



APPLICATION FOR ZONING BY-LAW AMENDMENT TO REMOVE A HOLDING PROVISION

Development & Housing Approvals
200 King Street West, 6th Floor
Kitchener ON N2G 4V6
519-741-2426; planning@kitchener.ca

USING THE APPLICATION FORM

This application form is to be used by persons or public bodies wishing to remove a holding provision from the zoning designation provided for in the City of Kitchener Zoning By-law. In this form, the term “subject land” means the land that is the subject of the proposed amendment to the Zoning By-law.

The applicant has the responsibility to advise the City of Kitchener of any changes in ownership, agents, their names, addresses and telephone numbers etc. to ensure that they are advised of all matters pertaining to their application.

COMPLETENESS OF THIS APPLICATION

The information requested by this application form must be provided by the applicant and will be used to process the request under Sections 34 and 36 of the Planning Act and Ontario Regulation 545/06. 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 the applicant may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

SUBMISSION REQUIREMENTS AND APPLICATION FEES

Complete applications must be submitted by email to 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 uploaded. Payment is due immediately following the digital submission. Send a cover letter (be sure to include the address of the subject property) along with the cheque (payable to the City of Kitchener) to Kitchener City Hall, Development & Housing Approvals Division, 200 King Street West, 6th Floor, Kitchener ON N2G 4V6.

An application for a Zoning By-law Amendment for the Removal of a Holding Provision will only be considered complete when all of the following items have been provided:

- Application form (completed and signed)
- Clearance letter(s) from the authority(ies) requiring the Holding Provision
- Plan (as described below)
- Fees (please include a scanned copy of cheque with the digital submission):
 - Removal of Holding Provision Application fee - **\$1,398.00**
 - Public notice advertisement fee - **\$730.00**

Additional agency plan review fees may apply. Please see below for more information and forward fees directly to the applicable agency, as required:

- **Region of Waterloo** – Planning and Development Services, Applications
- <https://www.regionofwaterloo.ca/en/doing-business/applications.aspx>; 519-575-4400
- **Grand River Conservation Authority** – Planning & Development, Permit Fees
- <https://www.grandriver.ca/en/Planning-Development/Permit-fees.aspx> ; 519-621-2761

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PLANS

Plans must be drawn on a single sheet, to scale with all measurements in metric units and in accordance with O. Reg 545/06 must include:

- The boundaries and dimensions of the subject land
- The location, size and type of all existing and proposed building and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lots lines
- The approximate location of all natural and artificial features that:
 - Are located on the subject land and on land that is adjacent to it, and
 - In the applicant's opinion, may affect the application
- The current uses of the land that is adjacent to the subject land
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way
- If access to the subject land will be by water only, the location of the parking and docking facilities to be used
- The location and nature of any easements affecting the subject land

ZONING BY-LAW AMENDMENT PROCEDURE

Kitchener Council has delegated approval authority for the Removal of Holding Provisions to the Director of Planning. The procedure generally encompasses the following steps:

1. The application is reviewed by planning staff to ensure all prescribed information and the required fee has been provided. The applicant will be notified in writing whether the application is considered "complete".
2. Within ten (10) business days of the application being deemed complete a "Notice of Intention to Pass a By-law to Remove a Holding Provision" will be advertised in The Record (local newspaper).
3. A staff report containing a recommendation will be prepared and provided to the Director of Planning. Consideration of the by-law will generally occur 10 days after the "Notice of Intention" has been provided.
4. If approved, the amendment is final as of the date of passing.



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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. DETAILS OF SUBJECT LAND

- a) Municipal address of property subject to application: _____
- b) Legal description of subject property (include lot & registered plan number and parts on reference plan):

- c) Frontage of property: _____
- d) Depth of property: _____
- e) Area of the subject lands: _____
- f) Date subject land was acquired by current owner: _____

NOTE: All measurements are to be in metric units.

5. CURRENT OFFICIAL PLAN DESIGNATIONS

a) Identify the Regional Official Plan (ROP) designation for the subject lands. Please include any Official Plan policies or special designations that may affect the subject lands:

b) Does the proposal conform to the applicable ROP designation and policies listed above?

Yes No

c) Identify the official plan designation for the subject property. Please include any Official Plan policies or special designations such as floodplain that may affect the subject lands:

d) Explain how the proposed application conforms to the official plan:

e) Identify the secondary plan and land use designation for the subject property, if applicable:

f) Is a secondary plan revision being requested together with this zoning by-law amendment?

Yes No

g) Is this an application to alter the boundary of an area of settlement or implement a new area of settlement?

Yes No

- If yes, provide details of the official plan or official plan amendment that deals with the matter:

h) Is this an application to remove land from an area of employment?

Yes No

- If yes, provide details of the official plan or official plan amendment that deals with the matter:

i) Is the subject land within an area where zoning with conditions may apply?

Yes No

- If yes, provide an explanation of how the application conforms to the official plan policies relating to zoning with conditions:

6. CURRENT ZONING BY-LAW DESIGNATIONS

a) Existing zoning category of the subject property: _____

Existing special use provisions (i.e. 123U): _____

Existing special regulation provisions (i.e. 234R): _____

b) What are the minimum and maximum density requirements (floor space ratio) for the applicable zoning category?

Minimum: _____ Maximum: _____

c) What are the minimum and maximum height requirements for the applicable zoning category?

Minimum: _____ Maximum: _____

7. PROPOSED ZONING BY-LAW AMENDMENT

What is the purpose of the proposed zoning by-law amendment?

8. SITE CONDITIONS

a) What is the existing use(s) of the subject land?

b) What is the length of time that the existing use(s) of the subject land have continued?

c) Are there existing buildings on the subject land? Yes [] No []

Date any existing buildings were constructed: _____

d) Are buildings or structures proposed to be built on the subject land? Yes [] No []

Table with 3 columns: Existing Building(s), Proposed Building(s), and rows for Type of building, Front yard setback, Rear yard setback, Side yard setback 1, Side yard setback 2, Height, Dimensions Floor Area.

9. PROPOSED SERVICING

a) Sewage Disposal - select service type:

- [] Publicly owned piped sewage system
[] Privately owned communal wastewater system*
[] Privately owned individual wastewater system*
[] Other (describe): _____

*If selected, and if more than 4,500 litres of effluent would be produced per day as a result of the development being complete, a servicing options report and hydrogeological report must accompany the application.

Water Supply - select service type:

- [] Publicly owned piped water system
[] Privately owned communal well
[] Privately owned individual well
[] Other (describe): _____

b) **Stormwater Drainage** - A preliminary stormwater drainage report is required for all types of storm drainage. Select the proposed stormwater drainage servicing below:

- Sewers
- Ditches or swales
- SWM pond
- Infiltration trenches

Attach and provide the name of the preliminary servicing information for the facility you have identified:

Name of servicing information/report: _____

Have you attached a preliminary stormwater management report? Yes No

If not attached in a separate report, in what report can it be found? _____

d) **Access** - select service type:

- Provincial (MTO access or land use permit may be required)
- Regional
- Municipal
- Water (If access is by water please provide parking and docking facility information and distance of these facilities to the subject land and nearest public road)

10. OTHER APPLICATIONS

a) Are there any previous or current Planning Act applications (plan of subdivision, consent, zoning by-law amendment) pertaining to the subject lands?

Yes No

- If yes, provide file number and status of each application:

b) Has the subject land ever been the subject of a Minister's Zoning Order?

Yes No Unknown

- If yes, indicate the Ontario Regulation number of that order (if known):

11. PROVINCIAL POLICY CONFORMITY

a) Is the plan consistent with the policy statements issued under any subsection 3(1) of the Act? (i.e. the Provincial Policy Statement) Yes No

b) Is the subject land within an area of land designated under any provincial plan or plans? (i.e. Places to Grow - Growth Plan for the Greater Golden Horseshoe) Yes No

- If yes, name of plan(s):

c) Does the plan confirm to, or not conflict with, the applicable provincial plan(s)? Yes No

12. PUBLIC CONSULTATION STRATEGY

"Notice of Intention" to be advertised in accordance with Municipal Procedure

Other (please describe): _____

ACKNOWLEDGEMENT

- I acknowledge that 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.
- I acknowledge that the information requested on this form, and submitted with this application, is collected under the authority of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and the provisions of the Municipal Freedom of Information and Protection of Privacy Act. The information is required in order to process this application and forms part of the public record. I understand and agree that the information provided within this application may be published on the City of Kitchener website and therefore be publicly accessible. Questions about this collection can be made to City of Kitchener Planning Division at 519-741-2426.
- I acknowledge that, to facilitate the City’s compliance with O. Reg. 191/11 *Integrated Accessibility Standards* under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11., the Consultant/Contractor shall provide any final report and any other document identified by the Project Manager/City Representative as intended City/Client website content in an accessible format that complies with the World Wide Web Consortium Web Content Accessibility Guidelines 2.0 AA [other than success criteria 1.2.4. Captions (Live) and success criteria 1.2.5 Audio Descriptions (Pre-Recorded)]. However, this requirement shall not apply to drawings, photos, maps, site plans, or other documents that the Project Manager/City Representative agrees cannot practicably be converted to an accessible format. For detailed information about AODA requirements and to find training resources, visit <https://aoda.ca/>.

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 Signature: _____

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.