

PROPOSED BY – LAW
_____ 2023
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 –1385 Bleams
Road)

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 Number 93 of Appendix “A” to By-law Number 85-1 is 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 Agricultural Zone (A-1) with Special Regulation Provision 1R to Residential Seven Zone (R-7) with Special Regulation Provision 789R and Holding Provision 101H.
2. Schedule Number 93 of Appendix “A” to By-law Number 85-1 is hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
3. Appendix “D” to By-law Number 85-1 is hereby amended by adding Section 789 thereto as follows:
 - “789. Notwithstanding Sections 5.21B, 5.5, 6.0, and 41.2 of this By-law, within the lands zoned Residential Seven Zone (R-7), shown as being affected by this subsection on Schedule Number 93 of Appendix “A”, the following special regulations shall apply:
 - a. the minimum rear yard setback shall be 6.0 metres;
 - b. the minimum interior side yard setback shall be 1.2 metres and the minimum setback from the existing heritage building addressed as 1385 Bleams Road shall be 3.7 metres;

- c. geothermal energy systems are prohibited;
- d. a site plan approval and development agreement are not required for a common element condominium;
- e. for a Common Element Condominium and associated Parcels of Tied Lands, zoning regulations shall apply to the lot as a whole;
- f. the location of any building existing on the date of the passing of this by-law, shall be deemed to comply with the following regulations;
 - i. Front yard;
 - ii. Rear yard; and
 - iii. Building height.
- g. the minimum width of a landscape strip required adjacent to a street line shall be 2.4 metres;
- h. the minimum drive aisle setback from front lot line shall be 2.4 metres; and
- i. the minimum off-street parking required for a multiple dwelling shall be 1 space per dwelling unit.”

4. Appendix “F” to By-law Number 85-1 is hereby amended by adding Section 101H thereto as follows:

“101. Notwithstanding Section 41 of this By-law, within lands zoned R-7 and shown as being affected by this subsection on Schedule Number 93 of Appendix “A”, the following shall apply:

- a. No new residential use shall be permitted until such time as a Road Traffic and Stationary Noise Study, or agreement to include any necessary warning clauses, is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This holding provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that any necessary noise mitigation measures have been approved and agreed upon with the City/Region.
- b. No new residential use shall be permitted until such time as an Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports by the Ministry of Tourism, Culture

and Sport. This holding provision shall not be removed until the City of Kitchener is in receipt of a confirmation letter from the Ministry of Tourism, Culture and Sport.

- c. No new residential use shall be permitted until such time as the provision of servicing from municipal infrastructure is confirmed by a professional Engineer, to the satisfaction of the Region of Waterloo and City's Director of Engineering. This holding provision shall not be removed until the City of Kitchener is in receipt of a letter from the Region of Waterloo confirming acceptance.
- d. No new residential use shall be permitted until such time as a Heritage Protection Plan addressing the protection of the existing heritage house through the construction of the adjacent lands is submitted and approved to the satisfaction of the City of Kitchener. This holding provision shall not be removed until the City's Director of Planning has confirmed acceptance of the required assessments.
- e. No new residential use shall be permitted until such time as the Urban Design Brief, prepared January 30, 2023, is updated to reflect the proposed plan to the satisfaction of the City of Kitchener. This holding provision shall not be removed until the City's Director of Planning has confirmed acceptance.
- f. No new residential use shall be permitted until such time as an updated Tree Management Plan is submitted and approved to the satisfaction of the City of Kitchener. This holding provision shall not be removed until the City's Director of Planning has confirmed acceptance."

PASSED at the Council Chambers in the City of Kitchener this _____ day of _____, 2023.

Mayor

Clerk