

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

- 1000002286 Ontario Ltd., Legion Heights Victoria Inc., 2306975 Ontario Inc. –169-183 Victoria Street South)

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 73 of Appendix “A” to By-law Number 2019-051 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 Strategic Growth Area Two Zone (SGA-2) to Strategic Growth Area Two Zone (SGA-2) with Site Specific Provision (414) and Holding Provision (94H).
2. Zoning Grid Schedule Number 73 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 Zoning By-law 2019-051 is hereby amended by adding Site Specific Provision (414) thereto as follows:
 - “414. Notwithstanding Sections 4.5, 4.19, 4.21, 5.10b), 6.4.3 and Table 6-4, 6.6a)i) and vi) of this By-law, within the lands zoned Strategic Growth Area Two Zone (SGA-2) and shown as being affected by this subsection on Zoning Grid Schedule Number 73 of Appendix “A”, the following site specific provision shall apply:
 - a) For clarity regarding Section 4.21, 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 maximum *building height* within 7.5 metres of a lot with an SGA-1 zone or a *lot* with a *low-rise residential zone* shall be 28.8 metres. Despite Section 4.19, this regulation shall apply (Transition to Low-Rise Zones);
- c) The minimum *yard setback* for storeys 7 and 8 shall be 4.0 metres from a *street line* ;
- d) No Community Use or Commercial Use listed in Table 6-1 shall be required;
- e) The minimum percentage of *street line ground floor façade openings* shall be 29%;
- f) No minimum *setback* shall be required to a Corner Visibility Area;
- g) No *loading spaces* shall be permitted within 2.1 metres of an abutting residential zone; and
- h) Geothermal Energy Systems shall be prohibited.”

4. Section 20 of Zoning By-law 2019-051 is hereby amended by adding Section (94H) thereto as follows:

“(94). Notwithstanding Section 6.4 of this By-law within the lands zoned Strategic Growth Area Two Zone (SGA-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 *Region*, and this holding provision has been removed by by-law.”

5. This by-law to amend Zoning By-law 2019-051, as amended, shall have no force and effect until By-law 2024-065 (Growing Together PMTSAs) is in full force and effect in relation to the lands specified above.

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

Mayor

Clerk