By-law 01-157
OMB Order 1561

Pursuant to the Orders of the Ontario Municipal Board issued on September 26, 2001, under OMB file No. PL001268

Michael Zygocki Limited and Lages Holdings Inc. have appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1997-0123 of the City of Peterborough to rezone lands composed of Part Lot 27, Concession 12 from "A1-Restricted Agricultural and HL Hazard Land" to "R.1, R.1, RM and Open Space" in order to permit 39 single-detached lots
OMB File No. Z000167

Michael Zygocki Limited and Lages Holdings Inc. have appealed to the Ontario Municipal Board under subsection 22(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Peterborough to redesignate lands composed of Part Lot 27, Concession 12 from "Rural and Provincially Significant Wetland" to "Residential and Major Open Space" in order to permit 39 single-detached lots
City File No. O0005
OMB File No. O000247

Michael Zygocki Limited and Lages Holdings Inc. have appealed to the Ontario Municipal Board under subsection 51(34) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Peterborough to make a decision respecting a proposed plan of subdivision on lands composed of Part Lot 27, Concession 12 in the City of Peterborough
City File No. 15T-00503
OMB File No. S000102

APPEARANCES:

Parties

City of Peterborough
Michael Zygocki Limited and Lages Holdings Inc.
1013034 Ontario Inc.
Friends of Downers Corners Wetlands Coalition

Counsel*/Agent

J. Hart*
R. Pakenham*
F. Steffler*
J. Grieg
MEMORANDUM OF ORAL DECISION DELIVERED BY N.C. JACKSON
ON SEPTEMBER 04, 2001 AND ORDER OF THE BOARD

This panel of the Board was present earlier in the year to conduct a prehearing and to Take a View with all parties. Subsequently, another panel of this Board conducted a mediation. Recently all parties have concluded a settlement. John Boddy Developments Ltd., is not present, but through correspondence filed from their solicitor, exhibit 5, have withdrawn. 1013034 Ontario Inc. are present for the first time and indicate that they do not intend to take part further in these appeals and that they withdraw as well.

The Board heard evidence from Ken Hetherington, an experienced planner employed with the City of Peterborough. He indicated the subject lands are in the eastern portion of Peterborough, described as part of Lot 27, Concession 12 and had been the subject of extensive discussions resulting from the three appeals from Council’s failure to approve Official Plan, rezoning and subdivision applications. The issue was not the proposed residential use, but the appropriate setback from a Provincially significant wetland known as the Downers Corners Wetland. The Official Plan change is to Residential and Protected Natural Area and to add an extension of Marsdale Drive to serve the subdivision as a collector street. The Protected Natural Area designation will ensure that natural features with provincial significance remain in a natural state. The implementing zoning by-law and draft subdivision approvals will permit a 32 lot subdivision with setbacks to require the development as far as possible from the wetland and towards the street. Subdivision conditions require distribution of stewardship brochures, and regulation of swimming pools and lot grading. There will be regular monitoring required. The City will receive a conveyance of approximately 30 acres of wetland below the flood plain line and additional parkland above the flood plain line, all without compensation. The Minutes of Settlement require a comprehensive environmental impact study prior to any further planning approvals within 120 metres of the Downers Corners Wetland. The witness stated that there was sufficient regard for the Provincial Policy Statement and specifically for setback from provincially significant wetlands to permit the 32 lot subdivision to proceed. The witness emphasized the setbacks in the zoning by-law and rigorous environmental conditions in the draft subdivision approval. The settlement conditions require that the City of Peterborough
process final subdivision approval of the 32 lot subdivision pursuant to section 51 of the Planning Act.

The Board accepts the planning evidence that the planning process has resulted in a proposed development that represents good planning. The Friends of Downers Welland Coalition have played a constructive role and have signed the settlement. They indicate through Jean Grieg their satisfaction with a process involving acceptable compromise resulting in environmental conditions that may be considered for application elsewhere in Peterborough. The City Council has now endorsed the development.

The Board will allow the appeals for applications to amend the Official Plan, zoning by-law and to allow draft subdivision approval. The text of all amendments is reflected in the Minutes of Settlement, exhibit 6, and shall be attached as Attachment 1 to this Decision and Order. The Board approves of the texts of those planning amendments to the Official Plan and the draft subdivision conditions and amends the zoning by-law, all in accordance with the attachment and so Orders.

The Board Orders that pursuant to section 51(56.1) of the Planning Act, the City of Peterborough shall have the authority to clear the conditions of draft approval and to administer final approval of the plan of subdivision for the purposes of section 51(58) of the Planning Act.

"N.C. Jackson"

N.C. JACKSON
MEMBER
August 31, 2001

OMB Case No. PL001268

ONTARIO MUNICIPAL BOARD

This is an appeal by Michael Zygocki Limited and Lages Holdings Inc. to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13 as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1997-123 of the City of Peterborough to rezone lands composed of Part Lot 27, Concession 12, formerly in the geographic Township of Otonabee, now in the City of Peterborough, from A1 - Restricted Agricultural and HL Hazard Land to "R.1, 1M, 2M and Open Space" in order to permit 39 single detached lots
O.M.B. File No. Z000187

And this is an appeal by Michael Zygocki Limited and Lages Holdings Inc. to the Ontario Municipal Board under subsection 22(7) of the Planning Act, R.S.O. 1990, c. P.13 as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Peterborough to redesignate lands composed of Part Lot 27, Concession 12, formerly in the geographic Township of Otonabee, now in the City of Peterborough, from "Rural and Provincially Significant Wetland" to "Residential and Major Open Space" in order to permit 39 single detached lots
City File No. O0005
O.M.B. File No. O000247

And this is further an appeal by Michael Zygocki Limited and Lages Holdings Inc. to the Ontario Municipal Board under subsection 51(34) of the Planning Act, R.S.O. 1990, c. P.13 as amended, from the failure of the City of Peterborough to make a decision respecting a proposed plan of subdivision of lands composed of Part Lot 27, Concession 12, formerly in the geographic Township of Otonabee, now in the City of Peterborough
City File No. 15T-00503
O.M.B. File No. S000102

MINUTES OF SETTLEMENT

BETWEEN:

MICHAEL ZYGOCKI LIMITED AND
LAGES HOLDINGS INC.

Hereinafter called "Zygocki"
THE CORPORATION OF THE CITY OF PETERBOROUGH

Hereinafter called the "City"

JEAN GREIG REPRESENTING THE FRIENDS OF DOWNERS CORNERS WETLAND

Hereinafter called "Greig"

(Collectively the "Parties")

WHEREAS the Parties to this Ontario Municipal Board (the "Board") hearing have agreed to settle their dispute regarding a development proposed by Zygocki;

AND WHEREAS these Minutes of Settlement have been prepared in order to document and implement the proposed settlement;

THEREFORE the Parties agree as follows:

1. The Board shall be requested to issue an Order in the form set out in the following documents attached as schedules to these Minutes:

   Schedule 1         Proposed Order of the Ontario Municipal Board
   Schedule A         Official Plan Amendment
   Schedule B         Proposed Plan of Subdivision
   Schedule C         Draft Plan of Subdivision Conditions
   Schedule D         Zoning By-law Amendment
2. The Parties agree that a comprehensive environmental impact study (EIS) shall be prepared to make recommendations, among other things, with respect to the conditions for development of lands within 120 meters of the Downers Corners Wetland. Comments, advice and recommendations shall be sought from Otonabee Conservation, the Ministry of Natural Resources, the City of Peterborough Natural Areas Advisory Committee and the Friends of Downers Corners Wetland and the affected land owners in the preparation of the EIS.

3. The Parties acknowledge that, save and except for Schedules A, B, C and D attached hereto, the City shall withhold processing any further applications for approval of official plan amendments, draft plans of subdivision or rezoning for lands within 120 meters of the Downers Corners Wetland pending the submission of the comprehensive EIS referred to in Paragraph 2 above.

4. The remaining terms of settlement agreed to by the parties are incorporated into the appropriate approval documents: the Board Order, the official plan amendment, the draft plan of subdivision, the implementation of the conditions of draft approval and the zoning by-law amendment. The foregoing will be deemed to fulfil any other requirements of the parties with regard to settlement.

5. The parties hereby agree to act expeditiously in considering and responding to any requests for input regarding the implementation of development approvals.
Dated at the City of Peterborough this 31st day of August, 2001.

MICHAEL ZYGOCKI LIMITED AND LAGES HOLDINGS INC.
By their solicitor,

[Signature]

Robert E. Pakenham

THE CORPORATION OF THE CITY OF PETERBOROUGH
By its solicitor,

[Signature]

John Hart

THE FRIENDS OF DOWNERS CORNERS WETLAND
As represented by Jean Greig

[Signature]

Jean Greig
SCHEDULE 1

ONTARIO MUNICIPAL BOARD

This is an appeal by Michael Zygocki Limited and Lages Holdings Inc. to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13 as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1997-123 of the City of Peterborough to rezone lands composed of Part Lot 27, Concession 12, formerly in the geographic Township of Otonabee, now in the City of Peterborough, from A1 - Restricted Agricultural and HL Hazard Land" to "R.1, 1M, 2M and Open Space" in order to permit 39 single detached lots
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And this is an appeal by Michael Zygocki Limited and Lages Holdings Inc. to the Ontario Municipal Board under subsection 22(7) of the Planning Act, R.S.O. 1990, c. P.13 as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Peterborough to redesignate lands composed of Part Lot 27, Concession 12, formerly in the geographic Township of Otonabee, now in the City of Peterborough, from "Rural and Provincially Significant Wetland" to "Residential and Major Open Space" in order to permit 39 single detached lots
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And this is further an appeal by Michael Zygocki Limited and Lages Holdings Inc. to the Ontario Municipal Board under subsection 51(34) of the Planning Act, R.S.O. 1990, c. P.13 as amended, from the failure of the City of Peterborough to make a decision respecting a proposed plan of subdivision of lands composed of Part Lot 27, Concession 12, formerly in the geographic Township of Otonabee, now in the City of Peterborough
City File No. 15T-00503
O.M.B. File No. S000102

ORDER OF THE ONTARIO MUNICIPAL BOARD

The Board has heard the evidence and submissions of the Parties to this hearing, and hereby orders as follows:

1. The Official Plan Amendment is approved in the form attached as Schedule A.
2. The draft Plan of Subdivision is approved in the form attached as Schedule B.
3. The draft Plan of Subdivision approval will include conditions of approval attached as Schedule C. The fulfillment of the conditions may be administered by The Corporation of the City of Peterborough and the City is hereby authorized to give final approval to the Plan of Subdivision pursuant to Section 51 of the Planning Act, R.S.O. 1990 c.P.13 as amended.

4. An amendment to the City of Peterborough Zoning By-law is approved in the form attached hereto as Schedule D. The City may assign a number to the amendment and advise the Board of the number for the Board's administrative purposes.

The Board so orders.

Dated this 4th day of September, 2001

________________________________________
Norman Jackson, Member
SCHEDULE "A"

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 01-__

BEING A BY-LAW TO ADOPT AMENDMENT NO. 110
TO THE OFFICIAL PLAN OF THE CITY OF PETERBOROUGH
Vacant lands West of Television Road
Serving as Extensions to Marsdale Drive

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

1. Schedule ‘A’ of the Official Plan of the City of Peterborough is hereby amended
   in accordance with Schedule ‘A’ attached hereto. The area indicated thereon is
   changed from ‘Rural’, and ‘Major Open Space’ to ‘Residential’ and from
   ‘Major Open Space’ and ‘Residential’ to “Protected Natural Area”.

2. Schedule ‘B’ of the Official Plan of the City of Peterborough is hereby amended
   in accordance with Schedule ‘B’ attached hereto by adding “Collector Street” for
   the extension of Marsdale Drive.

By-law read a first and second time this _____ day of ____________, 2001.

By-law read a third time and finally passed this _____ day of ____________, 2001.

________________________________________
MAYOR

(Seal)

________________________________________
CLERK
Add Collector Street
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-00503 are as follows:

Identification

1. That this approval applies to the Draft Plan 15T-00503 prepared by M. J. Davenport and Associates Ltd. dated August 31, 2001, as amended to show a total of 32 residential lots (Lots 1 - 32), and one block for stormwater management and open space purposes (Block 34).

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 City.

7. That prior to Final Approval, the owner shall agree in the Subdivision Agreement to construct a sidewalk on one side of the new street to connect to the sidewalk on Marsdale Drive.

Other Municipal Conditions

8. 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.
9. That such easements as may be required for temporary access, utility, or drainage purposes, shall be granted to the appropriate authority, prior to the registration of the Subdivision Agreement and Final Plan.

10. That prior to Final Approval, the owner shall submit a detailed design and landscaping plan for the stormwater management pond and any required portion of the buffer/open space area, to be completed by an O.A.L.A., for review and approval by the City and Otonabee Conservation. The landscape plan shall be based on principles of landscape naturalization, and integrate with the existing ecological functions of the adjacent Downer’s Corners Wetland. Plantings shall be in combinations that are consistent with community types found on the property and in adjacent natural areas, and native to the Great Lakes-St. Lawrence forest region. Prior to Final Approval, the owner shall agree in the Subdivision Agreement to carry out the works approved in the Landscape Plan.

11. That prior to any grading, construction or tree removal, the City shall have reviewed and approved a lot grading report which will identify measures for respecting existing mature trees on site.

12. That the owner shall agree in the Subdivision Agreement to carry out the works approved by the City in the lot grading plan, and to certify final lot grades prior to the sale of dwellings constructed on the lots. and this obligation shall be required of all builders in the plan.

13. That prior to Final Approval, the City Engineer shall have reviewed and approved a soils/hydrogeological report to assess soil types and ground water levels relative to establishing elevations for houses and the need for a foundation drain discharge system. The hydrogeological investigation will also determine whether the development could influence ground water contributions to the Downer’s Corners Wetland, and confirm an optimum location for grassed swales that would infiltrate all or part of the treated storm water.

14. 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.

15. The owner shall agree in writing to convey 5% of the land to the City for parkland dedication. Alternatively, the City may require cash-in-lieu of parkland. Lands within the regional flood plain and lands designated for stormwater management purposes shall not constitute any portion of the parkland dedication.
16. That the Owner shall agree in the Subdivision Agreement to design and construct suitable permanent fencing as required along the rear lot lines of all residential lots that are adjacent to the buffer/open space area, in accordance with the City of Peterborough’s standards. The Owner shall further agree in the Subdivision Agreement that the said fencing shall be constructed upon completion of any grading and landscape restoration in the proposed buffer/open space area, including construction and naturalization of the stormwater treatment pond, and final grading and sodding in the last three metres of those backyards of lots that are adjacent to the buffer/open space area. At the upgrading limit of the sodded permanent 3-metre area, silt fencing and straw bales shall be installed and maintained until construction has been completed and the balance of the backyards sodded. Lands upgradient of the 3-metre sodded area shall be graded to 0.5 metres below the final grade for sediment and silt control during construction. The Owner shall further agree not to change grades or otherwise disturb or encroach upon the buffer and open space areas delineated by the 3-metre sodded area and fencing, all to the satisfaction of the City of Peterborough and Otonabee Conservation.

17. That the Owner shall further agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers of lots abutting the buffer/open space area, advising that fence gates and/or other means of access will not be permitted to the said area from residential properties and that swimming pools on these lots are prohibited. As well, the Owner shall agree in the Subdivision Agreement that a similar clause will be registered on title for all lots abutting the buffer/open space area.

Other Agency Conditions

18. 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 in accordance with the Otonabee Region Conservation Authority’s Water Management Policies dated August 10, 1989 and revised to December 7, 1995; and the City requirements;

b) the intended means of conveying storm water flow from the site, including use of storm water management water quality measures, both temporary and permanent, which are appropriate and in accordance with the provincial “Urban Drainage and Design Guideline April 1987 and the MOEE “Stormwater Management Practices, Planning and Design Manual”, 1994;
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 provincial "Guidelines on Erosion and Sediment Control for Urban Construction". Supporting technical documentation should also be submitted which meets or exceeds standards in the "Technical Guidelines - Erosion and Sedimentation Control", February 1989, published by the Ministry of Natural Resources;

Please Note: Temporary ponds for sediment control should be capable of accommodating 125 cubic metres/hectare of contributing drainage area for a period of not less than 12 hours of removing particle sizes down to 40 microns.

d) site soil conditions, including grain size distribution profiles; and,

c) site grading plans.

The following features shall be included in the erosion and sedimentation control plan:
- the placement of silt fencing along the back lot boundaries of lots on the east side of Marsdale Drive and the new cul-de-sac;
- the placement of rock check dams in any rear yard swales after initial grading to consolidate sediments on site;
- topsoiling and hydrosloping any areas not subject to active construction within 30 days following site grading;
- the construction of a temporary sediment control pond (if required) to retain particulates generated during grading and site servicing;
- grading, shaping and landscaping of quality and quantity control cells at the beginning of construction (in this regard, the quality control cell could form a backup sediment control basin);

19. That 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 #18. 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, in a manner satisfactory to the Otonabee Conservation and the City.
c) That the owner agrees to notify Otonabee Conservation and the City, at least 48 hours prior to the initiation of any on-site development.

In order to expedite the clearance of these conditions, a copy of the signed Subdivision Agreement will be sent to Otonabee Conservation.

20. That the Owner shall, prior to final approval, prepare a detailed Lot Grading and Erosion Control Plan to be approved by the City of Peterborough and Otonabee Conservation that shall include proposed methods for:

i) erosion and sediment control prior to and during construction including the extent of grading/filling, the location of spoil pile storage and the location and nature of sediment control works;

ii) progressive stripping and grading to ensure minimum duration of exposed soil areas to the extent practical;

iii) ensuring that equipment activities, storage, maintenance, refuelling and similar activities do not occur within the buffer/open space;

iv) provisions for restoration and re-vegetation of any approved disturbance within the buffer;

v) the placement of silt fencing around the quality pond’s outlet structure to minimize sediment movement; and

vi) the wrapping of catch basin grates in filter cloth until construction and landscaping have been completed.
21. That the Owner shall agree to monitoring and evaluation of the sediment and control measures prior to, during and after construction to certify that the works are carried out as required, all to the satisfaction of the City. The monitoring and evaluation shall be completed by an independent third party under contract with the City, paid for by the Owner. In that part of the development where overland drainage occurs to the buffer/open space, the Owner agrees that all of the sediment and erosion control works (i.e., silt fencing, straw bales, rock check dams, swales, temporary ponds, etc.) shall be inspected and maintained to ensure their functioning integrity. In this regard, the works shall be inspected on a weekly basis during construction, or forthwith following rainfall events of 13 millimetres or greater, and maintenance carried out within 48 hours on any part of the facility requiring repairs. As well, monthly reports on the conditions of the sediment and erosion control measures shall be maintained by the owner, and submitted to the City and Otonabee Conservation. Once construction and landscaping of the subject property, including the buffer area, have been substantially completed, the erosion and sediment control works (including accumulated sediments) may be removed, and landscaping of the internal slopes of the stormwater management pond completed.

22. That the Owner shall agree in the Subdivision Agreement to prepare a “Natural Systems Stewardship Brochure” for inclusion as a schedule to the Subdivision Agreement in Offers of Purchase and Sale, and registered on title, for all subsequent prospective purchasers of all Lots within the subdivision, that will provide educational material respecting the significance and sensitivity of the Provincially Significant Downer’s Corners Wetland to disturbances from residential development, the City of Peterborough’s environmental policies and programs for management and use of environmental areas, restrictions and regulations associated with the use of these areas, and information on the role of residents in undertaking appropriate conservation efforts, and activities such as:

i) refuse/yard waste/composting;
ii) fertilizer, and pesticide use (inclusive of herbicides, insecticides and fungicides);
iii) natural area vegetation and soil protection, including the preparation of generic planting plans focusing on the planting of native trees, shrubs and ground species within the rear and side lots of properties adjacent to the recommended buffer/open space area;
iv) impact of noise and lighting;
v) open space access and trail use;
vi) domestic pet impacts and controls;
vii) invasive plant spreading;
viii) promoting planting of native species; and
ix) proper swimming pool management techniques.
23. That the Owner shall agree to the satisfaction of the City of Peterborough and Otonabee Conservation to update the Environmental Impact Study, The Meadows Subdivision, City of Peterborough, October 1998 (Revised January 2000) on matters agreed to by members of an ad hoc liaison committee proposed by the Ontario Municipal Board as part of a mediation process on Thursday, May 31st, 2001.

24. That the Subdivision Agreement shall provide for a monitoring program to be implemented to ensure that landscaped areas and sites of restoration have achieved ecological buffer/open space functions. The program would involve establishing a sufficient number of stations for taking photographs at representative sites adjacent to the areas to be restored/re-vegetated. The sites would be marked by some form of monument or stake to ensure standardization of data collection. The photographs would be taken at the same time of day and month. Qualitative notes on wildlife sightings, local disturbances, and invasive species will also be undertaken. The monitoring of the sites would occur no less than once per annum, and would continue for a period of five years following the establishment of the plantings. If the landscape/restoration plan is not evolving as planned, the Owner shall agree to investigate, evaluate and rectify the concern(s). Annual reports would be submitted to the City of Peterborough and the Otonabee Conservation (and others, as required), every year up to five years following the initial restoration.

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. That 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.

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. 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

Manager
Access Network
Bell Canada
364 Water Street North
Peterborough ON K9J 7B4

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

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 bona fide development pressure.
SCHEDULE "b"

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 01-____

BEING A BY-LAW TO AMEND THE ZONING BY-LAW
Vacant lands west of Television Road
Serving as an extension to Marsdale Drive

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

1. Section 2.9 Exceptions of By-law 1997-123 is amended by adding the following:

<table>
<thead>
<tr>
<th>Exception Number</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>- 178</td>
<td>a) Notwithstanding the provisions of Section 6.11, the minimum building setback from the street line shall be:</td>
</tr>
<tr>
<td></td>
<td>i) for a dwelling, excepting a garage or carport 4.5 metres</td>
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<tr>
<td></td>
<td>ii) for a garage or carport 6.0 metres</td>
</tr>
<tr>
<td></td>
<td>b) In this District, an unenclosed verandah may project up to:</td>
</tr>
<tr>
<td></td>
<td>i) 1.5 metres into the minimum building setback from a street line</td>
</tr>
<tr>
<td></td>
<td>ii) 0.3 metres into the minimum building setback from a side lot line</td>
</tr>
<tr>
<td></td>
<td>c) In this District, an open, deck/platform, not exceeding 3.5 metres in height, may extend not more than 4.5 metres into a minimum building setback from a rear lot line.</td>
</tr>
</tbody>
</table>

2. Map 19 forming part of Schedule ‘A’ to By-law 1997-123 is amended by changing the area shown on the sketch attached hereto as Schedule ‘A’ from A.1, A.2 and HL to R.1 - “H”; R.1-162-“H” ; R.1, 1m,2m - “H”; R.1, 1m,2m, 10d -178 -“H” and OS.1.

3. The “II” - Holding Symbol shall be removed from the Zoning By-law upon the registration of the Plan of Subdivision at the Land Registry Office.

By-law read a first and second time this _____ day of _____________, 2001.

By-law read a third time and finally passed this _____ day of ___________, 2001.

__________________________
(Mayor)

__________________________
(Signature)

CLERK

08/31/01