

**To:** COUNCIL

**Meeting Date:** 8/29/2023

**Subject:** 23-280-CD Part Lot Control Exemption – 416 Dundas Street South

**Submitted By:** Sylvia Rafalski-Misch, Manager of Development Planning

**Prepared By:** Michael Campos, Senior Planner

**Report No.:** 23-280-CD

**File No.:** PTLT07/23

**Wards Affected:** Ward 7

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

THAT Report 23-280-CD Part Lot Control Exemption – 416 Dundas Street South be received;

AND THAT the By-law included as Appendix A to report 23-280-CD be passed which would permit the current block in registered Plan of Subdivision 58M-709 to be further divided into 18 individual lots for existing townhouse units.

### **EXECUTIVE SUMMARY:**

#### **Purpose**

- Block 1 is currently an identified block in registered Plan of Subdivision 58M-709, which was registered in 2023.
- The current recommendation before Council is for exemption from part lot control to further divide Block 1 into 18 individual lots for the existing townhouse units.

#### **Key Findings**

- The townhouse units have been developed in accordance with the approved Official Plan and Zoning By-law Amendment and the approved Site Plan and Building Permits. The Plan of Subdivision, which created a single Block for the lands, was approved by City Council on January 31, 2023. It has since been registered.
- The applicant has received draft plan approval of a Plan of Common Element Condominium with Parcels of Tied Land (POTLs). The common elements will

include the internal road, visitor parking, and amenity areas. In order to register a common element condominium, POTL's must first be created. The individual lots for the existing townhouse units proposed through this part lot control exemption application will become the POTLs.

- The By-law, if passed by Council will permit the creation of 18 POTLs on the subject lands.

### **Financial Implications**

- The planning application fee for part lot control exemption in the amount of \$10,800 has been paid to the City to process this application.
- There are no additional financial impacts due to this application. The financial impacts have been addressed through the previous Plan of Subdivision.

### **STRATEGIC ALIGNMENT:**

Strategic Action

**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

**OR**

Core Service

**Program: Development Approvals**

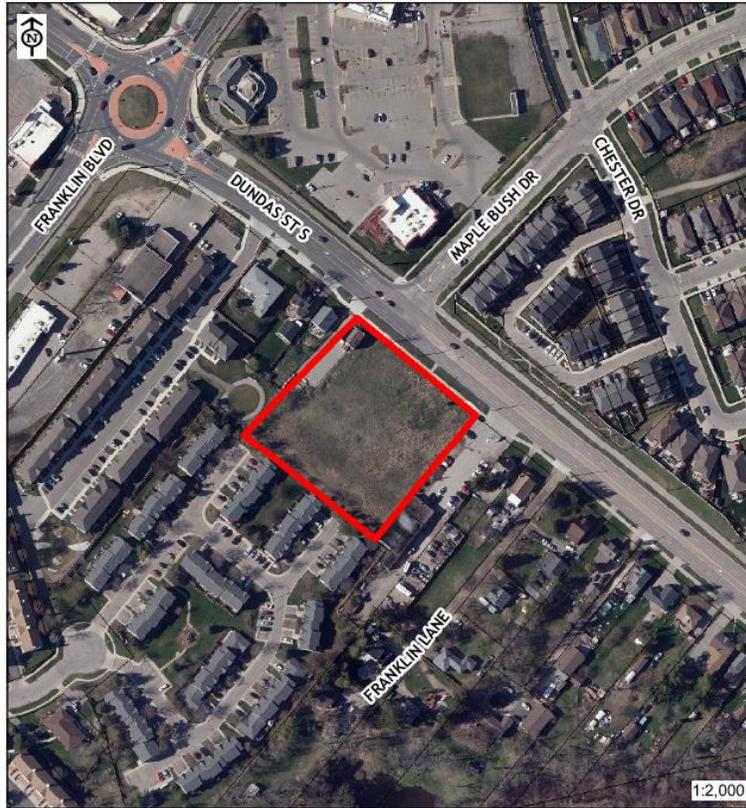
**Core Service:** Part Lot Control Exemption Applications

### **BACKGROUND:**

#### **Property:**

The subject property is municipally addressed as 416 Dundas Street South and is legally described as Block 1 of Registered Plan 58M-709. If the exemption from part lot control is approved by Council, and the Block is permitted to be further subdivided, each lot created will be given separate municipal address.

Figure 1 provides an aerial image of the site (image does not show existing residential development).



*Figure 1: Aerial Image of the Subject Lands*

## **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 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.

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

Existing Land Use Designation: Low/Medium Density Residential

### **City of Cambridge Zoning By-law No. 150-85 (as amended)**

Existing Zoning: RM3 (S.4.1.368)

## **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 parts of blocks and lots within a registered plan of subdivision for land for sale, conveyance, lease or mortgage, establish boundary adjustments and 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.

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 exemption application and corresponding by-law, the property could not be divided into the multiple individual townhouse lots for sale and ownership. If not approved, the Plan of Condominium would be affected and would require updating with respect to the functionality of the property.

### **Proposed Part Lot Control**

The subject Block 1 was created through the approval and registration of a Plan of Subdivision (30T-22102). This Block was always proposed to be developed with a walk-up apartment building and townhouse dwellings, with the intention that exemption from part lot control would create the individual lots.

The City granted building permits for the townhouse dwellings and construction of these units are complete. Building permits can be granted as soon as Site Plan Approval is issued.

The application for exemption from part lot control is now required to further divide the subject block into individual lots (one per townhouse dwelling), which would permit the sale and individual ownership of each lot to a future purchaser. The Block is proposed to be divided into 18 lots.

Figure 2 below provides a visual of the proposed lot creation.

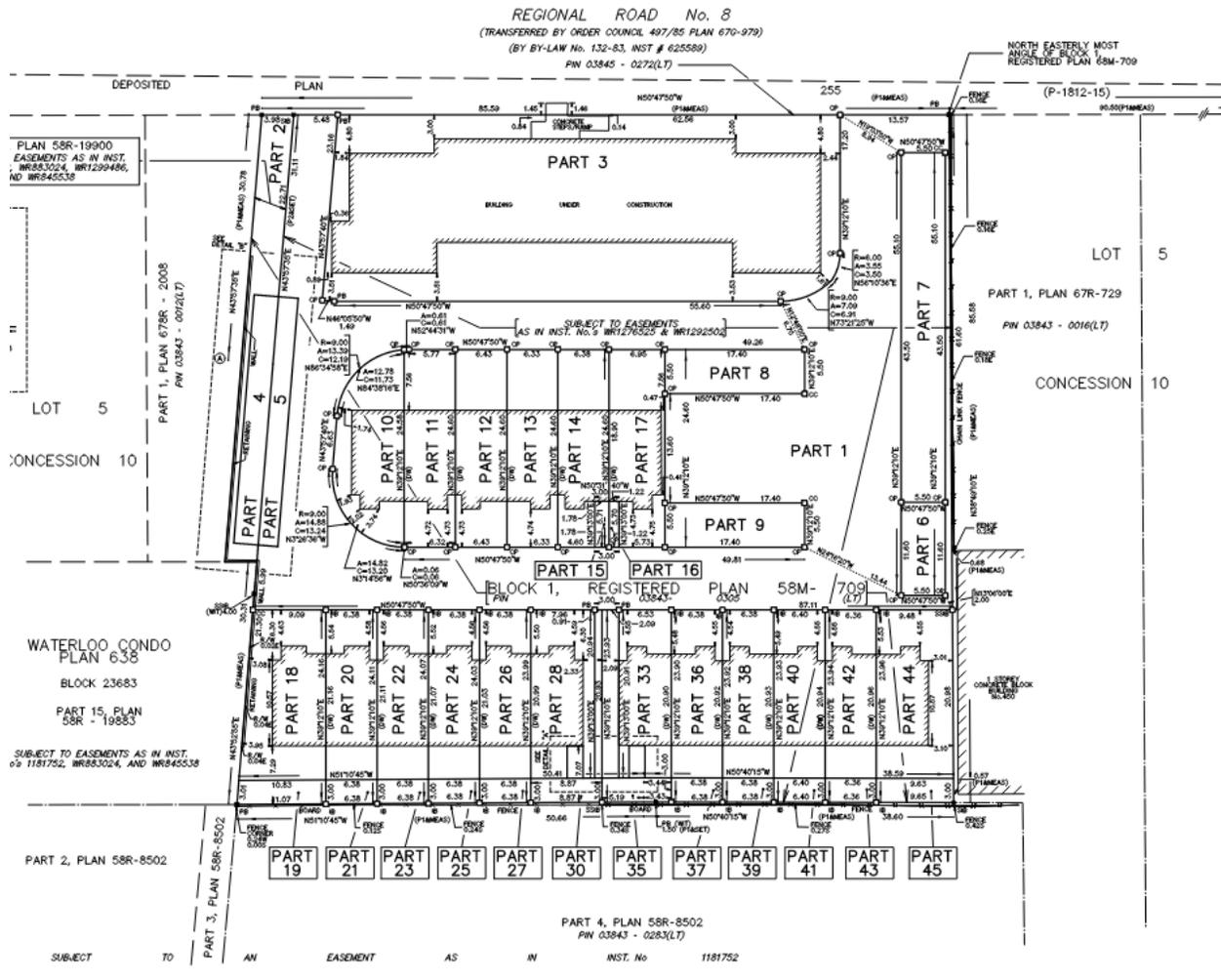


Figure 2: Proposed Lots to be Created

Applications for exemption from part lot control are usually submitted after construction begins and the building foundations are approved. This makes it easier to determine accurate property boundaries between dwelling units.

The application for exemption from part lot control is consistent with the registered Plan of Subdivision.

**FINANCIAL IMPACT:**

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

**PUBLIC VALUE:**

Not Applicable.

## **ADVISORY COMMITTEE INPUT:**

Not Applicable.

## **PUBLIC INPUT:**

This application does not require public notification or public input. This 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 application was circulated to Building Services, Development Engineering Division, Legal Services, and the Region of Waterloo. No comments or action items were raised with regard to the application.

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

The reference plan included in Schedule B to this report 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 part lot control exemption on the subject lands, which includes Block 1 on Registered Plan of Subdivision 58M-709 until August 15, 2025. The application for part lot control exemption meets the intent of the registered plan of subdivision, represents good planning and will create 18 freehold lots as was anticipated through the previous Planning Approvals.

## **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. 23-280-CD Appendix A – Draft By-law for Exemption from Part Lot Control
2. 23-280-CD Appendix B – Reference Plan 58R-21757
3. 23-280-CD Appendix C – Registered Plan of Subdivision 58M-709