

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

– Sportsworld Shopping Centre Inc. and Taylorwood Park Homes Inc. – 4396 King Street East and 25 Sportsworld Drive)

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 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 1 on Map No. 1, in the City of Kitchener, attached hereto, from Commercial Campus Zone (COM-4) to Mixed Use Three Zone (MIX-3) with Site Specific Provision (358) and Holding Provision 40H and Holding Provision 41H.
2. Zoning Grid Schedule Number 289 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.
3. Section 19 of By-law 2019-51 is hereby amended by adding Site Specific Provision (358) thereto as follows:

“(358). Notwithstanding Section 5.6, Table 5-5, Section 8.3, Table 8-1, and 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 Number 289 of Appendix “A”, the following special regulations shall apply:

- a) One multiple dwelling, with a maximum of 88 dwelling units, shall be permitted on a lot without a non-residential use where there is an approved Urban Design Brief that includes a Master Site Plan that

demonstrates the overall development can provide a non-residential use through future development phases. Said building shall be permitted to have a *street line façade*, and no additional *street line façade* regulations from the MIX-3 Zone shall apply to the building.

- b) For the Sportsworld Drive *street line*, there shall be no minimum *ground floor street line façade* width as a percent of the width of the abutting *street line* where there is an approved Urban Design Brief that includes a Master Site Plan that demonstrates the overall development can provide a minimum ground floor street line façade width of 45 metres.
- c) The minimum percent *street line façade openings* of the MIX-3 Zone shall only apply to a building immediately abutting the intersection of the King Street East and Sportsworld Drive.
- d) A mid-rise building shall not be required to have a base (podium) and shall not be subject to stepback requirements.
- e) For a building immediately abutting the intersection of King Street East and Sportsworld Drive, the minimum amount of non-residential *gross floor area* on the ground floor shall be 1,300 m².
- f) There shall be no requirement for minimum percent of non-residential gross floor area.
- g) The maximum Floor Space Ratio shall be 6.2.
- h) The maximum building height shall be 99 metres.
- i) The maximum number of storeys shall be 30.
- j) The minimum interior side yard setback (i.e., setback from the easterly side lot line) shall be 3.0 metres.
- k) The minimum number of parking spaces for Dwelling Unit and Multiple Dwelling shall be 0.85 spaces per dwelling unit.”

4. Section 20 of By-law 2019-51 is hereby amended by adding Section (40H) thereto as follows:

“(40H). Notwithstanding Section 8 of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Number 289 of Appendix “A”, no residential use or other sensitive land use shall be permitted until such time as a detailed stationary noise study has been completed and implementation measures have been addressed to the satisfaction of the Region of Waterloo. The detailed stationary noise study shall review the potential impacts of the development on itself

(e.g., HVAC system on the sensitive points of reception) and the impact of the development on the adjacent sensitive land uses. 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 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 20 of By-law 2019-51 is hereby amended by adding Section (41H) thereto as follows:

“(41H). Notwithstanding Section 8 of this By-law within the lands zoned MIX-3 and shown as being affected by this subsection on Zoning Grid Schedule Number 289 of Appendix “A”, no residential use or other sensitive land use shall be permitted until such time as a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the Ministry Acknowledgement letter has been submitted to the satisfaction of the Region. 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 said Ministry Acknowledgement letter has been submitted to the satisfaction of the Region.”

6. This By-law shall become effective only if Official Plan Amendment No. __ (4396 King Street East and 25 Sportsworld Drive) 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