

EVALUATION REPORT

PLANNING DEPARTMENT

To: Mayor and Members of Council

From: Ashley Sawyer, Planner, County of Middlesex

Date: January 22nd, 2024

Re: RECOMMENDATION REPORT

Application for Part Lot Control Exemption – PLC-1-2025

Part of Lots K and R on Registered Plan No. 358 (C), designated as Parts 4 to 7 on 33R-9391, in the Town of Parkhill, Municipality of North Middlesex, County of Middlesex

(205 and 207 Eagle Street)

Owner/Applicant: Opendoor Homes Inc. (C/O Darren Smyth)

Agent: Andrew P. Hentz, Leners

Purpose

The purpose of this report is to provide Council with a recommendation regarding a request for Part Lot Control Exemption on the subject lands to facilitate the conveyance of two (2) residential lots within an existing Plan of Subdivision.

The agent has confirmed that the Municipality previously passed By-law No. 074 of 2022 exempting the subject lands from Part Lot Control, which expired on June 15, 2024, prior to the subject lands being conveyed to a third-party transferee. As the previous By-law has expired and a request to extend the allotted time was not received prior to said expiration, a reapplication was required.

The location map, Reference Plan, Registered Plan and By-law have been attached to this report.

Background

Section 50(5) of the *Planning Act* speaks to Part Lot Control regulations and provides that the transfer or sale of part of a lot within a registered Plan of Subdivision cannot occur unless approval is given by the Municipality. Simply put, Part Lot Control is used to prevent the possible uncontrolled division of lots within a Plan of Subdivision after the plan has been registered. Where deemed appropriate and in accordance with Section 50(7) of the *Planning Act*, a Part Lot Control Exemption may be granted through the passing of a By-law by Council to temporarily “lift” Part Lot Control for a lot, or lots, in the registered Plan of Subdivision to facilitate the realignment of lot lines and ultimately the conveyance of lots. If passed by Council, the By-law is then forwarded to Middlesex County for approval, as the approval authority. A Part Lot Control Exemption is generally appropriate when a number of land transactions are involved, and the resulting changes will not affect the nature or character of the subdivision. Typically, this tool is used to divide semi-detached and townhome dwellings, so that each unit can be sold with distinct and separate ownership, while avoiding further Subdivision or Consent applications

The requested Part Lot Control Exemption would remove Part of Lots K and R on Registered Plan No. 358 (C), designated as Parts 4 to 7 on 33R-9391, from Part Lot Control for a period of one (1) year in order to create two (2) residential lots for single-detached dwellings. As noted above, the Part Lot Control Exemption By-law will implement the framework of By-law 074-2022 that was previously approved by Council in 2022. The only difference in the subject by-law is the expiration date and the legal name of the property owner.

A legal opinion has been provided by the agent confirming that the lands are located within a registered Plan of Subdivision and that a Part Lot Control Exemption By-law may be enacted by Council to subdivide the lots that have been previously created by way of a Plan of Subdivision.

Policy and Regulation Background

The subject lands are located within the Parkhill 'Settlement Area' in the Middlesex County Official Plan and the Parkhill 'Urban Settlement Area' in the North Middlesex Official Plan. The Provincial Planning Statement (PPS), the Middlesex County Official Plan, and the North Middlesex Official Plan encourage intensification in settlement areas on full municipal services provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure.

Planning Act

The *Planning Act* provides direction for the use of Part Lot Control Exemption. The *Planning Act* states that all decisions made by planning authorities "shall be consistent with the policy statements issued" under subsection 3. The exemption allows each lot to become separately conveyable and to be separately owned. Exemptions are generally in effect for a one (1) to three (3) year period. Staff are satisfied that a one (1) year period is sufficient for this particular application due to the nature of the request.

Provincial Planning Statement, 2024

The Provincial Planning Statement, 2024 (PPS) document is comprised of several policy statements and summary of those that are applicable to the proposed development are noted below.

The PPS identifies that healthy communities are sustained by accommodating an appropriate range and mix of uses, avoiding development patterns that cause environmental concerns, and promoting cost-effective development patterns that optimize the use of planned and future infrastructure.

Middlesex County Official Plan

The County of Middlesex Official Plan (County Plan) identifies the subject land as within the Parkhill 'Settlement Area'. Similar to the PPS, the County Plan recognizes the orderly development of land, and that Settlement Areas will be the focus for future growth including commercial, industrial and residential uses.

North Middlesex Official Plan

The North Middlesex Official Plan (Official Plan) identifies the subject lands as within the Parkhill 'Urban Settlement Area.' The 'Urban Settlement Areas' shall have the highest concentration and intensity of land uses within the Municipality and shall be the focus of

growth by accommodating a significant portion of the planning growth and development. The Official Plan provides direction for the subdivision of land within settlement areas to ensure the orderly development of land within residential areas. The Municipality shall encourage a wide variety of housing types, sizes and tenures to meet the demographic and market requirements for current and future residents and optimize the existing infrastructure. All new proposed development shall be fully serviced by municipal water and sanitary.

North Middlesex Zoning By-law

The subject lands are zoned ‘Residential Density One (R1) Zone’ in the North Middlesex Zoning By-law. Based on the Reference Plan submitted with the application, the minimum lot area and lot frontage requirements are met.

Section 10 – Residential Density One (R1)		
10.2 – Zone Requirements	Required	Proposed
a) Minimum Lot Area	460 m ²	Part 4 – 705.6 m ² Part 6 – 705.6 m ²
b) Minimum Lot Frontage	15.0 m	Part 4 – 15.0 m Part 6 – 15.0 m

Consultation

The Part Lot Control Exemption request is not required by the *Planning Act* to hold a Public Meeting.

Analysis

The proposed Part Lot Control Exemption By-law is largely administrative as Council previously considered the Part Lot Control Exemption application in 2022 and passed the related By-law 074-2022 at that point in time. As noted above, the by-law before Council implements the framework of By-law 074-2022 that expired. The only difference in the subject By-law before Council now is the expiration date and the legal name of the property owner. Staff are of the opinion that the application is consistent with the *Planning Act*, Provincial Planning Statement, Middlesex County Official Plan and the North Middlesex Official Plan. Additionally, the Reference Plan provided indicates that the minimum lot area and frontage requirements of the ‘R1 Zone’ are met.

Given the above and the nature of the application, planning staff support the proposed Part Lot Control By-law subject to an expiry date of one (1) year from the date of passing of the By-law. The timeframe appears to be sufficient to finalize the lot creation and have the new lots registered. If the proposed By-law is passed by North Middlesex Council, the North Middlesex Clerk will send a copy of the By-law to the agent, who will then submit the By-law with a cover letter outlining the proposal and the associated fee to the County for final approval. As the approval authority for Plans of Subdivision and Condominium, the County is also responsible for approval of Part Lot Control Exemption applications and the associated By-laws.

Recommendation

THAT Council receive the report for Part Lot Control Exemption report for application PLC-1-2025 for Part of Lots K and R on Registered Plan No. 358 (C), designated as

Parts 4 to 7 on 33R-9391, in the Town of Parkhill, Municipality of North Middlesex, County of Middlesex, known municipally as 205 and 207 Eagle Street, for information.

AND FURTHER THAT the associated implementing by-law be APPROVED and read a first, second and third/final reading with an expiration date of one (1) year from the date of passing.

AND FURTHER THAT Council direct the North Middlesex Clerk to forward the By-law to the County of Middlesex for approval.

Attachments

- Cover Letter
- Legal Opinion
- Reference Plan
- Registered Plan
- By-law