

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. 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.
2. Schedule Number 64 of Appendix "A" to By-law Number 85-1 is hereby amended by changing the zoning applicable to the parcel 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).
3. Schedule Number 64 of Appendix "A" to By-law Number 85-1 is 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).

4. 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.
5. 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).
6. 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 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).
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 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) 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 8 on Map No. 1, attached hereto from Neighbourhood Institutional Zone (I-1) with Special Use Provision 474U and Special Regulation

Provision 597R to Residential Six Zone (R-6) with Special Use Provision 487U, Special Regulation Provision 597R, and Special Regulation Provision (808R).

9. Schedule Numbers 50, 63 and 64 of Appendix "A" to By-law Number 85-1 are hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
10. Appendix "C" to By-law 85-1 is hereby further amended by adding Section 487U thereto as follows:

"487. Notwithstanding Sections 40, 41 and 53 of this By-law within the lands zoned Residential Six Zone (R-6), Residential Seven Zone (R-7) and Mixed Use Corridor Zone (MU-1) and shown as affected by this subsection on Schedule Numbers 50, 63 and 64 of Appendix "A", 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."

11. Appendix "D" to By-law 85-1 is hereby further amended by adding Section 808R thereto as follows:

"808. Notwithstanding Sections 40, and 41 of this By-law, within the lands zoned Residential Six Zone (R-6), shown as affected by this subsection on Schedule Numbers 50, 63 and 64 of Appendix "A", the following special regulations shall apply:

- i. For the purposes of this section 808R, "*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 metres 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 metres.
 - 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 metres.
- 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.”

12. Appendix “D” to By-law 85-1 is hereby amended by adding Section 809R thereto as follows:

“809. Notwithstanding Section 41 of this By-law, within the lands zoned Residential Seven Zone (R-7), shown as affected by this subsection, on Schedule Number 64 of Appendix “A”, the following special regulations shall apply:

- i. For the purposes of this section 809R, “*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 metres 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 metres 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.”

13. Appendix “D” to By-law 85-1 is hereby amended by adding Section 810R thereto as follows:

“810. Notwithstanding Section 32 of this By-law within the lands zoned Community Institutional Zone (I-2), shown as affected by this subsection, on Schedule Number 64 of Appendix “A”, the following special regulations shall apply:

- i. For the purposes of this section 810R, “*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 metres 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 metres 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.

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 by adding Section 811R thereto as follows:

“811. Notwithstanding Section 40 of this By-law, within the lands zoned Residential Six Zone (R-6), shown as affected by this subsection, on Schedule Numbers 63 and 64 of Appendix “A”, the following special regulations shall apply:

- i. For the purposes of this section 811R, "*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 metres 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 metres 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.
- 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”.

15. Appendix "D" to By-law 85-1 is hereby amended by adding Section (812R) thereto as follows:

“812. Notwithstanding Section 53 of this By-law, within the lands zoned Mixed Use Corridor Zone (MU-1), shown as affected by this subsection, on Schedule Numbers 50 and 64 of Appendix “A”, the following special regulations shall apply:

- i. For the purposes of this section 812R, “*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 metres 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 metres 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 Road 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.
- vii. 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