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File No: P-8612
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 AUBURN DEVELOPMENTS INC. CEDARHOLLOW SUBDIVISION 805 KILLARNEY ROAD (PART BLOCK 141 IN PLAN 33M-580) MEETING ON JUNE 20, 2016

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Auburn Developments Inc. to exempt 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 **BE INTRODUCED** at a future Council meeting, to exempt Part Block 141 in Registered Plan 33M-580 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 is zoned Residential R2/R4 (R2-2/R4-3) in Zoning By-law No. Z.-1 which permits single detached dwellings with a minimum lot frontage of 9.0 m and minimum lot area of 360m²;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part Lot Control Bylaw for Part Block 141 in Plan 33M-580 as noted in clause (a) 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 formatted 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 an amending subdivision agreement with the City, if necessary.
- (c) the Approval Authority (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

December 6, 2004 - Kilally North Area Plan and Official Plan amendments, (OZ-6697)
 July 2004 - Draft Approval recommendation to Planning Committee, (39T-03518)
 July 17, 2006 – Phase 1 Special Provisions for the subdivision agreement, (39T-03518)
 June 2007 - Removal of Holding Provisions (h. and h-52), (H-7101)

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 registered plan of subdivision, through a by-law exemption from part-lot control. 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 exempted to allow a property owner to legally divide lots within their registered plan of subdivision.

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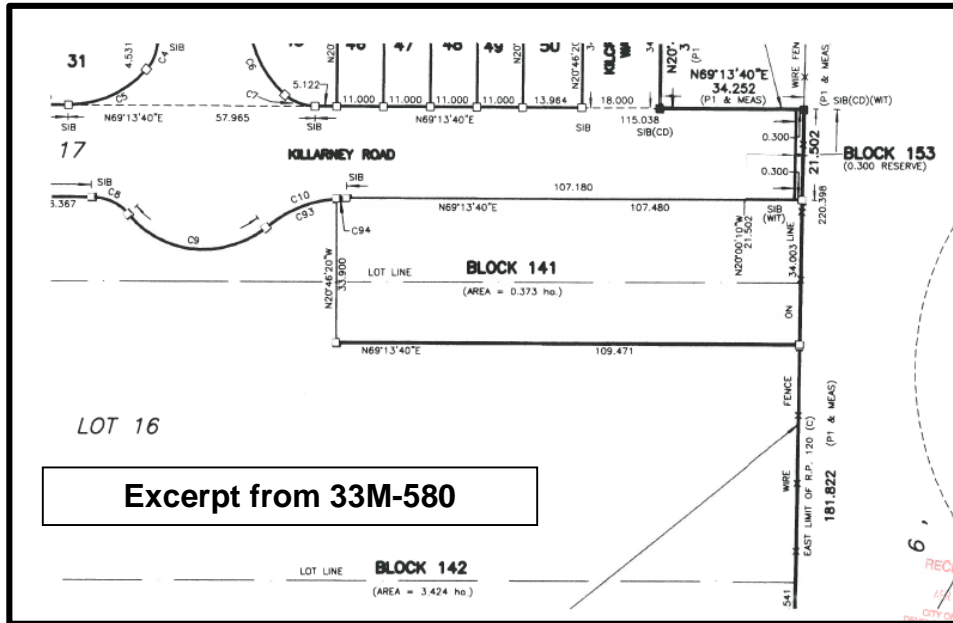
<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 805 Killarney Rd Applicant: Auburn Homes Inc. File Number: P-8612 Planner: Nancy Pasato Created By: Nancy Pasato Date: 2016-04-28 Scale: 1:2500</p>	<p style="text-align: center;">LEGEND</p> <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
<p>Corporation of the City of London Prepared By: Development and Compliance Services</p>	

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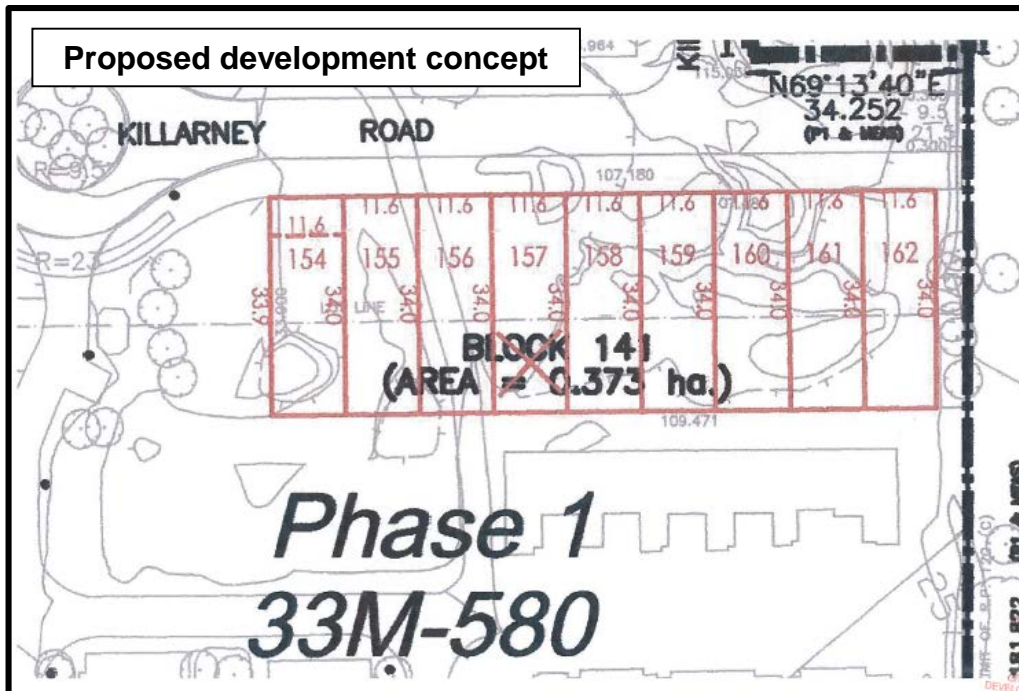
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Cedarhollow Subdivision and Part Lot Control

On August 22, 2007, the City of London Approval Authority granted final approval to Phase 1 of the Cedarhollow Subdivision (39T-03518) which included the subject parcel. The plan was registered August 30, 2007 (Plan 33M-580).



On April 28, 2016, Auburn Developments Inc. submitted an application for an exemption to Part Lot Control for Part Block 141 in Plan 33M-580. Approval of this request would allow for the block to be subdivided into 9 single detached lots with 11.6 m frontages each.



DEPARTMENT/AGENCY COMMENTS

Engineering Related Comments

The standard conditions to be applied for exemption from Part Lot Control are satisfactory and no further revisions/additions are required.

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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 R2 (R2-2) which permits single detached dwellings with a minimum lot frontage of 9.0m and minimum lot area of 360m². The proposed lots have frontages of 11.6m and therefore 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 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 9 lots. At the time of draft approval, the Applicant did not know whether they would construct street townhouse dwellings or single detached dwellings on this block, but the appropriate zoning for both was applied at the time of draft approval.

- 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, the appropriate zoning for single detached dwellings was applied at the time of draft approval. The addition of single detached dwellings with frontages of 11 metres is typical of single detached dwellings in the area, which range from 9 metre lot frontages to 14 metre lot frontages. This request is not out of character for the area and is a good fit with existing housing.

- 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 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 will have access to municipal services and utilities once Killarney Road is constructed. 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.

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A By-law is recommended to address the creation of 9 individual single detached dwelling lots on a Part Block 141 in Plan 33M-580. It is recommended that the following conditions be applied and that the By-law for Part Block 141 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 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.
- h) The Applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- i) The Applicant 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;**
- j) 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;**
- k) The Applicant submit to the City for review and approval **prior to the reference plan being deposited in the land registry office;** any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

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- l) The Applicant shall enter into any amending subdivision agreement with the City, if necessary; and
- m) The Applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots.

CONCLUSION

The applicant requested exemption from the Part Lot Control provisions of the *Planning Act* to facilitate the creation of 9 single detached dwelling lots. 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	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING SERVICES
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

June 13, 2016

NP

"Attach."

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Bill No. *Number inserted by Clerk's Office*
2016

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

A by-law to exempt from Part Lot Control, lands located on the south side of Killarney Road, east of Cedarhollow Boulevard, legally described as a Part Block 141 in Registered Plan 33M-580.

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 Auburn Developments Inc., it is expedient to exempt lands located on the south side of Killarney Road, east of Cedarhollow Boulevard, legally described as Part Block 141 in Registered Plan 33M-580, from Part Lot Control;

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

1. Part Block 141 in Registered Plan 33M-580, located on the south side of Killarney Road, east of Cedarhollow Boulevard, 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 single detached dwellings in conformity with the Residential R2 (R2-2) 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

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading -
Second Reading –
Third Reading -