

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

- 550 Lancaster Inc. & 528 Lancaster Street West Inc. – 528-550 Lancaster Street West)

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 126 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 Mixed Use Two Zone (MIX-2) with Site Specific Provision (49) to Mixed Use Two Zone (MIX-2) with Site Specific Provision (366) and Holding Provision (46H).
2. Zoning Grid Schedule Number 126 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 General Business Park Employment Zone (EMP-5) with Site Specific Provision (78) and Site Specific Provision (79) to Mixed Use Two Zone (MIX-2) with Site Specific Provision (366) and Holding Provision (46H).
3. Zoning Grid Schedule Number 126 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 2019-51 is hereby amended by adding Site Specific Provision (366) thereto as follows:
  - “(366). Notwithstanding Section 5.6, Table 5-5, Section 8.3, 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 126 of Appendix “A”, the following site specific provisions shall apply:

- a) The maximum *building height* shall be 110 metres, measured from the highest grade at the perimeter of the building;
  - b) The maximum number of *storeys* within 40 metres of the *street line* of Lancaster Street shall be 18 storeys, measured from highest finished grade.
  - c) The maximum number of *storeys* shall be 34 storeys;
  - d) The minimum *Floor Space Ratio* (FSR) shall be 1.0;
  - e) The maximum *Floor Space Ratio* (FSR) shall be 7.5;
  - f) The minimum *street line setback* for *mid-rise buildings* and *tall buildings* constructed after the date of passing of this by-law shall be 1.5 metres;
  - g) The minimum *rear yard* setback shall be 4.2 metres;
  - h) The maximum number of *storeys* in the base of a *mid-rise* or *tall building* shall be 8 storeys;
  - i) The minimum percent *street line façade openings* shall be 43%;
  - j) The minimum parking rate for dwelling units shall be 0.6 spaces per dwelling unit, to a maximum of 1,300 dwelling units;
  - k) The minimum visitor parking rate for dwelling units shall be 0.1 spaces per unit, to a maximum of 1,300 dwelling units;
  - l) The minimum parking rate for live / work units shall be 1 space per 67 square metres of gross floor area which accommodates such use.
5. Section 20 of By-law 2019-51 is hereby amended by adding Section (46H) thereto as follows:
- “(46). Notwithstanding Section 8 of this By-law within the lands zoned MIX-2 and shown as being affected by this subsection on Zoning Grid Schedule Number 126 of Appendix “A”, no new development or land uses shall be permitted until such time as the following conditions have been met and this holding provision has been removed by by-law:
- a) A Relocation and Conservation Plan have been submitted to the satisfaction of the City’s Heritage Planner and Director of Planning;
  - b) A Transportation Impact Study has been submitted and approved to the satisfaction of the Regional Municipality of Waterloo;
  - c) A Functional Servicing and Detailed Grading Plan and Stormwater Management Report has been submitted and approved to the satisfaction of the Regional Municipality of Waterloo;

- d) A Detailed Transportation and Stationary Noise Study has been completed and accepted and implementation measures addressed for each building to the satisfaction of the Regional Municipality 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 impacts of the development on adjacent noise sensitive uses.
- e) A Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed with the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry's Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo."

6. This By-law shall become effective only if Official Plan Amendment No. \_\_ (528-550 Lancaster Street West) 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