

Zoning By-law Sections Proposed to be Amended as part of Growing Together

How to read this document?

This document lists all proposed text changes to the [City's Zoning By-law 2019-051](#) as part of the Growing Together project.

- Text in **red** is new text proposed to be added to the Zoning By-law.
 - Text with a **strikethrough** is proposed to be deleted from the Zoning By-law.
 - The following Sections of the Zoning By-law are proposed to be amended:
 - [Section 2 – Interpretation, Classification, and Limits of Zones](#)
 - [Section 3 – Definitions](#)
 - [Section 4 – General Regulations](#)
 - [Section 5 – Parking, Loading, and Stacking](#)
 - [Section 6 – Strategic Growth Area Zones \(SGA\)](#)
 - [Section 18 – Transition Provisions](#)
 - [Section 19-21 – Site Specific Provision, Holding Provisions, & Temporary Use Provisions](#)
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Section 2

Interpretation, Classification, and Limits of Zones

SECTION 2 – Interpretation, Classification, and Limits of Zones

2.1 INTERPRETATION

2.1.1 Word Usage

- a) Words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular.
- b) The word "shall" is to be construed as being always mandatory and requires full compliance. The word "may" is to be construed as being permissive.
- c) The word "herein" shall mean "in this By-law" and shall not be limited to any particular section of this By-law.
- d) Where a section or provision of this By-law is noted as "reserved", the purpose is to leave space for possible future amendments to this By-law. For greater certainty, the word "reserved" is inserted for convenience of reference only, and does not form part of this By-law.

2.1.2 Defined Terms

Italicized terms herein are defined in Section 3. Defined terms are intended to capture both the singular and plural forms of these terms. For non-italicized terms, the grammatical and ordinary meaning of the word applies. Terms may be italicized only in specific regulations; for these terms, the defined meaning applies where they are italicized and the grammatical and ordinary meaning applies where they are not italicized. Where a defined term in Section 3 is listed in a different order than it appears elsewhere in this By-law, it is done for the ease and convenience of locating and identifying the term with other like terms.

2.1.3 References to Acts

Where any legislation or portion thereof is referenced herein, it is intended that such references should be interpreted to include any subsequent legislation and related regulations that may amend or replace the specific statute.

2.1.4 Use of Tables

The *uses* permitted in a *zone* are noted in a permitted *use* table by the symbol '✓'. Within a permitted *use* table, a blank cell means the *use* is not permitted in that *zone*. Within a regulations table, a blank cell means no regulation applies. A number in brackets in a table indicates that one or more additional regulations apply. Within a table, the notation 'GFA' shall mean *gross floor area*, the notation '%' shall mean percent, the notation 'n/a' shall mean not applicable, the notation 'm' shall mean metres, and the notation "m²" shall mean square metres.

2.2 ZONES, ZONING GRID SCHEDULES, AND APPENDICES

2.2.1 Reference to Zone Categories

Sections 6 through 16 comprise different *zone* categories that include one or more *zones*. A reference made to a *zone* category includes all *zones* within that *zone* category. A *zone* or *zone* category may be referred to by the following symbols:

~~Urban Growth Centre (UGC) Zones~~ Strategic Growth **Symbol**

Area (SGA) Zones

Reserved <u>Strategic Growth Area One Zone</u>	Reserved <u>SGA-1</u>
<u>Strategic Growth Area Two Zone</u>	<u>SGA-2</u>
<u>Strategic Growth Area Three Zone</u>	<u>SGA-3</u>
<u>Strategic Growth Area Four Zone</u>	<u>SGA-4</u>

Residential (RES) Zones

	Symbol
Low Rise Residential One Zone	RES-1
Low Rise Residential Two Zone	RES-2
Low Rise Residential Three Zone	RES-3
Low Rise Residential Four Zone	RES-4
Low Rise Residential Five Zone	RES-5
Medium Rise Residential Six Zone	RES-6
High Rise Residential Seven Zone	RES-7

Mixed Use (MIX) Zones

	Symbol
Mixed Use One	MIX-1
Mixed Use Two	MIX-2
Mixed Use Three	MIX-3

Commercial (COM) Zones

	Symbol
Local Commercial	COM-1
General Commercial	COM-2
Arterial Commercial	COM-3
Commercial Campus	COM-4

Employment (EMP) Zones

	Symbol
Neighbourhood Industrial Employment	EMP-1
General Industrial Employment	EMP-2
Heavy Industrial Employment	EMP-3
Service Business Park Employment	EMP-4
General Business Park Employment	EMP-5

Institutional (INS) Zones

	Symbol
Neighbourhood Institutional	INS-1
Major Institutional	INS-2

Agriculture (AGR) Zones	Symbol
Prime Agriculture	AGR-1
Rural	AGR-2
Natural Conservation (NHC) Zones	Symbol
Natural Conservation	NHC-1
Existing Use Floodplain (EUF) and Future Use (FTR) Zones	Symbol
Existing Use Floodplain	EUF-1
Future Use	FTR-1
Open Space and Recreation (OSR) Zones	Symbol
Recreation	OSR-1
Open Space: Greenways	OSR-2
Open Space: Stormwater Management	OSR-3
Major Infrastructure and Utility (MIU) Zones	Symbol
Major Infrastructure and Utility	MIU-1

2.2.2 Zoning Grid Schedules

- a) The location, extent, and boundaries of all *zones* are shown on Appendix A.
- b) The location, extent, and boundaries of overlays are shown on Appendix A with a hatching over top of the underlying *zones*.
- c) The location, extent, and boundaries of site specific provisions are shown on Appendix A where a *zone* symbol is followed by a number in parentheses.
- d) The location, extent, and boundaries of holding provisions are shown on Appendix A where a *zone* symbol is followed by a number and the letter “H” in parentheses.
- e) The location, extent, and boundaries of temporary use provisions are shown on Appendix A where a *zone* symbol is followed by a number and the letter “T” in parentheses.

2.2.3 Grand River Conservation Authority Regulated Area

The Grand River Conservation Authority Regulated Area is delineated on Appendix B and illustrates areas that may be regulated in accordance with the Conservation Authorities Act. The actual regulated area may differ from the area shown on Appendix B.

2.3 LIMITS OF ZONES

When determining the boundary of any *zone* as shown on Appendix A, the following shall apply:

- a) a boundary indicated as following a *street, lane*, railway right-of-way, *utility corridor*, or watercourse shall be the centre-line of the applicable feature and the applicable feature shall be included within the *zone* of the adjoining *lot(s)* on the sides thereof;
- b) a boundary indicated as following *lot lines* on the date of passage of this By-law or the municipal boundaries of the *city* shall follow such *lot lines* or boundary; and,
- c) where a boundary is left uncertain after reference to Subsections i) and ii), the boundary shall be determined either figures contained in site specific provisions or holding provisions or scaled from Appendix A.

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Section 3

Definitions

SECTION 3 – Definitions

A

Access Aisle – means the space abutting *parking spaces* or *bicycle parking stalls* for pedestrian access to vehicles.

Accessory – means a *use* or *building* that is commonly incidental, subordinate, and exclusively devoted to the *principal use(s)* or primary *building(s)* situated on the same *lot*.

Adult Sex Film Theatre – means the *use* of a *building* for the making or showing of films classified as adult sex film by the Ontario Film Review Board.

Agriculture – means the *use* of a *premises* for the growing of crops including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; vertical farming; and associated on-farm *buildings* and *structures*, including livestock facilities, manure storages, and value-retaining facilities. *Agriculture* can include *equestrian establishment*.

Agriculture-Related – means the *use* of a *premises* for commercial and industrial purposes that are directly related to and support *agriculture*, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. *Agriculture-related* can include storage or processing of food grown in the area, and farm input supplies such as feed, seeds, and fertilizer.

Amusement Park – means the *use* of a *premises* where rides, slides, play facilities, and games of chance or skill are provided for public amusement, and can include a water park, go-kart track, paintball facility, and miniature golf facility.

Angled Parking Space – see *Parking Space, Angled*

Animal Shelter – means the *use* of a *premises* where lost, abandoned, or rescued animals are boarded for the purposes of care, claiming, or adoption.

Architectural Features – means decorative features of a *building* such as window sills, chimney breasts, belt courses, cornices, parapets, and/or eaves.

Artisan’s Establishment – means the *use* of a *premises* for the making, study, or instruction of a performing or visual art; or the workplace of an artisan such as a painter, sculptor, photographer, dressmaker, or tailor. *Artisan’s establishment* shall not include an *adult sex film theatre*.

Additional Dwelling Unit (Attached) – see *Dwelling Unit (Attached), Additional*

Additional Dwelling Unit (Detached) – see *Dwelling Unit (Detached), Additional*

Attic – means the uninhabitable portion of a *building* or *structure* that is immediately below the roof and wholly or partially within the roof framing, having an interior height of 1.8 metres or less. A habitable or finished attic, or an uninhabitable or unfinished attic with an interior height greater than 1.8 metres, is considered to be a *storey*.

Automotive Detailing and Repair Operation – see *Repair Operation, Automotive Detailing and*

B

Back-to-Back Townhouse Dwelling – see *Dwelling, Back-to-Back Townhouse*

Base – means the *ground floor* and immediate floors above the *ground floor* of a *building* that form the bottom section or podium of a *mid-rise building* or *tall building*.

Bed and Breakfast – means a *home occupation* that provides overnight accommodation of the traveling public, or temporary living accommodations, and shall not include a *hotel, lodging house, or group home*.

Below Grade – means any portion of a *building* where the finished *grade* meets the exterior wall at an elevation not more than 0.5 metres below the elevation of the underside of an interior ceiling and the maximum slope taken from the closest *lot line* is not more than 18 degrees (3:1 slope). In the case where a retaining wall has been installed to meet these criteria, that portion of the *building* shall in no way be considered to be *below grade*.

Bicycle Locker – means an individual bicycle storage unit that is weather protected, enclosed, and has a controlled access system.

Bicycle Parking Stall – means a *Class A bicycle parking stall* and a *Class B bicycle parking stall*.

Bicycle Parking Stall, Class A – means a *bicycle locker* or an enclosed, secure area with controlled access in which a bicycle may be parked and secured for the long term in a stable position with at least one point of contact with the frame of the bicycle.

Bicycle Parking Stall, Class B – means an area in which a bicycle may be parked and secured for the short term in a stable position with two points of contact with the frame of the bicycle.

Biotechnological Establishment – means the *use* of a *premises* for the research, development, application, and production of bio-organisms, which may or may not be *used* in a *manufacturing* process, but shall not include the slaughtering, eviscerating, rendering, or cleaning of meat, poultry, fish, or by-products thereof; animal husbandry; or the raising of animals.

Bonus Value – means additional *floor space ratio* or *building floor area* that may be provided on a *lot* in exchange for facilities, services, or matters that benefit the community. 'Additional' means *floor space ratio* or *building floor area* beyond what is permitted by the maximum base *floor space ratio* in a *zone*.

Brewpub – means the *use* of a *building* for the small-scale production of beer, wine, cider, and/or spirits in conjunction with a *restaurant*.

Building – means a *structure* occupying an area equal to or greater than 10 square metres and consisting of any combination of walls, roof, and floor, but shall not include a *shipping container*.

Building, Low-Rise – means a *building* between 1 and 3 *storeys*.

Building, Mid-Rise – means a *building* between 4 and 8 *storeys*.

Building, Tall – means a *building* of 9 or more *storeys*.

Building Floor Area – means the aggregate horizontal floor area measured from the exterior walls of all *storeys* of a *building* excluding any floor area located *below grade*. The midpoint of a common wall shall be considered the face of the exterior in the case of common walls located on a *lot line*.

Building Height – means the vertical distance between the highest elevation of the finished ground immediately surrounding the perimeter of the *building* and the uppermost point of the *building*. For all uses except a *single detached dwelling* with or without *additional dwelling unit(s)* (*attached*), at no point shall the vertical distance between the lowest elevation of the finished ground immediately surrounding the perimeter of the *building* and the uppermost point of the *building* exceed 110% of the maximum *building height* in the applicable zone.

Building Length – means the horizontal measurement of any *façade* of a *building*.

Building Material and Decorating Supply Establishment – means the *use* of a *premises* for third party wholesale distribution of lumber and/or building supplies including roofing, masonry, plumbing, heating, electrical, paint, and similar items. *Building material and decorating supply establishment* shall not include a *home improvement store*.

Bulk Fuel and Oil Storage Establishment – means the *use* of a *premises* for the bulk storage or third party wholesale distribution of gasoline, oil, petroleum products, or other flammable liquids, but shall not include a *gas station*.

C

Campground – means the *use* of a *premises* for the temporary accommodation of the travelling public in *major recreational equipment*, or tents for recreational *use*.

Canine and Feline Grooming Establishment – means a *home occupation* for the grooming of dogs and/or cats, including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming, but shall not include *pet boarding*, *pet services establishment*, or *veterinary services*.

Car Wash – means the *use* of a *premises* for the cleaning of *motor vehicles*, but shall not include the cleaning of *commercial vehicles*. An automatic *car wash* shall be considered a *drive-through facility*, and can include *stacking lanes*.

Catering Service Establishment – means the *use* of a *premises* for the preparation of food or beverages on-site, strictly for the consumption of these products off-site.

Cemetery – means the *use* of a *premises* for the interment of human remains and includes a mausoleum, columbarium, or other *structure* intended for the interment of human remains. A *cemetery* shall not include a *crematorium*.

City – means the Corporation of the City of Kitchener.

city – means the geographic area comprising Kitchener.

Class A Bicycle Parking Stall – see *Bicycle Parking Stall, Class A*

Class B Bicycle Parking Stall – see *Bicycle Parking Stall, Class B*

Cluster Townhouse Dwelling – see *Dwelling, Cluster Townhouse*

Commercial Driver and Training Establishment – means the *use* of a *premises* where teaching or instruction of the operation of *commercial vehicles* and/or heavy equipment is offered.

Commercial Entertainment – means the *use* of a *building* for the entertainment of the public and can include a cinema; performing arts venue; amusement arcade; billiard room; bowling alley; bingo hall; electronic, laser, or virtual reality game; hall; sport simulators; miniature golf facility; paintball facility; go-kart track; climbing facility; and play facility as well as *accessory retail* thereto. *Commercial entertainment* shall not include an *adult sex film theatre* or *amusement park*.

Commercial Parking Facility – means the *use* of a *premises* for the temporary parking of *motor vehicles* in *parking spaces* and/or *tandem parking spaces*. A *commercial parking facility* shall not include the storage of *motor vehicles* or any required *parking spaces* associated with a *use*.

Commercial School – see *School, Commercial*

Commercial Vehicle – see *Vehicle, Commercial*

Commercial Vehicle Wash Facility – means the *use* of a *premises* for the cleaning of *commercial vehicles*.

Commercial Water Taking – means a *use* of a *lot* where water is extracted from surface or ground water, and where some or all of such extracted water is transported from the site for sale.

Community Facility – means the *use* of a *premises* for a multi-purpose facility that offers a combination of recreational, cultural, community service and information or instructional programs, and can include a community centre, community space, arena, library, and/or swimming facility.

Computer, Electronic, Data Processing, or Server Establishment – means the *use* of a *building* for software development and testing, or for the collection, analysis, processing, storage, or distribution of electronic data.

Conference, Convention, or Exhibition Facility – means the *use* of a *premises* as the place of assembly or venue for intermittent events such as conferences, conventions, exhibitions, seminars, banquets, or product and trade fairs.

Continuing Care Community – means the *use* of a *premises* that is planned, developed, managed, and operated as a continuum of accommodations and care, and is comprised of a *large residential care facility* and may contain an *independent living facility*.

Convenience Retail – see *Retail, Convenience*

Corner Lot – see *Lot, Corner*

Corner Visibility Area - means the area formed within a *corner lot* by two triangles, where the intersecting *street lines* form the legs of each triangle and the triangles extend from the *street line* point of intersection.

Corner Visibility Triangle – means a triangular area formed within a *corner lot* by the intersecting *street lines* or the projections thereof, and a straight line connecting them from their point of intersection.

Correctional Group Home – see *Group Home, Correctional*

Craftsperson Shop – means the *use* of a *premises* for the creation, finishing, refinishing, or similar production of custom or hand-made commodities.

Creative Products Manufacturing – means the *use* of a *premises* that may be made available for community shared use as a maker space to design, proto-type and manufacture products using tools and technological manufacturing equipment such as laser cutters, waterjet cutters, computer numerical control (CNC) routers, 3D printers and 4D systems.

Crematorium – means the *use* of a *building* for the purpose of cremating human remains that is approved under the Funeral, Burial and Cremation Services Act.

Cultural Facility – means the *use* of a *premises* for the creation, production, and viewing of arts and culture, and can include a museum, art gallery, performing arts venue, auditorium, exhibition facility, and managed historical sites, but shall not include an *adult sex film theatre*.

Cultural Heritage Resources – means *buildings, structures* and properties designated under the Ontario Heritage Act or listed on the Municipal Heritage Register; protected by a heritage easement or covenant; properties identified on the Heritage Kitchener Inventory of Historic Buildings; built heritage resources; and cultural heritage landscapes as defined in the Provincial Policy Statement.

D

Day Care Facility – means the *use* of a *premises* licensed under Provincial legislation to operate a facility for the purpose of providing temporary care for children for a continuous period of time not exceeding twenty-four hours.

Day Care, Private Home – means a *home occupation* that accommodates:

- a) five children or less where unlicensed under Provincial legislation; or,

b) six children or less where licensed under Provincial legislation,

at any one time for the purpose of providing temporary care for a continuous period of time not exceeding twenty-four hours.

Discarded Motor Vehicle – see *Vehicle, Discarded Motor*

Drive Aisle – means an internal vehicle route immediately adjacent to *parking spaces* and/or *loading spaces*, which provides direct vehicular access to and from *parking spaces* and/or *loading spaces*, but shall not include a *driveway*.

Drive-Through Facility – means the *use* of a *premises* including *stacking lanes* and an order station with or without voice communication, where products or services are provided through a service window or an automated machine to patrons remaining in their *motor vehicle*.

Driveway – means a vehicle route that provides access from a *street* or *lane* to a *drive aisle*, *parking space*, or *parking lot*.

Driveway Visibility Triangle – means a triangular area formed within a *lot* by the intersection of an edge of a *driveway* and a *lot line*, or the projections thereof, and a straight line connecting them from their point of intersection.

Dwelling – means a *building* containing one or more *dwelling units* and can include a *single detached dwelling*, *semi-detached dwelling*, *street townhouse dwelling*, *additional dwelling unit (attached)*, *additional dwelling unit (detached)*, *cluster townhouse dwelling*, *multiple dwelling*, *small residential care facility*, or *large residential care facility*.

Dwelling, Back-to-Back Townhouse – means the *use* of a *building* divided vertically into three or more *dwelling units* by common walls, including a common rear wall, which prevents internal access between *dwelling units*.

Dwelling, Cluster Townhouse – means the *use* of a *building* divided vertically into three or more *dwelling units* by common walls which prevent internal access between *dwelling units* and extends from the base of the foundation to the roof line. A *cluster townhouse dwelling* is not a *street townhouse dwelling* or *multiple dwelling*.

Dwelling, Multiple – means the use of a *building* containing three or more *dwelling units*, and can include a *stacked townhouse dwelling* and *back-to-back townhouse dwelling*. A *multiple dwelling* is not a *street townhouse dwelling*, *mixed use building*, *cluster townhouse dwelling*, *single detached dwelling* with *additional dwelling units (attached)* or *semi-detached dwelling* with *additional dwelling units (attached)*.

Dwelling, Semi-Detached – means the *use* of a *building* divided vertically into two semi-detached *dwelling units* (as the *principal* use of the building) by a common wall which prevents internal access between *dwelling units* and extends from the base of the foundation to the roofline. Each *semi-detached dwelling unit* shall be designed to be located on a separate *lot*.

Dwelling, Single Detached – means the *use of a building containing one dwelling unit as the principal use of the building.*

Dwelling, Stacked Townhouse – means the use of a *building containing three or more dwelling units attached side-by-side, with each of these dwelling units having at least one dwelling unit above them, and where each dwelling unit has an independent entrance from the exterior. Stacked townhouse dwelling shall not include a street townhouse dwelling.*

Dwelling, Street Townhouse – means the *use of a building divided vertically into three or more dwelling units (as the principal use of the building) by common walls which prevent internal access between dwelling units and extends from the base of the foundation to the roofline. Each street townhouse dwelling unit shall be designed to be on a separate lot. Street townhouse dwelling shall not include a cluster townhouse dwelling or multiple dwelling.*

Dwelling Unit – means the *use of a building that contains a room or suite of habitable rooms which:*

- a) is located in a dwelling or mixed use building;
- b) is occupied or designed to be occupied by a household as a single, independent and separate housekeeping establishment;
- c) contains both a kitchen and bathroom used or designed to be used for the exclusive common use of the occupants thereof; and,
- d) has a private entrance leading directly to the outside of the building or to a common hallway or stairway inside the building.

Dwelling Unit, Farm-Related – means the *use of a dwelling unit that is accessory to agriculture.*

Dwelling Unit (Attached), Additional – means the *use of a single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit where a separate self-contained dwelling unit is located within the principal building.*

Dwelling Unit (Detached), Additional – means the *use of a building where a separate self-contained dwelling unit located in a detached building on the same lot as an associated single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit. An additional dwelling unit (detached) is not an accessory building.*

E

Electrical Transformer Station – means the *use of a premises to manage the transmission and distribution of electrical power that is provided to the public.*

Electric Vehicle Supply Equipment – means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between the branch circuit and electric vehicle.

Elementary School – see *School, Elementary*

Equestrian Establishment – means the *use* of a *premises* where horses are boarded, groomed, and/or available for riding and training.

Established Front Yard - means

- a) In the case of a *lot* that is not a *corner lot*:
the average of the *front yards* of the abutting *lots* with a *low rise residential zone* and where there is a vacant *lot* abutting the affected *lot*, the average of the *front yards* of the next adjacent *lot* with a *low rise residential zone*; and
- b) in the case of a *corner lot*:
the *front yard* of the abutting *lot* with a *low rise residential zone*, in which the principal pedestrian entrance is oriented towards the same *street*, and where there is a vacant *lot* abutting the affected *lot*, the *front yard* of the next adjacent *lot* with a *low rise residential zone*.

Existing – means a currently existing thing that was:

- a) lawfully existing immediately prior to the date of passage of this By-law; or,
- b) established in accordance with the Transition Provisions of Section 18.

Exterior Side Lot Line – see *Lot Line, Exterior Side*

Exterior Side Yard – see *Yard, Exterior Side*

F

Façade – means an exterior *building* wall or series of exterior *building* walls excluding *architectural features*.

Façade, Street Line – means the *façade* oriented toward the *street line*.

Façade Opening – means any window or entrance on a *façade* which provides clear visibility or access from the outside to goods, exhibits, or the interior spaces of a *building*. *Façade openings* may include materials such as mullions but shall exclude materials such as spandrel.

Farm-Related Dwelling Unit – see *Dwelling Unit, Farm-Related*

Fineblanking – means a metal *manufacturing* process employing a high precision blanking or stamping technique, the finished product of which has smooth or unfractured edges and requires no further machining, and, without limiting the generality of the foregoing, no further grinding, shaving, reaming, or milling.

Financial Establishment – means the *use* of a *building* which provides financial services in which money is deposited, kept, lent, or exchanged, and can include a bank, trust company, credit union, or other similar banking service, but shall not include a *payday loan establishment*.

Fitness Centre – means the *use* of a *premises* in which facilities and activities are provided for physical exercise.

Floor Plate Area – means the *gross floor area of a storey of a building*.

Floor Space Ratio – means the figure obtained when the *building floor area* on a *lot* is divided by the *lot area*. In the case of a *building* or part thereof located above a *street* or *lane*, the calculation of the *floor space ratio* shall include that portion of the *building floor area* and that portion of the area of the *street* or *lane* between the *lot line* and the centre line of the *street* or *lane*.

Food Cart – means a vehicle from which food or drink is offered for sale.

Food Store – means the *use* of a *premises* devoted primarily to the *retail* of food and food products and can include ancillary non-food products such as toiletries, personal care products, and hardware.

Freestanding Retail Outlet – see *Retail Outlet, Freestanding*

Front Lot Line – see *Lot Line, Front*

Front Yard – see *Yard, Front*

Funeral Home – means the *use* of a *building* for the preparation of human remains for interment or cremation, for the viewing of the body, and for funeral services. A *funeral home* shall not include a *crematorium*.

G

Garage, Private – means an *accessory building*, a portion of a *dwelling*, or a carport which is designed and *used* for the parking of one or more *motor vehicles*.

Garage Width, Private – means the horizontal distance of a *private garage* along the *street line façade*, measured between the exterior walls, or in the case of an attached *private garage* that does not project beyond the *façade* of a *dwelling unit*, measured from the exterior wall abutting a *side yard* to the midpoint of the opposite interior wall.

Garden Centre, Nursery, and/or Landscaping Supply – means the *use* of a *premises* for the *retail* and display of only plants, trees and shrubs, and gardening and landscaping supplies and equipment.

Gas Station – means the *use* of a *premises* for the *retail* of automotive fuel and other auto-related products, but shall not include *automotive detailing and repair operation*.

Golf Course – means the *use* of a *premises* for playing golf and can include an indoor or outdoor driving range, a putting green, and similar *uses*, but does not include a miniature golf facility.

Grade – means the elevation of the finished ground or land immediately surrounding such *building* or *structure*, and is determined by averaging 6 grade elevations equally spaced apart along the exterior walls of the *building*.

Gross Floor Area – means the aggregate horizontal area measured from the exterior faces of the exterior walls of all *storeys* of a *building* (excluding any portion of a *storey* devoted exclusively to parking) within all *buildings* on a *lot*.

Ground Floor – means the *storey* with its floor closest to *grade* and having its ceiling more than 1.8m above *grade*.

Group Home – means a *residential care facility* licensed or funded under Federal or Provincial statute for the accommodation of 3 to 10 *persons*, exclusive of staff, that provides a group living arrangement for their well-being. A *group home* shall not include a *correctional group home*.

Group Home, Correctional – means a *residential care facility* licensed or funded under Federal or Provincial statute for the accommodation of 3 to 10 *persons*, exclusive of staff, that provides housing and rehabilitation for *persons* on probation, parole, early or re-release, or any other form of executive, judicial or administrative release from a penal institution. A *correctional group home* shall not include a *group home*.

H

Health Clinic – means the *use* of a *premises* by *health professional(s)* for the purpose of consultation, diagnosis, and/or treatment of *persons*. A *health clinic* can include medical laboratories, dispensaries, or other similar facilities, but shall not include accommodation for in-patient care, or facilities for major surgical practice.

Health Office – means a *home occupation* that is *used* by *health professional(s)* for the purpose of consultation, diagnosis, and/or treatment of *persons*.

Health Professional – means a *person* who practices any of the health disciplines regulated under a Provincial Act.

Heavy Repair Operation – see *Repair Operation, Heavy*

Home Improvement Store – means the *use* of a *premises* for the *retailing* of housewares and a wide range of materials, merchandise, and equipment for construction, home improvement, and home gardening.

Home Occupation – means the *use* of a *building* for a business that is secondary to the *principal use* of the *building* as a *dwelling*.

Hospice – means the *use* of a *building* where terminally ill patients receive palliative care treatment in a home-like setting with a maximum of 10 patients at any given time.

Hospital – means the *use* of a *premises* for the medical care, observation, supervision, and skilled nursing care of *persons* afflicted with or suffering from sickness, disease, or injury; or for the convalesce of chronically ill *persons*, that is approved under the Public Hospitals Act or under the Private Hospitals Act.

Hotel – means the *use* of a *building* for overnight accommodation of the travelling public and includes a motel or motor hotel but does not include a *lodging house, small residential care facility, large residential care facility, or bed and breakfast.*

Hydro Corridor – a *utility corridor* used for the transmission and distribution of electricity.

I

Industrial Administrative Office – means the *use* of a *building* for the management or administration of an employment *use*.

Independent Living Facility – means a *multiple dwelling* that is part of a *continuing care community*, and where personal support services may be provided.

Indirect Sales – means a *home occupation* which conducts the sale of goods via mail order, telephone, fax, or internet, but shall not include direct sales or the storage of inventory on site.

Indoor Recycling Operation – see Recycling Operation, Indoor

Institutional Use – see *Use, Institutional*

Interior Side Lot Line – see *Lot Line, Interior Side*

Interior Side Yard – see *Yard, Interior Side*

J

K

L

Landscaped Area – means any portion of a *lot* which has no *building*, that is accessible from a *building* or *street* on which the *lot* is located, and is *used* for the purpose of *landscaping* and/or an outdoor swimming pool area.

Landscaping – means the *landscaped area* occupied by natural vegetation, surface walkways, rooftop gardens, patios, decks, playgrounds, pathways, and other similar materials, but shall not include areas for the parking of or access to *motor vehicles*.

Light Rail Transit – means rail system where electrically powered light rail vehicles operate on a track in a segregated, right of way.

Lane – means a public highway or road allowance having a width of less than 12.19 metres.

Large Merchandise Retail – see *Retail, Large Merchandise*

Light Repair Operation – see *Repair Operation, Light*

Loading Space – means a designated area located on a *lot* that is *used* or intended to be *used* for the temporary parking of any *commercial vehicle* while loading or unloading goods, merchandise, or materials *used* in connection with the main *use* of the *lot*, and which has unobstructed access to a *street* or *lane*.

Lodging House – means a *dwelling unit* where five or more *persons*, not including a resident owner of the property, may rent a *lodging unit* and where the kitchen and other areas of the *dwelling unit* are shared amongst the *persons* occupying the *dwelling unit*. *Lodging house* can include student residences and convents but shall not include a *group home*; *hospital*; any *small residential care facility* or *large residential care facility* licensed, approved, or supervised under any general or specific Act; or a *hotel*.

Lodging Unit – means a room or set of rooms located in a *lodging house* or other *dwelling* designed or intended to be *used* for sleeping and living accommodation which:

- a) is designed for the exclusive *use* of the resident or residents of the unit;
- b) is not normally accessible to *persons* other than the residents or residents of the unit; and,
- c) does not have both a bathroom and kitchen for the exclusive *use* of the resident or residents of the unit.

Lot – means a parcel of land that can be legally conveyed pursuant to Planning Act.

Lot, Corner – means a *lot* at the intersection of and abutting two *streets*, or parts of the same *street*, the adjacent sides of which *street* or *streets* (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees. *Corner lots* shall also include a *through corner lot*.

Lot, Through – means a *lot* bounded by *streets* on two opposite sides.

Lot, Through Corner – means a *lot* with *lot lines* abutting three or more separate *streets*, or a *lot* that is a *corner lot* and a *through lot*.

Lot Area – means the total horizontal area of a *lot*.

Lot Coverage – means that percentage of the *lot area* covered by all *buildings*.

Lot Line – means a line formed by the boundary of a *lot*.

Lot Line, Exterior Side – means the *lot line* abutting a *street* that is not the *front lot line* or the *rear lot line*.

Lot Line, Front – means the *lot line* abutting a *street* with the following exceptions:

- a) in the case of a *corner lot*, the shorter *lot line* abutting a *street*, not including the *lot line* forming part of a *corner visibility triangle*, shall be the *front lot line*. Where such *lot lines* are of equal length, the *City* may deem any of the *lot lines* abutting a *street* as the *front lot line*;
- b) in the case of a *through lot*, the *City* may deem one of the *lot lines* abutting a *street* to be the *front lot line* and the other *lot line* abutting a *street* to be the *rear lot line*; or,
- c) in the case of a *through corner lot*, the *City* may deem any of the *lot lines* abutting a *street* as the *front lot line*.

Lot Line, Interior Side – means a *lot line* other than the *front lot line*, *rear lot line*, or *exterior side lot line*.

Lot Line, Rear – means the *lot line* farthest from and opposite to the *front lot line*, or in the case of a triangular *lot*, shall be that point formed by the intersection of the *side lot lines*.

Lot Line, Side – means an *exterior side lot line* and an *interior side lot line*.

Lot Width – means the horizontal distance between the *side lot lines* of a *lot* measured at the required minimum *front yard setback*. For *multiple dwellings* or *cluster townhouse dwellings* with more than one *street line* on the same *street*, the *lot width* at each *street line* may be summed to determine the total *lot width*.

Low-Rise Building – see *Building, Low-Rise*

Low-Rise Residential Zone – see *Zone, Low-Rise Residential*

M

Major Equipment Supply and Service – means the *use* of a *premises* for the service, repair, and sale of farm, construction, and large business machines; and *commercial vehicles*.

Major Recreational Equipment – means either a portable structure designed and built to be carried or pulled by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel and can include motor homes, travel trailers, tent trailers, boats, boat trailers, personal watercraft, all-terrain vehicle or other similar equipment.

Manufacturing – means the *use* of a *premises* for the production, compounding, processing, packaging, crating, bottling, packing, finishing, treating, ornamenting, altering, fabricating, or assembly of raw, semi-processed, or fully-processed goods or materials. *Manufacturing* can also include the *use* of a *premises* for research, investigation, testing, or experimentation including laboratories; pilot plants; and prototype production facilities. *Manufacturing* shall not include *commercial water taking*.

Mid-Rise Building – see *Building, Mid-Rise*

Mixed Use Building – means a *building* with at least one *dwelling unit* and a non-residential *use*.

Mixed Use Development – means a *lot* with two or more *buildings* where at least one *building* contains a *dwelling unit* and at least one *building* contains a non-residential *use*.

Model Home – means an uninhabited *single detached dwelling*, *semi-detached dwelling*, or *street townhouse dwelling unit* for the purpose of display and sale of the *dwelling units*.

Motor Vehicle – see *Vehicle, Motor*

Multiple Dwelling – see *Dwelling, Multiple*

Multi-Unit Building – means a *building* containing two or more non-residential *uses* within two or more separated spaces for lease or occupancy. A *multi-unit building* shall be managed and operated as one unit with shared on-site parking. A *multi-unit building* shall not include a *mixed use building*.

Multi-Unit Development – means two or more *buildings* containing one or more non-residential *use(s)* which are planned, developed, managed and operated as one unit with shared on-site parking. A *multi-unit development* shall not include a *mixed use development*.

Multi-Unit Parking Rate – means an aggregated *parking space* and *bicycle parking stall* requirement for *uses* within a *multi-unit building* and/or *multi-unit development*, or for non-residential *uses* within a *mixed-use building* and/or *mixed-use development*.

N

Natural Heritage Conservation – means the *use* of land, water, and/or *structures* for the protection, management, and conservation of the natural heritage system. *Natural heritage conservation* may include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment, and may include forest, fish, and wildlife management.

New – means a thing which is not *existing*.

~~**Nightclub** – means the *use* of a *building* with a dance floor and pre-recorded or live music for entertainment, and can include a restaurant.~~

Noxious Use – see *Use, Noxious*

O

Office – means the *use* of a *building* in which clerical, administrative, consulting, advisory, or training services are performed, but shall not include a *health clinic*, *commercial school*, or *industrial administrative office*.

On-Farm Diversified – means the *use* of a *premises* that includes *home occupation*, agri-tourism *uses*, *uses* that produce value-added agricultural products, and *retail* of goods produced or manufactured primarily on the *premises*. *On-farm diversified* can include the processing or packaging of agricultural products, *food store*, *pet boarding*, *pet services establishment*, *restaurant*, and *veterinary services*.

Outdoor Active Recreation – see *Recreation, Outdoor Active*

Outdoor Passive Recreation – see *Recreation, Outdoor Passive*

Outdoor Recycling Operation – see *Recycling Operation, Outdoor*

Outdoor Storage – means the placement of goods, equipment, or materials on a *lot* not within a *building*.

P

Parallel Parking Space – see *Parking Space, Parallel*

Parcels of Tied Land – means any parcel of land legally bound and tied to a common element condominium.

Parking Lot – means an area located on a *lot* which contains four or more *parking spaces*.

Parking Space – means an area on which a *motor vehicle* may be parked in accordance with this By-law and which has access directly or by way of a *drive aisle* or *driveway*, to a *street* or *lane*.

Parking Space, Angled – means the orientation of a *parking space* in such a manner that the side of a *motor vehicle*, when parked, is at an angle other than parallel to the *drive aisle*, *driveway*, *lane*, or *street* which gives direct access to such *parking space*.

Parking Space, Barrier-Free Accessible – means a *parking space* provided for the *use* of *persons* with disabilities pursuant to the Accessibility for Ontarians with Disabilities Act.

Parking Space, Electric Vehicle – means a *parking space* with *electric vehicle supply equipment*.

Parking Space, Parallel – means the orientation of a *parking space* in such a manner that the side of a *motor vehicle*, when parked, is parallel to the *drive aisle*, *driveway*, *lane*, or *street* which gives direct access to such *parking space*.

Parking Space, Tandem – means a *parking space* where the arrangement of two or more *parking spaces* is such that it is necessary to traverse one or more *parking spaces* to gain access to the *tandem parking space* from a *lane*, *drive aisle*, *driveway*, or *street*.

Parking Space, Visitor – means a *parking space* for the exclusive *use* of visitors to a *premises*.

Pawn Establishment – means the *use of a building* where a loan may be obtained on personal property held on-site as collateral, which may be reclaimed upon receipt of payment for the loan or sold to the general public and which is regulated under the Pawn Brokers Act.

Payday Loan Establishment – means the *use of a building* in which personal loans are provided to consumers and which is regulated under the Payday Loans Act, and shall not include a *financial establishment*.

Pet Boarding – means the *use of a premises* for the overnight accommodation of domestic animals. *Pet boarding* can include *pet services establishment* but shall not include *veterinary services* or *animal shelter*.

Pet Services Establishment – means the *use of a building* for the grooming, training, care and supervision of domestic animals during the day. *Pet services establishment* shall not include *pet boarding*, *veterinary services*, or *animal shelter*.

Person – means any human being, association, firm partnership, incorporated company, corporation, agent, or trustee; and heirs, executors or other legal representatives of a *person* to whom the context can apply according to law.

Personal Services – means the *use of a building* in which services involving the health, beauty, or grooming of a *person*; or the maintenance or cleaning of apparel, but shall not include a pharmacy.

Physical Separation – means the distance from a tall building tower's faces to its interior side lot line and rear lot lines. When two or more towers are on the same lot, the total distance between each pair of towers in any direction is to be calculated as the sum of both individual physical separations.

Place of Worship – means the use of a *premises* by any religious organization for faith based spiritual purposes, and faith based teaching. *Place of worship* can include *dwelling unit(s)* as an *accessory use*.

Pool – means a *structure* that is designed and capable of holding a minimum depth of 0.91 metres or more of water, permanently or temporarily located outdoors either above or below the ground, or partly thereabove or therebelow, that is, or is designed to be, used or maintained for the purpose of swimming, wading, diving or bathing.

Post-Secondary School – see *School, Post-Secondary*

Premises – means the whole or part of *lots, buildings, or structures*, or any combination of these.

Principal – means, when *used* to describe a *use*, the primary *use* carried out on the *lot* or within a *building* or *structure*, and, when *used* to describe a *building* or *structure*, means the *building* or *structure* in which the primary *use* is conducted, or intended to be conducted.

Printing or Publishing Establishment – means the *use of a premises* in which books, newspapers, periodicals, flyers, or other printed materials are produced.

Print Shop – means the *use* of a *building* for photocopying, blueprinting, or binding.

Private Amenity Space – means the *use of a premises for indoor or outdoor active or passive recreation for the exclusive use of occupants of a dwelling unit. It can include features such as outdoor patios, above ground decks, balconies (subject to additional requirements), communal indoor spaces (such as gyms), communal indoor social spaces (such as entertainment rooms), swimming pools, and outdoor rooftop amenity space (such as rooftop decks and terraces). It shall not include lobbies, washrooms, laundry facilities, storage areas, hallways, elevators, reception areas, management offices, parking areas, access driveways, unprogrammed landscaped open space (excluding outdoor patios), receiving areas, loading spaces, and the like.*

Private Garage – see *Garage, Private*

Private Garage Width – see *Garage Width, Private*

Private Home Day Care – see *Day Care, Private Home*

Propane Facility – means the *use of a premises* for the handling of propane and shall include a filling plant, cardlock/keylock, private outlet, vehicle conversion centre, or *propane retail outlet*.

Propane Retail Outlet – means the *use of a premises* where propane is sold in refillable cylinders, and/or is put into the fuel tanks of *motor vehicles*, or into portable containers with a capacity exceeding 0.5 kg but not greater than 20 kg.

Province – means the Province of Ontario or one or more of its ministries or other agencies that exercise delegated authority on behalf of one or more ministries.

Public Use – see *Use, Public*

Public Works Yard – means the *use of a premises* operated by or on behalf of the Federal or *Provincial* governments, the *Region*, the Grand River Conservation Authority, or the *City*, for the storage and maintenance of materials and equipment related to public infrastructure.

Q

R

Rear Lot Line – see *Lot Line, Rear*

Rear Yard – see *Yard, Rear*

Recreation, Outdoor Active – means the *use of land, water, buildings and/or structures* for outdoor leisure and athletic activities and can include sport fields, tracks, parks and playgrounds, climbing facilities, outdoor racquet facilities and outdoor swimming facilities but shall not include *golf courses, stadiums, amusement parks, or campgrounds*.

Recreation, Outdoor Passive – means the *use* of land and/or water for non-intensive leisure activities such as trails, boardwalks, and footbridges, but shall not include *campgrounds, active outdoor recreation, or golf courses*.

Recycling Operation, Indoor – means the *use* of a *building* for the processing of waste into re-usable materials.

Recycling Operation, Outdoor – means the use of a *premises* for the processing of waste into re-usable materials.

Region – means the Corporation of the Regional Municipality of Waterloo.

Repair Operation, Light – means the *use* of a *building* for the servicing or repairing of household articles and appliances, but shall not include *heavy repair operation, major equipment supply and service, or automotive detailing and repair operation*.

Repair Operation, Heavy – means the *use* of a *premises* for the servicing or repairing of mechanical equipment including furnace or oil burners; water and air coolers; domestic water heaters; fixtures and equipment and any other like articles; heavy and light construction equipment; industrial and agricultural equipment; and lawn care equipment. *Heavy repair operation* shall not include a *light repair operation, major equipment supply and service, or automotive detailing and repair operation*.

Repair Operation, Automotive Detailing and – means the *use* of a *premises* for the servicing, repair, or detailing of *motor vehicles*, but shall not include the *retail* of *motor vehicles*.

Research and Development Establishment – means the *use* of a *premises* for research, investigation, testing, or experimentation including laboratories; pilot plants; prototype production facilities; software development and/or engineering services; and scientific, technological, or communications establishments.

Residential Use – see *Use, Residential*

Residential Care Facility, Large – means the *use* of a *building* that is occupied by 9 or more *persons*, exclusive of staff, who are provided personal support services on a temporary or permanent basis in a supervised group setting and can include one or more amenity areas such as common dining, lounge, kitchen, and recreational area. A *large residential care facility* can include a *correctional group home, group home, and retirement home*.

Residential Care Facility, Small – means the *use* of a *building* that is occupied by 3 to 8 persons, exclusive of staff, who are provided personal support services on a temporary or permanent basis in a supervised group setting and can include one or more amenity areas such as common dining, lounge, kitchen, and recreational area. A *small residential care facility* can include a *correctional group home, group home, and retirement home*.

Residential Zone – see *Zone, Residential*

Restoration, Janitorial, or Security Services – means the *use of a premises* where maintenance, restoration, cleaning, security, or similar services are housed and/or where such services are primarily conducted and/or provided off-site.

Restaurant – means the *use of a premises* where food and/or drink is prepared and sold for immediate consumption on or off-site.

Retail – means the *use of a premises* where goods and/or materials are displayed, rented, or sold. *Retail* can include a pharmacy, *food store, home improvement store, and convenience retail*, but does not include *large merchandise retail; building material and decorating supply establishment; garden centre, nursery, and/or landscaping supply, or retail of motor vehicles and major recreation equipment*.

Retail, Convenience – means the *use of a premises* where a variety of grocery, household items and other convenience goods are sold for consumer's daily or occasional needs.

Retail, Large Merchandise – means the *use of a premises* where primarily large or bulky goods are displayed, rented, or sold. *Large merchandise retail* can include *building material and decorating supply establishment; garden centre, nursery, and/or landscaping supply; home improvement store; and major equipment supply and service*, but does not include *convenience retail, retail, or retail of motor vehicles and major recreation equipment*.

Retail of Motor Vehicles and Major Recreational Equipment – means the *use of a premises* where *motor vehicles and major recreation equipment*, and parts and accessories thereto, are displayed, stored, sold, rented, and/or leased and can include an associated *automotive detailing and repair operation*, and associated repair of *major recreational equipment*.

Retail Outlet, Freestanding – means a *building* containing one *retail* store.

S

Salvage or Scrap Yard – means the *use of a premises* for the handling, storage, baling, packing, disassembly, buying, or sale of scrap material such as *discarded motor vehicles, machinery, or building materials*.

School, Adult Education – means the *use of a premises* for a publicly funded institution for academic instruction which offers courses such as language, literacy and basic skills programming, credit courses for adults, continuing education programs, general interest courses, or Canadian citizenship preparation programs, but does not include *post-secondary school or commercial school*.

School, Commercial – means the *use of a premises* where teaching or instruction is offered for academics, arts, crafts, *motor vehicle* driving, language, modelling, hairdressing, gymnastics, beauty, culture, dancing, music, golf, yoga, martial arts, photography, business or trade, or other similar subjects, but shall not include an *adult education school, elementary school, secondary school or post-secondary school*.

School, Elementary – means the *use of a premises* for a *provincially* approved institution for academic instruction typically offered from kindergarten to grade eight including a public, private, or separate school, but does not include a *commercial school*.

School, Post-Secondary – means the *use of a premises* for educational purposes by a degree, diploma, or certificate granting college or university under *Provincial* legislation, but does not include a *Commercial School*.

School, Secondary – means the *use of premises* for a *provincially* approved institution for academic instruction typically offered from grade nine to grade twelve including a public, private, or separate school, but does not include a *commercial school*.

Second Dwelling Unit (Attached) – see *Dwelling Unit (Attached), Second*

Second Dwelling Unit (Detached) – see *Dwelling Unit (Detached), Second*

Semi-Detached Dwelling – see *Dwelling, Semi-Detached*

Setback – means the minimum regulated distance measured at right angles between a *lot line* and the nearest part of any above *grade building* or *structure*.

Shipping Container – means a vessel commonly or specifically designed for transportation of freight goods or commodities and shall include cargo containers and truck trailers.

Shower and Change Facility – means a portion of a *building* containing shower rooms and change rooms or locker rooms, or other similar facilities.

Side Lot Line – see *Lot Line, Side*

Side Yard – see *Yard, Side*

Single Detached Dwelling – see *Dwelling, Single Detached*

Snow Disposal Site – means only those lands on which snow is placed after being brought to the *lot* from another *lot, street, or lane*, and shall not include areas to which snow is moved to one portion of a *lot* after being cleared from the rest of the *lot*.

Social Service Establishment – means the *use of a premises* by a non-profit organization or a registered charity to provide goods or services on-site for the betterment of the community. A *social service establishment* shall not include facilities for overnight accommodation.

Stacking Lane – means a continuous on-site queuing lane that includes *stacking spaces* for *motor vehicles* which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs.

Stacking Space – means a rectangular space that may be provided in succession and is designed to be *used* for the temporary queuing of a *motor vehicle* in a *stacking lane*.

Stepback – means the horizontal distance the portion of the *building* above the *base* is recessed from the *façade* of the *base*.

Stepback, Street line – means the horizontal distance the portion of the *building* above the *base* is recessed from the *street line façade* of the *base*.

Stormwater Management Facility – means the use of a *premises* where *structures* control and manage the quantity and quality of stormwater runoff.

Storey – means the portion of a *building* or *structure* that is situated between the top of any floor and the top of the floor next above it; or if there is no floor above it, that portion between the top of the floor and the ceiling above it. A habitable or finished *attic*, or an uninhabitable or unfinished *attic* with an interior height greater than 1.8 metres, is a *storey*.

Street – means a public highway greater than 12.19 metres in width, as defined under the Highway Traffic Act or the Municipal Act, which provides access to an abutting *lot*; and which is dedicated, assumed, and/or maintained by and under the jurisdiction of the *City, Region* or *Province*. For the purposes of this By-law, a *street* does not include a *lane* or any private street.

Street Line – means the *lot line* abutting a *street*.

Street Line Façade – see *Façade, Street Line*

Street Line Stepback – see *Stepback, Street Line*

Street Townhouse Dwelling – see *Dwelling, Street Townhouse*

Structure – means anything constructed or erected, the *use* of which requires location on or in the ground, or attached to something having location on or in the ground, but excluding an underground servicing facility.

T

Tall Building – see *Building, Tall*

Tandem Parking Space – see *Parking Space, Tandem*

Temporary Sales Centre – means a *building* or *structure* that is *used* for the temporary sale of *dwelling units* in a proposed development.

Through Corner Lot – see *Lot, Through Corner*

Through Lot – see *Lot, Through*

Towing Compound – means the *use* of a *lot* for the temporary storage of *motor vehicles* and can include the temporary storage of *discarded motor vehicles*.

Tradesperson or Contractor's Establishment – means the *use* of a *premises* where manual or mechanical skills are housed to design, build, install, maintain, or repair goods, equipment, or real property and where such services are conducted on or off-site.

Transportation Depot – means the *use* of a *premises* for the dispatching of *commercial vehicles* and *motor vehicles* transporting goods or passengers, and the parking and servicing of such *commercial vehicles* and *motor vehicles* when not in service.

Transportation Facility – means the *use* of a *premises* for the maintenance and storage of *commercial vehicles* for public transportation, and related equipment, and can include a *transportation depot*.

Truck Transport Terminal – means the *use* of a *premises* for the storage of *commercial vehicles* for the purpose of dispatching as common carriers, or where goods and materials are temporarily stored in bulk quantities at a transfer point for further shipment, and shall include the rental or leasing of trucks, and a courier distribution facility.

U

Use – means:

- a) as a noun, the purpose for which any *premises* is arranged, designed, or intended to be *used*, occupied, or maintained.
- b) as a verb, anything done or permitted by the owner or occupant, of any land, *building*, or *structure* directly or indirectly or by or through any trustee, tenant, servant, or agent of such owner or occupant, for the purpose of making *use* of the said land, *building*, or *structure*.

Use, Institutional – for the purposes of Section 18.2, means *uses* where there is a threat to the safe evacuation of vulnerable populations such as older *persons*, *persons* with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Use, Noxious – means the *use* of a *premises* which from its nature, or from the manner of carrying on same, causes or is liable to cause a condition which may become hazardous or injurious with regard to the health or safety of any *person*, including but not limited to the escape of any destructive gas or fumes, dust, objectionable odour or noise, or a contaminant (as defined by the Environmental Protection Act). A *noxious use* shall include, but not be limited to beverage distillation; phosphate and/or sulphur products; primary production of chemicals, synthetic rubber, plastic, asphalt, cement, and/or concrete; processing or refining of petroleum and/or coal; slaughtering, eviscerating, rendering, and/or cleaning of meat, poultry fish, and/or by-products thereof; smelting, refining, rolling, forging, and/or extruding of ore, and/or metal; stamping, blanking (excluding *fineblanking*), and/or punch-pressing of metal; tanning and/or chemical processing of pelts and/or leather; vulcanizing of rubber and/or rubber products; soil remediation facility; *warehousing* of hazardous, toxic and/or contaminated materials; and a *truck transport terminal* containing hazardous, toxic, and/or contaminated materials.

Use, Public – means the *use* of any land, *building*, or *structure* by or on behalf of the Federal or *Provincial* governments, the *Region*, the Grand River Conservation Authority, or the *City*.

Use, Residential – means a *premises* with at least one *dwelling unit*.

Utilities – means an essential commodity or service such as water, sewer, electricity, gas, oil, television, or communications/telecommunications that is provided to the public by a regulated company or government agency.

Utility-trailer – means a small non-motorized vehicle which is generally pulled by a motorized vehicle and features a rear cargo area (bed) and is used for the hauling of light loads.

Utility Corridor – means linear strips of land that secure access between two points for the purpose of transmitting and distributing *utilities* and includes a *hydro corridor*.

V

Vehicle, Commercial – means any *motor vehicle* having permanently or temporarily attached thereto a truck box, or any other form of delivery body, and shall include tow trucks; tilt/n/load trucks; buses exceeding 7 metres in length and/or 4,000 kilograms in gross vehicle weight; tractor trailers or semi-trailers and any component thereof; or other like or similar vehicle, but shall not include *major recreational equipment*, or industrial equipment.

Vehicle, Discarded Motor – means a *motor vehicle* which is unlicensed, is in disrepair, and/or has missing parts including tires, damaged or missing glass, or deteriorated or removed metal adjunctions, which make its normal *use* impossible.

Vehicle, Electric – means a *motor vehicle* that is powered partially or exclusively on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purposes. An *electric vehicle* shall include a battery *electric vehicle* or plug-in hybrid *electric vehicle*.

Vehicle, Motor – means any equipment self-propelled by an engine or motor mounted on the vehicle, but shall not include *major recreational equipment*.

Veterinary Services – means the *use* of a *premises* for consultation, diagnosis, and treatment of animals, and related boarding and grooming.

W

Warehouse – means the *use* of a *building* for the storage and/or distribution of goods and can include self-storage warehouses, and facilities for wholesaling of goods otherwise stored or manufactured within the *building*, but shall not include a *truck transport terminal*.

Waste Management Facility – means the *use* of a *premises* for the collection, sorting, and processing of waste material for long term disposal on-site or for transfer to another site and shall include a landfill, recycling facility, incinerator, composting facility, waste transfer station, or other similar *uses*, but shall not include a *salvage or scrap yard*.

Water and Wastewater Treatment Facility – means the *use* of a *premises* for the collection, treatment, storage, and distribution of water or wastewater.

X

Y

Yard – means any open area of a *lot* abutting a *building*.

Yard, Front – means a *yard* that extends across the full width of a *lot* between the *front lot line* and the nearest point of the *principal building*.

Yard, Rear – means a *yard* that extends across the full width of a *lot* (or in the case of a *corner lot*, extending from the *exterior side yard* to the *interior side lot line*) between the *rear lot line* and the nearest point of the *principal building*.

Yard, Interior Side – means a *yard* that extends from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest point of the *principal building*.

Yard, Exterior Side – means a *yard* abutting a *street* that extends from the *front yard* to the *rear lot line* from the *exterior side lot line* to the nearest point of the *principal building*.

Yard, Side – means an *exterior side yard* and an *interior side yard*.

Z

Zone – means a designated area of land shown on the Zoning Grid Schedules contained in Appendix A of this By-law.

Zone, Low-Rise Residential – means a RES-1 through RES-5 *zone*, or any R-1 through R-6 residential zone in Zoning By-law 85-1.

Zone, Residential – means a RES *zone* herein, or any residential zone in Zoning By-law 85-1.

Section 4

General Regulations

SECTION 4 – General Regulations

4.1 ACCESSORY BUILDINGS AND STRUCTURES

- a) Unless otherwise provided for in this By-law, no *accessory building* or *structure* shall be used for human habitation.
- b) *Accessory buildings* or *structures* to *dwelling units* having a maximum *gross floor area* of 10 square metres or less and a maximum *height* of 3 metres are permitted within a required *rear yard* or a required *interior side yard*.
- c) *Accessory buildings* and *structures* to *dwelling units* with a *building height* greater than 3 metres shall be located a minimum of 0.6 metres from an *interior side lot line* and *rear lot line*.
- d) For *accessory buildings* to *single detached dwellings*, *semi-detached dwellings*, and *street townhouse dwellings*, with or without an *accessory dwelling unit (attached)* or *accessory dwelling unit (detached)*, and to *multiple dwellings*, the maximum height of the underside of any fascia shall be 3 metres, the maximum *building height* shall be 5.5 metres, and the maximum *lot coverage* shall be 15 percent.
- e) *Accessory buildings* or *structures* to *dwelling units* shall not be located in a *front yard* or *exterior side yard*.

4.2 ACCESSORY USES

Where this By-law provides that land may be *used* or a *building* or *structure* may be erected and *used* for a permitted *use*, that *use* shall include any *accessory use* provided that the *accessory use* is located within the same *premises*.

4.3 ~~BONUSING DELETED~~

~~Reserved. Deleted.~~

4.4 CONDOMINIUMS

4.4.1 Standard Condominiums

- a) Internal *lot lines* created by:
 - i) A registration of a plan of condominium; or
 - ii) A plan or plans of condominium registered on all or a portion of a *lot* which is part of a comprehensively planned development subject to a development agreement pursuant to Section 41 of the Planning Act;

shall not be construed to be *lot lines* for the purposes of zoning regulations provided that all applicable regulations of this By-law relative to the whole *lot* and its external *lot lines*, existing prior to any condominium plan registration are strictly observed.

- b) Where a unit boundary extends beyond a *building* to a private amenity area not abutting a common element, each private amenity area shall have an unobstructed access at *grade* or *ground floor* level, having a minimum width of 0.9 metres from a common element, either by:
- i) Direct access within the unit boundary without passing through any portion of the *dwelling unit*;
 - ii) Direct access through the *dwelling unit* without passing through a living or family room, dining room, kitchen, bathroom, bedroom, recreation room, or any hallway that is not separated by a door to any such room; or,
 - iii) Access over adjacent lands that, if the lands are not owned by the *City* or the *Region*, are secured through the declaration or common element of the condominium.

4.4.2 Vacant Land Condominiums

Despite Section 4.6, more than one *single detached dwelling*, *semi-detached dwelling*, or *street townhouse dwelling* shall be permitted on a *lot* provided that each has direct access to a *street* or an internal private *drive aisle* or road that is a common element in a registered Condominium connecting to a *street* and is located on a unit in a Vacant Land Condominium. For purposes of this regulation, the *front lot line* for each unit in a Vacant Land Condominium shall be deemed to be that *lot line* abutting the internal private *drive aisle* or road portion of the common element, or the *lot line* abutting a *street* wherever the *driveway* access is, and the *single detached dwelling*, *semi-detached dwelling*, or *street townhouse dwelling* shall comply with all applicable zoning regulations.

4.4.3 Common Element Condominiums

Despite Section 0, *single detached dwelling*, *semi-detached dwelling*, or *street townhouse dwellings* shall be permitted on *lots* without frontage on a *street* provided that they are located on *parcels of tied lands* to a Common Element Condominium consisting of at least a private *driveway* connecting to a *street*.

Where lands have been comprehensively planned and are subject to an approved site plan and a development agreement pursuant to Section 41 of the Planning Act, any zoning deficiencies resulting from the creation of the *parcels of tied lands*, shall be deemed to comply with the regulations of the By-law, provided that:

- a) All applicable regulations of the By-law relative to the whole *lot* and its external *lot lines* existing prior to any condominium plan registration are complied with; and,

- b) Each *dwelling unit* shall have an unobstructed access at *grade* or ground level, having a minimum width of 0.9 metres, from the *front yard* to the *rear yard* of the *lot* either by:
- i) Direct access on the *lot* without passing through any portion of the *dwelling unit*;
 - ii) Direct access through the *dwelling unit* without passing through a living or family room, dining room, kitchen, bathroom, bedroom, recreation room, or any hallway that is not separated by a door to any such room; or,
 - iii) Access over adjacent lands that, if the lands are not owned by the *City* or the *Region*, are secured by an easement or are a common element of the condominium.

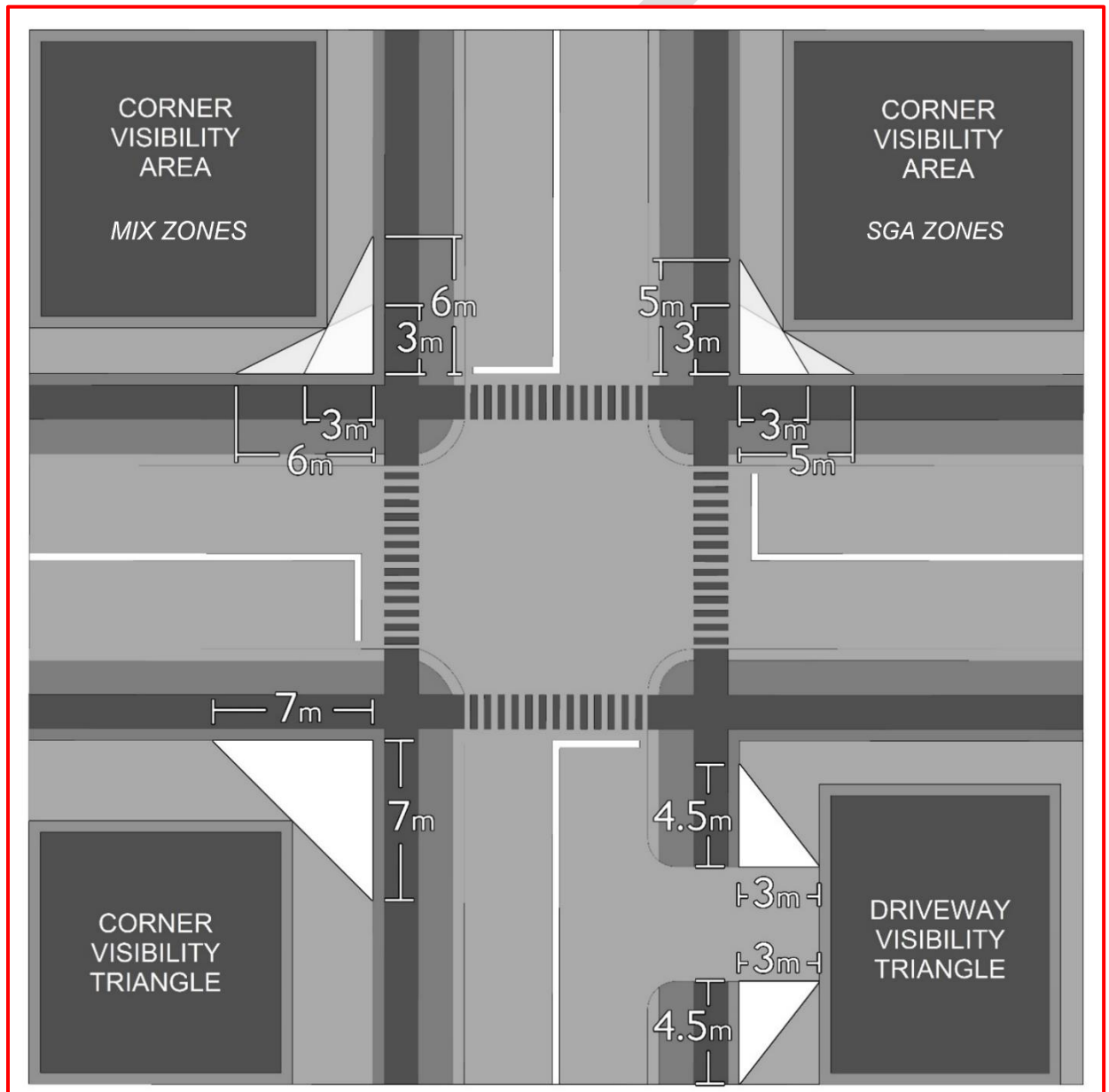
Any additions or alterations to the *dwelling unit*, *accessory buildings*, *yard* projections, and *driveways* added subsequent to the registration of the condominium, which are not shown on the approved site plan, must comply with the applicable zoning regulations for the *single detached dwellings*, *semi-detached dwellings*, or *street townhouse dwellings* contained within the *parcels of tied land*. For the purposes of this regulation, the *front lot line* shall be deemed to be the shortest *lot line* abutting a *street*, internal *driveway*, or internal walkway which provides primary access to the *dwelling unit*.

4.5 **CORNER VISIBILITY TRIANGLES, CORNER VISIBILITY AREAS AND DRIVEWAY VISIBILITY TRIANGLES**

- a) No *buildings*, *structures*, *motor vehicles*, *food cart*, signs, *landscaping*, or other impediments shall obstruct visibility within a *corner visibility triangle*, *corner visibility area* or *driveway visibility triangle*. An obstruction to visibility shall not include objects 0.9 metres or less in height from the ground, or objects higher than 5 metres in height from the ground. This provision does not apply to the location of fences constructed in accordance with and regulated by Chapter 630 (Fences) of The City of Kitchener Municipal Code.
- b) A *corner visibility area* shall be required in MIX zones. One leg of both triangles shall measure 6 metres and the other leg of both triangle shall measure 3 metres. Subsection a) shall not apply to *existing buildings* or *new* construction which replaces an *existing building* with the same *building* footprint within the *corner visibility area*.
- c) A *corner visibility area* shall be required in ~~UGC~~ the SGA-2, SGA-3, and SGA-4 zones. One leg of both triangles shall measure 5 metres and the other leg of both triangle shall measure 3 metres. Subsection a) shall not apply to *existing buildings* or *new* construction which replaces an *existing building* with the same *building* footprint within the *corner visibility area*.

- d) A *corner visibility triangle* shall be required in all zones except the UGC-SGA-2, SGA-3, and SGA-4 zones, and the MIX zones and shall be measured at 7 metres from the point of intersection of the *street lines*.
- e) A *driveway visibility triangle* shall be required in all zones except UGC-SGA-2, SGA-3, and SGA-4 zones, and the MIX zones and shall be measured from the point of intersection of a *street line* and the edge of a *driveway* a distance of 3 metres from the *street line* and 4.5 metres from the edge of the *driveway*.

Illustration 1: Corner Visibility Triangle, Corner Visibility Area and Driveway Visibility Triangle Dimensions



4.6 FRONTAGE ON A STREET

Unless otherwise provided for in this By-law, no *person* shall erect any *building* or *structure*; or use any *building*, *structure*, or *lot* unless:

- a) The *lot* has frontage on a *street*; or,
- b) The *lot* is separated from a *street* by land owned by a public agency for future road widening purposes, or as a 0.3 metre reserve if registered rights-of-way giving access to a *street* have been granted and such access scheme is part of a development agreement pursuant to the Planning Act, as may be outstanding as at the date of passage hereof, or as may be hereafter agreed to.

4.7 HOME OCCUPATION

4.7.1 Regulations for Home Occupations

- a) A *home occupation* shall only be permitted on a *lot* containing a *single detached dwelling* (with or without an *additional dwelling unit (attached)* or *additional dwelling unit (detached)*), *semi-detached dwelling* (with or without an *additional dwelling unit (attached)* or *additional dwelling unit (detached)*), *street townhouse dwelling* (without an *additional dwelling unit (attached)* or *additional dwelling unit (detached)*), *cluster townhouse dwelling*, or *multiple dwelling*.
- b) A *home occupation* shall only locate in a *dwelling*.
- c) A *home occupation* shall only be operated by the *persons* resident in the *dwelling unit*.
- d) *Outdoor storage* shall not be permitted as part of a *home occupation*.
- e) A *home occupation* shall not include a *noxious use*.

4.7.2 Permitted Home Occupation Uses

No *person* shall conduct a *home occupation* for any *use* other than those permitted *uses* within Table 4-2.

Table 4-2: Permitted Home Occupation Uses

Home Occupation Use	First Home Occupation Use	Second Home Occupation Use
Permitted <i>home occupation</i> use on a lot containing a <i>single detached dwelling</i> or a <i>semi-detached dwelling unit</i> (without an <i>additional dwelling unit (attached)</i> or <i>additional dwelling unit (detached)</i>) (1)(2)(3)(4)		
<i>Artisan's Establishment</i>	✓	
<i>Bed and Breakfast</i> (5)(6)	✓	
<i>Canine and Feline Grooming Establishment</i> (5)(7)	✓	
<i>Catering Service Establishment</i>	✓	
<i>Commercial School</i>	✓	
<i>Health Office</i>	✓	
<i>Indirect Sales</i>	✓	✓
<i>Light Repair Operation</i>	✓	
<i>Office</i>	✓	✓
<i>Personal Services</i> (8)	✓	
<i>Private Home Day Care</i>	✓	
Permitted <i>home occupation</i> use in a <i>dwelling unit</i> within a <i>single detached dwelling</i> with an <i>additional dwelling unit (attached)</i> or <i>additional dwelling unit (detached)</i>, <i>semi-detached dwelling unit</i> with a <i>additional dwelling unit (attached)</i> or <i>additional dwelling unit (detached)</i>, <i>street townhouse dwelling</i>, <i>cluster townhouse dwelling</i>, or <i>multiple dwelling</i> (9)(10)		
<i>Artisan's Establishment</i>	✓	
<i>Commercial School</i>	✓	
<i>Office</i>	✓	
<i>Indirect Sales</i>	✓	

Additional Regulations for Permitted Home Occupation Uses Table 4-2.

- (1) A maximum of two *home occupations* shall be permitted on a *lot*. The total maximum *gross floor area* for all *home occupations* on a *lot* is 25 percent of the *gross floor area* of the *dwelling unit*. In no case shall the *gross floor area* for all *home occupations* exceed 50 square metres of *gross floor area*.
- (2) A *home occupation* shall be conducted so as to not attract more than three customers or clients at any one time.
- (3) Despite Section 4.7.1 b), an *artisan's establishment*, *office*, or *indirect sales home occupation*, that does not attract customers or clients to the *lot*, may locate in an *accessory building*.
- (4) Despite Section 4.7.1 c), in addition to the resident, a *home occupation* may employ one non-resident employee.
- (5) Only within a *single detached dwelling*.

- (6) A maximum of two bedrooms is permitted within a *bed and breakfast*.
- (7) A maximum of two dogs and two cats associated with the *canine and feline grooming establishment* are permitted at any one time, for a maximum of three hours on any given day during regular operating hours.
- (8) Shall not include the cleaning of apparel.
- (9) A *home occupation* shall be conducted so as to not attract more than one customer or client at any one time.
- (10) A maximum of one *home occupation* shall be permitted within each *dwelling unit* to a maximum of 15 square metres of *gross floor area*.

4.8 NON-COMPLIANCE AS A RESULT OF LAND ACQUISITION

Where the acquisition of land by registration on title on or after the effective date of this By-law to widen a *street*, provide a *corner visibility triangle*, or other such requirements, results in non-compliance with any regulation herein, nothing in the By-law shall apply to prevent the continued *use* of any *lot*, *building*, or *structure* provided that such *lot*, *building*, or *structure* was lawfully established and *used* for such purpose on the date of acquisition of land.

4.9 GROUP HOMES

Only one *group home* shall be permitted on a *lot*.

4.10 CORRECTIONAL GROUP HOMES

- a) Only one *correctional group home* shall be permitted on a *lot*.
- b) No *building* or part thereof shall be *used* for a *correctional group home* on a *lot* situated within 400 metres of another *lot* on which either a *group home* or *correctional group home* is located. This distance shall be measured from the closest point of the *lot lines* associated with each *lot*.
- c) No *building* or part thereof shall be *used* for a *correctional group home* on a *lot* that is situated within 100 metres of the *city limit*. This distance shall be measured from the closest point of the *lot line* associated with such *lot* and the *city limit*.

4.11 LOCATION OF LODGING HOUSES

- a) Only one *lodging house* shall be permitted on a *lot*. No *building* shall be used for a *lodging house* on a *lot* that is situated within 400 metres of another *lot* on which a *lodging house* is located, such minimum distance to be measured from the closest point of the *lot lines* associated with each *lot*; and,

- b) No *building* shall be used for a *lodging house* on a *lot* that is situated within 100 metres of the municipal limit of the *city*, such minimum distance to be measured from the closest point of the *lot line* associated with such *lot* and the municipal limit.

4.12 NUMBER OF DWELLINGS PER LOT

- a) Unless otherwise provided for in this By-law, in any *zone* where a *single detached dwelling* or *semi-detached dwelling* is permitted, no more than one such *dwelling* shall be erected on a *lot*.
- b) On a *lot* or block against which a Part Lot Control Exemption By-law is registered, those parts on a reference plan which are intended to constitute a future *lot*, the future lot shall be considered a *lot* for the purposes of this By-law.

4.12.1 One Additional Dwelling Unit (Attached)

One *additional dwelling unit (attached)* may be permitted in association with a *single detached dwelling*, *semi-detached dwelling unit* or *street townhouse dwelling unit* in accordance with the regulations specified by the *zone* category in which an *additional dwelling unit (attached)* is permitted, and the *dwelling* type in which the *additional dwelling unit (attached)* is located and in addition to and as amended by the following:

- a) One *additional dwelling unit (attached)* shall only be located in the same *building* as a *single detached dwelling*, *semi-detached dwelling*, or *street townhouse dwelling*;
- b) An *additional dwelling unit (attached)* shall be connected to full municipal services;

4.12.2 Two additional Dwelling Units (Attached)

Two *additional dwelling units (attached)* may be permitted in association with a *single detached dwelling* in accordance with the regulations specified by the *zone* category and applying to *single detached dwellings* in which the two *additional dwelling units (attached)* are located and in addition to and as amended by the following:

- a) two *additional dwelling units (attached)* shall be connected to full municipal services;
- b) a maximum of one pedestrian entrance to the *principal building* shall be located on each *street line façade*, except where more pedestrian entrances are *existing*;
- c) no more than two *additional dwelling units (attached)* are permitted on a *lot*;
- d) the minimum *lot area* shall be 395 square metres or in accordance with Table 7-2, whichever is greater;

- e) the minimum *lot width* shall be 13.1 metres or in accordance with Table 7-2, whichever is greater;
- f) the minimum *landscaped area* shall be 20%;
- g) two *additional dwelling units (attached)* shall only be permitted in *existing buildings*;

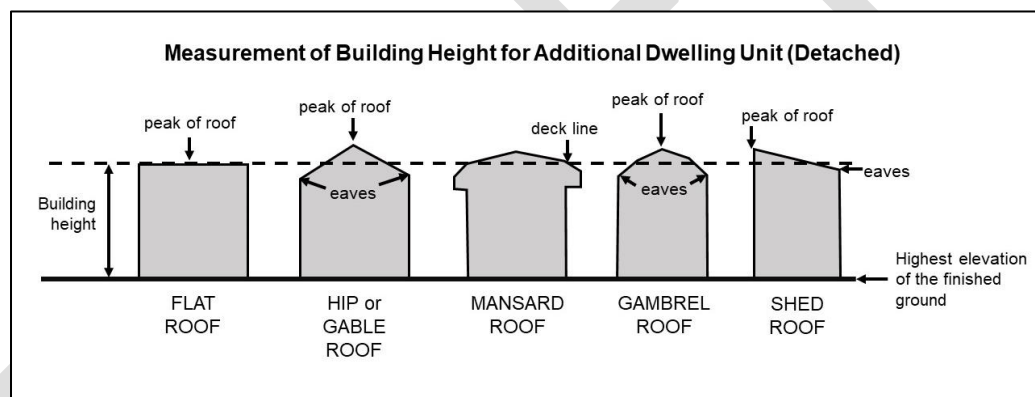
additions to an existing *single detached dwelling* must be attached to the rear of *principal building* and shall not extend into any *side yard* farther than the extent of the *existing principal building* and provided such addition does not exceed 25 percent of the *existing building's building floor area*.

4.12.3 Additional Dwelling Units (Detached)

One *additional dwelling unit (detached)* may be permitted in association with a *single detached dwelling, semi-detached dwelling unit* or *street townhouse dwelling unit* in accordance with the regulations specified by the zone category in which an *additional dwelling unit (attached)* is permitted, and as amended by the following:

- a) for the purposes of Section 4.12.3, the area that is designed to be a separate lot for a *street townhouse dwelling* or *semi-detached dwelling* shall be considered to be a lot;
- b) an *additional dwelling unit (detached)* shall only be permitted on the same *lot* as a *single detached dwelling, semi-detached dwelling* or *street townhouse dwelling*, with or without one *additional dwelling unit (attached)*;
- c) an *additional dwelling unit (detached)* shall not be permitted on the same *lot* as a *single detached dwelling* with two *additional dwelling units (attached)*;
- d) an *additional dwelling unit (detached)* shall not be severed from the *lot* containing the *single detached dwelling, semi-detached dwelling* or *street townhouse dwelling*;
- e) the *additional dwelling unit (detached)* shall be connected to full municipal services;
- f) no more than one *additional dwelling unit (detached)* is permitted on a *lot*;
- g) the *building floor area* of the *additional dwelling unit (detached)* shall not exceed fifty percent of the *building floor area* of the *single detached dwelling, semi-detached dwelling unit* or *street townhouse dwelling unit* on the same lot, or 80 square metres, whichever is less;
- h) the minimum *lot area* shall be 395.0 square metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;

- i) the minimum *lot width* shall be 13.1 metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;
- j) a *building* containing an *additional dwelling unit (detached)* shall be located a minimum of 0.6 metres from a *rear lot line* and *interior side lot line*;
- k) an *additional dwelling unit (detached)* shall not be located in the *front yard* or *exterior side yard*;
- l) for an *additional dwelling unit (detached)*, the maximum *building height* shall be:
 - a. 4.5 metres for a hip, gable, shed, or gambrel roof, measured to the mid point between the eaves and the peak of the roof, excluding the eaves of any projections;
 - b. 4.5 metres for a mansard roof, measured to the deck line;
 - c. 3 metres for a flat roof, measured to the peak of the roof;



- m) for a shed roof where the peak of the roof is more than 4.5 metres from the highest elevation of the finished ground, the highest exterior wall shall not face a *rear lot line* or *side lot line* closer than 4.5 metres, except where the *lot line* is a *street line* or *lane*;
- n) an unobstructed walkway that is a minimum 1.1 metres in width shall be provided from a *street* to the *additional dwelling unit (detached)*. The walkway shall not be located within a required *parking space*;
- o) Despite Section 5.3.3 a) ii), where three *parking spaces* are required in accordance with Table 5-3, two *parking spaces* may be *tandem parking spaces*; and,
- p) Despite Section 5.6, where a *lot* is within 800 metres of a Light Trail Transit (LRT) station as shown on Appendix E, no *parking space* shall be required for the *additional dwelling unit (detached)*.

4.12.3.1 Minimum Side Yard setback of Principal Building:

On a *lot* containing an *additional dwelling unit (detached)*:

- a) the *principal building* shall comply with the following:
 - a. where the *principal building* is a *single detached dwelling*, with or without an *additional dwelling unit (attached)*, the minimum *side yard setback* on each side of the *principal building* shall be 1.2 metres;
 - b. where the *principal building* is a *semi-detached dwelling unit* or *street townhouse unit* with or without an *additional dwelling unit (attached)*, the minimum *side yard setback* of the *principal building* shall be 2.5 metres on one side;
- b) The *principal building* shall comply with the *setback* provisions required for the *dwelling* for *front*, *side* and *rear yards* in all other cases.
- c) Subsection 4.12.3.1 a) shall not apply if the *additional dwelling unit (detached)* has direct access from *street* or *lane* at the *rear* or *exterior side yard*.

4.13 PERMITTED PROJECTIONS ABOVE HEIGHT RESTRICTIONS

The maximum *building height* shall not apply to *architectural features* or spires; cupolas; antennae; flag poles; elevator penthouses; roof access stairways, railings, and penthouses; and heating, ventilation, and air conditioning equipment.

4.14 PERMITTED PROJECTIONS INTO REQUIRED YARDS**4.14.1 Architectural Features**

Architectural features may project into any required *yard* to a maximum of 0.6 metres.

4.14.2 Balconies

Balconies associated with a *dwelling unit* may project into any required *yard* provided that the balconies:

- a) Are not enclosed;
- b) Are not supported by the ground;
- c) Are located a minimum of 0.75 metres from an *interior side lot line* or *rear lot line*; and,
- d) Are located a minimum of 3 metres from a *street line*, except in a UGC-SGA zone or MIX zone.

4.14.3 Canopies

Canopies may project into any required *yard* provided that the canopies:

- a) Are not supported by the ground;
- b) Do not project more than 1.8 metres into a required *front yard*, *exterior side yard*, or any other *yard* abutting a *street*; and,
- c) Are located a minimum of 0.6 metres from a *street line*, *side lot line*, or *rear lot line*.

4.14.4 Decks

- a) All decks shall meet the *setback* regulations required for the *building* in the applicable *zone*.
- b) Despite Subsection a) in a *residential zone*, unenclosed decks that do not exceed 0.6 metres in height above the ground, may be located within a required *rear yard* or *interior side yard*.
- c) Despite Subsection a) in a *residential zone*, entirely unenclosed decks that exceed 0.6 metres in height above the ground, may be located within a required *rear yard* provided that they are located a minimum of 4 metres from the *rear lot line* and meet the *side yard setback* regulations required for the *dwelling* in the applicable *zone*.
- d) Despite Subsection a) covered, unenclosed decks attached to the *principal building* may be located within a required *rear yard* provided that they are located a minimum of 4 metres from the *rear lot line* and meet the *side yard setback* regulations required for the *dwelling* in the applicable *zone*.

4.14.5 Heating, Ventilation, and Air Conditioning Equipment

- a) Heating, ventilation, and air conditioning equipment; and other similar mechanical equipment associated with a *dwelling*, may locate within a *rear yard* or *interior side yard*, provided that the equipment is located a minimum of 3 metres from a *street line* and is screened from the *street*.
- b) Heating, ventilation, and air conditioning equipment; and other similar mechanical equipment associated with a non-residential *building* or *mixed use building*, may locate within a required *rear yard* or *interior side yard*, provided that the equipment has a minimum *setback* of 3 metres from a *street line* and from an abutting *residential zone*, and is screened.

4.14.6 Pools and Hot Tubs

Pools and hot tubs associated with a dwelling unit are permitted to locate within an interior side yard, exterior side yard, and rear yard provided that the pool or hot tub:

- a) has a minimum *setback* of 0.6 metres from an *interior side lot line* or *rear lot line*; and,
- b) is located a minimum of 2.1 metres from a *street line*.

4.14.7 Porches

- a) The minimum depth of a porch associated with a *dwelling unit* shall be 1.5 metres; or in the case of an *existing* porch with a depth of less than 1.5 metres, the minimum depth shall be the *existing* depth.
- b) Unenclosed porches associated with a *dwelling unit* may project into a *front yard* or *exterior side yard* provided that the porch is located a minimum of 3 metres from a *street line* and the floor of the porch does not exceed 1 metre in height above the ground. A cold room may be located beneath the porch.
- c) Despite Subsection b), a porch attached or unattached to the *principal building* of a *structure* designated under the Ontario Heritage Act may be located or reconstructed within a required *front yard* or *side yard* provided that the *setback*, *gross floor area*, dimensions, and height do not exceed what legally existed on or before March 5, 2012.

4.14.8 Restaurant Patios, Decks, and Outdoor Recreation

4.14.8.1 *Restaurant Patios, Decks, and Outdoor Recreation*

Patios, decks, and outdoor recreation associated with a *restaurant* may project into a required *yard* provided that:

- a) They are located a minimum of 30 metres from any *residential zone*;
- b) In a COM or EMP zone they have a minimum *setback* of 3 metres from a *street line*; and,
- c) Despite Subsection a), in a ~~UGC-SGA zone-2, SGA-3, SGA-4,~~ or MIX zone, a patio, deck, and outdoor recreation associated with a restaurant may be located within a *front yard* or *exterior side yard*.

4.14.8.2 *Private Patios*

Any required private patio shall be a minimum of 11 square metres in size.

4.14.9 Satellite Dishes and Antennas

Satellite dishes and antennas may project into a required *yard* and they shall be attached to a *building* and shall not exceed 0.9 metres in diameter.

4.14.10 Steps and Access Ramps

- a) Steps and access ramps that do not exceed 0.6 metres above ground level may be located within any *yard side yard*.
- b) Steps and access ramps that exceed 0.6 metres above ground level shall be located a minimum of 3 metres from a *street line* and a minimum of 0.75 metres from an *interior side lot line* or *rear lot line*. Portions of steps and access ramps located above the *ground floor storey* shall be located a minimum of 1.2 metres from an *interior side lot line* or *rear lot line*.
- c) The maximum area of steps and access ramps located in a *front yard* shall not exceed 40 percent of the area of the *front yard*.

4.15 PERMITTED USES

4.15.1 Automotive Detailing and Repair Operation, and Heavy Repair Operation

- a) Any portion of a *building* used for an *automotive detailing and repair operation* and/or *heavy repair operation* shall be *setback* a minimum of 14 metres from any *lot line* abutting a *residential zone*.
- b) Despite Subsection a), where such *building* or portion thereof is constructed without an opening, such as a vent, door, or window, the *setback* regulations of the applicable *zone* apply.

4.15.2 Construction Uses

A *lot* in any *zone* may be used for temporary *buildings* and trailers associated with construction work occurring on such *lot* for the duration of construction, or for as long as the building permit is valid, whichever comes first. No temporary *building* and/or trailer intended for construction work purposes shall be used for human habitation.

4.15.3 Drive-Through Facilities

- a) A *drive-through facility* shall be located a minimum distance of:
 - i) 15 metres from an abutting *residential zone* where a visual barrier is provided along the abutting *lot line*; and,
 - ii) 7.5 metres from an abutting *residential zone* where an acoustic barrier, certified by a professional engineer, is installed along the abutting *lot line* prior to occupancy of the *drive-through facility*, and is maintained thereafter.

- b) Subsection a) shall not apply to an *existing drive-through facility*.

4.15.4 Food Cart

A *food cart* shall be permitted in all *zones* except *residential zones*, *NHC zones* or *OSR-3 zones*, provided that:

- a) It does not occupy any *drive aisle* or required *parking space*; and,
- b) It does not exceed 2.0 metres in height, 2.0 metres in length and 1.2 metres in width.

4.15.5 Gas Station

- a) A fuel pump island shall have a *setback* of 6 metres from a *street line*, and a canopy structure above a fuel pump island shall have a *setback* of 3 metres from a *street line*;
- b) A fuel pump island and a canopy structure above a fuel pump island shall be located a minimum of 30 metres from a *residential zone*;
- c) No underground or above-ground fuel storage tank shall be located within 3 metres of a *street line*;
- d) The *rear yard setback* for a *building* associated with a *gas station* shall be 3 metres; and,
- e) The minimum *interior side yard setback* for a *building* associated with a *gas station* abutting a *residential zone* shall be 3 metres.

4.15.6 Model Home

- a) A maximum of 10 *model homes* may be permitted on a *lot* in any *zone*.
- b) The *model homes* shall be constructed to the requirements and provisions of the *zone* in which the *model homes* are located. The *model homes* shall be situated within 150 metres of an in-service fire hydrant on lands in a draft approved plan of subdivision, with or without service connections.

4.15.7 Public Uses and Utilities

Unless otherwise regulated herein, *public uses* and *utilities* may be permitted in any *zone*, provided that:

- a) Such *use*, *building*, or *structure* complies with the regulations, and parking and loading requirements of the applicable *zone*; and,

- b) *Accessory outdoor storage* may be permitted, and shall not be located within any *yard* abutting a *residential zone*.

4.15.8 Shipping Container

- a) A *shipping container* shall not be located on a *lot* in a *residential zone*.
- b) Despite Subsection a), a *shipping container* may be permitted on a *driveway* within a *residential zone* for a period not exceeding 30 days in any given year, provided that the *shipping container* is not located within or blocking access to a required *parking space*, and that the *shipping container* is located a minimum of 0.6 metres from a *street line*.
- c) Where a *shipping container* is converted and *used* as a construction material for a residential *dwelling* subject to the Ontario Building Code, it is a *building*.

4.15.9 Towing Compounds

A *towing compound* shall not be located on a *lot* that is within 30 metres of a *residential use*.

4.15.10 Temporary Sales Centre

A *temporary sales centre* is permitted in all UGCSGA, MIX, and COM zones; and in all *residential zones*, and shall be subject only to the *setback* regulations of the applicable zone.

4.16 SETBACKS FROM RAILWAYS

- a) Any portion of a *building* used for *dwelling units*, *multiple dwellings*, *elementary school*, *secondary school*, *post-secondary school*, *adult education school*, *day care facility*, or *place of worship* shall be *setback* a minimum of:
 - i) 30 metres from the *lot line* of the active railway right-of-way for a Principal or Secondary Main Line; or,
 - ii) 15 metres from the *lot line* of the active railway right-of-way for a Principal, Secondary or Tertiary Branch Line
- b) Subsection a) shall not apply to any railway right-of-way or section thereof solely used for *light rail transit*.

4.17 TWO OR MORE ZONES ON A LOT

Where two or more *zones* apply to a *lot*, the following shall apply:

- a) *Floor space ratio* shall be calculated using only that portion of the *building floor area* and only that portion of the *lot area* within each *zone*.

- b) Despite Subsection a) the *lot area* of lands zoned OSR-2 and used for *utility corridor* purposes shall be permitted to be included in the calculation of *floor space ratio* for an abutting portion of the lot within another *zone*.
- c) *Building height* shall be measured to the uppermost point of that portion of a *building* within each *zone*.
- d) *Parking spaces* and *bicycle parking stalls* associated with permitted uses within each *zone* on a *lot* may be located within any *zone* on a *lot*, except that portion of a *lot* within a OSR, NHC or EUF *zone*.

4.18 **VISUAL BARRIER**

Where a visual barrier is required, it shall be a minimum height of 1.8 metres above ground level, and shall be an opaque screen consisting of materials such as a wall, fence, trees, shrubs, and/or earth berms.

4.19 **TRANSITION TO LOW-RISE RESIDENTIAL**

Despite any maximum *building height* of more than 12 metres applying to any *zone*, the *building height* shall not exceed 12 metres within 15 metres of a *lot* with a *low-rise residential zone*. Where the *low-rise residential zone* within 15 metres permits a *building height* of 14 metres, the *building height* shall not exceed 15 metres within 15 metres of a *lot* with a *low-rise residential zone*.

Section 5

Parking, Loading, and Stacking

SECTION 5 – Parking, Loading, and Stacking

5.1 APPLICABILITY

- a) The provisions of Section 5 herein shall only apply at such time as there is:
- i) A change in *use*; and/or,
 - ii) An increase in *gross floor area* on the *lot*; and/or,
 - iii) A change in the amount, size and/or location of *parking spaces*, *driveways*, or *drive aisles*.
- b) Despite Subsection a) i), the provisions of Section 5 herein shall not apply to *existing parking spaces*, *existing loading spaces*, *existing stacking spaces* or *existing stacking lanes* on a *lot* where there is a change of *use* within an *existing building* or *existing structure* and:
- i) There is no increase in *gross floor area* on the *lot*, and,
 - ii) The *Class B bicycle parking* provisions are complied with; and,
 - iii) The number of *existing parking spaces* and *stacking spaces* that remain on the *lot* is equal to or greater than the minimum *parking spaces* and minimum *stacking spaces* required for the *new use* in accordance with Table 5-5 and Table 5-7.

5.2 PARKING PROVISIONS

- a) *Parking spaces* and *bicycle parking stalls* shall be provided and maintained for each *use* located on a *lot* and shall be located on the same *lot* as the *use(s)* requiring the *parking spaces* and *bicycle parking stalls*. Land used for a *hydro corridor* on the same *lot* as the *use(s)* requiring the *parking spaces* and *bicycle parking stalls* may be used for required *parking spaces* and *bicycle parking stalls*.
- b) Despite Subsection a), *parking spaces*, other than *barrier-free accessible parking spaces*, *electric vehicle parking spaces*, or *visitor parking spaces* may be located on another *lot* within 400 metres of the *lot* containing the *use* requiring the *parking spaces*. These *parking spaces* shall not be located on a *lot* within a *residential zone*, or *OSR*, *NHC*, or *EUZ zone* unless it is within the same *zone* as the *use* requiring the *parking spaces*.
- c) Where required *parking spaces* are provided in accordance with Subsection b), required *parking spaces* may be located on land used for a *hydro corridor* provided that it is an *OSR zone*.

- d) Where required *parking spaces* are provided in accordance with Subsection b), the owner of both *lots* shall enter into an agreement with the *City* to be registered against the title of both *lots* to guarantee that the land required for *parking spaces* shall continue to be *used* only for such purpose until *parking spaces* are provided on the same *lot* as the *use* requiring the *parking spaces*.
- e) Despite Subsection d), where required *parking spaces* are provided in accordance with Subsection b) and are located within a *hydro corridor*, the agreement shall be registered on the title of only the *lot* containing the *use* for which the *parking spaces* are required.
- f) A *parking space* within the required minimum shall not be used to store or display *motor vehicles* or *major recreational equipment* for sale or rental.

5.3 **PARKING SPACE AND PARKING LOT PROVISIONS**

- a) Where a *parking lot* is situated on a *lot* and abuts a *residential zone* or SGA-1 zone, a visual barrier shall be provided and maintained between the *parking lot* and such abutting residential *lot line* in accordance with Section 4.18 herein.
- b) All *parking lots* shall be provided with adequate means of ingress and egress to and from a *street* or *lane* in a forward motion, and shall be arranged so as not to interfere with the normal public *use* of a *street* or *lane*.
- c) *Parking spaces*, *drive aisles*, *driveways*, and *parking lots* shall be provided and maintained with stable surfaces such as asphalt, concrete, or other hard-surfaced material as approved by the Director of Planning or designate.
- d) All required *visitor parking spaces* shall be clearly identified, demarcated, and reserved at all times.

5.3.1 **Parking Space Dimensions**

Parking spaces shall be provided in accordance with Table 5-1.

Table 5-1: Regulations for Parking Space Dimensions

Type of Parking Space	Minimum Dimensions
<i>Angled parking space</i>	2.6 m in width and 5.5 m in length (1)
<i>Parallel parking space</i> (interior space)	2.4 m in width and 6.7 m in length (2)(3)
<i>Parallel parking space</i> (end space)	2.4 m in width and 5.5 m in length (2)(3)(4)
<i>Parking space</i> within a <i>private garage</i>	3 m in width and 5.5 m in length (5)

Additional Regulations for Parking Space Dimensions Table 5-1

- (1) Where 10 or more parking spaces are required, a maximum of 10 percent of the total *angled parking spaces* may be reduced to a minimum of 2.4 metres in width and a

- minimum of 4.8 metres in length and where reduced, shall be clearly identified, demarcated, and reserved for compact *motor vehicles*.
- (2) Where 10 or more *parking spaces* are required, a maximum of 10 percent of the total *parallel parking spaces* may be reduced by a maximum of 0.7 metres in length and where reduced, shall be clearly identified, demarcated, and reserved for compact *motor vehicles*.
 - (3) A *parallel parking space* adjacent to a wall or obstruction shall have an *access aisle*. The *access aisle* shall be located between the *parking space* and the wall or obstruction, shall be a minimum of 1.5 metres in width, and shall extend the full length of the *parking space*.
 - (4) Shall be located a minimum of 1.5 metres from any *street, lane, drive aisle, curb, or obstruction*.
 - (5) Where 2 or more required parking spaces are located within a private garage, the minimum width of the first space is 3 metres and 2.6 metres for every additional parking space.

5.3.2 Location of Parking Spaces for Non-Residential Uses and Mixed Use Buildings

- a) *Parking spaces, loading spaces, display areas for motor vehicles or major recreational equipment for sale or rental, or drive aisles* shall not be located within 3 metres of a *street line*.
- b) Despite Subsection a), in any MIX zone, *parking spaces, loading spaces, or drive aisles* shall not be located within 4.5 metres of a *street line*.
- ~~c) Despite Subsection a), in any UGC zone, *parking spaces, loading spaces, or drive aisles* may be located 1.0 metre from a *street line* provided that a landscaped wall is constructed to partially screen parking from view. Such landscaped wall shall be a minimum of 0.9 metres in height and a maximum of 1.2 metres in height, and shall be approved by the Director of Planning or designate.~~
- d)c) Despite Subsections a) through c), *parking spaces, loading spaces, display areas for motor vehicles or major recreational equipment for sale or rental, or drive aisles* that are located within a *building* are subject to *setback* regulations in the applicable zone.

5.3.3 Location of Parking Spaces for Residential Uses

- a) On a *lot* containing a *single detached dwelling, semi-detached dwelling, additional dwelling unit(s) (attached), additional dwelling unit (detached), small residential care facility, lodging house* having less than 9 residents, or *home occupation*:

- i) *Parking spaces* shall be located a minimum distance of 6 metres from a *street line*;
- ii) Despite Subsection i), where two or more *parking spaces* are required, one *parking space* may locate on the *driveway* within 6 metres of the *front lot line* or *exterior side lot line* and may be a *tandem parking space*; and,

Illustration 5-1: One Tandem Parking Space – Option A

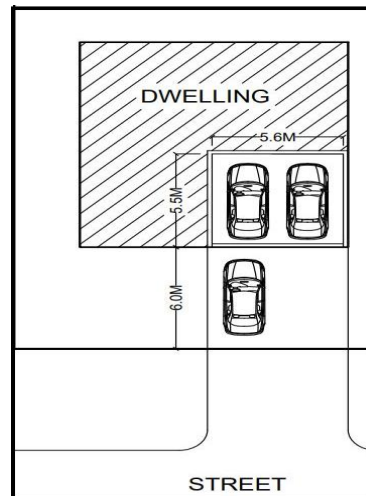
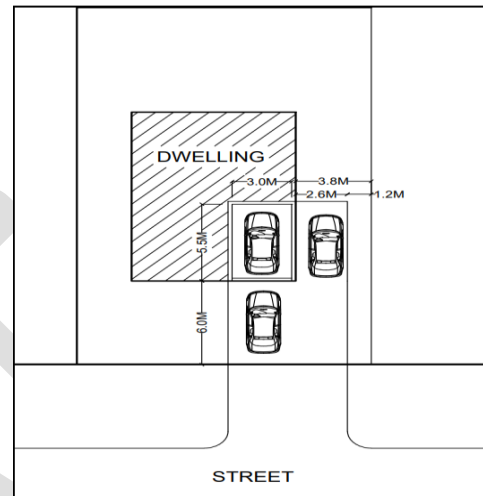


Illustration 5-2: One Tandem Parking Space – Option B



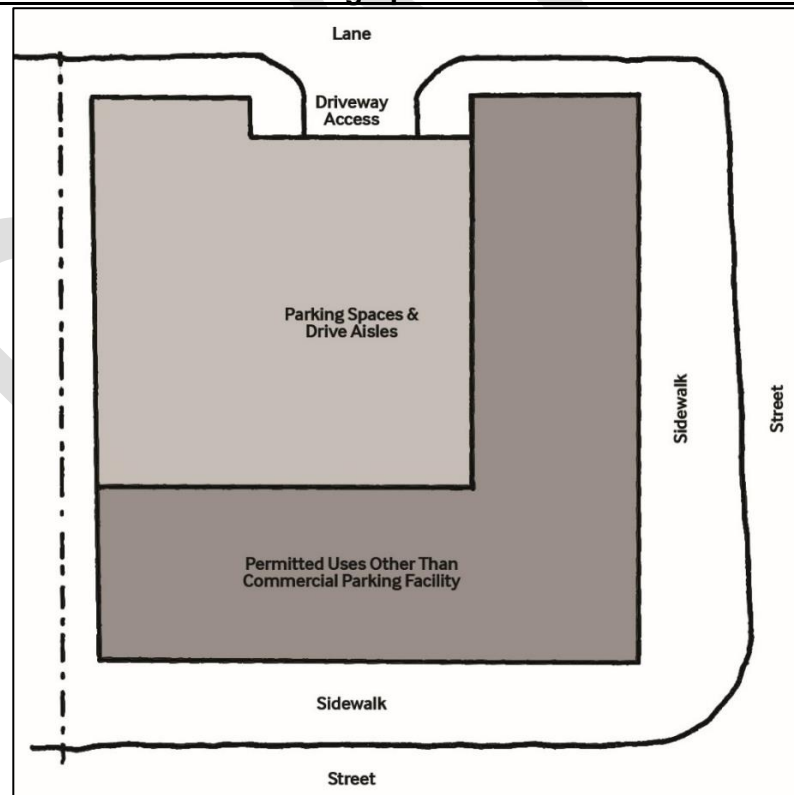
- iii) Despite Subsection ii) where three *parking spaces* are required on a *lot* that contains an *additional dwelling unit (attached)* and an *additional dwelling unit (detached)*, one *parking space* may locate on the *driveway* within 6 metres of the *front lot line* or *exterior side lot line* and two *parking spaces* may be *tandem parking spaces*; and
 - iv) Not more than one *parking space* for a *home occupation* may be located in a *rear yard*, except in the case of a *corner lot*, a *through lot*, or a *lot abutting a lane*.
- b) On a *lot* containing a *street townhouse dwelling*:
- i) *parking spaces* shall be located a minimum distance of 6 metres from a *street line*.
- c) On a lot containing a *multiple dwelling, dwelling unit, cluster townhouse dwelling, lodging house* having 9 residents or more, or a *large residential care facility*:
- i) *parking spaces* shall not be located within the *front yard* or within the *exterior side yard*. In no case shall any *parking spaces* be located within 3 metres of the *front lot line, exterior side lot line* or *street line*; and,

- ii) despite Subsection i), *parking spaces, loading spaces, or drive aisles* located in an enclosed portion of a *building* entirely below *grade*, may have a minimum *setback* of 0 metres from a *front lot line, side lot line, and rear lot line*.

5.3.4 Location of Parking Spaces on the Ground Floor of a Building

- a) In a ~~UGC zone, or~~ MIX zone, or on a *lot with a multiple dwelling, parking spaces and drive aisles* within a *building* shall not be located on the *ground floor* of such *building*.
- b) Despite Subsection a), *parking spaces and drive aisles* may be located on the *ground floor* of a *building* where:
- i) the *ground floor* of the *building* has one or more permitted *uses* other than a *commercial parking facility* that abut the *street line façade*; and,
 - ii) *parking spaces and drive aisles* are located entirely behind the area on the *ground floor* devoted to the permitted *uses* in Subsection i) for the entire length of the *street line façade*, except for access.

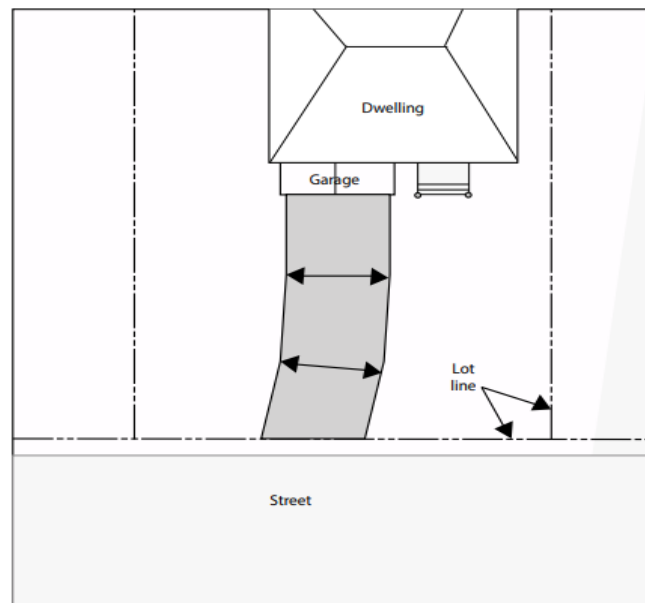
Illustration 5-3: Location of Parking Spaces on the Ground Floor of a Building



5.4 **DRIVEWAY AND GARAGE PROVISIONS FOR RESIDENTIAL USES**

- a) For all *residential uses* other than *large residential care facilities*, *multiple dwellings* containing 4 or more *dwelling units*, and *mixed use buildings*, a required *parking space* shall have direct access from a *street* or *lane* via a *driveway*.
- b) A maximum of one *driveway* with one access point from each *street* or *lane* shall be permitted on a *lot*, except in the case of:
 - i) A *lot* having a minimum *lot width* of 30 metres, where a maximum of two *driveways* may be permitted; and,
 - ii) A *semi-detached dwelling*, where each *dwelling unit* may have one *driveway*.
- c) For the purposes of Section 5.4 the calculation of *driveway* width is measured along the entire length of the *driveway* perpendicular from the edge.

Illustration 5-4: Measuring driveway width



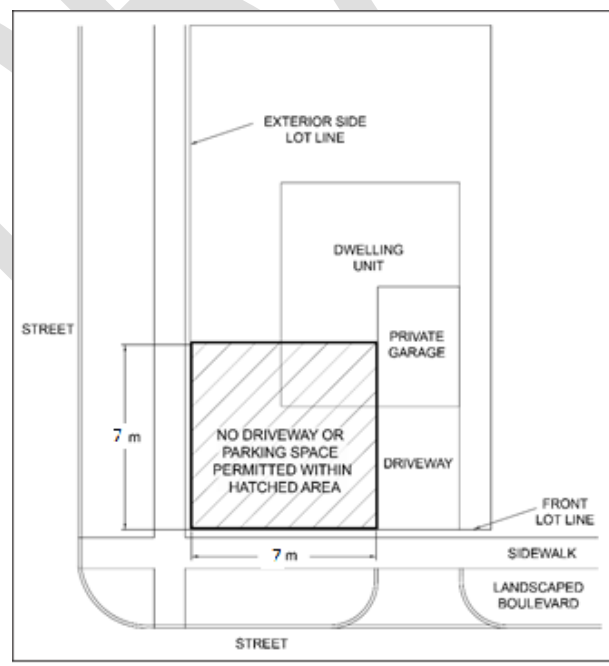
- d) A *driveway* shall be a minimum of 2.6 metres in width.
- e) The provisions in Table 5-2 apply to *single detached dwellings*, *semi-detached dwellings*, and *street townhouse dwellings* with or without *additional dwelling unit(s)*.
- f) Despite any provision in Table 5-2 and 5-3 a *driveway* associated with a *single detached dwelling*, *semi-detached dwelling* or *street townhouse dwelling* may not exceed 8.0 metres in width.

Table 5-2: Private Garage Width and Driveway Width Regulations by Use

Residential Use	Maximum private garage width	Maximum driveway width with an attached private garage	Maximum driveway width without an attached private garage
<p>Single Detached Dwelling</p> <p>See Table 5-3 if lot is within Appendix C – Central Neighbourhoods.</p>	65% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	<p>50% of the <i>lot width</i> or a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 50% of the <i>lot</i>, and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i>.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>	<p>50% of the <i>lot width</i>.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>
<p>Semi-Detached Dwelling</p> <p>See Table 5-3 if lot is within Appendix C – Central Neighbourhoods.</p>	60% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	<p>50% of the <i>lot width</i> or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 50% of the <i>lot</i>, and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the common wall of the same <i>dwelling</i>.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>	<p>The lesser of, 50% of the <i>lot width</i> or 5.2 metres, whichever is less.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>
<p>Street Townhouse Dwelling</p> <p>See Table 5-3 if lot is within Appendix C – Central Neighbourhoods.</p>	60% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	<p>60% of the <i>lot width</i> or 5.2 metres, whichever is less.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 60% of the <i>lot</i>; Exterior end unit <i>driveways</i> shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the common wall of the same <i>dwelling</i>.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>	<p>60% of the <i>lot width</i> or 5.2 metres, whichever is less.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>

- a) For lands identified on [Appendix C \(Central Neighbourhoods\)](#), and within a *low-rise residential zone* an attached *private garage* associated with a *single detached dwelling*, *semi-detached dwelling*, or *street townhouse*; with or without an *additional dwelling unit(s)* shall not project beyond the front *façade* of the habitable at grade portion of the *dwelling unit*.
- b) For lands not identified on [Appendix C \(Central Neighbourhoods\)](#), an attached *private garage* associated with a *single detached dwelling*, *semi-detached dwelling* or *street townhouse dwelling*; with or without an *additional dwelling unit(s)*:
- i) An attached *private garage* may project beyond the front *façade* of the habitable portion of the *dwelling unit* a maximum of 1.8 metres.
 - ii) Where a *private garage* projects beyond the habitable portion of the front *façade* of the *dwelling unit*, a *porch* abutting the *private garage* shall be provided in accordance with [Section 4.14.7](#).
 - iii) A *private garage* shall not project beyond the front of a *porch*.
- c) On a *corner lot* no *driveway*, or *parking space* shall be located within the *front yard* for a distance of 7 metres from the *exterior side lot line*, and the same shall not be located within the *exterior side yard* for a distance of 7 metres from the *front lot line*, measured from the intersecting point of the *front lot line* and the *exterior side lot line*.

Illustration 5-5: Corner lot driveway location



- d) Within a *front yard, interior side yard, exterior side yard* or *rear yard* motor vehicles shall only be parked within a *private garage* or on a *driveway* that conforms to Section 5.3.
- e) The *driveway* shall be comprised of a material that is consistent throughout the *driveway*, and that is distinguishable from all other ground cover or surfacing including landscaping or walkways within the *front yard, interior side yard, exterior side yard, or rear yard*.

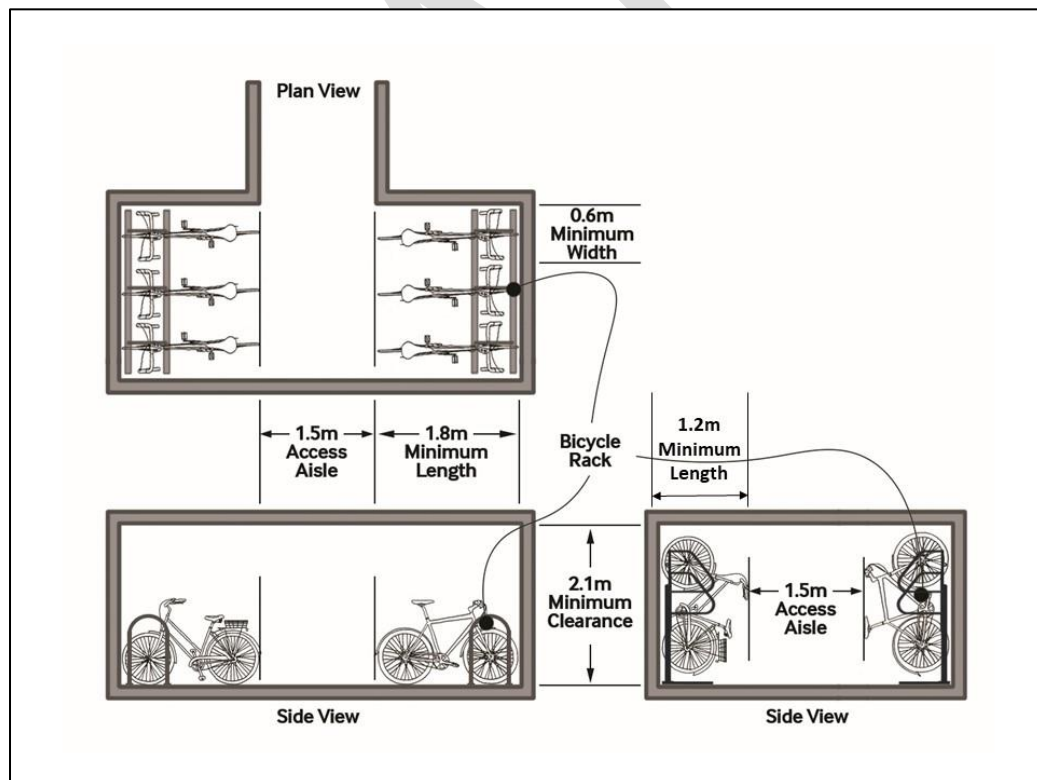
Table 5-3: Private Garage Width and Driveway Width Regulations by Use for lands identified on [Appendix C – Central Neighbourhoods](#)

Residential Use	Maximum private garage width	Maximum driveway width with an attached garage	Maximum driveway width without an attached garage
<p>Single Detached Dwelling</p> <p>On a lot within Appendix C – Central Neighbourhoods. For all other areas, see Table 5-2.</p>	50% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	<p>40% of the <i>lot width</i> or a <i>driveway</i> may be as wide as the attached <i>garage</i></p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 40% of the <i>lot</i>; and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the common wall of the same <i>dwelling</i>.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>	<p>40% of the <i>lot width</i>.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>
<p>Semi-Detached Dwelling</p> <p>On a lot within Appendix C – Central Neighbourhoods. For all other areas, see Table 5-2.</p>	50% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	<p>40% of the <i>lot width</i> or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 40% of the <i>lot</i>; and shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i> which is not located along the common wall of the same <i>dwelling</i>.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>	<p>40% of the <i>lot width</i> or 5.2 metres, whichever is less.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>
<p>Street Townhouse Dwelling</p> <p>On a lot within Appendix C – Central Neighbourhoods. For all other areas, see Table 5-2.</p>	60% of the width of the front <i>façade</i> closest to the <i>street</i> at <i>grade</i>	<p>60% of the <i>lot width</i> or 5.2 metres, whichever is less, and a <i>driveway</i> may be as wide as the attached <i>garage</i>.</p> <p>The <i>driveway</i> may extend beyond the width of the attached <i>garage</i> to a maximum total width of 60% of the <i>lot</i>; Exterior end unit <i>driveways</i> shall be located no closer than the required <i>side yard setback</i> of the <i>dwelling</i>.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>	<p>60% of the <i>lot width</i> or 5.2 metres, whichever is less.</p> <p>Per Section 5.4 f), no <i>driveway</i> shall exceed 8 metres in width.</p>

5.5 BICYCLE PARKING STALL PROVISIONS

- a) *Class A bicycle parking stalls* shall only be required for *buildings* or portions of *buildings* that were not existing on the effective date of the By-law.
- b) *Class A bicycle parking stalls* shall be located within a *building, structure, and/or bicycle locker*.
- c) *Bicycle parking stalls* shall be a minimum of 1.8 metres in length, a minimum of 0.6 metres in width, and overhead clearance in covered spaces shall be a minimum of 2.1 metres. Despite the above, where a *bicycle parking stall* provides for vertical storage of a bicycle, the minimum length may be reduced to 1.2 metres.
- d) Despite Subsections a) and c), where a *Class A bicycle parking stall* is located within a *bicycle locker*, overhead clearance shall not be required.
- e) *Bicycle parking stalls* shall have an *access aisle* which shall be a minimum of 1.5 metres in width.

Illustration 5-6: Bicycle Parking Stalls and Access Aisle Dimensions



- f) *Shower and change facilities* shall be provided in conjunction with the *Class A bicycle parking stalls* required for any non-residential uses in accordance with Table 5-4.

Table 5-4: Regulations for Shower and Change Facilities

Required Number of Class A Bicycle Parking Stalls	Minimum total area of Shower and Change Facilities	Minimum number of Showers within Shower and Change Facilities
5-60	8 m ²	2 showers
61-120	12 m ²	4 showers
121-180	16 m ²	6 showers
Greater than 180	20 m ²	8 showers

- g) Despite Table 5-5, the number of *parking spaces* required for any non-residential use requiring *shower and change facilities* may be reduced by 1 *parking space* per required shower.

5.6 **MINIMUM AND MAXIMUM PARKING SPACE PROVISIONS**

- a) *Parking spaces, visitor parking spaces, and bicycle parking stalls* shall be provided for any use, where a zone permits the use, at a minimum and maximum of the rates specified for the applicable zone(s) within Table 5-5.
- b) On a lot with *existing parking spaces* that exceed the maximum number of *parking spaces* permitted through Table 5-5, the number of *existing parking spaces* shall be maximum number of *parking spaces*.
- c) Except in a UGC-SGA zone, the maximum *parking space* requirement in Table 5-5 shall only apply where 20 or more *parking spaces* are required. Where 19 or fewer *parking spaces* is the minimum requirement, the maximum *parking space* requirement shall be:
- i) The minimum *parking spaces* required plus 5 *parking spaces*.
- d) Where the calculation of the total required *parking spaces, visitor parking spaces, or bicycle parking stalls* results in a fraction, then the requirement shall be the next higher whole number.

Table 5-5: Regulations for Minimum and Maximum Parking Requirements

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
<u>RESIDENTIAL</u>				
Lodging House;	Minimum 1 parking space per:	No minimum	63 m ² GFA	63 m ² GFA
	Maximum 1 parking space per:	92 m ² GFA	48 m ² GFA	48 m ² GFA
Multiple Residential Buildings: Cluster Townhouse Dwelling; Dwelling Unit; Multiple Dwelling;	Minimum parking spaces:	No minimum	0.9 per dwelling unit	1.0 per dwelling unit
	Minimum visitor parking spaces:	10% of provided parking spaces, only where 11 or more dwelling units are on a lot (5)0-per dwelling unit	0.1 per dwelling unit only where 5 or more dwelling units are on a lot	5-80 dwelling units: 0.15 per dwelling unit OR 81+ dwelling units: 0.1 per dwelling unit
	Maximum parking spaces (including visitor):	1.3 per dwelling unit	1.3 per dwelling unit	1.4 per dwelling unit
	Minimum Class A Bicycle Parking Stalls:	1 per dwelling unit without a private garage	0.5 per dwelling unit without a private garage	0.5 per dwelling unit without a private garage
	Minimum Class B Bicycle Parking Stalls:	2, or 6 where more than 20 dwelling units are on a lot	2, or 6 where more than 20 dwelling units are on a lot	2, or 6 where more than 20 dwelling units are on a lot
Residential Care Facility, Large	Minimum 1 parking space per:	No minimum	92 m ² GFA	92 m ² GFA
	Maximum 1 parking space per:	92 m ² GFA	70 m ² GFA	70 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	110 m ² GFA	710 m ² GFA	710 m ² GFA
	Class B Bicycle Parking Stalls:	2, or 6 if greater than 550 m ² GFA	2, or 6 if greater than 550 m ² GFA	2, or 6 if greater than 550 m ² GFA
Residential Care Facility, Small	Minimum parking spaces:	n/a No minimum	2 per facility	2 per facility
Single-Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse Dwelling;	Minimum parking spaces:	n/a No minimum	n/a	1 per dwelling unit
Additional Dwelling Unit (Attached) and Additional Dwelling Unit (Detached)	Minimum parking spaces:	n/a No minimum	n/a	1 per dwelling unit

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
<u>NON-RESIDENTIAL</u>				
Agricultural: <i>Agriculture;</i> <i>Agriculture-Related;</i> and, <i>On-Farm Diversified</i>	Minimum <i>parking spaces</i> :	n/a	n/a	0
<i>Automotive Detailing and Repair Operation</i>	Minimum <i>parking spaces</i> :	n/a	n/a	3 per service bay
	Maximum <i>parking spaces</i> :	n/a	n/a	130% of the minimum <i>parking spaces</i>
	Minimum 1 <i>Class A Bicycle Parking Stall</i> per:	n/a	n/a	1,500 m ² GFA
	Minimum 1 <i>Class B Bicycle Parking Stall</i> per:	n/a	n/a	3,000 m ² GFA
<i>Brewpub</i>	Minimum 1 <i>parking space</i> per:	No minimum	20 m ² GFA	20 m ² GFA
	Maximum 1 <i>parking space</i> per:	23 m ² GFA	15 m ² GFA	15 m ² GFA
	Minimum 1 <i>Class A Bicycle Parking Stall</i> per:	250 m ² GFA	250 m ² GFA	250 m ² GFA
	Minimum <i>Class B Bicycle Parking Stalls</i> :	2	2	2
<i>Campground</i>	Minimum <i>parking spaces</i> :	n/a	n/a	1.1 per camp site
<i>Car Wash</i>	Minimum <i>parking spaces</i> :	n/a	n/a	0, provide <i>stacking spaces</i> in accordance with Section 5.11
<i>Cemetery</i>	Minimum <i>parking spaces</i> :	0	0	0
<i>Commercial Entertainment</i>	Minimum 1 <i>parking space</i> per:	No minimum	40 m ² GFA	40 m ² GFA
	Maximum 1 <i>parking space</i> per:	60 m ² GFA	23 m ² GFA	23 m ² GFA
	Minimum 1 <i>Class A Bicycle Parking Stall</i> per:	500 m ² GFA	500 m ² GFA	500 m ² GFA
	Minimum 1 <i>Class B Bicycle Parking Stall</i> per:	250 m ² GFA	250 m ² GFA	250 m ² GFA

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
<i>Commercial Parking Facility</i>	Minimum <i>parking spaces</i> :	0	n/a	0
<i>Commercial Vehicle Wash Facility</i>	Minimum <i>parking spaces</i> :	n/a	n/a	1 per bay
<i>Day Care Facility</i>	Minimum 1 <i>parking space</i> per:	No minimum	40 m ² GFA	30 m ² GFA
	Maximum 1 <i>parking space</i> per:	92 m ² GFA	30 m ² GFA	23 m ² GFA
	Minimum 1 <i>Class A Bicycle Parking Stall</i> per:	333 m ² GFA	500 m ² GFA	500 m ² GFA
<i>Drive-Through Facility</i>	Minimum <i>parking spaces</i> :	n/a	n/a	0, provide <i>stacking spaces</i> in accordance with Section 5.11
Industrial Employment: <i>Catering Service Establishment,</i> <i>Heavy Repair Operation,</i> <i>Indoor Recycling Operation,</i> <i>Manufacturing,</i> <i>Outdoor Recycling Operation,</i> <i>Printing or Publishing Establishment,</i> <i>Propane Facility,</i> <i>Restoration, Janitorial or Security Services;</i> <i>and,</i> <i>Tradesperson or Contractor's Establishment</i>	Minimum 1 <i>parking space</i> per:	No minimum	90 m ² GFA	90 m ² GFA
	Maximum 1 <i>parking space</i> per:	92 m ² GFA	70 m ² GFA	70 m ² GFA
	Minimum 1 <i>Class A Bicycle Parking Stall</i> per:	1,000 m ² GFA	1,500 m ² GFA	1,500 m ² GFA
	Minimum 1 <i>Class B Bicycle Parking Stall</i> per:	2,000 m ² GFA	3,000 m ² GFA	3,000 m ² GFA

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
Fitness Centre	Minimum 1 parking space per:	No minimum	30 m ² GFA	20 m ² GFA
	Maximum 1 parking space per:	60 m ² GFA	23 m ² GFA	15 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	500 m ² GFA	1,000 m ² GFA	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	250 m ² GFA	500 m ² GFA	500 m ² GFA
Funeral Home	Minimum 1 parking space per:	n/a	n/a	23 m ² GFA
	Maximum 1 parking space per:	n/a	n/a	17 m ² GFA
Gas Station	Minimum parking spaces:	n/a	n/a	0, provide <i>stacking spaces</i> in accordance with Section 5.11
Golf Course	Minimum parking spaces:	n/a	n/a	1 per 23 m ² GFA, plus 4 per <i>golf course hole</i>
	Minimum 1 Class A Bicycle Parking Stall per:	n/a	n/a	1,000 m ² GFA
Health Clinic	Minimum 1 parking space per:	No minimum	19 m ² GFA	19 m ² GFA
	Maximum 1 parking space per:	23 m ² GFA	15 m ² GFA	15 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	500 m ² GFA	1,000 m ² GFA	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	167 m ² GFA	333 m ² GFA	333 m ² GFA
Home Occupation	Minimum number of parking spaces:	No minimum	1 plus any parking spaces required for the dwelling unit (1)	1 for occupation plus 1 for any non-resident employee plus any parking spaces required for the dwelling unit (1)
Hospice	Minimum parking spaces:	No minimum	1 per bed	1 per bed
	Maximum parking spaces:	1 per bed	1.3 per bed	1.3 per bed
	Minimum 1 Class A Bicycle Parking Stall per:	125 m ² GFA	500 m ² GFA	500 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	167 m ² GFA	667 m ² GFA	667 m ² GFA

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
Hospital	Minimum 1 parking space per:	No minimum	n/a	70 m ² GFA
	Maximum 1 parking space per:	70 m ² GFA	n/a	54 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	750 m ² GFA	n/a	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	1,500 m ² GFA	n/a	2,000 m ² GFA
Hotel	Minimum parking spaces:	No minimum	1 per guest room	1 per guest room
	Maximum parking spaces:	1 per guest room	1.3 per guest room	1.3 per guest room
	Minimum Class A Bicycle Parking Stalls:	1 per 30 guest rooms	1 per 40 guest rooms	1 per 40 guest rooms
	Minimum Class B Bicycle Parking Stall:	2, or 6 if greater than 75 guest rooms	2, or 6 if greater than 75 guest rooms	2, or 6 if greater than 75 guest rooms
Industrial Storage and Transport: Bulk Fuel and Oil Storage Establishment, Salvage or Scrap Yard, Towing Compound; Transportation Facility, Truck Transport Terminal; and, Warehouse	Minimum parking spaces:	n/a	n/a	The greater of 1 per 1,500 m ² GFA, or 2
	Maximum 1 parking space per:	n/a	n/a	70 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	n/a	n/a	1,500 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	n/a	n/a	3,000 m ² GFA

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
Light Repair Operation	Minimum 1 parking space per:	n/a <u>No minimum</u>	90 m ² GFA	90 m ² GFA
	Maximum 1 parking space per:	95 m ² GFA	70 m ² GFA	70 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	1,000 m ² GFA	1,500 m ² GFA	1,500 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	2,000 m ² GFA	3,000 m ² GFA	3,000 m ² GFA
Natural Heritage Conservation	Minimum parking spaces:	n/a	n/a	0
Night Club	Minimum parking spaces:	n/a	n/a	n/a
	Maximum 1 parking space per:	60 m² GFA	n/a	n/a
	Minimum 1 Class A Bicycle Parking Stall per:	100 m² GFA	n/a	n/a
	Minimum Class B Bicycle Parking Stalls:	2 per night club	n/a	n/a
Multi-Unit Parking Rate (2)(3)(4)	Minimum 1 parking space per:	n/a <u>No minimum</u>	35 m ² GFA	35 m ² GFA
	Maximum 1 parking space per:	24 m² GFA <u>n/a</u>	24 m ² GFA	24 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	1,000 m² GFA <u>n/a</u>	1,000 m ² GFA	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	333 m² GFA <u>n/a</u>	333 m ² GFA	333 m ² GFA

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
Office and Office-Related: <i>Biotechnological Establishment,</i> <i>Computer, Electronic, Data Processing, or Server Establishment,</i> <i>Industrial Administrative Office;</i> <i>Office;</i> <i>Research and Development Establishment, and,</i> <i>Social Service Establishment</i>	Minimum 1 parking space per:	50 m² GFA, only for office GFA in excess of 4,000m². No minimum	33 m ² GFA	33 m ² GFA
	Maximum 1 parking space per:	38 m ² GFA	25 m ² GFA	25 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	333 m ² GFA	500 m ² GFA	500 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	500 m ² GFA	750 m ² GFA	750 m ² GFA
<i>Outdoor Active Recreation</i>	Minimum parking spaces:	n/a	n/a	2 per court, plus 20 per playing field
	Minimum Class B Bicycle Parking Stalls:	n/a	n/a	1 per court plus 6 per playing field
<i>Outdoor Passive Recreation</i>	Minimum parking spaces:	n/a	n/a	0
Place of Assembly and Community: <i>Community Facility,</i> <i>Conference, Convention, or Exhibition Facility, and,</i> <i>Cultural Facility</i>	Minimum 1 parking space per:	No minimum	23 m ² GFA	23 m ² GFA
	Maximum 1 parking space per:	75 m ² GFA	17 m ² GFA	17 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	500 m ² GFA	1000 m ² GFA	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	250 m ² GFA	500 m ² GFA	500 m ² GFA

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		<u>UGC SGA</u> Zones	MIX Zones	All Other Zones
Place of Worship	Minimum 1 parking space per:	No minimum	23 m ² GFA	23 m ² GFA
	Maximum 1 parking space per:	30 m ² GFA	17 m ² GFA	17 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	500 m ² GFA	1,000 m ² GFA	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	250 m ² GFA	500 m ² GFA	500 m ² GFA
Restaurant	Minimum 1 parking space per:	No minimum	7.5 m ² GFA	7.5 m ² GFA
	Maximum 1 parking space per:	15 m ² GFA	5 m ² GFA	5 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	100 m ² GFA	250 m ² GFA	250 m ² GFA
	Minimum Class B Bicycle Parking Stalls:	2 per restaurant	2 per restaurant	2 per restaurant
School, Elementary	Minimum 1 parking space per:	<u>n/a No minimum</u>	n/a	100 m ² GFA, including portables
	Maximum 1 parking space per:	<u>75 m² GFA, including portables n/a</u>	n/a	75 m ² GFA, including portables
	Minimum 1 Class A Bicycle Parking Stall per:	<u>1,000 m² GFA n/a</u>	n/a	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	<u>100 m² GFA n/a</u>	n/a	100 m ² GFA
School, Post-Secondary	Minimum 1 parking space per:	No minimum	n/a	77 m ² GFA
	Maximum 1 parking space per:	130 m ² GFA	n/a	60 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	50 m ² GFA	n/a	50 m ² GFA
	Minimum Class B Bicycle Parking Stalls:	the greater of 1 per 50 m ² GFA, or 3	n/a	the greater of 1 per 50 m ² GFA, or 3

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
Adult Education School; and, School, Secondary	Minimum 1 parking space per:	No minimum	n/a	120 m ² GFA including portables
	Maximum 1 parking space per:	125 m ² GFA, plus 2 per portable	n/a	92 m ² GFA including portables
	Minimum 1 Class A Bicycle Parking Stall per:	500 m ² GFA	n/a	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	100 m ² GFA	n/a	100 m ² GFA
<p>Services and Retail: <i>Animal Shelter; Artisan's Establishment; Building Material and Decorating Supply Establishment; Convenience Retail; Craftsperson Shop; Financial Establishment; Garden Centre, Nursery, and/or Landscaping Supply; Major Equipment Supply and Service; Pawn Establishment; Payday Loan Establishment; Personal Services; Pet Boarding; Pet Services Establishment; Print Shop; Propane Retail Outlet; Retail; and, Retail of Motor Vehicles and Major Recreational Equipment.</i></p>				
Services and Retail (see uses above)	Minimum 1 parking space per:	No minimum	40 m ² GFA	33 m ² GFA
	Maximum 1 parking space per:	72 m ² GFA	27 m ² GFA	24 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	500 m ² GFA	1,000 m ² GFA	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	167 m ² GFA	333 m ² GFA	333 m ² GFA

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
Training: <i>Commercial Driver and Training Establishment, and, Commercial School;</i>	Minimum 1 parking space per:	No minimum	40 m ² GFA	40 m ² GFA
	Maximum 1 parking space per:	42 m ² GFA	30 m ² GFA	30 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	500 m ² GFA	1,000 m ² GFA	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	167 m ² GFA	333 m ² GFA	333 m ² GFA
<i>Large Merchandise Retail</i>	Minimum 1 parking space per:	n/a	n/a	33 m ² GFA
	Maximum 1 parking space per:	n/a	n/a	25 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	n/a	n/a	1,000 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	n/a	n/a	500 m ² GFA
<i>Transportation Depot</i>	Minimum 1 parking space per:	n/a	n/a	40 m ² GFA, exclusive of any parking for fleet vehicles
	Maximum 1 parking space per:	n/a	n/a	30 m ² GFA, exclusive of any parking for fleet vehicles
	Minimum 1 Class A Bicycle Parking Stall per:	n/a	n/a	1,500 m ² GFA
	Minimum 1 Class B Bicycle Parking Stall per:	n/a	n/a	3,000 m ² GFA
<i>Veterinary Services</i>	Minimum 1 parking space per:	No minimum	40 m ² GFA	40 m ² GFA
	Maximum 1 parking space per:	53 m ² GFA	30 m ² GFA	30 m ² GFA
	Minimum 1 Class A Bicycle Parking Stall per:	500 m ² GFA	1,000 m ² GFA	1,000 m ² GFA

Use	Minimum and Maximum Required Rates for Parking Spaces, Visitor Parking Spaces, and Bicycle Parking Stalls			
		UGC SGA Zones	MIX Zones	All Other Zones
	<u>OTHER USES</u>			
All other uses not otherwise listed	Minimum 1 parking space per:	No minimum	40 m ² GFA	40 m ² GFA
	Maximum 1 parking space per:	42 m ² GFA	30 m ² GFA	30 m ² GFA
	Minimum Class B Bicycle Parking Stalls:	10% of total required parking spaces	10% of total required parking spaces	10% of total required parking spaces

Additional Regulations for Minimum and Maximum Parking Requirements Table 5-5

- (1) 0 parking spaces are required for a *home occupation use* that is an *office* or *indirect sales* with no employees or clients to the premises, or for a *home occupation* within a *single detached dwelling* with an *additional dwelling unit(s) attached* or *additional dwelling unit (detached)*, *semi-detached dwelling* with an *additional dwelling unit(s) attached* or *additional dwelling unit (detached)*, *street townhouse dwelling* with an *additional dwelling unit(s) attached* or *additional dwelling unit (detached)*, *cluster townhouse dwelling*, or *multiple dwelling*.

If the home business does not have a non-resident employee, then the required *parking spaces* for the home business and dwelling unit may be arranged in *tandem*.

- (2) The *multi-unit parking rate* shall only be applied where there are three or more separate spaces for lease and/or occupancy and shall not include *manufacturing* or *warehouse*.
- (3) The following shall only apply to a *multi-unit building* or *multi-unit development* with a *gross floor area* of 1,000 square metres or less where the *multi-unit parking rate* applies:
- a. *Restaurant* and *health clinic* shall each only be permitted to use the *multi-unit parking rate* up to a maximum of 30 percent of the *gross floor area* of the *multi-unit building* or *multi-unit development*. *Parking space* requirements for additional *gross floor area* shall be in accordance with the individual rate identified in Table 5-5;
 - b. Subsection a) shall not apply to *bicycle parking stall* requirements.
- (4) In an EMP zone, the *parking space* and *bicycle parking stall* requirements shall be the lesser of the *multi-unit parking rate* or the aggregate individual *use* requirement.

- (5) For the purposes of this calculation, on a lot with one or more non-residential uses, an assumption of 1 parking space per dwelling unit may be assigned and summed, and the 10% requirement applied to this sum total.

5.7 PARKING REQUIREMENTS FOR MIXED-USE BUILDINGS & DEVELOPMENTS

- a) Where there is a *residential use* on a *lot* where the *non-residential uses* qualify for the *multi-unit parking rate*, the following shall apply:
 - i) Visitor *parking spaces* shall not be required for the *residential use*; and,
 - ii) All *parking spaces* shall be shared between *uses* and unassigned.

5.8 ELECTRIC VEHICLE PARKING SPACE PROVISIONS

- a) A minimum of 20 percent of the *parking spaces* required for *multiple dwellings* shall be designed to permit the future installation of *electric vehicle supply equipment*.
- b) Where *parking spaces* required for *non-residential uses* and *large residential care facility* are not located within a *building*, a minimum of 17.5 percent of the *parking spaces* shall be designed to permit the future installation of *electric vehicle supply equipment* and a minimum of 2.5 percent of the *parking spaces* shall be *electric vehicle parking spaces*.
- c) Despite Subsection b), where the calculation of the total required *electric vehicle parking spaces* or *parking spaces* designed to permit the future installation of *electric vehicle supply equipment* results in a fraction, then the requirement shall be the next lowest number.
- d) All required *electric vehicle parking spaces* shall be clearly identified and demarcated.
- e) In a UGC-SGA zone, Subsections a) through d) shall apply to the number of *parking spaces* provided, where any are provided at all.
- f) Subsections a) through e) shall only be required for *buildings* or portions of *buildings* that were not *existing* on the date of passage of this By-law.

5.9 BARRIER-FREE ACCESSIBLE PARKING SPACE PROVISIONS

- a) Type A *barrier-free accessible parking spaces* must be a minimum of 3.4 metres in width and a minimum of 5.5 metres in length.
- b) Type B *barrier-free accessible parking spaces* must be a minimum of 2.4 metres in width and a minimum of 5.5 metres in length.
- c) Where one *barrier-free accessible parking space* is required, it shall be a Type A *barrier-free accessible parking space*.

- d) Where an even number of *barrier-free accessible parking spaces* are required, an equal number of Type A and Type B *barrier-free accessible parking spaces* shall be provided.
- e) Where an odd number of *barrier-free accessible parking spaces* are required, an equal number of Type A and Type B *barrier-free accessible parking spaces* shall be provided, where the additional *parking space* may be a Type B *barrier-free accessible parking space*.
- f) *Access aisles* shall be provided for all *barrier-free accessible parking spaces*, may be shared between two spaces, and shall meet the following requirements:
- i) the *access aisles* shall be a minimum of 1.5 metres in width;
 - ii) the *access aisle* shall extend the full length of the *parking space*; and,
 - iii) the *access aisles* shall be marked with high tonal contrast diagonal lines, which discourage parking in them, where the surface is asphalt, concrete or some other dust-free hard surface.
- g) *Barrier-free accessible parking spaces* shall be provided in accordance with Table 5-6, rounding up to the nearest whole number.

Table 5-6: Regulations for Barrier-Free Accessible Parking Space Requirements

Number of Parking Spaces Required	Number of Barrier-free Accessible Parking Spaces Required
0	0
1-12	1 of total required <i>parking spaces</i>
13-100	4% of total required <i>parking spaces</i>
101-200	1, plus 3% of total required <i>parking spaces</i>
201-1000	2, plus 2% of total required <i>parking spaces</i>
1000 +	11, plus 1% total required <i>parking spaces</i>

- h) On any *lot* where 0 *parking spaces* are required, Subsection a) through g) shall apply to the number of *parking spaces* provided, where any are provided at all.
- i) A maximum of 50 percent of the *barrier-free accessible parking spaces* for a *residential use* may also be counted toward the required *visitor parking spaces* for the same *use*.
- j) Despite Subsections c) through i), *barrier free accessible parking spaces* are not required on a *lot* with only 4 or fewer *dwelling units*.

5.10 LOADING SPACE PROVISIONS

Where one or more *loading spaces* are provided, the following shall apply:

- a) *loading space* shall not be permitted within 6 metres of a *street line*; and,
- b) *loading spaces* shall not be permitted within 7.5 metres of an abutting *residential zone* unless the *loading spaces* are located entirely within a *building*.

5.11 **STACKING PROVISIONS**

- a) *Stacking lanes* shall not be located within 3 metres of a *street line*.
- b) *Stacking lanes* for a *drive-through facility* shall not be located within a *front yard* or *exterior side yard*.
- c) Despite Subsection b), on a *corner lot*, *stacking lanes* for a *drive through facility* may locate in either a *front yard*, or *exterior side yard*, but not both.
- d) Entrance ways to *stacking lanes* shall be separated a minimum travelled distance of 16.5 metres from the closest *driveway*, measured from the centre point of the closest *driveway* at the *lot line* along the route travelled to the last required *stacking space* in the *stacking lane*.
- e) A *stacking space* shall be a minimum of 2.6 metres in width and a minimum of 6.5 metres in length.
- f) A *stacking space* shall lead both to and from a fueling area, service window, kiosk, or booth in accordance with Table 5-7.

Table 5-7: Regulations for Stacking Space Requirements

Use	Minimum Number of Stacking Spaces
<i>Car Wash (automatic)</i>	10
<i>Car Wash (self service)</i>	2 per washing bay
<i>Financial Establishment</i>	3
<i>Gas Station</i>	2 per fueling area
<i>Restaurant</i>	13
<i>Retail</i>	3

- g) Subsections a) through f) shall not apply to *existing stacking lanes* and *existing stacking spaces*.

5.12 **EQUIPMENT AND VEHICLE STORAGE PROVISIONS**

5.12.1 **Commercial Vehicles and Equipment**

Parking or storage of *commercial vehicles* and equipment on *lots* within a RES zone shall be located fully within an enclosed *building* or *structure*.

5.12.2 Major Recreational Equipment

- a) Parking or storage of *major recreational equipment* on *lots* within a RES zone shall be located fully within an enclosed *building* or *structure*.
- b) Despite Subsection a), *major recreational equipment* may be parked or stored in a *rear yard*, an *interior side yard*, or in a carport provided that it is screened by a visual barrier in accordance with Section 4.18 of this By-law. *Major recreational equipment* that exceeds 1.4 metres in height and is located within an *interior side yard* shall be located a minimum of 1.2 metres from an *interior side lot line*.
- c) Despite Subsection a), *major recreational equipment* may be parked or stored on a *driveway* between May 1 and October 31 provided that such equipment is located outside of a *driveway visibility triangle*.
- d) *Major recreational equipment* shall not be *used* for living, sleeping, or housekeeping purposes when located on a *lot* within any *zone*.
- e) Despite subsections b) and c) above, snowmobiles or other similar winter-season recreational equipment and portable structures for transporting such equipment shall not be stored or parked on a *driveway* between May 1st and October 31st, but may be stored or parked on a *driveway* wholly inside the *lot line* between November 1st and April 30th provided that such equipment shall not obstruct the visibility of vehicular or pedestrian traffic movement within a *street* or *lane*.

5.12.3 Utility Trailers

- a) On a *lot* containing a *residential use*, a *utility trailer* shall not be parked or stored in a *front yard*, or *exterior side yard*, except in a *driveway*.
- b) Despite Subsection a), a *utility trailer* that exceeds 6 metres in length inclusive of projections and attachments shall not be permitted on a *lot* within a RES zone.
- c) *Utility trailers* may be parked or stored in a *rear yard*, an *interior side yard*, or in a carport provided that it is screened by a visual barrier in accordance with Section 4.18 of this By-law.

5.12.4 Vehicles with a Snow Plough Blade

No more than one *motor vehicle* with an attached snow plough blade shall be parked or stored on a *lot* within a RES zone.

Section 6

Strategic Growth Area Zones (SGA)

SECTION 6 – Strategic Growth Area Zones (SGA)

The Strategic Growth Area Zones apply to lands designated Strategic Growth Area A, Strategic Growth Area B, and Strategic Growth Area C in the Official Plan.

6.1 APPLICABLE ZONES

SGA-1: Low Rise Growth Zone – the purpose of this zone is to create opportunities for missing middle housing and compatible non-residential uses in low-rise forms up to 11 metres in height. This zone applies to lands designated Strategic Growth Area A in the Official Plan.

SGA-2: Mid Rise Growth Zone – the purpose of this zone is to create opportunities for moderate growth in mid-rise forms up to 8 storeys in height. The SGA-2 zone will permit a mix of residential and non-residential uses. This zone applies to lands designated Strategic Growth Area A or Strategic Growth Area B in the Official Plan.

SGA-3: High Rise Growth Zone (Limited) – the purpose of this zone is to create opportunities for high-density growth in both mid and high-rise forms up to 25 storeys in height. The SGA-3 zone will permit a wide mix of residential and non-residential uses. This zone applies to lands designated Strategic Growth Area B or Strategic Growth Area C in the Official Plan.

SGA-4: High Rise Growth Zone – the purpose of this zone is to create opportunities for high-density growth in both mid and high-rise forms. The SGA-4 zone will permit a wide mix of residential and non-residential uses. This zone applies to lands designated Strategic Growth Area C in the Official Plan.

6.2 PERMITTED USES

No person shall, within any Strategic Growth Area Zone *use* or permit the *use* of any *lot* or erect, alter or *use* any *building* or *structure* for any purpose other than those permitted *uses* within Table 6-1 below.

Table 6-1: Permitted Uses within the Strategic Growth Area Zones

Use	SGA-1	SGA-2	SGA-3	SGA-4
Residential Uses				
<i>Dwelling unit</i>	✓	✓	✓	✓
<i>Hospice (1)</i>	✓	✓	✓	✓
<i>Large residential care facility (1)</i>		✓	✓	✓
<i>Lodging house (1)</i>	✓	✓	✓	✓
<i>Multiple dwelling</i>	✓	✓	✓	✓
<i>Semi-detached dwelling (2)</i>	✓	✓(3)	(4)	
<i>Single detached dwelling (2)</i>	✓	✓(3)	(4)	
<i>Small residential care facility (1)</i>	✓	✓	✓	✓
<i>Street townhouse dwelling (2)</i>	✓	✓(3)		

Use	SGA-1	SGA-2	SGA-3	SGA-4
Home Occupations				
<i>Home occupation</i>	(5)	(5)	(5)	(5)
Community Uses				
<i>Adult education school</i>		✓	✓	✓
<i>Community facility</i>	✓	✓	✓	✓
<i>Cultural facility</i>	✓	✓	✓	✓
<i>Day care facility</i>	✓	✓	✓	✓
<i>Elementary school</i>		✓	✓	✓
<i>Hospital</i>			✓	✓
<i>Place of worship</i>	✓	✓	✓	✓
<i>Post-secondary school</i>		✓	✓	✓
<i>Secondary school</i>		✓	✓	✓
<i>Social service establishment</i>	✓	✓	✓	✓
Commercial Uses				
<i>Artisan's establishment</i>	✓	✓	✓	✓
<i>Brewpub</i>	✓(6)	✓	✓	✓
<i>Catering services establishment</i>		✓	✓	✓
<i>Commercial entertainment</i>		✓	✓	✓
<i>Commercial parking facility</i>		✓	✓	✓
<i>Commercial school</i>	✓	✓	✓	✓
<i>Conference, convention, or exhibition Facility</i>			✓	✓
<i>Craftsperson shop</i>	✓	✓	✓	✓
<i>Financial establishment</i>	✓(6)	✓	✓	✓
<i>Fitness centre</i>	✓	✓	✓	✓
<i>Health clinic</i>	✓(6)	✓	✓	✓
<i>Hotel</i>		✓	✓	✓
<i>Light repair operation</i>	✓	✓	✓	✓
<i>Office</i>	✓	✓	✓	✓
<i>Payday loan establishment</i>	✓(6)	✓	✓	✓
<i>Pawn establishment</i>	✓(6)	✓	✓	✓
<i>Personal services</i>	✓	✓	✓	✓
<i>Pet services establishment</i>	✓	✓	✓	✓
<i>Print shop</i>	✓	✓	✓	✓
<i>Restaurant</i>	✓(6)	✓	✓	✓
<i>Retail</i>	✓	✓	✓	✓
<i>Veterinary services</i>	✓(6)	✓	✓	✓
Creative Industry Uses				
<i>Biotechnological establishment</i>		✓	✓	✓
<i>Computer, electronic, data processing or server establishment</i>		✓	✓	✓
<i>Creative products manufacturing</i>		✓	✓	✓
<i>Research and development establishment</i>		✓	✓	✓

Additional Regulations for Permitted Uses Table 6-1

- (1) Shall be in accordance with the regulations of the SGA zone and dwelling type in which the *lodging house, hospice, or large or small residential care facility* is located.
- (2) Up to 3 *dwelling units* shall be permitted on a *lot* containing a *single detached dwelling, semi-detached dwelling unit, or street townhouse dwelling unit* in accordance with the regulations for *additional dwelling units (attached) and (detached)* in Section 4.12.1, 4.12.2, and 4.12.3. Notwithstanding Section 4.12, no minimum *lot width* or *lot area* shall apply to *additional dwelling units (attached) or (detached)* in an SGA zone.
- (3) Shall only be permitted on a *lot* containing an *existing single detached dwelling, semi-detached dwelling, or street townhouse dwelling*.
- (4) *New single detached dwellings and semi-detached dwellings* shall not be permitted. Additions and alterations to *existing dwellings* shall be permitted in accordance with Section 6.3.1, including allowing up to 3 units on a *lot*.
- (5) Shall be permitted in accordance with Section 4.7 (Home Occupation).
- (6) Shall only be permitted on *corner lots* and shall only be permitted in the *front and exterior side yard* in accordance with Section 4.14.8.1.

6.3 SGA-1 ZONE REGULATIONS

6.3.1 Single Detached, Semi-Detached, and Street Townhouse Dwelling Units

- a) Table 6-2 applies to *single detached dwellings, semi-detached dwelling units, and street townhouse dwelling units*.
- b) The regulations within Table 6-2 shall not apply to *existing buildings or structures*.

Table 6-2: Single Detached, Semi-Detached, and Street Townhouse Dwelling Units

Regulation	Single Detached Dwelling	Semi-Detached Dwelling unit	Street Townhouse Dwelling unit
Minimum <i>lot area</i>	235m ²	210m ²	135m ²
Minimum <i>lot width</i> (internal unit)	n/a	n/a	5.5m
Minimum <i>lot width</i> (external unit)	n/a	n/a	8.5m
Minimum <i>lot width</i>	9.0m	7.5m	n/a
Minimum <i>corner lot width</i>	12.8m	12.0m	11.5m
Minimum <i>interior side yard setback</i>	1.2m	1.2m	2.5m
Minimum <i>front yard or exterior side yard setback</i>	4.5m(1)(2)	4.5m(1)(2)	4.5m(1)
Minimum <i>rear yard setback</i>	7.5m	7.5m	7.5m
Maximum <i>lot coverage</i>	55%(3)	55%(3)	55%(3)
Maximum <i>building height</i>	11.0m	11.0m	11.0m
Maximum number of <i>storeys</i>	3	3	3
Rear yard access	n/a	n/a	(4)

Additional Regulations for Table 6-2

- (1) For an addition to an *existing dwelling* or demolition and replacement of an *existing dwelling*, the *existing front and/or exterior side yard setbacks* may be used as the minimum requirement.
- (2) No part of any *building* used to accommodate off street parking shall be located closer than 6 metres to the *street line*.
- (3) A combined total of 55 percent for all *buildings and structures* on the *lot*. *Accessory buildings or structures*, whether attached or detached, and *additional dwelling units (detached)* shall not exceed 15 percent.
- (4) Each *dwelling unit* shall have an unobstructed access at *grade* or ground floor level, having a minimum width of 0.9 metres, from the *front yard* to the *rear yard* of the *lot* either by:
 - a) direct access on the *lot* without passing through any portion of the *dwelling unit*; or,
 - b) direct access through the dwelling unit without passing through a living or family room, dining room, kitchen, bathroom, bedroom, or recreation room or any hallway that is not separated by a door to any such room; or
 - c) access over adjacent lands which, if the lands are not owned by the City or the Region, is secured by a registered easement.

6.3.2 Multiple Dwellings, Mixed Use Buildings, and Non-Residential Buildings

- a) Table 6-3 applies to:
 - i. *Multiple dwellings*;
 - ii. *Mixed use buildings*; and,
 - iii. *Non-residential buildings*.
- b) The regulations within Table 6-3 shall not apply to *existing buildings and structures*.
- c) *Existing buildings* may be converted to the following, subject only to the applicable minimum *lot width*, minimum *lot area*, *parking spaces* on a *driveway* in the *front and exterior side yard*, and maximum non-residential *gross floor area* of Table 6-3:
 - i. a *multiple dwelling* with 4 or more *dwelling units*;
 - ii. a *mixed use building* containing 1 or more *dwelling units*; and,
 - iii. a non-residential *building*.

Table 6-3: Multiple Dwellings, Mixed Use Buildings, and Non-Residential Buildings

Regulation	Number of dwelling units			Non-Residential Building
	4 (1)	5-10	11+	
Minimum <i>lot width</i>	12.0m	12.0m	18.0m	15.0m
Minimum <i>lot area</i>	350m ²	450m ²	700m ²	600m ²
Minimum <i>front yard setback</i>	4.5m	4.5m	4.5m	4.5m
<i>Parking spaces on a driveway in the front and/or exterior side yard</i>	(2)	(2)	(2)	n/a
Minimum <i>exterior side yard setback</i>	4.0m	4.0m	4.0m	4.0m
Minimum <i>rear yard setback</i>	7.5m	7.5m	7.5m	7.5m
Minimum <i>interior side yard setback A</i>	1.5m	1.5m	2.5m	2.5m
Minimum <i>interior side yard setback B</i>	2.5m	2.5m	2.5m	2.5m
Minimum <i>floor space ratio</i>	n/a	n/a	0.6	0.6
Maximum <i>building height</i>	11.0m	11.0m	11.0m	11.0m
Maximum <i>building length</i>	20.0m	24.0m	36.0m	36.0m
Minimum <i>street line façade openings</i>	20%	20%	20%	20%
Minimum <i>landscaped area</i>	30%	30%	30%	30%
Minimum <i>rear yard landscaped area</i>	40%	40%	40%	40%
Maximum non-residential <i>gross floor area</i> (3)	100m ²	150m ²	200m ²	200m ²

Additional Regulations for Table 6-3

- (1) Shall also apply to a *mixed use building* containing 1-3 *dwelling units*.
- (2) Despite Section 5.3.3 b) i), *parking spaces* may be provided in the *front* and *exterior side yard*, provided they are located on a *driveway* that conforms with regulations of Section 5.4 and Table 5-2 for *single detached dwelling*. No additional regulations shall apply for a *lot* identified on Appendix C – Central Neighbourhoods. *Parking spaces* may be located on a *driveway*.
- (3) Non-residential *gross floor area* shall not be permitted in a detached *accessory building* or *structure*.

6.4 SGA-2 ZONE REGULATIONS**6.4.1 Single Detached, Semi-Detached, and Street Townhouse Dwellings**

- a) For *single detached dwellings*, *semi-detached dwelling units*, and *street townhouse dwelling units*, refer to Section 6.3.1 for regulations.

6.4.2 Multiple Dwellings, Mixed Use Buildings, and Non-Residential Buildings up to 4 Storeys in Height

- a) For *multiple dwellings* up to 4 *storeys* in height, *mixed use buildings* up to 4 *storeys* in height, and non-residential *buildings* up to 4 *storeys* in height, refer to Section 6.3.2 for regulations.

- b) Further to subsection a), these *buildings* may exceed the maximum *building height*, maximum number of *storeys*, and maximum non-residential *gross floor area* within Table 6-3.

6.4.3 **Multiple Dwellings, Mixed Use Buildings, and Non-Residential Buildings**

- a) Table 6-4 applies to:
- i. *Multiple dwellings* 5 storeys and greater;
 - ii. *Mixed use buildings* 5 storeys and greater; and,
 - iii. Non-residential *buildings* 5 storeys and greater.
- b) The regulations within Table 6-4 shall not apply to existing *buildings* or *structures*.

Table 6-4: Multiple Dwellings, Mixed Use Buildings, and Non-Residential Buildings

Regulation	SGA-2
For Entire Building	
Minimum <i>lot width</i>	30.0m(1)
Minimum <i>lot area</i>	1,500m ²
Minimum <i>yard setback</i>	3.0m
Minimum <i>floor space ratio</i>	1.0
Maximum <i>building height</i>	8 storeys
Minimum <i>façade openings</i>	10%
Minimum <i>street line façade openings</i>	20%
Minimum landscape area	20%(2)
For Storeys 7 and Above	
Minimum <i>yard setback</i>	6.0m
Maximum <i>building length</i>	60.0m
Maximum <i>floor plate area</i>	2,000m ²
Transition to Low Rise Zones	
Maximum <i>building height</i> within 12m of a <i>lot</i> with an SGA-1 zone or a <i>lot</i> with a <i>low-rise residential zone</i>	12.0m
Minimum <i>rear yard setback</i> where the <i>lot</i> abuts a <i>lot</i> with an SGA-1 zone or a <i>low-rise residential zone</i>	7.5m
For Lot Lines Abutting a Priority Street Identified on Appendix G	
Refer to Section 6.6 for additional regulations.	
Private Amenity Space Requirements	
Refer to Section 6.7 – Private Amenity Space.	

Additional Regulations for Table 6-4

- (1) Despite Section 3, for a *lot* with more than one *street line*, minimum *lot width* may be measured from the longest *lot line* abutting a *street*.
- (2) The requirement for a *lot* abutting a Priority Street segment identified on Appendix G shall be 0%.

6.5 SGA-3 AND SGA-4 ZONE REGULATIONS

6.5.1 Multiple Dwellings, Mixed Use Buildings, and Non-Residential Buildings up to 4 Storeys in Height

- a) For *multiple dwellings* up to 4 storeys in height, *mixed use buildings* up to 4 storeys in height, and non-residential *buildings* up to 4 storeys in height, refer to Section 6.3.2 for regulations.
- b) Further to subsection a), these *buildings* may exceed the maximum *building height*, maximum number of *storeys*, and maximum non-residential *gross floor area* within Table 6-3.

6.5.2 Multiple Dwellings, Mixed Use Buildings, and Non-Residential Buildings

- a) Table 6-5 applies to:
- i. *Multiple dwellings* 5 storeys and greater;
 - ii. *Mixed use buildings* 5 storeys and greater; and,
 - iii. Non-residential *buildings* 5 storeys and greater.
- b) The regulations within Table 6-5 shall not apply to *existing buildings* or *structures*.

Table 6-5: Multiple Dwellings, Mixed Use Buildings, and Non-Residential Buildings

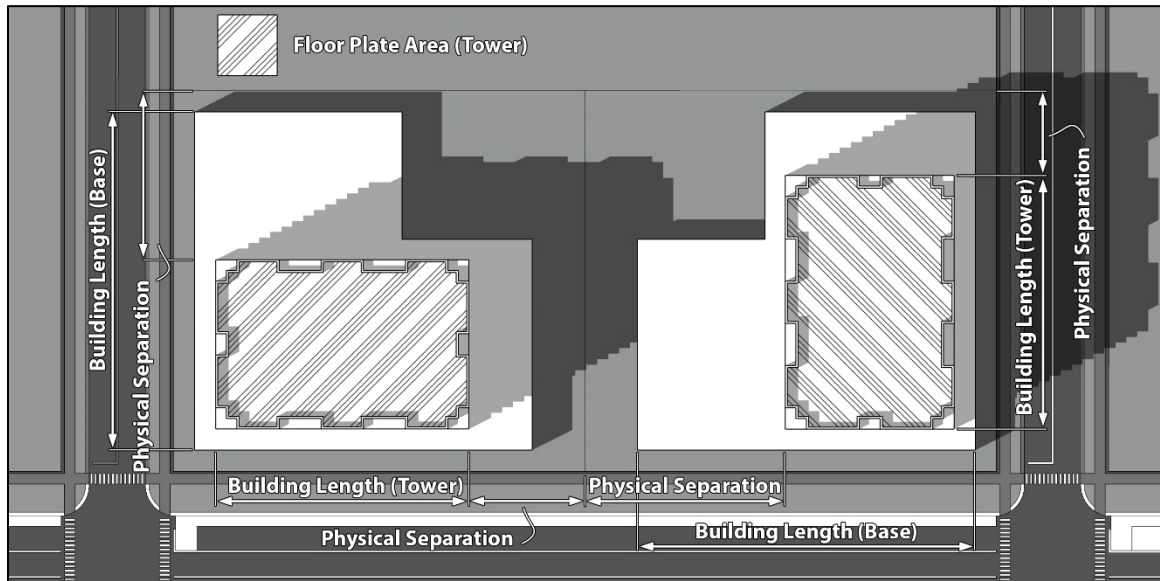
Regulation	SGA-3 & SGA-4
For Entire Building	
Minimum <i>lot width</i>	30.0m(1)
Minimum <i>lot area</i>	1,500m ²
Minimum <i>yard setback</i>	3.0m
Minimum <i>building base height</i>	3 storeys
Maximum <i>building base height</i>	6 storeys
Minimum <i>floor space ratio</i>	2.0
Maximum <i>building height</i> in the SGA-3 zone	25 storeys
Minimum <i>street line ground floor building height</i>	4.5m
Minimum <i>façade openings</i>	10%
Minimum <i>street line façade openings</i>	20%
For Storeys 7-12	
Minimum <i>lot width</i>	30.0m
Minimum <i>lot area</i>	1,500m ²
Minimum <i>front and exterior side yard setback</i>	6.0m
Maximum <i>building length</i>	60.0m
Maximum <i>floor plate area</i>	2,000m ²
<i>Physical separation</i>	6.0m
For Storeys 13-18	
Minimum <i>lot width</i>	36.0m
Minimum <i>lot area</i>	1,800m ²

Minimum <i>front and exterior side yard setback</i>	6.0m
Maximum <i>building length</i>	54.0m
Maximum <i>floor plate area</i>	1,200m ²
<i>Physical separation</i>	9.0m
For Storeys 19-36	
Minimum <i>lot width</i>	42.0m
Minimum <i>lot area</i>	2,000m ² ,
Minimum <i>front and exterior side yard setback</i>	6.0m
Maximum <i>building length</i>	48.0m
Maximum <i>floor plate area</i>	900m ²
<i>Physical separation</i>	12.0m
For Storeys 37 and Above	
Minimum <i>lot width</i>	48.0m
Minimum <i>lot area</i>	2,400m ²
Minimum <i>front and exterior side yard setback</i>	6.0m
Maximum <i>building length</i>	36.0m
Maximum <i>floor plate area</i>	850m ²
<i>Physical separation</i>	15.0m
Transition to Low Rise Zones	
Maximum <i>building height</i> within 12m of a <i>lot</i> with an SGA-1 zone or a <i>lot</i> with a <i>low-rise residential zone</i>	12.0m
Minimum <i>rear yard setback</i> where the <i>lot</i> abuts a <i>lot</i> with an SGA-1 zone or a <i>low-rise residential zone</i>	7.5m
For Lot Lines Abutting a Priority Street Identified on Appendix G	
Refer to <u>Section 6.6 – Priority Streets</u> .	
Private Amenity Space Requirements	
Refer to <u>Section 6.7 – Private Amenity Space</u> .	

Additional Regulations for Table 6-5

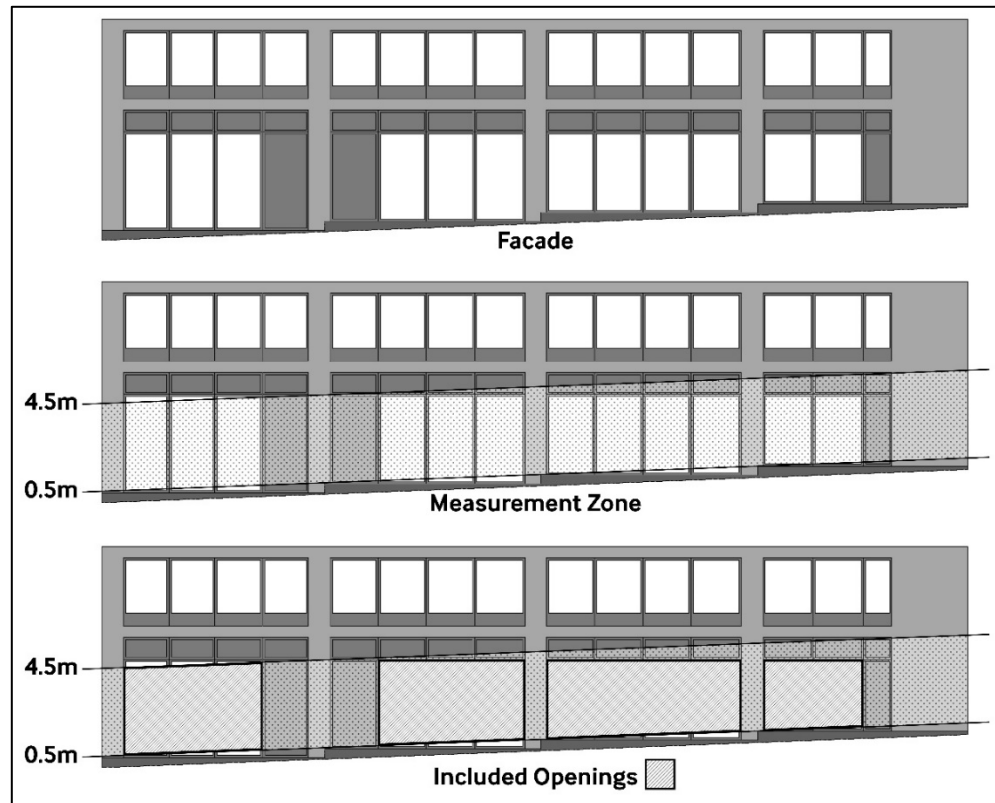
- (1) For a *lot* with more than one *street line*, minimum *lot width* may be measured from the longest *lot line* abutting a *street*.

Illustration 6-1: Physical Separation, Building Length, and Floor Plate Area



6.6 PRIORITY STREETS

- a) For *lot lines* abutting *street line* segments identified on Appendix G – Priority Streets, the following shall apply:
- i. a Community Use or Commercial Use listed in Table 6-1 shall occupy a minimum of 50% of the *street line ground floor*, excluding *office* and *commercial parking facility*;
 - ii. above *grade* structured *parking spaces* shall not be permitted along the *street line ground floor* or *street line second floor*, except for access;
 - iii. above *grade* structured *parking spaces* shall not occupy more than 50% of the area of the *street line façade* within the *base* of a *building*;
 - iv. surface *parking spaces* shall not be permitted within 6 metres of the *street line*;
 - v. on *lots* zoned SGA-2, the minimum *street line ground floor building height* shall be 4.5 metres. The requirement for *lots* zoned SGA-3 and SGA-4 shall be in accordance with Table 6-5;
 - vi. the minimum *street line ground floor façade openings* shall be 40%, measured between 0.5m and 4.5m above exterior finished *grade* along the entire width of the *street line façade*;

Illustration 6-2: Street Line Façade Openings Measurement

- vii. for storeys 1-6, the minimum *interior side yard setback* shall be 0m; and,
- viii. for storeys 2-6, the minimum *front and exterior side yard* shall be 0m;

6.7 **PRIVATE AMENITY SPACE**

- a) *Private amenity space* shall be required as follows:
 - I. In an SGA-2 zone, 4m² of *private amenity space* is required per *dwelling unit*; and,
 - II. In an SGA-3 and SGA-4 zone, 8m² of *private amenity space* is required per *dwelling unit*.
- b) Further to subsection a), balconies, where provided, may count towards *private amenity space* requirements where they achieve:
 - I. A minimum depth of 1.2m; and,
 - II. A minimum area of 4m², excluding area occupied by mechanical equipment such as air conditioning units.

6.8 REDUCTIONS IN REGULATIONS RESULTING FROM STREET WIDENING

- a) If the acquisition of land, by registration on title on or after the date of the passing of this by-law, to widen a *street* or to provide a *corner visibility triangle* results in non-compliance with regulations existing on the date of acquisition and respecting *lot area*, *floor space ratio*, *lot width* or *yards*, a *building* or *use* shall be deemed to comply with such regulations only in the circumstances which follows:
- i. where the *building* or *use* existed at the date of the acquisition;
 - ii. where a *building* or *use* is proposed to be developed by the same owner who conveyed the land for *street* widening or *corner visibility triangle*; or
 - iii. where a *building* or *use* is proposed to be developed in strict accordance with an approved site plan applied for by a previous owner, which required the conveyance of land for *street* widening or *corner visibility triangle*; and,
 - iv. subsections i) through iii) shall only apply provided that:
 - i. where the *lot* is rezoned after the acquisition of land for *street* widening or *corner visibility triangle*, no greater benefit shall be obtained than that which could be obtained based on the zoning in effect on the date of such acquisition; and,
 - ii. the provisions of this section shall not apply in circumstances where the conveyance of land for *street* widening or *corner visibility triangle* is a requirement of a subdivision of land approval.
- b) If the acquisition of land to widen a *street* or to provide a *corner visibility triangle* results in non-compliance with regulations not listed in subsection a) and existing on the date of acquisition, the non-compliance with those regulations shall be deemed to comply where the *building* or *use* legally existed on the date of the acquisition.

6.9 OUTDOOR STORAGE

- a) No *outdoor storage* shall be permitted. This shall not however prevent the display of goods for *retail* purposes.

Section 18

Transition Provisions

SECTION 18 – Transition Provisions

18.1 GENERAL TRANSITION MATTERS

Subject to Section 1.4 and except as provided in Sections 18.2 and 18.3, the provisions of this By-law will otherwise apply.

18.2 COMPLETE APPLICATION TRANSITION MATTERS

- a) For the purposes of this Section:
- i) “complete application” means an application that contains sufficient particulars and information to allow it to be processed and approved. An application that is incomplete becomes a complete application on the date that the required particulars and information are provided to the *City*.
 - ii) “complied with the provisions of By-law Number 85-1” means:
 - a. *the land, building, or structure* fully complies with the provisions of By-Law Number 85-1 as it existed immediately before the effective date of this By-law; or,
 - b. *the land, building, or structure* fully complies with a minor variance from the provisions of By-law Number 85-1 which was approved on or after January 1, 2017.
 - iii) “effective date of this By-law” means the date on which the lands to which the provisions of section 18 apply, were included on Appendix ‘A’, either through the initial passing of this By-law, or by amendment.
- b) Despite Sections 1.7 and 1.8, nothing in this By-law applies to prevent the issuance of any building permit where:
- i) a complete application for such building permit was made on or before the effective date of this By-law and said complete application complied with the provisions of By-law Number 85-1; or,
 - ii) a complete application for such building permit was made after the effective date of this By-law and is in respect of a *lot* to which Subsections c), d) or e) apply and the said complete application complied with the provisions of By-law Number 85-1;
- c) Despite Sections 1.7 and 1.8, nothing in the By-law applies to prevent the issuance of any:

- i) site plan control approval where a complete application for such site plan control approval was made on or before the effective date of this By-law and the said complete application complied with the provisions of By-law 85-1.
- ii) approval of a minor modification, as determined by the Director of Planning or designate, to an approved site plan which was approved on or after January 1, 2017 where a complete application for such modification was made after the effective date of this By-law and the said complete application complied with the provisions of By-law 85-1.
- d) Despite Sections 1.7 and 1.8, nothing in the By-law applies to prevent the issuance of the final approval of a plan of subdivision where draft approval for such plan of subdivision was finally granted.
- e) Despite Sections 1.7 and 1.8, nothing in the By-law applies to prevent the issuance of the final approval of a plan of condominium where:
 - i) draft approval for such plan of condominium was finally granted; or,
 - ii) A complete application for plan of condominium was made after the effective date of this By-law and is in respect of a *lot* to which Subsection b) applies and the said complete application complied with the provisions of By-law Number 85-1;

18.3 TRANSITION SUNSET CLAUSE

Sections 18.1 to 18.3 are automatically repealed on the third anniversary of the effective date of this By-law, and the provisions of Section 34(9) of the Planning Act shall thereafter apply in respect of any *buildings, structures, or uses* established or erected pursuant to any such complete application.

18.4 DEEMED TO COMPLY: DEVELOPMENT APPLICATIONS IN A STRATEGIC GROWTH AREA ZONE

a) For the following *lots*, nothing in this By-law applies to prevent the issuance of any building permit, site plan control approval, plan of subdivision approval, or plan of condominium approval where said application fully complied with the provisions of By-law Number 85-1 or 2019-051 as it existed immediately before the effective date of this By-law:

i) 20 & 30 Breithaupt Street (By-law 2018-071, S.8)

ii) 471, 475, 481 & 505 King Street East and 18-24 Cameron Street South (By-law 2018-073, S.4)

iii) 607-641 King Street West (By-law 2021-067, S.8)

- iv) 61 & 65 Roy Street (By-law 2021-085, S.2)
 - v) 134-152 Shanley Street (By-law 2022-024)
 - vi) 890-900 King Street West (By-law 2022-038, S.2)
 - vii) 30 Francis Street South (By-law 2022-039, S. 3)
 - viii) 20 Ottawa Street North (By-law 2022-070, S.3)
 - ix) 276 King Street East (By-law 2022-080, S.4)
 - x) 95-101 Cedar Street South (By-law 2022-094, S.3)
 - xi) 27 Roy Street (By-law 2022-110)
 - xii) 368, 372, 374 and 382 Ottawa Street South and 99, 103, 107, 111 and 115 Pattandon Avenue (By-law 2022-114)
 - xiii) 1251-1253 King Street East and 16 Sheldon Avenue South (By-law 2022-138, S.3)
 - xiv) 206 & 210 Duke Street East and 46-50 Madison Avenue North (By-law 2022-140, S.4)
 - xv) 45-53 Courtland Avenue East (By-law 2023-033, S.4)
 - xvi) 1001 King Street East (By-law 2023-061)
 - xvii) 455-509 Mill Street (By-law 2023-063)
 - xviii) 146-162 Victoria Street South and 92-110 Park Street (By-law 2023-052)
 - xix) 787-851 King Street East / 432 Charles Street East / 5 Stirling Avenue South (SP23/035/S/KA)
- b) subsection a) shall not exempt any Inclusionary Zoning requirements in Section 4; and,
- c) subsection a) is automatically repealed on the tenth anniversary of this By-law.

Section 19-21

Site Specific Provision, Holding Provisions, &
Temporary Use Provisions

Section 19 to 21 – Proposed Site Specific Provisions, Holding Provisions, and Temporary Use Provisions

Section 19 – Site Specific Provisions: these are zoning rules which apply to a property above and beyond the base zone on the property (i.e. RES-3). In the proposed zoning on a property, they are labelled as either:

1. A number in brackets such as (74); or,
2. Where they have been carried forward from the old zoning by-law, as the special use/regulation provision from the old zoning by-law with an 'M' in brackets such as 179R(M). The 'M' stands for 'modified', meaning the language has been updated to fit into the framework of the new zoning by-law.

Section 20 – Holding Provisions: these are effectively a 'hold' on a property which limits what can be developed until such time as the requirements of the holding provision are met. Holding provision are removed by City Council. In the proposed zoning on a property, they are labelled as either:

1. A number in brackets followed by the symbol 'H' such as (21H); or,
2. Where they have been carried forward from the old zoning by-law, as the holding provision label from the old zoning by-law with an 'M' in brackets such as 10HSR(M) or 11H(M). The 'M' stands for 'modified', meaning the language has been updated to fit into the framework of the new zoning by-law.

Section 21 – Temporary Use Provisions: these allow temporary uses on a property which are not usually allowed in the base zone on the property (i.e. RES-3). These temporary uses usually last for 3-year periods at a time and can be renewed after that. In the proposed zoning on a property, they are labelled as either:

1. A number in brackets followed by the symbol 'T' such as (1T); or,
2. Where they have been carried forward from the old zoning by-law, as the temporary use provision from the old zoning by-law with an 'M' in brackets such as 2T(M). The 'M' stands for 'modified', meaning the language has been updated to fit into the framework of the new zoning by-law.

Section 19 – Site Specific Provisions

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>
(1)	RESERVE	(1)	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedule 84, 85, 120, and 121 of Appendix A, the following shall apply:</p> <p>a) the maximum <i>building height</i> shall be 6 storeys, and a 3 metre <i>stepback</i> shall be required after the 5th storey; and,</p> <p>b) for existing <i>buildings</i> exceeding 6 storeys, the maximum <i>building height</i> shall be the existing <i>building height</i>.</p>
(2)	RESERVE	(2)	<p>Within the lands zoned SGA-2, SGA-3 or SGA-4 and shown as affected by this provision on Zoning Grid Schedules 84, 85, 120, and 121 of Appendix A, the following shall apply:</p> <p>a) the minimum front, interior, rear, and exterior yard setback shall be 0m for storeys 1 through 6;</p> <p>b) the minimum King Street, Ontario Street, and Queen Street <i>street line ground floor façade openings</i> along shall be 50%;</p> <p>c) <i>residential uses, office and any Creative Industry Use</i> listed in Table 6-1 shall not be permitted on the <i>ground floor</i>, except for access; and,</p> <p>d) the minimum <i>setback</i> for a <i>building base</i> to a <i>lot line</i> abutting Halls Lane, Bell Lane, and Goudies Lane shall be 0m.</p>
(3)	N/A	(3)	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedule 84, the maximum <i>building height</i> shall be 10 storeys or 29 metres, whichever is less.</p>
21U	<p>Notwithstanding Section 20.2 of this By-law, within the lands zoned M-2 on Schedules 40, 41, 73 and 74 of Appendix "A", described as Part of Lot 492, Registered Plan 377, Part of Lots 10 to 14 inclusive, Registered Plan 402 and Lots 7 to 10 inclusive, Registered Plan 431; the following uses shall be permitted:</p> <p>Refining, Rolling, Forging or Extruding of Metal only as an accessory use in the manufacturing of industrial equipment and machinery Stamping, Blanking or Punch-Pressing of Metal Vulcanizing of Rubber or Rubber Products.</p> <p>(By-law 87-67, S.12)</p>	21U(M)	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Schedules 40, 41, 73 and 74 of Appendix A, the following uses shall only be permitted as an accessory use in the manufacturing of industrial equipment and machinery Stamping, Blanking or Punch-Pressing of Metal Vulcanizing of Rubber or Rubber Products:</p> <p>a) Refining, rolling, forging or extruding of Metal</p>

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>
<p>(38)</p>	<p>RESERVE</p>	<p>(38)</p>	<p>Within the lands zoned MIX-2 and shown as affected by this provision on a Zoning Grid Schedule, the maximum <i>floor space ratio</i> shall be 4, and the maximum <i>building height</i> shall be permitted to exceed 8 storeys and 25 metres.</p>
<p>(45)</p>	<p>RESERVE</p>	<p>(45)</p>	<p>Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedules 86 and 174 of Appendix A, the maximum <i>floor space ratio</i> shall be 4.</p>
<p>53R and 81U</p>	<p>53R Notwithstanding Section 13.3 of this By-law, within the lands zoned C-7 on Schedules 87, 118 and 140 of Appendix "A" and described in subsection 81. to Appendix "C" of this By-law, the following special regulations shall apply:</p> <p>a) Off-street parking for the service or repair of motor vehicles and major recreational equipment shall be in accordance with the requirements of Section 6.1 of this By-law.</p> <p>b) Where the lands abut a residential zone, a visual barrier shall be provided and maintained along the lot line in accordance with Section 5.11 of this By-law.</p> <p>(By-law 90-180, S.11)</p> <p>81U Notwithstanding Section 13.1 of this By-law, within the lands zoned C-7 and described in the clauses which follow:</p> <p>i) Part of Lots 18 and 19, Registered Plan 25 as shown on Schedule 87 of Appendix "A". (280 Highland Rd. W.)</p> <p>ii) Omitted (By-law 2004-158, S.2)</p> <p>iii) Part of Lots 7 and 8, Registered Plan 25, as shown on Schedule 118 of Appendix "A". (373 Stirling Ave. S.)</p> <p>iv) Omitted</p> <p>v)</p> <p>a) A car wash shall not be permitted.</p> <p>b) The service or repair of motor vehicles and major recreational equipment excluding body repair or rust proofing, shall be permitted, provided that such service or repair shall only be permitted within buildings or portions thereof, which existed prior</p>	<p>53R(M)</p>	<p>Within the lands zoned COM-1 and shown as affected by this provision on Zoning Grid Schedule 87, 118, of Appendix A, the following shall apply:</p> <p>a) <i>Automotive detailing and repair operation</i> excluding body repair or rust proofing shall be permitted only within <i>buildings</i> which existed prior to the passing of By-law Number 90-180, and the sale or rental of motor vehicles or major recreational equipment as an accessory use to an <i>automotive detailing and repair operation</i> in accordance with the regulations of the COM-2 zone;</p> <p>b) Where the lands abut a <i>Residential zone</i>, a visual barrier shall be provided and maintained along the lot line in accordance with Section 4.18 of this By-law.</p>

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>
	<p>to the passing of By-law Number 90-180, and the sale or rental of motor vehicles or major recreational equipment as an accessory use to a Gas Station, service or repair business, shall be permitted in accordance with the regulations of Section 13.3.</p> <p>(By-law 94-1, S.12[d]) (Amended: By-law 2006-174, S.1) (City of Kitchener Housekeeping Amendment)</p>		
90U	<p>Notwithstanding Section 33.1 of this By-law, within the lands zoned I-3 on Schedules 72 and 73 of Appendix "A" of this By-law, and described as Lots 24 and 25 and Part Lots 14 to 24 inclusive, Registered Plan 296; Lot 45 and Part Lot 46, Registered Plan 739; Lot 17 and Part Lots 16 and 19, Subdivision of Lot 16, German Company Tract; Lots 4 to 7 inclusive and Part Lots 1 to 3, 8 and 22, Sub. of Lot 17, German Company Tract, offices, warehousing and outdoor storage shall also be permitted for the exclusive use of the Hydro-Electric Commission of Kitchener-Wilmot only, in accordance with the regulations set out in Section 33.3 of this By-law, and subject to a visual barrier being provided in accordance with Section 5.11 of this By-law to screen any storage yard from any adjacent property containing a residential use.</p> <p>(By-law 92-58, S.10)</p>	90U(M)	<p>Within the lands zoned MIU-1 on Zoning Grid Schedules 72 and 73 of Appendix A, the following shall apply:</p> <p>a) Office and outdoor storage shall be permitted for the exclusive use of the public utility operating on the lands;</p> <p>b) Where the lands abut a Residential zone, a visual barrier shall be provided and maintained along the lot line in accordance with Section 4.18 of this By-law.</p>
122U	<p>Notwithstanding Section 39.1 of this By-law, within the lands zoned R-5 on Schedules 85 and 86 of Appendix "A", described as Lot 76, Subdivision Lot 17, German Company Tract, office shall also be permitted in accordance with the regulations of Section 44.3.6.</p>	(161)	<p>Within the lands zoned RES-4 and shown as affected by this provision on Zoning Grid Schedules 85 and 86 of Appendix A, office shall be permitted in accordance with the regulations of the COM-1 zone.</p>
111R	<p>Notwithstanding Section 38.2.3 of this By-law, within the lands zoned R-5 on Schedules 85 and 86 of Appendix "A", described as Lot 78, Subdivision of Lot 17, German Company Tract, the maximum size of a residential care facility shall be 10 residents.</p>	(164)	<p>Within the lands zoned RES-4 and shown as affected by this provision on Zoning Grid Schedules 85 and 86 of Appendix A, a large residential care facility shall be permitted with a maximum of 10 residents in accordance with the regulations for a single detached dwelling in the RES-4 zone.</p>
(166)	RESERVED	(166)	<p>Within the lands zoned OSR-1 and shown as affected by this provision on Zoning Grid Schedules 85 of Appendix A, office shall also be permitted.</p>
(169)	RESERVED	(169)	<p>Within the lands zoned RES-4 and shown as affected by this provision on Zoning Grid Schedule 122 of Appendix A, a bed and breakfast within the existing building shall also be permitted.</p>
(171)	RESERVED	(171)	<p>Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedules 143, 174 of Appendix A, the maximum Floor Space Ratio shall be 0.95 and the maximum building height shall be 4 storeys or 11.5 metres, whichever is greater, at the highest grade.</p>
(189)		(189)	<p>Within the lands zoned SGA-2 and shown as being affected by this subsection on Zoning Grid Schedule Number 83 of Appendix "A", the following special regulations shall apply:</p>

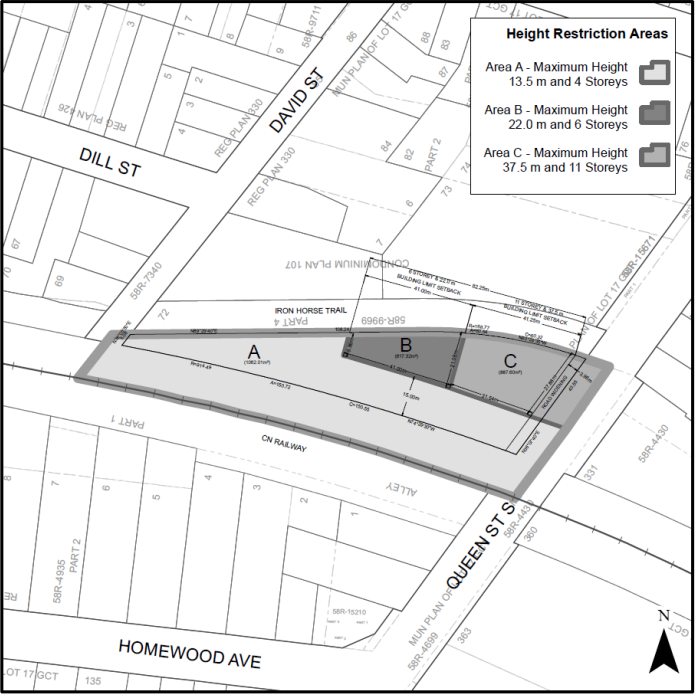
<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
			<p>a) On-site Parking shall be provided as follows: Parking for multiple dwellings shall be provided at a rate of 0.7 spaces per unit plus 0.1 visitor spaces per unit.</p> <p>b) Minimum and maximum height of the required visual barrier shall be 2.44 metres.</p> <p>c) The maximum building height shall be 27.75 metres.</p> <p>d) The maximum floor space ratio shall be 3.0.</p> <p>e) The minimum front yard setback (Duke Street frontage) shall be 4.1 metres.</p> <p>f) The minimum exterior side yard setback (Shanley Street frontage) shall be 5.8 metres.</p> <p>g) The minimum side yard setback shall be:</p> <p style="padding-left: 20px;">i) 3.0 metres for buildings up to 5 storeys.</p> <p style="padding-left: 20px;">ii) 9.3 metres for any portion of the building 6 or more storeys.</p> <p>h) The minimum rear yard setback shall be:</p> <p style="padding-left: 20px;">i) 9.0 metres for buildings up to 2 storeys.</p> <p style="padding-left: 20px;">ii) 12.0 metres for any portion of the building 3 or more storeys.</p> <p>i) The following uses shall also be permitted on the ground floor:</p> <p style="padding-left: 20px;">i) <i>Artisan's establishment</i></p> <p style="padding-left: 20px;">ii) <i>Studio and craftsperson shop</i></p> <p style="padding-left: 20px;">iii) <i>Convenience retail</i></p> <p style="padding-left: 20px;">iv) <i>Day care facility</i></p> <p style="padding-left: 20px;">v) <i>Health office</i></p> <p style="padding-left: 20px;">vi) <i>Personal services</i></p> <p style="padding-left: 20px;">vii) <i>Office</i></p> <p style="padding-left: 20px;">viii) <i>Restaurant</i></p> <p style="padding-left: 20px;">ix) <i>Social Service Establishment</i></p> <p>j) Geothermal Energy systems shall be prohibited.</p>
<p>325R</p>	<p>Notwithstanding Sections 6.1.2 b), 6.1.2 d) and 40 of this By-law, within the lands zoned R-6 on Schedule 86 of Appendix "A", and described as Lot 14, Registered Plan 158:</p> <p>a) required parking spaces, where ingress and egress of vehicles to and from the street is not provided in a forward motion, shall be permitted;</p> <p>b) the minimum width of each angle parking space shall be 2.54 metres; and,</p> <p>c) the subject lands and building thereon existing on September 18, 2000 being the day of passing of By-law Number 2000-152 shall be deemed to comply with all the applicable requirements of this By-law.</p>	<p>(174)</p>	<p>Within the lands zoned COM-1 and shown as affected by this provision on Zoning Grid Schedule 86 of Appendix A, the following shall apply:</p> <p>a) required parking spaces, where ingress and egress of vehicles to and from the street is not provided in a forward motion, shall be permitted;</p> <p>b) the minimum width of each angle parking space shall be 2.54 metres</p> <p>c) Dwelling units shall not be required to be located in a <i>mixed use building</i>; and,</p> <p>d) Dwelling units shall be permitted to locate on the <i>ground floor</i>.</p>

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>
<p>(341)</p>	<p>Notwithstanding Tables 5-5 and 8-2 of this By-law within the lands zoned MIX-3 and shown as affected by this subsection on Zoning Grid Schedule Number 73 of Appendix 'A', the following special regulations shall apply:</p> <ul style="list-style-type: none"> a) the minimum <i>front yard setback</i> to Park Street shall be 0 metres. b) the minimum <i>exterior side yard setback</i> to Victoria Street South shall be 0 metres. c) the maximum <i>building height</i> shall be 122 metres. d) the maximum number of <i>storeys</i> shall be 38. e) the maximum <i>floor space ratio</i> shall be 11.68. f) the minimum amount of non-residential <i>gross floor area</i> shall be 1,750 square metres. g) the minimum <i>ground floor street line façade width</i> as a percent of the width of the abutting street line shall be 70%. h) the minimum percent <i>street line façade openings</i> shall be 70%. i) the minimum required rate of vehicle parking spaces for <i>Multiple Dwellings</i> shall be 0.6 spaces per <i>dwelling unit</i>. j) the minimum required rate of <i>Class A bicycle parking stalls</i> for <i>Multitple Dwellings</i> shall be 0.6 spaces per <i>dwelling unit</i>. k) geothermal wells are prohibited on site. A geothermal well is a well defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five metres unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation." 	<p>(341)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule 73 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) The minimum <i>front yard setback</i> to Park Street shall be 0 metres. b) The minimum <i>exterior side yard setback</i> to Victoria Street South shall be 0 metres. c) The maximum <i>building height</i> shall be 122 metres. d) The maximum number of <i>storeys</i> shall be 38. e) The maximum <i>floor space ratio</i> shall be 11.68. f) The minimum amount of non-residential <i>gross floor area</i> shall be 1,750 square metres. g) The minimum <i>ground floor street line façade width</i> as a percent of the width of the abutting street line shall be 70%. h) The minimum percent <i>street line façade openings</i> shall be 70%. i) The minimum required rate of vehicle parking spaces for <i>Multiple Dwellings</i> shall be 0.6 spaces per <i>dwelling unit</i>. j) The minimum required rate of <i>Class A bicycle parking stalls</i> for <i>Multitple Dwellings</i> shall be 0.6 spaces per <i>dwelling unit</i>. k) Geothermal wells are prohibited on site. A geothermal well is a well defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five metres unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation."

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>
(348)	Notwithstanding Sections 5.6, table 5-5, 7, 7.3 table 7-6 of this By-law within the lands zoned RES-6 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 117 and 118 of Appendix "A", the following special regulations shall apply: a) That the maximum Floor Space Ratio shall be 2.5 and shall be calculated pre road widening. b) That parking be provided at a rate of 0.84 spaces per dwelling unit plus 0.1 visitor spaces per dwelling unit. c) The minimum rear yard setback shall be: i. 22.5 metres, for any portion of the building 4 or more storeys in height; ii. 26.2 metres abutting any portion of the building 7 or more storeys; iii. 33.3 metres for any portion of the building 8 storeys. d) Geothermal Energy Systems shall be prohibited.	(348)	Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedules 117 and 118 of Appendix A, the following shall apply: a) The maximum <i>floor space ratio</i> shall be 2.5 and shall be calculated pre road-widening; b) Parking shall be provided at a rate of 0.84 <i>parking spaces per dwelling unit</i> plus 0.1 visitor <i>parking spaces per dwelling unit</i> ; c) The minimum <i>rear yard setback</i> shall be: i) 22.5 metres for any portion of the <i>building 4 or more storeys</i> in height; ii) 26.2 metres for any portion of the <i>building 7 or more storeys</i> in height; iii) 33.3 metres for any portion of the <i>building 8 storeys</i> . d) Geothermal Energy Systems shall be prohibited.
(362)	Notwithstanding Section 5.6, Table 5-5, and Section 8.3, Table 8-2 of this y-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 118, 144 and 145 of Appendix "A", the following special regulations shall apply: a) The maximum Floor Space Ratio shall be 8.5 and shall be calculated pre road widening and pre conveyance of park land. b) The maximum building height shall be 145.0 metres. c) The maximum number of storeys shall be 44. d) That parking be provided at a rate of 0.55 parking spaces per dwelling unit plus 0.05 visitor parking spaces per dwelling unit. e) The minimum rear yard building podium setback shall be 0 metres. f) The minimum rear yard building tower setback shall be 2.5 metres. g) The minimum interior side yard building setback shall be 2.9 metres and regulated pre parkland conveyance. h) The minimum ground floor street line fa9ade width as a percent of the width of the abutting street line shall be 25% i) The maximum number of storeys in the base of a mid-rise building or tall building shall be 8. j) The minimum non residential gross floor area shall be 2000 square metres. k) Geothermal Energy Systems shall be prohibited.	(362)	Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule Numbers 118, 144 and 145 of Appendix A, the following shall apply: a) The maximum <i>floor space ratio</i> shall be 8.5 and shall be calculated pre- road widening and pre-conveyance of parkland; b) The maximum <i>building height</i> shall be 145.0 metres; c) The maximum number of <i>storeys</i> shall be 44; d) That parking be provided at a rate of 0.55 <i>parking spaces per dwelling unit</i> plus 0.05 visitor <i>parking spaces per dwelling unit</i> ; e) The minimum <i>rear yard building podium setback</i> shall be 0 metres; f) The minimum <i>rear yard building tower setback</i> shall be 2.5 metres; g) The minimum <i>interior side yard building setback</i> shall be 2.9 metres and regulated pre-conveyance of parkland; h) The minimum <i>ground floor street line façade</i> width as a percent of the width of the abutting <i>street line</i> shall be 25%; i) The maximum number of storeys in the <i>base of a mid-rise building or tall building</i> shall be 8; j) The minimum non-residential <i>gross floor area</i> shall be 2000 square metres; k) Geothermal Energy Systems shall be prohibited.
362R	Notwithstanding Section 39.2.4 of this by-law, within the lands zoned R-5 on Schedules 120 and 121 of Appendix "A", described as Part of Lot 24 of Municipal Compiled Plan of Subdivision of Lot 2, German Company Tract, a multiple dwelling having a maximum of 6 dwelling units, shall be permitted in accordance with the regulations of Section 40.2.6.	362R(M)	Within the lands zoned RES-4 and shown as affected by this provision on Zoning Grid Schedule 120 and 121 of Appendix A, a <i>multiple dwelling with 6 dwelling units</i> shall be permitted in accordance with the regulations of the RES-5 zone.
379U & 481R	379U – Notwithstanding Section 48.1 of this By-law, within the lands zoned E-1 as shown as affected by this subsection on Schedule 86 of Appendix "A", for the purposes of this regulation, the use lawfully existing on and continually used for since the date the E-1 Zone was applied to the land shall be deemed to be a demonstration centre established within	379U(M)	Within the lands zoned EUF-1 and shown as affected by this provision on Zoning Grid Schedule 86 of Appendix A, the following shall apply: a) For the purposes of this regulation, the <i>existing use</i> shall be deemed to be a demonstration centre established within a <i>building existing on August 24, 2015</i> , and a <i>single detached dwelling</i> . In this

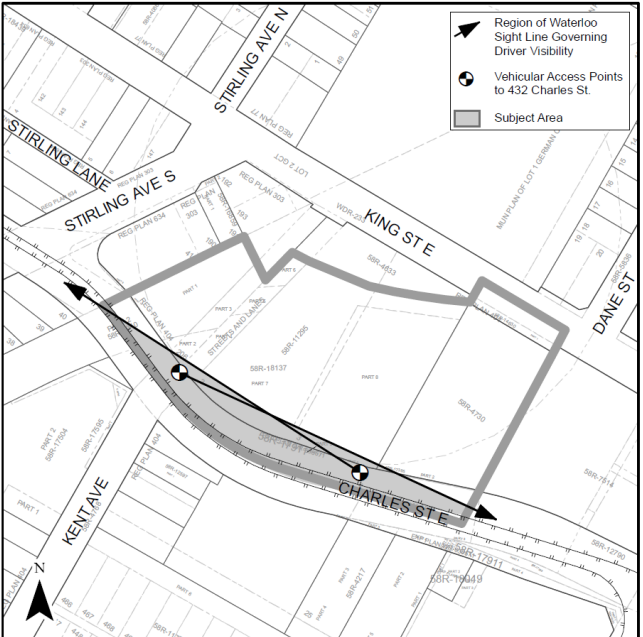
EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION IN OLD ZONING BY-LAW	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN PROPOSED ZONING BY-LAW
	<p>a building existing on August 24, 2015 and a single detached dwelling. In this case, a demonstration centre is an establishment for showing to the public and educating the public on technologies related to energy and water sustainability.</p> <p>481R – Notwithstanding Sections 6.1.2, 6.7.1, and 48.3.1 of this By-law, within the lands zoned E-1 as shown as affected by this subsection on Schedule 86 of Appendix “A”, a minimum of 3 off-street parking spaces shall be provided and no barrier free parking spaces shall be required for a demonstration centre use established within a building existing on August 24, 2015.</p>		<p>case, a demonstration centre is an establishment for showing to the public and educating the public on technologies related to energy and water sustainability; and,</p> <p>b) A minimum of 3 <i>parking spaces</i> shall be provided and no <i>barrier-free accessible parking spaces</i> shall be required for a demonstration centre use established within a building existing on August 24, 2015.</p>
398U	<p>Notwithstanding Section 53.1 of this By-law, within the lands zoned MU-1 as shown on Schedule 73 of Appendix 'A', as affected by this section, the following uses shall not be permitted in any building constructed after the date of passing of this By-law:</p> <ul style="list-style-type: none"> Day Care Facility Duplex Dwelling Dwelling Unit Lodging House having 9 residents or more Multiple Dwelling Residential Care Facility Single Detached Dwelling Street Townhouse Dwelling Tourist Home. <p>(By-law 2010-108, S.24)</p>	398U(M)	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule 73 of Appendix A, the following uses shall not be permitted in any <i>building</i> constructed after the date of passing of this By-law.</p> <ul style="list-style-type: none"> a) <i>Day Care Facility;</i> b) <i>Dwelling Unit;</i> c) <i>Home Occupation;</i> d) <i>Hotel;</i> e) <i>Lodging House;</i> f) <i>Residential Care Facility;</i> g) <i>School;</i> h) <i>Social Service Establishment.</i>
401U	<p>These lands have been identified by the Region of Waterloo as of the date of passing of this Bylaw, as requiring further environmental consideration. Notwithstanding Sections 53.1, 54.1 or 55.1 of this By-law, within the lands zoned MU-1, MU-2 or MU-3 as shown on Schedules 73, 74, 75, 83, 84, 86, 119, 120, 122, 125, 126, 142, 143, 173, 174 of Appendix 'A', as affected by this section, the following uses shall not be permitted unless existing at the date of passing of this By-law or the City of Kitchener has received acknowledgment from the Ministry of the Environment advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation:</p> <ul style="list-style-type: none"> Day Care Facility Duplex Dwelling Dwelling Unit Lodging House having 9 residents or more Multiple Dwelling 	401U(M)	<p>Within the lands zoned RES-4, MIX-2, SGA-2, SGA-3, or SGA-4 and shown as affected by this provision on Zoning Grid Schedules 73, 74, 75, 83, 84, 86, 119, 120, 122, 125, 126, 142, 143, 173, 174 of Appendix A, the following uses shall not be permitted unless existing at the date of passing of this By-law or the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation.</p> <ul style="list-style-type: none"> a) <i>Day Care Facility;</i> b) <i>Dwelling Unit;</i> c) <i>Home Occupation;</i> d) <i>Hotel;</i> e) <i>Lodging House;</i> f) <i>Residential Care Facility;</i> g) <i>School;</i> h) <i>Social Service Establishment.</i>

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION IN OLD ZONING BY-LAW	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN PROPOSED ZONING BY-LAW
	Residential Care Facility Single Detached Dwelling Street Townhouse Dwelling Tourist Home. (Amended: By-law 2012-139, S. 31)		
402U	Notwithstanding Sections 53.1 and 54.1 of this By-law, within the lands shown as affected by this subsection on Schedule 73 of Appendix "A" any new building constructed after the date of passing of this By-law used for a residential dwelling, day care facility, residential care facility, educational establishment or tourist home shall not be permitted until: a) The City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region's requirements have been satisfied with respect to the submission of a noise study addressing railway noise and vibration impacts and any necessary agreement has been entered into, between the Region and the Owner, providing for the implementation of any recommended noise mitigation measures; and b) a 15 metre setback from the lot line abutting the rail right-of-way is provided. (By-law 2010-108, S.24)	402U(M)	Within the lands zoned RES-6, SGA-2, or SGA-4 and shown as affected by this provision on Zoning Grid Schedule 73 of Appendix A, a <i>day care facility, dwelling unit, home occupation, hotel, lodging house, residential care facility, school, or social service establishment</i> shall not be permitted in any <i>new building</i> , except for where: a) <i>A building is setback a minimum of 15.0 metres from the lot line abutting the CN Rail right-of-way;</i> b) <i>A detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the Region of Waterloo.</i>
410U	Notwithstanding Sections 53.1 and 54.1 of this By-law, within the lands zoned MU-1 or MU-2 and shown as affected by this subsection on Schedules 83, 84 or 122 of Appendix "A", the following uses shall not be permitted unless existing on the date of passing of the By-law: Day Care Facility Duplex Dwelling Dwelling Unit Lodging House Multiple Dwelling Residential Care Facility Single Detached Dwelling Street Townhouse Dwelling Tourist Home. (By-law 2011-058, S.40) (Victoria Street North Mixed Use Corridor)	410U(M)	Within the lands zoned SGA-3 or SGA-4 and shown as affected by this provision on Zoning Grid Schedules 83, 84, 122 of Appendix A, the following uses shall not be permitted unless existing on the date of passing of this By-law. a) <i>Day Care Facility;</i> b) <i>Dwelling Unit;</i> c) <i>Home Occupation;</i> d) <i>Hotel;</i> e) <i>Lodging House;</i> f) <i>Residential Care Facility;</i> g) <i>School;</i> h) <i>Social Service Establishment.</i>
427U	Notwithstanding Sections 5.23a) and 17.1 of this By-law, within the lands zoned D-6 as shown as affected by this subsection on Schedule 84 of Appendix 'A', dwelling units, multiple dwellings, educational	427U(M)	Within the lands zoned SGA-3 or SGA-4 and shown as affected by this provision on Zoning Grid Schedule 84 of Appendix A, <i>day care facility, dwelling unit, home occupation, lodging house, school,</i>

<p>EXISTING PROVISION # NON PMTSA PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>establishments and day care facilities may be permitted subject to the completion of a detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, to the satisfaction of the Region of Waterloo. Any building or part thereof used for a residential dwelling, educational establishment and/or day care facility shall be located 30 metres from the lot line abutting the CN Rail right-of-way. Buildings or parts thereof used for the above noted uses may be permitted where a 30 metre setback from the lot line abutting the CN Rail right-of-way can be provided.</p> <p>(By-law 2013-030, S.6) (Regional Municipality of Waterloo)</p>		<p><i>large residential care facility, small residential care facility shall not be permitted in any building, except for where:</i></p> <ul style="list-style-type: none"> <i>c) A setback of 30.0 metres from the lot line abutting the CN Rail right-of-way has been provided for any parts of a building used for a day care facility, dwelling unit, lodging house, residential care facility, school, or social service establishment;</i> <i>d) A detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the Region.</i>
<p>450R</p>	<p>Notwithstanding Sections 54.2 and 5.23 of this by-law, within the lands zone MU-2 and shown as being affected by this subsection on Schedule 86 of Appendix "A":</p> <ul style="list-style-type: none"> a) the minimum yard abutting a residentially zoned property shall be 0.0 metres. b) the maximum building height: <ul style="list-style-type: none"> i) within Area A, as shown in Property Detail Schedule No. 42 of By-law 85-1, shall be 13.5 metres and 4 storeys, ii) within Area B, as shown in Property Detail Schedule No. 42 of By-law 85-1 shall be 22.0 metres and 6 storeys, and iii) within Area C, shown in Property Detail Schedule No. 42 of By-law 85-1 shall be 37.5 metres and 11 storeys. c) all new dwelling units, lodging houses and residential care facilities shall have a minimum setback of 15.0 metres from the lot line of the railway right-of-way and shall have along such lot line a berm; combination berm and fence; or a crash-wall having a minimum depth of 0.45m, designed to be vibration isolated, and designed in accordance with AECOM Submission Guidelines for Crash Walls, dated June 2005, last revised July 29, 2014, and to the satisfaction of CN Rail. d) dwelling units shall not be located at or below grade. <p>(Amended: By-law 2017-136, S.5) (588 & 600 Queen Street South)</p>	<p>450R(M)</p>	<p>Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 86 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) The minimum <i>side yard setback</i> abutting an open space zoned property shall be 0.0 metres b) The maximum <i>building height</i>: <ul style="list-style-type: none"> i) Within Area A, as shown in the image below, shall be 13.5 metres and 4 storeys; ii) Within Area B, as shown in the image below, shall be 22.0 metres and 6 storeys; iii) Within Area C, as shown in the image below, shall be 37.5 metres and 11 storeys. 

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			<p>c) <i>All new dwelling units, lodging houses and residential care facilities shall have a minimum setback of 15.0 metres from the lot line of the railway right-of-way and shall have along such lot line a berm; combination of berm and fence; or a crash wall having a minimum depth of 0.45 metres, designed to be vibration isolated and designed in accordance with AECOM Submission Guidelines for crash walls, dated June 2005, last revised July 29, 2014, and to the satisfaction of CN Rail</i></p> <p>d) <i>Dwelling units shall not be located at or below grade.</i></p>
<p>465U</p>	<p>Notwithstanding Section 55.1 of this By-law, within the lands zoned MU-3 as shown on Schedules 74 and 84 of Appendix 'A', as affected by this section, the following uses are prohibited:</p> <p>Commercial Entertainment Conference or Convention Facility Duplex Dwelling Dwelling Unit Home Business Hospice Hotel Lodging House Multiple Dwelling Museum Private Club or Lodge Religious Institution Residential Care Facility Single Detached Dwelling Street Townhouse Dwelling Tourist Home</p> <p>(By-law 2018-071, S.6) (LPAT Decision PL180723) (Breithaupt Block Phase 3)</p>	<p>465U(M)</p>	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedules 74 and 84 of Appendix A, the following uses shall not be permitted:</p> <p>a) <i>Commercial Entertainment;</i> b) <i>Conference, Convention, or Exhibition Facility;</i> c) <i>Cultural Facility;</i> d) <i>Dwelling Unit;</i> e) <i>Home Occupation;</i> f) <i>Hospice;</i> g) <i>Hotel;</i> h) <i>Lodging House;</i> i) <i>Place of Worship;</i> j) <i>Residential Care Facility;</i> k) <i>School;</i> l) <i>Social Service Establishment.</i></p>
<p>468U</p>	<p>i. Notwithstanding Section 55.1 of this By-law, within the lands zoned MU-3 as shown on Schedules 74 and 84 of Appendix 'A', as affected by this section, the following uses are prohibited:</p> <p>Commercial Entertainment Conference or Convention Facility Hotel Lodging House Museum Private Club or Lodge Religious Institution</p>	<p>468U(M)</p>	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedules 74 and 84 of Appendix A, the following shall apply:</p> <p>a) <i>Commercial Entertainment, Conference, Convention, or Exhibition Facility, Cultural Facility, Hotel, Lodging House, or Place of Worship shall not be permitted;</i> b) <i>Day Care Facility, Dwelling Unit, Hospice, Hotel, Lodging House, Residential Care Facility, School, or Social Service Establishment shall not be permitted unless the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation.</i></p>

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>
	<p>ii. Notwithstanding Sections 55.1 of this By-law, within the lands zoned MU-3 as shown on Schedules 74 and 84 of Appendix 'A', as affected by this section, the following uses shall not be permitted unless the City of Kitchener has received acknowledgment from the Ministry of the Environment advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation:</p> <p>Duplex Dwelling Home Business Hospice Lodging House Multiple Dwelling Private Home Day Care Residential Care Facility Single Detached Dwelling Street Townhouse Dwelling Tourist Home</p> <p>(By-law 2018-071, S.7) (LPAT Decision PL180723) (Breithaupt Block Phase 3)</p>		
482U	<p>Notwithstanding Section 55.1 of this By-law, within the lands zoned MU-3 as shown on Schedules 74 and 84 of Appendix "A", and as shown as being affected by this subsection, a brew house and/or craft distillery shall be permitted.</p> <p>(By-law 2021-067, S.7) (607-641 King Street West)</p>	482U(M)	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedules 74 and 84 of Appendix A, a <i>brewpub</i> shall be permitted.</p>
535R	<p>Notwithstanding Section 55.2 and Special Regulation Provision 544R of Appendix "D" of this Bylaw, within the lands zoned MU-3 as shown as affected by this subsection on Schedules 119 and 143 of Appendix "A", the following special regulations shall apply:</p> <p>a) for any portion of a building greater than 13.5 metres in height a minimum of 4.5 metres of additional setback shall be provided from the King Street East, Stirling Avenue South and Charles Street East property lines; and</p> <p>b) no building or structure having a height greater than 0.9 metres shall be permitted within the area defined by Property Detail Schedule 31 of Appendix "B"; and</p> <p>c) the maximum yard setback from the Charles Street street line shall be 3.0 metres beyond the area defined by Property Detail Schedule</p>	535R(M)	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedules 119 and 143 of Appendix A, the following shall apply:</p> <p>a) No <i>building or structure</i> having a height greater than 0.9 metres shall be permitted within the area defined in the image below</p> <p>b) The maximum <i>exterior side yard setback</i> from the Charles Street <i>street line</i> shall be 3.0 metres beyond the area defined in the image below, or 7.5 metres from the <i>street line</i>, whichever shall be greater</p>

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	<p>31 of Appendix "B" or 7.5 metres from the street line, whichever shall be greater.</p> <p>(By-law 2010-156, S.54)</p>		
563R	<p>Notwithstanding Section 53.2 of this By-law, within the lands zoned MU-1 and shown as affected by this subsection on Schedules 83, 84 and 122 of Appendix "A" the following special regulations shall apply:</p> <ul style="list-style-type: none"> a) introduction of new accesses to Hermie Place shall not be permitted; b) outdoor storage of goods, materials or equipment shall not be permitted within 15.0 metres of the Hermie Place street line, with the exception of deep well waste systems which may be permitted if setback a minimum of 4.5 metres from the Hermie Place street line; c) the minimum side yard shall be 3.0 metres; d) for the purpose of provisions (e) and (f) the rear lot lines shall be defined as the southeasterly property lines coincident with the Hermie Place street line and the property lines shared with properties municipally addressed as 14, 18, 22, 26 or 30 St. Leger Street; e) the minimum rear yard setback shall be 7.5 metres; and f) the maximum building height shall be 7.5 metres, however, the building height may be increased to a maximum of 16.5 metres provided 	563R(M)	<p>Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedules 83, 84, 122 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) <i>New driveways</i> providing vehicular access to and from Hermie Place shall not be permitted; b) <i>Outdoor storage</i> shall be <i>set back</i> 15.0 metres from the <i>lot line</i> abutting Hermie Place, except for deep well waste systems which may be permitted within 4.5 metres from the Hermie Place <i>lot line</i>; c) The minimum <i>side yard setback</i> shall be 3.0 metres. d) The <i>rear lot line</i> shall be the <i>lot line</i> abutting Hermie Place and the <i>lot lines</i> abutting the <i>lots</i> municipally addressed as 14, 18, 22, 26, or 30 St. Leger Street;

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	<p>that any building or portion thereof greater than 7.5 metres in height is set back a minimum of 15.0 metres from the rear lot line. (By-law 2011-058, S.41) (Victoria Street North Mixed Use Corridor)</p>		
<p>716R</p>	<p>716. Notwithstanding Sections 6.1.2a), 6.1.2b), 6.1.2d), and 55.2 of this By-law, within the lands zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection, on Schedules 74 and 84 of Appendix "A", a mixed-use development shall be permitted in accordance with the following: a. The required off-street parking for all uses shall be 1 parking space per 93 space metres of gross floor area. b. All off-street parking provided on the lands shall be located at or below grade. c. A minimum of 1 bicycle parking space, which is either in a building or structure or within a secure area such as a supervised parking lot or enclosure with a secure entrance or within a bicycle locker, per 333 square metres of gross floor area of all uses shall be provided. d. A minimum of 1 bicycle parking space, which is located in accessible and highly visible locations near the entrance of .a building and are accessible to the general public, per 500 square metres of gross floor area of all uses shall be provided. e. The front yard shall be the lot line abutting Breithaupt Street. f. The maximum Floor Space Ratio shall be 4.5.</p>	<p>716R(M)</p>	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedules 74 and 84 of Appendix A, a mixed-use development shall be permitted in accordance with the following:</p> <ul style="list-style-type: none"> a) The required off-street parking for all uses shall be 1 <i>parking space</i> per 93 square metres of <i>gross floor area</i>; b) All off-street parking provided on the lands shall be located at or <i>below grade</i>; c) A minimum of 1 bicycle parking space, which is either in a building or structure or within a secure area such as a supervised parking lot or enclosure with a secure entrance or within a bicycle locker, per 333 square metres of <i>gross floor area</i> of all <i>uses</i> shall be provided; d) A minimum of 1 bicycle parking space, which is located in accessible and highly visible locations near the entrance of a <i>building</i> and are accessible to the general public, per 500 square metres of <i>gross floor area</i> of all uses shall be provided; e) The front <i>yard</i> shall be the <i>lot line</i> abutting Breithaupt Street; f) The maximum <i>floor space ratio</i> shall be 4.5.
<p>717R</p>	<p>Notwithstanding Sections 55.2 of this By-law, within the lands zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection, on Schedules 74 and 84 of Appendix "A", a mixed-use development shall be permitted in accordance with the following:</p> <ul style="list-style-type: none"> a. The rear yard shall be lot line abutting Wellington Street North. <ul style="list-style-type: none"> i. The minimum rear yard abutting a street along Wellington Street North for any portion of a building with a height less than 21.0 metres shall be 15.0 metres. ii. The minimum rear yard abutting a street along Wellington Street North for any portion of a building with a height greater than 21.0 metres shall be 31.5 metres. b. A building used for access to underground parking which is combined with an amenity or landscape feature shall not be subject to regulation a above. c. The maximum building height is 50 metres. d. The minimum front yard setback from Breithaupt Street and the minimum side yard abutting a street setback from Moore Avenue shall be 0.0 metres. 	<p>717R(M)</p>	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedules 74 and 84 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) The <i>rear lot line</i> shall be the <i>lot line</i> abutting Wellington Street North; <ul style="list-style-type: none"> i) The minimum <i>rear yard setback</i> shall be 15.0 metres for any portion of a <i>building</i> with a <i>building height</i> of less than 21.0 metres; ii) The minimum <i>rear yard setback</i> shall be 31.5 metres for any portion of a <i>building</i> with a <i>building height</i> of less than 21.0 metres; b) A <i>building</i> used for access to underground parking which is combined with an amenity of landscape feature shall not be subject to regulation a) above; c) The maximum <i>building height</i> shall be 50.0 metres; d) The minimum <i>front yard setback</i> from Breithaupt Street shall be 0 metres for any portion of a <i>building</i>; e) The minimum <i>exterior side yard setback</i> from Moore Avenue shall be 0 metres for any portion of a <i>building</i>.

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	(By-law 2018-071, S.9) (LPAT Decision PL180723) (Breithaupt Block Phase 3)		
718R	Notwithstanding Sections 55.2 of this By-law, within the lands zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection, on Schedules 74 and 84 of Appendix "A", a mixed-use development shall be permitted in accordance with the following: a. The maximum building height is 18 metres. b. The minimum distance between a building and the closest residential zone is 7.5 metres. (By-law 2018-071, S.10) (LPAT Decision PL180723) (Breithaupt Block Phase 3)	718R(M)	Within the lands zoned SGA-3 and shown as affected by this provision on Schedules 74 and 84 of Appendix A, the following shall apply: a) The maximum <i>building height</i> shall be 18.0 metres; b) The minimum <i>side yard setback</i> where the <i>lot</i> abuts a <i>lot</i> with an SGA-2 zone shall be 7.5 metres.
719R	A) Definitions For the purpose of this regulation: a) "Tall Building" shall mean any building that is 9 storeys or more; b) "Tower" shall mean the 'middle' portion of a Tall Building connecting the Base or Podium to the top and housing the primary function; c) "Base" or "Podium" includes the ground floor and any additional floors with a direct relationship to the streetscape and public realm. This can include multistorey podiums, portions of a Tower which extend to the ground floor and structured parking areas; d) "Floor Plate" shall mean the building floor area of the Tower portion of the building; e) "Public Art" shall mean visual art integrated into the building design or provided on site which is accessible and visible to the general public; f) "Streetscape" shall mean those functional and decorative elements that are placed, laid, erected, planted or suspended within a public or communal urban space. They include public utilities and amenities, visible elements of service infrastructure, street lights, traffic signs and signals, street trees and other horticultural elements, general public furniture, advertising signs and decorations. B) Notwithstanding Section 55.2.1, Section 55.2.2.1, Section 6.1.2a), and 6.1.2b)vi)B) of this By-law, within the lands zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection, on Schedule 120 of Appendix "A", a mixed use building shall be permitted in accordance with the following: Design Standards & Parking a) The maximum Floor Space Ratio shall be 7.1; b) The minimum front, side yard abutting streets and rear yard for a Podium with a maximum height of five storeys shall be 0.0 metres; c) The minimum setback for a tower above the Podium is 2.8 metres; d) The maximum heights of two Tall Buildings are 72 metres and 59.5 metres; e) The minimum parking shall be required at a rate of 0.84 spaces per residential unit; f) The minimum visitor parking rate shall be 10% of the total required residential parking; g) The minimum parking requirement for permitted commercial uses shall be 1 space per 55 square metres of gross floor area of the retail space; h) The maximum	719R(M)	Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedule 120 of Appendix A, the following shall apply: a) Definitions For the purpose of this regulation: i) "Tall Building" shall mean any <i>building</i> that is 9 storeys or more; ii) "Tower" shall mean the 'middle' portion of a Tall Building connecting the Base or Podium to the top and housing the primary function; iii) "Base" or "Podium" includes the ground floor and any additional floors with a direct relationship to the streetscape and public realm. This can include multistorey podiums, portions of a Tower which extend to the ground floor and structured parking areas; iv) "Floor Plate" shall mean the building floor area of the Tower portion of the <i>building</i> ; v) "Public Art" shall mean visual art integrated into the building design or provided on site which is accessible and visible to the general public; vi) "Streetscape" shall mean those functional and decorative elements that are placed, laid, erected, planted or suspended within a public or communal urban space. They include public utilities and amenities, visible elements of service infrastructure, street lights, traffic signs and signals, street trees and other horticultural elements, general public furniture, advertising signs and decorations. b) The maximum <i>Floor Space Ratio</i> shall be 7.1; c) The minimum <i>front yard setback</i> and <i>side yard setback</i> abutting streets and <i>rear yard setback</i> for a Podium with a maximum height of five storeys shall be 0.0 metres; d) The minimum setback for a tower above the Podium is 2.8 metres; e) The maximum <i>building heights</i> of two Tall Buildings are 72 metres and 59.5 metres; f) The minimum parking shall be required at a rate of 0.84 <i>parking spaces</i> per <i>dwelling unit</i> ; g) The minimum visitor parking rate shall be 10% of the total required residential <i>parking spaces</i> ; h) The minimum parking requirement for permitted <i>commercial uses</i> shall be 1 space per 55 square metres of <i>gross floor area</i> of the <i>retail space</i> ; i) The maximum permitted <i>gross floor area</i> of <i>retail space</i> shall be 1169 square metres; j) Bonusing Regulations Pursuant to Section 37 of the Planning Act, the density (FSR) of development permitted by this By-law are subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site the following community

<p>EXISTING PROVISION # NON PMTSA PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>permitted gross floor area of retail space shall be 1169 square metres. Bonusing Regulations Pursuant to Section 37 of the Planning Act, the density (FSR) of development permitted by this By-law are subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site the following community benefits listed below, the provisions of which shall be secured by an agreement pursuant to Section 37 of the Planning Act: a) Transportation Demand Management Measures including, bicycle parking stalls, subsidized transit passes, bicycle repair stations and unbundled parking spaces; b) Provision of a transit shelter; c) Provision of an indoor space for non-profit arts, cultural, community or institutional use; d) Contribution to affordable housing; e) Provision of streetscape enhancements; f) Provision of public art. Upon execution and registration of an agreement with the owner of the site pursuant to Section 37 of the Planning Act, securing the provisions of the facilities, services and matters listed above, the site is subject to the provisions of this By-law, provided that in the event the said agreement requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements</p>		<p>benefits listed below, the provisions of which shall be secured by an agreement pursuant to Section 37 of the Planning Act:</p> <ul style="list-style-type: none"> i) Transportation Demand Management Measures including, bicycle parking stalls, subsidized transit passes, bicycle repair stations and unbundled parking spaces; ii) Provision of a transit shelter; iii) Provision of an indoor space for non-profit arts, cultural, community or institutional use; iv) Contribution to affordable housing; v) Provision of streetscape enhancements; vi) Provision of public art. Upon execution and registration of an agreement with the owner of the site pursuant to Section 37 of the Planning Act, securing the provisions of the facilities, services and matters listed above, the site is subject to the provisions of this By-law, provided that in the event the said agreement requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.
<p>722R</p>	<p>a) Notwithstanding Section 4 of this By-law, for the lands zoned MU-3, as shown on Schedules 74 and 84 of Appendix "A", the following additional definitions shall apply:</p> <ul style="list-style-type: none"> i. "Tall Building" shall mean any residential or mixed use building containing residential uses that is 9 storeys or more; ii. "Tower" shall mean the 'middle' portion of a Tall Building connecting the Base to the top and housing the residential use; iii. "Base" shall mean the ground floor and any additional floors with a direct relationship to the streetscape and public realm. This can include multi-storey podiums, portions of a Tower which extend to the ground floor and above grade structured parking areas; iv. "Tower Floor Plate" shall mean the building floor area of a typical storey of the Tower portion of the building; v. "Heritage House" shall mean the original structure constructed in 1897 which has cultural heritage significance and has historically been known or referred to as the 'Kaufman House'; vi. "Crash Wall" shall mean the structure that meets accepted 	<p>722R(M)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedules 74 and 84 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) For the purposes of regulations (b) to (h), the following definitions shall apply: <ul style="list-style-type: none"> i) "Tall Building" shall mean any residential or mixed use <i>building</i> containing <i>residential uses</i> that is 9 storeys or more; ii) "Tower" shall mean the 'middle' portion of a Tall Building connecting the Base to the top and housing the <i>residential use</i>; iii) "Base" shall mean the ground floor and any additional floors with a direct relationship to the streetscape and public realm. This can include multi-storey podiums, portions of a Tower which extend to the ground floor and above grade structured parking areas; iv) "Tower Floor Plate" shall mean the Building Floor Area of a typical storey of the Tower portion of the <i>building</i>; v) "Heritage House" shall mean the original structure constructed in 1897 which has cultural heritage significance and has historically been known or referred to as the 'Kaufman House'; vi) "Crash Wall" shall mean the <i>structure</i> that meets accepted safety standard that is intended to provide protection from a potential derailment; vii) "Below Grade" shall mean any portion of a <i>building</i> where the finished grade meets the exterior wall at an elevation not more than 0.5 metres below the elevation of the underside of an interior ceiling and the maximum slope taken from the closest <i>lot line</i> is not more than 18 degrees (3:1 slope). In the case where a retaining wall has been installed to meet these criteria, that portion of the <i>building</i> shall in no way be considered to be below grade; viii) "Building Floor Area" shall mean the aggregate horizontal floor area measured from the exterior walls of all storeys of a <i>building</i> excluding any floor area located below grade. The

<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>safety standard that is intended to provide protection from a potential derailment;</p> <p>vii. "Below Grade" shall mean any portion of a building where the finished grade meets the exterior wall at an elevation not more than 0.5 metres below the elevation of the underside of an interior ceiling and the maximum slope taken from the closest lot line is not more than 18 degrees (3:1 slope). In the case where a retaining wall has been installed to meet these criteria, that portion of the building shall in no way be considered to be below grade;</p> <p>viii. "Building Floor Area" shall mean the aggregate horizontal floor area measured from the exterior walls of all storeys of a building excluding any floor area located below grade. The midpoint of a common wall shall be considered the face of the exterior in the case of common walls located on a lot line;</p> <p>b) Notwithstanding Sections 5.23, of this By-law, for the lands zoned MU-3, as shown on Schedules 74 and 84 of Appendix "A":</p> <p>i. No minimum setback shall be required for any building or part thereof devoted to parking or to non-residential use; and</p> <p>ii. The setback from the railway to any building or part thereof used for residential dwellings shall be a minimum of 30 metres. The setback may be measured as the sum total of the following two measurements provided that a crash wall, or combination berm and fence are provided within the horizontal setback between the residential use and the lot line abutting the CN Rail right-of-way;</p> <p>iii. The horizontal setback to the residential use from the lot line abutting the CN Rail rightof-way; and iv. The vertical distance from the finished elevation of the CN railway line at the centerline of the tracks to the finished elevation of the residential use.</p> <p>c) Notwithstanding Section 6.1.2 a), 6.1.2 b)ii)Ab), 6.1.2b) iv), 6.1.2b)vi), 6.1.2b)vii) and 6.1.2d) of this Bylaw, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix "A", the following special regulation shall apply:</p> <p>i. All required off-street parking shall be provided on a per-phase basis, to be calculated based on the uses proposed for the respective phase and all previously completed phases;</p>		<p>midpoint of a common wall shall be considered the face of the exterior in the case of common walls located on a lot line;</p> <p>b) <i>Setbacks from Railways shall be in accordance with Section 4.16 of this By-law, with the following special regulations:</i></p> <p>i) <i>No minimum setback shall be required for any building or part thereof devoted to parking or to non-residential use; and</i></p> <p>ii) <i>The setback from the railway to any building or part thereof used for residential dwellings shall be a minimum of 30 metres. The setback may be measured as the sum total of the following two measurements provided that a Crash Wall, or combination berm and fence are provided within the horizontal setback between the residential use and the lot line abutting the CN Rail right-of-way;</i></p> <p>iii) <i>The horizontal setback to the residential use from the lot line abutting the CN Rail right-of-way; and</i></p> <p>iv) <i>The vertical distance from the finished elevation of the CN railway line at the centerline of the tracks to the finished elevation of the residential use.</i></p> <p>c) <i>Parking on the subject lands shall be subject to the following regulations:</i></p> <p>i) <i>All required off-street parking spaces shall be provided on a per-phase basis, to be calculated based on the uses proposed for the respective phase and all previously completed phases;</i></p> <p>ii) <i>Underground parking spaces shall have a minimum dimension of 2.6 m in width and 5.5 m in length;</i></p> <p>iii) <i>Underground parking is permitted with a setback of 0 metres from King Street and 0 metres from Wellington Street.</i></p> <p>iv) <i>Required off-street parking spaces (including visitor parking) may be shared among the permitted uses;</i></p> <p>v) <i>Required off-street parking spaces for residential uses shall be provided at a rate of 0.65 spaces per unit (including visitor parking);</i></p> <p>vi) <i>Required off-street parking spaces for non-residential uses (including office and retail) shall be provided at a rate of 1 space per 69 square metres of gross floor area;</i></p> <p>vii) <i>Off-street parking spaces shall not be required for non-residential uses (including any community space) with a gross floor area of less than 1500 square metres;</i></p> <p>viii) <i>A shared parking reduction of 15% shall be applied to the total parking requirement;</i></p> <p>ix) <i>A minimum of 20% of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment; and</i></p> <p>x) <i>Where the calculation of the total required electric vehicle parking spaces or parking spaces designed to permit the future installation of electric vehicle supply equipment results in a fraction, then the requirement shall be the next lowest number.</i></p> <p>xi) <i>The number of parking spaces required for any non-residential uses requiring shower and change facilities may be reduced by 1 parking space per required shower.</i></p>

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	<p>ii. Underground parking spaces shall have a minimum dimension of 2.6 m in width and 5.5 m in length;</p> <p>iii. Underground parking is permitted with a setback of 0 metres from King Street and 0 metres from Wellington Street.</p> <p>iv. Required off-street parking (including visitor parking) may be shared among the permitted uses;</p> <p>v. Required off-street parking for residential uses shall be provided at a rate of 0.65 spaces per unit (including visitor parking);</p> <p>vi. Required off-street parking for non-residential uses (including office and retail) shall be provided at a rate of 1 space per 69 square metres of gross floor area;</p> <p>vii. Off-street parking shall not be required for non-residential uses (including any community space) with a gross floor area of less than 1500 square metres;</p> <p>viii. A shared parking reduction of 15% shall be applied to the total parking requirement;</p> <p>ix. A minimum of 20% of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment; and</p> <p>x. Where the calculation of the total required electric vehicle parking spaces or parking spaces designed to permit the future installation of electric vehicle supply equipment results in a fraction, then the requirement shall be the next lowest number.</p> <p>d) Notwithstanding Section 6 of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix "A", the following additional regulations shall apply:</p> <p>i. For Multiple Residential uses, the minimum requirement for Class A bicycle parking stalls shall be 0.5 Class A Bicycle Stalls per unit.</p> <p>ii. For Office uses, the minimum requirement for Class A Bicycle Parking Stalls shall be 1 per 500 m2 of GFA.</p>		<p>d) Bicycle Parking on the subject lands shall be subject to the following regulations:</p> <p>i) The minimum requirement for <i>Class A bicycle parking stalls</i> shall be 0.5 <i>Class A Bicycle parking stalls per dwelling unit</i>.</p> <p>ii) For <i>Office uses</i>, the minimum requirement for <i>Class A Bicycle Parking Stalls</i> shall be 1 per 500 m2 of <i>gross floor area</i>.</p> <p>iii) For <i>Retail uses</i>, the minimum requirement for <i>Class A Bicycle Parking Stalls</i> shall be 1 per 1,000 m2 of <i>gross floor area</i>.</p> <p>iv) <i>Shower and change facilities</i> shall be provided in conjunction with the <i>Class A bicycle parking stalls</i> required for any non-residential uses in accordance with the following table:</p> <table border="1" data-bbox="1637 657 2909 915"> <thead> <tr> <th>Required Number of Class A Bicycle Parking Stalls</th> <th>Minimum Total Area of Shower and Change Facilities</th> <th>Minimum Number of Showers within Shower and Change Facilities</th> </tr> </thead> <tbody> <tr> <td>5-60</td> <td>8 m2</td> <td>2 showers</td> </tr> <tr> <td>61-120</td> <td>12 m2</td> <td>4 showers</td> </tr> <tr> <td>121-180</td> <td>16 m2</td> <td>6 showers</td> </tr> <tr> <td>Greater than 180</td> <td>20 m2</td> <td>8 showers</td> </tr> </tbody> </table> <p>v) Notwithstanding the above, <i>shower and change facilities</i> shall not be required for individual non-residential units with an area of 1,000 m2 or less.</p> <p>e) <i>Buildings</i> on the subject lands shall be subject to the following regulations:</p> <p>i) No minimum <i>setback</i> from the abutting railway shall be required for any <i>building</i> or part thereof devoted to parking or to non-residential use;</p> <p>ii) <i>Dwelling units</i> shall be permitted on the ground floor of a <i>mixed use building</i>;</p> <p>iii) The minimum width of a primary ground floor <i>façade</i> shall be 0%;</p> <p>iv) The maximum <i>Floor Space Ratio</i> (FSR) shall be 7.5;</p> <p>v) The maximum <i>gross floor area</i> for an individual <i>retail</i> outlet may exceed 1,000 metres squared;</p> <p>vi) A maximum <i>gross floor area</i> of 10,000 metres squared of non-residential uses is permitted. <i>Office</i> use shall not be included for the purpose of the non-residential <i>gross floor area</i> cap of 10,000 metres squared;</p> <p>vii) The minimum percentage of non-residential uses required shall be 0%.</p> <p>viii) The maximum residential Tower Floor Plate for a Tall Building shall be 850 square metres.</p> <p>ix) The maximum Base height for a residential Tall Building shall be 24 metres.</p> <p>f) The Heritage House on the subject lands shall be subject to the following regulations:</p> <p>i) No <i>buildings</i> shall be permitted between the Heritage House and the King Street <i>street line</i>;</p> <p>ii) A porch attached to the Heritage House shall be permitted between the <i>building</i> and the King Street <i>street line</i> and the maximum height regulation of Section 4.14.7 b) shall not apply;</p>	Required Number of Class A Bicycle Parking Stalls	Minimum Total Area of Shower and Change Facilities	Minimum Number of Showers within Shower and Change Facilities	5-60	8 m2	2 showers	61-120	12 m2	4 showers	121-180	16 m2	6 showers	Greater than 180	20 m2	8 showers
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	<p>iii. For Retail uses, the minimum requirement for Class A Bicycle Parking Stalls shall be 1 per 1,000 m² of GFA.</p> <p>iv. Shower and change facilities shall be provided in conjunction with the Class A bicycle parking stalls required for any non-residential uses in accordance with the following table:</p> <table border="1" data-bbox="463 574 1355 862"> <thead> <tr> <th>Required Number of Class A Bicycle Parking Stalls</th> <th>Minimum Total Area of Shower and Change Facilities</th> <th>Minimum Number of Showers within Shower and Change Facilities</th> </tr> </thead> <tbody> <tr> <td>5-60</td> <td>8 m²</td> <td>2 showers</td> </tr> <tr> <td>61-120</td> <td>12 m²</td> <td>4 showers</td> </tr> <tr> <td>121-180</td> <td>16 m²</td> <td>6 showers</td> </tr> <tr> <td>Greater than 180</td> <td>20 m²</td> <td>8 showers</td> </tr> </tbody> </table> <p>iv. Notwithstanding the above, shower and change facilities shall not be required for individual non-residential units with an area of 1,000 m² or less.</p> <p>v. The number of parking spaces required for any non-residential uses requiring shower and change facilities may be reduced by 1 parking space per required shower.</p> <p>e) Notwithstanding Sections 55.2.1, and 55.2.2, and 55.2.2.2 of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix “A”, the following special regulations shall apply:</p> <p>i. No minimum setback from the abutting railway shall be required for any building or part thereof devoted to parking or to non-residential use;</p> <p>ii. Dwelling units shall be permitted on the ground floor of a mixed use building;</p> <p>iii. The minimum width of a primary ground floor façade shall be 0%;</p> <p>iv. The maximum Floor Space Ratio (FSR) shall be 7.5;</p> <p>v. The maximum gross floor area for an individual retail outlet may</p>	Required Number of Class A Bicycle Parking Stalls	Minimum Total Area of Shower and Change Facilities	Minimum Number of Showers within Shower and Change Facilities	5-60	8 m ²	2 showers	61-120	12 m ²	4 showers	121-180	16 m ²	6 showers	Greater than 180	20 m ²	8 showers		<p>iii) A canopy over the <i>building</i> entrance of the Heritage House may be permitted between the <i>building</i> and the King Street <i>street line</i> and the maximum projection regulation of Section 4.14.3 b) shall not apply;</p> <p>iv) The minimum horizontal separation distance from the Heritage House to a new <i>building</i> up to 8.0 metres in height to its northwest shall be 5.5 metres;</p> <p>v) The minimum horizontal separation distance from the Heritage House to a new <i>building</i> above 9.5 metres in height to its northwest shall be 18.5 metres;</p> <p>vi) The minimum horizontal separation distance from the Heritage House to a new <i>building</i> up to 8.0 metres in height to its southeast shall be 11.5 metres;</p> <p>vii) The minimum horizontal separation distance from the Heritage House to a new <i>building</i> above 8.0 metres in height to its southeast shall be 40 metres;</p> <p>viii) A <i>building</i> addition of up to 6.0 metres in depth may be permitted along the rear elevation of the Heritage House;</p> <p>ix) The minimum horizontal separation distance from the Heritage House to a <i>building</i> above 8.0 metres in height to its southwest shall be 17.5 metres;</p> <p>x) The Heritage House shall be deemed to comply to all applicable zoning regulations, including yards, building height, façade regulations and floor space ratio; and</p> <p>xi) <i>Retail</i> and other non-residential uses shall be permitted in the Heritage House and shall not be required to be located only on the ground floor with other permitted uses in upper floors of the Heritage House.</p> <p>g) Any <i>building</i> or portion of a <i>building</i> within 45 metres of the King Street <i>street line</i> shall also be subject to the following regulations:</p> <p>i) The minimum <i>setback</i> from the <i>lot line</i> shared with the railway shall be 0.0 metres for a Crash Wall and 5.0 metres for a <i>building</i> used for parking or non-residential use where no Crash Wall is provided;</p> <p>ii) The minimum <i>setback</i> from the King Street <i>street line</i> shall be 1.5 metres except if located within 105 metres of the Wellington Street <i>street line</i>, in which case it shall be 4.5 metres with a maximum <i>building height</i> of 8.0 metres;</p> <p>iii) The maximum <i>setback</i> to the King Street <i>street line</i> shall be 7.5 metres except if located within 110 metres of the Wellington Street <i>street line</i>, in which case there shall be no maximum <i>setback</i>;</p> <p>iv) For a <i>building</i> with frontage on King Street, a minimum stepback from the King Street <i>façade</i> Base of a Tall Building to a Tower shall be 3.0 metres;</p> <p>v) The minimum <i>setback</i> from the Wellington Street <i>street line</i> shall be 1.5 metres. Ground level patios may encroach within this <i>setback</i>;</p> <p>vi) The maximum <i>setback</i> from the Wellington Street <i>street line</i> shall be 7.5 metres;</p> <p>vii) A minimum stepback from the Wellington Street <i>façade</i> Base of a Tall Building to a Tower shall be 3.0 metres;</p> <p>viii) A <i>building</i> having frontage on King Street as well as Wellington Street:</p> <p>1) Shall be subject to the <i>façade</i> openings regulations of Section 55.2.1 of this By-law in relation to the King Street <i>façade</i>; and</p>
Required Number of Class A Bicycle Parking Stalls	Minimum Total Area of Shower and Change Facilities	Minimum Number of Showers within Shower and Change Facilities																
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<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>exceed 1,000 metres squared;</p> <p>vi. A maximum gross floor area of 10,000 metres squared of non-residential uses is permitted. Office use shall not be included for the purpose of the non-residential gross floor area cap of 10,000 metres squared;</p> <p>vii. The minimum percentage of non-residential uses required shall be 0%. The maximum residential Tower Floor Plate for a Tall Building shall be 850 square metres.</p> <p>viii. The maximum Base height for a residential Tall Building shall be 24 metres.</p> <p>f) Notwithstanding Section 55.2. of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix "A", the following additional regulations shall apply in relation to the Heritage House:</p> <p>i. No buildings shall be permitted between the Heritage House and the King Street street line;</p> <p>ii. A porch attached to the Heritage House shall be permitted between the building and the King Street street line and the maximum height regulation of Section 5.6.A.4) a) shall not apply;</p> <p>iii. A canopy over the building entrance of the Heritage House may be permitted between the building and the King Street street line and the maximum projection regulation of Section 5.6.2a) shall not apply;</p> <p>iv. The minimum horizontal separation distance from the Heritage House to a new building up to 8.0 metres in height to its northwest shall be 5.5 metres;</p> <p>v. The minimum horizontal separation distance from the Heritage House to a new building above 9.5 metres in height to its northwest shall be 18.5 metres;</p> <p>vi. The minimum horizontal separation distance from the Heritage House to a new building up to 8.0 metres in height to its southeast shall be 11.5 metres;</p>		<p>2) Shall not be subject to the <i>façade</i> openings regulations of Section 55.2.1 of this Bylaw in relation to the Wellington Street <i>façade</i>.</p> <p>ix) Canopies and stairs shall be subject to a 0.0 metre minimum <i>setback</i> in relation to the King Street <i>street line</i>.</p> <p>h) Any <i>building</i> or portion of a <i>building</i> that is not within 45 metres of the King Street <i>street line</i> shall also be subject to the following regulations:</p> <p>I) Within 7 metres of the Wellington Street <i>street line</i> the maximum height shall be 15 metres; and</p> <p>II) The minimum <i>setback</i> to the Tower portion of a Tall Building from the southern <i>lot line</i> shall be 7.5 metres.</p>

<p>EXISTING PROVISION # NON PMTSA PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>vii. The minimum horizontal separation distance from the Heritage House to a new building above 8.0 metres in height to its southeast shall be 40 metres;</p> <p>viii. A building addition of up to 6.0 metres in depth may be permitted along the rear elevation of the Heritage House;</p> <p>ix. The minimum horizontal separation distance from the Heritage House to a building above 8.0 metres in height to its southwest shall be 17.5 metres;</p> <p>x. The Heritage House shall be deemed to comply to all applicable zoning regulations, including yards, building height, façade regulations and floor space ratio; and</p> <p>xi. Retail and other non-residential uses shall be permitted in the Heritage House and shall not be required to be located only on the ground floor with other permitted uses in upper floors of the Heritage House.</p> <p>g) Notwithstanding Section 55.2. of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix “A”, the following additional regulations shall apply within 45 metres of the King Street street-line:</p> <p>i. The minimum setback from the lot line shared with the railway shall be 0.0 metres for a crash wall and 5.0 metres for a building used for parking or non-residential use where no crash wall is provided;</p> <p>ii. The minimum setback from the King Street street line shall be 1.5metres except if located within 105 metres of the Wellington Street street line, in which case it shall be 4.5 metres with a maximum building height of 8.0 metres;</p> <p>iii. The maximum setback to the King Street street line shall be 7.5 metres except if located within 110 metres of the Wellington Street street line, in which case there shall be no maximum setback;</p> <p>iv. For a building with frontage on King Street, a minimum stepback from the King Street façade Base of a Tall Building to a Tower shall be 3.0 metres;</p>		

<p>EXISTING PROVISION # NON PMTSA PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>v. The minimum setback from the Wellington Street street line shall be 1.5 metres. Ground level patios may encroach within this setback;</p> <p>vi. The maximum setback from the Wellington Street street line shall be 7.5 metres;</p> <p>vii. A minimum stepback from the Wellington Street façade Base of a Tall Building to a Tower shall be 3.0 metres;</p> <p>ix. A building having frontage on King Street as well as Wellington Street: i. Shall be subject to the façade openings regulations of Section 55.2.1 of this By-law in relation to the King Street façade; and ii. Shall not be subject to the façade openings regulations of Section 55.2.1 of this Bylaw in relation to the Wellington Street façade.</p> <p>x. Canopies and stairs shall be subject to a 0.0 metre minimum setback in relation to the King Street street line.</p> <p>h) Notwithstanding Section 55.2. of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix “A”, the following additional regulations shall apply if greater than 45 metres of the King Street street-line:</p> <p>i. Within 7 metres of the Wellington Street street line the maximum height shall be 15 metres; and</p> <p>iii. The minimum setback to the Tower portion of a Tall Building from the southern lot line shall be 7.5 metres.</p> <p>(By-law 2021-067, S.8) (607-641 King Street West)</p>		
<p>738R</p>	<p>Notwithstanding Section 42.2 of this by-law, within the lands zoned R-8 and shown as being affected by this subsection on Schedule Numbers 86 and 87 of Appendix “A”:</p> <p>a) The minimum front yard setback is 4.6 metres;</p> <p>b) The minimum rear yard shall be 3.3 metres;</p> <p>c) The minimum westerly side yard shall be 4.4 metres;</p> <p>d) The minimum easterly side yard shall be 5.9 metres;</p> <p>d) The maximum building height shall be 17 metres or 6 storeys;.</p> <p>e) The maximum floor space ratio is 2.0;</p> <p>f) The minimum visitor parking rate shall be 10% of the required parking.</p>	<p>738R(M)</p>	<p>Within the lands zoned RES-6 and shown as affected by this provision on Zoning Grid Schedules 86 and 87 of Appendix A, the following shall apply:</p> <p>a) The minimum <i>front yard setback</i> shall be 4.6 metres;</p> <p>b) The minimum <i>rear yard setback</i> shall be 3.3 metres;</p> <p>c) The minimum <i>westerly side yard setback</i> shall be 4.4 metres;</p> <p>d) The minimum <i>easterly side yard setback</i> shall be 5.9 metres;</p> <p>e) The maximum <i>building height</i> shall be 17 metres or 6 storeys;.</p> <p>f) The maximum <i>floor space ratio</i> is 2.0;</p> <p>g) The minimum <i>visitor parking rate</i> shall be 10% of the required <i>parking spaces</i>.</p>

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>																														
	(By-law 2018-104, S.3) (270 Spadina Road East)																																
755R	<p>i. Notwithstanding Sections 4 and 41.2 of this By-law, within the lands zoned Residential Seven Zone (R-7), shown as affected by this subsection, on Schedule 120 of Appendix "A", a Multiple Dwelling and mixed-use building shall be permitted in accordance with the following:</p> <ol style="list-style-type: none"> a. The minimum lot width shall be 30.0 metres. b. The minimum front yard setback shall be 3.0 metres. c. The minimum side yard abutting a street shall be 3.0 metres. d. The minimum side yard shall be 4.5 metres. e. The minimum rear yard shall be 5.0 metres. f. The maximum floor space ratio shall be 3.6. g. The maximum building height shall be 25.0 metres. h. The maximum number of storeys shall be 8. <p>ii. Notwithstanding Sections 6.1.2a) of this By-law, within the lands zoned Residential Seven (R-7), shown as affected by this subsection, on Schedule 120 of Appendix "A", the following off-street parking regulations shall apply:</p> <table border="1" data-bbox="463 935 1361 1137"> <thead> <tr> <th>Use</th> <th>Minimum Off-Street Parking Spaces Required</th> <th>Maximum Off-Street Parking Spaces Permitted</th> </tr> </thead> <tbody> <tr> <td>Multiple Dwelling</td> <td>0.18/unit</td> <td>1/unit</td> </tr> <tr> <td>Multiple Dwelling Visitor</td> <td>0.02/unit</td> <td></td> </tr> </tbody> </table> <p>iii. The following minimum bicycle parking requirements shall apply:</p> <table border="1" data-bbox="463 1201 1361 1334"> <thead> <tr> <th>Use</th> <th>Class A Bicycle Stall</th> <th>Class B Bicycle Stall</th> </tr> </thead> <tbody> <tr> <td>Multiple Dwelling</td> <td>0.5 per unit without a private garage</td> <td>6</td> </tr> </tbody> </table> <p>iv. For the purpose of regulation iii. above, a Class A Bicycle Stall shall be a bicycle space which is either in a building or structure or within a secure area such as a supervised parking lot or enclosure with a secure entrance or within a bicycle locker.</p> <p>v. For the purpose of regulation iii. above, a Class B Bicycle Stall shall be a bicycle space which is located in accessible and highly visible locations near the entrance of a building and are accessible to the general public.</p> <p>(Amended: By-law 2022-140, S.4) (206 & 210 Duke St. E. and 46-50 Madison Ave. N.)</p>	Use	Minimum Off-Street Parking Spaces Required	Maximum Off-Street Parking Spaces Permitted	Multiple Dwelling	0.18/unit	1/unit	Multiple Dwelling Visitor	0.02/unit		Use	Class A Bicycle Stall	Class B Bicycle Stall	Multiple Dwelling	0.5 per unit without a private garage	6	755R(M)	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedule 120 of Appendix A, the following shall apply:</p> <ol style="list-style-type: none"> a) A multiple dwelling and mixed-use building shall be permitted in accordance with the following: <ol style="list-style-type: none"> i) The minimum lot width shall be 30.0 metres; ii) The minimum front yard setback shall be 3.0 metres; iii) The minimum exterior side yard setback shall be 3.0 metres; iv) The minimum side yard setback shall be 4.5 metres; v) The maximum floor space ratio shall be 3.6; vi) The maximum building height shall be 25.0 metres; vii) The maximum number of storeys shall be 8. b) Off-street parking spaces shall be provided in accordance with the following: <table border="1" data-bbox="1641 983 2909 1124"> <thead> <tr> <th>Use</th> <th>Minimum Off-Street Parking Spaces Required</th> <th>Maximum Off-Street Parking Spaces Permitted</th> </tr> </thead> <tbody> <tr> <td>Multiple Dwelling</td> <td>0.18/unit</td> <td>1/unit</td> </tr> <tr> <td>Multiple Dwelling Visitor</td> <td>0.02/unit</td> <td></td> </tr> </tbody> </table> <ol style="list-style-type: none"> c) Bicycle parking stalls shall be provided in accordance with the following: <table border="1" data-bbox="1641 1181 2909 1286"> <thead> <tr> <th>Use</th> <th>Class A Bicycle Stall</th> <th>Class B Bicycle Stall</th> </tr> </thead> <tbody> <tr> <td>Multiple Dwelling</td> <td>0.5 per unit without a private garage</td> <td>6</td> </tr> </tbody> </table> <ol style="list-style-type: none"> d) For the purpose of regulation c) above, a Class A Bicycle Stall shall be a bicycle space which is either in a building or structure or within a secure area such as a supervised parking lot or enclosure with a secure entrance or within a bicycle locker; e) For the purpose of regulation c) above, a Class B Bicycle Stall shall be a bicycle space which is located in accessible and highly visible locations near the entrance of a building and are accessible to the general public. 	Use	Minimum Off-Street Parking Spaces Required	Maximum Off-Street Parking Spaces Permitted	Multiple Dwelling	0.18/unit	1/unit	Multiple Dwelling Visitor	0.02/unit		Use	Class A Bicycle Stall	Class B Bicycle Stall	Multiple Dwelling	0.5 per unit without a private garage	6
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<p>EXISTING PROVISION # NON PMTSA PMTSA</p>	<p>WORDING OF EXISTING PROVISION IN OLD ZONING BY-LAW</p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN PROPOSED ZONING BY-LAW</p>
<p>768R</p>	<p>Notwithstanding Sections 5.6A.4, 5.13, 6.1.2, and 42.2.6 of this By-law within the lands zoned R-8 and shown as being affected by this subsection on Schedule Number 86 of Appendix 'A' the following special regulations shall apply:</p> <p>a) On-site Parking shall be provided as follows: i) Parking for multiple dwelling units (back-to-back townhouse units) fronting Mill Street shall be provided at a rate of 1.0 spaces per unit and visitor parking will not be required for these units. ii) Parking for multiple dwellings shall be provided at a rate of 0.75 spaces per unit plus 0.1 visitor spaces per unit.</p> <p>b) Minimum building setbacks for Multiple Dwellings on a lot having a minimum lot width of 100 metres and a minimum lot area of 0.7 hectares, shall be: i) Minimum Side Yard for building exceeding 10.5 metres in height is 3.0 metres ii) Minimum Rear Yard is 4.5 metres</p> <p>c) Covered terraces, porches and decks exceeding 0.6 metres in height may be located within side and rear yards provided they are setback a minimum of 2.0 metres from the property line.</p> <p>d) In addition to the Home Business uses permitted to be located in a multiple dwelling: i) Indirect Sales shall also be permitted. For the purposes of this regulation Indirect Sales shall be defined as "a home occupation which conducts the sale of goods via mail order, telephone, fax, or internet, but shall not include direct sales or the storage of inventory on site." ii) Artisan's establishment may include retail and instruction. iii) A home occupation may attract a maximum of one customer or client at any one time.</p> <p>e) A multiple dwelling shall have a central air conditioning system, and building components as identified in the Noise and Vibration Feasibility Study and addendum letter for 19 - 41 Mill Street, dated March 16, 2021 prepared by HGC Engineering.</p>	<p>768R(M)</p>	<p>Within the lands zoned RES-6 and shown as affected by this provision on Zoning Grid Schedule 86 of Appendix A, the following shall apply:</p> <p>a) On-site parking shall be provided as follows: i) Parking for <i>multiple dwelling units</i> (back-to-back townhouse units) fronting Mill Street shall be provided at a rate of 1.0 <i>parking spaces</i> per unit and <i>visitor parking</i> will not be required for these units; ii) Parking for <i>multiple dwellings</i> shall be provided at a rate of 0.75 <i>parking spaces</i> per unit plus 0.1 <i>visitor parking spaces</i> per unit;</p> <p>b) Minimum <i>building setbacks</i> for <i>multiple dwellings</i> on a lot having a minimum <i>lot width</i> of 100 metres and a minimum <i>lot area</i> of 0.7 hectares, shall be: i) The minimum <i>side yard setback</i> shall be 3.0 metres for portions of a <i>building</i> with a <i>building height</i> greater than 10.5 metres; ii) The minimum <i>rear yard setback</i> shall be 4.5 metres;</p> <p>c) Covered terraces, porches and decks exceeding 0.6 metres in height may be located within <i>side and rear yards</i> provided they are set back a minimum of 2.0 metres from a <i>lot line</i>;</p> <p>d) In addition to Home Occupation, the following <i>uses</i> shall be permitted to locate within a <i>multiple dwelling</i>: i) <i>Indirect Sales</i> shall also be permitted; ii) <i>Artisan's establishment</i> may include <i>retail</i> and instruction; iii) A <i>home occupation</i> may attract a maximum of one customer or client at any one time;</p> <p>e) A multiple dwelling shall have a central air conditioning system, and building components as identified in the Noise and Vibration Feasibility Study and addendum letter for 19-41 Mill Street, dated March 16, 2021 prepared by HGC Engineering.</p>
<p>772R</p>	<p>Notwithstanding Section 39.2.4 of this By-law, within the lands zoned Residential Five (R-5), shown as affected by this subsection, on Schedule</p>	<p>772R(M)</p>	<p>Within the lands zoned SGA-1 and shown as affected by this provision on Zoning Grid Schedules 84 and 121 of Appendix A, no greater than 5 <i>dwelling units</i> shall be permitted within an <i>existing building</i>.</p>

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	<p>Numbers 84 and 121 of Appendix "A", the following special regulation applies:</p> <p>a) The Maximum Number of Dwelling Units in a Multiple Dwelling shall be 5 units within an existing building.</p> <p>(By-law 2021-085, S.2) (61 & 65 Roy Street)</p>		
<p>775R</p>	<p>a) Notwithstanding Sections 5.6.1 and 5.6.2 of this By-law, for the lands zoned MU-3 as shown on Schedules 39 and 75 of Appendix "A", the following additional regulations shall apply:</p> <p>i) canopies and stairs shall be subject to a 0.0 metres minimum setback in relation to the King Street lot line.</p> <p>b) Notwithstanding Section 6 of this By-law, for the lands zoned MU-3 as shown on Schedules 39 and 75 of Appendix "A", the following additional regulations shall apply:</p> <p>i) required off-street parking (including visitor parking) may be shared among the permitted uses;</p> <p>ii) required off-street parking for multiple dwellings greater than 51.0 square metres in size shall be provided at a rate of 0.71 spaces per unit;</p> <p>iii) required off-street parking for multiple dwellings less than 51.0 square metres in size shall be provided at a rate of 0.165 spaces per unit;</p> <p>iv) required off-street visitor parking shall be provided at a rate of 10 per cent of the required parking for multiple residential uses;</p> <p>v) no minimum off-street parking shall be required for non-residential uses;</p> <p>vi) a minimum of 10% of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment;</p> <p>vii) where the calculation of the total required electric vehicle parking spaces or parking spaces designed to permit the future installation of electric vehicle supply equipment results in a fraction, then the requirement shall be the next lowest number;</p>	<p>775R(M)</p>	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedules 39 and 75 of Appendix A, the following shall apply:</p> <p>a) Canopies and stairs shall be subject to a 0 metre minimum setback in relation to the lot line abutting King Street;</p> <p>b) Parking on the subject lands shall be provided according to the following regulations:</p> <p>i) Required off-street parking spaces (including visitor parking spaces) may be shared among the permitted uses;</p> <p>ii) Required off-street parking spaces for multiple dwellings greater than 51.0 square metres in size shall be provided at a rate of 0.165 spaces per dwelling unit;</p> <p>iii) Required off-street parking spaces shall be provided for multiple dwellings less than 51.0 square metres in size shall be provided at a rate of 0.165 spaces per dwelling unit;</p> <p>iv) Required off-street visitor parking spaces shall be provided at a rate of 10% of the required parking spaces for multiple dwellings;</p> <p>v) A minimum of 10% of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment;</p> <p>vi) Where the calculation of the total required electric vehicle parking spaces or parking spaces designed to permit the future installation of electric vehicle supply equipment results in a fraction, then the requirement shall be the next lowest number;</p> <p>vii) For multiple dwellings, the minimum requirement for Class A bicycle parking stalls shall be 0.5 Class A bicycle parking stalls per unit;</p> <p>viii) For multiple dwellings, a minimum of 6 Class B bicycle parking stalls shall be provided, and these may be shared with non-residential uses;</p> <p>c) No shower and change facilities shall be required for non-residential uses;</p> <p>d) Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.</p> <p>e) Any building on the subject lands shall be subject to the following regulations:</p> <p>i) The rear yard setback from the lot line abutting the lands municipally addressed as 904 King Street West shall be 0.7 metres;</p> <p>ii) The side yard setback from the lot line abutting Dodds Lane shall be 0.6 metres;</p> <p>iii) The maximum floor space ratio shall be 10.1;</p> <p>iv) The minimum percentage of non-residential uses required shall be 0%;</p>

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	<p>viii) for Multiple Residential uses, the minimum requirement for Class A bicycle parking stalls shall be 0.5 Class A Bicycle Stalls per unit;</p> <p>ix) for Multiple Residential uses, a minimum of 6 Class B Bicycle Stalls shall be provided, and these may be shared with non-residential uses;</p> <p>x) no Class A bicycle spaces shall be required for non-residential uses;</p> <p>xi) no shower and change facilities shall be required for non-residential uses; and</p> <p>xii) Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.</p> <p>c) Notwithstanding Section 55 of this By-law, for the lands zoned MU-3, as shown on Schedules 39 and 75 of Appendix "A", the following additional regulations shall apply:</p> <p>i) the rear yard setback from the westerly lot line shall be 0.70 metres;</p> <p>ii) the side yard setback along the northerly lot line (Dodds Lane) shall be 0.60 metres;</p> <p>iii) the maximum Floor Space Ratio shall be 10.1;</p> <p>iv) the minimum percentage of non-residential uses required shall be 0%;</p> <p>v) the minimum number of storeys in the Base of a Tall Building shall be 2 storeys or 7.0 metres;</p> <p>vi) the maximum number of storeys in the Base of a Tall Building</p>		<p>v) The minimum number of storeys in the <i>base of a tall building</i> shall be 2 storeys or 7.0 metres;</p> <p>vi) The maximum number of storeys in the <i>base of a tall building</i> shall be 6 storeys or 24.0 metres;</p> <p>vii) The minimum <i>setback</i> from Dodds Lane to the Tower portion of a <i>building</i> shall be 5.0 metres;</p> <p>viii) The maximum <i>building height</i> shall be 81 metres; and</p> <p>ix) The maximum number of storeys shall be 25 not including the mechanical penthouse.</p>

<p>EXISTING PROVISION # NON PMTSA PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>shall be 6 storeys or 24 metres;</p> <p>vii) the minimum setback from Dodds Lane to the Tower portion of a building shall be 5.0 metres;</p> <p>viii) the maximum building height shall be 81 metres; and</p> <p>ix) the maximum number of storeys shall be 25 not including the mechanical penthouse.</p> <p>(By-law 2022-038, S.2) (890-900 King Street West)</p>		
<p>776R</p>	<p>Notwithstanding Sections 17.1 and 17.3 of this By-law, within the lands zoned D-6 and shown as being affected by this Subsection on Schedule Number 84 of Appendix "A", the following special regulations shall apply:</p> <p>i) Dwelling Units shall be permitted in a building containing non-residential uses on the ground floor;</p> <p>ii) Dwelling Units and accessory amenity uses shall not be located on the ground floor;</p> <p>iii) The minimum building floor area on the ground floor for any use(s) listed in Section 17.1 of this by-law, except for those uses listed in subsection ii) above, shall be 250 square metres;</p> <p>iv) The minimum rear yard setback shall be 0.0 metres;</p> <p>v) Where permitted pursuant to the transitional provisions set out in Section 37.1 of the Planning Act, an additional floor space ratio of 16.3. shall be provided in exchange for community benefits set out in this by-law and secured through an agreement made in accordance with the provisions set out in Subsection 37(3) of the Planning Act as it existed on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force (the "Effective Date") for a total maximum for the site of 18.3;</p> <p>vi) Where permitted pursuant to Section 37.1 of the Planning Act, the density (Floor Space Ratio) of development permitted by this By-law is subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site the following community benefits listed below, the provisions of which shall be secured by an agreement made pursuant to Subsection 37(3) of the Planning Act as it existed on the day before the Effective Date:</p>	<p>776R(M)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule 84 of Appendix A, the following shall apply:</p> <p>a) <i>Dwelling units</i> shall be permitted in a <i>building</i> containing non-residential uses on the ground floor;</p> <p>b) <i>Dwelling units</i> an accessory amenity use shall not be located on the ground floor;</p> <p>c) The minimum <i>building floor area</i> on the ground floor for any use(s) listed in Section 17.1 of this By-law, except for those uses listed in subsection (b) above, shall be 250 square metres;</p> <p>d) The minimum <i>rear yard setback</i> shall be 0 metres;</p> <p>e) Where permitted pursuant to the transitional provisions set out in Section 37.1 of the Planning Act, an additional <i>floor space ratio</i> of 16.3 shall be provided in exchange for community benefits set out in this By-law and secured through an agreement made in accordance with the provisions set out in Subsection 37(3) of the Planning Act as it existed on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force (the "Effective Date") for a total maximum <i>floor space ratio</i> for the site of 18.3;</p> <p>f) Where permitted pursuant to Section 37.1 of the Planning Act, the density (<i>floor space ratio</i>) of development permitted by this By-law is subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site the following community benefits listed below, the provisions of which shall be secured by an agreement made pursuant to Subsection 37(3) of the Planning Act as it existed on the day before the effective date:</p> <p>i) Transportation Demand Management Measures including 148 Class A Bicycle and 6 Class B Bicycle parking spaces;</p> <p>ii) <i>Dwelling Units</i> in the Urban Growth Centre;</p> <p>iii) Water and Energy conservation;</p> <p>iv) Parkland Improvements, including all costs associated with the design and construction of Francis Green Parkette;</p> <p>v) LEED inspired building design;</p> <p>vi) 20 Electric Vehicle Parking stalls;</p> <p>vii) 28 <i>parking spaces</i> designed to permit the future installation of electric vehicle supply equipment; and</p> <p>viii) 19% of all Dwelling Units be <i>Barrier Free Accessible</i>;</p> <p>g) Upon execution and registration on title of an agreement with the owner of the site pursuant to Subsection 37(3) of the Planning Act as it existed on the day before the Effective Date, securing</p>

<p>EXISTING PROVISION # NON PMTSA PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>a) Transportation Demand Management Measures including 148 Class A Bicycle and 6 Class B Bicycle parking spaces;</p> <p>b) Dwelling Units in the Urban Growth Centre;</p> <p>c) Water and Energy conservation;</p> <p>d) Parkland Improvements, including all costs associated with the design and construction of Francis Green Parkette;</p> <p>e) LEED inspired building design;</p> <p>f) 20 Electric Vehicle Parking stalls;</p> <p>g) 28 spaces designed to permit the future installation of electric vehicle supply equipment; and</p> <p>h) 19% of all Dwelling Units be Barrier Free Accessible.</p> <p>vii) Upon execution and registration on title of an agreement with the owner of the site pursuant to Subsection 37(3) of the Planning Act as it existed on the day before the Effective Date, securing the provisions of the facilities, services and matters listed in (v) above, the site is subject to the provisions of this By-law, provided that in the event the said agreement requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.</p> <p>(By-law 2022-039, S. 3) (30 Francis Street South)</p>		<p>the provisions of the facilities, services and matters listed in (e) above, the site is subject to the provision of this By-law, provided that in the event the said agreement requires the provision of a facility, service or matter as a precondition to the issuance of a <i>building permit</i>, the owner may not erect or use such <i>building</i> until the owner has satisfied the said requirements.</p>
<p>777R</p>	<p>Notwithstanding Sections 5.11, 6.1.2, and 55.2.1 of this By-law within the lands zoned MU-3 and shown as being affected by this subsection on Schedule Number 143 of Appendix 'A' the following special regulations shall apply:</p> <p>a) Dwelling units shall be permitted to be located on the ground floor with non residential uses.</p> <p>b) On-site Parking shall be provided as follows: i) Parking for multiple dwellings shall be provided at a rate of 0.74 for units over 51 square metres.</p>	<p>777R(M)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule 143 of Appendix A, the following shall apply:</p> <p>a) <i>Dwelling units</i> shall be permitted to be located on the ground floor with non-residential uses;</p> <p>b) On-site <i>parking spaces</i> shall be provided as follows: i) <i>Parking spaces</i> for <i>multiple dwellings</i> shall be provided at a rate of 0.74 for <i>dwelling units</i> over 51 square metres; ii) <i>Visitor parking spaces</i> shall be sharable with non-residential uses and shall be provided at a rate of 7% of the required <i>parking spaces</i>;</p> <p>c) The minimum <i>rear yard setback</i> shall be 15.0 metres for any portion of a <i>building</i> with a <i>building height</i> of 5 storeys or greater that is abutting any property with an SGA-1 zone;</p>

<p>EXISTING PROVISION # NON PMTSA PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>ii) Visitor Parking shall be sharable with non-residential uses and shall be provided at a rate of 7% of the required parking.</p> <p>c) The minimum rear yard setback shall be 15.0 metres for any portion of the building 5 or more storeys abutting any Residentially Zoned Property.</p> <p>d) The minimum yard setback abutting any Institutional zone property shall be 4.5 metres.</p> <p>e) The minimum and maximum height of the required visual barrier shall be 2.44 metres.</p> <p>(By-law 2022-070, S.3) (20 Ottawa Street North)</p>		<p>d) The minimum <i>side yard setback</i> shall be 4.5 metres for any portion of a <i>building</i> abutting any property with an SGA-1 zone;</p> <p>e) The minimum and maximum height of the required visual barrier shall be 2.44 metres.</p>
<p>778R</p>	<p>Notwithstanding Sections 6.1.2 and 14A of this by-law, within the lands zoned East Market Zone (D-2) and shown as affected by this provision on Schedule Number 120 of Appendix A, the following special regulations shall apply:</p> <p>a) The maximum floor space ratio shall be 4.8.</p> <p>b) The maximum building height shall be 28.5 metres or 7 storeys.</p> <p>c) The minimum front yard setback abutting King Street shall be 0 metres for upper storeys of a building and 0.8 metres for the ground floor.</p> <p>d) The maximum front yard setback abutting King Street shall be 2.0 metres.</p> <p>e) The minimum side yard abutting Eby Street shall be 0 metres.</p> <p>f) The maximum side yard abutting Eby Street shall be 2.0 metres.</p> <p>g) The minimum side yard setback from the northwest property line (i.e., abutting 270 King Street East) shall be 1.2 metres.</p> <p>h) The minimum rear yard setback shall be 4.0 metres.</p> <p>i) Dwelling units shall not be located on the ground floor.</p> <p>j) An outdoor rooftop amenity area shall be provided for a building containing dwelling units. The outdoor rooftop amenity area shall have a minimum area of 100 square metres.</p>	<p>778R(M)</p>	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedule 120 of Appendix A, the following shall apply:</p> <p>a) The maximum <i>floor space ratio</i> shall be 4.8;</p> <p>b) The maximum <i>building height</i> shall be 28.5 metres or 7 storeys;</p> <p>c) The minimum <i>front yard setback</i> abutting King Street shall be 2.0 metres;</p> <p>d) The maximum <i>front yard setback</i> abutting King Street shall be 2.0 metres;</p> <p>e) The minimum <i>exterior side yard setback</i> abutting Eby Street shall be 0 metres;</p> <p>f) The maximum <i>exterior side yard setback</i> abutting Eby Street shall be 2.0 metres;</p> <p>g) The minimum <i>side yard setback</i> from the northwest property line (i.e., abutting 270 King Street East) shall be 1.2 metres;</p> <p>h) The minimum <i>rear yard setback</i> shall be 4.0 metres;</p> <p>i) <i>Dwelling units</i> shall not be located on the ground floor;</p> <p>j) An outdoor rooftop amenity area shall be provided for a <i>building</i> containing <i>dwelling units</i>. The outdoor rooftop amenity area shall have a minimum area of 100 square metres;</p> <p>k) No <i>outdoor storage</i> of goods, materials or equipment shall be permitted. This shall not, however, prevent the display of goods for <i>retail</i> purposes;</p> <p>l) The minimum number of secured, long-term <i>bicycle parking spaces</i> shall be 33;</p> <p>m) The minimum number of short-term publicly accessible <i>bicycle parking spaces</i> shall be 12;</p> <p>n) No off-street <i>parking spaces</i> shall be required for any permitted use.</p>

<p>EXISTING PROVISION # NON PMTSA PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>k) No outdoor storage of goods, materials or equipment shall be permitted. This shall not, however, prevent the display of goods or materials for retail purposes.</p> <p>l) The minimum number of secured, long-term bicycle parking spaces shall be 33.</p> <p>m) The minimum number of short-term publicly accessible bicycle parking spaces shall be 12.</p> <p>n) No off-street parking shall be required for any permitted use.</p> <p>(By-law 2022-080, S.4) (276 King Street East)</p>		
<p>779R</p>	<p>Notwithstanding Sections 4.2, 5.6, 6.1 and 41.2 of this By-law within the lands zoned R-7 and shown as being affected by this subsection on Schedule Numbers 119 and 120 of Appendix 'A', the following special regulations shall apply to a Multiple Dwelling:</p> <p>a) The minimum lot width for a lot containing a multiple dwelling with more than 3 dwelling units shall be 36 metres.</p> <p>b) The maximum building height for a multiple dwelling which includes partially below grade structured parking shall be 16 metres. Any multiple dwelling not incorporating structured parking shall have a maximum height of 14 metres.</p> <p>c) The maximum floor space ratio for a multiple dwelling which includes structured parking shall be 1.46.</p> <p>d) The minimum front yard setback for lands included on Appendix 'H' shall be:</p> <ul style="list-style-type: none"> • 3.0 metres for any portion of the building not exceeding 4.0 metres in height, • 5.2 metres for any portion of a building exceeding 4.0 metres in height, provided however that 3rd and 4th floor building projections are permitted to have a setback of 3.95 metres. <p>For purposes of this regulation "building height" shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such yard at that point closest to the building and the horizontal extension of the uppermost point of the building.</p> <p>e) The minimum rear yard setback for any portion of a building not exceeding 3.0 metres in height shall be 3.5 metres.</p>	<p>779R(M)</p>	<p>Within the lands zoned SGA-1 and shown as affected by this provision on Zoning Grid Schedules 119 and 120 of appendix A, the following shall apply:</p> <p>a) The minimum <i>lot width</i> for a lot containing a <i>building</i> with more than 3 <i>dwelling units</i> shall be 36 metres;</p> <p>b) The maximum <i>building height</i> for a <i>multiple dwelling</i> which includes partially below grade structured parking shall be 16 metres. Any <i>multiple dwelling</i> not incorporating structured parking shall have a maximum <i>building height</i> of 14 metres;</p> <p>c) The maximum <i>floor space ratio</i> for a <i>multiple dwelling</i> which includes structured parking shall be 1.46;</p> <p>d) The minimum <i>front yard setback</i> for lands be:</p> <p>i) 3.0 metres for any portion of the <i>building</i> not exceeding 4.0 metres in height;</p> <p>ii) 5.2 metres for any portion of a <i>building</i> exceeding 4.0 metres in height, provided however that 3rd and 4th floor building projections are permitted to have a <i>setback</i> of 3.95 metres.</p> <p>e) For the purposes of regulations f) to g) "Building Height" shall mean the vertical distance between the lowest finished grade elevation along the <i>lot line</i> related to such yard at that point closest to the building and the horizontal extension of the uppermost point of the building;</p> <p>f) The minimum <i>rear yard setback</i> for any portion of a <i>building</i> not exceeding 3.0 metres in Building Height shall be 3.5 metres;</p> <p>g) The minimum <i>side yard setback</i> along the northerly <i>lot line</i> shall be:</p> <p>i) 1.5 metres for any portion of a <i>building</i> not exceeding 9.0 metres in Building Height, and;</p> <p>ii) 3.0 metres for any portion of a <i>building</i> exceeding 9.0 metres in Building Height;</p> <p>h) <i>Dwelling units</i> located on the ground floor are not required to have an exclusive use patio area.</p> <p>i) h) Stairs, access ramps and porches having height greater than 0.6 metres above finished grade level are permitted within the front yard and within 3.0 metres of a <i>street line</i>.</p> <p>j) i) That a "driveway visibility triangle" shall be measured from the point of intersection of a <i>street line</i> and the edge of a driveway a distance of 3 metres from the <i>street line</i> and 4.5 metres from the edge of the driveway.</p>

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>
	<p>f) The minimum side yard setback along the northerly lot line:</p> <ul style="list-style-type: none"> • 1.5 metres for any portion of a building not exceeding 9.0 metres in height, and • 3.0 metres for any portion of a building exceeding 9.0 metres in height. <p>g) Dwelling units located on the ground floor are not required to have an exclusive use patio area.</p> <p>h) Stairs, access ramps and porches having height greater than 0.6 metres above finished grade level are permitted within the front yard and within 3.0 metres of a street line.</p> <p>i) That a "driveway visibility triangle" shall be measured from the point of intersection of a street line and the edge of a driveway a distance of 3 metres from the street line and 4.5 metres from the edge of the driveway.</p>		
780R	<p>Notwithstanding Sections 6.1.2, and 55.2.1 of this By-law within the lands zoned MU-3 and shown as being affected by this subsection on Schedule Numbers 173 and 174 of Appendix 'A' the following special regulations shall apply:</p> <p>a) The maximum Floor Space Ratio shall be 7.2.</p> <p>b) On-site Parking shall be provided as follows:</p> <ul style="list-style-type: none"> i) Parking for multiple dwellings shall be provided at a rate of 0.64 spaces per unit. ii) Visitor Parking shall be sharable with non-residential uses and be provided at a rate of 7% of the required parking. iii) Bicycle and electric vehicle parking are to be provided in accordance with By-law 2019-051; <p>c) The minimum rear yard setback shall be 9.4 metres.</p> <p>d) Geothermal Energy Systems shall be prohibited.</p> <p>(By-law 2022-122, S.3) (1668 King Street East)</p>	780R(M)	<p>Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedules 173 and 174 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) The maximum <i>floor space ratio</i> shall be 7.2; b) On-site parking shall be provided as follows; <ul style="list-style-type: none"> i) <i>Parking spaces</i> for multiple dwellings shall be provided at a rate of 0.64 per <i>dwelling unit</i>; ii) <i>Visitor parking spaces</i> shall be sharable with non-residential uses and be provided at a rate of 7% of the required <i>parking spaces</i>; iii) <i>Bicycle and electric vehicle parking spaces</i> are to be provided in accordance with Section 5 of Zoning By-law 2019-051. c) The minimum <i>rear yard setback</i> shall be 9.4 metres; d) <i>Geothermal Energy Systems</i> shall be prohibited.
781R	<p>Notwithstanding Sections 39.1 and 39.2.4 and Special Use Provision 164U of this By-law, within the lands zoned Residential Five Zone (R-5), shown as affected by this subsection, on Schedule Number 121 of Appendix "A", the following special regulations shall apply:</p> <p>a) An Artisan's Establishment and Restaurant shall be permitted uses and may locate within a building containing residential uses;</p>	781R(M)	<p>Within the lands zoned SGA-1 and shown as affected by this provision on Zoning Grid Schedule 121 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) An <i>artisan's establishment and restaurant</i> shall be permitted uses and may locate within a building containing <i>residential uses</i>; b) The minimum <i>lot area</i> shall be 418.06 square metres;

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	<p>b) The Minimum lot area shall be 418.06 square metres; c) The Minimum lot width shall be 13.72 metres; and d) Off-Street Parking for Commercial Uses shall be 1 parking space per 167 square metres of gross floor area. e) The Maximum Number of Dwelling Units in a Multiple Dwelling shall be 4 units.</p>		<p>c) The minimum <i>lot width</i> shall be 13.72 metres; and d) Off-street parking for <i>commercial uses</i> shall be 1 parking space per 167 square metres of <i>gross floor area</i>; e) The maximum number of <i>dwelling units</i> in a <i>multiple dwelling</i> shall be 4 units.</p>
<p>783R</p>	<p>Notwithstanding Sections 6.1.2, and 55.2.1 of this By-law within the lands zoned MU-3 and shown as being affected by this subsection on Schedule Number 143 of Appendix 'A', the following special regulations shall apply: a) The maximum Floor Space Ratio shall be 8.6. b) On-site Parking shall be provided as follows: i) Parking for multiple dwellings shall be provided at a rate of 0.43 spaces per unit. ii) Visitor Parking shall be sharable with non-residential uses and be provided at a rate of 10% of the required parking. iii) Bicycle and electric vehicle parking are to be provided in accordance with By-law 2019-051. c) Dwelling units shall be permitted to be located on the ground floor with non-residential uses. d) Geothermal Energy Systems shall be prohibited.</p>	<p>783R(M)</p>	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedule 143 of Appendix A, the following shall apply: a) The maximum <i>floor space ratio</i> shall be 8.6; b) On-site parking shall be provided as follows: i) <i>Parking spaces</i> for multiple dwellings shall be provided at a rate of 0.43 spaces per unit; ii) <i>Visitor parking spaces</i> shall be sharable with non-residential uses and be provided at a rate of 10% of the required <i>parking spaces</i>; iii) Bicycle and electric vehicle parking are to be provided in accordance with Section 5 of this By-law. c) <i>Dwelling units</i> shall be permitted to be located on the ground floor with non-residential uses; d) Geothermal Energy Systems shall be prohibited.</p>
<p>786R</p>	<p>Notwithstanding, Section 6.1.2 a), 6.1.2 b) vi), Section 6 and Sections 44.3.1 and 44.3.6 of this By-law, for the lands zoned CR-1, as shown on Schedule 85 of Appendix "A", the following additional regulations shall apply: i) Required off-street parking for multiple dwellings greater than 51.0 square metres in size shall be provided at a rate of 0.7 parking spaces per dwelling unit; ii) Off-street visitor parking shall be provided at a minimum rate of 10%; iii) A minimum of 10% of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment; iv) Where the calculation of the total required electric vehicle parking spaces or parking spaces designed to permit the future installation of electric vehicle supply equipment results in a fraction, then the requirement shall be the next lowest number. v) For Multiple Residential uses, the minimum requirement for Class A bicycle parking stalls shall be 0.5 Class A Bicycle Stalls per unit; vi) For Multiple Residential uses, a minimum of 6 Class B Bicycle Stalls shall be provided, and these may be shared with non-residential uses. vii) The maximum Floor Space Ratio (FSR) for the entire site shall be 2.4; viii) The minimum side yard setback from eastern property line shall be 2.0 metres; ix) The minimum rear yard setback shall be 19 metres;</p>	<p>786R(M)</p>	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedule 85 of Appendix A, the following shall apply: a) Required off-street parking for <i>multiple dwellings</i> greater than 51.0 square metres in size shall be provided at a rate of 0.7 <i>parking spaces per dwelling unit</i>; b) Off-street visitor parking shall be provided at a minimum rate of 10%; c) A minimum of 10% of the <i>parking spaces</i> required for <i>multiple dwellings</i> shall be designed to permit the future installation of <i>electric vehicle supply equipment</i>; d) Where the calculation of the total required electric vehicle <i>parking spaces</i> or <i>parking spaces</i> designed to permit the future installation of <i>electric vehicle supply equipment</i> results in a fraction, then the requirement shall be the next lowest number. e) For <i>multiple dwellings</i>, the minimum requirement for <i>Class A bicycle parking stalls</i> shall be 0.5 <i>Class A Bicycle Parking Stalls</i> per unit; f) For <i>multiple dwellings</i>, a minimum of 6 <i>Class B Bicycle Parking Stalls</i> shall be provided, and these may be shared with non-residential uses. g) The maximum <i>Floor Space Ratio (FSR)</i> for the entire site shall be 2.4; h) The minimum <i>side yard setback</i> from eastern <i>property line</i> shall be 2.0 metres; i) The minimum <i>rear yard setback</i> shall be 19 metres; j) The maximum <i>building height</i> for the entire site shall be 21 metres including roof top mechanicals.</p>

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>																												
	x) The maximum building height for the entire site shall be 21 metres including roof top mechanicals.																														
788R	<p>Notwithstanding Sections 5.9, 6.1.2 and 55.2 of this By-law within the lands zoned MU-3 and shown as being affected by this subsection on Schedule Number 143 of Appendix 'A', the following special regulations shall apply:</p> <p>a) The maximum Floor Space Ratio shall be 8.1. For clarity, the floor space ratio shall be calculated based on a pre-road widening lot area of 6,492 square metres.</p> <p>b) The minimum yard abutting Charles Street East shall be: i) 1.2 metres for the ground floor ii) 0.0 metres for storeys above the ground floor For clarity, the setback shall be measured based on the post-road widening lot line.</p> <p>c) The minimum yard abutting King Street East shall be: i) 1.2 metres for portions of the building containing commercial, residential and amenity uses, ii) 5.0 metres for portions of the building containing mechanical and/or parking structure. For clarity, the setback shall be measured based on the post-road widening lot line.</p> <p>d) Live-work units shall be permitted to be located on the ground floor fronting Charles Street East.</p> <p>e) On-site Parking shall be provided as follows:</p> <table border="1" data-bbox="463 1312 1361 1584"> <thead> <tr> <th>Use</th> <th>Minimum Off-Street Parking Spaces Required</th> </tr> </thead> <tbody> <tr> <td>Multiple Dwelling</td> <td>0.54 spaces per unit</td> </tr> <tr> <td>Visitor</td> <td>0.1 spaces per unit and shall be shareable with non-residential uses</td> </tr> <tr> <td>Ground Floor Non-Residential Uses</td> <td>0 spaces</td> </tr> </tbody> </table> <p>f) Bicycle parking is to be provided as follows:</p> <table border="1" data-bbox="463 1649 1361 1713"> <thead> <tr> <th>Use</th> <th>Class A Bicycle Stall</th> <th>Class B Bicycle Stall</th> </tr> </thead> <tbody> <tr> <td>Multiple Dwelling</td> <td>0.5 per unit</td> <td>8</td> </tr> </tbody> </table>	Use	Minimum Off-Street Parking Spaces Required	Multiple Dwelling	0.54 spaces per unit	Visitor	0.1 spaces per unit and shall be shareable with non-residential uses	Ground Floor Non-Residential Uses	0 spaces	Use	Class A Bicycle Stall	Class B Bicycle Stall	Multiple Dwelling	0.5 per unit	8	788R(M)	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule 143 of Appendix A, the following shall apply:</p> <p>a) The maximum <i>floor space ratio</i> shall be 8.1. For clarity, the <i>floor space ratio</i> shall be calculated based on a pre-road widening lot area of 6,492 square metres.</p> <p>b) The minimum <i>exterior side yard setback</i> abutting Charles Street East shall be: i) 1.2 metres for the <i>ground floor</i>; ii) 0.0 metres for <i>storeys</i> above the <i>ground floor</i></p> <p>c) The minimum exterior side yard setback abutting King Street East shall be: i) 1.2 metres for portions of the <i>building</i> containing commercial, residential and amenity <i>uses</i>; ii) 5.0 metres for portions of the <i>building</i> containing mechanical and/or parking structure. For clarity, the <i>setback</i> shall be measured based on the post-road widening <i>lot line</i>.</p> <p>d) <i>Live-work units</i> shall be permitted to be located on the <i>ground floor</i> fronting Charles Street East</p> <p>e) <i>On-site parking spaces</i> shall be provided as follows:</p> <table border="1" data-bbox="1641 939 2909 1124"> <thead> <tr> <th>Use</th> <th>Minimum Off-Street Parking Spaces Required</th> </tr> </thead> <tbody> <tr> <td>Multiple Dwelling</td> <td>0.54 spaces per unit</td> </tr> <tr> <td>Visitor</td> <td>0.1 spaces per unit and shall be shareable with non-residential uses</td> </tr> <tr> <td>Ground Floor Non-Residential Uses</td> <td>0 spaces</td> </tr> </tbody> </table> <p>f) Bicycle parking is to be provided as follows:</p> <table border="1" data-bbox="1641 1209 2909 1286"> <thead> <tr> <th>Use</th> <th>Class A Bicycle Stall</th> <th>Class B Bicycle Stall</th> </tr> </thead> <tbody> <tr> <td>Multiple Dwelling</td> <td>0.5 per unit</td> <td>8</td> </tr> </tbody> </table> <p>For the purposes of this regulation a 'Class A Bicycle Stall' shall be a bicycle space which is either in a building or structure or within a secure area such as a supervised parking lot or enclosure with a secure entrance or within a bicycle locker.</p> <p>For the purposes of this regulation a 'Class B Bicycle Stall' shall be a bicycle space which is located in accessible and highly visible locations near the entrance of a building and are accessible to the general public.</p> <p>g) A minimum of 20 percent of the on-site <i>parking spaces</i> required for <i>multiple dwellings</i> shall be designed to permit future installation of <i>electric vehicle supply equipment</i>.</p> <p>h) Geothermal Energy Systems shall be prohibited.</p>	Use	Minimum Off-Street Parking Spaces Required	Multiple Dwelling	0.54 spaces per unit	Visitor	0.1 spaces per unit and shall be shareable with non-residential uses	Ground Floor Non-Residential Uses	0 spaces	Use	Class A Bicycle Stall	Class B Bicycle Stall	Multiple Dwelling	0.5 per unit	8
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EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>			
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791R	<p>"791R. Notwithstanding Sections 6, 6.1.2 a), 6.1.2 b)vi), and 46.3 of this By-law, for the lands zoned CR-3, as shown on Schedule Numbers 86 and 87 of Appendix "A", the following additional regulations shall apply:</p> <p>i. The maximum Floor Space Ratio (FSR) for the entire site shall be 5.17;</p> <p>ii. The minimum front yard shall be 0.0 metres along Spadina Road East;</p> <p>iii. The minimum rear yard setback shall be 0.0 metres;</p> <p>iv. The minimum side yard setback abutting a street shall be 0.6 metres along the Highland Road frontage;</p> <p>v. The minimum interior side yard setback be 0.0 metres;</p> <p>vi. The maximum building height shall be 17 storeys or 52.0 metres (not including mechanical penthouse);</p> <p>vii. The minimum step back above the 11th floor along the rear lot line shall be 3.0 metres and 1.5m along the Highland Road frontage;</p> <p>viii. The minimum off street parking shall be 0.5 spaces per unit;</p> <p>ix. Zero parking shall be provided for non-residential uses;</p> <p>x. The total visitor parking shall be 0.095 spaces per unit;</p> <p>xi. A minimum of 98 m² (1000 sq.ft.) of at grade commercial uses shall be provided;</p> <p>xii. A minimum of 4 live work units shall be provided;</p> <p>xiii. For Multiple Residential uses, a minimum of 92 Class A bicycle parking stalls and 6 Class B bicycle stalls shall be provided;</p> <p>xiv. Geothermal wells are prohibited."</p>	791R(M)	<p>Within the lands zoned MIX-1 and shown as affected by this provision on Zoning Grid Schedules 86 and 87 of Appendix A, the following shall apply:</p> <p>a) The maximum <i>floor space ratio</i> for the entire site shall be 5.17;</p> <p>b) The minimum <i>front yard setback</i> shall be 0.0 metres along Spadina Road East;</p> <p>c) The minimum <i>rear yard setback</i> shall be 0.0 metres;</p> <p>d) The minimum <i>exterior side yard setback</i> abutting Highland Road East shall be 0.6 metres;</p> <p>e) The minimum <i>interior side yard setback</i> shall be 0.0 metres;</p> <p>f) The maximum <i>building height</i> shall be 17 storeys or 52.0 metres (not including mechanical penthouse);</p> <p>g) The minimum step back above the 11th storey along the rear <i>lot line</i> shall be 3.0 metres and shall be 1.5 metres along the Highland Road frontage;</p> <p>h) The minimum required off street <i>parking spaces</i> shall be 0.5 spaces per unit;</p> <p>i) <i>Zero parking spaces</i> shall be provided for non-residential uses;</p> <p>j) The total visitor parking shall be 0.095 <i>parking spaces</i> per unit;</p> <p>k) A minimum of 98 square metres (1000 square feet) of at grade commercial <i>uses</i> shall be provided;</p> <p>l) A minimum of 4 <i>live work units</i> shall be provided;</p> <p>m) For <i>multiple dwellings</i>, a minimum of 92 <i>Class A bicycle parking stalls</i> and 6 <i>Class B bicycle parking stalls</i> shall be provided;</p> <p>n) Geothermal wells are prohibited.</p>			

Section 20 – Holding Provisions

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION <u>IN PROPOSED ZONING BY-LAW</u>
9H	<p>Notwithstanding subsection 138 to Appendix 'C' of this By-law, within the lands zoned D-6 " , shown as affected by this subsection on Schedule 84 of Appendix 'A', multiple dwellings shall not be permitted until such time as:</p> <ul style="list-style-type: none"> i) The City is in receipt of a letter from the Ministry of the Environment advising that the Ministry is satisfied with allowing residential use, having considered the potential adverse environmental conditions or constraints caused by adjacent industrial uses, transportation corridors and site decommissioning requirements. ii) The industrial processes permitted by subsection 138.(a)(i) of Appendix "C" cease to exist and have been deleted by final approval of an amendment to this by-law. iii) The holding symbol affecting these lands has been removed by by-law. <p>(By-law 92-232, S.10) (Amended: By-law 2005-150, S.3) (King Street West) (Amended: By-law 2012-034, S.92)</p>	9H(M)	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedule 84 of Appendix A, <i>dwelling units</i> shall not be permitted until such time as the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation and the holding symbol affecting these lands has been removed by the <i>Region</i>.</p>
10H	<p>Notwithstanding subsection 116. to Appendix "C" of this by-law, within the lands zoned D-6, described in the clauses listed below:</p> <ul style="list-style-type: none"> a) Lot 71, Registered Plan 374 as shown on Schedule 84 to Appendix "A"; b) Part of Lots 65 and 66, Registered Plan 376 as shown on Schedule 84 to Appendix "A"; c) Lots 63 and 64, Registered Plan 374 as shown on Schedule 84 to Appendix "A"; d) Lots 110 to 116 inclusive, 131 to 138 inclusive, and Part of Charles Street, Registered Plan 375, more particularly described as Part 1, Plan 58R-6449 as shown on Schedule 84 to Appendix "A"; e) Part Lot 69 and Lot 70, Plan 374 as shown on Schedule 84 of Appendix "A" (87 and 91 Victoria Street North). <p>Multiple dwellings shall not be permitted until such time as the City is presented with documentation from the Ministry of the Environment advising that the Ministry is satisfied with respect to the potential adverse environmental conditions or constraints caused by adjacent industrial uses, transportation corridors and site decommissioning requirements; and the holding symbol affecting the particular lands affected has been removed by By-law.</p>	10H(M)	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule 84 of Appendix A, <i>dwelling units</i> shall not be permitted until such time as the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation and the holding symbol affecting these lands has been removed by the <i>Region</i>.</p>

<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>(By-law 92-232, S.10) (Amended: By-law 2010-114, S.5) (Housekeeping Amendment)</p>		
<p>15H</p>	<p>Notwithstanding Sections 54.1 and 54.2 of this By-law, within the lands zoned MU-2 on Schedules 120, 142, 143 and 271 of Appendix "A", only a single detached dwelling, duplex, multiple dwelling, lodging house having less than 9 residents, residential care facility having less than 9 residents, home business and private home daycare, and only within the buildings existing on January 24, 1994 and uses accessory thereto, shall be permitted until such time as the holding symbol affecting the lands has been removed by by-law. The holding symbol shall not be removed until such time as the lands have been consolidated with lands fronting King Street East and a site plan including appropriate site access and site buffering measures has been approved by the City's Director of Planning.</p> <p>(By-law 94-1, S.14) (Amended: By-law 2010-156, S. 55)</p>	<p>15H(M)</p>	<p>Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedules 120, 142, 143, and 271 of Appendix A, only <i>day care facility, dwelling, dwelling unit, home occupation, hotel, lodging house</i> having less than 9 residents, <i>small residential care facility</i> shall be permitted only within <i>buildings</i> existing on January 24, 1994, until such a time as the lands have been consolidated with lands fronting King Street East and the holding symbol affecting these lands has been removed by the City's Director of Planning.</p>
<p>(18H)</p>	<p>RESERVED</p>	<p>(18H)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on a Zoning Grid Schedule of Appendix A, the following <i>uses</i> shall not be permitted unless the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation:</p> <ul style="list-style-type: none"> a) <i>cultural facility;</i> b) <i>day care facility;</i> c) <i>dwelling unit;</i> d) <i>elementary school;</i> e) <i>hotel;</i> f) <i>lodging house;</i> g) <i>personal services;</i> h) <i>post-secondary school;</i> i) <i>secondary school;</i> j) <i>small and large residential care facility;</i> k) <i>social service establishment.</i>
<p>(36H)</p>	<p>Notwithstanding Section 8, of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Number 73 of Appendix "A", no residential redevelopment shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks or any successor Ministry ("MECP"). This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and</p>	<p>(36H)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule 73 of Appendix A, <i>dwelling units</i> shall not be permitted until such time as the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation and the holding symbol affecting these lands has been removed by the <i>Region</i>.</p>

<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>Parks advising that a Record of Site Condition has been completed to the satisfaction of the MECP.”</p>		
<p>(37H)</p>	<p>Notwithstanding Section 7, of this By-law within the lands zoned RES-6 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 117 and 118 of Appendix “A”, no residential use shall be permitted until such time as a Stationary Noise Study 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 such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.</p>	<p>(37H)</p>	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedule 117 and 118 of Appendix A, <i>dwelling units</i> shall not be permitted until such time as a Stationary Noise Study 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 such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.</p>
<p>42H</p>	<p>Notwithstanding Section 17.1 of this By-law, within the lands zoned D-6 on Schedules 74 and 84 of Appendix 'A', as affected by this section, the following uses shall not be permitted until such time as the City of Kitchener is in receipt of a letter of acknowledgment from the Ministry of the Environment advising that a Record of Site Condition has been completed in accordance with Guidelines for the Decommissioning and Clean-up of sites in Ontario:</p> <ul style="list-style-type: none"> Conference or Convention Facility Exhibition Facility Laboratory Manufacturing Museum Sale and Storage of Heating Fuel Sale of Monuments Social Service Establishment <p>(By-law 2001-64, S.8) (Downtown boundary expansion)</p>	<p>42H(M)</p>	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedules 74 and 84 of Appendix A, the following <i>uses</i> shall not be permitted unless the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation:</p> <ul style="list-style-type: none"> a) <i>Conference, Convention, or Exhibition Facility;</i> b) <i>Cultural Facility;</i> c) <i>Dwelling Unit;</i> d) <i>Hotel;</i> e) <i>Laboratory;</i> f) <i>Lodging House;</i> g) <i>Manufacturing;</i> h) <i>Residential Care Facility;</i> i) <i>Sale and Storage of Heating Fuel;</i> j) <i>School;</i> k) <i>Social Service Establishment.</i>
<p>(43H)</p>	<p>(43H) – Notwithstanding Section 8, of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 118, 144 and 145 of Appendix “A”: i) No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP). This Holding Provision shall not be removed until the Region 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 completed to their satisfaction. ii) No residential use shall be permitted until such time as a Stationary Noise Study is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing and Community</p>	<p>(43H)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule Numbers 118, 144 and 145 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) <i>Dwelling units</i> shall not be permitted until such time as the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation and the holding symbol affecting these lands has been removed by the <i>Region</i>. b) <i>Dwelling units</i> shall not be permitted until such time as a Stationary Noise Study 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

<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION <u>IN PROPOSED ZONING BY-LAW</u></p>
	<p>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 such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.</p>		<p>from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.</p>
<p>43H</p>	<p>Notwithstanding Section 17.1 of this By-law, within the lands zoned D-6 on Schedules 73, 74 and 84 of Appendix 'A', as affected by this section, the following uses shall not be permitted until such time as the City of Kitchener is in receipt of a letter of acknowledgment from the Ministry of the Environment advising that a Record of Site Condition has been completed in accordance with Guidelines for the Decommissioning and Clean-up of sites in Ontario:</p> <ul style="list-style-type: none"> Conference or Convention Facility Convenience Retail Exhibition Facility Funeral Home Museum Personal Services Restaurant Sale or Rental of Furniture and Electric or Electronic Appliances or Electric or Electronic Equipment Social Service Establishment Studio <p>(By-law 2001-64, S.8) (Downtown boundary expansion)</p>	<p>43H(M)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedules 73, 74, and 84 of Appendix A, the following <i>uses</i> shall not be permitted unless the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation:</p> <ul style="list-style-type: none"> l) <i>Artisan's Establishment;</i> m) <i>Conference, Convention, or Exhibition Facility;</i> n) <i>Convenience Retail;</i> o) <i>Cultural Facility;</i> p) <i>Dwelling Unit;</i> q) <i>Funeral Home;</i> r) <i>Hotel;</i> s) <i>Lodging House;</i> t) <i>Personal Services;</i> u) <i>Restaurant;</i> v) <i>Residential Care Facility;</i> w) <i>Sale or Rental of Furniture and Electric or Electronic Appliances, or Electric or Electronic Equipment;</i> x) <i>School;</i> y) <i>Social Service Establishment.</i>
<p>50H</p>	<p>Notwithstanding Section 17.1 of this By-law, within lands zoned D-6 on Schedules 73, 74, 84 and 85 of Appendix 'A', as affected by this section, the following uses shall not be permitted until such time as the City of Kitchener is in receipt of a letter of acknowledgement from the Ministry of the Environment advising that a Record of Site Condition has been completed in accordance with Guidelines for the Decommissioning and Clean-up of sites in Ontario:</p> <ul style="list-style-type: none"> Conference or Convention Facility Exhibition Facility Museum Monuments Social Service Establishment <p>(By-law 2001-64, S.8) (Downtown Boundary Expansion) Amended: (By-law 2005-106, S.38) (Housekeeping Amendment)</p>	<p>50H(M)</p>	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedules 73, 74, 84, and 85 of Appendix A, the following <i>uses</i> shall not be permitted unless the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation:</p> <ul style="list-style-type: none"> a) <i>Conference, Convention, or Exhibition Facility;</i> b) <i>Cultural Facility;</i> c) <i>Dwelling Unit;</i> d) <i>Hotel;</i> e) <i>Lodging House;</i> f) <i>Residential Care Facility;</i> g) <i>School;</i> h) <i>Social Service Establishment.</i>

<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION <u>IN PROPOSED ZONING BY-LAW</u></p>
<p>51H</p>	<p>Notwithstanding Section 19.3 of this by-law, within the lands zoned M-1 on Schedules 83 and 84 of Appendix "A", and described as Part of Lots 149 and 150, Registered Plan 376, designated as Part 2 on Plan 58R-8340, in the City of Kitchener, residential development on the most southerly 30 metres of the property shall not be permitted until such time as:</p> <p>a) The City of Kitchener and the Regional Municipality of Waterloo are in receipt of a Record of Site Condition, prepared in accordance with the Guideline for Use at Contaminated Sites in Ontario and acknowledged by the Ministry of the Environment, for this property confirming that this portion of the subject property is suitable for residential use; and</p> <p>b) The holding symbol affecting these lands has been removed by By-law.</p> <p>(By-law 2005-166, S.4) (Duke Street West)</p>	<p>51H(M)</p>	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedules 83 and 84 of Appendix A, <i>dwelling units</i> shall not be permitted within 30.0 metres of the <i>lot line</i> abutting Breithaupt Street until such time as the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation and the holding symbol affecting these lands has been removed by the <i>Region</i>.</p>
<p>53H</p>	<p>Notwithstanding Section 54.1 of this By-law, within the lands zoned MU-2 and shown as affected by this subsection on Schedule 86 of Appendix "A", no residential or other sensitive land uses shall be permitted until such time as:</p> <p>a) the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region's requirements have been satisfied with respect to the submission of a noise study addressing road and rail traffic noise, based on the proposed site plan, and including mechanisms to implement the study; and this holding provision has been removed by By-law;</p> <p>b) the City of Kitchener and the Regional Municipality of Waterloo are in receipt of a Record of Site Condition, prepared in accordance with the Guideline for the Decommissioning and Clean-up of sites in Ontario and acknowledged by the Ministry of the Environment and Climate Change, confirming that the subject property is suitable for residential and other sensitive land uses; and</p> <p>c) the holding symbol affecting these lands has been removed by By-law.</p> <p>(Amended: By-law 2017-136, S.6) (588 & 600 Queen Street South)</p>	<p>53H(M)</p>	<p>Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 86 of Appendix A, <i>day care facility, dwelling unit, hotel, lodging house, residential care facility, school, or social service establishment</i> shall not be permitted until such time as:</p> <p>a) A detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the <i>Region</i> and any necessary agreement has been entered into, between the City of Kitchener and the owner of the property, providing for the implementation of any recommended noise mitigation measures;</p> <p>b) The City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation;</p> <p>c) The holding symbol affecting these lands has been removed by the <i>Region</i>.</p>
<p>64H</p>	<p>Notwithstanding Section 32.1 of this By-law, within the lands zoned I-2 and shown as affected by this subsection on Schedules 119 and 143 of Appendix "A", no residential uses, religious institution, day care facility or educational establishment shall be permitted until such time as:</p>	<p>64H(M)</p>	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedule 119 and 143 of Appendix A, <i>a day care facility, dwelling unit, hotel, lodging house, residential care facility, school, or social service establishment</i> shall not be permitted until such time as:</p> <p>a) A detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the</p>

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	<p>a) The City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region’s requirements have been satisfied with respect to the submission of an Environmental Noise Assessment that assess all potential sources of traffic and stationary noise, and any necessary agreement has been entered into, between the City and the Owner, providing for the implementation of any recommended noise mitigation measures;</p> <p>b) The City of Kitchener and the Regional Municipality of Waterloo are in receipt of a Record of Site Condition, prepared in accordance with the Guideline for the Decommissioning and Clean-up of sites in Ontario and acknowledged by the Ministry of the Environment, confirming that the subject property is suitable for residential and other sensitive land uses; and</p> <p>c) The holding symbol affecting these lands has been removed by By-law.</p> <p>(By-law 2012-062, S.6) (Kent Avenue)</p>		<p>satisfaction of the <i>Region</i> and any necessary agreement has been entered into, between the City of Kitchener and the owner of the property, providing for the implementation of any recommended noise mitigation measures;</p> <p>b) The City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation;</p> <p>c) The holding symbol affecting these lands has been removed by the <i>Region</i>.</p>
<p>68H</p>	<p>Within the lands zoned D-6 and shown as affected by this subsection on Schedule 84 of Appendix ‘A’, the following uses and uses accessory thereto may be permitted in accordance with the regulations of sections 6 and 17 of this By-law until such time as the holding symbol affecting the lands has been removed by By-law:</p> <ul style="list-style-type: none"> • commercial parking facility not requiring building permit(s) • transportation depot not requiring building permit(s); • wayside pit; • construction trailer; • sales office and/or office of up to 500 square metres of gross floor area on each property (unless located within a building existing on the date of passing of this By-law and in accordance with the regulations of section 6, in which case no maximum gross floor area shall apply). <p>The holding symbol shall not be removed until such time as:</p> <p>i) The City of Kitchener and the Regional Municipality of Waterloo are in receipt of a Record of Site Condition and a letter of acknowledgement from the Ministry of the Environment or its delegate advising that a Record of Site Condition has been completed in accordance with the Environmental Protection Act, as amended;</p> <p>ii) A detailed Servicing Capacity Study for all phases of development has been completed to the satisfaction of the City’s Director of Engineering and Director of Utilities; and</p>	<p>68H(M)</p>	<p>Within the lands zoned SGA-3 or SGA-4 and shown as affected by this provision on Zoning Grid Schedule 84 of Appendix A, a <i>commercial parking facility</i> (not requiring building permits), <i>transportation depot</i> (not requiring building permits), <i>wayside pit</i>, <i>construction trailer</i>, <i>sales office and/or office</i> of up to 500 square metres of gross floor area on each property (unless located within an <i>existing building</i> and in accordance with the regulations of Section 5 of this By-law, in which case no maximum gross floor area shall apply) shall be permitted in accordance with the regulations of Section 5 of this By-law. The holding symbol shall not be removed until such time as:</p> <p>a) The City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation;</p> <p>b) A detailed Servicing Capacity Study for all phases of development has been completed to the satisfaction of the City’s Director of Engineering and Director of Utilities; and</p> <p>c) The holding symbol affecting these lands has been removed by the <i>Region</i>.</p>

<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION <u>IN PROPOSED ZONING BY-LAW</u></p>
	<p>iii) The holding symbol affecting these lands has been removed by by-law.</p> <p>(By-law 2013-030, S.8) (Regional Municipality of Waterloo)</p>		
<p>80H</p>	<p>Notwithstanding Section 17 of this Bylaw, within the lands zoned D-6 as shown as affected by this Subsection on Schedules 73 and 74 of Appendix "A":</p> <p>i) No residential use shall be permitted in the D-6 Zone until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment and Climate Change. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the MOECC advising that a Record of Site Condition has been completed to the satisfaction of the Ministry of the Environment and Climate Change.</p>	<p>80H(M)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedules 73 and 74 of Appendix A, <i>dwelling units</i> shall not be permitted until such time as the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation and the holding symbol affecting these lands has been removed by the <i>Region</i>.</p>
<p>82H</p>	<p>Notwithstanding Section 55 of this Bylaw, within the lands zoned MU-3 as shown as affected by this subsection on Schedules 74 and 84 of Appendix "A", only those uses which lawfully existed on the date of passing of this By-law, including those uses approved by Site Plan Application SP19/081/K/JVW, shall be permitted to continue until such time as this Holding Provision is removed by by-law once the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region's requirements have been satisfactorily addressed with respect to the submission and approval of a detailed Environmental and Stationary Noise study (detailed noise assessment for road, rail and rail vibration, stationary noise and compatibility). The holding provision may be removed incrementally with each stage of site plan approval subject to receipt and approval of the detailed noise report relating to the corresponding stage.</p> <p>(By-law 2021-067, S.9) (607-641 King Street West)</p>	<p>82H(M)</p>	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedules 74 and 84 of Appendix A, only <i>existing uses</i>, including those <i>uses</i> approved by Site Plan Application SP19/081/K/JVW, shall be permitted until such time as the holding symbol is removed by the City's Director of Planning. The holding symbol can be removed once a detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the <i>Region</i>. The holding provision may be removed incrementally with each stage of site plan approval subject to receipt and approval of the detailed Noise and Vibration Assessment relating to the corresponding stage.</p>
<p>92H</p>	<p>Notwithstanding Section 17 of this Bylaw, within the lands zoned MU-3 and shown as being affected by this Subsection on Schedule 143 of Appendix "A":</p> <p>i) No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment and Climate Change. This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment and Climate Change (MOECC) advising that a Record of Site Condition has been completed to their satisfaction.</p> <p>ii) No residential use shall be permitted until such time as a Road Traffic, and Stationary Noise Study is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing</p>	<p>92H(M)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule 143 of Appendix A, <i>dwelling units</i> shall not be permitted until such a time as:</p> <ul style="list-style-type: none"> a) A detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the <i>Region</i> and any necessary agreement has been entered into, between the City of Kitchener and/or the <i>Region</i> and the owner of the property, providing for the implementation of any recommended noise mitigation measures; b) The City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation.

<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u></p>
	<p>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 such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.</p> <p>(By-law 2022-070, S.4) (20 Ottawa Street North)</p>		
<p>93H</p>	<p>Notwithstanding Section 14A of By-law 85-1, within the lands zoned D-2 and shown as being affected by this Subsection on Schedule 120 of Appendix "A", no residential or other sensitive land use shall be permitted until such time as a detailed stationary noise study has been submitted to and accepted by the Regional Commissioner of Planning, Development and Legislative Services. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Development and Legislative Services advising that such noise study and the recommended implementation measures have been accepted to the satisfaction of the Regional Municipality of Waterloo.</p> <p>(By-law 2022-080, S.5) (276 King Street East)</p>	<p>93H(M)</p>	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedule 120 of Appendix A, a <i>day care facility, dwelling unit, hotel, lodging house, residential care facility, school, or social service establishment</i> shall not be permitted until such time as a detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the <i>Region</i>.</p>
<p>94H</p>	<p>Notwithstanding Section 55 of this Bylaw, within the lands zoned MU-3 and shown as being affected by this Subsection on Schedule Numbers 173 and 17 4 of Appendix "A":</p> <p>i) No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment and Climate Change. This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment and Climate Change (MOECC) advising that a Record of Site Condition has been completed to their satisfaction.</p> <p>ii) No residential use shall be permitted until such time as a Road Traffic, and Stationary Noise Study 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 such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing</p>	<p>94H(M)</p>	<p>Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedules 173 and 174 of Appendix A, <i>dwelling units</i> shall not be permitted until such a time as:</p> <p>a) A detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the <i>Region</i> and any necessary agreement has been entered into, between the City of Kitchener and/or the <i>Region</i> and the owner of the property, providing for the implementation of any recommended noise mitigation measures;</p> <p>b) The City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation.</p>

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION IN OLD ZONING BY-LAW	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN PROPOSED ZONING BY-LAW
	<p>for the implementation of any recommended noise mitigation measures.</p> <p>(By-law 2022-122, S.4) (1668 King Street East)</p>		
<p>96H</p>	<p>Notwithstanding Section 55 of this Bylaw, within the lands zoned MU-3 and shown as being affected by this Subsection on Schedule Number 143 of Appendix "A": i) No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment and Climate Change. This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment and Climate Change (MOECC) advising that a Record of Site Condition has been completed to their satisfaction. ii) No residential use shall be permitted until such time as a Road Traffic, and Stationary Noise Study 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 such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.</p>	<p>96H(M)</p>	<p>Within the lands zoned SGA-3 and shown as affected by this provision on Zoning Grid Schedule 143 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) <i>Dwelling units</i> shall not be permitted until such time as the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation and the holding symbol affecting these lands has been removed by the <i>Region</i>. b) <i>Dwelling units</i> shall not be permitted until such time as a Stationary Noise Study 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 such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.
<p>98H</p>	<p>Notwithstanding Section 44 of this Bylaw, within the lands zoned CR-1 (786R) as shown as affected by this subsection on Schedule Number 85 of Appendix "A", only those uses which lawfully existed on the date of passing of this By-law, shall be permitted to continue until such time as this Holding Provision is removed by by-law once the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that: a) a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed with the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry;</p> <p>b) the Regional Municipality of Waterloo has received and approved a copy of the RSC and the Ministry's RSC Acknowledgement letter,</p> <p>c) a detailed stationary noise study has been completed and submitted to the satisfaction of the Regional Municipality of Waterloo which addresses implementation measures and reviews the potential impacts of the development on site noise sensitive receptors (e.g. HVAC system on the sensitive points of reception) and the impacts of the development on adjacent noise sensitive uses."</p>	<p>98H(M)</p>	<p>Within the lands zoned SGA-2 and shown as affected by this provision on Zoning Grid Schedule 85 of Appendix A, only those uses which lawfully existed on the date of passing of this By-law, shall be permitted to continue until such time as this Holding Provision is removed by by-law once the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that:</p> <ul style="list-style-type: none"> a) A Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed with the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry; b) The Regional Municipality of Waterloo has received and approved a copy of the RSC and the Ministry's RSC Acknowledgement letter; c) A detailed stationary noise study has been completed and submitted to the satisfaction of the Regional Municipality of Waterloo which addresses implementation measures and reviews the potential impacts of the development on site noise sensitive receptors (e.g. HVAC system on the sensitive points of reception) and the impacts of the development on adjacent noise sensitive uses."

<p>EXISTING PROVISION #</p> <p>NON PMTSA</p> <p>PMTSA</p>	<p>WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u></p>	<p>PROPOSED PROVISION #</p>	<p>WORDING OF NEW/MODIFIED PROVISION <u>IN PROPOSED ZONING BY-LAW</u></p>
<p>100H</p>	<p>Notwithstanding Section 55 of this Bylaw, within the lands zoned MU-3 and shown as being affected by this Subsection on Schedule Number 143 of Appendix "A":</p> <ul style="list-style-type: none"> i) 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. ii) No residential use shall be permitted until such time as a detailed transportation (road), vibration and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of the points of reception (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures." 	<p>100H(M)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule Number 143 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) <i>Dwelling units</i> shall not be permitted until such time as the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in accordance with the relevant Ontario legislation and the holding symbol affecting these lands has been removed by the <i>Region</i>. b) <i>Dwelling units</i> shall not be permitted until such time as a Stationary Noise Study 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 such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.
<p>103H</p>	<p>"103. Notwithstanding Section 46 of this Bylaw, within the lands zoned Commercial Residential Three Zone CR-3 (791R) as shown as affected by this subsection on Schedule Numbers 86 and 87 of Appendix "A", only those uses which lawfully existed on the date of passing of this By-law, shall be permitted to continue until such time as this Holding Provision is</p>	<p>103H(M)</p>	<p>Within the lands zoned SGA-4 and shown as affected by this provision on Zoning Grid Schedule Numbers 86 and 87 of Appendix A, the following shall apply:</p> <ul style="list-style-type: none"> a) <i>Dwelling units</i> shall not be permitted until such time as the City of Kitchener has received acknowledgement from the Ministry of Environment, Conservation and Parks advising that a Record of Site Condition has been completed in

EXISTING PROVISION # NON PMTSA PMTSA	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>
	removed by by-law once the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that: a) a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed with the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry; b) the Regional Municipality of Waterloo has received an approved copy of the RSC and the Ministry's RSC Acknowledgement letter, c) a detailed stationary noise study has been completed and submitted to the satisfaction of the Regional Municipality of Waterloo which addresses implementation measures and reviews the potential impacts of the development on site noise sensitive receptors (e.g. HVAC system on the sensitive points of reception) and the impacts of the development on adjacent noise sensitive uses. d) legal access is obtained over Highland Courts Park to the satisfaction of the City of Kitchener."		accordance with the relevant Ontario legislation and the holding symbol affecting these lands has been removed by the <i>Region</i> . b) <i>Dwelling units</i> shall not be permitted until such time as a Stationary Noise Study 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 such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures. c) Legal access is obtained over Highland Courts Park to the satisfaction of the City of Kitchener.

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Section 21 – Temporary Use Provisions

EXISTING PROVISION #	WORDING OF EXISTING PROVISION <u>IN OLD ZONING BY-LAW</u>	PROPOSED PROVISION #	WORDING OF NEW/MODIFIED PROVISION IN <u>PROPOSED ZONING BY-LAW</u>

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