

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
– 30 Francis Kitchener Incorporated – 30 Francis Street
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 84 of Appendix “A” to By-law 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 Warehouse District Zone (D-6) to Warehouse District Zone (D-6) with Special Regulation Provision 776R and Holding Provision 90H.
2. Schedule Number 84 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 776 thereto as follows:
 - “776. Notwithstanding Sections 17.1 and 17.3 of this By-law, within the lands zoned D-6 and shown as being affected by this Subsection on Schedule Number 84 of Appendix “A”, the following special regulations shall apply:
 - i) Dwelling Units shall be permitted in a building containing non-residential uses on the ground floor;
 - ii) Dwelling Units shall not be located on the ground floor;
 - iii) The minimum rear yard setback shall be 0.0 metres;
 - iv) Where permitted pursuant to the transitional provisions set out in Section 37.1 of the Planning Act, an additional floor space ratio of

16.3. shall be provided in exchange for community benefits set out in this by-law and secured through an agreement made in accordance with the provisions set out in Subsection 37(3) of the Planning Act as it existed on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force (the "Effective Date") for a total maximum for the site of 18.3;

v) Where permitted pursuant to Section 37.1 of the Planning Act, the density (Floor Space Ratio) of development permitted by this By-law is subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site the following community benefits listed below, the provisions of which shall be secured by an agreement made pursuant to Subsection 37(3) of the *Planning Act* as it existed on the day before the Effective Date:

- a) Transportation Demand Management Measures including 148 Class A bicycle and 6 Class B Bicycle parking spaces;
- b) Dwelling Units in the Urban Growth Centre;
- c) Water and Energy conservation;
- d) Parkland Improvements, including all costs associated with the design and construction of Francis Green Parkette.
- e) LEED inspired building design;
- f) 20 Electric Vehicle Parking stalls; and
- g) 19% of all Dwelling Units be Barrier Free Accessible.

vi) Upon execution and registration on title of an agreement with the owner of the site pursuant to Subsection 37(3) of the *Planning Act* as it existed on the day before the Effective Date, securing the provisions of the facilities, services and matters listed in (v) above, the site is subject to the provisions of this By-law, provided that in the event the said agreement requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements."

4. Appendix "F" to By-law 85-1 is hereby amended by adding Section 90H thereto as follows:

"90H. Notwithstanding Section 17 of this Bylaw, within the lands zoned D-6 and shown as being affected by this Subsection on Schedule 84 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, Conservation and Parks or any successor Ministry ("MECP"). This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and Parks advising that a Record of Site Condition has been completed to the satisfaction of the MECP.

- ii) No residential use shall be permitted until such time as a Traffic, Railway 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."

PASSED at the Council Chambers in the City of Kitchener this day of ,
2022.

Mayor

Clerk