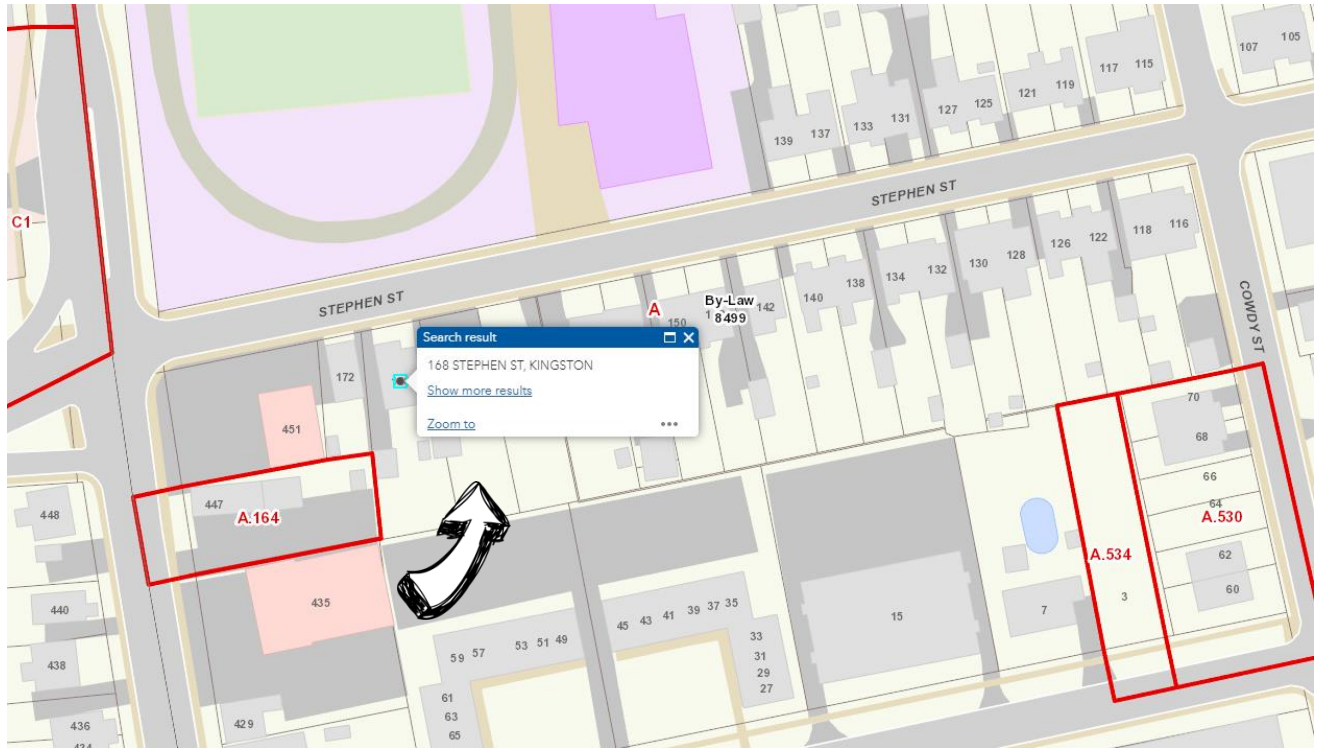


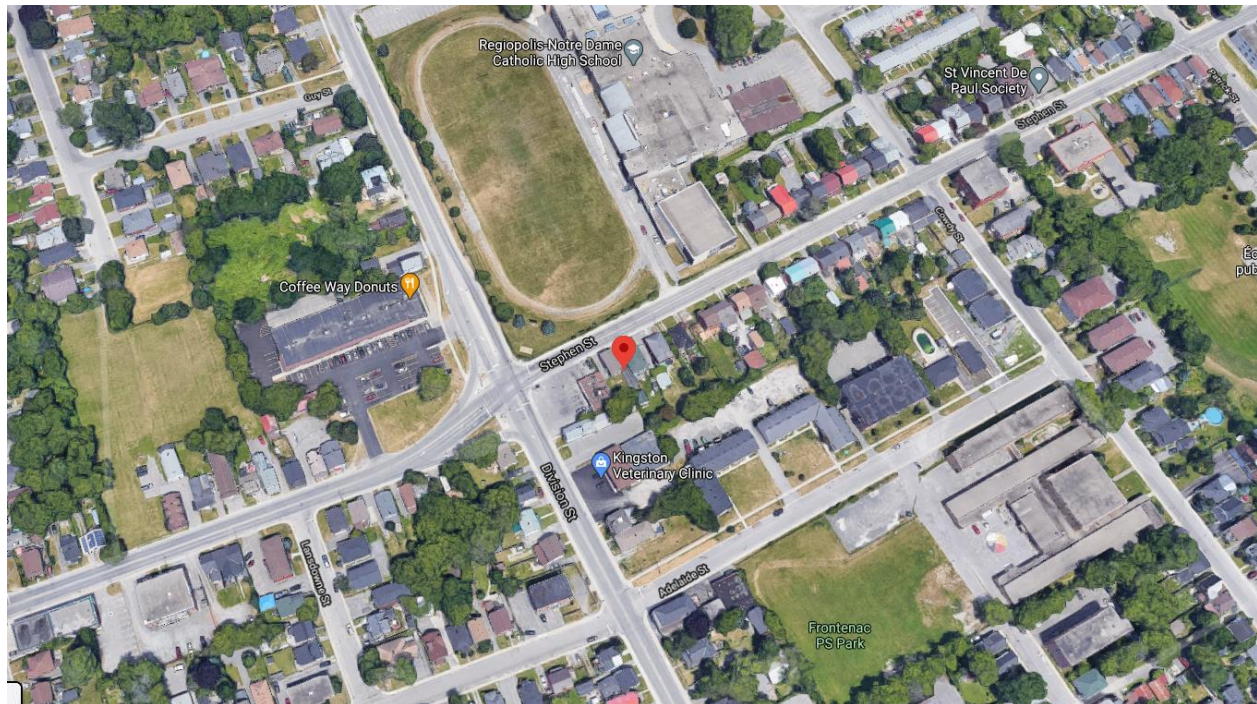
Figure 1- Zoning Map: 168 Stephen Street, Kingston

A - Residential Zone

By-Law Number [8499 Restricted Area](#) (Zoning) By-Law Of The Corporation Of The City Of Kingston



Google Map:



Part II – Residential Zones

Section 6: General Provisions for One-Family Dwelling and Two-Family Dwelling Zone "A"

6.1 Subject to compliance with the provisions of Section 5, the following provisions shall apply in the A zones:

6.2 The following uses only shall be permitted in A zones:

(a) one-family dwellings;

(b) two-family dwellings;

(By-Law Numbers 8499 – 1975; 82-89 – 1982; 2017-167)

(c) libraries, art galleries and museums;

(d) public or private day schools;

(e) community halls;

(f) churches, church halls;

(g) institutions or homes operated or supervised by a Children's Aid Society as defined by the Child Welfare Act, or its legal successor, for the temporary shelter and protection of Children;

(By-Law Number 8499 – 1975)

(h) Community Homes, subject to the provisions of Section 5.32 of this by-law;

(By-Law Numbers 79-6 – 1979; 87-236 – 1987; 91-17 – 1990)

(i) Providence Manor and Rideaucrest Home for the Aged;

(j) Accessory buildings to any use permitted in A Zones.

(By-Law Number 8499 – 1975)

6.3 The following regulations shall apply to lands, buildings or structures erected in A Zones:

(a) Minimum Lot Area

- (i) 370.0m² per dwelling unit except that the foregoing minimum shall not apply to any lot which on the day of the passing of this by-law had built on it a one or two family dwelling or was described in accordance with a registered plan of subdivision or by metes and bounds description or other instrument, provided that such lot has not been computed as part of any adjacent lot for the purpose of meeting any requirement of this by-law, and provided that no new two family dwelling may be constructed and no existing single family dwelling may be altered to create a two family dwelling if the lot on which it is located will contain less than 370.0 square metres of lot area per dwelling unit.
- (ii) Notwithstanding anything to the contrary in this by-law, no lot on which is located a dwelling containing more than two dwelling units may be reduced in size if the effect will be to leave the lot with less than 370.0 square metres of area per dwelling unit.
- (iii) Notwithstanding anything to the contrary contained in this By-Law, for any existing two family dwelling located on a lot which contains less than 370.0 square metres of lot area per dwelling unit, there shall be no extension, expansion or structural alteration which has the effect of adding any new floor area to the said two family dwelling.

(By-Law Number 93-200 – 1995; 2017-167)

(b) Minimum Front Yard

- (i) Where the nearest previously erected building fronting on the same street is located less than 30.0m from a building to be erected, structurally altered, enlarged or maintained and when there is no other building within 30.0m, located on the opposite side of the above mentioned building which is to be erected, structurally altered, enlarged or maintained, the minimum required front yard shall be the average between the following two distances:

(By-Law Numbers 8499 – 1975; 79-174 – 1979; 93-200 – 1993)

- (1) the front yard of the previously erected building excluding steps and eaves, and
- (2) 4.5m

(By-Law Numbers 8499 – 1975; 93-200 – 1993)

- (ii) Where the nearest previously erected building fronting on the same street is located less than 30.0m from a building which is to be erected, structurally altered, enlarged or maintained and there is another previously erected building within 30.0m located on the opposite side of the building to be erected, structurally altered, enlarged or maintained the minimum required front yard shall be the average depth of the front yards of the two above mentioned previously erected buildings.

(By-Law Numbers 8499 – 1975; 79-174 – 1979; 93-200 – 1993)

- (iii) In all other cases the minimum required front yard shall be 4.5m.

(By-Law Numbers 8499 – 1975; 93-200 – 1993);

(c) Minimum Side Yard

- (i) Minimum side yard width (one and two-family dwellings) 0.6m. The minimum aggregate side yard width shall be 3.6m or 3/10 of the width of the lot, whichever is the lesser width. The width of any lot adjoining a lane or a right-of-way over which the owners of the said lot has had access shall, for the purpose of this subsection of this by-law only, be assumed to include one half of the width of the said lane or right-of-way.

(By-Law Numbers 8499 – 1975; 79-174 – 1979; 93-200 – 1993)

- (ii) Minimum side yard width for a public or semi-public building: side yards shall be provided on each side, other than on a side facing a street, and each side yard shall have a width that is not less than one-half of the height of the building.

- (iii) Front Yards – Corner Lots

Buildings on corner lots shall be subject to the Front Yard regulations on the two streets on which such lots abut.

(By-Law Numbers 8499 – 1975; 93-200 – 1993)

(d) Minimum Rear Yard

- (i) The minimum rear yard requirement for any building permitted in the A zone shall not at any point throughout its length, be less than the greater of either (1) the height of the rear wall of the main building, or (2) 25 per cent of the lot depth; provided however, the depth of the rear yard need not exceed 7.5m.
- (ii) When in Zone A the shape of a lot is such that it does not permit a rear yard having the dimensions required by this by-law, there may be substituted for such rear yard an equal area located between the main building and the side lot line, provided that there shall be, at any point, a distance of not less than 3.0m between any rear wall of such building and the rear lot line, and that such substituted area, and the side yard on that side of the building opposite to it, shall be subject to the provisions of this by-law controlling rear and side yards and the walls facing thereon.

(By-Law Numbers 8499 – 1975; 79-174 – 1979; 93-200 – 1993)

(e) Maximum Percentage of Lot Coverage

33 1/3 per cent of the total lot area. (In computing the percentage of lot coverage of any building on a lot which has a lane or right-of-way over which the owner of the said lot has legal access, extending along the side or along the rear thereof, one-half of the area of that portion of such lane or right-of-way which is adjacent to and bordering on such lot, not exceeding in any case ten per cent of the area of the lot proper, may be deemed to be a portion of that lot.)

(By-Law Number 93-200 – 1993)

(f) Maximum Building Height

(i) Definitions

For the purpose of this Section 6.3(f):

- (1) **Building Height** means the vertical distance measured from the average finished grade of the entire lot to the highest point of the roof surface.
- (2) **Dormer** means framing which projects from a sloping roof, providing an internal recess in the roof space.

- (3) **Dormer Window** means a vertical window in a dormer for lighting a room adjoining a sloping roof.
- (4) **Gable** means the upper triangular-shaped portion of the end wall of a building.
- (5) **Ridge Line** means the summit line of a roof; the line on which the rafters meet.

(By-Law Number 93-200 – 1993)

(ii) Maximum Residential Building Height

- (1) The maximum permitted building height for any permitted residential building in the A Zone shall be 10.7m at the ridge line.
- (2) The maximum permitted height of any exterior wall exclusive of end gable shall be 7.0m.
- (3) A flat roof shall not be permitted above the 7.0m exterior wall.

(By-Law Number 93-200 – 1993)

- (4) A sloping roof extending from a ridge line to the top of a perimeter wall above a first storey may contain a dormer(s) provided that:
 - (a) the front wall of the dormer(s) is setback at least 40.6cm (16 inches) from the building's main wall;
 - (b) the sidewalls of the dormer(s) are setback at least 106.7cm (3 feet 6 inches) from the roof at the end of the existing roof; and
 - (c) the dormer(s) does not exceed 4.6m (15 feet) or one-half (1/2) of the main roof's length, whichever is shorter. Where a sloping roof has more than one dormer, the combined length of all dormers shall not exceed 4.6m (15 feet) or one-half (1/2) of the main roof's length, whichever is shorter.

(By-Law Numbers 93-200 – 1993; 2005-212)

(iii) Maximum Non-Residential Building Height

- (1) The maximum permitted building height for any existing non-residential building in the A Zone shall be the height of the existing building.
- (2) The maximum permitted building height for any new non-residential building in the A Zone shall be 10.7m.

(By-Law Number 93-200 – 1993)

(g) Maximum Permitted Residential Building Depth

(i) Definitions

For the purposes of this Section 6.3(g):

- (1) **Building Depth** means the horizontal distance between the front wall and the rear wall of a building.
- (2) **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.
- (3) **Rear Wall** of a building means the wall which faces the rear lot line.
- (4) **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, landing places or balconies.
- (5) **Established Rear Building Line** means a line representing the location of the rear wall of a building or the horizontal projection thereof, situated nearest to the rear lot line, excluding any unenclosed porches, platforms, landing places or balconies.

(ii) Maximum Permitted Residential Building Depth

- (1) In addition to the minimum rear yard regulations of Section 6.3(d), the maximum permitted building depth for any permitted residential building in the A Zone shall be:

Amended up to March 24, 2020

- (a) the average distance between the established front building lines and the established rear building lines of the two nearest permitted residential buildings on the nearest lots on the same block on opposite sides of the subject building.
- (2) Nothing in this Section 6.3(g) shall prevent the construction, erection, or use of an unenclosed porch or verandah to the rear entrance of or along the rear wall of an existing dwelling.

(By-Law Number 93-200 – 1993)

(h) Maximum Floor Space Index

(i) Definitions

For the purposes of this Section 6.3(h):

- (1) **Floor Space Index** means the ratio of the gross floor area of the building to the area of the lot on which the building is constructed.
- (2) **Floor Area, Gross**, means the sum total of the gross horizontal areas of all floors of the main building on a lot, measured from the exterior faces of the exterior walls or from the centreline of the common wall separating two buildings, and the "floor area, gross" of a building shall also include:
 - (a) basement floor area where the basement ceiling height is 2.1 metres (7.0 feet) or more, unless otherwise specified.
 - (b) attic space having headroom of 2.1 metres (7.0 feet) or more for at least half the attic floor area.
 - (c) interior balconies and mezzanines.
 - (d) enclosed porches.
 - (e) elevator shafts and stairwells at each floor, and floor area used for mechanical equipment.

- (f) floor area devoted to accessory uses in the main building.
- (g) floor area used for a private garage in the main building.

but area contained within a detached accessory building is not included in the "floor area".

- (ii) **Maximum Permitted Floor Space Index: 1.0** provided that for the purposes of this Section 6.3(h), existing building shall be deemed to conform to the maximum floor space index regulations of this Section.

(By-Law Number 93-200 – 1993)

- (i) **Maximum Horizontal Dimension of Courts**

The least permissible horizontal dimension of any court shall not be less than the height of such court.

(By-Law Numbers 8499 – 1975; 93-200 – 1993)

- (j) **Existing Multiple Family Dwellings Permitted:**

Notwithstanding anything to the contrary contained in this by-law, any multiple family dwelling within Zone A constructed, or for the construction of which a Building Permit has been issued by the Chief Building Official or designate, before the date of the passage of this by-law by the City, which was constructed in accordance with all by-laws of the City in force at that date shall be deemed to be a use of land conforming with the provisions of this by-law. Extension, expansion or structural alteration which has the effect of adding new floor area or dwelling units to the said multiple family dwelling shall be prohibited.

(By-Law Numbers 8499 – 1975; 83-110 – 1983; 83-168 – 1983; 93-200 – 1993; 2005-212 – 2005)

- (k) **Accessory Building**

As per Section 5.17 of this by-law.

(By-Law Number 8499 – 1975; 9229 – 1978; 9229 – 1978; 79-174 – 1979; 83-168 – 1983; 93-200 – 1993)

(l) Parking

As per Section 5.3 of this by-law.

(By-Law Number 83-168 – 1983; 93-200 – 1993)

(m) Loading Areas

As per Section 5.4 of this by-law.

(By-Law Number 87-234 – 1987; 93-200 – 1993)

(n) Amenity Areas (Existing Multiple Unit Dwellings)

Any addition to, or redevelopment of, existing multiple unit dwellings in the "A" Zone shall comply with the Amenity Area requirements of Section 5.27 of this by-law."

(By-Law Number 2005-212 – 2005; 2017-168)

(o) Minimum Percentage of Landscaped Open Space

30 per cent of the total lot area

(By-Law Number 8499; 2017-168)

Section 7: General Provisions for One-Family Dwelling Zone "A1"

7.1 Subject to compliance with the provisions of Section 5, the following provisions shall apply in A1 zones:

7.2 The following uses only shall be permitted in A1 Zones:

(a) one-family dwellings,

(b) libraries, art galleries and museums,

l Public or private day schools,

(d) community halls, non-commercial outdoor recreational facilities,

(By-Law Number 8499 – 1975)

l churches, church halls,

- (f) Community Homes, subject to the provisions of Section 5.32 of this by-law.

(By-Law Numbers 79-6 – 1979; 87-236 – 1987; 91-17 – 1990)

- (g) accessory buildings to any use permitted in A1 zones.

7.3 The following regulations shall apply to lands, buildings or structures erected in A1 zones:

(By-Law Number 8499 – 1975)

- (a) Maximum Height: 10.7m

- (b) Minimum Front Yard: 7.5m

I Minimum Side Yard Width

- (i) a side yard shall be provided on either side of the main building;
- (ii) the minimum aggregate side yard width shall be no less than 3.6m;
- (iii) each side yard shall not, at any point in its length, be a lesser width than 1.2m.
- (iv) Main buildings other than dwellings or accessory buildings if 4.6m or less high (each side) 3.0m, and for each additional 0.6m in height in excess of 4.6m (each side) 0.3m.
- (v) However, on a corner lot the minimum side yard abutting a street shall be 7.5m."

(By-Law Numbers 8499 – 1979; 2003-279 – 2003)

- (30) Minimum Rear Yard: 6.0m

(However, on a corner lot a side yard requirement may be substituted for the rear yard requirement.)

- I Minimum Lot Area: 665.0m²

- (f) Minimum Lot Width: 18.0m

(By-Law Numbers 8499 – 1975; 79-174 – 1979)

(g) Loading Areas

As per Section 5.4 of this by-law.

(h) Accessory Buildings

As per Section 5.17 of this by-law.

(30) Parking

As per Section 5.3 of this by-law

(j) **Minimum Percentage of Landscaped Open Space**

30 per cent of the total lot area

(By-law 8499; 2017-168)

Section 8: General Provision for One-Family Dwelling Zone "A2"

8.1 Subject to compliance with the provisions of Section 5, the following provisions shall apply in A2 zones:

8.2 The following uses only shall be permitted in A2 zones:

(a) one-family dwellings,

(b) libraries, art galleries and museums,

(c) Public or private day schools,

(d) Community halls, non-commercial outdoor recreational facilities,

(e) churches, church halls,

(By-Law Number 8499 – 1975)

(f) Community Homes, subject to the provisions of Section 5.32 of this by-law;

(By-Law Numbers 79-6 – 1979; 87-236 – 1987; 91-17 – 1990)

(g) institutions of homes operated or supervised by a Children's Aid Society as defined by the Child Welfare Act, or its legal successor, for the temporary shelter and protection of children,