

**To:** **COUNCIL**

**Meeting Date:** **11/09/21**

**Subject:** **314 Equestrian Way, River Mill Development Corporation**

**Submitted By:** **Lisa Prime, Chief Planner**

**Prepared By:** **Jacqueline Hannemann, Senior Planner – Development**

**Report No.:** **21-282(CD)**

**File No.:** **PTLT03/20**

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## Recommendations

THAT report 21-282(CD) – 314 Equestrian Way Part Lot Control, River Mill Development Corporation – be received,

AND THAT the by-law attached to report 21-282(CD) be passed.

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## Executive Summary

### Purpose

- The property at 314 Equestrian Way (Block 247 on Registered Plan 58M-617) is currently a block in a registered plan of subdivision in the Hunt Club subdivision which was registered on December 1, 2017.
- The property has been site plan approved for 50 townhouse units under application SP12/20.
- The current application before Council is for exemption of part lot control to further divide the block into separate freehold lots for individual sale.
- The property is currently going through plan of condominium process to create a common element condominium. The common elements will include the road, parking spaces and common greenspace/amenity area on the property.

### Key Findings

- Part lot control has the effect of preventing the division of land in a registered plan of subdivision without approval of the municipality.

- The provisions in the Planning Act allow a municipality to pass a by-law to remove part lot control from all or any part of a registered plan of subdivision. This by-law has the effect of allowing the selling of a portion of the property to allow separate ownership without approval from the Committee of Adjustment through a severance application.
- This by-law will permit a block in a registered plan of subdivision be further divided into separate lots for the construction of 50 freehold townhouse units for up to two years.

## Financial Implications

- The planning application fee for part lot control exemption in the amount of \$10,610 has been paid to the City to process the application.
- There are no additional financial impacts due to this application. The financial impacts have been addressed through the previous plan of subdivision.

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## Background

### Part Lot Control General Information

Part lot control exemption is another form of land division in addition to plans of subdivision and severances. Section 50(7) of the Planning Act allows a municipality to pass a by-law that excludes lands within a registered plan of subdivision from the Planning Act's part lot control regulations. This allows a land owner to divide parts of blocks and lots within a registered plan of subdivision for land for sale, conveyance, lease or mortgage, make minor boundary adjustments, or establish maintenance easements by way of a Reference Plan. Exemption from part-lot control is appropriate when a number of land transactions are involved, but the resulting changes will not affect the nature or character of the subdivision or development.

Exemptions from part lot control are used to facilitate single detached, semi-detached and townhouse developments to ensure that the common centre wall between two dwelling units is constructed on the property line.

An approved part lot control exemption by-law is in place for two years. After that, the by-law expires and the part lot control regulations of the Planning Act come back into effect and no further division of the land can occur without a severance application.

If Council does not agree with staff's recommendation to approve the part lot control application, the property could not be divided into smaller freehold lots for individual sale and ownership. The townhouse units would continue as a cluster development on Block 247 on Registered Plan 58M-617. The Plan of Condominium would be affected and would require updating as to how the property would function.

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## Analysis

### Strategic Alignment

PEOPLE To actively engage, inform and create opportunities for people to participate in community building – making Cambridge a better place to live, work, play and learn for all.

#### Goal #1 - Community Wellbeing

Objective 1.4 Promote, facilitate and participate in the development of affordable, welcoming and vibrant neighbourhoods.

The part lot control application creates a further division of a block in a registered plan of subdivision to create freehold lots for townhouse units, as was anticipated through the previously approved planning applications.

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## Comments

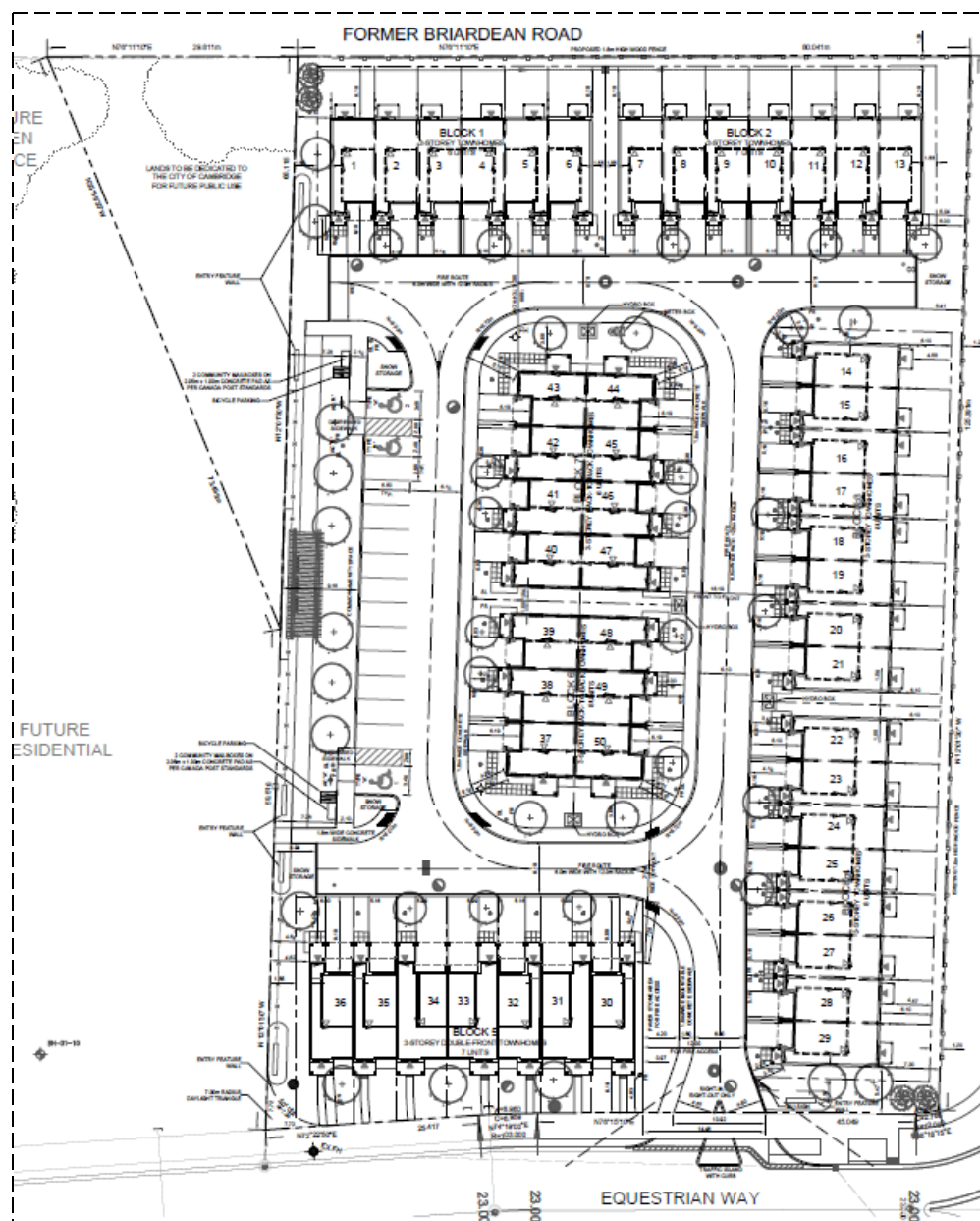
The subject property municipally described as 314 Equestrian Way is also referred to as Block 247 on Registered Plan 58M-617.



**Figure 1 – Property Location Map**

The block was created through the approval of the Hunt Club plan of subdivision (30T-12103) on December 1, 2017. The block was intended for townhouse development at the subdivision stage.

The property was site plan approved under application SP12/20 to permit 50 townhouse units with the intention that a future part lot control exemption would create the 50 separate freehold lots and a future plan of condominium would tie the lots to a common element condo road, parking spaces and green space.



**Figure 2 – Excerpt from Approved Site Plan showing the 50 townhouse units tied to a condo road**

The application for part lot control exemption is consistent with the registered plan of subdivision and the approved site plan.

If this application is approved, the part lot control exemption by-law is in place for two years. After that, the by-law expires and the part lot control regulations of the Planning Act come back into effect and no further division of the land can occur without a severance application.

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## **Existing Policy/By-Law**

Section 50(7) of the Planning Act allows a municipality to pass a by-law that excludes lands within a Registered Plan of Subdivision from the Planning Act's Part Lot Control regulations. This allows a land owner to divide parts of blocks and lots within a registered plan of subdivision. Council approval of the by-law is required to allow the exemption from Part Lot Control for up to two years.

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## **Financial Impact**

There are no financial impacts due to this application. The financial impacts have been addressed through the previous plan of subdivision process.

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## **Public Input**

This application does not require public notification or public input. This report has been posted publicly as part of the report process.

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## **Internal/External Consultation**

The applicant provided the Planning Division with the draft copy of a reference plan for review. The draft reference plan was reviewed in conjunction with the approved Site Plan and deemed to be in conformity with the approved site plan drawings.

The application was circulated to Building Services, Development Engineering Division, Legal Services and the Region of Waterloo. No comments or action items were raised in regard to the application.

Legal Services reviewed the Schedule A to the draft By-law and has confirmed the parts and accesses have been listed in accordance with the draft reference plan.

After review of the application and draft reference plan, the draft reference plan was deposited to the Land Registry Office by the applicant. The reference plan number is 58R-21235.

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## **Conclusion**

City of Cambridge Development Planning Staff recommends that Council pass the attached by-law to permit part lot control exemption on the subject lands at 314



Equestrian Way (Block 247, 58M-617) until November 9, 2023. The application for part lot control meets the intent of the registered plan of subdivision and the approved site plan. The application represents good planning and will create 50 freehold townhouse lots tied to a future common element condominium as was anticipated through the previously approved planning applications.

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## Signature

### Division Approval



Reviewed by the CFO

Reviewed by Legal Services

**Name: Lisa Prime**

**Title: Chief Planner**

### Departmental Approval



**Name: Hardy Bromberg**

**Title: Deputy City Manager, Community Development**

### City Manager Approval



**Name: David Calder**

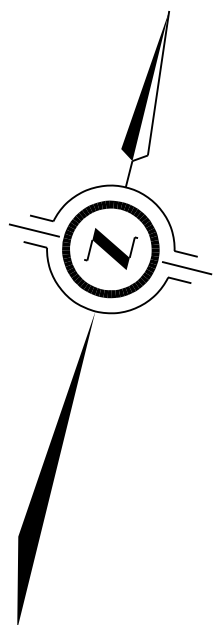
**Title: City Manager**

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## Attachments

- Appendix 1 – Reference Plan 58R-21235
- Appendix 2 – Draft By-law xxx-21
- Appendix 3 – Excerpt of Approved Site Plan SP12/20

Appendix 1 - Reference Plan 58R-21235



PLAN OF SURVEY OF  
**BLOCK 247**  
**REGISTERED PLAN 58M-617**  
**CITY OF CAMBRIDGE**  
J.D. BARNES LIMITED  
SCALE 1 : 250  
MacDONALD TAMBLYN LORD SURVEYING LIMITED  
**METRIC** DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY 915mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:250

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.		
POINT ID	EASTING	NORTHING
ORP (A)	552 882.25	4 808 064.26
ORP (B)	552 908.84	4 807 939.43
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

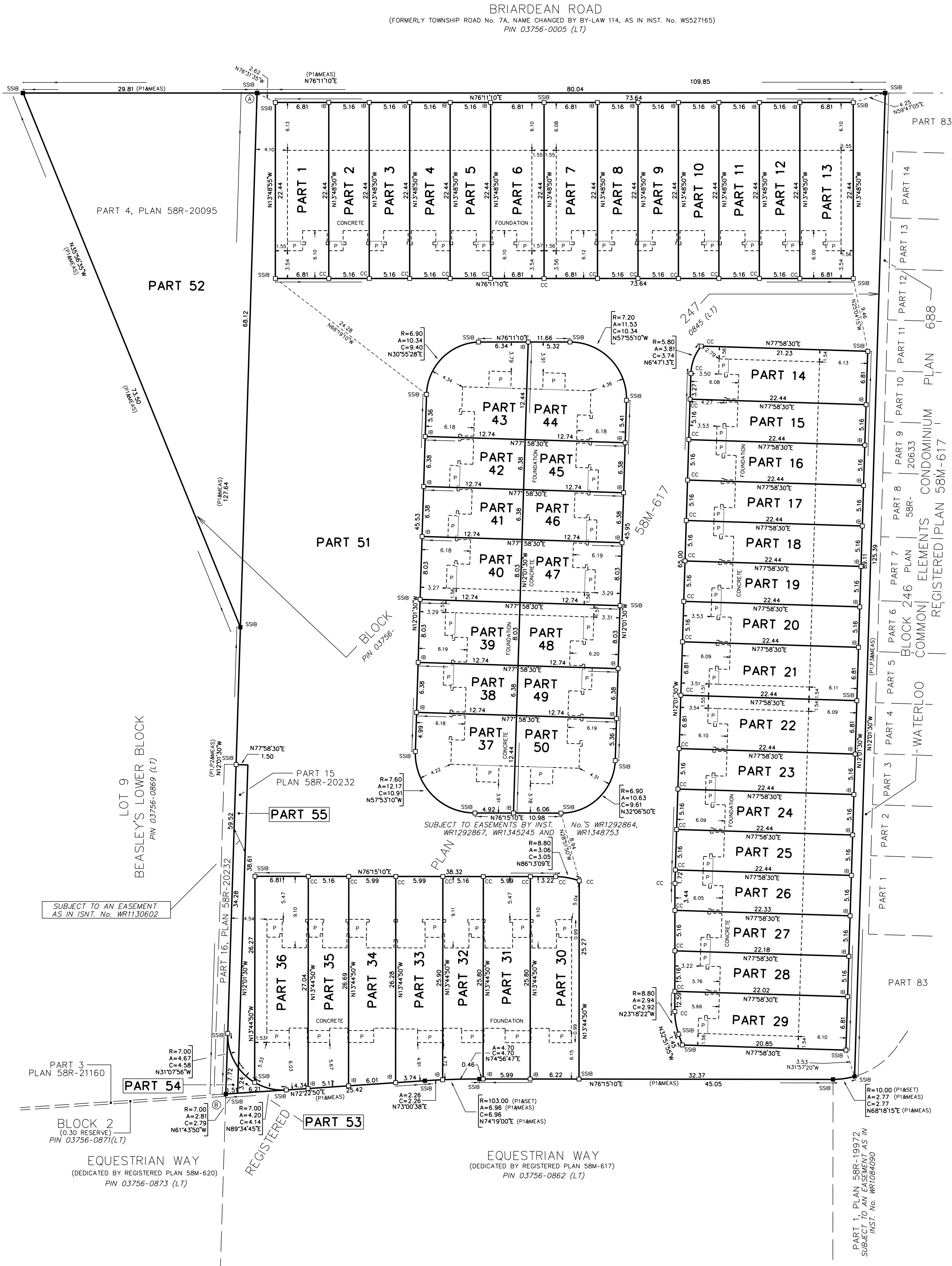
PLAN 58R-21235

Received and deposited

October 1<sup>st</sup>, 2021

Shaun Savard

Representative for the  
Land Registrar for the  
Land Titles Division of  
Waterloo (No.58)



SCHEDULE			
PART	BLOCK	PLAN	PIN
1	BLOCK 247	REGISTERED PLAN 58M-617	ALL OF PIN 03756-0845 (LT)
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PARTS 54 AND 55 ARE SUBJECT TO AN EASEMENT BY INST. No. WR130602

PARTS 1 TO 55 ARE SUBJECT TO EASEMENTS BY INST. No. S. WR1292864, WR1292867, WR1345245 AND WR1348753

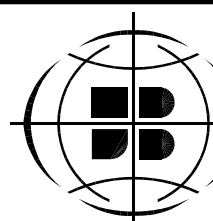
LEGEND	
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET
SSIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
IB	DENOTES IRON BAR
PB	DENOTES PLASTIC BAR
WIT	DENOTES WITNESS
MEAS	DENOTES MEASURED
JDB	DENOTES J.D. BARNES LIMITED
P1	DENOTES REGISTERED PLAN 58M-617
P2	DENOTES PLAN 58R-20095
P3	DENOTES PLAN 58R-20633

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 325/91.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THE SURVEY WAS COMPLETED ON SEPTEMBER 23, 2021.

SEPTEMBER 28, 2021  
DATE  
ROD LORD  
ONARIO LAND SURVEYOR  
THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2162485



**J.D. BARNES**  
LIMITED  
LAND INFORMATION SPECIALISTS  
4275 KING ST. E. #100, KITCHENER, ON, N2P 2E9  
T: (519) 578-2220 F: (519) 650-5625 www.jdbarnes.com

DRAWN BY: DH	CHECKED BY: RL	REFERENCE NO.: 20-40-876-03
PLOTTED: 9/29/21		DATED: 6/30/21



BY-LAW XXX-21

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to exempt certain lots or blocks pursuant to subsection 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended (Part Lot Control Exemption) – 314 Equestrian Way

**WHEREAS** subsection 50(7) of the Planning Act R.S.O. 1990, c. P.13, as amended, provides that a municipal Council may by by-law provide that subsection 50(5) of the Planning Act R.S.O. 1990 c.P.13, as amended (Part Lot Control) does not apply to land within plans or parts of plans designated in the by-law and that when the by-law is approved by the appropriate approval authority, subsection 50(5) ceases to apply to the lands therein described:

**NOW THEREFORE BE IT RESOLVED THAT** the Corporation of the City of Cambridge enacts as follows:

1. THAT Subsection 50(5) of the Planning Act R.S.O 1990, c.P.13, as amended, shall not apply to Block 247, Registered Plan No. 58M-617;
2. THAT this by-law shall be restricted in its application only to divide the blocks and create easements as cited in accordance with Reference Plan No. 58R-21235 and Schedule 'A' attached hereto;
3. THAT this by-law shall remain in force and effect for a period of two (2) years from the date of its passing and shall expire on **November 9<sup>th</sup>, 2023**;
4. THAT it is Acknowledged and Directed that the office of the City Solicitor or designate be authorized to register electronically this by-law pursuant to subsection 50(28) of the Planning Act on the title to the lands described herein and place an inhibiting order following the registration of the by-law which is to be lifted upon registration of the Common Element Condominium (30CDM-20105); and,
5. THAT this By-law shall come into full force on the day it is passed.



**PASSED AND ENACTED** this 9<sup>th</sup> day of November, 2021.

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MAYOR

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CLERK

**Schedule ‘A’ to By-law No. XXX-21**

**Block 247, Registered Plan No. 58M-617**

**Parts 1 to 55**

**Parts and Proposed Easements**

POTL	PARTS AND PROPOSED EASEMENTS
1	Part 1, together with an access easement over Parts 51 and 55
2	Part 2, together with an access easement over Parts 51 and 55
3	Part 3, together with an access easement over Parts 51 and 55
4	Part 4, together with an access easement over Parts 51 and 55
5	Part 5, together with an access easement over Parts 51 and 55
6	Part 6, together with an access easement over Parts 51 and 55
7	Part 7, together with an access easement over Parts 51 and 55
8	Part 8, together with an access easement over Parts 51 and 55
9	Part 9, together with an access easement over Parts 51 and 55
10	Part 10, together with an access easement over Parts 51 and 55
11	Part 11, together with an access easement over Parts 51 and 55
12	Part 12, together with an access easement over Parts 51 and 55
13	Part 13, together with an access easement over Parts 51 and 55
14	Part 14, together with an access easement over Parts 51 and 55
15	Part 15, together with an access easement over Parts 51 and 55
16	Part 16, together with an access easement over Parts 51 and 55
17	Part 17, together with an access easement over Parts 51 and 55
18	Part 18, together with an access easement over Parts 51 and 55
19	Part 19, together with an access easement over Parts 51 and 55
20	Part 20, together with an access easement over Parts 51 and 55
21	Part 21, together with an access easement over Parts 51 and 55
22	Part 22, together with an access easement over Parts 51 and 55
23	Part 23, together with an access easement over Parts 51 and 55
24	Part 24, together with an access easement over Parts 51 and 55
25	Part 25, together with an access easement over Parts 51 and 55
26	Part 26, together with an access easement over Parts 51 and 55
27	Part 27, together with an access easement over Parts 51 and 55
28	Part 28, together with an access easement over Parts 51 and 55

29	Part 29, together with an access easement over Parts 51 and 55
30	Part 30, together with an access easement over Parts 51 and 55
31	Part 31, together with an access easement over Parts 51 and 55
32	Part 32, together with an access easement over Parts 51 and 55
33	Part 33, together with an access easement over Parts 51 and 55
34	Part 34, together with an access easement over Parts 51 and 55
35	Part 35, together with an access easement over Parts 51 and 55
36	Part 36, together with an access easement over Parts 51 and 55
37	Part 37, together with an access easement over Parts 51 and 55
38	Part 38, together with an access easement over Parts 51 and 55
39	Part 39, together with an access easement over Parts 51 and 55
40	Part 40, together with an access easement over Parts 51 and 55
41	Part 41, together with an access easement over Parts 51 and 55
42	Part 42, together with an access easement over Parts 51 and 55
43	Part 43, together with an access easement over Parts 51 and 55
44	Part 44, together with an access easement over Parts 51 and 55
45	Part 45, together with an access easement over Parts 51 and 55
46	Part 46, together with an access easement over Parts 51 and 55
47	Part 47, together with an access easement over Parts 51 and 55
48	Part 48, together with an access easement over Parts 51 and 55
49	Part 49, together with an access easement over Parts 51 and 55
50	Part 50, together with an access easement over Parts 51 and 55
COMMON ELEMENTS	Parts 51 and 55 comprises the proposed common element lands in favour of POTLS 1-50
52	Part 52, to be dedicated to the City of Cambridge
53	Part 53, to be dedicated to the City of Cambridge
54	Part 54, to be dedicated to the City of Cambridge

Part 51 and 55 will form the Common Element Condo, subject to various easement listed on the plan.

