



Report to Council

Department: Development Services
Division: Planning
Date: October 6, 2025
Prepared by: Ian Rawlings, Junior Planner
Report Number: Planning-2025-19
Subject: Part Lot Control Exemption (PLCE) for Certain Lands within the Masaccio Drive Subdivision
Number of Pages: 4 including attachments

Recommendation(s)

That Planning Report-2025-19 entitled Part Lot Control Exemption (PLCE) for Certain Lands within the Masaccio Drive Subdivision prepared by Ian Rawlings, Junior Planner dated September 15th, 2025, be received, and

That By-law Number 2475, Being a By-law to provide Part Lot Control Exemption (PLCE) for certain lands within Registered Plan 12M-478, be read a first, a second and a third time and finally passed on October 6th, 2025.

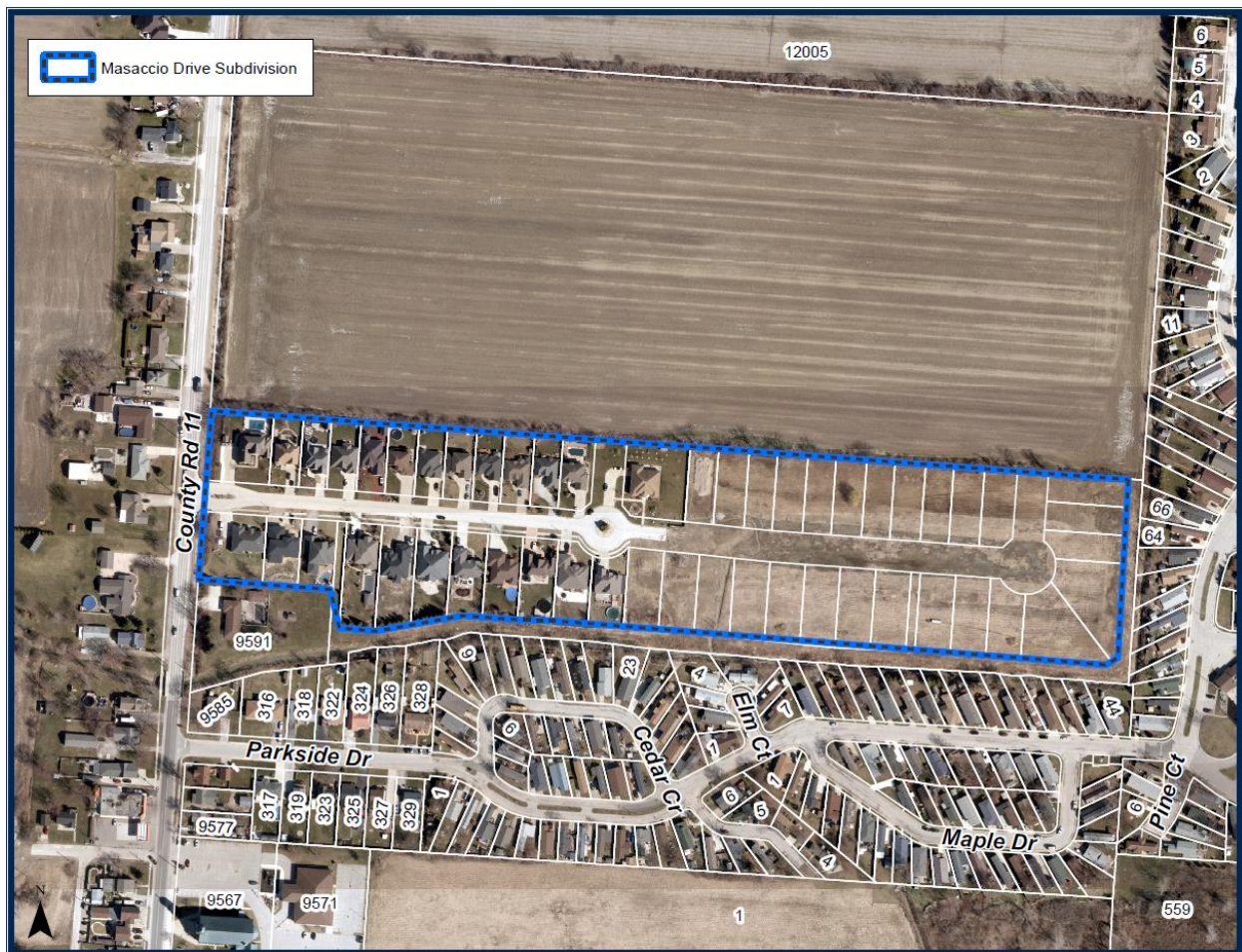
Purpose

Council approval by By-law is required to provide relief from Part Lot Control restrictions under subsection 50 (5) of the Planning Act for lands within a Registered Plan of Subdivision.

Background and Discussion

The Masaccio Drive Residential Subdivision was granted approval by way of Development agreement dated May 22nd, 2002, establishing lots 1 through 52 on registered plan of

subdivision 12M-478. Residential construction within the phase one (1) lands, being lots 1-12 and 42-52, have been complete. The applicant is now seeking to construct on phase two (2) lands of the Masaccio Drive Residential Subdivision, being lots 13 to 41. Development of the phase two (2) lands requires an amendment to the original Development Agreement dated May 22nd, 2002, for the purpose of addressing storm water management practices. The subject lands are considered an extension of Masaccio Drive, located east of County Road 11, and are outlined in the map below:



Subsection 50 (5) of the Planning Act restricts an individual from conveying any part of land other than a whole lot or block on a registered plan of subdivision. A municipal council, by By-

law, may provide relief from subsection 50 (5) of the Planning Act for lands within a registered plan of subdivision to facilitate the sale/transfer of a lot (and the respective building).

An exemption from subsection 50 (5) of the Planning Act is the appropriate tool under the Planning Act used for the creation of new, individual lots for single-unit dwellings, semi-detached dwelling units, minor boundary adjustments, and the establishment of easement lands for access and utility corridors.

An exemption from subsection 50 (5) of the Planning Act is required for the Masaccio Drive residential subdivision to facilitate the conveyance of the storm water management pond to the Town of Essex. The exemption is being requested for lots 34 to 41, inclusive, on Registered Plan 12M-478 to facilitate the conveyance of the storm water management pond to the municipality.

The applicant has acquired a plan of survey of lots 34 to 41, inclusive, on Registered Plan 12M-478 detailing individual part numbers to be conveyed for storm water management purposes. Parts 2, 4, 6, 10, 12, 14 and 16 on the registered reference plan, 12R-30126 will be conveyed for storm water management purposes. A copy of 12R-30126 is **attached to this report**.

To grant an exemption from subsection 50 (5) of the Planning Act, the Town of Essex and the Manager of Planning Services for the County of Essex (approval authority) must be satisfied that the proposed lots are serviced appropriately, and the proposed lot configuration was approved at a previous public meeting with respect to a previous Planning Act application.

By-law 2475 will apply to lots 34 to 41, inclusive, on Registered Plan 12M-478. The By-law will expire on October 6th, 2028, but can be extended without County approval at any time before the expiration date following approval by Council. Following Council's approval, By-law 2475 will require approval from the Manager of Planning Services with the County of Essex. Following approval by the Town of Essex Council, all supporting material will be forwarded to the Manager of Planning Services at the County of Essex for final approval.

Financial Impact

There is no financial impact because of the adoption of By-law Number 2475. Administrative costs have been recouped through the application fee. The cost of registering the By-law will be borne by the proponent.

Consultations

Joseph A. Malandruccolo, Director, Legal and Legislative Services/Clerk

Kevin Girard, Director, Infrastructure Services

David McBeth, Manager, Capitol Works & Asset Management

Rita Jabbour, Manager, Planning Services

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Part Lot Control Exemption (PLCE) for Lands within the Masaccio Drive Subdivision - Planning-2025-19.docx
Attachments:	- PLCE-02-25 - By-law 2475.pdf - 12M478.pdf - 12R30126.pdf
Final Approval Date:	Sep 25, 2025

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

Rita Jabbour, Manager, Planning Services - Sep 25, 2025 - 9:31 AM



Lori Chadwick, Director, Development Services - Sep 25, 2025 - 9:33 AM



Kate Giurissevich, Chief Administrative Officer - Sep 25, 2025 - 11:37 AM