

PROPOSED BY-LAW
BY-LAW NO. _____
OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend Zoning By-law No. 85-1, as amended,
known as the Zoning By-law of the City of Kitchener, 186 Gehl Place)

WHEREAS it is deemed expedient to amend Zoning By-law 85-1:

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

1. Zoning Grid Schedule Numbers 50, 63 and 64 of Appendix "A" to By-law Number 85-1 are hereby amended by adding thereto the lands specified and illustrated as Areas 1, 2, 3, 4 and 5 on Map No. 1, in the City of Kitchener, attached hereto.
2. Schedule Numbers 50, 63 and 64 of Appendix "A" to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 1 on Map No. 1, attached hereto from Residential Six Zone (R-6) with Special Use Provision 473U and Special Regulation Provision 597R to Residential Six Zone (R-6) Zone with Special Use Provision (487U), Special Regulation Provision 597R, and Special Regulation Provision 808R.
3. Schedule Number 64 of Appendix "A" to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 2 on Map No. 1, attached hereto from Residential Seven Zone (R-7) with Special Regulation Provisions 748R and 597R to Residential Seven Zone (R-7) with Special Use Provision (487U), Special Regulation Provision 597R, and Special Regulation Provision (809R).
4. Schedule Numbers 64 of Appendix "A" to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 3 on Map No. 1, attached hereto from Community Institutional Zone (I-2) with Special Use Provision 478U and Special Regulation Provision 597R to Community Institutional Zone (I-2) with Special Use Provision 478U, Special Regulation Provision 597R, and Special Regulation Provision (810R).
5. Schedule Numbers 63 and 64 of Appendix "A" to By-Law Number 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 4 on Map No. 1, attached hereto from Residential Six Zone (R-6) with Special Regulation Provisions 748R and 597R to Residential Six Zone (R-6) with Special Regulation Provision (811R), and Special Regulation Provision 597R.

6. Schedule Numbers 50 and 64 of Appendix “A” to By-Law Number 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 5 on Map No. 1, attached hereto from Mixed Use Corridor Zone (MU-1) with Special Regulation Provisions 747R and 597R to Mixed Use Corridor Zone (MU-1) with Special Use Provision (478U), Special Regulation Provision 597R, and Special Regulation Provision (812R).
7. Schedule Numbers 63 and 64 of Appendix "A" to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 6 on Map No. 1, attached hereto from Residential Four Zone (R-4) with Special Regulation Provision 597R to Residential Six Zone (R-6) Zone with Special Use Provision (487U), Special Regulation Provision 597R and Special Regulation Provision (808R).
8. Schedule Numbers 63 and 64 of Appendix "A" to By-law Number 85-1 are hereby amended by changing the zoning applicable to the parcels of land specified and illustrated as Area 7 on Map No. 1, attached hereto from Residential Six Zone (R-6) with Special Regulation Provisions 748R and 597R to Residential Six Zone (R-6) Zone with Special Use Provision 487U, Special Regulation Provision 597R, and Special Regulation Provision (808R)
9. Appendix “C” to By-law 85-1 is hereby further amended by adding Section 487U thereto as follows:

487U. Notwithstanding Section 40, 41 and Section 53 of this By-law within lands zoned Residential Six Zone (R-6) and shown as Area 1 on Map 1, lands zoned Residential Seven Zone (R-7) and shown as Area 2 on Map 1 and land zoned Mixed Use Corridor Zone (MU-1) and shown as Area 5 on Map 1, the following uses are permitted:

Dwelling, Live – Work Townhouse

- i. “*Dwelling, Live-Work Townhouse*” means a Townhouse dwelling unit with dedicated non-residential ground floor uses.
10. Notwithstanding Section 40, Section 41 and Section 53 to By-law 85-1, Appendix "D" is hereby amended within lands zoned Residential Six (R-6) and shown as Area 1 on Map 1 by adding the following Special Regulations Section (808R) thereto as follows:
 - i. “*Bay/Boxout Window Projections*” means a building projection with windows and/or door, with or without a foundation.
 - iii. Stairs and access ramp may be permitted in the front yard or exterior side yard provided the minimum setback to the stair

and access ramp encroachment is 0.6 metres from the street line.

- iv. Terraces, porches, balconies and decks may be located within a required *front yard* or exterior *side yard*, provided the terrace, porch or deck is set back a minimum of 2.0 metres from the front *lot line* and a minimum of 1.5 meters from the *side yard lot line* abutting a street, whether covered or not covered, and provided they are not enclosed and do not exceed 1.2 meters in height above finished grade level.
- V. Covered porches that are open on the first floor with or without railings and with or without living space above may encroach into the *driveway visibility triangle* to a maximum of 2.5 metres.
- vi. On a *corner lot*, an access driveway shall not be located closer than 4.5 metres to the intersection of street lines abutting the lot and shall permit the parking of *motor vehicles*.
- vii. “Bay/Boxout Window Projections” may encroach a maximum of 1.0 metre into a required *front yard*, *exterior side yard* and/or *rear yard*, provided that the building projection is not more than 4.0 metres wide.
- viii) The following regulations shall apply for *Single Detached Dwelling* and *Single Detached Dwelling with an Attached Dwelling Unit*:
 - a. The minimum *corner lot width* shall be 12.0 metres.
 - b. The minimum lot width shall be 8.5 metres.
 - c. The minimum *exterior side yard* shall be 3.0 metres.
 - d. The minimum *front yard* shall be 3.5 metres.
 - e. The minimum *rear yard* shall be 7.0 metres.
 - f. The minimum *rear yard* shall be 3.0 metres for corner lot for a Single Detached Dwelling with one or two Attached

Dwelling Units provided that not less than 50% of the corner lot is a minimum of 7.0 metres.

- g. The minimum *side yard* shall be 0.6 metres on one side and 1.2 metres on the other.
 - h. Porches may encroach into the side yard provided the minimum setback to side lot line is 0.6 metres.
 - i. The maximum *building height* shall be 14.0 metres.
 - j. The maximum *lot coverage* shall be a total of 60 percent, of which the habitable portion of the *dwelling units* shall not exceed 55 percent and the *accessory buildings* or *structures*, whether attached or detached, shall not exceed 15 percent.
- ix) The following regulations shall apply for Semi-Detached Dwellings:
- a. The minimum *exterior side yard* shall be 3.0 metres.
 - b. The minimum *front yard* shall be 3.5 metres.
 - c. The minimum *rear yard* shall be 7.0 metres.
 - d. The maximum *building height* shall be 14.0 meters.
 - e. The maximum gross lot coverage shall be 65 percent, of which the habitable portion of the *dwelling unit* shall not exceed 55 percent and the *accessory buildings* or *structures*, whether attached or detached, shall not exceed 15 percent.
- x) The following regulations shall apply for Street Townhouse Dwellings:
- a. The minimum *corner lot width* shall be 9.0 metres.
 - b. The minimum *exterior side yard* shall be 3.0 metres.
 - c. The minimum *front yard* shall be of 3.5 metres.
 - d. The minimum *interior side yard* shall be 0.6 metres.

- e. The minimum *rear yard* shall be 7.0 metres for each townhouse dwelling.
 - f. The maximum *building height* shall be 14.0 meters.
 - g. The maximum lot coverage for Street Townhouse Dwellings shall be 65 percent, of which the habitable portion of the *dwelling unit* shall not exceed 55 percent and the *accessory buildings* or *structures*, whether attached or detached, shall not exceed 15 percent.
 - h. The maximum number of attached units for Townhouse Dwellings shall be 8 *dwelling units*.”
11. Appendix "D" to By-law 85-1 is hereby amended within lands zoned Residential Seven (R-7) and shown as Area 2 by adding the following Special Regulations Section (809R) thereto as follows:
- i. “*Bay/Boxout Window Projections*” means a building projection with windows and/or door, with or without a foundation.
 - ii. Stairs and access ramp may be permitted in the *front yard* or *exterior side yard* provided the minimum setback to the stair and access ramp encroachment is 0.6 metres from the street line.
 - iii. Terraces, porches, balconies and decks may be located within a required *front yard* or *exterior side yard*, provided the terrace, porch or deck is set back a minimum of 2.0 metres from the front *lot line* and a minimum of 1.5 meters from the *side yard lot line* abutting a street, whether covered or not covered, and provided they are not enclosed and do not exceed 1.2 meters in height above finished grade level.
 - iv. “*Bay/Boxout Window Projections*” may encroach a maximum of 1.0 metre into a required front yard, *exterior side yard*

and/or *rear yard*, provided that the building projection is not more than 4.0 metres wide.

- v. For Townhouse Dwelling and Cluster Townhouse Dwelling:
 - a. The minimum setback to any *street line* shall be 3.0 metres.
 - b. The minimum *side yard* and *rear yard* setback of 3.0 metres.
 - c. The maximum building height shall be 14.0 metres.
 - d. The minimum *landscaped area* shall be 15%.
 - e. The minimum *floor space ratio* of 0.5.

 - vi. For *Multiple Dwelling*:
 - a. The minimum setback to any *street line* shall be 3.0 metres.
 - b. The minimum *side yard* and *rear yard* setback of 3.0 metres.
 - c. The minimum *landscaped area* shall be 15%.
 - d. The minimum *Floor Space Ratio* shall be 0.5.
 - e. An exclusive use Private Patio Area shall not be required adjacent to each dwelling unit located at ground floor level.
 - f. The minimum off-street parking shall be 1.0 space per dwelling unit.
 - g. The minimum off-street visitor parking shall be 0.1 spaces per dwelling unit.
 - h. One bicycle parking stall shall be provided for each 5 units. Bicycle stalls shall have a minimum length of 1.8 metres and a minimum width of 0.6 metres.
12. Appendix "D" to By-law 85-1 is hereby amended within lands zoned Community Institutional Zone (I-2) and shown as Area 3 on Map 1 by adding the following Special Regulations Section (810R) thereto as follows:

- i. Stairs and access ramp may be permitted in the *front yard* or *exterior side yard* provided the minimum setback to the stair and access ramp encroachment is 0.6 metres from the street line.
- ii. Terraces, porches, balconies and decks may be located within a required *front yard* or *exterior side yard*, provided the terrace, porch or deck is set back a minimum of 2.0 metres from the front *lot line* and a minimum of 1.5 meters from the *side yard lot line* abutting a street, whether covered or not covered, and provided they are not enclosed and do not exceed 1.2 meters in height above finished grade level.
- iii. “Bay/Boxout Window Projections” may encroach a maximum of 1.0 metre into a required front yard, *exterior side yard* and/or *rear yard*, provided that the building projection is not more than 4.0 metres wide.
- iv. For Townhouse Dwelling and Cluster Townhouse Dwelling:
 - a. The minimum setback to any *street line* shall be 3.0 metres.
 - b. The minimum *side yard* and *rear yard* setback of 3.0 metres.
 - c. The maximum building height shall be 14.0 metres.
 - d. The minimum *landscaped area* shall be 15%.
 - e. The minimum *floor space ratio* of 0.5.
- v. For *Multiple Dwelling*:
 - a. The minimum setback to any *street line* shall be 3.0 metres.
 - b. The minimum *side yard* and *rear yard* setback of 3.0 metres.
 - c. The minimum *landscaped area* shall be 15%.

- d. The minimum *Floor Space Ratio* shall be 0.5.
- e. An exclusive use Private Patio Area shall not be required adjacent to each dwelling unit located at ground floor level.
- f. The minimum off-street parking shall be 1.0 space per dwelling unit.
- g. The minimum off-street visitor parking shall be 0.1 spaces per dwelling unit.
- h. One bicycle parking stall shall be provided for each 5 units. Bicycle stalls shall have a minimum length of 1.8 metres and a minimum width of 0.6 metres.

13. Appendix "D" to By-law 85-1 is hereby amended within lands zoned Residential Six (R-6) and shown as Area 4 on Map 1 by adding the following Special Regulations Section (811R) thereto as follows:

- i. Stairs and access ramp may be permitted in the *front yard* or *exterior side yard* provided the minimum setback to the stair and access ramp encroachment is 0.6 metres from the street line.
- ii. Terraces, porches, balconies and decks may be located within a required *front yard* or *exterior side yard*, provided the terrace, porch or deck is set back a minimum of 2.0 metres from the front *lot line* and a minimum of 1.5 meters from the *side yard lot line* abutting a street, whether covered or not covered, and provided they are not enclosed and do not exceed 1.2 meters in height above finished grade level.
- iii. "Bay/Boxout Window Projections" may encroach a maximum of 1.0 metre into a required front yard, *exterior side yard* and/or *rear yard*, provided that the building projection is not more than 4.0 metres wide.

- iv. For Townhouse Dwelling and Cluster Townhouse Dwelling:
 - a. The minimum setback to any *street line* shall be 3.0 metres.
 - b. The minimum *side yard* and *rear yard* setback of 3.0 metres.
 - c. The maximum building height shall be 14.0 metres.
 - d. The minimum *landscaped area* shall be 15%.
 - e. The minimum *floor space ratio* of 0.5.

- v. For *Multiple Dwelling*:
 - a. The minimum setback to any *street line* shall be 3.0 metres.
 - b. The minimum *side yard* and *rear yard* setback of 3.0 metres.
 - c. The minimum *landscaped area* shall be 15%.
 - d. The minimum *Floor Space Ratio* shall be 0.5.
 - e. An exclusive use Private Patio Area shall not be required adjacent to each dwelling unit located at ground floor level.
 - f. The minimum off-street parking shall be 1.0 space per dwelling unit.
 - g. The minimum off-street visitor parking shall be 0.1 spaces per dwelling unit.
 - h. One bicycle parking stall shall be provided for each 5 units. Bicycle stalls shall have a minimum length of 1.8 metres and a minimum width of 0.6 metres.

14. Appendix "D" to By-law 85-1 is hereby amended within lands zoned Mixed Use Corridor Zone (MU-1) and shown as Area 5 on Map 1 by adding the following Special Regulations Section (812R) thereto as follows:

- i. "*Bay/Boxout Window Projections*" means a building projection with windows and/or door, with or without a foundation.

- ii. Stairs and access ramp may be permitted in the *front yard* or *exterior side yard* provided the minimum setback to the stair and access ramp encroachment is 0.6 metres from the street line.
- iii. Terraces, porches, balconies and decks may be located within a required *front yard* or *exterior side yard*, provided the terrace, porch or deck is set back a minimum of 2.0 metres from the front *lot line* and a minimum of 1.5 meters from the *side yard lot line* abutting a street, whether covered or not covered, and provided they are not enclosed and do not exceed 1.2 meters in height above finished grade level.
- iv. “Bay/Boxout Window Projections” may encroach a maximum of 1.0 metre into a required front yard, *exterior side yard* and/or *rear yard*, provided that the building projection is not more than 4.0 metres wide.
- v. The Minimum setback from Bleams Roads shall be 3.0 metres and shall be developed in accordance with mitigation measures recommended in the approved Noise Study as part of the Plan of Subdivision approval for the lands, but such mitigation measures shall not include noise walls or berms.
- vi. For Townhouse Dwelling and Cluster Townhouse Dwelling:
 - a. The minimum setback to any *street line* shall be 3.0 metres.
 - b. The minimum *side yard* and *rear yard* setback of 3.0 metres.
 - c. The maximum building height shall be 14.0 metres.
 - d. The minimum *landscaped area* shall be 15%.
 - e. The minimum *floor space ratio* of 0.5.

- v. For *Multiple Dwelling*:
- a. The minimum setback to any *street line* shall be 3.0 metres.
 - b. The minimum *side yard* and *rear yard* setback of 3.0 metres.
 - c. The minimum *landscaped area* shall be 15%.
 - d. The minimum *Floor Space Ratio* shall be 0.5.
 - e. An exclusive use Private Patio Area shall not be required adjacent to each dwelling unit located at ground floor level.
 - f. The minimum off-street parking shall be 1.0 space per dwelling unit.
 - g. The minimum off-street visitor parking shall be 0.1 spaces per dwelling unit.
 - h. One bicycle parking stall shall be provided for each 5 units. Bicycle stalls shall have a minimum length of 1.8 metres and a minimum width of 0.6 metres.
 - i. The maximum building height will be 16.5 metres (5 storeys)
 - j. The minimum ground floor street line façade width as a percentage of the abutting street shall be 20%.

PASSED at the Council Chambers in the City of Kitchener this
day of _____ 2024.

Mayor

Clerk