



STAFF REPORT TO COUNCIL

Report No: BP-2024-09

April 8, 2024

From: Jacob Rheume – Chief Building Official / Director of Building, By-law & Planning

RE: **BY-LAW No. 19-2024 Exemption from Part Lot Control - REVISED**

Recommended Motion:

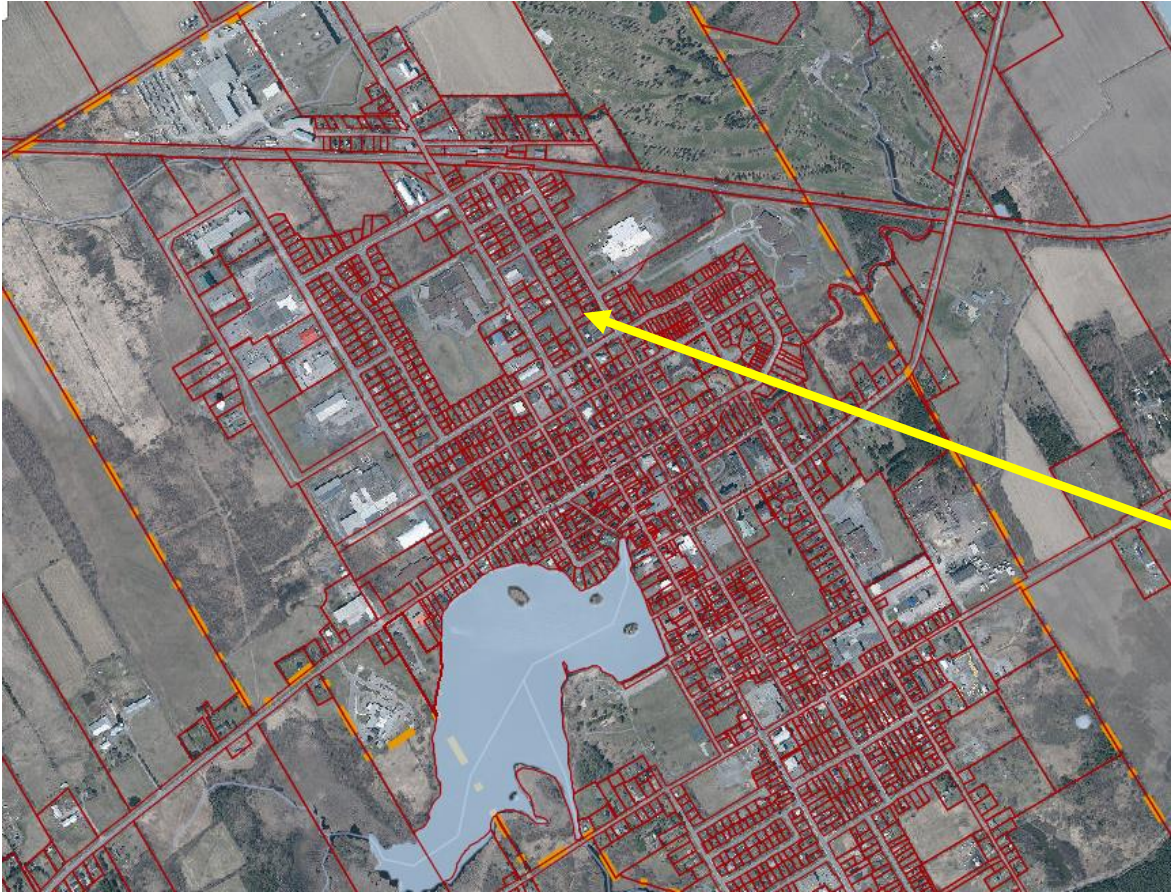
THAT the Council of the Township of North Glengarry adopts Part Lot Control By-Law No. 19-2024 to amend By-law No. 21-2023.

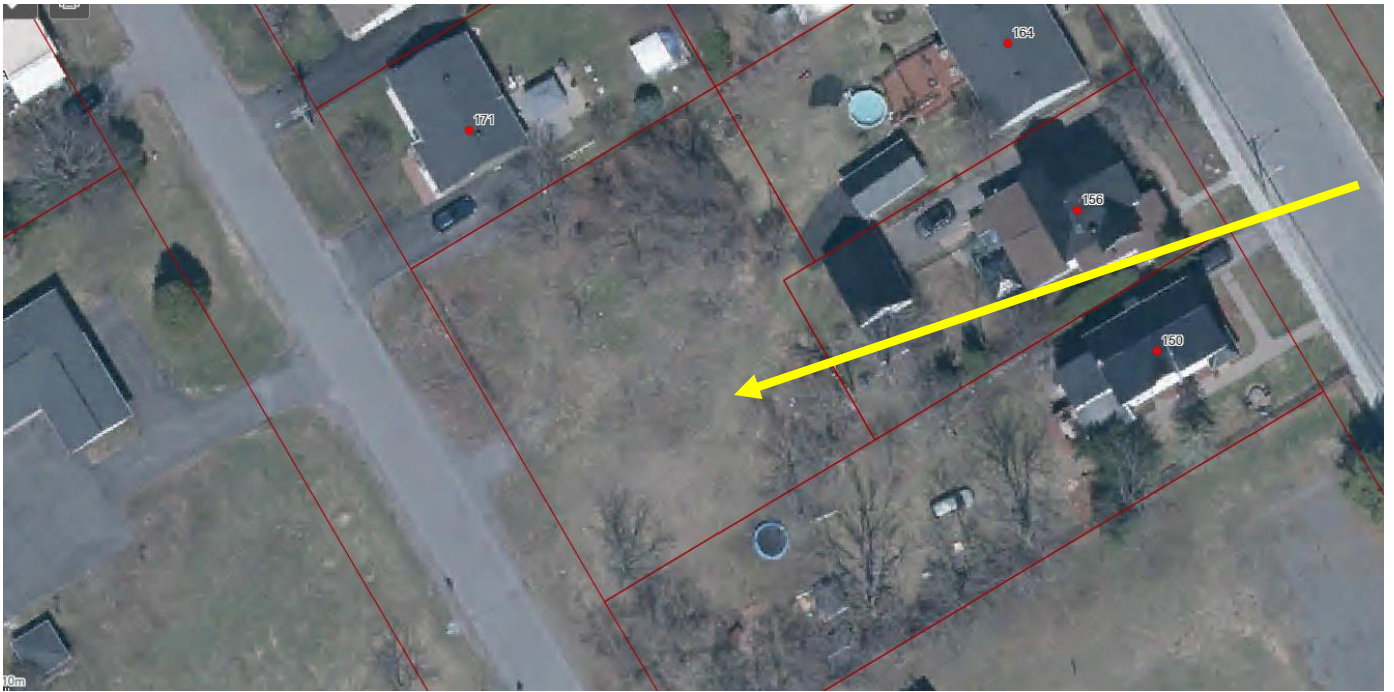
AND THAT by-law 19-2024 be read a first, second and third time and enacted in Open Council this 8th day of April 2024.

Owner: Guirges & Maria Slominska TAWADROOS

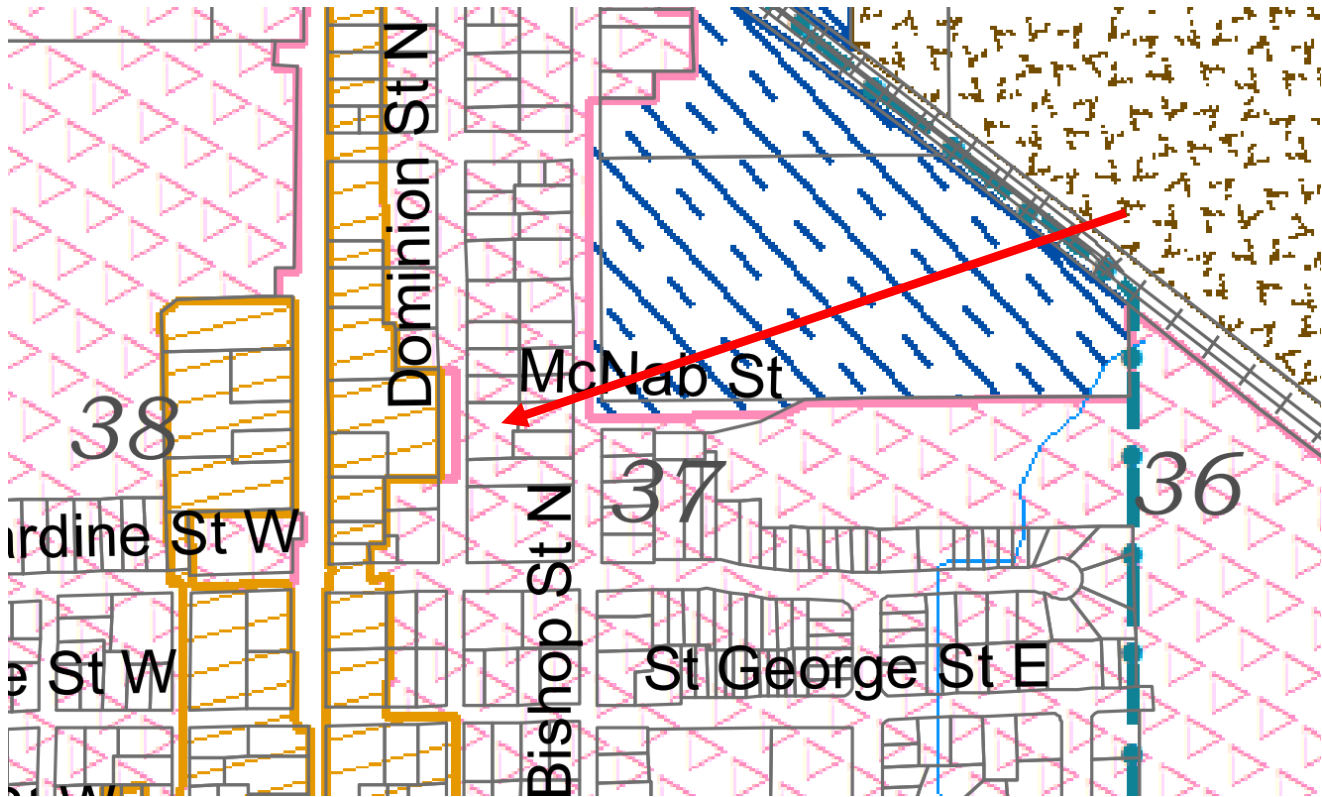
Agent: Mike Sauvé

Location: 161-163-165-167 Dominion Street North, Alexandria, ON
Plan 121 RCP Lot 17 & West Part Lot 19 - (Roll No. 0111 018 000 16300)





Official Plan designation: Urban Settlement Area (Alexandria) – Residential District



Zoning designation: Residential Third Density (R3) - Zoning By-law Amendment No. Z-10-2021



Background / Analysis:

A request to lift Part Lot Control for Plan 121 RCP Lot 17 & West Part Lot 19 - (Roll No. 0111 018 000 16300), known as 161-163-165-167 Dominion Street North, Alexandria, in the Township of North Glengarry, has been made by Guirges Tawadroos via his agent, Mike Sauvé Construction on July 10, 2023. It was passed by Council but is now being amended.

Once a plan of subdivision has been registered, a landowner may sell any complete lot within that plan. However, a landowner may not sell a piece of a lot in that registered plan without further approvals under the Ontario Planning Act. Section 50(28) of the Planning Act, R.S.O. 1990, c.P13, provides that part of a lot on a registered plan of subdivision cannot be transferred or sold without the approval of the municipality. This is referred to as part lot control.

The Planning Act permits municipalities to pass By-Laws to exempt any or all lots or blocks within registered plans of subdivision from part-lot control, so further subdivision of individual lots or blocks can take place.

The part-lot control provisions of the Planning Act allows a municipality to pass By-Laws to remove part-lot control from all or any parts of a registered plan of subdivision. This allows landowners to further subdivide their lot. Such a By-Law has the effect of allowing the conveyance of a portion of a lot without requiring a consent (severance). Exemption from part-lot control can be used when several land transactions are involved but the resulting changes will not affect the nature or character of the subdivision.

The application facilitates the separation of an existing 4-unit townhome dwelling into four (4) properties as per reference Plan 14R-6715, without having to go through the severance application process with land division department of the United Counties of Stormont Dundas & Glengarry. This process is cost effective for the property owner and can be done quicker. It enables each dwelling for individual ownership.

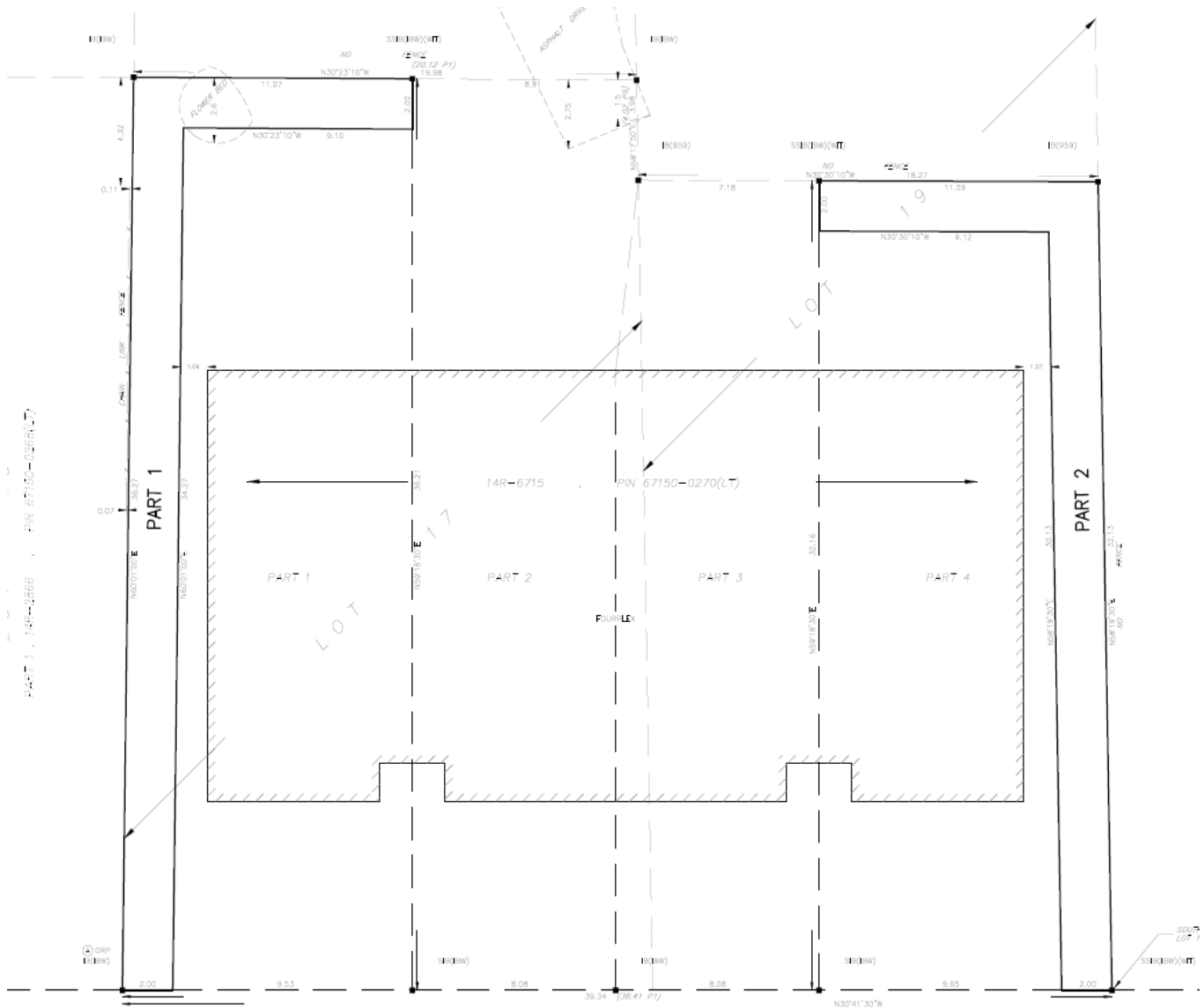
When By-law No. No. 21-2023 was passed, neither the owner, their lawyer, the Counties, or the Township requested that a right-of way be registered on title for all four units to give access to the two middle units to their backyards via the two end units' land. This By-law amendment is being this evening specifically to add those right-of ways. This is typical for Townhomes but since this Part Lot Control process is new for the Township's staff, it was missed.

When townhomes are severed or split through part-lot control, the municipality would typically require easements for the interior units to access the backyard so that they can get a lawnmower or other equipment to the back (unless they would have direct access through the unit such as a through-garage).

These easements or right-of-way requires either Planning Act consent from SDG (described on the certificate of consent) or lifting of part-lot control (sometimes the easements are mentioned specifically in the by-law, other times the by-law is more generic).

Since original reference plan did not include separate parts for easements and the part lot control by-law was written specifically to dividing the lots, the applicant now needs a second reference plan and part-lot control by-law in order to create these easements/rights-of-way.

Typically, as proposed on the survey, the two middle units will have an easement on each end unit in favour of the adjacent unit.



SDG Counties Official Plan (2018)

The SDG Counties Official Plan Policy (Table 3.1) permits, promotes and encourages residential uses, including a full range of low, medium and high density housing types within the Urban Settlement (Alexandria) – Residential District. Within this designation single, semi-detached dwellings, townhouse, row-house and low-rise multiple units are permitted residential dwelling types.

The Official Plan contains a number of goals and strategic objectives; growth is the goal to direct most forms of development to areas where full municipal wastewater and water services are available and to support the efficient use of land in these areas. The strategic objective is to encourage infilling, intensification, and development in appropriate locations and with appropriate built form and design.

The Official Plan also seeks to protect and enhance the character of existing urban areas and the stability of existing and well-established residential neighborhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.

The proposed use conforms to the relevant policies of the United Counties of Stormont, Dundas and Glengarry Official Plan 2018.

Township of North Glengarry Zoning By-law No. 39-2000

The Township of North Glengarry Zoning By-law No. 39-2000 Residential Third Density (R3) zone permits residential townhome buildings as such. The proposed complies with the intent and purpose of the zoning by-law. The surrounding area is mostly residential in all directions with some commercial across the street, where the White Rock Motel is located.

The proposed will generate minimal impact on adjacent lands and dwellings as there are no changes to the development (a Part Lot Control By-law is solely for ownership purposes), and should be considered desirable and appropriate, as it meets the intent and purpose of the Zoning By-law and the objectives and policies of the Official Plan.

The application is being presented this evening to the Council of The Township of North Glengarry for further discussion and adoption.

Options & Discussion:

Option #1 That Council adopt the by-law as presented- recommended. Once approved, the by-law will be sent to the United Counties for stamping.

OR

Option #2 Council does not adopt the by-law – not recommended.

Financial Implications:

No financial implications to the Township

Attachments & Relevant Legislation:

- By-Law 19-2024
- Reference Plan

Others Consulted:

n/a

Reviewed and Approved by:
Sarah Huskinson, CAO/Clerk