

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, Introduction of Exception Number E165 and Introduction of Holding Overlay H236 (64 Barrack Street & 235-237 Wellington 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”);

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

And 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 ‘DT1’, 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 Number 165, as shown on Schedule “B” attached to and forming part of this By-Law.
 - 1.3. Schedule F – Holding Overlay is amended by adding Holding Overlay H236, as shown on Schedule “C” attached to and forming part of this By-Law.

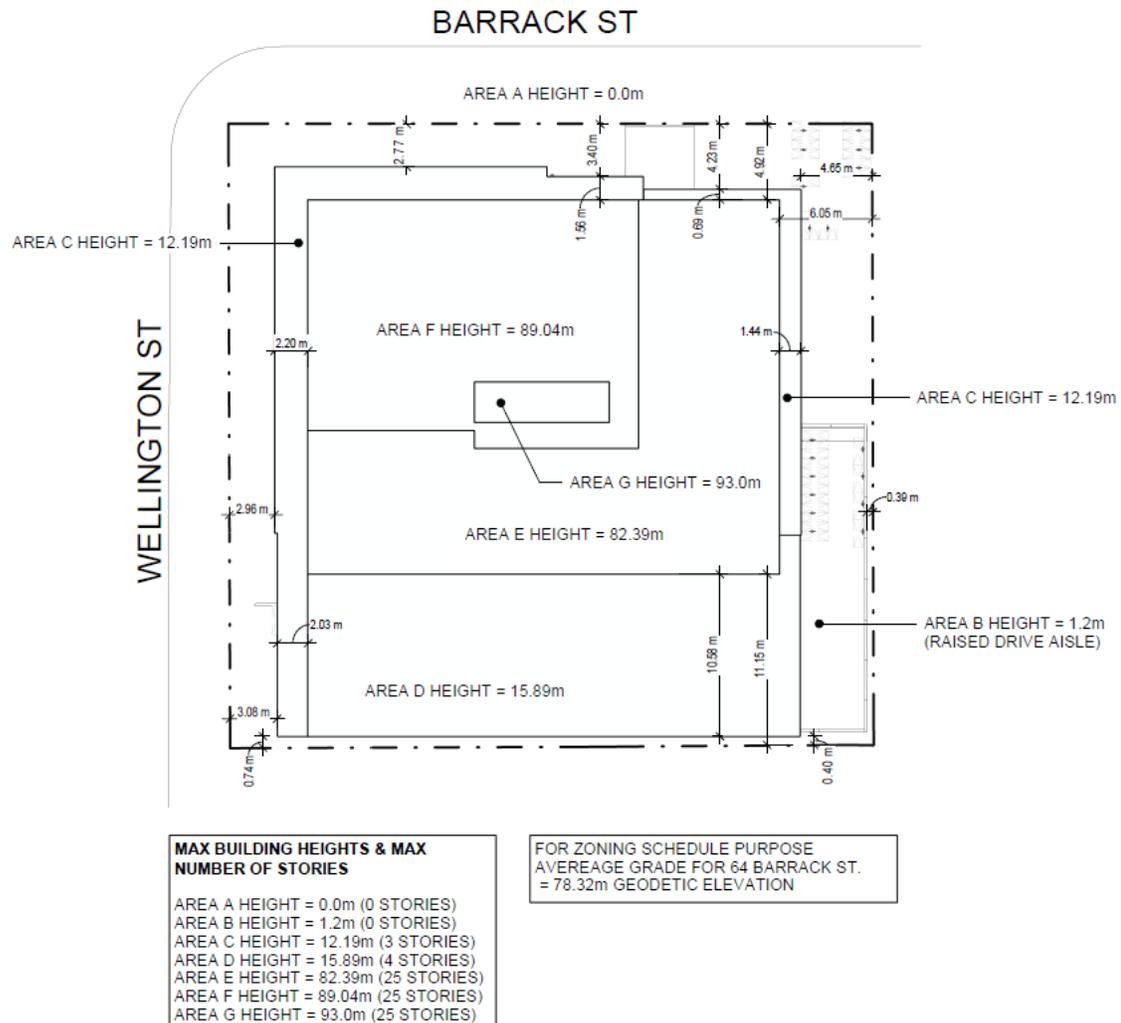
1.4. By adding the following Exception Number E165 in Section 21 –
Exceptions, as follows:

“E165. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The maximum **heights** are specified on Figure E165, with a maximum 1 metre variance on noted dimensions permitted;
- (b) The minimum **setbacks** and **stepbacks** are as shown on Figure E165, with a maximum 5% variance on noted dimensions permitted;
- (c) The **angular plane** and **build to plane** requirements described in Subsection 4.5 do not apply;
- (d) The maximum tower floorplate above the 3rd storey is 765 square metres;
- (e) The **building** components described in Clause 4.18.2. are permitted to cover a maximum area of 50% of the roof area on which they are located, in the aggregate, with maximum **heights** and minimum **setbacks** as shown on Figure E165;
- (f) Despite the minimum **setback** requirements, architectural features such as ramps, stairs, **canopies**, and wind screens may project horizontally into the required **setback** up to the **lot line**;
- (g) The maximum number of **dwelling units** is 344;
- (h) The minimum **first storey height** is 4.5 metres;
- (i) The minimum **non-residential** floor area on the **ground floor** is 240 square metres;
- (j) A maximum of 85% of the horizontal length of each face of the **main wall** of each **storey** may be occupied by **balconies**;
- (k) One communal **amenity area** may have a minimum area of 40 square metres;
- (l) Clause 4.3.3. does not apply to a communal exterior **amenity area** accessed from the 3rd storey;
- (m) The minimum number of required **parking spaces** is 83;

- (n) A maximum of 11 required **parking spaces** are permitted to be used for small cars, with a minimum length of 4.8 metres and a minimum width of 2.4 metres, and must include signage that identifies the space as a “small car parking space”;
- (o) A minimum of 5 **visitor spaces** are required;
- (p) A minimum of 1 **short-term delivery parking space** is required;
- (q) A minimum of 1 **car share** space is required;
- (r) A minimum of 10% of the required **long-term bike spaces** must be **horizontal bike spaces**. The remainder of the **long-term bike spaces** may be provided as **stacked bike spaces** or **vertical bike spaces**;
- (s) The minimum width of a **vertical bike space** is 0.4 metres.
- (t) The minimum **drive aisle** width is 6 metres;
- (u) Despite paragraph (s) above, where a **drive aisle** is permitted at-grade for access from Wellington Street the minimum **drive aisle** width is 5.75 metres;
- (v) The maximum width of a **driveway** within the required **front setback** is 7.3 metres;
- (w) The minimum dimension of the required **sight triangle** is 5 by 5 metres; and
- (x) A minimum of 1 **loading space** is required with minimum dimensions of 11.5 metres in length and 3.5 metres in width.

(y) **Figure E165**



2. By adding the following Holding Overlay H236 in Section 22 – Holding Conditions, as follows:
 - “**H236.** Prior to the removal of the Holding Overlay, the following condition must be addressed to the satisfaction of the **City**:
 - (a) The **City** is satisfied that there is adequate servicing capacity for the proposed **development**, including, but not limited to, adequate fire flow capacity, adequate electrical servicing capacity, and adequate gas servicing capacity.”
3. 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 96-259, entitled "Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston", as amended, no longer apply to the lands.

4. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor