



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Janine Mastronardi	Report Date: April 5, 2024
Author's Phone: 519 736-5408 ext. 2134	Date to Council: April 22, 2024
Author's E-mail: jmastronardi@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Removal of Part Lot Control- Boblo South End

1. RECOMMENDATION:

It is recommended that:

1. The application for Removal of Part Lot Control for Part of Bois Blanc Island, being Lot 139, Lot 141, Lot 155, Lot 156, Lot 160 and Lot 172 on Plan 12M-700, known locally as Boblo South End Subdivision, **BE APPROVED**; and,
2. **By-law 2024-031** being a by-law to remove certain lands from Part Lot Control be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. BACKGROUND:

The Town is in receipt of an application for part lot control exemption under Section 50 of the *Planning Act*, R.S.O. 1990 c.P. 13, for Part of Bois Blanc Island, being Lots 139, 141, 155, 156, 160 and 172 on Plan 12M-700 known locally as Boblo South End Subdivision.

Part Lot control is a provision under the *Planning Act* that regulates the transfer or sale of a lot within a registered plan of subdivision. Part Lot Control Exemption applications are alternative forms of land division to Plans of Subdivision and Consents. The Part Lot Control Exemption By-law will usually be in place for a fixed period of time, after which the By-law will expire and the Part Lot Control provisions of the *Planning Act* come force and effect. Part Lot Control is most commonly used for semi and townhouse developments after construction has started to accurately set the boundary lines between the units, create the parcels for sale and transfer the ownership.

3. DISCUSSION:

The Town is in receipt of a request from Boblo South Developments Inc. for six (6) lots in Boblo South End Subdivision development requesting that Council pass a By-law under Section 50 of the *Planning Act*, exempting Part Lot Control for Part of Bois Blanc Island, being Lots 139, 141, 155, 156, 160 and 172 on Plan 12M-700 known locally as Boblo South End Subdivision.

Approval of the Part Lot Control Exemption By-law will allow for the transfer of 12 lots for semi-detached units. Subsection 7 of Section 50 of the *Planning Act*, R.S.O. 1990, c.P. 13, provides Council with this authority subject to approval of the By-law by the County of Essex.

We have therefore prepared By-law 2024-031 for Council consideration providing that Subsection 5 for Section 50 of the *Planning Act*, R.S.O. 1990, c.P. 13, does not apply to the above mentioned lots. Section 50 (7) states:

Designation of lands not subject to part lot control

(7) Despite subsection (5), the council of a local municipality, may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law. 1996, c.4, s27(3).

Subsection 7.3 of Section 50 of the *Planning Act*, R.S.O 1990, c.P.13 provides that the By-law concludes at the expiration of the time period specified in the By-law. Administration has prepared By-law 2024-031 providing for an expiration date of April 22, 2027. Part Lot Control will apply to the lands described upon expiration of the by-law.

In November of 2019 the applicant entered into subdivision agreement with the Town of Amherstburg and in June of 2023 the applicant entered into an amending subdivision agreement with the Town of Amherstburg, both of which been 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.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. The applicant will be responsible for applying for all necessary permits. When the parcels which are set out on the Plan of Subdivision are conveyed to individual owners, the Part Lot Control Exemption By-law is allowed to lapse. A three year expiration date is a reasonable limit to allow the construction and conveyance of the units. If the construction of the units is not complete within the three year time frame the applicant can request an extension and renew the Part Lot Control Exemption By-Law.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant. There are no other financial implications resulting from the adoption of the Part Lot Control Exemption By-law.

6. CONSULTATIONS:

Rebecca Belanger, Manager of Planning for the County of Essex was consulted as the approval authority for Part Lot Control Exemption applications throughout Essex County.

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

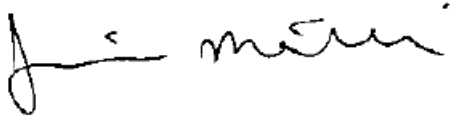
<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p>PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"><input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.<input type="checkbox"/> Deliver transparent and efficient financial management.<input type="checkbox"/> Increase effective communication and engagement with residents.<input type="checkbox"/> Develop our staff team, resources, and workplace culture.<input type="checkbox"/> Continue to deliver strong core municipal services.<input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.	<p>PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"><input type="checkbox"/> Encourage development of commercial and industrial lands.<input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.<input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.<input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p>PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"><input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities.<input type="checkbox"/> Increase access to recreation opportunities for all ages.<input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy's site, Belle Vue)<input type="checkbox"/> Create public access to water and waterfront<input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town	<p>PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"><input type="checkbox"/> Define and communicate a vision for the Town's future and identity.<input type="checkbox"/> Promote and plan for green and "climate change ready" development.✓ <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.<input type="checkbox"/> Protect the Town's historic sites and heritage.

operations and increase Town resilience to climate change.

☐ Preserve the Town's greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

Administration is recommending the approval of the request for part lot control exemption as the proposal is in compliance with the Town's planning documents and the Planning Act, R.S.O. 1990, c.P. 13. Council has the authority to pass the By-law and direct it to the County for final approval.



Janine Mastronardi
Planner

Report Approval Details

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This report and all of its attachments were approved and signed as outlined below:

No Signature found

Chris Aspila



Melissa Osborne

No Signature - Task assigned to Tracy Prince was completed by delegate Yufang Du

Tracy Prince



Valerie Critchley



Kevin Fox