



Date: June 10, 2024

To: Mayor and Council

Author: Vitra Chodha, Planner

RE: Part Lot Control Exemption Application (PLC-2024-2) for 7 Lukas Drive

RECOMMENDED ACTION

That Part Lot Control By-law 43-2024 to allow Block 61 on Plan 12M-598 to be exempt from Section 50(5) of the Planning Act **BE APPROVED**.

BACKGROUND

The Part Lot Control exemption application applies to Block 61, PLAN 12M-598, which is located East of Lukas Drive and North of Robin Court (see Appendix A Location Map). The lot was created as part of Subdivision Plan 12M-598.

The applicant has requested exemption from part lot control to subdivide the semi-detached dwelling into two individual freehold units as seen in the applicant survey (see Appendix B). The requested exemption from part lot control is a common occurrence for semi-detached and townhouse dwellings, to ensure that the lot lines are accurately represented at the party wall, post construction.

Once construction is completed, the dwelling is subdivided into individual freehold units. In order to undertake conveyance of each of the individual unit exemption from part lot control is required which then provides the developer the ability to convey the units via completion of a reference plan. Part Lot Control is typically approved for three (3) years.

DISCUSSION

The subject properties are designated "Residential" within the Town of Kingsville Official Plan, and zoned "Residential Zone 2 Urban with exception 6 (R2.1-6)" under the Town of Kingsville Comprehensive Zoning By-law.

In keeping with the zoning, the applicant is constructing a semi-detached dwelling with two units. The proposed dwelling is near completing and the applicant is requesting this PLC exemption to allow separate conveyance of both semi-detached units. This exemption allows the developer to convey the units via completion of a reference plan.

For a Sketch of the Proposed Lots, please refer to Part 1 and Part 2 on the applicant's survey in Appendix B.

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 semi-detached dwelling (currently under construction) to be subdivided into two individual units. 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

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

Administration will forward By-law 43-2024 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.

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

PREPARED BY:



Vitra Chodha
Town Planner

REVIEWED BY:

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Richard J.H. Wyma, CSLA
Director of Planning and Development

A handwritten signature in black ink, appearing to be 'John Norton', with a horizontal line extending from the end of the signature.

John Norton
CAO