



## Application for Exemption from Part-Lot Control Guidelines & Directions for Applicants:

### A Natural Attraction

Submit one copy of the completed application form and the following material:

#### **Semi-detached Lots**

- 1) Fee:
- 2) Four copies of the draft reference plan (all existing buildings and all setbacks must be shown);
- 3) Four copies of surveyor's schedule, indicating the following:
  - a) frontage at the street line and at 7.5 m back from the street line
  - b) area of each part shown on the reference plan
  - c) use of each part (ie: easements, right of ways, etc.)
- 4) Certification from a consulting engineer advising that the proposed lot lines do not conflict with the location of lateral services, the drainage plans or proposed site plan items;
- 5) Four copies of a site plan, if applicable.

#### **Townhouse Lots**

- 1) Fee:
- 2) Five copies of the draft reference plan (all existing buildings and all setbacks must be shown);
- 3) Five copies of the surveyor's schedule, indicating the following:
  - a) frontage of the street line and at 7.5 m back from the street line
  - b) area of each part shown on the reference plan
  - c) use of each part (ie: easements, right of ways, etc.)
- 4) Certification from a consulting engineer advising that the proposed lot lines do not conflict with the lot location of lateral services, the drainage plans or proposed site plan items;
- 5) Five copies of a site plan, if applicable.

#### **Industrial Plan of Subdivision**

- 1) Fee:
- 2) Six copies of the draft reference plan (all existing buildings and all setbacks must be shown);
- 3) Six copies of surveyor's schedule, indicating the following:
  - a) frontage at the street line and at 7.5 m back from the street line
  - b) area of each part shown on the reference plan
  - c) use of each part (ie: easements, right of ways, etc.)
- 4) Certification from a consulting engineer advising that the proposed lot lines do not conflict with the location of lateral services, the drainage plans or proposed site plan items;
- 5) Six copies of a site plan, if applicable.

If you are requesting exemption from part-lot control for an entire industrial plan of subdivision, the following additional information is required:

- 1) Two copies of the registered plan of subdivision;
- 2) Document general signed by the property owner(s) consenting to the registration of restrictions.

#### **General Information**

- 1) The part-lot control exemption provisions of the Planning Act apply only to properties located within registered plans of subdivision.
- 2) The applicant is required to file a complete request. A file number will not be assigned and the processing of the application will not commence until all the required material has been submitted.
- 3) If this application does not conform with the applicable City of Quinte West Zoning By-law, a rezoning or minor variance application must be submitted, approved and finalized prior to Council enacting the exempting part-lot control by-law.
- 4) Additional information may be required by Development Services, before this application can be processed or finalized. You will be notified should this be the case.

- 5) The personal information on this form is collected under the Planning Act, R.S.O. 1990, as amended. The information is used for the purpose of processing the application. If you have any questions about the collection of personal information, please contact the City Clerk, City of Quinte West, at 613-392-2841

### **IMPORTANT NOTICE - Exemption from Part-Lot Control By-laws Expiry Date**

All by-laws passed, which exempt lands from part-lot control will expire three years after the date the by-law was enacted. Please ensure that all land transfers occur within 3 years of the enactment of the part-lot control exemption by-law.

### **What is Part-Lot Control?**

A property owner may sell a whole lot or block within a registered plan of subdivision, even though the landowner may own abutting lots. Section 50(28) of the Planning Act, R.S.O. 1990, c.P.13, provides that part of a lot on a registered plan of subdivision cannot be transferred without the approval of the municipality. Part-lot control has the effect of preventing the division of land in a registered plan, other than that allowed for in the approved plan of subdivision, without further approvals.

The part-lot control provisions of the Planning Act allow a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot without requiring the approval of the land division committee.

### **When is exempting land from Part-Lot Control appropriate?**

Exemption from part-lot control is appropriate when a number of land transactions are involved, but the resulting changes will not affect the nature or character of the subdivision. For example, exemption from part-lot control is commonly used to facilitate the development of industrial subdivisions, where large blocks are further subdivided to accommodate the needs of purchasers.

Exemption from part-lot control is also used for semi-detached and townhouse developments, as individual semi-detached or townhouse lots are not normally indicated on a registered plan of subdivision. This approach is used because of the difficulty the builder would have in ensuring that the common centre wall between two dwelling units was constructed exactly on the property line.

The Planning and Development Services Department will not process any requests for exemption under part-lot control which will have the effect of creating additional lots unless the development proposal under the exemption from part-lot control request has been subject to a previous planning application, which clearly indicated the proposed changes to the lot configuration and which involved a public meeting.

Subject to the above-noted condition, the City of Quinte West will accept the following types of exemption from part-lot control applications:

- creation of townhouse lots within an approved plan of subdivision
- creation of semi-detached lots within an approved plan of subdivision
- lot realignments within non-residential plans of subdivision
- mechanical severances, such as additions to lots, easements, land dedications, etc.
- adjacent lands within plan of subdivision

The exemption from part-lot control process cannot be used to re-align lots within existing residential plans of subdivision which will create additional building lots.

### **Restrictions – Industrial Subdivisions**

Prior to Council enacting a by-law exempting industrial lands from part-lot control, the property owner will be required to consent to the registration of restrictions against the property. Restrictions prohibit the owner from transferring or mortgaging any portion of a lot prior to the City consenting to the transfer or mortgage, even though the lands have been exempted from part-lot control. This will eliminate the need for property owners to obtain the City's consent when transferring or mortgaging the property in the future.

## **Expiration**

All by-laws exempting lands from part-lot control shall expire three years after the date of the enactment of the exempting by-law. At the request of the property owner, Council may extend the term of the exempting by-law.

## **Process**

Requests for exemption from part-lot control are processed within approximately 6 weeks. The process is as follows:

1. Applicant files complete request with Planning & Development Services.
2. Request is circulated to the Planning & Development Services, Building Division, Public Works and Fire Services.
3. Part-lot control exempting by-law is prepared upon receipt of departmental clearances.
4. By-law is considered and approved by City Council.
5. By-law is forward to the office of the City Solicitor for registration.
6. By-law / restrictions are registered on title.

Should you require additional information, please contact Planning & Development Services at (613) 392-2841 during normal office hours, Monday to Friday, 8:30 am to 4:30 pm.