

Meeting Date: November 18, 2024
Department: Building, By-law and Planning
Report No.: BBP-2024-129
Submitted by: Tim Williams, Manager of Planning
Reviewed by: Jake DeRidder, Senior Development Coordinator
Approved by: Trisha McKibbin, Chief Administrative Officer

SUBJECT: **Application for Part Lot Control Exemption – Lot 20 Plan 33M-822, Mt. Brydges, Submitted by Jody Pszczola, Dillon Consulting Limited on behalf of Banman Developments Inc.**

RECOMMENDATION: **THAT: the subject report for PLC 3-2024 be received for information, and further;**
THAT: Council pass Part Lot Control Exemption By-law No. 116-24 with respect to the subject lands Lot 20 Plan 33M-822, 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 a recommendation report, and it provides background and analysis in support of the part lot control exemption.
- The application proposes to separate one lot (Lot 20) into two for 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 a Lot within the existing subdivision.

A location map highlighting the subject lands is included as Attachment 1.

As illustrated in the Part Lot Control Exemption Plans (Attachment 2– Draft R-Plan), the subject lands, Lot 20, will be further separated. The Lot 20 will be separated into 2 parts for a semi-detached dwelling to be on two lots. Along with the parts for the lots, the plan includes parts for associated easements for access and maintenance.

The lots were contemplated during the rezoning and subdivision stage (39T SC-2001) which is now registered (33M-822). As such, things like zoning and addressing are already in place for this split.

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, and further, the semi-detached have already been reviewed as part of the subdivision process.

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. This will be the second application that the owner has made for this subdivision. The first was in September 2023 for the townhouse block and one pair of semi-detached dwellings, which was approved by Council. In this situation, part lot control applies to the lots to prevent the premature conveyance of land. The requested part lot control exemption would remove Lot 20 on Registered Plan 33M-822 from part lot control for a period of two (2) years.

The lands are subject to Plan of Subdivision application 39T-SC2001 which was draft approved in June 2021, and final plan approval July 29, 2022.

POLICY AND REGULATION

The subject lands are within the Mt. Brydges Settlement Area. The Provincial Planning 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. Lot 20 is within the site specific ‘Medium Density Residential (R2-17) zone’.

Provincial Planning Statement, 2024:

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, 2024 (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.

Final note: the PPS has been updated to the 2024 PPS, however, this document is not in force and effect until October. With this being said, the proposal does not offend any of the new policies.

Middlesex County Official Plan

The County of Middlesex Official Plan (County Plan) identifies the subject land as within the Mt. Brydges '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 Mt. Brydges 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:

Lot 20 is within the site specific 'Medium Residential Density (R2-17) zone' which permits the proposed semi-detached dwelling. The lot area and frontage of Lot 20 comply with the requirements of this zone.

CONSULTATION

The development implemented by the proposed By-law was subject to previous public consultation and engagement through the plan of subdivision review process. The Part Lot Control Exemption request is not required by the Planning Act to hold a public meeting.

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 (R2-17) Zone. It is noted that the original size and configuration of the subject lots anticipated the future subdivision of such lots by way of a severance or through 'part lot control'. Accordingly, the proposed lots conform to the Official Plan and comply with the site-specific provisions of the 'R2-17' zone.

As shown on the attached location map, Lot 20, is subject to this part lot control exemption by-law. It is noted that Lots 15-19 will be brought forward for part lot control exemption at a future date.

Given the above and nature of the application, planning staff can support proposed part-lot control 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 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.

SUMMARY

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

FINANCIAL IMPLICATIONS

None

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

Local Infrastructure and Capital Investment: Households and businesses in Strathroy-Caradoc will be supported by reliable, financially responsible, and well-maintained infrastructure networks.

ATTACHMENTS

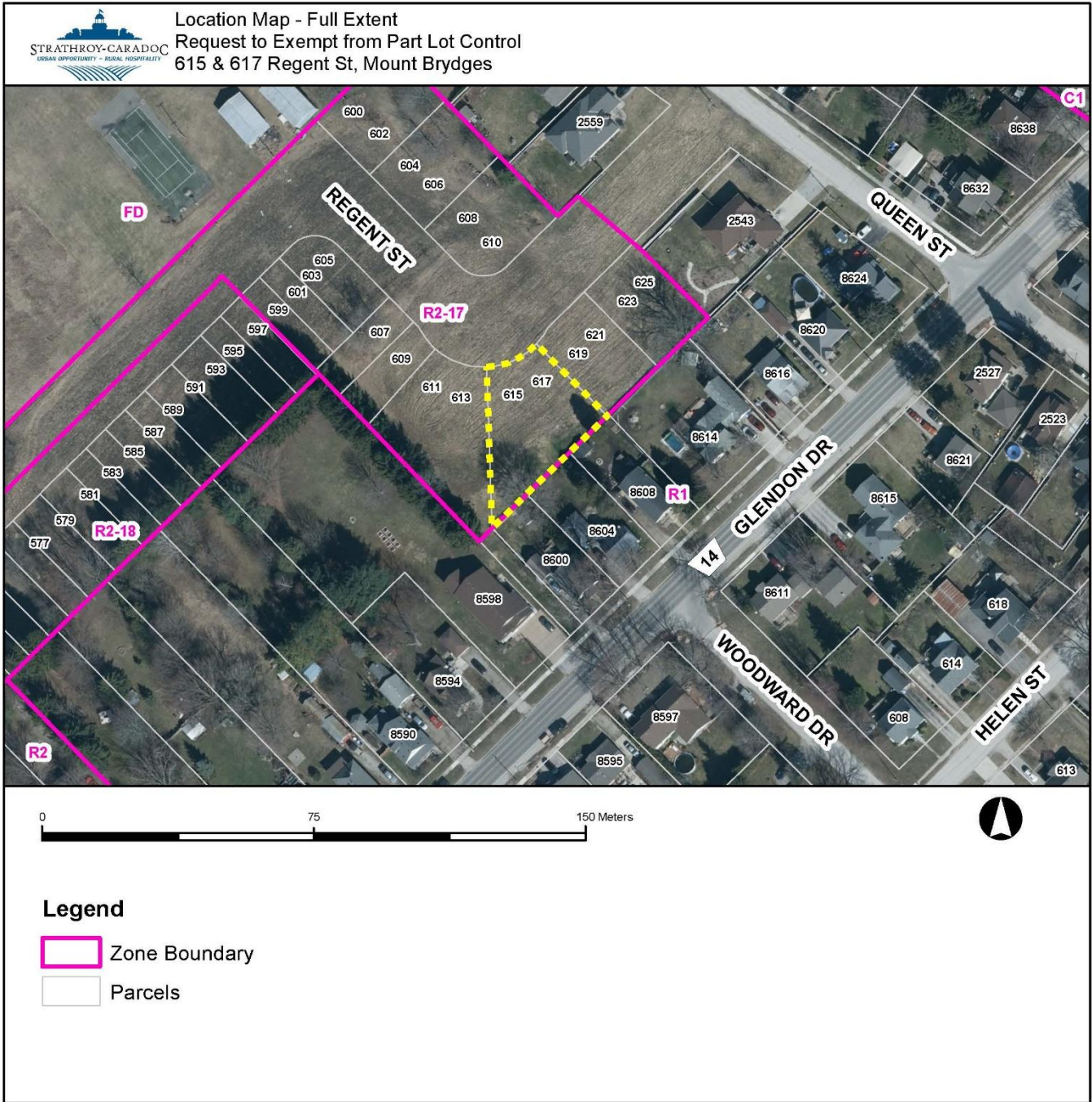
Location Map

R- Plan (Lot 20 – Semi-Detached)

Survey Plan (Easements)

(On the agenda - Application form)

Attachment #1 Location Map



Easement R-Plan

