

PROPOSED BY – LAW
_____, 2023
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
- Lower Doon Land Use Study Implementation

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 245, 254, 255, 256, 257, 281, 282, 283, 284, and 286 of Appendix A of By-law 2019-051 are hereby amended by adding thereto the parcels of land to By-law 2019-051 as shown on Attachment 1.
2. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (375) thereto as follows:

“375. Within the lands zoned COM-1 and shown as affected by this provision on Zoning Grid Schedule 256 of Appendix A, an *office* use shall be permitted to occupy 100% of the Gross Floor Area.”
3. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (376) thereto as follows:

“376. Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedules 255 and 256 of Appendix A, a visual barrier shall be required along the easterly *side yards* where said *side yards* abut the lot lines of those lots fronting Pinnacle Drive.”

4. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (377) thereto as follows:

“377. Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedules 255 and 256 of Appendix A, the minimum exterior *side yard* abutting a *street* for the *single detached dwelling* existing on May 19, 1998, shall be 3.3 metres.”

5. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (378) thereto as follows:

“378. Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedule 282 of Appendix A:

- a. The maximum number of *dwelling units* shall not exceed 98 units;
- b. The minimum westerly *side yard* shall be 7.5 metres;
- c. The maximum *building height* of any *multiple dwelling* shall be 8.0 metres;
- d. Two-unit *dwellings* or single-unit *dwellings* may be permitted on a lot within a comprehensive development consisting of multiple *dwellings*;
- e. The minimum separation between *dwellings* on a *lot* within a comprehensive development consisting of single-unit, two-unit or *multiple dwellings*, shall be 6.0 metres within that portion of the lot situated 15.5 metres from the westerly *lot line*, and no less than 3.0 metres thereafter;
- f. In the case of a comprehensive development comprising *multiple dwellings*, only two-unit or single-unit dwellings to a maximum total of eight *dwelling units* may be permitted adjacent the westerly *lot line* and north of Old Mill Road;
- g. A visual barrier shall be provided along the westerly *lot line* where development is proposed;
- h. The minimum *setback* to any *building* or *structure*, including *accessory buildings*, decks, swimming pools or retaining walls, from either the theoretical 2:1 top of slope or actual top of the Grand River Valley slope, whichever is located closer to said *building* or *structure*, as shown on a drawing entitled “Top of Bank Detail, G.R.C.A.-1”, dated January 20, 2000

and prepared by Mel Code, Consultant, shall be 4.0 metres. The minimum *setback* to any *building* or *structure*, not including *accessory buildings*, decks, swimming pools or retaining walls, from either the theoretical 2:1 top of slope or actual top of the Grand River Valley slope, whichever is located closer to said building, as shown on the above-noted drawing, shall be 6.0 metres.”

6. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (379) thereto as follows:

“379. Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedules 255 and 256 of Appendix A, a *Multiple Dwelling* shall be permitted with a minimum *setback* from Pinnacle Drive of 3.9 metres.”

7. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (380) thereto as follows:

“380. Within the lands zoned RES-7 and shown as affected by this provision on Zoning Grid Schedules 254, 255, 283, and 284 of Appendix A, a maximum *floor space ratio* will not apply.”

8. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (51) thereto as follows:

“(51). “Notwithstanding Section 7 of this By-law, within the lands zoned RES-7 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 254, 255, 283, and 284 of Appendix “A”, no development on the lands shall occur until such time as an Urban Design Brief is approved by the City’s Director of Planning demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes with adequate tower separation and onsite amenity.”

9. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (52) thereto as follows:

“(52). “No residential use shall be permitted until a Record of Site Condition (RSC) has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry in accordance with O. Reg. 153/04, as amended. This Holding Provision shall not be removed until the Regional Municipality of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and Parks (MECP) advising that a Record of Site Condition has been filed.”

10. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (53) thereto as follows:

“(53). “No residential use shall be permitted until a detailed transportation (road) and stationary noise study has been completed and implementation measures recommended to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.”

11. This By-law shall become effective only if Official Plan Amendment No. __ (Lower Doon Land Use Study Implementation) 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



[5000] Zoning By-law Index Number
 (88) Site Specific Provision Number
 1 Property Detail Schedule Number
Date: September 19, 2023

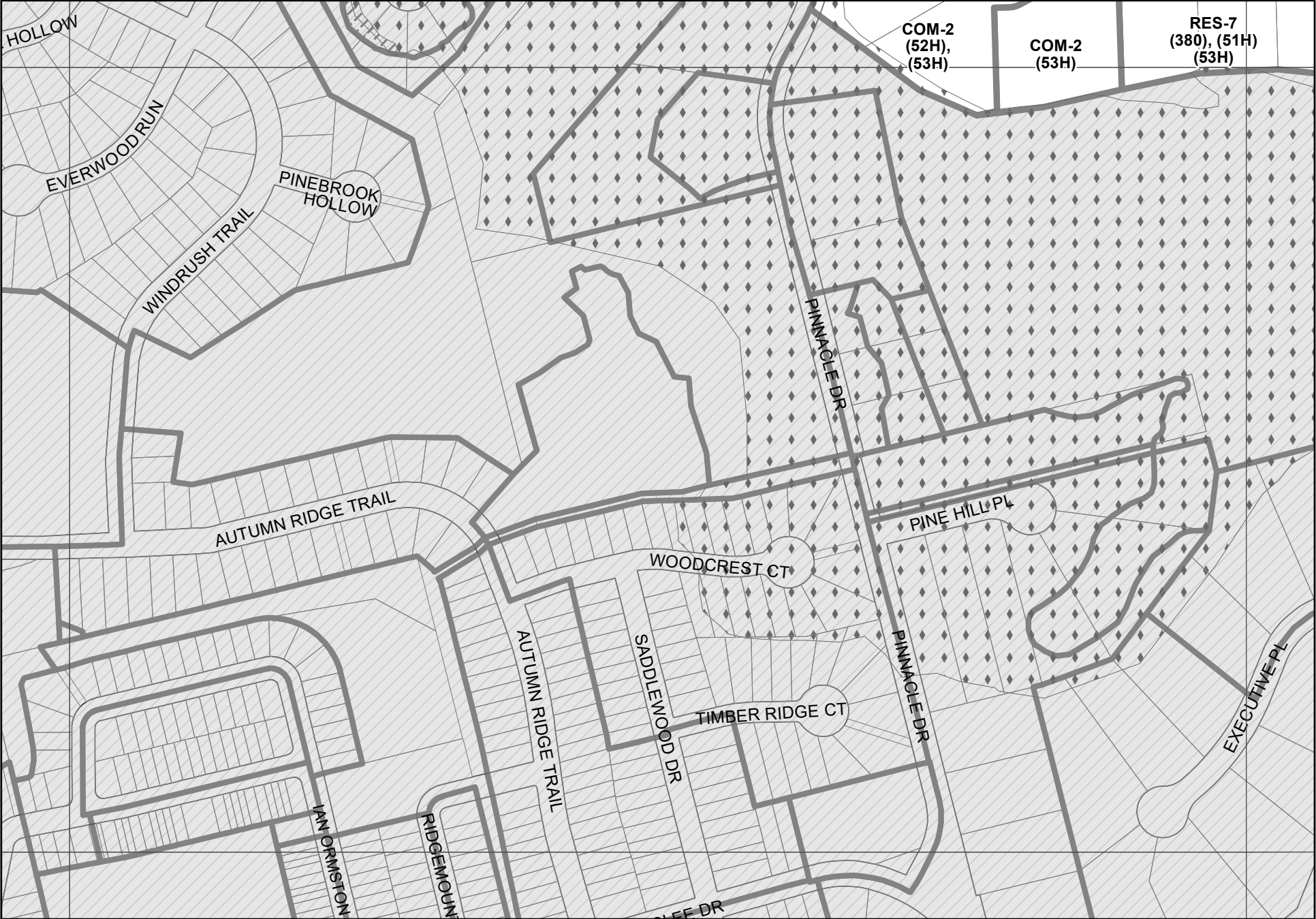
By-Laws
 Lands Subject to this
 Zoning By-law Amendment
 Lands not Subject to this
 Zoning By-law Amendment

Overlays Applicable to By-Law 2019-051
 Flooding Hazard
 Slope Erosion Hazard
 Ecological Restoration Areas
 Significant Wildlife Habitat and Landforms

215	244	258
214	245	257
213	246	256

METRIC SCALE 1:4000
 100 Meters





METRIC SCALE 1:4000
100 Meters

[5000] Zoning By-law Index Number
(88) Site Specific Provision Number
1 Property Detail Schedule Number

Date: September 19, 2023

By-Laws
[White Box] Lands Subject to this Zoning By-law Amendment
[Hatched Box] Lands not Subject to this Zoning By-law Amendment

Overlays Applicable to By-Law 2019-051
[Wavy Line Box] Flooding Hazard
[Diagonal Line Box] Slope Erosion Hazard
[Cross-hatch Box] Ecological Restoration Areas
[Triangle Box] Significant Wildlife Habitat and Landforms

247	255	283
248	254	284
249	253	285





[5000] Zoning By-law Index Number
 (88) Site Specific Provision Number
 1 Property Detail Schedule Number

Date: September 19, 2023

By-Laws

- Lands Subject to this Zoning By-law Amendment
- Lands not Subject to this Zoning By-law Amendment

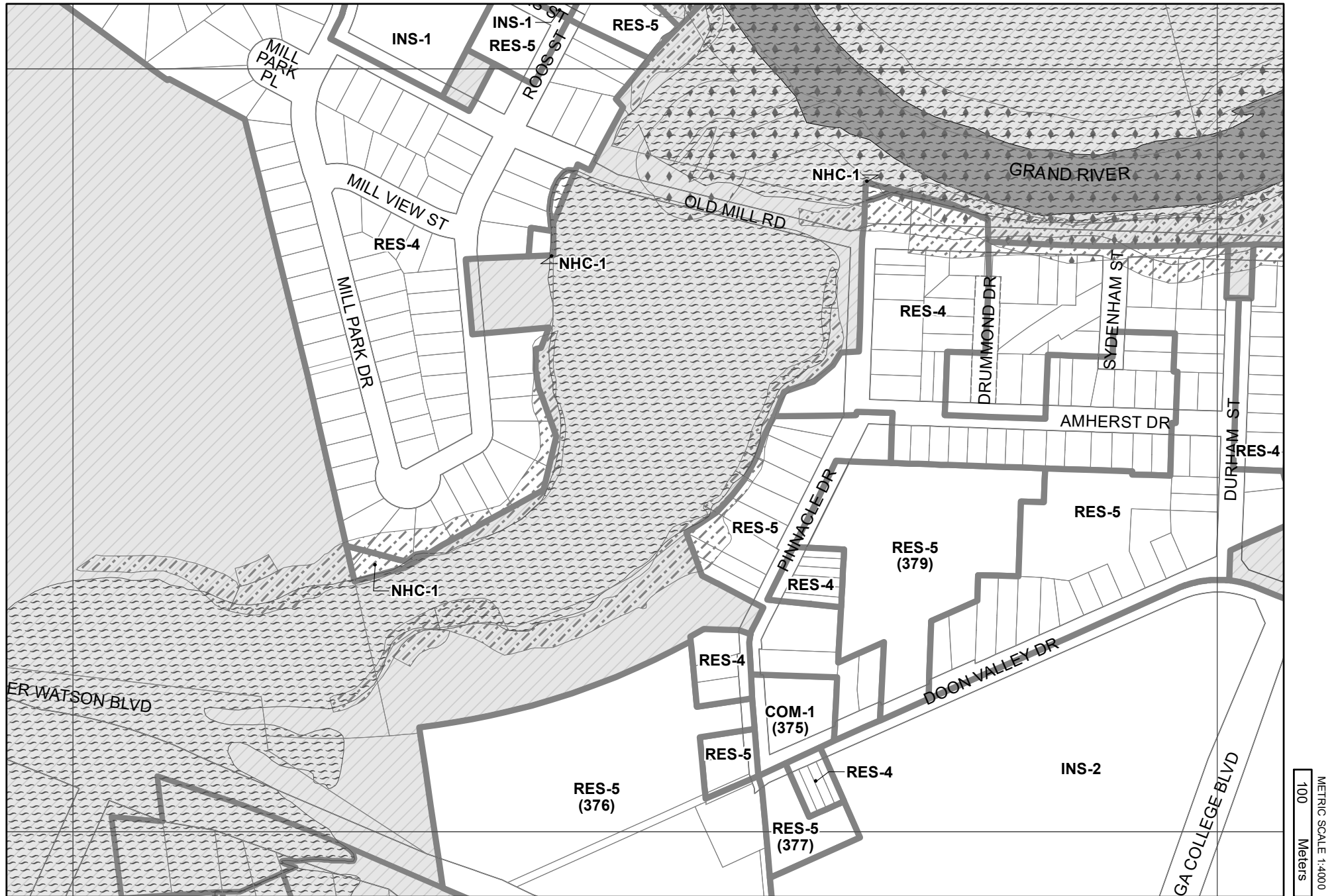
Overlays Applicable to By-Law 2019-051

- Flooding Hazard
- Slope Erosion Hazard
- Ecological Restoration Areas
- Significant Wildlife Habitat and Landforms

246	256	282
247	255	283
248	254	284

METRIC SCALE 1:4000
 100 Meters





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Date: September 19, 2023

By-Laws

-  Lands Subject to this Zoning By-law Amendment
-  Lands not Subject to this Zoning By-law Amendment

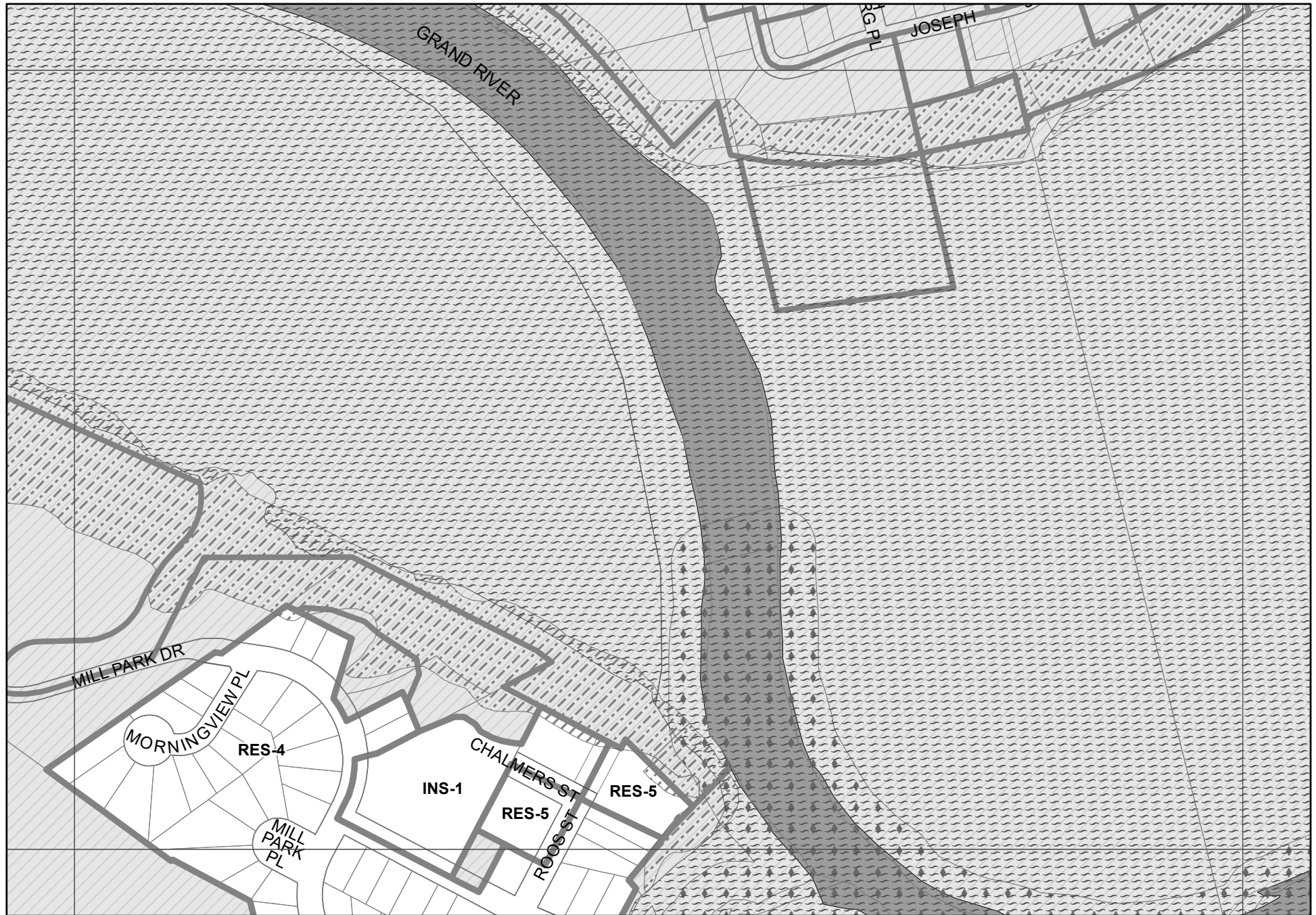
Overlays Applicable to By-Law 2019-051

-  Flooding
-  Hazard
-  Slope Erosion Hazard
-  Ecological Restoration Areas
-  Significant Wildlife Habitat and Landforms

245	257	281
246	256	282
247	255	283

METRIC SCALE 1:4000
 100 Meters





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Date: September 19, 2023

By-Laws

-  Lands Subject to this Zoning By-law Amendment
-  Lands not Subject to this Zoning By-law Amendment

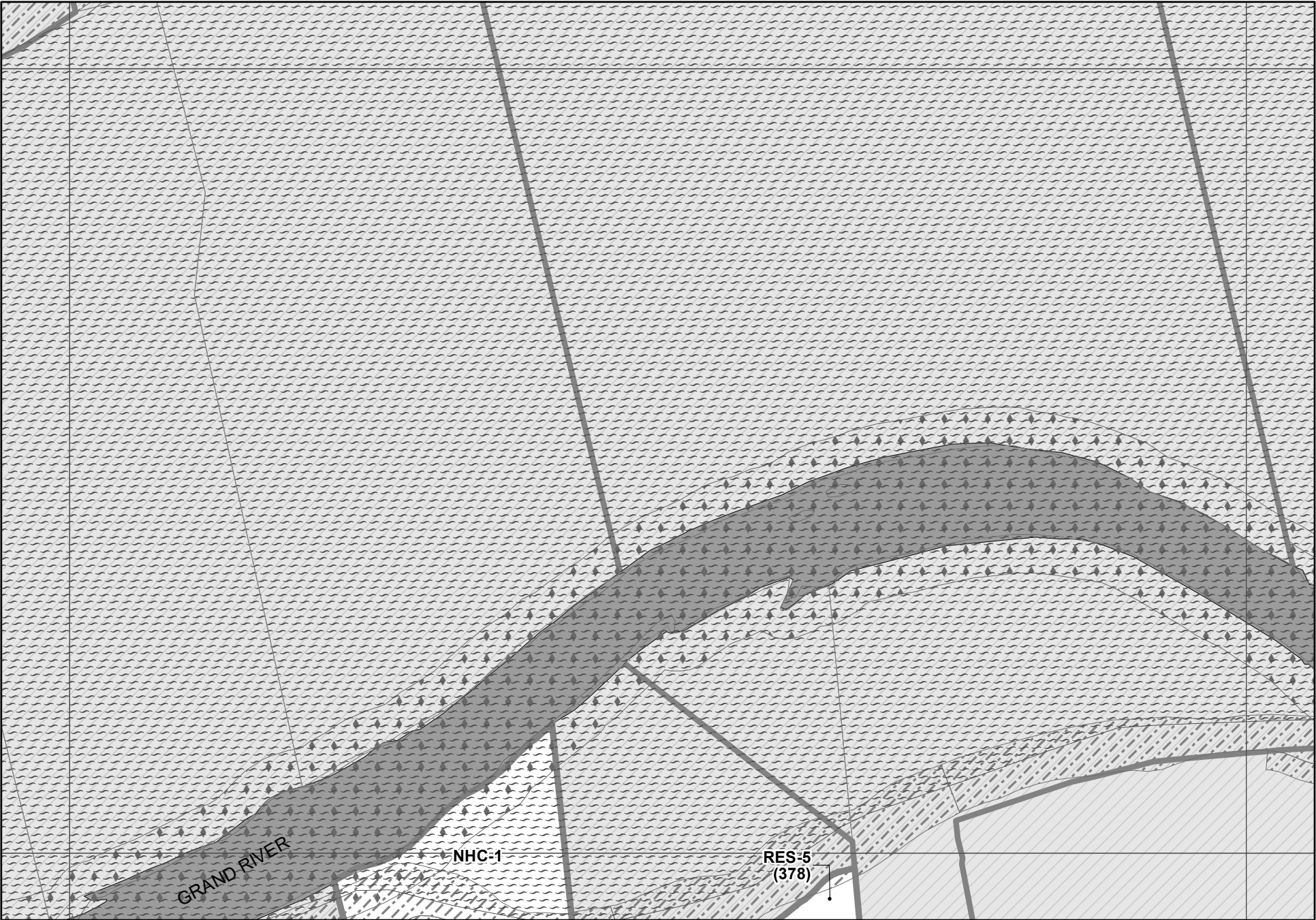
Overlays Applicable to By-Law 2019-051

-  Flooding Hazard
-  Slope Erosion Hazard
-  Ecological Restoration Areas
-  Significant Wildlife Habitat and Landforms

244	258	280
245	257	281
246	256	282

METRIC SCALE 1:4000
 100 Meters





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(88) Site Specific Provision Number
[1] Property Detail Schedule Number

Date: September 19, 2023

By-Laws
[White Box] Lands Subject to this Zoning By-law Amendment
[Shaded Box] Lands not Subject to this Zoning By-law Amendment

Overlays Applicable to By-Law 2019-051
[Wavy Line Box] Flooding Hazard
[Diagonal Line Box] Slope Erosion Hazard
[Cross-hatch Box] Ecological Restoration Areas
[Triangle Box] Significant Wildlife Habitat and Landforms

258	280	288
257	281	287
256	282	286

METRIC SCALE 1:4000
100 Meters





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Date: September 19, 2023

By-Laws

- Lands Subject to this Zoning By-law Amendment
- Lands not Subject to this Zoning By-law Amendment

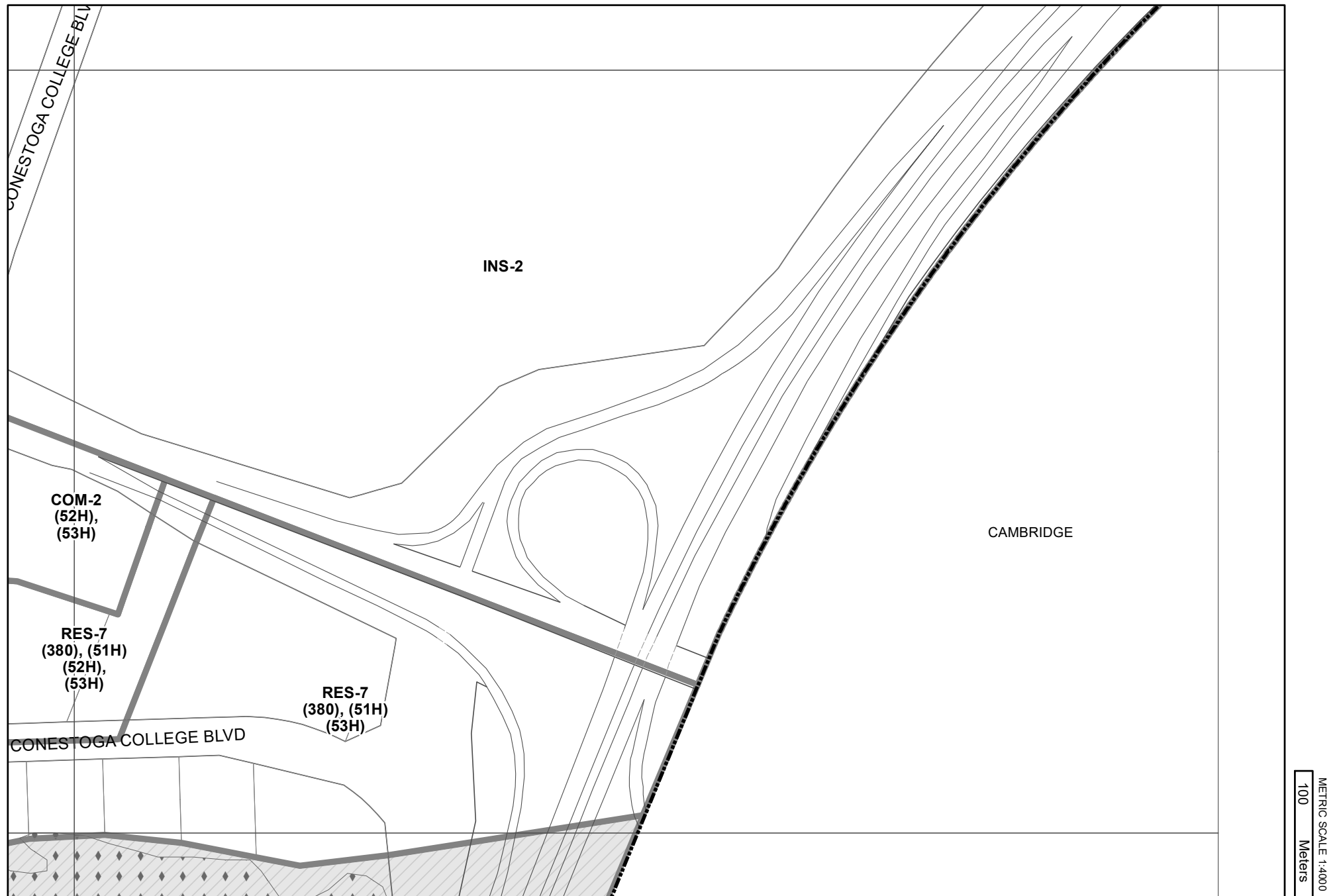
Overlays Applicable to By-Law 2019-051

- Flooding Hazard
- Slope Erosion Hazard
- Ecological Restoration Areas
- Significant Wildlife Habitat and Landforms

257	281	287
256	282	286
255	283	

METRIC SCALE 1:4000
 100 Meters





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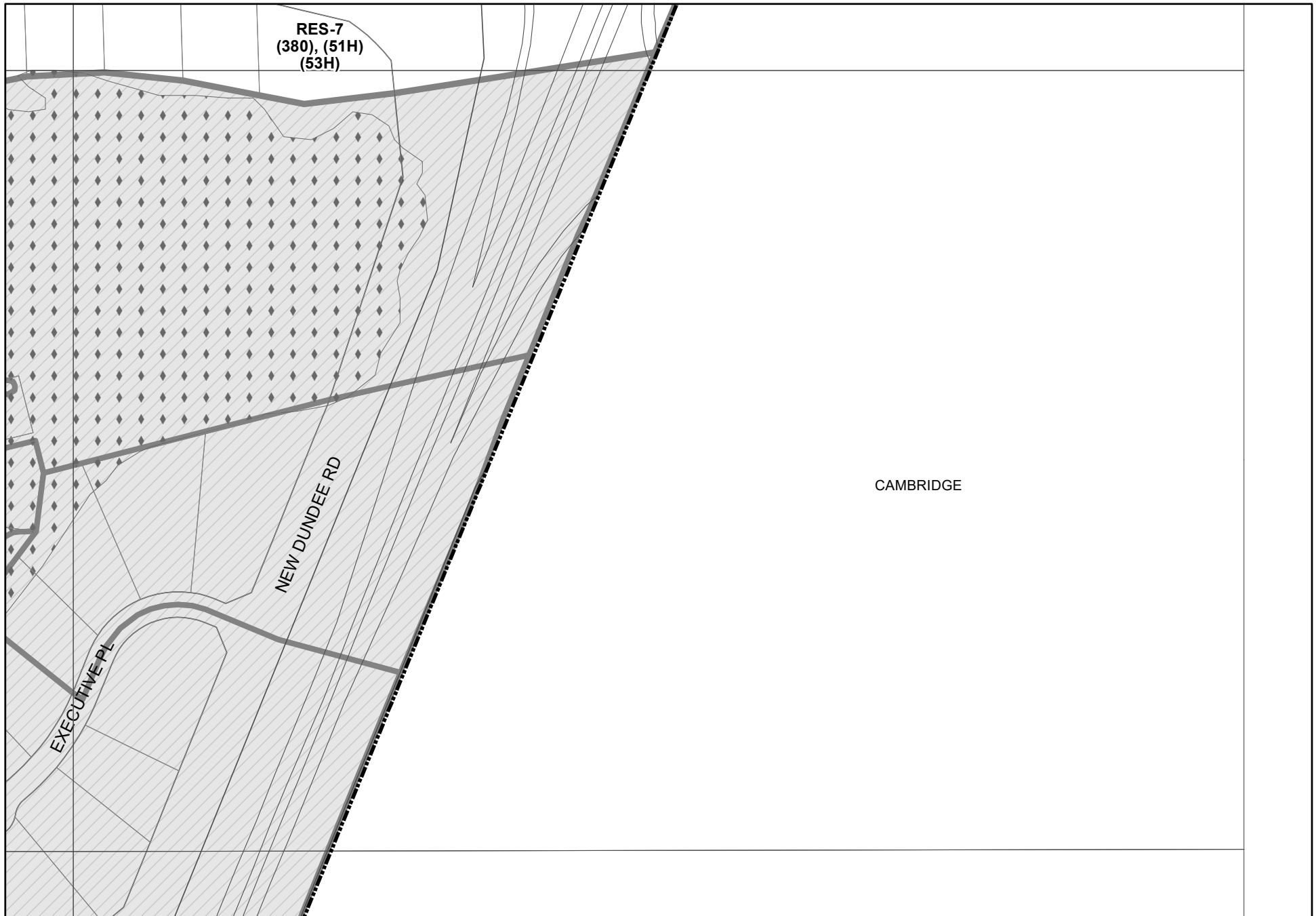
By-Laws

- Lands Subject to this Zoning By-law Amendment
- Lands not Subject to this Zoning By-law Amendment

Overlays Applicable to By-Law 2019-051

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-  Lands Subject to this Zoning By-law Amendment
-  Lands not Subject to this Zoning By-law Amendment

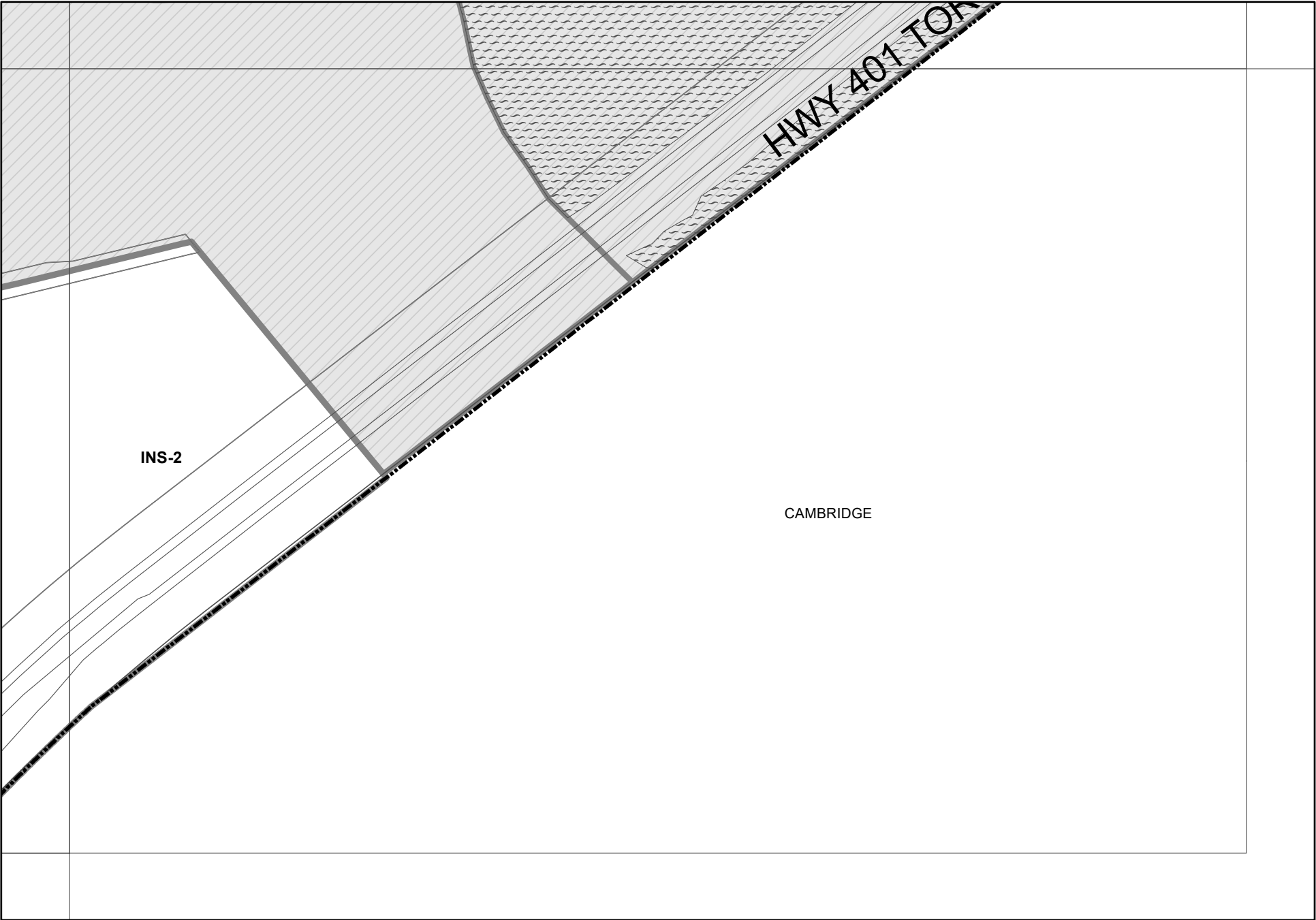
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281	287	297
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283		

METRIC SCALE 1:4000
100 Meters

