

APPENDIX "D" - SPECIAL REGULATION PROVISIONS FOR SPECIFIC LANDS

494. Notwithstanding Section 13A.2 of this By-law, within the lands zoned C-8 and shown as affected by this Section on Schedules 4, 5, 12 and 13 of Appendix 'A' and described as Part of Lot 39, German Company Tract, the following special regulations shall also apply:
- a) Minimum Side Yard where the side lot line abuts the boundary of the City of Waterloo shall be 0 metres.
 - b) For the purposes of applying the regulations of this By-law the lands affected by this Section shall be considered to be one lot.
 - c) The maximum gross floor area for all uses on the lands shall be 49,515.7 square metres. The lands will be permitted to develop in three phases with Phases 2 and 3 subject to Holding provisions to provide for a review of transportation issues associated with the development.
 - i) Phase 1 will consist of a maximum of gross floor area of 32,050.5 square metres which will include the development of a retail anchor outlet having a maximum gross floor area of 17,186.5 square metres. Phase 1 is not subject to any Holding provisions.
 - ii) Phase 2 will consist of up to an additional 6,967.7 square metres of gross floor area and is subject to a Holding provision. Phase 1 and Phase 2 provide for a cumulative total of 39,018 square metres of gross floor area on the City of Kitchener portion of the site.
 - iii) Phase 3 will consist of the remainder of the cumulative total of 49,515.7 square metres of gross floor area permitted on the City of Kitchener portion of the site and is subject to a Holding provision.
 - d) The maximum amount of gross floor area devoted to retail uses shall be 43,384.3 square metres. The following uses are excluded from the calculation of retail gross floor area: outside garden centre displays and areas devoted to parking and loading which are not fully enclosed.
 - e) The maximum amount of gross floor area devoted to retail anchor outlets having a minimum size of 4,645 square metres of gross floor area shall be 17,186.5 square metres.
 - f) The maximum amount of gross floor area devoted to individual retail outlets specializing in the retail of apparel and accessories shall be 9,290 square metres.
 - g) The maximum amount of gross floor area devoted to individual outlets specializing in restaurant uses shall be 1,858 square metres.
 - h) Individual retail outlets having a gross floor area of less than 1,500 square metres shall be permitted on the same lot as a permitted use having a minimum gross floor area of 1,500 square metres provided the total gross floor area of such outlets does not exceed 25 percent of the total gross floor area. Of this total, individual retail outlets having a gross floor area less than 465 square metres shall be limited to a maximum total amount of 4,645 square metres of gross floor area. These gross floor area regulations do not apply to the specific type of retail use in Section 12.1

APPENDIX "D" - SPECIAL REGULATION PROVISIONS FOR SPECIFIC LANDS

- i) Where the municipal boundary bisects a parking space, if the majority of the parking space is in Kitchener the whole space shall be deemed to be in Kitchener.
- j) For all lands affected by this Section, the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any zoning regulations provided that all applicable regulations of this by-law relative to the lands as a whole and its external lot lines are observed.
- k) The minimum amount of office gross floor area to be provided on the site shall be 2,229.6 square metres.

(By-law 2009-138, S.5) (Ira Needles Boulevard)