



# Staff Report

## Planning & Development Services – Planning Division

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**Report To:** Committee of the Whole Meeting  
**Meeting Date:** October 19, 2021  
**Report Number:** PDS.21.127  
**Title:** Recommendation Report – Part Lot Control By-Law Windfall Phase 5  
**Prepared by:** Natalya Garrod, Planner I

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### A. Recommendations

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THAT Council receive Staff Report PDS.21.127, entitled “Recommendation Report – Part Lot Control By-Law Windfall Phase 5”;

AND THAT Council enact a Part Lot Control By-Law from those lands described as Lots 17, 18, 24, 25, 37, 38, 42, 43, 49, 50, 53, 54, 62, 63, 68, 69, 73, and 74 of Registered Plan 16M-86 also known as Windfall Phase 5;

AND THAT the proposed Part-Lot Control By-law be subject to an expiry date of two (2) years from the date of registration.

### B. Overview

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This report provides a recommendation and summary of an application for a Part Lot Control by-law to create the final lots for semi-detached units within Windfall Phase 5 (now Registered Plan 16M-86).

### C. Executive Summary

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Application File # P3018

Application Received Date: May 28, 2021

Application Deemed Complete Date: June 1, 2021

Official Plan Designation: Residential / Recreational Area ‘RRA’

Zoning Bylaw Designation: Residential ‘R1-3-62-h19’

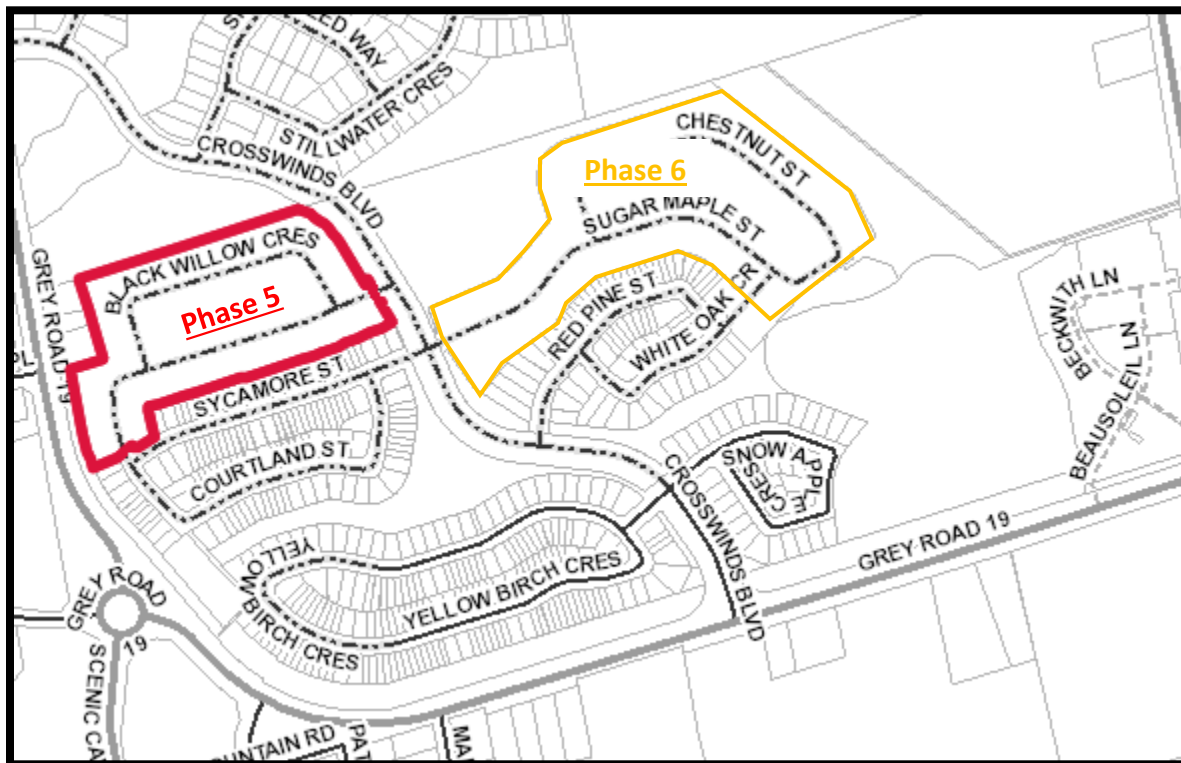
Location: Windfall Phase 5 (Blackwillow Crescent and Courtland Crescent)

Planning Services received an application to remove Lots 17, 18, 24, 25, 37, 38, 42, 43, 49, 50, 53, 54, 62, 63, 68, 69, 73, and 74 of Registered Plan 16M-86 from Part Lot Control. The Plan of Subdivision has been recently registered with the County of Grey and was formerly a Block under original Registered Plan 16M-42. It is appropriate to enact a Part Lot Control By-Law as the Windfall Phase 5 Plan of Subdivision is now Registered Plan 16M-86.

## D. Background

Windfall Phase 5 is part of the Master Planned community known as Windfall. Phases 1, 2, 3 and 4 are now built out. Phase 5 is comprised of Blackwillow Crescent and Courtland Street. To be completed are Phases 5 and 6 being the remainder of Blocks 38 and 40 of the original Registered Plan 16M-42. The location of Windfall Phase 5 is provided below in Figure 1.

**Figure 1: Location of Phase 5 (shown in red)**



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, unless otherwise exempt. Part-lot control has the effect of preventing the further division of land in a registered plan of subdivision without first receiving municipal approval. However, 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 this part-lot control prohibition. Effectively passing a By-law allows for the further division of the lot/block.

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 and

known in advance on a registered plan of subdivision. This approach is used because of the difficulty that would otherwise occur if a builder would have constructing the common centre wall between two dwelling units exactly on the proposed mutual property line. In removing specific lots from the scope of part lot control, the proposed mutual property boundary may be established in advance and accurately by way of survey through the common centre wall of the as-built structures.

## **E. Analysis**

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A Subdivision Agreement has been prepared and was executed on August 6, 2021. All Draft Plan Conditions related to Phase 5 are completed. The County of Grey is the approval authority for the Plan of Subdivision and has registered the Plan after confirmation by the Town, the Grey Sauble Conservation Authority, and Niagara Escarpment Commission that the Subdivision Agreement has been completed and all Draft Plan Conditions have been completed to the satisfaction of the Town. Phase 5 is now Registered Plan 16M-86 and lots and blocks have been created.

The proposed part-lot control By-law is intended to implement the approved use of the lands for semi-detached dwellings. This form of residential development is already recognized in the Plan of Subdivision and its Subdivision Agreement and permitted by the Zoning By-Law.

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 other part-lot control By-laws enacted for previous Phases within the Windfall development. The two (2) year timeframe appears sufficient to finalize the lot creation and have the new lots registered with the Land Registry Office. If the lot creation for the semi-detached units does not occur within the 2 years, the applicant will have to re-apply.

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. A draft part-lot control By-law is included as Attachment 1. A draft reference plan indicating those lots that will subject to the part-lot control By-law and subdivided for semi-detached dwellings is included as Attachment 2.

## **F. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

### **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

## **G. Environmental Impacts**

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There are no known adverse environmental impacts anticipated as a result of this application.

## **H. Financial Impacts**

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There are no known adverse financial impacts anticipated as a result of this application.

## **I. In Consultation With**

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Shawn Postma RPP, MCIP - Senior Policy Planner

Trevor Houghton RPP, MCIP - Manager of Community Planning

Nathan Westendorp RPP, MCIP - Director of Planning and Development Services

## **J. Public Engagement**

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The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Natalya Garrod, [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

## **K. Attached**

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1. Draft Part-Lot Control By-law
2. Draft Reference Plan for Semi-Detached lots within Phase 5

Respectfully submitted,

Natalya Garrod  
Planner I

Trevor Houghton, RPP, MCIP  
Manager of Community Planning

Nathan Westendorp, RPP, MCIP  
Director of Planning and Development Services

For more information, please contact:  
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### **Report Approval Details**

Document Title:	PDS.21.127 Recommendation Report - Part Lot Control By-Law Windfall Phase 5.docx
Attachments:	- R-Plan for Semi-Detached lot within Phase 5.pdf - Windfall Ph5A PLC Bylaw Draft.pdf
Final Approval Date:	Oct 8, 2021

This report and all of its attachments were approved and signed as outlined below:

**Trevor Houghton - Oct 8, 2021 - 1:57 PM**

**No Signature - Task assigned to Nathan Westendorp was completed by assistant Sherry Steadman**

**Nathan Westendorp - Oct 8, 2021 - 2:33 PM**