



City of
Peterborough

To: Members of the General Committee

From: Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

Meeting Date: January 21, 2019

Subject: Report IPSPD19-002
Establishment of a Special Area Charge for Rear Laneways in
Registered Plan of Subdivision 45M-254, and part of Block 64,
Plan 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 within the registered Plan of Subdivision 45M-254 and to part of Block 64, registered Plan of Subdivision 45M-247 that abut and rely upon a rear laneway for vehicular access.

Recommendation

That Council approve the recommendation outlined in Report IPSPD19-002 dated January 21, 2019, of the Commissioner of Infrastructure and Planning Services, as follows:

That the By-law attached to Report IPSPD19-002 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 within registered Plan of Subdivision 45M-254 and part of Block 64, registered Plan of Subdivision 45M-247 that abut and rely upon a rear laneway for vehicular access.

Budget and Financial Implications

As illustrated in Exhibit B, Plan 45M-254 contains 136 single detached lots that abut and rely upon rear lanes while Block 64, Plan 45M-247 contains 4 single detached lots that abut and rely upon rear lanes. Approval of this report's recommendation will establish an annual Special Area Charge of \$112.32 (2018 value) plus the annual adjustment following the general property tax levy increase for 2019 (to be determined upon approval of 2019 budget) that will be added as a separate line onto the property tax bill of each dwelling upon occupation. 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. The current uncommitted balance in the reserve is \$18,375.00

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 additional level of municipal service that such laneways will require. Additionally, the Standards enable the Commissioner of Infrastructure and Planning Services to require, as a condition of development approval, developers to pay upfront maintenance costs associated with any rear laneways included in their developments.

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 recommended 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 and 2017, Council passed By-laws 13-096 and 17-037 to establish a Special Area Charge for those lots in the first two phases of the Parklands subdivision, Plans 45M-238 and 45M-247, 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, was valued at \$112.32 per dwelling in 2018. The original value was calculated 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, Mason Homes has received interim acceptance for Plan 45M-254 which creates the ability for dwellings to be constructed in the plan. Because interim acceptance has been granted, the City is now responsible for winter maintenance on the rear lanes. Accordingly, the City is now incurring additional costs associated with the ongoing maintenance of the lanes.

Additionally, Block 64, Plan 45M-247 is currently developed with 8 single detached dwellings. Built in 2014, these dwellings have been used as model homes and a sales office for the broader development. To limit vehicular access to these dwellings, the street and laneway developed within the block (Rippingale Trail and Halpin Lane) remained in Mason Homes' ownership. Concurrent with the registration of Plan 45M-254, Mason Homes decommissioned the model homes and sales office and made them available for sale as lots in the subdivision. Additionally, the lands associated with Rippingale Trail and Halpin Lane have been conveyed to the City and will be established as public highway upon Council approval of a by-law to establish them as such.

Within Block 64, the three parcels described as Parts 7, 8, 9 on Plan 45R-16651 and the parcel described as Parts 1 and 2, Plan 45R-16692 abut and rely upon Halpin Lane for access. Accordingly, it is now necessary to apply a Special Area Charge to these lots as well.

Section 326 of the **Municipal Act, 2001**, 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.

Submitted by,

Cynthia Fletcher
Commissioner of Infrastructure and Planning Services

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Attachments:

- Exhibit A - Draft By-law to Assess Special Area Charges to Certain lands within Plans 45M-254 and 45M-247
- Exhibit B - Key Map of Lots and Blocks within Plans 45M-254 and 45M-247 subject to Special Area Charge

Exhibit A, Page 1 of 2



The Corporation of the City of Peterborough

By-Law Number 19-

Being a By-law to Assess Special Area Charges to Certain Lands within Draft Plan of Subdivision 15T-10507 (Phase 2, Stage 3 Registered Plan 45M-254, and part of 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 agreements (Instrument Nos. PE257264 and PE299569) for the second and third stages of Draft Plan of Subdivision 15T-10507 (Registered Plans 45M-247 and 45M-254) require 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;

Exhibit A, Page 2 of 2

And Whereas Lots 26 to 71, 84 to 99, 152 to 190 and 199 to 233 inclusive within Registered Plan 45M-254 and part of Block 64, Registered Plan 45M-247, more particularly described as Parts 7, 8 and 9 on Plan 45R-16651 and Parts 1 and 2 on Plan 45R-16692, abut and rely upon rear laneways and are subject to the Special Area Charge;

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 within Registered Plan 45M-254 and within Block 64, 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 2019 property tax bill of designated residential lots and blocks for the 2019 taxation year at a rate of \$112.32 (2018 rate) plus the annual adjustment following the general property tax levy increase for 2019.
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 28th day of January, 2019.

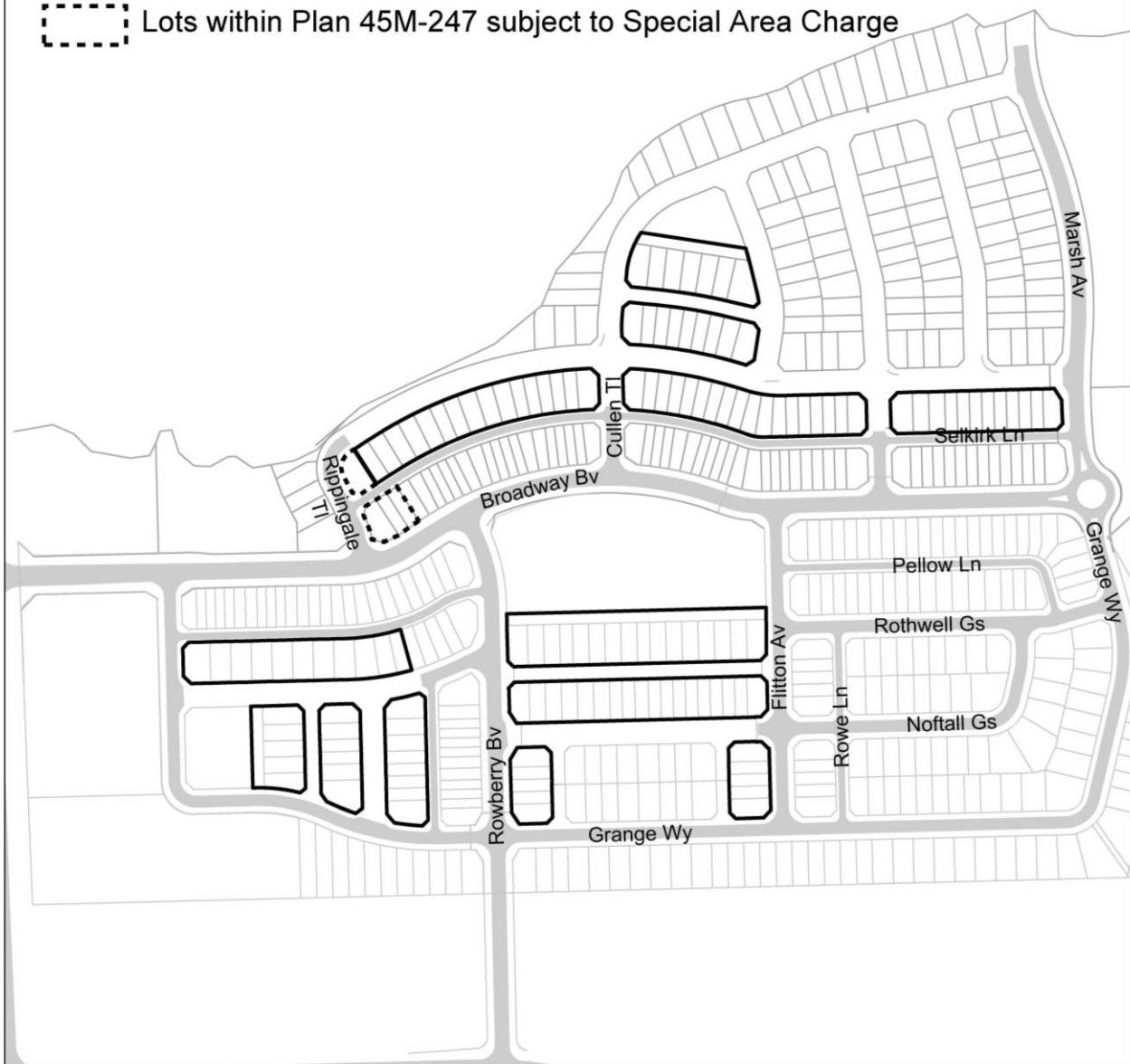
Diane Therrien, Mayor

John Kennedy, City Clerk

Exhibit B, Page 1 of 1

Peterborough**Key Map**

-  Lots within Plan 45M-254 subject to Special Area Charge
-  Lots within Plan 45M-247 subject to Special Area Charge



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Map by: JEllis

Scale: 1:4,000

File: Z1017sb

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Metres