

Meeting Date: November 20, 2023
Department: Building, By-law, and Planning
Report No.: BBP-2023-135
Submitted by: Tim Williams, Manager of Planning
Approved by: Jennifer Huff, Director of Building, By-law and Planning
Trisha McKibbin, Chief Administrative Officer
SUBJECT: **Application for Part Lot Control Exemption – Parts 1 to 10 33R-21124, Strathroy, Submitted by Strathroy-Caradoc, on Behalf in Part by 2518153 ONTARIO INC.**

RECOMMENDATION: THAT: Report BBP-2023-135 regarding PLC 2-2023 be received by Council for information, and further;

THAT: Council pass the By-law No. 93-23 regarding Part Lot Control Exemption with respect to the subject lands Parts 5 to 10 33R-21124, Strathroy, as generally illustrated in Attachment 2, and to expire two (2) years following passing by Council, and further;

THAT: the By-law be forwarded to the County of Middlesex for approval.

SUMMARY HIGHLIGHTS

- **This is recommendation report and it provides background and analysis in support of the part lot control exemption.**
- **The application proposes to separate the existing two lots into six semi-detached dwelling.**
- **Planning Staff are supportive of passing the by-law and forwarding the By-law to the County of Middlesex for approval.**

PURPOSE

The purpose of this report is to provide Council with a recommendation regarding a request for Part Lot Control Exemption on the subject lands to facilitate the additional lot conveyances for Lots within the existing subdivision.

A location map showing the subject lands and surround area is included as Attachment 1.

As illustrated in the Part Lot Control Exemption Plan (Attachment 2– Draft R-Plan), the subject lands will be further separated in 6 parts. In review of the location map with the addresses, we can see delineation of these dwelling locations along with the r-plan. The application will separate the properties so that each part of the semi-detached dwelling can be convey/sold separately.

The lots were contemplated during the rezoning stage (ZBA 16-2021) which is final and binding.

BACKGROUND

Section 50(5) of the Planning Act provides that part of a lot or block within a registered subdivision cannot be transferred or entered into an agreement of sale unless given approval by the Municipality. This planning tool is known as 'part lot control'. Where it is deemed appropriate, a Municipality may authorize exemption from part lot control by passing a by-law under Section 50(7) of the Planning Act.

Providing part lot control exemption avoids further subdivision or consent applications to create building lots or easements in order to develop the land. Part lot control exemption also requires final approval by Middlesex County as the approval authority. This is largely administrative, does not require a public meeting.

Exemption from part lot control is commonly used for lots or blocks within a registered plan of subdivision where attached dwellings (e.g. semi-detached, townhouse) are proposed, however, the unit type or boundary limit of each lot is not identified. In this situation, part lot control applies to the blocks to prevent the premature conveyance of land. The requested part lot control exemption would remove the subject land (Lots 22 and 23 from the original subdivision) from part lot control for a period of two (2) years.

POLICY AND REGULATION

The subject lands are within the Strathroy Settlement Area. The Provincial Policy Statement (PPS), the County Official Plan, and the Strathroy-Caradoc Official Plan all encourage intensification in settlement areas on full municipal services provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure. The subject lands are within the site specific 'Medium Density Residential (R2-19) zone' pursuant to the Strathroy-Caradoc zoning by-law.

Provincial Policy Statement, 2020:

The Planning Act states that all decisions made by planning authorities "shall be consistent with the policy statements issued" under subsection 3. The Provincial Policy Statement, 2020 (PPS) document is comprised of several policy statements and summary of those that are applicable to the proposed development are noted below.

The PPS identifies that healthy communities are sustained by accommodating an appropriate range and mix of uses, avoiding development patterns that cause environmental concerns, and promoting cost-effective development patterns that optimize the use of planned and future infrastructure.

Middlesex County Official Plan

The County of Middlesex Official Plan (County Plan) identifies the subject land as within the Strathroy 'Settlement Area'. Similar to the PPS, the County Plan recognizes the orderly development of land, and that Settlement Areas will be the focus for future growth including commercial, industrial, and residential uses.

Strathroy-Caradoc Official Plan:

The Strathroy-Caradoc Official Plan (Official Plan) shows the land located within the Strathroy Settlement Area. The Official Plan provides direction for the subdivision of land within settlement areas to ensure the orderly development of land within residential areas. The Municipality shall encourage a wide variety of housing types, sizes, and tenures to meet the demographic and market requirements for current and future residents and optimize the existing infrastructure. Section 7.4.2.2 speaks directly to part lot control exemption and that Council may pass a part lot control exemption by-law where it is satisfied that any conditions appropriate to the creation and development of such lots are capable of being addressed.

Strathroy-Caradoc Zoning By-law:

The subject lands are within the site specific 'Medium Residential Density (R2-19) zone' which permits the proposed semi-detached dwellings.

CONSULTATION

The development implemented by the proposed By-law was subject to previous public consultation and engagement through the zone change process. The Planning Act does not require municipality to hold a public meeting for Part Lot Control Exemption, and it is not anticipated that staff will receive new comments related to the proposed development or exemption request.

ANALYSIS

The proposed part lot control exemption by-law is intended to implement the approved residential use of the lands.

The lands are located within the Residential designation in the Official Plan and within the site-specific Medium Density Residential (R2-19) Zone. It is noted that the original size and configuration of the subject lots anticipated the future division of such lots by way of reference plan and 'part lot control'. Accordingly, the proposed lots conform to the Official Plan and comply with the site-specific provisions of the 'R2' zone.

Given the above and nature of the application, planning staff can support proposed part-lot control exemption by-law subject to an expiry date of two (2) years from the date of registration. The timeframe appears sufficient to finalize the lot creation and have the new lots registered and consolidated with the registry office given the first dwellings have been started.

If the proposed by-law is passed by Strathroy-Caradoc Council, this By-law will be forwarded to Middlesex County for final approval. As the approval authority for plans of subdivision and condominium, the County is also responsible for approval of part-lot control exemption applications and associated By-law.

STRATEGIC PLAN ALIGNMENT: This matter is in accord with the following strategic priorities:

- 1) *Economic Development:* Strathroy-Caradoc will have a diverse tax base and be a place that offers a variety of economic opportunities to current and prospective residents and businesses.
- 2) *Growth Management:* Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.
- 3) *Destination Building:* Strathroy-Caradoc will provide distinct experiences that celebrate its past and future by prioritizing innovative new ideas that set the community apart.

SUMMARY

As the subject application meets the requirements for part lot control exemption and constitutes good planning, it is respectfully recommended that the requested Bylaw be approved and subsequently forwarded to the County of Middlesex for approval.

FINANCIAL IMPLICATIONS

None

ATTACHMENTS

Location Map

R- Plan 33R-21124

Location Map



Location Map - Full Extent
 PLC 2-2021: Municipality of Strathroy-Caradoc
 Haddon Lane, Strathroy-Caradoc



Legend

- Lands to be rezoned from Open Space 'OS' to Medium Density Residential 'R2-#'
- Zone Boundary
- Parcels
- Conservation Authority Regulated Area

R- Plan

