



Date: September 15, 2025
To: Mayor and Council
Author: Vitra Chodha, Planner
RE: Application for Part Lot Control - 175 Wigle Avenue

RECOMMENDED ACTION

1. That Part Lot Control By-law 55-2025 to allow lots 1-12 and lots 15-18 on Plan 12R-30165 to be exempt from Section 50(5) of the Planning Act, **be adopted** during the By-law stage of the Council Agenda;
2. And That Administration **be directed** to forward By-law 55-2025 for Part Lot Control Exemption application to the County of Essex for final approval and register any by-law on title as required.

BACKGROUND

The Town received an application for part lot control exemption under Section 50 of the Planning Act for Blocks 1 to 12, and 15 to 18 on Plan 12R-30165, known locally as Tamam Gardens, located between Wigle Avenue and Grandview Avenue (see Appendix A Location Map). Plan 12R-30165 was registered on July 11th, 2025.

In March 2025, the applicant entered into a subdivision agreement with the Town of Kingsville, which was registered against the lands. The new construction will be required to adhere to the subdivision agreement. The resulting lot areas and lot frontages conform with the Zoning By-law.

The developer has requested exemption from part lot control to reconfigure lots 1 to 12 and 15-18 into 32 blocks for development of semi-detached dwellings, eventually to be subdivided into 32 individual freehold units. In order to reconfigure 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 (see Appendix B for Plan of Subdivision).

Generally, the preferred approach to undertaking a Part-Lot Control exemption is once construction has been started, but this can be done in advance. When done in advance, the developer/builder will be required to provide top-of-footing certificates at the time of the building permit.

DISCUSSION

The subject lands are designated Residential in the Official Plan and zoned 'Residential Zone 2 Rural/Urban Exception 19 (R2.1-19)' under the Kingsville Comprehensive Zoning By-law. The subject lands for the original Part Lot Control By-law consists of 16 blocks within the Tamam Garden Subdivision.

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 and the County of Essex 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 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 complete development. Development Charges and parkland dedication charges are expected to apply.

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

Vitra Chodha
Planner

REVIEWED BY:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, ending in a small dot.

Richard J.H. Wyma
Director of Planning and Development