



City of
Peterborough

To: Members of the Planning Committee

From: Jeffrey Humble, Director, Planning and Development Services

Meeting Date: March 20, 2017

Subject: Report PLPD17-011
Establishment of a Special Area Charge for Rear Laneways
Registered Plan of Subdivision 45M-247
Mason Homes Limited

Purpose

A report to establish a Special Area Charge pursuant to Section 326 of the **Municipal Act, 2001**, S.O. 2001, c.25 as amended, applicable to certain lots and blocks within the registered Plan of Subdivision numbered 45M-247 that abut and rely upon a rear laneway for vehicular access.

Recommendation

That Council approve the recommendation outlined in Report PLPD17-011 dated March 20, 2017, of the Director, Planning and Development Services, as follows:

That the By-law attached to Report PLPD17-011 as Exhibit A be approved to establish a Special Area Charge pursuant to Section 326 of the **Municipal Act, 2001**, S.O. 2001, c.25 as amended, applicable to certain lots and blocks within Plan 45M-247 that abut and rely upon a rear laneway for vehicular access.

Budget and Financial Implications

As illustrated in Exhibit B attached hereto, Plan 45M-247 contains 16 single detached lots and 22 blocks (56 townhomes and 24 semi-detached units) that abut and rely upon rear lanes. Approval of this report's recommendations will establish an annual Special Area Charge of \$108.52 (2017 value) to be added as a separate line onto the property tax bill of each dwelling upon occupation. Based on the 2017 rate, an estimated total of \$10,420 would be collected if all houses were occupied. If the first year of occupancy is for a portion of the year, the Special Area Charge will be prorated accordingly.

The funds will be collected and placed into the existing Special Area Charge – Laneways Reserve to pay for the additional service associated with the ongoing maintenance and eventual reconstruction of the abutting lanes.

Background

On March 14, 2011, Council adopted General Engineering Standards for Subdivision Design (Report USEC11-003) and granted Draft Plan Approval to Plan of Subdivision 15T-10507 for Mason Homes Limited (Report PLPD11-013). The subdivision, marketed by Mason Homes as Parklands, is located between Chemong Road and Hilliard Street, (north of Milroy Drive) and features a number of alternative engineering design standards including rear laneways for which the General Engineering Standards are intended to address. Draft Plan of Subdivision 15T-10507 represents the second phase of the Parklands community, with the first phase of 96 homes already built along Bowen Drive, off of Franklin Street and Hilliard Street.

As part of the General Engineering Standards for Subdivision Design, provision is made to enable the City to establish a special area charge for properties abutting rear laneways that are to be owned and maintained by the City to reflect the enhanced level of municipal service that such laneways will require. Additionally, the Standards enable the Director of Utility Services to require, as a condition of development approval, developers to pay upfront maintenance costs associated with any rear laneways included in their developments.

As noted in Report USEC11-003, rear lanes can duplicate City infrastructure and increase the City's operation, maintenance, reconstruction and street lighting costs. Additional City costs associated with rear lanes include snow removal instead of snow ploughing, increased frequency of replanting trees, and increased costs for emergency or reconstruction efforts within the lane due to close proximity of private structures (i.e. garages) to the public infrastructure with roof overhangs only inches away from the public right-of-way. Unless a rear lane is managed by a condominium board that is responsible for the ongoing maintenance and reconstruction of the infrastructure, Report USEC11-003 indicates that rear lanes should be under the jurisdiction of the City and financial

assistance should be provided by the Developer to offset the increased costs to the general taxpayer.

In consideration of the General Engineering Standards for Subdivision Design, the conditions of Draft Plan Approval imposed by Council for Plan of Subdivision 15T-10507 required the following:

46. That the owner acknowledge in the Subdivision Agreement that the City may implement a Special Area Charge for properties within the plan abutting rear laneways pursuant to Section 326 of the *Municipal Act, 2001* to reflect the enhanced level of municipal services that may be provided to those properties. The amount of the Special Area Charge will be established prior to Final Approval of any first phase of development. The owner shall provide notice of the Special Area Charge in all Agreements of Purchase and Sale.

In 2013, Council passed By-law 13-096 to establish a Special Area Charge for those lots in the first phase of the Parklands subdivision, Plan 45M-238, that abut and rely upon rear lanes. The charge, which is added to the annual municipal property tax bill for affected lots, is subject to an annual adjustment following the general property tax levy increase.

The Special Area Charge, which was valued at \$96.52 per dwelling in 2013, is now valued at \$108.52 per dwelling. The original value was calculated by Utility Services based on an estimate of the annual per-metre cost of maintaining the laneways within the overall plan of subdivision. All funds collected pursuant to the Special Area Charge are placed in a reserve account that is devoted exclusively to rear lanes. Any use of funds from the Special Area Charge reserve account needs to be approved by way of an item in the annual Operating Budget for ongoing laneway maintenance activities in this subdivision or as an item in the Capital Budget for reconstruction work.

Presently, construction has started on a number of laneway-based homes within Plan 45M-247 and the City will be responsible for winter maintenance on the lanes once interim acceptance is granted pursuant to the subdivision agreement between the City and Mason Homes. Accordingly, the City will soon be incurring additional costs associated with the ongoing maintenance of the lanes.

Section 326 of the *Municipal Act*, enables the City to pass a by-law to, among other things, identify a special service, identify the area to receive a special service that will not be received elsewhere in the community, and to establish a Special Area Charge to pay for that service. The By-law attached hereto as Exhibit A has been structured to address these parameters. It should be noted that as future phases of Plan of Subdivision 15T-10507 are registered (see Exhibit C), additional by-laws will be required to establish the Special Area Charge on a phase by phase basis. Notwithstanding that additional phases of the Parklands community will be serviced with rear lanes and will therefore require the Special Area Charge, subsection 326(3) of the *Municipal Act* prohibits the City from

establishing a Special Area Charge in areas where the special service is currently not being received.

Submitted by,

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Attachments:

- Exhibit A – Draft By-law to Assess Special Area Charges to Certain Lands within Plan 45M-247
- Exhibit B – Registered Plan of Subdivision 45M-247
- Exhibit C – Draft Plan of Subdivision 15T-10507

Exhibit A – Draft By-law, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 17-

Being a By-law to Assess Special Area Charges to Certain Lands within Draft Plan of Subdivision 15T-10507 (Phase 2, Stage 2, Registered Plan 45M-247)

Whereas Section 326 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may by by-law identify a special service and designate an area of the municipality in which the residents and property owners receive or will receive additional benefit from that special service that is not received or will not be received in other areas of the municipality;

And Whereas the Council for the Corporation of the City of Peterborough has granted Draft Plan Approval to Draft Plan of Subdivision 15T-10507 subject to a condition requiring the Subdivider to acknowledge that the City may implement a Special Area Charge pursuant to Section 326 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended for properties within the plan that abut and rely upon rear laneways in order to reflect the enhanced level of municipal services that will be provided to those properties;

And Whereas By-law 13-096 established a Special Area Charge for the first stage of Draft Plan of Subdivision 15T-10507 (Registered Plan 45M-238) that was valued at \$96.52 in 2013, and is subject to an annual adjustment following the general tax levy increase, that will be added to the annual property tax bill for those properties within the plan that abut and rely upon rear laneways;

And Whereas the registered subdivision agreement (Instrument No. PE257264) for the second stage of Draft Plan of Subdivision 15T-10507 (Registered Plan 45M-247) requires the Subdivider to provide notice of the amount of the Special Area Charge in all Agreements of Purchase and Sale for those properties within the plan that abut and rely upon rear laneways;

And Whereas the properties that abut and rely upon rear laneways and are subject to the Special Area Charge within Registered Plan 45M-247 are Lots 12 to 27 inclusive and Blocks 39 to 60 inclusive.

Exhibit A – Draft By-law, Page 2 of 2

Now Therefore, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

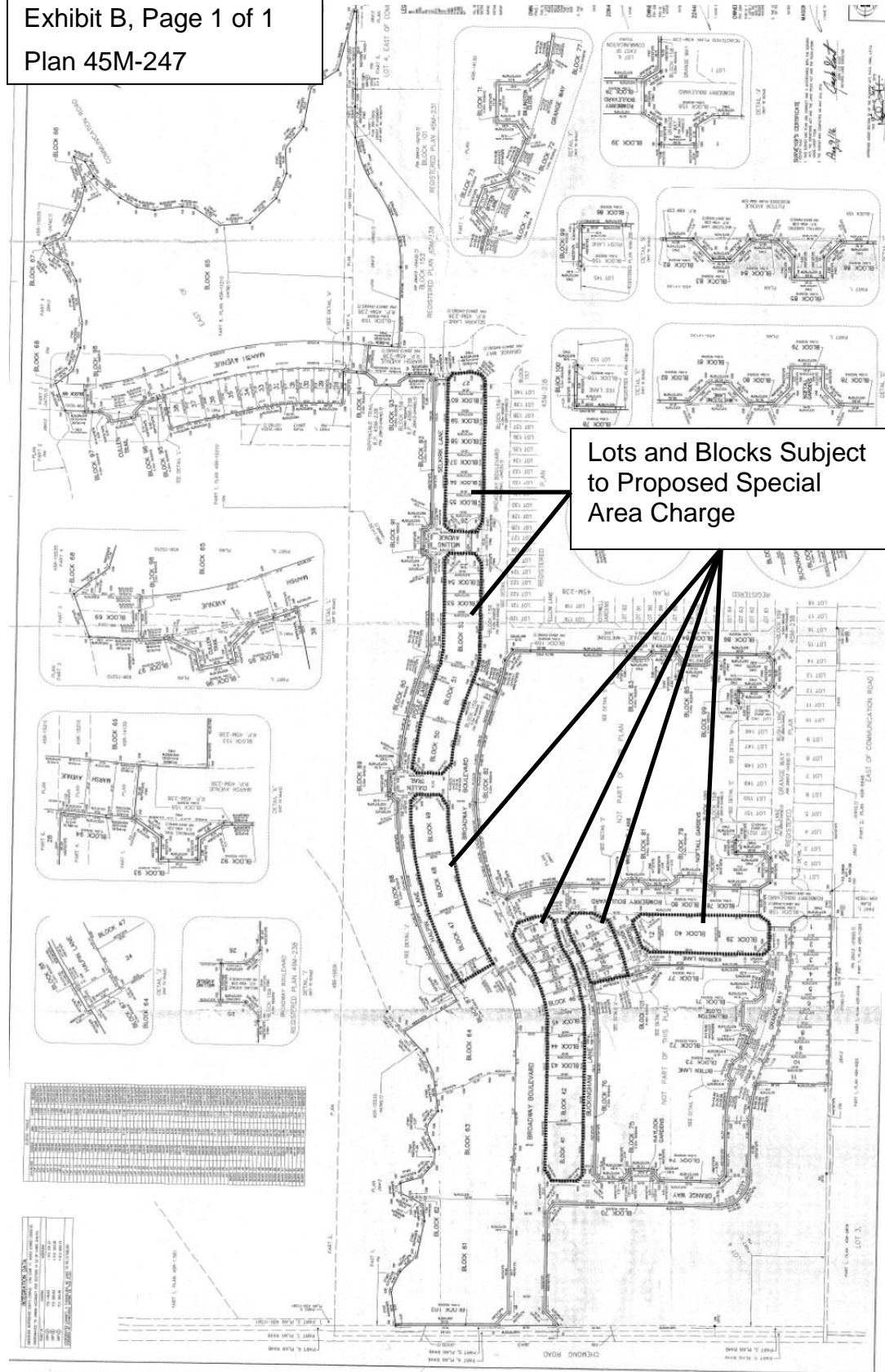
1. Pursuant to Section 326.(1)(a) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, the ongoing Public ownership and maintenance of rear laneways is hereby deemed to be a Special Service.
2. Pursuant to Section 326.(1)(c) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, residential lots and blocks within Registered Plan 45M-247 that abut and rely upon rear laneways are hereby designated as an area of the municipality in which the residents and property owners receive or will receive an additional benefit from the Special Service that is not received or will not be received in other areas of the municipality;
3. The City of Peterborough will add an annual charge to the 2017 property tax bill of designated residential lots and blocks for the 2017 taxation year at a rate of \$108.52.
4. The City of Peterborough will add the applicable annual charge to the tax bill of designated residential lots for subsequent years subject to an annual adjustment following the general property tax levy increase.

By-law read a first, second and third time this 3rd day of April, 2017.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit B, Page 1 of 1
Plan 45M-247



Lots and Blocks Subject to Proposed Special Area Charge

Exhibit C, Page 1 of 1
Draft Plan of Subdivision 15T-10507

