

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
– Vanmar Developments 417 King GP Corp. – 417 King Street
West)

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 84 of Appendix “A” to By-law 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 Warehouse District Zone (D-6) with Special Regulation Provision 122R and Special Use Provision 142U to Warehouse District Zone (D-6) with Special Regulation Provision 804R, Special Use Provision 486U and Holding Provision 109H.
2. Schedule Number 84 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.
3. Appendix “C” to By-law 85-1 is hereby amended by adding Section 486 thereto as follows:

“486. Notwithstanding Section 17.1 of this By-law, within the lands zoned D-6 and shown as being affected by this Subsection on Schedule Number 84 of Appendix “A”, Multiple Dwellings and Retail shall be permitted.”
4. Appendix “D” to By-law 85-1 is hereby amended by adding Section 804 thereto as follows:

“804. Notwithstanding Sections 17.1, 17.3 and 6.1.2 of this By-law, within the lands zoned D-6 and shown as being affected by this Subsection on Schedule Number 84 of Appendix “A”, the following special regulations shall apply:

- i) The maximum Floor Space Ratio shall be 23.
- ii) Electric vehicle parking and bicycle parking shall be provided in accordance with Section 5 of Zoning By-law 2019-051 and the required parking rates shall be provided in accordance UGC Zones in Table 5-5 of Zoning By-law 2019-051.
- iii) The minimum rear yard and side yard setbacks shall be 0.0 metres
- iv) No maximum gross leasable commercial space for Convenience Retail or Retail.
- v) Geothermal Energy Systems shall be prohibited.”

5. Appendix “F” to By-law 85-1 is hereby amended by adding Section 109H thereto as follows:

“109H. Notwithstanding Section 17 of this Bylaw, within the lands zoned D-6 and shown as being affected by this Subsection on Schedule 84 of Appendix “A”:

- i) No residential use shall be permitted until a detailed transportation (road) and stationary noise study has been completed and implementation measures recommended to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g. HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.
- ii) 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 onsite amenity.”

6. This By-law shall become effective only if Official Plan Amendment No. 33 (417 King

