

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 and By-law 2019-051,  
as amended, known as the Zoning By-laws for the City of Kitchener  
– 2079546 Ontario Limited)

WHEREAS it is deemed expedient to amend By-law 85-1 and 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. Schedule Numbers 51 and 63 of Appendix “A” to By-law Number 85-1 are hereby amended by removing the zoning applicable to the parcels of land specified and illustrated as Areas 1, 2, 4, 6, 8, and 10, in the City of Kitchener, attached hereto.
  
2. Zoning Grid Schedule Numbers 51 and 63 of Appendix “A” to By-law Number 2019-051 are hereby amended by adding thereto the lands specified and illustrated as Areas 1, 2, 4, 6, 8, and 10 on Map No. 1, in the City of Kitchener, attached hereto.
  
3. Zoning Grid Schedule Numbers 51 and 63 of Appendix “A” to By-Law Number 2019-051 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Low Rise Residential Five Zone (RES-5) with Site Specific Provision (369) in By-law 2019-051.
  
4. Zoning Grid Schedule Numbers 51 of Appendix “A” to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 2 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) with Special Use Provision 69U under By-law

85-1 to Low Rise Residential Five Zone (RES-5) with Site Specific Provision (369) in By-law 2019-051.

5. Zoning Grid Schedule Numbers 51 and 63 of Appendix "A" to By-Law Number 2019-051 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 3 on Map No. 1, in the City of Kitchener, attached hereto, from Prime Agriculture Zone (AGR-1) under By-law 2019-051 to Low Rise Residential Five Zone (RES-5) with Site Specific Provision (369) in By-law 2019-051.
6. Zoning Grid Schedule Numbers 51 and 63 of Appendix "A" to By-Law Number 2019-051 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 4 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Recreation Zone (OSR-1) in By-law 2019-051.
7. Zoning Grid Schedule Number 51 of Appendix "A" to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 5 on Map No. 1, in the City of Kitchener, attached hereto, from Prime Agriculture Zone (AGR-1) under By-law 2019-051 to Recreation Zone (OSR-1) in By-law 2019-051.
8. Zoning Grid Schedule Number 51 of Appendix "A" to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 6 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Natural Conservation Zone (NHC-1) with Site Specific Provision (370) in By-law 2019-051.
9. Zoning Grid Schedule Number 51 of Appendix "A" to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 7 on Map No. 1, in the City of Kitchener, attached hereto, from Prime Agriculture Zone (AGR-1) under By-law 2019-051 to Natural Conservation Zone (NHC-1) with Site Specific Provision (370) in By-law 2019-051.

10. Zoning Grid Schedule Number 51 of Appendix “A” to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 8 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Natural Conservation Zone (NHC-1) with Site Specific Provision (370) in By-law 2019-051.
11. Zoning Grid Schedule Number 51 of Appendix “A” to By-Law Number 2019-051 is hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 9 on Map No. 1, in the City of Kitchener, attached hereto, from Prime Agriculture Zone (AGR-1) under By-law 2019-051 to Natural Conservation Zone (NHC-1) in By-law 2019-051.
12. Zoning Grid Schedule Numbers 51 and 63 of Appendix “A” to By-Law Number 2019-051 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 10 on Map No. 1, in the City of Kitchener, attached hereto, from Agricultural Zone (A-1) under By-law 85-1 to Natural Conservation Zone (NHC-1) in By-law 2019-051.
13. Zoning Grid Schedule Numbers 51 and 63 of Appendix “A” to By-law 2019-051 are hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
14. Section 19 of By-law 2019-051 is hereby amended by adding Site Specific Provision (369) thereto as follows:

“(369). Notwithstanding Section 3, Section 4 and Section 7 of the By-law within the lands zoned Low Rise Residential Five Zone (RES-5) and shown as Areas 1, 2, and 3 and being affected by this subsection on Zoning Grid Schedule Numbers 51 and 63 of Appendix ‘A’, the following special regulations shall apply:

- i) In addition to the permitted uses listed in Table 7-1, the following uses shall also be permitted:

*Dwelling, Live-Work Townhouse*

- ii) For lands subject to this regulation:
  - “*Dwelling, Live-Work Townhouse*” means a Townhouse dwelling unit with dedicated non-residential ground floor uses.
  - “*Bay/Boxout Window Projections*” means a building projection with windows and/or door, with or without a foundation.
- iii) Stairs and access ramp may be permitted in the front yard or exterior side yard provided the minimum setback to the stair and access ramp encroachment is 0.6 metres from the street line.
- iv) Terraces, porches, balconies and decks may be located within a required *front yard* or exterior *side yard*, provided the terrace, porch or deck is set back a minimum of 2.0 metres from the front *lot line* and a minimum of 1.5 metres from the *side yard lot line* abutting a street, whether covered or not covered, and provided they are not enclosed and do not exceed 1.2 metres in height above finished grade level.
- v) Covered porches that are open on the first floor with or without railings and with or without living space above may encroach into the *driveway visibility triangle* to a maximum of 2.5 metres.
- vi) On a *corner lot*, an access driveway shall not be located closer than 4.5 metres to the intersection of street lines abutting the lot and shall permit the parking of *motor vehicles*.
- vii) “Bay/Boxout Window Projections” may encroach a maximum of 1.0 metre into a required *front yard, exterior side yard* and/or *rear yard*, provided that the building projection is not more than 4.0 metres wide.
- viii) The following regulations shall apply for *Single Detached Dwelling* and *Single Detached Dwelling with an Attached Dwelling Unit*.
  - a. The minimum *corner lot width* shall be 12.0 metres.

- b. The minimum *exterior side yard* shall be 3.0 metres.
  - c. The minimum *front yard* shall be 3.5 metres.
  - d. The minimum *rear yard* shall be 7.0 metres
  - e. The minimum *rear yard* shall be 3.0 metres for corner lot for a Single Detached Dwelling with one or two Attached Dwelling Units provided that not less than 50% of the corner lot is a minimum of 7.0 metres
  - f. The minimum *side yard* shall be 0.6 metres on one side and 1.2 metres on the other.
  - g. Porches may encroach into the side yard provided the minimum setback to side lot line is 0.6 metres.
  - h. The maximum *building height* shall be 12.5 metres.
  - i. The maximum *lot coverage* shall be a total of 60 percent, of which the habitable portion of the *dwelling units* shall not exceed 55 percent and the *accessory buildings* or *structures*, whether attached or detached, shall not exceed 15 percent.
- ix) The following regulations shall apply for Semi-Detached Dwellings:
- a. The minimum *exterior side yard* shall be 3.0 metres.
  - b. The minimum *front yard* shall be 3.5 metres.
  - c. The minimum *rear yard* shall be 7.0 metres.
  - d. The maximum *building height* shall be 12.5 metres.
  - e. The maximum gross lot coverage shall be 65 percent, of which the habitable portion of the *dwelling unit* shall not exceed 55 percent and the *accessory buildings* or *structures*, whether attached or detached, shall not exceed 15 percent.
- x) The following regulations shall apply for Street Townhouse Dwellings:
- a. The minimum *corner lot width* shall be 9.0 metres.
  - b. The minimum *exterior side yard* shall be 3.0 metres.
  - c. The minimum *front yard* shall be of 3.5 metres.
  - d. The minimum *interior side yard* shall be 0.6 metres.

- e. The minimum *rear yard* shall be 7.0 metres for each townhouse dwelling.
- f. The maximum *building height* shall be 15.0 metres and 3 storeys.
- g. The maximum lot coverage for Townhouse Dwellings shall be 65 percent, of which the habitable portion of the *dwelling unit* shall not exceed 55 percent and the *accessory buildings* or *structures*, whether attached or detached, shall not exceed 15 percent.
- h. The maximum number of attached units for Townhouse Dwellings shall be 8 *dwelling units*.”

15. Section 19 of By-law 2019-051 is hereby amended by adding Site Specific Provision (370) thereto as follows:

“(370). Notwithstanding Section 4 and Section 13 of the By-law within the lands zoned Natural Conservation Zone (NHC-1) and shown as Areas 5, 6, 7 and 8 being affected by this subsection on Zoning Grid Schedule Number 51 of Appendix ‘A’, the following special regulations shall apply:

- i) This site contains a registered archaeological site of cultural heritage value or interest (the “Locus B” Archaeological Site Avoidance and Protection Area, a Portion of Site AiHd-160) for which a Stage 4 Mitigation of Development Impacts is required (Archaeological Services Inc. 2022).
- ii) Site development or grade alteration, including any activities that might alter the archaeological site in any way, either temporarily or permanently such as minor forms of soil disturbance, tree removal, minor landscaping, utilities installation, preparing the site for agricultural activity including backfilling, ploughing and/or planting, site grading and site development of the proposed adjacent subdivision, and landscape restoration work, is strictly prohibited.”

16. This By-law shall become effective only if Official Plan Amendment No.\_\_\_\_, (Mattamy - Kitchener Green) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this \_\_\_\_\_day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk