

APPENDIX "D" - SPECIAL REGULATION PROVISIONS FOR SPECIFIC LANDS

705. Notwithstanding Sections 4, 5.19, 5.20, 5.23, 6.1.1.1.d), 6.1.2a), 6.1.2b), 6.1.2d), and 55.2 of this By-law, within the lands zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection, on Schedules 170 and 171 of Appendix "A", a mixed-use development shall be permitted in accordance with the following:

- a) Off-Street Parking shall be required as follows:
 - i. A minimum of 0.95 vehicle parking space per dwelling unit, of which no more than 10% shall be a shared residential and non-residential parking space,
 - ii. A minimum of 0.05 vehicle visitor parking spaces per dwelling unit,
 - iii. A minimum of 0.05 vehicle visitor parking spaces per dwelling unit, which may be shared and included as part of the required specific non-residential parking space,
 - iii. A minimum of 1 vehicle parking spaces for specific non-residential uses per 50 square metres of GFA devoted to a specific non-residential use, to a maximum of 330 spaces, for a maximum of up to 20,000 square metres of specific non-residential GFA, is required for all specific non-residential uses that are located in a mixed use building(s).
- b) For the purpose of subsection a. of this regulation above, specific non-residential uses include Artisan's Establishment, Canine or Feline Grooming, Craftsman Shop, Day Care Facility, Health Clinic, Health Office, Museum, Office, Personal Services, Printing Establishment, Repair Service, Retail, Studio, and Veterinary Services.

The parking requirement for any other use, or any specific non-residential use herein which occupies more than a cumulative total of 20,000 square metres of all building(s), shall be in accordance with the parking requirements outlined in Section 6 of this by-law.

- c) A minimum of 1 bicycle parking space, which is either in a building or structure or within a secure area such as a supervised parking lot or enclosure with a secure entrance or within a bicycle locker, per residential dwelling unit for the exclusive use of residential occupants is required.
- d) A minimum of 50 bicycle parking spaces, which are either in a building or structure or within a secure area such as a supervised parking lot or enclosure with a secure entrance or within a bicycle locker which are accessible to the general public, shared by all lands subject to this regulation, is required.
- e) A minimum of 25 bicycle parking spaces, which are located in accessible and highly visible locations near the entrance of a building and are accessible to the general public, are required per lot.
- f) That building floor area which is partially below grade, below the publicly accessible pedestrian plaza level, the permitted uses shall only be vehicle and bicycle parking, loading, storage, public transportation facilities, building utilities, and private roads, and shall not be included in the calculation for Floor Space Ratio (FSR) and all setbacks from all property lines shall be 0.0 metres.
- g) For all lands affected by this subsection, lot lines shall not be construed to be lot lines for the purposes of any zoning regulations except for subsection e. of this regulation above

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provided that all applicable regulations of this subsection relative to the lands as a whole and its external lot lines are observed.

- h) Notwithstanding Section 5.21 of this By-law, within the lands shown on Schedule Numbers 170 and 171 of Appendix “A”, internal lot lines created by registration of a plan of condominium or consent shall not be construed to be lot lines for the purpose of zoning regulations provided that all applicable regulations of this by-law relative to the whole lot and its external lot lines, existing prior to any condominium plan registration or consent are strictly observed.
- i) For the purpose of any site-specific regulation(s) applicable to all lands affected by this subsection:
 - i. “Tower” means the middle component of a building, connecting the base to the top and housing the building’s primary function.
 - ii. “Base/Podium” means the ground floor and any additional floors with a direct relationship to the pedestrian plaza and public realm. This can include traditional multi-storey podiums, portions of a tower which extend to the ground floor.
- j) The maximum FSR per lot is prescribed in Special Regulations 706, 707, 708, and 709 of Appendix “D” of this By-law. Any FSR greater than 4.0 per lot, is subject to the owner of the site providing community benefits listed hereto.

The following community benefits shall be required for lands illustrated as Areas 1 and 2 on Map No. 1, and may be provided for lands illustrated as Areas 3 and 4 on Map No.1:

- i. The permitted FSR per lot may be increased by 0.5 for every 100 square metres of outdoor amenity areas which are accessible to and equipped for the use by the general public for passive or active recreation or for public gatherings, which may include a publicly accessible plaza. At minimum, a barrier-free pedestrian route that is publicly accessible must be provided between the ION station platform and any public transportation facility, including a bus loading bay.
- ii. The permitted FSR per lot may be increased by 1.5 for the provision of infrastructure, facilities or services required by the Region of Waterloo for public transit, including bus loading bays, dedicated space for regional transit staff office, and/or the provision of parking spots for transit staff.

Only where the community benefits outlined in section i). and ii). above are provided, the following additional community benefits may be provided in exchange for additional FSR.

- iii. The FSR will be proportionally increased in exchange for the provision of dwelling units that meet the definition of affordable, special needs, assisted, or subsidized, in accordance with the following:
 - i. By 1.0 FSR for 10% of all dwellings units,
 - ii. By 2.0 FSR for 15% of all dwelling units, and
 - iii. By 3.0 FSR for 20% of all dwelling units.

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- iv. The FSR will be proportionally increased in accordance with the following:
 - i. By 0.5 FSR in exchange for one (1) of the community benefits, and
 - ii. By 1.0 FSR in exchange for two (2) of the community benefits listed below:
 - The purchase of a vehicle for car share purposes for a period of not less than 24 months;
 - The provision of transit and active transportation digital displays.
- v. The permitted FSR per lot may be increased by 0.5 for every 100 square metres of floor space dedicated as a facility or space on the ground floor or accessible second storey for a non-profit organization (related to arts, culture, creative industries, community, or institutional uses), for a period of no less than five (5) years.
- vi. The permitted FSR per lot may be increased by 0.5 in exchange for the provision of public art valued at one percent of the value of construction.
- vii. The FSR will be proportionally increased in accordance with the following:
 - i. By 0.25 FSR in exchange for two (2) of the community benefits, and
 - ii. By 0.5 in exchange for three (3) or more of the community benefits listed below:
 - A green or eco roof,
 - A green wall or living wall,
 - Energy conservation glazing of all exterior facing glass that exceeds the minimum requirements of the Ontario Building Code by 25%,
 - The incorporation of energy or heat reuse/conservation systems,
 - The incorporation of an exfiltration system,
 - The incorporation of grey water reuse systems,
 - On-site stormwater management exceeding the minimum requirements of the City of Kitchener.
- viii. The permitted FSR per lot may be increased by 1.0 for buildings that meet or exceed LEED or other similar rating system level by a certified professional.
- ix. The permitted FSR per lot may be increased by 1.5 for buildings that meet or exceed Passive House standards or similar rating level.
- x. The permitted FSR per lot may be increased by 0.5 for buildings which incorporates renewable energy sources (such as solar, wind, geothermal, or other) into the development and/or is part of a District Energy System.

The increased FSR permissible by this section shall be subject to compliance with the conditions set out in this By-law and the provisions of which shall be secured by a development agreement with the City of Kitchener.

Upon execution and registration of the development agreement with the owner of the site securing the provisions of the facilities, services and matters listed 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

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permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

(LPAT Order PL190267) (Block Line and Courtland Avenue East)