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STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: January 13, 2014
REPORT NO.: PL.14.03
SUBJECT: Summit Shores, Block 5, Plan 16M-37, Part-Lot Control By-law (Planning File No. P1710)
PREPARED BY: D. Finbow, Director, Planning & Building Services

A. Recommendations

THAT Council receive Staff Report PL.14.03 respecting Summit Shores Part-Lot Control By-law (Planning File No. P1710) and that Council enact a By-law so as to remove Block 5, Plan 16M-37 from Part-Lot Control for a temporary period of time.

B. Background

Purpose:

Council's consideration of the enactment of a by-law so as to remove part-lot control from Block 5, Plan 16M-37 for a temporary period of time.

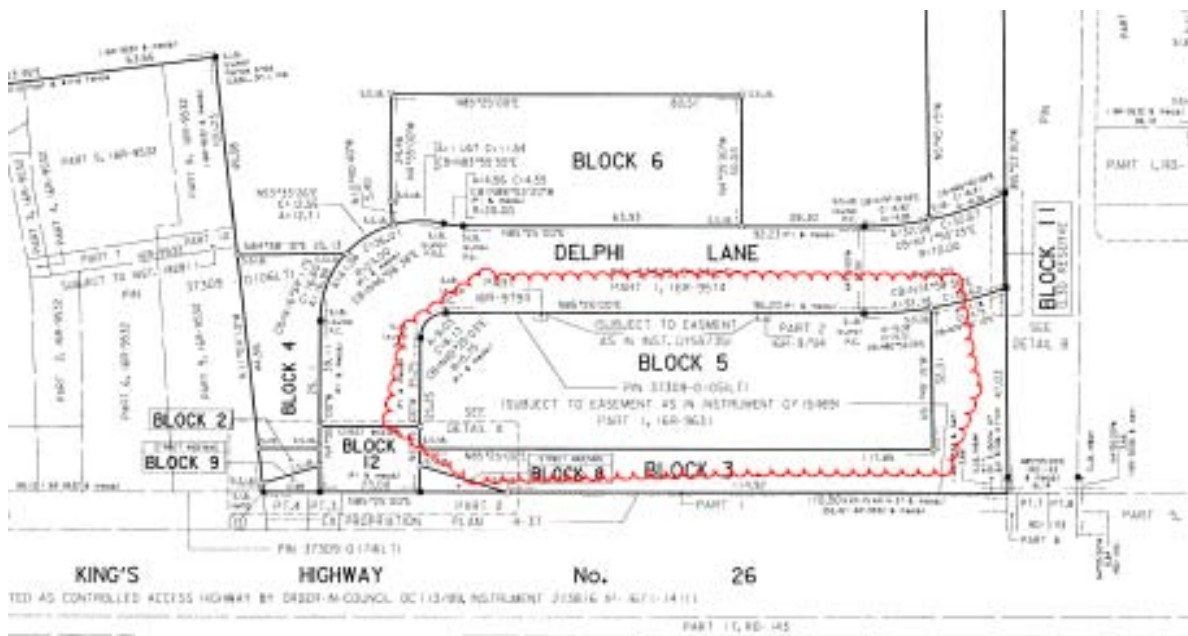
Applicant:

Summit Shores Ltd.
 c/o Losani Homes
 430 McNeilly Road
 Stoney Creek, ON L8E 5E3

Application:

Summit Shores Ltd. has made application so as to remove part-lot control from Block 5, Plan 16M-37 so as to allow for the conveyance of portions of the said Block and to facilitate the registration of associated easements.

Subject Lands:



What is Part-Lot Control?

Section 50 (28) 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 division of land in a registered plan, other than that allowed for in the approved plan of subdivision, without further approvals. The part-lot control provisions of the *Planning Act* allow a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision.

When is Exempting Land from Part-Lot Control Appropriate?

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.

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.

Status of Construction – Block 5, Plan 16M-37:

The subject development, being 13 attached dwellings, is currently under construction with all foundation work completed and the super structures at various stages of construction.

Zoning By-law Conformity:

The subject lands are located in a R1-194 Zone pursuant to Zoning By-law 83-40, as amended by By-law No. 2009-33.

The R1-194 Zone lists as permitted linked units with Zone Standards applicable to this application as being:

| Zone Standard | Minimum | Actual |
|----------------------|--------------------|---------------|
| Lot Area | 220 m ² | Okay |
| Lot Frontage | 8.0 and 9.0 m | Okay |

The Town of The Blue Mountains Part-Lot Control Criteria:

The subject proposal complies with the Town's criteria related this matter (see attached).

Time Frame:

Council will note that the Draft By-law expires three years from the date of enactment so as to allow time for all land transactions to be completed.

Summary:

Planning staff recommends that Council enact a By-law so as to remove Block 5, Plan 16M-37 from part-lot control for a temporary period of time.

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

Fees Paid - \$1,070.00

F. In Consultation With

N/A

G. Attached

Draft Part-Lot By-law
Draft R Plan
The Blue Mountains Part-Lot Control Procedure & Criteria

Respectfully submitted,

D. Finbow
Director, Planning & Building Services

**THE CORPORATION OF
THE TOWN OF THE BLUE MOUNTAINS**

BY-LAW NO. 2013 - _____

Being a By-law to remove Block 5, Plan 16M-37, from Part-Lot Control
for a temporary period of time.

WHEREAS pursuant to Subsection 50 (7) of the *Planning Act* 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 are designated in the by-law;

AND WHEREAS Summit Shores Ltd. has requested that Council of The Corporation of The Town of The Blue Mountains enact a by-law so as to remove Block 5, Plan 16M-37, from part-lot control for a temporary period of time so as to register conveyable real estate entities and to create various easements associated therewith;

AND WHEREAS the request meets the criteria of the Council of The Corporation of The Town of The Blue Mountains for the 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* does not apply to Block 5, Plan 16M-37.
2. This By-law shall only apply to Block 5, Plan 16M-37.
3. Pursuant to Subsection 50 (7.3) of the *Planning Act*, this By-law shall expire three years 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.
4. This By-law shall not become effective until a certified copy or duplicate of the By-law has been registered in the proper Land Registry Office.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2014.

Ellen Anderson, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2014-_____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2014.

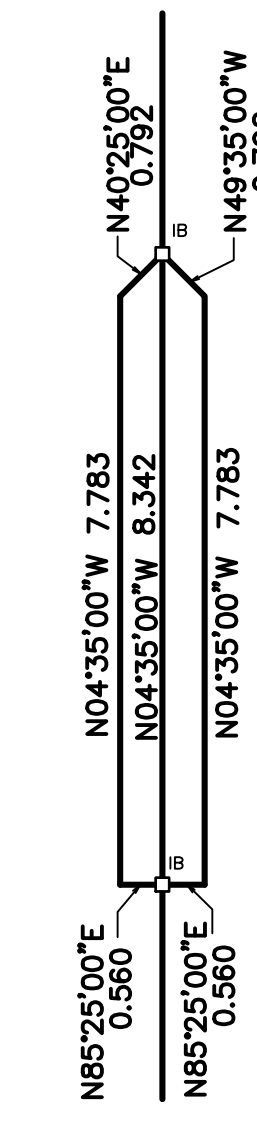
DATED at The Blue Mountains this _____ day of _____, 2014.

Signed: _____
Corrina Giles, Clerk

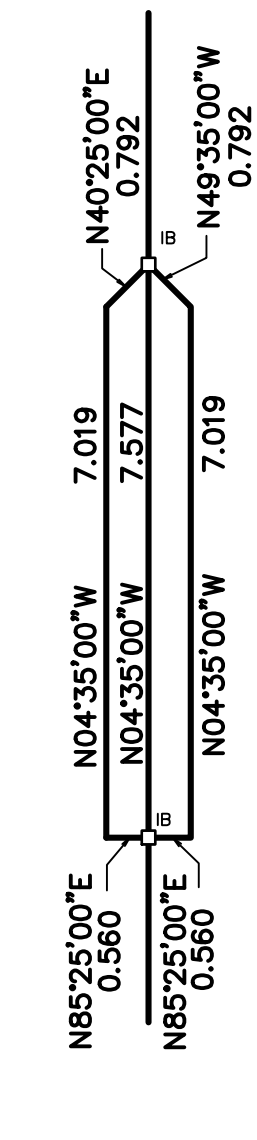
PLAN OF SURVEY
OF
BLOCK 5
PLAN 16M-37
IN THE
TOWN OF THE BLUE MOUNTAINS
COUNTY OF GREY
SCALE 1:200 METRIC
S.D. McLAREN, O.L.S. - 2013



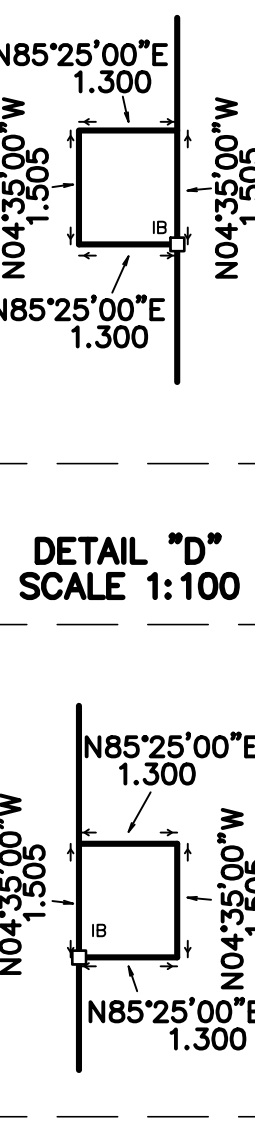
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SCALE 1:100



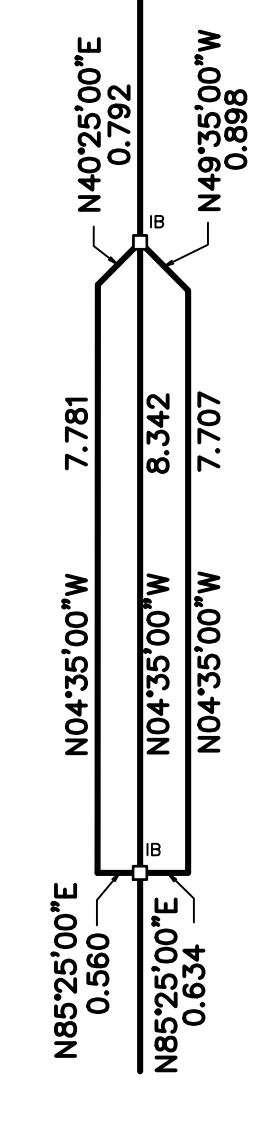
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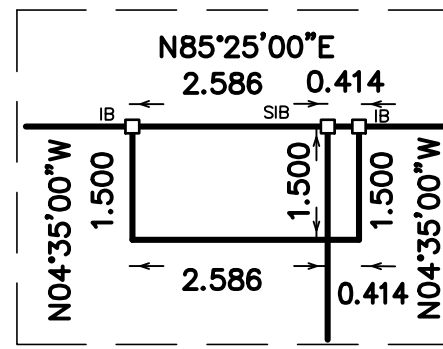
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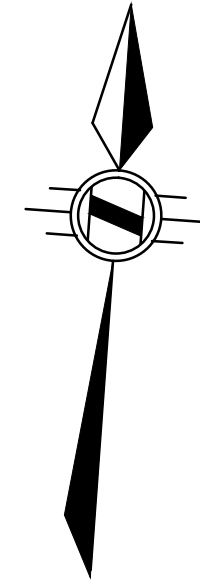
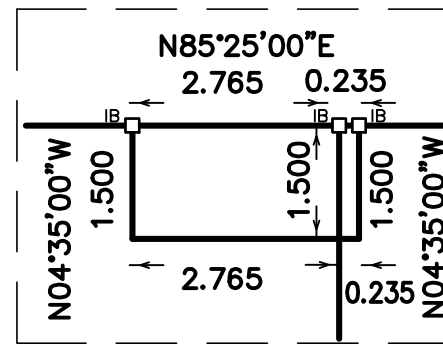
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DETAIL "F"
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DETAIL "G"
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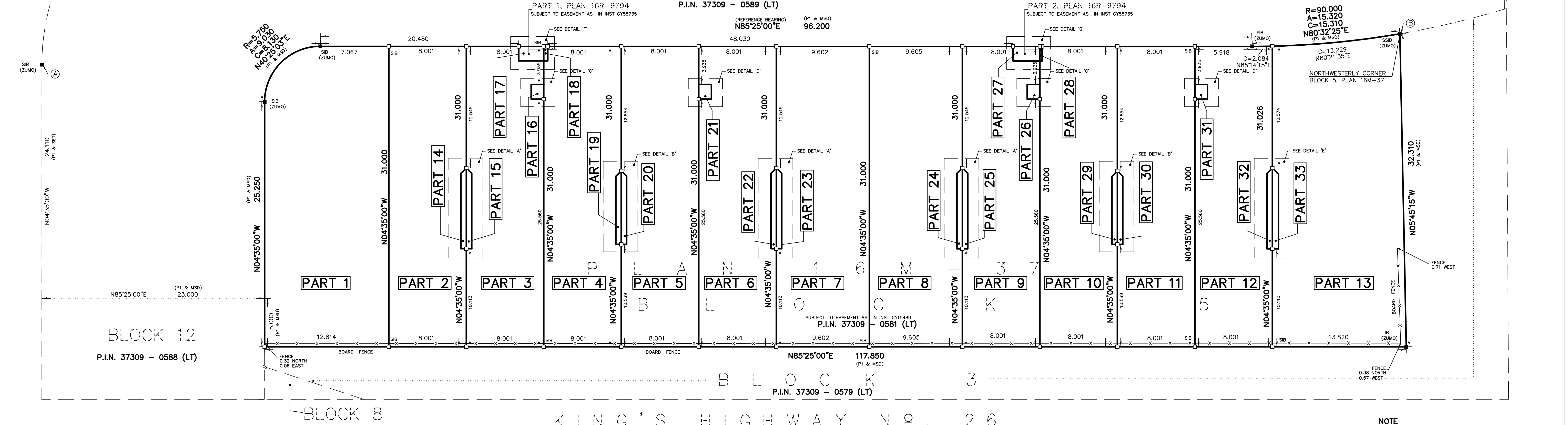


| SCHEDULE | | | | | | | |
|----------|-------|------|--------|------|-------|------|--------|
| PART | BLOCK | PLAN | P.I.N. | PART | BLOCK | PLAN | P.I.N. |
| 1 | | | | 23 | | | |
| 2 | | | | 24 | | | |
| 3 | | | | 25 | | | |
| 4 | | | | 26 | | | |
| 5 | | | | 27 | | | |
| 6 | | | | 28 | | | |
| 7 | | | | 29 | | | |
| 8 | | | | 30 | | | |
| 9 | | | | 31 | | | |
| 10 | | | | 32 | | | |
| 11 | | | | 33 | | | |
| 12 | | | | | | | |
| 13 | | | | | | | |
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| 16 | | | | | | | |
| 17 | | | | | | | |
| 18 | | | | | | | |
| 19 | | | | | | | |
| 20 | | | | | | | |
| 21 | | | | | | | |
| 22 | | | | | | | |

PLAN 16 R-
RECEIVED AND DEPOSITED
Date _____
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF GREY (No. 16)
I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.
Date NOVEMBER 29, 2013
S.D. McLAREN, O.L.S.

DELPHI LANE

(BY PLAN 16M-37)



LEGEND:
DENOTES MONUMENT SET
IB IRON BAR
SIB STANDARD IRON BAR
Msd MEASURED
824 A.T. McLAREN, O.L.S.
ZUMO ZUBEK, EMO, PATTEN & THOMSEN LTD
P1 PLAN 16M-37

BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (1997.0)
NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999601

INTEGRATION DATA

| POINT ID | NORTHING | EASTING |
|----------|-------------|------------|
| DRP (A) | 4931684.736 | 549228.099 |
| DRP (B) | 4931691.114 | 549687.544 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

METRIC NOTE
DISTANCES AND COORDINATES
SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE
CONVERTED TO FEET BY
DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT
AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 1ST DAY OF OCTOBER, 2013.
DATE NOVEMBER 29, 2013
S.D. McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032
Drawn AK/ES Checked DG Scale 1:200 Dwg.No. 32941-PLC

NOTE
ALL SET BARS ARE IB'S UNLESS OTHERWISE NOTED



November 12, 2013

Losani Homes Ltd.
430 McNeilly Road
Stoney Creek, Ontario
L8E 5E3

RE: Plan of Survey – Delphi Lane, being composed of Block 5,
Plan 16M-37, in the Town of the Blue Mountains.

I hereby certify that the Part frontages and Part areas for the above noted Reference Plan are as follows:

| Part No. | Part Width in Metres | Part Width in Feet | Part Area in Square Metres | Part Area in Square Feet |
|------------------|---------------------------------|-------------------------------|---------------------------------------|-------------------------------------|
| 1 | 12.816 | 42.05 | 390.1 | 4,199 |
| 2 and 14 | 8.001 | 26.25 | 248.0 | 2,669 |
| 3, 15, 16 and 17 | 8.001 | 26.25 | 248.0 | 2,669 |
| 4, 18 and 19 | 8.001 | 26.25 | 248.0 | 2,669 |
| 5 and 20 | 8.001 | 26.25 | 248.0 | 2,669 |
| 6, 21 and 22 | 8.001 | 26.25 | 248.0 | 2,669 |
| 7 and 23 | 9.602 | 31.50 | 297.7 | 3,204 |
| 8 and 24 | 9.605 | 31.51 | 297.7 | 3,204 |
| 9, 25, 26 and 27 | 8.001 | 26.25 | 248.0 | 2,669 |
| 10, 28 and 29 | 8.001 | 26.25 | 248.0 | 2,669 |
| 11 and 30 | 8.001 | 26.25 | 248.0 | 2,669 |
| 12, 31 and 32 | 8.001 | 26.25 | 248.1 | 2,671 |
| 13 and 33 | 13.383 | 43.91 | 425.4 | 4,579 |

Please note that these lot widths have been calculated according to the Township of Collingwood By-Law No. 83-40.

If you have any questions, regarding the above, or if we may be of further assistance, please do not hesitate to contact the undersigned.

Yours truly,

S. D. McLaren, P.Eng., O.L.S.

SDM/ml



Town of The Blue Mountains

Planning & Building Services Department

Planning Services Division

32 Mill Street, Box 310

THORBURY, ON N0H 2P0

519-599-3131, Extension 283

Planning & Building Services Department Planning Services Division

PART LOT CONTROL APPLICATIONS – TOWNHOUSE & SEMI-DETACHED DWELLINGS, REGISTERED PLAN OF SUBDIVISION

Once a Plan of Subdivision has been registered, a landowner may sell any complete lot within that plan. However, a landowner may not sell a part or piece of a Lot or Block in that Registered Plan without further approvals under the *Planning Act*. This is referred to as Part Lot Control and has the effect of preventing any further division of land within a Registered Plan of Subdivision without a further application for Subdivision, Land Division, or Part Lot Control.

Part Lot Control is established under Section 50(5) of the *Ontario Planning Act* and enables a municipality to pass a by-law removing or “lifting” Part Lot Control from all or part of a Registered Plan of Subdivision.

A Part Lot Control By-law is typically enacted by a municipality so as to establish conveyable parcels related to street related townhouses and semi-detached dwellings.

There are other instances where a municipality will entertain requests to enact a Part Lot Control By-law. To determine whether your project qualifies, please contact the Planning Services Division at 519.599.3131, extension 283.

It is noted that Part Lot Control can only be removed from Registered Plans of Subdivision.

With respect to requests for Part Lot Control for street related townhouses and semi-detached dwellings, the Town’s Planning Services Division has adopted the following procedures related to considering requests for Part Lot Control.

1. An application is to be filed with the Planning Services Division and supported by a summary letter outlining the details of the request and the applicable fees in accordance with the Town’s Fees By-law.
2. In support of the application, a Draft Reference Plan, prepared by an Ontario Land Surveyor (OLS), must be provided depicting the proposed parcels of land to be created. The Draft Reference Plan is to be prepared post construction of the

buildings party walls such that the surveyor can appropriately identify the boundary of the proposed parcels at the centre line of the party walls. Further, the Draft Reference Plan is to be supported by information related the individual parcel frontages, areas and structure/building setbacks.

3. The Draft Reference Plan will be reviewed by Planning Services to determine Zoning By-law conformity. Our service delivery target for this review is 5 working days.
4. The OLS should dialogue with the Registry Office with respect to pre-approval of the Reference Plan.
5. Upon confirmation of Zoning By-law conformity, and confirmation from the Registry Office, the Reference Plan can be deposited.
6. Upon Planning Services receipt of the deposited Reference Plan, Planning Services will bring forward a Part Lot Control By-law for Council's consideration. Our service delivery target for this is 20 working days from the date of receipt of the deposited Reference Plan.
7. The Part Lot Control By-law will contain the following clauses:
 - a. Subsection 50(5) of the *Planning Act* does not apply to Blocks/Lots _____ as shown on Plan 16M-_____, Town of The Blue Mountains, county of Grey.
 - b. This By-law shall only apply to Plan 16R-_____.
 - c. Pursuant to Subsection 50(7.3) of the *Planning Act*, this By-law shall expire upon the sooner of thirty (30) days of its registration or six months from the date of enactment, whichever is the sooner, 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.
 - d. This By-law shall not become effective until a certified copy or duplicate of the By-law has been registered in the proper Land Registry Office.
8. The proponent is responsible for the registration of the Part Lot Control By-law and providing a copy of the registration to Planning Services.