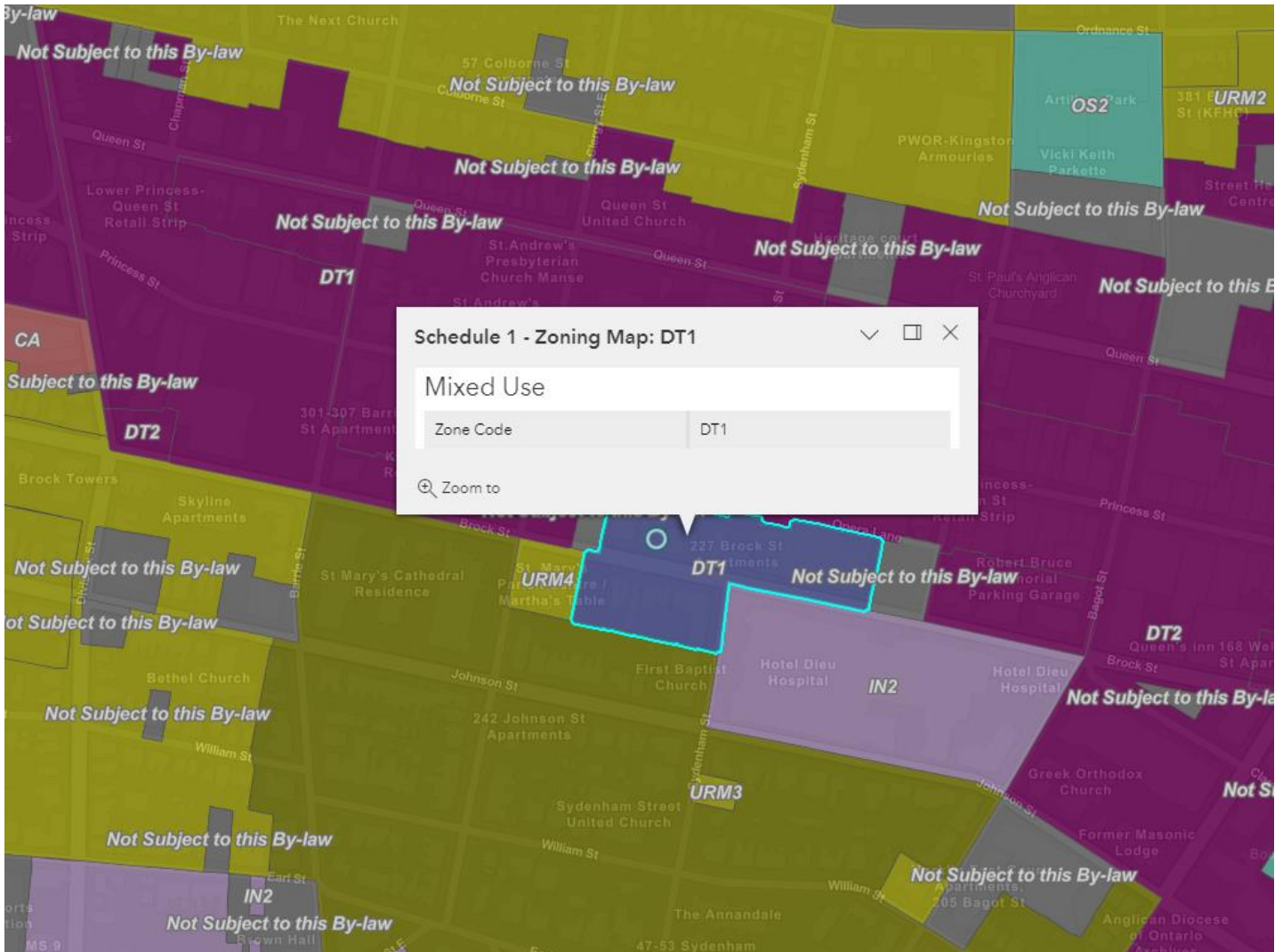


# 237 Brock Street Kingston



DT1 – Downtown Zone 1

## Section 10: Mixed Use Zones

### 10.1. All Mixed Use Zones

- 10.1.1.** For the purposes of this By-law, Mixed Use Zones include Williamsville Zone 1 (WM1), Williamsville Zone 2 (WM2), Downtown Zone 1 (DT1) and Downtown Zone 2 (DT2).
- 10.1.2.** **Uses** permitted in Mixed Use Zones are limited to the **uses** identified in Table 10.1.2., and are denoted by the symbol “●” in the column applicable to each Zone and corresponding with the row for a specific permitted **use**. Where the symbol “—” is identified in the table, the **use** is not permitted in that Zone.

**Table 10.1.2. - Permitted Uses in the Mixed Use Zones**

Use	WM1, WM2	DT1, DT2
Residential <b>apartment building</b>	●	●
<b>dwelling unit in a mixed use building</b>	●	●
<b>stacked townhouse</b>	●	—
<b>townhouse</b>	●	
Non-residential <b>animal care</b>	—	●
<b>automobile sales establishment</b>	—	●
<b>banquet hall</b>	●	●
<b>building supply store</b>	—	●
<b>commercial parking lot</b>	—	●
<b>community centre</b>	●	●
<b>club</b>	●	●
<b>creativity centre</b>	●	●
<b>day care centre</b>	●	●
<b>department store</b>	—	●
<b>entertainment establishment</b>	●	●
<b>financial institution</b>	●	●

<b>Use</b>	<b>WM1, WM2</b>	<b>DT1, DT2</b>
<b>fitness centre</b>	●	●
<b>gas station</b>	—	●
<b>grocery store</b>	●	●
<b>funeral establishment</b>	●	●
<b>hotel</b>	●	●
<b>laboratory</b>	●	—
<b>laundry store</b>	●	●
<b>library</b>	●	●
<b>museum</b>	●	●
<b>office</b>	●	●
<b>personal service shop</b>	●	●
<b>place of worship</b>	●	●
<b>public market</b>	●	●
<b>recreation facility</b>	●	●
<b>repair shop</b>	—	●
<b>restaurant</b>	●	●
<b>retail store</b>	●	●
<b>special needs facility</b>	●	—
<b>training facility</b>	—	●
<b>transportation depot</b>	—	●
<b>transportation terminal</b>	—	●
<b>wellness clinic</b>	●	●

## 10.2. Williamsville Zone 1 (WM1)

**10.2.1.** Despite the definitions of **front lot line** and **rear lot line**, in the WM1 Zone:

1. Where a **lot** has a **street line** adjacent to Princess Street, the **street line** adjacent to Princess Street is deemed to be the **front lot line**; and
2. Where a **lot** has a **street line** adjacent to Princess Street, all **lot lines** that separate the **lot** from a Zone outside the WM1, WM2 or a Commercial Zone are considered a **rear lot line**.

**10.2.2.** The **use** of any **lot** or **building** in the WM1 Zone must comply with the provisions of Table 10.2.1.

**Table 10.2.1. – WM1 Provisions**

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	—
2. Minimum <b>lot frontage</b> (metres)	—
3. Maximum <b>height</b> (metres)	The lesser of: (a) 20 metres (b) 6 storeys
4. Minimum and maximum <b>front setback</b> (metres)	(a) <b>front lot line</b> on Princess Street, Division Street, Concession Street or Bath Road: (i) <b>first storey</b> : minimum 3.0 metres, maximum 5.0 metres (ii) <b>storeys 2 to 4</b> : minimum 2.0 metres, maximum 5.0 metres (b) <b>front lot line</b> on all other streets: (i) <b>storeys 1 to 4</b> : minimum 2.0 metres, maximum 5.0 metres
5. Minimum <b>rear setback</b> (metres)	8.0
6. Minimum <b>exterior setback</b> (metres)	(a) <b>exterior lot line</b> on Division Street, Concession Street or Bath Road: (i) <b>first storey</b> : minimum 3.0 metres, maximum 5.0 metres

Zoning Provision	all permitted uses
	(ii) <b>storeys</b> 2 to 4: minimum 2.0 metres, maximum 5.0 metres (b) <b>exterior lot line</b> on all other streets: (i) <b>storeys</b> 1 to 4: minimum 2.0 metres, maximum 5.0 metres
7. Minimum <b>interior setback</b> (metres)	(a) where a <b>lot</b> has <b>front lot line</b> on Princess Street: 0.0 metres (b) all other <b>lots</b> : 1.2 metres
8. Minimum and maximum <b>stepbacks</b>	(a) <b>Front lot line</b> and/or <b>exterior lot line</b> : (i) <b>storey</b> 5 to 6: minimum 2.0 metres from the exterior wall of the 4 <sup>th</sup> storey
9. Minimum <b>landscaped open space</b>	—
10. Maximum <b>lot coverage</b>	70%
11. Maximum residential <b>density</b>	210 <b>dwelling units</b> per net hectare
12. Minimum <b>streetwall height</b> for all <b>buildings</b>	10.5 metres
13. Minimum floor to floor <b>height of first storey</b>	4.5 metres

### Additional Provisions for Lots Zoned WM1

**10.2.3.** In addition to the provisions of Table 10.2.1., **uses** in the WM1 Zone must comply with the following provisions:

#### Front Setback of Streetwall

1. A minimum of 75% of the **streetwall** of a **building** must be built to the minimum required **front setback** for the **height** of the **streetwall**.

### Projecting Balconies

2. **Balconies** that project from the exterior wall of a **building** are only permitted above the fourth **storey** where the exterior wall faces a **street line**, and may only project to a maximum depth of 1.5 metres from the wall.
3. **Balconies** that project from the exterior wall of a **building** are only permitted above the second **storey** where the exterior wall faces a **lot line** that is not a **street line**, and may only project to a maximum depth of 2.0 metres from the wall.

### Ground Floor Commercial Uses

4. **Buildings** fronting on Princess Street are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3 of this By-Law.
5. Where ground floor commercial **uses** are required by Subclause 4., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

### Loading and Parking

6. **Loading spaces, parking spaces and parking lots** are not permitted in a **front yard or exterior yard**.

**10.3. Williamsville Zone 2 (WM2)**

**10.3.1.** For the purpose of the WM2 Zone, the following definitions apply:

- 1. Podium** means the base component of any **building** that is no greater than 20 meters in **height** (excluding mechanical penthouses) and only includes the **first storey** through sixth **storeys** of such **building**.
- 2. Tower** means any portion of any **building** that is greater than 20 metres in **height**, excluding a **podium**, below grade **building** components and mechanical penthouses.

**10.3.2.** Despite the definitions of **front lot line** and **rear lot line**, in the WM2 Zone:

- 1.** Where a **lot** has a **street line** adjacent to Princess Street, the **street line** adjacent to Princess Street is deemed to be the **front lot line**; and
- 2.** Where a **lot** has a **street line** adjacent to Princess Street, all **lot lines** that separate the **lot** from a Zone outside the WM1, WM2 or a Commercial Zone are considered a **rear lot line**.

**10.3.3.** The **use** of any **lot** or **building** in the WM2 Zone must comply with the provisions of Table 10.3.1.

**Table 10.3.1. – WM2 Provisions**

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	—
2. Minimum <b>lot frontage</b> (metres)	—
3. Maximum <b>height</b> (metres)	The lesser of: (a) 61.5 metres (b) 20 storeys
4. Minimum and maximum <b>front setback</b> (metres)	(a) <b>front lot line</b> on Princess Street, Division Street, Concession Street or Bath Road: (i) <b>first storey</b> : minimum 3.0 metres, maximum 5.0 metres (ii) <b>storeys 2 to 4</b> : minimum 2.0 metres, maximum 5.0 metres (b) <b>front lot line</b> on all other streets:

Zoning Provision	all permitted uses
	(i) <b>storeys 1 to 4:</b> minimum 2.0 metres, maximum 5.0 metres
5. Minimum <b>rear setback</b> (metres)	8.0
6. Minimum <b>exterior setback</b> (metres)	(a) <b>exterior lot line</b> on Division Street, Concession Street or Bath Road: (i) <b>first storey:</b> minimum 3.0 metres, maximum 5.0 metres (ii) <b>storeys 2 to 4:</b> minimum 2.0 metres, maximum 5.0 metres (b) <b>exterior lot line</b> on all other streets: (i) <b>storeys 1 to 4:</b> minimum 2.0 metres, maximum 5.0 metres
7. Minimum <b>interior setback</b> (metres)	(a) where a <b>lot</b> has <b>front lot line</b> on Princess Street: 0.0 metres (b) all other <b>lots:</b> 1.2 metres
8. Minimum and maximum <b>stepbacks</b>	(a) <b>Front lot line</b> and/or <b>exterior lot line:</b> (i) <b>storey 5 to 6:</b> minimum 2.0 metres from the exterior wall of the 4 <sup>th</sup> storey
9. Minimum <b>landscaped open space</b>	—
10. Maximum <b>lot coverage</b>	70%
11. Maximum residential <b>density</b>	(a) where a tower is <b>developed:</b> 480 <b>dwelling units</b> per net hectare (b) all other <b>lots:</b> 210 <b>dwelling units</b> per net hectare
12. Minimum <b>streetwall height</b> for all <b>buildings</b>	10.5 metres
13. Minimum floor to floor <b>height of first storey</b>	4.5 metres

### Additional Provisions for Lots Zoned WM2

**10.3.4.** In addition to the provisions of Table 10.3.1., **uses** in the WM2 Zone must comply with the following provisions:



### Front Setback of Streetwall

1. A minimum of 75% of the **streetwall** of a **building** must be built to the minimum required **front setback** for the **height** of the **streetwall**.

### Projecting Balconies

2. **Balconies** that project from the exterior wall of a **building** are only permitted above the fourth **storey** where the exterior wall faces a **street line**, and may only project to a maximum depth of 1.5 metres from the wall.
3. **Balconies** that project from the exterior wall of a **building** are only permitted above the second **storey** where the exterior wall faces a **lot line** that is not a **street line**, and may only project to a maximum depth of 2.0 metres from the wall.

### Ground Floor Commercial Uses

4. **Buildings** fronting on Princess Street are required to have ground floor commercial **uses** on the **first storey** where any portion of the **lot** aligns with the area identified as "Required Ground Floor Commercial" on Schedule 3.
5. Where ground floor commercial **uses** are required by Subclause 4., the entire **streetwall** of the **first storey**, excluding areas devoted to a lobby or other shared entrances/exits for other permitted **uses**, must be occupied by commercial **uses**. Portions of the floor area of the **first storey** that do not have an exterior wall facing a **street line** may be occupied by **uses** that service the **building** such as **loading spaces**, waste management facilities and rooms, mechanical rooms, bike parking facilities and other similar **uses**.

### Tower Conditions

6. The maximum floor plate of a **tower** is 790 square metres. **Tower** floor plate includes all areas enclosed within exterior walls, including hallways, elevators, stairs, mechanical shafts, and all similar components.
7. The minimum **separation distance** between a **tower** and another **tower** is 25.0 metres.
8. The minimum **setback** from a **tower** to a **lot line** shared with an adjacent property is 12.5 metres.

9. Despite Subclause 8., where an adjacent property has already been developed with a **tower**, the **tower** is permitted to be located closer than 12.5 metres to the **lot line** shared with that adjacent property so long as the 25.0 metre **tower separation distance** is maintained.
10. The minimum **setback** from a **tower** to the exterior wall of the podium is 2.0 metres.

#### **Loading and Parking**

11. **Loading spaces, parking spaces and parking lots** are not permitted in a **front yard** or **exterior yard**.

#### **Density Exception**

12. The maximum residential **density** provisions of Table 10.3.1. do not apply to the properties municipally known as 429 and 445 Princess Street.

## 10.4. Downtown Zone 1 (DT1)

**10.4.1.** The **use** of any **lot** or **building** in the DT1 Zone must comply with the provisions of Table 10.4.1.

**Table 10.4.1. – DT1 Provisions**

<b>Zoning Provision</b>	<b>all permitted uses</b>
1. Minimum <b>lot area</b> (square metres)	—
2. Minimum <b>lot frontage</b> (metres)	—
3. Minimum <b>height</b>	2 <b>storeys</b> , not less than 8.5 metres
4. Maximum <b>height</b> (metres)	(a) <b>Height at build-to-plane: 4 storeys</b> , not to exceed 17.0 metres (b) <b>Height under angular plane: 6 storeys</b> , not to exceed 25.5 metres
5. Minimum <b>front setback</b> (metres)	See subclause 10.4.2.1.
6. Minimum <b>rear setback</b> (metres)	See subclause 10.4.2.2.
7. Minimum <b>exterior setback</b> (metres)	0.0
8. Minimum <b>interior setback</b> (metres)	See subclause 10.4.2.2.
9. Minimum <b>landscaped open space</b>	—
10. Minimum <b>lot coverage</b>	50%
11. Maximum <b>lot coverage</b>	100%
12. Maximum number of <b>dwelling units per lot</b>	123 <b>dwelling units</b> per net hectare
13. Applicable <b>angular plane</b>	39 degrees
14. <b>Height</b> for commencement of <b>angular plane</b>	17.0

### **Additional Provisions for Lots Zoned DT1**

**10.4.2.** In addition to the provisions of Table 10.4.1., **uses** in the DT1 Zone must comply with the following provisions: