



## Report to Council

Department: Development Services

Division: Planning

Date: April 19, 2022

Prepared by: Rita Jabbour, RPP, Manager, Planning Services

Report Number: Planning-2022-10

Subject: Part Lot Control Exemption Request for Phase 1 of the Parkland Woods Residential Subdivision (Ward 3)

Number of Pages: 6 including attachments

### Recommendation(s)

**That** Planning report Planning-2022-10 entitled Part Lot Control Exemption Request for Phase 1 of the Parkland Woods Residential Subdivision (Ward 3) prepared by Rita Jabbour, RPP, Manager, Planning Services dated April 19, 2022 be received, and

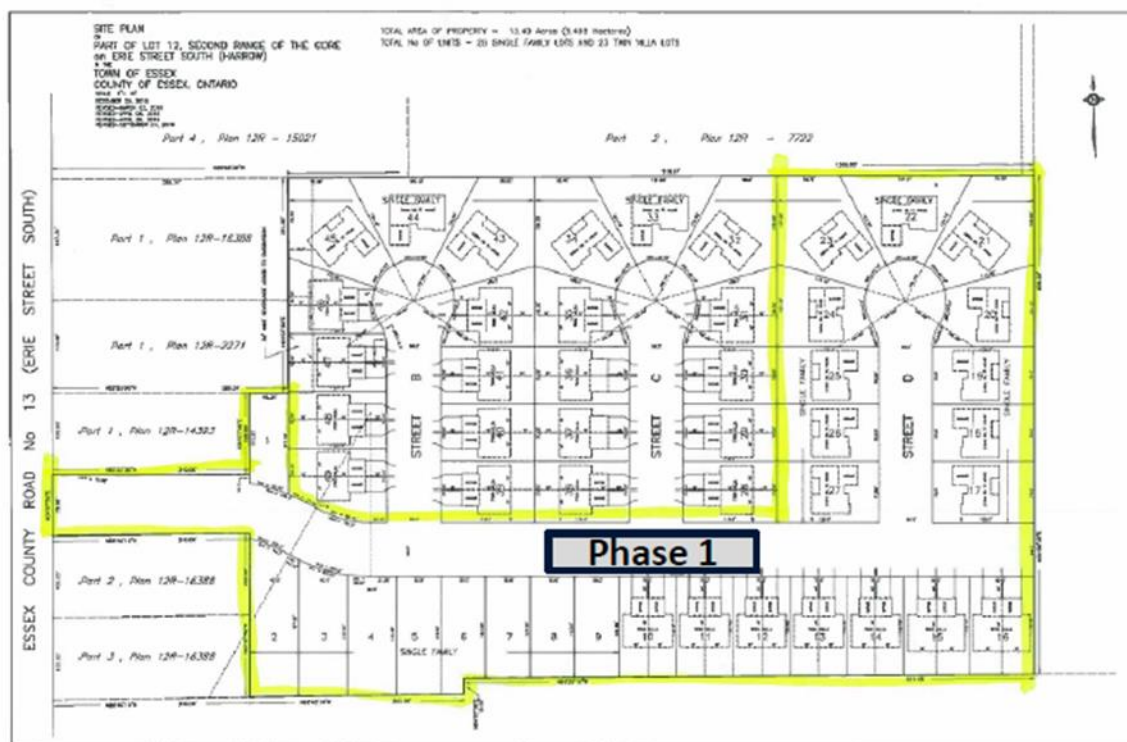
**That** Council approve Bylaw 2145, Being a By-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 12M-684, until April 19, 2025.

### Purpose

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

## Background and Discussion

The Parkland Woods residential subdivision is located East of County Road 13, just South of 1 Pollard Drive (Harrowood). The first phase of the development will be comprised of twenty (20) single detached dwellings and seven (7) *semi-detached dwelling* lots, as illustrated below:



A *semi-detached dwelling* is defined as one (1) dwelling divided vertically into two (2) dwelling units by a common interior wall, under Town of Essex Zoning Bylaw, Bylaw 1037. Each of the semi-detached dwelling units may be separately sold.

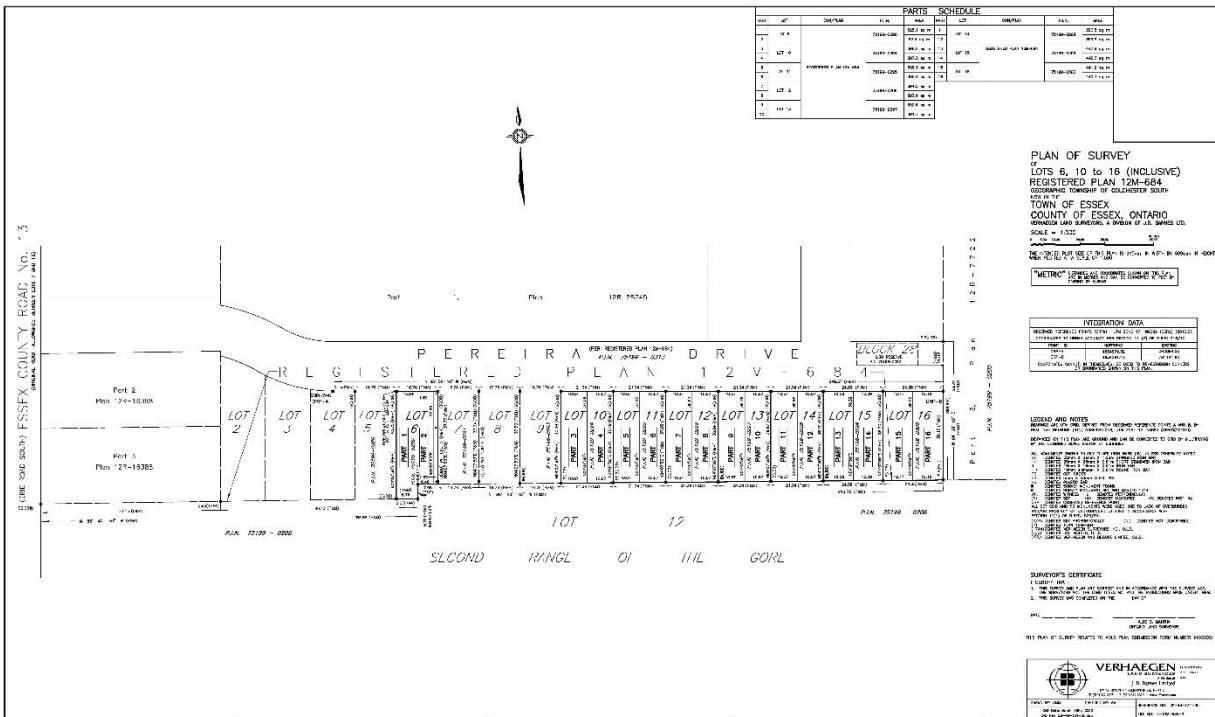
### Part-Lot Control Exemption

Subsection 50 (5) of the Planning Act restricts a person from selling/transferring any part of land other than the whole of any lot or block on a registered Plan of Subdivision. A municipal Council may, by-bylaw, 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 considered appropriate for the creation of new individual dwelling lots for singles, semis or townhome dwelling units and for minor realignments of lots on a Registered Plan of Subdivision. For the Parkland Woods subdivision, an exemption from subsection 50 (5) is required for Lots 10 to 16 on Registered Plan 12M-684 to facilitate the sale of the individual semi-detached dwelling units. A conveyance of part of Lot 6 to extend the width of Lot 7 is also proposed.

The proposal is identified below:



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 (the approval authority) must be satisfied that the proposed lots can and will be serviced, and that the proposed lot

configuration was identified at a public meeting because of a previous Planning Act application.

Individual municipal services (water, sanitary and storm) for the semi-detached dwelling units have been installed and a roadway has been constructed for future conveyance to the Town of Essex. The composition of dwelling units was discussed at a public meeting to consider the draft Plan of Subdivision on November 23, 2020. **The public presentation from that meeting has been attached as a reference.**

#### Bylaw 2145

Bylaw 2145 will apply to Lot 6 and Lots 10 to 16 on 12M-684. The By-law is temporary and will expire on April 19, 2025 but can be extended without County approval at any time before the expiration date. Following approval by Town of Essex Council, Bylaw 2145 and all supporting documentation will be forwarded to the Manager of Planning Services at the County of Essex for final approval.

## **Financial Impact**

All costs associated with the processing of this request for Part Lot Control Exemption is recouped 100% from the application fee (\$1357.20).

Development Charges are applicable at the time of Building Permit issuance. Building permits for five (5) semi-detached dwellings (10 semi-detached dwelling units) in Phase 1 of the Parkland Woods subdivision were issued in 2021. In 2021, Development charges were waived 100% for residential dwellings within the Harrow Primary Settlement Area as per the Development Charges Bylaw, Bylaw 1850. As such, no Development charges were payable for the developer for the construction of the five (5) semi-detached dwellings. The Town is required to fund any waived development charge amount through taxation, user rates or any other form of revenue. The total amount of development charges waived in 2021 and subsequently funded for the five (5) semi-detached dwellings was **\$111, 800.**

Development Charges applicable to the construction of the two (2) remaining semi-detached dwellings (4 semi-detached dwelling units) within the subdivision are waived for the developer by 75 (%) until December 31, 2022 as per the Development Charges Bylaw, Bylaw 1850.

Should building permits for the two (2) remaining semi-detached dwellings be issued before December 31, 2022, the total amount of development charges to be waived in 2022 and subsequently funded for these dwellings, is **\$37,428**. There is currently sufficient budget remaining in the 2022 Approved Operating Budget, under the cost center for Council, for this waiver.

## **Consultations**

Katelynn Giurissevich, Director, Corporate Services/Treasurer

Kevin Girard, Director, Infrastructure Services

Rebecca Belanger, Manager, Planning Services, County of Essex

## Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Part Lot Control Exemption Request for Phase 1 of Parkland Woods (Ward 3) - Planning-2022-10.docx
Attachments:	<ul style="list-style-type: none"><li>- By-law 2145.docx</li><li>- Draft 12R PLCE (003).pdf</li></ul>
Final Approval Date:	Apr 13, 2022

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



**Lori Chadwick, Director, Development Services - Apr 13, 2022 - 9:43 AM**



**Doug Sweet, Chief Administrative Officer - Apr 13, 2022 - 9:45 AM**