

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW No. 2012-064

BEING a by-law to adopt a Lot Grading Policy.

WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

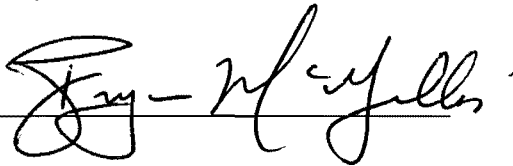
AND WHEREAS Council of the Township of South Stormont desires to adopt a policy to establish general requirements for lots that are subject to lot grading control.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That the Lot Grading Policy, attached hereto as Schedule "A", be adopted effective September 26, 2012.
2. Any other by-laws inconsistent with this by-law are hereby repealed.

READ AND PASSED in open Council, signed and sealed this 26th day of September, 2012.

Mayor



Clerk



THE TOWNSHIP OF SOUTH STORMONT

Schedule "A" to By-law No. 2012-064	Effective Date: September 26, 2012
Title: Lot Grading Policy	Department: Building & Development

1. Scope

This policy provides the general requirements for lots that are subject to lot grading control.

This policy also deals with the general requirements for an As-built Lot Grading Plan with minimum requirements for municipal acceptance for all lots that are subject to lot grading control and, as a condition of obtaining a building permit.

2. Purpose

The Township of South Stormont desires to establish proper guidelines for the design, field control and verification of lot grading. Lot grading and drainage problems can be significantly reduced with appropriate control procedures and the need for expensive alterations eliminated.

3. Policy

It is the policy of the Township of South Stormont that all new lots created by plan of subdivision will have a Lot Grading Plan. Further, should the circumstance require, lots created by severance and lots that are subject to Site Plan Control may also require a Lot Grading Plan. The property owner will be required to maintain the integrity of lot drainage as shown on an approved Lot Grading Plan.

4.0 Procedure

Creation of Lots

Lots Created by Subdivision

The developer provides a General Subdivision Lot Grading Plan as part of the requirements to register a new plan of subdivision.

As a condition of final acceptance of the plan of subdivision, the developer is required to construct all designed swales including slope cover and outlet systems as prescribed.

Unless they are providing final grading, the developer's responsibility for rough lot grading will be completed when the subdivision As-built Lot Grading Plan is accepted by the Township.

Lots Created by Severance, continued

The concerns/issues of proper grading are important for lots created by the severance process as infilling situations within existing urban areas exist.

When a situation arises where lot grading requirements are deemed necessary to ensure proper lot grading, the Manager of Building and Development may require a designed lot grading plan. This requirement may be added as a condition of approval of the severance. The Township must be assured that positive drainage from the proposed new lot(s) can be provided to an outlet and that there will be no negative impact on surrounding properties.

4.1 Building Permit Stage – Lot Grading Deposit

As a condition of issuing a building permit, the owner / applicant must remit the required Lot Grading Deposit, pursuant to the Township's current Fees and Charges By-law. In addition, the owner / applicant is advised that after the lot grading is complete, an As-built Lot Grading Plan, prepared and certified by a Lot Grading Professional (LGP), is required.

Added
by
Res.
Nos.
356/2
012 &
009/2
013

4.2 Lot Grading Professional (LGP)

A LPG may be an [environmental technologist](#), [engineer in training](#), professional civil engineer, C.E.T., architect, architectural technologist, land surveyor or a company providing these services, experienced in lot grading design. The LGP must have a current accreditation to practice in their profession and valid professional liability, i.e. errors and omissions insurance.

4.3 As-built Lot Grading Plan and Certification

Upon completion of construction and lot grading, the owner / applicant must submit an As-built Lot Grading Plan and Certification prepared by a LGP, certifying that the grading on the lot is in general conformance with the approved Lot Grading Plan.

If during construction and lot grading, the owner / applicant is required to deviate from the approved Lot Grading Plan, the owner/applicant shall provide a professional engineer's opinion confirming that surface water run-off will be discharged to a positive drainage system and that the subject property and surrounding properties will not be negatively impacted.

The Manager of Building and Development may give a time extension to complete the lot grading if in his or her opinion, the request is valid.

All lot grading matters / concerns that may arise will be the responsibility of the property owner. It will be the responsibility of the property owner to work with their LGP to resolve any lot grading concerns / issues that may arise. The Township may facilitate a resolution on behalf of any surrounding affected property owners.

When an acceptable As-built Lot Grading Plan of a LGP is received, the lot grading deposit reimbursement will be authorized by the Manager of Building & Development.

4.4 Lot Grading Follow Up

Should the owner / applicant not complete the lot grading or submit the required Lot Grading Plan to receive the Lot Grading Deposit within two years of the issuance of the building permit, the owner will be advised accordingly and the deposit may be forfeited.

This forfeiture however does not relieve the owner / applicant of the lot grading provisions of any and all approved agreement and / or plans. If the Township is required to attend to the lot grading, the cost will be invoiced to the property owner, pursuant to Section 446.1 of the *Municipal Act, 2001*.

Alternatively, the Township may use the forfeited funds to correct on site grading which may include associated engineering costs to conform to approved existing or amended grading plans.

4.5 Lot Grading Records

A complete list of lot grading deposits, corresponding with the appropriate building permit will be maintained by the Township. To ensure accuracy and to retain a current record, the list will be reviewed on a regular basis.

For further information with regards to this policy, please contact the Building and Development Department at:

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