



City of
Peterborough

TO: Members of Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: February 6, 2012

SUBJECT: Report PLPD12-005
Part Lot Control Exemption
Tully Crescent & Cowling Heights

PURPOSE

A report to exempt certain lands south of Ireland Drive between Tully Crescent and Cowling Heights from Part Lot Control for a period of two years.

RECOMMENDATION

That Council approve the recommendation outlined in report PLPD12-005 dated February 6, 2012, of the Manager of Planning and Development Services, as follows:

That a by-law be enacted to temporarily remove Part Lot Control from Lots 18 to 23, inclusive, Block 83 and Lot 38, Block 87, Plan 45M-229, as permitted under Section 50(7) of the *Planning Act* for the purpose of conveying parcels of land appropriately associated with the development of 7 linked dwelling units, 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

A by-law exempting the subject lands from Part Lot Control was passed in 2007. The by-law was to facilitate the construction and conveyance of 90 linked homes into separate ownership. Since 2007 all but the remaining 7 units within the development were sold and the by-law expired leaving the remaining lands merged and subject to Part Lot Control.

The owner of the property is once again seeking temporary exemption from Part Lot Control for Lots 18 to 23, inclusive, Block 83 and Lot 38, Block 87, Plan 45M-229, as illustrated on Exhibit A attached to report PLPD12-005. The subject property is designated for residential purposes and is zoned SP. 273 Residential District to support the development of linked dwellings on the properties in accordance with the regulations of the zoning district.

By exempting Lots 18 to 23, inclusive, Block 83 and Lot 38, Block 87, Plan 45M-229, 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 regulations of the applicable zoning district. To facilitate the sale of each parcel associated with each unit to a separate owner, it is recommended that a by-law be passed identifying Lots 18 to 23, inclusive, Block 83 and Lot 38, Block 87, Plan 45M-229 and exempting them from Part Lot Control for a period of two years from the date of the by-law being passed. It is anticipated that the two year time frame would allow the owner to construct the dwellings, determine the line of severance, register and convey ownership of each parcel. After the two years, Part Lot Control will once again be in effect on the land and consent would 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

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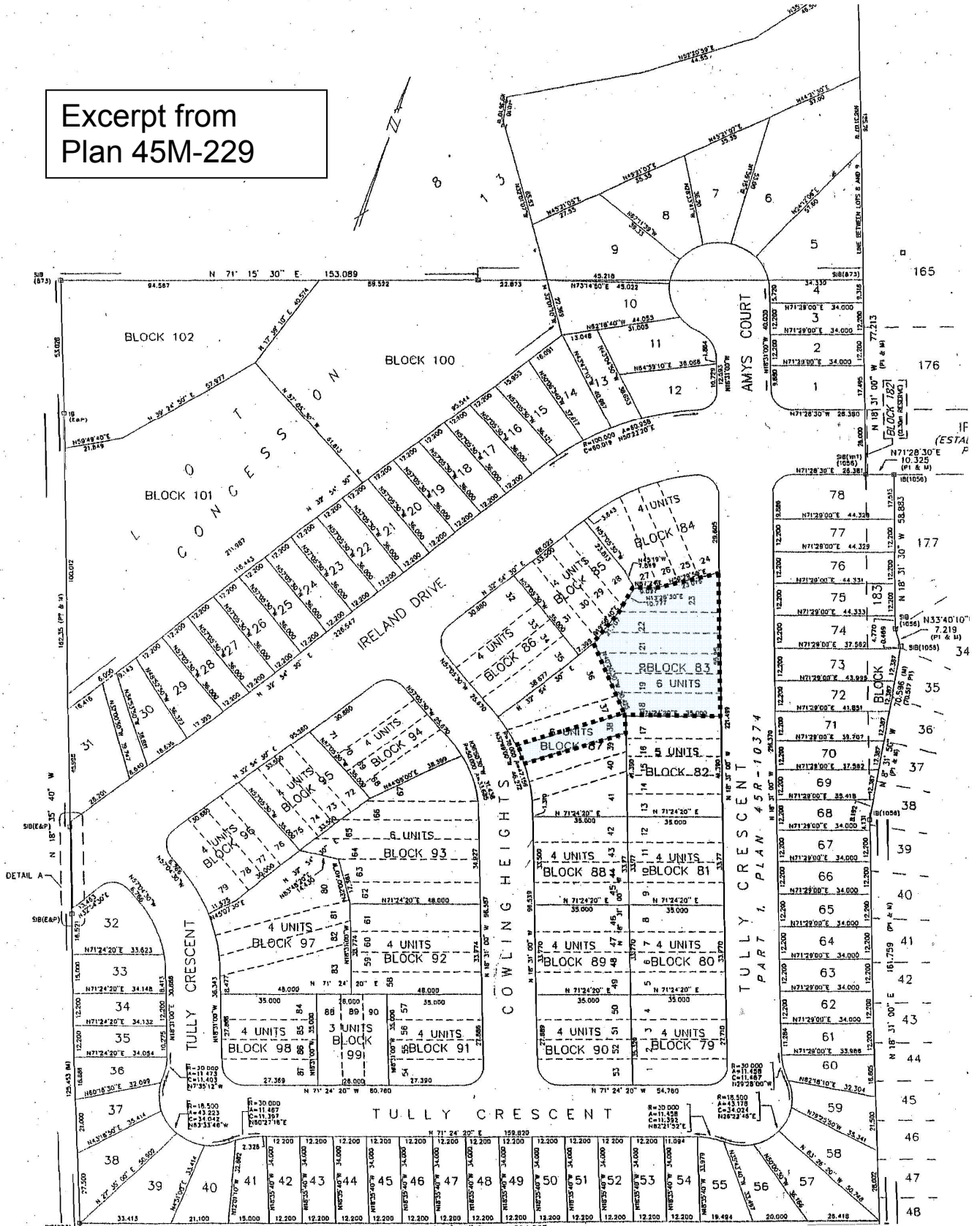
Attachments:

Exhibit "A" – Excerpt from Plan 45M-229

Exhibit "B" – Draft By-law

Exhibit "A"
Excerpt from Plan 45M-229

Excerpt from
Plan 45M-229



THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 12-____

**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 lots 18 to 23 inclusive of Block 83 and lot 38 of Block 87 of Plan 45M-229, pursuant to Section 50(7), to permit the construction of up to 7 linked dwelling units – one each of seven 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 lots 18 to 23 inclusive of Block 83 and lot 38 of Block 87 of Plan 45M-229 for the City of Peterborough.
2. This by-law shall come into force and effect until March 1, 2014, upon which date this by-law is repealed.

By-law read a first and second time this ____ day of _____, 2012

By-law read a third time and finally passed this ____ day of _____, 2012.

Daryl Bennett, Mayor

(Seal)

Nancy Wright-Laking, City Clerk