

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
– King Pine Kitchener Inc. – 864-876 King Street West)

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 75 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 High Rise Strategic Growth Four Zone (SGA-4) with Holding Provision 19(H) to High Rise Strategic Growth Four Zone (SGA-4) with Site Specific Provision (415) and Holding Provision (19H) and Holding Provision (95H).
2. Zoning Grid Schedule Number 75 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 Section 19 (415) thereto as follows:

"415. Notwithstanding Table 6-5 and Section 6.6 of this By-law within the lands zoned High Rise Strategic Growth Four Zone (SGA-4) with Holding Provision 19H and shown as affected by this subsection on Zoning Grid Schedule Number 75 of Appendix 'A', the following special regulations shall apply:

- a) The minimum *yard setback* shall be 1 metre (North property line, right side), 1.8 metres (Northwest property line), 2.3 metres (North property line, left side);
- b) The maximum *building base height* shall be 7 storeys;
- c) The minimum *street line ground floor building height* shall be 3.2 metres;
- d) The maximum *floor plate area* of storey 7 shall be 2080M²;
- e) The minimum *physical separation* for storeys 7-12 shall be 1 metre (North property line, right side), 1.8 metres (Northwest property line), 2.3 metres

- (North property line, left side), 4.2 metres (East property line, North side), 2.4 metres, East property line, South side);
- f) The minimum *physical separation* for storeys 13-18 shall be 4.7 metres (North property line, right side), 2.7 metres (Northwest property line), 2.7 metres (North property line, left side);
 - g) The minimum *physical separation* for storeys 19-36 shall be 4.7 metres (North property line, right side), 2.7 metres (Northwest property line), 2.7 metres (North property line, left side);
 - h) The minimum *physical separation* for storeys 37 and above shall be 4.7 metres (North property line, right side), 2.7 metres (Northwest property line), 2.7 metres (North property line, left side), 14.6 metres (East property line, North side), 14 metres (South interior property line);
 - i) The minimum percentage of *street line ground floor* that is occupied by a community use or commercial use shall be 0% for buildings located further than 30 metres from the *street line* at King Street West;
 - j) Above *grade* structured *parking spaces* shall be permitted along the *street line ground floor* or *street line* second floor for buildings located further than 30 metres from the *street line* at King Street West;
 - k) Above *grade* structured *parking spaces* are permitted to occupy 100% of the area of the *street line façade* within the *base* of a *building* for buildings located further than 30 metres from the *street line* at King Street West;
 - l) The minimum *street line ground floor façade openings* shall be 5%, measured between 0.5 metres and 4.5 metres above exterior finished *grade* along the entire width of the *street line façade* for buildings located further than 30 metres from the *street line* at King Street West;
 - m) 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."

4. Section 20 of By-law 2019-051 is hereby amended by adding Holding Provision (95H) thereto as follows:

"(95). Notwithstanding Section 6 of this By-law within the lands zoned High Rise Strategic Growth Four Zone (SGA-4) with Holding Provision 19H and shown as being affected by this subsection on Zoning Grid Schedule Number 75 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 satisfactory Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks or any successor Ministry ("MECP"). This Holding Provision shall not be removed until the *Region* is in receipt of a letter from MECP advising that a Record of Site Condition has been completed to the satisfaction of the MECP."

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