

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** Scott Mathers, MPA, P.Eng.,  
Deputy City Manager, Planning and Economic Development  
**Subject:** Exemption from Part-Lot Control  
Application By: Kenmore Homes (London) Inc.  
Address: 1865 Finley Crescent  
**Meeting on:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application by Kenmore Homes (London) Inc. to exempt Block 96, Plan 33M-733 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 Block 96, Plan 33M-733 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-4(1)) which permits street townhouse dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 96, Plan 33M-733 as noted in clause (a) above:
  - i. 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;
  - ii. The applicant submit a draft reference plan to the Planning and Development 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;
  - iii. The applicant submits to the Planning and Development 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;
  - 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 submit to the Deputy City Manager, Planning and Development 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;
  - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
  - vii. 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;
  - viii. The applicant shall obtain confirmation from the Planning and Development 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;**

- ix. The applicant shall obtain approval from the Planning and Development of each reference plan to be registered **prior to the reference plan being registered in the land registry office;**
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the Deputy City Manager, Planning and Development that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title;
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question; and
- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1865 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.
- xv. As per condition (xii) of the subdivision agreement, a reference plan (33R) is to be provided for the 5m storm servicing easement located at the rear of the property;
- xvi. The existing subdivision agreement is to be amended as per condition (vi) of the subdivision agreement. The agreement is to include provisions for the 5m storm servicing easement located at the rear of the property;
- xvii. A complete ECA application package is to be submitted to Planning & Development for the proposed storm sewers at the rear of the property.

## **Executive Summary**

### **Summary of Request**

This report is for review and endorsement by Municipal Council to exempt Block 96 in Registered Plan 33M-733 from the Part-Lot Control provisions of the *Planning Act*.

### **Purpose and Effect of Recommended Action**

Exemption from Part-Lot Control will facilitate the creation of six (6) townhouse units, with access provided by way of South Carriage Road.

### **Rationale for Recommended Action**

The standard conditions for passing the Part-Lot Control By-law are attached and are to be reviewed and endorsed by Municipal Council prior to the final by-law.

## **Linkage to the Corporate Strategic Plan**

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London's growth and development are well planned and sustainable over the long term.

## **Analysis**

### **1.0 Background Information**

On December 20, 2017, the City of London Approval Authority granted final approval to the phase 2 of draft plan 39T-08502. This phase contained ninety-seven (97) single

detached residential lots, eight (8) multi-family residential blocks, served by four (4) new local streets. The subject lands were part of this phase being one of the multi-family residential blocks. The draft plan of subdivision 39T-08502 was registered in February 2018 as plan 33M-733.

## **1.1 Previous Reports Related to this Matter**

**January 2011** – Report to Built and Natural Environment Committee relating to the Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

**March 26, 2012** - Report to Built and Natural Environment Committee relating to the revised Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

**November 5, 2012**- Report to Planning and Environment Committee relating to the appeal of to the Ontario Municipal Board.

**February 4, 2014**- Report to Planning and Environment Committee relating to the withdrawal of the appeal to the Ontario Municipal Board.

**March 2016** - Report on Special Provisions for Phase I.

**February 20, 2018** - Report to Planning and Environment Committee relating to the Zoning By-law amendment applications by Kenmore Homes (London) Inc., to allow for the subject lands to be developed for street townhouse uses with 45% coverage.

## **1.2 Property Description**

The subject site is located on Finley Crescent, which is generally located southeast of Gainsborough Road and east of Hyde Park Road. The site has a mix of high and medium density residential located to the north, commercial to the west, low density residential to the east, and a mix of medium and low density residential to the south. The site has proximity to Maple Wood Park, and St. John French Immersion Catholic Elementary School.

## **1.3 Current Planning Information**

- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R4 Special Provision (R4-4(1))

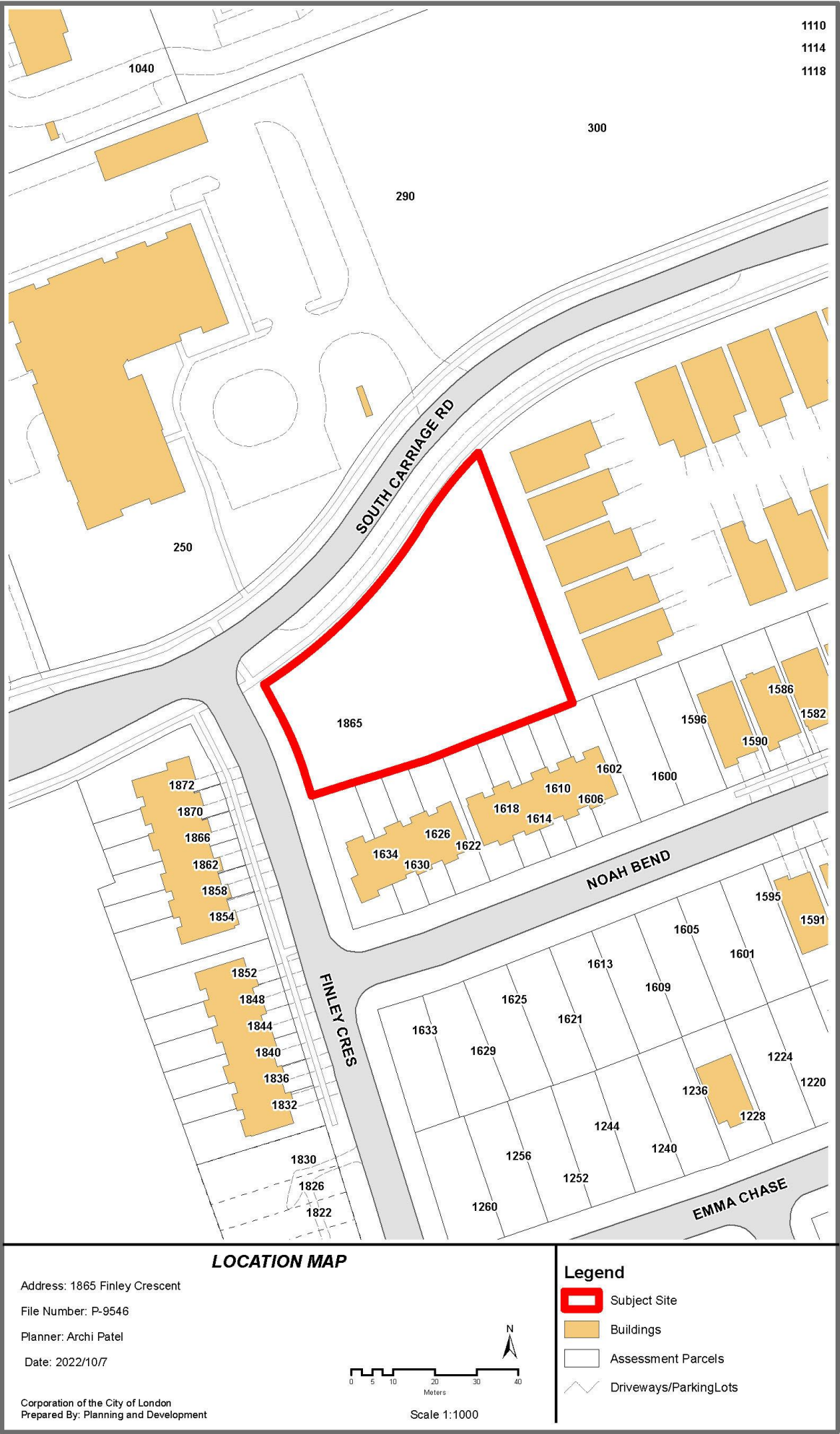
## **1.4 Site Characteristics**

- Current Land Use – vacant
- Frontage – ~28.9 metres (Finley Cres.)
- Area – 0.29 hectares
- Shape – rectangular

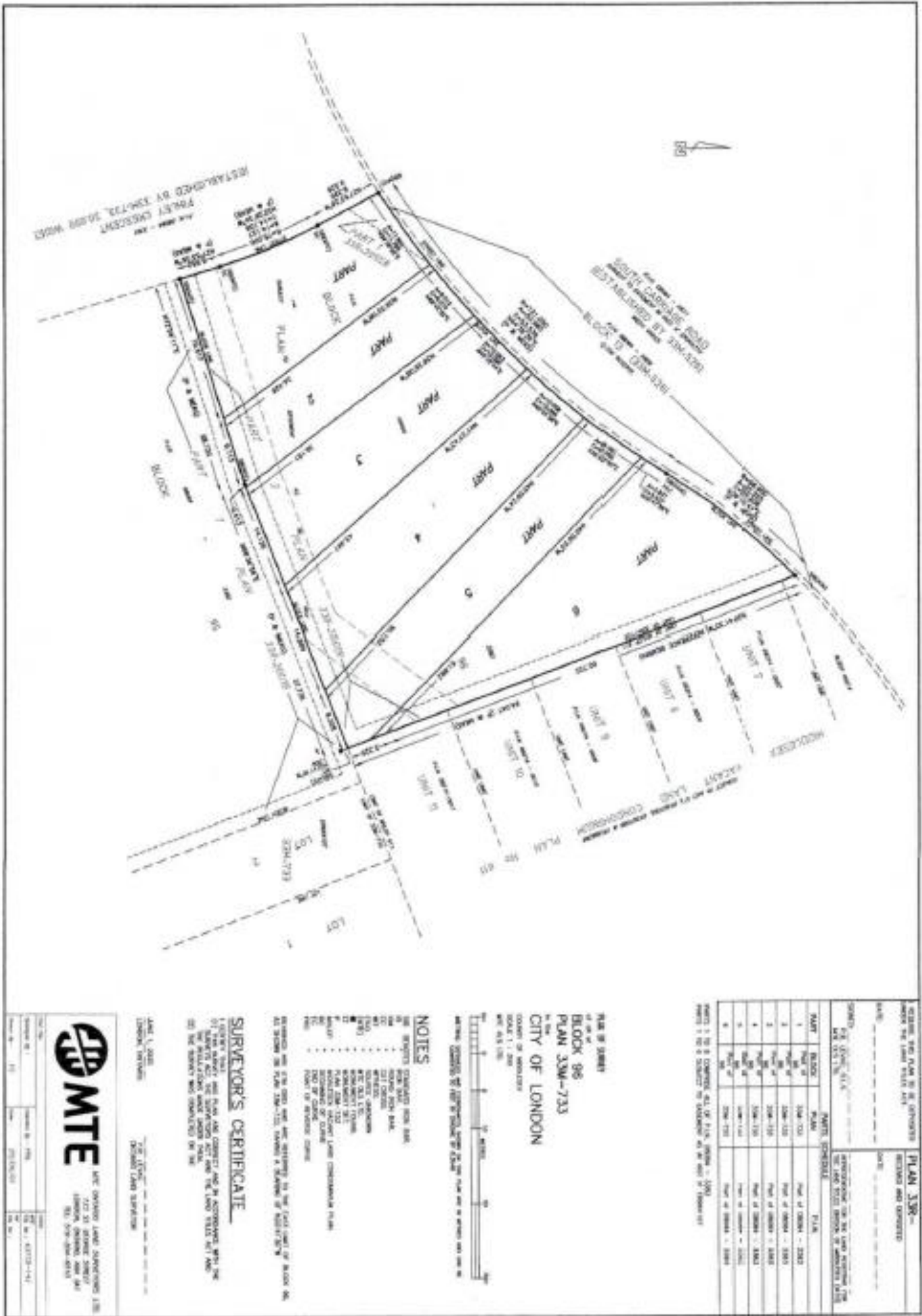
## **1.5 Surrounding Land Uses**

- North – Residential
- East – Residential
- South – Residential
- West – Residential/Commercial

1.6 Location Map



## 1.7 Draft Reference Plan - Block 96





**TABLE OF LOT AREAS AND DIMENSIONS**

LOT NO.	AREA (SQ. FT.)	WIDTH (FT.)	DEPTH (FT.)
1	10,000	1,000	1,000
2	10,000	1,000	1,000
3	10,000	1,000	1,000
4	10,000	1,000	1,000
5	10,000	1,000	1,000
6	10,000	1,000	1,000
7	10,000	1,000	1,000
8	10,000	1,000	1,000
9	10,000	1,000	1,000
10	10,000	1,000	1,000
11	10,000	1,000	1,000
12	10,000	1,000	1,000
13	10,000	1,000	1,000
14	10,000	1,000	1,000
15	10,000	1,000	1,000
16	10,000	1,000	1,000
17	10,000	1,000	1,000
18	10,000	1,000	1,000
19	10,000	1,000	1,000
20	10,000	1,000	1,000
21	10,000	1,000	1,000
22	10,000	1,000	1,000
23	10,000	1,000	1,000
24	10,000	1,000	1,000
25	10,000	1,000	1,000
26	10,000	1,000	1,000
27	10,000	1,000	1,000
28	10,000	1,000	1,000
29	10,000	1,000	1,000
30	10,000	1,000	1,000
31	10,000	1,000	1,000

**LIST OF OWNERS**

LOT NO.	OWNER
1	John Doe
2	Jane Smith
3	ABC Corp
4	DEF Ltd
5	GHI Inc
6	JKL Pty
7	MNO Corp
8	PQR Ltd
9	STU Inc
10	VWX Pty
11	YZA Corp
12	BCD Ltd
13	EFG Inc
14	HIJ Pty
15	KLM Corp
16	NOP Ltd
17	QRS Inc
18	TUV Pty
19	WXY Corp
20	XYZ Ltd
21	ABC Inc
22	DEF Pty
23	GHI Corp
24	JKL Ltd
25	MNO Inc
26	PQR Pty
27	STU Corp
28	VWX Ltd
29	YZA Inc
30	BCD Pty
31	EFG Corp

**DETAILED MAP OF BLOCK 101**

The map shows Block 101, which is a rectangular area divided into 31 lots. The lots are numbered 1 to 31. The streets shown are Owen Lane, Finley Crescent, and Noah Bend. The map includes a north arrow and a scale bar. The plan is dated 1997 and is a reproduction of a plan from the City of London.

## 2.0 Discussion and Considerations

The Applicant, Kenmore Homes (London) Inc., has requested exemption from part-lot control to create a total of six (6) townhouse units. The plan of subdivision was registered in February 2018 as a multi-family medium density residential block. The dwellings will be townhouse units, one or two storeys in height, and accessed off South Carriage Road.

## 3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

## 3.2 Community Engagement

There is no legislated community engagement component to an Exemption from Part-Lot Control. A notice of the request for exemption from part-lot control and a list of standard draft conditions was circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable, and no additional conditions were needed.

## 3.3 Policy Context

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, includes provisions to ensure that part of a lot or block within 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 or block. Exemption from part-lot control is appropriate when several land transactions are involved, and the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used to create street townhouse units. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

## 4.0 Key Issues and Considerations

Council policy has established the criteria by which applications for exemption from part-lot control shall be reviewed. The analysis below outlines each criterion and how it relates to this application.

- a) 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 lands are zoned Residential R4 Special Provision (R4-4(1)) in Zoning By-law No. Z.-1, which permits 1 storey street townhouse dwellings with a maximum height of 5 metres, minimum lot frontage of 5.5 metres, a minimum side yard depth of 1.2 metres, and maximum lot coverage of 35 percent. The applicant will be required to submit a draft reference plan to Planning and Development 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.

- b) 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 subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual units are appropriate through part-lot control.

- c) 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.*

This request is consistent with the intended use of the block as established through the plan of subdivision and zoning. The development of the site units is consistent with the development in the area.

- d) 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;*

The exemption of part lot control creates six (6) street townhouse units requiring separate and individual land divisions to create the interests in land.

- e) 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 within the Neighbourhoods Place Type in The London Plan which permits street townhouse dwellings. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided off South Carriage Road.

- f) 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.

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of six (6) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law. Although originally intended to have storm water servicing provided via Finley Cres, SWED is partial to allowing these proposed lots to alternatively be serviced via the frontages at South Carriage Road.

#### **4.1 Conditions**

It is recommended that number of conditions be applied and that the By-law for Block 96 in Plan 33M-733 be passed at a future meeting of Municipal Council only when the recommended conditions identified on page 1 through 2 of this report have been complied with.



## Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of six (6) street townhouse units, with access off South Carriage Road, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the subdivision, subject to the completion of the proposed conditions.

**Prepared by:**                      **Archi Patel**  
**Planner 1, Subdivision Planning**

**Reviewed by:**                    **Bruce Page**  
**Manager, Subdivision Planning**

**Recommended by:**            **Heather McNeely, MCIP, RPP**  
**Acting Director, Planning and Development**

**Submitted by:**                    **Scott Mathers, MPA, P.Eng.**  
**Deputy City Manager, Planning and Economic Development**

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections  
cc: Bruce Page, Manager, Subdivisions  
cc: Michael Pease, Manager, Site Plan  
cc: Matt Davenport, Manager, Subdivisions  
AP/sm

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## Appendix A

Bill No.  
2022

By-law No. C.P.-

A by-law to exempt from Part-Lot Control, lands located at 1865 Finley Crescent, legally described as Block 96 in Registered Plan 33M-733.

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 Kenmore Homes (London) Inc., it is expedient to exempt lands located at, legally described as Block 96 in Registered Plan 33M-733, from Part Lot Control;

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

1. Block 96 in Registered Plan 33M-733, located at 1865 Finley Crescent, 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 noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-4(1)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading –  
Second Reading –  
Third Reading –