



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

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Author's Phone: 519 736-5408 ext. 2137	Date to Council: June 13, 2022
Author's E-mail: mosborne@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Removal of Part Lot Control- Kingsbridge Phases 5 and 10

1. **RECOMMENDATION:**

It is recommended that:

1. The application for Removal of Part Lot Control for Part of Lots 11, 12, 13 and 14, Concession 1, being Block 33 on Plan 12M-669 and being Blocks 213 to 234 inclusive on Plan 12M-674 and being Blocks 1 and 2, 4 to 9 inclusive, 11 to 26 inclusive, 28 and 29 on Plan 12M-679, known locally as Kingsbridge Subdivision, **BE APPROVED**; and,
2. **By-law 2022-061** 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.

EXECUTIVE SUMMARY:

N/A

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 Lots 11, 12, 13 and 14, Concession 1, being Block 33 on Plan 12M-669 and being Blocks 213 to 234 inclusive on Plan 12M-674 and being Blocks 1 and 2, 4 to 9 inclusive, 11 to 26 inclusive, 28 and 29 on Plan 12M-679 known locally as Kingsbridge 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 townhouse developments after construction has started to accurately set the boundary lines between the townhouse units, create the parcels for sale and transfer the ownership.

3. DISCUSSION:

The Town is in receipt of a request from 1078217 Ontario Limited and 1027579 Ontario Limited, for a portion of the Kingsbridge Subdivision development requesting that Council pass a By-law under Section 50 of the *Planning Act*, exempting Part Lot Control for Part of Lots 11, 12, 13 and 14, Concession 1, being Block 33 on Plan 12M-669 and being Blocks 213 to 234 inclusive on Plan 12M-674 and being Blocks 1 and 2, 4 to 9 inclusive, 11 to 26 inclusive, 28 and 29 on Plan 12M-679, in the above, more particularly described as;

- Block 33, Plan 12M-669, designated as Parts 1 through 8 inclusive on Reference Plan 12R- 29035;
- Block 213, Plan 12M-674, designated as Parts 1 through 6 inclusive on Reference Plan 12R- 29039;
- Block 214, Plan 12M-674, designated as Parts 7 through 10 inclusive on Reference Plan 12R- 29039;
- Block 215, Plan 12M-674, designated as Parts 11 through 14 inclusive on Reference Plan 12R- 29039;
- Block 216, Plan 12M-674, designated as Parts 15 through 18 inclusive on Reference Plan 12R- 29039;
- Block 217, Plan 12M-674, designated as Parts 1 through 4 inclusive on Reference Plan 12R- 29036;
- Block 218, Plan 12M-674, designated as Parts 5 through 8 inclusive on Reference Plan 12R- 29036;
- Block 219, Plan 12M-674, designated as Parts 9 through 12 inclusive on Reference Plan 12R- 29036;
- Block 220, Plan 12M-674, designated as Parts 13 through 16 inclusive on Reference Plan 12R- 29036;
- Block 221, Plan 12M-674, designated as Parts 1 through 4 inclusive on Reference Plan 12R- 29034;
- Block 222, Plan 12M-674, designated as Parts 5 through 8 inclusive on Reference Plan 12R- 29034;

- Block 223, Plan 12M-674, designated as Parts 9 through 12 inclusive on Reference Plan 12R- 29034;
- Block 224, Plan 12M-674, designated as Parts 13 through 16 inclusive on Reference Plan 12R- 29034;
- Block 1, Plan 12M-679, designated as Parts 1 through 12 inclusive on Reference Plan 12R- 29038;
- Block 2, Plan 12M-679, designated as Parts 13 through 24 inclusive on Reference Plan 12R- 29038;
- Block 4, Plan 12M-679, designated as Parts 25 through 36 inclusive on Reference Plan 12R- 29038;
- Block 5, Plan 12M-679, designated as Parts 37 through 48 inclusive on Reference Plan 12R- 29038;
- Block 6, Plan 12M-679, designated as Parts 49 through 60 inclusive on Reference Plan 12R- 29038;
- Block 7, Plan 12M-679, designated as Parts 61 through 72 inclusive on Reference Plan 12R- 29038;
- Block 8, Plan 12M-679, designated as Parts 73 through 84 inclusive on Reference Plan 12R- 29038;
- Block 9, Plan 12M-679, designated as Parts 85 through 96 inclusive on Reference Plan 12R- 29038;
- Block 11, Plan 12M-679, designated as Parts 97 through 108 inclusive on Reference Plan 12R- 29038;
- Block 12, Plan 12M-679, designated as Parts 109 through 120 inclusive on Reference Plan 12R- 29038;
- Block 13, Plan 12M-679, designated as Parts 121 through 132 inclusive on Reference Plan 12R- 29038;
- Block 14, Plan 12M-679, designated as Parts 145 through 156 inclusive on Reference Plan 12R- 29038;
- Block 15, Plan 12M-679, designated as Parts 169 through 180 inclusive on Reference Plan 12R- 29038;
- Block 16, Plan 12M-679, designated as Parts 193 through 204 inclusive on Reference Plan 12R- 29038;
- Block 17, Plan 12M-679, designated as Parts 217 through 228 inclusive on Reference Plan 12R- 29038;

- Block 18, Plan 12M-679, designated as Parts 241 through 252 inclusive on Reference Plan 12R- 29038;
- Block 19, Plan 12M-679, designated as Parts 265 through 276 inclusive on Reference Plan 12R- 29038;
- Block 20, Plan 12M-679, designated as Parts 289 through 300 inclusive on Reference Plan 12R- 29038;
- Block 21, Plan 12M-679, designated as Parts 301 through 312 inclusive on Reference Plan 12R- 29038;
- Block 22, Plan 12M-679, designated as Parts 277 through 288 inclusive on Reference Plan 12R- 29038;
- Block 23, Plan 12M-679, designated as Parts 253 through 264 inclusive on Reference Plan 12R- 29038;
- Block 24, Plan 12M-679, designated as Parts 229 through 240 inclusive on Reference Plan 12R- 29038;
- Block 25, Plan 12M-679, designated as Parts 205 through 216 inclusive on Reference Plan 12R- 29038;
- Block 26, Plan 12M-679, designated as Parts 181 through 192 inclusive on Reference Plan 12R- 29038;
- Block 28, Plan 12M-679, designated as Parts 157 through 168 inclusive on Reference Plan 12R- 29038;
- Block 29, Plan 12M-679, designated as Parts 133 through 144 inclusive on Reference Plan 12R- 29038;

Approval of the Part Lot Control Exemption By-law will allow for the transfer of 107 lots for townhouse units and 50 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 2022-061 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 2022-061 providing for an expiration date of June 13, 2025. Part Lot Control will apply to the lands described upon expiration of the by-law.

In January of 2021 and May 2020 the applicant entered into subdivision agreements with the Town of Amherstburg that have been registered against the lands. The new construction will be required to adhere to the subdivision agreements. 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. 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.



Melissa Osborne
Director, Development Services

Report Approval Details

Document Title:	Removal of Part Lot Control- Kingsbridge Phases 5 and 10.docx
Attachments:	- 2022 06 13- Removal of Part Lot Control- Kingsbridge Phases 5 and 10- ATTACHMENTS.pdf
Final Approval Date:	Jun 8, 2022

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



Melissa Osborne



Tracy Prince



Peter Simmons



Valerie Critchley