

MINUTES OF SETTLEMENT

BETWEEN:

ROLF SCHUETTEL AND KERRI SCHUETTEL

(the "Schuettels")

– and –

THE CORPORATION OF THE TOWN OF MINTO

(the "Town")

WHEREAS the Schuettels are the owners of the property municipally known as 50 George Street North, Harriston, Ontario;

AND WHEREAS on June 21, 2016 the Town passed By-law No. 2016-48 in order to rezone the properties known as Part Park Lots 4, 5 and 6; RP 61R-20210, Parts 9, 10 and 11, with municipal addresses of 24 George Street North and 100 William Street East, Harriston (the "By-law");

AND WHEREAS the Schuettels appealed the passage of the By-law to the Ontario Municipal Board due to their concerns about its adequacy and completeness (the "Appeal");

AND WHEREAS the Schuettels and the Town (collectively, the "Parties") have come to an agreement with respect to appropriate amendments to the By-law in order to resolve the Appeal.

NOW THEREFORE in consideration of the terms and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree with each other as follows:

1. The recitals above are true and correct in all respects.
2. The agreed amendments to the By-law are incorporated in the by-law attached as Schedule "A" attached hereto, which forms part of these Minutes of Settlement (the "Amending By-law").
3. The Parties agree that the Appeal shall be resolved by amending the By-law in accordance with the changes contained in the Amending By-law. The Parties shall cooperate in presenting evidence on consent to the Ontario Municipal Board in support of this settlement at the hearing event for the Appeal, which is scheduled to take place on February 3, 2017 (the "Hearing"). The Amending By-law and these Minutes of Settlement shall be submitted by the Parties as exhibits at the Hearing.
4. The Parties shall request that the Ontario Municipal Board issue an order allowing the Appeal in part by repealing the By-law and replacing it with the Amending By-law.

5. In the event that the Town and the owner of the property that is subject to the By-law reach a satisfactory agreement of purchase and sale, the Town agrees to convey to that owner only the lands shown as parcel "A" in Option #2 on page 1 of the June 16, 2016 Town of Minto staff report. Those lands shall not in any event be greater than 0.29 acres in area.
6. The Town shall retain ownership of the lands shown in green on page 2 of the June 16, 2016 Town of Minto staff report (the "Hammerhead Lands"), which is attached hereto as Schedule "B". The Hammerhead Lands shall remain in public ownership and shall be zoned for Open Space (OS) purposes only.
7. The Town shall install a P-gate or alternate gate as approved by the Town's Fire Chief at the easterly limits of the Hammerhead Lands in order to ensure that the Hammerhead Lands can only be used for emergency vehicle turn-around purposes. Without limiting the specificity of the foregoing, the Town agrees that the Hammerhead Lands shall not be used for parking, storage, private amenity space, or any other purpose associated with the private development that is the subject of this appeal.

General Provisions

8. Each Party shall bear its own costs pertaining to the Appeal.
9. The terms and obligations set forth in these Minutes of Settlement shall be binding on the Parties, their respective heirs, beneficiaries, affiliates, successors and assigns. They shall survive the completion of the Hearing and be enforceable as matters of private contract.
10. The Parties agree to act reasonably and in good faith in respect of all dealings between the Parties pursuant to these Minutes of Settlement.
11. These Minutes of Settlement constitute the entire agreement between the Parties as to the Appeal and supersede all prior agreements, negotiations and understandings with respect thereto.
12. Any amendment to or waiver of any provision of these Minutes of Settlement must be in writing and signed by the Parties.
13. These Minutes of Settlement may be executed in counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument.
14. These Minutes of Settlement shall be governed by and construed in accordance with the laws of Ontario.
15. These Minutes of Settlement may be delivered by facsimile or by e-mail in PDF format and such delivery shall constitute a duly executed original.

IN WITNESS WHEREOF the Parties have executed these Minutes of Settlement.

[SIGNATURE PAGE FOLLOWS]

DATED this 6th day of December, 2016.


ROLF SCHUETTEL


KERRI SCHUETTEL

THE CORPORATION OF THE
TOWN OF MINTO
per:


Mayor George A. Bridge


C.A.O. Clerk Bill White

SCHEDULE "A"

THE CORPORATION OF THE TOWN OF MINTO By-law No. 2016-48

To Rezone 0.29 acres of Parkland from Open Space (OS) to Residential Exception (R2-46) and Provide Zoning Relief for Deficiencies in Side Yard and Rear Yard Setbacks and Distance between Side Townhouse Blocks and, for Part of Park Lots 4 and 5, George Street, Harriston

WHEREAS Section 34 of the *Planning Act*, R.S.O. 1990, as amended, authorizes the council of a municipality to pass a zoning by-law for the use of land; and

WHEREAS, the Council of the Corporation of the Town of Minto deems it necessary to amend By-law Number 01-86;

NOW THEREFORE the Council of the Corporation of the Town of Minto enacts as follows:

1. THAT Schedule "A" - Map No. 3 (Harriston) of the Town of Minto Zoning By-law 01-86 is amended for Part of Park Lot 6, George Street, Harriston, Town of Minto, by rezoning an area from Open Space (OS) to Residential Exception (R2-46), as shown on Schedule "A" (the "Lands") attached to and forming part of this By-law.
2. THAT Section 35 – Exception Zone 2 – Harriston, Town of Minto is amended by the deleting the last sentence of the regulations for the lands zoned Residential R2-46 and replacing it with the following text:

The cluster townhouse use shall meet all of the regulations of Section 13.2.2 of the Residential R3 Zone, save and except the following provisions:

- | | | |
|--|---|-------|
| (a) Minimum Interior Side Yard Setback | - | 3.0m |
| (b) Minimum Rear Yard Setback | - | 5.64m |
| (c) Distance Between Side Townhouse Blocks | - | 3.0m |

3. THAT the following additional provisions shall apply to the Lands:
 - (a) There shall be a one-storey height limitation for all development on the Lands.
 - (b) There shall be a maximum unit limit of twenty-three (23) units on the Lands.
 - (c) All development on the Lands must be constructed in accordance with all of the applicable provisions of the Town of Minto Zoning By-law to ensure appropriate parking, amenity space, garbage facilities and other matters are provided in a suitable manner.
 - (d) Minimum Lot Frontage: the frontage of the existing lot on George Street zoned R2-46 shall be the required frontage for development of a cluster townhouse development
4. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 01- 86, as amended.

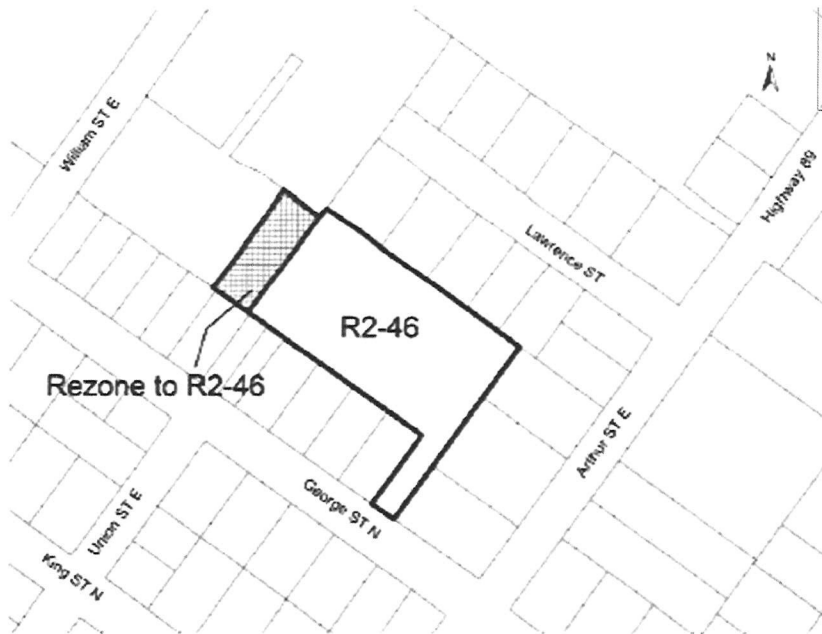
5. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of the *Planning Act*, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the *Planning Act*, R.S.O., 1990, as amended.

Approved by the Ontario Municipal Board this 3rd day of February, 2017.

Board Member:

THE CORPORATION OF THE TOWN OF MINTO
By-law No. 2016-48

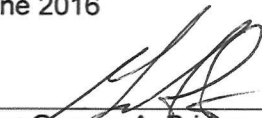
Schedule "A"



Rezoned from Open Space (OS) to Residential Exception (R2-46)
Revise Regulations for Residential Exception (R2-46)

This is Schedule "A" to By-law 2016-48

Passed this 21st day of June 2016



Mayor George A. Bridge



C.A.O. Clerk Bill White

EXPLANATORY NOTE

BY-LAW NUMBER 2016-49

SUBJECT LAND

The properties subject to the proposed amendment are located on Part Park Lots 4, 5 and 6 George Street, with municipal addresses of 24 George Street N, Harriston.

PURPOSE

The purpose of the amendment is to rezone approximately 0.29 acres of parkland owned by the Town of Minto from Open Space (OS) to Residential Exception (R2-46).

In addition the text of the R2-46 zone is being revised to provide zoning relief for the following deficiencies:

- Interior side yard setback – 3.0m proposed, 6.0m required (section 13.2.2.5)
- Rear Yard Setback – 5.64m proposed, 7.6m required (section 13.2.2.4)
- Distance between sides of townhouse blocks – 3.0m proposed, 9.1m required.
(section 12.2.2.9c))

In addition the text of the R2-46 zone as it applies to the subject property is being revised to provide for the following limitations:

- All development shall be a maximum of one-storey in height.
- There shall be a maximum of twenty-three (23) units constructed on the subject property.

SCHEDULE "B"

