

PROPOSED BY – LAW

_____, 2023

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
2467491 Ontario Inc.
142 and 146 Fergus Avenue)

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. Zoning Grid Schedule Number 221 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 1 on Map No. 1, in the City of Kitchener, attached hereto, from Low Rise Residential Four Zone (RES-4) to Medium Rise Residential Six Zone (RES-6) with Site Specific Provision (355) and Holding Provision 39H.
2. Zoning Grid Schedule Number 221 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 Low Rise Residential Four Zone (RES-4) to Recreation Zone (OSR-1).
3. Zoning Grid Schedule Number 221 of Appendix “A” to By-law Number 2019-051 is hereby further amended by incorporating additional zone boundaries as shown on Map No. 1 attached hereto.
4. Section 19 of By-law 2019-051 is hereby amended by adding Section (355) thereto as follows:

“355. Notwithstanding Sections 5, 7 and 15 and Tables 5.5, 7.6 and 15.2 of this By-law, the following regulations shall apply for a multiple dwelling:
a) The maximum Floor Space Ratio (FSR) shall be 2.3.
b) The minimum easterly and westerly side yard setbacks shall be 0.75 metres and 2.8 metres, respectively.
c) The maximum number of storeys shall be 7 storeys and the maximum building height shall be 24.0 metres.

- d) The minimum building setback to OSR-1 zoned lands shall be 1.0 metre.
- e) The minimum required parking shall be 1.14 spaces per dwelling unit inclusive of visitor parking.
- f) The minimum lot width shall be 21 metres”

5. Section 20 of By-law 2019-051 is hereby amended by adding Section 39H thereto as follows:

“39H Notwithstanding Section 7 of this Bylaw, within the lands zoned RES-6 (355) as shown as affected by this subsection on Zoning Grid Schedule Number 221 of Appendix “A”, only those uses which lawfully existed on the date of passing of this By-law, shall be permitted to continue until such time as this Holding Provision is removed by by-law once the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region's requirements have been satisfied with respect to the submission of a detailed noise impact assessment for stationary noise”.

6. This By-law shall become effective only if Official Plan Amendment No. __, 142-146 Fergus Avenue 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 _____, 2023.

Mayor

Clerk