



## By-law 32-2022

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### **A By-law to Establish a Part-Lot Control Exemption By-law Procedure for the Townships of Alnwick/Haldimand, Cramahe and Hamilton**

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**Whereas** pursuant to Subsection 50(7) of the Planning Act, R.S.O. 1990 c.P.13 as amended (the "Planning Act"), the Council of a local municipality may by create a part-lot control exemption by-law for lands approved by a plan or plans of subdivision registered in the County of Northumberland; and

**Whereas** pursuant to Subsection 50(7.1) of the Planning Act, a part-lot control exemption by-law does not take into effect until it has been approved by the approval authority for plans of subdivision; and

**Whereas** the County of Northumberland is delegated the authority of the Minister of Municipal Affairs and Housing, under Section 51 of the *Planning Act* (Ontario Regulation 177/14) to approve plans of subdivision and condominium applications in the Township of Alnwick/Haldimand, Township of Cramahe and the Township of Hamilton; and

**Whereas** the Council of the County of Northumberland deems it necessary to establish a procedure to approve part-lot control exemption by-laws;

**Now Therefore Be It Enacted** as a by-law of the Council of the Corporation of the County of Northumberland as follows:

1. That the procedure to approve part-lot control exemption by-laws for the following Townships be adopted in accordance with Schedule 'A' attached hereto and forming part of this by-law:
  - Township of Alnwick/Haldimand;
  - Township of Cramahe; and
  - Township of Hamilton

2. This by-Law will come into effect on the day of its passing.

**That** By-law 32-2022 be introduced and be deemed to be read a first, second and third time, passed, signed and sealed this 20<sup>th</sup> day of July, 2022.

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**R.J. (Bob) Crate, Warden**

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**Nancy MacDonald, Clerk**

## **Schedule ‘A’**

### **Procedure for Part-Lot Control Exemption By-law Approval for the Township of Alnwick/Haldimand, Township of Cramahe, and Township of Hamilton**

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## **Procedure for Part-Lot Control Exemption By-law Applications for the Township of Alnwick/Haldimand, Township of Cramahe, and Township of Hamilton**

### **1.0 Introduction**

- 1.1 The *Planning Act* permits *part-lot control exemption (PLCE) by-laws* for any lot and/or block created through a registered plan of subdivision.
- 1.2 Subsections 50(7) and 50(7.1) of the *Planning Act* permits the Council of a *local municipality* to create a *part-lot control exemption by-law* for lands within a registered plan or plans of subdivision approved by the subdivision approval authority.
- 1.3 Ontario Regulation 177/14 delegated the Council of the County of Northumberland all authority of the Minister of Municipal Affairs and Housing to approve plans of subdivisions in certain local municipalities. The *County* is the subdivision approval authority for the Township of Alnwick/Haldimand, Township of Cramahe and Township of Hamilton.
- 1.4 *PLCE by-laws* are typically used to accurately survey lot boundaries (e.g., when dividing semi-detached dwellings, townhouses, as well as industrial and commercial units) containing common foundation walls.
- 1.5 *PLCE by-laws* are not subject to *Planning Act* public consultation requirements since *part-lot control* is used to establish ownership and confirm the number of units on a lot or block previously approved through a plan of subdivision.
- 1.6 An *applicant* may request an exemption to *part-lot control*, provided that the *local municipality* has issued building permits for the development and building foundation walls are poured for the building.
- 1.7 The following sets out a procedure for the *County* to approve *PLCE by-laws* adopted by Alnwick/Haldimand, Cramahe and Hamilton.

### **2.0 Definitions**

- 2.1 In this document:
  - a) “Applicant” means the person, property owner, authorized agent or developer requesting a *Part-lot control exemption by-law*.
  - b) “County” means the Corporation of the County of Northumberland.
  - c) “County Planning” means land use planning staff and support staff for the Corporation of the County of Northumberland.
  - d) “Land Registry Office” means an office used by the Province of Ontario located in the County of Northumberland to register and search official property records.

- e) "Local Municipality" means a municipality within the geographical boundaries of either the Township of Alnwick/Haldimand, or the Township of Cramahe or the Township of Hamilton.
- f) "Local Municipal Clerk" means the Clerk for the *local municipality* of Alnwick/Haldimand, Cramahe or Hamilton.
- g) "Part-Lot Control" means the regulation of sale or transfer of part of a lot or block within a registered plan of subdivision.
- h) "Part-Lot Control Exemption (PLCE) By-law" means a temporary exemption of part-lot control by way of a local municipal by-law permitting the severance of a lot(s) or block(s) within all or part of a registered plan of subdivision.
- i) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, Chap. P.13 as amended from time to time and the regulations made thereunder.

### **3.0 Consultation**

- 3.1 Prior to the submission of a PLCE application, the *applicant* should consult with local municipal planning staff to determine the municipality's requirements and process for adopting a *part-lot control exemption by-law*.
- 3.2 Local municipal planning staff may also consult with *County Planning* and other agencies as deemed appropriate prior to the submission of an application.
- 3.3 Once the *applicant* submits a PLCE application to the *local municipality*, the *local municipality* may review the application and adopt a *PLCE by-law*.

### **4.0 Submission to County**

- 4.1 The *local municipality* sends the following materials to *County Planning* following the adoption of a *PLCE by-law*:
  - A copy of a completed and signed application,
  - An explanatory letter, prepared by the *applicant* or a report prepared by the *local municipality*, consisting of, but not limited to the following:
    - current zoning of the properties subject to PLCE;
    - proposed land use(s);
    - type of access available;
    - availability of services; or
    - unit type and number summary table, to determine if the proposed number of units created are consistent with the number of units previously approved through the subdivision;

- A registered reference (39R) and/or monument (39M) Plan(s);
- Written notice of passing of a *part-lot control exemption by-law*;
- Two copies of the adopted *part-lot control exemption by-law* (one original and one certified copy); and
- *County* approval fee.

## **5.0 County Decision**

- 5.1 *County Planning* may circulate the application internally to other *County* Departments for review.
- 5.2 If there are no concerns with the submission, *County Planning* will grant approval of the *PLCE by-law* by way of an approval stamp signed by the *County Planning* Manager or *County* Clerk.
- 5.3 *County Planning* will coordinate with the *local municipality* and *applicant* as necessary to resolve any outstanding concerns prior to granting approval.
- 5.4 *County Planning* will scan a copy of the approved *PLCE by-law* for its records and return both copies of the by-law to the *local municipality*.
- 5.5 The *local municipal clerk* must prepare a certified copy or duplicate of the *PLCE by-law* and forward the by-law to the *Land Registry Office* for registration in accordance with Subsection 50(28) of the *Planning Act*.

## Procedure Flow Diagram for Part-Lot Control Exemption By-laws

