

PROPOSED BY – LAW  
OF THE  
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend both By-law 85-1, as amended,  
known as the Zoning By-law for the City of Kitchener  
– 276 King East Inc. – 276 King Street East)

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Schedule Number 120 of Appendix “A” to By-law Number 85-1 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 Market Village Zone (D-3) to East Market Zone (D-2) with Special Regulation Provision 778R and Holding Provision 93H.
2. Schedule Number 120 of Appendix “A” to By-law Number 85-1 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 2 on Map No. 1, in the City of Kitchener, attached hereto, from East Market Zone (D-2) to East Market Zone (D-2) with Special Regulation Provision 778R and Holding Provision 93H.
3. Schedule Number 120 of Appendix “A” to By-law Number 85-1 is hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
4. Appendix “D” to By-law 85-1 is hereby amended by adding Special Regulation Provision 778R thereto as follows:
  - “778. Notwithstanding Sections 6.1.2 and 14A of this by-law, within the lands zoned East Market Zone (D-2) and shown as affected by this provision on Schedule Number 120 of Appendix A, the following special regulations shall apply:
    - a) The maximum *floor space ratio* shall be 4.8.
    - b) The maximum building height shall be 28.5 metres or 7 storeys.

- c) The minimum front yard setback abutting King Street shall be 0 metres for upper storeys of a building and 0.8 metres for the ground floor.
- d) The maximum front yard setback abutting King Street shall be 2.0 metres.
- e) The minimum side yard abutting Eby Street shall be 0 metres.
- f) The maximum side yard abutting Eby Street shall be 2.0 metres.
- g) The minimum side yard setback from the northwest property line (i.e., abutting 270 King Street East) shall be 1.2 metres.
- h) The minimum rear yard setback shall be 4.0 metres.
- i) Dwelling units shall not be located on the ground floor.
- j) An outdoor rooftop amenity area shall be provided for a building containing dwelling units. The outdoor rooftop amenity area shall have a minimum area of 100 square metres.
- k) No outdoor storage of goods, materials or equipment shall be permitted. This shall not, however, prevent the display of goods or materials for retail purposes.
- l) The minimum number of secured, long-term bicycle parking spaces shall be 33.
- m) The minimum number of short-term publicly accessible bicycle parking spaces shall be 12.
- n) No off-street parking shall be required for any permitted use”.

5. Appendix “F” to By-law 85-1 is hereby amended by adding Section 93H thereto as follows:

“93. Notwithstanding Section 14A of By-law 85-1, within the lands zoned D-2 and shown as being affected by this Subsection on Schedule 120 of Appendix “A”, no residential or other sensitive land use shall be permitted until such time as a detailed stationary noise study has been submitted to and accepted by the Regional Commissioner of Planning, Development and Legislative Services. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Development and Legislative Services advising that such noise study and the recommended implementation measures have been accepted to the satisfaction of the Regional Municipality of Waterloo.”

6. This By-law shall become effective only if Official Plan Amendment No.\_\_\_\_, (276 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk