



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 \$2538.00 + \$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.



**TOWN OF AMHERSTBURG
PART LOT CONTROL EXEMPTION**

CHECKLIST OF SUBMISSION REQUIREMENTS

Applications should be submitted at least 4 weeks 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 \$3,038.00 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.



TOWN OF AMHERSTBURG
Application for
PART LOT CONTROL EXEMPTION

| OFFICE USE ONLY | |
|--|---|
| Application No.: | Date Application Received: |
| Date of Pre-consultation Meeting: | Staff Person Present: |
| Date Application Deemed Complete: | Municipal Fee Received: ERCA Fee Received: |

| 1. CONTACT INFORMATION | |
|--|--------|
| <i>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.</i> | |
| Applicant/Owner Information | |
| Name of Registered Owner: | |
| Mailing Address: | |
| Postal Code: | Phone: |
| Cell: | Email: |
| Agent Authorized by Owner to file the Application (if applicable): | |
| Name: | |
| Mailing Address: | |
| Postal Code: | Phone: |
| Cell: | Email: |
| Which of the above is the Primary Contact? <input type="checkbox"/> Applicant <input type="checkbox"/> 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) | | | |
| <input type="checkbox"/> | Creation of new lot(s) involving change to lot lines shown on registered plan of subdivision. | | |
| <input type="checkbox"/> | Creation of part lots from whole lots or blocks for semi-detached dwellings or street rowhouse dwellings. | | |
| <input type="checkbox"/> | Creation of part lots from whole lots or blocks for single detached dwellings. | | |
| <input type="checkbox"/> | Creation of easements for zero sideyard development (may not require Part Lot Control if Subdivision Agreement contains granting conditions). | | |
| <input type="checkbox"/> | Creation of easements for rear yard access for street rowhouse dwellings. | | |
| <input type="checkbox"/> | Revision of lot line of previously approved Part Lot Control By -law Number: _____ | | |
| <input type="checkbox"/> | Re-application for expired approved Part Lot control By -law Number: _____ | | |
| <input type="checkbox"/> | Mortgage or Charge | | |
| <input type="checkbox"/> | Other | | |
| Is the land within 600 m of property that is designated as Extractive Industrial? | | | |
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | |
| 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

Date

Signature

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.

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 _____ of _____
in the _____ of _____ this _____
day of _____, 20_____.

Date

Signature of Owner or Authorized 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