

**THE CORPORATION OF THE CITY OF NORTH BAY  
By-Law No. 2026-015**

**(Private Approach, Lot Grading and Drainage By-Law)**

**Being a By-Law to Regulate Private Approaches  
Placed on Municipal Road Allowances Providing  
Access to Private Abutting Lands in the City of North Bay  
and to Establish Requirements for Lot Grading  
and Drainage to Safeguard Municipal Infrastructure,  
Adjacent Properties, and the Travelling Public  
and to Repeal By-Law 2017-72**

**Table of Contents**

Part 1 – Interpretation .....	3
Part 2 – Application and Administration.....	5
Part 3 – Private Approach Permit.....	5
Part 4 – Private Approach – General Regulations.....	6
Part 5 – Private Approaches for Low Density Residential.....	7
Part 6 – Private Approaches for Public and Institutional Purposes, Commercial and Industrial Properties, and High Density Residential .....	8
Part 7 – Private Approaches to Farms and Fields .....	11
Part 8 – Temporary Private Approaches .....	11
Part 9 – Lot Grading and Drainage Permit .....	11
Part 10 – Lot Grading and Drainage – Plan Submission and Review ...	12
Part 11 – Lot Grading and Drainage – Design Criteria.....	12
Part 12 – Mandatory General Notes.....	13
Part 13 – In-ground Swimming Pools.....	14
Part 14 – As-Built Lot Grading Certification .....	14
Part 15 – Grading Deposit and Release .....	15
Part 16 – Maintenance.....	15
Part 17 – Orders, Remedial Work, Enforcement and Offences.....	15
Part 18 – Liability for Damages .....	16
Part 19 – Repeal of By-Law .....	16
Part 20 – Coming into Force.....	16

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Whereas section 9 of the Municipal Act, 2001, SO 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

And Whereas section 10(1) of the Municipal Act, 2001 provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And Whereas section 10(2) of the Municipal Act, 2001 provides that a single-tier municipality may pass by-laws respecting: the social and environmental well-being of the municipality; the health, safety and well-being of persons; services and things that the municipality considers necessary or desirable for the public; and protection of persons and property;

And Whereas section 96 of the Municipal Act, 2001 provides that a municipality may, for the purpose of preventing damage to property in the municipality as a result of flooding, exercise its powers under the "drainage and flood control" sphere of jurisdiction in relation to flood control in the municipality, in another municipality or in unorganized territory;

And Whereas section 8(1) of the Municipal Act, 2001 provides that the powers of a municipality under the Municipal Act, 2001 shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

And Whereas section 391(1) of the Municipal Act, 2001 provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

And Whereas section 429 of the Municipal Act, 2001 provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act, 2001;

And Whereas the City deems it necessary to regulate private approaches and to establish requirements for lot grading and drainage to safeguard municipal infrastructure, adjacent properties, and the travelling public;

Now Therefore, the Council of The Corporation of the City of North Bay hereby enacts as follows:

## Part 1 – Interpretation

- 1.1 This By-Law may be cited as the “Private Approach, Lot Grading and Drainage By-Law”.
- 1.2 If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 1.3 Definitions. For the purposes of this By-Law:
- “**Apartment**” means a building consisting of five or more dwelling units, which units have a common entrance either directly to the outside or through a common vestibule and the occupants of which have the right to use, in common, halls, stairs, elevators, yards or any combination of the above but shall not include a townhouse.
- “**Boulevard**” means and includes all portions of the highway save and except the sidewalks, shoulder, and roadway.
- “**City**” means The Corporation of the City of North Bay.
- “**City Engineer**” means the Professional Engineer employed by the City under that title or their authorized representative.
- “**Contractor**” means a person who contracts to undertake the execution of work commissioned by an Owner/Agent or the City pursuant to this By-Law
- “**Culvert**” means a sub-surface pipe with a circular, elliptical or rectangular cross-section of any such material approved by the City Engineer, which acts as a conduit for storm water within a highway.
- “**Grade**” means the percentage (%) rate of the rise or fall of the finished ground or private approach with respect to the horizontal.
- “**Easement**” means a right-of-way over the subject land granted to the City or public utilities for its sole use to accommodate the installation and maintenance thereof.
- “**Frontage**” means the length of the common boundary between privately-owned land and the highway or highways;
- “**Highway**” means a public way for purposes of vehicular or pedestrian travel, including the entire dedicated area, with or without provision made for curbs, sidewalks, and/or paved gutters and owned and maintained by the City or Ministry of Transportation and, except as otherwise provided herein, includes the area between the lateral property lines thereof.
- “**Highway Line**” means the line forming a common boundary between private property and the highway;
- “**Intersection**” means the area within the projection or connection of the lateral boundary lines of two or more highways that meet one another at an angle whether or not one highway crosses the other;
- “**Landscaping**” means the installing and/or maintaining outdoor spaces through a combination of soft scaping (plants, soil) and hardscaping (patios, walkways, walls).

**“Lot Grading Professional”** means a professional civil engineer, architect, land surveyor, or landscape architect – or a firm providing these services – experienced in lot grading design and holding a valid Certificate of Authorization to practice in their profession and valid professional liability insurance.

**“Lot Grading and Drainage Plan”** means a plan prepared to demonstrate grading and drainage for a lot in accordance with the requirements of this By-Law.

**“Owner/Agent”** means any person who is the registered owner of land abutting a highway, or any authorized agent thereof.

**“Parking Space”** means that portion of a parking area, exclusive of any driveway or aisle, which is used for the parking of not more than one motor vehicle;

**“Person”** includes any person, association, partnership, corporation, municipal corporation, corporation created under the Condominium Act, 1998, SO 1998, c. 19, as may be amended, organization, agent or trustee, heir, executor or other legal representative of a person to whom the provisions and regulations of this By Law can apply according to law.

**“Private Approach”** means an improved surface and, where required, a culvert within a highway used by the Owner/Agent of private property adjacent to the highway for vehicular access.

**“Private Property”** means all land other than City and Crown land.

**“Property Line”** means the common boundary line between adjacent private properties.

**“Public Garage”** includes a gas bar, a parking station, a parking lot, a building or place where motor vehicles are hired or kept or used for hire, a building or place where vehicles, gasoline or oils are kept for sale, a building or place used as an automobile service station, and a building or place used for washing or cleaning motor vehicles.

**“Residential Property”** means a property for which the sole use is a residential purpose, but does not include an apartment dwelling as defined in the Zoning By-Law or a condominium registered under the Condominium Act, 1998, as may be amended.

**“Roadway”** means that part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.

**“Service Contract”** means an agreement between the City and the Owner covering work performed by the City for the Owner on City property.

**“Shoulder”** means that part of a highway immediately adjacent to the roadway and having a surface of asphalt, concrete or gravel, for the use of vehicles.

**“Sidewalk”** means that part of a highway set aside by the City for the use of pedestrians.

**“Street Line”** means the line defined by the edge of pavement, curb or travelled roadway.

**“Temporary Private Approach”** means a private approach permitted by the City Engineer for a temporary period during construction, repair or improvement on private property or for any other purpose approved by the City Engineer.

**“User Fee By-Law”** means The Corporation of the City of North Bay’s User Fee By-Law No. 2015-23, as may be amended.

**“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, bicycle, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, or as otherwise defined under the Highway Traffic Act, RSO 1990, c. H.8, as may be amended, but does not include a motorized snow vehicle or a street car.

**“Zoning By-law”** means the City of North Bay Zoning By-law No. 2015-30, as may be amended, and any successor by-law thereto.

## **Part 2 – Application and Administration**

- 2.1 This By-Law applies to: (a) all private approaches constructed, relocated, altered, or closed on municipal road allowances; (b) all lots for which building permits are sought where grading or drainage may be affected, including new buildings, additions, and in-ground swimming pools; and (c) all lots where existing grading or drainage modifications are proposed, including parking lots and landscaping.
- 2.2 The City Engineer is authorized to administer and enforce this By-Law, to issue permits and approvals, to impose conditions, to conduct inspections, and to issue Orders as necessary.
- 2.3 Fees and charges payable under this By-Law shall be as set out in the City’s User Fee By-Law, as may be amended. Where works are undertaken by the City on behalf of an Owner/Agent, a Service Contract may be required.

## **Part 3 – Private Approach Permit**

- 3.1 No person shall construct, relocate, alter, or close a private approach without first obtaining a private approach permit from the City Engineer in accordance with this By-Law.
- 3.2 Despite section 3.1, a private approach permit is not required where the private approach location, dimensions, and design have been expressly approved through Site Plan Control Agreement or Condominium approval and shown on approved engineering drawings; for subdivisions, private approaches shall be determined at the building permit stage and are therefore not exempt.
- 3.3 Nothing in this section exempts a private approach from inspection or enforcement under this By-Law.
- 3.4 An application for a permit shall be made by the Owner/Agent and shall include a plan showing: property dimensions; adjacent property owned by the applicant (if applicable); location and dimensions of parking area(s); distance to any intersection; any 0.3 metre reserves; size, material, and grade of existing and proposed private approaches;

dimensions of existing culverts; and, if required by the City Engineer, an up-to-date legal survey.

- 3.5 The applicant shall pay the permit and inspection fee as set out in the User Fee By-Law.
- 3.6 If the City Engineer is satisfied that an application for a private approach complies with this By-Law, the City Engineer shall issue a written permit confirming approval. Where a culvert is required for the private approach, the permit shall specify the culvert size, material, and any other relevant details. The installation of the culvert shall be subject to the applicant obtaining a Street Work Permit. When the Street Work Permit is issued, the City shall provide offset grades for the culvert to ensure proper installation.
- 3.7 No permit shall be issued where the private approach would provide access to parking space(s) or a parking area contrary to the City's Zoning By-Law or any other applicable by-law.
- 3.8 A private approach permit expires on the date specified by the City Engineer on the permit. Unless otherwise stated, permits expire twelve (12) months from the completion date of the Lot Grading Certificate and As-Built Lot Grading and Drainage Plan.

#### **Part 4 – Private Approach – General Regulations**

- 4.1 Any person constructing a private approach shall ensure it is constructed in accordance with this By-Law and City standards.
- 4.2 Widths of private approaches shall be in accordance with the City's Zoning By-Law and this By-Law. Where a width is not specified therein for a particular use, the City Engineer may approve a width appropriate to site conditions.
- 4.3 The centerline of a private approach shall intersect the centerline of the roadway as nearly as practicable at a right angle, and in no case shall the acute angle be less than 70 degrees.
- 4.4 No curbing, headwalls, decorative stonework, landscaping, or objects shall be constructed or placed on a roadway or sidewalk such that the height extends above the level of the shoulder or the private approach.
- 4.5 The sloped or ramp portion of a private approach shall not extend into the roadway; where curb exists, the ramp shall terminate at the back of curb; where no curb exists, the ramp shall terminate at the outer edge of the shoulder, furthest from the traveled portion of the roadway.
- 4.6 Subsurface melting devices installed under a private approach shall be maintained at the expense of the Owner/Agent.
- 4.7 The City Engineer may alter, or require to be altered, the location, grade, and design of a private approach to address sightlines, drainage, snow storage or safety.
- 4.8 No person shall construct a private approach that, in the opinion of the City Engineer, creates hazardous conditions due to inadequate sight lines, horizontal or vertical alignments, drainage, icing, or other considerations.

- 4.9 Where no pipe storm sewer system is available, a culvert may be required. Construction may be undertaken by the City through a Service Contract at the Owner/Agent's expense, or by the applicant's contractor, who shall obtain a Street Work Permit.
- 4.10 Along all frontages of the property for which a permit has been approved, any redundant or non-conforming private approaches, culverts, curbs, sidewalks, or ancillary installations shall be removed by the Owner/Agent and the highway reinstated to City standards, all at Owner/Agent's expense.
- 4.11 The initial cost of a private approach, including any curbs and culverts, shall be the responsibility of the Owner/Agent. The City shall be responsible for maintenance and replacement of non-functional private approach infrastructure as determined by the City Engineer.
- 4.12 The Owner/Agent shall be responsible for costs to extend the length of an existing culvert, replace a culvert for cosmetic or aesthetic purposes, replace a culvert prior to the end of useful life, and resurfacing the driveway.
- 4.13 Where a private approach to a property with 50 or more parking spaces carries traffic which, in the opinion of the City Engineer, might impact adversely the quality of traffic service on the adjacent highway, the Owner/Agent shall:
- (a) provide a traffic impact study in accordance with City submission standards, if any;
  - (b) pay for additional road works required to maintain the quality of traffic service on the adjacent highway, including, but not limited to, channelization, deceleration lanes, weaving lanes and traffic control signal installations, which shall be constructed to the satisfaction of the City Engineer; and
  - (c) convey at no cost to the City any land required for the purposes set out in subsection (b).
- 4.14 Where a private approach has been approved for the exclusive use of North Bay Fire and Emergency Services vehicles, the private approach shall be constructed according to City standards for access to fire routes.
- 4.15 Where the City undertakes any capital construction or reconstruction work on a highway that affects a private approach:
- (a) the City shall undertake restoration of the private approach to City standards, at no cost to the Owner/Agent; and
  - (b) if the private approach does not conform to this By-Law, the City shall replace the non-conforming private approach with a new conforming private approach; or where, in the opinion of the City Engineer, it is not possible to conform to this By-Law, with a non-conforming private approach in a location and with a design approved by the City Engineer, provided no operational or safety concerns result.

## **Part 5 – Private Approaches for Low Density Residential**

- 5.1 A maximum of one (1) private approach is permitted per frontage, unless otherwise approved by the City Engineer.

- 5.2 The maximum width of a private approach shall not exceed the lesser of 7.3 metres or 50% of the frontage.
- 5.3 Minimum offsets from intersections, property lines, and between multiple accesses shall match the setbacks as established under the City's Zoning By-Law.

**Part 6 – Private Approaches for Public and Institutional Purposes, Commercial and Industrial Properties, and High Density Residential**

- 6.1 In addition to any other provisions of this By-Law, the provisions of this Part apply to private approaches serving public, institutional, commercial, or industrial properties and apartment dwellings.
- 6.2 The maximum number of private approaches permitted for properties used for public, institutional, commercial, or industrial purposes and apartment dwellings shall be based on the amount of frontage, as follows:
- (a) properties with less than 20 metres of frontage: one two-way private approach;
  - (b) properties with 20 metres to 34 metres of frontage: one two-way private approach or two one-way private approaches;
  - (c) properties with 35 metres to 45 metres of frontage: two two-way private approaches or two one-way private approaches;
  - (d) properties with 46 metres to 150 metres of frontage, one two-way private approach and two one-way private approaches; or two two-way private approaches; and
  - (e) for each additional 90 metres of frontage in excess of 150 metres, one two-way private approach or two one-way private approaches.
- 6.3 On a corner lot or a lot abutting on more than one highway, the provisions of section 6.2 of this By-Law shall apply to each frontage separately.
- 6.4 Despite the provisions of section 4.2 of this By-Law, private approaches in excess of 9 metres in width at the street line, and at the curb line or edge of roadway, may be permitted for off-street bus loading areas, transport loading areas and stations operated by the North Bay Fire and Emergency Services or other such areas as deemed required by the City Engineer.
- 6.5 Where, in the opinion of the City Engineer, it is desirable to provide a median between two private approaches intended for one-way operation:
- (a) the median shall have a minimum width of 2 metres; and
  - (b) the length of the median shall be determined by the City Engineer.
- 6.6 All one-way private approaches shall be designated with suitable signs erected in a conspicuous location adjacent to the highway to indicate the direction of traffic for which the private approach is intended, and all signs shall be erected and maintained by the Owner/Agent to the satisfaction of the City Engineer.
- 6.7 The minimum distance between the nearest limits of a private approach intended for two-way vehicular traffic and any other private

approach to the same property shall be not less than 9 metres measured at the street line and at the curb line or roadway edge.

6.8 The minimum distance between the nearest limits of any two private approaches intended for one-way vehicular traffic to or from the same property shall not be less than 2 metres, measured at the street line and at the curb line or roadway edge.

6.9 Despite the provisions of sections 6.7 and 6.8, where a property abuts on or is within 46 metres of an arterial or collector highway as designated on the City’s Official Plan, the minimum distance permitted between a private approach and the nearest intersecting street line or any other private approach shall be as set out in Table 2 below, with all distances being measured at the street line:

(a) in the case of a shopping centre, a public parking lot, a parking lot for the use of customers of a retail or wholesale business, a public garage, a personal service establishment or an eating establishment, any of which has a parking area which can accommodate the number of parking spaces set out in Column 1 of Table 2 below, the minimum distance shall be as set out in the corresponding rows of columns 3 and 4 of Table 2; and

(b) in the case of a hotel, an office building, an apartment building, a property used for public purposes, or an industrial development, any one of which has a parking area which can accommodate the number of parking spaces set out in Column 2 of Table 2, the minimum distance shall be as set out in the corresponding rows of columns 3 and 4.

**Table 2 – Minimum Distances Required from Private Approach:**

Column 1	Column 2	Column 3	Column 4
Number of Parking Spaces s. 6.9(a)	Number of Parking Spaces s. 6.9(b)	Minimum Distance Between Private Approach and Nearest Intersecting Street Line	Minimum Distance Between Two-Way Private Approach and Any Other Private Approach
Up to 40	20 to 99	18 metres	15 metres
50 to 99	100 to 199	30 metres	30 metres
100 to 199	200 to 299	45 metres	45 metres
200 to 299	300 or more	60 metres	60 metres
300 or more		75 metres	75 metres

6.10 Where an Owner/Agent whose property abuts two or more highways is unable to comply with the provisions of section 6.9 of this By-Law, a private approach shall be permitted only on the highway carrying the lesser volume of vehicular traffic and the private approach shall be located as far from the nearest intersection as possible. In cases where the vehicular traffic volumes on the abutting highway are essentially equal, a private approach shall be permitted only on the highway which allows the private approach to be located as far from the nearest intersection as possible.

- 6.11 No person shall construct a private approach within an intersection or on the corner radius of an intersection or within 1.5 metres of the point of tangency of such radius or so that the distance between the nearest limit of a private approach and the intersecting street line or its extension is less than 9 metres.
- 6.12 No person shall construct a private approach within the side yard setback with respect to any property line measured at the highway line and at the curb or the edge of the roadway unless the property abuts only one public highway and the width of the frontage does not allow a private approach width as required by this By-Law in addition to the 3 metres offset from the adjoining property lines, in which case the City Engineer may reduce the offset to a minimum of 0.3 metres provided that the proposed access is located:
- (a) a safe distance from the access serving the adjacent property;
  - (b) in such a manner that there are adequate sight lines for vehicles exiting from the property; and
  - (c) in such a manner that it does not create a traffic hazard.
- 6.13 Subject to section 6.12, in the case of a private approach including a culvert, the 3 metre setback from the adjacent property line shall be measured from the end of the culvert, headwall or closest part of the private approach to the adjacent property line.
- 6.14 Despite section 6.12, a private approach may be constructed in such a manner that it is less than 3 metres from an adjoining property measured at the highway line and at the curb line or edge of the roadway if it is approved through Site Plan Control in accordance with the provision of the *Planning Act*, RSO 1990, c. P.13 as may be amended.
- 6.15 No person shall construct a private approach serving any parking area with a grade exceeding 2% and the grade on the private approach shall descend in the direction of the roadway.
- 6.16 No person shall construct a private approach serving a parking area with less than 50 parking spaces, with a grade exceeding 2% within the private property for a distance of 6 metres from the highway line or future highway line.
- 6.17 No person shall construct a private approach serving a parking area with more than 50 parking spaces, with a grade exceeding 2% within the private property for a distance of 9 metres from the highway line or future highway line.
- 6.18 Despite sections 6.16 and 6.17, the City Engineer may issue a permit for a private approach subject to such conditions and restrictions as the City Engineer may deem necessary, provided that the proposed access is located:
- (a) a safe distance from the access serving the adjacent property;
  - (b) in such a manner that there are adequate sight lines for vehicles exiting the property; and
  - (c) in such a manner that it does not create a traffic hazard.

## **Part 7 – Private Approaches to Farms and Fields**

- 7.1 A private approach for a farm or field entrance shall be subject to any conditions which the City Engineer may deem necessary for safety and efficient movement of vehicles on a highway.
- 7.2 The grade on a farm entrance shall not exceed 6%, and on a field entrance shall not exceed 10%.

## **Part 8 – Temporary Private Approaches**

- 8.1 Despite any other provision of this By-Law, the City Engineer may issue a permit for a temporary private approach, subject to conditions necessary for safe movement of pedestrians and vehicles, including removal or relocation of traffic and parking devices at the Owner/Agent's cost, including lost parking meter revenues, and shall enter into a Service Contract.
- 8.2 For new home construction, a temporary private approach and, where applicable, temporary culvert installation shall be required for the building stage. A separate final private approach permit shall be required for landscaping and permanent finishes and end treatments.

## **Part 9 – Lot Grading and Drainage Permit**

- 9.1 A Lot Grading and Drainage Permit application will be required to accompany any residential building permit application that proposes a new residential dwelling, alters the footprint of an existing structure or secondary structure (garage, shed, or secondary unit). Outside of the building permit process, no person shall construct or alter lot grading on a developed or undeveloped lot through site preparation or modification, Landscaping, retaining walls or In-ground pool construction without first obtaining a Lot Grading and Drainage permit from the City Engineer in accordance with this By-Law.
- 9.2 Despite section 9.1, a Lot Grading and Drainage permit is not required where the lot grading and drainage design have been expressly approved through Site Plan Control or Condominium approval and shown on approved engineering drawings; for subdivisions, lot grading a drainage shall be determined at the building permit stage and are therefore not exempt.
- 9.3 All commercial, industrial, institutional building permit applications not subject to Site Plan Control will require a Lot Grading and Drainage permit at the discretion of the City Engineer based on potential drainage impacts.
- 9.4 Nothing in this section exempts lot grading and drainage from inspection or enforcement under this By-Law.
- 9.5 An application for a Lot Grading and Drainage permit shall be made by the Owner/Agent and shall include a plan meeting the requirements outlined in Parts 10 through 13 in this by-law.
- 9.6 If the City Engineer is satisfied that an application for Lot Grading and Drainage Permit complies with this By-Law, the City Engineer shall issue a written permit confirming approval.
- 9.7 A Lot Grading and Drainage permit expires on the date specified by the City Engineer on the permit. Unless otherwise stated, permits

expire twelve (12) months from the completion date of the Lot Grading Certificate and As-Built Lot Grading and Drainage Plan.

### **Part 10 – Lot Grading and Drainage – Plan Submission and Review**

- 10.1 Prior to issuance of a building permit for a new building, the Owner/Agent shall submit a Lot Grading and Drainage Plan for review and acceptance by the City.
- 10.2 The Owner/Agent shall use the most current Lot Grading and Drainage Plan Template as found on the City's website.
- 10.3 For minor lot grading modifications, a Lot Grading and Drainage Permit may be required at the discretion of the City Engineer based on potential drainage impacts.
- 10.4 The Lot Grading and Drainage Plan shall be prepared to metric scale (1:200 or 1:250) on ledger size, in ink, bear the signature and seal of a Lot Grading Professional, and be submitted as a PDF. Freehand drawings are not acceptable.
- 10.5 The submission shall include the completed Lot Grading and Drainage Plan Review Checklist as found on the City's website.
- 10.6 Where consent to sever creates two or more lots within the urban boundary, the Owner/Agent shall provide an overall Lot Grading and Drainage Plan demonstrating positive drainage for all created lots; individual plans for building permits shall be consistent with the accepted overall plan.
- 10.7 Where other regulating agencies have jurisdiction, including conservation authorities or the Ministry of Transportation, permits and requirements shall be confirmed by the applicant directly with those authorities.

### **Part 11 – Lot Grading and Drainage – Design Criteria**

- 11.1 The Lot Grading and Drainage Plan shall clearly illustrate grading and drainage without adverse impacts to neighbouring properties. Existing vegetation shall be preserved where feasible.
- 11.2 Plans shall include: north arrow; street name and municipal address; key plan; legal survey distances; locations of buildings (existing/proposed) including adjacent lands (where available); locations of downspouts, sump pump discharge points (discharging away from adjacent properties and not over sidewalks/curbs); exterior doors and below-grade windows; locations of municipal services and utilities within the right-of-way; locations of service connections and cleanouts and water curb stop (avoid locating within driveways); elevations in Geodetic Datum (CGVD28 or CGDV2013) with benchmark including conversion factor for the non-referenced datum shown on the lot grading plan; existing elevations of road, ditch, boulevards, curbs, subject lot and adjoining lands sufficient to indicate drainage patterns; existing grade elevations at lot corners and along property lines; existing vegetation; proposed building elevation table (finished floor, top of foundation wall, top of basement slab, garage finished floor); proposed grade elevations at all building corners, property lines, and lot corners.

- 11.3 Buildings adjacent to underground pipes shall have an underside of footing elevation that is lower than invert elevation of the adjacent pipe.
- 11.4 For infill lots, swales shall be located entirely within lot limits and shall match existing grade at lot lines. Written permission from adjacent owners is required where construction will disturb or require grading on adjacent lands.
- 11.5 Swales shall have minimum gradient 1% and minimum depth 250 mm, with typical cross-sections showing direction and slope. Drainage flows shall be directed away from buildings at minimum grade 2%; ponding adjacent to foundation walls is not permitted.
- 11.6 Where swale gradients are less than 1%, 150 mm diameter perforated subdrains in 300 x 300 mm clear stone trenches wrapped with filter fabric shall be provided.
- 11.7 The maximum lot surface grade shall be 5% for usable yard areas; 3:1 slopes may be used to accommodate grade differentials in excess of 5%.
- 11.8 Sediment and erosion control measures shall be implemented to prevent migration of silt and sediment to adjacent lots or the municipal right-of-way; discharges to watercourses or sensitive areas shall be prevented.
- 11.9 Interim grading measures may be required during construction to contain drainage on-site or control to a positive outlet.
- 11.10 Retaining walls shall be shown with top and bottom elevations and materials; walls over 1.0 m shall be designed by a professional engineer and may require a 1.2 m safety fence. Retaining walls shall not encroach into municipal road allowances and shall be wholly within the Owner/Agent's lot.
- 11.11 Where roadway ditch depth is  $\leq 1.0$  m, driveway culverts shall have end treatments (e.g., stone rip-rap, asphalt, or sod) to the satisfaction of the City.
- 11.12 Driveway widths and grading shall comply with this By-Law and City Engineering Design Guidelines.
- 11.13 Driveway grades on the private side shall be a minimum of 2% and a maximum of 8%, unless otherwise approved by the City Engineer due to site constraints.
- 11.14 Stockpiles from excavation shall be kept a minimum of 2 m from property boundaries and protected with erosion control or removed from site.
- 11.15 Lot grading designs shall consider groundwater table and seasonal fluctuations; where required by the City Engineer, a geotechnical report shall be provided with recommendations for backfill, foundations, retaining walls, and slope stabilization.

## **Part 12 – Mandatory General Notes**

- 12.1 The following notes shall be included on every Lot Grading and Drainage Plan:

- (a) Sediment and erosion control measures shall be implemented to prevent migration of silt and sediment to adjacent properties, the municipal right-of-way, watercourses, or environmentally sensitive areas.
- (b) Minimum cover on watermains, water services, and hydrant branches under ditches shall be 1.7 metres.
- (c) All downspouts, sump pump, and other drainage discharge points shall discharge so that water does not adversely affect neighbouring properties.
- (d) The Owner/Agent is responsible for obtaining utility and servicing locates prior to any works.
- (e) A copy of the "Accepted for Construction" Lot Grading and Drainage Plan shall be kept on site for reference for the duration of construction.
- (f) All work within the municipal right-of-way must be restored to equal or better condition.
- (g) Work in ditches requires a Street Work Permit.

### **Part 13 – In-ground Swimming Pools**

- 13.1 A Lot Grading and Drainage Plan is required for all proposed in-ground swimming pools; the plan shall show pool dimensions and shape, setbacks to property lines and buildings, discharge locations, and adjacent hardscapes; discharges shall not adversely affect neighbouring properties.

### **Part 14 – As-Built Lot Grading Certification**

- 14.1 City staff, including the City Engineer or designates, are authorized entry onto lands for purposes of lot grading certification and review of deficiencies.
- 14.2 Upon completion of site grading, including but not limited to landscaping, pool construction, rough grading, etc. the Owner/Agent shall submit a Lot Grading Certificate and Checklist (as found on the City's website), and As-Built Lot Grading and Drainage Plan certified by a Lot Grading Professional. The Professional shall coordinate a site review with City Engineering staff to confirm acceptance prior to issuance of the Certificate.
- 14.3 As-built plans shall include, at minimum: lot corner grades; house corner grades; grades at exterior doors and below-grade windows; finished floor, garage finished floor, and top of foundation wall elevations; driveway grades, location, and size; locations of easements and rear yard drainage infrastructure; retaining wall details and sign-off by manufacturer's engineer or approving engineer; and constructed driveway culvert inverts (where applicable) prior to driveway paving.
- 14.4 The Owner/Agent may coordinate a pre-sod inspection with their Lot Grading Professional and the City.
- 14.5 Minor grading adjustments may be accepted where certified not to adversely impact the lot, adjacent properties, or municipal roadway.

## **Part 15 – Grading Deposit and Release**

- 15.1 A Grading Deposit of Five Thousand Dollars (\$5,000.00) per lot, in the form of a certified cheque, irrevocable letter of credit, or surety bond, shall be provided to the City's Engineering Department prior to permit issuance to ensure satisfactory completion of grading, drainage works, and boulevard landscaping.
- 15.2 The Owner/Agent shall have twenty-four (24) months from occupancy to complete site work and obtain the Lot Grading Certificate. The Certificate shall be submitted not later than one (1) month after completion. If works are not completed within twenty-four (24) months, following written notice from the City, the Owner/Agent shall forfeit the Grading Deposit to the City.
- 15.3 Should drainage problems arise from non-compliance, upon 48 hours' notice the City may use the Grading Deposit to undertake remedial works; costs in excess of the deposit are the responsibility of the Owner/Agent.
- 15.4 Upon acceptance of the Certificate, the Grading Deposit (without interest), less any remedial costs, shall be released to the payer of the deposit.

## **Part 16 – Maintenance**

- 16.1 The Owner/Agent remains responsible for drainage impacts to adjacent properties during construction.
- 16.2 The Owner/Agent shall repair settlements occurring after construction to maintain positive drainage away from buildings and adjacent properties.
- 16.3 Eavestroughs, downspouts, and sump pump discharge shall be installed and maintained in accordance with the approved Lot Grading and Drainage Plan; the Owner/Agent shall ensure no subsequent modifications adversely affect drainage of adjacent lots.

## **Part 17 – Orders, Remedial Work, Enforcement and Offences**

- 17.1 Where the City Engineer becomes aware that a private approach or lot grading does not comply with the by-law, including unauthorized work, the City Engineer may issue written notice describing the non-compliance, ordering compliance within a specified reasonable timeframe, and advising that failure to comply may result in the City undertaking remedial work at the Owner/Agent's expense.
- 17.2 If compliance is not achieved within the time provided, the City Engineer may cause the necessary work to be completed; costs may be recovered by invoice or added to the tax roll to be collected in the same manner as property taxes in accordance with section 446 of the Municipal Act, 2001.
- 17.3 The City shall not be liable for loss or damage arising from remedial work carried out by the City in accordance with this Part.
- 17.4 No person shall hinder or obstruct the City or any officer in the exercise of powers under this By-Law.

- 17.5 Any person or corporation who contravenes a provision of this By-Law, fails to comply with an Order of the City Engineer, or contravenes a court Order pursuant to this By-Law is guilty of an offence and liable upon conviction to fines as set out in the Provincial Offences Act and this by-law.
- 17.6 Any person who is found guilty of an offence under this By-Law is liable to a minimum fine of \$200.00 and a maximum fine of \$50,000.00.
- 17.7 Notwithstanding the provisions of section 17.5, where the person found guilty is a corporation, the corporation is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00
- 17.8 If any provision of this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 17.9 Any fine imposed under this Part shall be payable in addition to any fees, charges and costs payable under this By-Law.

**Part 18 – Liability for Damages**

- 18.1 In addition to any other provisions of this By-Law and any penalty or remedy, any person who violates this By-Law is liable for all damages occasioned to the City thereby, payable to the City forthwith.

**Part 19 – Repeal of By-Law**

- 19.1 Upon this By-Law coming into force and effect, By-Law 2017-72 is hereby repealed.

**Part 20 – Coming into Force**

- 20.1 This By-Law shall come into force and take effect upon being passed.

Read a First Time in Open Council the 7<sup>th</sup> day of April, 2026.

Read a Second Time in Open Council the 7<sup>th</sup> day of April, 2026, 2026.

Read a Third Time in Open Council and Enacted and Passed the 7<sup>th</sup> day of April, 2026.

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Mayor Peter Chirico

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City Clerk Karen McIsaac