

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Search, BES, Planner I

Date: March 31, 2022

Subject: Subdivision Agreement Amendment & Part Lot Control Exemption By-law (PLC-1-2022) – Serenity Bay

Recommendation

Approve the amendment to the Serenity Bay Subdivision Agreement; and

Approve the application for Part Lot Control exemption for Blocks 14 - 32 (inclusive) on Registered Plan 12M-673 in the Municipality of Lakeshore as presented at the April 12, 2022 Council meeting; and

Direct the Clerk to read By-law 35-2022 and By-law 36-2022 during the “Consideration of By-laws”.

Background

The subject lands known as the “Serenity Bay” plan of subdivision received final approval from the County of Essex on January 28, 2021. A subdivision agreement was entered into by the municipality and the developer on December 10, 2019. That subdivision agreement states that the owner received Draft Plan Approval for a plan of subdivision showing four blocks (18, 19, 20 and 24) for 12 townhouse dwellings, and 15 blocks (14, 15, 16, 17, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, and 32) for 30 semi-detached dwellings.

The developer is now intending to develop blocks 18, 19 and 20 for six semi-detached dwellings instead of nine townhouse dwellings. For block 19, the service connections (storm, water, and sanitary) were installed for the interior townhouse dwelling and have now been rendered unusable – the storm and sanitary service connections have been capped, and the water service connection removed. For blocks 18 and 20, service connections have been installed for semi-detached dwellings. An amendment to the existing subdivision agreement will identify blocks 18, 19 and 20 as supporting six semi-detached dwellings instead of nine townhouse dwellings.

The developer has submitted a request for a Part Lot Control Exemption for Blocks 14 – 32 (inclusive) on Registered Plan 12M673 (See Appendix B). The subject lands under

consideration form part of the “Serenity Bay” Plan of Subdivision, and are located throughout the subdivision (See Appendix A – Key Map). The purpose of the part-lot control exemption by-law is to allow these blocks on the Registered Plan to be divided into smaller lots for 36 semi-detached dwellings (Blocks 14-23 & 25-32, inclusive) and three townhouse dwellings (Block 24).

The site is designated ‘Residential’ in the Lakeshore Official Plan and is zoned R2-25 (h4), Residential Type 2 Zone Exception 25, which permits semi-detached dwelling, townhouse dwelling, group home dwelling and home occupation. As part of the application for Part Lot Control exemption, a Frontage and Lot Area Certificate and Plan of Survey were submitted for the proposed lots – 36 semi-detached dwelling lots and 3 townhouse dwelling lots. The lots will comply with the Zoning By-law lot frontage and area requirements.

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 Subsection 50(5) of the *Planning Act*, in effect allowing further subdivision of the designated lands by means of a Reference Plan 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 or Block in a registered Plan of Subdivision. Applications of this type are not subject to public hearings or appeal. Public notice has already occurred through the subdivision approval process. Final approval of the by-law rests with the County of Essex, the subdivision approval authority.

Analysis

Provincial Policy Statement (PPS), County of Essex Official Plan, Lakeshore Official Plan

The amendment to the subdivision agreement and the Part Lot Control Exemption raises no concerns under the PPS. The proposal conforms to the County of Essex Official Plan with the development still increasing housing supply and a mixture of housing types in the Maidstone Urban Area. The subject lands are designated Residential in the Lakeshore Official Plan which permits semi-detached dwellings and townhouse dwellings.

Zoning

As noted, the subject lands are zoned R2-25 (h4), Residential Type 2 Zone Exception 25, and the lots will comply with the Zoning By-law lot frontage and area requirements. It should be noted that the Holding Removal is being requested to be removed under a separate report and by-law.

Conclusion

That the following recommendations be approved:

1. Council Approve the amendment to the Serenity Bay Subdivision Agreement;
2. Council approve the application for Part Lot Control exemption for Blocks 14 - 32

- (inclusive) on Registered Plan 12M-673 in the Municipality of Lakeshore; and
3. Council adopt By-law 35-2022 and By-law 36-2022.

Others Consulted

The County of Essex has been forwarded the Part Lot Control exemption draft by-law for comment.

Financial Impacts

There are no financial impacts resulting from the recommendation.

Attachments

Appendix A – Key Plan
Appendix B – Plan of Subdivision
Appendix C – Plan of Survey

Report Approval Details

Document Title:	Serenity Bay Subdivision Amendment and PLC-1-2022 - Part Lot Control .docx
Attachments:	- Appendix 1 - Key Map.pdf - Appendix 2 - Plan of Subdivision 12M673.pdf - Appendix 3 - Plan of Survey.pdf
Final Approval Date:	Apr 7, 2022

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

Aaron Hair

Tammie Ryall

Justin Rousseau

Kristen Newman

Truper McBride