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STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: December 2, 2013
REPORT NO.: PL.13.132
SUBJECT: The Blue Mountains Model Home Policy
PREPARED BY: D. Finbow, director, Planning & Building Services

A. Recommendations

THAT Council receive Staff Report PL.13.132 respecting “The Blue Mountains Model Home Policy” and that Council approve Appendix “A” attached to this Report being “The Blue Mountains Model Home Policy”.

B. Background

Purpose:

The purpose of this report is to seek Council’s approval of an updated Model Home Policy.

Background:

Planning & Building Services staff have been reviewing municipal best practices as they relate to permissions for model homes.

From time to time, a Developer and/or Builder will request permission of a municipality to construct model homes in advance of the registration of a plan of subdivision and in advance of the Certificate of Preliminary Acceptance of the Basic Services (being the Certificate that is a prerequisite for building permit issuance).

Typically, Model Homes are “dry”, meaning that they are not connected to proposed or existing municipal infrastructure however there are instances where the Model Homes may be connected to the Town’s water distribution system and the sanitary collection system (where those parts of the systems have been assumed by the Town or where a Certificate of Preliminary Acceptance of the Basic Services has been issued).

The Town’s policies related to Model Homes have been developed on a site specific basis with the related conditions being endorsed by Council by way of the terms and conditions of the Subdivision Agreement.

The Town’s policies have evolved over time and are reflective of best municipal practices such as:

1. A Pre-servicing, Subdivision or Site Plan Agreement has been executed;

2. Zoning is in place so as to permit the Model Homes (including provisions related to Model Homes in advance of the removal of the Holding “-h” Symbol);
3. Model Homes are subject to Site Plan Approval in accordance with the Town’s Site Plan Approval By-law wherein parking, landscaping, access, signage, etc. are addressed;
4. A Model Home Agreement is in place that secures the proponent’s undertaking not to occupy the Model Homes for residential purposes, the correction of any zoning by-law deficiencies should the Model Home not be constructed in accordance with the zoning by-law, and the demolition of the Model Homes should the Plan not be registered and/or the zoning deficiencies, if any, are not corrected;
5. All fees and charges related to the Model Homes such as Development Charges and building permit fees have been paid; and,
6. Arrangements and/or payment have been made as they relate to conveyance of lands for parkland or cash-in-lieu of parkland payment have been made.

One issue that has been addressed on an ad hoc basis is the maximum number of Model Home permitted.

Zoning By-law No. 83-40, as amended, permits the temporary use of land for a sales and rental office incidental to the construction of one or more dwellings approved under Plans of Subdivision or Condominium and Site Plan Control for a period not in excess of three years.

Zoning By-law 10-77, as amended, does not contain provisions related to temporary sales and rental offices or model homes.

Planning Services staff has reviewed best practices in the Province related to the number of model homes permitted and has found a diversity of provisions as they relate to Model Homes. Examples:

1. The Town of Richmond Hill restricts the number of model homes to the lesser of 20 or 10% of the total number of units contained in the Draft Plan.
2. The Town of Newmarket ZBL restricts the number of model homes to the lesser of 10 or 10% of the total number of units contained in the Draft Plan.
3. The Town of Collingwood policy is 1 unit for every 10 units proposed with a limit of 5.

As Council will note, the commonality of the above is the maximum 10% of the total number of units contained in the Draft Plan. Further, Council will note the commonality of a cap, with the cap varying from 5 to 20 units.

Planning Services believe that the 10% cap is appropriate but believe that given the limited size of developments in the Town, especially considering that most developments proceed in phases, and the limited number of occasions where a Developer/Builder or a Builder has control over a large number of lots, that 20 or even 10 Model Homes is excessive for the Town of The Blue Mountains.

Planning Services believe that a cap of the lesser of 6 or 10% of the total number of units contained in the Plan or for which the parcel of land has designation for (with rounding up permissible, i.e. 5.5 = 6) is appropriate for the Town of The Blue Mountains.

Planning Services staff believes that there is little risk associated with the continuation of the Town's policies related to Model Homes, with such risk being mitigated by the terms and conditions of the Model Home Agreement, including the provision of security so as to demolish the model home and restore the site.

Authority to enter into Model Homes Agreements has been delegated to the Chief Building Official in accordance with Corporate Policy POL.COR.07.04, Delegation by Council of Powers and Duties Policy.

Summary:

Planning Services staff recommends that Council formally adopt the Model Home Policy attached hereto as Appendix "A".

C. The Blue Mountains' Strategic Plan

Managing growth to ensure the ongoing health and prosperity of the community".

D. Environmental Impacts

N/A

E. Financial Impact

N/A

F. In Consultation With

Planning & Building Services Staff
J. Metras, Q.C.
R. Russwurm, Director, Engineering & Public Works

G. Attached

A. Model Home Policy

Respectfully submitted,

David Finbow
Director, Planning & Building Services



The Blue Mountains Model Home Policy

Subsequent to the granting of Site Plan Approval, conditional or otherwise, and/or Draft Plan Approval, the Town may consider allowing for the construction of model homes, which may or may not be used as a sales office, at the Owner's sole risk when the following conditions have been met:

1. In the instance of a Plan of Subdivision or Condominium, a Pre-servicing Agreement has been executed or, in the instance of a development proposal proceeding on the basis of Site Plan Approval pursuant to Section 41 of the Planning Act, the Agreement has been executed or there is explicit designation within the Town's Official Plan for units on the subject land for the proposal (see also item 2 below).
2. Site Plan Approval has been given specifically for the Model Homes in accordance with the Town's Site Plan Approval By-law wherein parking, landscaping, access, signage, etc. are addressed.
3. Other approvals are in place such as Grey Sauble Conservation Authority Permit, Town Entrance Permit, Town Municipal Lands Works Permit, etc.
4. Zoning is in place so as to permit the Model Homes (including provisions related to Model Homes in advance of the removal of the Holding "-h" Symbol).
5. A Model Home Agreement has been executed with the Town addressing, as a minimum, the following:
 - i. Access to the site (via a public road, improved road or Builder's Road);
 - ii. Fire Protection;
 - iii. Services (sanitary sewer, water, hydro, etc.) are available or will be available;
 - iv. Connection to municipal services will not be authorized until the issuance of the Certificate of Preliminary Acceptance of the Basic Services;
 - v. The overall grading of the Model Home site (ensuring that it is consistent with the Overall Grading Plan, if applicable);

- vi. Security for each model home is provided in the amount of \$10,000 to ensure the obligations of the Developer are carried out as required by the terms of the Agreement and to provide for the demolition and removal of the Model Home if the development proposal does not proceed to registration or approval, as the case may be, within two years of the date of issuance of the Model Home permit. In the instance of two attached model homes, the security shall be \$10,000. In the instance of more than two attached model homes, the security shall be increased by \$5,000 for each additional Model Home after the first two up to a maximum of \$20,000;
 - vii. Confirmation of non-occupancy of the Model Homes for residential purposes; and,
 - viii. Correction of zoning by-law deficiencies should the Model Home not be constructed in accordance with the zoning by-law or, in the event of the inability to correct, the demolition of the model home.
6. All fees and charges related to the Model Homes such as Development Charges, building permit fees, Entrance Permit Fees, Municipal Lands Works Permit Fee, etc. have been paid.
 7. Arrangements satisfactory to the Town have been made for the conveyance of lands for parkland or the appropriate cash-in-lieu of parkland payment has been made for the development.
 8. A maximum of the lesser of 6 or 10% of the total number of units contained in the Draft Plan or for which the development has designation for with any part number rounded up to the next highest full number (i.e. 5.4 = 6).