



City of
Peterborough

TO: Members of Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: June 21, 2010

**SUBJECT: Report PLPD10-042
Part Lot Control Exemption
Lots 9 to 19 inclusive, lots 33 to 39 inclusive and lot 68 of
Plan 45M-232.**

PURPOSE

A report to exempt certain lands located along the east side of Marsdale Drive and the east end of Hargrove Trail from Part Lot Control for a period of two years.

RECOMMENDATION

That Council approve the recommendation outlined in Report PLPD10-042, dated June 21, 2010 of the Manager, Planning Division, as follows:

That a by-law be enacted to temporarily remove Part Lot Control from Lots 9 to 19 inclusive, lots 33 to 39 inclusive and lot 68 of Plan 45M-232, as permitted under Section 50(7) of the *Planning Act* for the purpose of conveying parcels of land appropriately associated with one 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

The owner of the subject property is seeking temporary exemption from Part Lot Control over lots 9 to 19 inclusive, lots 33 to 39 inclusive and lot 68 of Plan 45M-232 as illustrated on Exhibit A attached to Staff Report PLPD10-042. The property is designated for residential purposes and is zoned R.2 Residential District to permit the development of a single unit dwelling on each half of the lot 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.

It is anticipated that 2 years 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.

Submitted by,

Ken Hetherington
Manager, Planning Division

Prepared by,

Richard Straka
Planner, Policy & Research

Concurred with,

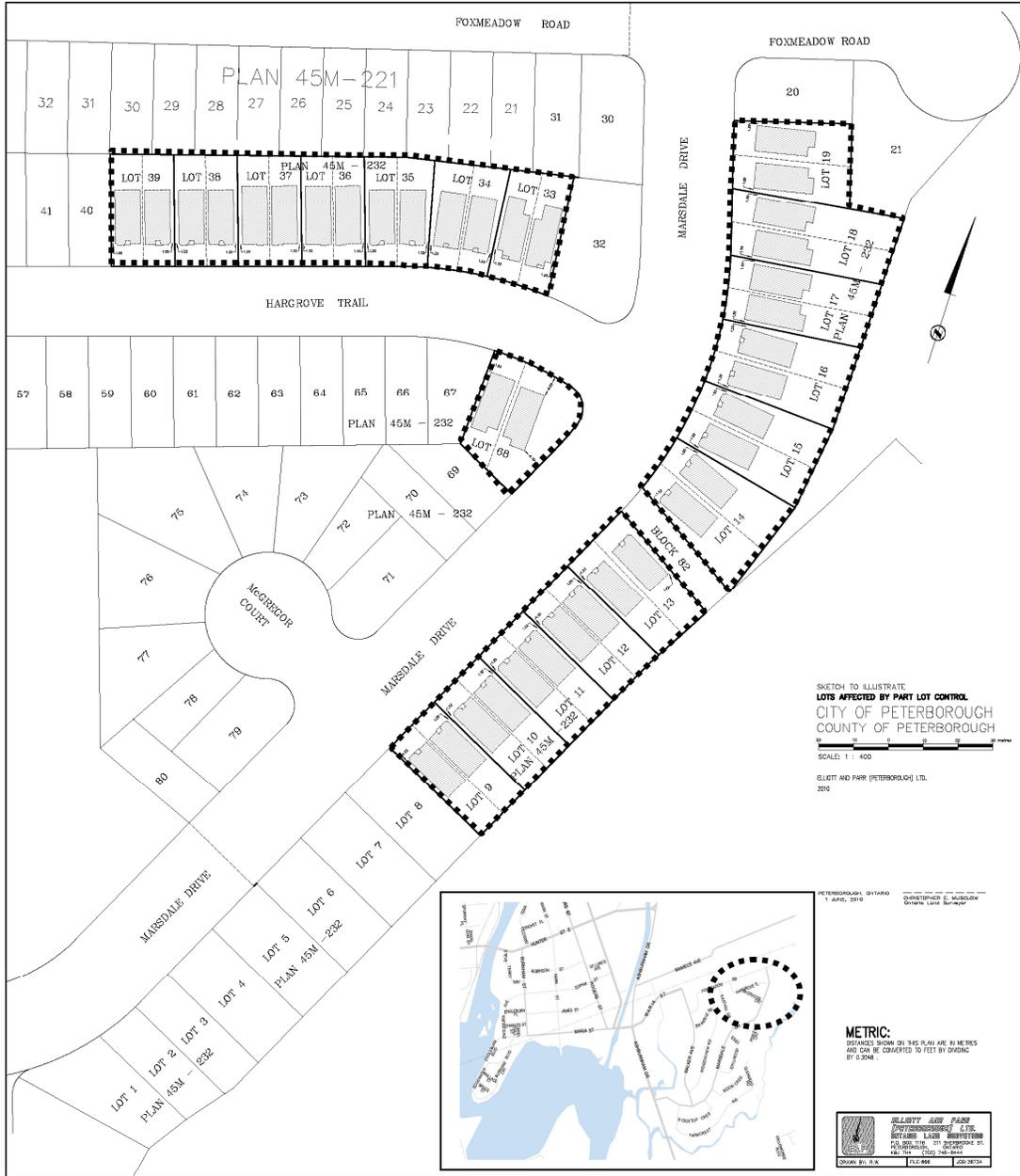
Malcolm Hunt, Director
Planning & Development Services

Contact Name:

Richard Straka
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Fax – (705) 742-5218
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Attachments:

Exhibit “A” – Reference Plan of 45M-232
Exhibit “B” – Draft By-law



SKETCH TO ILLUSTRATE
LOTS AFFECTED BY PART LOT CONTROL
 CITY OF PETERBOROUGH
 COUNTY OF PETERBOROUGH

SCALE: 1 = 400

ELLETT AND PARR (PETERBOROUGH) LTD.
 2010

PETERBOROUGH, ONTARIO
 1 JUNE, 2010

CHRISTOPHER E. MUSGROVE
 CIVIL ENGINEER

METRIC:
 DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES
 AND CAN BE CONVERTED TO FEET BY DIVIDING
 BY 0.3048.

ELLETT AND PARR
 PROFESSIONAL ENGINEERS
 100 WILSON AVENUE, SUITE 100
 PETERBOROUGH, ONTARIO K9A 1A1
 TEL: 705-752-1111 FAX: 705-752-1112

DRGNO: 011-0000 2010-0000

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 09-____

BEING A BY-LAW TO TEMPORARILY EXEMPT CERTAIN LANDS WITHIN REGISTERED PLAN 45M-232 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-232: Lots 9 to 19 inclusive, lots 33 to 39 inclusive and lot 68 pursuant to Section 50(7), to permit the construction of up to 38 dwelling units – one on each of thirty-eight parcels 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: Lots 9,10,11,12,13,14, 15,16,17,18,19,33,34,35,36,37,38,39 and 68 on Plan 45M-232 for the City of Peterborough.
- 2. This by-law shall come into force and effect until August 1, 2012, upon which date this by-law is repealed.

By-law read a first, second and third time this ____ day of _____, 2010

D. Paul Ayotte, Mayor

Nancy Wright-Laking, City Clerk