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Date: December 19, 2016

To: Mayor and Council

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RE: PLC/03/16 - Exemption from Part Lot Control
1156722 Ontario Limited
Lots 9 and 19-36 on Plan 12M-619
York Subdivision - Phase 4B

AIM

To provide the Mayor and Council with information on an application for lands in the York Subdivision, Phase 4B, for exemption from part lot control.

BACKGROUND

The application applies to lots 9 and 19-36 on Plan 12M-619, which are part of the ongoing development of the York subdivision, Phase 4B, located at the south end of Conservation Boulevard on Meghan Agosta Drive. Plan 12M-619 was registered on April 8, 2016. The lands are vacant and extension of Meghan Agosta Drive will be the first step in proceeding with actual development.

The application was heard at Council on December 12, 2016 and was deferred to a later date as Council decided that this matter needs to be circulated to the public. Under Section 50(29) of the Planning Act notice is not required for the passing of a by-law under part-lot control. Therefore, part-lot control applications are not subject to public notice and there is not an appeal mechanism in place. A 60 m notice buffer (see Appendix C) was created but only the applicants themselves would be notified as they currently own the targeted lands within the developing York subdivision. Furthermore, the location of the semi-detached and single dwellings are located within a registered plan of subdivision and were approved as part of the York Subdivision Agreement (November 22, 1999) by the Council of the day.

DISCUSSION

The Town of Kingsville has received the above-noted applications for lands located on Meghan Agosta Drive, west of Conservation Blvd. The subject properties are designated

Lakeshore Residential West in the Official Plan and zoned 'Lakeshore Residential Exception 22 (LR-22)' under the Kingsville Comprehensive Zoning By-law.

The subject lands consist of nineteen (19) vacant plan lots intended for the development of semi-detached dwellings on the south side of the road and single detached dwellings on the north side of the road. The part lot control exemption is being requested on the south side to subdivide the proposed semi-detached dwellings, once constructed, into individual freehold units via reference plan. In the present configuration there was a total of eighteen (18) dwelling units to be developed. The proposed would reduce that total to fifteen (15) dwelling units. Part lot control on the north side is being requested to reconfigure the existing ten (10) single detached lots into twelve (12) lots. In conjunction with the requested part lot control exemption (PLC/01/16) on the abutting lands to the east on the south side of Meghan Agosta Drive, the total number of dwellings will be reduced by a total of 2 dwelling units.

For a Sketch of the Proposed Lots, please refer to highlighted lots 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. If granted, the exemption would allow for a total of twenty-seven (27) lots versus the nineteen (19) originally proposed. The applicant can create the proposed semi-detached dwellings by way of 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 revised lot fabric. That is the nature of this application. This is a common approach for adjusting lot lines within a plan of subdivision, particularly once an approval has been registered.

LINK TO STRATEGIC PLAN

There is no specific link to the strategic plan.

FINANCIAL CONSIDERATIONS

With the addition of a lot to the subject lands there will be an increase assessment value.

CONSULTATIONS

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

RECOMMENDATION

It is recommended that Council enact Part Lot Control Exemption By-law 117-2016 to allow Lots 9 and 19-36 on Plan 12M-619 to be exempt from Section 50(5) of the Planning Act, and that Council authorize and direct Development Services to register the by-law on title.

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