



## APPLICATION FOR PART LOT CONTROL

Planning Division – 200 King Street West, 6<sup>th</sup> Floor  
P.O. Box 1118, Kitchener ON N2G 4G7  
519-741-2426; [planning@kitchener.ca](mailto:planning@kitchener.ca)

### 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 of 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 subsection 5 (Part Lot Control) does not apply to land that is contained within the lands subject to a Part Lot Control By-law.

The City of Kitchener will give consideration to using this method of severance of land for development fronting an existing or dedicated road. For example, the division of lots and blocks for semi-detached dwellings or linear townhouses or single detached dwellings within a lotless block. **No part lot control exemption by-law can be approved if the municipality requires 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 AND APPLICATION FEES

Complete applications shall be submitted by email to [planning.applications@kitchener.ca](mailto:planning.applications@kitchener.ca) (maximum 10 MB); for larger files please upload directly to the City's **ShareFile** account (contact us if you require access) with a corresponding email to advise that the application has been submitted. **Original, signed application form and cheque** (payable to the City of Kitchener) should be sent to City Hall, Planning Division, to the attention of the Manager of Development Review, by mail or courier as soon as possible following the digital submission.

- Copy of DRAFT REFERENCE PLAN, prepared by an Ontario Land Surveyor, together with BUILDING LOCATION PLAN (if applicable).
- \$3,084.00** per original lot, block or part thereof, including rear yard access easements for town house blocks  
- or
- \$3,084.00** for first easement (e.g. maintenance easement) + **\$200.00** for each subsequent easement required on single detached lots  
- or
- \$436.00** for the renewal of a previously approved but expired Part Lot Control By-law, for the identical purpose as the original by-law

- PLUS -

- \$351.38** for legal administration fees in connection with by-law preparation and registration

**TOTAL FEES SUBMITTED: \$ \_\_\_\_\_**

(please include a scanned copy of cheque with the digital submission)

### PLANS

The following information is required to be shown on the draft reference plan/building location 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.

- The location, dimensions and setbacks of all residential buildings or foundations thereof, as well as accessory buildings.
- The existing or proposed height and number of storeys of all residential buildings.
- The location of driveways and parking areas including garages (specify when garages are attached).

## PROCESS

1. Applications should be submitted at least 4-5 weeks prior to a scheduled Council meeting. Please consult with staff to determine the appropriate timelines.
2. Applications are reviewed for zoning compliance and circulated to City and outside utilities for compliance with servicing plans.
3. Applicants are required to **deposit the reference plan** once the plan is deemed to comply with zoning requirements and confirmation is given that it is consistent with any approved servicing plans. The **subdivision plan must be registered** at this point.
4. Applicants are required to submit a **digital file** of the deposited reference plan(s) in dwg (AutoCAD) or dgn (MicroStation) format. The file must contain Layers 1-6 as set out below and **should be georeferenced** in accordance with the City's standards on georeferencing.
5. All current outstanding taxes must have been paid for the subject lands.
6. The City planner makes a recommendation on the application and the By-law is prepared approximately one week prior to Council's consideration of the By-law.
7. Following the passing of the By-law by Council, the By-law is registered (requires approximately 1 week).
8. Since the PLC By-law makes specific reference to the Reference Plan, any changes to the lotting configuration thereafter requires a new application for Part Lot Control Exemption and the passing of a new By-law, to ensure compatibility with servicing.
9. Each Part Lot Control By-law in The City of Kitchener remain in force and effect for a period of two (2) years from the date of its passing. Extensions to this date may be made prior to the date of its expiry by contacting the City's Legal staff.

## DIGITAL SUBMISSIONS

### General Notes

- a) The City of Kitchener uses level symbology (ie. assigns colours, line weights, line styles by layer). Any symbology assigned by the applicant to an element will be overwritten by our symbology. Please use common linetypes and fonts (TrueType Fonts).
- b) For MicroStation users, the city will also provide a seed file, which contains the predefined working units, global origin and all symbology.
- c) The City of Kitchener inserts all plans into MicroStation. Please ensure that there are no more than 63 layers or levels in the submitted file.
- d) All files should be in 2 dimensional (2D) format.
- e) All linework should be closed. This means that all lines that meet should be snapped together.
- f) Content contained on any other layers/levels will be discarded when inserted into our MicroStation file.
- g) Only content described under "Description of Content" shall be allowed on the outlined layers/levels.

Level/Layer #	Name	Description of Content	Entity Type
1	BOUNDARY	Legal property boundary of the subject plan. All line work must be closed (snapped together at meeting points)	Line
2	BEARINGS_DIST	Bearings and distances of plan boundary (metric)	Line & text
3	LEGAL	Any relevant background legal lines and text (legal descriptions: lots, concessions, Registered Plans)	Line & text
4	PLAN_LINES	All plan lines defining parts. All line work must be closed (snapped together at meeting points).	Line
5	PLAN_DIM	Dimensions in metric.	Line & text
6	PLAN_TEXT	Plan text (lot numbers, block numbers)	Text

### STAFF USE ONLY – COMPLETE APPLICATION REVIEW

- Original, signed application form received and reviewed
- Applicable fees submitted
- "Staff Use Only" fields completed on form
- Signed Record of Pre-submission Consultation attached
- Any additional information provided as required by Pre-submission Consultation Record (confirm that information meets submission criteria as requested by department/agency)
- Confirmation of ownership, address & legal description
- Affidavit completed and signed by applicant & commissioner
- Authorization provided, if required

Deemed as a complete application by: \_\_\_\_\_ Date: \_\_\_\_\_



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## STAFF USE ONLY

Date Received:	Date Accepted as Complete:	Pre-submission Record Date:	Fees Paid:
			\$

### 1. REGISTERED OWNER (list on additional page if required)

Name(s): _____	Phone: _____
Company (if applicable): _____	Extension: _____
Street Address: _____	Email: _____
City/Province: _____	Postal Code: _____

### 2. APPLICANT (if other than registered owner)

Name: _____	Phone: _____
Company (if applicable): _____	Extension: _____
Street Address: _____	Email: _____
City/Province: _____	Postal Code: _____

### 3. ALL PERSONS OR INSTITUTIONS WHO HAVE ANY MORTGAGE CHARGE OR ENCUMBRANCE ON THE PROPERTY

Name: _____	Phone: _____
Company (if applicable): _____	Extension: _____
Street Address: _____	Email: _____
City/Province: _____	Postal Code: _____

### 4. ONTARIO LAND SURVEYOR

Name: _____	Phone: _____
Company (if applicable): _____	Extension: _____
Street Address: _____	Email: _____
City/Province: _____	Postal Code: _____

Signature: \_\_\_\_\_

### 5. LOCATION OF LANDS

Municipal Address: _____	Assessment Roll No.: _____
City: _____	Lot: _____
Concession: _____	Former Twp.: _____
Registered Plan No.: _____	Lot(s)/Block(s): _____
Reference Plan No.: _____	Part(s): _____

**6. TYPE AND PURPOSE OF TRANSACTION** (check all that apply)

- 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
- Creation of maintenance easements for zero side yard development
- Creation of easement for rear yard access for street townhouse dwellings
- Revision to lot line of previously approved PLC By-law Number \_\_\_\_\_
- Re-application for expired approved PLC By-law Number \_\_\_\_\_
- Mortgage or Charge
- Other (specify) \_\_\_\_\_

**7. TOTAL NUMBER OF LOTS TO BE CREATED:** \_\_\_\_\_

**8. DESCRIPTION OF PARTS TO BE SUBJECT TO PART LOT CONTROL BY-LAW**  
(list all Parts which are the subject of this application; attach additional sheets as necessary)

<b>PART NO.</b>	<b>PIN</b> (property identification number)	<b>WIDTH (m)</b> at setback	<b>Part Without Easement</b>	<b>Utility Easement</b> (specify)	<b>Rear Yard Easement</b> (specify)	<b>Maintenance Easement</b>	<b>Eave Encroachment Easement</b>
Example: PT. 1						X	
PT. 2							X
PT. 3			X				
PT. 4				overland flow			

**9. INTENDED LOTTING FABRIC (attach additional sheets as necessary)**

All Parts Comprising a Lot	Combined Lot Width	Combined Lot Area	Type of Dwelling	Attached Garage? Y or N
Example: 1, 2, 3, 4	13.8 m	468 m <sup>2</sup>	semi detached	Y

The personal information contained on this form is collected pursuant to the Planning Act and will be used for the purpose of responding to your application. If you have any questions on the gathering of personal information, please contact the Manager of Corporate Records & Archive Services at 519-741-2200 ext-7766.

**AUTHORIZATION OF OWNER FOR AGENT TO MAKE THE APPLICATION**

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner is required, as below:

I, \_\_\_\_\_, am the owner of the land that is the subject of this application. I have disclosed to my agent and the City of Kitchener all agreements or encumbrances that apply to the subject lands and I authorize \_\_\_\_\_ to make this application on my behalf.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**ACKNOWLEDGEMENT**

I understand that receipt of this application by the City of Kitchener - Planning Division does not guarantee it to be a 'complete' application. Further review of the application will be undertaken and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted. Once the application is deemed to be fully complete, the application fee will be deposited and the application will be processed. Submission of this application constitutes consent for authorized municipal staff to enter upon the subject property for the purpose of conducting site visits, including photographs, which are necessary for the evaluation of this application.

Signature of Owner/Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**AFFIDAVIT** (to be completed *in person* in the presence of a Commissioner of Oaths)

I, \_\_\_\_\_, of the City/Town/Township of \_\_\_\_\_, in the County/Region of \_\_\_\_\_, solemnly declare that the information contained in this application is true, the information contained in the documents that accompany this application is true and that the owner as of the day on which this application is made has unconditional ownership of the subject lands and has disclosed any agreements or encumbrances that apply to the subject lands.

**Signature of Owner/Applicant:** \_\_\_\_\_

**Declared before me at the**

City/Town/Township of \_\_\_\_\_ in the County/Region of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**Commissioner of Oaths:** \_\_\_\_\_