



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.*

Author's Name: Christopher Aspila	Report Date: July 28, 2022
Author's Phone: 519 736-5408 ext. 2124	Date to Council: August 8, 2022
Author's E-mail: caspila@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Riverview Subdivision- Subdivision Agreement File No. 37-T-22003

1. **RECOMMENDATION:**

It is recommended that:

1. The Corporation of the Town of Amherstburg **ENTER INTO** a Subdivision Agreement with 1583954 Ontario Limited and 2865522 Ontario Limited for Riverview Subdivision; and,
2. **By-law 2022-082** being a By-law to authorize the signing of a Subdivision Agreement for Riverview Subdivision 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 a request from 1583954 Ontario Limited and 2865522 Ontario Limited to execute a subdivision agreement for Riverview Subdivision. During the Plan of Subdivision approval process, the developer undertook the necessary background studies and work to obtain the appropriate zoning to permit the proposed residential development.

The Subdivision Agreement applies to a 4.42 hectare (10.92 acres) vacant parcel of land generally located on the east side of County Road 20, at 1267 Front Road North. A key map has been attached below. The draft plan of subdivision consists of lots for 37 single detached dwellings in Riverview Subdivision (County of Essex File No. 37-T-22003).

The application is consistent with the PPS in that the development promotes the efficient use of existing designated land and promotes cost-effective development patterns and standards to minimize land consumption and servicing costs.

County Official Plan (COP)

The application conforms to the policies of the COP.

Town of Amherstburg Official Plan (OP)

The subject lands are designated Low Density Residential in the OP which allows for residential development. Therefore, the proposal conforms to the basic land use policies of the OP. The developer has obtained an Endangered Species Act authorization from the Ministry of the Environment, Conservation and Parks (MECP) to allow for the construction of the subdivision.

Zoning By-law

The subject lands are holding site specific Residential Type 1B (h-R1B-2) Zone and holding Environmental Protection (h-EP) Zone. The zoning permits single detached dwellings.

The subject development conforms to Zoning By-law 1999-52, as amended.

Plan of Subdivision

A Plan of Subdivision is a legal survey (M-Plan) that divides a parcel of land into smaller lots or blocks and secures the developer's obligations through a Subdivision Agreement with the Town.

The developer/owner is required to sign a Subdivision Agreement with the Town prior to registration of the plan. Also, prior to registration of the plan, the owner must also fulfill all conditions provided in the County's Notice of Decision.

The recommended Subdivision Agreement under By-law 2022-082 (attached) contains the standard provisions utilized by the Town to address servicing, collection of development charges and community benefit charges, timing for the issuance of building permits, as well as special requirements unique to the Riverview Subdivision development. The attached Subdivision Agreement clearly states the developer's obligations to the Municipality including:

- Provision of appropriate securities to guarantee the developer's obligations under the Subdivision Agreement;
- Provision of a security to ensure the planting of trees by the developer to enhance the streetscape;
- Provision of public liability and property insurance during the period of construction;
- Installation of all stormwater management measures to the satisfaction the Town and the Essex Region Conservation Authority;

- Compliance with the Town's current Development Manual for the construction of roads, sewers, watermains, stormwater, sidewalks, lighting, fencing and other services in the subdivision;
- Requirement for the conveyance of easements as may be necessary for drainage and utilities;
- Developers responsibilities regarding damages;
- Provision for grass and weed maintenance until the transfer of the lots;
- Provision for compliance with MECP permits;

The developer's obligation relating to the dedication of parkland will be fulfilled by following the 5% parkland cash-in-lieu policies in the Town's Official Plan.

4. RISK ANALYSIS:

Approval of the Subdivision Agreement will form one component of the completion of requirements for final approval of the subdivision approval process under the *Planning Act*. The Subdivision Agreement must be registered against the lands to which it applies prior to the final registration of the Plan of Subdivision.

5. FINANCIAL MATTERS:

The draft Subdivision Agreement outlines responsibilities and obligations of the parties, including financial obligations of the Developer to design, construct and install services, etc. at its own expense, to provide securities, and all pay fees and charges related to the development.

The costs associated with the applications and planning processes are the responsibility of the developer. Once developed, residential taxes will be levied by the Town for each residential dwelling unit built in the subdivision.

6. CONSULTATIONS:

Todd Hewitt, Manager of Engineering and Operations

7. CONCLUSION:

Administration is recommending approval of the Subdivision Agreement with 1583954 Ontario Limited and 2865522 Ontario Limited for Riverview Subdivision. The proposed Subdivision Agreement complies with the Town's planning documents, incorporates the conditions of draft plan approval and addresses site servicing details and other issues in accordance with the requirements of the Planning Act.



Christopher Aspila
Manager, Planning Services

JM

DEPARTMENTS/OTHERS CONSULTED:

Name: County of Essex
Phone #: 519 776-6441

Name: Essex Region Conservation Authority
Phone #: 519 776-5209

Name: Town of Amherstburg Engineering and Public Works Department
Phone #: 519 736-3664 ext. 2313

Name: Town of Amherstburg Building Services
Phone #: 519 736-5408 ext. 2136

Name: Town of Amherstburg Fire Department
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Name: Union Gas
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Name: Ontario Power Generation
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Name: Essex Region Conservation Authority
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Name: Windsor Essex Catholic District School Board
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Name: Greater Essex County District School Board
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Report Approval Details

Document Title:	Riverview Subdivision- Subdivision Agreement File No. 37-T-22003.docx
Attachments:	- 2022 08 08- Riverview Subdivision Agreement ATTACHMENTS.pdf
Final Approval Date:	Aug 3, 2022

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



Melissa Osborne



Tracy Prince



Valerie Critchley – CAO/Clerk