

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor and Members of Council

From: Urvi Prajapati, Team Leader - Community Planning

Date: April 11, 2025

Subject: PLC-01-2025 – Part Lot Control Exemption Extension – Mocer
Subdivision

Recommendation

Direct the Clerk to read By-law 36-2025, during the “Consideration of By-laws” to approve the application to extend Part Lot Control exemption for Blocks 1 and 2 on Plan 12M-640 and Part of Block 3, Plan 12M640 designated as Parts 2 to 9 on Plan 12R-28249, as presented at the May 6, 2025 Council meeting.

Strategic Objectives

This does not relate to a strategic objective and is an application for the extension of an existing Part Lot Control Exemption.

Background

The subject lands are part of the Mocer Subdivision which received Final Approval from the County of Essex on February 21, 2018. The Mocer Subdivision was registered as Plan 12M-640 on April 4, 2018 (See “Appendix A” and “Appendix B”). A subdivision agreement is in place between the Municipality and the owner/developer.

The subject lands are located near the north-east corner of E. Pike Creek Road and County Road 2. The southerly half of the Mocer Subdivision (Blocks 3 & 4) is presently developed and contains residential lots with single unit attached dwellings (see “Appendix C”). Block 1 is scheduled to be constructed this year and Block 2 is nearing the end of construction. Each of the four Blocks (Blocks 1, 2, 3, & 4) will accommodate three single unit attached dwellings.

On July 16, 2019 Council enacted By-law 78-2019 to exempt Blocks 1, 2, 3 and 4 on Plan of Subdivision 12M-640 from Part Lot Control.

Part Lot Control is a provision of the *Planning Act* which prevents the transfer or deeding of a portion of a Lot or Block within a plan of subdivision. The Municipality will pass a By-law exempting a parcel of land within a registered plan of subdivision from “Part Lot Control”. It allows the division of land into a number of lots without requiring the approval of a severance application, since the plan of subdivision has already been approved by Council and the County of Essex.

In 2022 the applicant had come forward with a request to extend the expiry date (July 16, 2022) for Part Lot Control exemption as it relates to Blocks 1, 2, and 3 (9 single unit attached dwelling lots) within the residential subdivision. During this time only 6 of the proposed 12 single unit attached dwellings were developed. Council approved the extension for an additional period of 3 years and the by-law is going to expire on July 16, 2025.

The applicant has now come forward with another application for an extension to exempt Blocks 1, 2, and part of Block 3 on Plan of Subdivision 12M-640 from Part Lot Control as Block 1 is scheduled to commence construction in the summer and Block 2 is nearing completion. It is to be noted that one of the units on Block 3 has been sold (designated as Parts 1 and 10 and Plan 12R-28249) and the remainder are currently listed for sale and are leased out until they will be sold.

The By-law to extend Part Lot Control exemption will apply to Blocks 1, 2, and part of Block 3 on Plan 12M-640. Blocks 1 and 2, and the remaining unsold units on Block 3, will require a conveyance of part of a Block and the conveyance of reciprocal easements for access, drainage, and maintenance. If approved, the by-law will be extended for another 3 years expiring on May 6, 2028.

Comments

The *Planning Act* under Subsection 50(7) authorizes Council to pass a by-law to designate a part or parts of a registered plan of subdivision as not being subject to the part lot control provisions of Section 50(5) of the *Planning Act*, in effect allowing further subdivision of the designated lands by means of a Reference Plan and without going through the consent or subdivision process. Passage of the part lot control by-law would permit the owner to convey all or portions of a Lot of Block in a registered Plan of Subdivision. Applications of this type are not subject to public hearings or appeal. Final approval of the initial part-lot control exemption by-law rested with the subdivision approval authority, i.e. the County of Essex. However, the current amending by-law (By-law 36-2025) does not require County approval and will be final upon its passing.

Provincial Planning Statement (PPS)

The Part Lot Control Exemption application is consistent with the applicable policies of the PPS. The subject lands are located within an identified Primary Settlement Area. Although it can be stated that the proposal supports and implements many of the document’s policies, the following important policies specifically apply to the proposal:

- Section 2.2, Housing – this section speaks to planning authorities providing for a range and mix of housing options and densities, and this entire section is applicable.
- Section 2.3.1 General Policies for Settlement Areas is applicable to this proposal as this section talks about the growth of Settlement Areas and the role of Municipalities in encouraging efficient use of land and resources. Specifically, the following sections apply the most to the proposal.
- Section 2.3.1(1), General Policies for Settlement Areas, of the PPS states “Settlement areas shall be the focus of growth and development”
- Section 2.3.1(2a & b), General Policies for Settlement Areas, of the PPS states “Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) Efficiently use land and resources;
 - b) Optimize existing and planned infrastructure and public service facilities...”
- Section 2.3.1(3) “Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.”
- Section 2.4 Strategic Growth Areas – this section also speaks on intensification to encourage complete communities by providing a mix and range of housing.

Considering the policies above, the proposed subdivision development and part lot control request is consistent with the applicable policies of the PPS.

County of Essex Official Plan

The proposal conforms to the County of Essex Official Plan.

Lakeshore Official Plan

The Mocerri Subdivision is designated “Residential”, and partially designated “Lake St. Clair Floodprone Area”, and is within the “Limit of Regulated Area” (ERCA) in the Municipality of Lakeshore Official Plan. The proposal conforms to the Municipality of Lakeshore Official Plan.

Zoning

The subject lands are zoned R2-14 zone (Residential Type 2 Zone Exception 14 – Medium Density).

The applicant has submitted a frontage and area certificate (Appendix D) prepared by a professional land surveyor to verify that the lots that are being created conform to the R2-

14 zone. The Certificate has been reviewed by Administration and is in compliance with the zone classification.

Conclusion

Approve the application for Part Lot Control Exemption for Blocks 1 and 2, Registered Plan 12M-640 and Part of Block 3 Registered Plan 12M-640, designated as Parts 2 to 9, on Plan 12R-28249 in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 36-2025 during the “Consideration of By-laws”, as presented at the May 6, 2025 Council meeting.

Financial Impacts

There are no financial impacts resulting from the recommendation.

Attachments

Appendix A – Aerial Map
Appendix B – 12M640
Appendix C – 12R28249
Appendix D – Frontage and Area Certificate

Report Approval Details

Document Title:	PLC-01-2025 – Part Lot Control Exemption Extension – Mocerri Subdivision.docx
Attachments:	- Appendix A – Aerial Map.pdf - Appendix B – 12M640.pdf - Appendix C – 12R28249.pdf - Appendix D – Frontage and Area Certificate
Final Approval Date:	Apr 25, 2025

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

Prepared by Urvi Prajapati

Submitted by Daniel Mercer and Tammie Ryall

Approved by the Corporate Leadership Team