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File No: P-8205
Planner: Nancy Pasato

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION FOR EXEMPTION OF PART LOT CONTROL SIFTON PROPERTIES LIMITED BALLYMOTE WOODS SUBDIVISION 1400 & 1440 NORTH WENIGE DRIVE (PORTION OF BLOCKS 112 AND 113 IN PLAN 33M-631) MEETING ON DECEMBER 15, 2014

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Sifton Properties Limited to exempt the following lands from Part Lot Control:

- (a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **TO BE INTRODUCED** at a future Council meeting, to exempt a portion of Blocks 112 and 113 in Registered Plan 33M-631 from the Part Lot Control provisions of subsection 50(5) of the said *Act*, for a period not to exceed three (3) years; it being pointed out that these lands are subject to a registered subdivision agreement and a portion of Blocks 112 and 113 are zoned Residential R4 Special Provision (R4-6(7)) in Zoning By-law No. Z.-1 which permits street townhouse dwellings with a minimum lot frontage of 7.5m and minimum lot area of 145m², **IT BEING NOTED** the applicant shall submit to the City confirmation that the approved reference plan for final lot development has been deposited in the Land Registry Office;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control Bylaw for a portion of Block 112 and 113 in Plan 33M-631 as noted in clause (b) above:
 - i. The applicant submit a draft reference plan to the Building Division for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office;
 - ii. Prior to the reference plan being deposited in the Land Registry Office, the Applicant submit to Development Services for review a draft reference plan showing the proposed part lots are consistent with the subdivision servicing, site servicing, site plan, development agreement, subdivision agreement and conditions to the approval of this application;
 - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

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- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the Land Registry Office;
 - v. The applicant shall obtain confirmation from Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the Land Registry Office;
 - vi. The applicant shall submit to Development Services confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
 - vii. The subdivider be required to revise subdivision servicing drawings and enter into any amending subdivision agreement with the City, if necessary.
- (c) the Municipal Council **BE REQUESTED** to approve this by-law; and,
- (d) the Applicant **BE ADVISED** that the cost of registration of this by-law is to be borne by the applicant in accordance with City policy.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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39T-06503, Z-7185 and/or H-7987

March 19, 2007 - Report to Planning Committee that Sifton Properties Limited had appealed draft plan of subdivision application 39T-06503 and Zoning By-law Amendment application Z-7185 because of the City's had not made a decision within the prescribed time.

April 7, 2008 - Report to Planning Committee on decision of the Ontario Municipal Board.

February 14, 2011 - report to Built and Natural Environment Committee on six month draft plan extension.

June 13, 2011 - Report to the Built and Natural Environment Committee regarding subdivision agreement Special Provisions.

June 20, 2011 - Report to the Built and Natural Environment Committee regarding subdivision agreement Special Provisions.

September 19, 2011 - Report to the Built and Natural Environment Committee regarding status of subdivision and issues with MMAH.

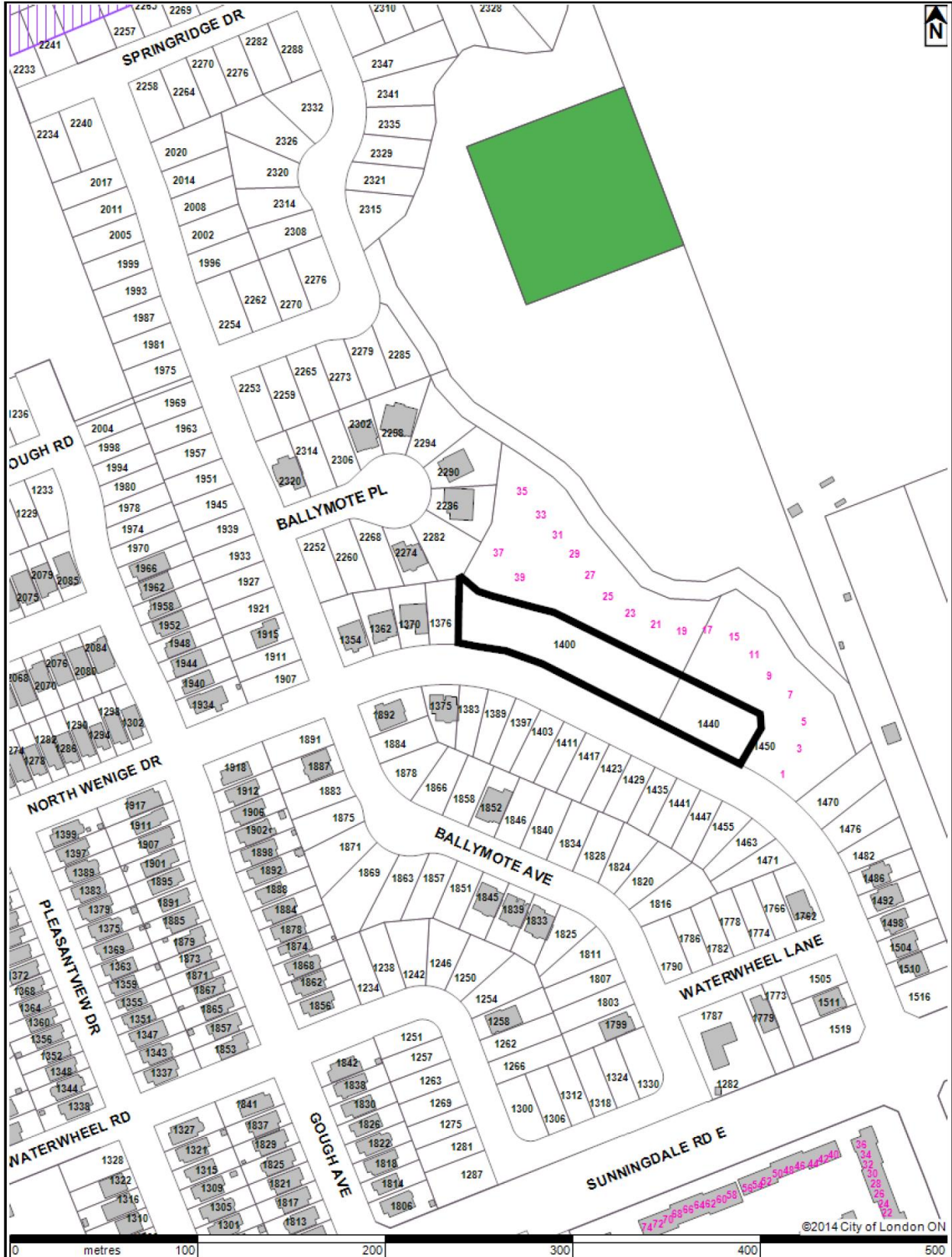
January 16, 2012 – Report to the Planning and Environment Committee regarding the removal of a Holding Provision for 33M-631.

February 27, 2012 - Report to the Planning and Environment Committee regarding lifting of Part Lot Control for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632.

July 22, 2014 - Report to the Planning and Environment Committee regarding lifting of Part Lot Control for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632.

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LOCATION MAP
 Subject Site: portion of 1400 & 1440 North Wenige Drive
 Applicant: Sifton Properties Limited
 File Number: P-8432
 Planner: Nancy Pasato
 Created By: Nancy Pasato
 Date: 2014-10-27
 Scale: 1:2500

- LEGEND**
-  Subject Site
 -  Parks
 -  Assessment Parcels
 -  Buildings
 -  Address Numbers



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BACKGROUND

Understanding Part Lot Control

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a consent (commonly described as a “severance”) or, for lots within a plan of subdivision, through a by-law exemption. Section 50(28) of the Planning Act, R.S.O. 1990, c.P13, provides that part of a lot on a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the Planning Act allow a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot. Exemption from part-lot control is appropriate when a number of land transactions are involved, but the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used for relotting single detached dwellings on a plan of subdivision (to either make the lots smaller or bigger), and to create lots for semi-detached and street townhouse developments, as the individual lots for semi-detached or townhouse lots are not normally created through a registered plan of subdivision. Often times, the developer will wait to create the lots for semi-detached or street townhomes, in order to ensure that the eventual lot line matches the foundation for the building. This approach is used because of the difficulty the builder would have in ensuring that the common centre wall between two or more dwelling units was constructed exactly on the property line. Part Lot Control may be suspended to allow a property owner to legally divide lots, within their registered plan of subdivision. In such instance, provided the proposed lot division does not require new roads or municipal services, an application can be submitted to the City requesting that it pass a By-law to temporarily "lift" Part Lot Control, in order to allow enough time for the applicant to satisfy the necessary of part lot control.

Ballymote Subdivision and Part Lot Control

On August 25, 2011, the City of London Approval Authority granted final approval to Phase 1 and Phase 2 of the Ballymote Subdivision (39T-06503). The plans were registered on August 29, 2011 as Registered Plan 33M-631 and Plan 33M-632, respectively.

On September 20, 2011, Sifton Properties Limited submitted an application for an exemption to Part Lot Control for Lots 88-94 in Plan 33M-631 and Lots 1-12 Plan 33M-632. This request would allow for a reduction in lot frontages in order to meet current builder market and demand and would result in an increased number of lots from 19 to 22. The conditions for lifting part lot control were satisfied and the by-law passed by Council on July 23, 2012.

The current application for part lot control was received October 21, 2014 for the purposes of creating lots for street townhomes. There is a concurrent site plan application under review for these proposed street townhomes.

DEPARTMENT/AGENCY COMMENTS

Engineering Related Comments

“From an engineering perspective, Environmental and Engineering Services Department have no objection to exempt the lands in Plan 33M-631 as described above from Part Lot Control under the Planning Act, it being noted:

- Part 11 shown on the draft plan 33R- attached to the liaison sheet dated October 27, 2014 may need to be divided into two different parts to accurately reflect the legal boundary of Block 112 and Block 113.

It is recommended that holding provisions be implemented and maintained over the entire



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subject lands until all of the above-noted conditions have been satisfied by the Applicant.

- Any changes to servicing may require amendments to the MOE ECA issued for Plan 33M-631 and/or for the condominium at 1450 North Wenige Drive.
- Consideration is to be given, with the revised servicing drawings and amended subdivision agreements, to the servicing and development of the lot to be created by Part 11 on the proposed reference plan, which is partially within Block 112 and 113.
- All proposed lots created by Part 1 to 15 (both inclusive) are to have services in standard location and existing services removed, to the specifications of the City Engineer, at no cost to the City.”

ANALYSIS

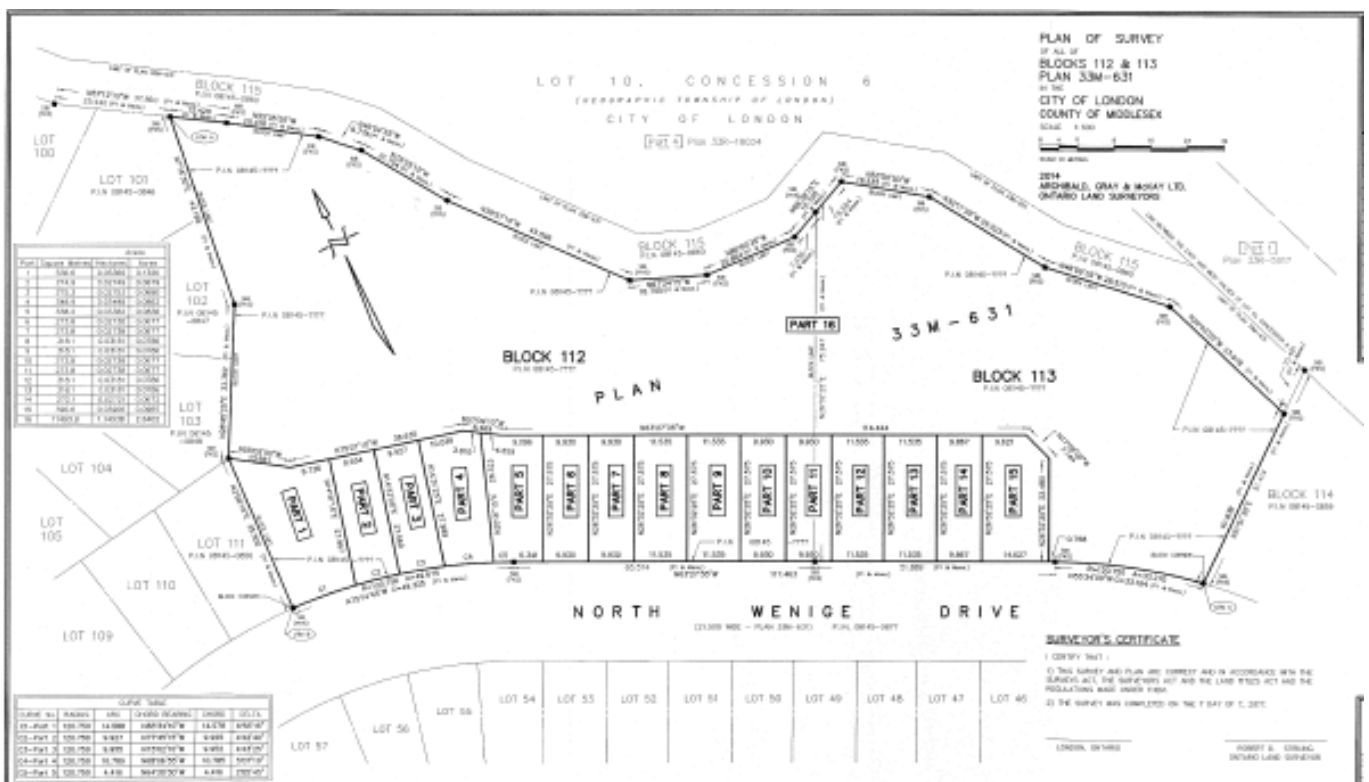
Council has adopted a policy to guide staff when considering requests for exemption to Part Lot Control (19(24), adopted in December 1983) and it contains the following:

- i. *appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The subject lands are zoned Residential R4 Special Provision (R4-6(7)) which permits which permits street townhouse dwellings with a minimum lot frontage of 7.5m and minimum lot area of 145m². The proposed lots will meet the minimum requirements of the Zone. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

- ii. *exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

The applicant has requested exemption from Part Lot Control as an alternative to submitting an application for consent covering 15 lots. The Applicant did not originally contemplate street townhouse dwellings within Block 112 and 113, however, since the time of final registration, the Applicant has obtained a zoning by-law amendment in anticipation of the eventual development of street towns.



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- iii. *the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;*

As noted above, although the original subdivision did not contemplate street townhouse dwellings, the original subdivision plan did contemplate possible cluster housing on Blocks 112 and 113, which included zoning for cluster townhouse. A zoning by-law amendment was granted in 2013 for these lands to allow for the development of street towns. The balance of Blocks 112 and 113 will be developed for cluster single detached dwellings. Lot frontages in the Ballymote subdivision range from 12-15m. The majority of the proposed street townhomes show lot frontages of 9 m or greater. This request is not out of character for the area and will ensure a diversity of housing types.

- iv. *the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;*

This condition does not apply.

- v. *references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*

The subject lands are designated Low Density Residential in the Official Plan which permit street townhouse dwellings single detached dwellings as primary permitted uses. The proposed reconfiguration produces parcels that are generally in accordance with adjacent development. The proposed lots will not result in any traffic problems and have access to municipal services and utilities. Overall, the request for exemption is appropriate and is recommended by staff.

- vi. *the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.* The applicant is responsible for all costs associated with the Exemption to Part Lot Control.

A By-law is recommended to address the creation of 15 individual street townhouse lots on a portion of Blocks 112 and 113 in Plan 33M-631. It is recommended that the following conditions be applied and that the By-law for a portion of Block 112 and 113 be passed at a future meeting of Council only when the following conditions have been complied with:

Municipal Conditions to be included for Exemption from Part Lot Control

- a) The applicant submit a draft reference plan to the Building Division for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, **prior to the reference plan being deposited in the Land Registry Office;**
- b) **Prior to the reference plan being deposited in the Land Registry Office,** the Applicant submit to Development Services for review a draft reference plan showing the proposed part lots are consistent with the subdivision servicing, site servicing, site plan, development agreement, subdivision agreement and conditions to the approval of this application;
- c) The applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's *Digital Submission / Drafting Standards* and be referenced to the City's NAD83 UTM Control Reference;
- d) The applicant submit each draft reference plan to London Hydro showing driveway

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locations and obtain approval for hydro servicing locations and above ground hydro equipment locations **prior to the reference plan being deposited in the Land Registry Office;**

- e) The applicant shall obtain confirmation from Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan **prior to the reference plan being deposited in the Land Registry Office;**
- f) The applicant shall submit to Development Services confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- g) The subdivider will be required to revise subdivision servicing drawings and enter into any amending subdivision agreement with the City, if necessary.

CONCLUSION

The applicant requested exemption from the Part Lot Control provisions of the *Planning Act* to facilitate the creation of 15 street townhomes. The proposed change has been reviewed against the City's Policy on Exemption from Part Lot Control, the Official Plan and the applicable zoning and has been determined to meet the policies and zoning. The request represents sound land use planning and is recommended.

RECOMMENDED BY:	REVIEWED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
JENNIE RAMSAY, P.ENG. MANAGER, DEVELOPMENT SERVICES AND ENGINEERING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

December 5, 2014

NP

"Attach."

\\C:\file1\users-x\pdda\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2014\P-8432 - 1400 and 1440 North Wenige Drive (NP)\PEC report.docx

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Bill No. *Number inserted by Clerk's Office*
2015

By-law No. C.P.- *Number inserted by Clerk's Office*

A by-law to exempt from Part Lot Control, lands located on the east side of North Wenige Drive, east of Ballymote Avenue, legally described as a portion of Blocks 112 and 113 in Registered Plan 33M-631, in the City of London and County of Middlesex.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Sifton Properties Limited, it is expedient to exempt lands located on the east side of North Wenige Drive, east of Ballymote Avenue, legally described as a portion of Blocks 112 and 113 in Registered Plan 33M-631, in the City of London and County of Middlesex, from Part Lot Control;

THEREFORE the Municipal Council of The Corporation of The City of London enacts as follows:

1. A portion of Blocks 112 and 113 in Registered Plan 33M-631, in the City of London and County of Middlesex, located on the east side of North Wenige Drive, east of Ballymote Avenue, are hereby exempted from Part Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being pointed out that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-6(7)) Zone of the City of London Zoning By-law No. Z-1, covering the subject area.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on *insert date of Council Meeting*.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - *insert date of Council Meeting*
Second Reading - *insert date of Council Meeting*
Third Reading - *insert date of Council Meeting*