

PROPOSED BY – LAW

_____ 2026

BY-LAW NUMBER ____

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended,
and By-law 2019-051, as amended, collectively known
as the Zoning By-law for the City of Kitchener
– 808 Courtland GP Inc. – 808-836 Courtland
Avenue East)

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. Zoning Schedule Numbers 145 and 172 of Appendix “A” to By-law Number 85-1 are hereby amended by removing the zoning applicable to the parcels of land specified and illustrated as Area 1, Area 2, Area 3, and Area 4 on Map No. 1, in the City of Kitchener, attached hereto.
2. Zoning Schedule Numbers 145 and 172 of Appendix “A” to By-law Number 85-1 are hereby further amended by removing the zone boundaries as shown on Map No. 1 attached hereto.
3. Zoning Grid Schedule Numbers 145 and 172 of Appendix “A” to By-law 2019-051 are hereby amended by adding hereto the lands specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, and by zoning the lands specified as Area 1 on Map No. 1 thereafter as Strategic Growth Area Four Zone (SGA-4) with Site Specific Provision (439) and Holding Provision (115H).
4. Zoning Grid Schedule Numbers 145 and 172 of Appendix “A” to By-law 2019-051 are hereby amended by adding hereto the lands specified and illustrated as Area 2 on Map No. 1, in the City of Kitchener, attached hereto, and by zoning the lands specified as Area 2 on Map No. 1 thereafter as Strategic Growth Area Four Zone (SGA-4) with Site Specific Provision (439) and Holding Provision (115H).
5. Zoning Grid Schedule Number 145 of Appendix “A” to By-law 2019-051 is hereby amended by adding hereto the lands specified and illustrated as Area 3 on Map No. 1, in the City of Kitchener, attached hereto, and by zoning the lands specified as Area 3 on Map No. 1 thereafter as Natural Conservation Zone (NHC-1).

6. Zoning Grid Schedule Number 145 of Appendix "A" to By-law 2019-051 is hereby amended by adding hereto the lands specified and illustrated as Area 4 on Map No. 1, in the City of Kitchener, attached hereto, and by zoning the lands specified as Area 4 on Map No. 1 thereafter as Natural Conservation Zone (NHC-1).
7. Zoning Grid Schedule Numbers 145 and 172 of Appendix "A" to By-law Number 2019-051 are hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
8. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (439) thereto as follows:
 - "439. Notwithstanding Sections 4.13, Section 6.5.2, Table 6-5, Section 6.7a)ii), and Section 6.7c) of this By-law, within the lands zoned Strategic Growth Area Four Zone (SGA-4) and shown as being affected by this subsection on Zoning Grid Schedule Numbers 145 and 172 of Appendix "A", the following special regulations shall apply:
 - a) The maximum *Building Height* shall be 102.6 metres, which, despite Section 4.13, shall be measured to the top of the *building* including the mechanical penthouse;
 - b) The maximum number of *Storeys* shall be 30;
 - c) The maximum *Floor Plate Area* shall be 930 square metres for the nineteenth (19th) through thirtieth (30th) *Storeys*;
 - d) The minimum *Physical Separation* shall be 10.5 metres for the nineteenth (19th) through thirtieth (30th) *Storeys*;
 - e) Despite d) above, the minimum *Physical Separation* with respect to the *Rear Lot Line* shall be 8.0 metres for the thirteenth (13th) through thirtieth (30th) *Storeys*;
 - f) A minimum of 6.5 m² of *amenity space* is required per *dwelling unit*;
 - g) Further to subsection f), where private *amenity space* totals less than 3m² per unit, 3.5m² of common *amenity space* is required per *dwelling unit*.
 - h) For a building having a maximum *height* of 12 *storeys*, the maximum *building length* shall be 75.0 metres for the seventh (7th) through twelfth (12th) *Storeys*; and
 - i) Geothermal energy systems shall be prohibited. A geothermal energy system 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 or a horizontal system.”

9. Section 20 of Zoning By-law 2019-051 is hereby amended by adding Section (115H) thereto as follows:

“(115H).Notwithstanding Section 6.2, Table 6-1 of this By-law within the lands zoned Strategic Growth Area Four Zone (SGA-4) and shown as being affected by this subsection on Zoning Grid Schedules 145 and 172 of Appendix “A”, no new *residential* or other sensitive land uses shall be permitted until such time as the following conditions have been met and this holding provision has been removed by by-law:

- a) A Detailed Stationary and Transportation (including rail) Noise Study has been completed, and implementation measures have been addressed, to the satisfaction of the City for Conditions a) i. and ii., and to the satisfaction of the Regional Municipality of Waterloo for Condition a) iii., and this holding provision has been removed by by-law. The Study shall, among other noise-related matters, address the following:

- i. In addition to impulsive noise associated with train coupling/uncoupling and stretching operations in the nearby rail yard, the Study shall reference other train activities typically occurring in rail yards, such as locomotive idling, train movements, equipment and operations generating steady noise, etc;
- ii. Continuous, multi-day attended noise measurements and/or monitoring of recordings shall be conducted relative to the nearby rail facilities as part of the Study;
- iii. The Study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses; and

- b) A satisfactory Record of Site Condition (RSC) has been submitted to the Ministry of Conservation and Parks, and the RSC and Ministry Acknowledgement Letter are provided to the satisfaction of the City of Kitchener and Regional Municipality of Waterloo.”

10. This By-law shall become effective only if Official Plan Amendment No. ___

