

PROPOSED BY – LAW  
\_\_\_\_\_ 2022  
BY-LAW NUMBER \_\_\_\_  
  
OF THE  
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended, known as  
the Zoning By-law for the City of Kitchener  
– King Sheldon Kitchener Holdings Inc. – 1251-1253 King  
Street East and 16 Sheldon Avenue South)

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 143 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 High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R to High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 544R, 783R and Holding Provision 96H.
2. Schedule Number 143 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.
3. Appendix “D” to By-law 85-1 is hereby amended by adding Section 783 thereto as follows:  
“783. Notwithstanding Sections 6.1.2, and 55.2.1 of this By-law within the lands zoned MU-3 and shown as being affected by this subsection on Schedule Number 143 of Appendix ‘A’, the following special regulations shall apply:
  - a) The maximum Floor Space Ratio shall be 8.6.
  - b) On-site Parking shall be provided as follows:
    - i) Parking for multiple dwellings shall be provided at a rate of 0.43 spaces per unit.

- ii) Visitor Parking shall be sharable with non-residential uses and be provided at a rate of 10% of the required parking.
- iii) Bicycle and electric vehicle parking are to be provided in accordance with By-law 2019-051;
- c) Dwelling units shall be permitted to be located on the ground floor with non-residential uses.
- d) Geothermal Energy Systems shall be prohibited.”

4. Appendix “F” to By-law 85-1 is hereby amended by adding Section 96H thereto as follows:

“96. Notwithstanding Section 55 of this Bylaw, within the lands zoned MU-3 and shown as being affected by this Subsection on Schedule Number 143 of Appendix “A”:

- i) No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment and Climate Change. This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment and Climate Change (MOECC) advising that a Record of Site Condition has been completed to their satisfaction.
- ii) No residential use shall be permitted until such time as a Road Traffic, and 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. This By-law shall become effective only if Official Plan Amendment No. \_\_, (1251-1253 King Street East and 16 Sheldon Avenue South) 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.

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Mayor

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Clerk