



By-Law Number 96-259

Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston

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Downtown And Harbour Zoning By-law Number 96-259
of the Corporation of the City of Kingston

<u>As Amended By:</u>	<u>Date Passed</u>
By-Law 97-294	November 4, 1997
OMB Decision #0406	February 16, 1998
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OMB Decision #2070	August 17, 1998
By-Law 98-233	September 22, 1998
By-Law 99-86	March 24, 1999
By-Law 2002-185	July 16, 2002
By-Law 2002-230	September 17, 2002
By-Law 2003-107	May 6, 2003
By-Law 2003-163 (repealed by 03-194 and replaced by 03-202)	June 17, 2003
By-Law 2003-194 (repealed 03-163)	July 15, 2003
By-Law 2003-202	July 15, 2003
By-Law 2003-380	September 16, 2003
By-Law 2003-404	October 28, 2003
By-Law 2004-119	May 18, 2004
By-Law 2004-243	July 14, 2004
By-Law 2005-29	February 1, 2005
By-Law 2005-194	July 19, 2005
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By-Law 2006-29	January 10, 2006
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(Office Consolidation)

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of the Corporation of the City of Kingston
Amendments Continued

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By-Law 2015-129	July 14, 2015
By-Law 2015-160	September 1, 2015
By-Law 2015-187	October 20, 2015
By-Law 2016-45	January 26, 2016
By-Law 2016-130	June 23, 2016
By-Law 2017-58	March 7, 2017
By-law 2017-74	March 21, 2017
By-law 2017-91	April 18, 2017
By-Law 2017-169	August 8, 2017
By-Law 2017-233	November 7, 2017
By-Law 2018-50	February 6, 2018
By-Law 2019-88	June 18, 2019
By-Law 2019-109	July 9, 2019
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(Office Consolidation)

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**THE CORPORATION OF THE CITY OF KINGSTON
DOWNTOWN AND HARBOUR ZONING BY-LAW Number 96-259**

September 10, 1996

**INTRODUCTORY STATEMENT
(For Information Purposes)**

This document is the City of Kingston Downtown and Harbour Zoning By-Law No. 96-259. The By-Law replaces the City of Kingston Restricted Area (Zoning) By-Law No. 8499, as amended, insofar as it applies to the Downtown and Harbour Areas identified on Schedule 'A' to this By-Law, unless otherwise specified.

The Downtown and Harbour Zoning By-Law is a precise document used by the City to regulate the use of land. It states exactly what land uses will be permitted in the Downtown and Harbour Areas and provides other detailed information such as:

- where buildings or structures may be located;
- types of commercial and non-commercial uses;
- standards for lot size, parking requirements, building height, and required yards.

Kingston's Downtown and Harbour Zoning By-Law is needed to help the City implement the objectives and policies of the Official Plan. The Zoning By-Law acts as a legal tool under Ontario's Planning Act for managing the use of land and future development in the City. Zoning By-Laws also protect property owners from the development of conflicting land uses. Any use of land or the construction or use of any building or structure not specifically authorized by the By-Law is prohibited.

The complete text and map of the Downtown and Harbour Zoning By-Law are presented in this document. The following is a brief summary of the contents of the Downtown and Harbour Zoning By-Law.

SECTION 1: Explains the title given to the entire document and outlines the general scope.

SECTION 2: Provides guidelines on the administration and enforcement of this Zoning By-Law.

SECTION 3: Provides guidelines on the interpretation of this Zoning By-Law.

SECTION 4: Defines many of the words and terms used in this By-Law.

SECTION 5: Describes and explains the general provisions which apply to more than one of the zones in this Zoning By-Law. The general provisions cover such matters as: accessory building or structures, angular planes, parking, home occupations, outdoor patio restaurants, etc.

SECTION 6: Provides guidelines on the zones, zone symbols and the zone map.

SECTIONS 7 to 10: Set out the permitted uses and regulations for the specific land use zones and site specific zone categories.

SCHEDULE “A”: Schedule “A” delineates the location of all zones outlined in Sections 7 to 10.

HOW TO USE THE BY-LAW:

For each zone, there is a list of permitted uses and a number of standards or regulations such as lot size, frontage, required yards, building height, etc.

The location of each of these zones is shown on the Schedule “A”. The specific uses and regulations applicable to each zone are found in the relevant section(s) of the By-Law which bears the same zone name(s).

In order to determine the provisions of the By-Law that affect your property, it is suggested that you use the following technique:

1. Locate your property on Schedule ‘A’, the zoning Map immediately following the last page of Section 10.
2. Identify the zone that has been applied to your land (e.g., C1 for Central Business System or HR for Harbour).
3. Once you have identified the zone, turn to the appropriate Zone Category which outlines permitted uses and regulations. For example, if your property is zoned C1, you would turn to Section 7 to determine the specific permitted uses and regulations affecting your property. The Table of Contents will assist you in locating the appropriate page number.
4. If a zone symbol is followed by a dash and a number (e.g. C1-1) then special provisions apply to such lands. Such provisions are found in the “Specific Zone” section of the base zone (i.e. Section 7.3, “Specific C1 Zones”).
5. Please note that most of the general provisions contained under Section 5 also affect your property. Care should be taken to review these general provisions as well as the applicable definitions outlined in Section 4. Guidelines outlined in Sections 1, 2 and 3 may also be applicable to your property.

The Zoning By-Law is only one of many planning tools used to implement the Official Plan. Details in this regard are found in Part VIII, Implementation, of the Official Plan. In particular, you should also review Schedule “I” of the Official Plan to determine if your lands are affected by the **City Hall Viewplanes**. The Zoning By-Law does not contain any regulations with regard to Viewplanes. However, the impact of any new development will be considered at the Site Plan Control Approval process.

DOWNTOWN & HARBOUR BY-LAW
INTRODUCTORY STATEMENT
(cont'd)

If it is intended to alter the use of a property, alter or erect a building or structure, or alter a lot, you should be aware that it may be necessary to consult other additional legislation or City by-laws. The following applications, legislation or processes are outlined simply to assist in understanding the scope of potential requirements:

1. Building Permit (Building Code and Zoning By-Law compliance);
2. Certificate of Occupancy (condition of Site Plan Control approval, Building Code compliance and approval of use or occupancy);
3. Site Plan Control Approval (detailed plans showing the building envelop and illustrating building massing, height, floor space, yard setbacks, parking, loading, landscaping, etc., which may be implemented through a Site Plan Control Agreement);
4. Consent Approval (alteration of a lot configuration, easement, right-of-way, etc.);
5. Subdivision or Condominium Approval (to create multiple lots, establishing new roads or to divide a building into multiple ownerships);
6. Minor Variance (to vary a zone regulation, a general provision or to extend or change a non-conforming use);
7. Zoning Amendment (to amend sections of the Zoning By-Law as it relates to a specific property);
8. Official Plan Amendment (to amend the Official Plan as it relates to a specific property or a general policy consideration);
9. Other City Permits or Licences (e.g. for outdoor patios, refreshment vehicles, etc.).

The Zoning By-Law should be considered in conjunction with all other relevant legislative and City by-laws.

For further information, the City of Kingston Planning Division and/or Building Department should be consulted.

DOWNTOWN & HARBOUR ZONING BY-LAW

By-Law Number 96-259

The Corporation Of The City Of Kingston

A By-Law to regulate the use of lands and the character, location and use of buildings and structures for certain lands within the City of Kingston, as per Section 34 of the *Planning Act*, R.S.O. 1990, as amended.

The Council of The Corporation of the City of Kingston Enacts As Follows:

Section 1 - General Scope

1.1 Title

This By-Law comprised of the text and Schedule "A" (Zone Map) may be cited as the "Zoning By-Law" for the Downtown and Harbour Areas.

1.2 Repeal Of Existing By-Laws

All previously enacted by-laws passed pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, as amended, or a predecessor thereof, are hereby repealed insofar as they apply to the areas included within the boundaries of the Downtown and Harbour Areas shown on Schedule "A" which forms part of this By-Law, unless otherwise specified in the text of this By-Law.

1.3 Lands Subject To By-Law

All of the provisions of this By-Law shall apply to all areas within the boundaries of the Downtown and Harbour Areas as defined on Schedule "A" (Zone Map) which forms part of this By-Law.

1.4 Validity Or Severability

If a decision of a court of competent jurisdiction declares that one or more of the provisions of this By-Law, including anything contained in the Zoning Map, are invalid then that judgment shall not affect the validity of the remaining portions of this By-Law which shall remain in full force and effect until repealed.

1.5 Other By-Laws, Regulations Or Acts

1.5.1 Not To Affect Other By-Laws

This By-Law shall not be interpreted so as to reduce or mitigate any other by-law, regulation, or restriction lawfully imposed by this Corporation or any other governmental authority having jurisdiction to do so.

1.5.2 Compliance With Other By-Laws

Nothing in this By-Law shall serve to relieve any person from the obligation to comply with the requirements of any by-law of the City in force from time to time or the obligation to obtain any licence, permit, authority or approval required under any by-law of the City.

1.5.3 Conflict

In the event of a conflict between this By-Law and any general or special City by-law, this By-Law shall prevail.

1.5.4 Other Jurisdictions

No other by-law, regulation or Act shall be interpreted so as to reduce or mitigate any requirement of this By-Law, unless, the other by-law, regulation or Act was specifically intended to affect zoning and the governmental authority responsible for the by-law, regulation or Act has the jurisdiction to so do.

1.6 Effective Date

This By-Law shall come into force and take effect on its passing, provided no Notice of Appeal is filed to this By-Law, all in accordance with the provisions of Section 34, Subsections 19 and 30 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the provisions of Section 34, Subsections 19 and 30 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, apply and the By-Law shall be deemed to have come into force and take effect on the day it was passed.

SECTION 2 - ADMINISTRATION AND ENFORCEMENT

2.1 ADMINISTRATION

Unless otherwise stated, this By-Law shall be administered and enforced by the Director of Planning and Development, or in the absence of the Director, the Manager of Development Approvals or the Manager of Policy Planning or any other authorized member of the Department of Planning and Development.

(By-Law No. 2006-29)

2.2 PERMITS

2.2.1 PERMITS NOT TO BE ISSUED

Despite the provisions of any other by-law of the City of Kingston, the Chief Building Official or designate shall not issue a Building Permit or any other permit where the proposed building or structure or any part thereof, use, or occupancy would be in violation of any provision of this By-Law.

2.2.2 PERMIT INSPECTION, CERTIFICATION AND UNLAWFUL USE

It shall be the duty of the Chief Building Official or designate to make the necessary inspection and to certify all building permits. It shall be unlawful for any person, persons, or Corporation to use or to permit the use of any building or part of a building or structure erected, altered, enlarged, or renovated after the passage of this By-Law until a building permit has been properly issued and certified by the Chief Building Official or designate.

(By-Law No. 2006-29)

2.3 Application For Permits

Where necessary for the purpose of clarity, in addition to all of the requirements of the Building Code or any other applicable by-law of the City of Kingston, each application for a Building Permit may be required to be accompanied by:

- (a) a statement signed by the applicant, disclosing the existing use and use proposed for each building or structure to be located on the lot, together with any other information that might be deemed to be necessary to determine if such proposal conforms to the provisions and regulations of this and other by-laws of the City of Kingston; and
- (b) plans in duplicate (one copy or set to be retained by the Chief Building Official) drawn to scale and showing the following:
 - i) The true dimensions of the lot to be built upon or otherwise used.

-
- ii) The proposed location, height and dimensions of any buildings or structures proposed to be located or altered on the lot.
 - iii) The location and dimensions of all yards, landscaped open space, amenity areas, off-street parking spaces, or off-street loading facilities to be provided.
 - iv) The location of all existing buildings or structures on the lot.
 - v) The intended use of the building or structure and the intended use and treatment of all areas on the lot outside of the buildings and structures.
 - vi) Floor plans, building sections, elevations, and all other details that are required to clearly indicate that the building, when completed, will comply in every way with this and other by-laws of the City of Kingston.
 - vii) Existing contours of the lot and proposed contours, if any change in site elevation is contemplated.
 - viii) Information relative to landscaping, curbing, drainage, retaining walls and any other similar physical features, existing or proposed to be included.
 - ix) All parking spaces, with dimensions, along with entrances and exits, where facilities for off-street parking are required in any zone for a use, building or structure.
 - x) The lot area above the high water mark of a waterbody.
(By-Law No. 2006-29)

2.4 CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy may be required as a condition of site plan approval or prior to any change in use or occupancy of any building or lot subject to this By-Law. Issuance of such certificates shall be the responsibility of the Chief Building Official, and may only be issued where the change in use or occupancy is in compliance with the provisions of this By-Law.

(By-Law No. 2006-29)

2.5 INSPECTION

Any officer or employee of the City of Kingston acting under the direction of the Director of Planning and Development or Chief Building Official is hereby authorized to enter, at all reasonable hours, upon any property or premises in or on which he/she has reason to believe that the provisions of this By-Law are not being obeyed, for the purpose of carrying out his/her duties under this By-Law.

(By-Law No. 2006-29)

2.6 OFFENCE

No person shall occupy any lot, building, or structure, or permit the use of any lot, building, or structure, except in compliance with the provisions of this By-Law. It shall be an offence for any person to use any lot, building, or structure within any Zone Classification except in compliance with the permitted uses and regulations established by this By-Law.

(By-Law No. 2006-29)

2.7 ENFORCEMENT

2.7.1 PENALTIES

Every person who contravenes this By-Law is guilty of an offence, and on conviction is liable:

- (a) on a first conviction, to a fine of not more than \$20,000.00; and
- (b) on a subsequent conviction, to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Every corporation that contravenes the By-Law is guilty of an offence, and upon conviction is liable:

- (a) on a first conviction, to a fine of not more than \$50,000.00; and,
- (b) on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

In addition to any other remedy or any penalty provided by law, the court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of an offence.

(By-Law No. 2006-29)

2.7.2 REMEDIAL ACTION

Where any matter or thing is required to be done by a person or corporation under the provisions of this By-Law, Council may direct that in default of it being done by said person or corporation, such matter or thing may be done by the City at the sole expense of the person or corporation and the expenses thereof with interest may be recovered by the City in accordance with the provisions of the *Municipal Act*, given appropriate notice.

(By-Law No. 2006-29)

2.8 REQUESTS FOR AMENDMENTS

Every request for an amendment to this By-Law shall be accompanied by fully completed copies of the appropriate application form provided by the City, by such application fee as may be established from time to time by Council, and by such information as required by the Official Plan.

(By-Law No. 2006-29)

2.9 MINOR VARIANCES

An application can be made to obtain a minor variance from the provisions of this By-Law in accordance with the *Planning Act*, R.S.O. 1990, as amended. The appropriate application form shall be provided by the City and such application form shall be completed by the applicant and submitted with such application fee as may be established from time to time by Council.

(By-Law No. 2006-29)

3.6 IMPERIAL MEASUREMENTS

Imperial measurements in this By-Law are provided for convenience only and do not form part of this By-Law.

3.7 EXAMPLES AND ILLUSTRATIONS

Examples and illustrations are for the purpose of clarification and convenience, and do not form part of this By-Law.

SECTION 4 - DEFINITIONS

4.1 **SPECIFIC**

In this By-Law:

“ABATTOIR” means a building or structure, or part thereof, used for the slaughtering of animals.

“ACCESSORY” means a use, building or structure subordinate, incidental and exclusively devoted to the principal use, building or structure located on the same lot and not designed or intended for human habitation, unless specifically permitted by this By-Law.

“ADULT ENTERTAINMENT PARLOUR” means any premises, or part thereof, in which the business carried on is provided in pursuance of a trade, calling, business or occupation appealing to or designed to appeal to erotic or sexual appetites or inclinations.

“ADULT ENTERTAINMENT STORE” means any premises, or part thereof, in which the business carried on is provided in pursuance of the sale or rental of goods appealing to or designed to appeal to erotic or sexual appetites or inclinations.

“AIR CONDITIONER” means any device used for the purpose of cooling, dehumidification, circulating and cleaning of air and which utilizes duct work in its operation rather than directly discharging into the conditioned space. This definition shall include devices such as Heat Pumps, HVAC, Heat Exchangers, related generators, pumps and solar panels.

(By-Law No. 2006-45)

“ALTER” shall mean:

- (a) When used in reference to a building or structure or part thereof, shall mean to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members to the type of construction of the exterior walls or roof thereof or to make internal changes;
- (b) When used in reference to a lot, shall mean to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or

- (c) When used in reference to use, shall mean to discontinue and replace the use with a use which is defined herein as being distinct from the discontinued use.

The words “altered” and “alteration” shall have a corresponding meaning.

“Amenity Area” means an area exterior to the residential building, or an interior area common to all residential units within a residential building, which is designed and intended primarily for the leisure and recreation of the occupants of the building.”

(By-Law 96-259; 2017-169)

“AMUSEMENT ARCADE” means a commercial establishment, used for the provision of three or more indoor entertainment and amusement activities such as coin-operated machines, devices, and games of skill or chance, exhibits and displays, including the sale of souvenirs, food and beverages, but shall not include premises licensed under the Liquor License Act.

“AMUSEMENT PARK” means an establishment for the commercial operation of a recreational, entertainment or amusement complex including facilities such as, miniature golf course, driving range, amusement rides, water sports, and an “Amusement Arcade”.

“ANGULAR PLANE” means a plane which projects up at a 39 degree angle and is contiguous to the build-to-plane. The angular plane commences at a specified height measured at the build-to-plane and extends across the entire length(s) of the property abutting an improved public street(s).

Refer to end of Section 4 of this By-Law for illustrations.

“APARTMENT DWELLING” see “DWELLING, APARTMENT”

“ARENA” means a building or structure, or part thereof, where facilities are provided primarily for athletic, artistic, circus, entertainment, or recreation programs, activities, performances, or events.

“ART GALLERY” means a commercial establishment where works of art, such as paintings, sculpture, pottery, glass and weaving, are displayed for public viewing.

“ATTACHED” means a building or structure otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.

“ATTIC” means that portion of a building immediately below the roof and wholly or partly within the roof framing.

Refer to end of Section 4 of this By-Law for an illustration.

“AUCTION CENTRE” means a building, or part thereof, where the principal use is for the retail sale of articles or goods to members of the public bidding the highest offer for the article or goods during the sale proceedings.

“AUDITORIUM OR PUBLIC HALL” means a building or structure, or part thereof, where facilities are provided for public assembly, in connection with athletic, civic, educational, recreational, political, religious, or social events.

“AUTOMOBILE BODY SHOP” means an establishment for the repair of damage to a vehicle caused by collision, accident, corrosion, or age, and, without limiting the generality of the foregoing, includes the reconstruction of vehicles and the painting or repainting of vehicles, but shall not include any other automobile use defined in this By-Law.

“AUTOMOBILE GAS BAR” shall mean one or more pump islands, and shelter used for the sale of motor fuels and small accessories required for the operation of vehicles but shall not include facilities for the repair or maintenance of vehicles. The sale of propane shall be considered an accessory use.

“AUTOMOBILE GENERAL REPAIR ESTABLISHMENT” means a building or part thereof, or lot used for the servicing, repair, and cleaning of vehicles that may also be operated in conjunction with a towing service. An automobile general repair establishment shall not include any other automobile use defined in this By-Law.

“AUTOMOBILE PARTS AND ACCESSORIES SALES” means a commercial establishment used for the purpose of retail and wholesale sales of equipment and parts used to repair, service or customize vehicles, but shall not include any installations or repairs.

“AUTOMOBILE SALES ESTABLISHMENT” means a commercial establishment used for the display and sale of new or used vehicles and may include the servicing and repair of vehicles, autobody repair, the sale of automobile parts and accessories and related products and the leasing or renting of vehicles, but shall not include any other automobile use defined in this By-Law.

“AUTOMOBILE SERVICE STATION” shall mean any commercial establishment where automobile fuel is kept for sale. An automobile service station may also include the following additional functions:

- (a) the sale of oil, grease, antifreeze, tire tubes, tire accessories, electrical light bulbs, spark plugs, and batteries for vehicles, etc.
- (b) facilities where vehicles are oiled, greased, and washed;
- (c) minor repairs essential to the actual operation of vehicles including ignition adjustment and tire inflation; and
- (d) the sale of propane as an accessory use.

“AUTOMOBILE SPECIALTY REPAIR SHOP” means a commercial establishment which provides specialized maintenance or repair service for licensed vehicles, usually limited to one aspect of automobile repair such as: transmission establishments, muffler shops, alignment shops, rust proofing establishments, auto-glass repair shops, tire sales and installation, braking system service and other similar uses, including the sale of the required components, but shall not include “Automobile Body Shops”, “Automotive Machine Shops” or “Automobile General Repair Establishments” as defined herein.

“AUTOMOBILE TOWING COMPOUND” means an area where both operable and inoperable vehicles are towed and/or stored on a temporary basis after being impounded or while awaiting repair, pick-up or transfer to an automobile wrecking establishment. Any automobile towing compound shall be screened by a masonry wall or painted fence not less than 2.0 metres (7 feet) high so that the contents of the automobile towing compound will be screened from any public street or adjacent properties. In no case will an automobile towing compound be permitted where the adjoining land is zoned for a non-industrial or non-commercial use. For the purpose of this definition, “temporary” shall be defined so as to mean “a period of time not exceeding forty-five (45) days in regard to each vehicle”.

“AUTOMOBILE WRECKING ESTABLISHMENT” means a building and/or lot used for:

- (a) the wrecking or dismantling of vehicles; and
- (b) the storage and sale of scrap material, salvage and parts obtained from vehicles;

but does not include any other automobile use defined in this By-Law.

“AUTOMOTIVE MACHINE SHOP” means a shop where metal and other materials are cut, shaped, milled or finished with machine tools and designed to be installed onto vehicles.

“BAKERY” means a commercial establishment used for producing, mixing or baking bread, biscuits, cakes, pastry or other bakery products and may include a factory sales outlet for the bakery items produced on the site, but shall not include a restaurant or other premises where such products are made for consumption on the premises.

“BAKE SHOP” means a commercial establishment, with or without association to a bakery, where bakery products are offered for retail sale, but shall not include a restaurant or other premises where such products are made for consumption on the premises.

“BANK OR FINANCIAL ESTABLISHMENT” means a commercial establishment which is used primarily for financial transactions including the borrowing, depositing, and exchanging of currency and credit and shall include banks, trust companies, credit unions, and similar establishments.

“BASEMENT” means that portion of a building partially below ground level and having fifty (50) per cent or more of its exterior wall area above the average finished grade.

Refer to the end of Section 4 of this By-Law for an illustration.

“BED AND BREAKFAST ESTABLISHMENT” means a dwelling in which guest rooms are let, with or without meals, for the temporary accommodation of the travelling or vacationing public. Such establishment shall have the proprietor or manager residing on the premises and shall not include a “Restaurant”, “Hotel”, “Motel”, “Lodging House”, “Nursing Home”, or any home licensed, approved or supervised under any general or special Act.

‘BEDROOM means a habitable room within a residential unit that is not:

- a) a common area, being:
 - (i) a living room open to all occupants of the unit; or
 - (ii) a dining room open to all occupants of the unit;
- b) an area used for sanitary purposes, such as a washroom;
- c) an area used for cooking purposes, such as a kitchen;
- d) an area occupied solely by mechanical equipment, such as furnaces, hot water heaters, or laundry equipment;

- e) a circulation space, such as a stairway or hallway;
- f) a room less than six (6) square metres in area where there are built-in cabinets and/or closets;
- g) a room less than seven (7) square metres in area where there are no built-in cabinets and/or closets; or
- h) a room without a window or alternative source of natural light.
(By-Law Number 8499; 2021-164)

“BICYCLE PARKING AREA” is defined as an area on or in which a bicycle may be parked and which has access directly, or by way of an aisle, sidewalk or ramp, to a public or private lane or to a street without the necessity of moving any other vehicle and which is secured and covered from weather elements (e.g. by way of building or roof overhangs, awnings, lockers or bicycle storage spaces within buildings) and each space within the parking area shall not be less than 1.8 m (6 ft) by 0.6 m (2 ft), and overhead clearance in covered spaces shall be a minimum of 2.1 m (7 ft).

(By-Law 2005-213)

“BLOCK” means an area bounded on four sides by streets or by one or more streets and one or more natural or manmade barriers such as a river or railway.

“BLOCK FACE” means all land fronting on one side of one block.

“BODY-RUB” includes the kneading, manipulation, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

“BODY-RUB PARLOUR” means the use of a building or structure, or a portion thereof, where a body-rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

“BUILD-TO-PLANE” means a vertical plane which runs parallel to, and at a specified distance from, an improved public street right-of-way. The location of the build-to-plane is established by measuring from, and perpendicular to, the street right-of-way to the nearest part of any main wall of any building or structure on a property.

Refer to end of Section 4 of this By-Law for illustrations.

“BUILDING” means any structure consisting of walls, foundation and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods or materials and includes any structure defined as a building in the Ontario Building Code, as amended, but shall exclude any vehicle as defined herein.

“BUILDING, MAIN” shall mean the building designed or used for the principal permitted uses on a lot.

“BUILDING DEPTH” means the horizontal distance between the front wall and the rear wall of a building.

“BUILDING HEIGHT” when used in reference to a building or structure, means the vertical distance measured from the finished grade of the entire lot to the ridge line, except:

- (a) in the case of a flat or shed roof, the highest point of the roof's surface;
- (b) in the case of a structure not having a roof, the uppermost part of such structure; or
- (c) where an exterior wall other than a required fire wall extends above the top of the roof of a building, the topmost part of such exterior wall.

Refer to end of Section 4 of this By-Law for illustrations.

“BUILDING SUPPLY ESTABLISHMENT” means a lot, building, and/or structure used for the wholesale or retail sales of building or construction supplies and accessories, including outdoor storage of building materials which may include: lumber, millwork, cement, siding, roofing, plumbing or electrical supplies, heating, cooling or ventilating construction supplies, fireplaces, windows, paints, wall coverings, and floor coverings, but may not include any retail sale of appliances, audio-visual equipment, home furnishings or furniture.

“CANOPY, WEATHER” see “WEATHER CANOPY”

“CARPORT” means a structure of not more than one storey in height, having a roof supported by columns or piers and enclosed to a height of not more than 1.4 metres (5 feet), that is intended for the parking of vehicles.

“CARWASH, AUTOMATIC” means a commercial establishment that is used or designed to be used for the automated washing and/or drying of one or more vehicles at any one time.

“CASINO GAMING FACILITY” means any building developed and used for the purpose of providing slot machine or table game wagering or betting, authorized and licensed by the Province of Ontario.

(By-Law Number 96-259; 2016-130)

“CARWASH, MANUAL” means a commercial establishment that is used or designed to be used for the washing of one or more vehicles at any one time, by means of hand operated pressurized wands connected to the water system of the structure.

“CATALOGUE SALES OUTLET” means a commercial establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale at retail.

“CATERING SERVICE” means a building or structure in which food and beverages are prepared for consumption off-site and are not served to customers on the premises or for take-out.

“CELLAR” means any enclosed portion of a building that has more than fifty (50) per cent of its height, from floor to ceiling, located below finished grade.

Refer to the end of Section 4 of this By-Law for an illustration.

“CEMETERY” means land that is used as a place for the interment of the deceased or in which human bodies have been buried and may include a crematorium, mausoleum, or columbarium.

“CENTRE LINE” means that line which equally divides the width of the road allowance of a street or highway, as opposed to the centre line of the travelled roadway.

“CHILDREN'S PLAY AREA” means an area, at or above finished grade, developed with play equipment and suitably surfaced and fenced or otherwise enclosed for play by young children.

“CHURCH OR RELIGIOUS INSTITUTION” means a building including synagogues, mosques, and rectories, owned or occupied by a religious organization or congregation and which is dedicated exclusively to worship and related social and charitable activities. Accessory uses may include a church hall, church auditorium, convent, monastery, office of a clergyman, “Cemetery”, church school, parish hall, “Day Care Centre” or a parsonage.

“CITY” means The Corporation of the City of Kingston.

“CLEANING ESTABLISHMENT” means a building or structure where cleaning, dyeing, or pressing of articles or clothing is carried out including rugs, carpets, linens and draperies.

“CLINIC” see “MEDICAL CLINIC” or “VETERINARY CLINIC”

“COMMERCIAL ENTERTAINMENT ESTABLISHMENT” means the use of a building or structure, or portion thereof, for a fee, for the provision of entertainment or amusement without the necessity of active participation by the user and shall include such uses as a movie theatre, playhouses, bingo and other assembly halls, and public dance halls but shall not include an “Adult Entertainment Parlour”, an “Adult Entertainment Store”, a “Body Rub Parlour”, an “Amusement Arcade” or an “Amusement Park” as defined herein.

“COMMERCIAL ESTABLISHMENT” means the use of any lot, building or structure, or portion thereof, for the purpose of buying and selling of commodities, the rental of goods and materials, and the supplying of services to the general public, but shall not include an “Adult Entertainment Parlour”, an “Adult Entertainment Store”, a “Body Rub Parlour”, an “Amusement Arcade”, an “Amusement Park” or a “Salvage Yard” as defined herein.

“COMMERCIAL RECREATION FACILITY” means the use of a lot, building or structure or a portion thereof for the provision of participatory athletic, recreation or physical fitness facilities for gain or profit, and without limiting the generality of the foregoing, shall include a health centre, fitness centre, an ice or roller skating rink, a curling rink, a racquet club, a swimming pool, a billiard parlour and a bowling alley, but shall not include an “Adult Entertainment Parlour”, “Adult Entertainment Store”, a “Body Rub Parlour”, an “Amusement Arcade” or an “Amusement Park” as defined herein.

“COMMERCIAL SCHOOL” means a premises in which training is offered for hire or gain, other than a private academic or religious or parochial school and includes a studio of a dancing teacher or a music teacher, an art school, a golf school, school of callisthenic’s, business or trade school and any other such specialized school. A commercial school may include a day nursery as an accessory use.

(By-law Number 96-259; 2007-162)

“COMMERCIAL STORAGE FACILITY” means a building or structure or part thereof, which for a fee is used for the temporary storage of articles, goods or materials.

“COMMERCIAL MOTOR VEHICLE” means any vehicle which displays commercial lettering or commercial licence plates and shall also include construction equipment which is self-propelled or designed to be towed, a taxi, a delivery vehicle, a driving school vehicle, in addition to any commercial vehicle as defined under the Highway Traffic Act.

By-Law 2002-185

“COMPUTER PROGRAMMING ESTABLISHMENT” means a commercial establishment which designs or distributes computer programs for other businesses and which may also provide computer training for individuals.

“COMMUNITY HOME” means a community-based group living arrangement, in a single housekeeping unit, for up to a maximum of seven (7) individuals, exclusive of staff and/or receiving family, who are receiving care consistent with their needs. A Community Home is licensed, funded or approved by the Province of Ontario. A Community Home shall include all homes and residences as defined above, including open custody homes for both young and adult offenders, but shall not include a “Community Support House”, “Corrections Residence”, “Crisis Care Shelter”, “Detoxification Centre”, “Residential Care Facility” or “Recovery Home” as defined elsewhere in this By-Law. Community Homes may provide an eighth bed on an emergency basis only which shall be occupied for a maximum of thirty (30) days.

“COMMUNITY OR RECREATION CENTRE” means a publicly owned building, structure or lot used for recreation or social or cultural activities, meeting or other leisure activities. Common types of facilities may include: swimming pools, curling rinks, hockey rinks, racquet courts, training rooms, meeting rooms, gymnasiums, auditoriums and arenas.

“COMMUNITY SUPPORT HOUSE” means a group living arrangement, in a single housekeeping unit, for persons from out of the City requiring primarily short term accommodation, which may include incidental counselling or support services. A Community Support House is intended to provide accommodation for the relatives and friends of persons who may be incarcerated in a local penal institution or who may be receiving treatment in a local medical facility. A Community Support House is licensed, funded or approved by the Province of Ontario. A Community Support House shall not include a “Community Home”, “Corrections Residence”, “Crisis Care Shelter”, “Detoxification Centre”, “Residential Care Facility” or “Recovery Home” as defined elsewhere in this By-Law.

“COMPLYING” means a lot, building or structure that fulfills both the requirements of the specific zone regulations for the zone in which such lot, building, or structure is located and the general provisions of this By-Law.

“CONFORMING” means a use, or activity of any lot, building or structure which falls within the uses permitted in this By-Law for the zone in which such use or activity is located.

“CONTINUOUS USE” see “USE, CONTINUOUS”

“CONTRACTOR’S YARD” means the yard or depot of a construction company or contractor used for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or

management of the business and the stockpiling or storage of supplies used by the business, but does not include the wholesale or retail sale of construction materials or supplies, or home improvement supplies, or lands used by a "Service Establishment".

"CONVENIENCE STORE" means a retail outlet serving the daily household and grocery shopping needs of neighbourhood consumers including, for example, a small food store, a small hardware store, a variety store, a confectionery, a postal outlet, a delicatessen, a bake shop, a pharmacy, a tobacco shop; and may include accessory convenience services such as, a dry cleaning and laundry depot, photofinishing, automated banking outlet, video rental.

"CONVERSION" means the alteration or change of use of an existing building or structure, or a portion thereof, to another use.

"CONVERTED DWELLING" see "DWELLING, CONVERTED"

"CORNER SIGHTLINE TRIANGLE" means the area within a corner lot delineated by the intersection of two street lines or projections thereof and a straight line connecting said street lines.

"CORNICE" shall mean an exterior horizontal projection or ornamental moulding along the top of a building, wall, arch, column, etc.

"CORRECTIONS RESIDENCE" means a group living arrangement, in a secure facility for persons who have been placed on probation, who have been released on parole, who are admitted to the facility for correctional or rehabilitation purposes or who are awaiting trial, and live together under responsible twenty-four (24) hour secure supervision consistent with the requirements of its residents and accepted standards for secure detention. A Corrections Residence is licensed, funded or approved by the Province of Ontario or Federal Government. A Corrections Residence shall not include a "Community Home", "Community Support House", "Crisis Care Shelter", "Detoxification Centre", "Residential Care Facility" or "Recovery Home" as defined elsewhere in this By-Law.

"COUNCIL" means the Municipal Council of The Corporation of the City of Kingston.

"CRISIS CARE SHELTER" means a group living arrangement, in a single housekeeping unit, for persons in a crisis situation requiring shelter, protection, assistance, counselling or support and in which it is intended that short term accommodation of a transient nature be provided. A Crisis Care Shelter is licensed, funded or approved by the Province of Ontario.

"DATA PROCESSING ESTABLISHMENT" means an operation for the processing of facts or concepts either manually or by automated means.

“DAY CARE CENTRE” means a premises licensed under the Day Nurseries Act, R.S.O. 1990, as amended, that receives more than five (5) children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four (24) hours, where the children are:

- under eighteen years of age in the case of a day care centre or day nursery for children with a developmental handicap, and
- under ten years of age in all other cases.

“DAY CARE CENTRE - UNLICENSED” means a premises used for the temporary care and custody for a reward or compensation of not more than five (5) children under ten years of age in a private residence other than the home of a parent or guardian of any such child for a continuous period not exceeding twenty-four (24) hours and not licensed under the Day Nurseries Act, R.S.O. 1990, as amended.

“DENSITY” means the ratio of the number of residential units to one net hectare of lot area. Density calculation shall be based on the number of hectares of net land area owned by a proponent and available for development.

“DECK” means a structure without a roof, having a foundation to hold it erect, the floor which is above finished grade, and attached to or abutting one or more walls of a building or constructed separate from a building, with or without direct access to the ground. (By-Law No. 2008-167)

“DEPARTMENT STORE” means a commercial establishment that sells several lines of merchandise, including apparel, jewellery, cosmetics and toiletries, furniture, home furnishings, appliances, electronics, sporting goods, toys, photo equipment, hardware, auto accessories, and other household goods and services. A department store shall not include an auto-oriented department store, drugstore/pharmacy, convenience store, grocery store, supermarket, commercial establishment or specialty retail store.

“DESIGNATED PROPERTY” means a building, structure, or property, or a portion thereof, designated by the City of Kingston under the Ontario Heritage Act, R.S.O. 1990, as amended.

“DETOXIFICATION CENTRE” means an institution or single housekeeping unit in which persons who are addicted to chemical substances and/or alcohol are admitted for withdrawal, treatment and/or rehabilitation and live together under responsible twenty-four (24) hour supervision consistent with the requirements of its residents. A Detoxification Centre is licensed, funded or approved by the Province of Ontario and shall be registered with the City of Kingston. A Detoxification Centre shall not include a “Community Home”, “Community Support House”, “Crisis Care Shelter”, “Residential Care Facility” or “Recovery Home” as defined elsewhere in this By-Law.

“DEVELOPMENT” means:

- (a) the construction, erection, or placing of one or more buildings or structures on a lot;
- (b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;
- (c) the laying out or establishment of a parking area, or loading spaces, or of sites for the location of a mobile home or mobile homes;
- (d) activities such as site grading, excavation, removal of top soil or peat and the placing or dumping of fill; and
- (e) drainage works, except for the maintenance of existing municipal drains.

“DORMER” means framing which projects from a sloping roof, providing an internal recess in the roof space.

“DORMER WINDOW” means a vertical window in a dormer for lighting a room adjoining a sloping roof.

“DRIVEWAY” means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but shall not include a parking aisle.

“DRIVING RANGE” means a public or private area operated for the purpose of practising the driving of golf balls, but does not include a golf course, miniature golf course or similar uses operated for commercial purposes.

“DRUGSTORE / PHARMACY” means a commercial establishment which dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.

“DRY CLEANING OUTLET” means a commercial establishment used for the purpose of receiving articles of clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

“DRY LAND ACCESS” shall mean direct, or elevated, access above the level of the Regulatory Flood.

“DUPLEX DWELLING” see “DWELLING, DUPLEX”

“DWELLING” means a building or part thereof used or intended to be used as a residential unit and may include up to three roomers or boarders.

(By-law No. 96-259; 2007-162)

“DWELLING, APARTMENT” means a building consisting of five (5) or more dwellings, to each of which access is obtained through a common entrance or entrances from the street level and the occupants of which obtain access to their residential units through common halls. An apartment building shall not include a “Maisonette Dwelling” or a “Townhouse Dwelling”.

“DWELLING, GARDEN SUITE” means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

“DWELLING, CONVERTED” means a building originally designed as a one-unit dwelling which has been altered or converted so as to provide therein more than one dwelling.

“DWELLING, DUPLEX” means a building that is divided horizontally into two separate dwellings each of which has an independent entrance either directly from the outside or through a common vestibule.

“DWELLING, FOURPLEX” means two duplex buildings attached vertically by a common wall extending from the base of the foundation to the roof line.

“DWELLING, LINK” means one of a pair of attached single dwellings constructed for permanent use with a common foundation wall dividing the pair of dwelling units below grade, and the two portions of the building which are above grade are separate and detached from each other. The addition of a Second Residential Unit to a Dwelling, Link does not change a Dwelling, Link into another type of Dwelling.

“DWELLING, MAISONETTE” means a building that is divided vertically into four (4) or more dwellings, each of which has independent entrances, one to a common corridor and the other directly to an outside yard area adjacent to the said dwelling unit. A one storey maisonette dwelling shall be considered a cluster maisonette dwelling and a two storey maisonette dwelling shall be considered a stacked maisonette dwelling.

“DWELLING, MOBILE HOME” means a manufactured, movable or portable dwelling constructed to be towed, to its appropriate site, on its own chassis, connected to utilities and designed to be placed on a permanent foundation or piers for year round living. It may consist of one or more parts that can be folded, collapsed or telescoped for towing to the appropriate site, and expanded later for additional cubic capacity; to be joined into one integral unit. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.

“DWELLING, SEMI-DETACHED” means a dwelling in a building divided vertically into two dwellings by a common wall extending from the base of the foundation to the roof line. The addition of a Second Residential Unit to a Dwelling, Semi Detached does not change a Dwelling, Semi Detached into another type of Dwelling

“DWELLING, SENIOR CITIZEN APARTMENT” means a building consisting of three (3) or more dwellings designed or intended to be occupied by senior citizens, to each of which access is obtained through a common entrance or entrances from the street level and the occupants of which obtain access to their dwelling units through common halls. For purposes of this By-Law a senior citizen shall be construed as a person 65 years of age or older. A Senior Citizen Apartment Dwelling shall not include a “Maisonette Dwelling”, a “Townhouse Dwelling” or a “Triplex Dwelling” as defined herein.

“DWELLING, SINGLE DETACHED” means a single detached building which is freestanding, separate, and has independent exterior walls and contains one dwelling constructed for year round habitation by one or more persons. A Single Detached Dwelling does not include a “Mobile Home” as defined herein. The addition of a Second Residential Unit to a Dwelling, Single Detached does not change a Dwelling, Single Detached into another type of Dwelling.

“DWELLING, TOWNHOUSE” means a separate building containing three or more dwellings, each dwelling separated from its neighbour by an unbroken party wall and each having its own entrance at grade. The addition of a Second Residential Unit to a Dwelling, Townhouse does not change a Dwelling, Townhouse into another type of Dwelling.

- (a) “CLUSTER TOWNHOUSE” means a group of townhouses which are situated on a lot in such a way that individual units may not have legal frontage on a public street or road.
- (b) “ON-STREET TOWNHOUSE” means a townhouse with each unit on a separate lot and having legal frontage on a public street.

“DWELLING, TRIPLEX” means a building that is divided horizontally into three dwellings.

Illustrations of dwelling definitions are included at the end of Section 4.

“DWELLING UNIT, BACHELOR” means a residential unit within which the areas intended for sleeping and common living are combined into a single room. For purposes of this By-Law, a bachelor dwelling unit is deemed to contain one bedroom.

(By-Law Number 96-259; 2021-64)

“EDUCATION CENTRE” means an establishment primarily engaged in providing technical, commercial, or vocational training or retraining. Education Centre shall not include a “Commercial School”, “Educational Facility”, “Post Secondary Institution” or a “School” as defined herein.

“EDUCATIONAL FACILITY” means an establishment engaged in providing educational services within the context of the elementary and secondary curriculum of the Province of Ontario, limited in terms of scale and intended program duration, and located within a multiple-use building. Educational Facility shall not include a “Commercial School”, “Education Centre”, “Post Secondary Institution” or a “School” as defined herein.

“ELEVATED PEDESTRIAN WALKWAY” means an elevated structure either enclosed or open which permits the movement of pedestrians from one building to another or from different sites having different elevations.

“ERECT” means build, construct, reconstruct or relocate any building or structure and includes, without limiting the generality of the foregoing:

- (a) the performance of any preliminary physical operation, such as excavating, grading, filling or draining;
- (b) the alteration of a building or structure by an addition, enlargement or extension; or
- (c) any work for which a building permit is required under the *Ontario Building Code*, R.S.O. 1990, as amended.

“ERECTED” and “ERECTION” shall have a corresponding meaning.

“EROSION LIMIT, REGULATORY” means the area adjacent to Lake Ontario defined by a combination of stable slope, recession rate, and an erosion allowance.

“ESTABLISHED FRONT BUILDING LINE” means a line representing the location of the front wall of a building or the horizontal projection thereof, situated closest to the street, excluding any unenclosed porches, platforms, sundecks, landing places, or balconies.

“ESTABLISHED REAR BUILDING LINE” means a line representing the location of the rear wall of a building or horizontal projection thereof, situated nearest to the rear lot line, excluding any unenclosed porches, platforms, sundecks, landing places, or balconies.

“EXISTING”, unless otherwise indicated, means existing legally on the date of passing of this By-Law.

“EXTERIOR SIDE YARD” see “YARD - EXTERIOR SIDE”

“EXTERNAL DESIGN” means the arrangement and/or pattern of materials forming the exterior of a building or structure.

“FACADE” means a building wall or series of building walls facing a street.

“FACTORY SALES OUTLET” means a commercial establishment accessory to a manufacturing use offering goods for sale which are manufactured entirely on the same premises as the factory sales outlet.

“FILL, CONSTRUCTION, AND ALTERATION TO WATERWAYS REGULATIONS” means a regulation passed pursuant to the Conservation Authorities Act, R.S.O. 1990, or its successors, whereby a Conservation Authority may, among other matters, regulate:

- the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse;
- the construction of any building or structure in or on a pond or swamp or in any area susceptible to flooding; and

- the placing or dumping of fill of any kind in any defined part of the area over which the Conservation Authority has jurisdiction in which, in the opinion of the Conservation Authority, the control of flooding or pollution or the conservation of land may be affected.

“FINISHED GRADE” means, when used in reference to a building or structure, the average elevation of the finished surface of the ground immediately adjoining the base of the exterior walls or supports of such building or structure, exclusive of any artificial embankment.

Refer to end of Section 4 for an illustration.

“FITNESS CENTRE” means a commercial recreation facility providing, for gain or profit, athletic and physical fitness facilities such as free weights, aerobics areas, and other exercise equipment.

“FLEA MARKET” shall mean a commercial establishment where goods, wares, substances, merchandise, articles or services are displayed or offered for retail sale by individual vendors from individual stalls and stands but shall not include a “Public Market” as defined herein.

“FLOOD” means a temporary rise in the water level resulting in the inundation of areas adjacent to a watercourse not ordinarily covered by water.

“FLOOD FRINGE” means the outer portion of a riverine flood plain between the floodway and the limit of the regulatory flood plain.

“FLOOD LEVEL, REGULATORY” means the level of water caused by a flood which has a return period of 100 years on average or which has a one (1) per cent chance of occurring or being exceeded in any given year (1:100 year flood), as determined by the appropriate approval authority. Along Lake Ontario the regulatory flood level also includes an allowance for wave uprush and other water related hazards.

“FLOOD OR EROSION CONTROL FACILITIES” means facilities approved by the appropriate approval authority to minimize the potential for damage from flooding or erosion. Facilities may consist of channels, shoreline protection, storm water control facilities and related structures.

“FLOOD PLAIN” means the area, usually low lands, adjoining a watercourse or Lake Ontario which has been, or may be covered by flood water.

“FLOOD PLAIN, REGULATORY” means the area covered by flood waters which has a return period of 100 years on average or which has a one (1) per cent chance of occurring or being exceeded in any given year (1:100 year flood), as determined by the appropriate approval authority. Along Lake Ontario the regulatory flood plain also includes an allowance for wave uprush and other water related hazards.

“FLOODPROOFING” means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages.

“FLOODWAY” means that area of the riverine flood plain that is required for the safe passage of flood flow and/or the area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage.

“FLOOR AREA, GROSS” means the sum total of the gross horizontal areas of all floors of all buildings or structures on a lot, measured from the interior faces of the exterior walls or from the centreline of the common wall separating two buildings, and the “floor area, gross” of a building or structure shall also include:

- (a) basement floor area where the basement ceiling height is 2.1 metres (7 feet) or more, unless otherwise specified;
- (b) attic space having headroom of 2.1 metres (7 feet) or more for at least half the attic floor area, unless otherwise specified;
- (c) interior balconies and mezzanines;
- (d) enclosed porches;
- (e) elevator shafts and stairwells at each floor, and floor area used for mechanical equipment;
- (f) ground floor area devoted to accessory uses in the main building;
- (g) floor area used for a private garage in the main building.

Floor area contained within a detached accessory building shall not be included in the “floor area”.

“FLOOR SPACE INDEX” means the ratio of gross floor area permitted within a building or structure to the net land area of the lot on which the building or structure is situated.

“FLORIST” means a commercial establishment devoted to the sale of flowers, indoor plants and arrangement thereof.

“FOOD STORE” means a commercial establishment devoted to the sale of food which, without limiting the generality of the foregoing, may include a bake shop, fruit and vegetable store, meat or butcher products, dairy products and delicatessen.

“FOSTER CHILD” means a person, under the age of twenty-one (21) years who is under the control and supervision of a local child welfare agency as defined in the Child and Family Services Act, as amended.

“FOURPLEX DWELLING” see “DWELLING, FOURPLEX”

“FRONT WALL” of a building means the wall which faces the street. In the case of a corner lot, the shortest wall facing a street shall be considered the front wall.

“FRONT YARD” see “YARD - FRONT”

“FUNERAL HOME” means a commercial establishment in which a licensed undertaker prepares corpses for viewing and interment by friends and relatives and may include a chapel for funeral services.

“GABLE” means the upper triangular-shaped portion of the end wall of a building.

“GARAGE, PRIVATE” means a detached accessory building or portion of a dwelling designed for the parking of private vehicles.

“GARAGE SALE” means the sale by an occupant of a dwelling unit, on his or her own premises, of household goods belonging to him or her.

“GARDEN CENTRE, NURSERY OR GREENHOUSE” a commercial establishment where trees, shrubs or plants are grown or stored for the purpose of transplanting for use as stocks for building or grafting, or for the purpose of retail or wholesale, together with the sale of soil, planting materials, fertilizers and similar materials.

“GARDEN SUITE DWELLING” see “DWELLING, GARDEN SUITE”

“GOLF COURSE” means a public or private area operated for the purpose of playing golf and may include a restaurant, driving range, the sale of golf equipment and an assembly hall.

“GOVERNMENT OFFICE” means a City office, court house, registry office, health and welfare centre, employment centre, post office or other office used for the purposes of local or other government administration.

“GROSS FLOOR AREA” see “FLOOR AREA, GROSS”

“HABITABLE FLOOR SPACE” means any room or space in a residential unit designed for living, sleeping, eating or the preparation of food or sanitation.

“HABITABLE ROOM” means any room in a residential dwelling unit used, or capable of being used, by one or more persons for living, sleeping, eating, food preparation or sanitation; but does not include any part of a private garage, bathroom, unfinished attic, laundry room, pantry, corridor, stairwell, storage room or any space used for the service or maintenance of a building or for common access to two or more residential units.

“HARDWARE STORE” means a commercial establishment engaged primarily in the indoor sale of hardware and home maintenance and improvement supplies including, but not so as to limit the generality of the foregoing, tools, paints, varnishes, wall coverings, window components, finished and semi-finished lumber products, plumbing supplies, garden supplies and cleaning supplies.

“HEIGHT” see “BUILDING HEIGHT”

“HELIPORT” means any area used for the landing and taking-off of helicopters including all necessary passenger, cargo, fuelling and emergency services facilities.

“HOME IMPROVEMENT CENTRE” means a commercial establishment engaged in the sale of goods or materials required for the construction or alteration of buildings, including such merchandise as: wall panelling, wood products, sheet glass products, windows and mirrors, floor, wall and ceiling tiles, carpeting, paint and wallpaper, bathroom and kitchen cupboards and fixtures, landscaping materials and similar goods and related installation equipment.

“HOME OCCUPATION” means an occupation, business, trade or craft conducted for gain or profit as an accessory use to a residential unit by a person residing therein.

“HOTEL” means a commercial establishment in which accommodation is provided for transient lodgers, with or without restaurant facilities, and having a minimum of six (6) guest sleeping rooms and may include among its internal functions: a banquet hall, meeting rooms, licensed lounge, convenience store, gift shop and indoor or outdoor “Commercial Recreation Facilities” and “Commercial Entertainment Facilities”.

“HOUSEKEEPING UNIT” means a single, self-contained dwelling unit occupied by a group of persons residing together and comprising a single domestic household.

“INDUSTRIAL MALL” means a building or group of buildings which are planned, developed, managed and operated as a unit, and in which each building contains two or more units or spaces for lease or occupancy for industrial purposes.

“KENNEL” means a commercial establishment where four (4) or more dogs or cats are kept or housed indoors on a commercial basis for 24 hours or more.

“KITCHEN” means a room or group of rooms used or designed for the cleaning and preparation of food, and may include accessory storage for food.’
(By-Law No. 96-259; 2008-167)

“LABORATORY” means a building or structure or portion thereof wherein scientific experiments, tests or investigations are conducted and/or where drugs, chemicals, or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the premises. A laboratory shall not include a “Research Establishment” as defined herein.

“LAND BASED means located on dry land.

“LANDSCAPED OPEN SPACE” means the area of a lot which is at finished grade or terraced and used or intended to be used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and other landscaping and includes any buffer strip, surfaced walk, surface patio, swimming pool or similar area, but shall not include any access driveway, ramp, parking area or loading spaces or any open space beneath, above or within any building or structure.

“LANE” means a public access not more than nine (9) metres (30 feet) in width which affords access to an abutting property. A Lane shall not include a “Private Lane”, “Private Road” or a “Street” as defined herein.

“LANE, PRIVATE” see “PRIVATE LANE”

“LAUNDRY, COIN OPERATED” means a commercial establishment where the service of coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.

“LINK DWELLING” see “DWELLING, LINK”

“LIQUOR OR BEER STORE” means a commercial establishment exclusively devoted to the retail sale of liquor, wine and beer.

“LOADING SPACE” means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle for the purpose of loading or unloading merchandise or materials pertinent to a permitted use.

“LODGING HOUSE” means any house or other building or portion thereof in which persons are harboured, received or lodged, with or without meals, for gain or profit, but shall not include a bed and breakfast establishment, residential unit,

hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.

“LODGING UNIT” means living accommodation which does not include the exclusive use of both a kitchen and a bathroom.

“LOT” means a parcel, or block of land or waterbody described:

- (a) in accordance with and within a Registered Plan of Subdivision providing such subdivision is not deemed not to be a Registered Plan of Subdivision under the *Planning Act*, R.S.O. 1990, as amended; or
- (b) as a separate parcel of land which the owner does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to abutting land; or
- (c) for those other situations not described in (a) and (b) above, a lot shall mean a parcel or block of land or a waterbody described in a registered deed or deeds.

“LOT, CORNER” means a lot situated at the intersection of, and abutting two or more streets, or parts of the same street, where the inside angle of intersection or projected angle at intersection of the tangents of the street lines is less than 135 degrees, except lots at the start of cul-de-sacs where the angle may exceed 135 degrees.

“LOT, FLAG” means an interior lot that could fill the middle of an existing block and which is accessed by a narrow frontage from a public street.

“LOT, INTERIOR” means any lot other than a corner lot.

“LOT, THROUGH” means an interior lot having separate frontages upon two streets which are parallel with each other or which run in nearly the same direction.

“LOT AREA” means the total horizontal area within the lot lines of a lot, excluding a wetland or the area below the high water mark of a waterbody.

“LOT COVERAGE” means the percentage of the lot area covered by buildings and structures including the principal building or structure, all accessory buildings or structures, and all buildings or structures attached to the principal building or structure, excluding unenclosed steps, patios, sun decks, as well as balconies, bay windows, canopies and overhanging eaves which are 2 metres (7 feet) or more in height above the finished grade.

“LOT DEPTH” means the horizontal distance measured between the front and rear lot lines. Where the front and rear lot lines are not parallel, the lot depth is the length of a line joining the midpoints of such lines. In the case of two or more rear lines, lot depth shall be the average of the distance from the front lot line to each point where the angle changes measured at right angles to the front lot line. In the case of a lot with less than four lot lines, the lot depth shall be the distance from the front lot line to the point of intersection of the side lot lines.

“LOT FRONTAGE” means the horizontal distance between the side lot lines measured along the front lot line; but, where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage shall be measured at a point parallel to the front lot line and distant from the front lot line the minimum required front yard.

“LOT LINE” means any line which defines the boundary of a lot.

“LOT LINE, FRONT” means the lot line abutting a street line. In the case of a lot line abutting two or more streets, the shorter lot line abutting a street shall be deemed to be the front lot line.

“LOT LINE, REAR” means, in the case of a lot having four or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than four lot lines, there shall be deemed to be no rear lot line.

“LOT LINE, SIDE” means a lot line other than a front lot line or a rear lot line.

Illustrations of lot definitions are at the end of Section 4.

“MAIN BUILDING” see “BUILDING, MAIN”

“MANUFACTURING PLANT” means a building or part of a building used for the production, compounding, processing, packaging, crating, bottling, packing, or assembling of raw or semi-processed or fully-processed goods or materials.

“MAIN WALL” of a building means a wall facing a street. In the case of a corner lot all walls facing a street shall be considered main walls.

“MAISONETTE DWELLING” see “DWELLING, MAISONETTE”

“MARINA” means a commercial establishment providing transient and/or seasonal docking and mooring facilities to the general public where boats are berthed, stored, serviced, repaired or launched. A Marina may include: land based facilities for the winter storage of boats; sale or rental of boats and boat accessories; the sale of marine fuels and lubricants and a “Marine Supplies Establishment”; waste water pumping facilities; washroom and shower facilities; a laundromat; launching ramp; boat lift/boat lifting equipment; administrative

offices; and, a restaurant. A Marina shall not include a “Yacht Club” as defined herein.

“MARINE SUPPLIES ESTABLISHMENT” means a commercial establishment that sells marine supplies such as boat parts, boat accessories or boating accessories.

“MEDICAL CLINIC” means a commercial establishment used by three (3) or more medical practitioners and their associated staff and services for medical, dental, chiropractic, optic or other human health treatment and which may include ancillary administrative offices, laboratories, dispensaries or other similar uses, but shall not include a hospital or other facilities for in-patient or major surgical procedures.

“MEDICAL PRACTITIONER” means a practitioner of consultative, diagnostic and treatment services for medical, surgical, dental, chiropractic, optic or other human health care services for the public.

“MEDICAL OFFICE” means a commercial establishment in which not more than two (2) medical practitioners provide consultative, diagnostic and treatment services for humans.

“MEDICAL TREATMENT FACILITY” means a building providing room, board, and surgical or other medical treatment for three or more sick, injured or infirm persons including, out-patient services, accessory uses, and accessory staff residences. Uses include hospital as defined in the Private Hospitals Act, Public Hospitals Act, or Private Sanitaria Act, as amended from time to time.

“MIXED COMMERCIAL / RESIDENTIAL DEVELOPMENT” means a building or structure which is used for a mixture of commercial and residential uses, where the entire ground floor of such building or structure shall be used for commercial purposes.

“MOBILE HOME” see “DWELLING, MOBILE HOME”

“MOBILE HOME LOT” means a parcel of land within a “Mobile Home Park” which shall be used only for the placement of one, single or double width mobile home, for the exclusive use of its occupants, and which directly abuts a roadway giving access to a street.

“MOBILE HOME PARK” means an area of land used exclusively for the siting of mobile homes, with commercial facilities and recreational uses for Park residents, including any building, structure or enclosure of such Mobile Home Park and which remains under single ownership.

“MONUMENT SALES” means a commercial establishment used for the display and sale of cemetery monuments and related articles.

“MOTEL” means a commercial establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom, located on a single site, accessed by a separate entrance directly from outside of the building, and designed for use by the travelling public and may include restaurant facilities, a banquet hall, meeting rooms, licensed lounge, convenience store, gift shop and indoor or outdoor commercial recreation facilities and commercial entertainment facilities.

“MUNICIPAL PARKLAND” means an area of public land consisting largely of landscaped open space or other open areas and used primarily for active or passive recreation purposes. Municipal parkland may include “Outdoor Sportsfield Facilities”, “Picnic Areas”, “Playgrounds”, “Recreation Trails”, “Public Washroom Facilities”, “Walkways” as defined in this By-Law, and other accessory uses such as park furniture, play equipment, service buildings and statues.

“MUNICIPAL UTILITY FACILITY” means a lot, building or structure, or a portion thereof, used by the City or a public authority for the provision of local utility services including a water pumping station, municipal transportation depot/yard, and road maintenance equipment yard.

“NATURAL CORRIDOR” means a linear biophysical feature such as a stream, cliff, woodlot, escarpment, ravine, marsh or wetland. These areas serve as essential passageways for native plant and animal species and communities for such purposes as migratory routes; passage between different habitat types for animals requiring a variety of habitat types to survive; and pathways for the movement and reproductive interchange between different populations of the same plant or animal species.

“NEIGHBOURHOOD STORE” means a retail outlet limited to 223 square metres (2,400 square feet) gross floor area serving the daily household and grocery shopping needs of neighbourhood consumers including, for example, a small food store, a small hardware store, a variety store, a confectionery, a postal outlet, a delicatessen, a bake shop, a pharmacy, a tobacco shop; and may include accessory convenience services such as, a dry cleaning and laundry depot, photofinishing, automated banking outlet, video rental.

“NET LAND AREA” means the area of a lot owned by a proponent less:

- (a) any lands which have been or which will be dedicated to the City for public roads, public pathways, public open space, municipal parkland or public community facilities including, but not limited to libraries, fire stations, and recreation facilities;
- (b) any lands which are zoned “environmental protection area”.

“NON-CONFORMING” means an existing use or activity on any lot, or within any building, or structure, or portion thereof, which does not conform with the list of permitted uses or activities of this By-Law for the zone in which such existing lot, building, or structure is located, or the general provisions, so long as it continues to be used for that purpose.

“NON-COMPLYING” means an existing lot, building, or structure that does not fulfill the requirements of either the specific zone regulations or general provisions of this By-Law for the zone in which the lot, building, or structure is located and the general provisions, but which complied to the applicable regulations and general provisions when the lot was created or the building or structure constructed.

“NURSERY” see “GARDEN CENTRE, NURSERY OR GREENHOUSE”

“NURSING HOME” means a building for the aged licensed under the appropriate provincial statute(s) and wherein food, lodging, nursing or similar care and treatment are furnished, with or without charge and shall include a Seniors’ Rest Home and Home for the Aged.

“OCCASIONAL USE” means a use which only occurs for a maximum duration of four (4) consecutive weeks or a total of 28 days per year, as provided for in Section 5.20 of this By-Law and shall include only the following types of operations: auction sales, bake sales, blood donor clinics, craft sales, plant and produce sales, Christmas tree sales, bingo, car washes, benefit dances, shows, concerts, festivals, or banquets.

“OFFICE” means a commercial establishment in which a business is conducted or a profession is practised including associated clerical, administrative, consulting, advisory or training services, but shall not include a “Medical Clinic”, “Medical Office”, “Veterinary Clinic”, or “Veterinary Office” as defined herein.

“OFFICE COMPLEX” means a freestanding building in which one or more businesses are conducted or professions practised including associated clerical, administrative, consulting, advisory or training services, but not a “Medical Clinic” or “Veterinary Clinic”, “Medical Office” or “Veterinary Office”, “Computer Programming Establishment” or “Data Processing Establishment”.

“OFFICE, GOVERNMENT” see “GOVERNMENT OFFICE”

“OFFICE SUPPLY AND EQUIPMENT SALES, RENTAL AND SERVICE” means a commercial establishment devoted to the retailing, rental and servicing of materials used in offices and business.

“OUTDOOR DISPLAY AND SALES AREA” means an area set aside out of doors, covered or uncovered, which shall be used in conjunction with an

established use or business located in adjacent permanent premises for the display or sale of fresh produce and new goods or merchandise.

“OUTDOOR SPORTSFIELD FACILITIES” means an area of land, publicly or privately owned, used for the outdoor playing of soccer, football, field hockey, lacrosse, softball, cricket, baseball, tennis, volleyball, basketball, or lawn bowling or any other sport that requires a large open field.

“OUTDOOR STORAGE AREA” means an area of land used for the storage of goods, materials and equipment or the display and sale of goods and materials, including vehicles for hire or sale, outside a building as defined herein.

“OUTDOOR THEATRE” see “THEATRE - OUTDOOR”

“PARAPET” means the low protective wall on a balcony or above the cornice of a building.

“PARKING AISLE” means a portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not to be used for the parking of vehicles.

“PARKING AREA” means an area provided for the parking of vehicles and includes parking aisles, internal roads, parking spaces and related ingress and egress lanes or a private garage, but does not include any part of a street.

“PARKING LOT” means a parking area forming the principal use of a lot.

“PARKING SPACE” means an area on which a vehicle may be parked and which has access directly, or by way of an aisle or ramp, to a public or private lane or to a street without the necessity of moving any other vehicle.

“PARKING SPACE, TANDEM” means one parking space located immediately behind another parking space where both spaces are for the exclusive use of one dwelling.

“PARKING STRUCTURE” means a building or structure used for the parking of vehicles and is available to residents, clients, customers or the public with or without a fee being charged. This structure may be above or below finished grade.

“PERSONAL SERVICE ESTABLISHMENT” means a commercial establishment in which persons are employed in furnishing services and administering to the individual and personal needs of persons. A personal service establishment shall include, but not be limited to, the premises of a: barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, and a tanning salon; but shall not include a “Body Rub Parlour” or “Adult Entertainment Parlour” as defined herein. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

“PET-GROOMING ESTABLISHMENT” means a commercial establishment in which facilities are provided for the washing and grooming of dogs and cats but where no boarding or medical treatment of animals takes place.

“PHOTO OR ARTIST STUDIO” means a commercial establishment used as the workplace of a photographer, artist, or craftsman including the sale of artifacts or products produced in the studio only as an accessory use.

“PHOTOCOPYING OR BLUEPRINTING SHOP” means a commercial establishment in which photocopying or blueprinting services are provided to the public and other businesses. Photocopying and blueprinting shops shall not include “Printing and Binding Establishments”, as defined herein.

“PHOTOFINISHING ESTABLISHMENT” means a building or part thereof used primarily for the developing and print processing of film and includes portrait and commercial photography.

“PICNIC AREA” means an area set aside in a park to accommodate picnic tables and barbecues. Picnic areas shall not include “Tent and Trailer Campground”, as defined herein.

“PLAYGROUND” means an area of landscaped open space equipped with children's equipment such as slides, swings, or wading pools.

“PORCH” or “VERANDAH” means a partially enclosed stoop with or without a roof, with or without support posts.

“POST SECONDARY INSTITUTION” means an educational institution instructing or examining students in many branches of advanced learning and conferring degrees. A Post Secondary Institution shall not include a “Commercial School”, “Education Centre”, “Educational Facility” or a “School” as defined herein.

“POSTAL OR COURIER SERVICE” means a commercial establishment which provides postal and courier pick-up or drop-off services for letters and small parcels to the public.

“PRINCIPAL RESIDENTIAL UNIT” means the main/core structure intended for human habitation on a lot.

“PRINTING AND BINDING ESTABLISHMENT” means a building or part thereof where the principal use is to furnish a service of printing or binding of periodicals or other written material. Printing and binding establishments shall not include “Photocopying or Blueprinting Shops”, as defined herein.

“PRIVACY FENCE“ means a fence that will visually isolate, conceal, or seclude objects, things, places, or people.

“PRIVATE LANE” means a private access which affords access within a property and is not maintained by a public body. A Private Lane shall not include a “Lane”, “Private Road” or a “Street” as defined herein.

“PRIVATE ROAD“ means a private right-of-way over private property which affords access to abutting lots or dwellings and is not maintained by a public body. A Private Road shall not include a “Lane”, “Private Lane” or a “Street” as defined herein.

“PRIVATE SOCIAL AND CULTURAL FACILITY“ means any lot, building, or structure or part thereof intended for use by clubs, groups, or organizations for the purposes of providing for meeting places, social functions, and regular membership gatherings.

“PUBLIC HALL” see “AUDITORIUM OR PUBLIC HALL”

“PUBLIC LIBRARY” means a building, or part thereof, used for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings, and films for public use.

“PUBLIC MARKET” means a place, building or structure where produce, meat, flowers, fruit, crafts, paintings and other items, largely produced by the vendor, are sold to the public at retail by vendors from individual stalls or stands but shall not include a “Flea Market” as defined herein.

“PUBLIC MUSEUM” means a building, or part thereof, open to the public in which a collection of objects illustrating science, art, history and related types of information is kept for display and storage. Public museums shall be permitted to have retail sales as an accessory use.

“PUBLIC USE” means the use of any lot, building or structure or portion thereof for a public service by the City and shall include:

- (a) “municipal parkland”, “children’s play area”, and “community or recreation centres” including any building and facilities accessory thereto;
- (b) fire halls, police stations, ambulance stations, City government offices, “public libraries” or “public museums”.

“PUBLIC WASHROOM FACILITIES” means a building or part thereof in which toilet and washing facilities are provided for use by the general public.

“RADIO OR TELEVISION STUDIO” means a building or part thereof, used for the programming, production, office administration, broadcasting and related activities of radio and television studios.

“REAR WALL” of a building means the wall which faces the rear lot line.

“REAR YARD” see “YARD - REAR”

“RECOVERY HOME” means a group living arrangement, in a single housekeeping unit that is developed for the treatment and education of persons with alcohol or drug related problems and/or dependencies. Recovery Homes provide a continuum of care through short-term or long-term residential programs offering a wide variety of therapies dealing with the individual's physical, social, psychological, occupational, spiritual and nutritional needs. Recovery Homes shall provide responsible twenty-four (24) hour supervision, consistent with the needs of the residents. A Recovery Home is licensed, funded or approved by the Province of Ontario. A Recovery Home shall not include a “Community Home”, “Community Support House”, “Crisis Care Shelter”, “Detoxification Centre” or “Residential Care Facility” as defined elsewhere in this By-Law.

“RECREATION TRAILS” means an area of open space, publicly or privately owned, for the provision of participatory athletic, recreation or fitness facilities including: pedestrian/nature trails, bicycle trails, multi-use trails, fitness trails, nature trails for the disabled, and cross-country skiing trails.

“RECREATIONAL VEHICLE” means any vehicle, or portable structure designed to be towed or carried by a vehicle, which is used for temporary recreational travel and/or accommodation and shall include motor homes, camper trailers, converted buses, boats and boat trailers, or similar equipment.

“RECYCLING CENTRE” means a lot, building, structure, or part thereof, where used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

“REDEVELOPMENT” means the removal of buildings or structures from a lot and the construction of new buildings or structures on the said lot or the rehabilitation and renewal of an existing building or structure.

“REGULATORY, EROSION LIMIT” see “EROSION LIMIT, REGULATORY”

“REGULATORY, FLOOD LEVEL” see “FLOOD LEVEL, REGULATORY”

“REGULATORY, FLOOD PLAIN” see “FLOOD PLAIN, REGULATORY”

“RENOVATION” means the repair, strengthening, or restoration of a building or structure to a safe condition but shall not include its replacement.

“RENTAL OUTLET” means a commercial establishment where residential, industrial, and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools, and power tools, and may include as an accessory use the sale of supplies necessary for the operation of said rental equipment.

“REPAIR SERVICE” means a commercial establishment used for the provision of maintenance or repair services for goods or equipment, excluding motor vehicles and major recreational vehicles and equipment.

“REQUIRED YARD” see “YARD, REQUIRED”

“RESEARCH ESTABLISHMENT” means a building or structure or part thereof which is principally used for research, data collection and manipulation, and/or technical development of information or devices for application in a scientific discipline. A research establishment shall not include a “Laboratory” as defined in this By-Law.

“RESIDENTIAL CARE FACILITY” means a community-based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, who are receiving care and/or supervision consistent with their needs. A Residential Care Facility is licensed, funded or approved by the Province of Ontario. A Residential Care Facility includes open custody homes for young or adult offenders but shall not include a “Crisis Care Shelter”, “Corrections Residence”, “Community Support House”, “Detoxification Centre” or “Recovery Home” as defined elsewhere in this By-Law.

“RESIDENTIAL UNIT” means one (1) or more habitable rooms designed to provide sanitary conveniences and kitchen facilities for residential purposes. This definition shall not include a mobile home, a travel trailer or a motor home.’

(By-Law No. 96-259; 2008-167)

“RESTAURANT” means a commercial establishment where food is prepared and offered for retail sale to the general public for immediate consumption either on or off the premises, including a donut shop or licensed dining lounge but shall not include an “Adult Entertainment Parlour” as defined herein.

“RESTAURANT, DRIVE-IN” means a restaurant which does not contain a dining room but where it is intended that patrons consume food within their vehicles while parked on the lot where the restaurant is located.

“RESTAURANT, OUTDOOR PATIO” means a temporary area set aside out of doors, covered or uncovered, for the use of patrons as a licensed restaurant or dining lounge in connection with, and in addition to, the operation of an adjacent licensed restaurant or dining lounge and shall not include commercial outdoor cooking facilities.

“RESTAURANT, TAKE-OUT” means a commercial establishment where food is prepared, packaged and offered for sale or sold to the public for consumption off of the premises of the establishment, and may include delivery of food to the public, and also may include a small area (less than ten (10) per cent of the permitted gross floor area) for food consumption on the premises.

“RIDGE LINE” means the summit line of a roof; the line on which the rafters meet.

“RIGHT-OF-WAY” means an area of land that is legally described in a registered deed for the provision of public or private access and on which there is usually a lane.

“ROOF, FLAT” means a roof which is not pitched and the surface of which is parallel to the ground.

“ROOF, GABLE” means a ridged roof forming a gable at both ends of the building.

“ROOF, GAMBREL” means a gabled roof with two slopes on each side, the lower slope steeper than the upper slope.

“ROOF, HIP” means a roof with sloping ends and sides.

“ROOF, MANSARD” means a roof with two slopes on each of four sides, the lower slope steeper than the upper slope.

“ROOF, SHED” means a roof with one slope.

Refer to the end of Section 4 for illustrations.

“SALVAGE YARD” means a lot, building, structure, or part thereof, used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof.

“SATELLITE ANTENNA” means a parabolic or spherical antenna which receives television or microwave transmissions or other signals from satellites or other devices.

“SCHOOL” means a stand alone and unique establishment providing educational services primarily for students between the ages of 5 and 18 years, within the context of the elementary and secondary curriculum of the Province of Ontario and may include a “Day Care Centre” as and accessory use. School shall not

include a “Commercial School”, “Day Care Centre”, “Education Centre”, “Educational Facility”, or “Post Secondary Institution” as defined herein.

(By-law No. 96-259; 2007-162)

“SCREENING” means a continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property or portion thereof which it encloses.

“SECOND-HAND GOODS SHOP” means a commercial establishment where used items such as clothes, jewellery, watches, antiques, clocks, flatware, tableware, furniture, house furnishings, or other household or personal effects are sold; and shall include a pawnbrokers shop, but shall not include a flea market or the storage or sale of: building materials and fixtures; vehicles; automobile parts or accessories; scrap material; paper; or other such second-hand or salvaged materials.

“SECOND RESIDENTIAL UNIT” means a residential unit which is ancillary to a Principal Residential Unit and is located on the same lot therewith.

“SEMI-DETACHED DWELLING” see “DWELLING, SEMI-DETACHED”

“SENIOR CITIZEN APARTMENT DWELLING” see “DWELLING, SENIOR CITIZEN APARTMENT”

“SENIORS’ REST HOME” or “HOME FOR THE AGED” see “NURSING HOME”

“SERVICE ESTABLISHMENT” means a commercial establishment associated with the provision of a non-personal service or trade including a plumber’s shop, painter’s shop, carpenter’s shop, electrician’s shop, contractor’s shop or other similar or like uses which provide an installation service. A Service Establishment may include areas for product storage and display, but shall exclude automobile uses, a “Contractor’s Yard” or a “Photocopying and Blueprinting Shop”.

“SETBACK” means the minimum horizontal distance between a lot line and the nearest part of any building or structure.

“SETBACK LINE” means a line, the location of which is defined in this By-Law, and the purpose of which is to establish the closest points to a street line at which a building or structure or vertical projection thereof may be located or is located.

“SHOPPING CENTRE” means a building(s) containing a group of separate commercial establishments built and maintained under one (1) ownership or condominium ownership as a single cohesive and integrated commercial facility with on-site parking area, loading area, open spaces, and other shared facilities.

“SHOPPING MALL, ENCLOSED” means a shopping centre in which access by the general public to each individual store, premises, or commercial establishment is obtained from the outside through a common entrance or entrances and from the inside through a covered common mall or aisle.

“SKYWALK” see “ELEVATED PEDESTRIAN WALKWAY”

“SIDE YARD” see “YARD - SIDE”

“SINGLE DETACHED DWELLING” see “DWELLING, SINGLE DETACHED”

“SMALL MOTOR EQUIPMENT SALES AND SERVICE ESTABLISHMENT” means a commercial establishment used for the retail sale, assembly and servicing of small motorized equipment which shall include, but not necessarily be limited to, lawn mowers, snow blowers, roto-tillers, generators, pumps, outboard motors and related parts and accessories.

“SPECIALTY RETAIL STORE” means a commercial establishment which offers for sale or rent one merchandise line or a limited number of closely related merchandise lines, and without limiting the generality of the foregoing, may include such establishments as a book store, art store, framing store, florist shops, etc. A specialty retail store shall not include a “Convenience Store”, “Food Store”, “Department Store” or “Auto-Oriented Department Store”, as defined herein.

“STOREY” means that portion of a building or structure which is situated between the surface of any floor and the surface of the floor next above it, or any portion thereof and, if there is no floor above it, that portion between the surface of any floor and the ceiling above it.

“STREET” means the road allowance or right-of-way of a public street or highway. A street shall not include a “Lane”, “Private Lane”, or a “Private Road” as defined herein.

“STREET LINE” means the limit of the road allowance and is the dividing line between a lot and a street.

“STRUCTURE” means anything constructed, erected, or built permanently or temporarily and which is fixed to or resting on or in the ground, or to a building, or floated or suspended in a waterbody or on its bed.

“SUNDECK” see DECK.’

(By-Law No. 96-259; 2008-167)

“TANDEM PARKING SPACE” see “PARKING SPACE, TANDEM”

“TAXI ESTABLISHMENT” means a commercial establishment used as a dispatch office or for the parking of taxis not engaged in transporting persons or goods.

“TELECOMMUNICATION SERVICES” means the provision of telephone and other telecommunication services to the public and may include satellite communication services, telephone communication services, telephoto services, teletype services, tickertape services, broadband services and similar communication services.

“TENT and TRAILER CAMPGROUND” means a parcel of land providing overnight or short term accommodation for trailers, motor homes, and tents, but not a “mobile home dwelling”, and includes services and facilities normally incidental and subordinate to such a use including common washroom lavatory and bathing facilities, indoor and/or outdoor recreation areas, picnic areas and an entrance kiosk.

“THEATRE” see “COMMERCIAL ENTERTAINMENT ESTABLISHMENT”

“THEATRE - OUTDOOR” means an outdoor stage or structure used for the presentation of the performing arts.

“TRANSPORTATION DEPOT” means a lot, building, structure, or part thereof, used for the dispatch, storage, and maintenance of vehicles, excluding trucks, but shall not include an “Automobile Service Station”, “Automobile Sales or Rental Outlet”, or “Taxi Establishment”, as defined herein.

“TRANSPORTATION TERMINAL” means a building and/or lot where buses or trains pick up and discharge fare-paying passengers, with or without accessory business offices, retail stores, or restaurants.

“USE” when used as a noun, means the purpose for which any lot, building, structure or premises, or part or combination thereof, is arranged, designed or intended to be used or is occupied and “uses” shall have a corresponding meaning. “Use” when used as a verb, or “to use” shall include anything done or permitted by the owner or occupant of any lot, building, structure or any part thereof, directly or indirectly or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant, for the purpose of making use of the said lot, building structure or any part thereof.

“USE, PRINCIPAL” means the main or primary purpose for which a lot, building, structure, or part thereof, is designed, arranged, or intended. The use of any portion of the lot, building, or structure on the same lot that is incidental or supplementary thereto and permitted under this By-Law shall be considered an accessory use.

“VEHICLE” means an automobile, truck or other vehicle, including motorized construction equipment or farm equipment, motor home, motorcycle, snowmobile, boat, recreational vehicle, and also including a trailer or farm implement or any other device which is capable of being driven, propelled or drawn by any kind of power, but shall not include a bicycle or any other device powered solely by means of human effort.

“VEHICLE, COMMERCIAL” see “COMMERCIAL VEHICLE”

“VEHICLE, RECREATIONAL” see “RECREATIONAL VEHICLE”

“VETERINARY CLINIC” means a building or part thereof used by a veterinarian(s) and their associated staff and services for the purpose of consultation, diagnosis, grooming, treatment, and necessary boarding of animals.

“VETERINARY OFFICE” means a building or structure, wherein animals may be diagnosed, groomed and treated by a registered veterinarian, which shall not include facilities for the boarding of animals.

“VIDEO RENTAL” means a commercial establishment, used for the rental of video tapes and equipment. Accessory uses may include the sale of video tapes and accessories or snack foods, restricted to a maximum of 25 per cent of the gross floor area.

“WALKWAY” means open space, publicly or privately owned, for use by the public and shall include a waterfront pathway which is located adjacent to or in close proximity to a waterbody.

“WAREHOUSE” means a building or structure, or part thereof, which is used primarily for the storage of goods or materials and which may include as an accessory use a wholesale establishment.

“WATERBODY” means any bay, lake, natural watercourse or canal but excluding a drainage or irrigation channel.

“WATERFRONT PATHWAY” see “WALKWAY”

“WEATHER CANOPY” means a permanent, unenclosed roof structure erected for the purpose of sheltering vehicle fuel pumps and pump islands from the weather.

“WETLANDS” means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

“WHOLESALE ESTABLISHMENT” means a lot, building, structure, or part thereof, used for the storage or distribution of goods in large bulk or quantity to a business or person other than the end user or consumer.

“YACHT CLUB” means a building or structure or part thereof, together with associated land-based and water lot areas, used as the meeting place for an association of persons united by a common interest in boating. A Yacht Club may include facilities for docking, mooring, storing, servicing, fueling, berthing, securing, lifting and launching of private pleasure craft. Accessory uses may include the sale of marine fuels and lubricants and incidental boating supplies, waste water pumping facilities, a restaurant for the boat owners, crews and guests, instructional schools, and administrative offices. A Yacht Club shall not include a “Marina” as defined herein.

“YARD” means that part of a lot extending from a lot line into the lot to the nearest wall of a main building and measured at right angles to the lot line and which space is open, uncovered or unoccupied from the ground to the sky except for such accessory buildings or structures or uses as are specifically permitted elsewhere in this By-Law. Yard distances shall be measured from the foundation wall.

“YARD - FRONT” means a yard that extends across the full width of a lot measured at right angles to the front lot line and extends back to all walls facing the street.

“YARD - REAR” means a yard that extends across the full width of a lot, (or in the case of a corner lot extending from the exterior side yard abutting a street to the side lot line), measured at right angles to the rear lot line from the nearest rear wall of the main building. If there is no rear lot line, there shall be claimed to be no rear yard.

“YARD - SIDE” means a yard that extends from the front yard to the rear yard measured at right angles to the side lot line. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.

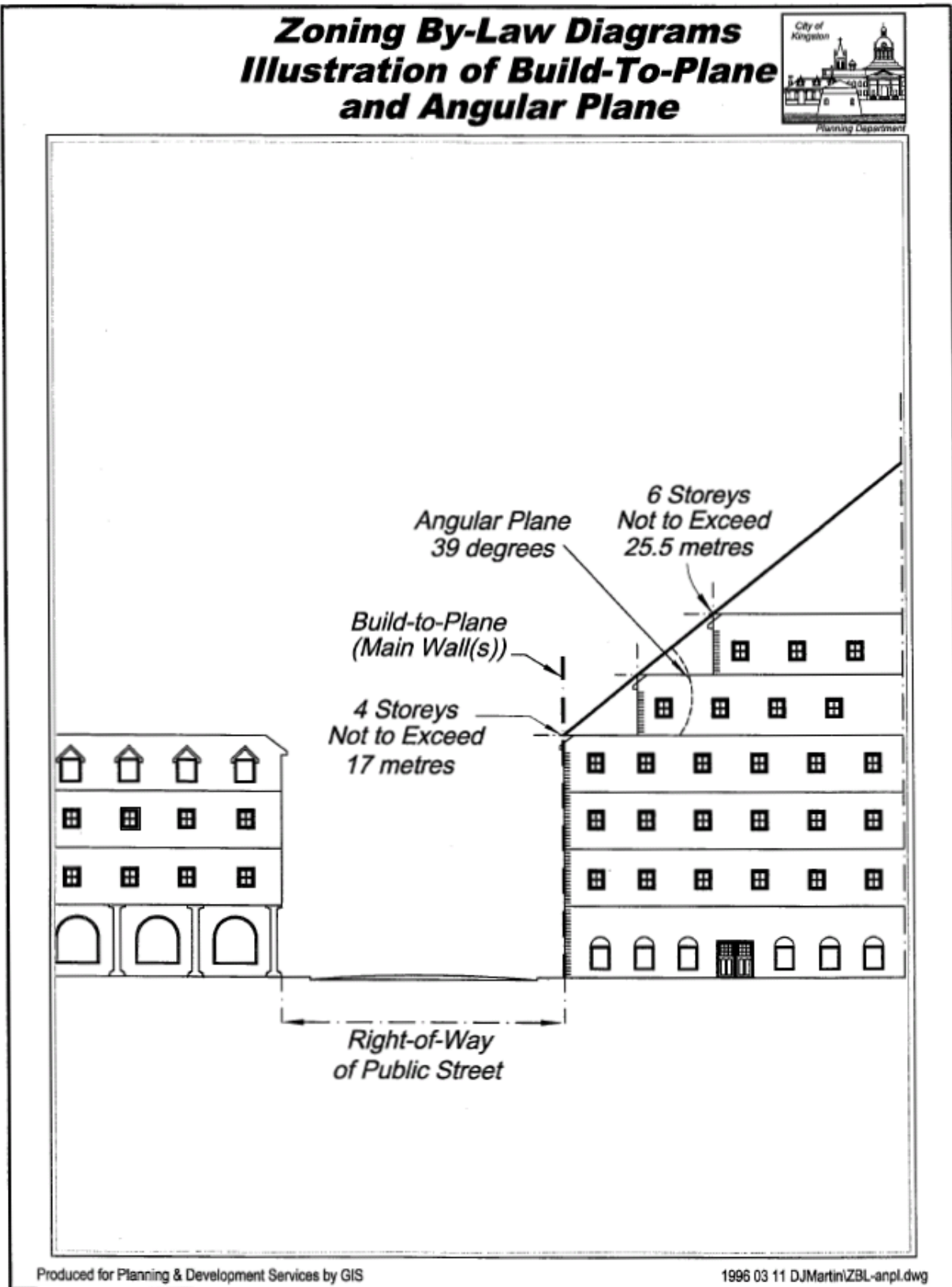
“YARD - EXTERIOR SIDE” means a yard that extends from the front yard to the rear lot line measured at right angles to the side lot line abutting a street line.

Refer to the end of Section 4 for yard illustrations.

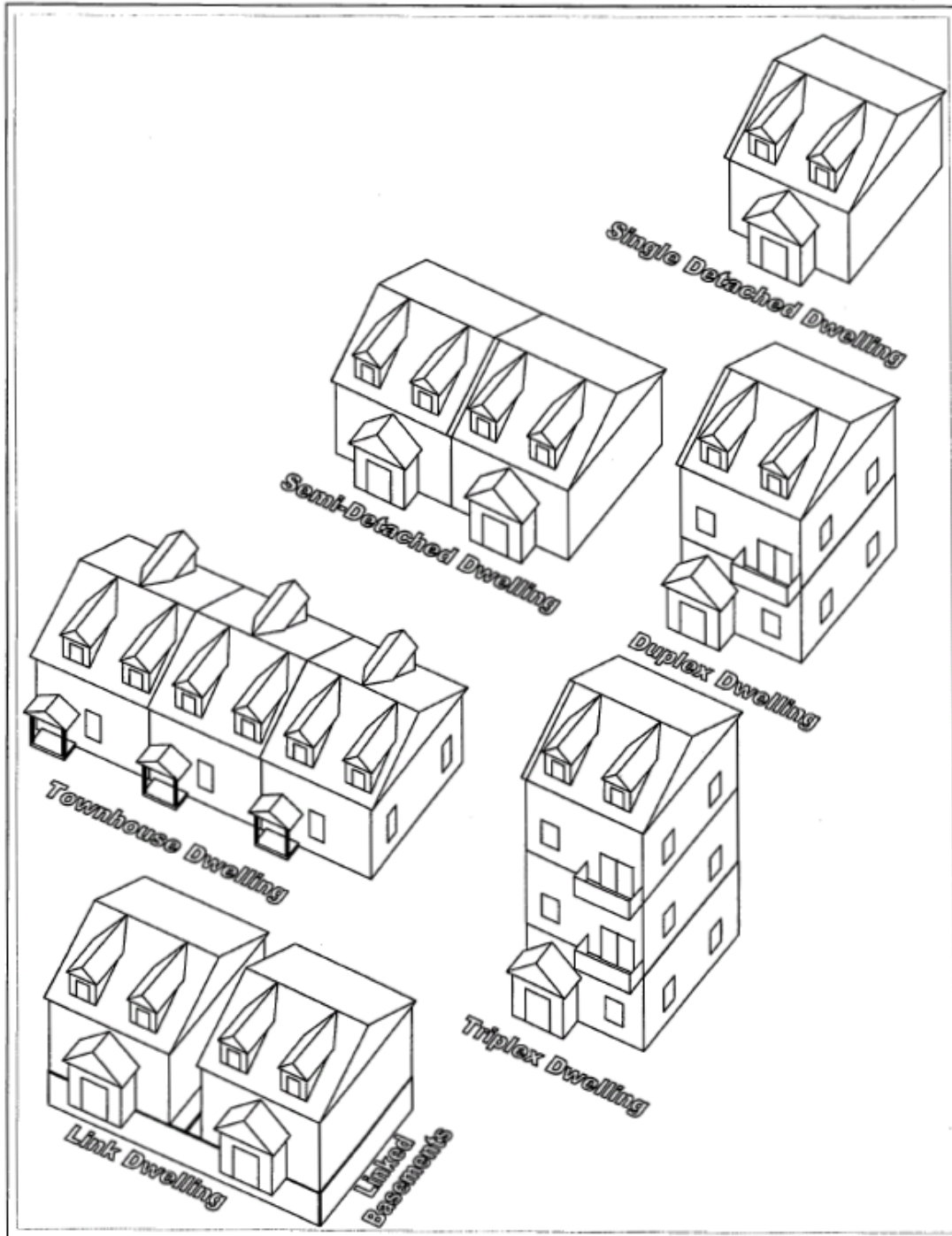
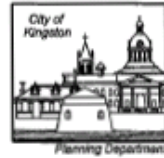
“YARD, REQUIRED” means the minimum yard required by the provisions of this By-Law.

“ZONE” means an area delineated on the Zoning Map Schedule and established and designated by this By-Law for one or more specific uses.

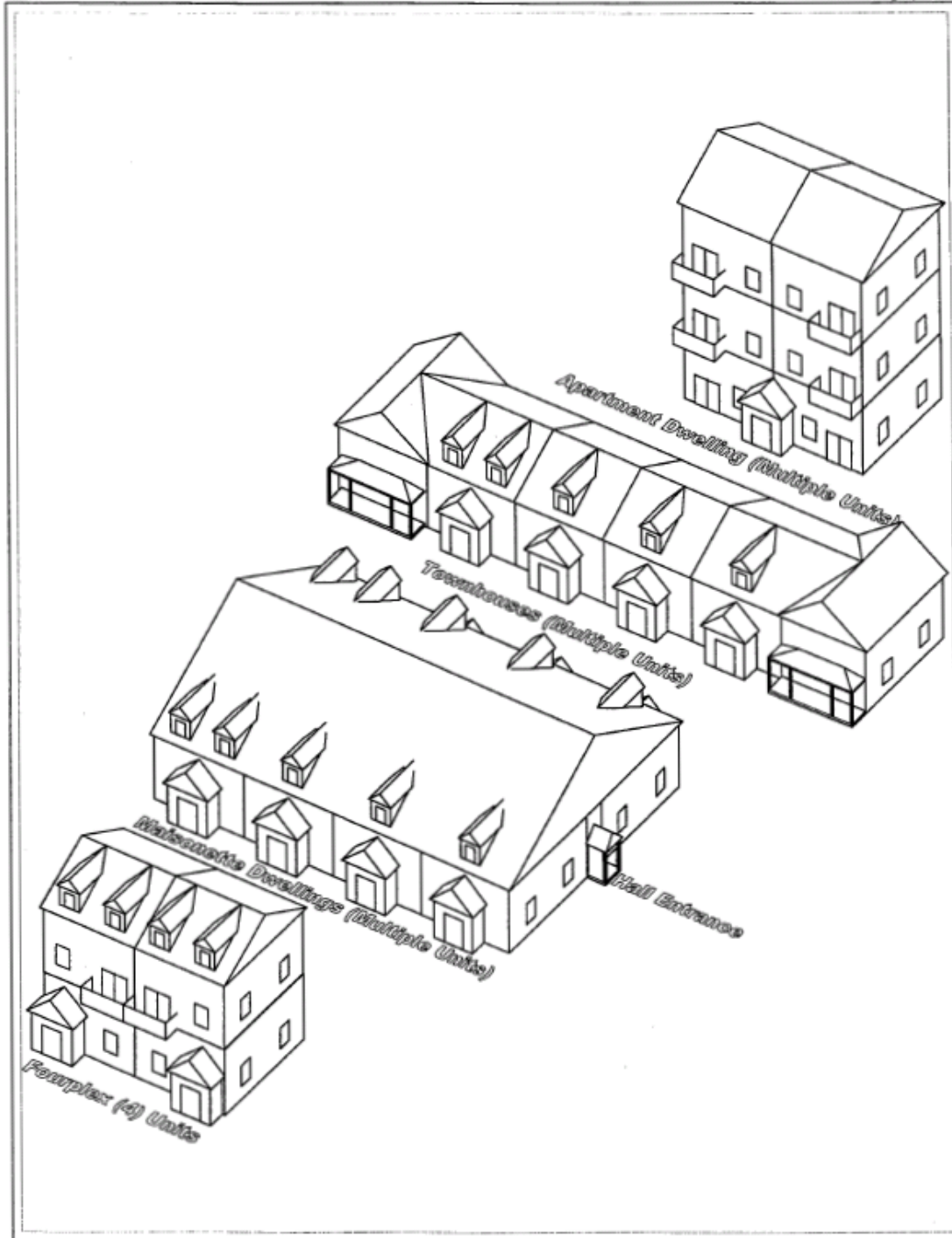
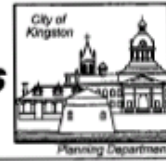
(By-Law Number 96-259; 2019-88)



Zoning By-Law Diagrams Illustrations of Dwelling Types Diagram "1"



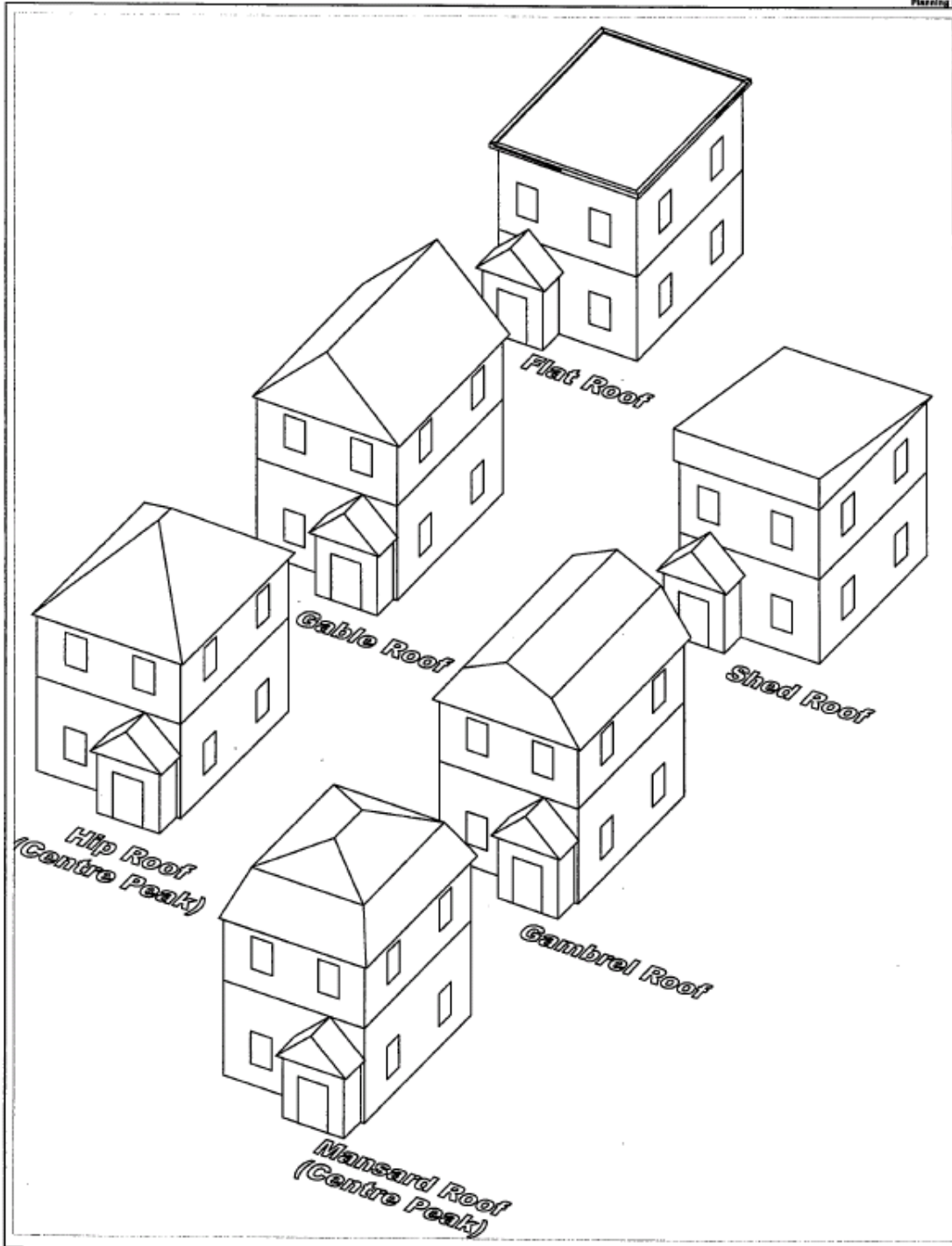
Zoning By-Law Diagrams Illustrations of Dwelling Types Diagram "Two"



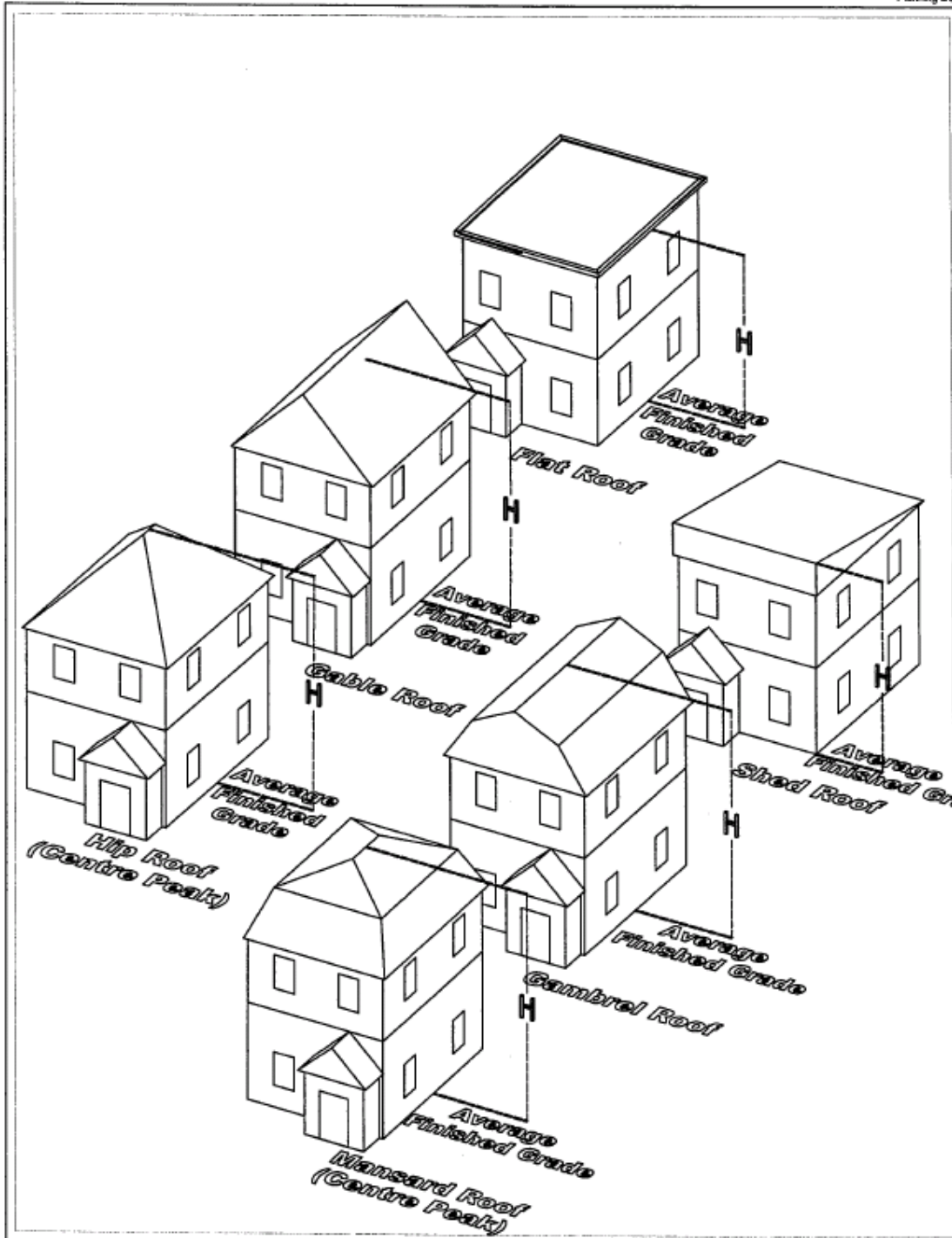
Zoning By-Law Diagrams

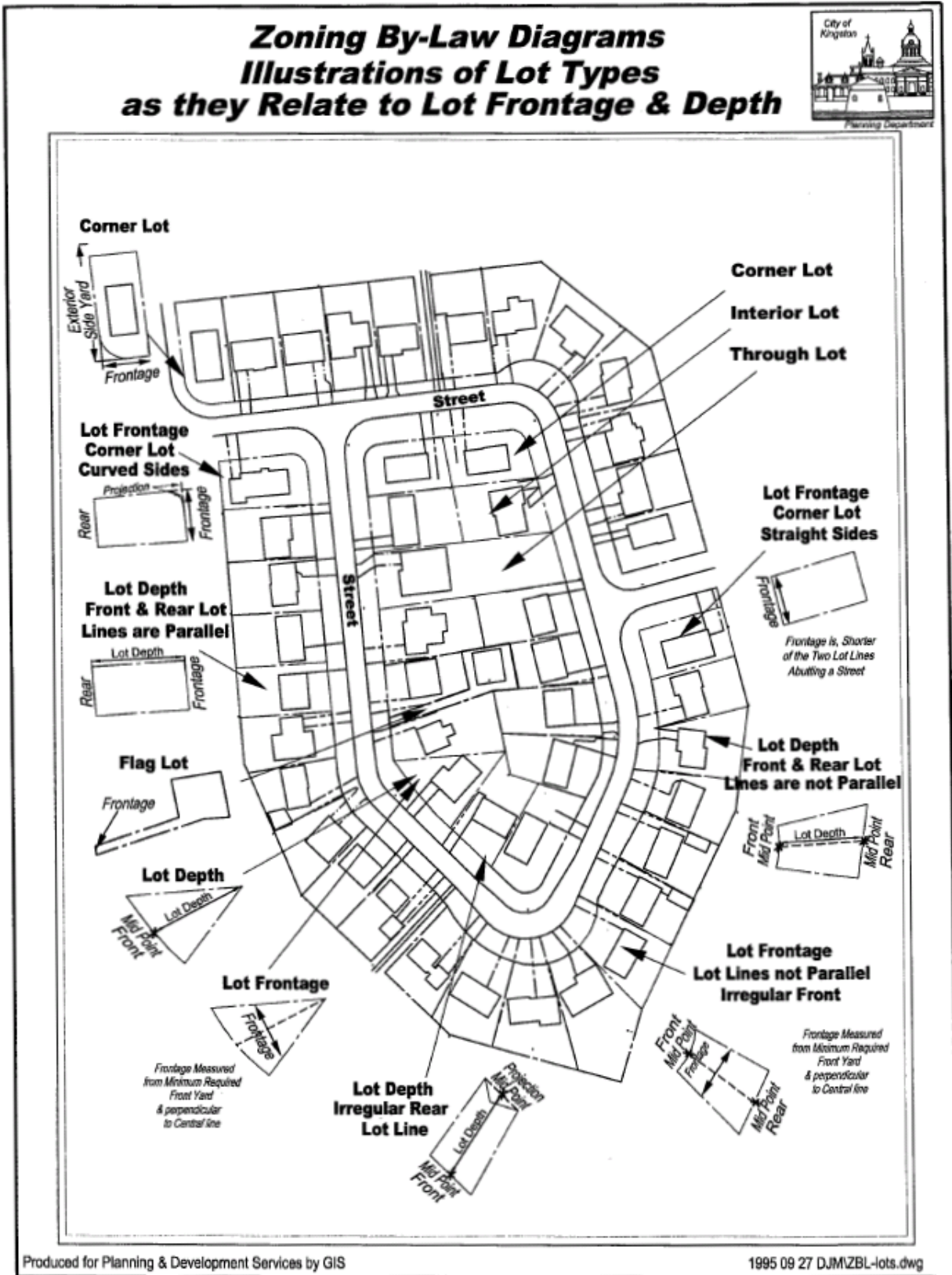
Illustrations of Roof Types

Diagram "One"

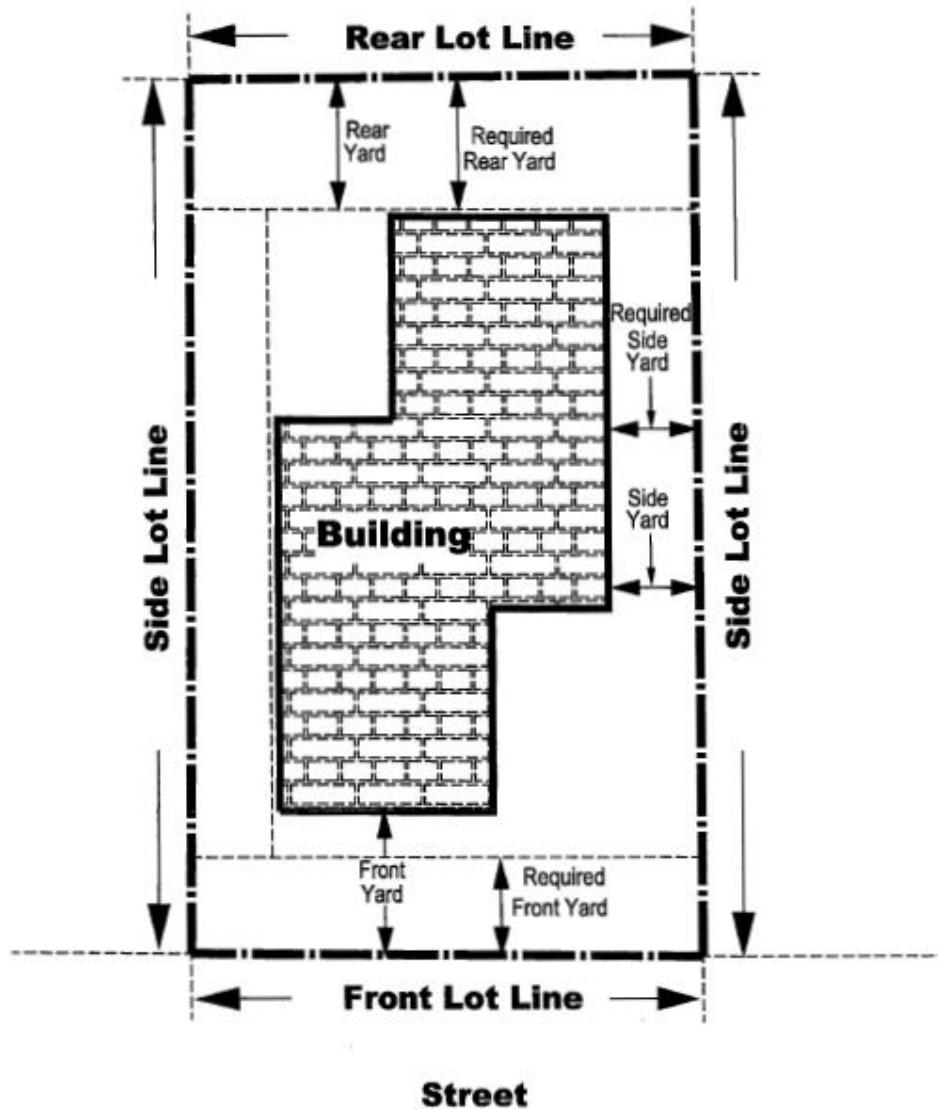
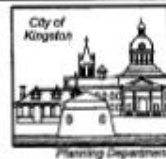


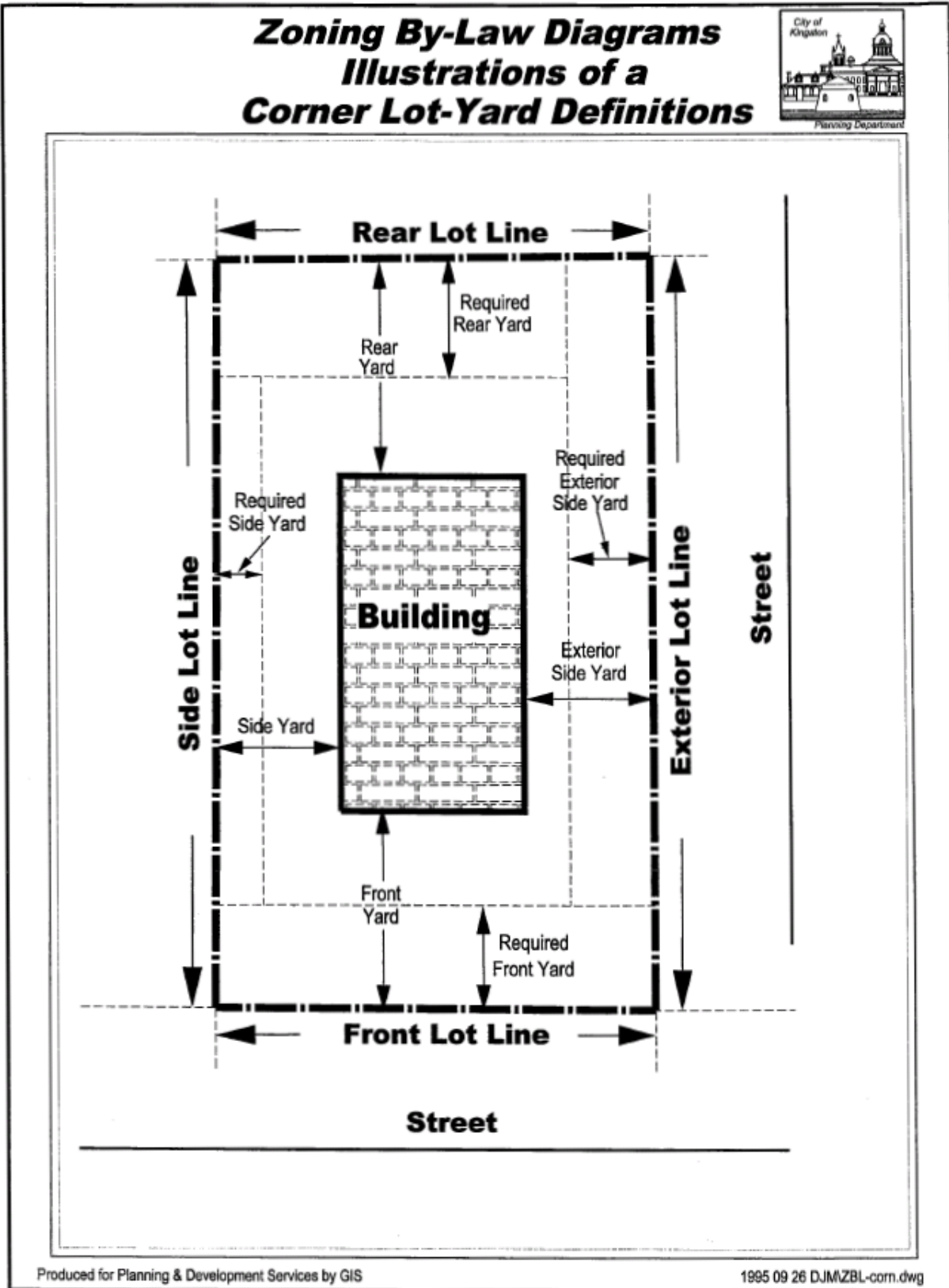
Zoning By-Law Diagrams Illustrations of Building Heights Diagram "One"





Zoning By-Law Diagrams Illustrations of a Interior Lot-Yard Definitions

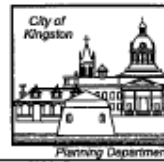




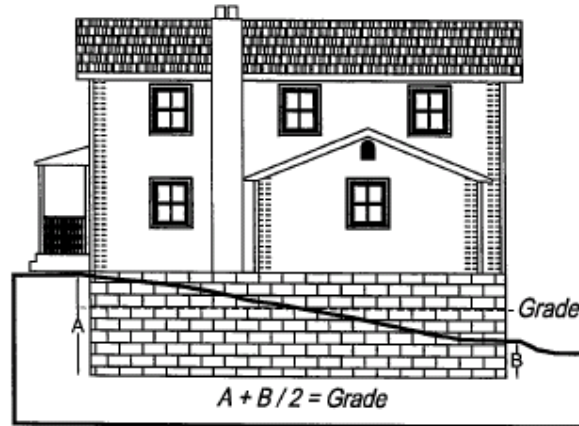
Zoning By-Law Diagrams

Illustrations of Finished Grades

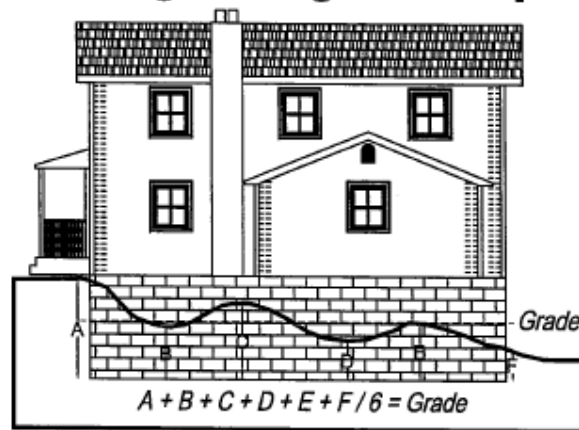
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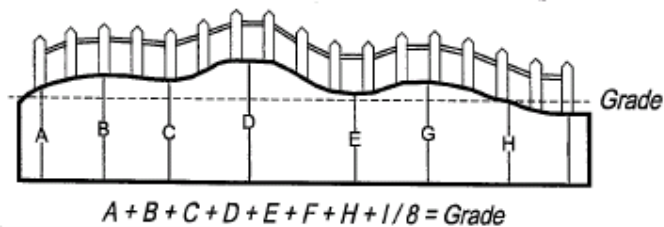
Building: Sloping Landscape



Building: Rolling Landscape



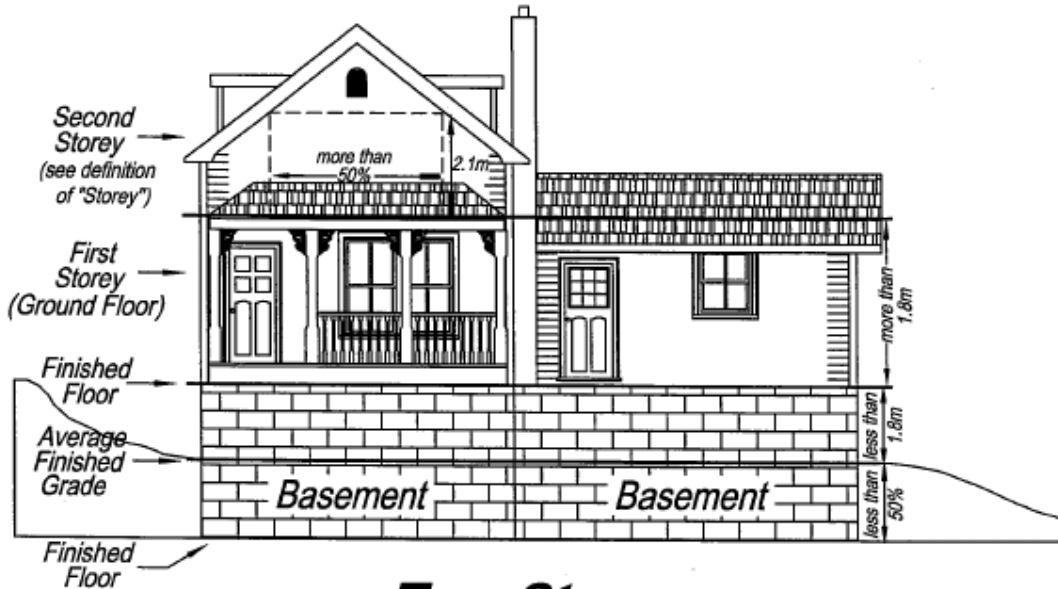
Structure: Rolling Landscape



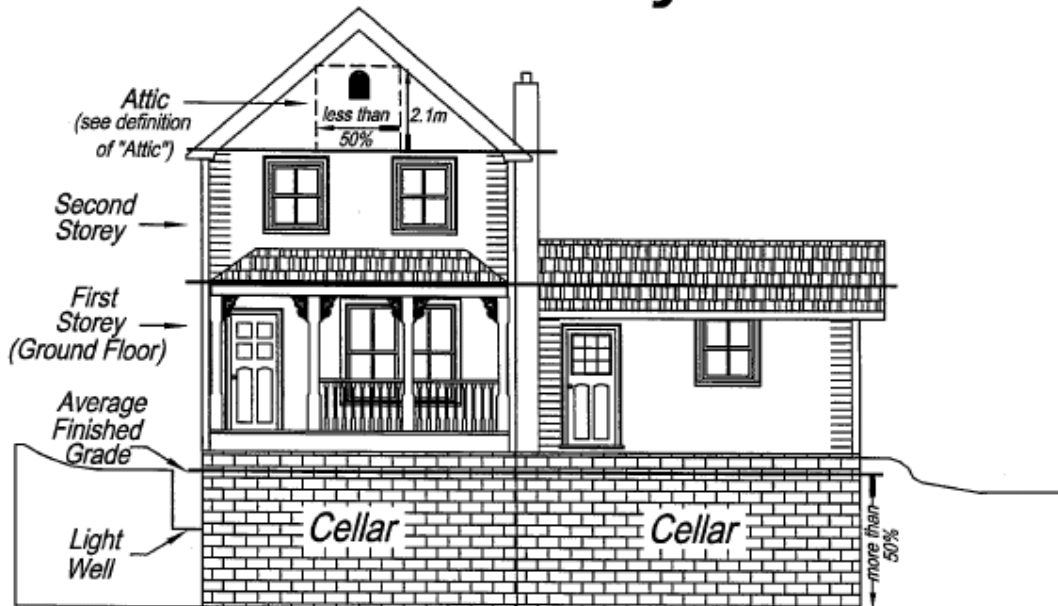
Zoning By-Law Diagrams Illustrations of Storey Definitions Diagram "One"



One and a Half Storey



Two Storey



SECTION 5 - GENERAL PROVISIONS

5.1 ACCESSORY BUILDINGS OR STRUCTURES

The erection, alteration, enlargement, renovation, maintenance and use of accessory buildings and structures shall comply with the regulations of the applicable zone, except as otherwise provided for in this section.

5.1.1 YARD WHERE PERMITTED

An accessory building or structure, or part thereof, may occupy a yard, other than a required front or exterior side yard, on a lot provided that:

- (a) Not more than 30 per cent of the required yard is occupied.
- (b) Such accessory building or structure is not located within 1.0 metre (3 feet) of any lot line. Notwithstanding the foregoing an accessory building or structure shall meet the minimum required distance from the water's edge as required in the applicable zones.
- (c) No detached building or structure shall be located closer than 1.2 metre (4 feet) to a main building.

5.1.2 HEIGHT

Unless otherwise specified in this by-law, an accessory building or structure shall not exceed 4.6 metres (15 feet) in height except as provided for in Section 5.19.

5.1.3 USE NOT PERMITTED

No accessory building or structure shall be used for human habitation.

5.1.4 MAXIMUM COVERAGE

No accessory building or structure, including outdoor above ground swimming pools, shall cover more than ten (10) per cent of the lot area.

Despite the above, outdoor in-ground swimming pools shall be permitted to exceed ten (10) per cent of the lot area in accordance with Sub-Section 5.1.6.

5.1.5 STRUCTURES EXEMPT FROM SETBACKS

The following structures are exempt from the requirements of setbacks: a fence, boundary walls less than 1.2 metres (4 feet) in height, retaining walls, sidewalks, pavements, bollards, curbs or open air surfaced areas, mailboxes, clothesline poles, a sign, advertising device, newspaper or similar dispensing boxes, planters, statues, sculptures, birdbaths, play equipment less than 1.2 metres (4 feet) in height, pillars (less than one square metre) but shall not include any other landscape features which have a continuous foundation.

5.1.6 SWIMMING POOLS

Despite any other provisions to the contrary, an outdoor swimming pool and its associated mechanical equipment, shall be located, altered, erected or renovated in accordance with the following provisions:

- (a) An outdoor in-ground swimming pool with related structures or equipment not exceeding 0.15 metres (0.5 feet) in height above finished grade, shall be set back a minimum of 0.5 metres (2 feet) from any lot line;
- (b) An outdoor above ground swimming pool or an outdoor in-ground swimming pool with related structures or equipment placed at finished grade and with a height greater than 0.15 metres (0.5 feet), shall be set back a minimum of 1.5 metres (5 feet) from any lot line;
- (c) No outdoor swimming pool accessory to a permitted residential use shall be located in any part of a front or exterior side yard.
- (d) Despite Section 5.1.2 of this By-Law, maximum outdoor pool height shall not exceed 2.0 metres (7 feet) from finished grade, excluding related structures and equipment which shall not exceed 4.5 metres (15 feet) above finished grade.
- (e) Notwithstanding Section 5.1.6(a) and (b) a swimming pool shall meet the minimum required distance from the water's edge as required in the applicable zone.

5.2 ACCESSORY USES

Accessory uses shall be permitted for any use occupancy that conforms with the zone in which it is located to a maximum of twenty-five (25) per cent of the gross floor area, as long as the accessory use is subordinate to and associated with the principal permitted use, and does not operate independently from the principal permitted use on the property.

5.3 ADULT ENTERTAINMENT PARLOURS

No adult entertainment parlour shall be:

5.3.1 operated closer than 300 metres (984 feet) in a continuous path over the shortest distance from a dwelling, excluding a dwelling associated with a “Mixed Commercial/Residential Development”, or a residential zone, or “Municipal Parkland” or a “School”;

5.3.2 located closer than 300 metres (984 feet) from any other “Adult Entertainment Parlour” in the City of Kingston.

5.4 ADULT ENTERTAINMENT STORES

No adult entertainment store shall be:

5.4.1 operated closer than 300 metres (984 feet) in a continuous path over the shortest distance from a dwelling, excluding a dwelling associated with a “Mixed Commercial/Residential Development”, or a residential zone, or “Municipal Parkland” or a “School”;

5.4.2 located closer than 300 metres (984 feet) from any other “Adult Entertainment Store” in the City of Kingston.

5.5 Amenity Area

For any residential development containing three or more residential units, amenity area shall be provided as follows:

5.5.1 Minimum Requirements

A minimum of 10 square metres of amenity area shall be provided for each residential unit on a lot.

5.5.2 Amenity Area Provided as Communal Space

Amenity areas, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 54.0 square metres.

5.5.3 Design of Amenity Area

Amenity areas, or any part thereof, shall be designed and located so that the length does not exceed four times the width.

(By-Law 96-259; 2017-169)

5.6 ANGULAR PLANES

In addition to Maximum Building Height, in certain zones the calculation of Angular Planes shall also be required in determining maximum building height. Where the calculation of angular planes is required, the following regulations shall apply:

- (a) no part of the main building or structure shall project above the angular plane;
- (b) notwithstanding Section 5.19 no part of any structure identified by Section 5.19(i) shall be permitted to project above the angular plane;
- (c) the maximum building height provision for the specific zone shall apply;
- (d) the height at which the angular plane commences is a distance measured vertically starting at the average existing grade elevation found along the build-to-plane for a width equal to that of the main building or structure.

5.7 BED AND BREAKFAST ESTABLISHMENTS

Where permitted by this By-Law, bed and breakfast establishments are subject to the following regulations:

- (a) The bed and breakfast establishment shall have the proprietor or manager residing on the premises.

- (b) In addition to any off-street parking required for the dwelling containing the bed and breakfast establishment, there shall be a minimum of one (1) parking space provided on the lot for each guest bedroom, and said parking spaces shall not be located in the required front yard. The required parking spaces may include tandem parking spaces in an existing driveway.

5.8 BUILD-TO-PLANE

Where the calculation of build-to-planes is required the following regulations shall apply:

- (a) the height of the build-to-plane is equal to the maximum permitted building height specified on a zone to zone basis, not exceeding the height specified for commencement of an angular plane;
- (b) the length of the build-to-plane shall equal the length of a property line which coincides with a street right-of-way;
- (c) not less than eighty (80) per cent of the main wall of any building or structure constructed along the street line shall be erected at the build-to-plane. The balance of the main wall of the building or structure shall not encroach within the specified setback distance for the build-to-plane.

5.9 COMMUNITY HOMES

No lot shall be used or developed, and no building or structure shall be erected, altered, renovated, enlarged, used or maintained for the purpose of a Community Home, except in accordance with the following:

5.9.1 GENERAL

- (a) Community Homes shall comply with the requirements of the zoning category in which the Community Home is located unless otherwise specified by the By-Law or amendments to the By-Law.
- (b) A Community Home shall be registered with the City of Kingston according to a By-Law passed by Council for that purpose.

5.9.2 MINIMUM SEPARATION

A Community Home shall be located at least 250.0 metres (673 feet) from any other Community Home, Residential Care Facility, Recovery Home, Community Support House, Crisis Care Shelter, Detoxification Centre or Corrections Residence.

5.9.3 MINIMUM REAR YARD AMENITY AREA

There shall be a minimum rear yard amenity area of 18.5 square metres (199 square feet) for each Community Home resident, inclusive of staff and/or receiving family, and not less than a total of 150 square metres (1,615 square feet) for each Community Home.

5.9.4 DWELLING TYPE

A Community Home shall occupy the whole of:

- (a) a single detached or duplex dwelling;
- (b) a semi-detached dwelling (both units);
- (c) a building constructed as a Community Home.

5.9.5 MINIMUM FLOOR AREA

Including staff/and or receiving family shall be 18 square metres (194 square feet) of gross floor area per resident.

5.9.6 LOT AREA

A new Community Home being constructed or any Community Home being established in an existing building shall comply with the minimum lot area requirement as set out in the zoning category in which the Community Home is located.

5.9.7 BUFFERING

Adequate provision for buffering, fencing and screening shall be made to ensure privacy of abutting residential properties.

5.10 COMMUNITY SUPPORT HOUSE

No lot shall be used or developed, and no building or structure shall be erected, altered, renovated, enlarged, used or maintained for the purpose of a Community Support House, except in accordance with the following regulations:

5.10.1 GENERAL

- (a) Community Support Houses shall comply with the requirements of the zoning category in which the Community Support House is located unless otherwise specified by the By-Law or amendments to the By-Law.
- (b) A Community Support House shall be registered with the City of Kingston according to a By-Law passed by Council for that purpose.

5.10.2 MINIMUM SEPARATION

A Community Support House shall be located at least 250.0 metres (673 feet) from any other Community Support House, Residential Care Facility, Recovery Home, Crisis Care Shelter, Corrections Residence, Detoxification Centre and Community Home.

5.10.3 MINIMUM REAR YARD AMENITY AREA

There shall be a minimum rear yard amenity area of 18.5 square metres (199 square feet) for each Community Support House resident, inclusive of staff and/or receiving family, and not less than a total of 150 square metres (1,615 square feet) for each Community Support House.

5.10.4 DWELLING TYPE

A Community Support House shall occupy the whole of:

- (a) a single detached or duplex dwelling;
- (b) a semi-detached dwelling (both units);
- (c) a building constructed as a Community Support house.

5.10.5 MINIMUM FLOOR AREA

Including staff and/or receiving family shall be 18 square metres (194 square feet) of gross floor area per resident.

5.10.6 MINIMUM OFF-STREET PARKING

There shall be three (3) off-street parking spaces per Community Support House, plus one (1) additional space for each four (4) employees (based on the maximum at any one time).

5.10.7 LOT AREA

Any new Community Support House being constructed or any Community Support House being established in an existing building shall comply with the minimum lot area requirement as set out in the zoning category in which the Community Support House is located.

5.10.8 BUFFERING

Adequate provision for buffering, fencing and screening shall be made to ensure privacy of abutting residential properties.

5.11 CORRECTIONS RESIDENCE

No lot shall be used or developed, and no building or structure shall be erected, altered, renovated, enlarged, used or maintained for the purpose of a Corrections Residence, except in accordance with the following regulations:

5.11.1 GENERAL

- (a) Corrections Residences shall comply with the requirements of the zoning category in which the Corrections Residence is located unless otherwise specified by the By-Law or amendments to the By-Law.
- (b) A Corrections Residence shall be registered with the City of Kingston according to a By-Law passed by Council for that purpose.

5.11.2 MINIMUM SEPARATION

A Corrections Residence shall be located at least 250.0 metres (673 feet) from any other Corrections Residence, Detoxification Centre, Community Support House, Residential Care Facility, Crisis Care Shelter, Recovery Home and Community Home.

5.11.3 MINIMUM REAR YARD AMENITY AREA

There shall be a minimum rear yard amenity area of 18.5 square metres (199 square feet) for each resident of a Corrections Residence, inclusive of staff and/or receiving family, and in no case shall the minimum rear yard amenity area be less than 150 square metres (1,615 square feet).

5.11.4 BUILDING TYPE

A Corrections Residence shall occupy the whole of:

- (a) a single detached or duplex dwelling;
- (b) a semi-detached dwelling (both units);
- (c) a converted fully detached commercial or institutional building or a detached building constructed as a Corrections Residence.

5.11.5 MINIMUM OFF-STREET PARKING

There shall be two (2) off-street parking spaces per Corrections Residence, plus one (1) additional space for each four (4) employees (based on the maximum at any one time).

5.11.6 MINIMUM FLOOR AREA

There shall be 18.0 square metres (194 square feet) of gross floor area per resident including staff and/or receiving family.

5.11.7 LOT AREA

Any new Corrections Residence being constructed or any Corrections Residence being established in an existing building shall comply with the minimum lot area requirement as set out in the zoning category in which the Corrections Residence is being located.

When considering rezoning proposals for new corrections residences, Council shall have particular regard to the following additional criteria:

- (a) that the site area shall be at least 0.8 hectares (2 acres);
- (b) that the site is located on Division Street, Montreal Street or Sir John A. Macdonald Boulevard.

5.12 CRISIS CARE SHELTER

No lot shall be used or developed, and no building or structure shall be erected, altered, renovated, enlarged, used or maintained for the purpose of a Crisis Care Shelter, except in accordance with the following regulations:

5.12.1 GENERAL

- (a) Crisis Care Shelters shall comply with the requirements of the zoning category in which the Crisis Care Shelter is located unless otherwise specified by the By-Law or amendments to the By-Law.
- (b) A Crisis Care Shelter shall be registered with the City of Kingston according to a By-Law passed by Council for that purpose.

5.12.2 MINIMUM SEPARATION

A Crisis Care Shelter shall be located at least 250.0 metres (673 feet) from any other Crisis Care Shelter, Recovery Home, Corrections Residence, Detoxification Centre, Residential Care Facility, Community Support House and Community Home.

5.12.3 MINIMUM REAR YARD AMENITY AREA

There shall be a minimum rear yard amenity area of 150.0 square metres (1,615 square feet) for each Crisis Care Shelter.

5.12.4 BUILDING TYPE

A Crisis Care Shelter shall occupy the whole of:

- (a) a single detached or duplex dwelling;
- (b) a semi-detached dwelling (both units);
- (c) a converted commercial building or a building constructed as a Crisis Care Shelter.

5.12.5 MINIMUM FLOOR AREA

There shall be a minimum of 9.0 square metres (97 square feet) of floor area per resident.

5.13 DETOXIFICATION CENTRE

No lot shall be used or developed, and no building or structure shall be erected, altered, renovated, enlarged, used or maintained for the purpose of a Detoxification Centre, except in accordance with the following regulations:

5.13.1 GENERAL

- (a) Detoxification Centres shall comply with the requirements of the zoning category in which the Detoxification Centre is located unless otherwise specified by the By-Law or amendments to the By-Law.
- (b) A Detoxification Centre shall be registered with the City of Kingston according to a By-Law passed by Council for that purpose.

5.13.2 MINIMUM SEPARATION

A Detoxification Centre shall be located at least 250.0 metres (673 feet) from any other Detoxification Centre, Recovery Home, Crisis Care Shelter, Community Support House, Residential Care Facility, Corrections Residence and Community Home.

5.13.3 MINIMUM REAR YARD AMENITY AREA

There shall be a minimum rear yard amenity area of 18.5 square metres (199 square feet) per resident, inclusive of staff and/or receiving family, and in no case shall the rear yard amenity be less than 150.0 square metres (1,615 square feet).

5.13.4 DWELLING TYPE

A Detoxification Centre shall occupy the whole of:

- (a) a single detached or duplex dwelling;
- (b) a semi-detached dwelling (both units);
- (c) a converted institutional building or a building constructed as a Detoxification Centre.

5.13.5 MINIMUM FLOOR AREA

There shall be a minimum of 18.0 square metres (194 square feet) of gross floor area per resident, including staff and/or receiving family.

5.13.6 MINIMUM OFF-STREET PARKING

There shall be two (2) off-street parking spaces per Detoxification Centre, plus one (1) additional space for each four (4) employees (based on the maximum at any one time).

5.13.7 LOT AREA

Any new Detoxification Centre being constructed or any Detoxification Centre being established in an existing building shall comply with the minimum lot area requirement as set out in the zoning category in which the Detoxification Centre is being located.

5.13A DRIVE THROUGH SERVICE FACILITY

A new “Drive-Through Service Facility” shall be constructed or established in accordance with the following provisions:

- (i) Definitions for the purpose of this Section,
 - a. “DRIVE-THROUGH SERVICE FACILITY” shall mean an accessory or main use of a business that provides or dispenses products or services through an attendant or a window or automated machine to patrons remaining in motorized vehicles, including any associated stacking lanes, speaker system, microphone system, order board or other such structures. Despite the above, a drive-through service facility does not include a car washing establishment, automobile service station or a gas bar;
 - b. “STACKING LANE” shall mean an onsite queuing lane for motorized vehicles;
- (ii) No drive-through service facility shall be constructed or established within 50 m of a residential use or zone that permits a residential use;
- (iii) A minimum 3 m wide planting strip shall be provided along the lot line between the property containing the drive-through service facility and a residential use or zone that permits a residential use;
- (iv) All drive-through service facilities shall be subject to Site Plan Control approval.

(By-Law No. 2008-167)

5.13B Intentionally Deleted (By-Law Number 2021-64)

5.14 RECOVERY HOME

No lot shall be used or developed, and no building or structure shall be erected, altered, renovated, enlarged, used or maintained for the purpose of a Recovery Home, except in accordance with the following regulations:

5.14.1 GENERAL

- (a) Recovery Homes shall comply with the requirements of the zoning category in which the Recovery Home is located unless otherwise specified by the By-Law or amendments to the By-Law.
- (b) A Recovery Home shall be registered with the City of Kingston according to a By-Law passed by Council for that purpose.

5.14.2 MINIMUM SEPARATION

A Recovery Home shall be located at least 250.0 metres (673 feet) from any other Recovery Home, Crisis Care Shelter, Detoxification Centre, Community Support House, Residential Care Facility, Corrections Residence and Community Home.

5.14.3 MINIMUM REAR YARD AMENITY AREA

There shall be a minimum rear yard amenity area of 18.5 square metres (199 square feet) per resident, inclusive of staff and/or receiving family.

5.14.4 DWELLING TYPE

A Recovery Home shall occupy the whole of:

- (a) a single detached or duplex dwelling;
- (b) a semi-detached dwelling (both units);
- (c) a converted commercial or institutional building or a building constructed as a Recovery Home.

5.14.5 MINIMUM FLOOR AREA

There shall be a minimum of 18.0 square metres (194 square feet) of floor area per resident including staff and/or receiving family.

5.14.6 MINIMUM OFF-STREET PARKING

There shall be two (2) off-street parking spaces per Recovery Home, plus one (1) additional space for each four (4) employees (based on the maximum at any one time).

5.14.7 LOT AREA

Any new Recovery Home being constructed or any Recovery Home being established in an existing building shall comply with the minimum lot area requirement as set out in the zoning category in which the Recovery Home is being located.

5.15 RESIDENTIAL CARE FACILITY

No lot shall be used or developed, and no building or structure shall be erected, altered, renovated, enlarged, used or maintained for the purpose of a Residential Care Facility, except in accordance with the following regulations:

5.15.1 GENERAL

- (a) Residential Care Facilities shall comply with the requirements of the zoning category in which the Residential Care Facility is located unless otherwise specified by the By-Law or amendments to the By-Law.
- (b) A Residential Care Facility shall be registered with the City of Kingston according to a By-Law passed by Council for that purpose.

5.15.2 MINIMUM SEPARATION

A Residential Care Facility shall be located at least 250.0 metres (673 feet) from any other Residential Care Facility, Community Support House, Recovery Home, Crisis Care Shelter, Corrections Residence, Detoxification Centre and Community Home.

5.15.3 MINIMUM REAR YARD AMENITY AREA

There shall be a minimum rear yard amenity area of 18.5 square metres (199 square feet) per resident of the Residential Care Facility, inclusive of staff and/or receiving family.

5.15.4 DWELLING TYPE

A Residential Care Facility shall occupy the whole of:

- (a) a single detached or duplex dwelling;
- (b) a semi-detached dwelling (both units);
- (c) a converted institutional building or a building constructed as a Residential Care Facility.

5.15.5 MINIMUM FLOOR AREA

Including staff and/or receiving family, there shall be 18.0 square metres (194 square feet) of gross floor area per resident.

5.15.6 MINIMUM OFF-STREET PARKING

There shall be two (2) off-street parking spaces per Residential Care Facility, plus one (1) additional space for each four (4) employees (based on the maximum at any one time).

5.15.7 BUFFERING

Adequate provision for buffering, fencing and screening shall be made to ensure privacy of abutting residential properties.

5.16 DAY CARE FACILITIES, PRIVATE SCHOOLS REGULATIONS

Day care facilities and private schools shall be subject to the following regulations:

5.16.1 OFF-STREET PARKING - In accordance with Section 5.22.

5.17 ENCLOSED OPERATIONS

All of the operations of every "Commercial Establishment" shall be conducted within an enclosed building or premises, except for the following:

- (a) Parking and loading areas for vehicles;
- (b) The year round outdoor display and sales areas of the following commercial establishments:
 - permitted commercial uses

The above uses shall be permitted to have outdoor display and sales area in any required front yard, side yard or exterior side yard provided they are set back three (3) metres (10 feet) from the street line. No parking spaces, parking aisles or loading space areas shall be used for year round outdoor display and sales area;

- (c) The operation of an outdoor patio restaurant;
- (d) Marina.

5.18 GARBAGE AND REFUSE STORAGE

- (a) No garbage or refuse shall be stored on any lot in any zone except within the principal building or an accessory building or structure on such lot or in a container in the side yard or rear yard of such lot.
- (b) In addition, a garbage and refuse storage area, including any garbage loading or unloading area, which is visible from an adjoining site in a Residential land use in a Commercial, Harbour or Park Zone, a public open space, a river or from a public street, other than a lane, shall have a visual screen.
- (c) A dumpster or garbage container shall be regulated in the same manner as an accessory building or structure in the zone in which it is located.

5.19 HEIGHT RESTRICTIONS EXCEPTIONS

No building or structure shall exceed the height restrictions set out in this By-Law for the zone where such building or structure is located.

The building height restriction shall not apply to the following structures except where any part of such structure situated higher than the maximum height permitted in this By-Law contains habitable floor space:

- (a) an antenna or mast (when attached to or on a building);
- (b) a barn;
- (c) a belfry;
- (d) a chimney or smokestack;
- (e) a church spire or steeple;
- (f) a clock tower, bell tower or church tower;
- (g) a cupola, parapet or other ornamental structure or device;
- (h) an electric power transmission tower or line and related apparatus;
- (i) a stair tower, elevator shaft, water tank, skylight, mechanical penthouse, or other heating, cooling or ventilating equipment, or a fence, wall, or structure enclosing such elements or other similar roof construction provided that:
 - i) the maximum height of such elements is 3.5 metres (11.5 feet);
 - ii) the aggregate horizontal area occupied by such elements, including the fence or other enclosure, does not exceed 10% of the area of the roof upon which such structure or construction is located;

-
- iii) the horizontal dimension of such elements, including the fence or other enclosure does not exceed 50% of the horizontal dimension of the wall of the main building facing any street line;
 - iv) where such structure or roof construction exceeds the regulations specified in i), ii), or iii), above, such structure or construction shall be deemed to be a storey for the purpose of determining the building height of a building in the C1, CMS, and HR Zones;
 - (j) a light standard;
 - (k) a flag pole;
 - (l) a flight control tower;
 - (m) a lightning rod;
 - (n) a radio, television or telecommunications reception or transmission tower;
 - (o) a silo or storage elevator;
 - (p) **STATIC RENEWABLE ENERGY DEVICE:** For the purpose of this section a Static Renewable Energy Device shall mean a device that produces, captures or conserves energy without visible motion or emissions such as noise, vibration, liquids, gases or combustion products; such devices may include solar panels, pool heaters, etc.
Notwithstanding the height provisions of this By-Law to the contrary a Static Renewable Energy Device may exceed a height requirement by 0.5 metres.”
(By-Law No. 2008-167)
 - (q) a water tower or a firehose tower;
 - (r) deleted; (By-Law No. 2008-167)
 - (s) a weathervane or other weather monitoring device;
 - (t) a crane or boat lifting equipment.

5.20 HOME OCCUPATIONS

Where permitted by this By-Law, home occupations are permitted in a residential dwelling or an accessory attached or detached garage in accordance with the following regulations:

- (a) The home occupation activity shall be conducted by a person residing in the dwelling.
- (b) The home occupation shall be for the exclusive use of the residents only and there shall be not more than one (1) additional assistant, employee, or associate, who is not a resident of the dwelling unit in which the home occupation is carried out, that may be involved in any way in the administration of or carrying out of the home occupation. This prohibition shall also apply to active involvement by the customer or patron in the activity which results in the end product of the home occupation.
- (c) The home occupation is to remain secondary to the residential use of the dwelling unit and shall occupy no more than twenty-five (25) per cent of the total habitable floor space of only the dwelling.
- (d) There shall be no sign, display or other indicator visible from a public street which reveals the existence of a home occupation use in a dwelling unit, except that a non-illuminated household identification sign not to exceed 0.1 square metres (one square foot) may be posted if attached flat against the main wall of the dwelling or accessory garage.
- (e) No parking area shall be provided for any home occupation, but parking shall be provided in accordance with Section 5.22.4 of this By-Law for the residents of the dwelling in which a home occupation may be conducted.
- (f) No machinery, equipment or process shall be used on the premises or any activity shall occur in connection with a home occupation which creates noise, vibration, glare, fumes, odour, dust, electrical interference or delivery by commercial carriers in excess of that normally experienced in a residential neighbourhood.
- (g) There shall be no apparent visible indication from the exterior of the dwelling or accessory garage to show that a home occupation is being conducted on the premises.
- (h) No more than one home occupation shall be conducted in the dwelling or accessory garage.
- (i) There shall be no outdoor storage of materials, equipment or containers, exterior parking or storage of commercial or industrial vehicles or equipment, animal enclosures or other outdoor activities in conjunction with the home occupation.

5.21 OFF-STREET LOADING

The owner or occupant of any building on a lot used for non-residential uses, except as provided herein shall provide and maintain, for each building on the same lot, facilities comprising one or more loading spaces in accordance with the provisions of this section unless otherwise provided for in this By-Law.

5.21.1 MINIMUM LOADING SPACE REQUIREMENTS

The owner or occupant of any building on a lot used for non-residential uses shall provide for each building on the same lot loading spaces in accordance with the following:

Use	Building Gross Floor Area	Number of Spaces
Office	0 - 550 m ² (5,920 ft ²)	0
Other Commercial	0 - 550 m ² (5,920 ft ²)	1
Office	551 m ² (5,931 ft ²) - 2,300 m ² (24,758 ft ²)	1
Other Commercial	551 m ² (5,931 ft ²)- 2,300 m ² (24,758 ft ²)	2
	Each additional 9,300 m ² (100,108 ft ²) or portion thereof	1 additional space

5.21.2 DIMENSIONS OF LOADING SPACES

Required loading spaces shall have minimum horizontal dimensions of 3.6 metres (12 feet) by 9 metres (30 feet) and a minimum vertical clearance of 4.2 metres (14 feet).

5.21.3 CALCULATION OF LOADING REQUIREMENT (FRACTIONS)

If any computation of loading space requirement as set forth in this section results in a number containing a fraction, that fraction may be dropped if it is less than one-half in value. A fraction of one-half or more in value shall be counted as one loading space.

5.21.4 LOCATION OF LOADING SPACES

5.21.4.1 LOCATION ENTIRELY ON LOT

Required loading spaces shall be located in their entirety on the same lot as the building for which such loading spaces are required, and shall not overlap any required driveways, parking spaces, internal roads or parking aisles.

5.21.4.2 ARRANGEMENT TO AVOID INTERFERENCE

Off-street loading facilities shall be so arranged that they avoid interference with the movement of traffic on streets or lanes.

5.21.4.3 LOCATION AND SCREENING

All off-street loading spaces shall be located to the rear of the main front wall and exterior side wall of the main building and shall be screened by a wall, fence or planting in such a manner that the off-street loading shall not be visible from a street or any abutting residential use.

5.21.5 ACCESS TO LOADING SPACES

Access to loading spaces shall be provided by means of one or more unobstructed aisles which:

- (a) have a minimum unobstructed width of 7.3 metres (24 feet) and a minimum vertical clearance of 4.2 metres (14 feet), and provide sufficient space to permit the maneuvering of vehicles on the lot so as not to obstruct, or otherwise cause a traffic hazard on, an adjacent street or lane.
- (b) lead to a public or private right-of-way not less than 6 metres (20 feet) in width.
- (c) comply in all other respects with the driveway requirements for parking areas set out in Section 5.22 of this By-Law.
- (d) All off-street loading facilities must be surfaced with a capped, hard top substance such as asphalt, or other stable surface treated to prevent the raising of dust and/or loose particles.

5.21.6 ADDITION TO OR CHANGE TO EXISTING USE

Where a building or structure has insufficient loading spaces on the date of passing of this By-Law to comply to the requirements of this By-Law, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional spaces required by this By-Law for such addition or change of use are provided in accordance with all provisions respecting loading.

5.21.7 MORE THAN ONE USE ON A LOT

When a building, structure or lot accommodates more than one type of use as set out in Section 5.21.1, the loading space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.

5.21.8 DEFERRAL OF LOADING REQUIREMENTS

The loading requirements may be partially deferred upon the owner entering into a Site Plan Agreement pursuant to the *Planning Act*, R.S.O. 1990, as amended, which clearly indicates adequate on-site area to accommodate all required loading spaces and the staging for the development of deferred loading spaces as required.

5.22 OFF-STREET PARKING

No lot shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or used in any zone unless off-street parking areas are provided and maintained in accordance with the following regulations unless otherwise provided for in this by-law.

5.22.1 GENERAL

Off-street parking areas shall be located on the same lot as the use requiring the parking unless otherwise provided for in this By-Law, and shall not infringe on any required loading spaces.

5.22.2 CALCULATION OF PARKING REQUIREMENT (FRACTIONS)

If any computation of parking space requirement as set forth in this section results in a number containing a fraction, that fraction may be dropped if it is less than one-half in value. A fraction of one-half or more in value shall be counted as one parking space.

5.22.3 LOCATION

Despite any contrary yard provisions of this By-Law, uncovered surface parking areas shall be permitted as required in the specific zone categories.

5.22.4 PARKING DESIGN

5.22.4.1 SITE PLAN REQUIREMENTS

The required parking spaces prescribed in Sub-section 5.22.5 shall be shown on a site plan to be submitted for approval pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, as amended.

5.22.4.2 ACCESS

All off-street parking areas shall be provided with adequate means of ingress and egress to and from a street or lot and shall be arranged not to interfere with the normal public use of a street. With the exception of parking areas provided for single-detached dwellings, semi-detached dwellings, duplexes, link dwellings, bed and breakfast establishments, and on-street townhouses, parking areas shall provide for ingress and egress of vehicles to and from a street in a forward motion only.

Where four (4) or more spaces are required, such spaces shall be provided with at least one entrance lane and one exit lane.

5.22.4.3 PARKING DIMENSIONS

5.22.4.3.1 MINIMUM PARKING SPACE DIMENSIONS

The minimum parking space dimensions for parking spaces shall be as illustrated in the following table for parking stalls and aisles in various parking configurations, except as provided for in Section 5.22.6 of this By-Law.

Parking Alignment	Dimensions		
	Width	Length	Aisles
0°	2.75 m (9.0 ft)	6.7 m (22.0 ft)	3.5 m (11.5 ft)
30°	2.75 m (9.0 ft)	6.4 m (21.0 ft)	3.5 m (11.5 ft)
45°	2.75 m (9.0 ft)	6.4 m (21.0 ft)	4.0 m (13.1 ft)
60°	2.75 m (9.0 ft)	6.5 m (21.3 ft)	5.0 m (16.4 ft)
90°	2.75 m (9.0 ft)	5.8 m (19.0 ft)	6.0 m (19.7 ft)

5.22.4.3.2 MINIMUM ACCESS WIDTH

Every off-street parking space must have a minimum width for access to a public street or lane of 3 metres (10 feet).

5.22.4.4 SURFACE TREATMENT OF PARKING AREAS

Any parking area or access driveway provided in the front yard or exterior side yard of a lot in a non-residential zone, or in any yard of a non-residential use adjacent to a residential use, shall be paved with asphalt, concrete or paving stones.

Any parking area or access driveway provided for a public park, single-detached dwelling, link dwelling, on-street townhouse, semi-detached dwelling, duplex, or residential conversion shall be constructed with gravel or other stable surface and treated so as to prevent the raising of dust and/or loose particles. Drainage shall be provided so as to prevent the flow of surface water onto adjacent lots.

5.22.4.5 ENCLOSED PARKING AREAS / PARKING STRUCTURES

Where a structure containing a parking area is the principal use on a lot, the structure shall conform to the zone provisions for the zone where such lot is located.

5.22.4.6 Driveway Widths For Certain Residential Uses

- (a) Where the use of a lot is a single-detached dwelling, link dwelling, on-street townhouse, semi-detached dwelling, duplex dwelling or a converted dwelling, the minimum width of a driveway shall be 3.0 metres.
- (b) Where the use of a lot is a single-detached dwelling, link dwelling, on-street townhouse, semi-detached dwelling, duplex dwelling or a converted dwelling, the maximum width of a driveway within the required front yard shall be the lesser of:
 - (i) 6 metres, or
 - (ii) 40% of the lot width, provided that the minimum width of the driveway shall not be less than 3.0 metres.

For the purposes of calculating the maximum width of a driveway on a lot, the lot width shall mean the horizontal distance between the side lot lines, with such distance measured perpendicularly to the mid-point of the lot depth.

- (c) Where the use of a lot is a single-detached dwelling, link dwelling, on-street townhouse, semi-detached dwelling, duplex dwelling or a converted dwelling, the maximum width of a driveway, the maximum width of a driveway beyond the required front yard shall not exceed 6 metres, except where there is a garage, the maximum width of a driveway beyond the required front yard shall not exceed 6 metres or the width of the garage walls, whichever is greater.
- (d) The width of a driveway shall be measured perpendicular to the direction in which a motor vehicle drives.”

5.22.4.7 Parking In A Driveway For Certain Residential Uses

- (a) Where the use of a lot is a single-detached dwelling, link dwelling, on-street townhouse, semi-detached dwelling, duplex dwelling or a converted dwelling, a parking space may be located in a permitted driveway in a front yard.
- (b) Where the use of a lot is a single-detached dwelling, link dwelling, on-street townhouse, semi-detached dwelling, duplex dwelling or a converted dwelling, a driveway or a parking space in a driveway within the required front yard shall not be permitted parallel to the street line.

(By-Law 96-259; By-Law 2019-146)

5.22.4.8 Tandem Parking Spaces

Where the use of a lot is a single-detached dwelling, link dwelling, on-street townhouse, semi-detached dwelling, duplex dwelling or a converted dwelling, tandem parking spaces shall be permitted.

(By-Law 96-259; By-Law 2019-146)

5.22.5 REQUIRED PARKING SPACES

Off-street parking spaces shall be provided in accordance with the following schedule:

5.22.5.1 STANDARD COMMERCIAL PARKING RATIOS

<u>Type of Use or Building</u>	<u>Minimum Number of Required Parking Spaces</u>
Office	1.45 per 100 m ² (1076 ft ²) G.F.A. (Gross Floor Area)
Retail	1.2 per 100 m ² (1076 ft ²) G.F.A.
Restaurant	7 per 100 m ² (1076 ft ²) G.F.A.
Restaurant (Take-Out)	10 per 100 m ² (1076 ft ²) G.F.A.

Despite the above ratios, where the following parking ratios for specific commercial uses are listed, they shall apply:

<u>Type of Use or Building</u>	<u>Minimum Number of Required Parking Spaces</u>
Automobile Gas Bar	a minimum of 2
Automobile Repair Establishment, Automobile Service Station, and Automobile Specialty Repair Shop	7 per 100 m ² (1076 ft ²) G.F.A.
Automobile Sales Establishment/ Recreation Vehicles and Equipment Sales	4 per 100 m ² (1076 ft ²) G.F.A. or a minimum of 2, whichever is greater (parking is exclusive of display and storage areas)
Bank or Financial Establishment	0.9 per 100 m ² (1076 ft ²) G. F. A.
Building Supplies	
Interior retail -	1 per 100 m ² (1076 ft ²) G.F.A. for building
Outdoor retail -	1 per 100 m ² (1076 ft ²) G.F.A. for outdoor sales and display area
Interior warehouse -	0.5 per 100 m ² (1076 ft ²) G.F.A. for warehouse area

<u>Type of Use or Building</u>	<u>Minimum Number of Required Parking Spaces</u>
Carwash - Manual Automatic	2 per bay plus 5 waiting spaces per bay 5 per bay plus 7 waiting spaces per bay
Cleaning Establishment	2 per 100 m ² (1076 ft ²) G.F.A.
Commercial Entertainment Establishment	1 per 10 seats
Commercial Outdoor Recreation	1 per 1000 m ² (107600 ft ²) G.F.A.
Commercial School	1 per 2 staff members plus 3.6 per 100 m ² (1076 ft ²) classroom floor space
Computer Programming Establishment	1 per 40 m ² (430 ft ²) G.F.A.
Contractor's Yard	a minimum of 4 per yard or 2 per 100 m ² (1076 ft ²) G.F.A.
Convenience Store	1 per 28 m ² (300 ft ²) G.F.A.
Data Processing Establishment	1 per 40 m ² (430 ft ²) G.F.A.
Day Care Centre	0.85 per 100 m ² (1076 ft ²) G.F.A.
Dry Cleaning Outlet	3 per 100 m ² (1076 ft ²) G.F.A.
Education Centre Education Facility	1 per 2 staff members plus 3.6 per 100 m ² (1076 ft ²) classroom floor space
Factory Sales Outlet	3 per 100 m ² (1076 ft ²) G.F.A.
Garden Centre/Nursery or Greenhouse	5 per 100 m ² (1076 ft ²) G.F.A. for building 2 per 100 m ² (1076 ft ²) G.F.A. outdoor sales and display area
Home Improvement Centre/ Decorating Supplies	5 per 100 m ² (1076 ft ²) G.F.A.

<u>Type of Use or Building</u>	<u>Minimum Number of Required Parking Spaces</u>
Hotels/Motels	1 parking space for each guest room / suite plus 1 parking space for each 4 persons that can be accommodated at any one time in any beverage room or liquor lounge plus 1 bus parking space (minimum dimensions 3.6 metres [12 feet] by 12 metres [39 feet]) for each 50 guest rooms, to a maximum of 3 bus parking spaces. (By-Law 96-259; 2008-61)
Industrial including: dry dock, boat and ship building, marine salvage and repair facility and sail lofts	1 per 100 m ² (1076 ft ²) G.F.A.
Laboratory	1 per 100 m ² (1076 ft ²) G.F.A.
Liquor/Beer Store	6 per 100 m ² (1076 ft ²) G.F.A.
Medical Clinic	3 per practitioner or 2.7 per 100 m ² (1076 ft ²) G.F.A. whichever is greater
Medical Office	4 per practitioner
Personal Service Establishment	1.6 per 100 m ² (1076 ft ²) G.F.A.
Printing and Binding Establishment	2 per 100 m ² (1076 ft ²) G.F.A.
Public Storage Facility	2 per 100 m ² (1076 ft ²) G.F.A.
Repair Service	3 per 100 m ² (1076 ft ²) G.F.A.
Research Establishment	3 per 100 m ² (1076 ft ²) G.F.A.
Retail sales/service/rental	1 per 90 m ² (969 ft ²) G.F.A.
Service Establishment	1.5 per 100 m ² (1076 ft ²) G.F.A.
Trucking Operation or Fleet Service	2 per 100 m ² (1076 ft ²) G.F.A.
Veterinary Clinic or Veterinary Office	4 per 100 m ² (1076 ft ²) G.F.A.
Warehouse	0.5 per 100 m ² (1076 ft ²) G.F.A.

5.22.5.2 RESIDENTIAL PARKING RATIOS

<u>Type of Use or Building</u>	<u>Minimum Number of Required Parking Spaces</u>
Apartments	1 per unit
- Seniors	1 per 2 units
Crisis Care Centre	2 per 100 m ² (1076 ft ²) but not less than 2
Lodging House	1 per building plus 1 per 3 lodgers
Second Residential Unit	1 per unit
Semi-detached/duplex	1 per unit
Single detached dwelling	1 per unit
Dwelling containing 3 or more units or a Row Dwelling	1 per unit

(By-Law 96-259; 2019-88)

5.22.5.3 MISCELLANEOUS USE PARKING RATIOS

<u>Type of Use or Building</u>	<u>Minimum Number of Required Parking Spaces</u>
Arena (no seats)	3 per 100 m ² (1076 ft ²) G.F.A.
Arena (with seats)	1 per 7 seats or 1 per 23 m ² (248 ft ²) G.F.A. used for a hall auditorium or similar use involving the assembly of persons
Bed and Breakfast Establishment	1 per guest room and 1 for the proprietor
Nursing Home	1 per 5 beds

<u>Type of Use or Building</u>	<u>Minimum Number of Required Parking Spaces</u>
Public hall including: <ul style="list-style-type: none">- Auditorium- Church- Gymnasium- Auction Centre- Club (Private or Service)- Other place of assembly- Auditorium or gymnasium accessory to another use	1 per 7 seats or 1 per 23 m ² (248 ft ²) G.F.A. used for a hall, auditorium or similar use involving the assembly of persons, whichever is greater. *
School - Elementary	1 per classroom plus a minimum of 4 visitor parking spaces if there is not auditorium or gymnasium.
School - Secondary	3 per classroom plus any required parking associated with an accessory auditorium, theatre or gymnasium.
Yacht Club	0.5 per slip

5.22.5.4 **ADDITIONAL PROVISIONS**

In addition to the requirements specified in Section 5.22.5.1, where a specific type of retail use is specified as having a different parking requirement from the generic "retail" requirement, the parking requirement for the specific type of retail use shall apply.

5.22.5.5 **CENTRAL BUSINESS SYSTEM ZONE AND MARKET SQUARE COMMERCIAL ZONE- COMMERCIAL USES**

Notwithstanding the foregoing, there shall be no parking requirements for an Education Centre or Facility or for commercial uses permitted in the "Central Business System (C1)" Zone or in the "Market Square Commercial (CMS)" Zone.

5.22.5.6 **CENTRAL BUSINESS SYSTEM ZONE AND MARKET SQUARE COMMERCIAL ZONE - RESIDENTIAL UNITS**

Notwithstanding the foregoing, the minimum parking space requirements for residential units located on the same lot in the "Central Business System (C1)" Zone or the "Market Square Commercial (CMS)" Zone shall be one parking space per residential unit.

5.22.5.7 CENTRAL BUSINESS SYSTEM ZONE (C1) AND
MARKET SQUARE COMMERCIAL (CMS) ZONE- PARKING
ALTERNATIVE

Parking for residential units that is not located on the same lot may be located on a lot not more than 60.0 metres (196 feet) from the lot upon which the main building is situated, but shall not occupy any front yard space. Parking shall only be permitted in such instances where an agreement is registered on title.

5.22.5.8 ADDITION TO OR CHANGE TO EXISTING USE

Where a building or structure has insufficient parking spaces on the date of passing of this By-Law to comply to the requirements of this By-Law, this by-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional spaces required by this By-Law for such addition or change of use are provided in accordance with all provisions respecting parking spaces and areas.

5.22.5.9 More Than One Use On A Lot

When a building, structure or lot accommodates more than one type of use as set out in Section 5.22.5, the parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.

5.22.6 **Accessible Parking**

1. In any *zone*, the required number of *parking spaces* shall include the provision of accessible *parking spaces* in the minimum quantity specified below:
 - a) Residential: Accessible parking spaces are provided at a rate of 4% of the required parking spaces. A minimum of one Type A (Van accessible) accessible space required, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type. Accessible parking is not required for single detached and semi-detached houses, duplexes, triplexes, town houses, and row houses that do not have shared parking arrangements.

- b) Commercial: Accessible parking spaces are provided at a rate of 4% of the required parking spaces. A minimum of one Type A (Van accessible) accessible space required, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type.
- c) Industrial: Accessible parking spaces are provided at a rate of 4% for the first 200 required parking spaces and 3% for the additional required parking spaces, including a minimum of one Type A (Van accessible) required accessible space, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type.
- d) Institutional: Accessible parking spaces are provided at a rate of 10% of the required parking spaces. A minimum one Type A accessible space required, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type.
- e) All other uses: Accessible parking spaces are provided at a rate of 4% of the required parking spaces. Minimum one Type A space required. Equal numbers of Type A (van accessible) and Type B are required. If odd, the additional space may be either type.

2. Design Standards

The following regulations shall also apply to accessible parking spaces:

- a) Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 metres length and must have signage specifying that they are van-accessible.
- b) Type B spaces shall have minimum rectangular dimensions of 2.7 metres width by 6.0 metres length.
- c) an access aisle with minimum rectangular dimensions of 1.5 metres width by 6.0 metres length and marked with high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between spaces.

-
- d) all accessible parking spaces shall be marked by an identifying marker on the pavement consisting of the International Symbol of Access as a 1.53 x 1.53 m white border and symbol with a blue background field colour centered on the parking stall 0.5-0.8 m from the traffic aisle;
 - e) all accessible parking spaces shall be appropriately signed in accordance with provincial regulations;
 - f) a minimum vertical clearance of 2.9 metres (10 feet) shall be provided at accessible parking spaces, passenger loading zones, and along access routes to accessible parking spaces;
 - g) gradient for a barrier free vehicle parking space shall not exceed five (5) per cent;
 - h) wheelstops shall be placed to provide a minimum 0.8 metres clear space for wheelchair access;
 - i) accessible parking spaces shall be located closest to the nearest accessible entrances(s) of the building on an accessible route;
 - j) curb ramps, where required, shall be provided to permit access from the parking area to a sidewalk.”

(By-law 96-259; 2017-74)

5.22.7 PASSENGER BUS PARKING

Passenger bus parking spaces shall be provided and maintained in accordance with the following regulations:

5.22.7.1 PASSENGER BUS PARKING RATIOS

Type of Use or Building	Minimum Required Spaces
Arena	1
Arena (occupancy greater than 1,000 persons)	2
Arena (occupancy greater than 2,000 persons)	3

5.22.7.2 MINIMUM PARKING SPACE DIMENSION

The required passenger bus parking spaces prescribed in Subsection 5.22.7.1 shall have minimum dimensions of 3.6 metres (12 feet) by 12.0 metres (39 feet).

5.22.8 BICYCLE PARKING

Bicycle parking space shall be provided and maintained in accordance with the following regulations:

5.22.8.1 BICYCLE PARKING RATIOS

Type of Use or Building	Minimum Number of Required Spaces
Office	1 space per 250 m ² (2690 ft ²) G.F.A.
Restaurant	2 per 100 m ² (1076 ft ²) G.F.A.
Restaurant (take-out)	2 per 100 m ² (1076 ft ²) G.F.A.
Commercial	2 per 100 m ² (1076 ft ²) G.F.A.
Convenience Store	1 per 200 m ² (2153 ft ²) G.F.A.
Multiple Dwelling or Converted Dwelling	minimum 5 bicycle parking spaces 1 space for each unit within a Bicycle Parking Area, Residential, as defined by Section 4 of this Zoning By-Law.

5.23 LOT DEVELOPMENT REQUIREMENTS

5.23.1 BUILDING PERMIT ISSUED

Nothing in this By-Law shall apply to prevent the erection or use for a purpose prohibited by this By-Law of any building or structure for which a permit has been issued under Section 5 of the *Building Code Act*, prior to the day of the passing of this By-Law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under Section 6 of the *Building Code Act*.

5.23.2 EXISTING NON-CONFORMING USES

5.23.2.1 EXISTING USES CONTINUED

Nothing in this By-Law shall apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-Law if such lot, building, or structure, or any part thereof, was lawfully used for such purpose on the day of the passing of this By-Law so long as it continues to be used for that purpose. If the use is modified in accordance with Sections 5.23.2.2 or 5.23.2.5 of this By-Law then the use shall be allowed to continue.

5.23.2.2 RE-ESTABLISHMENT PERMITTED

Nothing in this By-Law shall prevent the re-establishment of a non-conforming use, that is damaged or destroyed only by fire or an Act of God subsequent to the date of passing of this By-Law, provided the height, size or volume of the building or structure are not altered and the use of the building or structure is not altered or unless the use changes to a use permitted in the by-law

In addition to the above, the rebuilding or renovation of such building or structure is to be commenced within one year of the date that such building or structure was damaged or destroyed.

5.23.2.3 RENOVATION OR ALTERATION PERMITTED

Nothing in this By-Law shall prevent the renovation or alteration of all or part of a building or structure that is occupied by a non-conforming use provided that the renovation or alteration will not increase the height, size or volume of the building or structure.

5.23.2.4 ADDITIONS OR EXTENSIONS

A non-conforming use may continue in existence in accordance with the *Planning Act*. A non-conforming use shall not be enlarged or extended so as to occupy any of the following:

- (a) additional land area on the same or any other lot or parcel;
- (b) additional gross floor area of the building or structure;
- (c) additional gross floor area in excess of the gross floor area of the existing building or structure;
- (d) additional residential units within a building.

5.23.2.5 CHANGE OF USE

A non-conforming use of land or a building or structure may be continued but if that use is changed any future use shall conform to the provisions of this By-Law, except as permitted by the *Planning Act*.

5.23.2.6 DISCONTINUED USE / ABANDONMENT

A non-conforming use of any building, structure or land which has been abandoned or discontinued shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:

- (a) when the intention of the owner to discontinue the use is apparent; or
- (b) when the characteristic equipment and furnishings of the non-conforming use have been removed and have not been replaced by similar equipment within one year; or
- (c) when it has been replaced by a conforming use; or
- (d) when re-establishment has not been commenced within one year of the date of destruction or damage caused only by fire or an Act of God.

5.23.3 EXISTING NON-COMPLYING LOTS, BUILDINGS,
OR STRUCTURES

5.23.3.1 EXISTING LOT, BUILDING OR STRUCTURE CONTINUED

Nothing in this By-Law shall apply to prevent the continued existence of a lot, building, or structure which complied to the applicable regulations and general provisions when the lot was created or the building or structure constructed and so long as any changes to the lot, building or structure comply with the regulations and general provisions of this By-Law.

5.23.3.2 REBUILDING OR RENOVATION PERMITTED

Nothing in this By-Law shall prevent the rebuilding or renovation of any building or structure that is damaged or destroyed only by fire or an Act of God, subsequent to the date of passing of this By-Law, provided that:

- (a) the dimensions of the original building or structure are not increased, and
- (b) only if the building or structure non-compliance is not further increased or if the building or structure is to be more in compliance with the provisions of this By-Law.

In the event that such a destroyed building or structure requires rebuilding then the gross floor area of the original structure and its location shall be verified through an Ontario Land Surveyor, or by equivalent information source, prior to work commencing.

In addition to the above the rebuilding or renovation of such building or structure, except in a CMS (Commercial Market Square) Zone, shall be commenced within two years of the date that such building or structure was damaged or destroyed.

5.23.3.3 RENOVATION OR ALTERATION PERMITTED

Nothing in this By-Law shall prevent the renovation, as defined herein, or internal alterations to any building or structure, which is a permitted use for the zone in which it is located which does not comply with the provisions of this By-Law, provided that such alteration or renovation does not increase the height, size or volume of such building or structure.

5.23.3.4 ADDITIONS AND EXTENSIONS

Nothing in this By-Law shall prevent an extension or an addition being made to a building or structure which is a permitted use for the zone in which it is located, but which does not comply with one or more of the requirements of this By-Law, provided such extension or addition meets all zone regulations and general provisions of this By-Law except as permitted by the *Planning Act*.

5.23.4 PREVIOUS VIOLATIONS CONTINUED

Any building or structure illegally altered, enlarged, erected or renovated, any use illegally established, or any lot illegally created prior to the date of passing of this By-Law shall not become legal solely by reason of the passing of this By-Law. Where any such building, structure, use or lot is in conflict with one or more of the provisions of this By-Law, such building, structure, use or lot will remain illegal and shall not be deemed to be legal in this By-Law, except where specifically allowed by law.

5.23.5 EXISTING UNDERSIZED VACANT LOTS

Despite any other provision in this By-Law to the contrary, any legal existing vacant registered lot in a registered plan of subdivision which does not comply with the minimum lot area or minimum lot frontage requirements for the zone where such registered lot is located shall be deemed to be a permitted lot and shall be used as if it complied to all such requirements, provided that:

- (a) access for vehicular traffic in the form of an unobstructed driveway, either owned or with a right-of-way, at least 3 metres (10 feet) in width is provided from such lot to a street which abuts the said lot. This provision shall not apply to a lot on a Registered Plan of Subdivision registered subsequent to the date of passing of this By-Law;
- (b) such building or structure complies with any other regulations applicable in the zone in which the lot is located; and
- (c) the requirements of Section 5.23.9 are met.

5.23.6 FRONTAGE ON A STREET

No building or structure shall be built upon any lot unless that lot abuts a street.

5.23.7 FRONT LOT LINE ESTABLISHED FOR LOTS WITH NO FRONTAGE

For the purposes of establishing minimum setbacks for a lot with no frontage on a street but with access to a street by way of a right-of-way, the lot line to which the right-of-way accesses the lot shall be deemed to be the front lot line.

5.23.8 LOTS REDUCED BY PUBLIC ACQUISITION

In certain instances, the area or a dimension of a lot may be reduced by means of an acquisition of part of the lot by an authority having power of expropriation or as a condition of development approval. Such acquisition may cause the lot to be reduced in size or dimension or for a legal existing building or structure to be in non-compliance with the regulations for the zone in which such lot is located.

5.23.8.1 REDUCED LOT WITH AN EXISTING BUILDING OR STRUCTURE

Nothing in this By-Law shall apply to prevent the alteration, enlargement or renovation of a legal existing building or structure provided that:

- (a) the lot and the building or structure met the requirements of the zone in which such lot, building or structure, is located, prior to the date of public acquisition, and,
- (b) modifications to such building or structure can be undertaken in compliance with all of the zone regulations in effect prior to the reduction of such lot by such acquisition, or
- (c) the lot, building or structure was non-complying prior to the date of public acquisition in which case the provisions of Section 5.23.3 shall apply.

5.23.8.2 REDUCED LOT WHICH IS VACANT

Nothing in this By-Law shall apply to prevent a building or structure being erected on a vacant lot which has been reduced by public acquisition provided that:

- (a) the lot met the requirements of the zone in which such lot is located, prior to the date of public acquisition, and,
- (b) such building or structure can be constructed in compliance with all of the zone regulations in effect prior to the reduction of such lot by such acquisition; and
- (c) the lot was non-complying prior to the date of public acquisition in which case the provisions of Section 5.23.5 shall apply.

5.23.8.3 USE

Nothing in this By-Law shall apply to prevent the use of any lot reduced by public acquisition provided that:

- (a) in the case of a conforming use, the use shall meet the requirements for the zone in which such use was located, prior to the lot being altered by public acquisition, or
- (b) in the case of a non-conforming use, the use shall meet the requirements of Section 5.23.2.

5.23.8.4 REDUCTION OF LOT AREA – ROAD WIDENINGS, DAYLIGHTING TRIANGLES, ETC.

Notwithstanding any other section of this By-Law, where any portion of a lot is, subsequent to the date of passing of this amending By-Law, taken by the City for the purpose of a road widening, daylighting triangle, turning lane or other similar use, and such use is not required in order to provide entrances, exits, acceleration or deceleration lanes or other similar uses designed to serve the said lot, then the development potential as permitted in this By-Law, for any building permit issued after the date of passing of this amending By-Law shall be calculated on the entire lot area including the area of the proposed road widening or other similar use.

(By-Law No. 2003-380)

5.23.9 MUNICIPAL SERVICES

No lot shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or used for any purpose unless all municipal services (namely sanitary sewers, storm sewers

and drains, watermains, fire hydrants, and hydro electric power lines and streets) are available and adequate as determined by the City. Despite the foregoing, the following uses may be permitted without full municipal services:

- (a) Any use, building or structure permitted by the By-Law which existed at the date of the passing of this By-Law and for which the prior approval had been obtained from the Medical Officer of Health to permit the use of a private sewage disposal system;
- (b) Any permitted municipal parkland or conservation area use.

5.24 LIGHTING

No person shall alter, enlarge, erect, renovate or use an outside light fixture in any zone except in compliance with the regulations of any by-law of the City of Kingston regulating lights and lighting, and in compliance with the following regulations:

- (a) Flashing lights are prohibited.
- (b) Lights and lighting shall not be altered, enlarged, erected, renovated or used in such a way as to be confused with or interfere with traffic lights or otherwise be hazardous to traffic.
- (c) All lighting for parking areas or walkways shall be directed downwards towards the surface of the parking area or walkways and away from adjacent uses on street.

5.25 NUMBER OF BUILDINGS PER LOT

With the exception of accessory buildings or structures, there shall not be more than one building located on a lot within the City except in the case of multiple building projects or declared condominium subdivision projects or as specifically provided elsewhere in this By-Law.

5.26 OCCASIONAL USES

The following zones and uses shall be permitted to have occasional uses as indicated:

- (a) Where an auditorium or public hall exists in any zone, auction sales, bake sales, craft sales, bingo, blood donor clinics, benefit dances, shows, concerts and banquets shall be permitted as an occasional use.

- (b) Where a church or school exists in any zone, auction sales, bake sales, craft sales, plant and produce sales, Christmas tree sales, bingo, blood donor clinics, car washes, benefit dances, festivals, shows, concerts and banquets shall be permitted as an occasional use.
- (c) Garage sales shall be permitted on any property, with a maximum number of three (3) garage sales being conducted on any one property in any calendar year. A single garage sale may consist of a maximum of two (2) consecutive days.
- (d) Notwithstanding the definition of "Occasional Use", construction trailers on building sites shall be permitted provided they are removed upon building completion or final inspection, whichever comes first, or until the building permit is revoked.
- (e) Notwithstanding the definition of "Occasional Use", a real estate sales office shall be permitted on a construction site until building completion or final building inspection, whichever comes first.
- (f) Despite Subsection 5.26(a) and (b) of this By-Law, in the C1, CMS and P Zones, sidewalk sales shall be permitted in addition to auction sales, bake sales, craft sales, plant and produce sales, Christmas tree sales, bingo, car washes, benefit dances, festivals, shows, concerts and banquets.
- (g) Any occasional use shall be located and designed to avoid interference with the normal use of the abutting streets or with internal on-site vehicle circulation and loading activities.
- (h) Any occasional use shall not be offensive to area residents by way of the emission of light, heat, fumes, noise, vibration, gas, dust, odour or pollution of any kind.
- (i) Despite Section 5.17, all of the above mentioned occasional uses shall be permitted out of doors.

5.27 OUTDOOR PATIO RESTAURANT

Where permitted by this By-Law, outdoor patio restaurants which are located on privately owned lands are subject to the following provisions:

5.27.1 CAPACITY

No outdoor patio restaurant shall accommodate more than 50 per cent of the licensed capacity of the restaurant or dining lounge in which the patio is associated.

5.27.2 LOCATION

- (a) No outdoor patio restaurant shall be permitted where more than one lot line adjoins lands which are in a residential zone.
- (b) Despite the provisions of Subsection 5.27.2(a), where only the rear lot line adjoins a residential zone, an outdoor patio restaurant shall only be permitted in the front yard provided it is a minimum of 3 metres (10 feet) from the street line. In addition, where the side lot line adjoins a residential use, an outdoor patio restaurant shall only be permitted if it is located in the opposite side yard which is not adjacent to a residential zone.
- (c) An outdoor patio restaurant shall be located a minimum of 3 metres (10 feet) from any loading area, parking spaces, internal road or driveway located on the lot.

5.27.3 LIGHTING

Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets.

5.27.4 LOADING

Despite Subsection 5.21, no additional loading space shall be required for an outdoor patio restaurant.

5.27.5 PARKING

Parking spaces shall be required for the gross floor area associated with the outdoor patio restaurant at fifty (50) per cent of the ratio for restaurants.

5.27.6 BOUNDARY DEFINITION

An outdoor patio restaurant shall be defined by a wall or fence with a minimum height of 0.8 metres (3 feet) above the patio floor.

5.28 OUTDOOR STORAGE

5.28.1 OUTDOOR STORAGE IN COMMERCIAL AND HARBOUR ZONES

- (a) Outdoor storage shall be prohibited in the Central Business System Zone (C1) and the Market Square Commercial (CMS) Zone.
- (b) Outdoor storage shall be prohibited in the case of automobile uses, including a gas bar, general repair establishment, parts and accessories sales, service station, and specialty repair shop.
- (c) Except where prohibited for those commercial zones and uses set out in Subsections 5.28.1(a) and (b), outdoor storage shall be permitted in any required front, side, exterior side yard, or rear yard.
- (d) No outdoor storage area shall be visible from any street or from any abutting lot, where the abutting lot is not in a Commercial or Harbour Zone or used for Commercial or Harbour purposes. Any open storage area shall be screened, wherever necessary in order to comply with this provision, by a visual screen containing a fence or wall not less than 2 metres (7 feet) in height.
- (e) Any outdoor storage area shall be provided and maintained with a stable surface that shall be treated to prevent the raising of dust or loose particles and drained in accordance with the requirements of The Corporation of the City of Kingston.
- (f) No outdoor storage area shall be considered part of any required landscaped open space or as part of a buffer.
- (g) No parking spaces, parking aisles or loading spaces required by this By-Law shall be used for outdoor storage purposes.

5.29 PERMITTED YARD PROJECTIONS

Required yards shall not be obstructed in any manner whatsoever, except in accordance with the following:

Structure Type	Required Yard	Maximum Projection From Foundation Wall	Minimum Setback From Lot Line
Fire escapes	Side yard	1.2 metres (4 feet)	0.8 metres (3 feet)
	Rear yard	1.5 metres (5 feet)	N/A
Canopies and awnings above doors and windows	All yards	1.8 metres (6 feet)	0.5 metres (2 feet)
Bay Windows	Front, exterior side and rear yards	1.2 metres (4 feet)	0.8 metres (3 feet)
	Side yard	0.8 metres (3 feet)	0.8 metres (3 feet)
Belt courses, sills, cornices, enclosed balconies, and eaves	Side yard	0.5 metres (2 feet)	N/A
	Front and rear yards	0.8 metres (3 feet)	N/A
Chimneys	Front, side or rear yard	0.3 metres (1 foot)	N/A

5.30 SCHOOLS AS PERMITTED USES

Despite anything else in this By-Law, any lands may be used, and any building or structure may be erected, altered, enlarged, renovated or redeveloped, maintained or used in any zone for a school, subject to the following provisions:

- (a) Such school uses, buildings, or structures shall be in compliance with the provisions of the zone in which they are located.

5.31 EDUCATION CENTRES AS PERMITTED USES

Despite anything else in this By-Law, any lot may be used or developed and any building or structure may be erected, altered, enlarged, renovated, redeveloped, maintained or used in any zone for an "Education Centre", as defined elsewhere in this By-Law, subject to the following provisions:

- (a) Such education centre uses, buildings or structures shall be in compliance with the provisions of the zone in which they are located.

5.32 EDUCATIONAL FACILITIES AS PERMITTED USES

Despite anything else in this By-Law, any lot may be used or developed and any building or structure may be erected, altered, enlarged, renovated, redeveloped, maintained or used in any zone for an "Educational Facility", as defined elsewhere in this By-Law, subject to the following provisions:

- (a) Such educational facility uses, buildings or structures shall be in compliance with the provisions of the zone in which they are located;
- (b) Educational Facilities shall not be permitted on any lands or within any building or structure that is located in the Park (P) Zone or on any lands or within any building or structure that is subject to any of the site specific exceptions to the foregoing zone classification contained in this By-Law.

5.33 USES AND ACTIVITIES PROHIBITED IN ALL ZONES

Despite any other provisions of this By-Law, the following uses and activities are prohibited in all zones, either alone or in conjunction with other uses, except where specifically permitted by this By-Law:

- (a) Any trades, businesses, manufacturers and related uses deemed offensive or noxious by the *Environmental Protection Act*, R.S.O. 1990, as amended from time to time;
- (b) The use of tents, trailers, recreational vehicles, transport trailers, trucks, buses and coach or streetcar bodies as living accommodation or for the purposes of a commercial business or office;
- (c) The incineration or disposal of biomedical wastes, organic or inorganic chemical wastes, or radioactive wastes;

- (d) A salvage yard or automobile wrecking establishment;
- (e) Pits and/or quarries;
- (f) Any uses or activities deemed unlawful under other Federal, Provincial or Municipal acts, codes, or by-laws.

5.34 USES PERMITTED IN ALL ZONES

Despite anything else in this By-Law, any lot may be used or developed and any building or structure may be erected, altered, enlarged, renovated, maintained, or used in any zone for the following purposes.

5.34.1 CONSTRUCTION USES

Any sheds, scaffolds or other structures incidental to building construction on the premises for so long as the same is necessary for work in progress which has neither been finished nor abandoned.

5.34.2 ACCESSORY USES

Accessory uses which are clearly subordinate to an existing permitted use within the zone and provided that such uses, buildings, or structures shall be in compliance with the regulations of the zone in which they are located and the applicable provisions or Section 5.1 of this By-Law.

5.34.3 STREETS AND INSTALLATIONS

Nothing in this By-Law shall prevent the use of land for a street, or the use of any street, lot, building or structure, or portion thereof, required by any public authority or private utility, other than an administrative office, sales office, studio, garage, depot, or yard, for the provision of gas, water, sanitary, storm water management, transportation, telephone communication and utilities to the general public.

5.34.4 PUBLIC USE

A public use provided it complies with the zone regulations of the zone wherein such public use is located.

5.35 WATER LOTS

Water lots shall not be included in the calculation of lot area until such time as the water lot has been filled in accordance with all applicable Provincial, Federal and Municipal laws and regulations, including this By-Law and the City's Site Plan Control By-Law.

Water lots shall not be used in determining, establishing and/or measuring a required yard for a land-based building or structure.

5.36 WATERFRONT DOCKS, PIERS, AND LANDING PLACES

Where permitted by this By-Law, docks, piers, and landing places shall be erected, enlarged, altered and used in the water in accordance with the following regulations:

- (a) docks, piers, or landing places shall abut the shoreline;
- (b) docks, piers, or landing places shall not obstruct navigation or infringe upon established access rights;
- (c) for the purposes of this Section, a landing place shall include a boat house.

5.37 WATER'S EDGE FLOODPROOFING AND EROSION CONTROL

Adjacent to or in Lake Ontario any building or structure which requires floodproofing, as determined by the appropriate approval authority, shall be floodproofed to the regulatory flood level and protected to the regulatory erosion limit.

5.38 Second Residential Units

Notwithstanding any other provision of this By-Law, where a Second Residential Unit is permitted hereunder, the following provisions shall apply:

- (a) A Second Residential Unit shall be permitted in association with the following principal uses in any zone where that dwelling type is listed permitted use:
 - (i) Dwelling, Single Detached
 - (ii) Dwelling, Semi-Detached

(iii) Dwelling, Townhouse

(iv) Dwelling, Link

(By-Law 96-259; 2021-64)

- (b) A Second Residential Unit shall not be permitted in any Cellar or Basement within the lands identified as Constraint Area – Sewer Surcharging (Combined Storm and Sewer Systems) in Schedule “B” of this By-Law.
- (c) A Second Residential Unit shall only be permitted if it is connected to municipal services approved by the authority having jurisdiction.
- (d) A Second Residential Unit shall not be permitted on a lot containing two or more residential units; a Dwelling, Garden Suite; a boarding house; or a Lodging House.
- (e) A Second Residential Unit shall not be permitted on the lands identified as Natural Hazards Area in Schedule “C” of this By-Law, or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.
- (f) The establishment of a Second Residential Unit shall not be limited by any provisions of a specific zone that establishes a maximum number of Dwelling Units.
- (g) A maximum of one Second Residential Unit is permitted per lot.
- (h) Where this By-Law calculates density as a measure of Dwelling Units per net hectare, a Second Residential Unit shall be exempt from this calculation. Second Residential Units shall also be exempt from any minimum lot area requirement established per Dwelling Unit.
- (i) A Second Residential Unit shall comply with any provisions in the applicable zone that require a maximum floor space index (FSI), where such requirement has been established for the zone in which the Second Residential Unit is located.
- (j) A Second Residential Unit shall comply with the required minimum Landscaped Open Space where such requirement has been established for the zone in which the Second Residential Unit is located.
- (k) A Tandem Parking Space shall be permitted to facilitate a Second Residential Unit. For the purposes of this subsection, “tandem parking space” means a parking space that is only accessed by passing through another parking space from a Street, Lane, drive aisle or Driveway. A parking space for a

Second Residential Unit may be located in a permitted Driveway that is within a front yard. The parking space for the Second Residential Unit shall meet all other applicable provisions of this By-Law.

- (l) A Second Residential Unit shall comply with the minimum parking space requirements of this By-Law.
- (m) The exterior entrance to a Second Residential Unit, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the Principal Residential Unit building or the front lot line.
- (n) For the purposes of subsection (m) above, a “pathway” is defined as a hard surface treated path that is separately delineated from the Driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.
- (o) No person may park a vehicle on any part of a pathway, as defined in subsection (n) above.
- (p) Access to a detached Second Residential Unit shall be in accordance with the Ontario Building Code.
- (q) The gross floor area of the Second Residential Unit must be equal to or less than the gross floor area of the Principal Residential Unit. For the purposes of this provision, “gross floor area” shall mean the total area of each floor, whether located above, at, or below grade, including finished Attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding:
 - (i) an open porch or balcony; and
 - (ii) areas internal to the building that are intended for storage of vehicles.
- (r) Where a Principal Residential Unit is in a legal non-complying building, a Second Residential Unit shall be permitted within the existing Principal Residential Unit.
- (s) Where a Principal Residential Unit is in a legal non-complying building, a Second Residential Unit shall be permitted to be attached to the Principal Residential Unit if the Second Residential Unit conforms to the provisions of this By-law and the Second Residential Unit does not in any way increase a situation of non-compliance.

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- (t) Where a Principal Residential Unit is in a legal non-complying building, a Second Residential Unit shall be permitted in a detached building if the detached building complies with this By-Law.
- (u) A Second Residential Unit in a detached building is not subject to the accessory use regulations in Section 5.1 of this By-Law unless otherwise indicated below, and shall be permitted in accordance with the provisions of subsections (a) to (t) above and the following additional provisions:
- (i) a detached Second Residential Unit shall only be located within a rear yard or interior side yard and:
- a. a detached Second Residential Unit shall not be located closer than 1.2 metres from the rear lot line;
 - b. a detached Second Residential Unit shall not be located closer than 1.2 metres from the interior side lot line;
 - c. the maximum height of a detached Second Residential Unit shall be the lesser of: 4.6 metres, measured to the highest point of the building; or one-storey above finished grade. For the purposes of this section, “storey” means that portion of a building between the top of any floor and the top of the floor next above it, or between the top of the floor and the ceiling above the floor, if there is no floor above it. Where the ceiling of a basement is at least 1 metre above finished grade, the basement shall be deemed to be a storey; and
 - d. A solid privacy fence with a minimum height of 1.8 metres shall be established in accordance with the following provisions:
 - i. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established along the interior side lot lines and rear lot lines adjacent to the rear yard;
 - ii. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the interior side lot line closest to the detached Second Residential Unit extending from the intersection of the interior side lot line with the

rear lot line and shall extend to the nearest part of the Principal Residential Unit, measured to the front lot line; or

- iii. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with both subsections (i) and (ii) above.
- (ii) a detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 5.1.4 of this By-Law;
- (iii) a detached Second Residential Unit shall comply with the minimum front yard depth and exterior side yard depth requirement of the zone in which it is located;
- (iv) a detached Second Residential Unit shall comply with the minimum distance separation formulae; and
- (v) for the purpose of establishing a detached Second Residential Unit, the existing Dwelling Unit shall be considered the Principal Residential Unit.

(By-law 96-259; 2019-88; 2021-64)

SECTION 6 - ZONES AND ZONE SYMBOLS

6.1 CLASSIFICATIONS, SYMBOLS AND ZONES

6.1.1 ESTABLISHMENT OF ZONES AND SYMBOLS

The provisions of this By-Law apply to all lands within the Downtown and Harbour Areas as defined in this By-Law which, for the purpose of this By-Law, is divided into the following land use zones and zone symbols:

Zone Symbol	Zone
C1	Central Business System (C1) Zone
CMS	Market Square Commercial (CMS) Zone
P	Park (P) Zone
HR	Harbour (HR) Zone

6.1.2 USE OF ZONE SYMBOL AND ZONE PROVISIONS

The symbols identified in Section 6.1.1 may be used to refer to the buildings and structures, and the uses of lots, buildings and structures and other zone provisions set out in this By-Law in the said Zones. Whenever the word “zone” is used, preceded by any of the said symbols, such zone shall mean any area within the City of Kingston within the scope of this By-Law, delineated on Schedule “A” and designated thereon by zone symbols.

6.1.3 PREFIXES AND SUFFIXES

In addition, the following prefixes and suffixes, with an accompanying numeric symbol, may be added to the foregoing zones and symbols in which cases 6.2, 6.3 and 6.4 respectively shall apply:

Symbol	Meaning
C1-1	Specific Zone
(H)-	Holding Zone
T-	Temporary Use Zone

6.2 SPECIFIC ZONES

Where a zone symbol designating certain land, as shown on Schedule “A” is followed by a dash and a number (e.g. C1-1), or if a prefix is used, as detailed in Section 6.1.3, then special provisions apply to such land. Such special provisions will be found by reference in the Specific Zone section of the particular zone. Land designated in this manner shall be subject to all the restriction of the zone, except as otherwise provided for by the special provision. Additional provisions may be identified as being applicable.

6.3 HOLDING ZONES

6.3.1 USE OF SYMBOL

Wherever a zone symbol on a Zone Map has a prefix with the symbol (H) in parentheses, or (H) with accompanying numeric symbol, (e.g. (H1)-C1), referred to as the holding designation, such zone shall be considered to be a holding zone and all provisions of this By-Law applicable to the zone shall apply except that no person shall alter, enlarge, erect, renovate or use any building or structure or use or develop any lot in the holding zone, unless specified otherwise in the specific zone category or as permitted in Section 6.3.3, until this By-Law has been amended to remove the holding designation. The relevant Holding Zone Provisions are denoted by the number (if any) immediately following the symbol (H) on the zoning map.

(By-Law No. 96-259 – 1996)

6.3.2 HOLDING ZONE PROVISIONS

Pursuant to the provisions of the *Planning Act*, R.S.O. 1990, Council may specify, by the use of a Holding Symbol (H), in conjunction with the appropriate zone symbol, the eventual use to which lands, buildings and structures may be put at such time in the future as the (H) Holding Symbol is removed by a further amendment to this By-Law. The Holding Symbol (H) may be used in conjunction with any Zoning category in this By-Law, in accordance with the following provisions and the provisions of Section 6.3.1 and 6.3.3 of this By-Law:

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- (a) Lands which are shown to be subject to an (H) Holding Zone may be used only for the following purposes while the (H) Symbol is in place:
- i) Existing uses, subject to the provisions of the Zone category that was applicable to the lands prior to the establishment of the (H) Holding Zone;
 - ii) Other uses, as deemed appropriate by Council, and as specified in the Amending Zoning By-Law establishing the (H) Holding Zone.
- (b) Subject to the removal of the (H) Holding Symbol, the lands shall be used in accordance with the permitted uses and regulations of the associated Zone Symbol and any amendments thereto deemed appropriate by Council and specified in the Amending Zoning By-Law which established the (H) Holding Zone or as otherwise approved by Council.
- (c) The (H) Holding Symbol shall only be removed once all of the following applicable requirements have been complied with:
- i) all applicable municipal requirements and financial arrangements have been completed to the satisfaction of Council;
 - ii) the required services are available or can be made available;
 - iii) the phasing and design of the proposed development is to Council's satisfaction;
 - iv) any identified development constraints can be addressed to the satisfaction of Council;
 - v) all necessary Agreements, such as the Subdivision Agreement or Site Plan Control Agreement, have been registered on title;
 - vi) City Council has given Notice pursuant to the requirements of the Planning Act of its intention to pass a By-Law to remove the (H) Holding Symbol and has passed the appropriate amendment to the Zoning By-Law to remove the (H) Holding Symbol pursuant to the Planning Act.

(By-Law No. 99-86 – 1999)

- (d) (H1)-C1 Purpose and Requirements for Removal of Holding Symbol: To ensure that development does not proceed until municipal services are developed to the satisfaction of the City of Kingston.

Permitted Interim Uses: Existing use(s)

Permitted Uses when Holding Symbol is Removed:
In accordance with the uses in the C1 Zone

- (e) (H2)-C1 Purpose and Requirements for Removal of Holding Symbol: To ensure that development does not proceed until the Minister of Municipal Affairs approves the Official Plan Amendment on the property.

Permitted Interim Uses: Existing use(s)

Permitted Uses when Holding Symbol is Removed:
In accordance with the uses in the C1 Zone

6.3.3 NOT TO PREVENT

This section shall not prevent the renovation of any building or structure or part of any such building or structure, or the alteration or renovation of an existing building or structure provided such alteration or renovation will not increase the height, size or volume, or change the use of such building or structure located in a holding zone.

6.4 TEMPORARY USE

Where a zone symbol designating certain lands as shown on Schedule "A" is preceded by a "T" and a dash (e.g. T-R3) then a use, otherwise prohibited by this By-Law, is permitted as a temporary use in accordance with the temporary use provisions of the *Planning Act*, R.S.O. 1990, as amended. Such use shall be specified in the specific zone section of the respective zone.

6.5 ZONE MAP

6.5.1 ZONE MAP AS SCHEDULE "A"

The Zoning Map, which is attached as Schedule "A", shows the boundaries and extent of all of the Zones. This Zoning Map, together with all notations, references, and other information are hereby incorporated in and declared to form part of this By-Law. Buildings or structures as illustrated on the Zoning Map are for convenience only and do not form part of this By-Law.

6.5.2 INTERPRETATION OF ZONE BOUNDARIES

Where there is uncertainty as to the exact location of the boundary of any zone as shown on the Zoning Map attached as Schedule "A", the following rules shall apply:

- (a) Where lines which form zone boundary lines (such as property lines or street lines) vary from the Zoning Map when measured on the ground or where any other uncertainty exists, the location of the zone boundary line shall be construed to follow the nearest property line.
- (b) Where the boundaries are indicated as following approximately the centre lines of streets, rights-of-way, waterbodies, lanes, such centre lines or productions shall be the boundary between zones.
- (c) Unless otherwise indicated on the Zoning Map, "Streets", "Lanes" or rights-of-way, such as for railroads or electrical transmission lines, shall be deemed to be in the same zone as the adjacent lands and where such streets, lanes or rights-of-way separate different zones, unless otherwise indicated on the Zoning Map, the centre lines of these shall constitute the boundary between the zones.

SECTION 7 - CENTRAL BUSINESS SYSTEM (C1) ZONE

7.1 PERMITTED USES

The following are permitted uses within the Central Business System (C1) Zone:

Commercial Uses

Adult Entertainment Parlour
Adult Entertainment Store
Auditorium or Public Hall
Amusement Arcade
Arena
Art Gallery
Automobile Gas Bar
Automobile Sales Establishment
Automobile Service Station
Automobile Specialty Repair Shop
Bakery
Bake Shop
Bank or Financial Establishment
Bed or Breakfast Establishment
Church or Religious Institution
Commercial Entertainment Establishment
Commercial Establishment
Commercial Recreation Facility
Commercial School
Computer Programming Establishment
Community or Recreation Centre
Convenience Store
Data Processing Establishment
Day Care Centre
Department Store
Drugstore/Pharmacy
Dry Cleaning Outlet
Florist
Food Store
Funeral Home
Government Office
Hardware Store
Home Improvement Centre
Hotel
Laundry, Coin Operated
Liquor or Beer Store
Medical Clinic
Medical Office
Mixed Commercial/Residential Development
Motel

Nursing Home
Office
Office Supply and Equipment Sales, Rental and Service
Parking Lot
Parking Structure
Personal Service Establishment
Pet-Grooming Establishment
Photo or Artist Studio
Photocopying or Blueprinting Shop
Photofinishing Establishment
Postal or Courier Service
Printing and Binding Establishment
Private Social and Cultural Facility
Public Use
Radio or Television Studio
Rental Outlet
Repair Service
Restaurant
Restaurant, Outdoor Patio
Restaurant, Take-Out
Service Establishment
Specialty Retail Store
Taxi Establishment
Telecommunication Services
Transportation Terminal
Video Rental

Non-Commercial Uses

Community Home
Community Support House
Crisis Care Shelter
Home Occupation
Recovery Home
Residential Care Facility

7.2 REGULATIONS

Within a Central Business System (C1) Zone, no lot shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or used except in compliance with the applicable regulations contained in Section 5 of the General Provisions, the regulations set out in Table 7.2, and as specified below:

**Table 7.2
Regulations Governing Central Business System (C1) Zone**

Minimum Lot Area	nil
Minimum Lot Frontage	nil
Minimum Front Yard	The required front yard shall be prescribed by the build-to-plane requirements of Section 7.2.1 or in accordance with Section 7.2.7
Minimum Side Yard	nil, except as required in: Section 7.2.5 or Section 7.2.7 whichever is greater
Minimum Exterior Side Yard	The required exterior side yard shall be prescribed by the build-to-plane requirement of Section 7.2.1
Minimum Rear Yard	nil, except as required in: Section 7.2.5 or Section 7.2.7 whichever is greater
Maximum Building Height	In accordance with Section 7.2.2
Angular Plane	In accordance with Section 5.6, and as prescribed in Section 7.2.3
Build-to-Plane	In accordance with Section 7.2.1
Minimum Building Height	2 storeys, not to be less than 8.5 m (27 ft)
Maximum Lot Coverage	100 %
Minimum Lot Coverage	50 %
Maximum Density	123 residential units per net hectare
Off-Street Parking	In accordance with Sections 5.22.5.5, 5.22.5.6, 5.22.5.7 and 7.2.6
Off-Street Loading	nil
Amenity Area	In accordance with Section 5.5
Waterfront Pathways	In accordance with Section 7.2.8
Water's Edge Floodproofing and Erosion Control	In accordance with Section 5.37

7.2.1 BUILD-TO-PLANE

In addition to the regulations in Section 5.8, the build-to-plane shall match the existing setback line of immediately adjacent buildings within the block face. Where immediately adjacent buildings have different setback lines, the setback line shall be the same as the immediately adjacent building sited closest to the street right-of-way. Where no adjacent buildings exist within the block face, the build-to-plane shall be at the street right-of-way.

7.2.2 MAXIMUM BUILDING HEIGHT - C1 ZONE

In addition to the provisions of Section 5.6 and Section 5.8, the following shall also apply:

7.2.2.1 MAXIMUM BUILDING HEIGHT

This regulation affects those lands, buildings, and structures contained within the C1 Zone that are not otherwise regulated for maximum building height:

Height at Build-to-Plane 4 storeys, not to exceed
17 metres (55 feet)

Height Along Angular Plane 6 storeys, not to exceed
25.5 metres (83 feet)

7.2.3 ANGULAR PLANE HEIGHT - C1 ZONE

The commencement height of the angular plane shall be 17 metres (55 feet).

7.2.4 CONVERSION OF COMMERCIAL BUILDINGS FOR RESIDENTIAL USE

Any building erected on or before the date of approval of this by-law and located in the C1 Zone may be converted in such a manner as to contain one or more dwellings subject to the regulations contained in Section 7.2 and in accordance with the following:

- (a) all such dwellings are located in or above the second storey (exclusive of the basement or cellar);
- (b) there is no expansion or enlargement of the external walls or roof of the existing building; and
- (c) there shall be no regulations regarding Minimum Front Yards, Side Yards, Rear Yards, Maximum Percentage of Lot Coverage, and Amenity Area.

7.2.5 ABUTTING RESIDENTIAL ZONES

Notwithstanding the regulations set out in Table 7.2, where the interior side yard or the rear yard abuts a Residential Zone, then the minimum interior side yard or rear yard respectively shall be increased to half the height of the building or 6 metres (20 feet), whichever is greater.

7.2.6 OFF-STREET PARKING LOCATION

Off-street surface parking shall only be located in a side yard or a rear yard.

7.2.7 MINIMUM REQUIRED BUILDING OR STRUCTURE DISTANCE FROM WATER'S EDGE

Notwithstanding any provisions of this By-Law to the contrary, within the Central Business System (C1) Zone the minimum required distance between the water's edge and the nearest part of any land based building or structure shall be 10.0 metres (33 feet). In addition to the structures set out in Section 5.1.5 the following structures shall be exempt from the 10.0 metre (33 feet) setback: emergency response or rescue equipment, lighting, poles and benches.

7.2.8 WATERFRONT PATHWAYS

7.2.8.1 PATHWAY WIDTH

The minimum width of a waterfront pathway shall be 10.0 metres (33 feet).

7.2.8.2 PATHWAY DESIGN

All waterfront pathways shall be designed so that they are open and uncovered from the ground to the sky.

7.2.9 PARKING STRUCTURES

Notwithstanding Table 7.2, the following regulations shall apply to parking structures:

- (a) the build-to-plane requirements of Section 7.2.1 shall not apply;
- (b) the minimum building height requirements shall not apply;
- (c) the minimum lot coverage requirement shall not apply.

7.3 SPECIFIC C1 ZONES

7.3.1 NEIGHBOURHOOD FRINGE COMMERCIAL (C1-1)

Notwithstanding Section 7.2.2.1, the maximum building height for buildings or structures shall be as follows:

Height at Build-to-Plane metres	3 storeys, not to exceed 12.75 metres (41 feet)
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Maximum Building Height metres	3 storeys, not to exceed 12.75 metres (41 feet)
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7.3.2 NEIGHBOURHOOD FRINGE COMMERCIAL (C1-2)

Notwithstanding Section 7.2.2.1, the maximum building height for buildings, or structures shall be as follows:

Height at Build-to-Plane	4 storeys, not to exceed 17 metres (55 feet)
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Maximum Building Height	4 storeys, not to exceed 17 metres (55 feet)
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7.3.3 HERITAGE COMMERCIAL (C1-3)

Notwithstanding Section 7.2.2.1, the maximum building height for buildings, or structures shall be as follows:

Height at Build-to-Plane	4 storeys, not to exceed 17 metres (55 feet)
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Maximum Building Height	4 storeys, not to exceed 17 metres (55 feet)
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7.3.4 EAST SIDE OF BAGOT STREET BETWEEN QUEEN STREET AND BARRACK STREETS (C1-4)

Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the C1-4 Zone:

7.3.4.1 PERMITTED USES

The only permitted uses shall be:

(a) **Commercial Uses**

Commercial Establishment;
Specialty Retail Store
Offices;
Community or Recreation Centres;
Club;
Bank;
Restaurant;
Commercial Entertainment Establishment;
Commercial Recreation Facility;
Dry Cleaning Outlet
Bake Shop;
Amusement Arcade, provided the Amusement
Arcade shall not be located closer to any
school property than 300.0 metres (984 feet).

(b) **Non-Commercial Uses**

Apartment Dwelling;
Senior Citizen Apartment Dwelling.

7.3.4.2 REGULATIONS

(a) MAXIMUM DENSITY

Notwithstanding Table 7.2, the maximum permitted density shall be 271.0 residential units per net hectare;

(b) NUMBER OF UNITS

The maximum number of permitted residential units shall be 126;

(c) AMENITY AREAS / EQUIPPED CHILDREN'S PLAY AREAS

Notwithstanding Section 5.5, the minimum amount of amenity area/equipped children's play area shall be a combined total of 4202 square metres (45,232 square feet);

(d) MAXIMUM BUILDING AND STRUCTURE HEIGHT

Notwithstanding Table 7.2 and Section 5.19, the maximum building and structure height, including the mechanical penthouse shall be 117.5 metres (386 feet) geodetic;

(e) ANGULAR PLANE HEIGHT

Notwithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.

(f) OFF-STREET PARKING

Notwithstanding Table 7.2 and Section 5.22, the minimum number of off-street parking spaces shall be 248;

(g) MAXIMUM GROSS FLOOR AREA

The maximum gross floor area of the commercial component of the building shall be 7000 square metres (75,350 square feet).

7.3.5 177-179 BROCK STREET & 2-14 MONTREAL STREET (C1-5)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-5 zone:

7.3.5.1 REGULATIONS

The regulations shall be as follows:

a) MAXIMUM BUILDING AND STRUCTURE HEIGHT

Notwithstanding Section 7 and table 7.2, to the contrary, the maximum building shall not exceed 23.3 metres (76 feet).

b) ANGULAR PLANE HEIGHT

Notwithstanding the Angular Plane provisions of table 5.6, Section 7, table 7.2 and Section 7.2.3 to the contrary the Angular Plane provisions shall not apply.

- c) MAXIMUM GROSS FLOOR AREA
The maximum gross floor area shall be 6,800 square metres (73,195 square feet).
- d) LANDSCAPED OPEN SPACE
The minimum landscaped open space shall be 0.0 square metres.
- e) YARD SETBACKS
Notwithstanding Section 7 and table 7.2, to the contrary, no yard setback requirements shall apply.
(By-Law No. 96-259; 2008-99)

7.3.6 179 QUEEN STREET (C1-6)

Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the C1-6 Zone:

7.3.6.1 PERMITTED USES

The permitted uses shall also include a Senior Citizen Apartment Dwelling.

7.3.6.2 REGULATIONS

The regulations shall be as follows:

(a) NUMBER OF UNITS

The maximum number of residential units shall be eighty (80).

(b) MAXIMUM DENSITY

Notwithstanding Table 7.2 of this By-Law, the maximum density shall be 326 residential units per net hectare.

(c) OFF-STREET PARKING

Notwithstanding Table 7.2 and Section 5.22 of this By-Law, the minimum number of off-street parking spaces shall be fourteen (14).

7.3.7 115 CLARENCE STREET (C1-7)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-7 Zone:

7.3.7.1 REGULATIONS

The regulations shall be as follows:

(a) MAXIMUM BUILDING HEIGHT

Notwithstanding Table 7.2 of this By-Law, the maximum building height shall be five (5) storeys not to exceed 19.2 metres (63 feet).

(b) ANGULAR PLANE HEIGHT

Notwithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.

7.3.8 SOUTHEAST CORNER OF KING STREET EAST and CLARENCE STREET (C1-8)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-8 Zone:

7.3.8.1 REGULATIONS

The regulations shall be as follows:

(a) MAXIMUM BUILDING HEIGHT

Notwithstanding Table 7.2 and Section 5.19 of this By-Law, the maximum building height shall be nine (9) storeys not to exceed 29.5 metres (96.7 feet).

(b) ANGULAR PLANE

The provisions of Section 5.6 and Section 7.2.3, of this By-Law shall not apply.

(c) FOURTH STOREY SETBACK

Commencing at the building height of 12.7 metres (41.7 feet), the building setback shall be 3.7 metres (12.2 feet) along the King Street block face, and 4.0 metres (13.2 feet) along the Clarence Street block face.

(d) PERMITTED HEIGHT EXCEPTION

Notwithstanding Section 5.19(i), an elevator shaft and a heating and cooling systems mechanical penthouse, with a gross floor area of 190 square metres (2045 square feet), and a maximum height of 8.66 metres (28.4 feet) shall be permitted above the ninth storey.

(e) MAXIMUM GROSS FLOOR AREA

Maximum gross floor area shall be 13,985 square metres (150,538 square feet).

(f) OFF-STREET PARKING

Notwithstanding Table 7.2 of this By-Law, the minimum number of off-street parking spaces shall be 227.

7.3.9 181 ONTARIO STREET (C1-9)

Notwithstanding any provisions of this By-Law to the contrary, the following uses shall apply to the C1-9 Zone:

7.3.9.1 PERMITTED USES

The permitted uses shall also include a Nursing Home.

7.3.10 2 BAY STREET (NORTHWEST CORNER OF BAY and WELLINGTON STREETS) (C1-10)

Notwithstanding any provisions of this By-Law to the contrary, the following uses shall apply to the C1-10 Zone:

7.3.10.1 PERMITTED USES

The permitted uses shall also include an Apartment Dwelling.

7.3.11 263 ONTARIO STREET (C1-11)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-11 Zone:

7.3.11.1 REGULATIONS

(a) NUMBER OF UNITS

The maximum number of residential units shall be fourteen (14).

(b) MAXIMUM DENSITY

Notwithstanding Table 7.2 of this By-Law, the maximum density shall be 234.0 residential units per net hectare.

7.3.12 10, 12, 14, 16 RIDEAU STREET (C1-12)

Notwithstanding any provisions of this By-Law to the contrary, the following shall apply to the C1-12 Zone:

7.3.12.1 PERMITTED USE

The permitted use shall be limited to the residential usage existing as of the date of passing of this By-Law.

7.3.12.2 REGULATIONS

The main building on any lot shall be limited to the height, size and volume existing as of the date of passing of this By-Law.

7.3.13 61 to 73 PRINCESS STREET and
366 to 368 KING STREET EAST (C1-13)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-13 Zone:

7.3.13.1 REGULATIONS

The regulations shall be as follows:

(a) MAXIMUM BUILDING HEIGHT

Notwithstanding Table 7.2 and Section 5.19 of this By-Law, the maximum building height shall be five (5) storeys not to exceed 21 metres (69 feet);

(b) ANGULAR PLANE

The provisions of Section 5.6 and Section 7.2.3 of this By-Law shall not apply to the existing building or to the rebuilding or renovation of the existing building in accordance with Section 5.23.3 of this By-Law.

(c) FIFTH STOREY SETBACK

Commencing at the building height of not more than 17 metres from the western most portion of the building along Princess Street, the building setback shall be 3 metres (9.8 feet) along the Princess Street blockface and along the King Street blockface for the existing building or if the existing building is rebuilt or renovated in accordance with Section 5.23.3 of this By-Law.

(d) PERMITTED HEIGHT EXCEPTION

Notwithstanding Section 5.19(i) an elevator shaft and a heating and cooling system mechanical penthouse, with a gross floor area of 241 square metres (2,595 square feet), and a maximum height of 8 metres (26.3 feet) shall be permitted above the fifth storey.

(e) MAXIMUM GROSS FLOOR AREA

The maximum gross floor area shall be 7,821 square metres (84,187 square feet) excluding the underground garage and roof top mechanical equipment area.

(By-Law No. 96-259 – 1996)

7.3.14 350-352 BAGOT STREET (C1-14)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-14 Zone:

7.3.14.1 REGULATIONS

(a) MINIMUM BUILDING HEIGHT

Notwithstanding Table 7.2 of this By-Law, the minimum building height for any buildings in existence as of the date of the passing of this By-Law shall be one (1) storey.

Any new buildings constructed within the C1-14 Zone shall comply with the Minimum Building Height regulations set out in Table 7.2 of this By-Law.

(b) MINIMUM LOT COVERAGE

than 1.5 metres (5 feet) from the build-to-plane along the Ontario Street blockface and along the Brock Street blockface.

(d) CORNER SIGHTLINE TRIANGLE

No part of any building or structure above grade shall be altered, enlarged, erected, renovated or used on that part of the lot at the intersection of Brock Street and Ontario Street which is composed of a corner sightline triangle having sides of twelve (12) metres along each of Brock and Ontario Streets, measured from the street corner formed by the lot lines.

(OMB Order No. 0406 Issued February 16, 1998)

7.3.16 38 and 40 PRINCESS STREET (C1-16)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-16 Zone:

7.3.16.1 REGULATIONS

The regulations shall be as follows:

(a) MAXIMUM BUILDING HEIGHT

Notwithstanding Table 7.2 and Section 5.19 of this By-Law, the maximum height for buildings or structures shall be as follows:

Height at Build-to-Plane (to the top of parapet)	4 storeys, not to exceed 15.8 metres (51.9 feet)
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Maximum Building Height (to the top of the parapet)	5 storeys, not to exceed 19.4 metres (63.7 feet)
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(b) ANGULAR PLANE

Notwithstanding the provisions of Section 5.6 and Section 7.2.3 of this By-Law, the commencement height of the angular plane shall be 15.2 metres (49.87 feet).

(OMB Order dated February 16, 1998)

7.3.17 77 CLARENCE STREET (C1-17)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-17 Zone:

7.3.17.1 REGULATIONS

The regulations shall be as follows:

(a) MAXIMUM BUILDING HEIGHT

Notwithstanding the provisions of Section 7.2.2.1 of this By-Law, the maximum building height for buildings or structures shall be as follows:

Height at Build-to-Plane 5 storeys, not to exceed
17 metres (55 feet)

Maximum Building Height 7 storeys, not to exceed
23.16 metres (76 feet)

(By-Law 98-140, OMB Order No. 0460 Issued March 9,1999)

7.3.18 NORTHWEST CORNER OF WILLIAM and ONTARIO STREETS
EMPIRE FINANCIAL GROUP (C1-18)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-18 Zone:

7.3.18.1 REGULATIONS

The regulations shall be as follows:

(a) MAXIMUM BUILDING HEIGHT

Notwithstanding Table 7.2, Section 5.19 and Section 7.2.2.1 of this By-Law, the maximum height for buildings or structures shall be as follows:

Height at Build-to-Plane 8 storeys, not to exceed
28.5 metres (93.5 feet)

Maximum Building Height 8 storeys, not to exceed
28.5 metres (93.5 feet)

(b) PERMITTED HEIGHT EXCEPTION

Notwithstanding Section 5.19 (i) of this By-Law, an elevator shaft and a heating, cooling and ventilating mechanical penthouse, with a gross floor areas of 645 square metres (6,945 square feet) and a maximum height of 5.45 metres (17.9 feet) shall be permitted above the eighth storey.

(c) BUILD-TO-PLANE

Notwithstanding the provisions of Table 7.2 and Section 7.2.1 of this By-Law, the build-to-plane shall be measured from the adjacent street rights-of-way as follows:

Ontario Street	4.0 metres (13.1 feet)
William Street	4.0 metres (13.1 feet)

(d) ANGULAR PLANE

The provisions of Table 7.2, Section 5.6, Section 5.19 and Section 7.2.3 of this By-Law, with respect to angular plane, shall not apply to any building constructed within the 'C1-18' Zone.

(e) MINIMUM FRONT YARD

Notwithstanding the provisions of Table 7.2 of this By-Law, the minimum front yard (Ontario Street) for any building or structure shall be prescribed by the build-to-plane requirements of Subsection (c) above.

(f) MINIMUM EXTERIOR SIDE YARD

Notwithstanding the provisions of Table 7.2 of this By-Law, the minimum exterior side yard (William Street) for any building or structure shall be prescribed by the build-to-plane requirements of Subsection (c) above.

(OMB Order No. 2070 Issued August 17, 1998)

7.3.19 258-260 KING STREET EAST (C1-19)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-19 Zone:

7.3.19.1 REGULATIONS

The regulations shall be as follows:

(a) MINIMUM FRONT YARD

Notwithstanding Table 7.2, hereof to the contrary, the front yard shall be measured at right angles from the front lot line to the nearest wall of a main building.

(b) MINIMUM SIDE YARD

Notwithstanding Table 7.2 and Section 7.2.5 hereof to the contrary, the minimum interior side yard for the extension as part of a building addition of the wall of the building existing on the date of the passing of this by-law and located at the south corner of the lot (known municipally as 258 King Street East, the “Architect’s House”) abutting a Residential zone shall be nil.

(c) MAXIMUM BUILDING HEIGHT

Notwithstanding Section 7.2.2.1 hereof to the contrary, the maximum building height for buildings, or structures shall be as follows:

Height at Build-to-Plane	4 storeys, not to exceed 17 metres (55 feet)
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Maximum Building Height	4 storeys, not to exceed 17 metres (55 feet)
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(d) MINIMUM LOT COVERAGE

Notwithstanding Table 7.2 hereof to the contrary, the minimum lot coverage shall be 35%.

(e) BUILD-TO-PLAN

Notwithstanding Section 7.2.1 hereof to the contrary, the build-to-plane shall not apply to a building addition to the “Architect’s House”.

(By-Law No. 98-233 – 1998)

7.3.20 300 WELLINGTON STREET

7.3.20.1 PURPOSE AND REQUIREMENT FOR REMOVAL OF HOLDING SYMBOL

The use and removal of the ‘(H)’ Holding Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law.

To ensure the safe development of the subject site, given the previous geotechnical findings of the nearby properties, development will not proceed until the following have been completed with respect to 300 Wellington Street and submitted to the satisfaction of the City of Kingston:

- A report addressing the potential presence of chlorinated hydrocarbons;
- Additional information with respect to beryllium in the groundwater including a technical opinion on the nature of risk to residents; and
- An acceptable Remedial Action Plan is provided and carried out and that a Record of Site Condition is filed with the Ministry of the Environment.

7.3.20.2 PERMITTED INTERIM USES
Existing C1 uses

7.3.20.3 ZONE REGULATIONS WHEN HOLDING SYMBOL IS REMOVED

Notwithstanding any provisions of the By-Law to the contrary, the following regulations shall apply to the C1-20 zone:

7.3.20.3(a) PERMITTED USES

The only permitted uses shall be the following:

Art Gallery
Office

Florist
Medical Office
Photo or artist studio
Townhouse dwelling to a maximum of 4 dwelling units
Home occupations, subject to Section 5.20 of the Zoning By-Law

7.3.20(b) REGULATIONS

Maximum Residential Density	155 residential units per net hectare
Minimum Amenity Area	2 square metres per dwelling unit
Maximum Building Height	3 storeys, to a maximum of 12.2 metres

7.3.20(c) GROUNDWATER WELLS

The installation and use of groundwater wells for any purpose other than environmental monitoring, remediation or geotechnical investigation will be prohibited.

(By-Law No. 2003-107)

7.3.21 70 JOHNSON STREET

Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-21' Zone.

7.3.21.1 PERMITTED USES

The only permitted uses shall be the following:

Office
Medical Office
Photo or artist studio
Semi-detached dwelling
Home occupations, subject to Section 5.20 of the Zoning By-Law.

7.3.21.2 REGULATIONS

Minimum Building Height	2 storeys, minimum 8.0 metres
Minimum Amenity Area	total of 45 square metres, with no dwelling unit having less than 19 square metres

(By-law Number 96-259; 2003-202)

7.3.21.3 Expansion or enlargement of the external walls and roof of the existing building shall be permitted for the conversion to contain two dwelling units.

(By-law Number 96-259; 2003-202)

7.3.22 NORTH BLOCK CENTRAL BUSINESS DISTRICT C1-22

7.3.22.1 (H) HOLDING SYMBOL

The use and removal of the 'H' Holding Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law.

The 'H' Holding Symbol shall not be removed until such time as:

- (i) All site servicing issues have been addressed to the satisfaction of the Municipality;
- (ii) A Record of Site Condition has been registered in accordance with Provincial regulations.

7.3.22.2 PERMITTED INTERIM USES

Existing 'C1' uses

7.3.22.3 ZONE REGULATIONS WHEN 'H' (HOLDING SYMBOL) IS REMOVED

Notwithstanding any provision of the By-Law to the contrary, the following uses and regulations shall apply to the C1-22 Zone:

(a) Permitted Uses

Permitted uses shall be as set out in Section 7.1 of this By-law, with the exception of the Prohibited Uses listed in Section 7.3.22.3 (b) hereafter.

(b) Prohibited Uses

Notwithstanding Section 7.1, Automotive Gas Bar, Automotive Sales Establishment, Automobile Service Station and Automobile Specialty Repair Shop shall be prohibited.

(c) Maximum Building Height

Notwithstanding Section 7.2.2.1 hereof to the contrary, the maximum building height for buildings or structures shall be as follows:

- Height at Build-to-Plane, not to exceed 17 metres (55 feet) (storey limit deleted)
- Maximum Along Angular Plane, not to exceed 25.5 metres (83 feet) (storey limit deleted)

(d) Parking Structures

Notwithstanding Section 7.2.9 of this By-Law, any parking structure constructed within the 'C1-22' Zone shall comply with the minimum and maximum building height requirements, the minimum lot coverage requirements and the build-to and angular plane requirements as set out in Table 7.2 and Sections 7.2.1, 7.2.2 and 7.2.3 of this By-Law.

(An explanatory sketch from the Study may be added for explanatory purposes, but which will not form part of the Zoning By-law)"

(By-Law No. 2005-29)

7.3.23 326 Bagot Street (C1-23)

Notwithstanding any provisions hereof to the contrary, on the lands Zoned 'C1-23' on Schedule 'A' hereto, the following regulations shall apply:

On the approximately 0.24 hectare property, located on the northwest quadrant of Queen and Bagot Streets and zoned C1-23 on Zoning Map 1, the provisions of the C1 Zone shall be in force where applicable except for the following:

- 7.3.23.1 Additional Permitted use: Apartment Dwelling
- 7.3.23.2 Minimum Front Yard: 0 m
- 7.3.23.3 Minimum Exterior Side Yard: 0 m
- 7.3.23.4 Minimum Lot Coverage: 45%
- 7.3.23.5 Maximum Density: 500 dwelling units per net hectare
- 7.3.23.6 Number of Units: The maximum number of Permitted dwelling units shall be 120.
- 7.3.23.7 Off-Street Parking: The minimum number of off-street parking spaces shall be 94 (ninety-four)
- 7.3.23.8 Maximum Height at Build-to-Plane: 17m
- 7.3.23.9 Maximum Height along Angular Plane: 31.5
- 7.3.23.10 Amenity Area: The minimum amount of amenity space shall be 520 square metres
- 7.3.23.11 Deleted.

(By-Law 96-259; 2017-169)

- 7.3.23.12 Maximum Encroachment into Angular Plane:
 - i) South Property Line:

Vertical encroachment of 11.0 m
Horizontal Encroachment of 10.0 m

- ii) East Property Line:
Vertical encroachment of 1.0 m
Horizontal Encroachment of 1.0 m

7.3.23.13 That the Build – to – Plane shall be measured from the property line.

(By-Law 96-259; 2006-127; 2011-122)

7.3.24 134 Colborne Street (C1-24)

Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-24' Zone.

(By-law Number 96-259; 2006-227)

7.3.24.1 PERMITTED USES

The only permitted uses shall be the following:

Art Gallery, Office, Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only;
Triplex dwelling; and,
Home occupations, subject to Section 5.20 of the Zoning By-Law.

(By-law No. 96-259; 2006-227)

7.3.24.2 REGULATIONS

Minimum Side Yard	0.93 metres on west side and 1.3 metres on east side
Minimum Lot Coverage	20%

(By-law Number 96-259; 2006-227)

7.3.25 136 Colborne Street C1-25

Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-25' Zone.

(By-law Number 96-259; 2006-227)

7.3.25.1 PERMITTED USES

The only permitted uses shall be the following:

Art Gallery, Office, Florist, Medical Office, Photo or artist studio provided that the forgoing uses are located on the ground floor only; Single detached dwelling; and, Home occupations, subject to Section 5.20 of the Zoning By-Law.

(By-law No. 96-259; 2006-227)

7.3.25.2 REGULATIONS

Minimum Side Yard	0.27 metres on east side
Minimum Lot Coverage	20%

(By-law Number 96-259; 2006-227)

7.3.26 **138 and 140 Colborne Street C1-26**

Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-26' zone.

(By-law No. 96-259; 2006-227)

7.3.26.1 PERMITTED USES

The only permitted uses shall be the following:

Art Gallery, Office; Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only;

Semi-detached dwelling; and,

Home occupations, subject to Section 5.20 of the Zoning By-Law

(By-law No. 96-259; 2006-227)

7.3.26.2 REGULATIONS

Minimum Side Yard	0.6 metres on west side of 140 Colborne Street
Minimum Lot Coverage	37%
Minimum Amenity Area	total of 70 square metres

(By-law No. 96-259; 2006-227)

7.3.27 **335 Barrie Street (C1-27):**

Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 7 for the 'C1' Zone shall apply to the 'C1-27' Zone except that:

7.3.27.1 REGULATIONS

The regulations shall be as follows:

(a) MAXIMUM DENSITY

Notwithstanding Table 7.2, the maximum permitted density shall be 258 residential units per net hectare;

(b) NUMBER OF UNITS

The maximum number of permitted residential units shall be 12; and,

(c) OFF-STREET PARKING

Notwithstanding Section 5.22, the minimum number of off-street parking spaces shall be 7.

(By-law Number 96-259; 2008-163)

7.3.28 247-249 Brock Street (C1-28):

7.3.28.1 REGULATIONS:

Notwithstanding any provisions of the By-Law to the contrary, the following shall only apply to the 'C1-28' Zone:

Conversion of Commercial Buildings for Residential Use
Residential Uses may be permitted on the ground floor.

(By-law Number 96-259; 2010-15)

7.3.29 **110 Clergy Street (C1-29)**

Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 7 for the 'C1' Zone shall apply to the 'C1-29' Zone except that:

7.3.29.1 **REGULATIONS**

The regulations shall be as follows:

(a) **PERMITTED USE**

Residential use is permitted on the ground floor;

(b) **MINIMUM BUILDING HEIGHT**

Notwithstanding Section 7.2, the minimum building height shall be 2 storeys, not to be less than 6.7 metres;

(c) **MAXIMUM DENSITY**

Notwithstanding Section 7.2, the maximum permitted density shall be 225 residential units per net hectare;

(d) **NUMBER OF UNITS**

The maximum number of permitted residential units shall be 4;

(e) **NUMBER OF BEDROOMS**

The maximum number of bedrooms per unit shall be 2;

(f) **PARKING**

Notwithstanding Section 5.22, cash-in-lieu of parking has been provided for two residential units in accordance with By-Law No. 88-270;

(g) **AMENITY AREA**

Notwithstanding Section 5.5, there shall be no amenity area requirement;

(h) **BICYCLE PARKING**

Notwithstanding Section 5.22.8, there shall be no minimum required number of bicycle parking spaces.

(By-law Number 96-259; 2010-190)

7.3.30 **165, 167 and 169-171 Wellington Street (C1-30)**

Notwithstanding the provisions of this By-Law to the contrary, the following regulations shall apply to the C1-30 Zone:

7.3.30.1 **Regulations**

The regulations shall be as follows:

a) **Angular Plane**

Notwithstanding the provisions of Section 5.6, Table 7.2 of Section 7, and Section 7.2.3 to the contrary, the Angular Plane provisions shall not apply.

b) Amenity Area

Notwithstanding Section 5.5, the minimum amount of amenity area shall be 600 square metres.

c) Maximum Density

Notwithstanding Table 7.2 of this By-Law, the maximum density for buildings or structures on this site shall be 545 residential units per net hectare.

d) Off-Street Parking

Notwithstanding the provisions for off-street parking as per Section 5.22 of this By-Law, the minimum number of off-street parking spaces shall be nineteen (19).

e) Location of Off-Site Parking

Notwithstanding Section 5.22.5.7 of this By-Law, the off-site parking shall be provided within the geographic area of Zoning By-Law 96-259 with agreement(s) registered on title.

f) Deleted.

(By-law Number 96-259; 2013-167; 2014-127; 2017-169)

7.3.31 Northeast Corner of Clergy Street and Queen Street (C1-31)

Notwithstanding the provisions of this By-Law to the contrary, the following regulations shall apply to the C1-31 Zone:

7.3.31.1 Permitted Commercial Uses

The only permitted commercial uses shall be the following:

Auditorium or Public Hall

Art Gallery

Bakery

Bake Shop

Bank or Financial Establishment

Bed or Breakfast Establishment

Church or Religious Institution

Commercial Entertainment Establishment

Commercial Establishment

Commercial Recreational Facility
Commercial School
Computer Programming Establishment
Community or Recreation Centre
Convenience Store
Data Processing Establishment
Day Care Centre
Drugstore/Pharmacy
Dry Cleaning Outlet
Florist
Food Store
Funeral Home
Government Office
Hardware Store
Home Improvement Centre
Hotel
Laundry, Coin Operated
Liquor or Beer Store
Medical Clinic
Medical Office
Mixed Commercial/Residential Development, with
residential uses permitted on the ground floor
Motel
Nursing Home
Office
Office Supply and Equipment Sales, Rental and Service
Parking Lot
Parking Structure
Personal Service Establishment
Pet-Grooming Establishment
Photo or Artist Studio
Photocopying or Blueprinting Shop

Photofinishing Establishment
Postal or Courier Service
Private Social and Cultural Facility
Public Use
Radio or Television Studio
Rental Outlet
Repair Service
Restaurant
Restaurant, Outdoor Patio
Restaurant, Take-Out
Service Establishment
Specialty Retail Store
Telecommunications Services
Video Rental

Permitted Non-Commercial Uses

The only permitted non-commercial uses shall be the following:

Apartment Dwelling
Home Occupation
Community Home
Community Support House
Crisis Care Shelter
Recovery Home
Residential Care Facility

7.3.31.2

Regulations

(a) Off Street Parking

The calculation and provision of minimum parking, amenity space and minimum lot coverage requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(b) Amenity Space

The calculation and provision of amenity requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(c) Minimum Lot Coverage

The calculation and provision of minimum lot coverage requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(d) Deleted

(By-Law 96-259; 2017-169)

(e) Density

The maximum number of residential dwelling units shall be 16

(f) Minimum Front Yard 0 metres

(e) Loading

Notwithstanding the provisions of Section 5.21.1 of this By-Law to the contrary, the number of loading spaces required in support of “Other Commercial” uses, provided in the amount of 0-550m² shall be zero (0)

(f) Setback for Commercial Uses

Notwithstanding the provisions of Section 7.1 of this By-Law to the contrary, non-residential uses shall not be permitted within 30 metres of Colborne Street.

7.3.32 151 Clergy Street (C1-32)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-32 Zone:

7.3.32.1 Permitted Commercial Uses

The only permitted commercial uses shall be the following:

Art Gallery

Bakery

Bake Shop

Bank or Financial Establishment

Bed or Breakfast Establishment

Church or Religious Institution

Commercial Entertainment Establishment

Commercial Establishment

Commercial Recreational Facility

Commercial School

Computer Programming Establishment

Community or Recreation Centre

Convenience Store

Data Processing Establishment

Day Care Centre

Drugstore/Pharmacy

Florist

Food Store

Government Office

Laundry, Coin Operated

Medical Clinic

Medical Office

Mixed Commercial/Residential Development, with residential uses permitted on the ground floor

Office

Office Supply and Equipment Sales, Rental and Service

Parking Structure

Personal Service Establishment

Pet-Grooming Establishment

Photo or Artist Studio

Photocopying or Blueprinting Shop
Photofinishing Establishment
Postal or Courier Service
Private Social and Cultural Facility
Public Use
Radio or Television Studio
Rental Outlet
Repair Service
Restaurant
Restaurant, Outdoor Patio
Restaurant, Take-Out
Service Establishment
Specialty Retail Store
Telecommunications Services
Video Rental

Permitted Non-Commercial Uses

The only permitted non-commercial uses shall be the following:

Single-Detached Dwelling

A building with a maximum of 3 units; the units may be any combination of residential or other permitted uses.

Home Occupation

Community Home

Community Support House

Crisis Care Shelter

Recovery Home

Residential Care Facility

7.3.32.2 Regulations

(a) Off Street Parking

The calculation and provision of minimum parking, amenity space and minimum lot coverage requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(b) Amenity Space

The calculation and provision of amenity requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(c) Minimum Lot Coverage

The calculation and provision of minimum lot coverage requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(d) Equipped Children’s Play Area

Notwithstanding Section 5.5.2 of this By-Law, no Children’s Play area shall be required.

(e) Yard Setbacks

Minimum Front Yard	0 metres
Minimum Building Height	6.7 metres

(f) Loading

Notwithstanding the provisions of Section 5.21.1 of this By-Law to the contrary, the number of loading spaces required in support of “Other Commercial” uses, provided in the amount of 0-550m² shall be zero (0)

7.3.33 Southeast Corner of Clergy Street and Colborne Street (C1-33)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-33 Zone:

7.3.33.1 Permitted Uses

The only permitted uses shall be the following:

Apartment Dwelling

Single-Detached Dwelling

7.3.33.2 Regulations

(a) Off Street Parking

The calculation and provision of minimum parking, amenity space and minimum lot coverage requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(b) Amenity Space

The calculation and provision of amenity requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(c) Minimum Lot Coverage

The calculation and provision of minimum lot coverage requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(d) Deleted

(By-Law 96-259; 2017-169)

(e) Density

Maximum Number of Residential Dwelling Units 15

(f) Yard Setbacks

Minimum Front Yard (Colborne Street) 0 metres

Minimum Front Yard (m) (Clergy Street) 0 metres

(g) Height

Minimum Building Height (m) 6 metres

7.3.34 30 Colborne Street (C1-34)

Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-34 Zone:

7.3.34.1 Permitted Uses

The only permitted uses shall be the following:

Single-Detached Dwelling

A building with a maximum of 3 units; the units may be any combination of residential or other permitted uses.

Home Occupation

Community Home

Community Support House

Crisis Care Shelter

Recovery Home

Residential Care Facility

7.3.34.2 Regulations

Notwithstanding the provisions of this By-Law to the contrary, the following provisions shall apply:

(a) Off Street Parking

The calculation and provision of minimum parking, amenity space and minimum lot coverage requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(b) Amenity Space

The calculation and provision of amenity requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(c) Minimum Lot Coverage

The calculation and provision of minimum lot coverage requirements shall be based on the overall 0.24 ha area of land comprising the C1-31, C1-32, C1-33 and C1-34 zones

(d) Deleted

(e) Yard Setbacks

Minimum Front Yard 1.8 metres

Minimum Side Yard (East) 3.2 metres

Minimum Side Yard (West) 1.2 metres

Minimum Rear Yard 2.5 metres

(By-law 96-259; By-law 2014-126; 2017-169)

7.3.35 35 Rideau Street and 6 Ordnance Street (C1-35)

Notwithstanding the provisions of this By-Law to the contrary, the lands designated ‘C1-35’ on Schedule ‘A’ hereto, the following regulations shall apply:

7.3.35.1 (a) Permitted Uses

The permitted uses shall also include an Apartment Dwelling, where access to the building and residential units may be provided through a common entrance or an entrance dedicated to a specific residential unit.

(b) Density

The maximum number of residential units shall be 10.

(c) Amenity Area

The minimum required Amenity Area for a two bedroom residential unit shall be 17.5 square metres.

(d) Equipped Children’s Play Area

An equipped Children’s Play Area shall not be required.

(e) Yard Setbacks and Build to Plane

Minimum Front Yard 0 metres

Minimum Exterior Side Yard 0 metres

Build to Plane 0 metres

(f) Yard Projections

Canopies, awnings and other overhanging structures may project from the foundation wall to the edge of the municipal road allowance.

(g) Parking Access

Ingress and egress of vehicles to and from the street may use forward or reverse motion to Ordnance Street shall be permitted.

(By-law 96-259; By-law 2014-146)

7.3.36 259-265 Princess Street (C1-36)

7.3.36.1 Requirements for Removal of Holding Symbol

The '(H)' Holding Symbol shall be removed in accordance with the provisions of Section 6.3 of this By-Law and subject to the following specific requirement:

- (a) Confirmation from Utilities Kingston of a contract being awarded and signed for the reconstruction of the sanitary servicing for the section of Princess Street abutting the subject property.

7.3.36.2 Permitted Interim Uses

Existing C1-3 uses

7.3.36.3 Zone Regulations When Holding Symbol Is Removed

Notwithstanding any provisions hereof to the contrary, on the lands zoned 'C1-36' on Schedule 'A' hereto, the following regulations shall apply:

(a) **Density**

Notwithstanding Table 7.2 of this By-Law, the maximum permitted density shall be 292 residential units per net hectare of land.

(b) **Deleted**

(c) **Height at Build-to-Plane**

4 storeys, not to exceed 17 metres.

(d) **Maximum Building Height**

4 storeys, not to exceed 17 metres.

(By-law 96-259; 2015-60; 2017-169)

7.3.37 15 Earl Street (C1-37)

Notwithstanding the provisions of Section 5 and Section 7 hereof to the contrary, the lands zoned 'C1-37' on Schedule 'A' hereto, the following regulations shall apply:

7.3.37.1 (a) Permitted Uses

The only permitted uses shall be:

Amusement Arcade;
Art Gallery;
Bakery;
Bake Shop;
Bank or Financial Establishment;
Bed or Breakfast Establishment;
Church or Religious Institution;
Commercial Entertainment Establishment;
Commercial Establishment;
Commercial Recreation Facility;
Commercial School;
Computer Programming Establishment;
Convenience Store;
Data Processing Establishment;
Day Care Centre;
Drugstore/ Pharmacy;
Florist;
Food Store;
Funeral Home;
Government Office;
Hardware Store;
Liquor or Beer Store;
Medical Clinic;
Medical Inpatient Treatment Centre;
Medical Office;
Mixed Commercial/Residential Development;
Nursing Home;
Office;
Parking Lot;
Personal Service Establishment;
Pet-Grooming Establishment;
Photo or Artist Studio;
Private Social and Cultural Facility;
Public Use;

Rental Outlet;
Repair Service;
Restaurant;
Restaurant, Outdoor Patio;
Restaurant, Take-Out;
Service Establishment;
Specialty Retail Store;
Community Home;
Community Support House;
Crisis Care Shelter;
Home Occupation;
Recovery Home; and
Residential Care Facility.

7.3.37.2 Regulations

The regulations shall be as follows:

(a) Definitions

Medical Inpatient Treatment Centre” – means a building providing inpatient surgical or other medical treatment for not more than four patients and may include a “Medical Clinic” use.

(b) Holding Zone Provisions

The use and removal of the Holding (H) Symbol shall be in accordance with the provisions of Section 6.3 of this by-law.

(i) Removal of Holding Symbol

The Holding (H) Symbol shall not be removed until such time as all necessary studies as defined by City of Kingston staff are completed to the satisfaction of City of Kingston staff. Required studies shall include but are not limited to: a Heritage Impact Statement, a Noise Impact Study, a View Plane Analysis, and an Archaeological Assessment.

(By-law 96-259; 2015-129)

7.3.38 128-136 Ontario Street (C1-38)

Notwithstanding the provisions of Section 5 and Section 7 hereof to the contrary, the lands zoned C1-38' on Schedule 'A' hereto, the following regulations shall apply:

7.3.38.1 (a) Permitted Uses

The only permitted uses shall be:

Amusement Arcade;
Art Gallery;
Bakery;
Bake Shop;
Bank or Financial Establishment;
Bed or Breakfast Establishment;
Church or Religious Institution;
Commercial Entertainment Establishment;
Commercial Establishment;
Commercial Recreation Facility;
Commercial School;
Computer Programming Establishment;
Convenience Store;
Data Processing Establishment;
Day Care Centre;
Drugstore/ Pharmacy;
Florist;
Food Store;
Funeral Home;
Government Office;
Hardware Store;
Liquor or Beer Store;
Medical Clinic;
Medical Inpatient Treatment Centre;
Medical Office;
Mixed Commercial/Residential Development;
Nursing Home;
Office;
Parking Lot;
Personal Service Establishment;
Pet-Grooming Establishment;
Photo or Artist Studio;
Private Social and Cultural Facility;
Public Use;
Rental Outlet;
Repair Service;
Restaurant;
Restaurant, Outdoor Patio;
Restaurant, Take-Out;

Service Establishment;
Specialty Retail Store;
Community Home;
Community Support House;
Crisis Care Shelter;
Home Occupation;
Recovery Home; and
Residential Care Facility.

7.3.38.2 Regulations

The regulations shall be as follows:

(a) Definitions

“Medical Inpatient Treatment Centre” – means a building providing inpatient surgical or other medical treatment for not more than four patients and may include a “Medical Clinic” use.

(b) Minimum Lot Coverage

40%.

(c) One Lot For the Purpose of Zoning

For the purpose of zoning all lots within the ‘C1-38’ Zone shall be considered as one lot.

(By-law 96-259; 2015-129)

7.3.39 105 Clergy Street (C1-39)

Notwithstanding the provisions of Section 7 and Section 5 hereof to the contrary, on the lands designated ‘C1-39’ on Schedule ‘A’ hereto, the following regulations shall apply:

7.3.39.1 Permitted Uses

The following uses shall be permitted in addition to the uses permitted in the ‘C1’ Zone:

Apartment Dwelling.

7.3.39.2 Regulations

(a) Maximum Height:

(i) Maximum Height at Build-to-Plane

4 storeys not to exceed 17 metres;

(ii) Maximum Building Height

4 storeys not to exceed 17 metres;

(b) Parking Design:

(i) Access

Where four (4) or fewer parking spaces are required, such spaces shall be provided with one (1) combination entrance/exit lane being a minimum of three (3) metres in width;

(ii) Minimum Parking Space Dimensions:

The minimum parking space dimensions for parking spaces shall be 2.6 metres wide and 5.5 metres long;

(iii) Minimum Aisle Width:

The minimum parking area aisle width providing access to the combination entrance/exit lane must have a minimum width of 5.5 metres;

(c) Minimum Required Number of Parking Spaces:

Apartment Dwelling 0.83 per dwelling unit;

(d) Minimum Lot Coverage: 35%;

(e) Maximum Density: 150 residential units per net hectare;

(f) Amenity Area:

(i) Minimum Requirements

Common amenity area shall be provided at a rate of 10 square metres per dwelling unit;

(ii) Design

Amenity areas must be aggregated into one area or grouped into areas of not less than 54 square metres”

(By-law 96-259; 2015-160)

7.3.40 228-230 Brock Street and 122-126 Sydenham Street (C1-40)

Notwithstanding the provisions of Section 5 and Section 7 of this by-law to the contrary, on the lands zoned 'C1-40' on Schedule 'A' attached hereto, the following provisions shall apply:

7.3.40.1 Zoning Interpretation

For the purposes of zoning interpretation the lands within the 'C1-40' Zone shall be treated as a single parcel.

7.3.40.2 Permitted Uses

The permitted uses in the C1-40 Zone shall also include:

- a. A wholly residential building containing a maximum of 12 apartment units at 228 Brock Street, including 122-126 Sydenham Street; and a maximum 3 units at 230 Brock Street;

7.3.40.3 Conversion of Commercial Buildings for Residential Use

Residential uses may be permitted on the ground floor.

7.3.40.4 Maximum Density for the C1-40 Zone

- a. 235 units / net hectare;

7.3.40.5 Minimum Number of Parking Spaces for the C1-40 Zone

- a. 6.”

(By-law 96-259; 2015-187)

7.3.41 232 Brock Street (C1-41)

Notwithstanding the provisions of Section 7 hereof to the contrary, the lands designated 'C1-41' on Schedule 'A' hereto, the following regulations shall apply:

7.3.41.1 Permitted Uses

The following uses shall be permitted in addition to the uses permitted in the 'C1' Zone:

Residential uses including residential uses on the ground floor.

7.3.41.2 Definitions

- (a) **“Amenity Area”** means an outdoor area exterior to the residential building, or interior area common to all residential units within a residential building, which is designed and intended primarily for the leisure and recreation of the occupants of the building.

7.3.41.3 Regulations

(a) Maximum Height:

- (i) Maximum Height at Build-to-Plane
3 storeys not to exceed 12.75 metres;
- (ii) Maximum Building Height
3 storeys not to exceed 12.75 metres.”

(b) Amenity Area:

- (i) Amenity areas shall be provided at a rate of 10 square metres per dwelling unit;
- (ii) Amenity areas, or any part thereof, shall be designed and located so that the length does not exceed four (4) times the width;
- (iii) Amenity areas, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 54 square metres.

(By-law 96-259; 2016-4)

7.3.43 213-219 Princess Street

Notwithstanding the provisions of this By-law to the contrary, the lands designated ‘C1-43’ on Schedule ‘A’ hereto, in addition to the Heritage Commercial requirements under Section 7.3.3 the following regulations shall apply:

7.3.43.1 Zoning Interpretation

For the purposes of zoning interpretation the lands within the ‘C1-43’ zone shall be treated as a single parcel.

7.3.43.2 Residential Density for the ‘C1-43’ zone:

- a. 166 residential units / net hectare (maximum)

7.3.43.3 Vehicle Parking Requirements:

No parking spaces are required for up to 8 dwelling units. Any additional spaces required by this By-law for an addition or change of use must be provided in accordance with all provisions respecting parking spaces and areas.

7.3.43.4 Bicycle Parking:

a. Dimensions

Each space within the Bicycle Parking Area shall not be less than 1.8 metres by 0.4 metres for horizontal spaces, and overhead clearance in covered spaces shall be a minimum of 2.1 metres (7 feet). Vertical parking stalls shall not be less than 1.5 metres by 0.3 metres.

b. Requirement

Total Number of Bicycle Parking Spaces: 8 (minimum)

7.3.43.5 Amenity Area:

a. Requirement

Aggregate Amenity Area: 74 square metres (minimum)

(By-law Number 96-259; 2017-58)

7.3.44 70 Montreal Street

Notwithstanding the provisions of this By-law to the contrary, the 'C1-44' Zone shall apply to regulate the existing structure on the date of passing of this by-law.

7.3.44.1 Permitted Uses

In addition to those uses permitted in Section 7.1 of the By-law, the permitted uses in the 'C1-44' Zone shall also include:

a. Dwelling, Triplex

7.3.44.2 Residential Density for the 'C1-44' zone:

a. 300 residential units / net hectare (maximum)

7.3.44.3 Minimum Number of Parking Spaces for the C1-44 Zone:

a. 1 parking space for up to three dwelling units

7.3.44.4 Minimum Parking Space Dimensions:

- a. 5.2 metres by 2.75 metres

7.3.44.5 Minimum Drive Aisle Width for Rear Parking Access:

- a. 2.44 metres

(By-law Number 96-259; 2017-91)

7.3.45 225 King Street East (C1-45)

Notwithstanding the provisions of Section 7.3 hereof to the contrary, the lands designated (H) C1-45 on Map 1 of Schedule “A” hereto, the following regulations shall apply:

7.3.45.1 Permitted Uses

The only permitted uses shall be:

(a) Commercial Uses

- Art Gallery
- Bake Shop
- Bank or Financial Establishment
- Bed and Breakfast Establishment
- Commercial Establishment
- Commercial Recreation Facility
- Commercial School
- Day Care Centre
- Drugstore/Pharmacy
- Dry Cleaning Outlet
- Florist
- Hotel
- Medical Clinic
- Medical Office
- Mixed Commercial/Residential Development
- Nursing Home
- Office
- Personal Service Establishment
- Pet-Grooming Establishment
- Photo or Artist Studio
- Private Social and Cultural Facility
- Public Use
- Restaurant

Restaurant, Outdoor Patio
Restaurant, Take-Out
Service Establishment
Specialty Retail Store

(b) Non-Commercial Uses

Community Home
Community Support House
Home Occupation
Recovery Home
Residential Care Facility
Senior Citizen Apartment Dwelling/Retirement Home
Multi-Unit Residential Dwelling

7.3.45.2 Regulations

The regulations shall be as follows:

(a) Yard Setbacks

Exterior Side Yard	0 metres
Rear Yard	4 metres

(b) Building Height

The minimum building height shall be one storey for the building existing as of the date of the passing of this By-Law.

(c) Lot Coverage

The minimum lot coverage shall be 40 percent.

(d) Existing Accessory Structure

Notwithstanding the provisions of Section 5.1.1(b) hereof to the contrary, the existing accessory structure shall be located a minimum of 0.3 metres (1 foot) from any lot line.

7.3.45.3 (H) Holding Symbol

The use and removal of the (H) Holding Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law.

(a) Requirements for Removing the (H) Holding Symbol

The (H) Holding Symbol shall not be removed until such time as a noise study has been submitted to the satisfaction of the City.

(b) Uses Affected by the (H) Holding Symbol

The (H) Holding Symbol applies to the following uses:

Day Care Centre
Mixed Commercial/Residential Development
Nursing Home
Community Home
Community Support House
Home Occupation
Recovery Home
Residential Care Facility
Senior Citizen Apartment Dwelling/Retirement Home
Multi-Unit Residential Dwelling

(c) Permitted Interim Uses

All uses in the C1-45 Zone, except for those listed in Section 7.3.45.3(b).

(By-law Number 96-259; 2017-233)

7.3.46 153 and 155 Brock Street

Notwithstanding the provisions of Section 5 and Section 7 of this By-Law to the contrary, on the lands zoned 'C1-46' on Schedule 'A' hereto, the following regulations shall apply:

- a) Zoning Interpretation
For the purpose of zoning interpretation the lands within the 'C1-46' Zone shall be treated as a single parcel.
- b) Permitted Uses
The permitted uses in the C1-46 Zone shall also include a three dwelling unit.
- c) Residential use may be permitted on the ground floor.
- d) Minimum Amenity Area: 0 Square Metres.

(By-Law 96-259; 2018-50)

7.3.47 (51-57 Queen Street)

Notwithstanding the provisions of this By-Law to the contrary, for the lands designated 'C1-47' on Schedule 'A' hereto, the following regulations shall apply:

7.3.47.1 Definitions

“Mixed Commercial/Residential Development” shall mean building or structure which is used for a mixture of commercial and residential uses, with associated residential amenities and commercial uses permitted on a portion of the ground floor. No residential dwelling units are permitted on the ground floor.

“Podium” shall mean all areas of the building outside of the Tower, shown as Areas 'B', 'C' 'D' and 'E' on Schedule 'B'.

“Street Wall” shall mean all façades of a building adjacent to a lot line that abuts a public street.

“Tower” shall mean the building area shown as Area “E” on Schedule 'B', floors 6 through 19 of the building.

“Tower Floorplate” shall mean the gross floor area of each storey within a Tower, exclusive o inset and projecting balconies.

7.3.47.2 Regulations

(a) Building Height

- (i) The maximum building height at build to plane provisions shall not apply,
- (ii) The maximum angular plane provisions shall not apply,
- (iii) No Part of the building shall exceed the height limits in metres as shown on Schedule 'B' , attached hereto and forming part of this By-Law, subject to the provisions of this zone allowing for variations in the building footprint and articulation from that shown on Schedule 'B'.
- (iv) Building Height (exemption)

The height limits identified in (a) shall not apply to prevent the erection of decorative, functional, or mechanical elements approved under the Site Plan Agreement of required for the normal operations of the building and permitted uses, including but not limited to the following (whether singular or plural):

Window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, mechanical equipment and/or mechanical penthouse, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor amenity areas, wind mitigation features, chimney stack, exhaust flues, garbage chute overrun, elevator overrun, antennae, mast and public art elements.

(b) Tower Setbacks

(i) The Tower shall be setback as shown on Schedule 'B', attached hereto and forming part of this By-Law.

(ii) Notwithstanding subsection (a) and (b)(i) for the Tower portion of the building, a variance of up to 2 metres in the setbacks of the Tower as shown on Schedule 'B' will be permitted, provided that the setback of the Tower from the Queen Street frontage is no less than 5.0 metres and all other provisions of this By-Law are satisfied;

(c) Tower Floorplate

The maximum permitted Tower Floorplate for 'Area E' as shown in Schedule 'B'; for floors 6 through 19 shall be 790 square metres.

(d) Tower Balconies

(i) Balconies are permitted to project a maximum of 2.5 m from the eastern façade of the Tower (King Street East façade) to a maximum length of 18.0 m. All inset balconies in the Tower shall be contained within Area 'E', as shown on Schedule 'B', subject to the provisions of subsection (b)(ii).

(ii) All rooftop areas are permitted to be used for terraces.

(e) Tower Façades

(i) A Minimum of 25% of the north and south facades shall be inset a minimum of 1.7 m from the outermost face of the Tower façade, this shall include inset balconies;

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- (ii) A Minimum of 10% of the west façade shall be inset a minimum of 1.7 m from the outermost face of the Tower façade, this shall include inset balconies;

 - (f) Podium Setbacks
 - (i) The Podium shall be setback as shown on Schedule 'B', attached hereto and forming part of this By-Law;

 - (ii) Notwithstanding subsection (f)(i), at grade setbacks are permitted to vary from the setbacks shown on Schedule 'B', attached hereto and forming part of this By-Law, to permit additional outdoor active space along the street frontages of the site, to accommodate varied entrance configurations, vehicular ingress and egress to the building and site, and site servicing;

 - (iii) Notwithstanding subsection (f)(i), for the Podium, a variance of up to 0.5 metres in the setbacks shown on Schedule 'B' will be permitted.

 - (g) Podium Façade
 - (i) Notwithstanding subsections (a)(iii) and (f)(i), for the portion of the Podium extending from the intersection of Queen Street and Wellington Street to the western limit of the Tower, the Street Wall of the Podium adjacent to Queen Street shall contain a minimum 6 metre wide independent vertical break with a minimum depth of 2.1 metres measured from the face of the Podium.

 - (ii) Notwithstanding subsections (a)(iii) and (f)(i), for the portion of the Podium extending from the intersection of Queen Street and King Street to the eastern limit of the Tower, the Street Wall of the Podium adjacent to Queen Street shall contain a minimum 6 metre wide independent vertical break with a minimum depth of 2.1 metres measured from the face of the Podium.

 - (h) Podium Balconies
 - (i) On levels 2 through 5, balconies are permitted to project a maximum of 2.5 m beyond the setback established in Schedule "B" but shall not extend beyond the outermost Podium wall/Street Wall

 - (ii) All other balconies shall be inset within the setbacks established on Schedule "B" of this By-Law.

(iii) All rooftop areas are permitted to be used for terraces.

(i) Lot Coverage

The lot coverage provisions shall not apply.

(j) Density (maximum)

There shall be no maximum density.

(k) Ground Floor Requirements

(i) The minimum ground floor height of all building spaces fronting on a public street shall be 4.5 metres, as measured from floor to floor.

(ii) A minimum of 487 square metres of commercial uses in accordance with the 'C1' zone shall be provided at the corner of King Street and Queen Street.

(iii) Residential amenities and building support uses such as lobbies, common areas and mechanical uses are permitted at grade.

(l) Art Gallery Space

(i) A minimum of 241 square metres of space shall be provided at the corner of Wellington Street and Queen Street for the purpose of a Municipal Art Gallery, the terms and conditions to be established through the Section 37 Agreement, for a term of 10 years.

(ii) In the event the Section 37 Agreement expires, the 241 square metre space may be used for amenity uses or commercial uses in accordance with the 'C1-47' zone.

(m) Loading

(i) The minimum number of loading spaces shall be 1.

(ii) Loading spaces shall be accessed by an unobstructed access aisle of minimum 6.0 metres in width, minimum vertical clearance of 4.2 metres and provide sufficient space to permit the maneuvering of vehicles on site.

(n) Off-Street Parking

- (i) All required parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.

(o) Off-Street Accessible Parking

- (i) Type A spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.
- (ii) Type B spaces shall have minimum dimensions of 2.4 metres wide by 5.2 metres long.
- (iii) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long and marked with high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B spaces.
- (iv) The minimum required vertical clearance of the required accessible spaces shall be 2.1 metres.

(p) Off-Street Bicycle Parking

- (i) A minimum of 1 bicycle parking space shall be provided per residential dwelling unit.
- (ii) Up to a maximum of 25 percent of required on-site bicycle parking stalls are permitted to be securely located outdoors and exposed to the elements
- (iii) Bicycle parking stalls shall have a minimum width of 0.3 metres and minimum length of 1.8 metres with a vertical clearance of 2.1 metres

(q) Holding Zone Provisions

The use and removal of the Holding (-H) Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law.

Removal of Holding Symbol

The Holding (-H) Symbol shall not be removed until such time as the following requirements have been met to the satisfaction of the municipality:

- (i) Record of Site Condition prepared and registered by a qualified person on defined by the municipality and is completed to the satisfaction of the municipality with demonstrated adherence to all municipal and provincial requirements;

(By-Law 96-259; No BL Number LPAT order PL170714-Nov. 4 2021)

7.3.48 (18 Queen Street & 282 Ontario Street)

Notwithstanding the provisions of this By-Law to the contrary, for the lands designated 'C1-48' on Schedule 'A' hereto, the following regulations shall apply:

7.3.48.1 Definitions

“Mixed Commercial/Residential Development” shall mean building or structure which is used for a mixture of commercial and residential uses, with associated residential amenities and commercial uses permitted on a portion of the ground floor. No residential dwelling units are permitted on the ground floor.

“Podium” shall mean all areas of the building outside of the Tower, shown as Areas ‘B’, ‘C’ ‘D’ E’ and ‘F’ on Schedule C.

“Street Wall” shall mean all façades of a building adjacent to a lot line that abuts a public street.

“Tower” shall mean the building area shown as Area “F” on Schedule ‘C’, floors 8 through 23.

“Tower Floorplate” shall mean the gross floor area of each storey within a Tower, exclusive of inset and projecting balconies.

7.3.48.2 Regulations

(a) Building Height

- (i) The maximum building height at build to plane provisions shall not apply

(ii) The maximum angular plane provisions shall not apply.

(iii) No part of the building shall exceed the height limits in metres as shown on Schedule 'C', attached hereto and forming part of this By-Law, subject to the provisions of this zone allowing for variations in the building footprint and articulation from that shown on Schedule 'C'.

(iv) Building Height (exemption)

The height limits identified in (a) shall not apply to prevent the erection of decorative, functional, or mechanical elements approved under the Site Plan Agreement or required for the normal operations of the building and permitted uses, including but not limited to the following (whether singular or plural):

- Window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, mechanical equipment and/or mechanical penthouse, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor amenity areas, wind mitigation features, chimney stack, exhaust flues, garbage chute overrun, elevator overrun, antennae, mast and public art elements.

(b) Tower Setbacks

(i) The Tower shall be setback as shown on Schedule 'C', attached hereto and forming part of this By-Law.

(ii) Notwithstanding subsection (a) and (b)(i), for the Tower portion of the building, a variance of up to 2 metres in the setbacks of the Tower shown on Schedule 'C' will be permitted, provided the Tower shown on Schedule 'C' will be permitted, provided that the setback of the Tower from the Queen Street frontage is no less than 5.0 metres and all other provisions of this By-Law are satisfied.

(c) Tower Floorplate

The maximum permitted Tower Floorplate for 'Are F' as shown in Schedule 'C' shall be 790 square metres for floors 8 through 23.

(d) Tower Balconies

(i) East and West Façade

Balconies are permitted to project a maximum of 2.5 m from the east and west facades of the Tower to a maximum of 30% of the building face.

(ii) North and South Façade

Balconies and permitted to project a maximum of 2.5 m from the north and south façade of the Tower to a maximum of 40% of the building face.

(iii) Corner Balconies

In addition to subsections (d)(i) and (d)(ii), that portion of a corner balcony that is outside of a projected building face shall be permitted.

(iv) All rooftop areas are permitted to be used for terraces.

(e) Tower Facades

(i) A Minimum of 40% of the north and south facades shall be inset a minimum of 0.7 m from the outermost face of the Tower façade, this shall include inset balconies;

(ii) A minimum of 10% of the east and west façade shall be inset a minimum of 0.7 m from the outermost face of the Tower façade, this shall include inset balconies;

(f) Podium Setbacks

(i) The Podium shall be setback as shown on Schedule 'C', attached hereto and forming part of this By-Law.

(ii) Notwithstanding subsection (f)(i), at grade setbacks are permitted to vary from the setbacks shown on Schedule 'C', attached hereto and forming part of this By-Law, to permit additional outdoor active space along the street frontages of the site, to accommodate varied entrance configurations, vehicular ingress and egress to the building and site, and site servicing;

(iii) Notwithstanding subsection (f)(i), for the Podium, a variance of up to 0.5 metres in the setbacks shown on Schedule 'C' will be permitted.

(g) Podium Façade

- (i) Notwithstanding (f)(i), for the portion of the Podium extending from the intersection of Queen Street and King Street to the western limit of the Tower the Street Wall of the Podium adjacent to Queen Street shall contain a minimum 6 metre wide independent vertical break with a minimum depth of 2.1 metres.

(h) Podium Balconies

- (i) On levels 2 through 7 balconies are permitted to project a maximum of 2.5 m beyond the setback established on Schedule “C” on the façades of the Podium, and shall not extend beyond the outermost Podium wall/Street Wall.
- (ii) All other balconies shall be inset within the setbacks established on Schedule “C” of this By-Law.
- (iii) All rooftop areas are permitted to be used for terraces.

(i) Lot Coverage

The lot coverage provisions shall not apply.

(j) Density (maximum)

There shall be no maximum density.

(k) Ground Floor Requirements

- (i) The minimum ground floor height of all building spaces fronting on a public street shall be 4.5 metres, as measured from floor to floor.
- (ii) A minimum of 413 square metres of commercial uses in accordance with the ‘C1’ zone shall be provided at the corner of King Street and Queen Street.
- (iii) A minimum of 115 square metres of commercial uses in accordance with the ‘C1’ zone shall be provided at the corner of Ontario Street and King Street.
- (iv) The yard adjacent to Ontario Street abutting 100 percent of the street frontage, not including areas required to accommodate entrance configurations, vehicular ingress and egress to the site,

and site servicing, shall be programmed with active at grade uses including a patio or a use that is complementary to the commercial and /or amenity space.

(v) Residential amenities and building support uses such as lobbies, common areas and mechanical uses are permitted at grade.

(l) Loading

(i) The minimum number of loading spaces shall be 1.

(ii) Loading spaces shall be accessed by an unobstructed access aisle of minimum 6.0 metres in width, minimum vertical clearance of 4.2 metres and provide sufficient space to permit the maneuvering of vehicles on site.

(m) Off-Street Parking

(i) All required parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.

(n) Off-Street Accessible Parking

(i) Type A spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.

(ii) Type B spaces shall have minimum dimensions of 2.4 metres wide by 5.2 metres long.

(iii) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long and marked with high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B spaces.

(iv) The minimum required vertical clearance of the required accessible spaces shall be 2.1 metres.

(o) Off-Street Bicycle Parking

- (i) A minimum of 1 bicycle parking space shall be provided per residential dwelling unit.
- (ii) Up to a maximum of 25 percent of required on-site bicycle parking stalls are permitted to be securely located outdoors and exposed to the elements
- (iii) Bicycle parking stalls shall have a minimum width of 0.3 metres and minimum length of 1.8 metres with a vertical clearance of 2.1 metres.
- (iv) Required bicycle parking may be accommodated within a storage area within a dwelling unit.

(p) Holding Zone Provisions

The use and removal of the Holding (-H) Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law.

Removal of Holding Symbol

The Holding (-H) Symbol shall not be removed until such time as the following requirements have been met to the satisfaction of the municipality:

- (i) Record of Site condition prepared and registered by a qualified person as defined by the municipality and is completed to the satisfaction of the municipality with demonstrated adherence to all municipal and provincial requirements:

(By-Law 96-259; No BL Number LPAT order PL170714-Nov. 4 2021)

7.3.49 235 Brock Street ((H))-C1-49

Notwithstanding the provisions of Section 5, General Provisions, and Section 7, Central Business System (C1) Zone, hereof to the contrary, on the lands designated '(H)-C1-49' on Schedule "A" hereto, the following regulations shall apply:

7.3.49.1 Permitted Uses

In addition to the permitted uses of the C1 zone, a residential use is permitted.

7.3.49.2 Regulations

a) Maximum Building Height

The maximum permitted building height shall be 4 storeys, not to exceed 15 metres.

b) Maximum Density

The maximum permitted density shall be 165 residential units per net hectare.

c) Main Floor Residential

Notwithstanding Section 7.2.4(a) to the contrary, a dwelling unit on the main floor and in a cellar will be permitted following a commercial building conversion.

d) Off-Street Parking Access

Parking areas must be accessible by a minimum of one lane which can be used for both entrance and exit in which the minimum width would be 3 metres.

e) Minimum Accessible Parking Requirement

Notwithstanding Section 5.22.6(1)(a) to the contrary, a minimum of one Type B accessible space is required.

f) Minimum Parking Space Dimensions

- i) Standard parking spaces: 2.6 metres x 5.8 metres
- ii) Type B accessible parking spaces: 2.6 metres x 5.8 Metres
- iii) Access aisles: 1.5 metres x 5.8 metres

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- g) Holding Symbol:
- i) Purpose and Requirements for Removal of Holding Symbol: To ensure that the establishment of a basement/cellar dwelling unit does not proceed until the combined sewer system is separated and municipal services are developed to the satisfaction of the City of Kingston.
 - ii) Permitted Interim Uses: Existing uses, all permitted commercial uses in accordance with the provisions of the C1-49 Zone, and a residential use on the main floor and upper floors.
 - iii) Permitted uses when Holding Symbol is removed: A cellar or basement dwelling unit and all other permitted uses in accordance with the provisions in the Special Central Business System ‘C1-49’ zone.”

(By-Law 96-259; 2019-138)

7.3.50 227 Brock Street

Notwithstanding the provisions of Sections 5.22.4.3 and 5.22.6.2 of this By-Law to the contrary, for the lands designated ‘C1-50’ on Schedule “A” hereto, the following regulations shall apply:

7.3.50.1 Regulations

The regulations shall be as follows:

- (a) Off-Street Parking
 - (i) A minimum parking ratio of 0.5 parking spaces per dwelling unit is required.
 - (ii) Parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.
- (b) Off-Street Accessible Parking
 - (i) Type A accessible parking spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.
 - (ii) Type B accessible parking spaces shall have minimum dimensions of 2.4 metres wide by 5.2 metres long.

- (iii) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long, and marked with high tonal contrast diagonal lines, shall be provided adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B accessible parking spaces.

(By-Law 96-259; 2019-109)

7.3.51 223 Princess Street

Notwithstanding any provisions of this By-Law to the contrary, on the lands designated 'C1-51-H' on Schedule 'A' hereto, the following regulations shall apply:

Definitions:

"Mixed Commercial/Residential Development" means a building or structure which is used for a combination of commercial and residential uses where the ground floor frontage on Princess Street is used for commercial purposes.

7.3.51.2 Permitted Uses:

The only permitted uses shall be:

Commercial Uses

- Auditorium or Public Hall
- Art Gallery
- Bakery
- Bake Shop
- Bank or Financial Establishment
- Church or Religious Institution
- Commercial Entertainment Establishment
- Commercial Establishment
- Commercial Recreational Facility
- Commercial School
- Community or Recreation Centre
- Computer Programming Establishment

Convenience Store

Data Processing Establishment

Day Care Centre

Drugstore/Pharmacy

Dry Cleaning Outlet

Florist

Food Store

Funeral Home

Government Office

Home Occupation

Laundry, Coin Operated

Liquor or Beer Store

Medical Clinic

Medical Office

Nursing Home

Office

Office Supply and Equipment Sales, Rental and Service

Personal Service Establishment

Pet-Grooming Establishment

Photo or Artist Studio

Photocopying or Blueprinting Shop

Photofinishing Establishment

Postal or Courier Service

Private Social and Cultural Facility

Public Use

Radio or Television Studio

Rental Outlet
Repair Service
Restaurant
Restaurant, Outdoor Patio
Restaurant, Take-Out
Service Establishment
Specialty Retail Store
Telecommunications Services

Non-Commercial Uses:

Community Home
Community Support House
Crisis Care Shelter
Home Occupation
Recovery Home
Residential Care Facility

Mixed Uses:

Mixed Commercial/Residential Development

7.3.51.3 Prohibited Uses:

Roof Top Antennas
Communication Towers
Microwave Towers

7.3.51.4 Regulations:

(a) Minimum Front Yard: 0.0 metres

(b) Maximum Building Height:

- (i) No part of the building may exceed the height limits (in metres) as shown on Schedule 'B', attached hereto and forming part of By-Law 2020-150

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- (ii) In addition, the following applies:
- (a) Princess Street frontage: Second storey is built to the Princess Street property line and has a maximum building height of 11.0 metres. Fifth storey steps back 7.6 metres and has a maximum building height of 15.6 metres. The outdoor amenity area located on the sixth level is setback 23.8 metres from the Princess Street property line and must have a maximum building height of 15.6 metres. No part of the building may intrude into the 39 degree angular plane.
 - (b) Queen Street frontage: Fifth storey is built to the Queen Street property line and has a maximum building height of 16.4 metres. Sixth and seventh storeys step back 3.0 metres and the seventh storey has a maximum building height of 22.5 metres. Eighth and ninth storeys step back a further 3.2 metres and the ninth storey has a maximum building height of 28.5 metres. Mechanical penthouse has a maximum building height of 33.3 metres.
- (iii) Height is measured from the average finish grade of 91.11 m (High point = 91.91 m and Low point= 90.25 m)
- (c) Angular Plane:
- (i) The 39-degree angular plane is shown on Schedule 'C' attached hereto and forming part of By-Law 2020-150
 - (a) The commencement height of the 39 degree angular plane at the Princess Street build-to-plane is 17 metres with no intrusions.
 - (b) The commencement height of the 39-degree angular plane at the Queen Street build-to-plane is 17 metres, with allowable intrusions starting at a building height of 19.4 metres and ending at a building height of 28.5 metres. At a height of 16.4 metres the building steps back 3.0 metres from the Queen Street frontage build-to-plane line. At a height of 22.5 metres the building steps back a further 3.2 metres from the Queen Street frontage build-to-plane line. At a height of 28.5 metres the location of the mechanical penthouse steps back 27.2 metres from the Queen Street frontage. The mechanical penthouse does not intrude into the angular plane. Ornamental building features which project off the face of the building up to 0.3 metres, including cornices and parapets, may intrude into the angular plane.
- (d) Build-to-Plane 0 metres.

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- (e) Maximum Residential Density: 740 residential units per net hectare
 - (f) Residential Off-Street Parking:
 - i) A minimum parking ratio of 0.5 parking spaces per residential unit.
 - ii) Vertical stacked parking structures or facilities are permitted to be located in the parking areas.
 - (g) Minimum Parking Space Dimensions:
2.6 metres wide by 5.2 metres long
 - (h) Minimum Barrier-Free Parking Space Dimensions:
 - (i) Type 'A': 3.4 metres wide by 5.2 metres long
 - (ii) Type 'B': 2.6 metres wide by 5.2 metres long
 - (iii) Minimum Accessible Aisle Dimensions: 1.5 metres by 5.2 metres and marked with high tonal contrast diagonal lines
 - (i) Minimum Loading Space Dimensions: 3.0 metres by 7.0 metres
 - (j) Minimum Bicycle Parking: A minimum of 1 bicycle parking space per unit, including spaces for ebikes and scooters. Bicycle parking will be a range of standard and premium spaces with a minimum of 10 percent premium spaces providing individual bicycle storage lockers. Vertical bicycle storage spaces will have a minimum size of 0.5 m wide and 1.5 m deep with a 1.2 m wide access aisle. Horizontal bicycle storage spaces will have a minimum size of 0.6 m wide and 1.8 m deep with a minimum access aisle width of 1.5 m.
 - (k) Location of Loading Spaces: Loading spaces are located on-site within the existing alley way in the front yard adjacent to Queen Street adjacent to the west side of the building.
 - (l) Access to Loading Spaces: Loading spaces are accessed via the existing 5.3-metre-wide alley way adjacent to the west side of the building. Loading spaces are not required to be screened from Queen Street.

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- (m) Storage Lockers: A minimum of 34 storage lockers will be provided for the entire building, with a minimum of 2 storage lockers provided per floor and a minimum size of 3 square metres per locker.
 - (n) Community Benefits: The Owner will provide the City with a payment of \$60,992.24 as a community benefit contribution to be used to finance a study on ways to improve the overall look and feel of Queen Street from Division Street to Ontario Street to better align with the physical treatments already completed on other downtown streets, for example, Princess and Lower Brock Streets. These public realm improvements could include, for example, upgrades to street lighting, sidewalks, active transportation routes, and the planting of trees and plants. Recommendations, after appropriate public consultations, will be presented to Council for approval and budget discussions by Q2 2022.
 - (o) Holding Symbol
 - (a) The use and removal of the Holding (H) Symbol must be in accordance with the provisions of Section 6.3 of this By-Law
 - (b) The Holding Symbol will not be removed until such time as the following requirements have been met to the satisfaction of the municipality:
 - (i) Completion and peer review (at the expense of the owner) of a Detailed Noise Study by a qualified person (as defined by the municipal requirements). The Detailed Noise Study must include any necessary mitigation measures resulting from Council's approval of the site as a Class 4 designation under NPC-300. The mitigation measures must be secured in any required agreements, including a Site Plan Control Agreement prior to the removal of the Holding Symbol;
 - (ii) Completion of a detailed Servicing Report (at the expense of the owner) that includes an evaluation of the existing water service and its adequacy for firefighting water, factoring in building size, design and use in accordance with the Water Supply for Public Firefighting, Fire Underwriters Survey. The Servicing Report must also include data with respect to existing fire flows measured through accurate testing of flowing hydrants on existing water mains;

(iii) Approval on all elements of the site plan (including but not limited to design elements, bicycle parking, and storage) and elevations by the Frontenac Heritage Foundation and Building Kingston's Future Inc.; and

(iv) A Heritage Easement is established by the City of Kingston related to the retention and protection of the Princess Street façade and marquee.

(By-Law Number 96-259; amended by By-Law 2020-150 as per LPAT ORDER see file number PL200575)

7.3.52 328 Queen Street (C1-52)

Notwithstanding the provisions of Section 5 and 7 hereof to the contrary, on the lands designated 'C1-52' on Schedule 'A' hereto the following regulations shall apply:

a. Additional Permitted Residential Use

i. Multi-unit Residential Dwelling

b. Maximum Density

i. The maximum permitted density shall be 210 residential dwelling units per net hectare

ii. The maximum aggregate number of bedrooms shall be 12.

c. Amenity Area

i. A minimum of 15 square metres of amenity area shall be provided.

ii. Where an amenity area is provided as a communal space, it must be aggregated into one area or grouped into areas of not less than 15 square metres.

iii. Section 5.5.3 of this By-Law (Design of Amenity Area) shall not apply.

d. Off-Street Parking Requirement

i. A minimum of 1 on-site parking space shall be required.

ii. The minimum parking stall dimensions shall be 2.6 metres in width by 5.2 metres in length.

iii. On-site accessible parking is not required.

a. Bicycle Parking

- i. On-site bicycle parking stalls shall be a minimum of 1.8 metres in length by 0.3 metres in width with a minimum overhead clearance of 2.1 metres.

(By-Law 96-259; 2020-90)

7.3.53 262 Wellington Street

Notwithstanding the provisions of Section 5, General Provisions, and Section 7, Central Business System (C1) Zone, of this By-law to the contrary, on the lands designated 'C1-53' on Schedule "A" hereto, the following regulations shall apply:

Section 7.3.53.1 Permitted Uses

In addition to the uses permitted in the C1 Zone, a multi-unit residential dwelling is permitted, and notwithstanding anything to the contrary contained in this By-Law, units may be located at grade and /or in the basement.

Section 7.3.53.2 Regulations

a) Maximum Density

The maximum permitted density shall be 180 residential units per net hectare.

b) Amenity Area

- i) A minimum of 20 square metres of amenity area shall be provided.

- ii) The provisions of Section 5.5.3 of this By-law, Design of Amenity Area, shall not apply.

c) Off-Street Parking Requirements

- i) On-site vehicular parking is not required.
ii) On-site accessible parking is not required.
iii) On-site bicycle parking stalls shall be a minimum of 1.8 metres by 0.3 metres with a minimum overhead clearance of 2.1 metres.
iv) A minimum of 4 bicycle parking stalls shall be provided.

(By-Law 96-259; 2020-173)

7.3.54 168, 172 Wellington Street and 99 Brock Street (C1-54)

Notwithstanding the provisions of Section 5 and 7 hereof to the contrary, on the lands designated “C1-54” on Schedule ‘A’ hereto, the following regulations shall apply:

7.3.54.1 Maximum Density: 244 residential units per net hectare

7.3.54.2 Bicycle Parking Area: Each space within the Bicycle Parking Area shall be not less than 0.45 metres wide by 1.9 metres long

7.3.54.3 Height to Build-to Plane: 4 storeys, not to exceed 17 metres (55 feet)

7.5.54.4 Maximum Building Height: 4 storeys, not to exceed 17 metres (55 feet)

(By-Law 96-259; 2021-7)

Section 8 - Market Square Commercial (CMS) Zone

8.1 Permitted Uses

The following uses permitted uses within the Market Square Commercial (CMS) Zone:

Commercial Uses

Auditorium or Public Hall
Amusement Arcade
Art Gallery
Bake Shop
Bank or Financial Establishment
Bed and Breakfast Establishment
Church or Religious Institution
Commercial Entertainment Establishment
Commercial Establishment
Commercial Recreation Facility
Commercial School
Computer Programming Establishment
Community or Recreation Centre
Convenience Store
Data Processing Establishment
Day Care Centre
Department Store
Drugstore/Pharmacy
Dry Cleaning Outlet
Florist
Food Store (with less than 275 m² of commercial floor area)
Funeral Home
Hardware Store
Hotel
Laundry, Coin Operated
Liquor or Beer Store
Medical Clinic
Medical Office
Mixed Commercial/Residential Development
Nursing Home
Office
Office Supply and Equipment Sales, Rental and Service
Parking Lot
Personal Service Establishment
Pet-Grooming Establishment
Photo or Artist Studio
Photocopying or Blueprinting Shop

8.2 Permitted Uses Cont'd:

- Photofinishing Establishment
- Postal or Courier Service
- Private Social and Cultural Facility
- Public Market
- Public Use
- Rental Outlet
- Repair Service
- Restaurant
- Restaurant, Outdoor Patio
- Restaurant, Take-Out
- Service Establishment
- Specialty Retail Store
- Video Rental

Non-Commercial Uses

- Community Home
- Community Support House
- Crisis Care Shelter
- Home Occupation
- Recovery Home
- Residential Care Facility

8.2 REGULATIONS

Within the Market Square Commercial (CMS) Zone, no lot shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or used except in compliance with the applicable regulations contained in Section 5 of the General Provisions, the regulations set out in Table 8.2, and as specified below:

**Table 8.2
Regulations Governing Market Square Commercial (CMS) Zone**

Minimum Lot Area	nil
Minimum Lot Frontage	nil
Minimum Yards	In accordance with Section 8.2.1
Maximum Lot Coverage	100 %
Minimum Lot Coverage	50 %
Maximum Building Height	In accordance with Section 8.2.2
Minimum Building Height	In accordance with Section 8.2.2(b) and (h)
Maximum Density	123 residential units per net hectare
Off-Street Parking	In accordance with Sections 5.22.5.5, 5.22.5.6, 5.22.5.7 and 8.2.3
Off-Street Loading	nil
Amenity Area	In accordance with Section 5.5

8.2.1 MINIMUM YARDS

For all permitted uses there shall be no minimum front, side or rear yard requirements except where an adjacent previously erected building has established a front yard, the building to be erected shall have a front yard of an equal depth. Where previously erected buildings with established front yards are adjacent to both sides of a building to be erected, the minimum required front yard shall be the average of the front yards of the two adjacent previously erected buildings.

8.2.2 BUILDING HEIGHT

- (a) The height of existing buildings shall not be increased.
- (b) Notwithstanding Section 5.23.3.2, the building height of any new building which is replacing a building, damaged or destroyed only by fire or an Act of God, shall be the same as the height of the original building.
- (c) The maximum building height of any new building, other than those referred to in Section 8.2.2(b) above, shall not be greater than the highest building which is located within the same block and is zoned CMS.
- (d) For buildings located on corner lots the top of the highest projection along the facade shall not exceed 0.5 metres (1.7 feet) above the highest parapet line on a building which is located within the same block and is zoned CMS.
- (e) For buildings located on interior lots, the top of the highest projection along the facade shall not exceed 0.5 metres (1.7 feet) above the higher parapet line of the two adjacent buildings.
- (f) For buildings with a flat roof, the roof line shall be lower than the parapet.
- (g) The tower of the Prince George Hotel shall not be defined as a parapet or a roof.
- (h) The minimum building height of any new building, which is replacing a building except as provided for in Section 8.2.2(b), shall be the same as the height of the original building.

8.2.3 **OFF-STREET PARKING**

- (a) No parking shall be permitted in the front yard of any building.
- (b) No parking shall be permitted less than 1.5 metres (4.9 feet) from any adjacent residential premises.

8.2.4 **CONVERSION OF EXISTING BUILDINGS**

Notwithstanding any provision of this By-Law to the contrary, any building erected on or before the date of approval of this By-Law and located in the CMS Zone, may be converted in such a manner as to contain one or more residential units subject to the regulations of the CMS Zone as set out in Section 8.2 of this By-Law provided that:

- (a) all such residential units are located in or above the second storey (exclusive of the basement or cellar),
- (b) there is no expansion or enlargement of the external walls or roof of the existing building; and
- (c) save and except that there shall be no regulations regarding Minimum Front Yards, Side Yards, Rear Yards, Maximum Percentage of Lot Coverage, and Amenity Area.

8.3 **SPECIFIC CMS ZONES**

8.3.1 **330 KING STREET (NORTHWEST CORNER OF BROCK AND KING STREETS) (CMS-1)**

Notwithstanding any of the provisions of this By-Law to the contrary, the following regulations shall apply to the CMS-1 Zone.

8.3.1.1 **REGULATIONS**

(a) **MAXIMUM BUILDING HEIGHT**

Notwithstanding Section 8.2, the maximum permissible height for any building or structure shall be four (4) storeys not to exceed 16.46 metres (54 feet).

SECTION 9 - HARBOUR (HR) ZONE

9.1 PERMITTED USES

The following are permitted uses within the Harbour (HR) Zone:

Commercial Uses

Boat and Marine Products Display and Retail Establishment
Harbour Administration Office
Marina
Marine Commercial Transportation and/or Tourist Use and related land based facilities
Marine Provisioner and Chandler
Marine Supplies Establishment
Restaurant
Restaurant, Outdoor Patio
Ticket and Toll Booths
Day Care Centre

(By-law No. 96-259; 2007-162)

Non-Commercial Uses

Boat and Shipbuilding
Drydock
Ferry Dock, including ancillary administrative offices and parking
Fuel Supply and Effluent Transfer Facility
Marine Salvage and Repair Facility
Marine Service and Mooring Facility
Marine-Related Instructional Facility
Public Use
Sail Lofts
Small Motor Equipment Sales and Service Establishment
Tourism Information and Interpretation Facility
Visitor Reception Facility
Waterfront Docks, Piers and Landing Places
Yacht Clubs

9.2 REGULATIONS

Within a Harbour (HR) Zone, no land shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or used except in compliance with the applicable regulations contained in Section 5 of the General Provisions, the regulations set out in Table 9.2, and as specified below:

Table 9.2
Regulations Governing Harbour (HR) Zone

Minimum Lot Area	nil
Minimum Lot Frontage	nil
Minimum Yards	In accordance with Section 9.2.1.
Maximum Building Height	2 storeys, not to exceed 10.7 m (35 ft)
Maximum Lot Coverage	50 %
Off-Street Parking	In accordance with Section 5.22
Off-Street Loading	nil
Waterfront Pathway	In accordance with Section 9.2.2
Water's Edge Floodproofing and Erosion Control	In accordance with Section 5.37

9.2.1 MINIMUM REQUIRED BUILDING OR STRUCTURE DISTANCE FROM WATER'S EDGE

Notwithstanding any provisions of this By-Law to the contrary, within the Harbour (HR) Zone the minimum required distance between the water's edge and the nearest part of any land based building or structure shall be 10.0 metres (33 feet). In addition to the structures set out in Section 5.1.5 the following structures shall be exempt from the 10.0 metre (33 feet) setback: launching ramp, boat lift, boat lifting equipment, gasoline pumps and tanks, emergency response or rescue equipment, bait tanks, waste water pumping facilities, electrical and water or sewage outlet piping, lighting, poles and benches.

9.2.2 WATERFRONT PATHWAYS

9.2.2.1 PATHWAY WIDTH

The minimum width of a waterfront pathway shall be 10.0 metres (33 feet).

9.2.2.2 PATHWAY DESIGN

All waterfront pathways shall be designed so that they are open and uncovered from the ground to the sky.

9.3 SPECIFIC HR ZONES

9.3.1 QUEEN STREET DOCK (HR-1)

Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply in the HR-1 Zone.

9.3.1.1 PERMITTED USES

The permitted uses in the HR-1 Zone shall be limited to:

- (a) a hotel with a maximum of 80 rooms;
- (b) a restaurant; and
- (c) one accessory dwelling unit to be located in the hotel.

(By-Law No. 2002-230; 2003-404)

9.3.1.2 REGULATIONS

The regulations for the above uses shall be as follows:

a) **MAXIMUM BUILDING HEIGHT**

The maximum building height of a hotel shall be five (5 storeys) not to exceed 24.5 metres at the peak of the roof.

(By-Law No. 2002-230; 2003-404)

(b) **MAXIMUM GROSS FLOOR AREA**

The maximum gross floor area of the hotel shall be 5400 m²

(By-Law No. 2002-230; 2003-404)

(c) **MAXIMUM LOT COVERAGE**

The maximum lot coverage shall be 40%.

(By-Law No. 2002-230)

(d) **PERMITTED PROJECTIONS**

Bay windows and towers of the hotel are permitted to project over the water lots to a maximum projection of 1.5m.

Projecting decks for public access and views of the waterfront are permitted to project over the existing waterlot areas of the property.

(By-Law Number 2002-230)

(e) **OFF STREET PARKING**

The minimum number of off street parking spaces to be provided shall be 58, a minimum of two of these spaces shall be barrier free parking for the restaurant and hotel uses on the site.

(By-Law Number 2002-230)

(f) **MINIMUM REQUIRED BUILDING SETBACK FROM WATERS EDGE**

There shall be no specified building setback requirement from the waters edge.

(By-Law No. 2002-230; 2003-404)

(g) **LANDSCAPED OPEN SPACE**

The minimum landscaped open space requirement shall be 1,040 square metres.

(By-Law Number 2002-230)

(h) **LOCATION OF ACCESSORY BUILDING**

Notwithstanding the provisions of Section 5.1.1(b), there shall be no setback required for the garbage enclosure to be located in the North West portion of the site.

(By-Law Number 2002-230)

9.3.2 BLOCK 'D' (HR-2)

Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-2 Zone:

9.3.2.1 PERMITTED USES

The following uses only shall be permitted in the (H)-HR-2 Zone:

(a) PERMITTED INTERIM USES

Notwithstanding the (H) symbol applied pursuant to Section 36 of the Planning Act, R.S.O. 1990, the following uses shall be permitted:

- (i) existing uses;
- (ii) outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; and
- (iii) a waterfront pathway.

(b) PERMITTED USES WHEN HOLDING SYMBOL IS REMOVED

Subject to the removal of the (H) symbol pursuant to Section 36 of the Planning Act, R.S.O. 1990 and the provisions of Section 9.3.2.3 of this By-Law, the following uses shall be permitted:

- (i) A hotel and optional meeting rooms, including accessory support commercial uses. Maximum gross floor area of the hotel shall be 10,400 square metres (111,950 square feet). The hotel shall have a maximum of 144 suites. A suite shall not constitute a residential unit as defined in this By-Law. Maximum gross floor area of the optional meeting rooms shall be 540 square metres (5,815 square feet);
- (ii) An office / residential building. Maximum gross floor area of the office / residential building shall be 15,960 square metres (171,800 square feet). The residential portion of the building shall contain a maximum of 100 dwelling units;
- (iii) Notwithstanding Section 5.26 of this By-Law, outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses;
- (iv) Waterfront Pathway.

9.3.2.2 REGULATIONS

The regulations for the above uses shall be as follows:

(a) MAXIMUM BUILDING HEIGHT

Notwithstanding Table 9.2 of this By-Law:

- i) All heights, except for the office / residential building, shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street being established at 78.1 metres (256 feet) geodetic datum. The height for the office / residential building shall be measured vertically from the centre line at the intersection of Ontario Street and William Street being established at 79.58 metres (261 feet) geodetic datum;

- ii) The maximum height of the hotel shall be 32.0 metres;
- iii) The maximum height of the meeting rooms shall be 9.2 metres;
- iv) The maximum height of the office / residential building shall be 46.0 metres;
- v) Within the boundaries of Earl Street, as extended to the water, the maximum height shall be 1.5 metres (4.9 feet) above geodetic datum;
- vi) For all other areas not otherwise covered by structures permitted in this By-Law, the maximum height shall be 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum.

(b) **MINIMUM YARDS**

Notwithstanding Section 9.2 of this By-Law:

- i) Minimum setback from any street shall be thirteen (13) metres (42.5 feet);
- ii) Minimum setback from waterfront walkway shall be at least ten (10) metres (33 feet) over 50% of the walkway, which shall be totally accessible to the public.

(c) **OFF-STREET PARKING**

Notwithstanding Table 9.2 and Section 5.22.5 of this By-Law:

- i) Within the 'HR-2 ' Zone, a minimum of 292 parking spaces shall be provided on the following basis for the permitted uses:
 - residential uses — 1.0 parking space for each dwelling unit;
 - non-residential uses — parking for the office, hotel and meeting room uses shall be administratively and physically structured to provide for sharing of parking during alternate peak use periods;
 - occasional uses described in Section 9.3.2.1(b)(iii) —no parking requirements.

- ii) Required parking shall comply with the “Parking Design” regulations of Section 5.22.4 of this By-Law and may be a combination of surface / underground parking and for the purposes of this provision “underground” is deemed to be at or below 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum.
 - iii) Surface parking may be provided in the ‘HR-2’ Zone to a total maximum of 125 spaces.
 - iv) Additional parking for the optional meeting rooms permitted in the ‘HR-2’ Zone, in excess of the total minimum number of spaces required in subsection i) above, may be located within the ‘HR-3’ Zone.
 - v) Special Vehicle Parking shall be provided in accordance with the provisions of Section 5.22.6 of this By-Law.
- (d) **LOADING AREAS**
- Notwithstanding Table 9.2 of this By-Law, Loading Areas shall be provided in accordance with Section 5.21 of this By-Law.
- (e) **LANDSCAPED OPEN SPACE**
- A minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in Subsection (c) of Section 9.3.2.1 of this By-Law, and which shall be physically accessible to members of the public, and which may include space provided as a result of any yard requirement of this By-Law and which may include any area designated for vehicle parking or access.
- (f) **AMENITY AREA**
- The minimum amenity area requirements for each residential unit shall be in accordance with Section 5.5 of this By-Law.

(g) **WATER’S EDGE FLOODPROOFING AND EROSION CONTROL**

In accordance with Section 5.37 of this By-Law.

(h) **ACCESSORY BUILDINGS OR STRUCTURES**

In accordance with Section 5.1 of this By-Law.

9.3.2.3 REQUIREMENTS FOR REMOVAL OF HOLDING SYMBOL

The (H) symbol shall be used and removed in accordance with the provisions of Section 6.3 “HOLDING ZONES” of this By-Law and subject to the following specific requirements:

- (a) Confirmation of adequate sewage capacity has been provided by Utilities Kingston;
- (b) A Remedial Action Plan for addressing site contamination has been submitted and approved by the City of Kingston.

(By-Law No. 2004-243)

9.3.3 BLOCK ‘D’ (HR-3)

Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-3 Zone:

9.3.3.1 PERMITTED USES

The following uses only shall be permitted in (H)-HR-3 Zone:

(a) **PERMITTED INTERIM USES**

Notwithstanding the (H) symbol applied pursuant to Section 36 of the Planning Act, R.S.O. 1990, the following uses shall be permitted:

- (i) existing uses;
- (ii) outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; and
- (iii) a waterfront pathway.

(b) **PERMITTED USES WHEN HOLDING SYMBOL IS REMOVED**

Subject to the removal of the (H) symbol pursuant to Section 36 of the Planning Act, R.S.O. 1990 and the provisions of Section 9.3.3.3 of this By-Law, the following uses shall be permitted:

- i) Office uses to a maximum of 930 square metres (10,000 square feet) of gross floor area located within the first two storeys of the residential building fronting onto Ontario Street;
- ii) Neighbourhood convenience commercial uses, including cafes, shops and boutiques, provided such uses are restricted to the ground floor area of the buildings and no one use exceeds a gross floor area of 250 square metres (2,690 square feet);
- iii) Residential uses, subject to the provisions of the 'B3' Zone of By-Law No. 8499 and the following provisions. Maximum gross floor area of the residential buildings, including any permitted office / commercial uses, shall be 42,915 square metres (461,950 square feet). The residential buildings shall contain a maximum of 325 dwelling units;
- iv) Notwithstanding Section 5.26 of this By-Law, outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses;
- v) Waterfront Pathway.

9.3.3.2 REGULATIONS

The following regulations shall apply to the above uses:

(a) **MAXIMUM BUILDING HEIGHT**

Notwithstanding Table 9.2 of this By-Law:

- i) All heights shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street being established at 78.1 metres (256 feet) geodetic datum;

- ii) The maximum permitted building height shall be 52 metres;
- iii) Within the boundaries of Earl Street, as extended to the water, the maximum height shall be 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum;
- iv) For all other areas not otherwise covered by structures permitted in this By-Law, the maximum height shall be 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum.

(b) **MINIMUM YARDS**

Notwithstanding Section 9.2 of this By-Law and any other provisions to the contrary:

- i) Minimum setback from any street shall be thirteen (13) metres (42.5 feet);
- ii) Minimum setback from waterfront walkway shall be at least ten (10) metres (33 feet) over 50% of the walkway, which shall be totally accessible to the public.

(c) **OFF-STREET PARKING**

- i) Notwithstanding any other provisions to the contrary, parking shall be provided for the uses permitted within the 'HR-3' Zone in accordance with the provisions of Section 5.22 of this By-Law, except that for the occasional uses described in Section 9.3.3.1(b) iv) there shall be no parking requirements;
- ii) Required parking shall comply with the "Parking Design" regulations of Section 5.22.4 of this By-Law and may be a combination of surface / underground parking and for the purposes of this provision "underground" is deemed to be at or below 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum.;
- iii) Surface parking may be provided in the 'HR-3' Zone to a total maximum of 80 spaces;

-
- iv) Additional parking for the optional meeting rooms permitted in the 'HR-2' Zone, in excess of the total minimum number of spaces required in Section 9.3.2.2 (c) i), may be located within the 'HR-3' Zone.

(d) **LOADING AREAS**

Notwithstanding Table 9.2 of this By-Law and any other provisions to the contrary, Loading Areas shall be provided in accordance with Section 5.21 of this By-Law.

(e) **LANDSCAPED OPEN SPACE**

Notwithstanding any other provisions to the contrary, a minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in Subsection (b) iv) of Section 9.3.3.1 of this By-Law, and which shall be physically accessible to members of the public, and which may include space provided as a result of any yard requirement of this By-Law and which may include any area designed for vehicle parking or access.

(f) **AMENITY AREA**

The minimum amenity area requirements for each residential unit shall be in accordance with Section 5.5 of this By-Law.

(g) **WATER'S EDGE FLOODPROOFING AND EROSION CONTROL**

In accordance with Section 5.37 of this By-Law.

(h) **ACCESSORY BUILDINGS OR STRUCTURES**

In accordance with Section 5.1 of this By-Law.

9.3.3.3 REQUIREMENTS FOR REMOVAL OF HOLDING SYMBOL

The (H) symbol shall be used and removed in accordance with the provisions of Section 6.3 “HOLDING ZONES” of this By-Law and subject to the following specific requirements:

- (a) Confirmation of adequate sewage capacity has been provided by Utilities Kingston;
- (b) A Remedial Action Plan for addressing site contamination has been submitted and approved by the City of Kingston.

(By-Law No. 2004-243)

9.3.4 20 GORE STREET (HR-4)

Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-4 Zone:

9.3.4.1 PERMITTED USES

The permitted uses shall be limited to a Mixed Commercial/ Residential Development and accessory parking structures.

9.3.4.2 REGULATIONS

The regulations shall be as follows:

(a) **NUMBER OF UNITS**

The maximum number of residential units shall be eighteen (18).

(b) **MAXIMUM BUILDING HEIGHT**

Notwithstanding Table 9.2 of this By-Law, the maximum building height shall be 6 storeys not to exceed 27 metres (89 feet).

(c) **MAXIMUM COMMERCIAL GROSS FLOOR AREA**

The maximum commercial gross floor area shall be contained within the ground floor of the building and shall not exceed 661 square metres (7,115 square feet).

9.3.4 20 GORE STREET (HR-4) Cont'd:

(d) **OFF-STREET PARKING**

Notwithstanding Table 9.2 of this By-Law, the minimum number of off-street parking spaces shall be thirty-five (35).

(e) **AMENITY AREA**

The minimum required Amenity Area/Children's Play Area shall be 1442 square metres (15,546 square feet).

(f) **EXPANSION**

There shall be no further expansion of the existing building or structures.

9.3.5 1 GORE STREET (HR-5)

Notwithstanding any provisions of this By-Law to the contrary, the following uses shall apply to the HR-5 Zone:

9.3.5.1 PERMITTED USES

The permitted uses shall also include a Data Processing Establishment and a Computer Programming Establishment.

**9.3.6 ONTARIO STREET AT LOWER UNION STREET
(MARINE MUSEUM) (HR-6)**

Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-6 Zone:

9.3.6.1 PERMITTED USES

The permitted uses shall also include a Bed and Breakfast Establishment provided such use is confined within the permanently docked ship known as the Alexander Henry.

9.3.6.2 REGULATIONS

The regulations for the above use shall be as follows:

**9.3.6 ONTARIO STREET AT LOWER UNION STREET
(MARINE MUSEUM) (HR-6) Cont'd**

(a) **DEFINITION**

Notwithstanding Sections 4 and 5.7 of this By-Law, and for the purposes of this Section only, Bed and Breakfast Establishment means the provision of guest rooms, with or without meals, for the temporary accommodation of the travelling or vacationing public and shall not include a “Restaurant”, “Hotel”, “Motel”, “Lodging House” or “Nursing Home” as defined herein, or any home licensed, approved or supervised under any general or special Act.

(b) **OFF-STREET PARKING**

Notwithstanding Table 9.2, Section 5.7 and Section 5.22 of this By-Law, off-street parking for the guest rooms may be provided on site or on a lot not more than 60.0 metres (196 feet) from the lot upon which the Alexander Henry is located.

9.3.7 1-13 MAITLAND STREET (HR-7)

(Eastern End of Maitland and Western End of Simcoe Streets, South of King Street and Water Lot)

Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-7 Zone:

9.3.7.1 PERMITTED USES

The permitted uses in the HR-7 Zone shall only include:

- (a) A Yacht Club and the buildings, structures and facilities associated therewith;
- (b) Apartment dwelling.

9.3.7.2 REGULATIONS

The regulations for the above uses shall be as follows:

(a) **MINIMUM LOT AREA**

Notwithstanding Table 9.2. the minimum lot area shall be 1.09 ha (2.7 acres).

9.3.7 1-13 MAITLAND STREET (HR-7) cont'd:

(b) **MAXIMUM BUILDING HEIGHT**

Notwithstanding Table 9.2, the maximum building height shall be as follows:

The main Club House and building commonly referred to as the "Saints Rest" located at Civic Number 13, Maitland Street 10.7m (35 ft);
All other buildings 4.6m (15 ft).

(c) **OFF-STREET PARKING**

Notwithstanding Table 9.2, the minimum number of required off-street parking spaces shall be 22.

Any increase in the restaurant shall require an increase in off-street parking in accordance with Section 5.20.

(d) **PROJECTIONS**

No buildings shall be allowed to project over existing water areas.

(e) **GROSS FLOOR AREA**

The maximum total gross floor area for all buildings shall be 2620.0m² (28,202 ft²).

(f) **OUTDOOR STORAGE AREA**

No outdoor storage, except boats and equipment, shall be permitted. The existing breakwater, located on the extension of Maitland and Simcoe Streets shall be permitted to be used as a dock or landing place and for the storing or dry mooring of boats and equipment in association with a Yacht Club.

SECTION 10 - PARK (P) ZONE

10.1 PERMITTED USES

The following are permitted uses within the Park (P) Zone:

Municipal Parkland
Waterfront Pathways

10.2 REGULATIONS

Within a Park (P) Zone, no lot shall be used or developed and no building or structure shall be altered, enlarged, erected, renovated or used except in compliance with the applicable regulations contained in Section 5 of the General Provisions, the regulations set out in Table 10.2, and as specified below:

**Table 10.2
Regulations Governing Park (P) Zone**

Minimum Lot Area	nil
Minimum Lot Frontage	nil
Minimum Front Yard	6 metres (20 feet) from the street line or as required by Section 10.2.1 whichever is greater
Minimum Side Yard	7.5 metres (25 feet) or as required by Section 10.2.1 whichever is greater
Minimum Rear Yard	7.5 metres (25 feet) or as required by Section 10.2.1 whichever is greater
Maximum Lot Coverage	nil
Off-Street Parking	nil
Off-Street Loading	nil
Waterfront Pathway	In accordance with Section 10.2.2
Water's Edge Floodproofing and Erosion Control	In accordance with Section 5.37

10.2.1 MINIMUM REQUIRED BUILDING OR STRUCTURE DISTANCE FROM WATER'S EDGE

Notwithstanding any provisions of this By-Law to the contrary, within the Park (P) Zone the minimum required distance between the water's edge and the nearest part of any land based building or structure shall be 10.0 metres (33 feet).

In addition to the structures set out in Section 5.1.5 the following structures shall be exempt from the 10.0 metre (33 feet) setback: emergency response or rescue equipment, lighting, poles and benches.

DOWNTOWN & HARBOUR ZONING BY-LAW Number 96-259

SECTION 10 - Park (P) Zone

10.2.2 WATERFRONT PATHWAYS

10.2.2.1 Pathway Width

The minimum width of a waterfront pathway shall be 10.0 metres (33 feet).

10.2.2.2 Pathway Design

All waterfront pathways shall be designed so that they are open and uncovered from the ground to the sky.

10.3 SPECIFIC P ZONES

10.3.1 Confederation Park (P-1)

Notwithstanding any provisions of this By-Law to the contrary, the following uses shall apply to the P-1 Zone.

10.3.1.1 Permitted Uses

The following uses also shall be permitted:

- Accessory Uses and Structures to a Marina Use
- Accessory Tourist Commercial Uses in an Existing Building or Structure
- Outdoor Theatres and Cultural Performances
- Ticket Booth
- Tourism Information and Interpretation Facility

Section 11 - Key Map And Schedule

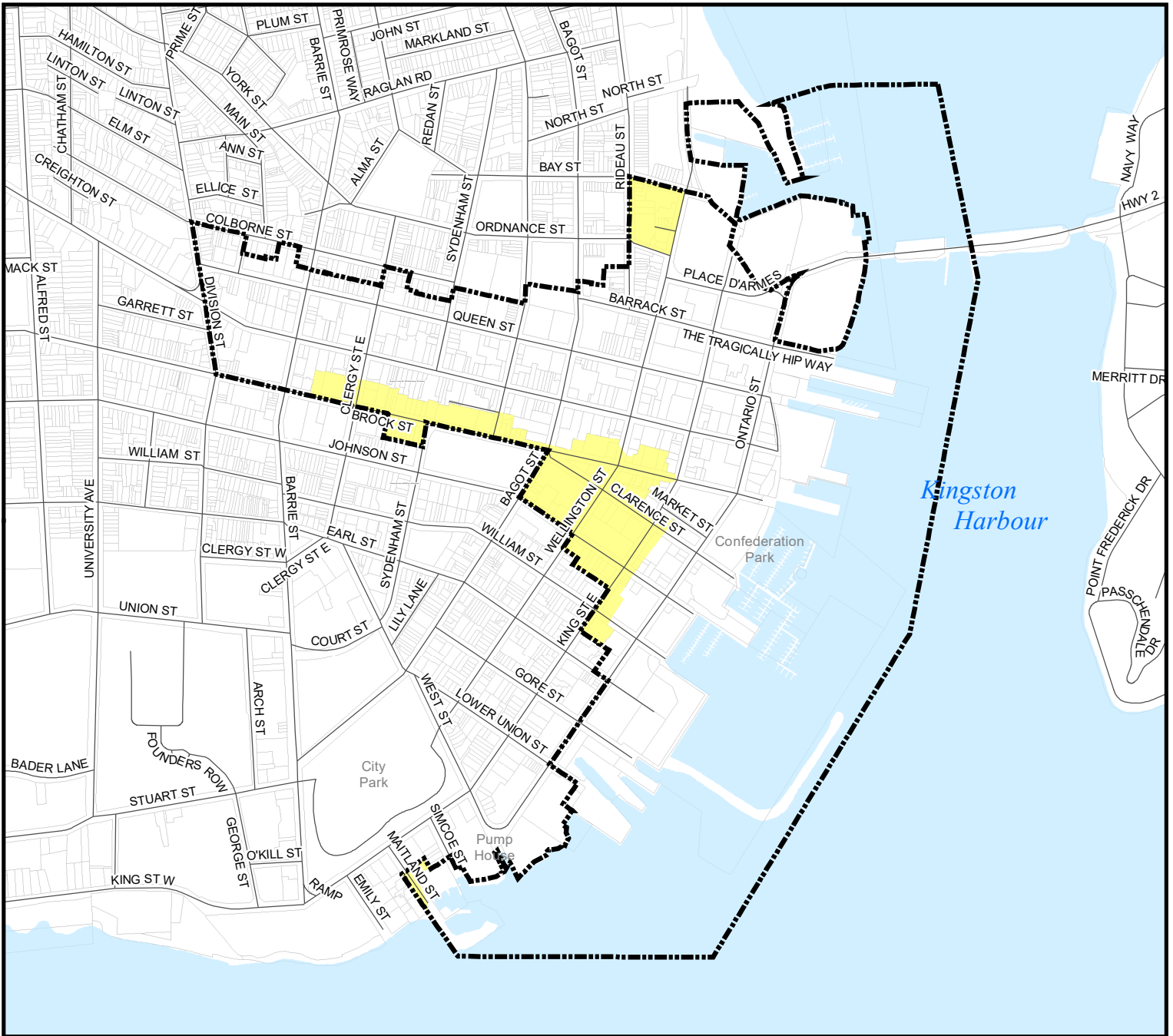
Note: All zoning by-laws and updated map schedules may be viewed on our

City of Kingston Website: <http://www.cityofkingston.ca/business/planning-and-development/zoning>

Please Note: Schedule 'B' and 'C' have been added on to the PDF copy of this By-Law

Any questions may be directed to our Planning Department at 613-546-4291 ext. 3180
& located at 1211 John Counter Blvd, Kingston, ON

Thank you





**Planning, Building
& Licensing Services**
 a department of
**Community
Services**

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 96-259

LEGEND

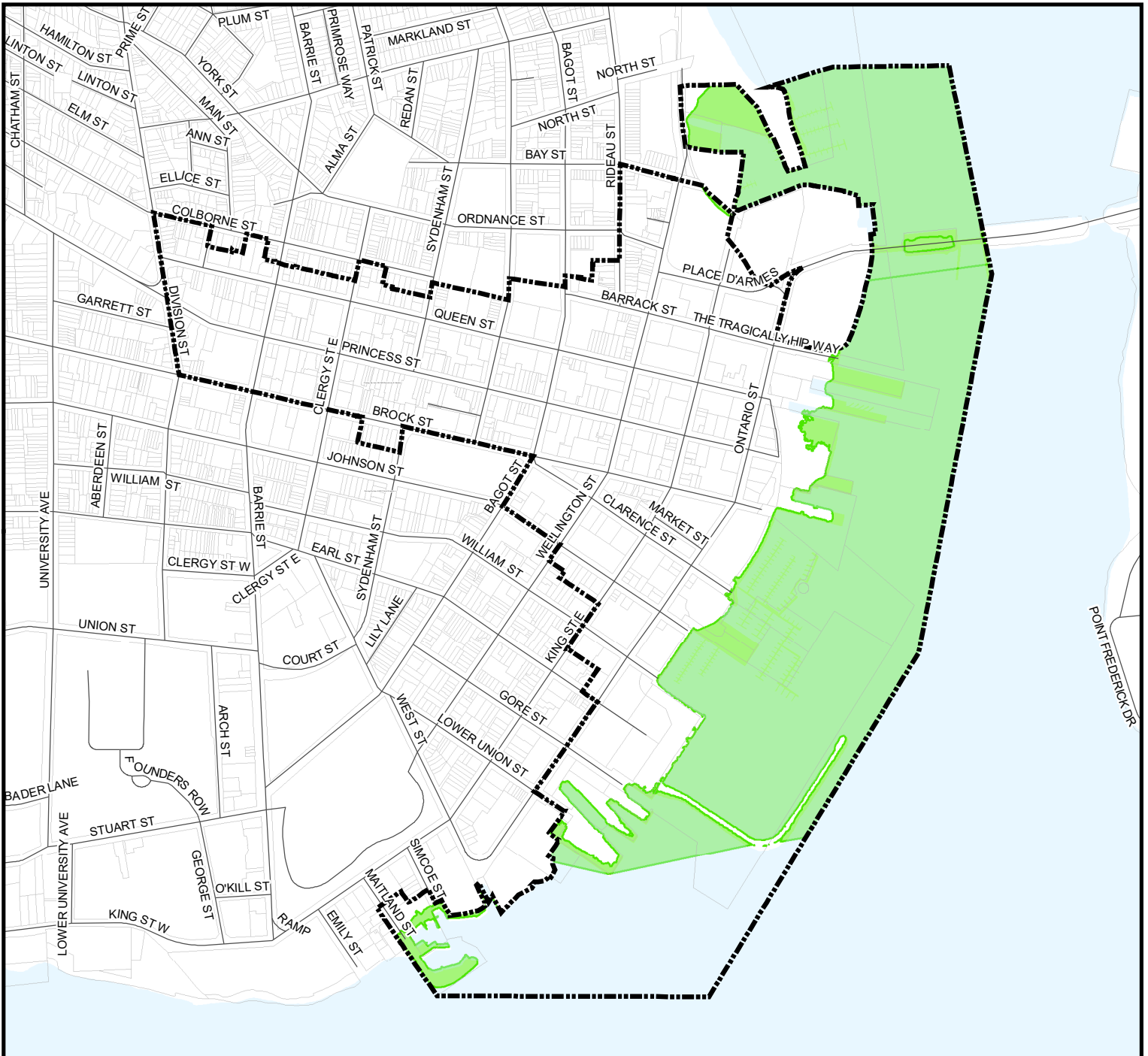
Add Schedule 'B' to By-law 96-259, 'Second Residential Units Constraint Overlay' as shown:

-  By-Law 96-259 Boundary
- Constraint Area (Not Subject to Holding Symbol)**
-  Sewer Surcharging (Combined Storm and Sewer Systems)

Certificate of Authentication

This is Schedule 'A' to By-Law Number 2019-88, passed this 18th day of June 2019.







Project: Second Residential Units
 File Number: D35-003-2018
 Location: By-Law 96-259

LEGEND

Add Schedule 'C' to By-law 96-259
 'Second Residential Units Natural Hazards
 Overlay', as shown:

-  By-Law 96-259 Boundary
-  Natural Hazards Area

Certificate of Authentication

This is Schedule 'B' to By-Law Number 2019-88,
 passed this 18th day of June 2019.

