

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 – 2748244 Ontario
Inc. – 2934 King 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 Schedule Number 220 of Appendix "A" to By-law Number 2019-051 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 General Commercial (COM-2) to General Commercial (COM-2) with Site Specific Provision (382) and Holding Provision (55H).
2. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (382) thereto as follows:

"382. Notwithstanding Section 9 and Table 5-5 of this By-law within the lands zoned COM-2 and shown as affected by this subsection on Zoning Grid Schedule Number 202 of Appendix 'A', the following special regulations shall apply:
 - a) The maximum floor space ratio for all uses shall be 2.6.
 - b) The maximum building height shall be 45 metres, and 11 storeys.
 - c) The maximum parking rate shall be 1.65 parking spaces per dwelling unit.
 - d) The minimum front yard setback (King Street East) shall be 0 metres for a portion of the building that is less than 12 metres in building height.
 - e) The minimum rear yard setback (Centreville Street) shall be 3.5 metres for a portion of the building that is less than 12 metres in building height.
 - f) The minimum exterior side yard setback (Morgan Avenue) shall be 2.5 metres for a portion of the building that is less than 12 metres in building height.
 - g) The minimum interior side yard setback shall be 1.8 metres for a portion of the building that is less than 12 metres in building height.

- h) Geothermal energy systems shall be prohibited."
3. Section 20 of By-law 2019-51 is hereby amended by adding Section (55H) thereto as follows:
- "(55). Notwithstanding Section 9 of this By-law within the lands zoned General Commercial (COM-2) and shown as being affected by this subsection on Zoning Grid Schedule Number 220 of Appendix "A", no residential uses shall be permitted until such time as the following conditions have been met and this holding provision has been removed by by-law:
- a) A Record of Site Condition (RSC) has been filed on the Ministry of the Environment, Conservation and Parks (MECP) 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; and
 - b) A detailed transportation (road) and stationary noise study is submitted and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo."
4. This By-law shall become effective only if Official Plan Amendment No. ____, 2934 King Street 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