THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 90-23

BEING A BY-LAW TO PRESCRIBE A TREE PLANTING POLICY FOR
THE CITY OF PETERBOROUGH, AND THE IMPOSITION OF A TREE
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WHEREAS it is desirable to prescribe a requirement incidental to certain developments that
trees be provided along road allowances, in order to provide additional amenities to abutting
land and the community;

AND WHEREAS it is deemed to be in the public interest that the provision of such trees and
the cost thereof be collected, at least in part, in respect to conditions of approval for
subdivision agreements, or incidental to consents received for severances in regard to
applications filed pursuant to The Planning Act;

AND WHEREAS a report was submitted to City Council dated March 1st, 1990 incidental to
this subject by the Director of Community Services for the City of Peterborough;

NOW THEREFORE THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE
COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. The Corporation of the City of Peterborough herein adopts and shall implement the tree
planting policy as recited in this by-law. All city staff, agencies, boards and
commissions shall comply with the tree planting policy as expressed herein and the
Committee of Adjustment is requested to impose, as a condition of severance, the
obligation to provide tree (6) or a tree levy as further described in this By-law.

2. a) The Corporation of the City of Peterborough herein imposes, as a condition
incidental to the approval of any Plan of Subdivision under Section 50 of The
Planning Act, 1983, or incidental to any consent under Section 52 of The
Planning Act, 1983, the requirement of a tree to be provided, or a tree levy to
be collected, incidental to such subdivision of land.

b) The requirement to provide trees along streets and their road allowances will be
imposed in the form of a levy as a condition of a subdivision agreement, or
severance approval. It is hereby decreed that the levy will be equivalent to the
municipal costs for the supply, installation, and provision of maintenance for a
period of one year of such "street trees" and the said levy shall be calculated in
accordance with Schedule "A" to this By-law.

3. It is hereby deemed that trees shall be provided along such road allowances incidental
to new subdivisions in the following manner;

a) Method of Provision - The supply, installation, maintenance and necessary
replacement of the trees will be supervised by the Parks and Forestry Division
using the levied funds to either contract the work or undertake the work by
Parks staff.

b) For subdivisions, the levy shall be collected from the subdivider incidental to
the processing of the subdivision agreement and the registration of the plan of
subdivision. The levy as expressed herein in Schedule "A" shall be reviewed
annually, and the assessment and any modifications to the said levy shall be
presented to City Council no later than April 1st in each calendar year.
c) The levy shall be collected, for severance consents, prior to the issuance of the certificate of consent by the Secretary of the Committee of Adjustment.

4. The amount of a tree levy for all residential development shall be based upon a formula which recognizes that a "street tree" should be provided for every fifty (50) feet of linear frontage along a municipal highway. Linear frontage on a highway shall have the same meaning as that in The Zoning By-law. Accordingly, the levy shall be established for all residential developments in accordance with the following formula:

\[
\frac{\text{Actual Linear Frontage of Developed Site}}{50} \times \text{Applicable Yearly Levy}
\]

The following examples shall assist in the interpretation of the said formula.

Case #1

Site to be developed = 50 feet of frontage

Tree Levy Applicable = \( \frac{50 \times $170 (\text{Present Levy})}{50} = $170 \) levy

Case #2

Site to be developed = 37.5 feet of Linear frontage

Tree Levy Applicable = \( \frac{37.5 \times $170}{50} = $127.50 \)

Case #3 (Corner Lot)

Site to be developed = 120 feet on one side, 60 feet on the other side

Tree Levy Applicable = The linear frontage is the shortest flankage in accordance with the Zoning By-law: Therefore:

\( \frac{60 \times $170}{50} = $204.00 \)

5. City staff shall request, as a condition of consent for severance to the Committee of Adjustment that a levy be imposed on the basis of a tree or trees being required for every severed lot in accordance with the formula prescribed in Section 4. The lot to be retained shall not be subject to the tree levy. The assessment and appropriate levy calculation shall be made at the time of the decision for consent to sever made by the Committee of Adjustment.

6. The size and quality of trees shall be determined by the Parks and Forestry Division and in particular the Manager thereto, and the standards for tree size and quality will be in accordance with the current edition of the Canadian Nursery Association Specifications For Nursery Stock. Species of trees to be planted will be selected by the Manager of Parks and Forestry from a schedule of permitted species. The permitted species shall also be identified from the Canadian Nursery Association Specification For Nursery Stock.
7. The trees will be located within the road allowance and planting will be co-ordinated with respect to the location of all existing and proposed underground and aboveground utilities. Factors such as environmental conditions, likelihood of future root system disturbance, clearance for vehicular and pedestrian traffic, overhead utilities, and the character and ultimate size of the tree species will be considered in determining the appropriate location of the tree.

8. Commercial, industrial, or institutional development will be addressed through applications for approval pursuant to section 40 of The Planning Act. At that time, the Parks and Forestry Division of the City of Peterborough shall report to City Council or to the approved Site Plan Review Committee (in cases of delegated site plan approval), the requirement as it would pertain to the provision of trees incidental to such commercial, industrial or institutional development on the developed site.

9. This policy shall be deemed to be in effect as of September 1st, 1990, and a reserve fund shall be created by the City Treasurer in relation to the monies received for trees as prescribed in this by-law.

By-law read a first and second time this 27th day of August, A.D., 1990.

By-law read a third time and finally passed this 27th day of August, A.D., 1990.

[Signatures]

MAYOR

CLERK
SCHEDULE "A"

The levy charged will be calculated by multiplying the total number of required trees times the base charge per tree. The amount will be subject to annual review and the base amount of $170.00 shall become effective September 1st, 1990.