



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, August 23, 2021

To: Mayor Mills and Members of Council

From: **Steve Wever, Town Planner**

Report: P2021-36

Subject: **Part Lot Control Exemption Application
PLC21/01 – Hyland Village Subdivision**

Recommendation

Be it Resolved that Council receive Report P2021-36 as information.

Be it resolved that the Part Lot Control Exemption Application PLC21/01 for Lots 99-110 and Blocks 138-140 on Registered Plan 7M-74 be approved by enacting By-law #50-2021.

Background

An application for a Part Lot Control Exemption was submitted by Krcmar Surveyors Ltd. (the “applicant”) on behalf of Tribute (Shelburne) Limited (the “owner”) for the purpose of creating lots for twenty-four (24) semi-detached units within Lots 99 to 110 and for twelve (12) townhouse units within Blocks 138 to 140 in the Hyland Village subdivision (Plan 7M-74).

Analysis

The subject property includes civic addresses 100 to 122 Clark Street; 300 to 318 Stewart Street; and 500 to 526 Brooks Street, legally described as Plan 7M-74, Lots 99 to 110, and Blocks 138 to 140. A total of 24 semi-detached dwelling units and 12 townhouse dwelling units will be located on these lots and blocks and are currently under construction.

The Plan of Subdivision was registered in September 2019. The creation of 24 semi-detached dwelling and 12 townhouse dwellings within the lots and blocks is consistent with the subdivision approval.

Purpose of Application

Section 50 (5) of the Planning Acts restricts the conveyance of a part of any lot or block of land that is within a registered plan of subdivision, and these restrictions are known as "Part Lot Control". Section 50 (7) of the Act enables planning authorities to pass by-laws providing for exemption from Part Lot Control. This process is used to temporarily lift the restrictions from land within registered plans of subdivision to create individual lots for sale within larger blocks. It is typically used for semi-detached and townhouse developments after construction has started to accurately set the boundary lines between the units. The purpose is to ensure the common lot boundaries are properly aligned with the common wall between each dwelling unit.

The purpose of this application is to subdivide Lots and Blocks on Plan 7M-74 into 24 semi-detached and 12 townhouse lots and to establish related easements. This is a requirement of the subdivision approval and the Zoning By-law which requires each semi-detached and townhouse unit in this subdivision to be located on a separate lot.

Easements

There are a series of easements shown on the Reference Plan submitted with the application. The easements include shared driveway accesses for the applicable lots and blocks and future access to acoustic fences. Some, but not all, of the lots and blocks in this application are subject to the above-mentioned easements. The Reference Plans reflect that these easements will be retained and will become a part of each of the lots created.

Pursuant to the Subdivision (Supplementary) Agreement for this development, access easements in favour of the Town are required along the rear lot boundary of lots and blocks that will have acoustic fencing to mitigate noise impacts from the adjoining industries located to the east and west of the subdivision. These access easements do not obligate the Town to perform future maintenance, repair or replacement of the acoustic fences, but allow the Town to access the fencing for such purposes in the future, if a property owner fails to comply with the requirements of the agreement to maintain the fencing in good repair. The survey Reference Plan for the lots and blocks that require acoustic fencing and related access easements includes four single detached building lots that will not be subject to the Part Lot Control Exemption by-law, as these lots will not be further divided, to identify the parts of these lots that will be subject to the acoustic fence easements on these lots. This includes 3-metre easements in the east side yard of Lot 95 and in the rear yard of Lots 96, 97 and 98.

For the townhouse lots to be created from Blocks 138, 139 and 140, rear yard access will be provided via Main Street West and Clark Street. Therefore, rear yard access easements are not proposed nor required for these units.

The accompanying survey reference plans illustrate the location of the 24 semi-detached lots and 12 townhouse lots and related easements, as submitted by the applicant.

Timeframe for By-law Expiry

Part Lot Control exemption is intended as a temporary measure to allow parts of the lots and blocks to be severed and created aligned to the common wall between attached dwelling units. If the lots are not registered within three years, the developer would be required to request an amendment to the by-law to extend the expiry date or re-apply for a new Part Lot Control Exemption.

Planning Policy

The Plan of Subdivision was registered in 2019. All matters of planning policy were addressed through the extensive review and analysis of the related planning application in a previous staff report received by Council on June 12, 2017. The development was found to be in conformity with the Growth Plan, and in keeping with the Town of Shelburne Official Plan.

This application for Part-Lot Control exemption will create the required semi-detached and townhouse lots within the approved plan of subdivision and complies with the Town of Shelburne Zoning By-law.

Financial Impact

None.

Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan
Town of Shelburne Zoning By-law 38-2007

Consultation and Communications

The application was circulated to the required agencies for comment. No objections to the approval of the application have been received as of the date of this report.

Council Strategic Priorities

- Municipal Services review and evaluation
- Invest and fund critical infrastructure for future
- Promote balanced growth

Supporting Documentation

Plan of Subdivision 7M-74 highlighting the lots and blocks requested for Part Lot Control Exemption

Draft Reference Plans

Prepared by:

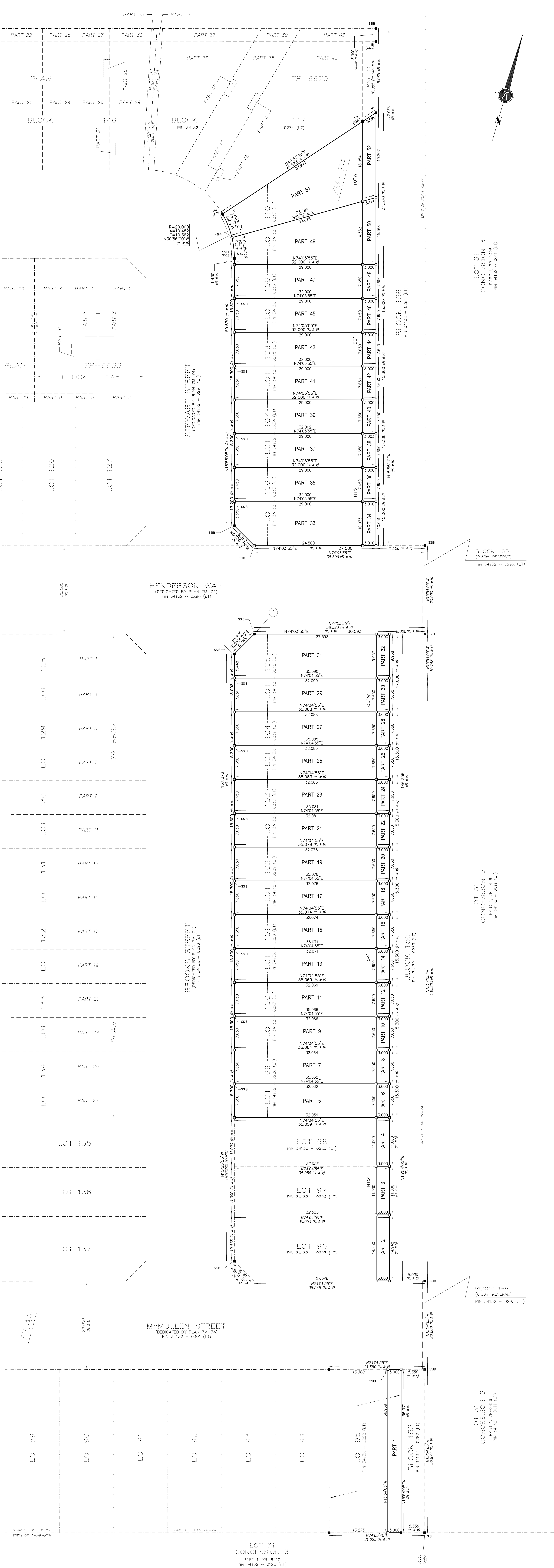
Jenna Daum, Planner

Reviewed by:

Steve Wever, Town Planner

Reviewed by:

Denyse Morrissey, CAO



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.			PLAN 7R-_____	
			RECEIVED AND DEPOSITED	
DATE: _____, 2021			DATE: _____, 2021	
MICHAEL McKECHNIE ONTARIO LAND SURVEYOR			REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF DUFFERIN (No. 7)	
SCHEDULE				
PART	LOT	PLAN	PIN	AREA (m ²)
1	PART OF LOT 95	PLAN 7M-74	PART OF 34132-0222 (LT)	x
2	PART OF LOT 96		PART OF 34132-0223 (LT)	x
3	PART OF LOT 97		PART OF 34132-0224 (LT)	x
4	PART OF LOT 98		PART OF 34132-0225 (LT)	x
5				x
6	ALL OF LOT 99	PLAN 7M-74	ALL OF 34132-0226 (LT)	x
7				x
8				x
9				x
10	ALL OF LOT 100		ALL OF 34132-0227 (LT)	x
11				x
12				x
13				x
14	ALL OF LOT 101		ALL OF 34132-0228 (LT)	x
15				x
16				x
17				x
18	ALL OF LOT 102	PLAN 7M-74	ALL OF 34132-0229 (LT)	x
19				x
20				x
21				x
22	ALL OF LOT 103		ALL OF 34132-0230 (LT)	x
23				x
24				x
25				x
26	ALL OF LOT 104	PLAN 7M-74	ALL OF 34132-0231 (LT)	x
27				x
28				x
29				x
30	ALL OF LOT 105		ALL OF 34132-0232 (LT)	x
31				x
32				x
33				x
34	ALL OF LOT 106	PLAN 7M-74	ALL OF 34132-0233 (LT)	x
35				x
36				x
37				x
38	ALL OF LOT 107		ALL OF 34132-0234 (LT)	x
39				x
40				x
41				x
42	ALL OF LOT 108	PLAN 7M-74	ALL OF 34132-0235 (LT)	x
43				x
44				x
45				x
46	ALL OF LOT 109		ALL OF 34132-0236 (LT)	x
47				x
48				x
49				x
50	ALL OF LOT 110	PLAN 7M-74	ALL OF 34132-0237 (LT)	x
51				x
52				x

PLAN OF SURVEY OF
PART OF LOTS 95, 96, 97 AND 98
AND
ALL OF LOTS 99 TO 110 INCLUSIVE
PLAN 7M-74
TOWN OF SHELBURNE
COUNTY OF DUFFERIN
SCALE 1:300

0 1 2 3 4 5 10 15 20 25 30 35m

KRCMA SURVEYORS LTD. 2021

METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING

BEARINGS SHOWN HEREON ARE GRID AND ARE DERIVED FROM THE EASTERLY LIMIT OF BROOKS STREET AS SHOWN ON REGISTERED PLAN 7M-74; AND HAVING A BEARING OF N 15°55'05" W. BEARINGS ARE REFERRED TO THE ONTARIO CO-ORDINATE SYSTEM UTM ZONE 17, CENTRAL MERIDIAN 81°00' WEST LONGITUDE, NAD83 (CSRS-2010).

PUBLISHED REFERENCE CO-ORDINATE VALUES:
ORP A (7M-74) N: 4 880 716.16 E: 563 191.34
ORP B (7M-74) N: 4 880 644.87 E: 563 422.23
ORP C (7M-74) N: 4 880 265.32 E: 563 372.88

(6° UNIVERSAL TRANSVERSE MERCATOR PROJECTION, NAD 83, CSRS-2010)

NOTES

CO-ORDINATE REFERENCE POINTS (C.R.P.'s) 1 AND 14 HAVE BEEN CALCULATED FROM THE CO-ORDINATE INTEGRATION OF PLAN 7M-74 BY SETTING AND CONFIRMING THE MEASUREMENTS AND CO-ORDINATES SHOWN THEREON. ALL FOUND SURVEY MONUMENTS ARE IRON BARS (IB) AND BY VAN HARTEN SURVEYING INC., O.L.S. UNLESS OTHERWISE NOTED. ALL SET SURVEY MONUMENTS ARE IRON BARS UNLESS OTHERWISE NOTED.

LEGEND

IB	DENOTES	SURVEY MONUMENT PLANTED
SSB	DENOTES	SURVEY MONUMENT FOUND
IB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
P.B.	DENOTES	PLASTIC BAR
P.C.	DENOTES	POINT OF CURVATURE
P.C.C.	DENOTES	POINT OF COMPOUND CURVATURE
PL	DENOTES	PLAN 7M-74
PIN	DENOTES	PROPERTY IDENTIFIER NUMBER
(S)	DENOTES	SET
(M)	DENOTES	MEASURED
(1370)	DENOTES	KRCMA SURVEYORS LTD., O.L.S.
(VH)	DENOTES	VAN HARTEN SURVEYING INC., O.L.S.

GRID SCALE CONVERSION		
DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY AN AVERAGED COMBINED SCALE FACTOR OF 0.999576.		
6° UTM ZONE 17 COORDINATES NAD 83 CSRS-2010 (CENTRAL MERIDIAN 81°00' WEST LONGITUDE)		
THE UTM COORDINATES LISTED BELOW COMPLY WITH SUBSECTION 14(2) OF ONTARIO REGULATION 216/10 FILED UNDER THE SURVEYORS ACT.		
POINT ID	NORTHING	EASTING
C.R.P. 1	4 880 491.78	563 425.73
C.R.P. 14	4 880 306.91	563 518.51
COORDINATE VALUES SHOWN ARE FOR GEOGRAPHIC INFORMATION SYSTEM INTEGRATION ONLY. COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.

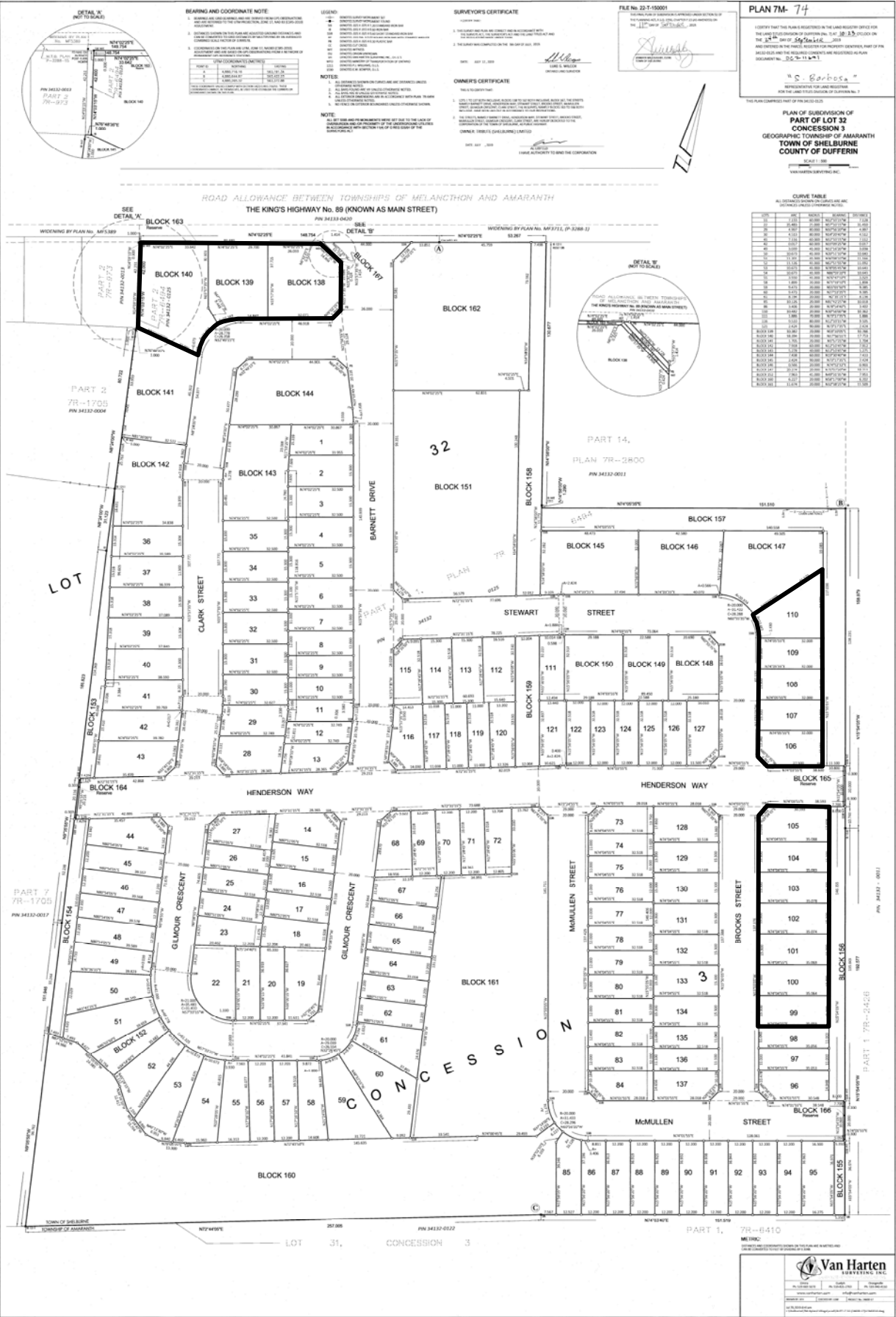
2. THE SURVEY WAS COMPLETED ON THE XXTH DAY OF AUGUST, 2021.

DRAFT
DATE

MICHAEL McKECHNIE
ONTARIO LAND SURVEYOR

FIELD:	M.J.M.	DRAWN:	M.J.M.	CHECKED:	M.J.M.	JOB NO:	19-095
DWG NAME:	19-095RP03	PLOT INFO:	08:30 27/July/2021	WORK ORDER NO:	32397		
1137 Centre Street Thornhill ON L4J 3M6 905.738.0053 F 905.738.9221 www.krcmar.ca							

KRCMA



THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NO. 50-2021

BEING A BY-LAW TO DESIGNATE CERTAIN LANDS WITHIN REGISTERED PLAN 7M-74, TOWN OF THE SHELBURNE AS EXEMPT FROM PART LOT CONTROL

WHEREAS the Town of Shelburne is empowered to enact this by-law by virtue of the provisions of Section 50(7) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended;

AND WHEREAS a local municipality may by by-law provide that Section 50(5) of the Planning Act, R.S.O. 1990, C.P.13, Part Lot Control, does not apply to land that is within such registered plan or plans of subdivision or part of them as are designated in the by-law;

AND WHEREAS it is deemed necessary to designate certain lands within Registered Plan 7M-74 exempt from part lot control to eliminate the need for a plan of subdivision or severance applications on each lot and block shown on Schedule “A” hereto;

NOW THEREFORE the Council of the Corporation of the Town of Shelburne enacts as follows:

- 1. That the subject lands identified on Schedule “A” attached hereto, being Lots 99 to 110 inclusive, and Blocks 138 to 140 inclusive, within Registered Plan 7M-74, are hereby designated as being exempt from the provisions of subsection (5) of Section 50 of the Planning Act, R.S.O. 1990, C.P.13.
- 2. Schedule “A” attached hereto forms a part of this by-law.
- 3. That this exemption from the provisions of subsection (5) of Section 50 of the Planning Act shall expire on August 23rd, 2024.
- 4. This by-law shall take effect on the date that it is passed, pursuant to subsections (7.1) and (7.2) of Section 50 of the Planning Act, R.S.O. 1990, C.P.13.

BY-LAW READ A FIRST AND SECOND TIME THIS 23RD DAY OF AUGUST, 2021.

BY-LAW READ A THIRD TIME AND ENACTED THIS 23RD DAY OF AUGUST, 2021.

.....
MAYOR

.....
CLERK

PLAN 7M-74

CONCESSION 3

Van Harten

1" = 100'

North Arrow

Block 140

Block 141

Block 142

Block 143

Block 144

Block 145

Block 146

Block 147

Block 148

Block 149

Block 150

Block 151

Block 152

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☐ Land subject to By-law No. 50-2021