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Date: August 23, 2017

To: Mayor and Council

Author: David French, BA, CPT, Interim Town Planner

RE: PLC//03/17 – Exemption from Part Lot Control
1156722 Ontario Ltd.
250, 254, 258, 262, 266, 270 & 274 Serena Street
Lots 38 – 44 (inclusive), Plan 12M 605

Report No.: PDS-2017-038

AIM

To provide the Mayor and Council with information on an application for lands in the Bernath Gardens Subdivision for exemption from part lot control.

BACKGROUND

The subject lands consist of seven (7) plan lots intended for the development of semi-detached dwellings. Once constructed, the semi-detached dwelling will be 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.

For a Location Map of the above, please refer to Appendix A.

DISCUSSION

The subject properties are designated 'Residential' in the Official Plan and zoned 'Residential Zone 2 Urban Exception 12 (R2.1-12)' under the Kingsville Comprehensive Zoning By-law. The subject lands consist of seven (7) plan lots within the Bernath Gardens Subdivision intended for the development of semi-detached dwellings. Once each 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.

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 the seven lots to be subdivided, as intended, into fourteen lots for each of the original proposed semi-detached dwelling 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. That is the nature of this application. This is the final step in allowing the full build out on the subject lands.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

The original draft plan of subdivision was for a total of fourteen individual semi-detached dwelling units so there would be no change to the anticipated assessment on the subject lands.

CONSULTATIONS

No public or agency consultations are required by the Planning Act when considering a Part Lot Control Exemption By-law. Management staff was circulated however as there is not proposed change to the original final lot fabric there was no additional comment.

RECOMMENDATION

It is recommended that Council:

enact Part Lot Control Exemption By-law 84-2017 to allow Lots 38 to 44 (inclusive) on Plan 12M 605 to be exempt from Section 50(5) of the Planning Act, and

direct administration to forward By-law 84-2017 and the Part Lot Control Exemption application to the County of Essex for final approval.

David French

David French, BA, CPT
Interim Town Planner

Robert Brown

Robert Brown, H, BA, MCIP, RPP

Manager, Planning & Development Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
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