

PROPOSED BY – LAW

_____, 2024

BY-LAW NUMBER _____

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law No. 2019-051, as amended, known as the
Zoning By-law for the City of Kitchener – Charcoal Properties Ltd.
– 2980 King Street East)

WHEREAS it is deemed expedient to amend Zoning 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 Numbers 220 and 239 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) and (118) to Mixed Use Two Zone (MIX-2) with Site Specific Provision 406 and Holding Provision (87H).
2. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (406) thereto as follows:

"406. Notwithstanding Sections 5.6 and 8.3 of this By-law, for the lands zoned MIX-2 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 220 and 239 of Appendix "A", the following special regulations shall apply:

 - i) The maximum *Floor Space Ratio* shall be 11;
 - ii) The maximum *Building Height* shall be 85 metres above grade, and 420 metres Above Sea Level (ASL);
 - iii) The minimum Rear Yard Setback shall be 3.5 metres;
 - iv) The minimum residential parking rate shall be 0.75 spaces per *Dwelling Unit*;
 - v) The minimum *Class A Bicycle Parking* requirement shall be 1.0 space per *Dwelling Unit*.

- vi) Geothermal Wells are prohibited on site. A geothermal well is 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 meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation."
- 3. Section 20 of By-law 2019-051 is hereby amended by adding Section 20 (87H) thereto as follows:
 - "87H. Notwithstanding Section 8 of this By-law within the lands zoned Mixed Use Two Zone (MIX-2) and shown as being affected by this subsection on Zoning Grid Schedule Numbers 220 and 239 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 *Region*."
- 4. This By-law shall become effective only if Official Plan Amendment No. __, 2980 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 _____, 2024.

Mayor

Clerk