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PART 6: DOWNTOWN MIXED-USE CENTRE ZONES

ZONE DESIGNATIONS:	DC	(Downtown Core Zone)
	DW	(Downtown Wellington Square Mixed-Use Zone)
	DL-A, DL-B, DL-C	(Downtown Old Lakeshore Road Zones)
	DRH	(Downtown Residential High-Density Zone)
	DRM	(Downtown Residential Medium-Density Zone)
	DRL	(Downtown Residential Low-Density Zone)
	DI	(Downtown Institutional)

1. GENERAL PROVISIONS

No persons shall within any of the zones included in Part 6 of this By-law use any land or erect or use any building or structure except in accordance with the uses permitted and the regulations thereto and subject to:

PART 1:	GENERAL CONDITIONS AND PROVISIONS
PART 14:	EXCEPTIONS TO ZONE DESIGNATIONS

(a) Holding Zone

Where a zone designation is preceded by the Holding Symbol 'H' the uses permitted shall be in accordance with Part 11, Section 1.1. Development or redevelopment of lands having an 'H' zoning shall be deemed premature until the 'H' prefix is removed in accordance with Part 11, Section 1.2.

(b) Lands Adjacent to Lake Ontario and Burlington Bay

Refer to Part 1, Subsection 2.30

(c) Side Yard for “L” Shape Dwellings

Refer to Part 2, Subsection 1

(d) Parking Spaces and Driveways

Refer to Part 2, Subsection 1

(e) Parking Structures

Refer to Part 2, Subsection 1

2. PERMITTED USES

2A. The uses permitted in DC, DW, and DL Zones shall be in accordance with Table 6.2.1.

Table 6.2.1

USES (a)	ZONES			
	DC	DW	DL-A & DL-B	DL-C
Retail Commercial				
Department Store	✓	✓		
Flea Market	✓ (h)	✓ (h)		
Large Furniture and Appliance Store	✓	✓		
Supermarket/Grocery Store	✓	✓		
Convenience/Specialty Foods Store	✓	✓	✓	✓
Farmers' Market	✓	✓		
Other Retail Stores	✓	✓	✓	✓
Service Commercial				
Standard Restaurant	✓ (a)	✓ (a)	✓ (a)	✓ (a)
Standard Restaurant with Dance Floor	✓ (a)(i)	✓ (a)(i)	✓ (a)(i)	✓ (a)(i)
Fast Food Restaurant	✓ (a)	✓ (a)	✓ (a)	✓ (a)
Convenience Restaurant	✓ (a)	✓ (a)	✓ (a)	✓ (a)
Terrace Patio	✓	✓	✓	✓
Funeral Home	✓ (b)			
Elevated Parking Facility	✓ (d)	✓ (d)		
Veterinary Services	✓ (c)	✓ (c)	✓ (c)	✓ (c)
Other Service Commercial Uses	✓	✓	✓	✓
Office				
All Office Uses	✓ (g)	✓ (g)	✓ (g)	✓ (g)
Community				
Community Institution	✓ (g)	✓ (g)	✓ (g)	✓ (g)
Hospitality				
Hotel	✓ (g)	✓ (g)	✓ (g)	✓ (g)
Convention/Conference Centre	✓ (g)	✓ (g)	✓ (g)	✓ (g)
Banquet Centre	✓	✓	✓	✓
Caterer	✓	✓	✓	✓
Entertainment and Recreation				
Recreational Establishment	✓	✓	✓	✓
Entertainment Establishment	✓	✓	✓	✓
Night Club	✓ (e)	✓ (e)	✓ (e)	✓ (e)
Residential				
Dwelling Units in a commercial/office building	✓	✓	✓	✓
Apartment Building	✓ (g)	✓ (g)	✓ (g)	✓ (g)
Retirement Home	✓ (g)	✓ (g)	✓ (g)	✓ (g)

Footnotes to Table 6.2.1

(a) Drive-through facilities are not permitted in conjunction with any permitted use.

(b) Not permitted on lands abutting a residential zone and DRH, DRM, DRL zones.

Part 6 – Downtown Mixed-Use Centre Zones

- (c) The keeping of animals outside is not permitted.
- (d) Excluding a driveway entrance, the ground floor area of all parking structures within 15 metres of a public street shall be used for retail, service commercial, entertainment, or recreation uses.
- (e) Not permitted in a building containing residential dwelling units. Maximum capacity shall not exceed 500 persons. Not permitted within 45 m of R, DRM & DRH zones.
- (f) Permitted only for a maximum period of 90 days and limited to one occasion in a 12-month period.
- (g) The ground floor of any building within 15 metres of a public street shall be used only for retail or service commercial uses, except when located on the following streets:
 - (i) West side of Brant Street, between Baldwin Street and Caroline Street;
 - (ii) West side of Locust Street, between Caroline Street and a point 40 m north of Elgin Street;
 - (iii) East side of Pearl Street, between Pine Street and a point 60 m north;
 - (iv) West side of Martha Street, between Maria Street and James Street;
 - (v) West side of Emerald Crescent, north of Caroline Street;
 - (vi) South side of Victoria Avenue, from a point 30 m east of Brant Street to a point 110 m east of Brant Street.
- (h) Flea markets are permitted as a temporary use only, for a period not to exceed 30 days and limited to one occasion in a 12-month period.
- (i) In buildings containing residential dwelling units, a Standard Restaurant, with Dance Floor is only permitted at grade where office uses or uses accessory to residential are located on the second storey.
- (j) Outdoor patios shall be permitted to have entertainment and/or recreational uses until July 15, 2022 in accordance with the temporary use by-law in effect subject to the following:
 - (i) Outdoor entertainment / recreational uses are permitted between the hours of 12:00 pm to 10:00 pm with the exception of Sundays and holidays when such uses are permitted between the hours of 12:00 pm and 6:00 pm.
 - (ii) Outdoor entertainers are limited to one entity (one group or performer) at a time.
 - (iii) The outdoor entertainment / recreational uses remain subject to all other City by-laws in effect, including the City's Nuisance and Noise By-law.

Upon expiry of this by-law, entertainment and/or recreational uses will no longer be permitted on outdoor patios.

Part 6 – Downtown Mixed-Use Centre Zones

2B. The uses permitted in DRH, DRM, and DRL zones shall be in accordance with table 6.2.2:

Table 6.2.2

USES	ZONES		
	DRH	DRM	DRL
Residential (a)			
Detached Dwelling		✓ (b)	✓ (c)
One Accessory Dwelling Unit		✓ (b)	✓ (c)
Semi-Detached Dwelling		✓ (d)	
Duplex Dwelling		✓	
Triplex Dwelling		✓	
Fourplex Dwelling		✓	
Townhouse		✓	
Street Townhouses		✓	
Stacked Townhouses		✓	
Back-to-Back Townhouses		✓	
Apartment Building	✓	✓	
Retirement Home	✓	✓	
Offices in an existing building	✓	✓	✓ (e)
Offices on the ground floor of a residential building	✓	✓	✓ (e)

Footnotes to Table 6.2.2:

- (a) All residential uses permitted in Table 6.2.2 shall be subject to Part 2, Subsection 2 “Prohibited Uses”
- (b) Subject to DRL zone regulations
- (c) Subject to R3.2 zone regulations and footnote (a) of Table 2.3.1
- (d) Subject to RM1 zone regulations
- (e) Permitted only within an existing building on lots south of Ontario Street, and on lots abutting the north side of Ontario Street between Hager Avenue and Locust Street, and subject to the following regulations:
 - Parking shall be provided in accordance with Part 1, Subsections 2.25 and 2.26 of this By-law.
 - Landscape buffer abutting lands zoned DRL or a residential zone: 3 m
 - 50% of the area of the front yard and street side yard shall be landscaped, including a 3 m landscape area abutting a street.
 - On lands abutting a residential or DRL zone fencing shall be installed along the common boundary with the residential or DRL zone and shall have a minimum height of 1.8 m, which may be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense screen.
 - The outdoor storage and display of merchandise, material, or equipment is prohibited.
- (f) Outdoor patios shall be permitted to have entertainment and/or recreational uses until July 15, 2022 in accordance with the temporary use by-law in effect subject to the following:
 - (i) Outdoor entertainment / recreational uses are permitted between the hours of 12:00 pm to 10:00 pm with the exception of Sundays and holidays when such uses are permitted between the hours of 12:00 pm and 6:00 pm.
 - (ii) Outdoor entertainers are limited to one entity (one group or performer) at a time.

Part 6 – Downtown Mixed-Use Centre Zones

- (iii) The outdoor entertainment / recreational uses remain subject to all other City by-laws in effect, including the City’s Nuisance and Noise By-law.

Upon expiry of this by-law, entertainment and/or recreational uses will no longer be permitted on outdoor patios.

3. PROHIBITED USES

In addition to Part 1, Subsection 2.22 “Prohibited Uses”, the following uses are also prohibited:

- Warehouse Club
- Lumber Sales
- Swimming Pool Sales and Service
- Recreational Vehicle and Utility Trailer Sales and Service
- Boats, Motorcycles, Snowmobiles Sales and Service
- Heavy Machinery and Equipment Sales and Service
- Car Wash
- Video Game/Pinball Machine Arcade
- Propane Cylinder Handling Facility
- Bulk Propane Storage Depot
- Adult Entertainment Establishment

Residential uses permitted in Table 6.2.1 shall be subject to Part 2, Subsection 2, “Prohibited Uses”

4. DC, DW, DL-A & DL-B ZONE REGULATIONS

**(DOWNTOWN CORE)
(DOWNTOWN WELLINGTON SQUARE)
(DOWNTOWN OLD LAKESHORE ROAD)**

4.1 LOT WIDTH, AREA, AND YARDS

Table 6.4.1

Regulation	Requirement
Lot width	7.5 m
Lot Area	no minimum
Yard abutting a street	<p>DC Zone:</p> <p>Floors 1 to 4: Minimum: as required on Diagram 6A Maximum for first floor: 1 m greater than Diagram 6A</p> <p>DW, DL-A & DL-B Zones:</p> <p>(a) For buildings containing 4 floors: Minimum: As required on Diagram 6A Maximum for first floor only: 1 m greater than Diagram 6A</p> <p>(b) For buildings containing greater than 4 floors: Floors 1 to 2: Minimum: As required on Diagram 6A Maximum for 1st and 2nd floors only: 1 m greater than Diagram 6A</p> <p>Floors 3 to 8: Minimum: As required on Diagram 6A, plus 2 m.</p>
Rear Yard & Side Yard	<p>None required for lots abutting Brant Street, Lakeshore Road, Old Lakeshore Road, John Street, Elizabeth Street, James Street, Pearl Street, Pine Street, Maria Street, Martha Street, both sides of Locust Street south of Elgin Street, and the east side of Locust Street between Elgin Street and Caroline Street.</p> <p>1.5 m for all other lots.</p>
Yard abutting a residential, DRM, or DRL zone:	3 m
Yard abutting P and PC zones:	None required
Building setback from a creek block	7.5 m, 4.5 m if block includes a 3 m buffer
Yard abutting a pipeline easement	<p>7 metres rear yard, 3 metres side yard</p> <p>Notwithstanding Part 1, Subsection 2.26 (5) of this by-law, no setback is required for a below-grade parking structure in a DC, DW, DL-A, and DL-B zone from a street line or a property line abutting a DC, DW, DL-A or DL-B zone.</p>

4.2 BUILDING HEIGHT

Minimum:	DC, DL-A, & DL-B zones:	2 storeys
	DW zone:	2 storeys
	DC, DW, DL-A, & DL-B zones:	
	First and second storeys:	4.5 m each
Maximum:	DC zone:	4 storeys and 15 metres
	DW zone:	8 storeys and 29 metres
	DL-A zone:	10 storeys and 31.5 metres
	DL-B zone:	6 storeys and 19.5 metres

The floor area of the second, third, and fourth storeys of a building containing more than one storey must be at least 50% of the floor area of the first storey.

4.3 FLOOR AREA RATIO AND DENSITY

Floor Area Ratio:	DC zone:	4.0:1 maximum
	DW zone:	5.0:1 maximum
	DL-A zone:	4.5:1 maximum
	DL-B zone:	3.25:1 maximum

Notwithstanding the above, within the block bounded by James, Elizabeth, Pine, and John Streets, south of the Trans Northern Pipeline, any building which has more than 50% of its gross floor area devoted to a public post-secondary educational institution may have a maximum building height of ten storeys and a maximum floor area ratio of 5.0:1.

Density for a residential building in a DW, DL-A, & DL-B zone: 51 units/hectare minimum

4.4 SEPARATION DISTANCE

Standard Restaurant:	15 m between the use and a residential or DRL zone
Fast Food Restaurant:	30 m between the use and a residential or DRL zone
Night Club:	45 m between the use and a residential or DRL zone

4.5 BUILT FORM

- (a) Parking areas and driveways shall be prohibited between any building and a street, other than a driveway access into an elevated or underground parking facility.
- (b) The first floor elevation of any building facing a street shall have a minimum of 60% glazing.

- (c) A decorative finish shall be applied to all exterior walls facing a street or residential zone.
- (d) Overhead doors are not permitted in a building elevation facing Brant Street and Lakeshore Road.

4.6 LANDSCAPE AREA AND BUFFER

Landscape Area:

Abutting a creek block or O3 zone:	3 m
For a parking lot as a principal use:	3 m abutting a street
Abutting a PC or P zone:	3 m

Landscape Buffer:

Abutting a residential or DRL zone:	3 m
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4.7 PARKING

- (a) Parking shall be provided in accordance with Part 1, Subsection 2.25 “Off-Street Parking and Loading Requirements”, except as amended by the following:

Apartment Dwelling Units: 1.25 spaces per unit

- (b) Parking is not permitted in a front yard between the street line and the building elevation facing the street.
- (c) Surface parking is not permitted in a DC, DW, DL-A, or DL-B zone; temporary parking for drop-off or delivery excepted.
- (d) Parking of trucks and trailers is prohibited except:
 - when the truck or trailer is being loaded or unloaded
 - when the truck or trailer is for customer use
 - when the truck or trailer belongs to a property owner or tenant
 - when the truck or trailer is being used for charitable purposes

4.8 OUTSIDE STORAGE

- (a) Only merchandise displayed for retail sale may be stored outside, provided the merchandise is not stored in a truck, trailer, or other vehicle.
- (b) Perishable waste must be kept in refrigerated storage within a building. Alternatively, perishable waste may be stored outside if a deep collection waste disposal system, comprised of a sealed container with a lockable lid located primarily below grade, is used.

- (c) Any non-perishable waste stored outside on lands abutting a residential or DRL zone, or where visible from the street, shall be kept within a solid screen enclosure subject to Part 1, Subsection 2.2.2. Waste compactors are not permitted in a yard abutting a residential zone and shall be screened from view from a residential zone and from a street.

4.9 OUTDOOR PATIOS

- (a) Terrace Patios are not permitted on lands abutting a residential or DRL zone.
- (b) Not permitted within 45 m of a residential or DRM zone.
- (c) Sidewalk Patios are only permitted on Brant Street, Elgin Street, Pine Street, John Street, Elizabeth Street south of James Street, Pearl Street south of James Street, Locust Street south of Ontario Street, James Street between Brant Street and Pearl Street, Lakeshore Road, and Old Lakeshore Road.

4.10 CONTIGUOUS LOTS

Where multiple contiguous lots are developed under a single comprehensive site plan all lots shall be deemed to be one lot for purposes of applying zoning regulations.

4.11 AMENITY AREA

For apartment dwelling units and retirement homes: 20 m² per unit

4.12 FENCING

On lands abutting a residential zone or DRL zone, fencing shall be installed along the common boundary with the residential zone and shall have a minimum height of 1.8 m, which may be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense year-round screen.

5. DL-C ZONE REGULATIONS (DOWNTOWN OLD LAKESHORE ROAD)

DL-C Zone:

In a DL-C zone, new buildings and structures are subject to Part 1, Section 2.30 and DL-B zone regulations, except for the properties described as 2076, 2084, and 2092 Old Lakeshore Road, which are subject to Part 1, Section 2.30 and DL-A zone regulations.

Any buildings, structures, or parking areas which legally existed as of the date of the enactment of Zoning By-law 2020.205 (April 28, 2008), and used for a purpose permitted by this By-law, are deemed to conform to the regulations of this By-law for the life of the existing building, structure, or parking area.

6. DRH ZONE REGULATIONS (DOWNTOWN HIGH DENSITY RESIDENTIAL)

6.1 LOT WIDTH, AREA, YARDS, DENSITY, HEIGHT, AND AMENITY AREA

Table 6.6.1

Regulation	Apartment Building, Retirement Home
Lot width	30 m
Lot Area	0.1 ha
Front Yard and Street Side Yard	6 m; 7.5 m abutting a street having a deemed width of 26 m or more
Rear Yard	7.5 m
Side Yard	6 m
Yard abutting R1, R2, R3, DRL zones	15 m
Density	50 units per hectare minimum, 185 units per hectare maximum
Height	22 m maximum
Amenity Area	20 m ² per unit
Building setback from a creek block	7.5 m; 4.5 m if block includes a 3 m buffer
Yard abutting a Pipeline Easement	7 m rear yard; 3 m side yard

6.2 PARKING

(a) Parking shall be provided in accordance with Part 1, Subsection 2.25 “Off-Street Parking and Loading Requirements”, except as amended by the following:

- 1.00 occupant space per unit
- 0.25 visitor parking spaces per unit

(b) Enclosed Occupant Parking:

- 100% of occupant parking shall be enclosed

- (c) Parking Lots, Parking Spaces, Driveways
 - (i) Notwithstanding Subsection 6.3 “Landscape Area Buffer”, a parking lot may be set back 1 m from a street line provided a decorative wall or fence having a height of 1 m to 1.2 m screens the parking lot from the street.
 - (ii) Parking spaces and driveways shall be set back 3 m from a wall of a building containing windows of habitable rooms in dwelling units located on the ground floor or basement.

6.3 LANDSCAPE AREA AND BUFFER

Landscape Area:

Abutting a street having a deemed width up to 26 m:	3 m
Abutting a street having a deemed width greater than 26 m:	4.5 m
Abutting a creek block or O3 zone:	3 m

Landscape Buffer:

Abutting R1, R2, R3, DRL Residential zones zone:	6 m
Abutting other Residential zones:	3 m

6.4 OUTSIDE STORAGE

Waste stored outside shall be kept within a solid screened enclosure.

6.5 FENCING

On lands abutting a residential, DRM, or DRL zone, fencing shall be installed along the common boundary with the residential zone and shall have a minimum height of 1.8 m, which may be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense year-round screen.

7. DRM ZONE REGULATIONS (DOWNTOWN MEDIUM DENSITY RESIDENTIAL)

7.1 LOT WIDTH, AREA, AND YARDS

Table 6.7.1

Dwelling	Lot Width	Lot Area	Front Yard and Street Side Yard	Rear Yard	Side Yard
Duplex	9 m	270 m ²	3 m, 6 m for a garage	6 m	1.2 m
Triplex	18 m	540 m ²	3 m, 6 m for a garage	6 m	1.2 m
Fourplex	20 m	720 m ²	3 m, 6 m for a garage	6 m	1.2 m
Townhouse	40 m	1200 m ²	3 m, 6 m for a garage	6 m	1.2 m
Street Townhouse	5.5 m/unit	165 m ²	3 m, 6 m for a garage	6 m	1.2 m
Stacked Townhouse	30 m	900 m ²	3 m, 6 m for a garage	7.5 m	1.2 m
Back-to-Back Townhouse	30 m	900 m ²	3 m, 6 m for a garage	7.5 m	1.2 m
Apartment/Retirement Home	30 m	0.4 ha	3 m, 6 m for a garage	7.5 m	1.2 m

Table 6.7.2

Other Yards	Requirement
Building setback abutting a creek block	7.5 m; 4.5 m if block includes a 3 m buffer
Yard abutting a pipeline easement	7 m rear yard; 3 m side yard
Yard of a back-to-back townhouse, stacked townhouse, or apartment building abutting a R1, R2, R3, or DRL zone	12 m

7.2 DENSITY

Townhouse, Stacked Townhouse, Back-to-Back Townhouse, or Apartment:

26 units per ha minimum
50 units per ha maximum

7.3 BUILDING HEIGHT

(a) Residential building height shall be provided in accordance with Part 1, Subsection 2.31 “Residential Building Height”

with a maximum projection of 1.8 m from the front wall of the back-to-back townhouse building.

8. DI ZONE REGULATIONS (DOWNTOWN INSTITUTIONAL)

8.1 PERMITTED USES

Public Uses
Community and City Parks and Open Space
Community and Recreation Facilities
Cultural Heritage Resources and Facilities
Festive, Cultural, and Ceremonial Uses

8.2 REGULATIONS

Landscape Area
Abutting a street: 6 m