



**Date:** February 27, 2023  
**Subject:** Site Alteration Amendment

The City’s intention is to amend Chapter 633 of the Municipal Code which deals with Site Alteration.

Unregulated site alteration activities have taken place over the years and those activities have resulted in undesirable environmental impacts. Impacts associated with unregulated site alteration activities can vary from site to site, but there are several common concerns which arise including significant loss of natural heritage features such as wetlands and woodlands, flooding, soil erosion and sedimentation, and the formation of unstable slopes.

Currently the Site-Alteration By-Law regulates site alteration activities and staff have the ability to respond to complaints or issues which may arise.

Existing exemptions that will not change through the amendment include:

- **Article 3 – Statutory exemptions**
- **Lawn - garden - landscaping - restrictions**  
 lawn dressing, landscaping, or adding to flower beds or vegetable gardens and provided that:
  - no soil in excess of 30 centimetres in depth is placed on the lands;
  - the elevation of the land within 60 centimetres of any site limit is not changed; and
  - there is no change in the location, direction or elevation of any watercourse.
- **Swimming pool construction - with permit**
- **Building permit issued - conditions**  
 Issuance of a building permit for the erection of a building or structure, and provided that the drawings that accompany the building permit application provide sufficient information for the Chief Building Official to determine site alteration conforms to the provisions of the Chapter.
- **Demolition permit - restoration to existing grade**  
 Excavation or restoration of the existing grade pursuant to the issuance of a demolition permit.

Existing By-Law	Proposed Changes	Why we are seeking an adjustment
<b>Exemptions</b> Area less than 0.405ha	<b>Exemptions</b> Area less than <i>0.1ha</i> Recommended in the Stormwater Management Master Plan (ISWM-MP), approved by Council in 2016.	This reduction will more accurately reflect the lot sizes in the City of Kitchener and allow for more comprehensive implementation of volume control policy.



<p><b>Existing Definition</b>  “site alteration” means any physical change or alteration of the site, such as placing or dumping of fill, removing soil, or the alteration of the grade that changes the site and natural vegetative characteristics.</p>	<p><b>New Definition</b>  “site alteration” means any physical change or alteration of the site, such as placing or dumping of fill, removing soil, or the alteration of the grade that changes the site and natural vegetative characteristics.  <i>Without limiting the generality of the foregoing, site alteration includes paving gravel parking lots (which includes, without limitation, resurfacing with asphalt or concrete) and the construction of retaining walls where the same include any level of alteration in grade, the placing or dumping of any quantity of fill, or the removal of any quantity of soil.”</i></p>	<p>The adjustment to the site alteration definition will more clearly describe what type of physical changes on-site constitute as “site alteration”.</p> <p>Changing a gravel parking lot to a hard surface like asphalt or concrete increases the impervious area and will affect the stormwater that falls on the property.</p> <p>The addition of retaining walls on a property will automatically change the grades and should be reviewed to determine if storm water paths are affected.</p>
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Any proposed changes must meet the standards set in the City of Kitchener Development Manual

All properties must submit their proposal to Engineering. The Engineering Department will review your proposal based on these criteria listed below. If the property:

- Has no change within 1 meter of the property line;
- Has no change to the existing drainage patterns to and from adjacent properties;
- Has no erosion or sediment is leaving the property; and
- Has no change or impact to existing swales; and
- Is already part of an existing subdivision

Engineering would exempt the proposal.

Fees and drawings would be submitted if a Site Alteration Application is determined to be required.