

PROPOSED BY – LAW
_____ 2024
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
– Vicner Inc. – 236-264 Victoria Street)

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 122 of Appendix “A” to By-law 2019-051 are 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 Mixed Use Two Zone (MIX-2) with Site Specific Provisions (49) (126) (138) to Mixed Use Two Zone (MIX-2) with Site Specific Provision (392) and Holding Provision (83H).
2. Zoning Grid Schedule Number 122 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.
3. Section 19 of By-law 2019-051 is hereby amended by adding Site Specific Provision (392) thereto as follows:

“(392). Notwithstanding Section 4.16, Section 5.6, Table 5-5, and Section 8.3 Table 8-2 of this By-law, within the lands zoned MIX-3 and shown as being affected by this Subsection on Zoning Grid Schedule Number 122 of Appendix “A”, the following special regulations shall apply.

- a) The minimum *rear yard setback* shall be 0 metres.
- b) The minimum *front yard setback* shall be 0.7 metres.
- c) That parking be provided at a rate of 0.75 spaces per *dwelling unit* plus 0.1 spaces per unit which shall be shared for visitor parking and non residential

uses.

- d) The maximum *building height* shall be 40 storeys and 160.2 metres (including mechanical penthouses and architectural features) and the maximum *Floor Space Ratio* shall be 10.5.
- e) i. The *setback* from the railway to any *building* or part thereof used for residential *dwelling*s shall be a minimum of 30 metres. The *setback* may be measured as the sum total of the following two measurements provided that a crash wall, or combination berm and fence are provided within the horizontal setback between the *residential use* and the *lot line* abutting the railway corridor;
 - ii. The horizontal *setback* to the *residential use* from the *lot line* abutting the Rail right of-way; and
 - iii. The vertical distance from the finished elevation of the railway corridor at the centerline of the tracks to the finished elevation of the *residential use*.
- f) Geothermal Energy Systems shall be prohibited.”

4. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (83) thereto as follows:

“(83H). Notwithstanding Section 8 of this Bylaw, within the lands zoned MIX-2 and shown as being affected by this Subsection on Zoning Grid Schedule 122 of Appendix “A”:

- i) No *residential use* shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP). This Holding Provision shall not be removed until the Region 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 completed to their satisfaction.
- ii) Development and redevelopment shall not be permitted until such time as a detailed Noise and Vibration Assessment, to assess both potential

