

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
– 1928393 Ontario Inc., 2564292 Ontario Inc., Rome Sales
Inc. and 2592546 Ontario Inc. – 97 and 101 Park Street,
186, 190, 192 and 194 Victoria Street South)

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 73 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 Low Intensity Mixed Use Corridor Zone (MU-1) with Special Use Provision 402U and Special Regulation Provision 523R to High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 792R and Holding Provision 104H.

2. Schedule Number 73 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 2 on Map No. 1, in the City of Kitchener, attached hereto, from Low Intensity Mixed Use Corridor Zone (MU-1) to High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 792R and Holding Provision 104H.

3. Schedule Number 73 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 792 thereto as follows:

“792. Notwithstanding Sections 6.1.2, and 55.2.1 of this By-law within the lands zoned MU-3 and shown as being affected by this subsection on Schedule Number 73 of Appendix ‘A’ the following special regulations shall apply:

- a) The maximum Floor Space Ratio shall be 7.7.
- b) That parking be provided at a rate of 0.8 parking spaces per dwelling unit. 10% of the required parking spaces shall be shared for visitor parking and non-residential uses. Bicycle and electric vehicle parking are to be provided in accordance with By-law 2019-051.
- c) The Maximum Front Yard Abutting a Street shall be 32 metres.
- d) A 7.5 metre setback from the lot line abutting the rail right-of-way is provided with a crash wall and signed and stamped affidavit from a qualified Professional Engineer licensed to practice in the Province of Ontario demonstrating that the proposed development has been designed in accordance with the Federation of Canadian Municipalities and Railway Association of Canada guidelines.
- e) Geothermal Energy Systems shall be prohibited.”

5. Appendix “F” to By-law 85-1 is hereby amended by adding Section 104H thereto as follows:

“104. Notwithstanding Section 55 of this Bylaw, within the lands zoned MU-3 and shown as being affected by this Subsection on Schedule Number 73 of Appendix “A”:

- i) No residential use shall be permitted until a Record of Site Condition (RSC) has been filed on the Ministry of the Environment, Conservation and Parks (MECP) Environmental Site Registry. 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 filed.
- i) No residential use shall be permitted until such time as a Road, Vibration and 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.

- ii) Vehicular access is prohibited off of Victoria Street South until a satisfactory Transportation Impact Study (TIS) that includes a sensitivity analysis has been submitted and approved to the satisfaction of the Regional Municipality of Waterloo.
- iii) No development on the lands shall occur until such time as an Urban Design Brief is approved by the City's Director of Planning demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes with adequate tower separation and onsite amenity."

6. This By-law shall become effective only if Official Plan Amendment No. __ (97 and 101 Park Street, 186, 190, 192 and 194 Victoria Street South) 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