

Staff Report to Council

Title: Deeming Bylaw – King Street,
Tiverton - Kunkel

Report Number: Development Services-2023-
37

Director: Infrastructure &
Development

Manager: Development Services

Meeting Date:
Wednesday, November 22, 2023

Date to be considered by Council:
Wednesday, November 22, 2023

Recommendation:

That Council pass a Deeming bylaw to deem PLAN 94 LOT 13 KING E/S; PLAN 94 LOT 12 KING; PLAN 94 LOT 11 KING E/S; and PLAN 94 LOT 10 PT LOT 9 KING (Village of Tiverton) not to be lots in a registered plan of subdivision.

Executive Summary:

As a Condition of Provisional Approval (Consent) under Section 53(12) of the Planning Act, it is required that a Deeming Bylaw be passed in order deem PLAN 94 LOT 13 KING E/S; PLAN 94 LOT 12 KING; PLAN 94 LOT 11 KING E/S; and PLAN 94 LOT 10 PT LOT 9 KING (Village of Tiverton) not to be lots in a registered plan of subdivision. The removal of the lots from the plan of subdivision allows the lots to be reconfigured and a new reference plan will be registered on title. The existing lot configuration consists of three (3) lots currently fronting onto King St. known as 68, 70, and 72 King St. The passing of a deeming by-law will permit the establishment of three (3) new Residential (R1) lots fronting onto Ross St. and a portion of 72 King St. being severed and merged with 74 King St. to the south. The remainder of 72 King St will be merged to the rear of the new lots that will front onto Ross St.

Strategic Priorities:

N/A

Financial Considerations:

Application for Deeming and assignment of Parkland Fees as per Rates and Fees Bylaw

Context and Background Information:

As a Condition of Provisional Approval (Consent) under Section 53(12) of the Planning Act, it is required that a Deeming Bylaw be passed in order deem PLAN 94 LOT 13 KING E/S; PLAN 94 LOT 12 KING; PLAN 94 LOT 11 KING E/S; and PLAN 94 LOT 10 PT LOT 9 KING (Village of Tiverton) not to be lots in a registered plan of subdivision. The removal of the lots from the plan of subdivision allows the lots to be reconfigured and a new reference plan will be registered on title. The existing lot configuration consists of three (3) lots currently fronting onto King St. known as 68, 70, and 72 King St. The passing of a deeming bylaw will permit the establishment of three (3) new Residential (R1) lots fronting onto Ross St. and a portion of 72 King St. being severed and merged with 74 King St. to the south which currently is occupied by a dwelling. The remainder of 72 King St will be merged to the rear of the new lots that will front onto Ross St.

The applicant had previously submitted Official Plan and Zoning applications for 68, 70 and 72 King St. to change the land use designations to a combination of Core Commercial (C1) to Residential One (R1). A portion of the subject lands was re-zoned to Residential One (R1) to permit the establishment of three (3) residential lots fronting onto Ross St. and a portion of the subject lands (72 King St.) were retained, which currently fronts onto King St. as General Commercial (C1) which a portion is proposed to merge with the retained lands known as 74 King St. The local Official Plan amendment was completed and passed under Bylaw 2022-070 and the Zoning Bylaw Amendment was completed and passed under Bylaw 2022-071.

With the establishment of three lots that will front onto Ross St. separate water and sewer servicing laterals will be require into each lot. Entrancing for each of the three lots onto Ross St. will also be subject to entrance approvals from the Municipality and any existing entrances onto Highway 21 will be subject to MTO approvals prior to any works being conducted. This includes any entrance removals as per MTO.

Consultation Overview:

Municipal Staff, MTO, Hydro One, Public School Board, SVCA, Transportation and Environmental Services, Canada Post, First Nations

Origin:

Request of the owner

Implementation Considerations:

The removal of the lots from the plan of subdivision allows the lots to be reconfigured to align with the Zoning and Official Plan Amendments. The applicant will proceed with registering a new reference plan to establish three (3) residential lots and one (1) retained lot which (as adjusted through a boundary adjustment). The lots adhere to the lot area and frontage provisions prescribed under bylaw 2003-025.

Risk Analysis:

N/A

Attachments:

Zoning Amendment 2022-071

Surveyor's Certificate

Surveyor's Certificate – Current Property Configuration

Surveyor's Certificate – Proposed Property Configuration

Prepared by: Dwayne McNab CBCO – Development Services Manager/ CBO

Submitted by: Dwayne McNab CBCO – Development Services Manager/ CBO