

CITY OF ORILLIA POLICY MANUAL

Part	8	Development Services	8.1.1.1.
Section	1	Development	
Sub-Section	1	Development Agreements	
Policy	1	Legal	

The General Manager of Development Services and Engineering be authorized to retain legal counsel to assist in the preparation of Agreements related to development, which may include but not limited to Subdivisions, Condominiums, Site Plans, Density Bonusing, Committee of Adjustment matter and Cash in lieu of Parking.

The General Manager of Development Services and Engineering shall have sole discretion to determine the type and complexity of Agreements which may require legal counsel.

The cost of such legal expenses shall be borne by the developers and/or the owners. Funds to cover such legal expenses shall be requested upfront, in the form of a general legal deposit of a predetermined blanket value. Accrued legal expenses will then be deducted from the deposited funds. If legal expenses exceed the deposited amount, legal works shall cease until another legal deposit is received.

Once the legal expenses have ceased and the works associated are complete, a memo from Development Services and Engineering shall be provided to the Corporate Services – Financial Services Division informing of the file’s completion and that any residual funds remaining shall be returned. The Corporate Services - Financial Services Division will proceed with refunding the deposits. Funds unable to be returned shall be redirected to the City’s general legal reserves.

- (R. 973-734A 73.11.26)
- (R. 1973-816 73.12.27)
- (R. 1973-816 73.12.27)
- (R. 2019-94 19.05.06)
- (R. 2021-97 21.07.19)

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Part	8	Development Services	8.1.1.2.
Section	1	Development	
Sub-Section	1	Subdivision Agreements	
Policy	2	Underground Electrical Services	

THAT the City of Orillia requires that in future all electrical installations, including street lighting, will be underground with all new residential subdivisions;

AND THAT the cost of the installation will be borne by the developer, with the assets being transferred to the ownership of the Utility Company having jurisdiction for the services at the expiration of the maintenance period;

AND THAT the installation be made in accordance with the latest revisions of the standards of the Utility Company having jurisdiction for such installations.

THAT...underground electrical services allow overhead electrical infrastructure installations, including street lighting, in new industrial or employment land subdivisions;

AND THAT...individual electrical service lateral connections to individual properties in new industrial or employment land subdivisions be underground.

- (R. 1976-386 76.08.16)
- (R. 2000-181 00.06.12)
- (R. 2012-87 12.04.02)
- (R. 2015-76 15.04.20)

CITY OF ORILLIA POLICY MANUAL

Part	8	Development Services	8.1.2.1.
Section	1	Development	
Sub-Section	2	Parkland	
Policy	1	Dedication Requirements	

WHERE, pursuant to the Planning Act, the City has the right to require the dedication of land for park purposes, the following policies shall apply:

Subdivisions

1. The City will require land to be dedicated in accordance with the policies of the City of Orillia Official Plan provided the amount of land is sufficient to produce a usable park or the location of the land is adjacent to an existing or planned park and forms a logical extension to that park.
2. Where all phases of the subdivision will produce less than 20 lots, the City may accept cash-in-lieu of 5% of the gross land area calculated in accordance with the provisions of the Planning Act as amended from time to time, which calculation shall be carried out by a qualified appraiser at the expense of the subdivider.
3. Where the City requires land to be dedicated for park purposes, the land must be brushed and graded to a grade compatible to the adjacent lands being developed to the approval of the General Manager of Corporate Services/City Solicitor and the City Engineer. Where possible, mature trees must be maintained. The land shall be dedicated to the City free of all encumbrances.

Land Severance (Committee of Adjustment)

The City will require a cash contribution of \$40.00 per foot frontage or a minimum of \$2,000.00 per residential lot, whichever is the greater, as cash-in-lieu of 5% dedication of land for park purposes for each new lot created by severance by the Committee of Adjustment. Where the cash contribution would exceed \$2,000.00 the City may accept 5% of the market value of the land based upon a bona fide, arms length real estate transaction provided in no case shall the payment be less than \$2,000.00 per lot.

In calculating the cash-in-lieu amount for a severance the retained lot is not subject to a payment. Only the lot or lots created shall be subject to evaluation. The determination of which lot is the retained lot shall be at the discretion of the landowner. Unless the policies of the Official Plan, concerning future land use opportunities, are identified at which time the City, at its discretion, may specify the retained lot.

(R. 2000-181 00.06.12)
(R. 2010-162 10.06.28)
(R. 2021-97 21.07.19)

CITY OF ORILLIA POLICY MANUAL

Part	8	Development Services	8.1.3.1.
Section	1	Development	
Sub-Section	3	Cash-in-lieu of Parking	
Policy	1	Fees	

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THAT with respect to parking requirements for development within the Downtown Area Overlay Zone in Zoning By-law 2014-44, as amended, and cash-in-lieu fees, the “payment in lieu” fee be increased immediately to the following:

\$4,000.00 per space for “new” construction
\$1,500.00 per space for additional spaces required through renovations or conversions of unused space in existing commercial buildings;

AND THAT the “payment in lieu” fee be reviewed annually by Council towards eventually increasing it to full market value.

...THAT the Committee of Adjustment be authorized to deal with requests for the elimination of not more than two parking spaces;

AND THAT applications for the elimination of more than two parking spaces be referred to Council for consideration;

AND THAT persons who are required to make cash-in-lieu payments be allowed to have the option of depositing a Letter of Credit with the City for the full amount, based on a one-year term, at which time the Letter of Credit will be cashed.

(R. 1991-151 91.03.25)
(R. 1991-201 91.04.22)
(R. 1994-198 94.05.30)
(R. 1996-153 96.08.12)
(R. 1997-13 97.06.23)
(R. 1998-111 98.05.25)
(R. 2015-76 15.04.20)

CITY OF ORILLIA POLICY MANUAL

Part	8	Development Services	8.1.4.1.
Section	1	Development	
Sub-Section	4	Model Homes and/or Sales Office	
Policy	1	Construction of Model Homes and/or Sales Offices	

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The future construction of Model Homes and/or Sales Offices in the City be subject to the following conditions as a policy of Council, which can be amended from time to time as required:

1. Zoning for the proposed development is in place.
2. A Pre-Servicing or Development Agreement has been executed with all requirements of such Agreement having been met and that such Agreement is registered on title.
3. An Agreement, with permission to allow for the construction of Model Home(s) and/or Sales Office(s) shall include:
 - a. An acceptable Site Plan
 - b. Provisions for access and parking
 - c. Provisions for fire protection
 - d. Provisions for site grading/ Erosion and Siltation Control
 - e. A requirement to obtain a building permitAnd all plans and provisions shall be completed to the City's satisfaction.
4. The number and location of Model Homes and/or Sales Offices shall be reviewed on the specifics of the development and may be addressed in the applicable Agreement.
5. The length of time and permissions for extension shall be reviewed on the specifics of the development and addressed in the applicable Agreement.
6. Model Homes and/or Sales Offices shall only be constructed on a street that has been _____ and serviced.
7. Agreements shall contain a "Removal and/or Conversion Clause" that states that the Model Homes and/or Sales Offices shall cease to be used as such upon the closing of the sale by the developer and/or _____ of the last remaining dwelling unit in the proposed development in connection to the Agreement or upon the commencement of a subsequent phase of development, whichever shall come first. It shall also cease to be used, if the Development does not proceed to registration of the development within one year.
8. To ensure compliance, a security in the amount of _____ shall be deposited for each Model Home and/or Sales Office to ensure the obligations of the owner are carried out as required by the terms of the Agreement. If a Model Home and/or Sales Office fails to comply with the terms set out in such Agreement for its operation or use, the City may draw upon the deposit to demolish or removal such structure(s) or to convert the structure(s) for residential purposes.

CITY OF ORILLIA POLICY MANUAL

Part	8	Development Services	8.1.4.1.
Section	1	Development	
Sub-Section	4	Model Homes and/or Sales Office	
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(R. 1990-346 90.05.14)

(R. 2015-76 15.04.20)

(R. 2019-94 19.05.06)

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Part	8	Development Services	8.1.5.1.
Section	1	Development	
Sub-Section	5	Sale of Waterlots	
Policy	1	Adjacent Property Owners	

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THAT as a policy...letters from the Ministry of Natural Resources advising of applications received regarding minor sales of waterlots to adjacent property owners and requesting the comments of Council on the applications...be automatically referred by the Corporate Services Department - Clerk's Division to the Development Services and Engineering Departments for comment, and if there are no concerns, the Corporate Services Department - Clerk's Division will so advise the Ministry.

IT would be understood that should either department have any concerns with the proposed sale, the letter and comments from both departments would then be presented to Council for direction.

(R. 1992-335 92.06.29)

(R. 2019-94 19.05.06)

(R. 2021-97 21.07.19)

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Part	8	Development Services	8.1.6.1.
Section	1	Development	
Sub-Section	6	Site Plan Control & Development Meetings	
Policy	1	Procedures	

1) SITE PLAN CONTROL PRE- APPLICATION MEETING

- a) A Pre-Application Consultation Meeting is required to be scheduled by the applicant prior to the Site Plan application being accepted by the Development Services and Engineering Department.
- b) The Pre-Application Consultation Meeting will be attended by the applicant and/or their representative and representation from relevant City Departments and the Orillia Power Corporation:
- c) Following the Pre-Application Consultation Meeting, the City will provide the Applicant with a determination of application stream (i.e. Basic, Standard, complex) and a checklist of required application submission materials.
- d) Prior to the acceptance of the Site Plan Control Application, a deposit of \$500 will be required for a Title Search of the subject property to be undertaken by the City's Solicitor.
- e) Development Services and Engineering Department staff may revise the determination of application stream subject to outcome of the required Title Search.

2) SITE PLAN CONTROL DEVELOPMENT MEETINGS

- a) For developments subject to Site Plan Control, the City's Solicitor will only be requested to attend the meeting of Complex applications, or those applications where outstanding legal matters have been identified either through the required Title Search or through the commenting process. In these instances, the Site Plan Agreement for the proposed development will also be prepared by the City's Solicitor.
- b) For Complex applications, or those applications where outstanding legal matters have been identified, a legal deposit of \$3,000.00 will be required. The legal deposit will be required prior to the scheduling of the Site Plan Control Development meeting.

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Section	1	Development	
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- c) The City's Solicitor, if in attendance, will Chair the meeting and will compile minutes in the form of a "Checklist". Where the attendance by the City Solicitor is not required, the General Manager of Development Services and Engineering or designate shall chair the meeting.
- d) Subsequent Site Plan Control Development Meetings can be scheduled at the request of the Applicant, City Staff or the City Solicitor and must be attended by those whose areas of expertise will be required.
- e) Following the final Site Plan Control Development meeting, either City Staff or the City's Solicitor will begin preparation of the Site Plan Agreement.

3) DEVELOPMENT MEETINGS

- a) The City Solicitor will be requested to participate in the development process as follows:
 - i. Subdivisions, Condominiums, and Multi-Residential development requiring Substantial Completion of services:

Building permits will not be issued for subdivisions until the services are substantially complete and approved by the City. Substantial completion shall include completion of all electrical systems, underground sanitary, water and storm services, rough grading, erosion and sedimentation control works, all storm water management works, and the construction of roads save and except for the following: top course of asphalt, sidewalks, boulevard sodding, paving of driveway approaches, street lighting.

Multi-residential developments requiring substantial completion prior to issuance of any Building Permit shall include a Fire Route and distribution of services from the main to individual services.

For these qualifying developments, no Building Permit shall be issued until "substantial completion" has been achieved which includes the provision of: rough grading inspected and approved by the City, underground services installed, operational, certified by the Consulting Engineer, and inspected and approved by the City, and the fire route certified by the Consulting Engineer and inspected and approved by the City.

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For these developments, the City Solicitor will attend the Development Meetings and prepare the Subdivision/Development Agreement.

4) SECURITIES AND INSPECTIONS

a) Securities

The developer is required to post 100% security in cash, certified cheque or Letter of Credit (in a form satisfactory to the City) for municipal works, connections to City services or utilities, construction of any access to a public street, site illumination and landscaping. Other on-site works will be secured on the basis of 10% of their value.

Partial reductions of security will not be entertained until such time as the estimated value of the remaining works to be completed is less than the current security amount held.

b) Reduction of Securities

i. Site Plan Control

Services

- The Applicant's Engineer may file a Certificate of Completion requesting a reduction in the posted securities (i.e. cash, certified cheque, or Letter of Credit) together with a summary of the completed works.
- The Development Services and Engineering Department will conduct a site inspection to confirm satisfactory completion of the required works and will advise the Treasurer if it has any comments relative to the amount of the requested reduction in consideration of other matters contained in the Site Plan Agreement.
- The City Treasurer will advise the bank and others, similar to subdivision procedure.

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Site Plan/Landscaping

- The Applicant's Landscape Architect or Landscape Contractor files Certificate of Completion. Certificate of Completion for Landscaping is not required for minor developments.
- The Development Services and Engineering Department will conduct a site inspection to confirm satisfactory completion of the required works and will advise the Treasurer if it has any comments relative to the amount of the requested reduction in consideration of other matters contained in the Site Plan Agreement.
- City Treasurer advises bank and others, similar to subdivision procedure.

ii. Subdivisions

The City will consider a reduction in securities upon:

- The Applicant's Engineer deeming 50% of work complete, files a letter with the Development Services and Engineering Department requesting a reduction in the Letter of Credit.
- The Development Services and Engineering Department will conduct a site inspection to confirm satisfactory completion of the required works and will advise the City Treasurer as to any comments relative to the amount of the requested reduction in consideration of other matters contained in the subdivision agreement.
- The City Treasurer will advise the Applicant and their respective financial institution, if applicable, that a portion of the securities held by the City is being released.

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Sub-Section	6	Site Plan Control & Development Meetings	
Policy	1	Procedures	

- If securities are being held in the form of a Letter of Credit, a copy of the letter to the City’s Solicitor and other parties which have an interest will be sent. The Financial Institution will then issue a revision of the Letter of Credit to the City Treasurer for attachment to the original Letter of Credit. The Financial Institution or the Applicant (as the case may be), will deal directly with the City Treasurer to implement the reduction.

- If securities are being held in the form of cash or certified cheque, the City will issue a cheque to the Applicant for the amount being reduced.

c) Letters of Credit – Deferred Payments

The City often accepts Letters of Credit which are used to secure deferred payments such as Cash-In-Lieu of Parkland Payment or Development Charges, which may not be cashed for 6 months to a year. These Letters of Credit are diarized and acted upon accordingly by the City Treasurer.

(R. 2014-21 14.02.10)
(R. 2019-94 19.05.06)
(R. 2021-97 21.07.19)

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Part	8	Development Services	8.1.7.1
Section	1	Municipal Act	
Sub-Section	7	Streets	
Policy	1	Street Naming and Numbering	

PURPOSE

This policy shall provide general guidance for the assignment of street names and addresses in the City of Orillia. Street naming and street addressing shall be assigned in accordance with this Policy and the 2018 City of Orillia Municipal Addressing Manual.

A. STREET NAMING

Council of the City of Orillia has previously determined a preference for using the names of World War I and II veterans and members of the City of Orillia Hall of Fame in naming new streets within the City.

The City has assembled a list of appropriate names for use in naming new streets. This list is known as the Street Naming Inventory. The Street Naming Inventory consists of Group A (Hall of Fame Members) and Group B (World War Veterans).

The Street Naming Inventory may be updated from time to time to add or remove names without requiring an amendment to this Policy. The City shall maintain a current listing of all street names within the City.

A.1 50% Policy – City of Orillia Street Naming Inventory

The City of Orillia requires no less than 50% of all streets in a proposed development to be chosen from the City of Orillia Street Naming Inventory (the “50% Policy”). To ensure that names are selected from the City’s Street Naming Inventory in a manner that reflects the City’s desire to both honour the names of young men or women from Orillia and area who have given their lives during the two Great Wars (adopted from the local Royal Canadian Legion), as well as to recognize the names of the men and women from Orillia and area who are currently honoured in the Orillia Hall of Fame, street names shall be selected according to the following protocol:

1. When only one street name is needed for a proposed development, the developer can either choose a street name from the City of Orillia Street Naming Inventory or propose an alternate street name.
2. When an odd number of street names are needed for a proposed development the higher number of street names may be proposed by the developer.
3. The 50% of street names that the developer chooses from the City of Orillia Street Naming Inventory must be chosen from both Group A and Group B.

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4. Street names shall be chosen alternately from Groups A and B starting with Group A, until the number of names needed has been fulfilled.

A.2 Exemptions from the 50 % Policy

1. Street names in a plan of subdivision/condominium may be assigned according to a theme approved by Council.
2. Where only one street name is proposed the 50% Policy does not apply.

A.3 Applicable to all Street Names

1. Proposed street names shall be assigned a street type designation in accordance with the criteria in Section A.5.
2. No proposed street names shall include first names, unless they are approved by Council and are chosen from the Orillia Street Naming Inventory.
3. Street names chosen from the Orillia Street Naming Inventory may include both the first name and last name where appropriate to ensure reference to the person being honoured.
4. Council may propose street names as a condition of Draft Plan Approval.
5. Discriminatory or derogatory street names, in regard to race, sex, colour, creed, political affiliation or other social factors shall not be used.
6. Street names containing sexual overtones, inappropriate humour, parody, slang or double meaning shall not be used.
7. The street naming policies, guidelines and procedures shall apply to public and private roadways, where names are deemed necessary by the Planning Coordinator.
8. There shall be no reuse of former or discontinued street names.
9. New street names shall not be identical or similar sounding to any existing street names within the City of Orillia or abutting municipalities/first nations.
10. Street extensions shall continue with the existing street name.

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Policy	1	Street Naming and Numbering	

11. Street names with numbers shall not be used.
12. Two word street names or street names with hyphens, apostrophes, or dashes are generally discouraged unless chosen from the City of Orillia Naming Inventory.
13. Two different street names shall be assigned to a street broken by an intervening land use or land form.

A.4 Responsibility for Installation and Maintenance of Street Signage

14. Developers are responsible for ordering street signage for private roads throughout the City, as well as payment, coordination, installation and maintenance of the street signage for private roads.
15. The City is responsible for the cost, coordination, installation and maintenance of municipal street signage.

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Policy	1	Street Naming and Numbering	

A.5 Assigning Street Type Designations

Proposed street names shall be assigned a street type designation in accordance with the criteria below.

Street Type Designation	Criteria (Applicable to)
Avenue	A street which runs in the East and West direction.
Boulevard	A wide street having a median or promenade that is lined with trees.
Court	A permanently closed street such as a cu-de-sac, more than 60.0 metres in length.
Crescent	A crescent shaped street which begins and circles back to terminate on the same street.
Drive	A winding thoroughfare which continues through to other roads and is longer than 305.0 metres in length.
Hill	A street that has a noticeable slope throughout the majority of its length.
Lane, Mews, Trail or Way	A private right of way.
Parkway	An unusually wide thoroughfare in residential neighbourhoods divided by a landscaped centre island.
Place	A permanently dead ended street which is less than 60.0 meters in length.
Road	A thoroughfare that is frequently used, has heavy traffic volumes and runs in any direction for more than 305.0 metres.
Street	A street which runs in a North and South direction.

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Sub-Section	7	Streets	
Policy	1	Street Naming and Numbering	

B. STREET NUMBERING

Street Numbering shall be assigned in accordance with the following provisions and in accordance with Chapter 825 of the City's Municipal Code.

1. The default interval between street numbers shall be two, starting at the number 1, incrementing odd or even numbers for every 6 metres of frontage.
2. An existing street numbering pattern shall be continued when assigning new addresses.
3. Addresses are to be, as much as possible, kept in line across the road from one another.
4. The developer/subdivider shall be consulted before the City numbers a property with 13 or 666.
5. An address shall be assigned to every block and lot of property in a subdivision, including walkways, commercial blocks, future residential blocks, service easements, parks and storm ponds.
6. Dwellings on private roads with one access to a municipal road shall be given one address for the development with individual unit numbers.
7. Unit letters shall be used to address multi-unit Commercial, Industrial and Institutional properties.
8. For all streets that intersect Mississauga Street, north or south shall be placed after the street name depending on whether they lie north or south of Mississauga Street.
9. The addressing of local streets shall start from the intersection of the closest Arterial, Collector, or Highway.
10. Dwellings on private roads with two accesses shall be given individual addresses and a street name will be assigned to the private road.
11. An existing principal dwelling unit shall not be assigned a unit letter. Unit letters shall be used for additional units within a single detached dwelling.

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12. For subdivisions north of Mississaga Street, numbering shall occur from the south to the north (low to high).
13. The address of all residential lots (including corner lots) will be assigned based upon the street onto which the driveway is constructed.
14. New private roads shall be assigned "PVT" street signage.
15. For subdivisions south of Mississaga Street, numbering shall occur from the north to the south (low to high).
16. For all streets that intersect West Street, east or west shall be placed after the street name depending on whether they lie east or west of West Street.
17. For subdivisions east of West Street, numbering shall occur from the west to the east (from low to high).
18. For subdivisions west of West Street, numbering shall occur from the east to the west (from low to high).
19. On east-west running streets, even numbers shall occur on the north side of the street.
20. On north-south running streets, even numbers shall occur on the east side of the street.
21. When numbering a cul-de-sac, even numbers shall occur on one side of the street and odd numbers on the other side of the street.
22. Municipal boundary roads may be numbered independently from other roads in order to be consistent with neighbouring municipalities. Numbers on both sides of the road shall be uniform.

(R. 1989-558 89.09.25)
(R. 1990-407C 90.06.11)
(R. 2007-278 07.08.13)
(R. 2018-8 18.01.29)

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Part	8	Development Services	8.1.8.1.
Section	1	Development	
Sub-Section	8	City Building Projects – Fees	
Policy	1	Waive Fees	

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THAT...Council waive building permit fees and planning application fees for City building projects.

(R. 2008-8 08.01.28)

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Part	8	Development Services	8.2.1.1.
Section	2	Road Allowance	
Sub-Section	1	Road Widening	
Policy	1	Policy	

This updated policy...eliminates the payment of money for land or surveys and legal fees for land required for road widening purposes through a *Planning Act* approval issued by the City. It eliminates the need for a widening to be identified in a 3-year capital works forecast before it can be requested as a gratuitous dedication permitted by the legislation. However, in all areas, building setbacks shall continue to be calculated from the planned widened limit of the road.

1. **Definition of Road Widening**

A road widening, when referred to in this policy, shall include:

- land required for road widening beyond its existing limit
- land required for a daylight triangle
- land required for an auxiliary turn lane or deceleration lane
- land required for a road re-alignment

2. **Description of Roads Where a Widening is Required**

Only those roads identified by the City of Orillia Official Plan shall have a mandatory dedication of road widenings.

3. **Extent of Land to be Required**

a) **Standard Road Widening**

As a general rule, the maximum amount of land to be dedicated shall be 3m (9.8 feet) in width, across the full frontage of the subject land.

Note: This shall also apply to auxiliary turn lanes and deceleration lanes.

b) **Daylight Triangles**

The maximum length of a daylight triangle measured along two street lines from their point of intersection, shall be 7.5m (24.6 feet)

c) **Exception**

If additional land is required over and above the 3.0m maximum as mentioned in section 4. a) above, staff shall report to Council for direction and permission to acquire such additional land. This requirement of Council approval of additional land requirement shall not apply to auxiliary turn lanes and deceleration lanes.

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4. Compensation

No compensation will be paid for land required to be dedicated pursuant to the Official Plan. However, any property owner who is required to provide land to the City for a road widening beyond the required dedication, shall be compensated based upon the appraised market value of the additional land unless an otherwise mutually satisfactory form of compensation has been negotiated.

5. Applicability

a) General Rule

As a general rule, no road widening shall be required for any purpose unless it is identified by the City of Orillia Official Plan.

b) Exception

If, in the opinion of staff, a road widening is required which is not identified by the City of Orillia Official Plan and/or is not covered by Section 6. c), "Specific Regulations", staff shall report to Council for direction and permission to require the widening.

c) Specific Regulations Regarding Applicability Relative to Property identified in the City of Orillia Official Plan as described in Section 3. Hereof

i) Subdivision

Road widenings related to a plan of subdivision shall be shown on the registered plan and dedicated to the City at no cost, along with all other roads within the subdivision. There will be no compensation for legal and survey costs.

ii) Committee of Adjustment

The General Manager of Development Services and Engineering may request the Committee of Adjustment to require road widenings as a condition of approval of a severance, variance or extension to a non-conforming use. The City shall not compensate the property owner for legal and survey costs, where the widening is authorized by the City of Orillia Official Plan.

iii) Rezoning

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A road widening will be required in all instances of rezonings subject to the following:

- (1) Where the application for rezoning will also involve an application for Site Plan Approval, any required widening will be taken as a condition of such approval.
- (2) Where the application will not involve an application for Site Plan Approval, conveyance of a required widening shall be a prerequisite to Council approval of the rezoning unless the rezoning incorporates a holding provision to be removed upon conveyance of the widening.

iv) Building Permit

1. Widenings shall only be required for new buildings or for major additions or major structural changes to the main building on a property that are subject to site plan approval.
2. Widenings will not be required for a new accessory building or an addition to an existing accessory building.

6. Certification of Title

All widenings acquired pursuant to this policy shall be accompanied by the following certificate, rendered by the solicitor for the owner:

“I hereby certify that title to the land described in the attached deed, is free and clear of all encumbrances whatsoever, and that the Municipality has a good and marketable title to the said land.”

7. Administration

a) Encroachments

Where a building or structure or part of a building or structure including footings, sills, chimneys, pilasters, canopies, eaves, overhangs or other similar projections encroaches into a road widening area, any widening obtained by this policy shall only be taken up to the building or structure or part thereof that so encroaches.

b) Mortgage Discharge

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In the event that a partial discharge of mortgage is required on lands to be acquired for road widening purposes, which discharge will result in a higher mortgage rate of the balance of the lands, then no widening will be taken at that time. However, the property owner will be required to sign an unsecured undertaking to the satisfaction of the City stating that he will grant the widening to the City immediately, at such time as his mortgage comes up for renewal and in the interim, will sign a release to permit the City, Utility Companies and their Contractors to encroach on the land to be acquired, until such time as the City secures final possession of the land.

c) Building Permits Prior to Deeding Land to City

In the event that a property owner wishes to commence building construction prior to providing a deed for a required road widening as a condition of a building permit, the permit will be granted, subject to the provision of an undertaking or the property owner entering into a site plan agreement to the satisfaction of the City, agreeing to provide the required deed within 60 days. The undertaking or site plan agreement will also acknowledge (when applicable) that there will be no occupancy of the building until the deed is provided to the City.

d) Interpretation

Where uncertainty exists as to the application of this policy, a staff meeting shall be convened with the following City personnel involved in order to consider the matter and make a ruling:

General Manager of Environment and Infrastructure Services
General Manager of Development Services and Engineering Department

e) Appeal

Any interpretation or ruling made by staff shall be subject to an appeal to Council.

(R. 2000-188 00.06.12)
(R. 2015-76 15.04.20)
(R. 2019-94 19.05.06)

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Section	3	Planning	
Sub-Section	1	Applications	
Policy	1	Fee Refunds	

SHOULD any application not be approved by Council, the administration fee may be refunded in full or in part, dependent upon whether or not the Municipality has incurred any administration costs.

(R. 1976-46 76.01.26)

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Sub-Section	1	Applications	
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Sign Posting:

Applicants that have submitted a Complete Application for amendments to the Zoning By-law and/or the Official Plan are required to provide public notification of their complete application(s) by posting a sign(s) on the subject property within 10 business days of the date of the City's letter that deems the application(s) to be complete. Applicants are required to provide the City with photographic evidence of the posting.

Consultation Strategy:

A Consultation Strategy is required to be undertaken by applicants that have applied for amendments to the Zoning By-law and/or the Official Plan and/or applied for approval of Draft Plan(s) of Subdivision or Draft Plan(s) of Vacant Land Condominium.

For applications deemed complete with respect to amendments to the Zoning By-law and/or the Official Plan,, a Public Open House is required for all large-scale or infill developments. The applicants are required to host the required Public Open House. The Public Open House must be held prior to the circulation of Notice of the Public meeting. The applicants shall prepare Notices of Public Open House, and submit copies to the City together with postage paid envelopes to be mailed together with the Notice by the City. The applicants shall provide sufficient numbers of copies of the Notice of Public Open House so that the Notices can be sent to all property owners within 120 metres (400 feet) of the subject property.

For all other applications requiring a Consultation Strategy, the strategy to be undertaken by the applicants is not prescribed by the City.

Consultation Report:

A Consultation Report is required to be prepared and submitted by the applicants that have applied for amendments to the Zoning By-law and/or the Official Plan and/or applied for approval of Draft Plan(s) of Subdivision or Draft Plan(s) of Vacant Land Condominium. The Consultation Report shall include the following information and reporting:

1. A description of the area canvassed and the methods used to consult the neighbourhood for input;
2. The name and address of all residents consulted. The Applicant is required to advise the residents that their name and address will be included in a report which can be viewed by the public and will be made available to the public on the Council agenda;

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3. A record of all comments and/or concerns that have been received from residents;
4. A response to all reasonable and relevant concerns, or explain why the question, comment, or concern is not, in the view of the Applicant, reasonable or relevant;
5. A copy of all written comments received from the public, as well as a copy of any response provided, to the City as part of a Consultation Report;
6. Identification of the changes to the proposal, if any, that are in response to the consultation in the **Consultation Report**;
7. One (1) hard copy of the **Consultation Report** on the results of private consultation and one (1) copy in PDF format shall be submitted to the City.

The Consultation Report must be submitted to the City prior to the scheduling of the Public Meeting.

(R. 2006-247 06.10.02)
(R. 2009-39 09.02.17)
(R. 2015-76 15.04.20)
(R. 2017-133 17.06.26)

CITY OF ORILLIA POLICY MANUAL

Part	8	Development Services	8.3.1.3.
Section	3	Planning	
Sub-Section	1	Applications	
Policy	3	Public Meetings	

THAT with respect to planning applications and development proposals involving Public Meetings pertaining to amendments to the Zoning By-law and/or the Official Plan, the following procedure be followed:

The statutory Public Meeting held by Council to consider a draft Zoning By-law Amendment or a draft Amendment to the Official Plan shall be held for the purposes of gathering public input on the application(s). Council will not make a decision on the applications until a consideration period of at least 14 days following the Public Meeting has lapsed. The Development Services and Engineering Department staff will provide their professional opinion/recommendation prior to Council's consideration of the draft By-law or draft Official Plan Amendment.

- (R.1986-507 86.08.18)
- (R. 2006-247 06.10.02)
- (R. 2009-39 09.02.17)
- (R. 2015-76 15.04.20)
- (R. 2021-97 21.07.19)

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Part	8	Development Services	8.3.1.4.
Section	3	Planning	
Sub-Section	1	Applications	
Policy	4	Official Plan and Zoning Amendments	

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THAT where a developer has applied to the City of Orillia for an amendment to the Official Plan and/or the Zoning By-law for a proposed development, and such application has been approved, the Committee of Adjustment not consider an application to modify the original proposal within one year of the submission of the original application. Applications to the Committee of Adjustment for minor matters relating to the siting of buildings shall be permitted.

(R. 1988-365 88.05.24)

(R. 2015-76 15.04.20)

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Part	8	Development Services	8.3.1.5.
Section	3	Planning	
Sub-Section	1	Applications	
Policy	5	Condominium Exemptions	

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Pursuant to the provisions of Section 9(7) of the *Condominium Act*, the City has the authority to grant an exemption from the requirement to apply for Draft Approval of a Plan of Condominium where it believes the exemption is appropriate;

To be eligible for exemption from the Draft Plan of Condominium approval process, applications shall be evaluated in accordance with the following criteria:

1. The land has been zoned to permit the proposed development, and the By-law is in effect;
2. That the proposed development is subject to Site Plan Control as specified in the City's Site Plan Control By-law; and
3. The lot is/or will be serviced by municipally owned and operated water and sanitary sewage systems and there is sufficient capacity for the proposed condominium development.

In addition to the eligibility evaluation criteria (above), the City may impose such prerequisites (conditions) to the granting of such an exemption as it considers appropriate.

(R. 2013-268 13.09.16)
(R. 2019-94 19.05.06)

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Part	8	Development Services	8.3.2.1.
Section	3	Planning	
Sub-Section	2	Garage Sales	
Policy	1	Repetitive Garage Sales	

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THAT...staff continue to investigate repetitive garage/yard sales on a written complaint basis and take the necessary steps to have offenders discontinue such sales;

AND THAT no action be taken on the request to license garage/yard sales.

(R. 1997-16 97.08.11)

CITY OF ORILLIA POLICY MANUAL

Part	8	Development Services	8.4.1.1.
Section	4	Building	
Sub-Section	1	Lot Grading and Drainage	
Policy	1	Standards	

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1. REQUIRED PLAN AND APPROVAL

A lot grading and drainage plan must accompany all building permit applications to ensure that the building site be graded so that water will not accumulate at or near the building and will not adversely affect adjacent properties. In this regard the lot grading and drainage design shall address both the 1:5 year and 1:100 year storm frequency for all stormwater entering and exiting the site.

A detailed lot grading and drainage plan must be completed by a Professional Engineer or Ontario Land Surveyor knowledgeable in such matters as per the Professional Engineers Act and Surveyor Act. The plan shall be submitted and approved by the Development Services and Engineering Department, prior to issuance of a building permit.

If there are no grading changes, an exemption may be granted by the General Manager of Development Services and Engineering Department.

2. SITE INSPECTION

A Professional Engineer or Ontario Land Surveyor shall inspect construction and certify that all lot grading and drainage complies with their approved design of the lot grading and drainage plan.

The Professional Engineer or an Ontario Land Surveyor must certify that the building foundation elevation conforms to the lot grading plan.

If as construction proceeds it is found that the project is not being proceeded with in accordance with the lot grading plan submitted, a "Stop Work Order" will be placed on the project until the matter is corrected.

3. NON COMPLIANCE

In the event that lot grading does not comply with the plan, the General Manager of Development Services and Engineering Department.

may notify the owner, to remedy the grading within ten days following which the City shall remedy the grading at the owner's expense.

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Part	8	Development Services	8.4.1.1.
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4. DEPOSIT AND FEES

A lot grading deposit to ensure compliance to the lot grading plan shall be provided as follows:

- i) Lots registered under subdivision agreement \$ 500.00
- ii) Lots less than one acre \$ 750.00
- iii) Lots greater than one acre \$1,500.00

The City shall retain a fee to administer lot grading as per the latest revision of Chapter 452 of the City of Orillia Municipal Code. Upon certification of the lot grading by the Professional Engineer or Ontario Land Surveyor, the balance of the deposit not needed to remedy any work shall be returned.

(R. 1998-247C 98.10.19)
(R. 2006-247 06.10.02)
(R. 2019-94 19.05.06)
(R. 2021-97 21.07.19)

CITY OF ORILLIA POLICY MANUAL

Part	8	Development Services	8.4.2.1.
Section	4	Building	
Sub-Section	2	Soil Stability Requirements	
Policy	1	Testing - Dump Areas	

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THAT a complete test of all ground formerly used as dumping areas, be made before any buildings are erected for public use on these areas.

(R. 1969-416 69.11.03)

CITY OF ORILLIA POLICY MANUAL

Part	8	Development Services	8.4.3.1.
Section	4	Building	
Sub-Section	3	Building Officials	
Policy	1	Code of Conduct	

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THAT...Council adopt the Code of Conduct for Building Officials.

PREAMBLE

The Code of Conduct applies to the Chief Building Official and Inspectors appointed under the *Building Code Act* in the exercise of a power or the performance of a duty under the *Building Code Act* or the Ontario Building Code. The purpose of this Code of Conduct is to promote appropriate standards of behaviour and enforcement actions to ensure building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

STANDARDS OF CONDUCT

Building Officials undertake to:

- Always act in the public interest, particularly with regard to the safety of building works and structures.
- Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
- Apply all relevant building by-laws, codes and standards appropriately and without favour.
- Perform their inspections and plan examination duties impartially and in accordance with the highest professional standards.
- Avoid any conduct that could bring or tend to bring Building Officials into disrepute.
- Comply with the provisions of the Building Code Act, The Ontario Building Code and other Acts or Laws which regulate or govern Building Officials or their functions.
- Not to act beyond their personal level of competence or outside their area of expertise.
- Maintain accreditation to act as an Ontario Building Official.
- Maintain their knowledge and understanding of the best current building practices, the building laws and Codes relevant to their inspection and plan examination function.
- Extend professional courtesy to all.

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BREACHES OF THE CODE OF CONDUCT

The *Building Code Act* provides that the performance of Building Officials will be measured against this Code of Conduct. The Municipal administration will review any allegations brought forward that the Code of Conduct has been breached.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of the Municipal employer and will be based on the severity and frequency of the violation in accordance with relevant employment standards.

(R. 2005-334 05.12.12)