



# SMITHS FALLS

RISE AT THE FALLS

## Report # 2024-053

To: Mayor and Council

From: Richard Grant, Planner I

Date: April 18, 2024

Committee of the Whole Date: April 22, 2024

Title: Lift Part Lot Control – Plan 27M-102 Blocks 9, 11, 12, 19, 20 & 37 (Bellamy Farm Phase 2)

☐ For Direction

☐ For Information

☒ For Adoption

☒ Attachment 7 pages

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**Recommendation:** THAT Council of the Corporation of the Town of Smiths Falls pass a By-law lifting part lot control for the lands described as Blocks 9, 11, 12, 19, 20, and 37 of Registered Plan 27M-102 to allow the division of the blocks into separate street townhouse lots.

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**Purpose:** To consider a request by the owners of the above-noted properties (1686994 Ontario Inc., c/o Parkview Homes) for Council to approve a by-law lifting the part lot control provisions of the Planning Act to allow for the subdivision blocks to be divided along the shared building wall of the recently constructed street townhouse on each block to allow freehold occupancy.

**Background:** In 2022, the Town of Smiths Falls granted final subdivision approval to Phase 2 of Bellamy Farm, thereby approving the creation of thirty-seven (37) subdivision blocks (as well as various easements, reserves, parkland, and wetland blocks) to accommodate the construction of street townhouses and semi-detached dwellings. The street townhouse blocks were designed to accommodate freehold occupancy for each townhouse dwelling unit. This was incorporated into the special exception residential zoning, applying to most parts of the newly created subdivision (Residential Type 3 Exception 2 as per Zoning By-law 10375-2022).

When a subdivision has been approved and registered under Section 50 of the Planning Act, a landowner may sell any lots created by the registered plan; however, part lot control (under subsection 50(5) of the Act) prevents any owner from selling a *part* of a lot or a block on a registered plan without further consent. Subsection 50(7) of the Act enables a municipality to pass a by-law to lift part lot control restrictions to exempt all or some lands within a subdivision from part lot control. The by-law allows the conveyance of a portion of a lot or block without requiring further severance or subdivision approval. This process is often used to subdivide lots or blocks for semi-detached and townhouse dwellings during or after construction. The part lot control process was envisioned as part of the overall Bellamy Farm subdivision development plan.

The part lot control process is typically initiated following the foundation stage in construction in order to ensure the new lot lines precisely align with the shared building wall(s) of the townhouse unit(s).

A survey of each block was prepared to facilitate the request to lift part lot control. The survey, in draft form, was submitted to the Town for review in accordance with the Town's Zoning By-law and subdivision approval. The draft surveys must be accepted by Town staff before registration with the Land Registry Office. Registration of the surveys must be completed before a By-law to lift part lot control can be passed by Council so that the legal description can be incorporated into the By-law.

The owners (Parkview Homes) have applied to the Town to lift the part lot control provisions of the Planning Act relating to six blocks, totalling 26 units. Parkview Homes has deposited the approved draft surveys with the Land Registry Office.

*See Appendix B for the registered plans for Blocks 9, 11, 12, 19, 20 and 37 of Plan 27M-102.*

Staff review of the surveys submitted confirms that the minimum lot frontage, lot area, and zone performance requirements of the Residential Type 3 Exception 2 (R3-2) zone of the Town's Zoning By-law have been achieved through the construction of the street townhouses and will continue to comply following the lifting of part lot control. Further, staff review also confirms that necessary access and drainage easements are in accordance with the overall subdivision approval.

**Analysis and Options:** If Council supports the owners' request, a By-law is needed to lift the part lot control provisions of the Planning Act. Upon its registration on title, the by-law will create individual townhouse lots on each block.

Section 7.1.6(3)(b) of the Town's Official Plan allows Council to exempt properties from part lot control for the "creation of townhouse lots within a registered plan of subdivision." As this development concept was already subject to a public process under the Planning Act through subdivision approval, there is no need for a public meeting, which would typically be required for new lot creation.

Lifting the part lot control is the final administrative step for developing these street townhouse properties, ultimately allowing each prospective owner to own a freehold lot.

This process will be repeated as the street townhouse blocks continue to develop.

Options:

1. **THAT Council adopts a by-law lifting part lot control for lands described as Blocks 9, 11, 12, 19, 20, and 37 on Plan 27M-102 (recommended)**
2. THAT Council defers the decision pending the submission of more information.
3. THAT Council does not support the request.

**Budget/Financial Implications:** \$1,000.00 application fee per block, as per the Town's Fees and Charges By-law 10515-2024.

**Link to Strategic Plan (2023-2026):** Not applicable.

**Existing Policy:**

- Planning Act, Section 50

**Consultations:** Department of Public Works and Utilities; Manager of Development Services, Applicant and Representative (Parkview Homes)

**Attachments:**

- Appendix A – Key Map
- Appendix B – Registered Plans

Respectfully Submitted:

Original copy signed

Richard Grant  
Planner I

Reviewed by:

Original copy signed

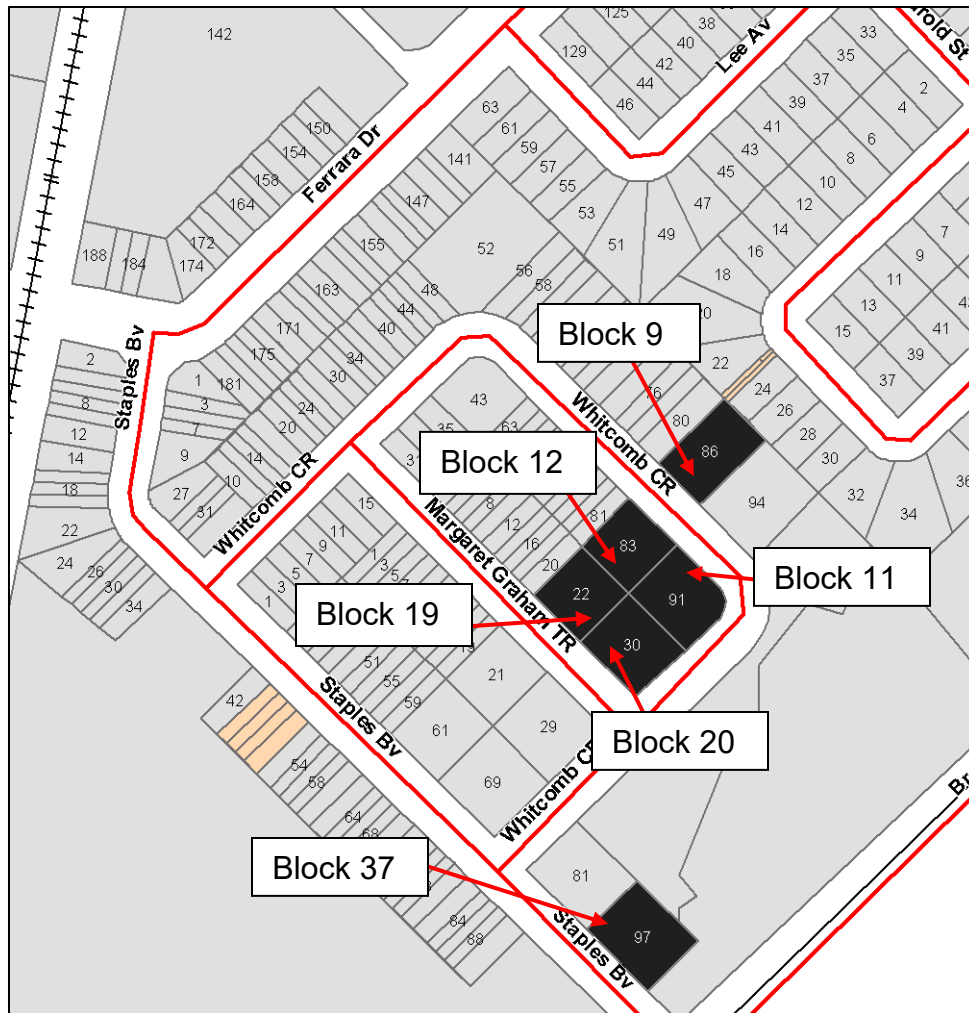
Karl Grenke, MCIP, RPP  
Manager, Development Services

Approved for agenda by CAO:

Original copy signed

Malcolm Morris, CMO  
Chief Administrative Officer

## Appendix A – Key Map



## Appendix B – Registered Plans

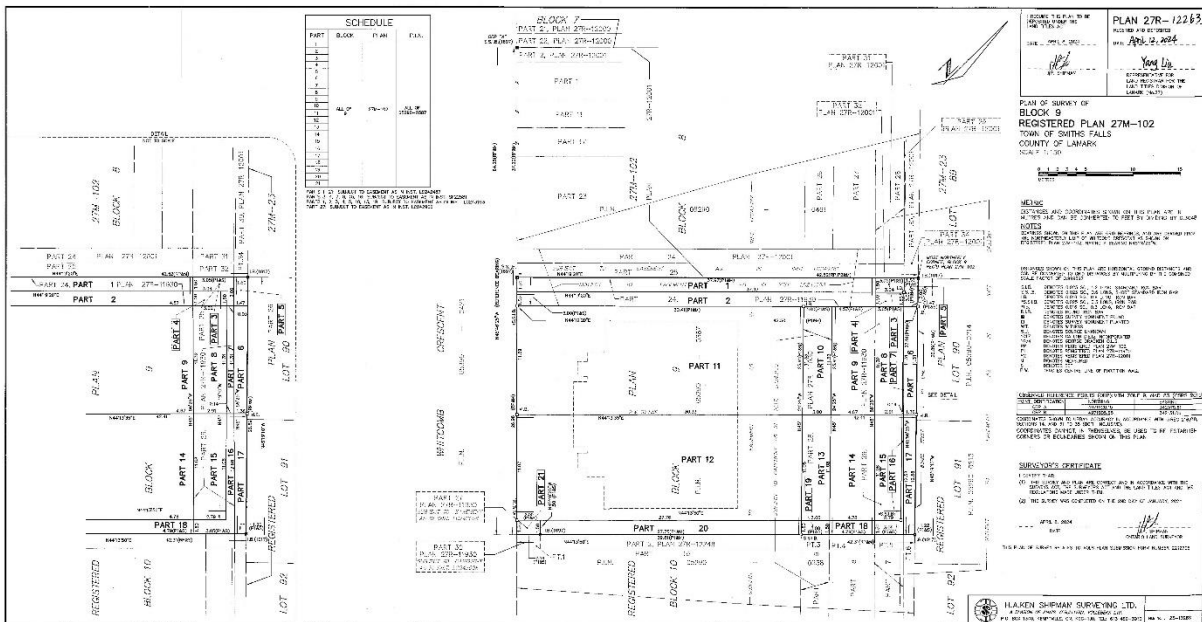


Figure 1 Registered Property Survey of Block 9



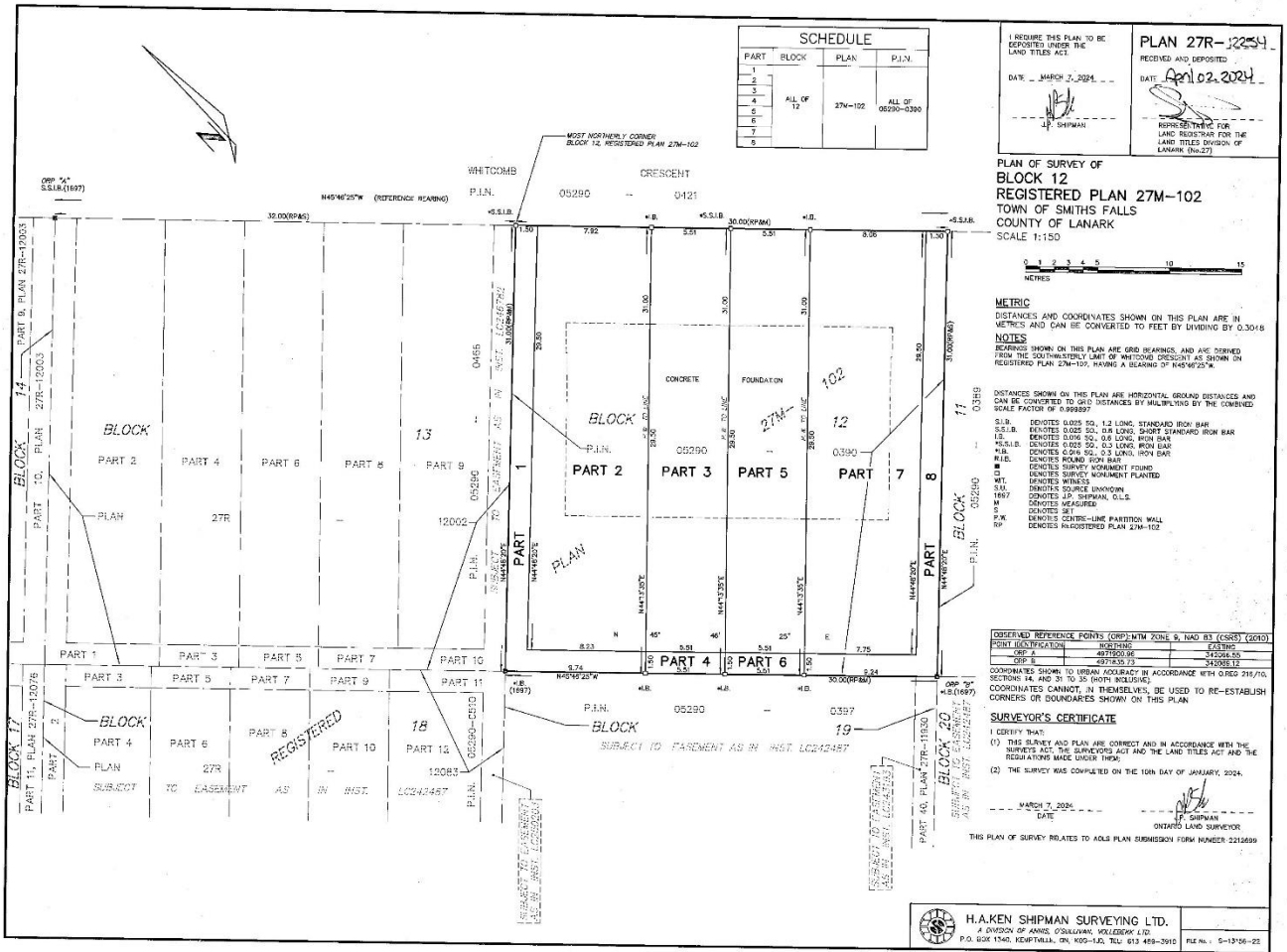


Figure 3 Registered Property Survey of Block 12







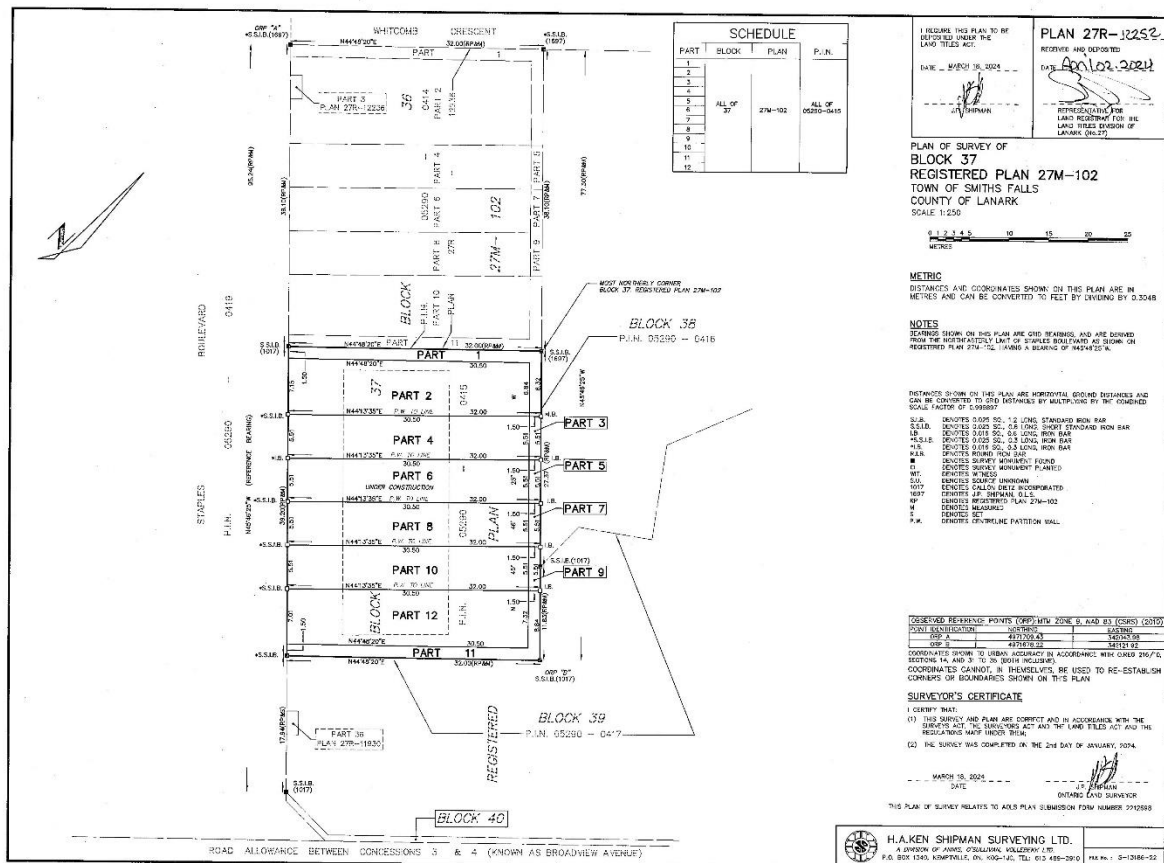


Figure 6 Registered Property Survey of Block 37