

PROPOSED BY – LAW
_____, 2025
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 – Imperial Oil Limited c/o LJM
Developments – 4611 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 Number 296 of Appendix "A" to By-law 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 Arterial Commercial Zone (COM-3) with Site Specific Provision (88) to Mixed Use Three Zone (MIX-3) with Site Specific Provision (417) and Holding Provisions (97H), (98H), (99H), and (100H).
2. Zoning Grid Schedule Number 296 of Appendix "A" to By-law 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 (417) thereto as follows:

"417. Notwithstanding Sections 5.6 and 8.3 of this By-law, for the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Number 296 of Appendix "A", the following special regulations shall apply:

- i) The maximum *Floor Space Ratio* shall be 6.7;
 - ii) The maximum *Building Height* shall be 91 metres and 26 storeys for the portion of the lands within 32 metres of King Street East;
 - iii) The maximum *Building Height* shall be 68 metres and 18 storeys for the portion of the lands greater than 32 metres from King Street East;
 - iv) The minimum *Interior Side Yard* shall be 3 metres;
 - v) The minimum percent of non-residential *gross floor area* shall be 4%;
 - vi) The maximum number of storeys in the base of a *tall building* shall be 7 storeys;
 - vii) The minimum residential parking rate shall be 0.75 parking spaces per *Dwelling Unit*;
 - viii) 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 Section 20 (97H) thereto as follows:
- "97H. Notwithstanding Section 8 of this By-law within the lands zoned Mixed Use Three Zone (MIX-3) and shown as being affected by this subsection on Zoning Grid Schedule Number 296 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 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 *City* is in receipt of a letter from MECP, to the satisfaction of the *City's* Director of Development and Housing Approvals, advising that a Record of Site Condition has been completed and filed to the satisfaction of the MECP."

5. Section 20 of By-law 2019-051 is hereby amended by adding Section 20 (98H) thereto as follows:

"98H. Notwithstanding Section 8 of this By-law within the lands zoned Mixed Use Three Zone (MIX-3) and shown as being affected by this subsection on Zoning Grid Schedule Number 296 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 *City*."

6. Section 20 of By-law 2019-051 is hereby amended by adding Section 20 (99H) thereto as follows:

"99H. Notwithstanding Section 8 of this By-law within the lands zoned Mixed Use Three Zone (MIX-3) and shown as being affected by this subsection on Zoning Grid Schedule Number 296 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) The *City* has received a letter from the Corporation of the City of Cambridge's Manager of Development Engineering and the City of Kitchener's Director of Engineering stating that the proposed sanitary flows are acceptable, to the satisfaction of the *City's* Director of Housing and Development Approvals."

7. Section 20 of By-law 2019-051 is hereby amended by adding Section 20 (100H) thereto as follows:

"100H. Notwithstanding Section 8 of this By-law within the lands zoned Mixed Use Three Zone (MIX-3) and shown as being affected by this subsection on Zoning Grid Schedule Number 296 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) The *City* has received a letter from the Manager of Corridor Planning, at the *Region* stating that the stormwater management flows are acceptable, to the satisfaction of the *City's* Director of Housing and Development Approvals."

8. This By-law shall become effective only if Official Plan Amendment No. __, 4611 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 _____, 2025.

Mayor

Clerk