

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
and By-law 2019-051, as amended, known as the
Zoning By-laws for the City of Kitchener
– Polocorp Inc. – 455, 459, 469, 473, 477, 481, 485,
and 509 Mill Street)

WHEREAS it is deemed expedient to amend By-law 85-1 and By-law 2019-051 for the lands specified above;

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

1. Schedule Numbers 118, 144 and 145 of Appendix “A” to By-law Number 85-1 are hereby amended by removing 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.
2. Schedule Numbers 118, 144 and 145 of Appendix “A” to By-law Number 85-1 are hereby further amended by removing the zone boundaries as shown on Map No. 1 attached hereto.
3. Zoning Grid Schedule Numbers 118, 144 and 145 of Appendix “A” to By-law Number 2019-051 are hereby further amended by adding thereto the lands specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, and by zoning the Area 1 lands thereafter as Mixed Use Three Zone (MIX-3) with Site Specific Provision (362) and Holding Provision (43).
4. Zoning Grid Schedule Numbers 118, 144 and 145 of Appendix “A” to By-law Number 2019-051 are hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
5. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (43) thereto as follows:

“(43). Notwithstanding Section 8, of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 118, 144 and 145 of Appendix “A”:

- i) No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP). This Holding Provision shall not be removed until the Region 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 completed to their satisfaction.
- ii) No residential use shall be permitted until such time as a Stationary Noise Study is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services 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. Section 19 of By-law 2019-51 is hereby amended by adding Site Specific Provision (362) thereto as follows:

“(362). Notwithstanding Section 5.6, Table 5-5, and Section 8.3, Table 8-2 of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 118, 144 and 145 of Appendix “A”, the following special regulations shall apply:

- a) The maximum Floor Space Ratio shall be 8.5 and shall be calculated pre road widening and pre conveyance of park land.
- b) The maximum building height shall be 145.0 metres.
- c) The maximum number of storeys shall be 44.
- d) That parking be provided at a rate of 0.55 parking spaces per dwelling unit plus 0.05 visitor parking spaces per dwelling unit.

- e) The minimum rear yard building podium setback shall be 0 metres.
- f) The minimum rear yard building tower setback shall be 2.5 metres.
- g) The minimum interior side yard building setback shall be 2.9 metres and regulated pre parkland conveyance.
- h) The minimum ground floor street line façade width as a percent of the width of the abutting street line shall be 25%
- i) The maximum number of storeys in the base of a mid-rise building or tall building shall be 8.
- j) The minimum non residential gross floor area shall be 2000 square metres.
- k) Geothermal Energy Systems shall be prohibited.”

7. This By-law shall become effective only if Official Plan Amendment No. __ (455, 459, 469, 473, 477, 481, 485, and 509 Mill Street) 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