



PART LOT CONTROL EXEMPTION

TOWN OF AMHERSTBURG
Economic and Community Development Department
Planning Services Division
3295 Meloche Road
Amherstburg, Ontario, N9V 2Y8
519-736-5408

PURPOSE

Where land is within a registered plan of subdivision and the owner wishes to subdivide a lot or a block within such registered plan for the purpose of selling, conveying, leasing or mortgaging such part lots or part blocks, an owner may request the Municipality to pass a Part Lot Control Exemption By-law under Section 50 (7) of the Planning Act. This provision establishes that Section 50(5), Part Lot Control, does not apply to land that is contained within the lands subject to a Part Lot Control Exemption By-law.

In this form, the term “subject land” means the land that is the subject of the proposed part lot control exemption by-law.

The Town of Amherstburg will give consideration to using this method of severance of land **only for residential development** fronting an existing or dedicated road. For example, the division of lots and blocks for semi-detached dwellings or street rowhouse dwellings or single detached dwellings within a lotless block. Only under special circumstances consideration of part lot control exemption for non-residential development may be given. **In all cases, no part lot control exemption by-law can be recommended to be approved if the municipality desires any conditions to be applied to the division of the subject lands.**

The final passing and registration of a Part Lot Control Exemption By-law eliminates the need for an owner to receive approval of an application for Consent from the Committee of Adjustment.

SUBMISSION REQUIREMENTS

1. One (1) original Part Lot Control application form - **completed and signed**.
2. Application fee of \$2590.00 + \$500 deposit (payable to the Town of Amherstburg). Any unused portion of the deposit will be returned when the file is closed.

Engineering review fees are applicable in accordance with the Amherstburg User Fee By-law, which may include an additional review fees each time an application is resubmitted and rereviewed.

3. Two (2) paper copies and a digital copy of a Registered Reference Plan, prepared by an Ontario Land Surveyor and showing the proposed parcel fabric to be created. The following information is required to be shown on the reference plan:
 - Legal description of the subject lands.
 - The true dimensions and bearings of the property.
 - The location of all new lot lines proposed to be created with corresponding lot areas and lot widths indicated thereon.
4. Applications may be delivered or mailed to the Manager of Planning Services, 3295 Meloche Road, Amherstburg, ON N9V 2Y8.

PROCESS

- 1. Applications should be submitted at least 4 weeks prior to a scheduled Council meeting. Please consult with staff to determine the appropriate timelines.
- 2. Applicants are required to submit a digital file of the registered reference plan(s).
- 3. The Town’s Manager of Planning Service makes a recommendation on the application and the by-law is prepared approximately two weeks prior to Council’s consideration of the by-law.
- 4. Once the by-law has been enacted by council, copies are sent to the County of Essex who is the final approval authority. When the County of Essex has approved the by-law, it is registered on title
- 5. Following the passing of the by-law by Council and the approval by the County of Essex, the by-law is registered. By registering the by-law on title, solicitors acting on future property transactions are advised that individual lot conveyances do not contravene the Planning Act.
- 6. Since the part lot control by-law makes specific reference to the Reference Plan, any changes to the lot configuration thereafter require a new application for part lot control exemption and the passing of a new by-law, to ensure compatibility with servicing.
- 7. Each part lot control by-law in the Town of Amherstburg remains in force and effect for a period of up to three (3) years from the date of its passing. Extensions to this date may be made prior to the date of its expiry.

CHECKLIST OF SUBMISSION REQUIREMENTS

Applications should be submitted at least <u>4 weeks</u> prior to a scheduled Council meeting. Please consult with staff to determine the appropriate timelines.	
Please check the appropriate box and attach all necessary material to this form:	
Attached	
<input type="checkbox"/>	Required Fee Each application must be accompanied by the application deposit in the form of a cheque in the amount of \$3,090.00 payable to the Town of Amherstburg. If applying in person payment may be made by cash as well.
<input type="checkbox"/>	This application must be accompanied by a legal description of the lands subject to the requested part lot control exemption.
<input type="checkbox"/>	Two (2) paper copies and a digital copy of the applicable registered plan of subdivision (12M) and/or registered reference plan (12R).
<input type="checkbox"/>	One (1) copy of this application- completed and signed

The completed application form and supporting documentation may be returned to the Planning Services Division, 3295 Meloche Road, Amherstburg, Ontario, N9V 2Y8.

If the subject lands are located within 120 m of a Provincially Significant Wetland, Significant Woodland, Area of Natural or Scientific Interest or Significant Species at Risk Habitat, the applicant may be required to complete a natural heritage review. The initial pre-consultation cost of the natural heritage review is \$565 and should additional work, such as an Environmental Impact Assessment, be required, the applicant will be responsible for all costs associated with review. Costs associated with the review will be invoiced to the applicant through the Town of Amherstburg. The applicant will be responsible for finding their own qualified biologist to complete the Environmental Impact Assessment, if required, and will be responsible for all costs associated with the assessment.

OFFICE USE ONLY

Application No: _____

Date of Pre-consultation Meeting: _____

Date Application Received: _____

Date Application Deemed Complete: _____

Staff Person Present: _____

Municipal Fee Received: _____

ERCA Fee Received: _____

1. CONTACT INFORMATION

Applicant/Owner Information
Municipal Freedom of Information and Protection of Privacy Act – Personal Information on this form is collected under authority of the Planning Act and will be used to process this application.

Name of Registered Owner: _____

Mailing Address: _____

Postal Code: _____

Phone: _____

Email: _____

Agent Authorized by Owner to file the Application (if applicable):

Name of Registered Owner: _____

Mailing Address: _____

Postal Code: _____

Phone: _____

Email: _____

Which of the above is the Primary Contact? ☐ **Applicant** ☐ **Agent**

2. LOCATION AND LEGAL DESCRIPTION OF SUBJECT LANDS

Assessment Roll No.: _____

Municipal Address: _____

Concession: _____

Lot: _____

Registered Plan No.: _____

Lot(s): _____

Reference Plan No.: _____

Part(s): _____

3. TYPE AND PURPOSE OF TRANSACTION (please check all applicable)

- ☐ Creation of new lot(s) involving change to lot lines shown on registered plan of subdivision.
- ☐ Creation of part lots from whole lots or blocks for semi-detached dwellings or street rowhouse dwellings.
- ☐ Creation of part lots from whole lots or blocks for single detached dwellings.
- ☐ Creation of easements for zero sideyard development (may not require Part Lot Control if Subdivision Agreement contains granting conditions).
- ☐ Creation of easements for rear yard access for street rowhouse dwellings.
- ☐ Revision to lot line of previously approved Part Lot Control By-law Number:

- ☐ Re-application for expired approved Part Lot control By-law Number:

- ☐ Mortgage or Charge
- ☐ Other

Is the land within 600 m of property that is designated as Extractive Industrial?

- ☐ Yes ☐ No

If yes, as per Section 3.3.3 of the Official Plan a noise and vibration study is required for approval by the Town, to be completed

4. CONSENT OF OWNER

The owner must also complete the following or a similar authorization attached to the application.

**Consent of Owner(s) to the Use and Disclosure of Personal Information
and to Allow Site Visits to be Conducted**

In accordance with the provisions of the Planning Act, it is the policy of the Town of Amherstburg Planning Services Department to provide the public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation, I/we _____ the owner(s)/authorized applicant, hereby acknowledge the above-noted policy and provide my/out consent, in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

Date _____
Signature

5. AFFIDAVIT (This affidavit **must** be signed in the presence of a Commissioner)

I/We, _____ of the
_____ of _____ in the
_____ of _____ solemnly declare that
all of the information and the statements contained in this application are true, and I/we,
make this solemn declaration conscientiously believing it to be true, and knowing that it
is of the same force and effect as if made under oath and by virtue of the *Canada
Evidence Act*.

DECLARED before me at the _____
PRINT TOWN OR CITY NAME
in the _____ this date _____.
COUNTY NAME **DATE**

DATE **SIGNATURE OF OWNER OR AUTORIZTION AGENT**

DATE **SIGNATURE OF COMMISSIONER**

6. AUTHORIZATION

If the applicant is not the owner(s) of the land that is subject of this application, the
owner(s) must complete the following or a similar authorization attached to the part lot
control exemption application.

Authorization of Owner(s) for Agent to make the application and to provide personal
information

I/We, _____ being the registered
owner(s) of the lands subject of this application for part lot control exemption hereby
authorize _____ to prepare and
submit this application on my/our behalf and, for the purposes of the Freedom of
Information and Protection of Privacy Act, to provide any of my/our personal information
that will be included in this application or collected during the process of the application.

Date **Signature**

Date **Signature**

- ☐ I acknowledge that the Town requires all documents associated with the application to be
provided in compliance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) as
the documents will be made public in accordance with the Planning Act and Municipal Act. The
Town will not provide a letter confirming a complete application has been made until such time
as all required documents are provided as noted. I further acknowledge that a public meeting
for my application will not be scheduled until a letter confirming a complete application has
been issued.

APPLICANT, SOLICITOR OR AUTHORIZED AGENT **DATE**