



Staff Report

Planning & Development Services - Planning

Report To: Council
Meeting Date: December 18, 2017
Report Number: PDS.17.114
Subject: Windfall Phase 2B, Yellow Birch Crescent RP 16M-52
 Application for Part Lot Control By-law
Prepared by: Shawn Postma, Senior Policy Planner

A. Recommendations

THAT Council receive Staff Report PDS.17.114, entitled “Windfall Phase 2B, Yellow Birch Crescent RP 16M-52, Application for Part Lot Control By-law”; and

THAT Council enact a By-law so as to remove Lots 9, 10, 13, 14, 15, 20, 21, 22, 25, 26, 27, 28, 29, 30, 33, 34 and 35 of Registered Plan 16M-52 from part-lot control for a temporary period of time.

B. Overview

This report provides an update on a required amendment to a Part Lot Control By-law that was enacted by Council through By-law 2017-42. The By-law was registered with the Registry Office and has now expired. A new Part Lot Control By-law is required that also modifies the expiration date of the By-law to a maximum of two years from enactment. The approved By-law has an expiration date of two years from enactment or 30 days from registration. The expiry of 30 days from registration is problematic as the By-law applies to 34 semi-detached units and that the sales closings on all of these units cannot occur within the 30 day timeframe.

C. Background

Planning Services has received an application for a part-lot control By-law from Windfall Phase 2B. Section 50(5) 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 further division of land in a registered plan without municipal approvals. Section 50(7) authorizes municipalities to enact part-lot control By-laws to remove part-lot control from all or part of a registered plan of 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.

By-law Amendment 2011-57 to the Township of Collingwood Zoning By-law 83-40 places the subject lands in the Residential R1-232-h zone. Permitted uses include single detached and semi-detached residential dwellings, as well as accessory uses, buildings and structures. Exception 232 establishes the lot development requirements for the Windfall development lands.

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

Based on the foregoing, Planning Staff have no objections to a modified part-lot control By-law subject to an expiry date of two years from the date of Council approval. The above timeframes appear sufficient to finalize the lot creation and have the new lots registered with the registry office.

D. The Blue Mountains Strategic Plan

Goal #3: Support healthy lifestyles

E. Environmental Impacts

Nil

F. Financial Impact

Nil

G. In consultation with

Nil

H. Attached

1. Draft Part Lot Control By-law
2. By-law 2017-42 (Expired)

Respectfully Submitted,

Shawn Postma, MCIP RPP
Senior Policy Planner

Michael Benner, MCIP RPP
Director of Planning and Development Services

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The Corporation of the Town of The Blue Mountains

By-Law Number 2017 –

Being a By-law to remove Lots 9, 10, 13, 14, 15, 20, 21, 22, 25, 26, 27, 28, 29, 30, 33, 34 and 35 of Registered Plan 16M-52 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 has requested that Council of The Corporation of the Town of The Blue Mountains enact a By-law so as to remove Lots 9, 10, 13, 14, 15, 20, 21, 22, 25, 26, 27, 28, 29, 30, 33, 34 and 35 of Registered Plan 16M-52 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 9, 10, 13, 14, 15, 20, 21, 22, 25, 26, 27, 28, 29, 30, 33, 34 and 35 of Registered Plan 16M-52 as shown on Schedule A1 to this By-law.
2. Pursuant to Subsection 50(7.3) of the Planning Act R.S.O. 1990, c. P.13, 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. Schedule A1 is hereby declared to form part of this By-law

And further that this By-law shall not take effect until it has been approved by the Corporation of the County of Grey, the approval authority for the purposes of Sections 51 and 51.1 of the Planning Act R.S.O. 1990, c. P.13, and a certified copy or duplicate of the By-law, so approved, has been registered in the proper Land Registry Office.

Enacted and passed this 18th day of December, 2017.

John McKean, Mayor

Corrina Giles, Clerk

Key Map Schedule A1

Zoning By-law 2017-_____

Town of The Blue Mountains

 Area Affected by This Amendment



Windfall Phase 2b Part Lot Control By-law

The Corporation of the Town of The Blue Mountains

By-Law Number 2017 – 42

Being a By-law to remove Lots 9, 10, 13, 14, 15, 20, 21, 22, 25, 26, 27, 28, 29, 30, 33, 34 and 35 of Registered Plan 16M-52 from Part-Lot Control for a temporary period of time

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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. Schedule A1 is hereby declared to form part of this By-law

And further that this By-law shall not take effect until it has been approved by the Corporation of the County of Grey, the approval authority for the purposes of Sections 51 and 51.1 of the Planning Act R.S.O. 1990, c. P.13, and a certified copy or duplicate of the By-law, so approved, has been registered in the proper Land Registry Office.

Enacted and passed this 16th day of October, 2017.

Gail Ardiel, Deputy Mayor

Corrina Giles, Clerk

Key Map Schedule A1

Zoning By-law 2017- 42

Town of The Blue Mountains

 Area Affected by This Amendment

