

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

– 1658194 Ontario Ltd. – 328 and 330 Mill 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 118 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 Limited Strategic Growth Three Zone (SGA-3) to High Rise Limited Strategic Growth Three Zone (SGA-3) with Site Specific Provision (412) and Holding Provision (96H).
2. Zoning Grid Schedule Number 118 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 (412) thereto as follows:

“412. Notwithstanding Table 6-5 of this By-law, within the lands zoned High Rise Limited Strategic Growth Three Zone (SGA-3) and shown as being affected by this subsection on Zoning Grid Schedule Number 118 of Appendix “A”, the following site specific provision shall apply:

- i. The minimum *yard setback* and the minimum *front and exterior side yard setback* shall be:
  - a) A minimum of 6.0 metres for the *ground floor* abutting the *Street Line*, excluding structural columns;

- b) A minimum of 1.0 metre for *storeys* 2 to 6;
  - c) A minimum of 2.5 metre for up to 15% of the floor area abutting the *Street Line* for *storeys* 7 to 18.
- ii. The minimum easterly *yard setback* (the *lot line* adjacent to the *interior side lot line* of lands municipally addressed as 334 Mill Street) shall be:
- a) 1.0 metres for structured parking partially at *grade* or *below grade*;
  - b) 2.0 metres only for structural columns on the *ground floor*;
  - c) A minimum of 2.0 metres for up to 15% of the floor area abutting the *lot line* for *storeys* 2 to 28, except where *physical separation* required by this regulation may require a larger *setback*.
- iii. The minimum easterly *physical separation* measured from the *lot line* adjacent to the *interior side lot line* of lands municipally addressed as 334 Mill Street shall be:
- a) 2.0 metres for up to 25% of the floor area abutting the *lot line* for *storeys* 7 to 12 and 6.0 metres for up to 75% of the floor area abutting the *lot line* for *storeys* 7 to 12; and
  - b) 2.0 metres for up to 50% of the floor area abutting the *lot line* for *storeys* 13 to 18, and 9.0 metres for up to 50% of the floor area abutting the *lot line* for *storeys* 13 to 18; and
  - c) 2.0 metres for *storeys* 19 to 28; and,
  - d) No floor area of *storey* 7 or higher shall be located closer to any *lot line* than the floor area of the *storey* below.
- iv. The minimum westerly *physical separation* measured from the *lot line* adjacent to the *interior side lot line* of lands municipally addressed as 326 Mill Street shall be 10 metres for *storeys* 19 to 28.
- v. The minimum *yard setback* for structured parking partially at *grade* or *below grade*, to a maximum of 4 *storeys* in height, shall be 1.0 metre from the *rear yard*, the *rear yard lot line* of lands municipally addressed as 334 Mill Street, and any shared *lot line* with lands municipally addressed as 325 Stirling Avenue South and 338 Mill Street.

vi. Geothermal Energy Systems shall be prohibited.”

4. Section 20 of Zoning By-law 2019-051 is hereby amended by adding Section (96H) thereto as follows:

“(96). Notwithstanding Section 6.4 of this By-law within the lands zoned High Rise Limited Strategic Growth Three Zone (SGA-3) and shown as being affected by this subsection on Zoning Grid Schedule Number 118 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.

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Mayor

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Clerk