

Submission #7 to North Kawartha PAC

by Ambrose Moran Dated Feb 19 2009

Subject **Lot of Record**

BACKGROUND

County of Peterborough Official Plan¹

Section 2.3 states²

In the event of a conflict between the provisions of a local plan and the provisions of this Plan, the provisions of this Plan shall prevail to the extent that the conflict except where the local Plan is more restrictive

Section 4.4.3 states³ (consolidated Mar 2006)

On a lot existing on the date this official plan amendment (OPA 2) is approved. I have no record of this date but have been told it is **Mar 2006**

Section 6.2.5 h) States (Official Plan Amendment #3 Jan 23 2008) ⁴

included a provision Vacant Lot of Record existing as of Mar 28 2006” This was deleted in Ministerial modification and replacement provision references the date the official plan amendment #3 comes into effect which I understand is Oct 22 2008

Section 4.4.3 States⁵ (Consolidated October 2008)

On a lot existing on the date this official plan amendment (OPA 3) is approved
Comment- it appears that in the consolidation of October 2008 the dated for a lot of record changes from the approval date of the OPA 2 to the approval date of the OPA 3 . I am not aware of the process to change this date within an OP. The question that needs an answer is the OPA 2 as approved by the Minister based on OPA 2 or is there a process other than an OP amendment that was followed to change the date to the approval date of OPA 3

Section 6.1.1 states ⁶

Defining Date for “Lot”

A lot shall be determined as being a **legal parcel of land as it exists** in accordance with the following:

ii) North Kawartha **January 1 1990**

Section 6.2.5.3 h Seasonal Residential states⁷

¹ County of Peterborough Official Plan Consolidation :including OPA#1 and OPA #2 (March 2006)

² County of Peterborough Official Plan Consolidation :including OPA#1 and OPA #2 Page 2-2

³ County of Peterborough Official Plan Consolidation(March 2006):including OPA#1 and OPA #2 page 4-31

⁴ County of Peterborough Official Plan Amendment #3 January 23 2008 page 6-24

⁵ County of Peterborough Official Plan Consolidated October 2008

⁶ County of Peterborough Official Plan Consolidated October 2008 page 6-3

⁷ County of Peterborough Official Plan Consolidated October 2008 page 6-27

Structures permitted in the seasonal residential designationafter the date of Official Plan Amendment No 3” **which is October 22 2008**
Structure Legally existing as of the date Official Plan Amendment No3 come into effect(October 22 2008)”
Vacant Lot of Record⁸ as of the date Official Plan Amendment No 3 comes into effect (October 22 2008)
Exiting Structures ,, Note no date provided

Section 7.8⁹ Development on Existing Lot of Record—There is no date establishing Lot of Record

Draft Comprehensive Zoning Bylaw for Township of North Kawartha Aug 20 2008

Definitions

Section 2.99 (b)¹⁰

Existing Lot means a lot which on the passing of this By-Law was held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry office or Land title office

COMMENT

There appears to be conflicts between relevant documents establishing lots of record and lack of consistency in terminology –Date of Lot—Existing Lot—Vacant lot of Record

RECOMMENDATION

- A) That a review be undertaken to ensure any conflict in dates is resolved and definitions be include in the North Kawartha Zoning Bylaw for Vacant Lot of Record and Lot of Record
- B) Clarification be obtain as to which date applies for a lot of record in North Kawartha –whether OPA date of APA 3 date applies and whether the change in the Consolidated version October 2008 is in fact rightly stated as OPA 3
- C) If determined that conflict does in fact exist in the County Op --that a County OP amendment ensure clarity is provided and conflict resolved relative to dates for lot of Record
- D) That the North Kawartha Zoning Bylaw have a provision to allow a lot addition such as the merger of a purchased original shore road allowance to be permitted without the Lot of Record status being withdrawn¹¹

For the assistance of the committee I am attaching info from Township of Muskoka Zoning bylaw¹² dealing with Existing Undersized lot of record and Enlargements to existing lots

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⁸ County of Peterborough Official Plan Consolidated October 2008 page 6-28

⁹ County of Peterborough Official Plan Consolidated October 2008 page 7-12

¹⁰ Draft Comprehensive Zoning Bylaw for Township of North Kawartha Aug 20 2008 page 22

¹¹ OMB decision PL080129 issued May 9 2008

¹² Comprehensive Zoning Bylaw for Township of Muskoka Lakes General Provisions 7.3 Page 68