

Attachment “B” – Proposed Zoning By-law Amendment

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

- 1232119 Ontario Inc. and 1936026 Ontario Inc.
– 130 - 142 Victoria Street South

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 Number 73 of Appendix “A” to By-law Number 85-1 is hereby amended by removing therefrom the lands specified and illustrated as Areas 1 and 2 on Map No. 1 attached hereto.
2. Schedule Number 73 of Appendix “A” to By-law Number 85-1 is hereby further amended by removing the zone boundaries as shown on Map No. 1 attached hereto.
3. Zoning Grid Schedule Number 73 of Appendix “A” to By-law Number 2019-051 is hereby amended by adding thereto the lands specified and illustrated as Areas 1 and 2 on Map No. 1 attached hereto, and by zoning the lands specified and illustrated as Areas 1 and 2 lands thereafter as Mixed-Use Three Zone (MIX-3) with Site Specific Provision 374 and Holding Provision 50.
4. Zoning Grid Schedule Number 73 of Appendix “A” to By-law Number 2019-051 is hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
5. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (374) thereto as follows:

"374. Notwithstanding Tables 5-5 and 8-2 of this By-law within the lands zoned MIX-3 and shown as affected by this subsection on Zoning Grid Schedule Number 73 of Appendix 'A', the following special regulations shall apply:

a) the minimum setback to Bramm Street shall be:

- i. 2.75 metres for the ground floor
- ii. 0.0 metres for floors above the ground floor

b) the minimum setback to Victoria Street South shall be 0 metres.

c) the minimum interior side yard setback shall be:

- i. 0 metres for any part of the building not exceeding 11 metres in height
- ii. 4.0 metres for any part of the building exceeding 11 metres in height.

d) the minimum rear yard setback shall be 0 metres.

e) the minimum street line stepback from Bramm Street shall be 2.5 metres.

f) the maximum building height shall be 80.0 metres.

g) the maximum floor space ratio shall be 13.7.

h) the minimum amount of non-residential gross floor area shall be 5%.

i) parking and bicycle parking shall be provided in accordance with the required rates as provided for UGC Zones in Table 5-5.

j) geothermal wells are prohibited on site. A geothermal well is a well defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five metres unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation."

6. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (50) thereto as follows:

"(50). 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 Number 73 of Appendix "A":

a) 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)

Attachment "B" – Proposed Zoning By-law Amendment

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.

- b) no residential redevelopment shall be permitted until such time as a detailed 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 development on itself (e.g. HVAC system on the sensitive points of reception) and the impact of the development on the adjacent sensitive land uses.
- c) no residential redevelopment shall be permitted until such time as the City is in receipt of correspondence from CN indicating that an updated noise and vibration assessment report has been completed to their satisfaction, and at the sole discretion of CN, that a CN Agreement has been entered into, environmental easement for operational noise and vibration emissions has been granted, and a restrictive covenant regarding implementation and maintenance of noise isolation measures has been registered, as may be required by CN."

- 7. This By-law shall become effective only if Official Plan Amendment No. ___ (130 - 142 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