

PROPOSED BY-LAW

_____, 2023

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law No. 85-1, as amended, known as the
Zoning By-law for the City of Kitchener
– Spadina Holdings (Kitchener) Corporation and Highland Holding (Kitchener)
Corporation – 130 and 140 Highland Road East)

WHEREAS it is deemed expedient to amend Zoning 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 Numbers 86 and 87 of Appendix “A” to By-law 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1 attached hereto, from Commercial Residential One Zone (CR-1) to Commercial Residential Three Zone (CR-3) with Special Regulation Provision 791R and Holding Provision 103H.
2. Schedule Numbers 86 and 87 of Appendix “A” to By-law 85-1 are hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
3. Appendix “D” to By-law 85-1 is hereby amended by adding Section 791R thereto as follows:
 - “791R. Notwithstanding Sections 6, 6.1.2 a), 6.1.2 b)vi), and 46.3 of this By-law, for the lands zoned CR-3, as shown on Schedule Numbers 86 and 87 of Appendix “A”, the following additional regulations shall apply:
 - i. The maximum Floor Space Ratio (FSR) shall be 5.17;
 - ii. The minimum front yard shall be 0.0 metres along Spadina Road East;
 - iii. The minimum rear yard setback shall be 1.5 metres;
 - iv. The minimum side yard setback abutting a street shall be 0.6 metres along the Highland Road frontage;

- v. The minimum interior side yard setback be 1.5 metres;
- vi. The maximum building height shall be 17 storeys or 52.0 metres (not including mechanical penthouse);
- vii. The minimum step back above the 11th floor shall be 3.0 metres;
- viii. The minimum off street parking shall be 0.5 parking spaces per dwelling unit;
- ix. Zero parking shall be provided for non-residential uses;
- x. The total visitor parking shall be 0.095 parking spaces per dwelling unit;
- xi. A minimum of 98 m² (1000 sq.ft.) of at grade commercial uses shall be provided;
- xii. A minimum of 4 live work units shall be provided;
- xiii. For Multiple Residential uses, a minimum of 92 Class A bicycle parking stalls and 6 Class B bicycle stalls shall be provided;
- xiv. Geothermal wells are prohibited.”

4. Appendix “F” to By-law 85-1 is hereby amended by adding Section 103H thereto as follows:

“103. Notwithstanding Section 46 of this Bylaw, within the lands zoned Commercial Residential Three Zone CR-3 (791R) as shown as affected by this subsection on Schedule Numbers 86 and 87 of Appendix “A”, only those uses which lawfully existed on the date of passing of this By-law, shall be permitted to continue until such time as this Holding Provision is removed by by-law once the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that:

- a) a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed with the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry;
- b) the Regional Municipality of Waterloo has received an approved copy of the RSC and the Ministry’s RSC Acknowledgement letter,
- c) a detailed stationary noise study has been completed and submitted to the satisfaction of the Regional Municipality of Waterloo which addresses implementation measures and reviews the potential impacts of the development on site noise sensitive receptors (e.g. HVAC system on the

sensitive points of reception) and the impacts of the development on adjacent noise sensitive uses.

d) legal access is obtained over Highland Courts Park to the satisfaction of the City of Kitchener.”

5. This By-law shall become effective only if Official Plan Amendment No. __, 130 and 140 Highland Road 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