-GRADING

- (1) satisfy all pre-grading conditions set out in Section A above.

GRADING AND DRAINAGE CONTROL

- (2) to prepare a detailed Grading and Drainage Control Plan, including infiltration of rooftop runoff where soil conditions permit, showing drainage details for the subject property, abutting properties and public rights-of-way so as to ensure compatible drainage, and to show thereon all existing and proposed connections to the municipal storm sewer, and all detailed erosion and sediment control features; all to the satisfaction of the (*City's Director of Engineering Services, Grand River Conservation Authority, The Regional Municipality of Waterloo or Ministry of Transportation*).

STORMWATER MANAGEMENT DESIGN

- (3) to submit to the satisfaction of the City's Director of Engineering Services a detailed engineering design for stormwater management, or to receive from the Director of Engineering Services an exemption from this requirement.

CITY ROAD WIDENINGS

- (4) to convey to the City, without cost and free of encumbrance, the road widening and/or daylighting triangles as indicated on the Site Plan.

LANDSCAPE PLAN

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

INTERIOR GARBAGE STORAGE/OUTDOOR GARBAGE CONTAINERS

- (6) to show the following on the required Landscape Plan:

(Select One):

- (i) *the location of any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, including those which may be internal to a proposed or existing building;*

OR

- (ii) *the location of any outdoor garbage and recycling containers including deep well units and details for a supporting concrete pad (and, if required by the City's Manager of Development Review, a roofed enclosure having a height sufficient to conceal the containers.)*

FENCING/VISUAL BARRIERS

- (7) to obtain approval of the construction details of all fencing and visual barriers as indicated on the Site Plan, from the City's Manager of Development Review, as part of the approval of the Landscape Plan.

STREETSCAPE

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

TREATMENT OF FUTURE DEVELOPMENT AREAS

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

SITE LIGHTING - DESIGN

- (10) to prepare a Site Lighting Plan, including lighting for any underground parking facilities, and to obtain approval thereof from the City's Manager of Development Review.

MULTIPLE UNIT IDENTIFICATION SIGN

- (11) to prepare a concept plan for a multiple unit identification sign, in accordance with the Emergency Service Policy in effect on the date of issuance of the first building permit for development of the lands to the satisfaction of the City's Chief Fire Prevention Officer.

COST ESTIMATE AND LETTER OF CREDIT

- (12)
 - (i) to provide a cost estimate for 100% of the total cost of all "site development works" to be done by the Owner, as required by this Agreement. Such a cost estimate shall include materials, installations, removals, closures and restorations, project management/co-ordination, and site supervision, inspection and certification of all site development works, and shall be in a form satisfactory to the City's Manager of Development Review
 - (ii) "Site Development Works" to be done by the Owner shall include the following:
 - (a) *On Site works:*
Stormwater management facilities and rough grading; plant material; landscape paving essential to the functioning of the site, landscape structures including but not limited to fencing, screen walls, retaining walls, roofed enclosures for garbage and recyclable materials, planters; fine grading; sodding and seeding; curbing; concrete sidewalks, lighting; paving for vehicular traffic and parking and demarcation of parking on pavement; and
 - (b) *Off Site works:*
closure of redundant driveways; installation of driveway ramps; fine grading and sodding or other approved landscaping within the boulevard. Additional

required off-site works may be done by the City at the Owner's cost, as specified in this Agreement.

- (iii) to provide a Letter of Credit to the City's Manager of Development Review for 50% of the total cost of all site development works in a form satisfactory to the City Solicitor, to be held by the City as security for the completion of the site development works required in the Section 41 Development Agreement

OFF SITE WORKS

- (13) to enter into an Off-site Works Agreement and make payment for said works to the satisfaction of the City's Director of Engineering Services, for 60% of the cost of:
 - (i) the removal of any redundant service connections and the installation of all new service connections to the property;
 - (ii) the installation of new curb and gutter for the closure of all redundant driveways; and installation of new driveways;
 - (iii) the installation of a (*1.5 metre or 1.8 metre or 2.1 metre*) wide, concrete sidewalk(s) on the street(s) in the location(s) generally shown on the Site Plan (payment at 100% of cost or deposit is Owner is constructing the sidewalk).

REGIONAL CONDITIONS

- (14) to arrange for notification, by letter from the Regional Municipality of Waterloo to the City's Manager of Development Review, that any required Regional conditions with respect to Section 41(8) of the Planning Act relating to access to and from Regional road; off-street loading, parking and access driveways; lot grading and drainage; salt management, sidewalks and widenings of Regional roads have been satisfied.

PRIVATE WATER AND SEPTIC SYSTEM APPROVALS

- (15) to obtain approval from the Waterloo Regional Health Unit for all private water systems and the (*City's Chief Building Official or Ministry of the Environment, Conservation and Parks*) for all private sewage systems and to provide written copies of such approvals to the City's Chief Building Official.

MINISTRY OF TRANSPORTATION PERMIT

- (16) to obtain a Building/Land Use Permit from the Ministry of Transportation and to provide the City's Manager of Development Review with copies thereof.

CASH-IN-LIEU OF PARK

- (17) **(Select or omit as appropriate):**
 - (i) to pay to the City of Kitchener Recreational Land Reserve a cash-in-lieu contribution for park dedication in accordance with the City of Kitchener Park Dedication Bylaw, Park Dedication Policy and the Planning Act.

AND/OR

- (ii) to convey land for park or other public recreational purposes to the City in the amount of hectares as indicated on the Site Plan and in accordance with the City of Kitchener Park Dedication Bylaw, Park Dedication Policy and the Planning Act.

The (*land and cash-in-lieu*) amount has been calculated based on the attached Site Plan and may require recalculation if there are changes to the site plan prior to site plan approval.

CASH-IN-LIEU OF PARKING

- (18) to pay to the City a Cash-in-Lieu of Parking payment in the amount of \$ pursuant to the Cash-In-Lieu of Parking Policy in effect on the date that the Owner has completed all other requirements for issuance of the first building permit for development of the lands in accordance with this Agreement, in order to satisfy the deficiency of parking spaces required by the City's zoning by-law. This clause shall remain on title, not to be released, in order to give notice to subsequent purchasers that that portion of the City's parking requirement not actually provided on or off site has been satisfied.

FIRE FLOW DEMAND ANALYSIS

- (19) to submit a fire flow demand analysis conducted by a Professional Engineer, to the satisfaction of the City's Chief Building Official in consultation with the City's Engineering Services, Kitchener Utilities and Chief Fire Prevention Officer, to determine if the proposed development exceeds the capabilities of the water distribution system for fire-fighting purposes per the standards outlined in the City of Kitchener Development Manual or to receive an exemption from this requirement from the City's Chief Building Official.

POLLUTION PREVENTION PLAN

- (20) to submit to the satisfaction of the City's Director of Engineering Services a detailed Pollution Prevention Plan or to receive from the City's Director of Engineering Services an exemption from this requirement.

BUILDING ELEVATIONS (plus 3D MASSING MODEL)

- (21) to submit Building Elevation drawings (*and a 3D Massing Model*) to the satisfaction of the City's Manager of Development Review, which demonstrates how the proposed elevations will meet the intent of the City of Kitchener Official Plan and Urban Design Manual and conform to the City's Zoning By-law.

SITE SERVICING PLAN

- (22) to submit a Site Servicing plan showing the outlets to the municipal servicing system along with the sanitary and storm sewer design sheets will be required to the satisfaction of the City's Director of Engineering Services prior to site plan approval.

EMERGENCY FIRE ROUTE PLAN

- (23) to prepare a detailed emergency fire route plan showing any required emergency fire routes and associated signage to the satisfaction of the City's Chief Fire Official.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (24) to submit a CPTED report, including a detailed maintenance schedule, to demonstrate what measures will be incorporated into the development to address access control, surveillance, territorial reinforcement and target hardening to the satisfaction of the City's Manager of Development Review.

RETENTION OF CONSULTANTS

- (25) to submit a letter acknowledging that the following consultants have been retained during construction/ installation of site works in order to provide certifications for the release of the Letter of Credit:
- (i) the Professional Engineer (hereinafter the "Owner's Engineer") who prepares the design of grading and drainage control plan, site and external servicing plans, municipal service connection designs, and stormwater management reports that are to be submitted pursuant to Sections B (2), (3) & (22) to the satisfaction of the City's Director of Engineering Services;
 - (ii) the qualified Landscape Architect (hereinafter the "Owner's Landscape Architect") who prepares the landscape plan that is to be submitted pursuant to Sections B (5), (6), (7), (8) & (9) to the satisfaction of the City's Manager of Development Review;
 - (iii) the qualified Lighting Consultant (hereinafter the "Owner's Lighting Consultant") who prepares the lighting plan that is to be submitted pursuant to Section B(10) to the satisfaction of the City's Manager of Development Review; and,
 - (iv) the qualified CPTED Consultant (hereinafter the "Owner's CPTED Consultant") who prepares the CPTED report that is to be submitted pursuant to Section B(24) to the satisfaction of the City's Manager of Development Review.

DEVELOPMENT ASSET DRAWING

- (26) A Development Asset Drawing (digital AutoCAD) is required for any new services (Sanitary, Storm, Water) that will be publicly owned with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services.

ENVIRONMENTAL COMPLIANCE APPROVAL (ON-SITE OGS OR SWM POND)

- (27.1) in accordance with Section 53 of the Ontario Water Resources Act and Section 20.3 of Part II.1 of the Environmental Protection Act, an Environmental Compliance Approval is required to the satisfaction of the City's Director of Engineering Services for the following:
- (i) an Environmental Compliance Approval for sewage works will be required by the Ministry of Environment, Conservation and Parks for the on-site oil grit separator ***(This condition is only used for ECA applications that cover privately owned sewage works on industrial or commercial land, that will never be owned or operated by the City of Kitchener);***

- (ii) an Environmental Compliance Approval for sewage works will be required by the Ministry of the Environment, Conservation and Parks for the on-site storm water management pond (***This condition is only used for ECA applications that cover privately owned sewage works on industrial or commercial land, that will never be owned or operated by the City of Kitchener***);

In the event that an Environmental Compliance Approval cannot be obtained for 27(i) and 27(ii) prior to Site Plan Approval, the following alternatives may be provided to the satisfaction of the Director of Engineering Services:

- a) Proof of application to the Ministry of the Environment, Conservation and Parks for the applicable works noted above;
- b) Provide a cost estimate for 100% of the total cost of said works noted above. Such a cost estimate shall include materials, installations, removals, closures and restorations, project management/co-ordination, and site supervision, inspection and certification of all site development works, and shall be in a form satisfactory to the City's Director of Engineering Services; and,
- c) Provide a Letter of Credit to the City's Director of Engineering Services for 100% of the total cost said works in a form satisfactory to the City Solicitor, to be held by the City as security for the completion of the said works required in the Environmental Compliance Approval.

ALTERATION TO CONSOLIDATED LINEAR INFRASTRUCTURE ECA

(27.2) in accordance with Section 53 of the Ontario Water Resources Act and Section 20.3 of Part II.1 of the Environmental Protection Act through delegated authority from the Ministry of the Environment, Conservation and Parks, to submit a request for an alteration to the Consolidated Linear Infrastructure Environmental Compliance Approval is required to the satisfaction of the City's Manager of Environmental Compliance and Utility Performance (Sanitary and Stormwater Utilities) in consultation with the City's Engineering Services for the following:

- a) changing, replacing or extending municipal sanitary sewers and storm sewers (***This condition is only used for ECA applications that cover sewage works, that will be owned or operated by the City of Kitchener***);
- b) adding new or changing existing municipal stormwater management facilities including outlet controls and their appurtenances. (***This condition is only used for ECA applications that cover sewage works, that will be owned or operated by the City of Kitchener***)

SUSTAINABILITY STATEMENT

(28) to submit a Sustainability Statement to the satisfaction of the City's Director of Planning. Further, the approved sustainability measures recommended in the Sustainability Statement will be implemented in the landscape, stormwater management, and building design, to the satisfaction of the City's Manager of Development Review.

COMPOSITE UTILITIES PLAN

- (29) to provide a Composite Utilities Plan to the satisfaction of the City's Manager of Gas Supply and Engineering (Kitchener Utilities).

PROPERTIES MERGED ON TITLE

- (30) that all properties are merged on title with no separate mortgages, liens or other encumbrances that would have the potential effect of separating properties without a Planning Act decision to the satisfaction of the City Solicitor.

SPECIAL CONDITIONS