



Planning & Strategic Initiatives Committee Agenda

Monday, May 13, 2024, 7:00 p.m. - 8:00 p.m.

Council Chambers

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

People interested in participating in this meeting can register online using the delegation registration form at www.kitchener.ca/delegation or via email at delegation@kitchener.ca. Please refer to the delegation section on the agenda below for in-person registration and electronic participation deadlines. Written comments received will be circulated prior to the meeting and will form part of the public record.

The meeting live-stream and archived videos are available at www.kitchener.ca/watchnow.

Accessible formats and communication supports are available upon request. If you require assistance to take part in a city meeting or event, please call 519-741-2345 or TTY 1-866-969-9994.

Chair: Councillor P. Singh

Vice-Chair: Councillor D. Chapman

Pages

1. Commencement

2. Disclosure of Pecuniary Interest and the General Nature Thereof

Members of Council and members of the City's local boards/committees are required to file a written statement when they have a conflict of interest. If a conflict is declared, please visit www.kitchener.ca/conflict to submit your written form.

3. Consent Items

The following matters are considered not to require debate and should be approved by one motion in accordance with the recommendation contained in each staff report. A majority vote is required to discuss any report listed as under this section.

3.1 Ontario Clean Water Act - Region of Waterloo's Update to Source Protection Plan, DSD-2024-205

4. Delegations

Pursuant to Council's Procedural By-law, delegations are permitted to address the Committee for a maximum of five (5) minutes. All Delegations where possible are encouraged to register prior to the start of the meeting. For Delegates who are attending in-person, registration is permitted up to the start of the meeting. Delegates who are interested in attending virtually must register by 5:00 p.m. on May 13, 2024, in order to participate electronically.

4.1 None at this time.

5. Discussion Items

5.1	Sign By-law General Amendments, DSD-2024-116	20 m	8
	<i>(Staff will provide a 5-minute presentation on this matter.)</i>		

6. Public Hearing Matters under the Planning Act (advertised)

This is a formal public meeting to consider applications under the Planning Act. If a person or public body does not make oral or written submissions to the City of Kitchener before the proposed applications are considered, the person or public body may not be entitled to appeal the decision to the Ontario Land Tribunal and may not be added as a party to a hearing of an appeal before the Ontario Land Tribunal.

6.1	Zoning By-law Amendment Application ZBA24/006/W/ES, 115-131 Whitney Place, Hilts Auto Inc., DSD-2024-203	20 m	60
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7. Information Items

7.1 None.

8. Adjournment

Marilyn Mills
Committee Coordinator

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: May 13, 2024

SUBMITTED BY: Rosa Bustamante, Director, Planning and Housing Policy

PREPARED BY: Barbara Steiner, Senior Environmental Planner
519-741-2200 ext. 7293

WARD(S) INVOLVED: ALL WARDS

DATE OF REPORT: April 23, 2024

REPORT NO.: DSD-2024-205

SUBJECT: Ontario Clean Water Act: Region of Waterloo's Update to Source Protection Plan

RECOMMENDATION:

That the proposed technical amendments to the Grand River Source Protection Plan that apply within the City of Kitchener as outlined in staff report DSD-2024-205 be supported.

REPORT HIGHLIGHTS:

- The purpose of this report is to obtain Kitchener Council support for minor technical amendments to the Grand River Source Protection Plan as required by the Ontario *Clean Water Act*.
- The key finding of this report is: updated modelling of Well Head Protection Areas (WHPAs) resulting from operational changes to three (3) wellfields in/near Kitchener will result in minor expansion (representing +1.5% of Kitchener lands in WHPAs) of the William Street WHPA in north Kitchener.
- The financial implications are none.
- Community engagement will be undertaken by the Region and GRCA.
- This report supports **the delivery of core services**.

BACKGROUND:

The Ontario *Clean Water Act* (2006) received royal assent on October 19, 2006. The purpose of the Act is to protect existing and future sources of drinking water throughout the province. Kitchener is located in the Lake Erie Source Protection Region that includes all lands under the jurisdiction of the Catfish Creek, Grand River, Kettle Creek and Long Point Region Conservation Authorities. The Grand River Conservation Authority (GRCA) is the Source Protection Authority for these areas while, within this larger area, the Regional Municipality of Waterloo (RMOW) maintains and implements the Source Protection Plan (SPP) for Waterloo Region, including Kitchener.

Kitchener Council was informed about the approach to the original SPP (DTS-07-031) and supported local membership on the GRCA-administered Source Protection Committee for the Lake Erie Source Protection Region (DTS-07-161). Relevant Kitchener staff and management participated in consultation and review of the original SPP (DTS-11-135) in the years leading to its finalization in 2012. Kitchener Council provided its comments to RMOW on the original Draft SPP in staff report CSD-12-109 as part of the required pre-consultation under the Ontario *Clean Water Act*.

The SPP has been implemented in Kitchener since the Province originally approved it as part of the Grand River Source Protection Plan (2015, in effect July 1, 2016). A current update requires resolutions of support from all impacted area municipalities, including Kitchener, before the public consultation period begins.

REPORT:

The SPP has been updated several times since coming into effect on July 1, 2016. Periodic updates to the Plan to reflect operational changes and updated technical information helps ensure that municipal sources of drinking water continue to be protected. The *Clean Water Act* requires Council resolutions from area municipalities to support changes to the Plan in advance of broader public consultation.

Currently, Regional staff are working on an amendment to the Grand River Source Protection Plan to capture operational changes at four wellfields, three of which are in / near the City of Kitchener. These changes affect protection areas in Cambridge, Kitchener, North Dumfries, and Waterloo (see Attachment A). At this time, it is expected that Regional staff are bringing a report forward to the Region's Planning and Works Committee on May 7th seeking their Council's endorsement.

Specific to Kitchener:

- New replacement wells at the Greenbrook and Strange Street well fields in Kitchener will result in a slight shift in the protection zone immediately around the new wells. No additional impact to the extent of WHPAs is anticipated as a result of the installation of these replacement wells. WHPAs are the lands surrounding a municipal well that contributes water to the well, and where activities constituting a threat (e.g. road salt) to the drinking water supply has the potential to affect the well.
- The installation of one new water supply well and two replacement wells are proposed at the William Street well field in the City of Waterloo just north of Kitchener. The WHPA has expanded to affect 1.5% more land in the City of Kitchener. The change to the WHPA is in a small area of north Kitchener (see Map in Attachment A).

There are no policy changes in the SPP proposed as part of the Region's update.

The main implication of the mapping changes is anticipated to be where mandatory notices of compliance are required (under Part IV, Section 59 of the *Clean Water Act*) as part of any *Planning* and/or *Building* (Permit) *Code Act* application(s). The Notice is a signed declaration that the activities on the property comply with SPP policies. Depending on what activity is proposed and where the property is located in the WHPA, a Landowner may need to negotiate a Risk Management Plan with the Region in order to obtain such a Notice. To facilitate the process for obtaining Notices, the Region developed an online application / tool

that is completed by the Landowner / applicant. This tool has been in place since July 1, 2016 and will be updated by the Region to reflect the mapping changes. Since this process is well established, City staff do not anticipate that the mapping changes will impact the timelines for processing *Planning Act* or Building Permit applications. *Activities* prescribed in the *Clean Water Act* (e.g. road salt application) are identified as *Threats* to the municipal drinking water supply rather than land uses in most instances. However, if some land uses (e.g. snow storage) constitute a *Threat* (per: the SPP) in the expanded WHPA, zoning may need to be updated as appropriate.

STRATEGIC PLAN ALIGNMENT:

This report contributes to *the delivery of core services*.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

The City of Kitchener is not the lead organization in this initiative and, as such, no corporate communications have emanated from the City of Kitchener. Rather, the GRCA and Region, as required by provincial legislation, have been and will be informing, engaging and seeking input from the public.

The *Clean Water Act* requires two phases of consultation when a Source Protection Plan is updated: pre-consultation and public consultation. Pre-consultation is directed at municipalities and provincial agencies, not the public, and occurs first. The pre-consultation phase concludes when the Region receives Council resolutions from all impacted area municipalities. The Region is targeting May and June for the pre-consultation phase. Once the pre-consultation phase is complete, the public consultation phase will begin. The Region is targeting July and August, and potentially September for the public consultation phase. As part of the public consultation, the Source Protection Authority (GRCA), in coordination with the Region, will be notifying property owners potentially affected by the Plan amendment. Given the nature of the updates (i.e. technical and operational changes), the focus will be on education and awareness (City of Waterloo report IPPW2024-029).

PREVIOUS REPORTS/AUTHORITIES:

- [DTS-07-031](#) Implementation of the Clean Water Act 2006 and the Lake Erie Source Protection Committee
- [DTS-07-161](#) Selection of Source Protection Committee Representative for Waterloo Region
- [CSD-11-135](#) Ontario Clean Water Act: RMOW's Approaches to Policies in the SPP
- [CSD-12-109](#) RMOW's Pre-Consultation on Draft Policies for the SPP

REVIEWED BY: Natalie Goss, Manager, Policy and Research

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Map-SPP Amendment 2024

Source Protection Plan Amendment 2024



REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: May 13, 2024

SUBMITTED BY: Rosa Bustamante, Director of Planning & Housing Policy,
519-741-2200 ext. 7319

PREPARED BY: Joanne McCallum, Coordinator of Planning & Zoning Services,
519-741-2200 ext. 7075

WARD(S) INVOLVED: All wards

DATE OF REPORT: April 15, 2024

REPORT NO.: DSD-2024-116

SUBJECT: Sign By-law General Amendments

RECOMMENDATION:

That the proposed by-law attached as Attachment A to report DSD-2024-116, to repeal and replace specific sections of the existing Sign By-law number 2011-099, be adopted; and further,

That the updated regulations of the Sign By-law be incorporated into The City of Kitchener Municipal Code.

REPORT HIGHLIGHTS:

- The purpose of this report is to implement amendments to the Sign By-law to address the Council motion on September 25, 2023, related to excessive boulevard signs, as well as other general amendments to the Sign By-law.
- It is Planning staff's recommendation that the proposed Sign By-law amendment be approved as it enhances regulations to address excessive boulevard signage and provides general amendments identified by staff based on sign variances, updates needed to reflect the new Zoning By-law 2019-051, and other minor updates.
- There are no financial implications to this report.
- Community engagement included a virtual meeting with the Waterloo Region Association of Realtors on January 16, 2024, a presentation to the Kitchener Development Liaison Committee on January 19, 2024, and a virtual community meeting on January 25, 2024.
- This report supports the delivery of core services.

BACKGROUND:

The Sign By-law regulates and enforces signs throughout the city. The intent of the Sign By-law is to:

- authorize the appropriate size, number and location of signs to the type of activity or use to which they pertain;
- provide reasonable and appropriate means for the public to locate and identify facilities, businesses and services without difficulty or confusion;
- be compatible with their surroundings;
- protect and enhance the aesthetic qualities and visual character of the city;
- be consistent with planning, urban design and heritage objectives;
- not create a distraction or safety hazard for pedestrians or motorists;
- minimize adverse impacts on nearby properties; and,
- provide businesses adequate and flexible means to identify themselves, while recognizing that the primary function of signage is to identify rather than advertise.

Kitchener's Sign By-law was last updated with general amendments in June 2011. On September 25, 2023, staff was directed by Council to address excessive boulevard signage by amending the Sign By-law to require realtors to prominently display either the date or the name of the day of the week of the scheduled open house, and to remove the provision in the Sign By-law that requires a 30-day sign hold after sign removal.

Further amendments to the Sign By-law will address a number of minor changes that have been identified through frequent use of the Sign By-law. These changes are minor and technical, and do not impact the overall intent of the Sign By-law.

REPORT:

The proposed sign by-law amendment includes a response to council's motion regarding boulevard signs (defined as Special Event Directional signs) and general amendments identified by staff based on sign variances, updates needed to reflect the new Zoning By-law 2019-051, and other minor updates. Staff note that general amendments were scoped to meet the timing for Council's priority to address boulevard signs. Attachment B provides a detailed list of proposed changes to the Sign By-law with an explanation for each change. Planning staff coordinated with staff in by-law enforcement, transportation services, fire, urban design, building and legislated services. Feedback from these divisions and subject matter experts is reflected in the following proposed amendments.

Special Event Directional Sign Amendments

First, Council's motion relates to signs that fall under the Special Event Directional sign type. Open house signs commonly used by realtors falls under this sign type. Special Event Directional signs are small (maximum height of 0.9 metres and maximum width of 0.65 metres), free-standing signs and are used for directing traffic to the location of a special event. They may be posted between the hours of 9 am to 6 pm on the day of the event. These signs are permitted in the boulevard on City streets between the travelled portion of the road and the sidewalk or property line and are not permitted in the median.

The only other sign permitted to be located in the boulevard of City street is a New Home Builder sign, usually an A-frame sign. This is a free-standing sign which provides directions to a new home development constructed by the new home builder at a location other than where the sign is located. They are restricted to noon on Friday and picked up no later than

noon on the following Monday. Staff are not proposing changes to the sign by-law regarding New Home Builder signs.

To address Council's motion, directing staff to address excessive boulevard signs which cause visual clutter and pose a safety hazard in our community, staff reviewed the regulations of the Sign By-law and are proposing the following changes:

1. Require the prominent display of either the date or the name of the day of the week for Special Event Directional signs to benefit residents and deter misuse, and
2. Remove the provision in the Sign By-law that requires a 30-day sign hold after a sign has been removed as the 30-day sign hold has been deemed ineffective in addressing the issue of excessive boulevard signs.

Staff met with the Waterloo Region Association of Realtors on January 16, 2024. There were two key areas of comment by the realtors:

- clarification on the size of the date/day of the week requirement and
- timing of implementation after Council decision to allow time for new signs to be produced.

Staff recommended a text height for the date or day of the week to be at least 5 centimetres to ensure this information is legible from a reasonable distance. Additionally, from staff's review of the current regulations for Special Event Directional signs, the current time limits of 9 am to 6 pm do not meet the needs of realtors or other special events and propose excluding the hour restrictions since the required day of the week or date on the sign will provide clarity on whether a sign is legally allowed. Ensuring clear time frames on Special Event Directional signs will provide reasonable and appropriate means for the public to locate and identify events, including real estate open houses, without confusion. Additionally, to allow members of the Waterloo Region Association of Realtors and other special event providers sufficient time to produce new signs that will comply with the proposed regulations, the recommended by-law is proposed to come into effect on July 1, 2024.

Staff is of the opinion that the proposed changes to regulations associated with Special Event Directional signs is appropriate and meets the intent of the Sign By-law.

General Amendments

Since the previous general amendments to the Sign By-law, staff have identified areas of the by-law that would benefit from being updated, improved and/or clarified. Generally, the revisions to the Sign By-law are housekeeping changes to clarify, simplify and address issues identified by the sign industry, the public and staff during the past 12 years. Key amendments include:

1. Update the Sign By-law with zoning references to include Zoning By-law 2019-051, such as
 - a. adding a list of permitted sign types in Mixed Use zones,
 - b. include Employment zones in the list of permitted sign types by zone,
 - c. align visibility triangle measurements for Corner Visibility Triangles and Driveway Visibility Triangle to align with zoning rules.
2. Reduce the distance of signs containing automatic changing copy to residentially zoned lots to be 20 metres when oriented perpendicular to the street line, and 30 metres when not perpendicular to the street line, instead of 100 metres in alignment

with several recent variances for schools and community centres that are located in residential neighbourhoods.

3. Reduce the radius for sign variance circulation notices to be 60 metres. The circulation will remain at 120 metres for sign by-law amendments. The current sign variance process has been in effect since 2020. At that time, sign variances were delegated to staff with some exceptions including a staff recommendation of refusal or a community concern that could not be resolved. Based on the variance requests processed, community comments typically come from those in close proximity to the sign. Staff also received community feedback from a notice recipient beyond 60 metres that the notification distance is excessive and wasteful of City resources. Staff recommend a 60-metre circulation distance for variances to continue to provide notice to properties affected.
4. Remove annual renewal for New Home Development signs, as these sign permits are rarely renewed annually and are an administrative burden for both staff and applicants without clear benefit. Permits for New Home Development signs will remain valid for a period of four years.
5. Allow incidental signs, like directional signs to a drive through, to have a maximum height of 1.2 metres instead of 0.9 metres when located outside of the Driveway Visibility Triangle.

Staff recommend the general amendments noted above and further detailed in Attachment B as they update and provide clarification in alignment with the intent of the Sign By-law.

Engagement

There were three engagement opportunities through this process: a virtual meeting with the Waterloo Region Association of Realtors (WRAR), a virtual community meeting and a discussion at a Kitchener Development Liaison Committee meeting.

During a virtual presentation to the WRAR on January 16, 2024, staff introduced and explained proposed changes to the Sign By-law. Feedback related to the proposed changes consisted of overall support for the proposed amendments, and included minor comments and questions, including the timing of the by-law coming into effect. Staff received a request to clarify text height for the date or name of the day of the week for Special Event Direction signs. Staff concluded that including a minimum text height of 5 centimetres would be appropriate to ensure these details are legible to pedestrians and motorists.

Following the January 16th meeting, staff received a letter from WRAR requesting the City not dispose of signs belonging to WRAR members. Staff consulted with Enforcement and were informed that, for more substantial signs, by-law enforcement staff attempt to contact the owner of the sign before disposing of the sign. By-law staff are not able to continue holding on to the smaller “H” frame signs as they become a storage and administrative burden. WRAR have also requested that the Laserfiche application used for accessing City by-laws is difficult to use. Staff will work with the Communications team to get the updated Sign By-law in an online format similar to the Zoning By-laws.

Staff presented an overview of the proposed changes to the Sign By-law to the Kitchener Development Liaison Committee on January 19, 2024. No concerns were raised during this presentation.

On January 25, 2024, staff hosted a virtual community meeting. At this meeting, staff did not receive any concerns with the proposed amendments, however, further discussion on other sign regulations occurred and will be considered in a future Sign By-law update. Attached in Attachment C are the notice of community meeting and notice of public meeting. Attached in Attachment D is the presentation material and a letter from the Waterloo Region Association of Realtors.

Conclusion

The proposed amendments to the Sign By-law align with the purpose of the Sign By-law through the following:

- Responding to the Council motion with proposed Sign By-law changes to address excessive boulevard signage will assist with limiting visual clutter and distractions for pedestrians and motorists.
- Ensuring clear time frames on Special Event Directional signs will provide reasonable and appropriate means for the public to locate and identify events, including real estate open houses, without confusion.
- Introducing a list of permitted sign types for Mixed Use zones will ensure signs will be compatible with their surroundings.
- Further, increasing the height of incidental signs when not located in a driveway visibility triangle, will allow businesses to install taller signs and ensure the incidental message is better identified on a lot, especially during the winter season when snow can accumulate or be plowed to various locations and block these signs.

Overall, the proposed amendments ensure signs are appropriate in size, number and location to the type of activity or use to which they pertain. The amendments proposed to the Sign By-law aim to reduce excessive boulevard signage, thereby reducing visual clutter and distractions for pedestrians and motorists. The proposed general amendments are minor and technical. Planning staff are recommending approval of the amendments per Attachment A.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – The virtual community meeting information was posted to the City's website and an advertisement was posted in The Record. A Notice of Public Meeting has been posted in The Record to notify the public about these proposed amendments at the Community & Infrastructure Services Committee on May 13, 2024.

CONSULT – Community engagement included a virtual meeting with the Waterloo Region Association of Realtors on January 16, 2024, a presentation to the Kitchener Development Liaison Committee on January 19, 2024, and a virtual community meeting on January 25, 2024.

PREVIOUS REPORTS/AUTHORITIES:

- Municipal Act, 2001
- Official Plan, 2014
- CSD-11-036: Sign By-law Review, Chapter 680 of the Municipal Code

REVIEWED BY:

Janine Oosterveld, Manager, Customer Experience & Project Management
Gloria MacNeil, Director, By-law Enforcement

APPROVED BY: Justin Readman, General Manager, DSD

ATTACHMENTS:

- Attachment A – Proposed Sign By-law Amendment
- Attachment B – Rationale Chart
- Attachment C – Public Notices
- Attachment D – Public Consultation

BY-LAW NUMBER
OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend Chapter 680 of The City of Kitchener
Municipal Code with respect to Signs).

WHEREAS it is deemed expedient to amend Chapter 680 of The City of Kitchener Municipal Code as adopted by By-law 88-100;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Article 2 of Chapter 680 of The City of Kitchener Municipal Code is hereby amended to delete the title "INTERPRETATION" and substitute therefor the title "DEFINITIONS".
2. Section 680.2.2 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.2.2

“"abandoned sign" means a sign or sign structure which may have formerly identified, but no longer correctly identifies, the business, commodity, service or use presently conducted, sold or offered on the lot. A sign shall not be deemed abandoned until thirty after such activity is discontinued.”

3. Article 2 of Chapter 680 of The City of Kitchener Municipal Code is hereby amended by adding thereto the following subsection:

“680.2.19.1

"Corner lot" means a lot situate at the intersection of, and abutting two streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees.”

4. Section 680.2.20 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.2.20

"corner visibility triangle" means a triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them 7 metres from their point of intersection."

5. Section 680.2.22 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

"680.2.22

"driveway visibility triangle" means a triangular area formed within a lot by the intersection of a driveway line and a lot line abutting a street or the projections thereof and a straight line connecting them. The driveway visibility triangle shall be measured from the point of intersection of a street line and the edge of a driveway a distance of 3 metres from the street line and 4.5 metres from the edge of the driveway."

6. Section 680.2.34 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

"680.2.34

"incidental sign" means a ground supported sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "drive-thru", "private parking", "entrance", "washroom", "loading dock", "staff only", and other similar directives. Incidental signs shall have a maximum height of 1.2 metres and shall be permitted to display the name or logo of a use on the lot."

7. Section 680.2.42 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

"680.2.42

"Mixed Use Corridor" promotes transit supportive development along select primary streets. See maps as shown on the various maps attached in Schedule 'B'."

8. Article 2 of Chapter 680 of The City of Kitchener Municipal Code is hereby amended by adding thereto the following subsection:

"680.2.43.1

"Multiple unit identification sign" means a multiple unit identification sign required by City of Kitchener Policy Number I-1035 – Emergency Service Policy and provide no other commercial content."

9. Section 680.2.56 of The City of Kitchener Municipal Code is hereby amended to delete the title “Projection Sign - defined” and substitute therefor the title “Projecting Sign - defined”.

10. Section 680.2.63 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.2.63

“sign” means any device, object or thing which directs attention to or which is designed to convey a message and that is placed for the purposes of advertising goods and/or services offered, identifying a business or enterprise or for conveying any other type of message and, without limiting the generality of the foregoing, this definition includes posters and the types of signs specifically defined in this Section.”

11. Section 680.2.69 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.2.69

"special event directional sign" means a free-standing sign which is used solely for the purpose of directing traffic to the location of a special event. Without limiting the generality of the above, this definition shall include signs commonly referred to as real estate "open house" or "model home" signs. Such signs may include the nature of the event, name of the event holder and the location, arrow pointing to the event and/or time of the event, but shall contain no other commercial or promotional message.”

12. Section 680.2.75 of The City of Kitchener Municipal Code is hereby deleted.

13. Section 680.3.9 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.9

“The City may, for public service purposes, erect or use any type of sign permitted by this Chapter in any zone in which such sign type would otherwise be prohibited, subject to the sign being in full compliance with the regulations prescribed for such sign type. With the exception of portable signs, such signs shall require a sign permit but application fees shall be waived”

14. Section 680.3.16 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.16

Incidental signs having a maximum height of 0.9 metres may be erected or displayed within a corner visibility triangle, driveway visibility triangle or lot line visibility triangle subject to Section 680.3.15.”

15. Section 680.3.18 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.18 Obstruction – any fire safety infrastructure

Signs shall not be erected or displayed in such a manner as to interfere with the free use of any fire escape, exit or fire department connection.”

16. Section 680.3.20 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.20

All signs and sign structures shall comply with the requirements as set out in the Ontario Building Code, Ontario Regulation 332/12, as amended, or any successor thereof.”

17. Section 680.3.27 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.27

Signs within 400 metres of, and visible from, Highway #401, the Conestoga Parkway or Highway #8 between the Conestoga Parkway and Highway #401, shall require the approval of the Ministry of Transportation of Ontario.”

18. Section 680.3.28 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.28

Signs within 3 metres of an electrical transmission line shall require the approval of Enova Power Corp. and/or the Electrical Safety Authority.”

19. Section 680.3.29 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.29

Automatic changing copy on a sign shall not be located within 23 metres of a street intersection or traffic light. Automatic changing copy on a sign shall not be located

within 20 metres of any residentially zoned lot which is located on the same street as the sign containing the automatic changing copy, provided the sign is oriented perpendicular to the street line, or within 30 metres of any residentially zoned lot which is located on the same street as the sign containing the automatic changing copy, provided the sign orientation is not perpendicular to the street line. The automatic changing copy shall not contain flashing, intermittent or moving lights. The rate of change in the content of the copy shall be static for a minimum of six seconds, except on a video projection sign.”

20. Section 680.3.31 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.31

Notwithstanding Section 680.3.29, automatic changing copy shall conform to the following criteria and shall be certified in writing by a Lighting Engineer for the approval of the City Planner or designate after the installation of the sign and before its operational use:

- (a) the illuminance of any automatic changing copy shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the automatic changing copy off, and again with the automatic changing copy displaying a white image for a full colour capable automatic changing copy, or a solid message for a single-colour automatic changing copy. All measurements shall be taken perpendicular to the face of the automatic changing copy at the distance determined by the total square footage of the automatic changing copy as set for in the accompanying Sign Area Versus Measurement Distance Formula in Section 680.3.31 (d);
- (b) the difference between the off and solid-message measurements using automatic changing copy measurement criteria noted above shall not exceed 0.3 footcandles;
- (c) all permitted illuminated automatic changing copy shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements; and
- (d) the measurement distance is to be calculated with the following formula:
Measurement Distance in Metres = $\sqrt{\text{Area of Sign Sq.M.} \times 100}$.”

21. Section 680.3.32 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.32

Except as otherwise provided in this Chapter, display of the following signs are prohibited in all zones:

- (a) flashing signs;
- (b) signs that advertise a business, product, activity or service, which are mounted, placed or displayed on any vehicle situated on any lot, except signs or lettering on vehicles currently in use as a means of transportation;
- (c) non-accessory signs (third party);
- (d) pennants, strings of flags or strings of exposed lights with a commercial message;
- (e) progressive signs and wind driven signs;
- (f) signs advertising adult sex film theatres, except those signs erected and displayed in compliance with Sections 680.4.3 (b) through 680.4.3 (e) inclusive;
- (g) abandoned signs.”

22. Section 680.3.33 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.3.33

Except as otherwise provided in this Chapter, the following signs are permitted in all zones in accordance with regulations contained in this Chapter:

- (a) address signs;
- (b) election signs;
- (c) construction information signs;
- (d) flags of recognized geo-political entities or corporate flags containing only the business name or logo and displayed only on the same lot where the business or use is located;
- (e) incidental signs;
- (f) real estate signs;
- (g) special event directional signs;
- (h) subdivision signs; Planning Application Notice signs, such as Official Plan Amendment, Zoning By-law Amendment and Committee of Adjustment Notices; and Proposed School Site signs; the type, form, size, content and location of which shall be approved by the City Planner or designate;
- (i) window signs, provided they are non-flashing and do not block or cover more than 50 percent of the window area the sign is displayed on;
- (j) poster signs and notices;
- (k) new home builder signs;
- (l) new home development signs;
- (m) telecommunication tower and antenna signs; the form, size, content and location of which shall comply with requirements of the City's Telecommunication Tower and Antenna Protocol;
- (n) multiple unit identification sign.”

23. Section 680.4.2 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.4.2 Commercial zones - downtown zones (other than the retail core)

The following signs are permitted in commercial zones and downtown zones other than the retail core:

- (a) awning signs;
- (b) banner signs;
- (c) fascia signs;
- (d) ground supported signs;
- (e) portable signs, except in the area defined as Mackenzie King Square in Section 680.2.40;
- (f) projecting signs;
- (g) roof signs, except in areas identified as Mixed Use Corridor or defined as Mackenzie King Square in Section 680.2.40;
- (h) inflatable signs; and
- (i) video projection signs in the Arterial Commercial Zone (C-6) and the Commercial Campus Zone (C-8) zone only.”

24. Section 680.4.3 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.4.3 Employment – Industrial – business park zones

The following signs are permitted in employment, industrial and business park zones:

- (a) awning signs;
- (b) banner signs;
- (c) billboard signs;
- (d) fascia signs;
- (e) ground supported signs;
- (f) portable signs;
- (g) projecting signs;
- (h) roof signs;
- (i) inflatable signs; and
- (j) video projection signs.”

25. Article 4 of Chapter 680 of The City of Kitchener Municipal Code is hereby amended by adding two new sections thereto as follows:

“680.4.7 Mixed Use Zones

The following signs are permitted in mixed use zones:

- (a) awning signs;
- (b) banner signs;
- (c) fascia signs;

- (d) ground supported signs;
- (e) portable signs; and
- (f) projecting signs.

680.4.8 Mixed Use Zones – exceptions

Notwithstanding Section 680.4.7, any property developed solely as a residential use shall only permit signs as allowed in Section 680.4.4.”

26. Section 680.6.7 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.6.7 Sign clearance – minimum

The minimum sign clearance shall be:

- (a) 0.0 metres when projecting over an area not intended for pedestrian or vehicular traffic;
- (b) 2.44 metres when projecting over an area intended for pedestrian traffic;
- (c) 4.3 metres when projecting over an area intended for vehicular traffic.”

27. Section 680.6.9 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.6.9 One sign – per business or use

A maximum of one banner sign is permitted for any one business or use on a lot at any one time.”

28. Section 680.7.5 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.7.5

In locations deemed appropriate by the City Planner or designate, billboard signs shall be landscaped in accordance with a landscape plan approved by the City Planner or designate.”

29. Section 680.9.2 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.9.2 City - public property

No election sign of any kind shall be displayed on any City property or other public property.”

30. Section 680.11.6 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.11.6

Notwithstanding Section 680.11.4, the maximum height for a ground supported sign on a property identified as Mixed Use Corridor shall be 2.0 metres.”

31. Section 680.11.7 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.11.7

Notwithstanding Section 680.11.4, the maximum sign area for a ground supported sign on a property identified as Mixed Use Corridor shall be 6.0 square metres.”

32. Section 680.11.12 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.11.12

On any property identified as Mixed Use Corridor, a maximum of one ground supported sign shall be permitted on any lot less than 50 metres in width and a maximum of two signs shall be permitted on a lot greater than 50 metres in width.”

33. Section 680.11.13 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.11.13

Ground supported signs are prohibited within 50 metres of another ground supported sign on the same property or within 15 metres of a ground supported sign on an abutting property;”

34. Section 680.11.15 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.11.15

Ground supported signs located between a front lot line or side lot line abutting a street and the minimum building setback from such lot line, as required in the Zoning By-law, shall contain the civic number and/or full municipal address(es) of

the property on which the ground supported sign is located and shall comply with the regulations which follow:

- (a) if located on a corner property, the full municipal address (civic number and street name) is required;
- (b) the address shall contain text that has a minimum height of 15.0 centimetres;
- (c) the address shall be located at a minimum of 0.9 metres above grade, or at the top of the sign if the sign is less than 0.9 metres in height; and
- (d) the address must be clearly visible and shall be located on all faces of the sign that contain copy.”

35. Section 680.11.19 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.11.19

Any manual changeable copy or automatic changing copy component of a ground supported sign shall be limited to 50 percent of the sign face.”

36. Section 680.12.2 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.12.2

Inflatable signs shall be erected only in such specific locations as shown on a plan approved for such purposes by the City Planner or designate.”

37. Section 680.14.8 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.14.8 Permit – maximum duration

Sign permits for new home development signs shall be valid for a period of four years.”

38. Section 680.15.2 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.15.2

Portable signs shall be erected only in such specific locations as shown on a plan approved for such purposes by the City Planner or designate.”

39. Section 680.15.15 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.15.15

Separation distances for portable signs shall be as follows:
 (a) portable signs are prohibited within 50 metres of another portable sign on the same lot or within 10 metres of a portable sign on an abutting lot;
 (b) portable signs are prohibited within 15 metres of a ground supported sign on the same lot unless the ground supported sign has a minimum clearance of 2.44 metres.”

40. Section 680.15.21 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.15.21

In the event that public work construction creates a road closure or limited access impacting a business, the erection of a portable sign may be permitted at a different location at the discretion of the City's Director, Enforcement, or City Planner or designate at no cost. A portable sign may be erected at a location approved in writing by the City's Director, Enforcement, or City Planner or designate provided any private property owner has granted consent. Signs shall be permitted for a period of time as approved in writing by the City's Director, Enforcement, or City Planner or designate and shall not exceed the duration of the construction work.”

41. Section 680.18.5 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.18.5

Ground supported real estate signs shall have a maximum sign height of 2.0 metres and a maximum sign area of 1.0 square metres when located on a lot containing or permitting a single detached dwelling, a semi-detached dwelling, a street townhouse dwelling, with or without additional dwelling unit(s), or a multiple dwelling having up to 6 units.”

42. Article 18 of Chapter 680 of The City of Kitchener Municipal Code is hereby amended by adding thereto the following subsection:

“680.18.11.

Notwithstanding Section 680.15.2 portable real estate signs shall be erected in accordance with regulations set out in Article 15 - Portable Sign Regulations.”

43. Section 680.20.5 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.20.5 Display time/date details

Special event directional signs may only be displayed on the day(s) of the special event, and shall prominently display either the date(s) of the event or the day(s) of the week with text height being at least 5 centimetres.”

44. Section 680.21.8 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.21.8

The subdivider shall ensure that the information is current as of the date the sign is erected. Notice shall be posted on the subdivision signs advising that information may not be current and to obtain updated information, inquiries should be made at the City’s Development Services Department.”

45. Article 22 of The City of Kitchener Municipal Code is hereby deleted.

46. Section 680.24.2 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.24.2

A sign permit shall not be issued where the sign or copy relates to a use which does not have a valid Zoning Occupancy Certificate as required by the City’s Zoning By-law.”

47. Section 680.24.3 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.24.3

Notwithstanding Section 680.24.1, the following signs shall not require a permit, provided that in all other respects they conform with the provisions of this Chapter:

- (a) address signs;
- (b) banners on City property in locations authorized by Council;
- (c) election signs;

- (d) construction information signs when erected on a property containing a single detached dwelling, a semi-detached dwelling or street townhouse dwelling, with or without additional dwelling unit(s);
- (e) flags;
- (f) incidental signs;
- (g) multiple unit identification, the content and location of which shall be approved by the City's Chief Fire Prevention Officer
- (h) planning application notice signs;
- (i) real estate signs;
- (j) portable signs having a maximum width of 1.0 metre and a maximum height of 1.2 metres , in the retail core and areas designated as Mixed Use Corridor in the City's Official Plan, or if located in accordance with Section 680.15.17 approved by the City during public work construction and portable signs advertising a charitable organization or charitable event;
- (k) special event directional signs)
- (l) window signs that do not block or cover more than 50 percent of the window area on which it is placed and that are not accessory to a home business use;
- (m) posters or notices;
- (n) projecting signs on City property at locations authorized by Council;
- (o) signs in or on public transit shelters;
- (p) signs on bus stop benches;
- (q) signs on playing field fences and scoreboards at Blockline Sportsfield, Budd Park, Centennial Stadium, Jack Couch Ball Park, Bridgeport Sportsfield, Woodside Park, Meinzinger Park, SW Optimist Sports fields, Fisher Park, Heritage Greens Lawn Bowling Club, Lions Sports fields, Breithaupt Park and Peter Hallman Ball Yard;
- (r) telecommunication tower and antenna signs.”

48. Section 680.24.5 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.24.5

The City may revoke a sign permit at any time if it is determined by the City that:

- (a) the sign permit has been issued in error by the City of Kitchener;
- (b) the sign does not conform to this Chapter, the Ontario Building Code, Ontario Regulation 332/12 or any other applicable regulation or legislation; or
- (c) the sign permit has been issued as a result of false, mistaken, or incorrect, information shown on the sign permit application;
- (d) if, after six months after its issuance, the construction of the sign has not been seriously commenced, or
- (e) if the holder requests in writing that it be revoked.”

49. Section 680.25.1 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.25.1

A person to whom a sign permit is issued shall notify the City prior to installation of any sign to arrange an inspection.”

50. Section 680.25.4 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.25.4

An employee of the City reporting to the City Planner or designate, or an officer, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this Chapter is being complied with. Entry to any place actually been used as a dwelling unit shall be subject to the requirements of the *Municipal Act, 2001*.”

51. Section 680.26.2 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.26.2

Written notice shall be provided to all property owners within

a) 60 metres for a sign by-law variance, or

b) 120 metres for a sign by-law amendment,

with the opportunity to comment. Notice of the request shall also be posted on the City's website.”

52. Section 680.27.1 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.27.1

The City Planner or designate shall be responsible for the administration of this Chapter and the Director, Enforcement shall be responsible for overseeing the enforcement of this Chapter.”

53. Section 680.27.5 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.27.5

Notwithstanding any other provision of this Chapter, any sign that, in the opinion of the City's Director, Enforcement; Director, Transportation Services or the Chief Building Official (or designates) constitutes an unsafe condition or obscures the

visibility of normal approaching pedestrian or vehicular traffic may be removed or relocated by the City forthwith.”

54. Section 680.27.6 of The City of Kitchener Municipal Code is hereby deleted.

55. Section 680.27.7 of The City of Kitchener Municipal Code is hereby deleted and replaced with the following:

“680.27.7 Sign – removal - disposal

Any sign removed in accordance with the provisions of this Article may be disposed of forthwith without notice to the owner of the sign or their agent and the owner shall not be entitled to compensation.”

56. Section 680.27.8 of The City of Kitchener Municipal Code is hereby deleted.

57. This By-law comes into effect July 1, 2024.

PASSED at the Council Chambers in the City of Kitchener this _____ day
of _____, A.D. 2024.

Mayor

Clerk

Sign By-law Update			
Section	Existing Regulation	Proposed Amendment	Rationale
Article 2 INTERPRETATION-DEFINITIONS			Change title name to reflect that this section contains definitions
680.2.2 Abandoned sign - defined	"abandoned sign" means a sign or sign structure which may have formerly identified, but no longer correctly identifies, the business, commodity, service or use presently conducted, sold or offered on the lot. A sign shall not be deemed abandoned until ninety days after such activity is discontinued.	"abandoned sign" means a sign or sign structure which may have formerly identified, but no longer correctly identifies, the business, commodity, service or use presently conducted, sold or offered on the lot. A sign shall not be deemed abandoned until ninety thirty days after such activity is discontinued.	Requested by Economic Development to address abandoned signs that are common in the downtown area Enforcement suggested shortening abandoned signs from 90 days to 30 days
NEW - Corner lot - defined		"Corner lot" means a lot situate at the intersection of, and abutting two streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees.	Remove wording from Corner Visibility Triangle definition and add new definition.
680.2.20 Corner visibility triangle - defined	"corner visibility triangle" means a triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them 7.5 metres (24.6 feet) from their point of intersection. A corner lot is a lot situate at the intersection of, and abutting two streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees.	"corner visibility triangle" means a triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them 7- 5 metres (24.6 feet) from their point of intersection. A corner lot is a lot situate at the intersection of, and abutting two streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees.	Match Corner Visibility Triangle dimensions to general zone dimensions - 7m Make Corner Lot its own definition
680.2.22 Driveway visibility triangle - defined	"driveway visibility triangle" means a triangular area formed within a lot by the intersection of a driveway line and a lot line abutting a street or the projections thereof and a straight line connecting them 4.57 metres (15 feet) from their point of intersection.	"driveway visibility triangle" means a triangular area formed within a lot by the intersection of a driveway line and a lot line abutting a street or the projections thereof and a straight line connecting them 4.57 metres (15 feet) from their point of intersection. The driveway visibility triangle shall be measured from the point of intersection of a street line and the edge of a driveway a distance of 3 metres from the street line and 4.5 metres from the edge of the driveway.	Corner Visibility Triangle/Driveway Visibility Triangle updated dimensions to match zoning by-law 2019-051
Section 680.2.34 - Incidental sign - defined	"incidental sign" means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "drive-thru", "telephone", "private parking", "entrance", "washroom", "loading dock", "staff only", and other similar directives. A incidental signs shall have a maximum height of 0.9 metres (2.95 feet) and shall be permitted to display the name or logo of a use on the lot.	"incidental sign" means a ground supported sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "drive-thru", " telephone ", "private parking", "entrance", "washroom", "loading dock", "staff only", and other similar directives. A incidental signs shall have a maximum height of 1.2 metres 0.9 metres (2.95 feet) and shall be permitted to display the name or logo of a use on the lot.	Increase height to 1.2m to allow for slightly taller signs, ensure signs over 0.9m are not permitted in Driveway Visibility Triangle, Corner Visibility Triangle, Lot Line Visibility Triangle, clarify incidental signs are only ground supported signs, incidental type fascia signs will require permits so building can provide review
680.2.42 Mixed Use Corridor - defined	"Mixed Use Corridor" is a land use designation in the City's Official Plan that promotes transit supportive development along select primary streets within the general central neighbourhood area. See maps as shown on the various maps attached in Schedule 'B'.	"Mixed Use Corridor" is a land use designation in the City's Official Plan that promotes transit supportive development along select primary streets within the general central neighbourhood area . See maps as shown on the various maps attached in Schedule 'B'.	Reference zoning instead of Official Plan
NEW - Multiple Unit Identification sign - defined		"Multiple unit identification sign" means a multiple unit identification sign required by City of Kitchener Policy Number I-1035 – Emergency Service Policy and provide no other commercial content.	Provide clarity on how Multiple Unit Identification signs relate to the sign bylaw, include wording that limits Multiple Unit Identification signs from having advertising of businesses
680.2.56 Projection -Projecting sign - defined			Correcting a typo in the title of Projecting Sign section
680.2.63 Sign - defined	"sign" means any device, object or thing which directs attention to or which is designed to convey a message and that is placed for the purposes of advertising goods and services offered, identifying a business or enterprise or for conveying any other type of message and, without limiting the generality of the foregoing, this definition includes posters and the types of signs specifically defined in this Section.	"sign" means any device, object or thing which directs attention to or which is designed to convey a message and that is placed for the purposes of advertising goods and/or services offered, identifying a business or enterprise or for conveying any other type of message and, without limiting the generality of the foregoing, this definition includes posters and the types of signs specifically defined in this Section.	Suggested clarification to the definition

Section	Existing Regulation	Proposed Amendment	Rationale
Section 680.2.69 - Special event directional sign - defined	"special event directional sign" means a free-standing sign which is used solely for the purpose of directing traffic to the location of a special event. Without limiting the generality of the above, this definition shall include signs commonly referred to as real estate "open house" or "model home" signs. Such signs may include the nature of the event, name of the event holder and the location, arrow pointing to the event and/or time of the event, but shall contain no other commercial message.	"special event directional sign" means a free-standing sign which is used solely for the purpose of directing traffic to the location of a special event. Without limiting the generality of the above, this definition shall include signs commonly referred to as real estate "open house" or "model home" signs. Such signs may include the nature of the event, name of the event holder and the location, arrow pointing to the event and/or time of the event, but shall contain no other commercial or promotional message.	Specify exclusion of commercial / promotional signs
Section 680.2.75 – Tower sign – defined	"tower sign" means a freestanding, permanently anchored, four-sided sign which contains mechanically driven rotating display panels and may contain an area devoted to permanent copy.	"tower sign" means a freestanding, permanently anchored, four-sided sign which contains mechanically driven rotating display panels and may contain an area devoted to permanent copy.	Obsolete sign type
680.3.9 City sign exemption	The City may, for public service purposes, erect or use any type of sign permitted by this Chapter in any zone in which such sign type would otherwise be prohibited, subject to the sign being in full compliance with the regulations prescribed for such sign type. Such signs shall not require a sign permit.	The City may, for public service purposes, erect or use any type of sign permitted by this Chapter in any zone in which such sign type would otherwise be prohibited, subject to the sign being in full compliance with the regulations prescribed for such sign type. With the exception of portable signs , such signs shall not require a sign permit but application fees shall be waived .	It has been the Division's practice to process a sign permit without a fee to ensure compliance prior to the City installing a sign.
680.3.16 Incidental signs - in visibility triangle	Incidental signs may be erected or displayed within a corner visibility triangle, driveway visibility triangle or lot line visibility triangle subject to Section 680.3.15.	Incidental signs having a maximum height of 0.9 metres may be erected or displayed within a corner visibility triangle, driveway visibility triangle or lot line visibility triangle subject to Section 680.3.15.	Allow taller incidental signs but limit height in Driveway Visibility Triangle, etc.
680.3.18 Obstruction - fire-escape – exit – standpipe – prohibited fire safety	Signs shall not be erected or displayed in such a manner as to interfere with the free use of any fire escape, exit or standpipe.	Signs shall not be erected or displayed in such a manner as to interfere with the free use of any fire escape, exit or fire department connection standpipe .	Updated wording
680.3.20 - Ontario Building Code - compliance	All signs and sign structures shall comply with the requirements as set out in the Ontario Building Code Regulation 350/06.	All signs and sign structures shall comply with the requirements as set out in the Ontario Building Code Regulation 350/06 332/12, as amended, or any successor thereof .	Generalized reference to ensure regulaton remains current with the Ontario Building Code
680.3.27 Visible from highways - MTO approval required	Signs within 400 metres (1,312 feet) of, and visible from, Highway #401, the Conestoga Parkway or Highway #8 between the KW Expressway and Highway #401, shall require the approval of the Ministry of Transportation of Ontario.	Signs within 400 metres (1,312 feet) of, and visible from, Highway #401, the Conestoga Parkway or Highway #8 between the Conestoga Parkway the KW Expressway and Highway #401, shall require the approval of the Ministry of Transportation of Ontario.	Updating the expressway name MTO maps show Conestoga Parkway (511on.ca)
680.3.28 Distance from electrical lines - approval requirements	Signs within 3 metres (9.84 feet) of an electrical transmission line shall require the approval of Kitchener-Wilmot Hydro Inc. and/or the Electrical Safety Authority.	Signs within 3 metres (9.84 feet) of an electrical transmission line shall require the approval of Kitchener-Wilmot Hydro Inc. Enova Power Corp. and/or the Electrical Safety Authority.	Change name of KW Hydro to Enova Power Corp.
680.3.29 Automatic changing copy sign - set back requirements	Automatic changing copy on a sign shall not be located within 23 metres (75.45 feet) of a street intersection or traffic light, or within 100 metres (328.08 feet) of any residentially zoned lot which is located on the same street as the sign containing the automatic changing copy. The automatic changing copy shall not contain flashing, intermittent or moving lights. The rate of change in the content of the copy shall be static for a minimum of six seconds, except on a video projection sign.	Automatic changing copy on a sign shall not be located within 23 metres (75.45 feet) of a street intersection or traffic light, or Automatic changing copy on a sign shall not be located within 20 100 metres (328.08 feet) of any residentially zoned lot which is located on the same street as the sign containing the automatic changing copy, provided the sign is oriented perpendicular to the street line, or within 30 metres of any residentially zoned lot which is located on the same street as the sign containing the automatic changing copy, provided the sign orientation is not perpendicular to the street line. The automatic changing copy shall not contain flashing, intermittent or moving lights. The rate of change in the content of the copy shall be static for a minimum of six seconds, except on a video projection sign.	Based on an evaluation of sign variances for schools and community centres, staff are proposing a minimum distance of automatic changing copy signs from residential lots to be at least 20m when the sign is perpendicular to the street.

Section	Existing Regulation	Proposed Amendment	Rationale
680.3.31 Automatic changing copy sign - use	<p>Notwithstanding Section 680.3.29, automatic changing copy shall conform to the following criteria and shall be certified in writing by a Lighting Engineer for the approval of the City's Manager, Site Development & Customer Service after the installation of the sign and before its operational use:</p> <p>(a) the illuminance of any automatic changing copy shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the automatic changing copy off, and again with the automatic changing copy displaying a white image for a full colour capable automatic changing copy, or a solid message for a single-color automatic changing copy. All measurements shall be taken perpendicular to the face of the automatic changing copy at the distance determined by the total square footage of the automatic changing copy as set for in the accompanying Sign Area Versus Measurement Distance Formula in Section 680.3.31 (d);</p> <p>(b) the difference between the off and solid-message measurements using automatic changing copy measurement criteria noted above shall not exceed 0.3 footcandles;</p> <p>(c) all permitted illuminated automatic changing copy shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements; and</p> <p>(d) the measurement distance is to be calculated with the following formula: Measurement Distance in Metres = sq rt Area of Sign Sq.M. x 100</p>	<p>Notwithstanding Section 680.3.29, automatic changing copy shall conform to the following criteria and shall be certified in writing by a Lighting Engineer for the approval of the City's Manager, Site Development & Customer Service The City Planner or designate after the installation of the sign and before its operational use:</p> <p>(a) the illuminance of any automatic changing copy shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the automatic changing copy off, and again with the automatic changing copy displaying a white image for a full colour capable automatic changing copy, or a solid message for a single-colour automatic changing copy. All measurements shall be taken perpendicular to the face of the automatic changing copy at the distance determined by the total square footage of the automatic changing copy as set for in the accompanying Sign Area Versus Measurement Distance Formula in Section 680.3.31 (d);</p> <p>(b) the difference between the off and solid-message measurements using automatic changing copy measurement criteria noted above shall not exceed 0.3 footcandles;</p> <p>(c) all permitted illuminated automatic changing copy shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements; and</p> <p>(d) the measurement distance is to be calculated with the following formula: Measurement Distance in Metres = sq rt Area of Sign Sq.M. x 100</p>	<p>Change title to the City Planner or designate</p>
Section 680.3.32 - Prohibited signs - set out	<p>Except as otherwise provided in this Chapter, display of the following signs are prohibited in all zones:</p> <p>(a) flashing signs;</p> <p>(b) signs that advertise a business, product, activity or service, which are mounted, placed or displayed on any vehicle situated on any lot, except signs or lettering on vehicles currently in use as a means of transportation;</p> <p>(c) non-accessory signs (third party);</p> <p>(d) pennants, strings of flags or strings of exposed lights, except Christmas lights displayed during the holiday season;</p> <p>(e) progressive signs and wind driven signs;</p> <p>(f) signs advertising adult sex film theatres, except those signs erected and displayed in compliance with Sections 680.4.3 (b) through 680.4.3 (e) inclusive.</p>	<p>Except as otherwise provided in this Chapter, display of the following signs are prohibited in all zones:</p> <p>(a) flashing signs;</p> <p>(b) signs that advertise a business, product, activity or service, which are mounted, placed or displayed on any vehicle situated on any lot, except signs or lettering on vehicles currently in use as a means of transportation;</p> <p>(c) non-accessory signs (third party);</p> <p>(d) pennants, strings of flags or strings of exposed lights with a commercial message, except Christmas lights displayed during the holiday season;</p> <p>(e) progressive signs and wind driven signs;</p> <p>(f) signs advertising adult sex film theatres, except those signs erected and displayed in compliance with Sections 680.4.3 (b) through 680.4.3 (e) inclusive;;-</p> <p>(g) abandoned signs.</p>	<p>Clarify that pennants, strings of flags or strings of lights with commercial message is not permitted, other pennants, strings of flags or strings of lights are permitted. Include abandoned signs in the list to address abandoned signs</p>

Section	Existing Regulation	Proposed Amendment	Rationale
680.3.33 Permitted signs - set out	Except as otherwise provided in this Chapter, the following signs are permitted in all zones in accordance with regulations contained in this Chapter: (a) address signs; (b) election signs; (c) construction information signs; (d) flags of recognized geo-political entities or corporate flags containing only the business name or logo and displayed only on the same lot where the business or use is located; (e) incidental signs; (f) real estate signs; (g) special event directional signs; (h) subdivision signs; Planning Application Notice signs, such as Official Plan Amendment and Zone Change Notices; and Proposed School Site signs; the type, form, size, content and location of which shall be approved by the City's Director, Planning; (i) window signs, provided they are non-flashing and do not block or cover more than 50 percent of the window area the sign is displayed on; (j) poster signs and notices; (k) new home builder signs; (l) new home development signs; (m) telecommunication tower and antenna signs; the form, size, content and location of which shall comply with requirements of the City's Telecommunication Tower and Antenna Protocol.	Except as otherwise provided in this Chapter, the following signs are permitted in all zones in accordance with regulations contained in this Chapter: (a) address signs; (b) election signs; (c) construction information signs; (d) flags of recognized geo-political entities or corporate flags containing only the business name or logo and displayed only on the same lot where the business or use is located; (e) incidental signs; (f) real estate signs; (g) special event directional signs; (h) subdivision signs; Planning Application Notice signs, such as Official Plan Amendment and Zone Change Notices; and Proposed School Site signs; the type, form, size, content and location of which shall be approved by the City's Director, Planning The City Planner or designate ; (i) window signs, provided they are non-flashing and do not block or cover more than 50 percent of the window area the sign is displayed on; (j) poster signs and notices; (k) new home builder signs; (l) new home development signs; (m) telecommunication tower and antenna signs; the form, size, content and location of which shall comply with requirements of the City's Telecommunication Tower and Antenna Protocol- (n) multiple unit identification sign.	Title changes Include Multiple unit identification sign
680.4.2 Commercial zones - Downtown zones (other than the Retail Core)	The following signs are permitted in commercial zones and downtown zones other than the retail core:: (a) awning signs; (b) banner signs; (c) fascia signs; (d) ground supported signs; (e) portable signs, except in the area defined as Mackenzie King Square in Section 680.2.40; (f) projecting signs; (g) roof signs, except in areas designated Mixed Use Corridor in the City's approved Official Plan or defined as Mackenzie King Square in Section 680.2.40; (h) inflatable signs; (j) video projection signs in the Arterial Commercial Zone (C-6) and the Commercial Campus Zone (C-8) zone only.	The following signs are permitted in commercial zones and downtown zones other than the retail core: (a) awning signs; (b) banner signs; (c) fascia signs; (d) ground supported signs; (e) portable signs, except in the area defined as Mackenzie King Square in Section 680.2.40; (f) projecting signs; (g) roof signs, except in areas designated identified as Mixed Use Corridor in the City's approved Official Plan or defined as Mackenzie King Square in Section 680.2.40; (h) inflatable signs; and (i) tower signs, except in areas designated Mixed Use Corridor in the City's approved Official Plan or defined as Mackenzie King Square in Section 680.2.40; (j) video projection signs in the Arterial Commercial Zone (C-6) and the Commercial Campus Zone (C-8) zone only.	Clarifying zones in the title and removing sign types that are no longer needed in the bylaw. Remove tower signs.
680.4.3 Employment - industrial - business park - zones	The following signs are permitted in industrial and business park zones: (a) awning signs; (b) banner signs; (c) billboard signs; (d) fascia signs; (e) ground supported signs; (f) portable signs; (g) projecting signs; (h) roof signs; (i) inflatable signs; (j) tower signs; (k) video projection signs.	The following signs are permitted in employment , industrial and business park zones: (a) awning signs; (b) banner signs; (c) billboard signs; (d) fascia signs; (e) ground supported signs; (f) portable signs; (g) projecting signs; (h) roof signs; (i) inflatable signs; and (j) tower signs; (k) video projection signs.	Clarifying zones in the title and removing sign types that are no longer needed in the bylaw. Industrial / business park title to reflect new zoning. Remove tower signs.

Section	Existing Regulation	Proposed Amendment	Rationale
680.4.7 Mixed use zones		The following signs are permitted in mixed use zones: (a) awning signs; (b) banner signs; (c) fascia signs; (d) ground supported signs; (e) portable signs; and (f) projecting signs	Add new section to clarify the signs associated with mixed use zones in zoning by-law 2019-051.
680.4.8 Mixed use zones - exceptions		Notwithstanding Section 680.4.7, any property developed solely as a residential use shall only permit signs as allowed in Section 680.4.4.	Add new section to clarify the signs associated with mixed use zones in zoning by-law 2019-051.
680.6.7 Minimum sign clearance - conditional minimum	The minimum sign clearance shall be: (a) 0.0 metres (0 feet) when projecting over an area not intended for pedestrian or vehicular traffic; (b) 2.44 metres (8 feet) when projecting over an area intended for pedestrian traffic; (c) 4.3 metres (14.10 feet) when projecting over an area intended for vehicular traffic.	The minimum sign clearance shall be: (a) 0.0 metres (0 feet) when projecting over an area not intended for pedestrian or vehicular traffic; (b) 2.44 metres (8 feet) when projecting over an area intended for pedestrian traffic; (c) 4.3 metres (14.10 feet) when projecting over an area intended for vehicular traffic.	Section title update
680.6.9 One sign - per business or use lot	A maximum of one banner sign is permitted for any one business or use on a lot at any one time.	A maximum of one banner sign is permitted for any one business or use on a lot at any one time.	Section title update
680.7.5 Landscaping - requirements	In locations deemed appropriate by the City's Manager, Site Development & Customer Service, billboard signs shall be landscaped in accordance with a landscape plan approved by the Manager, Site Development & Customer Service.	In locations deemed appropriate by the City's Manager, Site Development & Customer Service Planner or designate, billboard signs shall be landscaped in accordance with a landscape plan approved by the Manager, Site Development & Customer Service City Planner or designate.	Title update
680.9.2 On City - public property written consent required	No election sign of any kind shall be displayed on any City property or other public property unless the written consent of the Clerk of the City has first been obtained.	No election sign of any kind shall be displayed on any City property or other public property unless the written consent of the Clerk of the City has been obtained.	Remove the requirement for written permission. From a consistency and fairness perspective, the City does not permit election signs on City property
680.11.6 Height - maximum - Mixed Use Corridor designation	Notwithstanding Section 680.11.4, the maximum height for a ground supported sign on a property designated as Mixed Use Corridor in the City's Official Plan shall be 2.0 metres (6.5 feet).	Notwithstanding Section 680.11.4, the maximum height for a ground supported sign on a property designated identified as Mixed Use Corridor in the City's Official Plan shall be 2.0 metres (6.5 feet) .	Remove reference to Official Plan
680.11.7 Area - maximum - Mixed Use Corridor designation	Notwithstanding Section 680.11.4, the maximum sign area for a ground supported sign on a property designated as Mixed Use Corridor in the City's Official Plan shall be 6.0 square metres (64.58 square feet).	Notwithstanding Section 680.11.4, the maximum sign area for a ground supported sign on a property designated identified as Mixed Use Corridor in the City's Official Plan shall be 6.0 square metres (64.58 square feet) .	Remove reference to Official Plan
680.11.12 Number of signs - limitation - Mixed Use Corridor	On any property designated Mixed Use Corridor in the City's Official Plan, a maximum of one ground supported sign shall be permitted on any lot less than 50 metres (164 feet) in width and a maximum of two signs shall be permitted on a lot greater than 50 metres (164 feet) in width.	On any property designated identified as Mixed Use Corridor in the City's Official Plan , a maximum of one ground supported sign shall be permitted on any lot less than 50 metres (164 feet) in width and a maximum of two signs shall be permitted on a lot greater than 50 metres (164 feet) in width.	Remove reference to Official Plan
680.11.13 Separation distances	Separation distances for ground supported signs shall be as follows: (a) ground supported signs are prohibited within 50 metres (164 feet) of another ground supported sign on the same property or within 15 metres (49.21 feet) of a ground supported sign on an abutting property; (b) ground supported signs are prohibited within 75 metres (246 feet) of a tower sign on the same property or within 25 metres (82 feet) of a tower sign on an abutting property.	Separation distances for ground supported signs shall be as follows: (a) Ground supported signs are prohibited within 50 metres (164 feet) of another ground supported sign on the same property or within 15 metres (49.21 feet) of a ground supported sign on an abutting property.; (b) ground supported signs are prohibited within 75 metres (246 feet) of a tower sign on the same property or within 25 metres (82 feet) of a tower sign on an abutting property.	Remove regulations for tower signs

Section	Existing Regulation	Proposed Amendment	Rationale
680.11.15 Address - required - copy size - requirement	Ground supported signs located between a front lot line or side lot line abutting a street and the minimum building setback from such lot line, as required in the Zoning By-law, shall contain the civic number and/or full municipal address(es) of the property on which the ground supported sign is located and shall comply with the regulations which follow: (a)if located on a corner property, the full municipal address (civic number and street name) is required; (b)the address shall contain text that has a minimum height of 15.0 centimetres (0.49 feet); (c)the address shall be located at a minimum of 0.9 metres (2.95 feet) above grade, or at the top of the sign if the sign is less than 0.9 metres (2.95 feet) in height; (d)the address must be clearly visible and shall be located on all faces of the sign that contain copy.	Ground supported signs located between a front lot line or side lot line abutting a street and the minimum building setback from such lot line, as required in the Zoning By-law, shall contain the civic number and/or full municipal address(es) of the property on which the ground supported sign is located and shall comply with the regulations which follow: (a)if located on a corner property, the full municipal address (civic number and street name) is required; (b)the address shall contain text that has a minimum height of 15.0 centimetres 40.49 feet ; (c)the address shall be located at a minimum of 0.9 metres 2.95 feet above grade, or at the top of the sign if the sign is less than 0.9 metres 2.95 feet in height; and (d)the address must be clearly visible and shall be located on all faces of the sign that contain copy.	Clarify that all 4 regulations in this section must comply.
680.11.19 Changeable copy - limitation	Any manual changeable copy or automatic changing copy component of a ground supported sign shall be limited to 30 percent of the sign face.	Any manual changeable copy or automatic changing copy component of a ground supported sign shall be limited to 50 30 percent of the sign face.	Allow a greater percentage of changeable copy to align with current signage trends
680.12.2 Specific locations - as approved - only	Inflatable signs shall be erected only in such specific locations as shown on a plan approved for such purposes by the City's Manager, Site Development & Customer Service.	Inflatable signs shall be erected only in such specific locations as shown on a plan approved for such purposes by the City's Manager, Site Development & Customer Service Planner or designate.	Title update
680.14.8 - Permit - annual - maximum duration - fee	Sign permits for new home development signs shall be valid for a period of one year. The sign permit may be renewed annually, for a maximum of three years subject to the required sign permit fee being paid each year. Renewal of the sign permit beyond four years will require written approval from the City's Manager, Site Development & Customer Service, and will be subject to the required sign permit fee for each additional year or part thereof. By-law 2011-099, 27 June, 2011, By-law 2012-070, 14 May, 2012.	Section 680.14.8 - Permit - annual - maximum duration - fee Sign permits for new home development signs shall be valid for a period of one four years. The sign permit may be renewed annually, for a maximum of three years subject to the required sign permit fee being paid each year. Renewal of the sign permit beyond four years will require written approval from the City's Manager, Site Development & Customer Service, and will be subject to the required sign permit fee for each additional year or part thereof.	Remove annual renewal and just have the permit valid for 4 years to reduce administrative burden. No process in place to follow up with these signs regarding annual renewal.
680.15.2 Location - specific - as approved	Portable signs shall be erected only in such specific locations as shown on a plan approved for such purposes by the City's Manager, Site Development & Customer Service.	Portable signs shall be erected only in such specific locations as shown on a plan approved for such purposes by the City's Manager, Site Development & Customer Service Planner or designate.	Title update
680.15.15 Separation distances	Separation distances for portable signs shall be as follows: (a) portable signs are prohibited within 50 metres (164 feet) of another portable sign on the same lot or within 10 metres (32.8 feet) of a portable sign on an abutting lot. (b) portable signs are prohibited within 15 metres (49.21 feet) of a ground supported sign on the same lot unless the ground supported sign has a minimum clearance of 2.44 metres (8 feet). (c) portable signs are prohibited on the same lot as a tower sign.	Separation distances for portable signs shall be as follows: (a) portable signs are prohibited within 50 metres (164 feet) of another portable sign on the same lot or within 10 metres (32.8 feet) of a portable sign on an abutting lot; (b) portable signs are prohibited within 15 metres (49.21 feet) of a ground supported sign on the same lot unless the ground supported sign has a minimum clearance of 2.44 metres (8 feet) . (c) portable signs are prohibited on the same lot as a tower sign.	Remove tower sign reference.
680.15.21 Road construction - limited access - special provisions	In the event that public work construction creates a road closure or limited access impacting a business, the erection of a portable sign may be permitted at a different location at the discretion of the City's Director, Enforcement or Manager, Site Development & Customer Service at no cost. A portable sign may be erected at a location approved in writing by the City's Director, Enforcement or Manager, Site Development & Customer Service provided any private property owner has granted consent. Signs shall be permitted for a period of time as approved in writing by the City's Director, Enforcement or Manager, Site Development & Customer Service and shall not exceed the duration of the construction work.	In the event that public work construction creates a road closure or limited access impacting a business, the erection of a portable sign may be permitted at a different location at the discretion of the City's Director, Enforcement, or Manager, Site Development & Customer Service City Planner or designate at no cost. A portable sign may be erected at a location approved in writing by the City's Director, Enforcement, or Manager, Site Development & Customer Service City Planner or designate provided any private property owner has granted consent. Signs shall be permitted for a period of time as approved in writing by the City's Director, Enforcement, or Manager, Site Development & Customer Service City Planner or designate and shall not exceed the duration of the construction work.	Title update
680.18.5 - Height - maximum - ground supported signs	Ground supported real estate signs shall have a maximum sign height of 2.0 metres (6.5 feet) and a maximum sign area of 1.0 square metres (10.76 square feet) when located on a lot containing or permitting a single detached dwelling, a semi-detached dwelling, a duplex dwelling, a street townhouse dwelling or a multiple dwelling having 3 to 6 units.	Ground supported real estate signs shall have a maximum sign height of 2.0 metres (6.5 feet) and a maximum sign area of 1.0 square metres (10.76 square feet) when located on a lot containing or permitting a single detached dwelling, a semi-detached dwelling, a duplex dwelling , a street townhouse dwelling, with or without additional dwelling unit(s) , or a multiple dwelling having 3 up to 6 units.	Correct "duplex" wording, add Additional Dwelling Unit wording. Based on 4 units everywhere changing the definition of Multiple Dwelling to 5 or more units.
NEW		Notwithstanding Section 680.15.2 portable real estate signs shall be erected in accordance with regulations set out in Article 15 - Portable Sign Regulations.	Portable signs are not permitted in the Driveway Visibility Triangle/Corner Visibility Triangle. Portable real estate signs shall be erected in accordance with regulations set out in Article 15 - Portable Sign Regulations

Section	Existing Regulation	Proposed Amendment	Rationale
680.24.5 Revocation - error - nonconformance - conditions	The City may revoke a sign permit at any time if it is determined by the City that: (a) the sign permit has been issued in error by the City of Kitchener; (b) the sign does not conform to this Chapter, the Ontario Building Code, Ontario Regulation, 350/06, or any other applicable regulation or legislation; or (c) the sign permit has been issued as a result of false, mistaken, incorrect, or misleading information or undertaking shown on the sign permit application.	The City may revoke a sign permit at any time if it is determined by the City that: (a) the sign permit has been issued in error by the City of Kitchener; (b) the sign does not conform to this Chapter, the Ontario Building Code Ontario Regulation, 350/06 , 332/12 or any other applicable regulation or legislation; or (c) the sign permit has been issued as a result of false, mistaken, or incorrect, or misleading information or undertaking shown on the sign permit application. (d) if, after six months after its issuance, the construction of the sign has not been seriously commenced, or (e) if the holder requests in writing that it be revoked.	Updated wording to align with Building Code.
680.25.1 Notice to City - prior to installation	A person to whom a sign permit is issued shall notify the City prior to installation of any ground supported sign, tower sign or billboard sign to arrange an inspection.	A person to whom a sign permit is issued shall notify the City prior to installation of any ground-supported sign, tower sign or billboard sign to arrange an inspection.	Simplify regulation to include all sign types.
680.25.4 Right of entry for inspection - exception	An employee of the City reporting to the City's Manager, Site Development & Customer Service, or an officer, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this Chapter is being complied with. Entry to any place actually being used as a dwelling unit shall be subject to the requirements of the <i>Municipal Act, 2001</i> .	An employee of the City reporting to the City's Manager, Site Development & Customer Service City Planner or designate, or an officer, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this Chapter is being complied with. Entry to any place actually being used as a dwelling unit shall be subject to the requirements of the <i>Municipal Act, 2001</i> .	Title change
Section 680.26.2	Written notice of a request for a sign by-law variance shall be provided to all property owners within 120 metres with the opportunity to comment. Notice of the request shall also be posted on the City's website.	Written notice of a request for a sign by-law variance shall be provided to all property owners within a) 60 metres for a sign by-law variance, or b) 120 metres for a sign by-law amendment, with the opportunity to comment. Notice of the request shall also be posted on the City's website.	Lessen radius of circulation - 120 metres is excessive for sign variances. Sign By-law amendment - 120m
680.27.1 Administration - enforcement - authority	The City's Manager, Site Development & Customer Service shall be responsible for the administration of this Chapter and the Director, Enforcement shall be responsible for overseeing the enforcement of this Chapter.	The City's Manager, Site Development & Customer Service City Planner or designate shall be responsible for the administration of this Chapter and the Director, Enforcement shall be responsible for overseeing the enforcement of this Chapter.	Recommend changing title to "City Planner or designate" to reduce title changes with divisional changes.
680.27.5 Contravention - obstruction - traffic - visibility	Notwithstanding any other provision of this Chapter, any sign that, in the opinion of the City's Director, Enforcement; Director, Transportation Planning or the Chief Building Official (or his/her designates) constitutes an unsafe condition, or obscures the visibility of normal approaching pedestrian or vehicular traffic may be removed or relocated by the City forthwith.	Notwithstanding any other provision of this Chapter, any sign that, in the opinion of the City's Director, Enforcement; Director, Transportation Planning Services or the Chief Building Official (or his/her designates) constitutes an unsafe condition or obscures the visibility of normal approaching pedestrian or vehicular traffic may be removed or relocated by the City forthwith.	Title update
680.27.6 - Sign - removal - impoundment - recover by owner - fee	Any sign removed as provided for in this Article that in the opinion of the City's Director, Enforcement or designate is salvageable shall be stored by the City or an independent contractor for a period of not less than 30 days. During this time the sign owner or his agent is entitled to redeem such sign upon making payment satisfactory to the City of the amount as prescribed by Council.	Section 680.27.6 – Sign – removal – impoundment – recover by owner – fee Any sign removed as provided for in this Article that in the opinion of the City's Director, Enforcement or designate is salvageable shall be stored by the City or an independent contractor for a period of not less than 30 days. During this time the sign owner or his agent is entitled to redeem such sign upon making payment satisfactory to the City of the amount as prescribed by Council.	Removal of this provision per Council request.
680.27.7 - Sign - removal - not salvageable disposal	Any sign removed in accordance with the provisions of this Article that in the opinion of the City's Director, Enforcement or designate is not salvageable may be disposed of forthwith and the owner shall not be entitled to compensation.	Any sign removed in accordance with the provisions of this Article that in the opinion of the City's Director, Enforcement or designate is not salvageable may be disposed of forthwith without notice to the owner of the sign or their agent and the owner shall not be entitled to compensation.	Delete wording related to only disposing of signs that are not salvageable in alignment with deletion of previous section.
680.27.8 - Sign - removal - impounded - not redeemed - destroyed	Where the City has removed a sign and stored it for a period of 30 days and the sign has not been redeemed, the City may then destroy or otherwise dispose of the sign without notice to the owner of the sign or his agent.	Section 680.27.8 – Sign – removal – impounded – not redeemed – destroyed Where the City has removed a sign and stored it for a period of 30 days and the sign has not been redeemed, the City may then destroy or otherwise dispose of the sign without notice to the owner of the sign or his agent.	Removal of this provision. This regulation relates to Section 680.27.6 (30-day hold)

VIRTUAL COMMUNITY MEETING

Sign By-Law General Amendments



Have Your Voice Heard!
Thursday, January 25, 2024
11:00 a.m. - 12:00 p.m.

To connect to the virtual meeting online, go to:
www.zoom.us/join and enter meeting ID# **868 8648 3949**

The City of Kitchener is undertaking an update of the Sign By-law to address Council's motion on September 25, 2023 to address issues with signs on City boulevards and medians as well as other minor amendments. The general amendments include such items as:

- Requiring special event directional signs in City boulevards (like real estate open house signs) to include either the date of the event or the day of the week of the special event or open house (per Council's motion)
- Removing the regulation that requires the City to store signs for 30 days prior to disposal (per Council's motion)
- Clarifying regulations for incidental signs on a property (like drive through directional signs) and allowing a 1.2m maximum height
- Reducing the distance separation for automatic changing copy signs to residential properties to align with approved variances for school and community centre signs
- Minor wording updates and other similar corrections

Log on to our Virtual Community Meeting to participate in the discussion about the proposed updates to Sign By-law regulations.

Joanne McCallum - Coordinator, Planning & Zoning Services

joanne.mccallum@kitchener.ca

519.741.2200 x7075

Page 38 of 83

NOTICE OF PUBLIC MEETING

Sign By-law General Amendments



Have Your Voice Heard!

Community & Infrastructure Services Committee

Date: **May 13, 2024**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings**
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

The City of Kitchener is undertaking an update of the Sign By-law to address minor amendments and Council's motion on September 25, 2023 with respect to issues with signs on City boulevards and medians. The general amendments include such items as:

- Requiring special event directional signs in City boulevards (like real estate open house signs) to include either the date of the event or the day of the week of the special event or open house (per Council's motion)
- Removing the regulation that requires the City to store signs for 30 days prior to disposal (per Council's motion)
- Clarifying regulations for incidental signs on a property (like drive through directional signs) and allowing a 1.2m maximum height
- Reducing the distance separation for automatic changing copy signs to residential properties to align with approved variances for school and community centre signs
- Minor wording updates and other similar corrections

Joanne McCallum
Coordinator, Planning & Zoning Services

joanne.mccallum@kitchener.ca

519.741.2200 x7075

Page 39 of 83

Welcome!

Virtual Meeting

Sign By-law General Amendments

January 25, 2024

11:00 am – 12:00pm

The meeting will begin shortly.

If you are experiencing technical difficulties, please click



and type us a message

Meeting participants will not be able to use their microphone during the meeting. To ask a question please type in the Q & A and the facilitator will direct the question to the appropriate person for a response. At the end of the meeting attendees will be able to have an open dialogue to ask questions of staff and the applicant. This open dialogue portion will not be recorded.

Meeting Agenda



11:00 am	Introductory items
11:05 am	Boulevard Signs
11:10 am	General Amendments
11:20 am	Next Steps
11:25 am	Open Dialogue
12:00 pm	Wrap Up

Virtual Meeting Format



- Don't worry – you're muted, but you can ask questions through the Q & A button.
- If you have technical issues, please message us through the Q & A button.
- Towards the end of the meeting, we will have an open dialogue session which will not be recorded.

Purpose



- Provide information about the proposed changes to the City's Sign By-law.
 - Council's motion from September 25, 2023
 - Other minor amendments
- Hear your comments
- Respond to your questions
- Let you know about next steps
- Council has **not** made any decisions or recommendations regarding this proposal yet.
- No decisions will be made at this meeting.

Concerns with Boulevard Signs



Council's Motion related to **excessive boulevard signs**:

- They cause visual clutter and pose a safety hazard.
- The 30-day hold requirement for removed signs is ineffective.
- Clearer information on open house signs would benefit residents and deter misuse.

Council directed staff to amend the Sign Bylaw:

- To require signs to prominently display either the date or the name of the day of the week for scheduled open houses
- To remove the requirement for a 30-day sign hold after removal.

Boulevard Signs

Real Estate Open House signs fall under the definition of “special event directional signs”.

Special Event Directional Sign regulations include:

- Currently only permitted to be displayed between 9am and 6pm on the day of the special event.
- May be erected on City property between the edge of the travelled roadway and the sidewalk, commonly known as the boulevard.
- Cannot be erected in the median which separates two directions of traffic (see below).



Boulevard Signs



Currently:

- special event directional signs can only be up between 9am and 6pm of the day of the special event

Proposing:

- to allow special event directional signs to be displayed for the entire day
- to require signs to prominently display either the date or the name of the day of the week of the special event

Proposed Amendment

- Special event directional signs may only be displayed on the day(s) of the special event, and shall prominently display either the date(s) of the event or the day(s) of the week with text height being at least 10cm.

Disposal of Removed Signs

Currently:

- requires the City to store illegal signs for at least 30 days which leads to administrative and storage challenges
- After storing for 30 days, unclaimed signs may be disposed without notice

Proposed Amendment:

- Remove the 30-day holding regulation and allow the City to immediately dispose of illegal signs.



General Amendments

Incidental Signs

- Examples: drive through signs, parking lot directional signs
- Allow incidental signs to have a maximum height of 1.2m instead of 0.9m when located outside of the Driveway Visibility Triangle



Mixed use zones & zoning-related updates



Updating the sign by-law with zoning references to include Zoning By-law 2019-051, including:

- Add list of permitted signs in Mixed Use zones, similar to permitted sign types in Commercial zones
- Align visibility triangle measurements to Zoning By-law 2019-051
 - 7m for Corner Visibility Triangle, instead of 7.5m
 - 4.5m for Driveway Visibility Triangle, instead of 4.57m
- Include Employment zones in the list of permitted sign types for Industrial and Business Park zones

Projecting signs

- Allow limited internal illumination on Projecting signs - not fully backlit



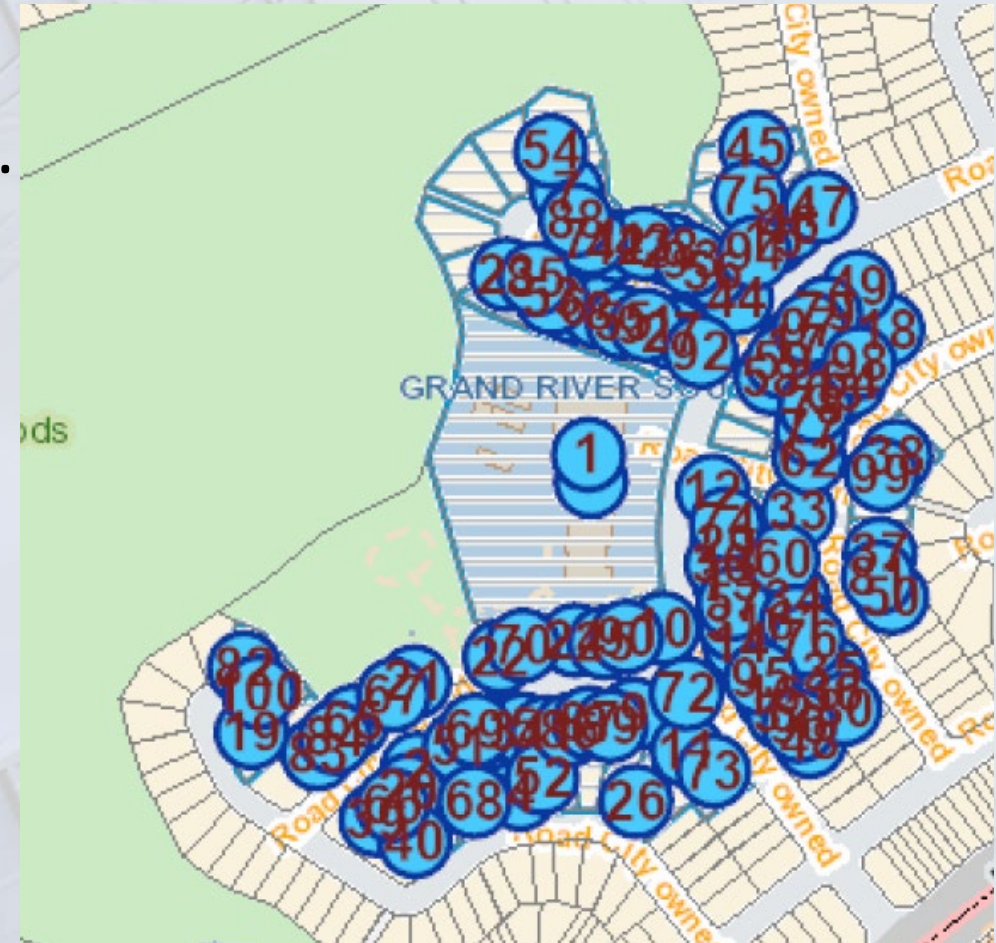
Automatic Changing Copy signs

- Reduce distance of signs with Automatic Changing Copy to residentially zoned lots
 - Sign By-law currently states 100m
- Evaluating recent variances for schools and community centre signs in residential neighbourhoods
 - Based on review, proposing 20m



Sign Variance circulation distance

- Consideration to reducing the radius for sign variance circulation notices from 120m.
- Example shown was a sign variance at 75 Pebblecreek Dr.
 - 120m radius required mailings to 129 addresses
 - Proposing new radius of 50m - more in line with allowing Automatic Changing Copy signs to be at least 20m from residential



Other Minor Amendments



- Clarify Election signs are not permitted on City or public property
- Remove Tower sign regulations – obsolete sign type
- Remove imperial unit conversions, e.g. 7.5 metres (24.6 feet)
- Add new definition for “Corner Lot”, currently captured under the definition for Corner Visibility Triangle
- Add “Multiple Unit Identification” sign definition and identify it is approved through Fire Prevention rather than a sign permit
- Remove annual renewal for New Home Development signs
- Update outdated references like staff/department titles

Next Steps



- If you haven't provided comments yet, please e-mail Planning@kitchener.ca with your comments by January 31, 2024.
- City staff will prepare a report and recommendations that will consider the public feedback for Committee's consideration.
- Target date for the formal public meeting is April 22, 2024.
- Committee makes a recommendation to Kitchener City Council for decision.
- Following Council's decision, the updates to the Sign By-law would come into effect.

Open Dialogue

Please raise your hand and staff will unmute you so that you may ask your questions live.

THANK YOU!

March 1, 2024

City of Kitchener Community and Infrastructure Services Committee
City of Kitchener Planning & Zoning Services

RE: Updating Sign By-law - City of Kitchener

Dear Committee Members and City Staff,

I want to thank City staff for bringing to our attention the proposed changes to the City's Sign By-law related to Special Event Directional Signs (typically Open House type signs).

The Waterloo Region Association of REALTORS® (WRAR) represents 2,800 members who sold 4,531 properties in Kitchener last year.

WRAR shares Kitchener Council's concerns about excessive boulevard signs, which cause visual clutter and pose safety hazards.

REALTORS use Directional Open House signs to facilitate the sale of properties and help direct interested buyers to open houses. However, there are a small number who use these types of signs for their self-promotion, which frustrates everyone, not the least of whom are those REALTORS® who consistently comply with the rules.

While REALTOR®'S signs make up some of the signage we all see proliferating across the community, there are other sources, and clearer rules would benefit everyone, and deter abuse.

WRAR supports:

The motion from Kitchener council to require signs to display either the date(s) or the name of the day(s) of the week for scheduled events such as open houses.

Currently, Kitchener's sign by-law allows special event signs to be up only between 9 am and 6 pm on the day of the special event. WRAR supports the proposed amendment to allow special event directional signs to be displayed for the entire day.

WRAR recommends:

WRAR also supports the proposed amendment to remove the 30-day holding regulation. **However, we recommend that the City not dispose of illegal real estate signs immediately.** Rather, we would suggest the City work with WRAR to address those signs that belong to our members. WRAR membership requires that REALTORS® follow all municipal by-laws and regulations, so in this instance, the WRAR would consider an enforcement process that could include incremental administrative monetary penalties.

Since we can only apply these sanctions to our members, and some of these signs may be from REALTORS® from other associations, we would recommend the City dispose of those signs.

WRAR recommends:

Greater coordination between the City of Kitchener and the Region of Waterloo to enforce and communicate their sign by-laws. City residents and users do not always know what is a regional road and what is a municipal road. It would be helpful if the Region empowered municipal by-law officers to enforce and respond to signs illegally placed on roundabouts or along regional roads – that fall within the municipal boundary.

WRAR recommends:

Clear and precise rules. WRAR is prepared to collaborate with the City to create an easy-to-understand Sign Bylaw Guide for REALTORS® to communicate better the rules related to signs. The current Sign Bylaw is accessed by a cumbersome Laserfish application, is 73 pages and is difficult to read and navigate online.

WRAR is also prepared to coordinate with City staff to enhance the enforcement of any breaches of this by-law, which we believe will lead to greater compliance.

Sincerely,

A handwritten signature in black ink, appearing to read 'cmoura' in a cursive, lowercase style.

Christal Moura, President,
WATERLOO REGION ASSOCIATION OF REALTORS®

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: May 13, 2024

SUBMITTED BY: Garrett Stevenson, Director of Development and Housing Approvals, 519-741-2200 ext. 7070

PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: April 15, 2024

REPORT NO.: DSD-2024-203

SUBJECT: Zoning By-law Amendment Application ZBA24/006/W/ES
115-131 Whitney Place
Hilts Auto Inc.

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA24/006/W/ES (Hilts Auto Inc.) requesting to amend Zoning By-law 85-1, for the purpose of changing the zoning of a portion of the subject property (115-131 Whitney Place) from Existing Use Zone (E-1) to Existing Use Zone (E-1) with Special Use Provision 488U specified and illustrated as the 'Subject Area' on Map No. 1, be approved in the form shown in the "Proposed By-law" attached to the Report DSD-2024-203 as Attachment 'A1'; and,

That Zoning By-law Amendment Application ZBA24/006/W/ES (Hilts Auto Inc) requesting to amend Zoning By-law 2019-051, for the purpose of changing the zoning of a portion of the subject property (115-131 Whitney Place) from Existing Use Floodplain Zone (EUF-1) to Existing Use Floodplain Zone (EUF-1) with Site Specific Provision 394 specified and illustrated as the 'Subject Area' on Map No. 1, be approved in the form shown in the "Proposed By-law" attached to the Report DSD-2024-203 as Attachment 'A2'; and further,

That the Proposed By-law to amend Zoning By-law 2019-051, as amended, shall have no force and effect against the subject lands until the date that By-law 2024-064 (Growing Together Secondary Plans, Non-PMTSAs) is in full force and effect.

REPORT HIGHLIGHTS:

- The purpose of this report is to seek Council's approval of a Zoning By-law Amendment Application to add the use "Automotive Detailing and Repair Operation" to the rear portion of the lands municipally known as 115-131 Whitney Place.

- There are no financial implications associated with the Zoning By-law amendment application.
- Community engagement included notification that was advertised in The Record on April 26, 2024, in accordance with Council Policy MUN-PLA-1170.
- This report supports the delivery of core services.

BACKGROUND:

Hilts Auto Inc has submitted a Zoning By-law Amendment Application to permit the use of “Automotive Detailing and Repair Operation” on the subject lands. The property contains a portion of lands at the rear of the site that is within a floodplain area and is zoned as “existing use”. Lands within floodplains are typically zoned “existing use” to recognize the existing uses that have been legally established, but to limit the further development of the land by prohibiting all other uses. However, Council policy MUN-PLA-1170 allows landowners to make a Zoning By-law Amendment Application at no cost, to allow for a change in use.

REPORT:

The subject lands municipally addressed as 115-131 Whitney Place are located on the south side of Whitney Place between Peter Street and Cedar Street South. The lands back onto Schneider Creek to the South. The surrounding land uses on the South side of Whitney Place are primarily general industrial and commercial in nature. The rear portion of the subject property is located within the floodway of Schneider Creek and is under regulation of the Grand River Conservation Authority (GRCA).

The subject lands contain a one-storey building with historical industrial uses, including long term use as the site of Ed Lau Ironworks. The property is split zoned, meaning there are portions of the site with two different zones within the same zoning by-law. The property is also subject to “dual testing”, meaning there are currently two zoning by-laws in effect on the lands as a result of the Council approval of Growing Together West (OPA23/016/K/JZ) on March 18, 2024. Until the Official Plan Amendment is adopted by the Region of Waterloo, the lands are subject to both Zoning By-law 85-1 and Zoning By-law 2019-051, with the most stringent regulations being applied. The front portion of the lands are zoned “General Industrial (M-2)” in Zoning By-law 85-1 and “General Industrial Employment (EMP-2)” in Zoning By-law 2019-051. The rear of the site is zoned “Existing Use (E-1)” in Zoning By-law 85-1 and “Existing Use Floodplain (EUF-1)” in Zoning By-law 2019-051.

The intent of the Existing Use (E-1)/Existing Use Floodplain (EUF-1) Zone is to allow existing uses to legally continue. Properties located within the E-1/EUF-1 zone that are located within the flood plain and are proposing to change to a different use through a zoning by-law amendment should be less sensitive uses or similar to uses that are currently permitted.

Planning Analysis

The owner is proposing a Zoning By-law Amendment to allow the use “Automotive Detailing and Repair Operation” on the portion of the subject property that is within the floodplain. The proposed additional use is similar in nature to the historical use (light industrial, warehouse) permitted on the subject property. There is no development, expansion or modification being proposed to the existing building or property. The

proposed use will not aggravate or pose a new risk associated with flooding to the property, tenants or customers. The proposed use is permitted on the front portion of the subject lands. The proposed use is appropriate for the subject property and are compatible with the surrounding neighbourhood.

The Grand River Conservation Authority (GRCA) was directly involved in the review of this application. The GRCA has indicated that they do not object to the proposed use of the existing lands and buildings, as it would not present additional risk of impacting flood flows.

Planning staff is of the opinion that the proposed zoning by-law amendment to add a Special Use Provision/Site Specific Provision will benefit the subject property and surrounding community. Allowing the requested use will permit the applicant to utilize the entirety of the building and property for the automotive use desired. Allowing the requested use is appropriate and compatible for the subject lands and surrounding neighbourhood.

Planning Act, R.S.O. 1990, c. P.13 25.

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as:

- d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- i) The adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) The adequate provision of a full range of housing, including affordable housing;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, with a singular

Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

Provincial Policy Statement, 2020:

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.3 of the PPS promotes economic development and competitiveness by providing for a diversified economic base, including maintaining a range of choice of suitable sites for employment uses, and take into account the needs of existing and future businesses.

Planning staff is of the opinion that the proposed application will facilitate the continued use of the site as an employment use, and based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range, and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation.

Policy 2.2.5.1(a) states that municipalities will make more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities.

Policies 2.2.5.1(b) states that municipalities will ensure the availability of sufficient land, in appropriate locations for a variety of employment to accommodate forecasted employment growth.

Planning staff is of the opinion that the application conforms to the Growth Plan.

Regional Official Plan

The subject lands are designated as 'Delineated Built Up Area' in the Regional Official Plan. The Region of Waterloo advises that they do not have concerns with the proposed Zoning By-law Amendment Application.

City of Kitchener Official Plan (OP)

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

The subject lands are split designated and are subject to dual testing in regards to Official Plan Designation.

The lands are within the Mill Courtland Woodside Park Secondary Plan, and are split designated 'General Industrial' and 'Open Space'.

On March 18, 2024, Council approved the Growing Together land use mapping. The subject lands are proposed to be split designated “General Industrial Employment” and “Natural Heritage Conservation” with the approval of the OPA by the Region of Waterloo.

The subject area of amendment is within the “Open Space/Natural Heritage Conservation” designated portion of the property. The intent of the designation is to not only recognize municipal recreation areas but to recognize areas that are subject to GRCA regulation. The subject property and surrounding area are built-up and consist of uses other than outdoor recreation and natural areas. Policy 6.C.2.22 supports the consideration of alternative uses on lands zoned ‘existing use’ through a zoning by-law amendment, provided that the subsequent uses are compatible with the surrounding land use designations, no new dwelling units are created, the use presents less of a risk to life and property in the event of flooding, and approval is received from the Grand River Conservation Authority.

Planning Staff are of the opinion that application conforms to the Official Plan.

Department and Agency Comments:

Circulation of the Zoning By-law Amendment Application was undertaken in March 2024 to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency. Copies of the comments are found in Attachment ‘C’ of this report.

Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Zoning By-law Amendment to permit the use of “Automotive Detailing and Repair Operation” on the subject lands. Staff is of the opinion that the subject application is consistent with policies of the Provincial Policy Statement, conforms to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represents good planning. It is recommended that the application be approved.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting. Notice of the Statutory Public Meeting was also posted in The Record on April 26, 2024 (a copy of the Notice may be found in Attachment B).

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13

- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Region of Waterloo Official Plan
- City of Kitchener Official Plan, 1994, 2014
- City of Kitchener Zoning By-law 85-1/2019-051

REVIEWED BY: Malone-Wright, Tina –Manager, Development Approvals, Development and Housing Approvals

APPROVED BY: Readman, Justin - General Manager, Development Services

ATTACHMENTS:

Attachment A1 – Proposed Zoning By-law Amendment (85-1)

Attachment A2 – Proposed Zoning By-law Amendment (2019-051)

Attachment B – Newspaper Notice

Attachment C – Department and Agency Comments

PROPOSED BY – LAW

_____, 2024

BY-LAW NUMBER ____

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended, known as
the Zoning By-law for the City of Kitchener – Hilts Auto Inc.
– 115-131 Whitney Place)

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

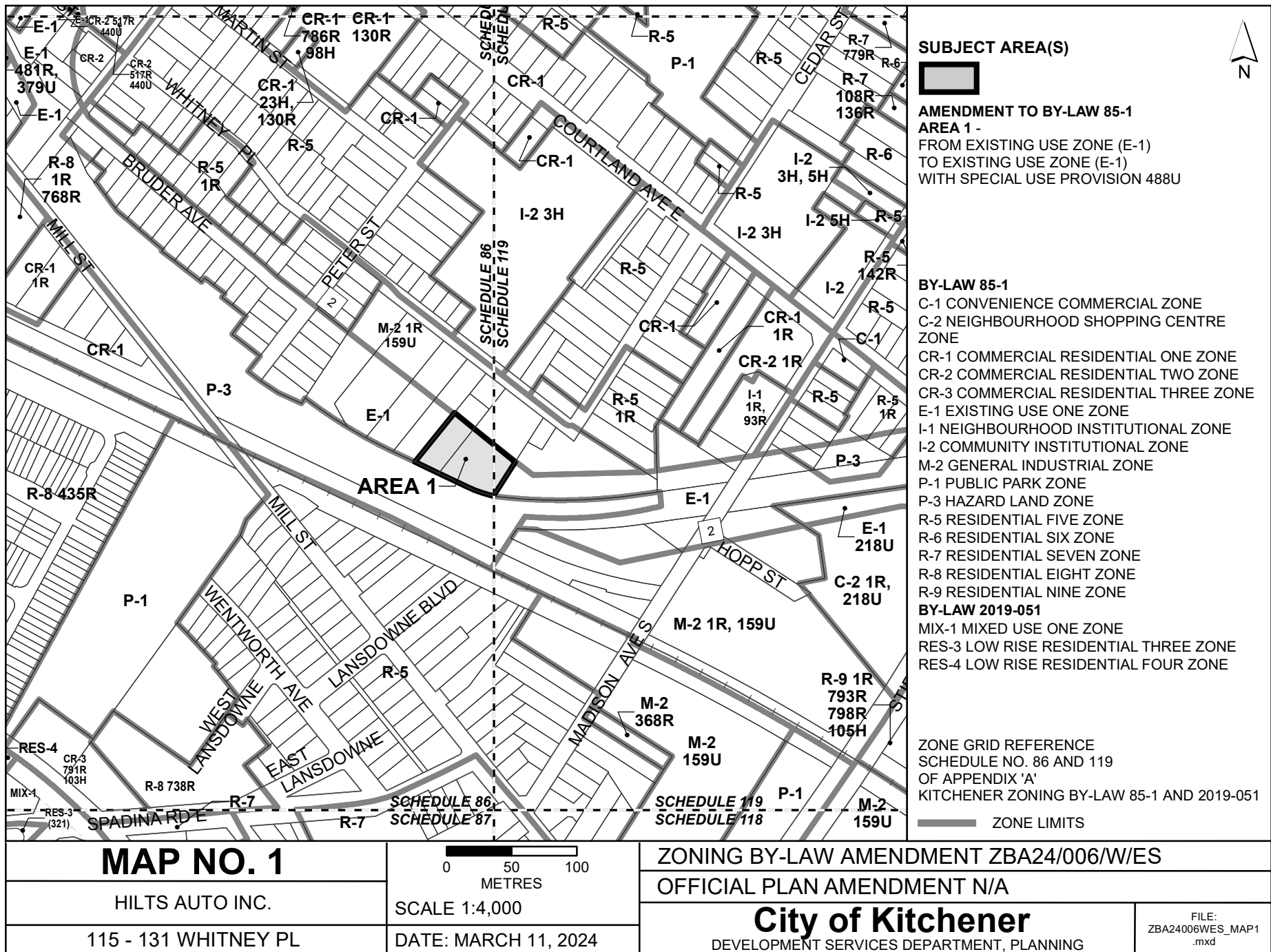
1. Schedule Numbers 86 and 119 of Appendix "A" to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, from Existing Use Zone (E-1) to Existing Use Zone (E-1) with Special Use Provision 488U.
2. Appendix 'C' of By-law 85-1 is hereby amended by adding Section 488U as follows:

"488. Notwithstanding Section 48 of this By-law, the following use shall be permitted:
a) Sale, Rental, Service, Storage or Repair of Motor Vehicles, Major Recreational Equipment and Parts and Accessories for Motor Vehicles or Major Recreational Equipment"

PASSED at the Council Chambers in the City of Kitchener this _____ day of _____, 2024.

Mayor

Clerk



PROPOSED BY – LAW

_____, 2024

BY-LAW NUMBER ____

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 2019-051, as amended, known
as the Zoning By-law for the City of Kitchener – Hilts Auto Inc.
– 115-131 Whitney Place)

WHEREAS it is deemed expedient to amend By-law 2019-051 for the lands specified above;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as
follows:

1. Zoning Grid Schedule Numbers 86 and 119 of Appendix "A" to By-law Number 2019-051 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, from Existing Use Floodplain (EUF-1) to Existing Use Floodplain (EUF-1) with Site Specific Provision (394).
2. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (394) thereto as follows:

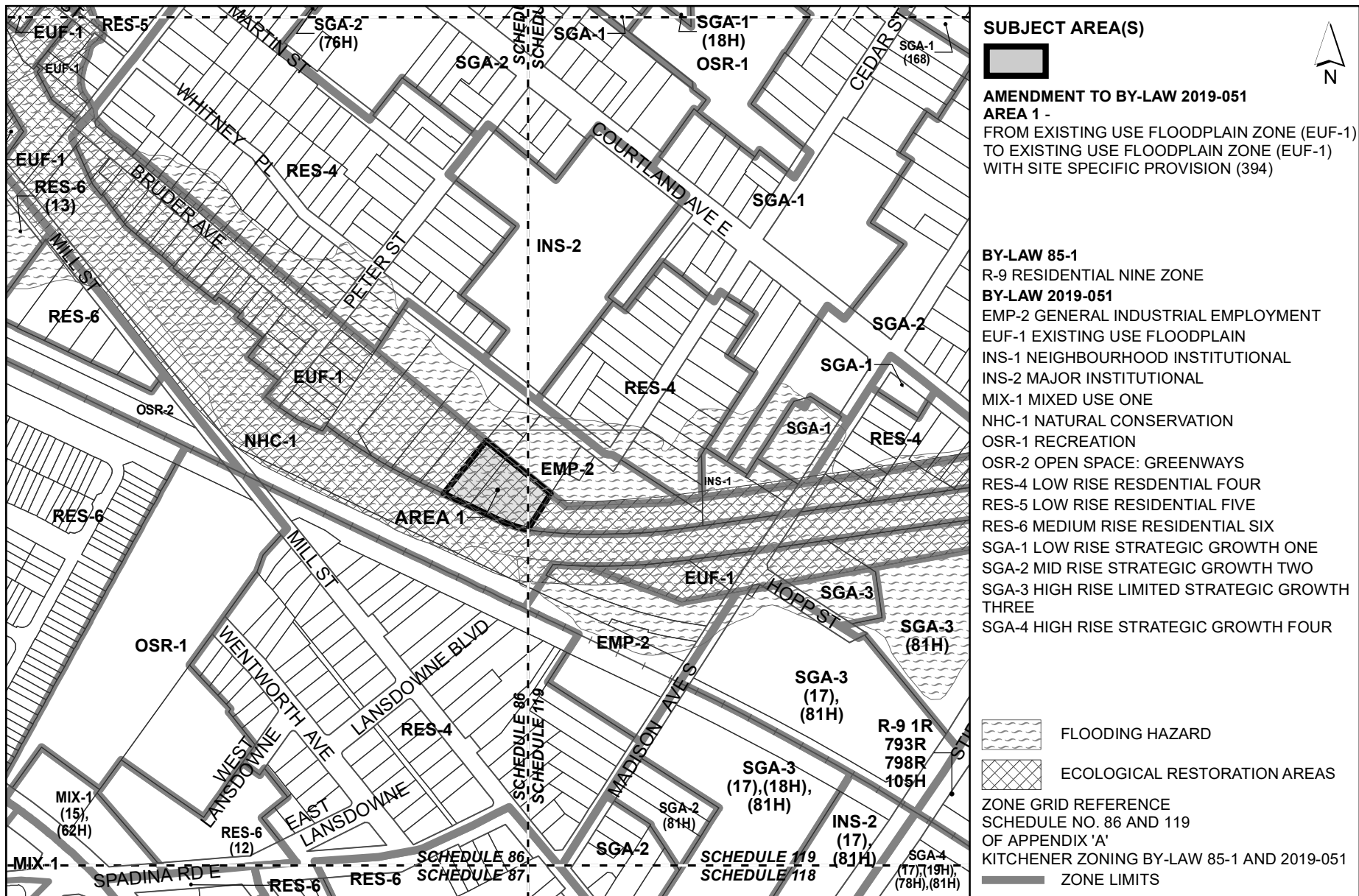
"394. Notwithstanding Table 14-1 of this By-law within the lands zoned EUF-1 and shown as affected by this subsection on Zoning Grid Schedule Number 86 of Appendix 'A', the following use shall be permitted:

 - a) Automotive Detailing and Repair Operation."
3. This amending By-law shall come into force on the day that By-law 2024-064 (Growing Together Secondary Plans, Non-PMTSAs) as it applies to the subject lands comes into effect.

PASSED at the Council Chambers in the City of Kitchener this _____ day of _____, 2024.

Mayor

Clerk



MAP NO. 1

HILTS AUTO INC.

115 - 131 WHITNEY PL

0 50 100
METRES

SCALE 1:4,000

DATE: MARCH 11, 2024

ZONING BY-LAW AMENDMENT ZBA24/006/W/ES

OFFICIAL PLAN AMENDMENT N/A

City of Kitchener

DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
ZBA24006WES_MAP2
.mxd

NOTICE OF PUBLIC MEETING

for a development in your neighbourhood

115 Whitney Place



Automotive
Detailing
and Repair

The City of Kitchener will consider an application to permit the use of the existing building for “Automotive Detailing and Repair Operation”.

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **May 13, 2024**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to **[kitchener.ca/meetings](https://www.kitchener.ca/meetings)**
and select:

- Current agendas and reports
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including
information on your appeal rights, visit:

**[www.kitchener.ca/
PlanningApplications](https://www.kitchener.ca/PlanningApplications)**

or contact:

Eric Schneider, Senior Planner
eric.schneider@kitchener.ca
519.741.2200 x7843

Transportation Services have no concerns with this application.

Dave Seller, C.E.T.

Traffic Planning Analyst | Transportation Services | City of Kitchener

519-741-2200 ext. 7369 | TTY 1-866-969-9994 | dave.seller@kitchener.ca

Hi Eric,

Engineering has no concerns with the proposed ZBA.

Thanks,

Christine Goulet, C.E.T.

Project Manager | Development Engineering
519-741-2200 Ext. 7820

Hi Eric,

Heritage planning staff have no issues or concerns with this application.

Kind Regards,

Deeksha Choudhry, MSc., BES

**Heritage Planner| Development and Housing Approvals Division| City of
Kitchener**

200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7

519-741-2200 ext. 7602

deeksha.choudhry@kitchener.ca



City of Kitchener

Zone Change / Official Plan Amendment Comment Form

Address: 115 – 125 Whitney Place
Owner: Hilt's Auto Inc
Application: Zoning By-law Amendment #ZBA24/006/W/ES

Comments Of: Park Planning
Commenter's Name: Lenore Ross
Email: Lenore.ross@kitchener.ca
Phone: 519-741-2200 ext 7427
Date of Comments: April 08 2024

Site Specific Comments & Issues:

Park Planning has no significant concerns with the proposed Zoning Bylaw amendment and can provide conditional support subject to the comments below.

- There is existing sanitary and storm infrastructure on or immediately adjacent these lands and this infrastructure impacts the existing structures located on 125 Whitney Place. Easements do not appear to be place and Development Engineering and Storm and Sanitary Utilities may request an easement as a condition of approval.
- Parkland Dedication will be deferred at the Zoning Bylaw Amendment application and assessed at any future required site plan application according to the Planning Act, Parkland Dedication By-law and Parkland Dedication Policies in effect.
- There is treed vegetation at the rear of the site and any future development application should include a Tree Protection and Enhancement Plan and Arborist Report will be required as part of a complete site plan application or building permit application.

Policies, Standards and Resources:

- Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw and Park Dedication Policy
- City of Kitchener Development Manual
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law
- Places & Spaces: An Open Space Strategy for Kitchener
- Multi-Use Pathways & Trails Masterplan
- Urban Design Manual

Hi Eric. Currently this property is serviced off a 32mm gas main on Whitney. Any changes to the existing gas service should be requested through David Paetz and/or Michele Kamphuis via our on-line gas application process. Charges may apply, including potentially upsizing the existing gas main.

Thanks, Sylvie (she/her)
519-498-9553



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning

150 Frederick Street 8th Floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4466
www.regionofwaterloo.ca

Melissa Mohr 1-226-752-8622

File: C14/2/24006

April 4, 2024

Eric Schneider, MCIP, RPP
Senior Planner
City of Kitchener
200 King Street West, 6th Floor
P.O. Box 1118, Kitchener, ON
N2G 4G7

Dear Mr. Schneider,

**Re: Proposed Zoning By-law Amendment ZBA 24/06
115-125 Whitney Place
Dryden, Smith & Head Planning Consultants (C/O
Andrew Head) on behalf of Hilts Auto Inc. (C/O Mike
Hilts)
CITY OF KITCHENER**

Dryden, Smith and Head has submitted a Zoning By-law Amendment to recognize an existing use at 115-125 Whitney Place (subject lands) in the City of Kitchener.

The applicant is proposing to add a site-specific provision to permit *Automotive Detailing and Repair Operation* in the Existing Use (E-1/Existing Use Floodplain (EUF-1) Zoned portion of the property. The site contains an existing building historically used for commercial/industrial land uses.

The subject lands are located in the Urban Area and designated Built Up Area on Map 2 of the Regional Official Plan. The subject lands are designated General Industrial (front portion) and Open Space in the City of Kitchener Official Plan and Existing Use (E-1) Zone in Zoning By-law 85-1 and is proposed to change to Existing Use Floodplain (EUF-1) in Zoning By-law 2019-051.

The Region has had the opportunity to review the proposal and offers the following:

Regional Comments

Consistency with Provincial Legislation and Regional Official Plan Conformity

The subject lands are designated “Urban Area” and “Delineated Built-Up Area” on Map 2 of the Regional Official Plan (ROP) and is designated General Industrial and Open Space in the City of Kitchener Official Plan.

The Region directs the majority of growth to the Urban Growth Centers, Major Transit Station Areas, Reurbanization Corridors, Major Local Nodes and Urban Designated Greenfield Areas. These areas are planned to have a more compact form with a mix of employment, housing, and services in close proximity of each other and higher frequency transit. Regional staff acknowledge that the owner is recognizing the existing industrial building on site. The building and industrial complex are within the Delineated Built Up Area of the Region where the Region’s goal is to transform existing neighbourhoods into 15-minute neighbourhoods with a broad mix of land uses are supported to allow people to meet their daily needs for goods, services, and employment within a 15-minute trip by walking, cycling and rolling or by direct, frequent and convenient transit.

In addition to the above, Regional staff acknowledge that the subject lands are regulated by the Grand River Conservation Authority (GRCA) and the property is within the two-zone floodplain where development may safely occur. In accordance with Section 7.H.8 of the Regional Official Plan, development or site alteration may be permitted in hazardous lands and hazardous sites where development or site alteration is carried out in accordance with floodproofing standards, protection work standards and access standards; vehicles and people have a way of safely entering and existing the area during times of flooding, erosion or other emergencies; new hazards are not created or existing hazards are not aggravated and no adverse environmental impacts will result. Regional staff have no objection to the GRCA’s approach to permit the existing building so long as the building is not altered (e.g. demolish and reconstruct or add to the building) and that no new buildings or structures shall be erected or altered within the floodway (in accordance with the two-zone floodplain policies).

The Region wishes to advise the applicant of the following technical comments related to the proposal:

Part 4 Area of the Clean Water Act

The subject lands are located within a Source Protection Area under the 2022 Grand River Source Protection Plan where Risk Management Plan and Prohibition Policies may apply; therefore, a Notice of Source Protection Plan Compliance (Valid Section 59 Notice) is **required** as part of a complete Zoning Bylaw Application; however please be advised that the Region has **not** received a Valid Section 59 Notice as part of the application.

Under the Grand River Source Protection Plan a Risk Management Plan for salt application may be required for proposed and/or altered surface parking and vehicle driveway areas greater than eight (8) parking spaces or 200 square metres. Design

considerations with respect to salt management that will form the Risk Management Plan include minimizing the transport of meltwater across the parking lots or driveways; directing downspouts away from paved areas; locating snow storage areas on impermeable (i.e. paved) surfaces that drain directly to catch basins.

In addition to the above, a Risk Management Plan for storm water management may be required if any engineered and/or enhanced infiltration features are proposed. Please note that this property is within a Chloride Issue Contributing Area, where Region of Waterloo does not support any engineered and/or enhanced infiltration (e.g. ponds, infiltration galleries, permeable pavers, ditches, swales, oil-grit separators, etc.) of runoff originating from paved surfaces.

Please visit the Region's TAPS website here: (<https://taps.regionofwaterloo.ca>) to determine all applicable Source Protection Plan requirements, and contact the Risk Management Official (rmo@regionofwaterloo.ca) if required. In addition, the applicant should allow for sufficient time to negotiate the Risk Management Plan, as a Notice will not be issued until a signed Risk Management Plan is complete.

Regional Cultural Heritage:

The subject lands possess the potential for the recovery of archaeological resources due to the subject lands proximity to hydrology and historic landform, however, as the subject lands have been developed between 1900-1960 and the site has been disturbed, an Archaeological Assessment is not required.

The applicant is advised that if archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act.

In addition to the above, if human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Fees

By copy of this letter, the Region of Waterloo respectfully requests the Zoning By-law Amendment Review fee of \$3,000.00.

Follow Up

The Region shall require a copy of the Valid Section 59 Notice and the application fee of \$3,000.00 prior to a recommendation being made to City of Kitchener Council.

Conclusions:

The Region has no objection to the proposal, subject to receipt of a Valid Section 59 Notice and the application review fee of \$3,000.00.

Please be advised that any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Further, please accept this letter as our request for a copy of the decision pertaining to this application. Should you have any questions, please do not hesitate to contact me.

Yours truly,



Melissa Mohr, MCIP, RPP
Senior Planner

- C. Hilts Auto Inc. – Mike Hilts (Owner)
Dryden, Smith & Head Planning Consultants – Andrew Head (Applicant)



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6
Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

April 2, 2024

Eric Schneider
Senior Planner
City of Kitchener
200 King Street West
Kitchener ON N2G 4V6
eric.schneider@kitchener.ca

**Re: Zoning Bylaw Amendment ZBA24/006/W/ES
115-125 Whitney Place
Hilts Auto**

Dear Mr. Schneider,

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted application to permit additional automotive uses on the property.

Recommendation

The GRCA does not object to using existing lands and buildings in principle. Additional site-specific restrictions should be considered to balance use of the existing building with GRCA and City flooding hazard policies.

Documents Reviewed by Staff

Staff have reviewed the site plan (dated February 8, 2024) submitted with this application.

GRCA Comments

The GRCA has reviewed this application under Ontario Regulation 686/21, acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as well as in accordance with Ontario Regulation 41/24 and GRCA's Board approved policies.

Information currently available at our office indicates that the subject lands are adjacent to Schneider Creek and contain its floodplain. The floodplain is designated as a Two-Zone Floodplain Policy Area, which separates the floodplain into the floodway (where deeper and faster flows occur), and the flood fringe (where flows and velocities are less severe). Provincial, GRCA and City floodplain policies significantly restrict development in the former and are more permissible in the latter. Development in the floodway presents a high risk of impacting flood flows, and therefore upstream and downstream properties.

"Automotive Repair and Detailing Operation" uses are proposed in the floodway portion of the floodplain, which coincides with the City's Existing Use (E-1) / Existing Use Floodplain (EUF) zoning. The GRCA does not object to this use taking place in the existing building, as this would not present additional risk of impacting flood flows.

The GRCA can support a site-specific change that does not allow alteration of the existing building (e.g. reconstruction, additions, etc.). The City's EUF zoning states that "No person shall...erect, alter or use any building or structure for any purpose other than [existing uses]." Site-specific zoning should stipulate that no new buildings or structures shall be erected or altered in the floodway, consistent with Provincial, City and GRCA Two-Zone Floodplain policies.

Furthermore, while the GRCA does not object to parking operational vehicles in the floodway, we would be concerned with the risk of outdoor storage (e.g. non-operational vehicles, equipment, scrap, or shipping containers) or site grading occurring on floodway portions of the property. We'd advise the City to consider additional site-specific zoning restrictions to mitigate this risk, and prohibit site alteration and outdoor storage in the floodway.

A proposal consistent with GRCA's comments will be considered a minor zoning application. As per GRCA's 2024 approved fee schedule, we will invoice the applicant \$465 for our review.

Additional fees will be charged if additional risk is presented to the floodway, as this will necessitate further staff time and analysis, and elevate this to a major zoning application (\$2,500). Separate fees will apply to any required GRCA permits.

We trust this information is of assistance. If you have any questions or require additional information, please contact me at 519-621-2761 ext. 2292 or theywood@grandriver.ca.

Sincerely,

A handwritten signature in black ink, appearing to be 'T. Heywood', written over a horizontal line.

Trevor Heywood
Resource Planner
Grand River Conservation Authority

Encl. Resource Mapping

cc: Andrew Head, Dryden Smith and Head



- Legend
- Regulation Limit (GRCA)
 - Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Floodplain - Special Policy Area (GRCA)
 - Slope Erosion (GRCA)
 - Steep
 - Oversteep
 - Toe
 - Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Regulated Watercourse (GRCA)
 - Regulated Waterbody (GRCA)
 - Wetland (GRCA)
 - Lake Erie Flood (GRCA)
 - Lake Erie Shoreline Reach (GRCA)
 - Lake Erie Dynamic Beach (GRCA)
 - Lake Erie Erosion (GRCA)
 - Parcel - Assessment (MPAC/MNRF)
 - Conservation Area Boundary (GRCA)

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Scale 1:554

NAD83 UTM zone 17 (EPSG:26917)