

PROPOSED BY – LAW

_____ 2024

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-laws for the City of Kitchener
– 1000002286 Ontario Ltd., Legion Heights Victoria
Inc., 2306975 Ontario Inc. – 169-183 Victoria Street
South)

WHEREAS it is deemed expedient to amend By-law 85-1 and 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. Schedule Number 73 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 Low Intensity Mixed Use Corridor Zone (MU-1) to Medium Intensity Mixed Use Corridor Zone (MU-2) with Special Regulation Provision 816R and Holding Provision 113H.
2. Schedule Number 73 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 “D” to By-law 85-1 is hereby amended by adding Special Regulation Provision 816R thereto as follows:
 - “816. Notwithstanding Sections 5.3, 5.6A.1c), 5.9, 5.9A, 54.2.1 of this by-law, within the lands zoned Medium Intensity Mixed Use Corridor Zone (MU-2) and shown as affected by this provision on Schedule Number 73 of Appendix “A”, the following special regulations shall apply:
 - a) For clarity regarding Section 5.9, for any buildings constructed after the date of passing of this by-law, compliance with regulations respecting lot area, lot width, yards, floor space ratio shall be determined based on right-of-way widths existing at the time of passing of this by-law, understanding that street widenings are planned for Henry Street and Victoria Street South and are expected to be conveyed as part of a future Site Plan Application.

- b) The Minimum Rear Yard shall be 4.2 metres (i.e., yard abutting Park Street);
- c) The Maximum Building Height shall be 28.8 metres;
- d) The Maximum Floor Space Ratio shall be 4.2;
- e) Any building constructed after the date of passing of this by-law shall be permitted to encroach into the Driveway Visibility Triangle;
- f) Balconies may extend within the front yard, provided that the minimum setback to the front lot line (i.e., lot line abutting Henry Street) is 1.2 metres;
- g) No minimum setback shall be required to a Corner Visibility Triangle; and
- h) Geothermal Energy Systems shall be prohibited.”

4. Appendix “F” to By-law 85-1 is hereby amended by adding section 113H thereto as follows:

“113. Notwithstanding Section 54 of this By-law within the lands zoned MU-2 and shown as being affected by this subsection on Zoning Grid Schedule Number 73 of Appendix “A”, no new residential or other sensitive land uses shall be permitted until such time as a Detailed Transportation Noise and Stationary Noise Study has been completed, and implementation measures have been addressed, to the satisfaction of the Regional Municipality of Waterloo, and this holding provision has been removed by by-law.”

PASSED at the Council Chambers in the City of Kitchener this _____ day of _____, 2024.

Mayor

Clerk