



Town of Erin Corporate Report

Department: Community Services	Report Number: PD2024-12
Business Unit: Planning & Development	Meeting Date: 8/29/2024
Presented/ Prepared By: David Waters, Manager of Planning & Development	

Subject

Recommendation Report, Part Lot Control Application (PLC24-03), National Properties Inc. (Erin Glen Phase 1 Plan 61M-258)

Recommendation

That report number PD2024-12 “Recommendation Report, Part Lot Control Application (PLC24-03), National Properties Inc. (Erin Glen Phase 1 Plan 61M-258)” be received for information;

And that By-law 24-42 as listed on the August 29, 2024 agenda be approved.

Highlights

National Properties has applied to the Town of Erin to request a by-law be passed by Council to provide exemption from Part Lot Control for a number of Blocks and Lots within the registered Phase 1 Erin Glen plan of subdivision in order to create forty-six (46) semi-detached and townhouse units. PLC24-03 represents the final part lot control application to be submitted for Phase 1 of the Erin Glen subdivision.

Background

The area subject to this application is Phase 1 of Registered Plan 61M-258 and consists of 29.73 hectares (73.46 acres) legally described as Pt Lots 16 and 17 Concession 10 and Pt Lot 16 Concession 11 in the Town of Erin. The Erin Glen development is planned as a mixed-use community with residential, commercial, employment and institutional uses. The M-Plan illustrating Phase 1 of the Erin Glen plan of subdivision is attached to this report as Appendix A.

Discussion

Exemption to Part Lot Control is typically used to divide lots where dwellings share a common wall (i.e., semi-detached and townhouse units) and also allows for the creation of lots within existing plans of subdivision without Committee of Adjustment or Plan of Subdivision approval.

The Planning Act, 1990 (the “Act”) sets out a framework to control land division in Ontario. It does this, in part, by prescribing restrictions that prevent the conveyance of any portion, or “part” of a whole lot or block within a registered plan of subdivision. This is known as “Part Lot Control”, which has the effect of preventing any further division of land or lots/blocks within a plan of subdivision without approval of the municipality.

Subsection 50(7) of the Act gives Council the authority to pass a by-law to exempt lands from the Part Lot Control restrictions of the Act (i.e. a “Part Lot Control Exemption By-law”). A Part Lot Control Exemption By-law has the effect of removing, or “lifting” Part Lot Control from any lot/block within a registered plan of subdivision for a specified period of time, to allow further division of part(s) of any such lot/block without requiring approval from a Committee of Adjustment, or the submission of a plan of subdivision application.

The application for Part Lot Control Exemption is the final step in the planning approval process to legally create the freehold lots so they can be conveyed to future homeowners. It is appropriate to approve land division for this development at this time, since the proposed unit boundaries relate to the dividing walls of the buildings, which are best delineated and confirmed through the construction process. A Certificate prepared by an Ontario Land Surveyor (OLS) was submitted to confirm that the lot fabric and constructed dwelling unit foundations comply with the Zoning By-law.

Exemption by-laws generally are for a 1 or 2-year time period. Town staff are recommending Council approve the by-law for a 2-year time period to give sufficient time for the Applicant/Builder to construct single-detached and townhouse dwelling units on a number of Blocks and Lots and convey the lands to the new owners. If the Applicant does not complete all the conveyances in that time frame, they can apply for an extension to the time period in accordance with Section 50 (7.3) of the Act.

The proposed lots meet the requirements for lot frontage and area of the Zoning By-law. In addition, the draft legal plans prepared by R-PE Surveying Ltd. were reviewed by the Town’s Development Engineering consultant (Ainley) to determine consistency with the Engineering Drawings for Phase 1 of the Solmar’s Erin Glen Subdivision. Ainley finds that the lot and block dimensions are consistent with Plan 61M-258 describing lots and blocks in the Solmar Subdivision Phase 1, and with Plan 61R-22720 describing the municipal easements in Solmar Subdivision Phase 1.

The two R-Plans have been deposited with the Land Registry Office. The two R-Plans illustrating the semi-detached and townhouse lot fabric resulting from the passing of this By-law are attached hereto as Appendices B and C.

Planning Staff are recommending that Council pass a by-law to exempt Part Lot Control on the following Lots and Blocks for a 2-year time period: Lots 9 to 12, inclusive, Lots 23 to 35, inclusive and Blocks 336 and 337 on Plan 61M-258. PLC24-03 represents the final part lot control application to be submitted for Phase 1 of the Erin Glen subdivision.

Following Council passing the Part Lot Control Exemption By-Law, the Town will submit a package to the County of Wellington for review and final approval by the Director of Planning and Development.

Strategic Pillar

Growth Management

Financial Impact

The planning application fees associated with a Part Lot Control Exemption are collected at the time of filing the application and included within the operating revenues of the Planning & Development Division of Community Services.

Conclusion

National Properties has applied to the Town of Erin to request a by-law be passed by Council to provide exemption from Part Lot Control for a number of Blocks and Lots within the registered Phase 1 Erin Glen plan of subdivision in order to create forty-six (46) semi-detached and townhouse units within the registered plan.

The lots and blocks within the R-Plans including easements were reviewed to determine consistency with the approved Engineering drawings for Solmar's Phase 1 Erin Glen plan of subdivision and were found to be acceptable from an engineering viewpoint.

Attachments

Appendix A – Plan 61M - 258

Appendix B – Plan 61R - 22798

Appendix C – Plan 61R - 22802

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Chief Administrative Officer