

**By-Law Number 2024-XX**

**A By-Law to Amend By-law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Transfer of Lands into Kingston Zoning By-law, Zone Change to ‘IN2’, and Introduction of Exception Numbers E163 and E164, (101, 87, 71 and 69 Union Street; 28 Division Street; 284 Earl Street; 174 and 176 University Avenue; 135, 137 and 139 Alfred Street))**

**Passed:** [Meeting Date]

**Whereas** the Council of The Corporation of the City of Kingston enacted By-law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (the “Kingston Zoning By-law”);

**Whereas** the subject lands are identified as “Not Subject to this By-law” on Schedule 1 of the Kingston Zoning By-law;

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law;

**Therefore be it resolved that** the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
  - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, and by adding the zone symbol ‘IN2’ and by changing the zone symbol of the subject lands to ‘IN2’, as shown on Schedule “A” attached to and forming part of this By-Law.
  - 1.2. Schedule E – Exception Overlay is amended by adding Exception Numbers E163 and E164, as shown on Schedule “B” attached to and forming part of this By-Law.
  - 1.3. By adding the following Exception Number E163 in Section 21 – Exceptions, as follows:

“**E163.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) In addition to the **uses** permitted by the applicable Zone, the following complementary commercial **uses** are permitted:
  - (i) **creativity centre**;
  - (ii) **financial institution**;
  - (iii) **fitness centre**;
  - (iv) **grocery store**;
  - (v) **laundry store**;
  - (vi) **office**;
  - (vii) **personal service shop**;
  - (viii) **place of worship**;
  - (ix) **restaurant**;
  - (x) **retail store**; and
  - (xi) **wellness clinic**;
- (b) Show or display windows, and commercial signage associated with any permitted complementary commercial **uses** that are visible from the exterior of the **building** are prohibited;
- (c) Complementary commercial **uses** will be accessed from common corridors within the **building**. Access to complementary commercial **uses** is not permitted directly from an external part of the **building**, except in cases where those **uses** require direct service entrances from any **street** or where the **use** includes an outdoor **patio**;
- (d) The minimum **setback** from University Avenue is 6.0 metres;
- (e) The minimum **setback** from Union Street is 9.53 metres;
- (f) The minimum **setback** from Division Street is 0.0 metres;
- (g) The minimum **setback** from Earl Street is 0.0 metres;
- (h) The interior **side yard setback** on the east side is 3.2 metres; and
- (i) The interior **side yard setback** on the west side is 3.6 metres”

- 1.4. By adding the following Exception Number E164 in Section 21 – Exceptions, as follows:
  - “**E164.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
    - (a) The minimum **setback** from Union Street is 6.79 metres;
    - (b) The minimum **setback** from Alfred Street is 0.0 metres;
    - (c) The minimum **setback** from University Avenue is 0.0 metres; and
    - (d) The maximum **building height** measured to the top of the mechanical shaft on Alfred Street is 31 metres.”
2. The lands shown on Schedule “A” attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-law and the provisions of City of Kingston By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, no longer apply to the lands.
3. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

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**Janet Jaynes**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**



Planning  
Services

### Schedule 'A' to By-Law Number

Address: 69-101 Union Street, 28 Division Street,  
284 Earl Street, 174-176 University Avenue,  
135-139 Alfred Street  
File Number: D14-002-2024

### Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

Lands to be Rezoned from NA to IN2

#### Certificate of Authentication

This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

