



# Staff Report

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## Planning & Development Services – Planning Division

**Report To:** Committee of the Whole Meeting  
**Meeting Date:** March 29, 2022  
**Report Number:** PDS.22.036  
**Title:** Recommendation Report - P3129 - 188 Peel Street North (Richpark)  
– Application for Part Lot Control  
**Prepared by:** Travis Sandberg, Planner II

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### A. Recommendations

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THAT Council receive Staff Report PDS.22.036, entitled “Recommendation Report – P3129 - 188 Peel Street North (Richpark) – Application for Part Lot Control”;

AND THAT Council enact a Part Lot Control By-Law for those lands described as Block 1, Plan 16M-84.

### B. Overview

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This report provides an approval recommendation and background summary of an application for a Part Lot Control By-law in order to create the final lots for the semi-detached units within the Richpark Homes development, located at 188 Peel Street North.

### C. Background

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Planning Services received an application to temporarily remove Block 1, Plan 16M-84 from the Part Lot Control prohibitions of the *Planning Act*. Section 50(5) of the *Planning Act* provides that part of a Block within a registered Plan of Subdivision cannot be further 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 further 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, thus allowing a further subdivision of the Block without the need for a further Consent (severance) application or Plan of Subdivision application. This allows municipal Councils to pass a bylaw to exempt an area within a Plan of Subdivision from Part Lot control.

Exemption from Part-Lot Control is commonly used for semi-detached and townhouse dwelling units, as the “individual” semi-detached or townhouse lots are not normally indicated on a

registered Plan of Subdivision plans. This approach is used because of the challenges a Builder would have in constructing the common centre wall between two units exactly on a preset mutual property line. By exempting specific lots/block from Part-Lot Control through a bylaw, this allows the surveyed lot line between units to precisely follow the centre common wall.

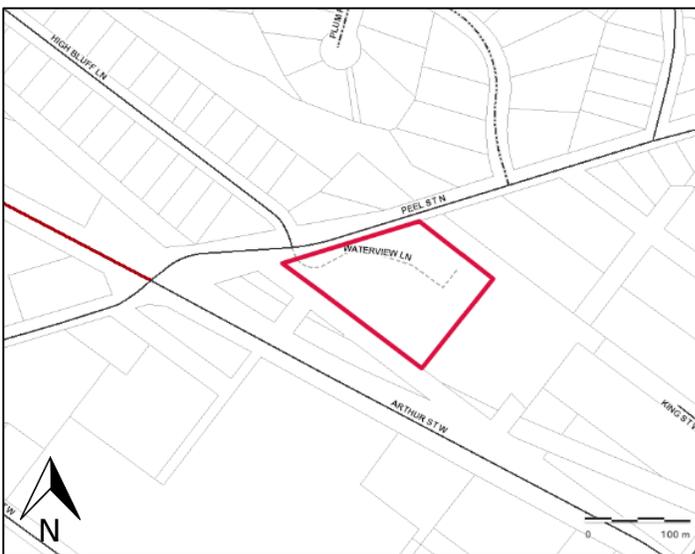
## D. Analysis

The subject lands are zoned *Residential Two Exception (R2-77)* in accordance with the Town of The Blue Mountains Comprehensive Zoning By-law 2018-65. Exception 77 permits the use of the lands for a maximum of twenty-two (22) semi-detached dwelling units and two (2) single detached dwelling units.

The proposed Part-Lot Control By-law is intended to implement the approved Site Plan for the lands, which includes twenty-two (22) semi-detached dwelling units and two (2) single detached dwelling units, as permitted by the Zoning By-law. The development of the lands is also subject to an executed and registered Site Plan/Condominium Agreement and associated Approved for Construction (AFC) site/engineering plans.

It is noted that an application for Condominium Exemption has also been submitted by the proponent to the County of Grey in order to establish a common elements Condominium on the subject lands, as was contemplated in the executed Site Plan Agreement now registered on-title of the lands.

**Figure 1: Location Key Map**



A Site Plan/Condominium Agreement was executed for the development of the lands on April 17, 2020. All conditions of Draft Plan approval were completed and final registration for the associated Plan of Subdivision was granted by the County of Grey on August 19, 2021. The proposed Part-Lot Control By-law will facilitate the development of the semi-detached dwelling

units in accordance with the Approved for Construction drawings and the executed Site Plan/Condominium Agreement.

Planning Staff have no concerns to the proposed Part-Lot Control By-law subject to an expiry date of two (2) years from the date of registration of the By-law. This timeframe is consistent with Part-Lot Control By-laws previously enacted by the Town for similar developments. The two (2) year timeframe appears sufficient to finalize the final lot creations and have the new lots registered with the Land Registry Office. Upon the automatic expiry of the Part-Lot Control By-law the prohibition of Section 50(4) of the *Planning Act* will once again be in full force.

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.

## **E. Strategic Priorities**

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### **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

### **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.

## **F. Environmental Impacts**

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

## **G. Financial Impacts**

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

## **H. In Consultation With**

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Trevor Houghton, Manager of Community Planning

Nathan Westendorp, Director of Planning and Development Services

## **I. Public Engagement**

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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 Travis Sandberg, Planner II, at [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

## **J. Attached**

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1. Draft Part Lot Control By-law;
2. Registered Plan 16M-84;
3. Draft R-Plan; and
4. Site Plan Approved Site Plan Drawing.

Respectfully submitted,

Travis Sandberg  
Planner II

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.22.036 P3129 188 Peel Street North (Richpark) - Application for Part Lot Control.docx
Attachments:	- Richpark - Draft PLC By-law.docx - 16M84.pdf - DRAFT R-PLAN-ct-r1-June2-2020.pdf - Site Plan.pdf
Final Approval Date:	Feb 18, 2022

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

**Trevor Houghton - Feb 15, 2022 - 10:59 AM**

**Nathan Westendorp - Feb 18, 2022 - 12:46 PM**