



## Council Report

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**Report Number:** PLAN2022-060

**Meeting Date:** September 27, 2022

**Title:** **Repeal of Deeming By-law 2006-310 for 1231674 Ontario Inc. (Apex Development Group)**

**Description:** Repeal of Deeming By-law 2006-310 (File: D30-2022-007)

**Author and Title:** Richard Holy, Director of Development Services

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### Recommendations:

**That** Report PLAN2022-060, **By-law to Repeal Deeming By-law 2006-310 for Lots in Plans 626 and 627, former Village of Bobcaygeon – 1231674 Ontario Inc.** be received;

**That** a Repeal of Deeming By-law 2006-310 respecting Application D30-2022-007, former Village of Bobcaygeon, substantially in the form attached as Appendix D to Report PLAN2022-060, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

Proposal:	To repeal Deeming By-law 20026-310, which deemed multiple Lots on Plans 626 and 627, not to be lots within a registered plan of subdivision, to facilitate consolidation of land and its subsequent development.
Owner/Applicant:	1231674 Ontario Inc. c/o Michael Spinosa
Official Plan:	'Urban' in the Victoria County Official Plan
Zone:	Urban Residential Type One (R1) Zone in Village of Bobcaygeon Zoning By-law 16-78 but subject to rezoning application D06-2022-022 to rezone to Urban Residential Type One Exception Twenty (R1-20) Zone in Village of Bobcaygeon Zoning By-law 16-78 (File No. D06-2022-022 to reduce the front and side yard setbacks, increase lot coverage and permit encroachments into front, flankage and rear yards.
Area:	3.86 hectares (9.54 acres)
Site Servicing:	The property will be serviced by full municipal water, sanitary, and stormwater management facilities.
Existing Uses:	Vacant Land
Adjacent Uses:	North: Parkland  East: Urban residential  South: Urban residential  West: Vacant land

## **Rationale:**

The subject property is vacant land located on Hemlock Crescent and Cedartree Lane in the Village of Bobcaygeon. The property is described as multiple Lots on Plans 626 and 627. The plans of subdivision were registered in the 1990's. The subdivision is partially developed with a number of the lots having single detached dwellings located on them; however numerous lots in the subdivision are presently not developed and are the subject of this application.

The undeveloped portion of the development was the subject of a Deeming By-law passed by the City on October 24, 2006 being By-law 2006-310. The Deeming By-law was passed to ensure that no further development would take place in the subdivision until the matter of completing the services with appropriate guarantees was achieved. The matter with the previous developer has been adjudicated and the current owner has purchased the property with the intent of completing the servicing to current City standards and developing the remaining 62 lots (see Appendix 'B and 'C').

The property is subject to a zoning by-law amendment to reduce the front and side yard setbacks, increase lot coverage and permit encroachments into front, flankage and rear yards. The draft by-law also includes a Holding (H) provision to require that the owner enter into a Development Agreement with the City with the necessary securities and to apply to repeal the Deeming By-law.

Therefore, the owner has requested Council repeal Deeming By-law 2006-310 to reinstate the lots within the registered plans of subdivision and that the By-law be in effect.

Adoption and subsequent registration of this By-law to Repeal Deeming By-law 2006-310 (see Appendix 'D') will reinstate the previously approved plans of subdivision, as shown on Appendix 'A'.

The proposed zoning by-law will prohibit development on the 62 lots until such time as both the City's Engineering and Corporate Assets Department and KRCA are satisfied from an engineering design and environmental perspective. The applicant also needs to enter into a secured development agreement in order to construct the proposed road and infrastructure works. Repealing the deeming by-law will allow the developer to market and sell the lots to prospective purchasers.

### **Other Alternatives Considered:**

There are no other alternatives considered to be appropriate or represent good planning. The repeal of Deeming By-law 2006-310 is the appropriate method to legally reinstate the previously approved lots.

## **Alignment to Strategic Priorities**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with the Strategic Priorities of 'An Exceptional Quality of Life' and 'Good Government' as Council will be providing the owner with the opportunity to reinstate the lots to accommodate the construction and build out of the plans of subdivision.

## **Financial/Operation Impacts:**

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

## **Recommendations:**

Staff have reviewed the application and believe that it represents good planning. As such, Staff respectfully recommends that Council approve the application.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email or call Richard Holy, Director of Developments Services, [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca) 705.324.9411 ext. 1246.

Appendix A – Location Map



PLAN2022-060  
Appendix A Locatio

## Appendix B – Plan 626



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Appendix B Plan 626

## Appendix C – Plan 627



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Appendix C Plan 627

## Appendix D - Draft Repealing By-law



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Appendix D Draft De

**Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**Department Head:** Richard Holy, Director of Development Services

**Department File:** D30-2022-007