

BY-LAW NUMBER _____

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law No. 2019-051, as amended, known as the Zoning By-law for the City of Kitchener – 135, 139, 147, 153 and 161 Jackson Avenue, and 136 Brentwood Avenue)

WHEREAS it is deemed expedient to amend Zoning By-law 2019-051;

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

1. Schedule Number 174 of Appendix “A” to By-law 2019-051 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1 attached hereto, from Low-Rise Residential Five Zone (RES-5) to Low-Rise Residential Five Zone (RES-5) with Site Specific Provision (393) and Holding Provision (84H).
2. Schedule Number 174 of Appendix “A” to By-law 2019-051 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 Low-Rise Residential Four Zone (RES-4) to Low-Rise Residential Five Zone (RES-5) with Site Specific Provision (393) and Holding Provision (84H).
3. Zoning Grid Schedule Number 174 of Appendix “A” to By-law Number 2019-051 is hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
4. Schedule 19 to By-law 2019-051 is hereby amended by adding Site Specific Provision (393) thereto as follows:

“(393) Notwithstanding Tables 5-5, 7-6, Section 7.5 and Section 7.6 of this By-law, for the lands zoned RES-5 and shown as being affected by this subsection on Zoning Grid Schedule Number 174 of Appendix “A” the following regulations shall apply:

- i) The maximum *floor space ratio* shall be 1.0;
- ii) The maximum permitted *building height* shall be 12.5 metres and 3.5 storeys at the highest grade elevation and 13.7 metres and 4 storeys at the lowest grade elevation;
- iii) The minimum *setback* from lots abutting those properties municipally addressed on Montgomery Road shall be 6.0 metres;
- iv) The minimum *setback* from lots abutting those properties municipally addressed on Brentwood Avenue shall be 7.5 metres;
- v) Despite the maximum *building height* of 13.7 metres at the lowest grade elevation, the *building height* shall not exceed 11.0 metres within 9.3 metres of a RES-4 zone;
- vi) Steps may encroach within the required *front yard setback*;
- vii) The minimum required combined residents and visitor parking rate shall be 1.02 combined resident and visitor parking spaces per unit; and
- viii) 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.”

5. Section 20 of By-law Number 2019-051 is hereby amended by adding Holding Provision (84H) thereto as follows:

“(84H) Notwithstanding Section 7 of this By-law, within the lands zoned RES-5 and shown as being affected by this subsection on Zoning Grid Schedule Number 174 of Appendix “A”, only those uses that lawfully existed on the date of passing of this By-law shall be permitted until such time as a Noise Study has been completed and implementation measures addressed to the satisfaction of the *Region*. The detailed stationary noise study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.”

6. This By-law shall become effective only if Official Plan Amendment No. __, 135, 139, 147, 153 and 161 Jackson Avenue, and 136 Brentwood Avenue comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED by Council this __day of____

2024.

Mayor

Clerk