

PROPOSED BY – LAW
_____ 2022
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
– Tricar Properties Limited and 4220 King Street
(Kitchener) Limited – 4220 King Street East and 25
Sportsworld Crossing Road)

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. Schedule Numbers 278, 279, 289, and 290 of Appendix “A” to By-law Number 2019-051 are 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) to Mixed Use Three Zone (MIX-3) with Site Specific Provision (353) and Holding Provision 38H.
2. Schedule Number 289 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 2 on Map No. 1, in the City of Kitchener, attached hereto, from Campus Commercial Zone (COM-4) with Site Specific Provision (37) to Mixed Use Three Zone (MIX-3) with Site Specific Provision (353) and Holding Provision 38H.
3. Schedule Numbers 278, 279, 289, and 290 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.
4. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (38) thereto as follows:

“(38). Notwithstanding Section 7, of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 278, 279, 289, and 290 of Appendix “A”, no residential use shall be permitted until such time as a Stationary Noise Study is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.”

5. Section 19 of By-law 2019-51 is hereby amended by adding Site Specific Provision (353) thereto as follows:

“(353). Notwithstanding Section 5.6, Table 5-5 and Section 8, Table 8-2 of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Numbers 278, 279, 289, and 290 of Appendix “A”, the following special regulations shall apply:

- a) The maximum Floor Space Ratio shall be 4.0 and shall be calculated pre road widening.
- b) The maximum building height shall be 70.0 metres.
- c) The maximum number of storeys shall be 18.
- d) The maximum parking rate for multiple dwelling units shall be 1.4 spaces per unit inclusive of visitor parking.
- e) The minimum ground floor building height for any building with street line façade shall be 3.0 metres.
- f) The minimum number of storeys in the base of a mid-rise building or tall building shall be 2.
- g) The minimum non residential gross floor area shall be 1380 square metres.
- h) Geothermal Energy Systems shall be prohibited.”

6. This By-law shall become effective only if Official Plan Amendment No. ____ (4220 King Street East and 25 Sportsworld Crossing Road) 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

DRAFT