## PROPOSED BY - LAW

$\qquad$ , 2024

## BY-LAW NUMBER <br> $\qquad$

OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener

- Growing Together (Non-PMTSA Lands)

WHEREAS it is deemed expedient to amend By-law 2019-051 for the lands specified above;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Zoning Grid Schedule Numbers 72, 73, 75, 85, 86, 87, 117, 118, 119, 120, 121, 122, 142, 143, 144, 173, and 174 of Appendix A of By-law 2019-051 are hereby amended by adding thereto the parcels of land to By-law 2019-051 as shown on Attachment 1.
2. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (5) thereto as follows:
" 5 . Within the lands and shown as affected by this provision on a Zoning Grid Schedule 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.
a) day care facility;
b) dwelling unit;
c) home occupation;
d) hotel;
e) lodging house;
f) residential care facility;
g) school; and,
h) social service establishment."
3. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (6) thereto as follows:
"6. Within the lands zoned COM-1 and shown as affected by this provision on Zoning Grid Schedule 118 of Appendix A, the following shall apply:
a) automotive detailing and repair operation excluding body repair or rust proofing shall be permitted only within buildings 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 automotive detailing and repair operation in accordance with the regulations of the COM-2 zone; and,
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."
4. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (7) thereto as follows:
"7. Within the lands zoned MIU-1 on Zoning Grid Schedules 72 and 73 of Appendix A, the following shall apply:
a) office and outdoor storage shall be permitted for the exclusive use of the public utility operating on the lands; and,
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."
5. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (8) thereto as follows:
"8. Within the lands zoned RES-4 and shown as affected by this provision on Zoning Grid Schedule 120 and 121 of Appendix A, a multiple dwelling with 6 dwelling units shall be permitted in accordance with the regulations of the RES-5 zone."
6. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (9) thereto as follows:
"9. 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 existing use shall be deemed to be a demonstration centre established within 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; and,
b) A minimum of 3 parking spaces shall be provided and no barrier-free accessible parking spaces shall be required for a demonstration centre use established within a building existing on August 24, 2015."
7. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (10) thereto as follows:
"10. 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:
a) the minimum side yard setback abutting an open space zoned property shall be 0 metres
b) the maximum building height:
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 metres and 6 storeys;
iii. within Area C, as shown in the image below, 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 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; and,
d) dwelling units shall not be located at or below grade."

8. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (11) thereto as follows:
"11. Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 122 of Appendix A, the following shall apply:
a) new driveways providing vehicular access to and from Hermie Place shall not be permitted;
b) outdoor storage shall be set back 15 metres from the lot line abutting Hermie Place, except for deep well waste systems which may be permitted within 4.5 metres from the Hermie Place lot line;
c) the minimum side yard setback shall be 3 metres; and,
d) the rear lot line shall be the lot line abutting Hermie Place and the lot lines abutting the lots municipally addressed as 14, 18, 22, 26, or 30 St. Leger Street."
9. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (12) thereto as follows:
"12. 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:
a) The minimum front yard setback shall be 4.6 metres;
b) The minimum rear yard setback shall be 3.3 metres;
c) The minimum westerly side yard setback shall be 4.4 metres;
d) The minimum easterly side yard setback shall be 5.9 metres;
e) The maximum building height shall be 17 metres or 6 storeys;
f) The maximum floor space ratio is 2; and,
g) The minimum visitor parking rate shall be 10\% of the required parking spaces."
10. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (13) thereto as follows:
"13. 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:
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 parking 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 parking spaces per unit plus 0.1 visitor parking spaces per unit;
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. The minimum side yard setback shall be 3.0 metres for portions of a building with a building height greater than 10.5 metres;
ii. The minimum rear yard setback shall be 4.5 metres;
c) Covered terraces, porches and decks exceeding 0.6 metres in height may be located within side and rear yards provided they are set back a minimum of 2.0 metres from a lot line;
d) In addition to Home Occupation, the following uses shall be permitted to locate within a multiple dwelling:
i. Indirect Sales shall also be permitted;
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; and
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."
11. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (14) thereto as follows:
"14. Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedules 173 and 174 of Appendix A, the following shall apply:
a) The maximum floor space ratio shall be 7.2;
b) On-site parking shall be provided as follows;
i) Parking spaces for multiple dwellings shall be provided at a rate of 0.64 per dwelling unit,
ii) Visitor parking spaces shall be sharable with non-residential uses and be provided at a rate of $7 \%$ of the required parking spaces;
iii) Bicycle and electric vehicle parking spaces are to be provided in accordance with Section 5 of Zoning By-law 2019-051.
c) The minimum rear yard setback shall be 9.4 metres; and,
d) Geothermal Energy Systems shall be prohibited."
12. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (15) thereto as follows:
"15. 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:
a) The maximum floor space ratio for the entire site shall be 5.17;
b) The minimum front yard setback shall be 0.0 metres along Spadina Road East;
c) The minimum rear yard setback shall be 0.0 metres;
d) The minimum exterior side yard setback abutting Highland Road East shall be 0.6 metres;
e) The minimum interior side yard setback shall be 0.0 metres;
f) The maximum building height shall be 17 storeys or 52.0 metres (not including mechanical penthouse);
g) The minimum step back above the 11th storey along the rear lot line shall be 3.0 metres and shall be 1.5 metres along the Highland Road frontage;
h) The minimum required off street parking spaces shall be 0.5 spaces per unit;
i) Zero parking spaces shall be provided for non-residential uses;
j) The total visitor parking shall be 0.095 parking spaces per unit;
k) A minimum of 98 square metres (1000 square feet) of at grade commercial uses shall be provided;
I) A minimum of 4 live work units shall be provided;
m) For multiple dwellings, a minimum of 92 Class A bicycle parking stalls and 6 Class $B$ bicycle parking stalls shall be provided; and,
n) Geothermal wells are prohibited."
13. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (38) thereto as follows:
"38. Within the lands zoned MIX-2 and shown as affected by this provision on a Zoning Grid Schedule of Appendix A, the maximum floor space ratio shall be 4 , and the maximum building height may exceed 8 storeys and 25 metres."
14. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (45) thereto as follows:
"45. 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 floor space ratio shall be 4."
15. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (161) thereto as follows:
"161. 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."
16. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (164) thereto as follows:
"164. 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."
17. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (169) thereto as follows:
"169. 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."
18. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (171) thereto as follows:
"171. Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedules 143 and 174 of Appendix A, the maximum floor space ratio shall be 1.0 and the maximum building height shall be 4 storeys or 11.5 metres, whichever is greater, at the highest grade."
19. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (174) thereto as follows:
"174. 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:
a) required parking spaces, where ingress and egress of motor vehicles to and from the street is not provided in a forward motion, shall be permitted;
b) the minimum width of each angled parking space shall be 2.54 metres;
c) dwelling units shall not be required to be located in a mixed use building; and,
d) dwelling units shall be permitted to locate on the ground floor."
20. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (387) thereto as follows:
"(387). Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 173 of Appendix A, the following shall apply:
a) The maximum Floor Space Ratio shall be 6.0.
b) On-site Parking shall be provided as follows:
i) Parking for multiple dwellings shall be provided at a rate of 0.58 parking spaces per dwelling unit.
ii) Visitor parking spaces shall be sharable with non-residential uses and be provided at a rate of $7 \%$ of the required parking.
iii) Bicycle parking stalls and electric vehicle parking spaces are to be provided in accordance with By-law 2019-051;
c) In no case shall any parking spaces be located within 16.0 metres of the street line unless located underground or internal to a building.
d) Dwelling units shall be permitted to be located on the ground floor with non-residential uses.
e) The minimum ground floor building height for any building with street line façade shall be 4.5 metres.
f) The minimum non residential gross floor area shall be 650 square metres.
g) Geothermal Energy Systems shall be prohibited."
21. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (59) thereto as follows:
"(59). Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 174 of Appendix A, only day care facility, dwelling, dwelling unit, home occupation, hotel, lodging house having less than 9 residents, small residential care facility shall be permitted only within buildings existing on January 24, 1994, until such a 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."
22. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (60) thereto as follows:
"(60). Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 86 of Appendix A, day care facility, dwelling unit, hotel, lodging house, residential care facility, school, or social service establishment shall not be permitted until such time as:
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 Region 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;
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; and
c) The holding symbol affecting these lands has been removed by bylaw."
23. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (61) thereto as follows:
"(61). Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedules 173 and 174 of Appendix A, dwelling units shall not be permitted until such a time as:
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 Region and any necessary agreement has been entered into, between the City of Kitchener and/or the Region and the owner of the property, providing for the implementation of any recommended noise mitigation measures; and,
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."
24. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (62) thereto as follows:
"(62). 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:
a) Dwelling units 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 by-law.
b) Dwelling units 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."
25. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (63) thereto as follows:
"(63). Within the lands zoned MIX-2 and shown as affected by this provision on Zoning Grid Schedule 173 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 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.
iii) No development on the lands shall occur until such time as an Urban Design Brief is approved by the City's Director of Planning demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes with adequate onsite amenity."
26. This By-law shall become effective only if Official Plan Amendment No. (Growing Together - 1994 Official Plan (Secondary Plans)) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended and this By-law shall become effective only if Official Plan Amendment No. (Growing Together (Non-PMTSA Lands)) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this $\qquad$ day of
$\qquad$ 2024.






[5000] Zoning By-law Index Number
(88) Site Specific Provision Number

1 Property Detail Schedule Number

## Date: November 24, 2023

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

Overlays Applicable to By-Law 2019-051
= $=-=$ Flooding Ecological Restoration

$\square$ Slope Erosion
Hazard

| 72 | 86 | 119 |
| :--- | :--- | :--- |
| 71 | 87 | 118 |
| 70 | 88 | 117 |




［5000］Zoning By－law Index Number
（88）Site Specific Provision Number
1 Property Detail Schedule Number
Date：November 24， 2023

By－Laws


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

Overlays Applicable to By－Law 2019－051

ミニニ゙̃ Hazard $\quad$（ 1 Areas
$\because$ Slope Erosion $\quad$ Significant Wildlife Habitat
Slope Erosion
Hazard

| 85 | 120 | 142 |
| :--- | :--- | :--- |
| 86 | 119 | 14 |


| 85 | 120 | 142 |
| :---: | :---: | :---: |
| 86 | 119 | 143 |
| 87 | 118 | 144 |










