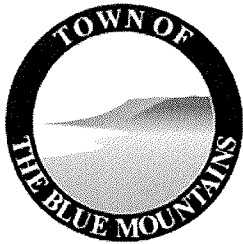


C.6

**STAFF REPORT: Town of The Blue Mountains Planning Department**



**REPORT TO:** Council

**MEETING DATE:** June 2, 2008

**REPORT NO.:** PL.08.56

**SUBJECT:** Application for Deeming By-law  
Paul Reinhart  
Lots 11 and 12, Plan 346  
Lake Drive  
Town of The Blue Mountains

**PREPARED BY:** Shawn Postma,  
Planner II  
Robert Armstrong,  
Manager of Development Planning & IS

**A. Recommendations**

**THAT Council does receive Planning Staff Report PL.08.56, "Application for Deeming By-law, Paul Reinhart, Lots 11 and 12, Plan 346, Lake Drive, Town of The Blue Mountains";**

**AND THAT Planning Staff support a Deeming By-law to designate Lot 11 and Lot 12, of Registered Plan 346 to be deemed not to be part of a Registered Plan of Subdivision in accordance with S. 50(4) of the Planning Act R.S.O. 1990, c.P.13.**

**B. Background**

The purpose of this By-law is to satisfy a request by the applicant to merge two existing lots that are within a Plan of Subdivision, together into one residential building lot.

The lands are located on the north side of Lake Drive, surrounded by existing residential cottages and homes, the Lora Bay Golf Course and Nottawasaga Bay. The lots do not front municipal water or municipal sewers at this time. A cottage existed on the lots for approximately 40-50 years, but has since been removed. About the same time, the Owners were working together with the Municipality to relocate a 4.6 metre (15 ft) drainage easement on to Lot 12, improving the drainage for the area, and also reducing the buildable area on that lot.

The dimensions of the existing lots are as follows:

	<u>Frontage</u>	<u>Depth</u>	<u>Area</u>
Lot 11	15.4 m	33.5 m	516 sq m
Lot 12	15.2 m	32.9 m	500 sq m

The Town of The Blue Mountains Official Plan designates the subject lands as Residential Infilling and Hazard. These designations recognize the existing built up areas within the Municipality and permits single detached dwellings, parks, open space, as well as accessory uses. The Hazard designation recognizes areas with natural constraints where development is generally prohibited.

Policies within the Residential Infilling designation generally prohibit the creation of new lots within a registered plan of subdivision in order to maintain the intended density and character of the development. The merger would appear to create a lot that is more suitable for building purposes.

The Township of Collingwood Zoning By-law, being By-law 83-40 zones the property Residential R3. Minimum lot requirements include 24 metres of frontage and 1390 sq m of area (where no municipal water or sewer services exist). Provided full municipal services (water and sewer) are provided, the frontage and area requirements are reduced to 18 metres and 550 square metres. Both Lot 11 and Lot 12 are well below the minimum standards for a lot with or without full municipal services. The proposed merge of the above noted lots would appear to provide a more suitable building lot meeting the minimum Residential R3 requirements of the By-law.

This application has not been circulated to the Grey Sauble Conservation Authority or the Grey Bruce Health Unit for comment. Permits will be required from both agencies prior to the issuance of a building permit.

Based on the foregoing, it is the opinion of Planning Staff that the proposed Deeming By-law to merge Lot 11 and Lot 12 of Registered Plan 346 would provide for a more suitable building lot, is appropriate for the lands, and would therefore recommend that Council grant a Deeming By-law.

#### **C. The Blue Mountains' Strategic Plan**

Strategic Plan Goal #1:

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

#### **D. Budget Impact**

The reduction of one lot at this location may affect the proportion of costs assessed to remaining property owners along Lake Drive for future road upgrades and servicing works.

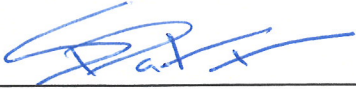
#### **E. Environmental Impact**

The proposed Deeming By-law does not appear to generate any significant environmental impacts that can be regulated by the Town.

#### **F. Attached**

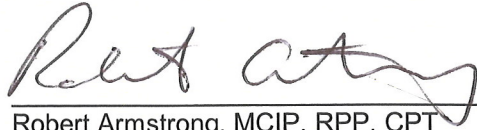
1. Draft Deeming By-law

Respectfully submitted,



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THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. \_\_\_\_\_

DRAFT

Being a By-law to designate part of a Plan of Subdivision deemed not to be registered.

WHEREAS Subsection 50 (4) of the Planning Act, Chapter P.13, RSO 1990 and amendments thereto enables the Council of a local Municipality by By-law to designate any Plan of Subdivision, or part thereof, that has been registered for eight years or more, as deemed not part of a Registered Plan of Subdivision for the purposes of Subsection 50 (3) of the Act;

AND WHEREAS it has been declared expedient to pass a By-law to designate Lot 11 and 12, Registered Plan 346, Town of The Blue Mountains, as deemed not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50 (3) of the Act;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. That Lot 11 and Lot 12 of Registered Plan 346, are hereby deemed not to be part of a Registered Plan of Subdivision for the purposes of Subsection 50 (3) of the Planning Act, Chapter P.13, RSO 1990 and amendments thereto.
2. That this By-law shall not come into full force and effect until said By-law is registered in the proper Land Registry Office.

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

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

DRAFT

\_\_\_\_\_  
Ellen Anderson, Mayor

\_\_\_\_\_  
Corrina Giles, Deputy-Clerk

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I hereby certify that the foregoing is a true copy of By-law No. \_\_\_\_\_ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

DATED at \_\_\_\_\_

this \_\_\_\_\_ day of

\_\_\_\_\_, 2008.

Signed: \_\_\_\_\_  
Corrina Giles, Deputy-Clerk