



Town of Niagara-on-the-Lake

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REPORT #: CDS-23-075

COMMITTEE DATE: 2023-06-13

DUE IN COUNCIL: 2023-06-27

REPORT TO: COTW-Planning

SUBJECT: Paxton Lane (North Portion of Block 71 & Part of Block 72; Registered Plan 30M-375; Settlement Subdivision) - File PLC-01-2023
Part Lot Control Exemption Applic

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The application for Part Lot Control Exemption (File No. PLC-01-2023) for lands described as the north portion of Block 71 and part of Block 72, Registered Plan 30M-375, be approved; and
- 1.2 The draft Part Lot Control Exemption By-law, attached as **Appendix IV** to this report, be forwarded to Council for adoption.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Council regarding an application for Part Lot Control Exemption (the “Application”) under the *Planning Act*.
- The Application requests to exempt the north portion of Block 71 and part of Block 72 within the Settlement Subdivision (Registered Plan 30M-375) from Part Lot Control.
- Approval of the Application will allow the land division along common walls of on-street townhouse units to create separate parcels for individual conveyance.
- Staff recommend approval of the Application, as detailed in this report.

3. PURPOSE

The Town has received an application for Part Lot Control Exemption for the north portion of a block of land within the Settlement Subdivision. This *Planning Act* process allows the division of land within a registered plan of subdivision to create separate parcels for semi-detached and on-street townhouses units, as well as for the minor redesign of subdivision lands. The owner proposes the sale of on-street townhouse units constructed on the subject lands and requires this application to facilitate individual conveyance.

4. BACKGROUND

4.1 Site Description and Surrounding Land Uses

The subject lands are located at the north limit of Paxton Lane (west side of the roadway) within the Settlement Subdivision. The lands are described as part of Block 71 and part of Block 72, Registered Plan 30M-375 and municipally known as 107, 109 and 111 Paxton Lane.

The subject lands are shown in **Appendix I** of this report. On-street townhouse units are constructed on the subject lands and also located to the south and east. The surrounding lands are characterized as residential and open space uses.

4.2 Previous Applications

The subdivision is within the urban area of St. Davids. The plan was registered in February 2008 and is subject to a subdivision agreement with the Town (File No. 26T-18-04-03). The overall registered subdivision plan is shown in **Appendix II** of this report.

The subject lands are zoned “Residential Multiple (RM1-6) Site-Specific” and partially “Open Space (OS-6) Site-Specific” through Zoning By-law 4316-09, as amended. The Zoning By-law permits the on-street townhouses that are under construction.

Paxton Lane within the subdivision currently terminates as a temporary turnaround to be extended to the north in the future. The original subdivision agreement states that Blocks 70 and 71 in the plan abutting the temporary turnaround would be held in escrow by the Town pending the approval of a final turnaround design and linkage with the adjacent property. On April 29, 2013, Council approved an amendment to the subdivision agreement to remove the escrow clause for the south sections of Blocks 70 and 71 to permit townhouse construction. Council approved a further amendment to the subdivision agreement on August 24, 2020, to lift escrow from the northern portions of Blocks 70 and 71 (including some lands currently occupied by the temporary turnaround) to accommodate the construction of proposed townhouse units.

On July 13, 2021, a Site Plan Agreement was approved for the construction of three on-street townhouses on the subject lands.

Council declared a section of Block 72 (stormwater management lands within the subdivision) as surplus on August 29, 2022. These surplus Town lands were sold to the owners of Block 71, including the subject lands, to be utilized as a part of their townhouse properties.

5. DISCUSSION / ANALYSIS

Section 50(5) of the *Planning Act* provides that where land is within a registered plan of subdivision, no person shall convey any part of any lot or block (Part Lot Control). However, Section 50(7) of the *Planning Act* allows Council to pass a by-law so that Section 50(5) does not apply to land that is part of a registered plan of subdivision as designated in the by-law.

The applicant requests that the subject lands be exempt from Part Lot Control to allow the division of the land through a Reference Plan that creates parcels which are to be conveyed individually.

The Town’s Building Department has issued permits for the construction of three on-street townhouses on the north portion of Block 71 and part of Block 72 in compliance with Zoning By-law provisions. The applicant has submitted deposited Reference Plans (30R-16038 and 30R-16078) showing the proposed division lines on the subject lands following the common

walls between the units. Easements for drainage and roof feature encroachments are also indicated in the Reference Plans provided as **Appendix III**.

The Application was circulated to Town Staff and external agencies. There were no comments or objections to the Application.

Town Staff has prepared a draft Part Lot Control Exemption By-law for the north portion of Block 71 and part of Block 72, Registered Plan 30M-375, attached as **Appendix IV**. Approval of the By-law will facilitate the described land transfers. The Part Lot Control Exemption By-law would expire three (3) years from the date of approval, which provides appropriate time for the sale and conveyance of the parcels.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar(s)

2. Deliver Smart Balanced Growth

Objective(s)

2.2 Develop smart, balanced growth

7. OPTIONS

The Committee may approve, refuse or modify the requested Part Lot Control Exemption Application.

8. FINANCIAL IMPLICATIONS

Not applicable. There are no financial implications to this report.

9. ENVIRONMENTAL IMPLICATIONS

Not applicable. There are no environmental implications to this report.

10. COMMUNICATIONS

Once Council approves a by-law, it will be registered on the title of the subject lands. This information will be available for subsequent property owners.

11. CONCLUSION

Approval of the proposed Part Lot Control Exemption By-law would facilitate the division of the northern portion of Block 71 and part of Block 72 in Registered Plan 30M-375 into separate conveyable parcels for the sale of on-street townhouse units. Community and Development Services Staff recommend approval of the Part Lot Control Exemption Application (PLC-01-2023).

12. PREVIOUS REPORTS

- **CDS-13-034** (April 29, 2013) - The Settlement Subdivision - Amendment to Subdivision Agreement to Remove Escrow Provision on Parts of Blocks 70 and 71
- **CDS-20-023** (August 10, 2020) - The Settlement at St. Davids - Blocks 70 and 71 on Plan 30M-375 - Application for Amendment to a Subdivision Agreement

- **CS-22-030** (August 29, 2022) - Surplus Land Paxton Lane - Part of Block 71 and Part of Block 72, Plan 30M-375

13. APPENDICES

- **Appendix I** - Location Map
- **Appendix II** - Plan of Subdivision (30M-375)
- **Appendix III** - 30R Plans
- **Appendix IV** - Draft Part Lot Control Exemption By-law

Respectfully submitted:

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