

Standard Conditions Of Draft Plan Approval

1. Approved Draft Plan:

That this approval applies to the Draft Plan of Subdivision, prepared by Hopkins Chitty Land Surveyors Inc., dated May 14, 2024 which shows the following:

- Eight residential blocks (Blocks 1-8);
- One block for a parkette (Block 9); and
- One block for roadways and common elements (Block 10).

2. Streets and Civic Addressing:

- That Prior to Final Approval**, the Owner shall submit proposed street names for approval by the Planning Services Department and shall be included on the first submission of the engineering drawings. The Streets within this Plan shall be named to the satisfaction of the City, in consultation with the Planning Services Department, in accordance with the City's Civic Addressing and Road Naming By-law.
- That Prior to Final Plan Approval**, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the City's Planning Services Department, in accordance with the City's Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the final plan is registered and the final lot layout has been confirmed.
- For lots with more than one road frontage, the lots will be addressed on the road frontage on which primary vehicular access is situated. Prior to applying for a building permit the Owner shall confirm with the Planning Services Department the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City's Civic Addressing and Road Naming By-Law and emergency response requirements.
- That the Owner shall agree that the location and design of any **construction access** shall be approved by the Municipality and/or the appropriate authority.

3. Reserves and Easements:

- That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

4. Financial Requirements:

- That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services but not limited to including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.

- (b) **That Prior to Final Plan Approval**, the Owner shall submit for the Municipality's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the Municipality's standard format for incorporation into the Subdivision Agreements.
- (c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the Municipality.
- (d) That the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

5. Subdivision Agreement:

- (a) That the Owner shall enter into the Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.
- (b) The Subdivision Agreement between the Owner and the Municipality be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

6. Engineering Drawings:

- (a) **That Prior to Final Plan Approval**, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality's standard format for incorporation into the Subdivision Agreement.

7. Revisions to Draft Plan:

- (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the Municipality.
- (b) **That Prior to Final Plan Approval** of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.

- (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

8. Zoning By-Law Compliance:

- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the *Planning Act*.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

9. Required Studies:

- (a) **That Prior to Final Plan Approval**, the Owner shall submit a **Geotechnical Study**, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (b) **That Prior to Final Plan Approval**, the Owner shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, rev. 1997). The acceptable method for this demonstration would be a **Phase I Environmental Site Assessment (ESA)** performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) or remediation. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

Should site remediation be required to meet the applicable soil and ground water criteria set out in applicable guidelines, the Owner shall submit to the Municipality **Prior to Final Plan Approval**, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.

The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the Municipality, meet the applicable soil and ground water criteria.

- (c) **That Prior to Final Plan Approval** all recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (d) **That Prior to Final Plan Approval**, a **Stormwater Management Report** and implementing plans for the development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality. Such plans shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality.
- (e) **That Prior to Final Plan Approval**, the Owner shall submit a detailed **Noise Impact Study** prepared to the satisfaction of the Municipality and the Ministry of Environment. The recommendations of the Study shall be incorporated into the Subdivision Agreement

and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

10. Archaeological Assessment:

- (a) That in the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.
- (b) That in the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

11. Stormwater Management:

- (a) **That Prior to Final Plan Approval**, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.
- (b) **Prior to Final Plan Approval and Prior to any Works Commencing on the Site**, the Owner shall submit for approval by the Municipality, a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
 - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
 - ii) the location and description of all outlets and other facilities;
 - iii) storm water management techniques which may be required to control minor and major flows;
 - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
 - v) overall grading plans for the subject lands; and
 - vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- (c) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.

12. Parkland Conveyance / Open Space / Environmental Protection Areas:

- (a) That prior to Final Plan approval, the applicant shall provide cash-in-lieu of parkland dedication in accordance with By-Law 2022-145. The submission of a market appraisal by a certified appraiser will be required to determine land valuation and must reflect any change in property designation or zoning.

13. Tree Inventory / Street Trees:

- (a) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft plan, the Owner shall receive final approval from the Municipality for a Tree Preservation plan prepared for the subject lands. The final approved tree inventory plan shall be prepared by an ISA Certified Arborist, and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 6 inches (150 mm) or more in diameter are to be removed from the subject lands, the developer will abide by the conditions of the tree removal permit under the Tree By-Law 2018-05 which may, at the Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the tree is to be removed a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final approval at the discretion of the Municipality. This plan shall be reviewed and approved by the Municipality and be included as a schedule to the Subdivision Agreement. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the Municipality.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit an updated Tree Inventory prepared by a qualified professional, to the satisfaction of the Municipality.
- (c) **That Prior to Final Plan Approval**, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.
- (d) **That Prior to Final Plan Approval**, the Owner shall submit a Tree Preservation Plan prepared by a Landscape Architect to the satisfaction of the Municipality.

14. Canada Post - Community Mail Boxes:

- (a) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mail boxes within the Plan, and shall identify such locations on drawings for approval by the City.
- (b) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of the City, provide detailed design plans for the community mail boxes including a landscape plan showing street furniture and complimentary architectural features.
- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).
- (d) That prior to Final Plan Approval, the Owner shall enter into a Community Mailbox Developer Agreement and pay the Address Activation Fee with Canada Post Corporation for the installation of Community Mail Boxes as required by Canada Post.
- (e) That the Owner shall identify in all offers of purchase and sale, or lease for all lots and blocks within this Plan that mail delivery will be provided via a community mail box, provided that the Owner has paid for the activation and equipment installation of the community mail box, and the locations of all community mail boxes within this Plan. A Notice to Purchasers shall also be included in the Subdivision Agreement to this effect.
- (f) That the Owner shall, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- (g) That the Owner shall provide the following for each Community Mail Box site and to include these requirements on the appropriate drawings:
 - i) Any required walkway across the boulevard, per municipal standards;
 - ii) Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications); and
 - iii) A Community Mailbox concrete base pad per Canada Post specifications.

15. Bell Canada Requirements:

- (a) That the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- (b) That the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

- (c) That the Owner shall provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.
- (d) That the Owner shall provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

16. Enbridge Gas Requirements:

- (a) That as a condition of final approval, the Owner/Developer provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

17. Utilities Requirements:

- (a) **Prior to Final Plan Approval**, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.
- (b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the Municipality.
- (c) Prior to testing and disinfection of the large water services, the Owner shall provide to Utilities Kingston, for its review and written approval, a watermain testing, disinfection and final connection plan that has been prepared by a professional engineer. The plan shall include details about where the testing water is fed from and how the Ministry of the Environment, Conservation and Parks' disinfection requirements will be followed, including a consistent feed of chlorine. It shall also include a description about how the final tie-in will occur. The water service shall be terminated with a meter and backflow preventer within thirty (30) days of the final connection, or the Owner will be required to repeat the testing.

18. Warning Clauses:

That the Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots / blocks within this Plan

- (a) within the entire subdivision plan:
 - "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants."

- “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet Municipality of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions.”
- “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”
- “Purchasers and/or tenants are advised that Ownership includes a share in a Common Elements Condominium which shall own the private roads.”
- “Purchasers and/or tenants are advised that the roads and pathways within the development are privately owned by the Condominium Corporation and will not be assumed by the Municipality. There will be no municipal snowplowing or maintenance of any kind.”

(b) abutting a transit route:

- “Purchasers and/or tenants are advised that the following streets are used as transit routes: Midland Avenue and Tivoli Avenue.

19. Model Homes:

That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the Municipality, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

20. General Conditions:

- (a) That prior to Final Plan Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied.
- (b) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality’s Tariff of Fees By-Law.
- (c) That when requesting Final Approval from the Municipality, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor’s certificate stating that the lots/blocks thereon conform to the frontage and area to the requirements of the Zoning By-Law.
- (d) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
- (e) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the municipality.

- (f) **That Prior to Final Plan Approval**, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
- (g) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality.
- (h) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.

21. Clearance Letters:

- (a) **That Prior to Final Plan Approval**, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- (b) **That Prior to Final Plan Approval**, the City is to be advised in writing by Canada Post the method by which Condition 16 has been satisfied.

22. Lapsing Provisions:

- (a) That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of **three (3) years from the date of issuance of Draft Plan Approval** if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

Notes To Draft Plan Approval:

1. It is the Applicant's responsibility to fulfil the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning and Development Department of the City of Kingston.
2. **Prior to Final Plan Approval**, the Applicant shall submit to the Municipality of Kingston for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
3. When requesting final approval, such a request must be directed to the Planning and Development Department and be accompanied with:
 - Eight (8) mylars and four (4) paper prints of the completed Final M-Plan,
 - four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
 - a Surveyor's Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.
4. All measurements in subdivision final plans must be presented in metric units.
6. The Final Plan approved by the Municipality must be registered within thirty (30) days or the Municipality may, under Subsection 51(59) of the *Planning Act*, withdraw its approval.