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STAFF REPORT: Planning & Development Services – Planning Division



REPORT TO: Council
MEETING DATE: July 11, 2016
REPORT NO.: PDS.16.93
SUBJECT: Windfall GP Inc. Phase 2a Subdivision Part Lot Control Exemption, Lots 12-16, 23-29 and 31 Registered Plans 16M-47
PREPARED BY: Michael Benner, MCIP RPP
 Director, Planning and Development Services

A. Recommendations

THAT Council receive Staff Report PDS.16.93 “Windfall GP Inc. Phase 2a Subdivision Part Lot Control Exemption, Lots 12-16, 23-29 and 31, Registered Plan 16M-47; and

THAT Council enact a By-law, included as Attachment “2” to report PDS.16.93, so as to remove Lots 12-16, 23-29 and 31, Registered Plans 16M-47 from Part-Lot Control for a temporary period of time.

B. Background

Georgian Planning Solutions, on behalf of Windfall GP Inc. have applied for an exemption to Part Lot Control for lots 12-16, 23-29 and 31, Registered Plan 16M-47 to allow 13 semi-detached units within Phase 2A to be registered as separate units. This is a continuation of an earlier Part Lot Control process for the same subdivision phase brought before Council in April of this year. This report recognizes the registration of semi-detached units already approved through the plan of subdivision.

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 or other adjustments within a plan of subdivision that 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.

In this instance, Part Lot Control is the preferred mechanism over the consent to sever process as the lot additions are associated with a block and lots within the same plan of condominium and the adjustments recognize the "as built" condition of the existing landscape features. No new parcels are being created through this process.

The Subject Lands

A draft reference plan has been prepared for lots 12-16, 23-29 and 31 that indicate how the lots will be divided to recognize the Semi-detached units. This plan has been included as Attachment "1" to this report.

Draft Bylaw

A draft bylaw exempting Lots 12-16, 23-29 and 31, Registered Plans 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 two (2) years 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

N/A

E. Financial Impact

The Town is in receipt of Planning Application fees of \$1,100.00.

F. In Consultation With

Town Solicitor and Grey County Planning staff.

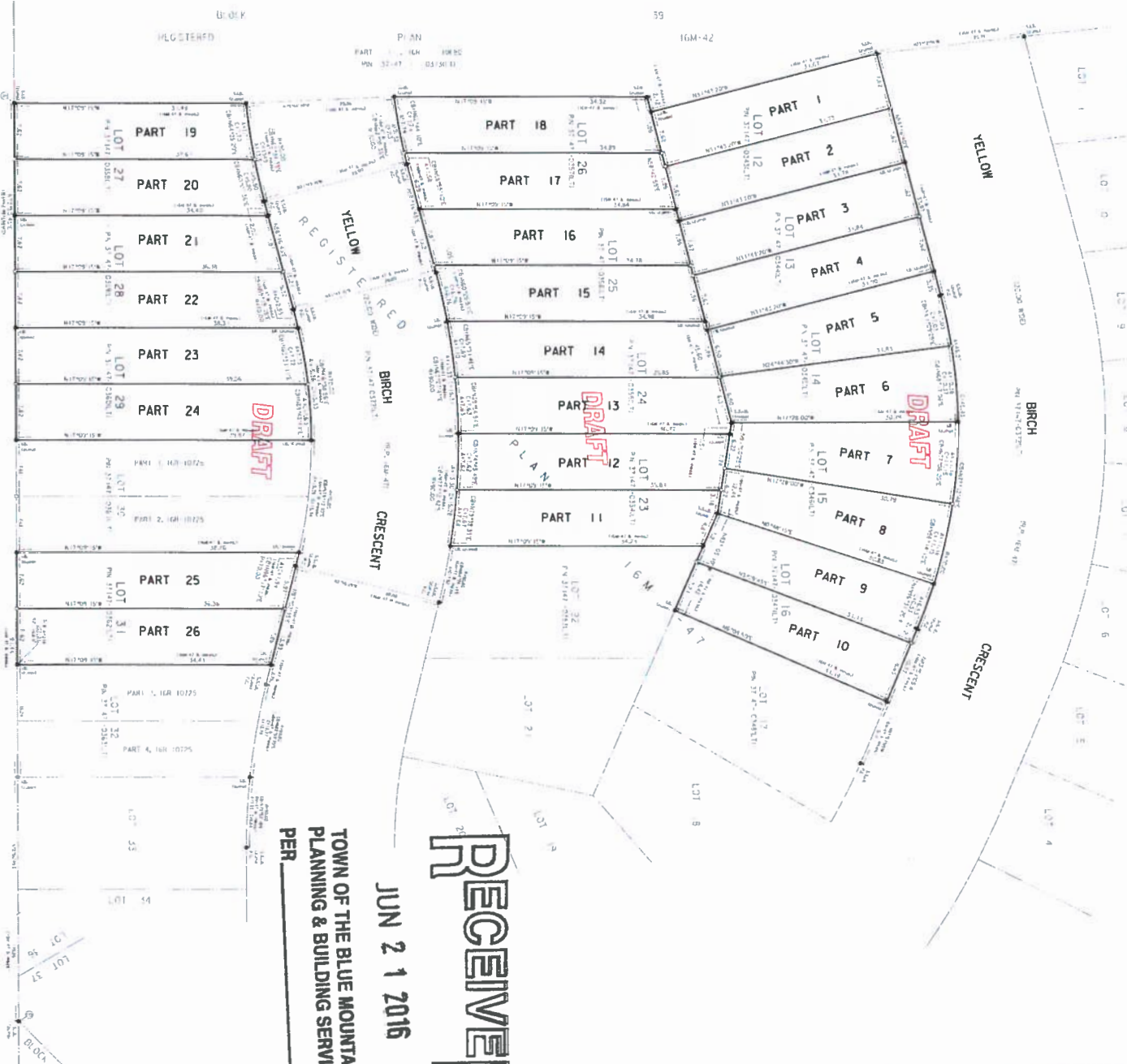
G. Attached

1. Draft Reference Plan.
2. Draft Bylaw.

Respectfully submitted,

Michael Benner, Director of Planning
and Development Services

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



RECEIVED

JUN 21 2016

TOWN OF THE BLUE MOUNTAINS
PLANNING & BUILDING SERVICES

PER _____

| LOT | AREA (SQ. M) | AREA (SQ. FT.) |
|-----|--------------|----------------|
| 1 | 1,077.3 | 11,581.0 |
| 2 | 1,077.3 | 11,581.0 |
| 3 | 1,077.3 | 11,581.0 |
| 4 | 1,077.3 | 11,581.0 |
| 5 | 1,077.3 | 11,581.0 |
| 6 | 1,077.3 | 11,581.0 |
| 7 | 1,077.3 | 11,581.0 |
| 8 | 1,077.3 | 11,581.0 |
| 9 | 1,077.3 | 11,581.0 |
| 10 | 1,077.3 | 11,581.0 |
| 11 | 1,077.3 | 11,581.0 |
| 12 | 1,077.3 | 11,581.0 |
| 13 | 1,077.3 | 11,581.0 |
| 14 | 1,077.3 | 11,581.0 |
| 15 | 1,077.3 | 11,581.0 |
| 16 | 1,077.3 | 11,581.0 |
| 17 | 1,077.3 | 11,581.0 |
| 18 | 1,077.3 | 11,581.0 |
| 19 | 1,077.3 | 11,581.0 |
| 20 | 1,077.3 | 11,581.0 |
| 21 | 1,077.3 | 11,581.0 |
| 22 | 1,077.3 | 11,581.0 |
| 23 | 1,077.3 | 11,581.0 |
| 24 | 1,077.3 | 11,581.0 |
| 25 | 1,077.3 | 11,581.0 |
| 26 | 1,077.3 | 11,581.0 |
| 27 | 1,077.3 | 11,581.0 |
| 28 | 1,077.3 | 11,581.0 |
| 29 | 1,077.3 | 11,581.0 |
| 30 | 1,077.3 | 11,581.0 |
| 31 | 1,077.3 | 11,581.0 |

PLAN OF SURVEY OF
LOTS 12, 13, 14, 15, 16,
23, 24, 25, 26, 27, 28, 29 AND 31
REGISTERED PLAN 16M-47
TOWN OF THE BLUE MOUNTAINS
COUNTY OF GREY

PATTEN
ONTARIO LAND SURVEYORS
200 BAYVIEW ROAD
COLLINGSWOOD, ONTARIO L4Y 4N3
PHONE: (905) 466-9810

REGISTERED PLAN 16M-42
BLOCK 5C
REGISTERED PLAN 16M-42
PART 1 TO PART 31

REGISTERED PLAN 16M-42
BLOCK 5C
REGISTERED PLAN 16M-42
PART 1 TO PART 31

REGISTERED PLAN 16M-42
BLOCK 5C
REGISTERED PLAN 16M-42
PART 1 TO PART 31

REGISTERED PLAN 16M-42
BLOCK 5C
REGISTERED PLAN 16M-42
PART 1 TO PART 31

Part Lot Control By-law
Lots 12-16, 23-29 and 31, 16M-47 (Windfall GP Inc.)
02-128-99 P2345

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NUMBER 2016-_____

Being a By-law to remove Lots 12-16, 23-29 and 31, Registered Plan 16M-47 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 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 12-16, 23-29 and 31, Registered Plan 16M-47 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 Lots 16, 23-29 and 31, Plan 16M-47.
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 two (2) 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.
3. This By-law shall not take effect until a certified copy or duplicate of the By-law has been registered in the proper Land Registry Office.

ENACTED AND PASSED THIS DAY OF JULY, 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 July, 2016

DATED at The Blue Mountains this Day of July, 2016.

Corrina Giles, Clerk