



PLANNING BY-LAW MEMORANDUM

BY-LAWS TO BE ENACTED UNDER DELEGATED AUTHORITY BY-LAW 23-109

To: COUNCIL

Meeting Date: 9/3/2024

Subject: Lot Creation Through Part Lot Control Exemption
 Removal of Holding Provision
 Open City Lands as Public Highway

Submitted By: Lesley Head, Director of Recreation and Culture and Sylvia Rafalski-Misch, MCIP, RPP, Manager of Development Planning

Prepared By: Jacqueline Hannemann, MCIP, RPP, Senior Planner

Memo No.: 24-009-Planning By-law Memorandum

Wards Affected: Ward 5

BACKGROUND:

The purpose of this Memorandum is to bring forward by-laws for enactment by Council that stem from the authorities granted to the Chief Planner through Delegated Authority By-law 42-01.

Delegated Authority By-law 42-01 passed in 2001, gave the Chief Planner authority to approve certain routine applications and requests governed by the Planning Act, Ontario Heritage Act and Municipal Act; where associated by-laws must still be brought forward to Council for enactment. Further delegation on December 5, 2023 no longer requires an accompanying staff report.

The purpose of this Memorandum is to provide Council with a brief explanation of the By-law(s) being brought forward for enactment at this time.

SUBJECT LANDS:

The subject lands are known municipally as 400 and 420 Newman Drive, as shown in Figure 1- Location Map below.



Figure 1 – Location Map

COMMENTS:

By-law to Exempt From Part Lot Control (for Lot Creation)

Section 50(5) of the Planning Act provides that part of a lot or block on a registered plan of subdivision cannot be transferred from one landowner to another which has the effect of preventing subsequent division of land, except through the approval of a plan of subdivision, consent application or part lot control exemption.

Section 50(7) allows municipalities to enact by-laws to exempt lands in a registered plan of subdivision from part lot control, to allow further division of lands and creation of new lots. The by-law remains in effect for 2 years.

The subject lands are Blocks 180 and 181 on Registered Plan of Subdivision 58M-684 and Blocks 102, 107 and 108 on Registered Plan of Subdivision 58M-685, with frontage on Newman Drive. The Applicant has requested an exemption from part lot control to create 94 Parcels of Tied Land (POTLs) for townhouse units associated with a Plan of Condominium 30CDM-24101, each in compliance with the applicable zoning regulations.

In the opinion of the Chief Planner or designate, the exemption will facilitate the appropriate development of the lands and thus has granted approval in principle. Upon enactment of the attached By-law by Council, the Applicant has 2 years to complete the legal creation of the lots.

BY-LAWS TO BE PASSED:

The by-law to be enacted by Council is listed in the Attachment section.

APPROVALS:

This Memorandum has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Director

Deputy City Manager

Chief Financial Officer

City Solicitor

City Manager

ATTACHMENTS:

1. 24-009-PBM – Appendix A – By-law to permit Lot Creation Through Part Lot Control Exemption, Blocks 180 and 181, Plan 58M-684 and Blocks 102, 107 and 108, Plan 58M-685 (400 and 420 Newman Drive)
2. 24-009-PBM – Appendix B – Reference Plan 58R-22067