

May 23, 2025

Zoning Compliance Review for 13 Mountain Street and 19-23 Elm Street

Based on the Architectural Package dated May 16, 2025 prepared by Studio JCI.

Regulations	Zoning By-law 14-45	Site-Specific Exception 377 ¹	Proposed	Compliance (Y/N)
Downtown Intensification (DI) Zone – Table 13 Permitted Uses in the Downtown Zones				
Permitted Uses	Apartment Building Retail Store	Community Hub meaning a premises or facility providing non-residential and/or community-based activities and services, such as, arts, crafts, technology and multi-media, food and beverage, recreational, social, charitable and education activities. Dwelling units at or above the first storey	Community Hub, meaning a premises or facility providing nonresidential and/or community-based activities and services, such as arts, crafts, technology and multimedia, food and beverage, recreational, social, charitable and educational activities. Dwelling units at or above the first storey.	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.
Downtown Intensification (DI) Zone – Table 14 Regulations Applying to Downtown Zones				
Min. Lot Area	No Requirement	-	-	-
Max. Lot Coverage	40%	70%	70%	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.
Lot Frontage	No Requirement	-	-	-

¹ Zoning By-law 14-45, as amended by OLT-14-00-3541. Applicable to lands addressed as 13 Mountain Street and 19-21 Elm Street only.

Front Yard	Min: 0 m Max: 6 m ⁽¹⁾	-	3 m	Y – A minimum front yard setback of 3 metres is provided.
Exterior Side Yard	Min: 0 m Max: 6 m ⁽¹⁾	7.7 m	7.7 m	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.
Interior Side Yard	Min: 2 m Max: 4 m ⁽⁴⁾	1.5 m	0.5 m	N – Difference of 1 metre proposed.
Min. Rear Yard	7.5 m	1.5 m	1.5 m	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.
Height	Min: 7.5 m (2 storeys) Max: 15 m (4 storeys) ⁽³⁾	Maximum <i>Height</i> excluding mechanical penthouse: 26 m (7 <i>storeys</i>)	Maximum <i>Height</i> excluding mechanical penthouse, rooftop projections and any intermediate levels: 30 m (8 <i>storeys</i>)	N – Difference of 4 metres and 1 storey is proposed.
Downtown Intensification (DI) Zone – Section 8.3.2 Additional Provisions				
8.3.2.1	The outside storage of goods and materials is prohibited in any yard which abuts a public roadway.	-	Does not apply to the proposed development.	Y – No outside storage of goods and materials proposed.
8.3.2.2	Above the second storey, the front wall of a building shall be set back 1 metre, towards the interior of the building, measured from the outer edge of the exterior wall of the storey directly below it.	The provisions of Section 8.3.2.2 shall not apply.	Stepbacks are proposed at level 4 and level 8 along Elm Street.	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.

8.3.2.3	Where any new development abuts an existing residential use, no portion of the building shall extend beyond the area of an angular plane measured at 45 degrees from 7.5 metres above the abutting lot line.	The provisions of Section 8.3.2.3 shall not apply.	Does not apply to the proposed development.	Y – The property does not abut an existing residential use.
8.3.2.4 a)	Parking lots abutting a street shall incorporate a 2.5 metre landscaping strip between the parking lot and the street line.	-	Parking is proposed in an underground and above-grade structure.	Y – No surface parking lot is proposed.
8.3.2.4 b)	A primary entrance door open to the public shall be incorporated into the front wall of all buildings facing the front lot line.	-	Entrance doors are proposed in the front wall of the building.	Y – Primary entrance doors to the retail units and community hub space are proposed along Elm Street.
8.3.2.4 c)	For new buildings under 4,000 sq. metres within the DMS and DI zones, at least 60% of the surface area of each wall facing and located within 30 metres of an front lot line shall be comprised of openings. This provision only applies to that proportion of the wall that is within 3.0 metres of finished grade.	-	Does not apply to the proposed development.	Y – Does not apply to the proposed development as the new building is greater than 4,000 square metres.

8.3.2.4 d)	For new buildings 4,000 sq. metres, and larger within the DMS and DI zones, at least 40% of the surface area of each wall facing and located within 30 metres of front lot line shall be comprised of openings. This provision only applies to that proportion of the wall that is within 3.0 metres of finished grade.	-	Openings are provided along each wall facing the streets.	N – The proposed development generally conforms with this requirement by providing for active uses along the street edges; however, detailed compliance will be determined at detailed design stage.
8.3.2.4 f)	Within the DI zone, the front wall of a building shall occupy a minimum of 50% of the distance of the front lot line and 40% of the distance of the exterior lot line and shall be set back no further than 3 metres from the street line. The minimum requirement shall be deemed to be met when it is shown on an approved site plan for new buildings.	The provisions of Section 8.3.2.4 f) shall not apply.	While the proposed building generally conforms to the required built frontages, due to the limitations of the site, a minimum setback of 3 metres is provided to the front lot line and a minimum setback of 7.7 metres is provided to the exterior lot line.	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.
8.3.2.4 h)	The width of a new individual retail/commercial unit in the DI zone shall be a minimum of 8 metres and a maximum of 15 metres.	-	One of the retail units is proposed to be 18.23 metres wide.	N – The minimum width complies; however, one unit is 0.23 metres longer than the maximum width.
8.3.2.4 i)	For all new buildings in the Downtown zones, no	-	No parking, driveways or drivethrough stacking lane or lane	Y – The proposed development provides

	parking, driveways, drivethrough stacking lane, or lanes shall be located between the buildings and the street. This requirement shall not apply to commercial buildings larger than 5,000 sq. m. within the DI zone.		proposed to be located between the buildings and the street.	parking in an underground and above grade structure. Therefore, this regulation is not applicable.
Downtown Intensification (DI) Zone – Section 8.4 Site Specific Exceptions				
Front Lot Line	-	The <i>front lot line</i> shall be deemed to be the <i>lot line</i> abutting Elm Street	The <i>front lot line</i> shall be deemed to be the <i>lot line</i> abutting Elm Street	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.
Minimum building setback from Mountain Street between existing buildings	-	15 m	15 m	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.
Minimum setback of 2 nd floor from Mountain Street	-	9 m	Stepbacks are provided on level 4 and level 8.	N – Not applicable to the proposed development.
Minimum setback of 2 nd floor from easterly side lot line	-	3.5 m	Stepbacks are provided on level 4 and level 8.	N – Not applicable to the proposed development.
Minimum setback of 5th floor from Mountain Street	-	12 m	Stepbacks are provided on level 4 and level 8.	N – Not applicable to the proposed development.
Minimum setback of 5th floor from easterly side lot line	-	6 m	Stepbacks are provided on level 4 and level 8.	N – Not applicable to the proposed development.

Minimum setback of 7 th floor from Elm Street	-	9 m	Stepbacks are provided on level 4 and level 8.	N – Not applicable to the proposed development.
Parking				
Minimum resident parking space requirement:	1.25 spaces per dwelling unit	1.0 spaces per dwelling unit	0.728 spaces per dwelling unit	N – A difference of 0.272 spaces per dwelling unit is proposed.
Minimum visitor parking space requirement:	0.25 spaces per dwelling unit	0.25 spaces per dwelling unit	0.20 spaces per dwelling unit	N – A difference of 0.05 spaces per dwelling unit is proposed.
Minimum non-residential parking space requirement:	1.0 spaces per 28 square metres of gross retail floor area.	1.0 spaces per 28 square metres of non-residential GFA	1.0 spaces per 28 square metres of non-residential GFA	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.
Visitor and non-residential parking spaces may be provided in a common area and available on a non-exclusive basis.	-	Visitor and non-residential parking spaces may be provided in a common area and available on a non-exclusive basis.	Visitor and non-residential parking spaces may be provided in a common area and available on a non-exclusive basis.	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.
Any deficiency from the requirement to provide the required parking on site shall be offset by a cash payment-in-lieu up to maximum of 15 spaces.	-	Any deficiency from the requirement to provide the required parking on site shall be offset by a cash payment-in-lieu up to maximum of 15 spaces.	Any deficiency from the requirement to provide the required parking on site shall be offset by a cash payment-in-lieu up to maximum of 15 spaces.	N – Conforms with Exception 377. Does not conform with Zoning By-law 14-45.

Parking Space Size	Minimum Width of Parking Space: 2.75 Minimum Length of Parking Space: 5.75 m (90 degree angle of parking space)	-	Minimum Width of Parking Space: 2.75 m Minimum Length of Parking Space: 5.75 m; however, 8 spaces have a reduced length of 5.5 metres	N – 8 parking spaces have a difference of 0.25 metres in length
Parking Space Aisle Size	Minimum Aisle Width for one-way or two-way traffic: 6 m	-	6 metres	Y – A drive aisle width of 6 metres is proposed.
Accessible Parking Space Size	Type A - a wider parking space which has a minimum width of 3.4 metres and signage that identifies the space as “van accessible”. Type B - a standard parking space which has a minimum width of 2.4 metres. Both types must include a 1.5-metre (width) access aisle adjacent to the accessible space, which extends the full length of the parking space.	-	The proposed development includes Type A parking spaces that have a minimum width of 3.4 m and a length of 5.75 m, and Type B parking spaces that have a minimum width of 2.4 m and a length of 5.75 m. Both Type A and Type B spaces provide for an adjacent 1.5-metre access aisle that extend the full length of the parking space.	Y – Both Type A and Type B spaces proposed conform to the minimum width as required by Zoning By-law 14-45.
Number of Accessible Parking Spaces	For 101-200 total parking spaces = One space plus 3% of spaces where 50% shall be Type A and 50% shall be Type B. Where the minimum number of required accessible parking spaces	-	Given the reduced parking requirement, the requirements for the accessible parking supply have been determined by the proposed parking supply of 150 spaces for the site. Application of By-law 24-75 results in a minimum accessible parking requirement of 6 spaces.	Y – A total of 6 accessible parking spaces has been proposed, including 3 Type A spaces and 3 Type B spaces.

	results in an odd number of accessible parking spaces required, the additional space may be Type B.			
Number of Loading Spaces	Based on commercial GFA of a building: 251-2,350 square metres = 1 loading space	-	One loading space is proposed.	Y – One loading space is provided for the 279 square metres of proposed commercial GFA.
Loading Space Size	Not less than 3.5 metres in width nor less than 9 metres in length, nor less than 4.5 metres in clear and unobstructed height, exclusive of any land used for access, manoeuvring, driveway or a similar purpose	-	The proposed development includes a 3.5 metre x 9.0 metre x 4.5 metre loading space. Vehicle manoeuvring diagrams have been provided in Appendix I of the Transportation Impact Study.	Y – A 3.5 metre x 9.0 metre x 4.5 metre loading space is provided.
Number of Bicycle Parking Spaces – Apartment Building	0.3 bicycle parking spaces per unit for residents and visitors	-	0.3 bicycle parking spaces per dwelling unit	Y – 54 bicycle spaces are provided for residential use on the first level of the building, in a secure bike room and close to the main entrance.
Number of Bicycle Parking Spaces – Commercial	7% of the motor vehicle parking spaces require for non-residential uses	-	7% of required vehicle parking	Y – 2 bicycle parking spaces are provided for non-residential uses. These spaces are located at-grade adjacent to the commercial entry.

Zoning By-law 14-45 Downtown Intensification (DI) Zone – Table 14 Regulations Applying to Downtown Zones Notes

- (1) For all buildings located within 20 metres of a street.
- (2) Permitted single detached dwellings shall be subject to the provisions of the RD4 zone except the maximum lot coverage which shall be 40% and permitted semi-detached dwellings and duplex dwellings shall be subject to the provisions of the RM1 zone.
- (3) Except, within the Niagara Escarpment Plan Area shown on Schedule 19, any building above 12 m. or 3 storeys requires a Visual Impact Assessment to the satisfaction of the Town and Niagara Escarpment Commission.
- (4) Except, the maximum side yard may be increased to 3 m. for one way drive aisle and 6 m. for a two way drive aisle where a driveway access is required to rear yard parking.