



Date: June 12, 2023

To: Mayor and Council

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Planner

RE: Application for Part Lot Control Exemption by
1552843 Ontario Ltd.
Lots 16 to 27 PLAN 12M693

RECOMMENDED ACTION

1. That Part Lot Control **By-law 44-2023** to allow Lots 16 to 27, PLAN 12M-693 to be exempt from Section 50(5) of the Planning Act be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same; and,
2. That Administration **BE DIRECTED** to forward By-law 44 -2023 and the Part Lot Control Exemption application to the County of Essex for final approval, and to register any by-laws on title as required.

BACKGROUND

The Part Lot Control exemption application applies to lots 16-27 on Plan 12M-693, which is part of the ongoing development of the Branco Estate subdivision, Phase 1 and 2, located off of Jasperson Drive on Gaffan Drive (see Appendix A: Location Map). Plan 12M-693 was registered on September 29, 2022.

The developer has requested exemption from part lot control to reconfigure lots 16 to 27 for development of semi-detached dwellings, eventually to be subdivided into 24 individual freehold units. 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. The subject lands are intended for the development of semi-detached dwellings which is consistent with existing development in the area (see Appendix B Sketch of Subdivision Layout).

DISCUSSION

The subject properties are designated Residential in the Official Plan and zoned 'Residential Zone 2 Urban (R2.1)' 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 C.

Once each semi-detached dwelling is constructed they are subdivided into individual freehold units. Exemption from part lot control is required to provide the developer the ability to convey the individual units via completion of a reference plan rather than individual consents (severance) on each parcel. This was the original intent at the time of the draft plan of subdivision and is the final step in the build out of the subject lands.

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 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 permit the use. This is a common approach for within a plan of subdivision for the creation of individual lots for semi-detached dwelling units.

As per the delegation of authority by-law, approval for a Part Lot Control application has been delegated to the Director of Community and Development Services. Council is still required to pass a by-law to be registered on title in order for the part lot control to be executed.

FINANCIAL CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

No public or agency consultation is required by the *Planning Act* when considering a Part Lot Control Exemption By-law.

Kingsville Technical Advisory Committee was circulated for comments with the following comments:

Technical Advisory Committee (TAC)

- The applicant shall ensure that any future applications for new dwellings meet the requirements of the Ontario Building Code. To help achieve this they should work with a qualified designer with a Building Code Identification number.
- Engineered lot grading plans should be submitted to Municipal Services and when approved be sent to the building department labeled and noted with the final address indicated prior to applying for any building permits.

- Ensure new development water run-off does not adversely affect adjoining properties. Storm water engineer shall take into consideration existing conditions with neighboring properties to help prevent any flooding and/or run-off issues for their proposed design. A detailed plan should be created, and reviewed prior to proceeding and temporary measures should be identified and installed until permanent design is in place. Any existing property issues adjacent to the area of work should be put in writing to be forwarded to the appropriate properties to address.
- Ensure all building services are contained within existing property lines and do not cross over into newly established lines.
- The owner shall ensure all applicable laws have been met at time of permit application
- Future comments pending a full permit submission with permit drawings.

PREPARED BY:



George Robinson, MCIP, RPP
Manager of Planning

REVIEWED BY:



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