

PROPOSED BY – LAW
_____ 2023
BY-LAW NUMBER ____

OF THE
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended, known as
the Zoning By-law for the City of Kitchener
– King-Charles Properties (Kitchener) Limited – 1001 King
Street East)

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;
NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as
follows:

1. Schedule Number 143 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 1 on Map No. 1, in the City of Kitchener, attached hereto, from High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R to High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R, Special Regulation Provision 788R and Holding Provision 100H.
2. Schedule Number 143 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 2 on Map No. 1, in the City of Kitchener, attached hereto, from High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R and Special Use Provision 401U to High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R, Special Regulation Provision 788R, and Holding Provision 100H.
3. Schedule Number 143 of Appendix “A” to By-law Number 85-1 is hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
4. Appendix “D” to By-law 85-1 is hereby amended by adding Section 788 thereto as follows:

“788. Notwithstanding Sections 5.9, 6.1.2 and 55.2 of this By-law within the lands zoned MU-3 and shown as being affected by this subsection on Schedule Number 143 of Appendix ‘A’, the following special regulations shall apply:

- a) The maximum Floor Space Ratio shall be 8.1. For clarity, the floor space ratio shall be calculated based on a pre-road widening lot area of 6,492 square metres.
- b) The minimum yard abutting Charles Street East shall be:
 - i. 1.2 metres for the ground floor
 - ii. 0.0 metres for storeys above the ground floor

For clarity, the setback shall be measured based on the post-road widening lot line.

- c) The minimum yard abutting King Street East shall be:
 - i. 1.2 metres for portions of the building containing commercial, residential and amenity uses;
 - ii. 5.0 metres for portions of the building containing mechanical and/or parking structure.

For clarity, the setback shall be measured based on the post-road widening lot line.

- d) Live-work units shall be permitted to be located on the ground floor fronting Charles Street East.

- e) On-site Parking shall be provided as follows:

Use	Minimum Off-Street Parking Spaces Required
Multiple Dwelling	0.54 spaces per unit
Visitor	0.1 spaces per unit and shall be shareable with ground floor non-residential uses
Ground Floor Non-Residential Uses	0 spaces

- f) Bicycle parking is to be provided as follows:

Use	Class A Bicycle Stall	Class B Bicycle Stall
Multiple Dwelling	0.5 per unit	6

For the purposes of this regulation a ‘Class A Bicycle Stall’ shall be a bicycle space which is either in a building or structure or within a secure

area such as a supervised parking lot or enclosure with a secure entrance or within a bicycle locker.

For the purposes of this regulation a 'Class B Bicycle Stall' shall be a bicycle space which is located in accessible and highly visible locations near the entrance of a building and are accessible to the general public.

- g) A minimum of 20 percent of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment.
- h) Geothermal Energy Systems shall be prohibited."

5. Appendix "F" to By-law 85-1 is hereby amended by adding Section 100H thereto as follows:

"100. Notwithstanding Section 55 of this Bylaw, within the lands zoned MU-3 and shown as being affected by this Subsection on Schedule Number 143 of Appendix "A":

- i) No residential use shall be permitted until a Record of Site Condition (RSC) has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry in accordance with O. Reg. 153/04, as amended. This Holding Provision shall not be removed until the Regional Municipality of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and Parks (MECP) advising that a Record of Site Condition has been filed.
- ii) No residential use shall be permitted until such time as a a detailed transportation (road), vibration and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of the points of reception (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures."

6. This By-law shall become effective only if Official Plan Amendment No. __, (1001 King Street East) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this day of ,
2023.

Mayor

Clerk