

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 and By-law 2019-051, as amended, known as the Zoning By-laws for the City of Kitchener - Innovation Developments Kitchener Limited, Innovation Park Kitchener Limited, 162 Victoria Limited and 1936026 Ontario Inc.
– 146-162 Victoria Street South & 92-110 Park Street)

WHEREAS it is deemed expedient to amend By-law 85-1 and 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. Schedule Number 73 of Appendix "A" to By-law Number 85-1 is hereby amended by removing the zoning applicable to the parcel of land specified and illustrated as Areas 1, 2, 3, 4, 5, and 6 on Map No. 1 attached hereto.
2. Schedule Number 73 of Appendix "A" to By-law Number 85-1 is hereby further amended by removing the zone boundaries as shown on Map No. 1 attached hereto.
3. Zoning Grid Schedule Number 73 of Appendix "A" to By-law Number 2019-051 is hereby amended by adding thereto the lands specified and illustrated as Areas 1, 2, 3, 4, 5, and 6 on Map No. 1 attached hereto, and by zoning the Areas 1, 2, 3, 4, 5, and 6 lands thereafter as Mixed Use Three Zone (MIX-3) with Site Specific Provision (341).
4. Zoning Grid Schedule Number 73 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.
5. Section 19 of By-law 2019-051 is hereby amended by adding Section 19 (341) thereto as follows:

"341. Notwithstanding Tables 5-5 and 8-2 of this By-law within the lands zoned MIX-3 and shown as affected by this subsection on Zoning Grid Schedule Number 73 of Appendix 'A', the following special regulations shall apply:

- a) the minimum *front yard setback* to Park Street shall be 0 metres.
- b) the minimum *exterior side yard setback* to Victoria Street South shall be 0 metres.
- c) the maximum *building height* shall be 122 metres.
- d) the maximum number of *storeys* shall be 38.
- e) the maximum *floor space ratio* shall be 11.68.
- f) the minimum amount of non-residential *gross floor area* shall be 1,750 square metres.
- g) the minimum *ground floor street line façade* width as a percent of the width of the abutting street line shall be 70%.
- h) the minimum percent *street line façade openings* shall be 70%.
- i) the minimum required rate of vehicle parking spaces for *Multiple Dwellings* shall be 0.6 spaces per *dwelling unit*.
- j) the minimum required rate of *Class A bicycle parking stalls* for *Multiple Dwellings* shall be 0.6 spaces per *dwelling unit*.
- k) geothermal wells are prohibited on site. A geothermal well is a well defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five metres unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation."

6. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (36) thereto as follows:

"(36). 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 73 of Appendix "A", no residential redevelopment 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."

7. This By-law shall become effective only if Official Plan Amendment No. __ (146-162 Victoria Street South & 92-110 Park 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 _____, 2022.

Mayor

Clerk