

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 – Henry Walser Funeral Home Ltd, Leeann Marie Walser, Henry James Walser, & 2544770 Ontario Inc.

- 507 Frederick Street, 40 and 44 Becker Street & Plan 42, Pt Lots 27 to 30, RP 58R-15854 Pt 1)

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 140 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 General Commercial Zone (COM-2) to General Commercial Zone (COM-2) with Site Specific Provision (357).
2. Zoning Grid Schedule Number 140 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 Mixed Use One Zone (MIX-1) to General Commercial Zone (COM-2) with Site Specific Provision (357).
3. Zoning Grid Schedule Number 140 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 3 on Map No. 1, in the City of Kitchener, attached hereto, from Low Rise Residential Four Zone (RES-4) to General Commercial Zone (COM-2) with Site Specific Provision (357).
4. Zoning Grid Schedule Number 140 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 4 on Map No. 1, in the City of Kitchener, attached hereto, from Low Rise Residential Five Zone (RES-5) with Site Specific Provision (205) to General Commercial Zone (COM-2) with Site Specific Provision (357).
5. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (357) thereto as follows:

“357. Notwithstanding Sections 3 and 5 and Tables 9-1 and 9-2 of this By-law, within the lands zoned General Commercial Zone (COM-2) and shown as affected by this subsection on Zoning Grid Schedule Number 140 of Appendix ‘A’, the following special regulations shall apply:

- a) A *Crematorium* shall be a permitted use and the cremation exhaust stack must be a minimum of 56 metres from a *residential zone*.
- b) *Dwellings* existing on the passing of this by-law shall be permitted.
- c) The *exterior side yard setback* to Becker Street shall be 0 metres.
- d) *Driveway Visibility Triangles* are not required adjacent to Becker Street.
- e) The *minimum parking spaces* for a *Crematorium* and *Funeral Home* use shall be 1 space per 24.5 square metres of *Gross Floor Area*.
- f) *Tandem parking spaces* may be permitted and must be signed as employee parking spaces.
- g) *Parking spaces* and *loading spaces* located within a building may be located 0.0 metres from the street and vehicles are not required to enter/exit the garage in a forward motion.
- h) For any *lot* to which this regulation applies and abuts Frederick Street, Frederick Street shall be deemed to be the *front lot line*.
- i) The following new sensitive uses are not permitted until such time as a Record of Site Condition is completed and Ministry Acknowledgement Letter is provided:

*Day Care Facility*  
*Duplex Dwelling*  
*Dwelling Unit*  
*Education Establishment*  
*Hospice*  
*Lodging House*  
*Multiple Dwelling*  
*Private Home Day Care*  
*Residential Care Facility*  
*Semi-detached Dwelling*  
*Street Townhouse Dwelling”*

- 6. This By-law shall become effective only if Official Plan Amendment No. \_\_ (507 Frederick Street, 40 and 44 Becker Street) 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.

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Mayor

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Clerk