DEVELOPMENT

Chapter 269
TREE - PLANTING - LEVY

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Article 1
INTERPRETATION

269.1.1 Linear frontage - defined
Linear frontage on a highway shall have the same meaning as that in the Zoning By-law.

Article 2
POLICY

269.2.1 Adoption
The Corporation of the City of Peterborough herein adopts and shall implement the tree planting policy as recited in this Chapter.

269.2.2 Compliance - required - all staff - boards - commissions
All City staff, agencies, boards and commissions shall comply with the tree planting policy as expressed in this Chapter. By-law 90-231, 27 August, 1990.

269.2.3 Committee of Adjustment - responsibility
The Committee of Adjustment is requested to impose, as a condition of severance, the obligation to provide tree(s) or a tree levy as further described in this Chapter. This request shall not apply to a severance which permits the creation of a parcel of land that will be subject to site plan control pursuant to section 41 of the Planning Act, R.S.O. 1990, c. P.13. By-law 90-231, 27 August, 1990; By-law 92-158, 5 October, 1992.

269.2.4 Plan of subdivision - tree levy - requirement
The Corporation of the City of Peterborough 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.

269.2.5 Subdivision - severance - trees - on road allowances
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.

Article 3
SUPPLY - INSTALLATION - MAINTENANCE

269.3.1 Levy - calculation - Schedule ‘A’
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 Chapter.
269.3.2 Road allowances - new subdivisions - provisions
It is hereby deemed that trees shall be provided along such road allowances incidental to new subdivisions in the manner set out in Sections 269.3.3 through 269.3.6 inclusive.

269.3.3 Supervision - Parks and Forestry Division
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.

269.3.4 Timing - levy - collection - from subdivider
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.

269.3.5 Annual review - change - requirements
The levy as expressed in Schedule ‘A’ shall be reviewed annually, and the assessment and any modifications to the said levy shall be presented to Council no later than April 1st in each calendar year.

269.3.6 Severance consents - levy collected - before issue
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.

Article 4
LEVY CHARGES

269.4.1 Formula - calculation - per street frontage
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.

269.4.2 Formula - calculation - residential developments
Accordingly, the levy shall be established for all residential developments in accordance with the following formula:

\[
\text{Actual Linear Frontage of Developed Site} \div 50
\]

multiplied by the applicable yearly levy

269.4.3 Formulas - examples - interpretation
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 = \( \frac{50}{50} \times \$170 \) (present levy) = \$170 levy

Case #2
Site to be developed = 37.5 feet of linear frontage

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

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:

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

Article 5
GENERAL PROVISIONS

269.5.1 Severed lots - formula - prescribed - requested
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 Article 4.

269.5.2 Severance - lot - retained - exempt
The lot to be retained shall not be subject to the tree levy.

269.5.3 Assessment - levy - calculation - made - upon decision
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.

269.5.4 Size - quality - determination - specifications
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.
269.5.5 Species - selection - determination
Species of trees to be planted will be selected by the Manager of Parks and Forestry from a schedule of permitted species.

269.5.6 Species - permitted - identification
The permitted species shall also be identified from the Canadian Nursery Association Specification for Nursery Stock.

269.5.7 Location - within road allowance - conditions
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.

269.5.8 Location - other factors - conditions
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.

Article 6
COMMERCIAL - INDUSTRIAL - INSTITUTIONAL DEVELOPMENT

269.6.1 Applications
Commercial, industrial or institutional development will be addressed through applications for approval pursuant to section 40 of the Planning Act, 1983.

269.6.2 Report - by Parks and Forestry Division
Upon application, the Parks and Forestry Division of the City of Peterborough shall report to 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.

Article 7
FINANCIAL

269.7.1 Reserve fund - established
A reserve fund shall be created by the Treasurer in relation to the monies received for trees as prescribed in this Chapter.
269.8.1 Effective date
This policy shall be deemed to be in effect as of September 1st, 1990. By-law 90-231, 27 August, 1990.
SCHEDULE

Schedule ‘A’ - Levy - Calculation

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.

- The base charge per tree shall be $170.00, effective September 1, 1990.

- The base charge per tree shall be $177.65, effective February 18, 1991.

- The base charge per tree shall be $185.65, effective February 10, 1992.