

AMENDMENT NO. ## TO THE OFFICIAL PLAN  
OF THE CITY OF KITCHENER

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**SECTION 1 – TITLE AND COMPONENTS**

This amendment shall be referred to as Amendment No. \_\_\_\_ to the Official Plan of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive.

**SECTION 2 – PURPOSE OF THE AMENDMENT**

The purpose of the Official Plan Amendment is to incorporate certain modifications to the text of the Official Plan to meet the requirements of the Planning Act, to implement and respond to Bill 23, Bill 109 and to enact regulations introduced through Bill 13 in order to support delivery of housing.

**SECTION 3 – BASIS OF THE AMENDMENT**

Recent Provincial updates have made impactful changes to the Planning Act and other legislation, with the objective to bring more housing to market more quickly. In response to these changes, staff are recommending various amendments to the Official Plan, which will be further implemented in the City’s Zoning By-laws (85-1 and 2019-051), and various other implementing by-laws and Council policies. The recommended changes work together and are focussed into two key areas of change:

**Enacting Tools that Reduce Review Timelines (Bill 109 and Bill 13 Implementation):**

The first set of changes enact and strengthen tools to help the City reduce review timelines so that decisions can be made within the legislated timeframes. New legislation provides financial incentive to make decisions on certain application types such as Site Plan Approvals, and Official Plan and Zoning By-law amendments by mandating the incremental refund of development application fees.

Changes in these areas will help the municipality ensure applications are complete at the time they are accepted so that the ‘clock’ doesn’t start until all supporting documentation is received; reducing the administrative burden on Council for routine and minor zoning bylaw amendments such as removing holding provisions when conditions are fulfilled, or enacting administrative changes; and better aligning the notice of a statutory public meeting with reporting timelines which provide additional time for issue resolution, and ensures that a report is available when notice is given.

**Mandatory Changes to Deliver Housing (Bill 23 Implementation):**

The second category of amendments are those which have been mandated by the Province to reduce planning process associated with smaller scale residential developments. These changes include no longer permitting the use of Site Plan Control for residential developments with 10 units or less on a parcel of urban residential land with limited exceptions, permitting up to 3 dwelling units on a parcel of urban residential land, and removing the municipality’s ability to approve the aesthetics or character of a building (including materials/colour, etc).

Further details with respect to the amended policies may be found in Appendix A2 of report DSD-2023-239. Staff is of the opinion that the Official Plan amendment is consistent with and conforms to the Planning Act, Provincial Policy Statement (2020), the provincial Places to Grow Act (2005) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the Regional Official Plan (2010), and represents good planning.

## **SECTION 4 – THE AMENDMENT**

1. The City of Kitchener Official Plan is hereby amended as follows:
  - a) Table of Contents, Part E, Section 17.E.20 Committee of Adjustment is amended by adding “Submission Requirements ...17-39” after “Change in Use... 17-38”;
  - b) Part C, Section 4.C.1, Policy 4.C.1.7. is amended by adding the words “, cross-sections” following “elevation drawings”, by deleting the words “architectural design”, and by adding the phrase “, conforms to zoning, and provides for a healthy, safe, accessible and sustainable building and site design” after the word “buffering”;
  - c) Part C, Section 4.C.1, Policy 4.C.1.8. a) is amended by adding the phrase “and will have regard to Section 11 of this Plan, the *City’s Urban Design Manual*, and any site-specific *Urban Design Brief* or *Urban Design Report and Urban Design Scorecard.*” following the word “neighbourhood”;
  - d) Part C, Section 4.C.1 is amended by deleting “Policy 4.C.1.23” in its entirety and replacing it with the following:

“4.C.1.23 The City, in accordance with Planning Act and other applicable legislation, will permit up to three *dwelling units* on a lot, unless otherwise limited by the policies of this Plan, and in accordance with the *City’s Zoning By-law*, in order to provide additional housing options to Kitchener homeowners and residents.

Additional *dwelling units* will be permitted as follows:

    - a) The addition of up to two additional *dwelling unit(s)* (attached), within a single detached dwelling, a semi-detached dwelling or a street-townhouse dwelling, and
    - b) The addition of up to one additional *dwelling unit* (detached) and one additional *dwelling unit* (attached) within a single detached dwelling, a semi-detached dwelling or a street-townhouse dwelling.

Additional *dwelling units* (attached) and additional *dwelling units* (detached) may be further regulated by the *City’s Zoning By-law.*”;
  - e) Part C, Section 4.C.1, Policy 4.C.1.24. is amended by deleting the first sentence “The *City*, in accordance with Planning Act and other applicable legislation, will permit a stand-alone additional *dwelling unit* (detached), as an ancillary use to single detached dwellings, semi-detached dwellings and street townhouse dwellings”, by deleting the word “an” following the word “permitting”, adding “(s)” after the word “unit”, in the 2<sup>nd</sup> sentence and by deleting subsection d) and the sentence “Additional *dwelling units* (detached) will be subject to site plan control” and replacing it with the following:

“d) the site layout considers other requirements including servicing, pedestrian and vehicular access, stormwater management, grading and drainage, tree

preservation, and provision of amenity areas, landscaped buffers and visual screening; and

- e) up to one parking space may be required for each Additional *Dwelling Unit*.”;
- f) Part C, Section 11.C.1, Policy 11.C.1.1 is amended by adding the phrase “and in accordance with the Planning Act.” following the words “Urban Design Manual”;
- g) Part C, Section 11.C.1, Policy 11.C.1.6 is amended by replacing the phrase “and/or *urban design report*” with “*urban design report* and/or *urban design scorecard*”, and by adding “and which may be adopted by Council.” following “Section 17.E.10”;
- h) Part C, Section 11.C.1, Policy 11.C.1.9 is amended by adding the phrase “, and in accordance with the Planning Act” following the words “Site Plan Control”;
- i) Part C, Section 11.C.1, Policy 11.C.1.30 a) is amended by deleting the word “aesthetic”;
- j) Part C, Section 11.C.1, Policy 11.C.1.31 is amended by adding the words “and cycling” following the word “pedestrian”, deleting the word “attractive”, and adding the phrase “that are accessible, safe and have a functional relationship to the street,” following the word “streetscapes”;
- k) Part C, Section 11.C.1, Policy 11.C.1.32 is amended by adding the sentence “ An owner/applicant may be required to prepare an *Urban Design Brief, Urban Design Report, Urban Design Scorecard* and/or *Urban Design Guidelines*, in support of a *development application*.” following “locations.”;
- l) Part D, Section 15.D.2 is amended by deleting “Policy 15.D.2.31” in its entirety and replacing it with the following:

“15.D.2.31 Applications for *development and/or redevelopment* will be reviewed to ensure conformity with to Section 11 of this Plan and the *Urban Design Guidelines* contained within the *City’s Urban Design Manual*, and any site-specific *Urban Design Guidelines, Urban Design Brief, Urban Design Report* and/or *Urban Design Scorecard*.”;
- m) Part D, Section 15.D.12, Policy 15.D.12.2.a) ii) is amended by deleting the phrase “, only single detached and duplex dwellings will be permitted to a”, by adding the word “the” prior to the word “maximum”, and by replacing the word “of” with the phrase “will be” following the word “density”;
- n) Part D, Section 15.D.12, Policy 15.D.12.16 is deleted in its entirety.
- o) Part E, Section 17.E.2, Policy 17.E.2.18 is amended by adding the phrase “, and any alternative notice procedures outlined in Section 17.E.3 of this Plan” following “Planning Act”;
- p) Part E, Section 17.E.3, Policy 17.E.3.3 is amended by adding “, and may provide alternative measures for informing and obtaining the views of the public, in accordance with the Planning Act.” following “as deemed appropriate”;

- q) Part E, Section 17.E.3. is amended by adding the following new Policies 17.E.3.5, 17.E.3.6 and 17.E.3.7 after Policy 17.E.3.4 and existing Policies 17.E.3.5, 17.E.3.6 and 17.E.3.7 are renumbered 17.E.3.8, 17.E.3.9 and 17.3.E.10 accordingly:

“17.E.3.5 Notification of a public meeting for the adoption of the Official Plan, Official Plan Amendments, and *Zoning By-law* Amendments, as required by the Planning Act, will be given to the public, and prescribed persons and public bodies at least 10 days prior to the date of the meeting and the notice will be given in accordance with the applicable requirements of the Planning Act.

17.E.3.6 Notice of the intention to pass an amending by-law to remove a Holding “H” symbol will be given in accordance with the applicable requirements of the Planning Act.

17.E.3.7 Public meetings under the Planning Act will not be required for minor amendments to the *Zoning By-law*.

Notice of the proposed minor amendments and information regarding who is entitled to appeal will be given to the public by posting on the *City’s* website, and electronic notice will be given to prescribed persons and public bodies, a minimum of 10 days prior to a decision being made.”;

- r) Part E, Section 17.E.3, Policy 17.E.3.10. e) (as renumbered) is amended by adding the words “electronic or in person” before the word “public”;
- s) Part E, Section 17.E.3, Policy 17.E.3.10. f) (as renumbered) is amended by adding the words “electronic or in person” before the word “workshops”;
- t) Part E, Section 17.E.3, Policy 17.E.3.10. g) (as renumbered) is amended by adding the words “electronic or in person” before the word “public”;
- u) Part E, Section 17.E.10, Policy 17.E.10.1 is amended by adding the phrase “in accordance with the Planning Act” following the words “complete application”, and by deleting “Policy 17.E.10.1 c)” in its entirety and renumbering Policy 17.E.10.1 d) to 17.E.10.1 c) accordingly;
- v) Part E, Section 17.E.10, Policy 17.E.10.2 is amended by adding the following sentences to the end of the policy after the words “Site Plan”; “A Pre-Submission Consultation Meeting may be required for a Consent Application if other information and materials are needed to inform the Consent application.

A Pre-Submission Consultation Meeting will include an electronic or in-person meeting to consult on the development proposal, and may include collaborative components such as a visioning workshop, a design charette, and site walk(s).”;

- w) Part E, Section 17.E.10, Policy 17.E.10.3 is amended by adding the phrase at the start of the second sentence “Where the requirement for this meeting has been waived,” following the words “Consultation Meeting.” in the first sentence;

- x) Part E, Section 17.E.10.4.c) is amended by adding the phrase “and in accordance with any standard or customized Terms of Reference(s).” following the word “Council”;
- y) Part E, Section 17.E.12, Policy 17.E.12.6 is amended by adding the phrase “and public meetings” after the words “such applications” and adding “and alternative notice procedures contained in Section 17.E.3 of this Plan.” following “Planning Act”;
- z) Part E, Section 17.E.12 is amended by adding Policy 17.E.12.7 thereto as follows:
  - “17.E.12.7 Council may, by By-law, delegate to the Director of Planning, the authority to approve minor amendments to the Zoning By-law including but not limited to:
    - a) a by-law to remove a holding symbol; and
    - b) updates to assist with clarity and interpretation where the effect of the regulation is not substantively changed.”;
- aa) Part E, Section 17.E.13 is amended by adding Policy 17.E.13.8 thereto as follows:
  - “17.E.13.8. Council may, by By-law, delegate to the Director of Planning, the authority to approve a zoning by-law in accordance with Policy 17.E.13.7”;
- bb) Part E, Section 17.E.20 is amended by adding Policy 17.E.20.11 thereto as follows:

**“Submission Requirements**

17.E.20.11 The City will not accept an application to the Committee of Adjustment for processing unless such *development application* includes the necessary information and materials, in accordance with Planning Act regulations.

Other information and materials may be required as part of a complete application for consent. Such materials may be identified in a Record of Pre-Submission Consultation where a Pre-Submission Consultation Meeting is held, or may include other information and materials identified by the *City* that are necessary to review the Committee of Adjustment application, such as but not limited to:

- a) Site Plan and Elevation drawings;
  - b) Environmental Studies;
  - c) Servicing Reports or Studies; and
  - d) Tree Preservation/Enhancement Plan”;
- cc) Part E, Section 17.E.22, Policy 17.E.22.1 is amended by deleting “Section 17.E.22.1. b)” in its entirety and replacing it with the following:
    - “b) Residential uses which are not considered ‘development’, in accordance with section 41 of the Planning Act, including for example single detached dwellings; semi-detached dwellings; and street-townhouse dwellings, cluster townhouse dwellings and multiple dwellings where there are 10 dwelling units or less on a parcel of land. Notwithstanding the foregoing, a

Site Plan Control Area may include development where Site Plan Control is permitted by the Planning Act, for example a land lease community home, or three or more mobile homes.


- dd) Part E, Section 17.E.22 is amended by deleting “Policy 17.E.22.3” in its entirety and replacing it with the following:
  - “17.E.22.3 Proposed *development and/or redevelopment* within the Site Plan Control Area may not be permitted until such time as the City has approved drawings and plans (including a site plan, elevation drawings and cross-section views) for all buildings and structures to be erected (including all buildings to be used for residential purposes regardless of the number of *dwelling units*, and where considered ‘development’ in accordance with Section 41 of the Planning Act), and for site development works, and sustainable design elements within the *City* and/or *Region’s* right-of-way, in accordance with the Planning Act”;
- ee) Part E, Section 17.E.22, Policy 17.E.22.9 is amended by adding the phrase “and Provincial Legislation” following the words “Urban Design Manual”;
- ff) Part F, Schedule A: Glossary of Terms the definition for “Low Rise Residential Land Uses” is amended by deleting the phrase “duplex dwellings” and replacing it with the phrase “additional dwelling units attached and detached”
- gg) Part F, Schedule A: Glossary of Terms is amended by adding the term “Urban Design Scorecard” after the term “Urban Design Report”:
  - “**Urban Design Scorecard** – an urban design evaluation tool that may be required to be completed by an owner/applicant to demonstrate how a development application implements the *City’s Urban Design Manual*. An urban design scorecard may be required instead of an *Urban Design Report*.”; and
- hh) Part F, Schedule B: Other Information and Materials is amended as follows:
  - i) Section 1. Cultural Heritage Resources is amended by adding “Commemoration Plan”, “Cultural Heritage Protection Plan”, “Hoarding Plan”, “Risk Management Plan”, “Salvage and Documentation Plan”, and “Temporary Protection Plan” to the table in the appropriate alphabetical order;
  - ii) Section 3. Environmental/Natural Heritage/Natural Hazards is amended by adding “Arborist Report including International Society of Arboriculture Valuation of Trees” in the table after “Aggregate/Mineral Resource Analysis”;
  - iii) Section 4. Environmental/Servicing and Infrastructure is amended by adding “Topographical Survey” in the table after “Soils or Geotechnical Study”;
  - iv) Section 6. Planning, “Site Plan” in the table is amended to read as “Site Plan, Building Cross-sections, Floor Plans”;




- v) Section 6. Planning “Sustainability Report/ Checklist” in the table is amended to read as “Sustainability Report/Statement/Checklist”;
- vi) Section 6. Planning “Urban Design Brief or Report” in the table is amended to read as “Urban Design Brief, Urban Design Report, or Urban Design Scorecard”;
- vii) Section 7. Transportation is amended by adding “Fire Route and Emergency Turnaround Plan (with unit numbering)”, “Parking Justification Report”, “Right-of-way Cross-Sections”, “Streetscape Plan”, and “Truck Turning Movement Plan” to the table in the appropriate alphabetical order.


## NOTICE OF PUBLIC MEETING

for city-wide amendments to implement changes by the provincial government related to housing







3 Units Permitted Per Lot



New Zoning Regulations



New Parking Lot Regulations



Legislated Policy Updates

**Have Your Voice Heard!**  
**Planning & Strategic Initiatives Committee**

Date: **June 19, 2023**  
 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

To learn more about this project, including information on your appeal rights, visit:  
**[www.kitchener.ca/PlanningApplications](http://www.kitchener.ca/PlanningApplications)**  
 or contact:  
**Tanya Roberts, Project Manager**  
[tanya.roberts@kitchener.ca](mailto:tanya.roberts@kitchener.ca)  
 519.741.2200 x7704

City Planning and Building staff are proposing amendments to the Official Plan, Zoning by-law, and other policies and bylaws in response to recent changes to provincial legislation:

Bill 13, **Supporting People and Businesses Act**, 2021  
 Bill 109, **More Homes for Everyone Act**, 2022  
 Bill 23, **More Homes Built Faster Act**, 2022

These bills are implementing measures to address the province-wide housing crisis. This meeting will outline the City's proposed amendments and updates in response to these new provincial directives.

APPENDIX 2

Minutes of the Meeting of Planning and Strategic Initiatives  
Committee of June 19, 2023

