

PROPOSED BY – LAW
_____ 2023
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 2019-051, as
amended, known as the Zoning By-law for the City of
Kitchener
– M.K.G. Holding Corporation
1157 and 1175 Weber Street East)

WHEREAS it is deemed expedient to amend 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. Zoning Grid Schedules Numbered 194 and 195 of Appendix “A” to By-law Number 2019-051 are 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 General Commercial Zone (COM-2) to Mixed Use Three Zone (MIX-3) with Site Specific Provision (364) and Holding Provision 44H.
2. Zoning Grid Schedules Numbered 194 & 195 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.
3. Section 19 of By-law 2019-51 is hereby amended by adding Site Specific Provision (364) thereto as follows:

“(364). Notwithstanding Section 5.6, Table 5-5, Section 8.3, Table 8-2, and Table 8-2 of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedules Numbered 194 and 195 of Appendix “A”, the following special regulations shall apply:

- a) The minimum amount of non-residential *gross floor area* on the *ground floor* shall be 376 m²;
- b) The maximum *Floor Space Ratio* shall be 4.5;

- c) The maximum *building height* shall be 64.5 metres and in no case shall height exceed 411 mASL inclusive of rooftop HVAC, communication towers and construction cranes;
 - d) The maximum number of *storeys* shall be 19;
 - e) The minimum number of *Bicycle Parking Stall, Class A* spaces shall be 0.95 spaces per unit;
 - f) The minimum number of parking spaces for *Dwelling Unit* and *Multiple Dwelling* shall be 0.7 spaces per dwelling unit;
 - g) Geothermal wells are prohibited.”
4. Section 20 of By-law 2019-51 is hereby amended by adding Section (44H) thereto as follows:
- “(44). Notwithstanding Section 8 of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedules Numbered 194 and 195 of Appendix “A”, no residential use or other sensitive land use shall be permitted until such time as a detailed stationary noise study and a Record of Site Condition (RSC), in accordance with O. Reg. 153/04, have been addressed to the satisfaction of the Region of Waterloo. 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 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, and the RSC has been filed with the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the Ministry Acknowledgement letter has been submitted to the satisfaction of the Region.”
5. This By-law shall become effective only if Official Plan Amendment No. __ (1157 and 1175 Weber Street E.) 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