



City of
Peterborough

TO: Members of the Planning Committee

FROM: Malcolm Hunt, Director of Planning and Development Services

MEETING DATE: November 2, 2009

SUBJECT: Report PLPD09-062
Part Lot Control Exemption
Cowling Heights & Tully Crescent

PURPOSE

A report to exempt certain lands located south of Ireland Drive between the two ends of Tully Crescent from Part Lot Control for a period of two years.

RECOMMENDATION

That Council approve the recommendation outlined in Report PLPD09-062 dated November 2, 2009, of the Director of Planning and Development Services, as follows:

That a by-law be enacted to temporarily remove Part Lot Control from the following parcels of land on Plan 45M-229: Blocks 79 to 83 inclusive, Blocks 87 to 93 inclusive, Units 72 and 73 of Block 95, Units 76 and 77 of Block 96 and Blocks 97 to 99 inclusive, as permitted under Section 50(7) of the *Planning Act* for the purpose of conveying parcels of land appropriately associated with one detached or semi detached dwelling unit on each parcel, each to be held under separate ownership.

BUDGET AND FINANCIAL IMPLICATIONS

No budget or financial implications would result from the decision to approve this By-law.

BACKGROUND

On October 22, 2007, City Council passed a by-law to temporarily remove Part Lot Control from Blocks 79 to 99 inclusive of Plan 45M-229 as permitted under Section 50(7) of the Planning Act for the purpose of conveying parcels of land appropriately associated with one detached or semi detached dwelling unit on each parcel to be held under separate ownership. The by-law had a sunset clause of two years, which will lapse on January 1, 2010 before the ownership of 70 of the 90 units within the plan have been conveyed.

Some of the blocks along Ireland Drive have been developed and sold while most of the blocks south of Ireland Drive have not been developed. The owner of the property is once again seeking temporary exemption from Part Lot Control for the remainder of the Blocks that have not been developed that would involve the following parcels of land: Blocks 79 to 83 inclusive, Blocks 87 to 93 inclusive, Units 72 and 73 of Block 95, Units 76 and 77 of Block 96 and Blocks 97 to 99 inclusive as shown on the excerpt from Plan 45M-229 attached to Report PLPD09-062 as Exhibit "A". The subject property is designated appropriately for residential purposes and zoned SP.273 Residential District that would permit the development of linked dwellings on the properties appropriately located in accordance with the regulations of the zoning district.

By exempting the described land from Part Lot Control, it can be expected that a parcel of land associated with each unit could be registered in Land Titles and will comply with the applicable regulations of the zoning district. To facilitate the sale of the parcel of land associated with each unit, to a separate owner, it is recommended that the by-law be passed temporarily exempting the subject properties from Part Lot Control for a period of two years.

Staff noted with the slowing economy over the last year, that the sales of the linked units has not happened at the rate anticipated by the developer which is reason for the recommendation that the extension be for a period of two years rather than eighteen months as is normally the case for extensions. Staff is optimistic that the 24-month extension would allow a reasonable time period to sell, construct the dwelling, survey, register and convey ownership of each parcel within the development. After the two years, Part Lot Control will be in effect on the land and consent would once again be required for the division of land.

Part Lot Control (Section 50(5) of the *Planning Act*), prohibits the conveyance of a portion of a lot on a registered plan without consent issued from the Committee of Adjustment, unless Council exempts the property by By-law.

All of which is respectfully submitted,

Malcolm Hunt, Director
Planning & Development Services

Prepared by,

Concurred with,

Richard Straka
Planner, Policy & Research

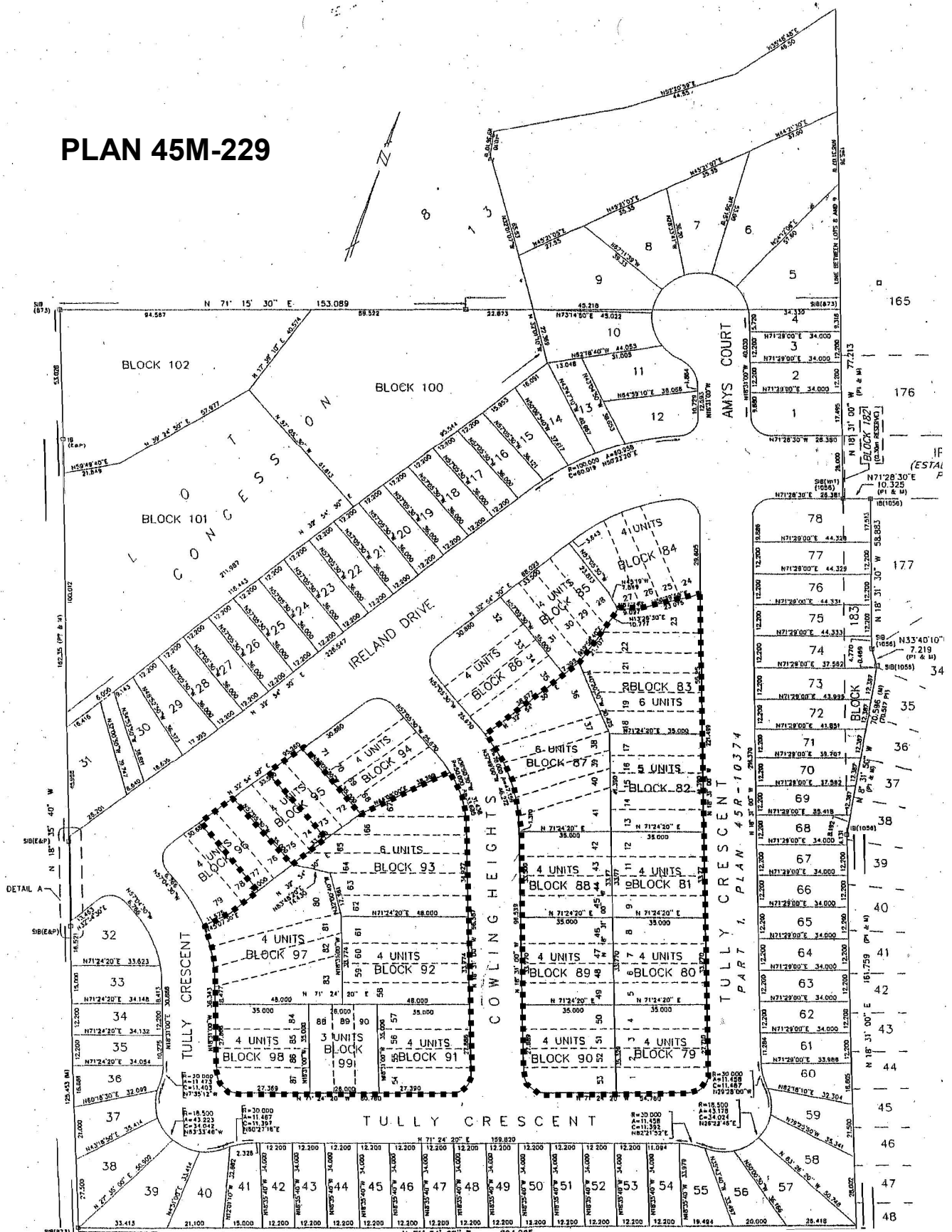
Ken Hetherington
Manager of Planning

Contact Name:

Richard Straka
Phone – (705) 742-7777 Ext. 1733
Fax – (705) 742-5218
Email – rstraka@peterborough.ca

Attachments:

Exhibit “A” - Excerpt from Plan 45M-229
Exhibit “B” – Draft By-law



THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 09-____

**BEING A BY-LAW TO TEMPORARILY EXEMPT CERTAIN LANDS WITHIN
REGISTERED PLAN 45M-229 IN THE CITY OF PETERBOROUGH FROM
PART LOT CONTROL**

WHEREAS Section 50(5) of the *Planning Act*, R.S.O. 1990 Chapter P.13, provides that part lot control shall apply where land is within a plan of subdivision registered before or after the coming into force of the Act;

AND WHEREAS Section 50(7) of the *Planning Act* provides that a Council may, by By-law, provided that Section 50(5) does not apply to designated lands within a registered plan of subdivision;

AND WHEREAS the Council of the Corporation of the City of Peterborough deems it desirable to designate the following parcels of land on Plan 45M-229: Blocks 79 to 83 inclusive, Blocks 87 to 93 inclusive, units 72 and 73 of Block 95, Units 76 and 77 of Block 96 and Blocks 97 to 99 inclusive, pursuant to Section 50(7), to permit the construction of up to 70 linked dwelling units – one each of seventy lots to be created.

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

1. While this by-law is in effect, Section 50(5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, does not apply to the following parcels of land on Plan 45M-229: Blocks 79 to 83 inclusive, Blocks 87 to 93 inclusive, units 72 and 73 of Block 95, Units 76 and 77 of Block 96 and Blocks 97 to 99 inclusive for the City of Peterborough.
2. This by-law shall come into force and effect until January 1, 2012, upon which date this by-law is repealed.

By-law read a first, second and third time this ____ day of _____, 2009

D. Paul Ayotte, Mayor

Nancy Wright-Laking, City Clerk