

**A BY-LAW TO APPROVE A DRAFT PLAN OF SUBDIVISION WITH CONDITIONS (LANDS WEST OF CANADIAN TIRE – VANDYK WEST PARK VILLAGE LIMITED)**

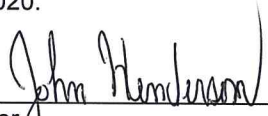
**WHEREAS** the Council of the Corporation of the Town of Cobourg held a Public Meeting in accordance with the Planning Act, R.S.O. 1990, c.P. 13, as amended, on the 29<sup>th</sup> day of September, 2020 regarding an application by Justin Mamone on behalf of Vandyk West Park Village Limited to approve a Draft Plan of Subdivision on a 3.7 ha parcel of land west of Canadian Tire (hereinafter referred to as the “Subject Lands”);

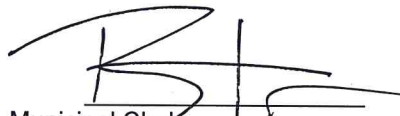
**AND WHEREAS** the Council of the Corporation of the Town of Cobourg duly considered all public submissions, the applicant's background documentation, the Director of Planning & Development's reports and all other relevant background information surrounding the subject matter, and deems it advisable 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 3.7 ha parcel of land located immediately west of Canadian Tire is hereby granted, subject to the conditions as affixed hereto as Schedule “A”;
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 and passed in Open Council on this 14<sup>th</sup> day of December, 2020.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Municipal Clerk

Certified that this is a true copy of By-law 079-2020 as enacted and passed by the Council of the Corporation of the Town of Cobourg on December 10, 2020.

\_\_\_\_\_  
Municipal Clerk

### Schedule "A"

1. This approval applies to the Draft Plan of Subdivision, as shown in red on the Plan prepared by Ivan B. Wallace Ontario Land Surveyor Ltd., dated May 29, 2020 (attached hereto as **Figure 1**), and consisting of:
  - 18 Blocks comprised of 62 residential townhouse lots and 10 residential semi-detached lots;
  - 1 commercial Block;
  - 1 park Block;
  - 1 emergency/pedestrian access Block;
  - associated public roads (as shown on **Figure 1**).

The Town of Cobourg Municipal Council has allocated sewage treatment capacity for the draft plan to a maximum of 72 residential units + 1,400 sq m (15,000 sq ft) commercial space 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;
  - 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/or other sustainable drainage 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;
  - park design, streetscape and site landscaping;
  - fencing, screening and other buffering measures, including noise impact mitigation, where applicable;
  - consideration of the provision of housing which is affordable or attainable for moderate income households;
  - consideration of enhanced subdivision, site and building design measures with an emphasis on sustainability, accessibility and visitability;
  - site construction operations management planning;
  - Cost-Sharing Agreements, financial securities and other development performance measures as may be required to develop the site;
  - easements that may be required by the applicable authority;
  - on and off-street parking;
  - development performance measures and standards;
  - site design, servicing, landscaping and other development-related matters pertaining to the commercial block.

The Town of Cobourg reserves the right to modify, or 'red-line', at its discretion and in consultation with the owner, acting reasonably, 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 servicing, 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 design/pattern in order to satisfy the applicable policies, guidelines and standards of the Town of Cobourg and agencies.

All costs incurred by the Town 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.

3. The owner shall agree in writing to satisfy the Town of Cobourg's urban design objectives of the Official Plan and the New Amherst Community Secondary Plan, 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 will enhance the character of the neighbourhood and reflect the quality image of the community;
  - the careful design and placement of dwellings in relation to the street to enhance the sense of place and minimize the impact of garages;
  - the careful design and placement of commercial buildings in relation to the street and adjacent properties to create a strong street edge and form a compatible relationship with abutting land uses.

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

4. The owner shall convey the land on the plan identified for park purposes to the Town of Cobourg in accordance with Section 51.1(1) of The Planning Act, R.S.O. 1990, c.P. 13.
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. The road allowances included in this draft plan shall be shown and dedicated as public highways and the streets shall be named to the satisfaction of the Town of Cobourg and the County of Northumberland.
7. Prior to the final approval of the draft plan, the appropriate zoning shall be in place to the satisfaction of the Town of Cobourg.
8. Any necessary daylighting triangles, road widening, and access 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.
9. 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.
10. Prior to the final approval of the draft plan, Union/Enbridge Gas shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been

made with Union Gas for any gas facilities serving this draft plan of subdivision which are required by the Town of Cobourg to be installed. The owner shall agree in the subdivision agreement, in words satisfactory to Union/Enbridge Gas, to grant to Union/Enbridge Gas any easements that may be required for gas services and related facilities.

11. 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.
12. 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.
  - iii) That a Cost-Sharing Agreement be entered into between the Owner and the County of Northumberland to address the design, installation and staging of roads, services, drainage, grading and other infrastructure improvements within County Road No. 2/Elgin Street West.
13. 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;
14. 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) such reports, plans and/or other documentation associated with stormwater management, erosion/sedimentation control and other matters under the jurisdiction and authority of the GRCA to their satisfaction and approval. Notwithstanding the generality of the foregoing, 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 detailed Stormwater Management Report supporting the detailed design which includes the following to the satisfaction of the GRCA:
    - a detailed hydraulic analysis of the proposed outlet structures from the stormwater management (SWM);
    - a hydrologic analysis including all design flow events, 2 to 100 year inclusive, routed through the SWM facilities;
    - a 100 year hydraulic gradeline analysis to confirm that basement elevations are not surcharged, and an overland flow analysis that identifies sags, any sewer oversizing 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.
15. 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, plans and/or other documentation that the GRCA considers necessary to ensure the appropriate development of the subdivision lands in accordance with Provincial and GRCA policies and regulations.
16. 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 maintain all erosion and siltation control devices in good repair prior to and during the construction period in a manner satisfactory to the GRCA.
17. That the owner agrees to pay all GRCA detailed technical review fees in accordance with the current GRCA Fee Schedule, 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, 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.
19. That prior to final approval of the draft plan, the owner shall provide confirmation to the Town of Cobourg from the designated Trustee or other body approved by the Town that a comprehensive Cost-Sharing Agreement has been entered into between the owner and the owner of adjacent lands to the west (known as "New Amherst Ltd.") to the satisfaction of the Town to confirm that the required contribution of funds, land and commitments for services will be in place and operative for the development of the subdivision lands on matters including, but not limited to, water services, sanitary sewage services, stormwater management facilities and transportation infrastructure internal and external to the New Amherst Community Secondary Plan area, and that satisfactory evidence has been provided to the Town to confirm that all financial obligations have been fulfilled.
20. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Bell Canada how Condition #9 has been satisfied.

21. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Union/Enbridge Gas how Condition #10 has been satisfied.
22. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Canada Post how Condition #11 has been satisfied.
23. 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 #'s12 and 13 have been satisfied.
24. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ganaraska Region Conservation Authority how Condition #'s14, 15, 16 and 17 have been satisfied.
25. 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 #18 has been satisfied.

