

SECTION 20
DOWNTOWN AREA (DA) ZONE

20.1 GENERAL PURPOSE OF THE DA ZONE

This Zone provides for and regulates the City's most dominant and intensive commercial business area which serve the City and region. The permitted uses include a full range of commercial, service, and office uses with residential uses permitted above the first floor. Zone variations are established to emphasize the pedestrian-oriented shopping area and to regulate the scale of retail permitted.

The primary difference between the DA1 Zone and the DA2 Zone variation is that the DA1 Zone is applied to main retail shopping area centred along Dundas and Richmond Streets. The DA2 Zone variation is applied to the other peripheral areas of the Downtown and permits ground level office and residential uses.

20.2 PERMITTED USES

No person shall erect or use any building or structure, or use any land or cause or permit any building or structure to be erected or used, or cause or permit any land to be used, in any DA Zone variation for any use other than the following uses:

DA1

The following are permitted uses in the DA1 Zone variation:

- a) (deleted by Z.-1-96435)
- b) Retail stores;
- c) Supermarkets;
- d) Amusement game establishments restricted to locations within shopping centres, entertainment complexes and hotels;
(Deleted and replaced by Z.-1-96458 - O.M.B. File No. R 980046 - Order Issue Date: June 25, 1998)
- e) Apartment buildings with dwelling units restricted to the rear portion of the ground floor or on second floor or above with any or all of the other permitted uses in the front portion of the ground floor;
(Z.-1-94263)(Z.-1-98618)
- f) Apartment hotels with rooms restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion of the ground floor;
(Z.-1-94263) (Z.-1-98618)
- g) Art galleries;
- h) Assembly halls;
- i) Bake shops;
- j) Clinics;
- k) Commercial parking structures;
- l) Commercial recreation establishments;
- m) Convenience stores;
- n) Day care centres;
- o) Dry cleaning and laundry depots;
- p) Duplicating shops;
- q) Dwelling units restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion of the ground floor; (Z.-1-98618)
- r) Emergency care establishments;
- s) Film processing depots;
- t) Financial institutions;
- u) Funeral homes;
- v) Group homes type 2;
- w) Hotels;
- x) Institutions;
- y) Laboratories;
- z) Laundromats;

- aa) Libraries;
- bb) Medical/dental offices;
- cc) Museums;
- dd) Offices, with the exception of service offices, restricted to the second floor and above;(Z.-1-00819)
- ee) Patient testing centre laboratories;
- ff) Personal service establishments;
- gg) Place of Worship;
- hh) Printing establishments;
- ii) Private clubs;
- jj) Repair and rental establishments;
- kk) Restaurants;
- ll) Restaurants, outdoor patio;
- mm) Schools;
- nn) Senior citizen apartment buildings with units restricted to the rear portion of the ground floor or on the second floor or above with any or all the other permitted uses in the front portion of the ground floor;(Z.-1-98618)
- oo) Service and repair establishments;
- pp) Service trades;
- qq) Studios;
- rr) Taverns;
- ss) Theatres and cinemas;
- tt) Video rental establishments;
- uu) Lodging house class 2; (Z.-1-93172)
- vv) Place of Entertainment.
(Z.-1-96458 - O.M.B. File No. R 980047 - Order Issue Date: June 25, 1998)
- ww) Accessory dwelling units restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion of the ground floor; (Z.-1-98618)
- xx) Brewing on Premises Establishment. (Z.-1-021027)
- yy) Artisan Workshop (Z.-1-172561)
- zz) Craft Brewery (Z.-1-172561)

DA2

The following are permitted uses in the DA2 Zone variation:

- a) Retail stores;
- b) Supermarkets;
- c) Amusement game establishments;
- d) Apartment buildings; (Z.-1-98577) (Z.-1-94263)
- e) Apartment hotel; (Z.-1-98577) (Z.-1-94263)
- f) Art galleries;
- g) Assembly halls;
- h) Bake shops;
- i) Clinics;
- j) Commercial parking structures;
- k) Commercial recreation establishments;
- l) Convenience stores;
- m) Day care centres;
- n) Dry cleaning and laundry depots;
- o) Duplicating shops;
- p) Dwelling units; (Z.-1-98577)
- q) Emergency care establishments;
- r) Film processing depots;
- s) Financial institutions;
- y) Funeral homes;
- u) Group home type 2;
- v) Hotels;
- w) Institutions;
- x) Laboratories;

- y) Laundromats;
- z) Libraries;
- aa) Medical/dental offices;
- bb) Museums;
- cc) Offices;
- dd) Patient testing centre laboratories;
- ee) Personal service establishments;
- ff) Places of Worship;
- gg) Printing establishments;
- hh) Private clubs;
- ii) Repair and rental establishments;
- jj) Restaurants;
- kk) Restaurants, outdoor patio;
- ll) Schools;
- mm) Senior citizen apartment buildings; (Z.-1-98577)
- nn) Service and repair establishments;
- oo) Service trades;
- pp) Studios;
- qq) Taverns;
- rr) Theatres and cinemas;
- ss) Video rental establishments;
- tt) Lodging house class 2; (Z.-1-93172)
- uu) Place of Entertainment. (Z.-1-96458 - O.M.B. File No. R 980047 - Order Issue Date: June 25, 1998)
- vv) Artisan Workshop (Z.-1-172561)
- ww) Craft Brewery (Z.-1-172561)

20.3 REGULATIONS

No person shall erect or use any building or structure, or use any land or cause or permit any building or structure to be erected or used, or cause or permit any land to be used, in any DA Zone variation except in conformity with the regulations as set out below or in Table 20.3 or as set out on the Zoning Maps.

- 1) **FRONT AND EXTERIOR SIDE YARD DEPTH (MINIMUM/MAXIMUM)**
For all properties abutting Dundas Street and Richmond Street, 1 metre (3.3 feet) for each 2 metres (6.6 feet) of building greater than 15 metres (49.2 feet) in height above the 15 metres (49.2 feet) height. For all portions of the building between 0.0 metres and 15 metres (49.2 feet) in height, the maximum setback permitted shall be 3.0 metres (9.8 feet).
- 2) **BUILDING FORM**
Buildings may take the form of shopping centres, mixed use buildings or stand alone structures.
- 3) **RESIDENTIAL COMPONENT OF BUILDINGS**
The required setback for the residential portion of buildings shall be 1.2 metres (3.9 feet) per 3 metres (9.8 feet) of main building height or a fraction thereof above 15 metres (49.2 feet).
- 4) **ACCESSORY PARKING LOTS**
Accessory parking lots are not permitted in any of the Downtown Area (DA) Zone variations along Dundas Street between Ridout Street and Wellington Street and along Richmond Street between York Street and Queens Avenue. (Z.-1-99698)
- 5) **DRIVE-THROUGH FACILITIES**
Drive-through facilities, either as a main or accessory use, are not permitted in the Downtown Area (DA) Zone. (Z.-1-081795)

6) DA GROSS FLOOR AREA (MAXIMUM)

The maximum gross floor area for specific individual uses in the DA1 and DA2 Zone variations shall be as follows:

Artisan Workshop	500m ² (5,382 sq.ft.)
Craft Brewery	500m ² (5,382 sq.ft.) (Z.-1-172561)

7) REQUIRED GROUND FLOOR USES FOR ARTISAN WORKSHOP AND CRAFT BREWERY

Where located on the ground floor with street front access, Artisan Workshop and Craft Brewery uses shall include a retail store or restaurant that:

- is located within the main building or unit occupied by the Artisan Workshop or Craft Brewery use;
- is a minimum of 10% of the gross floor area (GFA) of the main building or unit;
- is located within the front portion of the ground floor; and,
- is accessible via the front of the building. (Z.-1-172561)

20.4 SPECIAL PROVISIONS

The following zone variations apply to unique or existing situations and are not the standard DA Zone variations. If a regulation or use is not specified, the list of permitted uses and/or the regulations of Section 20.2 and/or Section 20.3 shall apply.

DA1 Zone Variation

DA1(1)

- a) Additional Permitted Uses:
 - i) A convention centre.

DA1(2)

- a) Regulations:
 - i) Height (Maximum) 110.0 metres (361.0 feet);
 - ii) Floor Area Ratio (Maximum) 11:1
 - iii) Parking Required (Minimum) 1 space per 100.0 square metres (1,076.4 square feet).

DA1(3)

- a) Regulations:
 - i) Floor Area Ratio (Maximum) 10:1

DA1(4)

- a) Regulations:
 - i) Floor Area Ratio (Maximum) 10:1
 - ii) There is no setback required. (Z.-1-91013)

DA1(5)

- a) Additional Permitted Uses:
 - i) Convention centre;
 - ii) Car wash associated with a commercial parking structure.
- b) Regulations:
 - i) Floor Area Ratio (Maximum) 10:1
 - ii) Residential Density Bonus:
 - (1) For every 70 square metres (753.0 square feet) of exterior common open space provided at grade in excess of the landscaped space provided at grade in excess of the landscaped open space required by the By-law, the density of the residential development may be increased by one unit per hectare. No rounding of the square meterage provided is allowed for by this provision. Building height may not be increased to achieve the increased exterior common open space.
AND/OR
 - (2) The maximum permitted density of the residential development may be increased by one per cent (1.0 %) for every three per cent (3.0%) of the required parking that is supplied underground.
BUT
The accumulative impact of applying the Bonus provisions shall not result in a density of more than fifty per cent (50 %) greater than the density permitted by the non-bonused site.
 - iii) The Downtown Area Zone, the minimum setback for the block bounded by Dundas, King, Ridout and Talbot Streets shall be 0.0 metres. (Z.-1-91030)

DA1(6)

- a) Additional Permitted Uses:
 - i) Apartment buildings, senior citizen apartment buildings, apartment hotels, dwelling units and accessory dwelling units may be permitted in the front portion of the ground floor.
(Z.-1-98618)

DA1(7)

- a) Additional Permitted Uses:
 - i) Residential uses are permitted on all floors including the main floor and lower level.
- b) Regulations:
 - i) Number of dwelling units permitted within the existing building (Maximum) 32
(Z.-1-00781)

DA1(8)

- a) Regulations:
 - i) Bicycle Parking Spaces (Minimum) 348
 - ii) Setback for Residential Component of Building (Minimum) (Z.-1-061557) 0.0 m

DA1(9)

- a) Additional Permitted Use:
 - i) Apartment buildings, senior citizen apartment buildings, apartment hotels, dwelling units and accessory dwelling units may be permitted in the front portion of the ground floor.
- b) Regulation:
 - i) Maximum Number of dwelling units permitted within the existing building notwithstanding any other density regulations applied to this site. (Z.-1-071670) 219

DA1(10) 150 Dundas Street

- a) Prohibited Uses
 - i) any surface, commercial or accessory parking lot which may or may not be for hire or gain (Z.-1-1726101)

DA2 Zone Variation

DA2(1)

- a) Permitted Uses:
 - i) Bus stations;
 - ii) Automotive uses;
 - iii) Parking lots;
 - iv) Taxi establishments.

DA2(2)

- a) Prohibited uses:
 - i) Above ground commercial parking structures and above ground accessory parking structures. (O.M.B. File #R 910387 - Appeal #2028 May 19, 1994)

DA2(3)

- a) Regulations:
 - i) Permitted uses only in existing buildings.
 - ii) Height as existing on the date of the passing of By-law No. Z.-1. (Z.-1-96453)

DA2(4)

- a) Regulations:
 - i) Interior Side Yard and Rear Yard for Residential Component of Building (Minimum) 0.0 m
 - ii) Yard Depth for Balconies on Apartment Buildings (Minimum) (Z.-1-98590) 1.2 metres (3.9 feet)

DA2(5)

- a) Regulation:
 - i) Commercial Use (Maximum Gross Floor Area) 100 square metres (1,076 square feet). (Z.-1-051380)

DA2(6) 300- 320 King Street

- a) Regulations for 300-320 King Street
 - i) Maximum density of 940 units per hectare
- b) Regulations for the proposed new mixed-use building at 320 King Street
 - i) Maximum height of 112 metres (35 storeys)
 - ii) 0% landscaped open space
 - iii) Maximum Lot Coverage of 97%
 - iv) Minimum North Yard Setback to Tower Component of 12.0metres
 - v) West Yard Setback to Tower Component of 15.0metres
 - vi) South Yard Setback to Tower Component of 5.0metres
Minimum East Yard Setback to Tower Component of 5.0metres (Z.-1-233103)

DA2(7) 50 King Street & 399 Ridout Street North

- a) Regulations
 - i) Height (Maximum) 53 storeys 186m (610 ft)
 - ii) Density (Maximum) 1,250 Units Per Hectare
 - iii) Retail Gross Floor Area (Maximum) 5,000 square metres
 - iv) Tower Floorplate Gross Floor Area (Maximum) 1,000 square metres
 - v) Setback for residential component (Minimum) 0m
 - vi) Front and exterior yard 1.0m

- depth for ground floor
(Minimum)
- vii) Ground Floor Height Tower 1 (Minimum) 4.5m
- viii) Podium Height for Tower 1 (Maximum) 20.5m
- ix) Stepback for 75% of Tower 1 east façade along Ridout Street North (Minimum) 5.0m
- x) Stepback for 75% of Tower 1 north façade along interior courtyard (Minimum) 5.0m
- xi) Stepback for 75% of Tower 1 south façade along King Street (Minimum) 5.0m
- xii) Stepback for 75% of Tower 2 south façade along King Street (Minimum) 5.0m
- xiii) Distance between Tower 1 and Tower 2 (Minimum) 25.0m
- xiv) Main building, accessory structure and underground parking setback from courthouse building and gaol (Minimum) 12.0m
- xv) Vehicle parking prohibited on ground floor or above
- xvi) Retail space permitted on all floors (Z.-1-233148)

DA2(8) 267 York Street

- a) Regulations
 - i) Height (Maximum) – 150.0 metres
 - ii) Density (Maximum) – 2,280 units per hectare
 - iii) Setback to Residential Component of Buildings (Minimum) – 0.0 metres
 - iv) Interior Side Yard Depth (Westerly) above the 8th storey (Minimum) – 12.5 metres
 - v) Tower floor plate above the 8th storey (Maximum) – 1000 square metres
 - vi) Tower Separation distance (Minimum) – 23.0 metres
 - vii) Ground floor height (Minimum) – 4.0 metres
 - viii) Tower stepback for the entirety of the north facades above the 8th storey (Minimum) – 1.0 metres
 - ix) Tower stepback for 50% of the north façades above the 8th storey (Minimum) – 3.0 metres (Z.-1-243242)

TABLE 20.3
DOWNTOWN AREA (DA) ZONE
REGULATIONS FOR DA ZONE VARIATIONS

ZONE VARIATIONS:	DA1	DA2
PERMITTED USES	<u>See Section 20.2(1)</u>	<u>See Section 20.2(2)</u>
LOT FRONTAGE (m) MINIMUM:	3.0	
ALL YARD DEPTHS (m) MINIMUM:	0.0 See Sections 20.3(1) And 20.3(3)	0.0
ALL YARD DEPTHS ABUTTING A RESIDENTIAL ZONE (m) MINIMUM:	0.0 See Section 20.3(3)	0.5 metres (1.6 feet) for each 4.0 metres (13.1 feet) of building height or fraction thereof, but in no case less than 6.0 metres (19.7 feet)
LANDSCAPED OPEN SPACE (%) MINIMUM:	0	5
LOT COVERAGE (%) MAXIMUM:	100	95
HEIGHT (m) MAXIMUM:	90 See Section 3.8(2)(d) Holding Provisions and Zone Map	
DENSITY - UNITS PER HECTARE MAXIMUM:	See Zone Map	
FLOOR AREA RATIO FOR NON-RESIDENTIAL USES:	6:1	
GROSS FLOOR AREA RETAIL (m ²) MAXIMUM:	N/A	The lesser of 20% or 5 000
LOCATION OF RESIDENTIAL USES:	Restricted to the 2nd floor or higher	N/A
LOCATION OF RETAIL USES:	N/A	Restricted to the 1st and 2nd floors