



**Date:** August 29, 2022

**To:** Mayor and Council

**Author:** George Robinson, MCIP, RPP  
Manager, Planning Services

**RE:** Application for Part Lot Control Exemption by Cottam Solar Limited  
(Gary Taveirne) Lot 21, 22, Part Lot 23, Part Victor Lane, Lot 26, 27, 28, 29, Plan  
12M-392; Concession North Talbot Road

**Report No.:** CADS 2022-16

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## **RECOMMENDED ACTION**

1. That **By-law 48-2022** being a part lot control by-law to allow Lot 21, 22, Part Lot 23, Part Victor Lane, Lot 26, 27, 28, 29, Plan 12M-392; Concession North Talbot Road to be exempt from Section 50(5) of the Planning Act be taken as having been read three times and finally passed and the Deputy Mayor and Clerk **BE AUTHORIZED** to sign same;
2. That Planning Services **BE DIRECTED** to forward the by-law to the County of Essex for final approval; and,
3. That the application for a consent to create an additional lot **BE APPROVED**.

## **BACKGROUND**

In spring 2022 a road in Phase 2 of the Woodbridge subdivision (Victor Lane) was declared surplus to the Town's needs since an additional connection was planned in a subsequent development to the south. The closure of this road resulted in the need to re-configure several of the lots from a north-south orientation to an east-west orientation to provide frontage on either Redwood Avenue or Belleview Drive. In place of Victor Lane, a pedestrian path is to be conveyed to the Town to provide a link between Redwood Avenue and Belleview Drive. In order to re-configure the lots an exemption from part lot control is required which then provides the developer the ability to convey the parcels via completion and registration of a reference plan. Part Lot Control is typically approved for three (3) years.

As a result of the re-configuration, an additional parcel is to be created through a consent application.

## **DISCUSSION**

The subject properties are designated Residential in the Official Plan and zoned 'Residential Zone 2 Rural/Urban (R2.2)' under the Kingsville Comprehensive Zoning By-law.

For a Sketch of the Proposed Lots, please refer to red lots overlaid on the original subdivision approval shown in Appendix A.

Subsection 50(7) of the *Planning Act* authorizes Council to pass a by-law providing that the part lot control provisions of Section 50(5) of the said Act do not apply to lands designated in the by-law. The exemption will allow for the lots within the subject application to be re-configured as per a subsequent reference plan. The application is not subject to a public hearing or appeal because Council has already approved the entire subdivision in principle and the zoning of the lands is in place to accommodate the final lot fabric. This is a common approach for creation of individual semi-detached or townhouse units within a plan of subdivision, particularly once an approval has been registered. This is the final step in allowing the full build out on the subject lands.

Subsection 53(1) allows Council to grant consent to sever a portion of a parcel of land to create an additional parcel. Although this process is typically completed through the authority delegated to the Committee of Adjustment, Council has also retained the authority to make decisions on Consent applications. Since the applicant is proposing to create an additional lot, the consent policies and procedures apply, including the requirement for public notice and a 20-day appeal period (see Appendix B: Public Notice).

## **FINANCIAL CONSIDERATIONS**

There will be an increase in assessment value as a result of the completed development.

## **ENVIRONMENTAL CONSIDERATIONS**

No additional lands are required for this application. Realignment allows for creation of one additional lot which is consistent with planning policy.

## **CONSULTATIONS**

No public or agency consultation is required by the *Planning Act* when considering a Part Lot Control Exemption By-law. Consultations were conducted for the consent application.

### Technical Advisory Committee (TAC)

- Infrastructure and Engineering Services (IES) requested confirmation of the

service location for each of the proposed lots. The applicant will provide this information as a condition of the by-law being forwarded to the County. Easements for rear yard drainage will also be required to be conveyed to the Town.

- Conveyance of a pathway between Redwood Avenue and Belleview Drive over the location of a storm sewer is required.
- The Technical Advisory Committee is in support of the proposed development.

PREPARED BY:

*George Robinson*

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George Robinson, MCIP, RPP  
**Manager of Planning Services**

REVIEWED BY:



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Richard J.H. Wyma, CSLA  
**Director of Community and Development Services**

## **LINK TO STRATEGIC PLAN**

Manage residential growth through sustainable planning.

Manage growth through sustainable planning.

## **Link to Council 2021-2022 Priorities**

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☒ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement

- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☐ No direct link to Council priorities