



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 077-2019

A BY-LAW TO APPROVE A DRAFT PLAN OF SUBDIVISION WITH CONDITIONS (425 and 425 A KING STREET EAST – MASON HOMES)

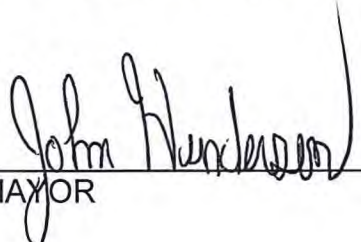
WHEREAS the Council of the Corporation of the Town of Cobourg held a Public Meeting in accordance with the Planning Act, R.S.O. 1990, c.P. 13, as amended, on the 23rd day of September, 2019 regarding an application by RFA Planning Consultant Inc. on behalf of Mason Homes to approve a Draft Plan of Subdivision on an 1.58 ha parcel of land at 425 and 425A King Street East (hereinafter referred to as the "Subject Lands");

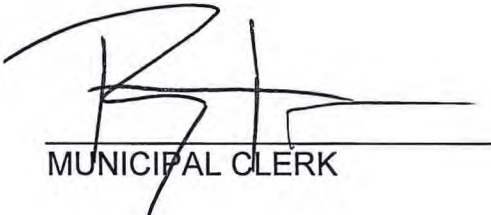
AND WHEREAS the Council of the Corporation of the Town of Cobourg duly considered all public submissions, the Director of Planning & Development's reports and all other relevant background information surrounding the subject matter, and deems it advisable to grant Draft Approval of the Plan of Subdivision, subject to detailed conditions;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg, in accordance with the provisions of Section 51 of the Planning Act, R.S.O. 1990 as amended, hereby enacts as follows:

1. Draft Approval of a Plan of Subdivision generally located on the 1.58 ha parcel of land at 425 and 425 A King Street East is hereby granted, subject to the conditions as affixed hereto as Appendix "I";
2. THIS by-law will come into force and take effect upon final approval in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13, as amended.

Read a first, second, third time and finally passed in Open Council on this 21st day of October, 2019.


MAYOR


MUNICIPAL CLERK

Appendix "I"

Applicant: Mason Homes
File No: Z-03-18 SUB; 14T-18001
Municipality: Town of Cobourg
Location: 425 & 425A King St. E.

Date of Decision: , 2019
Date of Notice: , 2019
Last Date of Appeal: , 2019

1. This approval applies to the Draft Plan of Subdivision, as shown in red on the Plan, prepared by RFA Planning Consultants Ltd., dated February 7, 2018 (attached hereto as **Figure 1**), and consisting of:

- 5 Blocks to be used for freehold townhouse dwelling units;
- 2 Blocks for road allowance dedications; and,
- A public road right-of-way to be dedicated to the Town of Cobourg;

The Town of Cobourg Municipal Council has allocated sanitary sewage treatment capacity for the draft plan to a *maximum* of 27 dwelling units on the condition that the owner enters into an allocation agreement with, and on terms satisfactory and at no cost to, the Town. The foregoing agreement shall be incorporated into the subdivision agreement.

2. The owner shall agree in writing to satisfy the requirements of the Town of Cobourg and any other municipality and/or approval authority that has jurisdiction, and subsequently enter into a subdivision agreement with the Town of Cobourg pursuant to the *Planning Act, RSO 1990 c.P 13*, as amended, which shall be registered on title to the subject lands once the plan of subdivision has been registered. Without limiting the generality of the foregoing, the owner shall agree in writing to satisfy all the requirements, financial and otherwise, of the Town and any other municipality and/or authority that has jurisdiction concerning matters internal and external to the draft plan, including but not limited to:

- the provision, installation and staging of services (including utilities), drainage, grading, sedimentation controls, and road infrastructure, including a street design intended to reflect a "complete streets" priority with particular attention given to the careful transition of the urban/rural context and the potential use of traffic calming measures;
- stormwater management, including the design and conveyance of stormwater from lands internal and external to the draft plan, sustainable 'green' infrastructure, low-impact development stormwater systems and other sustainable development measures, all in accordance with the specifications and requirements of the Town of Cobourg and the Ganaraska Region Conservation Authority (GRCA);
- the allocation, collection and treatment of wastewater in accordance with the specifications and requirements of the Town of Cobourg;
- facilities for active transportation, including pedestrian and bicycle circulation (trails and sidewalks, connections);
- urban built form, landscape and streetscape design measures, including designs which optimize an "eyes on the street" philosophy;
- tree protection, removals, re-planting, edge management/buffering, and other matters relating to the appropriate stewardship of natural and cultural heritage systems, particularly respecting Molly Baker Lane;
- landscaping, vegetative improvements and other considerations regarding compensation for tree canopy loss;
- fencing, screening and other buffering measures, including noise impact mitigation, where applicable;
- wildlife habitat and nest protection, where applicable;
- cultural heritage resource conservation and integration of sympathetic architectural designs and effective landscaping approaches;
- consideration of the provision of housing which is affordable;
- consideration of enhanced building design measures with an emphasis on sustainability, accessibility and visitability;
- site construction management planning;
- cost-sharing arrangements, financial securities and other development performance measures;
- easements that may be required by the applicable authority;
- soil suitability; and,
- archaeological resource conservation;

All costs incurred by the Town of Cobourg and any other municipality and/or approval authority that has jurisdiction which are associated with the planning, design, peer review and inspection of said works shall be borne by the owner.

The Town of Cobourg reserves the right to modify, or 'red-line', at its discretion the draft plan of subdivision and/or conditions thereto prior to final approval based on an evaluation by the Town and relevant agencies of detailed engineering plans, reports, or other applicable documentation, particularly related to stormwater management, grading and natural heritage protection, and may impose special conditions in the subdivision agreement that it deems reasonable in accordance with the *Planning Act, R.S.O. 1990, c.P. 13*, as amended. The aforementioned modifications to the draft plan may include, but are not limited to, changes to the lotting and/or road pattern in order to satisfy the applicable policies, guidelines and standards of the Town of Cobourg and agencies.

3. The owner shall agree in writing to satisfy the Town of Cobourg's urban design objectives of the Official Plan and Urban & Landscape Design Guidelines, including, but not limited to:
 - the creation of high quality, pedestrian-friendly streetscapes and landscapes;
 - the provision of attractive building designs and dwelling forms which are sympathetic to the surrounding neighbourhood and reflect the quality image of the community;
 - the careful design and placement of dwellings in relation to existing natural heritage resources; and,
 - the careful design and placement of dwellings in relation to the street to enhance the sense of place, optimize public safety and minimize the impact of garages.

The development will be subject to architectural controls, and the Town of Cobourg will require the preparation of architectural plans, guidelines and details which demonstrate that the aforementioned objectives will be achieved upon the implementation of the subdivision via a subdivision agreement.

4. Prior to the commencement of any grading, construction on site, or final approval and registration of the plan, whichever occurs first, the Town of Cobourg and the GRCA shall be satisfied that the recommendations of the Tree Inventory and Preservation Plan, dated February, 2018 and updated in August, 2019, prepared by Treescape Certified Arborists, and any Addenda thereto and related plans/studies, are implemented in accordance with applicable Provincial, GRCA and Town policies, guidelines, regulations and standards as part of the detailed subdivision review process of the Town of Cobourg, and that appropriate conditions and/or clauses are included in the subdivision agreement to address the aforementioned recommendations.
5. Prior to the final approval of the draft plan, the Town of Cobourg shall be satisfied that satisfactory arrangements, financial and otherwise, have been made with the appropriate utility authority for any utility facilities serving this draft plan of subdivision which are required by the appropriate utility authority to be installed underground. Any such easements as may be required for utility or drainage purposes shall be granted to the appropriate utility authority.
6. Prior to final approval of the draft plan, the Town of Cobourg shall be satisfied that the soil quality of the subdivision lands is suitable for the proposed residential use via a Phase 1/Phase 2 Environmental Site Assessment and a Ministry-acknowledged Record of Site Condition in accordance with applicable Provincial and municipal policies, guidelines and regulations.
7. Prior to final approval of the draft plan, the Town of Cobourg shall be satisfied that the recommendations of the Cultural Heritage Impact Assessment, dated February, 2018, prepared by Martindale Planning Services, and any Addenda thereto, are implemented in accordance with applicable Provincial, and Town policies, guidelines, regulations and standards as part of the detailed subdivision review process of the Town, and that appropriate conditions and/or clauses are included in the subdivision agreement to address the aforementioned recommendations.
8. The road allowance included in this draft plan shall be shown and dedicated as public highways to the satisfaction of the Town of Cobourg.
9. The street shall be named to the satisfaction of the Town of Cobourg and the County of Northumberland.

10. Prior to the final approval of the draft plan, the appropriate zoning shall be in place to the satisfaction of the Town of Cobourg.
11. Any necessary daylighting triangles, road widening, and walkway blocks shall be shown on the final plan and be dedicated to the appropriate authority; and that any dead ends and open sides of any road allowances created by this draft plan shall be terminated in 0.3 m reserves to be conveyed to, and held in trust, by the Town of Cobourg.
12. Prior to the final approval of the draft plan, Bell Canada shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell facilities serving this draft plan of subdivision which are required by the Town of Cobourg to be installed underground. 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 and/or Fibre Optic digital switching equipment sites.
13. Prior to the final approval of the draft plan, Canada Post shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Canada Post for any postal facilities servicing this draft plan of subdivision which are required to be installed.
14. Prior to the final approval of the draft plan, the County of Northumberland shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with the County of Northumberland regarding the following matters:
 - i) That the pavement structure for the public roadways within the plan of subdivision shall be designed to accommodate highway vehicle loading for waste collection vehicles.
 - ii) That the owner acknowledges and agrees that waste collection services within the subdivision shall not be provided until such time as the public roads are assumed for maintenance by the local municipality and shall advise all purchasers within the subdivision with an appropriate statement in all Offers and Agreements of Purchase and Sale of this requirement.
15. Prior to the final approval of the draft plan, the County of Northumberland is to be satisfied that appropriate clauses are contained within the Subdivision Agreement which require the owner to implement or cause to be implemented the recommendations and measures contained within the plans and reports required and approved by the County in accordance with Condition #14.
16. Prior to the commencement of any grading, construction on site, or final registration of the plan, whichever occurs first, the owner shall submit to the Ganaraska Region Conservation Authority (GRCA) reports, plans and/or other documentation which describes and confirms the following to the satisfaction of the GRCA:
 - (i) a revised Functional Servicing Report and Stormwater Management Report, including detailed engineering plans prepared by a qualified professional engineer supporting the detailed stormwater design which address a number of matters to the satisfaction of the GRCA, including but not limited to:
 - a detailed hydraulic analysis of the proposed outlet structures from the stormwater management (SWM) system(s);
 - revised hydrologic analysis including all design flow events, 2 to 100 year inclusive, routed through the SWM facilities;
 - a hydraulic gradeline analysis for the 5 year event and sewers oversized to ensure that flows are contained below the obvert of the pipe;
 - a 100 year hydraulic gradeline analysis to confirm that basement elevations are not surcharged, and an overland flow analysis that identifies sags, any sewer oversized required, and confirmation that flows can be conveyed safely to the SWM facilities within the municipal rights-of-way;
 - confirmation that all flows from the proposed development will be treated by the SWM facilities;

- (ii) an Erosion and Siltation Control Report and Plan detailing the means by which erosion and sedimentation and their effects will be minimized and contained on the site during and after construction in accordance with Provincial Guidelines. The report will need to outline:
- the protection measures required;
 - the timing of the removal of devices tied to areas that have been stabilized;
 - details for temporary outlet structures, decommissioning and sediment removal/disposal protocols following MOE-EPA Guidelines; and,
 - all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or other related works, to comply with the Canada Fisheries Act;
- iii) Any other studies and/or drawings that the GRCA considers necessary to ensure the appropriate development of the subdivision lands in accordance with Provincial and GRCA policies and regulations.
17. That the owner agrees to pay all GRCA detailed technical review fees in accordance with the current GRCA Fee Schedule on a per phase basis, and further agree to obtain all necessary GRCA permits required under Ontario Regulation 168/06.
18. Prior to the final approval of the draft plan, the GRCA is to be satisfied that appropriate clauses are contained within the subdivision agreement which require the owner to implement or cause to be implemented the recommendations and measures contained within the reports, and any addenda thereto, including requirements for the owner to maintain all erosion and siltation control devices in good repair prior to and during the construction period, all in a manner satisfactory to the GRCA;
19. That prior to final approval of the draft plan, the owner shall provide a letter to the Town from the Ministry of Tourism, Culture and Sport indicating/acknowledging that all archaeological resource concerns have met licensing and resource conservation requirements.
20. Prior to the final approval of the draft plan, Lakefront Utility Services Inc. (LUSI) and Lakefront Utilities Inc. (LUI) shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with LUSI and LUI for any facilities serving this draft plan of subdivision which are required to be installed. The owner shall agree in the subdivision agreement, in words satisfactory to LUSI and LUI, to implement the requirements of LUSI and LUI and to grant to LUSI and LUI any easements that may be required for electrical and/or water services.
21. Prior to the final approval of the draft plan, Enbridge Gas, operating as Union Gas, shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Enbridge/Union Gas for any gas facilities serving this draft plan of subdivision. The owner shall agree in the subdivision agreement, in words satisfactory to Enbridge/Union Gas, to grant to Enbridge/Union Gas any easements that may be required for gas utility services and/or infrastructure required to service the draft plan of subdivision.
22. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Bell Canada how Condition #12 has been satisfied.
23. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Canada Post how Condition #13 has been satisfied.
24. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the County of Northumberland how Condition #'s 9, 14 and 15 have been satisfied.
25. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ganaraska Conservation Authority how Condition #'s 4, 16, 17, and 18 have been satisfied.
26. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ministry of Tourism, Culture and Sport how Condition # 19 has been satisfied.

27. That prior to final approval of the draft plan, the Town of Cobourg is to be satisfied in writing by the Lakefront Utility Services Inc. and Lakefront Utilities Inc. how Condition #20 has been satisfied.
28. That prior to final approval of the draft plan, the Town of Cobourg is to be satisfied in writing by Enbridge/Union Gas how Condition #21 has been satisfied.

NOTES TO DRAFT APPROVAL

1. It is the Applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Municipality, quoting the '14T' File Number.
2. We suggest that the Applicant make yourself familiar with 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 Titles Act. Exceptions to this provision are set out in clauses {b} and {c} of subsection 78(10).

3. The Subdivision Agreement should be registered under Subsection 51(26) of the Planning Act, R.S.O. 1990, c.P.13 against the land to which it applies as notice to prospective purchasers.
4. A permit will be required under the Ganaraska Region Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ont. Reg. 168/06) prior to any development or site alteration on the subject property.
5. The Ganaraska Region Conservation Authority notes that temporary sediment control ponds must be capable of accommodating 125 cubic metres per hectare of contributing drainage area for a period of not less than 12 hours, or removing particle sizes down to 40 microns.
6. Clearances are required from the following agencies:

K. Thajer
Ganaraska Region Conservation Authority
P.O. Box 328
Port Hope ON L1A 3W4

B. Gillispie
County of Northumberland
Waste Collection Services
555 Courthouse Road
Cobourg ON K9A 5J6

D. Campbell
County of Northumberland
Land Use Planning
555 Courthouse Road
Cobourg ON K9A 5J6

Janice Young
Bell Canada
Network Property Services
F 13-100 Borough Drive
Toronto ON M1P 4W2

Canada Post/Postes Canada
Attn: Stephen McGraw
Delivery Service Officer / Agent de Service a la Livraison

P.O Box 8037 Ottawa T CSC
Ottawa, ON K1G 3H6

D. Paul, President
Lakefront Utility Services Inc/Lakefront Utilities Inc.
207 Division Street
Cobourg, Ontario
K9A 4L3

Ministry of Tourism, Culture and Sport - Archaeology
Hearst Block, 9th Floor
900 Bay Street
Toronto, ON M7A 2E1

Mary Jane Patrick
Enbridge Gas Inc., operating as Union Gas
50 Keil Drive North
Chatham, ON N7M 5M1

7. All measurements in subdivision plans and condominium final plans must be presented in metric units.
8. The final plan approved by the Town must be registered within 30 days or the Municipality may withdraw its approval under Subsection 51(59) of the Planning Act, R.S.O. c.P.13, 1990.
9. This draft approval shall be in force and effect until 2022.

Figure 1

