



**To:** COUNCIL

**Meeting Date:** 2/28/2023

**Subject:** 23-174-CD Exemption from Part Lot Control – Block 8 on 58M-626 - Harrison Drive

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

**Prepared By:** Jacqueline Hannemann, MCIP, RPP, Senior Planner - Development

**Report No.:** 23-174-CD

**File No.:** PTLT02/20

**Wards Affected:** Ward 4

### **RECOMMENDATION(S):**

THAT Report 23-174-CD Exemption form Part Lot Control – Block 8 on 58M-626 - Harrison Drive be received;

AND THAT the by-law included as Appendix A to Report 23-174-CD be passed to permit Block 8 on registered Plan of Subdivision 58M-626 to be divided into separate freehold townhouse lots for individual sale.

### **EXECUTIVE SUMMARY:**

#### **Purpose**

This report has been prepared to provide a recommendation on the proposed Exemption from Part Lot Control application for Block 8 on Registered Plan of Subdivision 58M-626 to permit the block to be split into 6 separate freehold townhouse lots for individual sale.

#### **Key Findings**

The Blocks will be divided into 6 individual lots for the construction of 6 townhouse units. The Block was not required to go through site plan approval as the proposed development on this block fronts onto a municipal street and is not part of a condominium.

The townhouse units are under construction and are close to being complete.

The proposed by-law, if passed by Council, will permit Block 6 within a registered Plan of Subdivision to be divided into 6 freehold townhouse lots for individual sale for up to two (2) years.

### **Financial Implications**

The planning application fee for exemption from part lot control in the amount of \$10,825 has been paid to the City to process the application (2020 application fee).

There is no additional financial implication due to this application. The financial impacts have been addressed through the previous plan of subdivision.

### **STRATEGIC ALIGNMENT:**

- Strategic Action; or
- Core Service

**Objective(s):** PLANNING FOR GROWTH - Provide for a mix of development, uses and amenities in order to meet the needs of a changing and diverse population

**Strategic Action:** Not Applicable

**Program: Development Approvals**

**Core Service:** Part Lot Control Exemption Applications

### **BACKGROUND:**

#### **Property:**

The subject Block, being Block 8 on Registered Plan of Subdivision 58M-626 fronts onto Harrison Drive and was created through the approval and registration of the Norrich West Inc. Subdivision (file number 30T-16102). This Block within the subdivision was planned for street fronting townhouses with the intention that individual lots would be created through future Part Lot Control Exemption application.

The applicant is seeking approval of 6 lots for the construction of 6 townhouse units which are proposed to be sold as freehold units.

A by-law for Part Lot Control Exemption for Blocks 8, 9, 10, 11, 14, 15 and 16 was approved in 2020 (by-law 20-116). The construction and sale of townhouse units on Block 9, 10, 11, 14, 15 and 16 has been completed. The by-law expired on December 1, 2022, before the applicant could complete construction and sale of the townhouse units on Block 8. Therefore, the applicant is seeking a new by-law for Exemption from Part Lot Control for Block 8.



**Figure 1 – Location Map**



**Figure 2 – Blocks Subject to this Application**

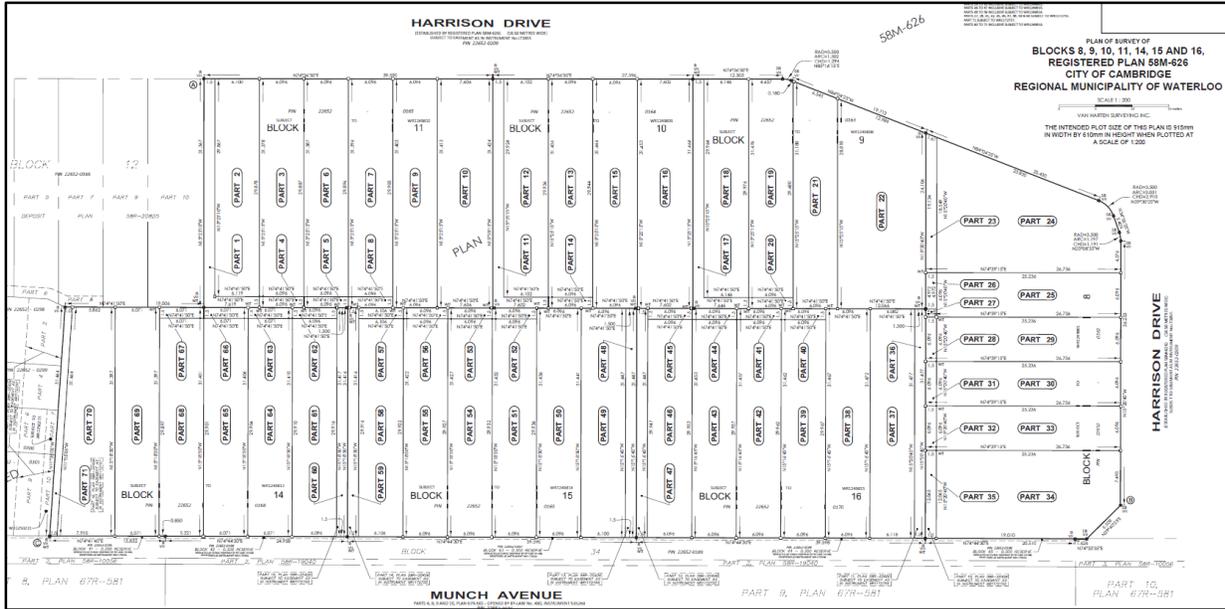


Figure 3 – Proposed Lots to be Created through this Application

The City granted building permits for the townhouses and the construction of these units is now underway. Building permits can be granted as soon as a subdivision is registered.

Applications for Exemption from Part Lot Control are usually submitted after construction begins and the building foundations are approved. This makes it is easier to determine accurate property boundaries between units.

**ANALYSIS:**

**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 landowner to divide a block within a registered plan into individual lots for sale and conveyance. 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.

This process can be used to create individual lots for single detached, semi-detached and townhouse dwelling units while ensuring that the common centre wall between two dwelling units is constructed on the property line.

A By-law approved by Council is in place for two (2) 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 new Part Lot Control Exemption by-law or a severance(s) application.

The proposed application for Exemption from Part Lot Control is consistent with the registered Plan of Subdivision and staff is recommending approval of this application.

If Council does not agree with staff's recommendation to approve the Part Lot Control exemption application and corresponding by-law, the property could not be divided into smaller freehold lots for individual sale and ownership. The townhouse units could continue as a cluster development on Block 8 on Registered Plan 58M-626 but could not be sold as individual freehold lots.

#### **EXISTING POLICY / BY-LAW(S):**

##### **Planning Act**

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 landowner to further divide a block 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 (2) years.

##### **City of Cambridge Official Plan 2012 (as amended)**

The property is designated Low Medium Density Residential.

##### **City of Cambridge Zoning By-law 150-85 (as amended)**

The property is zoned RM4 s.4.1.323

#### **FINANCIAL IMPACT:**

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

#### **PUBLIC VALUE:**

Not applicable.

#### **ADVISORY COMMITTEE INPUT:**

Not applicable.

## **PUBLIC INPUT:**

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

## **INTERNAL / EXTERNAL CONSULTATION:**

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

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 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.

## **CONCLUSION:**

City of Cambridge Development Planning Staff recommends that Council pass the attached by-law to permit Exemption from Part Lot Control on Block 8 in Registered Plan of Subdivision 58M-626 until February 28, 2025. The Part Lot Control Exemption application represents good planning and will create 6 freehold townhouse lots as was anticipated through the previously approved Plan of Subdivision process.

## **REPORT IMPACTS:**

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **Yes**

## **APPROVALS:**

**This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:**

**Director**

**Deputy City Manager**

**Chief Financial Officer**

**City Solicitor**

**City Manager**

**ATTACHMENTS:**

1. 23-174-CD Appendix A – Proposed By-law for Exemption from Part Lot Control
2. 23-174-CD Appendix B – Reference Plan 58R-20973
3. 23-174-CD Appendix C – Approved Plan of Subdivision 58M-626