

“6.2 DOWNTOWN MIXED USE - PEDESTRIAN FOCUS (D2) ZONE

Explanatory Note: *The D2 Zone applies along King Street, James Street and portions of Hess Village and King William Street. These streets have been acknowledged as vibrant streets with active street level uses and pedestrian oriented built form. To maintain the character of these streets the D2 Zone requires that commercial uses be located at the street level and allows for residential uses above the ground floor. The intent of the D2 Zone is to provide a range of uses and built form that creates an inviting pedestrian experience.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D2 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply Section 6.0 Downtown Zones General Provisions and with the prescribed regulations below:

6.2.1 PERMITTED USES

Artist Studio
 Beverage Making Establishment
 Catering Service
 Commercial Entertainment
 Commercial Recreation
 Commercial School
 Community Garden
 Conference or Convention Centre
 Craftsperson Shop
 Day Nursery
 Dwelling Unit(s)
 Educational Establishment
 Financial Establishment
 Hotel
 Laboratory
 Lodging House
 Medical Clinic
 Microbrewery
 Multiple Dwelling
 Office
 Personal Services
 Place of Assembly
 Place of Worship
 Repair Service
 Restaurant
 Retail
 Tradesperson’s Shop
 Urban Farm
 Urban Farmers Market
 Veterinary Service

6.2.1.1 RESTRICTED USES

i) In addition to Section 6.2.1, the following uses shall only be permitted in accordance with Section 6.2.3 and the following additional restrictions:

1. Day Nursery
Dwelling Unit(s)
Multiple Dwelling
Place of Worship

A. Shall not be permitted within the ground floor, except for access, accessory office and utility areas.

2. Microbrewery

A Microbrewery shall have a maximum Gross Floor Area of 700.0 square metres.

3. Parking Facility

In the case of a Parking Facility developed after the effective date of this By-law, such facility:

A. Shall only be contained within a building; and,

B. With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for permitted uses, other than parking.

C. In addition to 6.2.1.1 i) 3. B) above, any parking structure located above the ground floor shall be screened from view from the public sidewalk.

6.2.2 PROHIBITED USES

i) Notwithstanding Section 6.2.1, the following

uses are prohibited, even as an accessory use:

Drive-Through Facility
 Dry Cleaning Plant
 Motor Vehicle Dealership
 Motor Vehicle Gas Bar
 Motor Vehicle Rental Establishment
 Motor Vehicle Service Station
 Motor Vehicle Washing Establishment

- ii) Notwithstanding Section 6.2.1, the following uses are prohibited, except if considered an accessory use to another permitted use:

Amusement Arcade
 Garden Centre

6.2.3 REGULATIONS

- a) Building Setback from a Street Line
- i) Maximum 2.0 metres for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access;
 - ii) Notwithstanding Section 6.2.3 a) i) above, a maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.
 - iii) Section 6.2.3 a) i) above, shall not apply for any portion of a building that exceeds the requirement established in Section 6.2.3 c) ii) or iii) below.
 - iv) Where a building(s) has been constructed and complies with Section 6.2.3 c) ii) or iii) below, additional buildings constructed on the subject property shall not be subject to Section 6.2.3 a) i) above, as it relates to the setback from a front lot line.
 - v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to Section 6.2.3 a) i) above.

- vi) Accessory buildings and structures shall not be subject to Section 6.2.3 a) i).
- b) Building Height
 - i) Minimum 11.0 metres;
 - ii) Maximum Building Height shall be in accordance Figure 1 of Schedule “F” – Special Figures.
- c) Built Form for New Development

In the case of buildings constructed after the effective date of this By-law or additions to buildings existing as of the effective date of this By-law the following regulations shall apply:

 - i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street;
 - ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall:
 1. Be greater than or equal to 75% of the measurement of the front lot line; and,
 2. Comply with Section 6.2.3 a) i) above.
 - iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall:
 1. Be greater than or equal to 50% of the measurement of the front lot line and flankage lot line; and,
 2. Comply with Section 6.2.3 a) i) above.
 - iv) Notwithstanding Section 6.2.3 c) ii) and iii) above, a driveway with a maximum width of 7.5 metres shall be permitted for ingress and egress.
 - v) No parking or aisles shall be located

between the required building façade and the front lot line or flankage lot line.

- vi) A minimum of one principal entrance shall be provided:
 1. within the ground floor building façade setback the least distance from a street; and,
 2. shall be accessible from the building façade with direct access from the public sidewalk.

- d) Outdoor Storage
 - i) No outdoor storage of goods, materials, or equipment shall be permitted.
 - ii) Notwithstanding Section 6.2.3 d) i) above, the outdoor display of goods or materials for retail purposes accessory to a retail use shall only be permitted in a front yard or flankage yard.

6.2.4 URBAN FARM REGULATIONS In accordance with the requirements of Section 4.26 of this By-law.

6.2.5 COMMUNITY GARDEN REGULATIONS In accordance with the requirements of Section 4.27 of this By-law.

6.2.6 URBAN FARMERS MARKET In accordance with the requirements of Section 4.28 of this By-law.”

(By-law 18-114, May 9, 2018)