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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.16.50
SUBJECT: Windfall Phase 2A Part Lot Control Exemption, Lots 30, 32 and 39, Registered Plan 16M-47
PREPARED BY: Michael Benner, MCIP RPP
 Director, Planning and Development Services

A. Recommendations

THAT Council receive Staff Report PDS.16.50, “Windfall Phase 2A Part Lot Control Exemption, Lots 30, 32 and 39, Registered Plan 16M-47”; and

THAT Council enact a By-law, substantially in the form included as Attachment “2” to report PDS.16.50, so as to remove Lots 30, 32, and 39, Registered Plan 16M-47 from Part-Lot Control for a temporary period of time.

B. Background

Georgian Planning Solutions, on behalf of Windfall Developments, has applied for an exemption to Part Lot Control for lots 30, 32, and 39 in Phase 2A of the Windfall Plan of Subdivision, Registered Plan 16M-47, to allow the semi-detached units that are currently being constructed on these lots to be divided and registered as separate units.

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 do, however, allow a municipality to pass by-laws to suspend or lift part-lot control from all or any part of a registered plan of subdivision on a temporary basis.

Exemption from part-lot control is appropriate when a number of land transactions are involved that further subdivide a lot that had previously been created by way of a plan of subdivision. This mechanism 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, and because of the difficulty a Builder would face in ensuring that the common centre wall between two dwelling units was constructed exactly on the property line. Part Lot Control is also used for minor lot boundary adjustments within a plan of subdivision that will not result in the creation of new parcels and will not affect the nature or character of the subdivision.

This exemption process is facilitated through a municipal Bylaw that exempts Part Lot Control on the subject lands for a temporary period of time to allow for the preparation and registration of new reference plans.

It should also be noted that the Part Lot Control process is not subject to Public Meeting requirements and does not have a formal appeal procedure.

Grey County is the approval Authority for Part Lot Control applications made within the Town of The Blue Mountains and that authority has been delegated to the County's Director of Planning. The County will require 3 certified copies of the Part Lot Control by-law adopted by Town Council and three copies of the deposited reference plan as identified in the part lot control by-law for the County's approval. They also require approval fees of \$275.00 plus \$109.50 per parcel created to be paid by the applicant.

The Subject Lands

Three draft reference plans have been prepared for Lots 30, 32 and 39 respectively that indicate how those lots will be further divided to recognize the individual semi-detached dwelling units and demonstrate that the proposed lot line will follow the "as constructed" common wall between the units. These plans have been included as Attachment "1" to this report.

Draft Bylaw

A draft bylaw exempting Lots 30, 32 and 39, Registered Plan 16M-47, from Part Lot Control has been prepared and is included as Attachment "2" to this report. This bylaw is set to expire upon the sooner of thirty (30) days of its registration of the reference plan (the bylaw forms part of that registration) or six months from the date of enactment of the bylaw.

C. The Blue Mountains' Strategic Plan

This proposal supports Goal #3 - Support healthy lifestyles by increasing the range of housing choices and promoting housing affordability.

D. Environmental Impacts

Nil

E. Financial Impact

The Town is in receipt of Planning Application fees of \$535.00 for each application totalling \$1605.00

F. In Consultation With

Grey County Planning staff.

G. Attached

1. Draft Reference Plans.
2. Draft Bylaw.

Respectfully submitted,

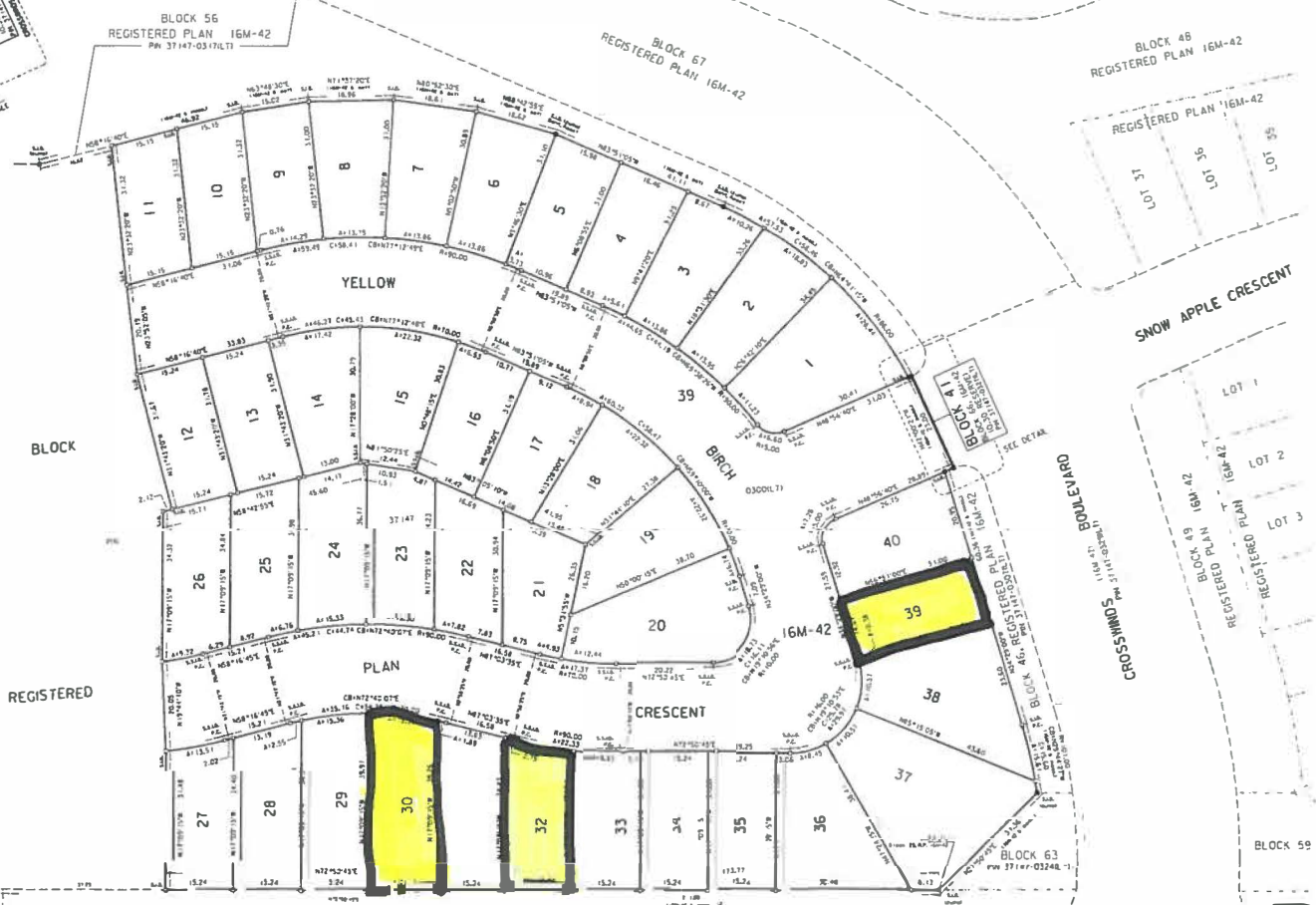
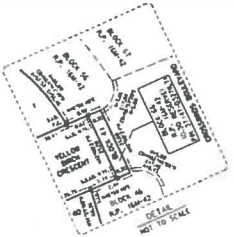
Michael Benner, Director of Planning
and Development Services

For more information, please contact:
Michael Benner, MCIP RPP
Director of Planning and Development Services
mbenner@thebluemountains.ca
519 599 3131 ext. 246

SPECIFIED CONTROL POINTS WITH ZONE 17, NAD 83 COORDINATES TO UTM COORDINATES FOR THE 16M-42 PLAN

POINT ID	NORTHING	EASTING
SCP 009 1802151	4781714.33	310996.19
SCP 009 1802152	4781718.1	310999.87

COORDINATES CANNOT, BY THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR POINTS OF A SURVEY ON THE PLAN



PLAN 16M-42

IDENTIFY THAT THIS PLAN 16M-42 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLE DIVISION OF GREY NO. 1 REG. DISTRICT BLOCK ON THE DAY OF 2015, AND ENTERED IN THE PARCEL REGISTER PROPERTY IDENTIFIERS PMS 37147-0300L1 AND 37147-0321 FL1 AND REQUIRED DOCUMENTS ARE REGISTERED AS PLAN DOCUMENT NO.

REPRESENTATIVE FOR LAND REGISTRY

NOTE: THIS PLAN COMPRISES PART OF PN 37147-0300L1 AND ALL OF PN 37147-0321 FL1

PLAN OF SUBDIVISION OF PART OF BLOCK 39 AND BLOCK 66 REGISTERED PLAN 16M-42
(FORMERLY TOWNSHIP OF COLLINGWOOD)
TOWN OF THE BLUE MOUNTAINS COUNTY OF GREY

SCALE 1:500

- NOTES:**
- DISTANCES ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
 - BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY MEANS OF THE NETWORK OBSERVATIONS, UTM ZONE 17, NAD 83 (EPSG:11997).
 - DISTANCES ON THIS PLAN ARE HORIZONTAL GRID DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999961
 - DENOTES SET
 - DENOTES FOUND
 - ⊕ DENOTES STANDARD IRON BAR
 - ⊖ DENOTES IRON BAR
 - ⊕⊖ DENOTES SHORT STANDARD IRON BAR
 - ⊕⊖ DENOTES CUT CROSS
 - ⊕⊖ DENOTES CONCRETE PIN
 - ⊕⊖ DENOTES POINT OF CURVATURE
 - ⊕⊖ DENOTES POINT OF REVERSE CURVATURE
 - ⊕⊖ DENOTES WIDTH
 - ⊕⊖ DENOTES MEASURE
 - ⊕⊖ DENOTES REGISTERED PL. IN
 - ⊕⊖ DENOTES NORTH-SOUTH, EAST, WEST
 - ⊕⊖ DENOTES OTHERWISE INDICATED ALL SET BARS ARE LB.

SURVEYOR'S CERTIFICATE:

IDENTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE REGULATIONS AND THE LAND TITLE ACT AND THE REGULATIONS MADE UNDER THEM
- THE SURVEY WAS COMPLETED ON THE 22ND DAY OF SEPTEMBER 2015

SEPTEMBER 22, 2015

PAUL R. THOMSEN
ONTARIO LAND SURVEYOR
COLLINGWOOD

OWNER'S CERTIFICATE (PN 37147-0300L1)

THIS IS TO CERTIFY THAT:

- LOTS 1 TO 40 (BOTH INCLUSIVE) HAVE BEEN Laid OUT IN ACCORDANCE WITH MY INSTRUCTIONS
- THE STREET NAME YELLOW BIRCH CRESCENT IS HEREBY DEDICATED TO THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS AS PUBLIC HIGHWAY

DATED THIS 22ND DAY OF SEPTEMBER 2015

WINDFALL LP INC.
HAVE THE AUTHORITY TO BIND THE CORPORATION

DAVID BUNSTON (PRESIDENT)

OWNER'S CERTIFICATE (PN 37147-0321 FL1)

THIS IS TO CERTIFY THAT:

- BLOCK 41 HAS BEEN Laid OUT IN ACCORDANCE WITH MY INSTRUCTIONS
- BLOCK 41 IS HEREBY DEDICATED TO THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS AS PUBLIC HIGHWAY

DATED THIS 22ND DAY OF SEPTEMBER 2015

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS HAVE THE AUTHORITY TO BIND THE CORPORATION

CORINNA GILES
CLERK

CURVE DATA

LOT NO.	Radius (m)	Chord (m)	Angle (deg)	Offset (m)	Stationing
1	100.00	100.00	90.00	0.00	0+00.00
2	100.00	100.00	90.00	0.00	0+00.00
3	100.00	100.00	90.00	0.00	0+00.00
4	100.00	100.00	90.00	0.00	0+00.00
5	100.00	100.00	90.00	0.00	0+00.00
6	100.00	100.00	90.00	0.00	0+00.00
7	100.00	100.00	90.00	0.00	0+00.00
8	100.00	100.00	90.00	0.00	0+00.00
9	100.00	100.00	90.00	0.00	0+00.00
10	100.00	100.00	90.00	0.00	0+00.00
11	100.00	100.00	90.00	0.00	0+00.00
12	100.00	100.00	90.00	0.00	0+00.00
13	100.00	100.00	90.00	0.00	0+00.00
14	100.00	100.00	90.00	0.00	0+00.00
15	100.00	100.00	90.00	0.00	0+00.00
16	100.00	100.00	90.00	0.00	0+00.00
17	100.00	100.00	90.00	0.00	0+00.00
18	100.00	100.00	90.00	0.00	0+00.00
19	100.00	100.00	90.00	0.00	0+00.00
20	100.00	100.00	90.00	0.00	0+00.00
21	100.00	100.00	90.00	0.00	0+00.00
22	100.00	100.00	90.00	0.00	0+00.00
23	100.00	100.00	90.00	0.00	0+00.00
24	100.00	100.00	90.00	0.00	0+00.00
25	100.00	100.00	90.00	0.00	0+00.00
26	100.00	100.00	90.00	0.00	0+00.00
27	100.00	100.00	90.00	0.00	0+00.00
28	100.00	100.00	90.00	0.00	0+00.00
29	100.00	100.00	90.00	0.00	0+00.00
30	100.00	100.00	90.00	0.00	0+00.00
31	100.00	100.00	90.00	0.00	0+00.00
32	100.00	100.00	90.00	0.00	0+00.00
33	100.00	100.00	90.00	0.00	0+00.00
34	100.00	100.00	90.00	0.00	0+00.00
35	100.00	100.00	90.00	0.00	0+00.00
36	100.00	100.00	90.00	0.00	0+00.00
37	100.00	100.00	90.00	0.00	0+00.00
38	100.00	100.00	90.00	0.00	0+00.00
39	100.00	100.00	90.00	0.00	0+00.00
40	100.00	100.00	90.00	0.00	0+00.00

RECEIVED

MAR 15 2016

BLOCK 50 REGISTERED PLAN 16M-42
PN 37147-0314 FL1

BLOCK 65 (STREET WIDENING), REGISTERED PLAN 16M-42
PN 37147-0324 FL1

GREY COUNTY ROAD No. 19
(ORIG. ROAD ALLOWANCE BETWEEN LOTS 15 AND 16)

TOWN OF THE BLUE MOUNTAINS PLANNING & BUILDING SERVICES

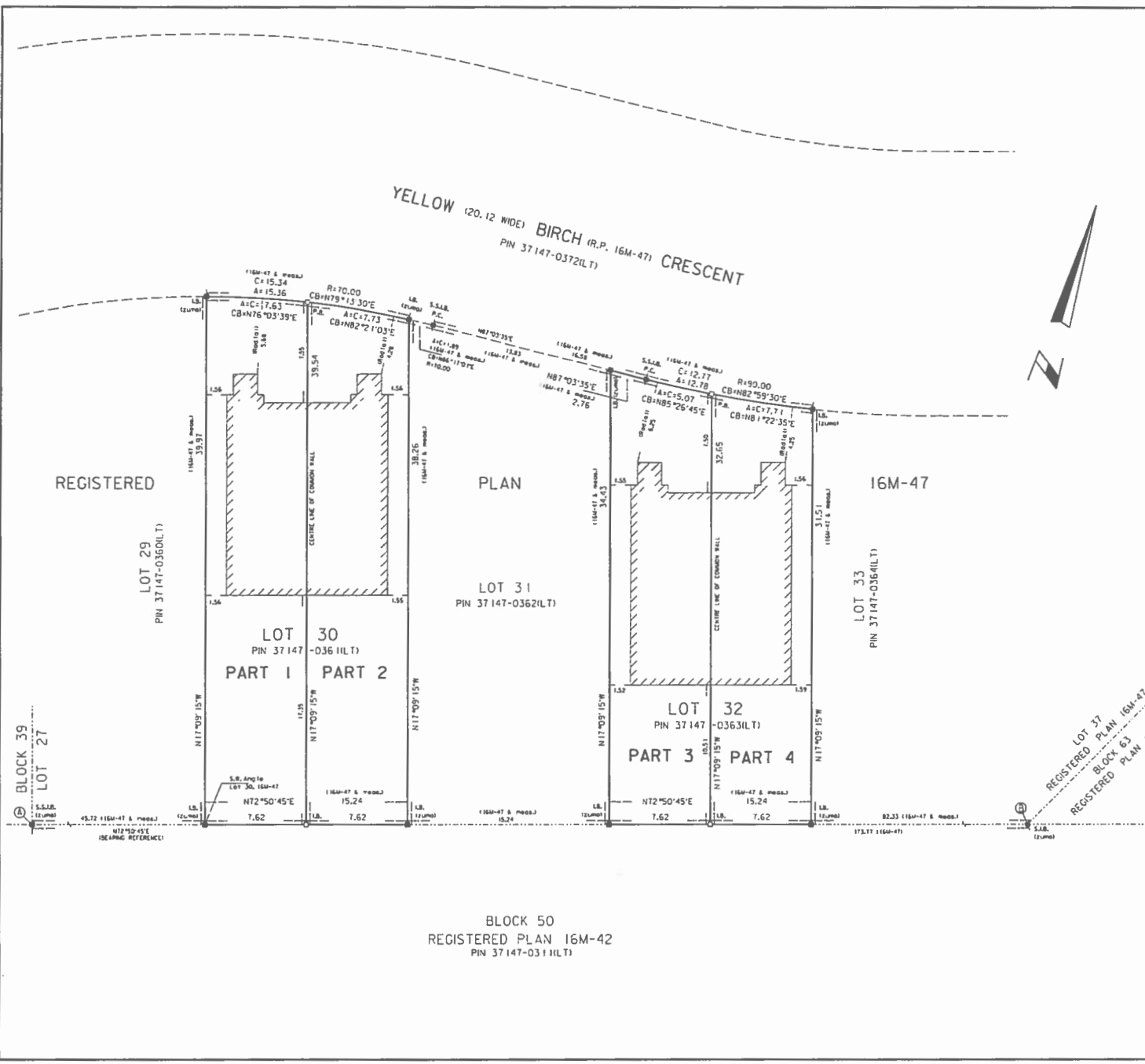
PER _____

THIS PLAN OF SUBDIVISION IS APPROVED UNDER SECTION 51(8)(1) OF THE PLANNING ACT (CAPITE R.P. 1950 AS AMENDED).

THIS _____ DAY OF _____ 2015.

DIRECTOR OF PLANNING

PATTEN & THOMSEN
ONTARIO LAND SURVEYORS
39 STEWART ROAD
COLLINGWOOD, ONTARIO L9Y 4W7
PHONE: (705) 445-4910 FAX: (705) 445-5466
E-MAIL: info@pattenandsurveyors.com



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

PLAN 16R-

RECEIVED AND DEPOSITED

DATE _____

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF GREY (NO. 16)

PAUL R. THOMSEN

PART	LOT	PLAN	PIN
1	30	16M-47	PIN 37 147-036 (I.L.T.)
2			
3	32	16M-47	PIN 37 147-0363(L.T.)
4			

NOTE: PARTS 1 AND 2 ON THIS PLAN COMPRISES ALL OF PIN 37 147-036 (I.L.T.) PARTS 3 AND 4 ON THIS PLAN COMPRISES ALL OF PIN 37 147-0363(L.T.)

**PLAN OF SURVEY OF
LOTS 30 AND 32
REGISTERED PLAN 16M-47
(FORMERLY TOWNSHIP OF COLLINGWOOD)
TOWN OF THE BLUE MOUNTAINS
COUNTY OF GREY**

SCALE 1:200

- NOTES:**
- DISTANCES AND COORDINATES ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
- BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD 83 (ICRS91) (1997).
- BEARINGS HEREON ARE UTM GRID, ZONE 17, NAD 83 (ICRS91) 1997 AND ARE REFERRED TO THE BEARING OF THE NORTHERLY LIMIT OF BLOCK 50 BEING N72°50'45"W IN ACCORDANCE WITH REGISTERED PLAN 16M-42.
- DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99961.
- ⊙ DENOTES SET
 - ⊙ DENOTES FOUND
 - ⊙ S.I.B. DENOTES STANDARD IRON BAR
 - ⊙ I.B. DENOTES IRON BAR
 - ⊙ S.S.I.B. DENOTES SHORT STANDARD IRON BAR
 - ⊙ C.C. DENOTES CUT CROSS
 - ⊙ C.C. DENOTES CUT CROSS
 - ⊙ P.A. DENOTES PLASTIC BAR
 - W DENOTES WITNESS
 - MESL DENOTES MEASURE
 - R.P. DENOTES REGISTERED PLAN
 - N, S, E, W DENOTES NORTH, SOUTH, EAST, WEST
 - P.C. DENOTES POINT OF CURVATURE

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 8TH DAY OF MARCH 2016.

MARCH 11, 2016

PAUL R. THOMSEN
ONTARIO LAND SURVEYOR
COLLINGWOOD

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (ICRS91) (1997)

COORDINATES TO RURAL ACCURACY PER SEC. 14(2) OF O. REG. 216/10.

POINT ID	NORTHING	EASTING
A	4927229.85	555994.43
B	4927281.10	556160.39

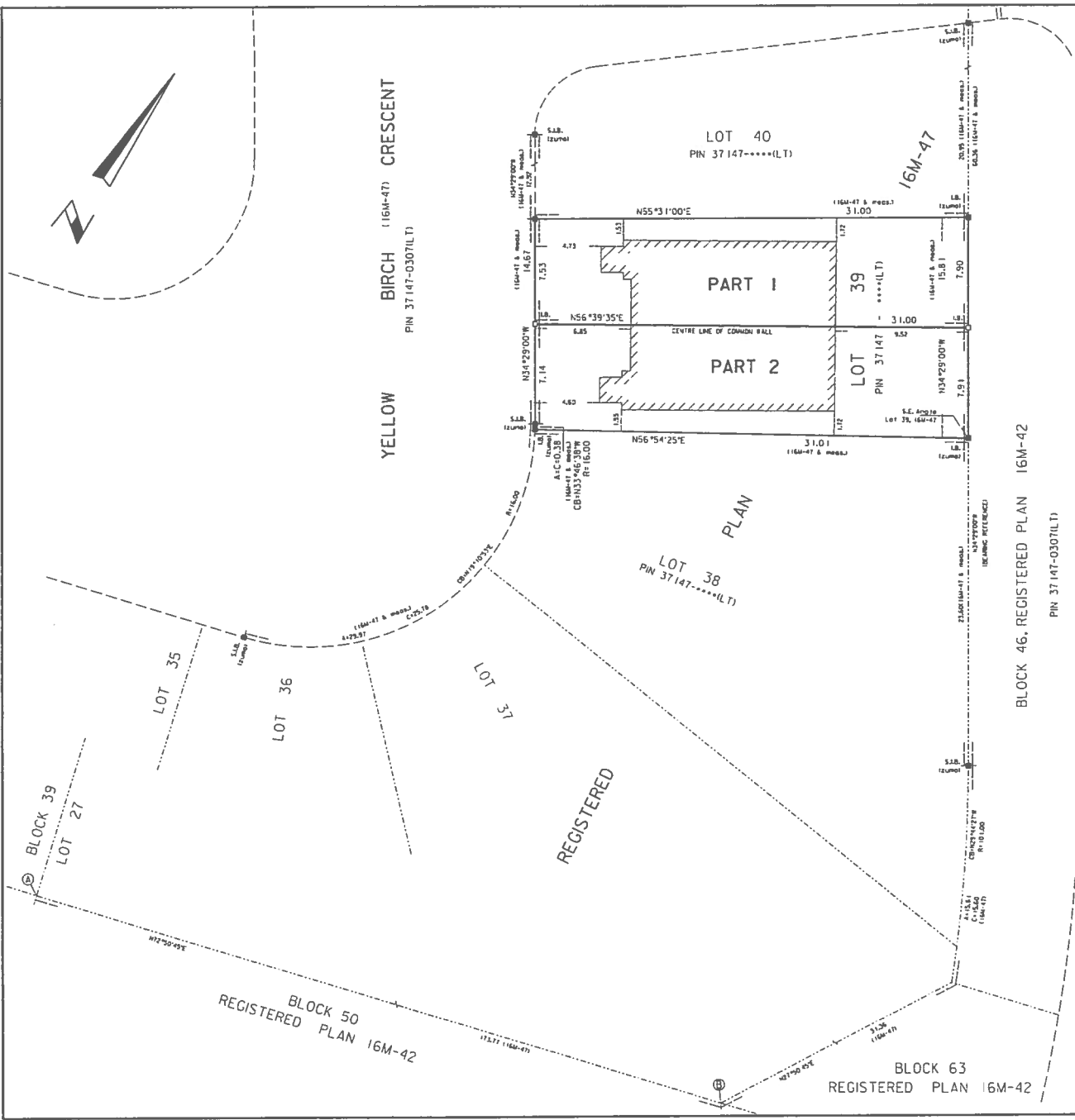
COORDINATES CANNOT, BY THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

ZUBER, CWO
PATTEN & THOMSEN
LIMITED

ONTARIO LAND SURVEYORS
200 MOUNTAIN ROAD
UNIT 4
COLLINGWOOD, ONTARIO L9Y 4V5
PHONE: (705) 445-4910

JOB NO. 2014-04 SURVEY FOR: WINDFALL CP. INC

DDM FILE: C:\DATA\ 2016-03\ 16M47-30R.DWG



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT		PLAN 16R-	
DATE _____		RECEIVED AND DEPOSITED	
PAUL R. THOMSEN		DATE _____	
		REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF GREY (No. 16)	
PART	LOT	PLAN	PIN
1	39	16M-47	PIN 37147-777(LT)
2			

NOTE: PARTS 1 AND 2 ON THIS PLAN COMPRISES ALL OF PIN 37147-777(LT)

**PLAN OF SURVEY OF
REGISTERED PLAN 16M-47
(FORMERLY TOWNSHIP OF COLLINGWOOD)
TOWN OF THE BLUE MOUNTAINS
COUNTY OF GREY**

SCALE 1:200
0 1 2 3 4 5 METRES

NOTES:
DISTANCES AND COORDINATES ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
BEARINGS HEREON ARE UTM GRID, ZONE 17, NAD 83 (ICRS) 1997 AND ARE REFERRED TO THE BEARING OF THE EASTERLY LIMIT OF LOTS 38, 39 AND 40 BEING N34°29'00"W IN ACCORDANCE WITH REGISTERED PLAN 16M-47.
DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99961.

- ⊙ DENOTES SET
- ⊕ DENOTES FOUND
- ⊙ S.I.B. DENOTES STANDARD IRON BAR
- ⊙ I.B. DENOTES IRON BAR
- ⊙ S.S.I.B. DENOTES SHORT STANDARD IRON BAR
- ⊙ C.F. DENOTES CUT CROSS
- ⊙ C.P. DENOTES CONCRETE PIN
- W DENOTES WITNESS
- meas. DENOTES MEASURE
- R.P. DENOTES REGISTERED PLAN
- N, S, E, W DENOTES NORTH, SOUTH, EAST, WEST

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 19TH DAY OF FEBRUARY 2016.

FEBRUARY 22, 2016 _____ D.L.S.
PAUL R. THOMSEN
ONTARIO LAND SURVEYOR
COLLINGWOOD

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (ICRS) (1997)		
COORDINATES TO RURAL ACCURACY PER SEC. 14(2) OF O. REG. 216/10.		
POINT ID	NORTHING	EASTING
A	4927229.85	555994.43
B	4927281.10	556160.39

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

**ZUBEK, EMO
PATTEN
&
THOMSEN
LIMITED** **ONTARIO LAND SURVEYORS**
200 MOUNTAIN ROAD
UNIT 4
COLLINGWOOD, ONTARIO L9Y 4V5
PHONE: (705) 445-4910

JOB No. 2014-04 SURVEY FOR: WINDFALL GP. INC

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

BY-LAW NO. 2016 - _____

Being a By-law to remove Lots 30, 32 and 39, Registered Plan 16M-47, 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 Windfall GP Inc. has requested that Council of The Corporation of The Town of The Blue Mountains enact a by-law so as to remove Lots 30, 32 and 39, Registered Plan 16M-47, from part-lot control for a temporary period of time so as to register conveyable real estate entities 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 Lots 30, 32 and 39, Registered Plan 16M-47.
2. 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.
3. 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 _____, 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 _____ day of _____, 2016.

DATED at The Blue Mountains this _____ day of _____, 2016.

Signed: _____
Corrina Giles, Clerk