A. Recommendations

THAT Council receive Staff Report PDS.20.26, entitled “Windfall Phase 4A – Application for Part Lot Control By-law”;

AND THAT Council enact a By-law so as to remove Lots 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 41, 42, and 43 Registered Plan 16M-71 from Part-Lot Control for a temporary period of two (2) years.

B. Overview

This report provides a recommendation and summary of an application for a part lot control by-law in order to create the final lots for the semi-detached units within Windfall Phase 4A.

C. Executive Summary

Application File # P2801

Application Received Date: September 20, 2019

Official Plan Designation: Recreation Residential Area ‘RRA’

Zoning Bylaw Designation: Residential ‘R1-3-62’

Location: Windfall Subdivision (Part Block 38 16M-42)

D. Background

Planning Services has received an application to remove Lots 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 41, 42, and 43 Registered Plan 16M-71 from part-lot control. Section 50(5) of the Planning Act provides that part of a lot within a registered plan of subdivision cannot be subdivided or transferred without the approval of the Municipality. Part-lot control
has the effect of preventing the further division of land in a registered plan of subdivision without municipal approval. Section 50(7) of the Planning Act authorizes municipalities to enact a By-law in order to remove lands within a registered plan of subdivision from part-lot control.

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 constructing the common centre wall between two dwelling units exactly on the mutual property line. In removing specific lots from the scope of part lot control, the mutual property boundary may be established by way of survey through the common centre wall of the as-built structures.

E. Analysis

The Subject Lands are zoned Residential R1-3-62 under The Blue Mountains Comprehensive Zoning By-law. The Holding ‘-h’ symbol was removed from the lands through By-law 2018-57. Permitted uses include single detached dwellings and semi-detached dwellings, as well as accessory uses, buildings and structures. Exception 62 establishes lot development requirements for all Windfall development lands.

The proposed part-lot control By-law is intended to implement the approved use of the lands for semi-detached dwellings. Development is already recognized in the Plan of Subdivision and Subdivision Agreement.

Planning Staff have no objections to the proposed part-lot control By-law subject to an expiry date of two (2) years from the date of registration. This timeframe is consistent with the part-lot control By-laws enacted for previous phases within the development. The two (2) year timeframe appears sufficient to finalize the lot creation and have the new lots registered with the registry office.

If passed by Town Council, this By-law will be forwarded to the County of Grey for final approval. As the approval authority for plans of subdivision and condominium, the County is also responsible for approval of part-lot control applications and associated By-laws.

F. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles
Objective #3 Manage Growth and Promote Smart Growth

G. Environmental Impacts

Nil
H. Financial Impact

Nil

I. In consultation with

Trevor Houghton, Manager of Community Planning
Nathan Westendorp, Director of Planning and Development Services

J. Public Engagement

The development implemented by the proposed By-law was subject to previous public consultation and engagement through the zoning by-law amendment and plan of subdivision review processes. The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required by the Planning Act. Comments regarding this report should be submitted to Shawn Postma, Senior Policy Planner at planning@thebluemountains.ca.

K. Attached

1. Draft Part Lot Control By-law;
2. Registered Plan 16M-71; and
3. R-Plan for Semi-Detached lots within Phase 4A.

Respectfully submitted,

Shawn Postma, MCIP RPP
Senior Policy Planner

Nathan Westendorp, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
Shawn Postma
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519-599-3131 extension 248
The Corporation of the Town of The Blue Mountains

By-Law Number 2020 –

Being a By-law to remove Lots 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 41, 42, and 43 Registered Plan 16M-71 from part-lot control for a temporary period of two (2) years.

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 Limited Partnership has requested that Council of The Corporation of The Town of The Blue Mountains enact a by-law so as to remove Lots 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 41, 42, and 43 Registered Plan 16M-71, 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 Council of The Corporation of The Town of The Blue Mountains hereby enacts as follows:

1. Subsection 50 (5) of the Planning Act does not apply to Lots 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 41, 42, and 43 Registered Plan 16M-71;

2. Pursuant to Subsection 50 (7.3) of the Planning Act, this By-law shall expire 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 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 6th day of April, 2020.

___________________________
Alar Soever, Mayor

___________________________
Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2020—— as enacted by the Council of The Corporation of the Town of The Blue Mountains on the 6th day of April, 2020.

Dated at the Town of The Blue Mountains, this 6th day of April, 2020.

___________________________
Corrina Giles, Clerk