

APPENDIX "D" - SPECIAL REGULATION PROVISIONS FOR SPECIFIC LANDS

722. a) Notwithstanding Section 4 of this By-law, for the lands zoned MU-3, as shown on Schedules 74 and 84 of Appendix "A", the following additional definitions shall apply:
- i. "Tall Building" shall mean any residential or mixed use building containing residential uses that is 9 storeys or more;
 - ii. "Tower" shall mean the 'middle' portion of a Tall Building connecting the Base to the top and housing the residential use;
 - iii. "Base" shall mean the ground floor and any additional floors with a direct relationship to the streetscape and public realm. This can include multi-storey podiums, portions of a Tower which extend to the ground floor and above grade structured parking areas;
 - iv. "Tower Floor Plate" shall mean the building floor area of a typical storey of the Tower portion of the building;
 - v. "Heritage House" shall mean the original structure constructed in 1897 which has cultural heritage significance and has historically been known or referred to as the 'Kaufman House';
 - vi. "Crash Wall" shall mean the structure that meets accepted safety standard that is intended to provide protection from a potential derailment;
 - vii. "Below Grade" shall mean any portion of a building where the finished grade meets the exterior wall at an elevation not more than 0.5 metres below the elevation of the underside of an interior ceiling and the maximum slope taken from the closest lot line is not more than 18 degrees (3:1 slope). In the case where a retaining wall has been installed to meet these criteria, that portion of the building shall in no way be considered to be below grade;
 - viii. "Building Floor Area" shall mean the aggregate horizontal floor area measured from the exterior walls of all storeys of a building excluding any floor area located below grade. The midpoint of a common wall shall be considered the face of the exterior in the case of common walls located on a lot line;
- b) Notwithstanding Sections 5.23, of this By-law, for the lands zoned MU-3, as shown on Schedules 74 and 84 of Appendix "A":
- i. No minimum setback shall be required for any building or part thereof devoted to parking or to non-residential use; and
 - ii. The setback from the railway to any building or part thereof used for residential dwellings shall be a minimum of 30 metres. The setback may be measured as the sum total of the following two measurements provided that a crash wall, or combination berm and fence are provided within the horizontal setback between the residential use and the lot line abutting the CN Rail right-of-way;
 - iii. The horizontal setback to the residential use from the lot line abutting the CN Rail right-of-way; and
 - iv. The vertical distance from the finished elevation of the CN railway line at the centerline of the tracks to the finished elevation of the residential use.

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- c) Notwithstanding Section 6.1.2 a), 6.1.2 b)ii)Ab), 6.1.2b) iv), 6.1.2b)vi), 6.1.2b)vii) and 6.1.2d) of this Bylaw, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix "A", the following special regulation shall apply:
- i. All required off-street parking shall be provided on a per-phase basis, to be calculated based on the uses proposed for the respective phase and all previously completed phases;
 - ii. Underground parking spaces shall have a minimum dimension of 2.6 m in width and 5.5 m in length;
 - iii. Underground parking is permitted with a setback of 0 metres from King Street and 0 metres from Wellington Street.
 - iv. Required off-street parking (including visitor parking) may be shared among the permitted uses;
 - v. Required off-street parking for residential uses shall be provided at a rate of 0.65 spaces per unit (including visitor parking);
 - vi. Required off-street parking for non-residential uses (including office and retail) shall be provided at a rate of 1 space per 69 square metres of gross floor area;
 - vii. Off-street parking shall not be required for non-residential uses (including any community space) with a gross floor area of less than 1500 square metres;
 - viii. A shared parking reduction of 15% shall be applied to the total parking requirement;
 - ix. A minimum of 20% of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment; and
 - x. Where the calculation of the total required electric vehicle parking spaces or parking spaces designed to permit the future installation of electric vehicle supply equipment results in a fraction, then the requirement shall be the next lowest number.
- d) Notwithstanding Section 6 of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix "A", the following additional regulations shall apply:
- i. For Multiple Residential uses, the minimum requirement for Class A bicycle parking stalls shall be 0.5 Class A Bicycle Stalls per unit.
 - ii. For Office uses, the minimum requirement for Class A Bicycle Parking Stalls shall be 1 per 500 m² of GFA.
 - iii. For Retail uses, the minimum requirement for Class A Bicycle Parking Stalls shall be 1 per 1,000 m² of GFA.
 - iv. Shower and change facilities shall be provided in conjunction with the Class A bicycle parking stalls required for any non-residential uses in accordance with the following table:

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Required Number of Class A Bicycle Parking Stalls	Minimum Total Area of Shower and Change Facilities	Minimum Number of Showers within Shower and Change Facilities
5-60	8 m ²	2 showers
61-120	12 m ²	4 showers
121-180	16 m ²	6 showers
Greater than 180	20 m ²	8 showers

- iv. Notwithstanding the above, shower and change facilities shall not be required for individual non-residential units with an area of 1,000 m² or less.
 - v. The number of parking spaces required for any non-residential uses requiring shower and change facilities may be reduced by 1 parking space per required shower.
- e) Notwithstanding Sections 55.2.1, and 55.2.2, and 55.2.2.2 of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix “A”, the following special regulations shall apply:
- i. No minimum setback from the abutting railway shall be required for any building or part thereof devoted to parking or to non-residential use;
 - ii. Dwelling units shall be permitted on the ground floor of a mixed use building;
 - iii. The minimum width of a primary ground floor façade shall be 0%;
 - iv. The maximum Floor Space Ratio (FSR) shall be 7.5;
 - v. The maximum gross floor area for an individual retail outlet may exceed 1,000 metres squared;
 - vi. A maximum gross floor area of 10,000 metres squared of non-residential uses is permitted. Office use shall not be included for the purpose of the non-residential gross floor area cap of 10,000 metres squared;
 - vii. The minimum percentage of non-residential uses required shall be 0%. The maximum residential Tower Floor Plate for a Tall Building shall be 850 square metres.
 - viii. The maximum Base height for a residential Tall Building shall be 24 metres.
- f) Notwithstanding Section 55.2. of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix “A”, the following additional regulations shall apply in relation to the Heritage House:
- i. No buildings shall be permitted between the Heritage House and the King Street street line;
 - ii. A porch attached to the Heritage House shall be permitted between the building and the King Street street line and the maximum height regulation of Section 5.6.A.4) a) shall not apply;

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- iii. A canopy over the building entrance of the Heritage House may be permitted between the building and the King Street street line and the maximum projection regulation of Section 5.6.2a) shall not apply;
 - iv. The minimum horizontal separation distance from the Heritage House to a new building up to 8.0 metres in height to its northwest shall be 5.5 metres;
 - v. The minimum horizontal separation distance from the Heritage House to a new building above 9.5 metres in height to its northwest shall be 18.5 metres;
 - vi. The minimum horizontal separation distance from the Heritage House to a new building up to 8.0 metres in height to its southeast shall be 11.5 metres;
 - vii. The minimum horizontal separation distance from the Heritage House to a new building above 8.0 metres in height to its southeast shall be 40 metres;
 - viii. A building addition of up to 6.0 metres in depth may be permitted along the rear elevation of the Heritage House;
 - ix. The minimum horizontal separation distance from the Heritage House to a building above 8.0 metres in height to its southwest shall be 17.5 metres;
 - x. The Heritage House shall be deemed to comply to all applicable zoning regulations, including yards, building height, façade regulations and floor space ratio; and
 - xi. Retail and other non-residential uses shall be permitted in the Heritage House and shall not be required to be located only on the ground floor with other permitted uses in upper floors of the Heritage House.
- g) Notwithstanding Section 55.2. of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix "A", the following additional regulations shall apply within 45 metres of the King Street street-line:
- i. The minimum setback from the lot line shared with the railway shall be 0.0 metres for a crash wall and 5.0 metres for a building used for parking or non-residential use where no crash wall is provided;
 - ii. The minimum setback from the King Street street line shall be 1.5 metres except if located within 105 metres of the Wellington Street street line, in which case it shall be 4.5 metres with a maximum building height of 8.0 metres;
 - iii. The maximum setback to the King Street street line shall be 7.5 metres except if located within 110 metres of the Wellington Street street line, in which case there shall be no maximum setback;
 - iv. For a building with frontage on King Street, a minimum stepback from the King Street façade Base of a Tall Building to a Tower shall be 3.0 metres;
 - v. The minimum setback from the Wellington Street street line shall be 1.5 metres. Ground level patios may encroach within this setback;
 - vi. The maximum setback from the Wellington Street street line shall be 7.5 metres;

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- vii. A minimum setback from the Wellington Street façade Base of a Tall Building to a Tower shall be 3.0 metres;
- ix. A building having frontage on King Street as well as Wellington Street
 - i. Shall be subject to the façade openings regulations of Section 55.2.1 of this By-law in relation to the King Street façade; and
 - ii. Shall not be subject to the façade openings regulations of Section 55.2.1 of this By-law in relation to the Wellington Street façade.
- x. Canopies and stairs shall be subject to a 0.0 metre minimum setback in relation to the King Street street line.
- h) Notwithstanding Section 55.2. of this By-law, for the lands zoned MU-3 as shown on Schedule Numbers 74 and 84 of Appendix "A", the following additional regulations shall apply if greater than 45 metres of the King Street street-line:
 - i. Within 7 metres of the Wellington Street street line the maximum height shall be 15 metres; and
 - iii. The minimum setback to the Tower portion of a Tall Building from the southern lot line shall be 7.5 metres.

(By-law 2021-067, S.8) (607-641 King Street West)