

PROPOSED BY-LAW

_____, 2023

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law No. 85-1, as amended, and By-law 2019-051, as amended, known as the Zoning By-laws for the City of Kitchener
– Marann Homes Limited – 117 Bloomingdale Road)

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 Number 135 of Appendix “A” to By-law Number 85-1 is hereby amended by removing 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.
2. Zoning Grid Schedule Number 135 of Appendix “A” to By-law Number 2019-051 is hereby amended by adding thereto the lands specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, and by zoning the Area 1 lands thereafter as Low Rise Residential Five Zone (RES-5) with Site-Specific Provision (383) and Holding Provision (57H).
3. Zoning Grid Schedule Number 135 of Appendix “A” to By-law Number 2019-051 is hereby amended by adding thereto the lands specified and illustrated as Area 2 on Map No. 1, in the City of Kitchener, attached

hereto, and by zoning the Area 2 lands thereafter as Natural Conservation Zone (NHC-1).

4. Zoning Grid Schedule Number 135 of Appendix “A” to By-law Number 2019-051 is hereby further amended by adding thereto the lands specified and illustrated as Area 3 on Map No. 1, in the City of Kitchener, attached hereto, and by zoning the Area 3 lands thereafter as Natural Conservation Zone (NHC-1).

5. Zoning Grid Schedule Number 135 of Appendix “A” to By-law Number 2019-051 is hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.

6. Section 19 of By-law Number 2019-051 is hereby amended by adding Site-Specific Provision (383) thereto as follows:

“(383) Notwithstanding Section 7.3 of this By-law, within the lands zoned RES-5 and shown as being affected by this subsection on Zoning Grid Schedule Number 135 of Appendix “A”, the following site-specific provision shall apply:

- a) The minimum *front yard* shall be 4.5 metres.
- b) There shall be no maximum *front yard*.
- c) The maximum *Floor Space Ratio* (FSR) shall be 0.65;
- d) The maximum *building height* shall be 13.0 metres.”

7. Section 20 of By-law Number 2019-051 is hereby amended by adding Section (57H) thereto as follows:

“(57H) Notwithstanding Section 7 of this By-law, within the lands zoned RES-5 and shown as being affected by this subsection on Zoning Grid Schedule Number 135 of Appendix “A”, only those uses that lawfully existed on the date of passing of this By-law shall be permitted until such time as:

- a) a Record of Site Condition (RSC) for the lands affected by this subsection has been filed on the Ministry of the 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; and submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks (“MECP”) or any successor Ministry thereto; and
- b) A Functional Servicing and Storm Water Management Report; Scoped Environmental Impact Statement and Land Use Compatibility Report for road traffic and stationary noise has been accepted to the satisfaction of the Regional Municipality of Waterloo.”

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

Mayor

Clerk