

APPENDIX "D" - SPECIAL REGULATION PROVISIONS FOR SPECIFIC LANDS

411. Notwithstanding Section 40.2 of this By-law, within the lands zoned R-6 as shown on Schedule 256 of Appendix "A" and described as Part of Lot 15, Registered Plan 959, for the City of Kitchener, a maximum of six dwelling units may be permitted. However, no more than three dwelling units may be permitted until such time as:

- a) Any new residential dwelling units have a central air conditioning system, double glazed windows and EW1 exterior wall sections pursuant to the Underwriter's Laboratories List or equivalent material as approved by the City's Chief Building Official; or
- b) A noise study certified by a professional engineer demonstrates that noise levels from Fairway Road will not exceed the maximum levels specified by the Ministry of the Environment in publication NPC-206 as amended from time to time; or,
- c) A noise study certified by a professional engineer demonstrates that noise levels will not exceed the maximum levels set out in clause b) above by the employment of measures to mitigate noise and such measures are employed prior to occupancy of any new dwelling unit.

(By-law 2004-9, S.3) (Morgan Avenue)