



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: August 25, 2014

**Subject: Report PLPD14-051
Zoning By-law Amendment Z1407,
Amendment and Extension to Draft Plan of Subdivision
Approval, Plan of Subdivision 15T-02502
Heritage Park, Phase II, Stage 4
Part of 314 Carnegie Avenue and 650 Cumberland Avenue**

Purpose

A report to evaluate the planning merits of amending Draft Approved Plan of Subdivision 15T-02502 (Heritage Park, Phase II, Stage 4), rezoning portions of the plan of subdivision to adjust the boundary between open space and future development lands and to permit up to 38 single detached dwellings, and to grant a three-year extension of Draft Plan of Subdivision Approval for Plan of Subdivision 15T-02502.

Recommendations

That Council approve the recommendations outlined in Report PLPD14-051 dated August 25, 2014, of the Manager, Planning Division, as follows:

- a) That Exception No. 162 of Section 3.9 Exceptions of Zoning By-law 1997-123 be amended in accordance with Exhibit D of Report PLPD14-051.
- b) That Draft Plan of Subdivision 15T-02502 be modified to reflect the registration of Plan 45M-237 and renumber the remaining lots and blocks accordingly, to reconfigure the Open Space and Future Development Areas in the northeast corner of the plan, and to provide for the development of Sawmill Road to Settlers Ridge as shown on the Plan prepared by D.M. Wills Associates Limited dated July 16, 2014 attached as Sheet 2 of Exhibit C to Report PLPD14-051;

- c) That the Conditions of Draft Plan of Subdivision Approval dated June 6, 2011 be deleted in their entirety and replaced with an updated set of conditions attached as Schedule 1 to Report PLPD14-051; and,
- d) That the subject properties be rezoned from A1(Smith) – Rural Zone and D.2-96 – Development District to R.1, 1r,2r,8z-162-“H” – Residential District, OS.1 and OS.2 – Open Space Districts and from OS.1 – Open Space District to D.2-96 – Development District and OS.2 – Open Space District in accordance with Exhibit D of Report PLPD14-051.

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of the proposed Zoning By-law amendment or from amending the Plan of Subdivision and Conditions of Draft Plan Approval and granting an extension to Draft Plan of Subdivision Approval. The development of 38 dwelling units will generate \$954,484.00 in development charge revenue (2014 rate) consisting of \$190,190.00 in Chemong East Area Specific Charges and \$764,294.00 in City-wide Development Charges.

Background

Draft Plan of Subdivision 15T-02502 (Heritage Park (Phase II)) was granted Draft Plan of Subdivision, Official Plan and Zoning approvals on October 27, 2003. Subject to the resolution of an appeal to the Ontario Municipal Board, Draft Plan Approval came into effect on October 8, 2004. Since that time, the plan, zoning and conditions of Draft Plan Approval were amended in 2005, and extensions of Draft Plan of Subdivision Approval were granted in 2008 and 2011. To date, three stages of development have registered from Draft Approved Plan of Subdivision 15T-02052 (Registered Plans 45M-223, 45M-233 and 45M-237) thereby creating 245 single detached residential lots.

Presently, the Draft Plan of Subdivision contains a block for parkland/open space purposes and three blocks for future development purposes (see Sheet 1 of Exhibit C attached hereto). Respectively, these blocks are zoned OS.1 – Open Space District and D.2-96 – Development District. Although the Draft Plan of Subdivision contemplates future development, the current zoning does not permit residential development. At the time that zoning and draft plan of subdivision approvals were initially granted, a residential development cap was imposed on the plan out of concern regarding the area road network's ability to accommodate projected traffic generated by the plan.

A Traffic Impact Study completed by Tranplan Associates in 2003 estimated that the existing road network could accommodate approximately 350 new dwelling units. However, the study also noted that because housing development in the area was in its infancy, assumptions had to be made regarding the distribution of site traffic on area

roads. Accordingly, the study recommended that additional traffic studies be completed upon certain levels of housing build out and suggested that a more refined estimate of development capacity could be defined using observed data.

The current Conditions of Draft Plan of Subdivision Approval require a traffic study to be completed when 200 to 250 dwelling units have been built and occupied. Furthermore, the Conditions do not permit development approvals beyond the limit of the draft approved subdivision until a through road connection is available from Carnegie Avenue to Hilliard Street, north of Cumberland Avenue. In 2010, Activa Holdings Inc. completed the required traffic study update which noted that based on observed traffic patterns, the area could potentially accommodate up to 611 units of total residential development and that additional study should be completed following the improvement of the Carnegie Avenue / Cumberland Avenue intersection that was under construction at the time. Completion of the 2010 study enabled the registration of Phase II, Stage 3 of the Heritage Park subdivision (Plan 45M-237) in 2012 and brought the total amount of new units constructed and/or approved for construction in the area to 529 (182 units at Ferghana condominium, 347 units in Heritage Park).

Following registration of Plan 45M-237 in 2012, Activa Holdings Inc. completed an additional traffic impact study to assess the capacity of the area road network in light of observed traffic patterns and the Carnegie Avenue / Cumberland Avenue / Water Street intersection improvements completed in 2010. The traffic study, which was reviewed and accepted by City Transportation Division staff, demonstrated that the area road network could accommodate up to 40 additional residential dwellings in the Heritage Park subdivision over and above those units that exist and/or are approved for construction. To realize this development potential, Activa Holdings Inc. is seeking to re-zone Future Development Block 106 from D.2-96 to R.1,1r,2r,8y-162 to permit up to 38 single detached dwellings. The proposed zoning is intended to maintain consistency with the existing zoning on Sawmill Road and Settlers Ridge where they abut Block 106.

Concurrent with filing an application to amend the Zoning By-law, Activa Holdings Inc. has also filed a request to extend Draft Plan of Subdivision Approval for a period of three years and to amend the Draft Plan of Subdivision. As part of the Conditions of Draft Plan Approval for this plan, the City established a lapse date whereby, if Final Approval of the plan is not granted within three years of the Draft Plan Approval date, Draft Plan Approval shall lapse. The Heritage Park subdivision has been developed as a multi-phase project over many years. Consequently, as noted previously, extensions of Draft Plan of Subdivision Approval have been granted in 2008 and 2011. In June 2014, the Director of Planning and Development Services granted a six-month extension of Draft Plan of Subdivision Approval to gain sufficient time for conducting a thorough internal and agency review of the draft plan in conjunction with the proposed Zoning By-law amendment. Consequently, the current lapse date for this plan is December 22, 2014. Additionally, based on discussions with staff, the Applicant has also requested that amendments be made to the Draft Plan of Subdivision to reconfigure the open space and future development areas in the northeast corner of the plan. Specifically, the Applicant

is seeking to establish additional open space and potential parkland area along the frontage of Settlers Ridge in exchange for a small increase in future development area.

Analysis

Proposed Residential Zoning

The future development portions of the subject lands are designated Residential in the Official Plan while the Open Space areas are designated Major Open Space. By including future development blocks within the limits of the Draft Approved Plan of Subdivision, the current subdivision approval contemplates development on the lands subject to the resolution of traffic concerns. Through the submission of a traffic impact study, the Applicant has demonstrated to staff's satisfaction that a small amount of additional development can be accommodated in the Heritage Park subdivision before more significant road improvements are required in the area.

Future Development Block 106 is currently shown on the Draft Plan of Subdivision (see Sheet 1 of Exhibit C) as accommodating the completion of existing Sawmill Road to Settlers Ridge. Presently, the existing portions of Sawmill Road and Settlers Ridge have been developed for single detached residential purposes with a typical lot width of 10.6 metres (35 feet). The Zoning proposed for Block 106, R.1,1r,2r,8y-162 is consistent with the Zoning on the adjacent lots along Sawmill Road and Settlers Ridge. Generally, staff supports the principle of the proposed residential zoning for Block 106, however, through the application review a technical issue was raised that needs to be addressed in the proposed Zoning amendment.

The proposed residential zoning would permit up to 38 residential units on lots with a minimum width of 10.6 metres (35 feet). As has been implemented in previous stages of the Heritage park subdivision, Alternative Regulation 8y would allow for a reduced side lot line building setback of 0.6 metres (2 feet) on one side for an attached garage while Exception No. 162 would allow for a reduced building setback from a local streetline of 4.5 metres for the dwelling (save and except for a garage which must maintain a 6 metre setback). Unenclosed verandahs would also be permitted to encroach up to 1.5 metres into the streetline setback and 0.3 metres into the side lot line setback.

Reduced streetline and side lot line building setbacks have been employed in a number of recent subdivision developments. Based on experience to date with reduced side yard building setbacks, staff would like to ensure that a minimum separation of 1.8 metres (6 feet) is maintained between buildings on adjacent lots to facilitate adequate lot grading and drainage. Presently, Alternative Regulation 8y does not specify a minimum separation between buildings on adjacent lots. Accordingly, it is possible for garages on adjacent lots to be located as close as 1.2 metres (4 feet) from each other. To ensure a minimum separation of 1.8 metres (6 feet) is provided, staff recommend that Alternative Regulation 8z be used instead because it requires a minimum separation of 1.8 metres

between buildings on adjacent lots when allowing a reduced side yard setback of 0.6 metres on one side.

Similarly, Exception No. 162 currently allows an unenclosed verandah to encroach 0.3 metres (1 foot) into a side lot line setback. Should a verandah on one house be located next to a dwelling with a reduced side yard on an adjacent lot, it would be possible for them to be located as close as 1.5 metres (5 feet) to each other. To ensure that a verandah does not encroach into a required 1.8 metre separation, staff recommend that Exception No. 162 be amended to qualify that a verandah can only encroach up to 0.3m into a side lot line setback where a minimum separation of 1.8m is maintained between the verandah and any building or verandah on an adjoining lot.

To reflect the development potential that re-zoning Block 106 will provide, staff recommend that Block 106 be revised on the Draft Plan of Subdivision to be illustrated as residential blocks rather than a future development block.

Draft Plan of Subdivision Reconfiguration

The northeast corner of the development includes a combination of open space lands (e.g. future parkland and areas within floodplain, wetland and/or 30 metres of the Riverview Creek tributary) and lands that were intended for a future block/site plan-style development. Presently, the Draft Plan of Subdivision illustrates the open space/parkland area as being approximately 4.36 ha (10.77 acres) in size with approximately 85 metres of open road frontage along Settlers Ridge while the adjacent future development lands are approximately 3.33 ha (8.23 acres) in size.

When considering the future use of the open space lands, active recreation uses such as play structures and trails must be located outside of environmental constraints such as flood plain, wetland, and watercourse buffers. Accordingly, as presently configured, approximately 1.49 ha (3.7 acres) of open space lands are available for active parkland use. However, because a wetland pocket encumbers the majority of the area's open road frontage along Settlers Ridge, most of the useable parkland (approximately 1.23 ha or 3 acres) is isolated from the street, located behind the adjacent future development blocks.

In order to improve accessibility for any future active parkland located in the northeast corner of the development, the Applicant has proposed to reconfigure the open space and future development lands. As illustrated in Exhibit B attached hereto, the Applicant is proposing to establish additional open space area along Settlers Ridge in exchange for extending the future development lands further east. Under the proposed new configuration, the open space area would be approximately 3.93 hectares (9.72 acres) in area consisting of wetland, floodplain, environmental buffer from the Riverview Creek tributary, and potential future parkland while the future development blocks would be approximately 3.76 ha (9.29 acres). Within the open space area, approximately 1 ha (2.4 acres) would be available for potential active parkland with the majority of that area being

located in close proximity to Settlers Ridge. As proposed, the parkland would have approximately 90m of unencumbered frontage along Settlers Ridge and the potential to accommodate a neighbourhood trail along the Riverview Creek Tributary between Settlers Ridge and the Heritage Trail/Carnegie Avenue intersection.

Although the proposed reconfiguration reduces the amount of potential active parkland available, staff supports the proposal because it is consistent with the Official Plan's objectives for preserving natural heritage along the Riverview Creek Tributary, it improves the accessibility and visibility of the potential active parkland area, and because it reduces the potential amount of compensation the City will need to provide for acquiring active parkland.

Through previous phases of the Heritage Park development, the City has entered into subdivision agreements with Aactiva Holdings Inc. specifying that the City's entitlement to parkland dedication for those phases (approximately 0.98 ha) will be banked and used to acquire parkland from adjacent lands that are owned by Aactiva but are outside the limit of the Draft Plan of Subdivision. Accordingly, should the City acquire approximately 1 ha of potential active parkland along Settlers Ridge, that parkland acquisition will exceed the City's remaining parkland entitlement of approximately 0.48 ha for the balance of the Draft Plan of Subdivision and the City will need to provide financial compensation for the land.

With respect to the proposed Zoning By-law amendment, the Applicant has requested to maintain the zoning for the contiguous open space and future development lands the same as it is today, OS.1 and D.2-96, however the geographic extent of those zones would shift to match the new block configurations. Staff supports the continued use of the D.2-96 zone on the future development blocks because the zone respects the transportation-related development cap by preventing development on the lands. Any future use of those lands would require a comprehensive Zoning By-law amendment process. For the open space lands, staff recommend that the OS.1 zone be maintained on areas that contain wetland or floodplain or are required as an environmental buffer. However, for areas that could be used for active parkland in the future, staff recommend that the OS.2 zone be applied to ensure that active recreation uses will be permitted.

Draft Plan of Subdivision Approval

To permit completion of Plan of Subdivision 15T-02502 beyond December 22, 2014, Aactiva Holdings Inc. has requested a three-year extension to Draft Plan of Subdivision Approval. Concurrent with reviewing the requested Zoning By-law and Draft Plan of Subdivision amendments, staff reviewed the existing conditions of Draft Plan of Subdivision Approval to determine whether updates are required to reflect current standards and/or progress made to date in fulfilling the conditions.

Upon review of the Conditions, it is staff's opinion that Condition No. 11, which requires a traffic impact study upon completion of approximately 250 units in the neighbourhood, has been satisfied and can therefore be deleted.

In the time since Draft Plan of Subdivision Approval was last reviewed for this plan, the City has begun to impose standard conditions of approval requiring Landscape and Planting Plans for any plantings to occur on-site and Capital Asset Tables for cataloging and tracking the value of all infrastructure to be assumed by the City. Previously, these requirements had been addressed in the subdivision agreement however staff began to include them as conditions of approval to ensure Applicants are informed of the requirements earlier in the planning process. Accordingly, to reflect current practice, staff recommends that the conditions of Draft Plan Approval be amended to include these requirements.

Additionally, since Draft Plan of Subdivision Approval was last reviewed, staff have expanded the scope of issues to be addressed by geotechnical and hydrogeological reports submitted in support of development and have sought to clarify what constitutes acceptable parkland dedication. To reflect this practice, staff recommend that Condition No. 19 be revised to include the current scope for geotechnical and hydrogeological studies and that Condition No. 21 be updated to clarify that wetland and sloped lands associated with the Riverview Creek tributary are not acceptable for parkland dedication.

The first phase of the Heritage Park Subdivision was registered in 2002. Accordingly, much of the downstream sanitary sewer and stormwater management infrastructure to accommodate the Heritage Park subdivision was completed around 2001-2002. To ensure that the existing infrastructure can appropriately accommodate 38 additional dwelling units, staff recommend that two new conditions of approval be added to require updated assessments of the existing stormwater management and sanitary sewer infrastructure.

Finally, in the previous stage of the Heritage Park subdivision and in other recent developments where the Zoning By-law has permitted a reduced side yard building setback, the City has required the registration of a restrictive covenant to ensure that side yards are not encumbered by obstructions that would prevent residents accessing the area for home maintenance purposes. Accordingly, as a condition of approval, staff recommend that a restrictive covenant be required for all lots that are affected by reduced side yard building setbacks.

Staff has no objection to granting a three year extension of Draft Plan of Subdivision Approval to allow the completion of plan 15T-02502 subject to the noted amendments being made to the conditions of approval. As part of granting the extension, staff also recommend that the Draft Plan of Subdivision be updated to reflect the registration of Plan 45M-237 and renumber the remaining lots and blocks accordingly.

Response to Notice

a) Significant Agency Responses

Agency circulation was issued for the proposed Zoning By-law Amendment, Plan of Subdivision Amendment, and Draft Plan of Subdivision Approval extension on April 17, 2014.

Peterborough Utilities (electrical) has raised concern with reducing side yard building setbacks as it could lead to potential conflicts between driveways and electrical transformers. Consequently, Peterborough Utilities has requested that where an electrical transformer is planned, a 1.2 metre side yard building setback be implemented on both sides of the property line on which the transformer is to be located.

Presently, it is not known where transformers will be located in the remaining portions of this development. Accordingly, to address this concern, staff recommend that the composite utility plan required by Condition No 28 of the Conditions of Draft Approval be amended to identify the need for a 1.2 metre side yard building setback from property lines where an electrical transformer is planned. Additionally, staff recommend that the condition also be amended to require the developer to advise builders of this requirement.

In light of the recent approval of a new Provincial Policy Statement (PPS) in April 2014, Otonabee Region Conservation Authority (ORCA) has requested that their existing standard conditions of approval be deleted (Conditions 22 and 23) and replaced with new conditions that better reflect the direction of the PPS 2014. Additionally, ORCA has advised that Condition No. 24 which requires the completion of floodplain mapping along the Riverview Creek tributary has been fulfilled and can therefore be deleted and that the requirement in Condition No. 22 to separate upstream flows of the Riverview Creek tributary from the existing storm water management pond has been addressed by the replacement of the Carnegie Avenue culvert in 2012.

Hydro One Networks Inc. has advised that their standard conditions of approval for development adjacent to their electrical transmission corridors will apply. These conditions are already reflected in the conditions of approval however staff recommend that the existing conditions (30 to 33 respectively) be updated to reflect Hydro One's current corporate name. Also, Hydro One has requested that a note be added to the approval advising the developer of the minimum required separation distance between construction equipment and overhead electrical transmission lines.

No other agency has expressed significant concerns with respect to the proposed Zoning By-law amendment, Draft Plan of Subdivision amendment, and request for Draft Plan of Subdivision Approval extension. Furthermore, the Applicant has been consulted regarding the proposed amendments to the conditions of Draft Plan Approval and has expressed no objection.

b) Summary of Public Responses

Notice of Complete Application was published in the Peterborough Examiner on May 5, 2014. Notice of Public Meeting was issued on July 28, 2014 by direct mail and by newspaper advertisement (Peterborough Examiner) on July 28, 2014. The notice complies with the requirements of the Planning Act, R.S.O. 1990, c.P.13, as amended.

To date, one written comment has been submitted that opposes the principle of reducing the size of the proposed parkland/open space area and questions the relationship of the proposed open space reconfiguration to a conceptual Carnegie Secondary Plan that was presented to area residents in January 2014. As noted previously, the reconfiguration of the proposed parkland/open space area along the Riverview Creek tributary will create additional active parkland along Settlers Ridge and reduce the potential expense that the City may need to pay for acquiring parkland while still maintaining appropriate buffers from the tributary (as previously determined by an Environmental Impact Study).

In January 2014, Planning Division staff held a neighbourhood open house to present a concept for a Carnegie Secondary Land Use Plan and to solicit public comment on the plan. As part of that concept plan, a reconfiguration of the open space area along the Riverview Creek tributary was illustrated in order to express intent of establishing useable parkland space along Settlers Ridge. Although that Secondary Plan concept has yet to be approved, it is staff's opinion that the proposed reconfiguration conforms to the existing Official Plan. Accordingly, the applicant has incorporated this aspect of the conceptual secondary plan into their current application.

Summary

Staff recommend that the proposed Zoning By-law Amendment and reconfiguration of the Draft Plan of Subdivision be approved subject to adjusting the proposed residential zoning to maintain a minimum separation of 1.8m between dwellings on adjoining lots because the proposal is consistent with existing neighbourhood, contemplated by the existing draft plan of subdivision, conforms to the Official Plan, and is supported by a traffic analysis to the City's satisfaction.

Furthermore, staff recommend that Draft Plan of Subdivision Approval for Plan of Subdivision 15T-02502 be extended for period of three years, to lapse on December 22, 2017, subject to the adoption of a new set of approval conditions that incorporate the amendments described herein and the updating of the Draft Plan to reflect the development that has proceeded to date.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Brad Appleby
Planner, Subdivision Control
and Special Projects

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

Exhibit A – Land Use Map
Exhibit B – Proposed Open Space Reconfiguration
Exhibit C – Existing and Amended Draft Plan of Subdivision
Exhibit D – Proposed Zoning By-law
Schedule 1 – Updated Conditions of Draft Plan of Subdivision Approval

Exhibit A, Sheet 1 of 1

Land Use Map

File # z1407

Property Location: 650 Cumberland Ave & 314 Carnegie Ave

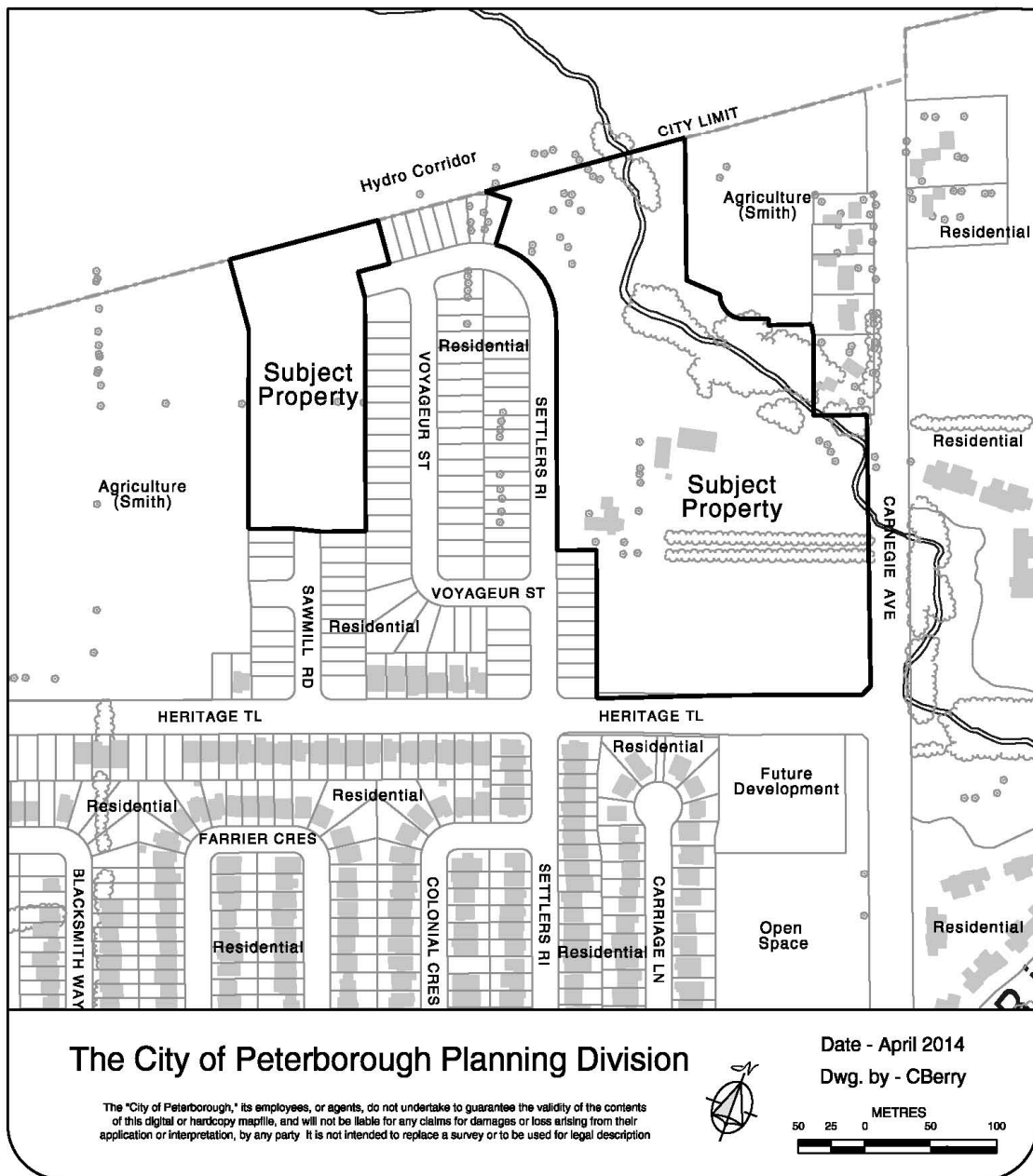


Exhibit B, Sheet 1 of 1

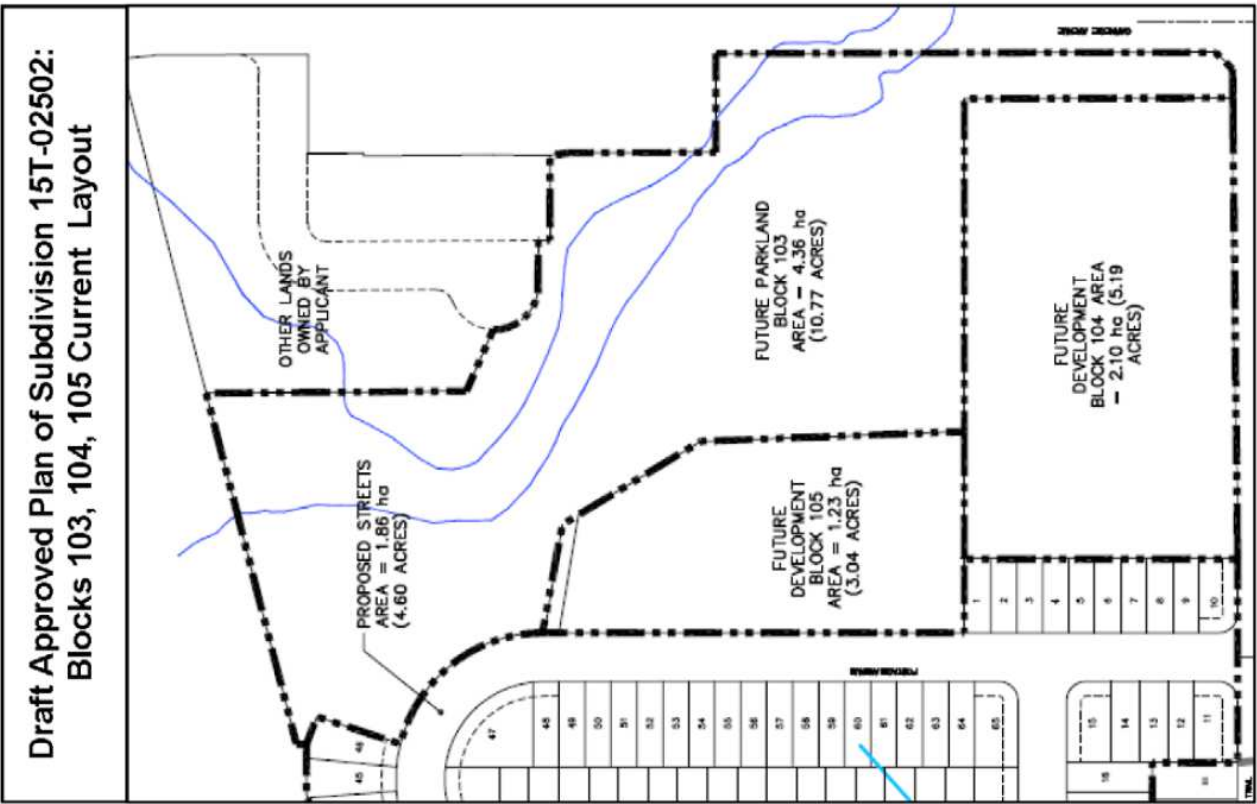
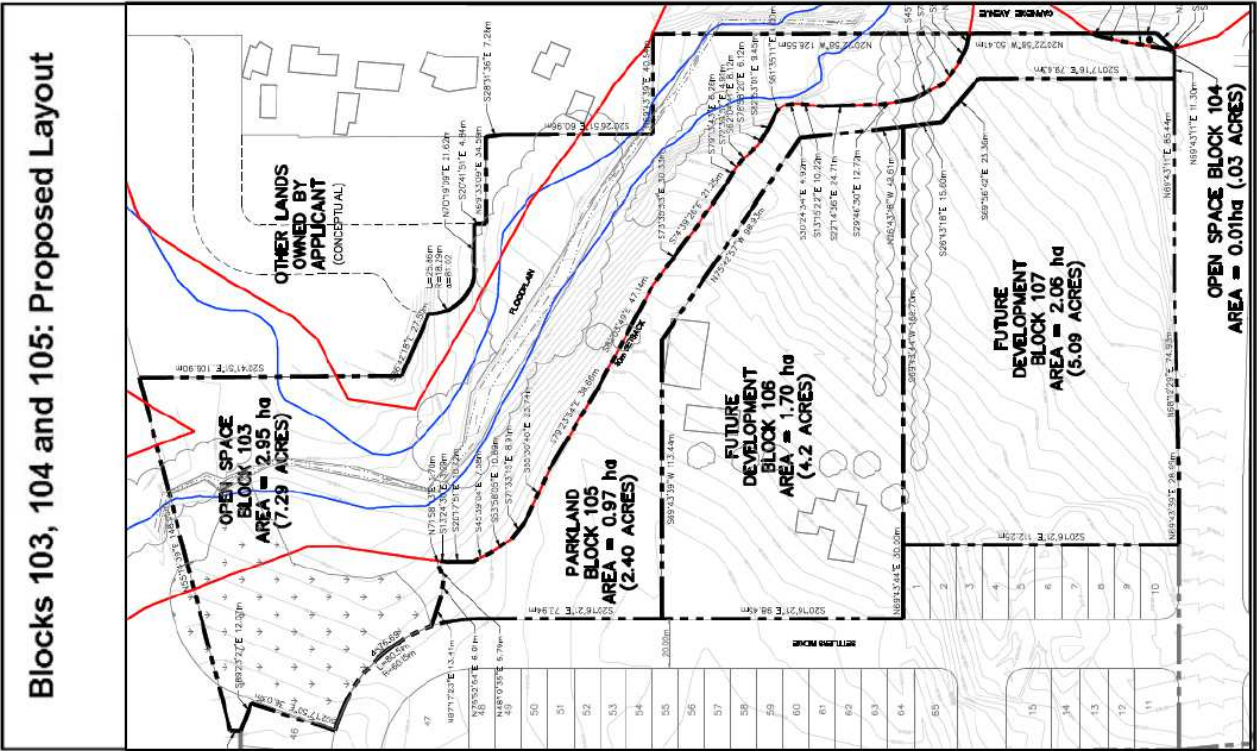


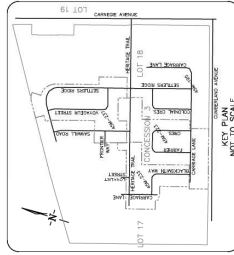
Exhibit C, Sheet 2 of 2

DRAFT PLAN OF SUBDIVISION

HERITAGE PARK SUBDIVISION
CITY OF PETERBOROUGH

OF PROPOSED SUBDIVISION ON PART OF LOT 18,
CONCESSION III FORMERLY IN THE TOWNSHIP OF
SMITH, NOW IN THE CITY OF PETERBOROUGH.

DEVELOPER: ACTIVA HOLDINGS INC.



Information Required Under Section 5(1)(7)
of The Planning Act, RSO 1990

- A. As shown on Draft Plan and Key Plan.
- B. As shown on Draft Plan and Key Plan.
- C. As shown on Key Plan.
- D. Land to be used in accordance with this plan.
- E. As shown on Draft Plan.
- F. As shown on Draft Plan.
- G. As shown on Draft Plan.
- H. As shown on Draft Plan.
- I. As shown on Draft Plan.
- J. As shown on Draft Plan.
- K. As shown on Draft Plan.
- L. As shown on Draft Plan.

Surveyor's Certificate

I hereby certify that the boundaries of the land in the
above plan are correctly shown on this plan.

BRANDY SURVEY LTD.
211 BROADVIEW AVE.
SUITE 200
TORONTO, ONT. M5T 1A5
TEL: 416-593-8004
FAX: 416-593-8004

DATE

OWNER'S CERTIFICATE

I, AUTHORIZED ACTIVA HOLDINGS INC. TO SUBMIT THIS
DRAFT PLAN OF SUBDIVISION TO THE CITY OF PETERBOROUGH.

DATE

Activa Holdings Inc.



D.M. Wills Associates Limited
150 Johnson Drive
Peterborough, Ontario
K9J 8J9
P: 705-742-2297
F: 705-742-2297
E: info@dmwills.com

DRAWN BY	WILLIAM WILLS
CHECKED BY	WILLIAM WILLS
DATE	05-15-2014
SCALE	AS SHOWN
DATE	05-15-2014

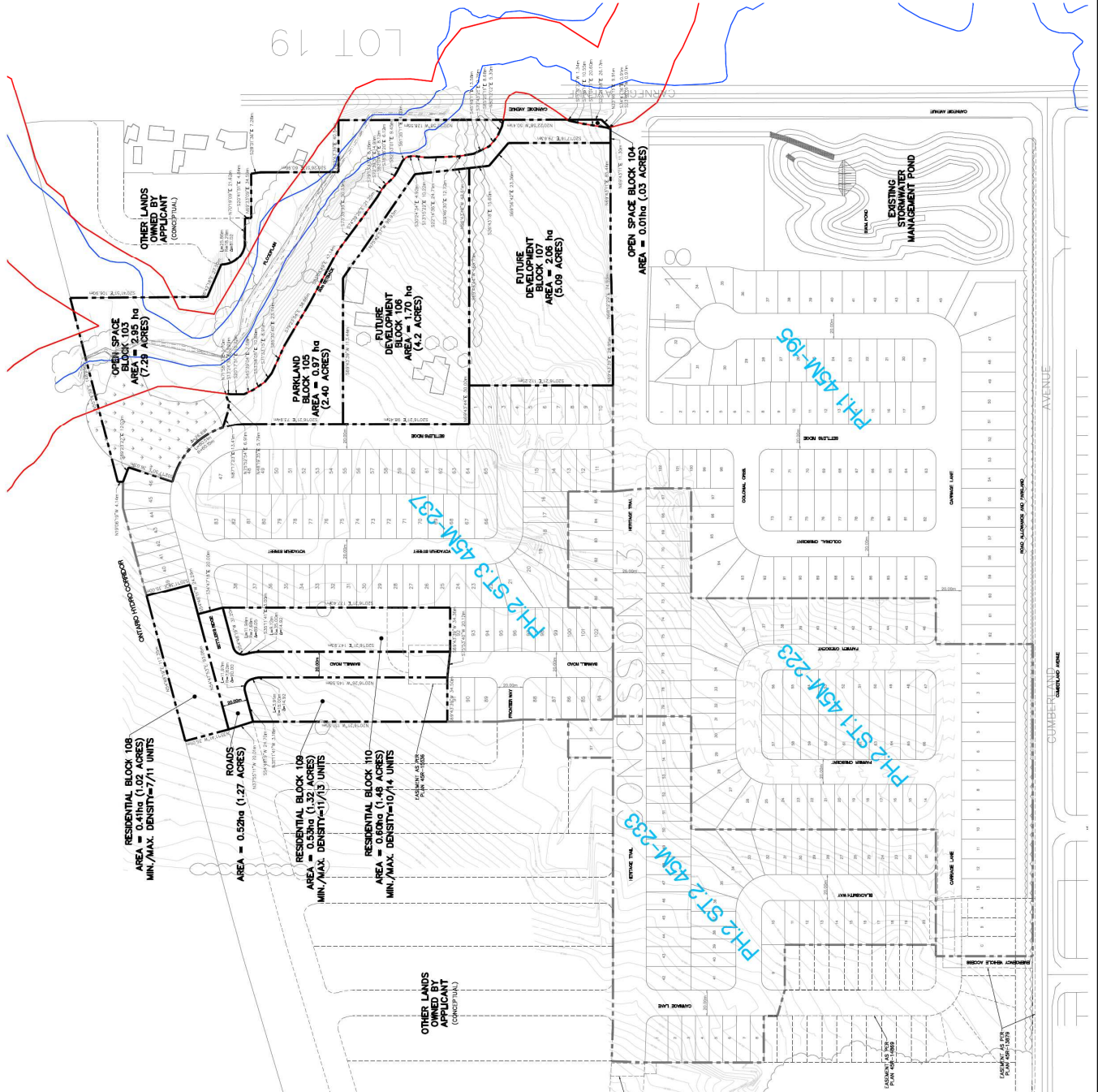


Exhibit D, Sheet 1 of 3



The Corporation of the City of Peterborough

By-Law Number 14-

Being a By-law to Amend the Zoning By-Law for Part of the Properties at 314 Carnegie Avenue and 650 Cumberland Avenue, Heritage Park Subdivision Phase II, Stage 4

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Paragraph No. 162 b) ii) of Section 3.9 Exceptions of Zoning By-law 1997-123 is hereby deleted and replaced with the following:
 - “ii) 0.3 metres into the minimum building setback from a side lot line provided a minimum separation of 1.8 metres is maintained from any building or verandah on an adjoining lot.”
2. **Map 27** forming part of Schedule 'A' to By-law 1997-123 is amended by changing the areas shown on the sketch attached hereto as Schedule 'A' **from D.2-96 to R.1,1r,2r,8z-162-‘H’, OS.1 and OS.2; and from OS.1 to OS.2 and D2-96.**
3. The ‘H’ – Holding Symbol will be removed from areas illustrated on the sketch attached hereto as Schedule 'A' upon registration of the Plan of Subdivision in the Land Registry Office.

By-law read a first, second and third time this 8th day of September, 2014.

Daryl Bennett, Mayor

Exhibit D, Sheet 2 of 3

John Kennedy, City Clerk

Exhibit D, Sheet 3 of 3

A - Change From A1(Smith) & D.2-96
to R.1, 1r, 2r, 8z -162 - 'H'

B - Change From D.2-96
to R.1, 1r, 2r, 8z -162 - 'H'

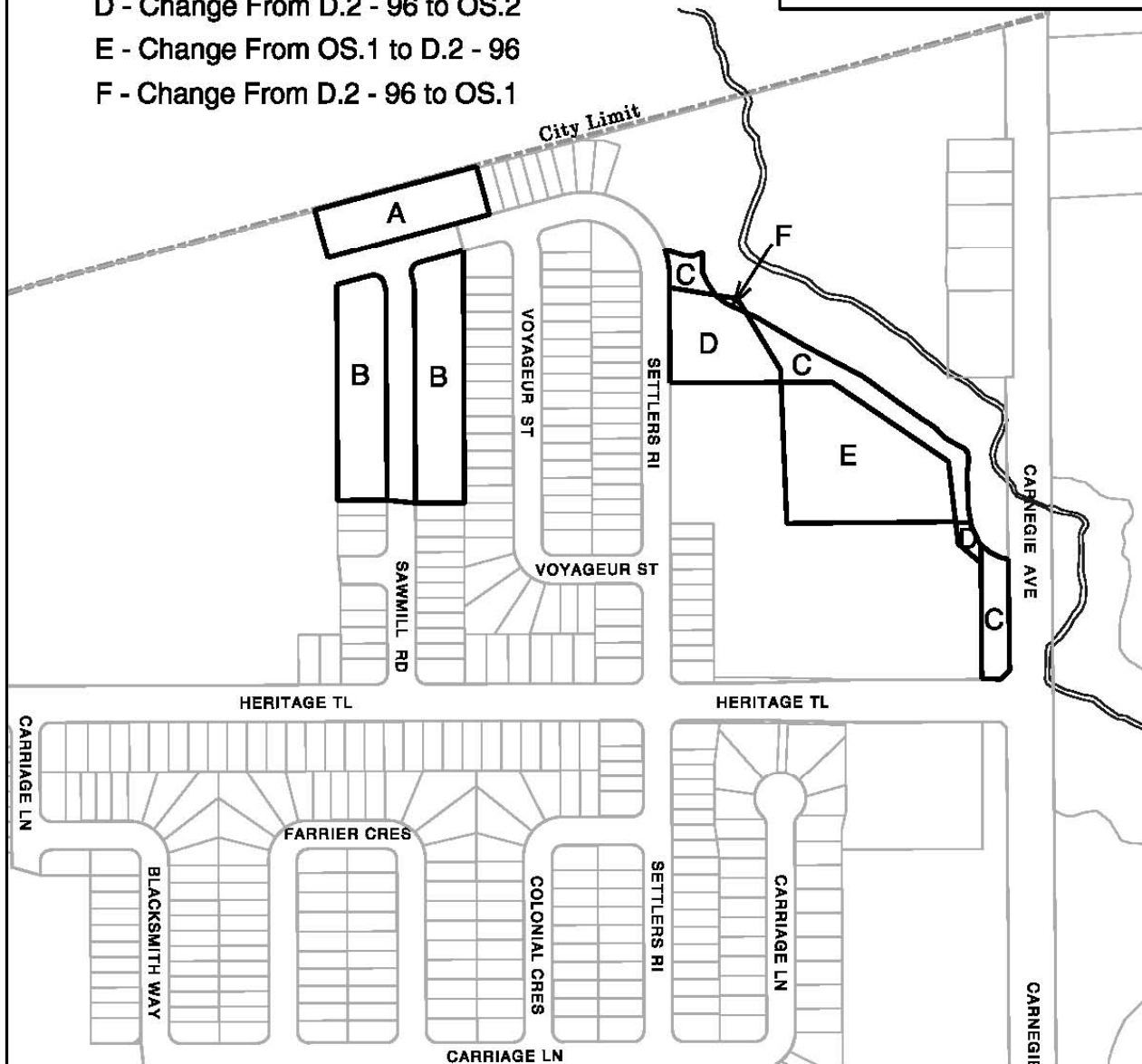
C - Change From OS.1 to OS.2

D - Change From D.2 - 96 to OS.2

E - Change From OS.1 to D.2 - 96

F - Change From D.2 - 96 to OS.1

SCHEDULE 'A' TO
BYLAW 2014 -
PASSED THE DAY
OF 2014
MAYOR
CLERK



City of
Peterborough



File: z1407



The "City of Peterborough," its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or hardcopy mapfile, and will not be liable for any claims for damages or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for legal description.



City of
Peterborough

SCHEDULE 1

Activa Holdings Inc.
Carnegie and Cumberland Avenue
15T-02502/Z0213SB/Z0429SB

CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL

The City of Peterborough Conditions and Amendments to Final Plan Approval for registration of this subdivision File No. 15T-02502 are as follows:

Identification

1. That this approval applies to the Draft Plan 15T-02502 prepared by D.M. Wills Associates Ltd. dated July 16, 2014 which shows the following:

Block No.	Land Use	Estimated Unit Range
Blocks 103 and 104	Open Space	n/a
Block 105	Parkland/Open Space	n/a
Blocks 106 and 107	Future Development	n/a
Blocks 108, 109 and 110	single detached	28 to 38

2. That if Final Approval is not given to this Plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval shall lapse.
3. That prior to Final Approval, the City Engineer will confirm the servicing allocation for this Plan as services are allocated on a “first-come, first-served” basis.

Public Roads and Walkways

4. That the road allowances included in this Draft Plan shall be shown on the Plan and dedicated as public highways.
5. That the streets shall be named to the satisfaction of the City of Peterborough.
6. That any dead ends and open sides of road allowance created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to and held, in trust, by the municipality.

7. That prior to Final Approval, the owner shall agree in the Subdivision Agreement to construct sidewalks in accordance with the City's Sidewalk Policy.

Other Municipal Conditions

8. The owner acknowledges that no further development approvals beyond the subject draft plan will be considered until a through road connection from Carnegie Avenue to Hilliard Street is provided north of Cumberland Avenue.
9. The owner will agree in the Subdivision Agreement, to construct and maintain an emergency access from Carriage Lane to Cumberland Avenue.
10. The owner acknowledges and will agree in the Subdivision Agreement that construction traffic, for both the development of the subdivision and house construction, must utilize Heritage Trail and not the existing local streets (Settlers Ridge, Colonial Crescent and Carriage Lane).
11. That owner acknowledges that the dwelling units approved through the subject Draft Plan cannot be transferred to other lands and access any existing road other than Carnegie Avenue.
12. That prior to Final Approval the owner shall prepare a detailed landscape and planting plan to the satisfaction of the City of Peterborough for any plantings to occur within road right-of-ways. Any plantings must consist of trees that are native to the Peterborough area.
13. That prior to Final approval, the owner shall prepare an updated sanitary sewer servicing capacity analysis from the site to the Wastewater Treatment Plant to ensure no adverse downstream effects arising out of the proposed subdivision.
14. That prior to Final Approval, the owner shall prepare a scoped stormwater management assessment of Blocks 106 to 110 inclusive to ensure that the existing stormwater management facility is not adversely impacted by the proposed development.
15. That prior to Final Approval, the owner shall submit for review by the City and approval by the City Engineer and Peterborough Utilities Services Inc., preservicing drawings illustrating driveway locations and all servicing connections for all lots with less than 12 metres of lot width and all corner lots.
16. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Peterborough concerning the provision of roads, installation of services and drainage, including the completion of Sawmill Road as a through connection from Heritage Trail to Settlers Ridge.
17. That such easements as may be required for temporary access, utility, or drainage purposes, including snow storage at the end of all "stub" streets, shall be granted

to the appropriate authority, prior to the registration of the Subdivision Agreement and Final Plan.

18. That prior to Final approval, the owner shall agree in the Subdivision Agreement to prepare a Capital Asset Table for the infrastructure installed and/or removed and/or impacted in a format approved by the City Engineer at Interim Acceptance. The information on the infrastructure is to be separated into its various components and assigned construction costs for the each item.
19. That prior to Final Approval, the City Engineer must have reviewed and approved a geotechnical/hydrogeological reports to assess soil types, road construction, house footing designs etc. as well as ground water levels relative to establishing elevations for houses and the applicability of gravity foundation drainage services.
20. That the owner shall erect a sign, to the satisfaction of the City depicting the approved plan of Subdivision and zoning, within 90 days of the date of Draft Plan Approval.
21. The owner shall agree in writing to convey 5% of the land to the City for parkland dedication. An additional 3% from the first phase of Heritage Park (45M-195) will be applied to this plan of subdivision. Any floodplain, wetland or sloped lands associated with the Riverview Creek tributary will not form part of the parkland dedication.

Other Agency Conditions

22. That prior to final registration of the Plan of Subdivision and any on-site grading or construction, Otonabee Conservation and the City must have reviewed and approved reports describing/containing:
 - a) the intended means of controlling stormwater runoff in terms of quantity, frequency and duration for all events up to and including the 1:100 year storm;
 - b) the intended means of conveying storm water flow through and from the site, including use of storm water management water quality measures, both temporary and permanent, which are appropriate and in accordance with the Ministry of the Environment (MOE) "Stormwater Management Planning and Design Manual", March 2003 and the Credit Valley Conservation and Toronto and Region Conservation Authority "Low Impact Development Stormwater Management Planning and Design Guide", 2010;
 - c) the means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction. These means should be in accordance with the Greater Golden Horseshoe Area "Erosion and Sediment Control Guidelines for Urban Construction", December 2006. At a minimum, the erosion and sediment control plan shall incorporate:

- i. A proactive, multi-barrier approach to erosion and sediment control, with an emphasis of preventing erosion on site during all phases of construction;
 - ii. A phased approach whereby the extent of grading and disturbed area is limited to only those areas necessary for immediate construction; and,
 - iii. Detailed construction staging plans, including installation details, inspection, repair and maintenance requirements, a spill management and contingency plan for additional measures.
- d) site soil conditions, including grain size distribution profiles, infiltration capabilities, erosion potential, as well as bedrock and groundwater elevations;
- e) site grading plans; and,
- f) means of maintaining a pre-development water balance on the site.

This review and approval will include a review of any existing approved storm water management reports, necessitated by the Riverview Creek Watershed Study to be completed as a result of the Flood Reduction Master Plan.

- 23. The owner shall retain the services of a qualified consultant to undertake a performance monitoring program of the stormwater management facility. The proposed monitoring program shall be submitted to Otonabee Region Conservation Authority for review prior to Final Approval. At a minimum, an annual report shall be submitted to the Authority for review.
- 24. The Subdivision Agreement between the owner and the City of Peterborough shall contain the following provisions in wording acceptable to Otonabee Conservation and the City Engineer:
 - a) That the owner agrees to implement the works referred to in Condition Nos. 22 and 23. The approved reports should be referenced in the Subdivision Agreement.
 - b) That the owner agrees to maintain all stormwater management, erosion and sedimentation control structures operating and in good repair during the construction period. During construction and on an ongoing basis, inspection and monitoring of the installation, maintenance and performance of all erosion and sediment controls shall be conducted by a quality environmental consultant.
 - c) That the owner agrees to implement a monitoring program of the stormwater management pond's performance in accordance with Condition No. 23, until such time as the pond is assumed by the City of Peterborough.

- d) That the owner agrees to provide the authority for review, all relevant inspection and testing reports related to the construction of the stormwater management pond.
- 25.
- a) Bell Canada shall confirm to the City of Peterborough in writing that satisfactory arrangements, financial and otherwise have been made with Bell Canada for the installation of Bell Canada facilities to serve this Draft Plan of Subdivision.
 - b) The owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services.
 - c) If there are any conflicts with existing Bell Canada facilities or easements, the owner shall be responsible for re-arrangements or relocation.
- 26.
- a) Cogeco Cable Solutions shall confirm that satisfactory arrangements, financial and otherwise have been made with Cogeco Cable Solutions for any Cogeco Cable Solutions' facilities serving this Draft Plan of Subdivision which are required to be installed underground, a copy of such confirmation shall be forwarded to the City of Peterborough.
 - b) The owner shall agree in the Subdivision Agreement, in words satisfactory to Cogeco Cable Solutions, to grant to Cogeco Cable Solutions any easements that may be required for telecommunication services.
 - c) If there are any conflicts with existing Cogeco Cable Solutions' facilities or easements, the owner shall be responsible for re-arrangements or relocation.
27. The owner shall agree in the Subdivision Agreement to the following provisions in wording acceptable to Canada Post Corporation and the City Engineer:
- a) Inform all prospective purchasers, through a clause in all Agreements of purchase and sale, as to those lots identified for potential Community Mailbox, mini-park and/or locations.
 - b) Provide, at the owner's expense, curb depressions at the Community Mailbox location 2 metres in width and no higher than 25 mm.
 - c) Provide, at the owner's expense, a paved lay-by at the Community Mailbox location when required by the municipality.
 - d) If a grassed boulevard is planned between the curb and the sidewalk where the Community Mailbox is located, install at the owner's expense, a walkway across the boulevard. The walkway is to be 1.0 metre in width and constructed of a material suitable to the municipality (e.g. interlock, asphalt, concrete etc.) in addition, the developer shall ensure, by forming or cutting

the curb, that this walkway is handicapped accessible by providing a curb depression between the street and the walkway. This depression should be 1.0 metres wide and no higher than 24mm.

28. Prior to Final Approval, the owner shall prepare an overall composite utility distribution plan that allows for the safe installation of all utilities, including required separation between utilities and driveways to the satisfaction of the City Engineer and all affected utility authorities. Where an electrical transformer is to be located in proximity to a residential side lot line, the plan will ensure that a minimum side lot line building and driveway setback of 1.2m is provided on each lot abutting the said lot line. The owner shall agree in the Subdivision Agreement to construct all streets and services in accordance with the approved composite utility plan and to advise all builders of the approved composite utility plan requirements and standards in writing.
29. That a restrictive covenant be registered on title of all lots/blocks where the Zoning By-law may permit a minimum separation of less than 2.4 metres between buildings on adjacent lots to ensure that the area remains free of encumbrances for the purpose of facilitating property maintenance.
30. The owner shall grade all streets to final elevation prior to the installation of the gas lines, and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Consumers Gas.
31. Prior to final approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted in triplicate to Hydro One Networks Inc. for review and approval. Drainage must be controlled and directed away from the Ontario Infrastructure & Lands Corporation/Hydro One Networks Inc. transmission corridor.
32. Temporary fencing must be installed along the edge of the transmission corridor prior to the start of construction at the developer's expense. Permanent 1.5m fencing must be installed after construction is completed along the Ontario Infrastructure & Lands Corporation/Hydro One Networks Inc. corridor, at the developer's expenses.
33. Ontario Infrastructure & Lands Corporation/Hydro One Networks Inc. corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of Ontario Infrastructure & Lands Corporation. During construction there will be no storage of materials or mounding of earth or other debris on the transmission corridor. The proponent will be responsible for restoration of any damage to the transmission corridor or Hydro One Networks Inc. facilities thereon resulting from construction of the subdivision.
34. The costs of any relocations or revisions to Hydro One Networks Inc. facilities that are necessary to accommodate this subdivision will be borne by the developer.

Notes to Draft Approval

1. It is the owner's responsibility to fulfil the Conditions of Draft Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Peterborough Planning Division quoting the City file numbers.
2. We suggest that you make yourself aware of section 144 of the *Land Titles Act* and subsection 78(10) of the *Registry Act*.

Subsection 144(1) of the *Land Titles Act* requires that a Plan of Subdivision of land that is located in a land titles division be registered under the *Land Titles Act*. Exceptions to this provision are set out in subsection 144(2).

Subsection 78 (10) of the *Registry Act* requires that a Plan of Subdivision of land that is located only in a registry division cannot be registered under the *Registry Act* unless that title of the owner of the land has been certified under the *Certification of Title Act*.

Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. The transmission lines abutting this subdivision operate at 500,000, 230,000, or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act* require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

3. Clearances are required from the following agencies:

Otonabee Conservation
250 Milroy Drive
Peterborough ON K9H 7M9

Systems Planner
Cogeco Cable Solutions
P.O. Box 2290,
1111 Goodfellow Road
Peterborough ON K9J 7A4

Bell Canada, Manager
Access Network Engineer
183 Hunter Street West, 2nd Floor
Peterborough, ON K9J 7B4

Delivery Planner
Canada Post Corporation
1424 Caledon Place Box 25
Ottawa ON K1A 0C1

Enbridge Gas Distribution Inc.
Attention: Land Services
P. O. Box 650
Scarborough, Ontario
M1K 5E3

Hydro One Networks Inc.
Real Estate Services
483 Bay Street
North Tower, 15th Floor
Toronto ON M5G 2P5

Manager, Engineering Services
Peterborough Utilities Inc.
1867 Ashburnham Drive
P. O. Box 4125, Station Main
Peterborough, Ontario, K9J 6Z5

4. If the owner wishes to request an extension to Draft Approval, a written explanation must be submitted for Council approval prior to the lapsing date. Please note that an updated review of the plan and revision to the Conditions of Approval may be necessary if an extension is to be granted.
5. The City of Peterborough and the Peterborough Utilities Commission have established a Development Control Monitoring Program for the purpose of managing sanitary and water services city-wide. Draft Approval does not assign a servicing allocation to this Plan of Subdivision. Services will be allocated on a “first-come” “first-served” basis in response to bonafide development pressure.
6. The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.