

(57) – Within the lands zoned COM-4 and shown as affected by this provision on Zoning Grid Schedule 4, 5, 12 and 13 of Appendix A, the following special regulations shall also apply:

- a) The minimum *side yard setback* 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 provision 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* 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 spaces* and *loading spaces* 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* in Table 9-1 requiring 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*.

- 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 provision, 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.