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STAFF REPORT: Planning & Development Services – Planning Division



REPORT TO: Committee of the Whole
MEETING DATE: April 25, 2016
REPORT NO.: PDS.16.44
SUBJECT: Solcorp Developments (Peaks Ridge) Inc.
 Part Lot Control By-law
 Block 39 16M-24 (Ridge Estates)
 Town of The Blue Mountains

PREPARED BY: Shawn Postma, Senior Policy Planner

A. Recommendations

THAT Council receive Staff Report PDS.16.44 “Solcorp Developments (Peaks Ridge) Inc., Part Lot Control By-law, Block 39, 16M-24 (Ridge Estates), Town of The Blue Mountains” and;

THAT Council enact a By-law so as to remove Block 39 Plan 16M-24 from part-lot control for a temporary period of time.

B. Background

Planning Services has received an application for a part-lot control By-law from Solcorp Developments (Peaks Ridge) Inc.

Section 50(5) of the Planning Act provides that part of a lot on a registered plan of subdivision cannot be transferred without the approval of the Municipality. Part-lot control has the effect of preventing the further division of land in a registered plan without municipal approvals. Section 50(7) authorizes municipalities to enact part-lot control By-laws to remove part-lot control from all or part of a registered plan of subdivision.

Exemption from part-lot control is commonly used for semi-detached and townhouse developments, as individual semi-detached or townhouse lots are not normally indicated on a registered plan of subdivision. This approach is used because of the difficulty a Builder would have in ensuring that the common centre wall between two dwelling units was constructed exactly on the property line. In this instance the part-lot control By-law would permit the creation of four single detached residential lots in accordance with a previously approved Draft Plan Approval for Ridge Estates without having to go through a second Plan of Subdivision or Consent process.

The proposed four lots to be created were anticipated through the original Draft Plan, but due to Municipal Servicing limitations at the time they could not be created. Zoning on the lands permits the lands to be used for four (4) single detached residential units subject to servicing and the registration of a subdivision agreement. To ensure these conditions are fulfilled a Holding ‘-h’ symbol has been implemented.

A Subdivision Agreement has been completed for all of 16M-24 which includes the subject lands, however the agreement requires that prior to permitting development on the four lots, a part-lot control By-law must be enacted and a new Supplementary Subdivision Agreement be completed.

Zoning By-law

By-law Amendment 2006-39 to the Township of Collingwood Zoning By-law 83-40 places the subject lands in the Residential R3-165-h zone. Permitted uses include single detached residential dwellings, as well as accessory uses, buildings and structures. Exception 165 limits the lands to a maximum of 4 single detached residential dwellings, and the Holding '-h' symbol requires the registration of a Plan of Subdivision for the lands.

The proposed part-lot control By-law is proposed to implement the intended use of the lands for 4 single detached dwellings. Development on the 4 lots is not permitted until an updated subdivision agreement is completed and the Holding '-h' symbol is removed from the lands.

The proposed lots have frontages ranging from 25.8 metres to 27.6 metres and an average lot area of 1200 sq m. The proposed lot configuration and lot sizes are consistent with the surrounding single detached residential (R3) lots.

Based on the foregoing, Planning Staff have no objections to the proposed part-lot control By-law subject to an expiry date of 30 days from the date of registration of the By-law or 3 years from the date of Council approval. The above timeframes appear sufficient to finalize the lot creation and have the new lots registered with the registry office.

C. The Blue Mountains' Strategic Plan

Goal #3 - Support healthy lifestyles

D. Environmental Impacts

Nil

E. Financial Impact

Nil

F. In Consultation With

Nil

G. Attached

1. Draft Part-Lot Control By-law

Respectfully submitted,

Shawn Postma, Senior Policy Planner

Michael Benner, Director of Planning
and Development Services

For more information, please contact:
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Part Lot Control By-law
Block 39, 16M-24 (Ridge Estates)
11-033-40. P2261

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NUMBER 2016-_____

Being a By-law to remove Block 39, Plan 16M-24 from Part-Lot Control for a temporary period of time

WHEREAS pursuant to Subsection 50(7) of the Planning Act R.S.O. 1990, c. P.13, the Council of a local municipality may by By-law provide that part-lot control does not apply to lands within a registered plan of subdivision or parts of them as designated in the By-law;

AND WHEREAS Solcorp Developments (Peaks Ridge) Inc. has requested that Council of the Corporation of The Town of The Blue Mountains enact a By-law so as to remove Block 39, Plan 16M-24 from part-lot control for a temporary period of time so as to register conveyable real estate entities;

AND WHEREAS the request meets the criteria of the Council of the Corporation of the Town of The Blue Mountains for consideration of the enactment of a part-lot control By-law;

NOW THEREFORE the Council of The Corporation of the Town of The Blue Mountains enacts as follows:

1. Subsection 50(5) of the Planning Act R.S.O. 1990, c. P.13 does not apply to Block 39, Plan 16M-24.
2. Pursuant to Subsection 50(7.3) of the Planning Act R.S.O. 1990, c. P.13, this By-law shall expire upon the sooner of thirty (30) days of its registration, or six (6) months from the date of enactment, unless it shall have prior to that date been repealed or extended by the Council of the Corporation of the Town of The Blue Mountains.
3. This By-law shall not take effect until it has been approved by the Corporation of the County of Grey, the approval authority for the purposes of Sections 51 and 51.1 of the Planning Act R.S.O. 1990, c. P.13, and a certified copy or duplicate of the By-law, so approved, has been registered in the proper Land Registry Office.

ENACTED AND PASSED THIS 9th DAY OF MAY, 2016.

John McKean, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2016-_____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the 9th Day of May, 2016

DATED at The Blue Mountains this 9th Day of May, 2016.

Corrina Giles, Clerk