

To: COUNCIL

Meeting Date: 9/12/2023

Subject: 23-297-CD Exemption from Part Lot Control - Lidstone Street and Gledhill Crescent

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Report No.: 23-297-CD

File No.: PTLT08/23

Wards Affected: Ward 7

RECOMMENDATION(S):

THAT Report 23-297-CD Exemption from Part Lot Control - Lidstone Street and Gledhill Crescent be received;

AND THAT the By-law attached as Appendix A to report 23-297-CD be passed to permit Blocks 119, 120, 121 and 122 on Registered Plan 58M-696 to be divided into 60 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 Blocks 119, 120, 121 and 122 on a registered Plan of Subdivision 58M-696 for the Hazel Glenn subdivision (formerly referred to as the Treasure Hill Subdivision), to permit the Blocks to be divided into a total of 60 separate freehold townhouse lots for individual sale.

Key Findings

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 sale of a portion of the property to allow separate ownership without approval from the Committee of Adjustment through a severance application.

Financial Implications

The planning application fee for part lot control exemption in the amount of \$11,740 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.

STRATEGIC ALIGNMENT:

☐ Strategic Action

Objective(s): Choose an Objective

Strategic Action: Choose a Strategic Action

OR

☒ Core Service

Program: Development Approvals

Core Service: Part Lot Control Exemption Applications

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 landowner 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 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 when applicable.

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 Blocks could not be divided into freehold lots for individual sale and ownership.

ANALYSIS:

The application is subject to Blocks 119, 120, 121 and 122 on Registered Plan of subdivision 58M-696. The Blocks are located along Gledhill Crescent and Lidstone Street. If the exemption to part lot control is approved by Council, and the Blocks are permitted to be further subdivided, each lot created will be given separate municipal address that will front onto either Gledhill Crescent or Lidstone Street.



Figure 1 – Location Map

These Blocks were always proposed to become townhouse dwelling units within the subdivision with the intention that exemption from part lot control would create the individual lots.

The application for exemption from part lot control proposes to divide Block 119 into 12 lots, Block 120 into 12 lots, Block 121 into 12 lots and Block 122 into 24 lots.

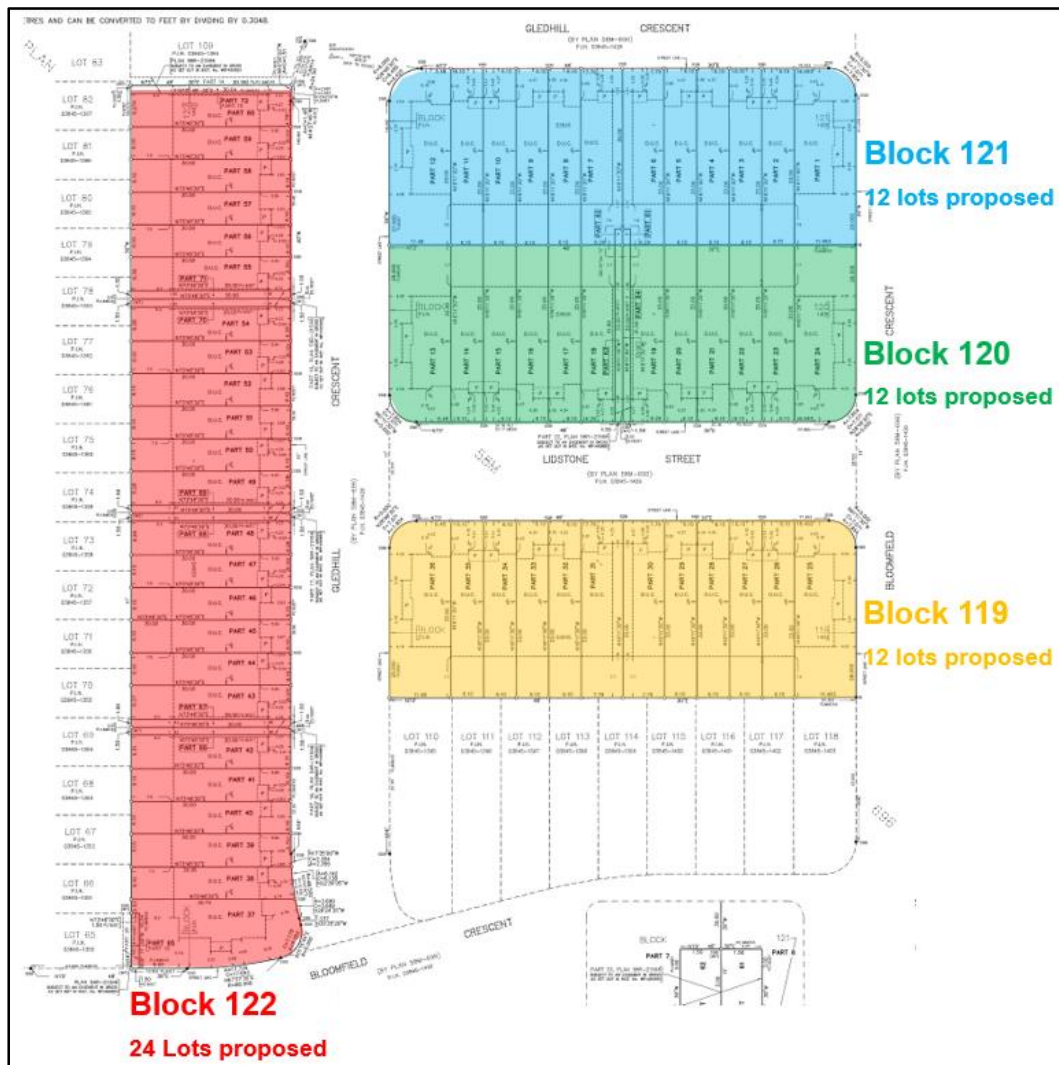


Figure 2 – Proposed Lots to be Created through this Application

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.

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

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)

The lands are designated Medium High Density Residential

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

The lands are zoned RM4 s.4.1.379

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:

Does not apply.

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 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 part lot control exemption on the subject lands which includes Blocks 119, 120, 121 and 122 on Registered Plan of Subdivision 58M-696 until September 12, 2025. The application for part lot control exemption meets the intent of the registered plan of subdivision, represents good planning and will create 60 freehold detached dwelling lots as was anticipated through the previously approved plan of subdivision process.

REPORT IMPACTS:

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **No**

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. 23-297-CD Appendix A – Proposed By-law for Exemption to Part Lot Control
2. 23-297-CD Appendix B – Reference Plan 58R-21770
3. 23-297-CD Appendix C – Registered Plan of Subdivision 58M-696