

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 – Ideal Capital Limited
– 93-99 Benton Street & 39-43 St. George Street)

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. Zoning Grid Schedule Number 85 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 Commercial Residential Two Zone (CR-2) with Special Regulation Provision 136R to Commercial Residential Two (CR-2) with Special Regulations Provisions 136R and 807R and Holding Provision (112H).

2. Appendix "D" of By-law 85-1 is hereby amended by adding Section 807R thereto as follows:

"807R. Notwithstanding Sections 45.3.1 and 45.3.6 and Special Provision 136R of this By-law, within the lands zoned CR-2, 136R and shown as affected by this subsection on Zoning Grid Schedule Number 85 of Appendix 'A', the following additional regulations shall apply:

- a) The maximum floor space ratio for all uses shall be 5.1.
- b) The maximum building height shall be 45 metres, and 13 storeys, not including rooftop mechanicals
- c) The minimum parking rate for dwelling units shall be 0.4 parking spaces per dwelling unit, inclusive of visitor parking.
- d) The minimum visitor parking rate shall be 12% of parking required for dwelling units.
- e) The minimum parking rate for non-residential uses located on the ground floor shall be 1 space per 60 square metres.
- f) The minimum front yard setback (St. George Street) shall be 1.5 metres.
- g) The minimum side yard abutting a street (Benton Street) shall be 0 metres.

- h) The minimum rear yard setback shall be 7.5 metres for a portion of a building above 6 metres in building in height and 1.5 metres for a portion of a building below 6 metres in building height.
 - i) The minimum street line setback for tall buildings shall be 1.5 metres.
 - j) Geothermal energy systems shall be prohibited.”
3. Appendix F of By-law 85-1 is hereby amended by adding Section (112H) thereto as follows:
“112H. Notwithstanding Section 45 of this By-law within the lands zoned Commercial Residential Two Zone (CR-2) with Special Regulation Provision 136R and shown as being affected by this subsection on Zoning Grid Schedule Number 85 of Appendix “A”, no residential uses shall be permitted until such time as the following condition has been met and this holding provision has been removed by by-law:
- a) A detailed transportation (road) and stationary noise study has been completed and implementation measures recommended to the satisfaction of the Regional Municipality of Waterloo.”
4. This By-law shall become effective only if Official Plan Amendment No. _____, 93-99 Benton Street and 39-43 St. George Street 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