



**City of Kingston
Planning Committee
Meeting Number 01-2024
Agenda**

**Thursday, December 7, 2023 at 6:00 p.m.
Hosted at City Hall in Council Chamber**

Please provide regrets to Iain Sullivan, Committee Clerk at 613-546-4291, extension 1864 or isullivan@cityofkingston.ca

Committee Composition

Councillor Cinanni, Chair
Councillor Chaves
Councillor Glenn
Councillor M^cLaren
Councillor Oosterhof
Councillor Osanic

The meetings being held tonight are public meetings held under the Planning Act.

Notice of Collection – Personal information collected as a result of the public meetings are collected under the authority of the Planning Act and will be used to assist in making a decision on this matter. Persons speaking at the meeting are requested to give their name and address for recording in the minutes. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Additionally, interested members of the public can email the Committee Clerk or the assigned planner if they wish to be notified regarding a particular application. Questions regarding this collection should be forwarded to the Director of Planning Services.

The first portion of tonight's meeting is to present a staff report for information. This report does not contain a staff recommendation and therefore no decisions will be made this evening. Following staff's presentation, the meeting will be opened to the public for comments and questions.

The second portion of tonight's meeting is to consider public meeting reports. These reports do contain a staff recommendation and the recommendation is typically to approve (with conditions) or to deny. After the planner's presentation, Committee members will be able to ask questions of staff, followed by members of the public. Following the question-and-answer period, this Committee then makes a recommendation on the applications to City Council who has the final say on the applications.

Following Council decision, notice will be circulated in accordance with the Planning Act. If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision.

Non-Statutory Public Meeting

6:00 p.m.

Subject: Proposed New Site Plan By-Law and Site Plan Guidelines

The City's current Site Plan Control By-Law (By-Law Number 2010-017) was passed by Council on November 2, 2010 with an amendment passed on March 7, 2017. Since 2017, a number of changes have been made to the *Planning Act*, including through Bill 23, the *More Homes Built Faster Act, 2022* and Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, which require the Site Plan Control By-Law to be updated to conform to current legislation. It is proposed that By-Law Number 2010-017 be repealed in its entirety and a new by-law be introduced, as presented for feedback in Exhibit A of this report.

Staff are also proposing that the existing Site Plan Control Guidelines be replaced with a new set of guidelines. The Site Plan Control Guidelines are intended to provide applicants with information on the Site Plan Control process, including application submission requirements, and can be a valuable tool in navigating the process. The current Site Plan Control Guidelines were introduced in October 2003 and last updated in December 2009. The draft Guidelines provided in Exhibit B are proposed to align with changes proposed to the Site Plan Control By-Law, address changes to the application process, and update inter-departmental information related to required plans and studies.

Staff are seeking feedback on the proposed new Site Plan Control By-Law and Site Plan Control Guidelines. Feedback received will be reviewed and incorporated into a recommendation report which is anticipated to be presented to the Planning Committee in Q1 2024.

Schedule Pages 1 – 83

1. Meeting to Order

2. Approval of the Agenda

3. Confirmation of Minutes

- a) **That** the minutes of Planning Committee Meeting Number 20-2023, held Thursday, November 16, 2023, be approved.

4. Disclosure of Pecuniary Interest

5. Delegations

6. Briefings

7. Business

- a) **Subject: Recommendation Report**

File Number: D35-004-2022

Address: 2312 Princess Street

District: District 2 – Loyalist-Cataraqui

Application Type: Official Plan & Zoning By-Law Amendment

Owner: 976653 Ontario Inc.

Applicant: Patry Inc.

The Report of the Commissioner of Growth & Development Services (PC-24-010) is attached.

Schedule Pages 84 – 306

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan and zoning by-law amendments (File Number D35-004-2022) submitted by Patry Inc., on behalf of 976653 Ontario Inc., for the property municipally known as 2312 Princess Street, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, Amendment Number 88, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-010; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A and B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-010; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

b) Subject: Recommendation Report

File Number: D14-012-2023

Address: 1329, 1343, 1347, 1375, 1383 Gardiners Road and 561 Macrow Street

District: District 2 – Loyalist-Cataraqui

Application Type: Zoning By-Law Amendment

Owner: Clermont Investments Inc.

Applicant: Boulevard Group

The Report of the Commissioner of Growth & Development Services (PC-24-002) is attached.

Schedule Pages 307 – 373

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-012-2023) submitted by Boulevard Group, on behalf of Clermont Investment Inc., for the property municipally known as 1329,1343,1347,1375,1383 Gardiners Road and 561 Macrow Street, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-002; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

c) Subject: Recommendation Report

File Number: D14-013-2023

Address: 2103 McKendry Road

District: District 1 – Countryside

Application Type: Zoning By-Law Amendment

Owner: Peter Skebo

Applicant: The Boulevard Group

The Report of the Commissioner of Growth & Development Services (PC-24-003) is attached.

Schedule Pages 374 – 416

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-013-2023) submitted by The Boulevard Group, on behalf of the owner Peter Skebo, for the property municipally known as 2103 McKendry Road, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-003; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

d) Subject: Recommendation Report

File Number: D14-004-2023

Address: 769 King Street West

District: District 5 – Portsmouth

Application Type: Zoning By-Law Amendment

Owner: Yuri Levin

Applicant: Fotenn Planning & Design

The Report of the Commissioner of Growth & Development Services (PC-24-008) is attached.

Schedule Pages 417 – 492

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-004-2023) submitted by Fotenn Planning + Design, on behalf of Yuri Levin, for the property municipally known as 769 King Street West, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-008; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

e) Planning Advisory Committee Meeting Notes

Schedule Pages 493 – 494

8. Motions

9. Notices of Motion

10. Other Business

11. Correspondence

12. Date of Next Meeting

The next meeting of the Planning Committee is scheduled for Thursday, December 21, 2023 at 6:00 p.m.

13. Adjournment

1. Approved Site Plan Items:

- D11-046-2020 – 870 Centennial Drive
- D11-029-2021 – 2702 Highway 2
- D11-005-2023 – 44 Barbara Avenue
- D11-020-2021 – 151 Bath Road
- D11-022-2022 – 18 Queen Street
- D11-040-2022 – 2069 Battersea Road
- D11-022-2022 – 18 Queen Street
- D11-035-2019 – 145 Dalton Avenue
- D11-031-2022 – 752 W King Street West
- D11-032-2022 – 2724 Princess Street

2. Applications Appealed to the Ontario Land Tribunal:

1. 2 River Street – OLT-22-004597 – OPA/ZBA – 5-week Hearing set starting January 30, 2024.
2. 275 & 283 Queen Street – OLT-22-004553 – ZBA – Three party settlement agreement approved by Council. Settlement verbally approved by the OLT on November 22, 2023.
3. 1533 McAdoos Lane – Site Plan Control – Appeal withdrawn by applicant on November 27, 2023.

3. Links to Land Use Planning Documents:

Planning Act: <https://www.ontario.ca/laws/statute/90p13>

Provincial Policy Statement: <https://www.ontario.ca/page/provincial-policy-statement-2020>

City of Kingston Official Plan: <http://www.cityofkingston.ca/business/planning-and-development/official-plan>

City of Kingston Zoning By-Laws: <https://www.cityofkingston.ca/business/planning-and-development/zoning>



**City of Kingston
Information Report to Planning Committee
Report Number PC-24-004**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: December 7, 2023
Subject: Non-Statutory Public Meeting – Proposed New Site Plan Control By-Law and Site Plan Control Guidelines

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

The following is a report to the Planning Committee for the purpose of obtaining feedback on a proposed new Site Plan Control By-Law and Site Plan Control Guidelines. The City's current Site Plan Control By-Law (By-Law Number 2010-017) was passed by Council on November 2, 2010 with an amendment passed on March 7, 2017. Since 2017, a number of changes have been made to the *Planning Act*, including through Bill 23, the *More Homes Built Faster Act, 2022* and Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, which require the Site Plan Control By-Law to be updated to conform to current legislation. It is proposed that By-Law Number 2010-017 be repealed in its entirety and a new by-law be introduced, as presented for feedback in Exhibit A of this report.

Staff are also proposing that the existing Site Plan Control Guidelines be replaced with a new set of guidelines. The Site Plan Control Guidelines are intended to provide applicants with information on the Site Plan Control process, including application submission requirements, and can be a valuable tool in navigating the process. The current Site Plan Control Guidelines were introduced in October 2003 and last updated in December 2009. The draft Guidelines provided in Exhibit B are proposed to align with changes proposed to the Site Plan Control By-

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Law, address changes to the application process, and update inter-departmental information related to required plans and studies.

Staff are seeking feedback on the proposed new Site Plan Control By-Law and Site Plan Control Guidelines. Feedback received will be reviewed and incorporated into a recommendation report which is anticipated to be presented to the Planning Committee in Q1 2024.

Recommendation:

This report is for information only.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Background**

Site Plan Control is an optional planning tool enabled under Section 41 of the *Planning Act* which allows municipalities to control certain matters on and around a site proposed for development, including, but not limited to, the siting of buildings, stormwater management, parking, pedestrian and vehicular access, and snow storage. Site Plan Control is intended to ensure that a development proposal is functional, safe, fits in with the surrounding uses and minimizes any negative impacts. Matters addressed within the zoning by-law (such as minimum or maximum setbacks or parking requirements) are not regulated by Site Plan Control but are reviewed for zoning compliance during the Site Plan Control application process. Additionally, matters relating to the standards or manner of construction of a building, interior design, or aesthetic design are not regulated through Site Plan Control.

Under Section 41 of the *Planning Act*, municipalities are authorized to designate areas and classes of development which are subject to Site Plan Control. In order for a municipality to pass a Site Plan Control by-law, the *Planning Act* requires that the local Official Plan describe the proposed Site Plan Control Area. Section 9.5.31 of the City of Kingston Official Plan designates the entire area of the City of Kingston as a Site Plan Control Area. The Official Plan also makes mention of Site Plan Control Guidelines to assist with the implementation of a Site Plan Control By-Law. Site Plan Control Guidelines are not required under the *Planning Act*; however, they are a valuable resource to applicants navigating the process. Site Plan Control Guidelines outline the site plan process, identify site design aspects which contribute to desirable development in the City, and provide technical requirements for plans and reports associated with Site Plan Control applications.

On November 28, 2022, Bill 23, the *More Home Built Faster Act, 2022* ("Bill 23") received Royal Assent, resulting in changes to Section 41 of *Planning Act*, among other matters. On June 8, 2023, Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023* ("Bill 97") received Royal Assent, resulting in further changes to Section 41 the *Planning Act*. The changes are summarized below:

Bill 23 Changes – Exemption for Development up to 10 Residential Units, Architectural Details and Landscape Design: Changes made through Bill 23 to Section 41 of the *Planning Act* exempt residential development with up to 10 residential units from Site Plan Control approval. The changes also indicate that land lease community homes containing any number of residential units on a lot are subject to Site Plan Control. Prior to the Bill 23 changes, the *Planning Act* did not include a minimum number of residential units on a lot that would trigger Site Plan Control, which meant that even a single-detached dwelling could require Site Plan Control if a municipality saw a public benefit. Prior to these changes coming into effect, the City's approach was to apply Site Plan Control to developments that contained four or more residential units.

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Further, for developments that are subject to Site Plan Control, Bill 23 limited the scope of what municipalities are able to control through the Site Plan Control process by removing the ability to regulate architectural design details and landscape design.

Bill 97 Changes – Prescribed Areas for Site Plan Control: Through Bill 97, the Province amended Section 41 of the *Planning Act* to provide that residential development with up to 10 residential units could be subject to Site Plan Control approval if the parcel of land includes land in a prescribed area. Subsequently, the Province introduced a new regulation ([Ontario Regulation 254/23](#)) with respect to the prescribed areas, which allows municipalities to use Site Plan Control (regardless of the number of residential units) for a lot any part of which is located within 120 metres of a wetland, the shoreline of the Great Lakes-St. Lawrence River System, an inland land or a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse; and any area that is within 300 metres of a railway line.

Site Plan Control By-Law Number 2010-217

The City's current Site Plan Control By-Law ([By-Law Number 2010-217](#)) came into effect on November 2, 2010. The by-law establishes the entire City as a Site Plan Control Area and outlines the forms of development that are subject to or exempt from Site Plan Control. On March 7, 2017, Council passed an amendment to the Site Plan Control By-Law which amended various clauses related to financial securities.

The changes made to Section 41 of the *Planning Act* through Bill 23 and Bill 97 require amendments to the City's Site Plan Control By-Law so that it aligns with the amendments with respect to residential developments and scope of items that are now exempt from Site Plan Control. In addition to changes resulting from these Bills, staff are proposing technical and functional changes intended to improve interpretation and understanding of the by-law. Given the extent of the changes and proposed reformatting, it is proposed that the existing by-law be repealed and a new by-law introduced in its place. A draft by-law is included in Exhibit A of this report.

Summary of Updates included in the Proposed New Site Plan Control By-Law:

In addition to changes required as a result of provincial legislation, the proposed new Site Plan Control By-Law includes the following updates:

- The proposed new by-law establishes the entire City as a Site Plan Control Area and includes revisions to the list of development types that would be exempt from Site Plan Control.
- The current Site Plan Control By-Law requires Site Plan Control along Arterial or Collector Roads unless otherwise exempt elsewhere in the By-Law. The proposed new by-law excludes this Site Plan Control trigger and relies on other defined types of development.

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- The proposed new by-law removes the requirement for Site Plan Control for group homes as these uses are considered a residential use within the Kingston Zoning By-Law and are regulated as simply a residential unit.
- The proposed new by-law provides that the Director of Planning Services, at their discretion, may require Site Plan Control for residential developments with 10 units or fewer in prescribed areas.
- Similar to the existing by-law, the proposed new by-law allows for some flexibility for the Director of Planning Services to determine if a modification or addition to an existing development is minor and waive the requirement for Site Plan Control. New criteria has been added to the proposed by-law for situations where the Director's discretion may be allowed. Additionally, the proposed new by-law includes additional discretion for the Director of Planning Services to waive Site Plan Control for internal building alterations, temporary buildings and structures, and on-farm diversified uses, agri-tourism uses and agriculture related uses.
- The proposed new by-law includes updates to incorporate current terminology, remove redundant definitions, and add new definitions to assist with the interpretation of terms used within the by-law.
- The proposed new by-law simplifies information on financial securities. It removes details on release of security as this aspect is addressed through the Site Plan Control Agreement that the owner or developer would enter into following Site Plan Control approval.
- The proposed new by-law has been reformatted and reorganized to reflect the City's current format for municipal by-laws and to improve the clarity of the by-law for staff, applicants, and members of the public.

Site Plan Control Guidelines

The City's current [Site Plan Control Guidelines](#) were introduced in October 2003 and last updated in December 2009. The Site Plan Control Guidelines are intended to clarify the process and requirements of Site Plan Control for applicants and convey the City's preferences and expectations for development subject to Site Plan Control.

Summary of Updates included in the Proposed New Site Plan Control Guidelines

The updates included in the proposed new Site Plan Control Guidelines (Exhibit B) are intended to simplify the existing document to focus on the most relevant information and to update the process information including references to the online Development and Services Hub ("DASH"). The proposed updates include the following:

- Repetitive information has been removed or consolidated where feasible. An example of consolidation includes combination of floor plan drawing requirements into architectural drawing requirements as floor plans are considered a form of architectural drawing for the purpose of review.
- References to paper submissions, such as number of required paper copies, has been removed, as application submissions are now made online through the DASH portal.

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- City department names, titles and contact information have been updated throughout the document.
- Document titles and version numbers have been updated throughout the document, as applicable.
- All website links provided in the document have been reviewed to ensure they are correct and current.
- Information regarding fees and securities have been consolidated into one section.
- Measurements referenced within the document have been changed from imperial to metric throughout.
- Information not related to Site Plan Control or planning matters has been removed
- Changes to the Site Plan Control process has been updated.
- Signage instructions have been removed as these are provided to the applicant separately.
- Detailed information on reports and studies that may be required have been removed from the guidelines and replaced with a link to Terms of Reference found on the City's website. This allows a more streamlined and concise document and prevents inconsistencies between the various documents.

Public Engagement

The purpose of this report is to obtain feedback from members of the public and the Planning Committee on the proposed new Site Plan Control By-Law and Site Plan Control Guidelines. Additional engagement with members of the development community is planned for early 2024.

The proposed draft by-law and guidelines were reviewed for input by several City departments including Engineering Services, Legal Services, Transportation and Transit Services, and Planning Services staff.

Indigenization, Inclusion, Diversity, Equity & Accessibility (IIDEA) Considerations

The *Planning Act* identifies, accessibility for persons with disabilities to all facilities, services and matters to which the *Planning Act* applies, as a matter of provincial interest. As part of the Site Plan Control approvals process, it is the City's standard practice to ensure that the proposed development adequately considers facilities that are designed to have regard for accessibility for persons with disabilities, such as, barrier free paths of travel, universal design in the development of the plan, adequate lighting and signage, etc.

Next Steps

The feedback received will inform the preparation of the final Site Plan Control By-Law and Site Plan Control Guidelines. At this time, staff are anticipating reporting back to the Planning Committee with a recommendation report in Q1 2024, followed by Council consideration of the proposed by-law.

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Existing Policy/By-Law:

Planning Act

City of Kingston Official Plan

By-Law Number 2010-217, A By-Law to Designate the Whole of The City of Kingston as a Site Plan Control Area, Pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, Chapter P.13, As Amended, and to Adopt Certain Procedures for the Processing of Site Plan Control Applications, and to Exempt Certain Classes of Development from Approval of Plans and Drawings

Site Plan Control Guidelines, December 2009 Office Consolidation

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Sukriti Agarwal, Manager, Policy Planning, 613-546-4291 extension 3217

Chanti Birdi, Intermediate Planner, 613-546-4291 extension 3273

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Draft Site Plan Control By-Law

Exhibit B Draft Site Plan Control Guidelines

City of Kingston By-Law Number 2024–XX

A By-Law to Provide for Site Plan Control in the City of Kingston

1st Reading date

2nd Reading date

3rd Reading date

Passed date

DRAFT

City of Kingston By-Law Number 2024-XX

Site Plan Control By-Law

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By-Law Number 2023-XX
A By-Law to Provide for Site Plan Control in the City of Kingston

Passed: Date

WHEREAS:

Subsection 41(2) of the *Planning Act* provides that where an area is described in the municipality's **Official Plan** as a site plan control area, council may, by by-law, designate such area as a site plan control area; and

The **Official Plan** for the City of Kingston describes the whole of the City of Kingston as an area subject to site plan control; and

The City deems it desirable to designate all of the lands within the municipal boundaries of the City of Kingston as a site plan control area;

THEREFORE, Council enacts:

1.0 Interpretation

1.1 This by-law may be cited as the "**Site Plan Control By-Law**".

1.2 In this by-law:

"**adjacent lands**" means those lands contiguous to a specific natural heritage feature or area where it is likely that **development** or site alteration would have a negative impact on the feature or area. The extent of the **adjacent lands** may be recommended by the Province of Ontario or determined by the City based on approaches that achieve the same objectives.

"**agricultural use**" means the use of any **lot** or **building** for the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and riding stables, including, livestock facilities, manure storages, value-retaining facilities; or other agricultural activities such as the packaging, selling, sorting or storage of goods grown or raised on the lands.

"**agriculture-related use**" means the use of any **lot** or **building** for farm-related commercial and/or farm-related industrial uses that are directly related to

“**agricultural uses**” in the area, support **agricultural uses**, benefit from being in close proximity to **agricultural uses** and provide direct products and/or services to **agricultural uses** as a primary activity. Examples of **agriculture-related uses** may include:

- (a) storage and distribution of centres serving farm operations in the area;
- (b) farmers markets primarily selling locally grown products;
- (c) processing of produce grown in the area (for example, cider making, or the canning, quick-freezing and packing of food);
- (d) grain dryers;
- (e) agricultural research centres;
- (f) wineries using locally grown grapes;
- (g) abattoirs for processing and selling meat from animals raised in the area;
- (h) flour mills for locally grown grain;
- (i) farm equipment repair stores;
- (j) livestock assembly yards or stock yards;
- (k) agricultural auction grounds; and
- (l) farm supplier store (for example, feed, seeds or fertilizer).

“**agri-tourism**” means the use of any **lot** or **building** which is complementary to a principal **agricultural use** on a **lot** and which provides education and active activities to experience and enjoy the agricultural way of life in the rural area. Such activities may include farm machinery and equipment exhibitions, farm-tours, petting zoos, corn mazes, hayrides, sleigh rides, processing demonstrations, pick your own produce/products, farm themed playgrounds, educational facilities that focus on farming instruction or other similar activities. **Agri-tourism** may include accessory retail sales but excludes restaurants and all other uses that are considered under the broader **on-farm diversified** use definition.

“**building**” means anything that is comprised of components joined together and that stands more or less permanently in one place. A **building** includes all components such as walls, roof, floors, structural systems, columns, plumbing, fixtures, service systems, private sewage systems, decks, porches, canopies, architectural features, chimneys, mechanical systems and any component that is attached to a **building**. The following are considered to be **buildings**:

- (a) a shipping container, sea can or similar storage container when placed on the ground for any purpose other than loading and unloading a shipment in

- conjunction with an industrial or commercial use for up to maximum of 28 consecutive calendar days; and
- (b) a tiny house, as defined in By-Law Number 2022-62, when installed more or less permanently in one place by removing the wheels and connecting to permanent services.

For clarity, “**structure**” has a corresponding meaning.

“**City**” means The Corporation of the City of Kingston.

“**co-living unit**” means the use of a **building** intended for residential accommodation where private bedrooms and/or living spaces share the use of one common kitchen and may share common washroom facilities or living spaces. For the purposes of this by-law, every 4 bedrooms within a **co-living unit** is considered to be one **residential unit**.

“**commercial parking lot**” means the principal use of any **lot** or **building** for the parking of motor vehicles, with or without a fee being charged. A **commercial parking lot** includes drive aisles, parking spaces and components necessary to support the use, and excludes any area where motor vehicles for sale or repair are kept or stored.

“**Council**” means the council of the **City**.

“**development**” and “**redevelopment**” means:

- (a) the construction, erection or placing of one more **buildings** or **structures** on land;
- (b) the making of an addition or alteration to a **building** or **structure** that has the effect of substantially increasing the size or usability thereof;
- (c) the laying out and establishment of a **commercial parking lot**;
- (d) the laying out and establishment of sites for the location of three or more trailers as defined in subsection 164(4) of the *Municipal Act, 2001*, or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the *Planning Act*, or

- (e) the construction, erection or location of three or more **land lease community** homes on a **lot** that will contain any number of **residential units**.

“**Director**” means the **City’s** Director of Planning Services, the **Director’s** designate, or, in the event of organizational changes, the director of the successor division or department responsible for the administration of this by-law.

“**dwelling unit**” means the use of a **building**, comprised of one or more habitable rooms designed to provide at least one washroom and kitchen for residential accommodation. This definition may include a short-term rental as defined in the Short-Term Rental Licensing By-Law where it is comprised of one or more habitable rooms designed to provide at least one washroom and kitchen for residential accommodation. This definition excludes bunkhouses, recreational vehicles, travel trailers, tent trailers or motor homes.

“**Environmental Protection Area**” means an area of natural and scientific interest, fish habitat or significant wildlife habitat areas, provincially significant wetlands, significant coastal wetlands and locally significant wetlands, rivers, streams and small inland lake systems and the Snake and Salmon Islands, located in Lake Ontario, all of which are shown in the **Official Plan**.

“**gross floor area**” means the total floor area of all floors of a **building** above finished grade, measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the **building** from another **building**.

“**group home**” means the use of a **lot** or **building** to provide supervised living accommodation as per the requirements of its residents, licensed and/or funded by the Province of Ontario or the Government of Canada, generally limited to 10 persons or fewer, exclusive of staff, living together as a single housekeeping unit, but does not include a special needs facility, as defined in By-Law Number 2022-62.

“**land lease community home**” has the meaning as set out in the **Planning Act**.

“**lot**” means a single parcel, tract of land or parcel of tied land, in each case that may be conveyed in compliance with the provisions of the **Planning Act** or the

Condominium Act, 1998, S.O. 1998, c. 19, excluding a unit, as that term is defined in the *Condominium Act, 1998*.

“Municipal Act, 2001” means the *Municipal Act, 2001*, S.O. 2001, c. 25.

“Official Plan” means the Official Plan for the City of Kingston.

“on-farm diversified uses” means the use of any **lot** or **building** which is complementary to the principal **agricultural use** on a **lot**. **On-farm diversified uses** may include but are not limited to **agri-tourism** or other similar uses that produce value-added agricultural products. Examples of **on-farm diversified uses** may include:

- (a) value-added uses that use feedstock from outside the surrounding agricultural area (for example, processor, packager, winery, cheese factory, bakery, abattoir);
- (b) office, creativity centre, personal service shop, day care centre that exceed home occupation permissions;
- (c) sawmill, welding or woodworking shop, manufacturing/fabrication, equipment repair that exceed home occupation permissions;
- (d) retail store; and
- (e) restaurant, tasting room or cooking classes.

“on-site improvements” means paving (base and top course asphalt, excluding granular materials); final site grading; hard and soft landscaping; walkways; retaining walls; fencing (screening and acoustic); lighting; signage; stormceptors; and any above ground stormwater works such as a pond, if required on-site. **On-site improvements** do not include **buildings, structures** and underground storm, sanitary and water services.

“owner” means the person appearing as the registered owner of the land according to the records of the Land Registry Office and includes a purchaser under a valid Agreement of Purchase and Sale, and the authorized agent of any such purchaser or owner of land.

“**person**” means any individual, association, proprietorship, partnership, company, firm, corporation, business, authorized agent, trustee and heirs, executors or other legal representatives.

“**Planning Act**” means the *Planning Act*, R.S.O 1990, c. P.13.

“**Provincial Offences Act**” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

“**provincial offences officer**” has the meaning as set out in the *Provincial Offences Act*.

“**qualified person**” means an individual with the required qualifications and/or credentials related to a field of study to conduct a study and/or provide expert opinion that has been required by the **City**. The qualifications and credentials of the **qualified person** may be either Landscape Architect, Architect or Certified Engineer depending on related work and must be to the satisfaction of the **City**, or where appropriate, are defined by relevant legislation, regulation and standards.

“**residential unit**” has the meaning as set out in the *Planning Act*.

“**site plan control agreement**” means an agreement between the **owner** and the **City** pursuant to subsection 41(7)(c) of the *Planning Act*.

1.3 For the purposes of interpreting this by-law:

- (a) a reference to any legislation, regulation, by-law, or plan, or to a provision thereof includes a reference to any legislation, regulation, by-law, or plan enacted, made or passed in substitution thereof or amendment thereof;
- (b) any reference to legislation includes all of the regulations made thereunder; and
- (c) “include”, “includes” and “including” indicate that the subsequent list is not exhaustive.

1.4 This by-law is not to be interpreted as exempting any **person** from the requirement to comply with any other **City** by-law or federal or provincial legislation. In the event of a conflict between the provisions of this by-law and any other **City** by-law, the provision that is the most restrictive will apply.

2.0 Administration

- 2.1 The **Director** is responsible for the administration of this by-law.
- 2.2 Where this by-law provides that the **Director** may do an act, the **Director** may, when doing the act, seek and consider information or documents from any **person**, and may consult with other **City** employees, legal counsel, or other advisors, all as the **Director** considers necessary.
- 2.3 Where this by-law provides that the **Director** may do an act, it may be done by a person authorized by the **Director** to do the act.

3.0 Development Subject to Site Plan Control

- 3.1 All lands within the municipal boundaries of the City of Kingston are hereby designated as a site plan control area.

4.0 Exemptions

- 4.1 The following classes of **development** are exempt from site plan control and may be undertaken without the approval of plans and drawings otherwise required under section 41 of the **Planning Act**:

- (a) the construction, erection or placing of a **building** or **structure** for residential purposes on a **lot** if that **lot** will contain no more than 10 **residential units**, unless:
 - (i) the **lot** includes any lands in an area prescribed by regulation pursuant to subsection 41(1.2) of the **Planning Act**, in which case the **Director** at their sole discretion may determine if site plan control applies; or
 - (ii) the **lot** includes the construction, erection or placing of a **land lease community home** that will contain any number of **residential units**;
- (b) **group homes**;
- (c) any **building** or **structure** accessory to the uses described in clauses (a) and (b) of this by-law;

- (d) new non-residential **development** or **redevelopment** which contains less than 300 square metres of **gross floor area**;
- (e) minor modifications or additions to existing **development**, or any **building** or **structure** accessory to existing **development**, at the sole discretion of the **Director**, where:
 - (i) the **lot** is not located within an **Environmental Protection Area** or **adjacent lands**; and
 - (ii) the minor modification or addition does not have the effect of:
 - a. substantially increasing the size or useability of any **building** or **structure**;
 - b. altering the grading or drainage; or
 - c. adversely affecting a natural heritage feature, as defined in the **Official Plan**;
- (f) interior **building** alterations which do not involve a major change of use as defined in the *Building Code Act, 1992*, S.O. 1992, c. 23 or which, at the sole discretion of the **Director**, do not impact the grading, drainage, parking or access on the **lot**;
- (g) a temporary **building** or **structure** that is designed, constructed and placed on a **lot** in a manner which permits its removal after a period of time not to exceed 120 consecutive days, as determined in the sole discretion of the **Director**;
- (h) any sheds, scaffolds or other **structures** incidental to a permitted **building** construction for so long as the same is necessary for work in progress which has neither been finished nor abandoned;
- (i) any outdoor patio which is accessory to an industrial or institutional use and is not associated with commercial use;
- (j) any outdoor patio located on **City** property which has been expressly permitted in writing by the **City**;
- (k) **agricultural uses**;

- (l) **on-farm diversified uses, agri-tourism uses and agriculture-related uses**, at the sole discretion of the **Director**, except where site plan control approval is required as a condition of provisional consent, a condition of a minor variance decision or included as a condition of removal of a holding overlay; or
- (m) a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.

5.0 Pre-consultation

- 5.1 Pursuant to By-Law Number 2007-43, applicants must consult with the **City** prior to submitting a site plan control application for approval.

6.0 Approval of Plans and Drawings

- 6.1 Subject to section 4.0 of this by-law, no **person** will undertake any **development**, and no building permit may be issued for any **development**, on lands located within the **City's** site plan control area, unless the **City** has approved in writing, plans and drawings for the following:
 - (a) plans showing the location of all **buildings** and **structures** to be erected and the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause 41(7)(a) of the **Planning Act**, including facilities designed to have regard for accessibility for person with disabilities; and
 - (b) drawings showing plan, elevation and cross-section views for each **building** to be erected, except a **building** to be used for residential purposes containing less than 25 **dwelling units**, for which drawings are sufficient to display:
 - (i) the massing and conceptual design of the proposed **building**;
 - (ii) the relationship of the proposed **building** to adjacent **buildings**, streets, and exterior areas to which members of the public have access;

- (iii) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from street, open spaces and interior walkways in adjacent **buildings**;
- (iv) matters relating to **building** construction required under a by-law referred to in section 97.1 of the **Municipal Act, 2001**;
- (v) the sustainable design elements on any adjoining road under the **City's** jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- (vi) facilities designed to have regard for accessibility for persons with disabilities.

6.2 Plans and drawings submitted pursuant to this by-law must:

- (a) bear a drawing number, date or date of revision; and
- (b) be submitted in a manner and to a scale that shows with clarity and accuracy all **buildings, structures**, facilities and works described in clauses 6.1 (a) and (b) of this by-law.

6.3 The **City** may require the applicant to submit additional studies, plans and calculations completed by a **qualified person** that validate the location, dimensions and nature of the **buildings, structures**, facilities and works proposed in the plans and drawings.

6.4 The cost of any required studies, plans and calculations, including additional studies, plans and calculations, will be the sole responsibility of the **owner**.

7.0 Site Plan Control Agreements

7.1 Subject to section 4.0, an **owner** who undertakes **development** in the **City's** site plan control area may, as determined by the **Director**, be required to enter into one or more **site plan control agreements** with the **City** dealing with, and ensuring the provision of, any or all of the facilities, works or matters set out in subsection 41(7) of the **Planning Act** and the

maintenance thereof or with the provision and approval of plans and drawings referred to in section 6.0 of this by-law.

- 7.2 At the **owner's** sole expense, any agreement or amendment thereto entered into under this by-law will be registered by the **City** against the land to which it applies. The **City** is entitled to enforce the agreement against the **owner** and all subsequent **owners** of the land.

8.0 Performance and Maintenance Securities

- 8.1 Where the **owner** is required to enter into a **site plan control agreement**, and the **site plan control agreement** requires the submission of a financial security in order to guarantee compliance with the provisions of the **site plan control agreement**, including satisfactory completion and/or maintenance of the facilities and works required by the **site plan control agreement** and the approved plans and drawings listed therein, the **owner** must file with the **City**, financial securities in an amount as determined by the **City** in accordance with this by-law.
- 8.2 The **owner** must submit to the **City** for written approval a cost estimate prepared by a **qualified person** for the approved facilities and works. The cost estimate approved by the **City** must be appended to the **site plan control agreement**.
- 8.3 The amount of the security will be determined by the **City** based on the cost estimate submitted pursuant to subsection 8.2 of this by-law. The amount of security required will be calculated as follows:
- (a) the amount of security will equal 50% of the estimated cost of the **on-site improvements** to a maximum amount of \$250,000; and
 - (b) for all facilities and works on **City**-owned property, the amount of security will equal 100% of the cost of the approved facilities and works.
- 8.4 If lands subject to a **site plan control agreement** are transferred, the **City** will not return any securities required pursuant to this by-law until the new **owner** provides substitute securities in the required amounts to the satisfaction of the **City**.

8.5 In accordance with the provisions of the **site plan control agreement**, the **City** may conduct site inspections to confirm the satisfactory completion of facilities and works in accordance with the approved site plans and drawings.

9.0 Acceptable Forms of Securities

9.1 Any security required in accordance with this by-law must be submitted to the **City** prior to the execution of the **site plan control agreement**.

9.2 Any security must be provided to the **City** in the form of cash, certified cheque or an irrevocable letter of credit in the amount as determined by the **City** and in a form satisfactory to the **City**. Without limiting the generality of the foregoing, all letters of credit must be issued by a Schedule 1 Canadian Chartered Bank. Any security will be held and released by the **City** in accordance with the **site plan control agreement**, without interest.

10.0 Security for Multi-Phase Developments

10.1 Where a multi-phase **development** is proposed, the **City**, in its sole discretion, may permit a security to be submitted for the initial phase of the **development**. The security may be applied to subsequent phases of the **development** provided that:

- (a) all phases of the **development** are being undertaken by the same **owner** and are located on contiguous lands;
- (b) the proposed phasing is reflected on the approved plans and drawings and in the approved cost estimate;
- (c) if a letter of credit is provided as security, the letter of credit applies to all phases of the **development**;
- (d) the amount of the security is calculated based on the estimated cost of the most expensive phase of **development**; and
- (e) **development** of the phase to which the security applies must be substantially complete to the satisfaction of the **City** before the security may be applied to any subsequent phase.

11.0 Draws on Financial Security to Remedy Defaults

- 11.1 Where the **owner** has entered into a **site plan control agreement** in accordance with the provisions of this by-law and has received notice from the **City** of a default with respect to any of the obligations, terms, covenants or provisions of the **site plan control agreement** or the approved plans and drawings therein, then the **City** may enter upon the **owner's** lands to complete any outstanding works to remedy the default at the **owner's** sole expense.
- 11.2 The **City**, at its sole discretion, may recover any costs incurred, including interest and administration costs, to provide, maintain or complete any works by drawing down on the financial security provided pursuant to the **site plan control agreement** and this by-law. If there is no security, or if the amount of security held by the **City** is not sufficient to cover the costs incurred by the **City**, then without limiting the **City's** remedies, the **City** may recover any costs incurred by adding the costs to the tax roll of the **owner's** lands and collecting them in the same manner as property taxes.
- 11.3 Where the **City** exercises its discretion to draw on the financial securities to remedy any default related to a **site plan control agreement** or the approved plans and drawings, the **owner** will be charged an administration fee equal to 20% of the costs to remedy said default. Where deemed appropriate by the **Director** in their sole discretion, the administration fee may be waived.

12.0 Enforcement

- 12.1 This by-law may be enforced by a **provincial offences officer**, or other authorized employees or agents of the **City**.
- 12.2 No person will obstruct or hinder, or attempt to obstruct or hinder, a **provincial offences officer** or other authorized employees or agents of the **City** in the exercise of a power or the performance of a duty under this by-law.
- 12.3 Every person who contravenes any provision of this by-law is guilty of an offence as provided for in the **Provincial Offences Act**.
- 12.4 Every officer or director of a corporation who permits a contravention of any provision of this by-law is guilty of an offence as provided for in the **Provincial Offences Act**.

- 12.5 Every **person**, officer or director who contravenes any provision of this by-law is liable for a fine as provided for in the ***Provincial Offences Act*** upon conviction.
- 12.6 When a **person** has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any other penalty imposed on the **person** convicted, make an order:
- (a) prohibiting the continuation or repetition of the offence by the **person** convicted; and
 - (b) requiring the **person** convicted to correct the contravention in the manner and within the period that the Ontario Court of Justice considers appropriate.

13.0 General

- 13.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of **Council** in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 13.2 By-Law Number 2010-217, “A By-Law to Designate the Whole of the City of Kingston as a Site Plan Control Area, Pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, and to Adopt Certain Procedures for the Processing of Site Plan Control Applications, and to Exempt Certain Classes of Development from Approval of Plans and Drawings”, is repealed in its entirety.
- 13.3 The **City** may provide Site Plan Control Guidelines intended to provide guidance on the site plan control process and design standards, but which do not form part of this by-law and may be amended from time to time.
- 13.4 This by-law will come into force and take effect on the date it is passed.

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Site Plan Control Guidelines (Draft)

City of Kingston
Planning Services
Draft, December 2024



The Site Plan Control Guidelines were endorsed by City Council on _____, and may be updated by staff from time to time.

This document is intended to provide general information only. For detailed reference, please refer to the *Planning Act* and the City of Kingston Site Plan Control By-Law Number 2024-XX.

For additional information, contact Planning Services at 613-546-4291 extension 3180.

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1. Purpose

The purpose of the Site Plan Control Guidelines is to outline the submission requirements and review process through which Site Plan Control applications are evaluated within the City of Kingston. The guidelines convey the City's preferences and expectations for development subject to Site Plan Control.

Site Plan Control is a planning tool authorized under Section 41 of the *Planning Act* that allows municipalities to review development matters such as the massing and location of buildings, pedestrian and vehicular access, drainage and lighting. The Site Plan Control process examines the design and technical aspects of a proposed development to ensure it is safe, functional, and compatible with the surrounding area.

On XX, City Council passed By-Law Number 2024-XX, titled the Site Plan Control By-Law, which designates the whole of the City of Kingston as a "Site Plan Control Area" and establishes classes of development exempt from Site Plan Control.

2. Electronic Submission

All applications for Site Plan Control are to be submitted electronically using the Development and Services Hub (DASH), the City's online development review portal at CityofKingston.ca/DASH.

Assistance with DASH applications is available by contacting Planning Services at 613-546-4291, ext. 3180, planning@cityofkingston.ca or by visiting the Planning Services offices at 1211 John Counter Boulevard during regular office hours. Informational resources are also available at CityofKingston.ca/business/DASH/resources.

3. Pre-Application

A pre-application is required prior to formal submission of a Site Plan Control application. During the pre-application process, the applicant will meet with City staff to discuss any potential technical issues, required approvals and submission materials, including but not limited to, supporting studies, plans and drawings.

An applicant may be required to undertake the pre-application process again if a complete Site Plan Control application has not been submitted within one year of the initial pre-application or if significant changes have been made to the proposal.

3.1 Pre-Application Requirements

The applicant will generally provide the following information at a minimum at the pre-application stage through DASH:

- a) The location(s) of the proposed development;
- b) The proposed use; and
- c) Preliminary scaled drawings and/or visual renderings of the proposed development.

Site Plan Control Guidelines

4. Application Requirements and Review Process

Review of a Site Plan Control application is undertaken by various City departments and external agencies, such as Utilities Kingston, Cataraqui Conservation, and provincial ministries, as applicable.

Applications which contravene City policies, regulations, and the zoning by-law(s), or do not contain the required information will not be considered. Any proposals requiring a zoning by-law amendment, or a minor variance, must receive final approval (including no appeals during the appeal period) prior to the submission of the Site Plan Control application.

The Site Plan Control process flow chart is provided in Appendix A.

4.1 Complete Application Requirements

The following are minimum application requirements to be submitted prior to staff review or circulation of the Site Plan Control application:

- a) Complete application details in DASH;
- b) Full application fees as per City of Kingston By-Law Number 2005-10, Fees and Charges By-Law, as amended; and
- c) Plans, drawings, technical reports, background information and any other supporting documentation identified by the City at the pre-application stage.

In order to ensure the timely and coordinated processing of the Site Plan Control application, all submission materials, including any required revisions, are to be uploaded to DASH and coordinated through Planning Services. Reports or drawings are not to be submitted directly to any individual department/commenting agency.

4.2 General Requirements for All Plans

All plans and drawings must be legible, submitted with metric dimensions, and be drawn in black and white (no colour or shades of grey are acceptable). The following information must be included on all submitted plans:

- a) identification of the proposed use of the site;
- b) name and address of the firm preparing the plan;
- c) name of applicant and owner (if different from the applicant);
- d) municipal address and/or legal description (Reference Plan, Lot, Concession and Registered Plan Lot Number);
- e) metric scale;
- f) north arrow;

- g) legend;
- h) title block and revision block;
- i) the main features of the site (all buildings, parking areas, driveways, above ground utilities, landscape areas, fencing, ditches, etc.);
- j) location of all building entrances;
- k) overall dimensions of all property boundaries and all buildings and structures existing or proposed on the site and abutting properties, including dimensions which are sufficient to show the position of buildings in relation to site boundaries;
- l) all existing and proposed easements, rights-of-way and reserves within or adjacent to the subject lands;
- m) sight triangles; and
- n) required professional stamp.

All revisions to plans and drawings must be dated, noted and described in the revision block on each drawing and must have the area(s) of revision highlighted (in a cloud format).

4.2.1 Site Plan Drawing

In addition to the requirements of Section 4.2 of this document, the Site Plan drawing must include the following information at a minimum:

- a) key plan, indicating location of the site in respect to the City street network;
- b) use of existing and proposed buildings and number of storeys;
- c) layout of the parking area and minimum dimensions of parking spaces, accessible parking spaces, loading spaces, bicycle spaces, aisles, driveways, ramps, fire routes;
- d) the type of parking area (i.e. open, underground, garage);
- e) location of vehicular entrance(s);
- f) dimensions of vehicular entrance width, turning radii and sight triangles;
- g) truck routes, turning radii and required fire lanes;
- h) curb cuts, curb depressions, depressed walks on each side of all streets that border the property;
- i) layout of pedestrian access and walkways;
- j) height and design of all existing and proposed fences and privacy screens;

Site Plan Control Guidelines

- k) labelled existing and proposed surface treatment (for example, grass, paved, gravel);
- l) location, design and construction details of the garbage collection area;
- m) location of all outdoor storage areas and detailing of enclosure;
- n) any existing or proposed street widening and 0.3 metre reserves;
- o) abutting road right-of-way width including the location and width of traffic islands, hydro poles, fire hydrants, sidewalks, etc.;
- p) all existing and proposed driveways on the subject site and adjacent properties;
- q) man-made or natural features (such as a watercourse, swale, culvert, retaining wall, embankment, catch basin) on or adjacent to the site;
- r) finished ground floor elevation of all buildings;
- s) a site statistic table indicating the following for each use, as applicable: lot area; landscaped open space area; ground floor area; gross building floor area; number of units; height of building; number of storeys; number of required and provided parking spaces; number of required and provided accessible parking spaces; number of required and provided loading spaces; number of required and provided bicycle parking spaces, lot coverage of principal building; lot coverage of accessory buildings; and percentage of paved and/or graveled area;
- t) for residential development, the site statistic table must also indicate the following: density, number of bedrooms per unit, and total amenity area;
- u) location of snow storage area(s);
- v) location and dimensions of amenity areas; and
- w) location of existing buildings with an indication whether the buildings are to be demolished or to remain.

4.2.2 Architectural Drawings

Architectural drawings include elevations and floor plans. Where required under the Ontario Building Code, architectural plans must be prepared and stamped by an Architect or a Professional Engineer. Floor plans must be submitted for all buildings. The plans should show all floors except where the layout of a floor is repetitive. During the Site Plan Control review process, interior layouts are used for information purposes only. Floor plans form part of the approved Site Plan Control plans for the Site Plan Control Agreement where they include interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

4.2.3 Elevation Drawings

In addition to the requirements of Section 4.2 of this document, the elevation drawings for all sides of all existing or proposed buildings must include the following information:

- a) floor and overall building height dimensions;
- b) exterior material type and colour;
- c) all roof structures, screening and mechanical equipment (penthouses, chimneys, roof top units, vents, air conditioning, etc.);
- d) location and dimensions of any existing or proposed roof or fascia signs; and
- e) location and design of all exterior lighting including lighting specifications.

Where the proposed development includes a streetscape or group of buildings, a “street elevation”, drawn to scale, showing all elevations from the street side is required.

4.2.4 Engineering and Utilities Drawings

Site grading and servicing must conform with any approved records currently on file with the City. All engineering drawings must be prepared by a Professional Engineer licensed to practice in Ontario. The Professional Engineer’s certification (i.e. P. Eng. stamped, signed and dated) is to be provided on the drawings.

4.2.5 Servicing Plan

In addition to the requirements of Section 4.2 of this document, the Servicing Plan must include the following information at a minimum:

- a) Existing and proposed above ground services:
 - o all existing and proposed above ground utility services within the site, adjacent street, road allowance, boulevards and within 6 metres of the site;
 - o light standards and fixture location, utility structures, hydro transformer boxes, vaults and Bell chambers, hydro/telephone/cable poles, guys and pedestals;
 - o overhead and underground structures associated with electrical service entrances must be located on the site plan and include the proposed sizing and design connected load;
 - o indicate existing street lighting poles as well as new pole locations, as illustrated within the composite utility plan;
 - o for street lighting, indicate proposed power supplies, circuiting, estimated demand load, conductor and duct sizes, and ground rod locations;
 - o proposed location of the gas meter set and regulator;

Site Plan Control Guidelines

- specify minimum grades, sizes, material types, bedding and backfill, cover on sanitary, water and gas mains and electrical services;
- details of any service connections to the City infrastructure including methods and materials;
- all existing services or stubs to be abandoned;
- any future local improvement works agreed to in the Site Plan Control Agreement;
- existing and proposed driveways to neighbouring sites on both sides of the street;
- existing asphalt driveway ramps;
- existing and proposed driveway depressions;
- curb cuts at all sidewalks, ramps, etc.;
- material type and width of City and private sidewalks and walkways;
- curbs and/or curb and gutters (label with Ontario Provincial Standard Drawings (OPSD) designate);
- road shoulders;
- driveways, parking areas, retaining walls, berms, fences and handrails, trees, bushes and hedges;
- drainage swales with a typical swale cross section detail;
- sanitary sewer and electric servicing manholes;
- identification of and dimensioned catch basins, double catch basins, ditches, culverts, ditch inlets and ditch outlets (label with OPSD designate);
- manholes, hydrants, valves (boxes and chambers), Siamese connections and service shutoffs (curb stops);
- hydrant flange elevations and adjacent finished ground elevations must be shown on all hydrants within or immediately adjacent to the site;
- the calculated fire flow available from the nearest hydrant;
- traffic and pedestrian signals; and
- signs (street and private) and parking meters.

b) Existing and proposed underground services:

- all existing and proposed underground utility services (water, sewer, gas, electric, fibre) within the site, adjacent street, road allowance, boulevards and within 6 metres of the site;
- sanitary sewers, storm sewers, and foundation drains labelled with the following: pipe material, diameter, slope, pipe bedding, pipe inverts at the point of connection to main, at the building face and at property line;
- plan and profile detail for any underground work to be done in the City right-of-way;
- inlet elevations of all catch basins;
- septic system location (if required);
- watermain services (domestic and fire lines) to the building with pipe material, diameters and obvert elevations at critical locations;
- hydro services and gas services (with pipe material and size); and
- details of any service connections to the City infrastructure including methods and materials.

4.2.6 Grading Plan

In addition to the requirements of Section 4.2 of this document, the Grading Plan must include the following information:

- a) existing building structures and site details such as driveways, sidewalks, utilities, etc., within 6 metres of the site;
- b) geodetic grades as well as first floor elevations (in metres) of all buildings, finished floor and basement floor elevations for all buildings requiring servicing;
- c) proposed finished grades sufficient to show surface drainage and the extent of deviation from original grades;
- d) drainage swales;
- e) roof downspout locations and direction of drainage;
- f) arrows indicating the direction of surface drainage on all paved, granular and grassed areas;
- g) sufficient elevations in driveways and parking lots to show the drainage pattern;
- h) spot elevations at all locations where the grade changes on the site including cross sections of any changes of elevation across the site that impacts planting, parking or access;

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- i) proposed elevations for all building corners and all building access points, (i.e. ramps, entrances, and loading bays);
- j) elevations at the bottom and the top and any intermediate landings of wheelchair and scooter ramps;
- k) sufficient elevations at property line, back edge of walk, top of curb, and road crown, in all site entrances and along the frontage of the property as required to reflect the existing conditions;
- l) rim elevations on all maintenance hole lids and covers;
- m) wherever possible and with the permission of the adjacent landowners, existing elevations are required to be shown at 3 metres and 6 metres beyond the site limits;
- n) All elevations are to be based on City of Kingston Bench Marks;
- o) Contour lines and/or spot elevations referenced to the City Benchmark;
- p) City Bench Mark data used, described and labelled on the drawing (Bench Mark information is available from Engineering/GIS Technologist Engineering Services); and
- q) the following note:

“Construction Notes – Environment

While undertaking clearing, demolition, excavation or construction the Owner and their contractors shall be vigilant for the potential presence of underground fuel tanks, potentially contaminated soil or groundwater, buried wastes or abandoned water wells. If any of the above are encountered or suspected, the Owner shall ensure that:

1. The City of Kingston’s Environment Division is advised that contaminants or wastes have been discovered or are suspected;
2. Any soil or groundwater contamination encountered is remediated to applicable standards as defined within O.Reg. 153/04 or as revised;
3. Any wastes generated by site clean-ups are managed in accordance with applicable laws and standards;
4. Any abandoned fuel tanks encountered are decommissioned in accordance with applicable laws and standards;
5. Any unused water wells (drilled or dug) are properly abandoned in accordance with Ontario Regulation 903 – Wells or as revised;
6. If it appears likely that contamination extends beyond the boundaries of the subject property, the Owner notifies the local office of the Ministry of the

- Environment, Conservation and Parks and the City of Kingston's Environment Division;
7. Construction wastes are not to be buried within the property that is the subject of this Agreement, and
 8. That the Owner and their contractors report all spills to the Ministry of the Environment, Conservation and Park's Spills Action Centre (1-800-268-6060) and to the Municipality (613-546-4291 ext. 1368) forthwith."

4.2.7 Construction Details

All necessary construction details and general notes are to be provided to accurately convey the design intent of the elements on the plan and to address the proposed built form. Minimum grades, sizes, material types, bedding and backfill, cover on sanitary, water and gas mains and electrical services where appropriate (within the City of Kingston service area) are to be specified on the drawings.

A plan and profile detail is required for any underground work to be done in the City right-of-way. Details also need to be provided for any service connections to the City infrastructure, including methods and materials.

Construction details will include the following at a minimum:

- a) planting details (deciduous and coniferous tree planting details, shrub planting detail and tree to be transplanted detail, planting on slopes, if applicable);
- b) retaining walls, steps, curbing, ramps, stairs or seating walls (if retaining wall is greater than 1.0 metre in height and not connected to the building, the detail must be stamped by a licensed professional Engineer);
- c) paving for walks and pathways (concrete, asphalt, unit paving, etc.);
- d) fencing for screening or privacy (wood, masonry, chain link, stone, etc.) and gates;
- e) tree protection fencing;
- f) garbage enclosures;
- g) pools, ponds, streams, splash pads, etc.;
- h) play areas and equipment;
- i) ground signs (where applicable);
- j) on-slab planting and structures;
- k) all general and specific notes required to supplement the drawings and details; and
- l) other features requiring clarification.

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4.2.8 Landscape Plan

The Landscape Plans must consist of a layout and grading plan, landscape plan, construction details, and tree preservation plan. Sites without trees or significant vegetation will not require a tree preservation plan to be completed.

The landscape plans must be prepared and stamped by a Landscape Architect or other accredited professional acceptable to the City.

In addition to the requirements of Section 4.2 of this document, the Landscape Plans must include the following information at a minimum:

- a) location and identification (in landscape industry standard symbols and notations) of all existing or proposed plant material, planting beds, sodded areas, berms and other soft surfaces;
- b) clearly indicate the location of all vegetation to be retained or removed;
- c) all hard surfaces such as parking area, sidewalks, walkways retaining walls, driveways, ramps, patios, etc.;
- d) access into buildings, stairs, ramps;
- e) location, height and type of fencing, pedestrian gates and/or service access;
- f) all underground and aboveground utilities including fire hydrants;
- g) location of outdoor lighting;
- h) location and treatment of the garbage collection area;
- i) location and treatment of bike parking;
- j) curbing for asphalt driveways and wheel stops for all granular parking areas;
- k) all spot elevations along the property boundary and at the building corners, at top and bottom of steps, etc., as is necessary to convey the intent of the grading plan;
- l) any site furniture such as benches, bollards, tree grates, light standards, picnic tables etc. should be noted on the plan and details provided;
- m) location and description of all recreational and amenity areas (for example, tennis courts, swimming pools, splash pads, sports fields);
- n) location and description of play equipment; and
- o) snow storage area(s).

4.2.9 Tree Preservation Plan

The tree preservation plan must be prepared by an International Society of Arboriculture (ISA) Certified Arborist, Registered Professional Forester, or Treemarketer and must include the following information at a minimum:

- a) the exact location of existing trees, significant shrubs or hedgerows, watercourses, rock out-cropping, swales, ponds, natural features, etc.;
- b) vegetation shown at actual size and indicated, graphically, as either preserved, removed or transplanted;
- c) location of tree protection fencing around trees and vegetation to be preserved;
- d) a detail of the tree protection fencing type to be used (plywood hoarding a minimum 2 metres in height);
- e) an existing vegetation list on the plan that corresponds to labels on the plan which denote the location of existing vegetation. The list should contain the following:
 - o Inventory List or key to vegetation found on or just adjacent to the site;
 - o List of Species of tree, large shrub or hedgerow being inventoried;
 - o Diameter at Breast Height (DBH) of vegetation in millimetres;
 - o caliper size of vegetation in millimetres (measured 1.4 metres above grade) or height of vegetation in metres;
 - o trees in large groups, hedgerows or woodlots can be inventoried as a whole, giving average size, species composition and approximate number of trees. However, if a portion of the large tree group is proposed to be removed, each removed tree should be identified;
 - o coniferous trees can be inventoried using caliper size for larger trees and using approximate height for smaller trees;
 - o Condition of the tree, hedgerow, etc., as either “Dead”, “Poor”, “Fair” or “Good”;
 - o Preservation Direction of the tree, hedgerow, etc., as either “Preserve” or “Remove”;
 - o Preservation Priority of the tree, hedgerow, etc., as either “Low”, “Medium”, “High” or to be “Transplanted”; and,
 - o Comment or a brief description on each tree, hedgerow, etc., regarding form, health, growth pattern, etc. and reason for removal, if applicable.

Inventory is necessary only for specimen trees equal to or greater than 100 millimeters or 4 inches in caliper.

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4.2.10 Survey

The survey must be prepared by a licensed Ontario Land Surveyor or other professional acceptable to the Land Registry/Land Titles Office.

4.3 Required Reports and Studies

At the pre-application meeting, staff will identify the reports and studies that are required with the submission of the Site Plan Control application. These reports and studies must be current and completed by an appropriately qualified professional. Reports and studies that may be required include, but are not limited to, the following:

- a) Archeological Impact Assessment;
- b) Environmental Impact Assessment;
- c) Environmental Site Assessment;
- d) Geotechnical Study;
- e) Heritage Impact Assessment;
- f) Hydrogeology Study;
- g) Noise and/or Vibration Report;
- h) Serviceability Report;
- i) Stormwater Management Report;
- j) Traffic Impact Study;
- k) Tree Inventory and Preservation Plan; and
- l) Urban Design Report.

Through the pre-application process, staff will identify any additional reports that may be required with the submission of the Site Plan Control application. However, the need for additional reports may also be identified once various City departments and external agencies have commenced their review of the application. Other studies that may be required in order to facilitate proper consideration of the Site Plan Control application could include the following: Shadow Analysis, Height Survey of Adjacent Buildings, Air Quality Study, Slope Stability Study, Wave Uprush Study, Wind Study, View Plane Assessment; etc.

Terms of Reference for the commonly required studies are available on the City's website at: CityofKingston.ca/business/planning-and-development/development-review-process/terms-of-reference.

4.4 Required Fees

The applicant will be required to pay the appropriate fee for the submission of a Site Plan Control application, as set out in City of Kingston By-Law Number 2005-10, the Fees and Charges By-Law, as amended. The full application fee is payable with the application submission. The application fees are updated from time to time. Fees are payable based on the fee schedule in effect on the date the complete application is made. For the current application fees, please consult Planning Services or refer to the Fees and Charges By-Law on the City's website.

The applicant will also be required to pay fees associated with the registration of the Site Plan Control Agreement and will be advised by the Legal Services Department of the required fee prior to the registration of the Site Plan Control Agreement.

There may also be other financial requirements arising from the application, including, but not limited to, parkland dedication, development charges and impost fees, payment of outstanding property taxes, deferred local improvement charges, road widening conveyance, legal preparation and registration of agreements. If there is a need for a peer review of any of the required supporting studies, the peer review will be at the applicant's cost.

4.5 Public Notification

Once a complete application has been submitted to Planning Services, including the payment of the required application fees, the file is assigned to a Planner. The Planner will provide instructions for signage requirements to the applicant. The sign will include a brief description of the proposal and provide City contact information for the public to obtain more details. The applicant is responsible for the proper installation and removal of the sign(s).

If the Site Plan Control application has been "bumped-up" to the Planning Committee, as described in Section 4.8 below, a notice of the meeting is provided by the City to all property owners within 120 metres of the subject site and to any individuals who have requested to be notified. A courtesy advertisement is also placed in the local newspaper outlining the items on the Planning Committee agenda.

4.6 Technical Circulation

The Planner assigned to the file will prepare the technical circulation for distribution to commenting internal departments and external agencies, as appropriate.

Once all comments have been received by Planning Services, they will be forwarded to the applicant who is responsible for addressing comments and submitting revisions, as required. In order to keep the application active and obtain timely approval, the applicant must address the comments and concerns as requested and provide the revised plans and any required additional information promptly. A letter outlining how each specific comment has been addressed must be included in all subsequent submissions.

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When all comments have been satisfied, the Site Plan Control Agreement is finalized for execution by the owner and/or those who have legal signing authority.

4.6.1 Other Agencies

Agencies outside of the jurisdiction of the City of Kingston and Utilities Kingston may need to be contacted and their approval gained prior to issuance of Site Plan Control approval or development of the site. Agencies such as, but not limited to, federal authorities (for example Parks Canada, Transport Canada, Fisheries and Oceans Canada), provincial ministries (for example Ministry of the Environment, Conservation and Parks, Ministry of Natural Resources and Forestry), Cataraqui Conservation, CN Rail, Kingston, Frontenac and Lennox & Addington (KFL&A) Public Health, Enbridge Gas, Hydro One, and Bell Canada may be required to give their approval prior to development. The applicant is responsible for notifying and obtaining approval from all agencies outside the jurisdiction of the City of Kingston and Utilities Kingston.

Applicants are advised to contact Cataraqui Conservation directly if the proposed development is within 120 metres of any stream, river or other watercourse, water body, lake, wetland, floodplain, or environmentally significant area. A permit may be required under Ontario Regulation 148/06 or for the placement, grading, or removal of fill on a property, or for the alteration of a watercourse. Applications within Cataraqui Conservation's jurisdiction will need to be reviewed and approved by Cataraqui Conservation prior to issuance of Site Plan Control approval.

Information regarding Cataraqui Conservation's land use planning policies, regulations, and application fees can be found on the Cataraqui Conservation website at cataraquiconservation.ca.

4.7 Site Plan Control Agreement

The owner is required to enter into an agreement with the City prior to the issuance of Site Plan Control approval. A Site Plan Control Agreement contains specific conditions pertaining to the site as identified through the Site Plan Control review process. The applicant is required to provide a cost estimate for the project which is to be included as a schedule to the Site Plan Control Agreement and used to determine the required securities for the development. The Site Plan Control Agreement contains schedules regarding the required financial securities, any cash surcharges, easements, and the list of approved drawings.

Once executed, the Site Plan Control Agreement is registered against the title of the land to which it applies and is binding on current and subsequent owners of the property.

If there is a significant amount of off-site work required, a separate Construction Agreement may be required by Engineering Services, Development Engineering or Utilities Kingston.

4.8 Site Plan Control Approval – Delegated Authority

The Director of Planning Services has delegated authority to approve Site Plan Control applications. The Mayor and all members of Council are provided notice of all Site Plan Control applications and have the opportunity to request that a Site Plan Control application be referred to or “bumped-up” to the Planning Committee for public feedback.

If a Site Plan Control application has been referred to the Planning Committee (through a motion of Council), an information report to the Planning Committee is prepared by staff upon the resolution of all issues and sign-off by all applicable departments. The purpose of the report is to present the application and receive comments and questions from members of the public and the Planning Committee.

Site Plan Control approval by the City is required prior to issuance of a Building Permit. If construction of the proposed development has not commenced within one year of the date of the Site Plan Control Agreement, the City may withdraw Site Plan Control approval and terminate the Site Plan Control Agreement.

If the City does not approve the Site Plan Control application within the timeline prescribed by the *Planning Act*, or if the owner does not agree with the conditions of the approval, the application may be appealed to the Ontario Land Tribunal. In accordance with provisions in the *Planning Act*, only the property owner can appeal a Site Plan Control application to the Ontario Land Tribunal.

A three-step process is utilized for Site Plan Control approval as discussed below.

4.8.1 Step 1 – Conditional Site Plan Control Approval

The first step in the approval process is conditional Site Plan Control approval. At this step, a letter will be provided to the owner with a list of Pre-Approval Conditions to be fulfilled. These are typically related to outstanding technical comments on the application.

Conditional Site Plan Control approval is not final approval. It is the owner’s responsibility to satisfy all Pre-Approval Conditions identified in the letter before final Site Plan Control approval can be issued. If the Pre-Approval Conditions are not fulfilled within two years of the date of the letter, then Conditional Site Plan Control approval will be automatically revoked unless a written request for time extension is received and granted by the Director of Planning Services.

4.8.2 Step 2 – Final Site Plan Control Approval

Once all technical comments have been resolved, the owner must fulfill the following requirements to the satisfaction of the City as part of the final Site Plan Control approval step:

- a) Submit a cost estimate (as outlined in Section 4.7 of this document) and submit all required financial securities to the City after the cost estimate is finalized;

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- b) Submit one final set of drawings with a document listing the name and number of each final drawing, the date created, date of last revision and revision number, the scale and the name of the firm company that prepared each drawing; and
- c) Provide the following information:
 - o The name of the owner;
 - o Mailing address of owner;
 - o Name of signing authorities and their titles;
 - o Legal description of the property; and
- d) Provide a signed Site Plan Control Agreement.

A signed Site Plan Control Agreement, financial securities, fees, and all final documents must be submitted to Planning Services. When the documents are received, the owner will receive the final Site Plan Control approval memo from the City.

4.8.3 Step 3 – Registration of the Site Plan Control Agreement

Following final Site Plan Control Approval, the Site Plan Control Agreement will be registered against the title of the land to which it applies at the owner's expense.

5. Securities

Financial securities are required as part of the Site Plan Control process to ensure the satisfactory completion and maintenance of the required works. The cost estimate approved by the City is appended to the Site Plan Control Agreement.

The amount of security required is calculated as follows:

- a) the amount of security equals 50% of the estimated cost of the on-site improvements to a maximum amount of \$250,000; and
- b) for all facilities and works on City-owned property, the amount of security equals 100% of the cost of the approved facilities and works.

Securities may be provided in the form of cash, certified cheque or an irrevocable letter of credit, satisfactory to the City.

5.1 Draws on Financial Security

In accordance with Section XX of Site Plan Control By-Law Number 2024-XX, where an owner has entered into a Site Plan Control Agreement and has received notice from the City of a default with respect to any of the obligations, terms, covenants or provisions of the Site Plan Control Agreement or approved plans and drawings therein, the City may enter upon the owner's lands to remedy the default at the owner's sole expense.

6. Modifications Following Site Plan Control Approval

Any proposed changes to the approved plans may require further approval through a Site Plan Modification application. A modification to the Site Plan Agreement may be required depending on the nature of the proposed changes.

7. Site Plan Control Design Guidelines

The guidelines in this section are intended to set out certain minimum standards for development, however, the City of Kingston encourages proposals to exceed these requirements. Adherence to these guidelines will be reviewed by various City departments and Utilities Kingston through the Site Plan Control review process.

7.1 Planning and Design

From a planning and design perspective, the City will be looking for proposals that promote:

- a) a visually attractive built environment;
- b) an environmentally friendly and sustainable development;
- c) pedestrian orientation;
- d) opportunities for active transportation;
- e) compatibility with adjacent buildings and land uses; and
- f) the conservation and enhancement of cultural heritage resources and natural heritage features.

Development proposals must take into account the following considerations.

7.1.1 Architectural Design

The design of a site should be appropriate in massing and in general conformity with surrounding buildings.

Mechanical equipment should be integrated into the design of the building or located in areas of the building that are not visually prominent. All roof top mechanical equipment or elevator shafts should be screened such that they are not visible from ground level. Materials used to screen the roof top mechanics should be sensitive to the materials used in building construction.

7.1.2 Vehicular Movement and Parking Design

- a) parking areas should be designed to allow safe and efficient vehicle movement;
- b) where parking is provided in front of buildings, attention should be paid to landscaping techniques and parking lot design to soften the visual impact of the parking area from the street;

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- c) site entrances must be well-defined;
- d) fire routes must be provided in accordance with the Ontario Building Code;
- e) adequate truck turning radius must be provided;
- f) parking along the access and major on-site aisle(s) is discouraged;
- g) adequate mechanisms should be provided to protect buildings and landscape areas;
and
- h) landscaping is encouraged throughout large surface parking areas.

7.1.3 Pedestrian Movement Design

- a) a safe and well-defined pedestrian walkway should be provided to all main building entrances with connections to sidewalks and bus stop areas;
- b) pedestrian connections through parking areas should be incorporated in the design;
- c) a pedestrian walkway should have a minimum width of 1.5 metres clear from vehicle overhang and should be defined by curbing or be in an area raised above grade, except where it crosses travelling lanes; and
- d) a continuous accessible path of travel should provide an uninterrupted route to and within the site and buildings.

7.1.4 Compatibility and Adverse Impact

Site design must take into consideration uses on adjacent lands. Site design and compatibility can be enhanced through buffering in the form of setbacks, planting strips, fencing, berming, or combinations of any of these items.

In addition to aesthetic qualities that soft landscaping presents, fencing and/or berming may be required to serve as a noise and/or privacy enhancing element. Fencing that is required should not only fulfill its role as an acoustic barrier or buffer but be aesthetically designed.

Lighting must be designed to promote pedestrian and vehicle safety while minimizing ambient light pollution. Any exterior lighting should be adequate for the site and be directed appropriately away from adjacent natural, residential and other sensitive adjacent areas. Reducing light trespass on adjacent properties is best accomplished by the use of full cut-off fixtures, low wattage fixtures and fixtures with optics designed for reduced glare.

Public security should be improved through enhanced lighting, clearly defined building entrances in well-traveled areas, visibility of public areas, and ease of accessibility for emergency personnel or vehicles. The creation of areas hidden from public view should be avoided.

7.1.5 Garbage and Recycling Storage Area

The City of Kingston provides recycling collection for all residential uses and garbage collection for all freehold residential buildings with less than 7 dwelling units. Multi-residential uses with 7 or more residential units and condominium complexes have the option of arranging for private garbage collection service or can pay to have the City collect garbage. All commercial, institutional and industrial uses must arrange for private garbage collection service except businesses in the Downtown BIA which can pay to have the City collect garbage.

The City will collect the garbage and recycling at curb side or within the site if a continuous, unobstructed route that does not require trucks to back up, is built and maintained to provide access for municipal trucks in a manner satisfactory to the City. A 15 metre turning radius is required for municipal trucks.

The location and construction of proposed garbage and recycling storage areas must be detailed on the submitted plans. Outdoor garbage storage areas should be enclosed on all sides by a solid wall (masonry, wood or other durable material) not less than 1.5 metres in height. Such walls should contain an adequate door or gate which must be unlocked for collection crews. On-site garbage and recycling enclosures must have adequate lighting.

Garbage and recycling storage enclosures intended to contain large metal garbage bins requiring commercial pick-up are recommended to be constructed with doors with the hinge points outside the minimum specified width, posts with latch mechanisms to stop door swinging, and in accordance with the minimum dimensions shown in Table 1.

Table 1: Minimum Garbage Enclosure Dimensions

Bin size (cubic yards)	Width (metres)	Height (metres)	Length (metres)
2	3.05	1.5	1.8
3	3.05	1.5	2.0
4	3.05	1.5	2.3
6	3.05	1.7	2.6
8	3.05	2.1	2.6

7.2 Landscape Design

Landscaping is a critical component of any development. Generally, the landscape design of any development or redevelopment should:

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- a) contribute to the overall City image;
- b) enhance the public perception of the proposed development;
- c) preserve existing trees, where possible;
- d) provide a diversity of plant material and naturalizing, where possible;
- e) be integrated with stormwater management features;
- f) be easy to maintain without catchment areas that attract debris;
- g) preserve and enhance cultural heritage resources and natural heritage features; and
- h) screen less attractive elements of the development such as the parking areas, loading areas, storage areas, garbage enclosures, etc.

Landscape Plans

Landscape plans must include the following:

- a) all existing or proposed plantings on the site;
- b) wherever possible, existing vegetation should be incorporated into the new development and shown in conjunction with the proposed building footprint;
- c) a mix of deciduous and coniferous plant material throughout the site is encouraged and will ensure that the site has green elements in the winter and can provide some screening or buffering of portions of the property;
- d) any landscaped buffer areas adjacent to residential uses are encouraged to contain one-third coniferous material;
- e) areas subject to erosion such as slopes or swales should be sodded and staked or planted with suitable ground cover;
- f) low landscaping is encouraged around site entrance features and the base of ground signs;
- g) all shrubs should be planted in continuous mulched beds;
- h) applicants are encouraged to leave unused portions of the site undisturbed until such time as the development is proposed to include those areas;
- i) all site furniture should be chosen to reflect the proposed and surrounding architecture of the buildings, have a high degree of longevity and durability and be designed for the safety of site users;
- j) landscaping on each site must not impede the safety of pedestrians or motorists and not create areas that are hidden from public view;

- k) landscaping must be planned so as to not block sightlines, sight triangles or signage;
- l) trees or shrubs that bear fruit or secrete a sticky or slippery sap are discouraged in proximity to pathways; and
- m) all planting beds should be setback 0.5 metres from the edge of paving or sidewalks that will be plowed.

Any proposed planting on the municipal right-of-way requires approval from Utilities Kingston, Engineering Services and Public Works – Forestry.

The following consideration must be given to the design of slopes and berms:

- a) areas subject to erosion such as slopes, drainage swales etc. should be sodded or planted with erosion-resistant ground cover;
- b) slopes in landscaped areas and on berms should not exceed 3:1 (3 horizontal to 1 vertical) and optimally should be no greater than 5:1 for ease of maintenance;
- c) if sodding is not appropriate due to weather concerns, the use of erosion blankets in swales or on slopes is permissible until such time as sodding can be successfully completed;
- d) other areas of high visibility such as boulevards and recreation areas should be sodded;
- e) the maximum allowable height of a berm without a break in grade is 1.2 metres;
- f) landscape berms must not encroach onto City boulevard or adjacent properties unless written authorization from the adjacent landowner(s) is provided; and
- g) any tree on a slope should be staked.

Stormwater Management Ponds

Stormwater management ponds must be landscaped and integrated into the site. Native plant material is preferred that will eventually form a natural wetland. Where stormwater ponds are adjacent to natural areas only native material will be accepted as plant stock. In addition, the following must be taken into consideration when designing the landscaping of the stormwater management area:

- a) shrub beds and perennials are to be planted in continuous mulched beds. Mulching must be spread to a depth of 75 millimeters; and
- b) to preclude access to the water basin, low, dense or compact shrubbery should be used.

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7.2.1 Tree Inventory and Preservation

Prior to submitting landscape plans with a Site Plan Control application, the applicant should review the City of Kingston Tree By-Law Number 2018-15 to determine if it applies to the subject property. If the By-Law applies to the property, the landscape plan proposed for the site must clearly indicate the location of all trees to be removed or preserved. The tree preservation plan should be included in the landscape plan package. The species table list on the landscape plan must include the total number of trees to be removed and the number of replacement trees as determined by Public Works - Forestry.

The following tree protection and planting standards must be considered when preparing the landscape plans:

- a) tree protection fencing should be erected a minimum of 0.5 metres outside of the drip-line of the vegetation to be preserved;
- b) no storage of materials or equipment or excavation within the protection zone is allowed;
- c) no equipment or materials are allowed to hit, abrade or damage trees designated to be preserved on site;
- d) no contaminants or effluent will be dumped or flushed where feeder roots of trees exist;
- e) trees are to be planted in a hole that is dug to a diameter greater in width and depth than the root ball;
- f) stakes for anchoring tree guy wires must be spruce, 50 millimeters x 750 millimeters, pointed at one end and notched at the other to securely hold the guy wires; and
- g) all trees must be staked with 2 steel "T" bars no less than 2 metres long, hammered into ground that is free of disturbed soil.

If during the period of time, up to and including the final Site Plan Control securities release, any plant material indicated to be preserved should happen to be damaged severely, removed or shows signs of severe distress, the applicant will be responsible for replacing that plant material with new stock. The caliper size of the existing plant material must be replaced with new stock that is equal in aggregate caliper size. For example, if a 360-millimeter caliper Oak tree indicated to be preserved dies before final Site Plan securities are returned, then six sapling Oaks of 60-millimeter caliper must be planted on site in its place. If the required replacement trees cannot be accommodated on the site, the owner will be required provide a cash-in-lieu payment or plant trees elsewhere in the City, pursuant to the provisions of the City's Tree By-Law.

Valleylands, woodlots, ravines and other environmentally sensitive lands must be protected from dumping, encroachment or other abuses during construction of the site. A minimum vegetative buffer of 5 metres horizontal along watercourses and wetlands

should be maintained wherever possible. This buffer should contain existing and native vegetation and consist of ground covers, shrubs and trees. When work is required in an ecologically sensitive area, the developer must provide to the City a copy of the Site Alteration permit or other such permit as obtained from the proper approval body such as Cataraqui Conservation.

All plant material is to conform to the Canadian Nursery Landscape Association specifications and standards. All sod is to conform to the Nursery Sod Growers Association of Ontario specifications. All seeding is to conform to the Canadian Seed Growers' Association.

The following planting sizes are to be considered minimum acceptable requirements for plant material:

- a) deciduous trees are 60 millimeter caliper;
- b) flowering deciduous trees are 50 millimeter caliper;
- c) coniferous trees are 1.8 metres in height;
- d) deciduous shrubs are 60 centimeters cm in height; and
- e) coniferous shrubs are 50 centimeters in spread.

Wherever possible, species native to eastern Ontario should be used. Recognizing that the use of native species is not always appropriate, the following nuisance tree species are not recommended for planting on any new site development project:

- a) *Acer negundo* (Manitoba Maple);
- b) *Populus* species (Poplar species);
- c) *Salix* species (Willow species);
- d) *Ulmus parvifolia* (Chinese Elm); and,
- e) *Rhamnus* species (Buckthorn species).

The following guidelines should be used when identifying plant material:

- a) typical plan standard symbols must be used, as per the Ontario Association of Landscape Architects;
- b) a cluster of similar species can be linked with a species symbol and a total number of plants in the cluster;
- c) tree shapes should be shown by landscape industry standard symbols and notations and must indicate mature spread of species; and,
- d) planting table column headers should include:

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- quantity (including the number of trees to be removed and the number of replacement trees);
- species symbol (i.e. Ar);
- botanical name (i.e. Acer Rubrum);
- common name (i.e. Red Maple);
- size of planted material (60 millimeter minimum caliper for deciduous trees/ flowering deciduous trees 50 millimeter caliper/coniferous trees 1.8 metre – height); and
- particulars of plantings (i.e. Bare Root [BR] / Balled and Burlapped [B & B]).

7.3 Engineering

7.3.1 Access

Access to the site and vehicular movement within the site must be designed to the City's Engineering and Fire & Rescue requirements and must comply with applicable zoning regulations.

Heavy Duty Pavement Structure is to be used for all commercial and industrial entrances within the City boulevard. A cross section is to be included on the drawing. Heavy Duty Pavement Structure consists of:

- 50mm HL3 150mm Granular A
- 50mm HL4 300mm Granular B

Suggested pavement structure for internal asphalt surfaces include:

- 35mm HL3 150mm Granular A
- 40mm HL4 200mm Granular B

(where “mm” stands for millimeters and “HL” stands for Hot Load)

The City's Access Management Guidelines should be consulted for guidance on the location, configuration, and design of accesses to the site. The Access Management Guidelines are available by contacting the Transportation and Transit Services Department.

7.3.2 Sidewalks

Municipal sidewalks are required as per By-Law Number 2003-31, “A By-Law to Provide for the Provision of Sidewalks in the City of Kingston”. In general, municipal sidewalks are to be located along the frontage of local minor collectors, major collector and arterial roads. The specific location of the sidewalk is to be determined by the City. Municipal sidewalks are required to be designed and constructed by the developer, at the

developer's cost. The requirement for a sidewalk on local roads in industrial parks will be established on a case-by-case basis.

Design Criteria:

- a) Where private curbing is to be extended to the City sidewalk, a note is to be added to the drawing stating:
"All driveway curbing within 0.6 metres of a City sidewalk is to be depressed to the elevation of the City sidewalk."
- b) A minimum clearance of 0.6 metres is to be provided between all proposed above ground services and the City sidewalk and new/existing entrances.
- c) Heavy duty sidewalk is to be continuous through industrial/commercial site entrances using 150 millimeters x 150 millimeters steel mesh reinforcement.
- d) Sidewalk design and construction must conform with the City of Kingston standard, including accessibility standards for width, texture, curb cuts and warning markings.
- e) Once constructed, an inspection of the sidewalk will be done by City staff, at the expense of the developer.

7.3.3 Grading

Lot grading is to be in accordance with the overall approved subdivision lot grading plan, where applicable. Grades are to match the adjacent properties and approved subdivision lot grading plan unless otherwise noted. A note to this effect is requested on the drawings.

Grading of grassed areas must be a minimum of 2% and a maximum of 8%. On sites with steep slopes or extensive existing or proposed fill, there may be a need for the applicant to submit a Geotechnical Report, prepared by a Professional Engineer, in support of the Site Plan Control application.

Drainage Swales

The minimum depth of a drainage swale must be 0.15 metres to a maximum depth of 0.60 metres (0.3 metre maximum water depth). Drainage swales must have a minimum grade of 2% to a maximum grade of 8%. The minimum grade may be reduced for the purpose of providing an enhanced swale for quality control, subject to the review and approval of a Stormwater Management Plan. The maximum side slopes of a drainage swale must be 3:1. Swale inverts are required at all changes in grade.

A typical swale cross section detail is required with the engineering drawings.

Driveway and Parking Lot Grades

The minimum grade of a driveway and/or parking lot is 1% to a maximum grade of 5%. An absolute maximum of 10% grade may be considered in certain circumstances, however, not without de-icing elements. Parking lot ramps may be considered up to a

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maximum grade of 15% when indoor or heated, and up to a maximum of 10% when outdoor or unheated.

7.3.4 Stormwater Management Design and Criteria

All stormwater runoff is to be controlled to the specified run-off rate adopted for the original subdivision, or to the City's current Design Criteria.

If the City determines that a Stormwater Management Report is not required then a Stormwater Brief is to be submitted. The Stormwater Brief is to justify that the post-development peak release rates (for all storm events up to and including the 1:100-year design storm) have been analyzed and the results indicate:

- a) that post development peak rates do not exceed pre-development peak rates, or other allowable rates as approved by the City, for all storm events;
- b) that there will not be an increase in flow to neighbouring properties;
- c) that the flow will not negatively impact neighbouring properties;
- d) discharge outlet location; and
- e) proposed quality control measures.

The proper use of erosion and sediment control measures during construction are to be discussed in the report or brief and illustrated on the Grading Plan, along with notes regarding the use of the measures. Appropriate measures are to be applied around all disturbed areas, such as:

- a) silt fence barriers installed prior to commencement of any work must remain in place until the site has stabilized (i.e. vegetation or other cover), at which time they may be removed, along with any accumulated sediment;
- b) straw bale or rock flow check dams in ditches and swales; and
- c) double layer of geotextile material should be installed under catch basin lids during construction to help prevent the entry of sediment into storm sewers, structures and receiving water bodies.

The following OPSD illustrations may assist in the erosion and sediment control specifications:

- 219.100 light-duty straw bale barrier
- 219.110 light duty silt fence barrier
- 219.130 heavy duty silt barrier
- 219.210 rock flow check dam, v-ditch

- 219.211 rock flow check dam, flat bottom ditch
- 810.010 Type 'B' rip-rap treatment for outlets, with geotextiles materials

Design Criteria

- The stormwater collection system is to be designed to accommodate rainfall intensity as set out in the following formulae:

$$Q = 2.78 AIR$$

Where: Q = Design flow in litres per second (L/s)

A = area in hectares

I = intensity in millimeters per hour (mm/h)

R = runoff coefficient

- For major events, the IDF curves should be used. For minor events, rainfall intensity to be based on the City of Kingston standard intensity duration equation:

$$I = \frac{1778}{tc + 13}$$

Where: tc = time of concentration in minutes

- Minimum inlet time = 15 minutes. Where two drainage systems meet, the larger time of concentration is used to calculate the resultant downstream flow.
- Runoff coefficients must be based on the following:
 - Asphalt, concrete, roof areas: 0.90
 - Gravel areas (post-development, potential for future paving): 0.90
 - Gravel (pre-development): 0.70
 - Grassed area, parkland – 5 Year Event: 0.25
 - Residential:
 - single detached house, lot size greater than or equal to 400 square metres: 0.40
 - single detached house, lot size less than or equal to 400 square metres: 0.40
 - semi-detached house: 0.50

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- townhouses: 0.60
- apartments:.60
- Commercial: 0.80
- Industrial: 0.70
- Institutional: 0.55
- The owner's engineer must submit detailed design calculations for the major and minor flow paths, utilizing the storm sewer design.
- All design methodology decisions and assumptions must be justified in the report with sources cited as applicable.
- Minimum pipe flow velocity is to be 0.75 metres/second however, the maximum pipe flow velocity must not exceed 6.0 metres/second.
- Stormwater storage/treatment facilities located within 1 metre of bedrock and the seasonal high-water table are susceptible to groundwater infiltration/exfiltration and contamination. Confirmation will be required to confirm that there is at least 1 meter between the base of the facility and the top of bedrock or seasonal high-water table, and that the underlying soils are not swelling clays or contaminated soils. If infiltration-based stormwater management facilities are proposed, a Geotechnical and Hydrogeological Report may be required to support the design.

In areas which may be subject to the 1:100 year flooding, the maximum depth of flood water over the finished grade of walkway, parking and/or driveway areas is to be 250 millimeters, as greater depths may restrict the movement of pedestrians and most light passenger vehicles.

7.3.5 Snow Storage

The plans must indicate where snow will be stored. Snow storage should be in areas located as far away as possible from ditches, swales, or known groundwater discharge or recharge areas. Snow storage locations should be designed to drain away from ecologically sensitive features in order to help minimize contamination and should be separated from such features by a buffer of natural vegetation.

7.3.6 Retaining Walls

For any applications which will require retaining walls that are not connected to the building, the following is required:

- a) appropriate construction details;
- b) Professional Engineer's certification on all retaining walls that exceed 1.0 metre in height; and

- c) provision of a handrail or fence on all retaining walls that exceed 1.0 metre in height.

Retaining walls that are connected to the building must comply with the Ontario Building Code and will be reviewed by the Building Services at the Building Permit stage.

7.3.7 Roof Drains

Roof drains or weeper drains are not to be connected to the sanitary sewer. Restricted flow roof drains will be required and should be identified on the drawings.

Roof downspout locations and direction of drainage are also to be identified on the drawings. Splash pads should be provided when appropriate.

7.3.8 Major Off-site Construction

If major road work or off-site construction is required, Engineering Services and/or Utilities Kingston may require separate drawings relating to this work. A Construction Agreement between the owner and the City with separate financial securities equal to 100% of the cost of the works may also be required. A cost estimate prepared by a qualified person retained by the owner will be required to be submitted to determine the amount of financial securities for off-site construction works.

7.3.9 Subdivision Approvals

Where a Site Plan Control application is being filed in conjunction with the review and approval of the design of subdivision services for which the site is situated, the site plan drawings must be approved by the subdivider's design engineer.

7.4 Utilities

These standards are written to provide guidelines for the design and construction of utility systems as part of "typical" developments and provide a basis for which the Site Plan Control application will be reviewed. Deviations from these standards will be considered on a case-by-case basis for justifiable engineering reasons.

The following information will be required with the submission of a Site Plan Control application:

- a) a water capacity assessment for the proposed development including fire flows available, design estimated loading and capacity evaluation;
- b) a sanitary sewer assessment for the proposed development including an evaluation of available existing capacity at the street and estimated loading on the immediate downstream sewer;
- c) calculations for the minimum capacity of feeder conductors and service entrance equipment as determined by the requirements of section 8 of the Ontario Electrical Safety Code;
- d) details of Protection System including a detailed single-line diagram (SLD) and settings characteristics of any interface protection devices;

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- e) a “Request for Electrical Connection Application”; and
- f) a gas load assessment for the proposed development.

Utilities Kingston is not responsible for all utilities within the limits of the City of Kingston. Water and sanitary sewer services within the City of Kingston are the responsibility of Utilities Kingston, as well as natural gas and electricity servicing in the area of the former City of Kingston. Natural gas and electricity servicing in the former Township of Kingston and Township of Pittsburgh are the responsibility of either Enbridge Gas, Hydro One or Fortis Ontario. For the Utilities Kingston distribution area, visit utilitieskingston.com/Corporate/AboutUs/ServiceAreas.

7.4.1 General Requirements

- a) The property owner is responsible for maintenance of water laterals from the property line to the building face and for sewer laterals from the main to the building face;
- b) It is the owner’s responsibility to co-ordinate with privately owned utilities and to ensure that their servicing is in compliance with the standards set forth by those utilities. Maintenance of services connected to private utilities must be in accordance with the private utility agreements;
- c) Inspection personnel under the owner’s engineer’s supervision must be “on-site” at all times when underground infrastructure is being tested;
- d) Water and sewer services and foundation drains may be laid in the same trench subject to the provisions of the Ontario Building Code. In such cases the horizontal separation between each service must be 0.5 metres. All other utility services must be separated 2.5 metres from water and sewer services measured from edge of structure. Sanitary and foundation/storm service drains must be capped and clearly marked at the property line with a wooden 2x4 projecting a minimum of 1.0 metres above ground;
- e) All buried water and sewer services must have an appropriate warning tape laid on top of the cover material or no closer than 300 millimeters of the top edge of the structure. Utilities Kingston will approve such tape;
- f) All water mains and sanitary and storm sewers must be designed and installed in accordance with accepted good engineering practices and with Ministry of the Environment, Conservation and Parks guidelines for water distribution and sanitary sewage collection and constructed in accordance with applicable Ontario Provincial Standard Specifications (OPSS) and Ontario Provincial Standard Drawings (OPSD);
- g) Clearance between pipe or conduit crossings will normally be a minimum of 300 millimeters between the outside pipe barrels. Where a clearance of 300 millimeters or less cannot be avoided, there must be concrete encasement or non-shrink backfill of the crossing extending 1 metre in each direction on each pipe;

- h) Connections to any mains outside the development will only be permitted if directed or approved by the City;
- i) Any conflicts with existing services, and/or change in grade which impact existing services must be rectified at the applicant's expense; and
- j) Where on-site services and/or off-site services are within a plan of subdivision not yet assumed by the municipality, the Site Plan Control applicant will be required to coordinate their off-site construction activities with the subdivision developer and the municipality such that said servicing is not detrimental to the subdivision developer's obligations to the municipality as they relate to the Subdivision Agreement.

7.4.2 Manhole

For industrial, commercial and institutional developments, a control manhole must be provided inside the City road allowance at the property line for the purpose of effluent sampling under the Municipal Industrial Strategy for Abatement (M.I.S.A.) to the satisfaction of the City and Utilities Kingston. The manhole is to be constructed to approved Ontario Provincial Standards Drawings (OPSD).

7.4.3 Storm Sewer Systems

Site storm drainage must be piped to existing storm sewers, where available. Where no storm sewer exists, Engineering Services must be consulted for direction.

If a storm lateral connection to an existing combined sewer is required, Utilities Kingston must be consulted and an application for exemption to the Sewer Use By-Law must be submitted.

The City's technical standards and specifications for storm sewer system design are available in Appendix 1G of the City of Kingston's Subdivision Development Guidelines & Technical Standards available at cityofkingston.ca/business/planning-and-development/development-review-process/guidelines.

7.4.4 Sanitary Sewer Systems

A sanitary sewer assessment for the proposed development, including an evaluation of available existing capacity at the street and estimated loading on the immediate downstream sewer, is required to be submitted with the Site Plan Control application.

An exemption to the Sewer Use By-Law must be submitted to Utilities Kingston if a storm lateral connection to an existing combined sewer is required.

Sewer services must conform to the following:

- a) Pipe bedding must be as set forth in OPSD 820 series. Bedding and cover must conform to Granular "A" as set forth in OPSS.
- b) All pipe and fittings supplied must carry CSA certification to the appropriate CSA standard sewer grade. The following pipe is to be used for sewers:

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- Reinforced concrete pipe per OPSS 1820 according to CSA A257.2 Class 65-D with rubber gaskets or;
 - Type PSM polyvinyl chloride (PVC) pipe with elastomeric gasket per OPSS 1841 and CSA B182.2 M1990. Profile type pipe such as those meeting CSA 182.4 and CSA 182.6 must not be used for sanitary sewer applications;
 - Sanitary services greater than or equal to 200 millimeters to be DR 35 pipe;
 - Sanitary services less than or equal to 200 millimeters to be DR 28 pipe; and
 - Sanitary services must be green in colour.
- c) The minimum sanitary main size must be 200 millimeters.
- d) The maximum design velocity at peak design flow in the sanitary sewers must be 3.0 metres/second (m/s). The minimum design velocity at peak design flow must normally be 0.6 m/s at design flow. Consideration will be given on a case-by-case basis for design flow velocity less than 0.6 m/s but in no case will slopes be less than shown below and in no case will pipe size be increased so as to reduce the minimum slope.
- e) Minimum Slopes:
- | Size/ Condition | Minimum Slope |
|------------------------|----------------------|
| Top reach (MH to MH) | 1.0% |
| Top 25 dwelling units | 1.0% |
| 200 millimeters | 0.4% |
| 250 millimeters | 0.3% |
- f) The minimum cover for sanitary mains must be 1.5 metres from the finished grade.
- g) The crown of the main at the point where the service is connected must be a minimum of 1.0 metre below the lowest floor grade of the buildings being serviced except where connection is by a pumped sewage connection with back flow prevention installed to protect the building being connected.
- h) The Manning's roughness coefficient for design purposes must be 0.013 unless otherwise specified.
- i) Industrial, commercial and institutional design flows are recommended to follow Ministry of the Environment guidelines. Infiltration must be 0.00014 cubic metres per second per hectare of contributing area.
- j) Peaking factors must be 2.75 for maximum flow and 4.0 for minimum flow as derived from the Harmon formulae.

- k) Sewers must be air tested with services extended to the property line based upon OPSS 410, modified so that the pressure drop does not exceed 3.5 kPa over a time in minutes equal to the volume in cubic metres multiplied by 1.25.
- l) Sewers must be tested for deflection as per OPSS 410.

Design sheets must be submitted in spreadsheet format in accordance with Utilities Kingston and City of Kingston standards, and include formulae used in arriving at the calculations.

Maintenance Holes

All sanitary maintenance holes (MH) must be as follows:

- o conform to OPSD or OPSS 700 standards;
- o spaced at a distance not greater than 90 metres unless increased spacing is determined appropriate by Utilities Kingston;
- o where pipes of different sizes are connected to a maintenance holes, the crown of the inlet pipe(s) must not be lower than the crown of the outlet. The difference in invert elevations between inlets and outlets must be as indicated in Ministry of the Environment, Conservation and Parks guidelines;
- o tested for leakage in accordance with OPSS section 407; and
- o sampling maintenance holes must be installed in accordance with the City of Kingston Sewer Use By-Law.

Sanitary Service Laterals

All public sanitary service laterals must be as follows:

- o separate services must be provided to each building and each unit of a semi detached or row house residential building;
- o service laterals from the building line to the main must be laid at a minimum slope of 2% from the building line to the main sewer;
- o the first 40 service laterals connected to a 200-millimeter main must be set above the spring line of the sewer main with proper "Y" fittings and with long radius bends;
- o service laterals connected to larger mains may be by tee connection with the side of the tee rotated at between 22 ½ degrees and 45 degrees above horizontal;
- o service laterals must not be connected directly to maintenance holes unless authorized by Utilities Kingston;
- o service laterals from adjacent properties must not be connected to each other;

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- service laterals must be sized to meet the Ontario Building Code and must be minimum of 125 millimeters;
- the colour must be green;
- the minimum cover for service laterals will normally be a minimum of 1.5 metres from the finished grade;
- services with less than 1.5 metres cover may be permitted, on a case-by-case basis, with frost protection to the equivalent of 1.5 metres of cover;
- services with less than 1.0 metre of cover are not permitted;
- service laterals must not be connected to a storm main;
- unconnected sanitary and other drain services must be brought to the property line, properly capped and clearly marked such that an installer will not cross connect services;
- caps must withstand air testing of sewers including services to the lot line; and,
- capped services must be appropriately marked with a “2x4” extending from the pipe invert to at least 1.0 metre above finished grade level.

Building Sewers

All building sewers must be as follows:

- building sewers from the building line to the main must be laid at a minimum of 2% from the building line to the sewer;
- building sewers connected to larger mains may be by tee connection with the side of the tee rotated at between 22 ½ degrees and 45 degrees above horizontal;
- building services from adjacent properties must not be connected to each other;
- building sewer services must be sized to meet the Ontario Building Code and must be a minimum of 125 millimeters;
- the colour must be green;
- the minimum cover for sanitary services will normally be a minimum of 1.5 metres from the finished grade;
- services of less than 1.5 metres cover may be permitted, on a case-by-case basis, with frost protection to the equivalent of 1.5 metres of cover;
- services with less than 1.0 metre of cover are not permitted; and,

- sanitary services must not be connected to a storm main.

7.4.5 Water Distribution System

Watermains

Water demands for industrial, commercial and institutional establishments vary greatly from the type of water using facilities and the population of facilities. Design must follow the recommended Ministry of the Environment, Conservation and Parks guidelines unless more accurate information is available.

The design of a watermain must be as follows:

- average day per capita – 350 litres per person / day;
- maximum day 2.75 times the average day;
- peak hour rate factor must be 4.25 unless approved otherwise by Utilities Kingston;
- sizing must be based on needed fire flow plus maximum day flow or peak hour flow alone, whichever is largest;
- the maximum and minimum pressure under normal operating conditions must be 700 kilopascal (kPa) and 280 kPa respectively;
- the minimum system pressure under fire flow conditions must not be less than 140 kPa;
- design fire flows must be in accordance with Water Supply for Public Fire Protection, A Guide to Recommended Practices 1977, by Insurance Bureau of Canada;
- a suitable means for flushing such as a hydrant or a blow off must be provided on services $\geq 100\text{mm}$ diameter;
- must not be connected to any sewer;
- flushing devices other than hydrants must be approved on a case-by-case basis;
- large diameter water services (great than or equal to 100 millimeters) must be evenly graded and hydrants or air release valves must be placed at high points;
- the minimum depth of cover measured from the top of a main or a service connection gooseneck must not be less than 1.7 metres;
- pipe bedding and cover must conform to those requirements as set forth in OPSD 802 series for storm sewer mains;
- bedding and cover must be Granular “A”;

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- a Professional Engineer must certify that testing and the disinfecting of mains was undertaken as set forth herein and as per OPSS;
- all newly constructed watermains must be isolated from the existing distribution system by physical separation or through the use of an appropriate backflow prevention device approved by Utilities Kingston and must remain in place until approval of the Utilities Engineer is granted for permanent interconnection; and
- watermains and water services must not be used as an electrical ground in new buildings.

Water Servicing Requirements

Water services must conform to the following:

a) General Requirements

- watermain services (domestic and fire lines) to the building labelled with pipe material, diameters and obvert elevations at critical locations;
- fire hydrants, valves, Siamese connections and service shutoffs (curb stops) identified on the plan;
- hydrant flange elevations and adjacent finished ground elevations must be shown on all hydrants within or immediately adjacent to the site;
- valve boxes and valve chambers indicated on drawings;
- a water capacity assessment for the proposed development, including fire flows available, design estimated loading and capacity evaluation is required to be submitted with the Site Plan Control application;
- a valve must be provided at the property line for ALL service connections;
- “Y” services are not permitted where separate lots exist or are proposed; and
- the locations for sprinkler and standpipe systems are required to be adjacent to fire access routes or streets and no greater than 45 metres travel distance from a fire hydrant.

b) Ductile Iron Pipe and Fittings

- ductile Iron Pipe must be centrifugally cast, American Water Works Association (AWWA) C151-A21.51- 81 in 5.5 metre lengths, Pressure Class 350 for pipe up to 300 millimeters, Pressure Class 250 from 400 millimeters to 500 millimeters and Pressure Class 200 for larger pipes;
- all ductile iron pipes must be cement lined and must be polyethylene encased as per AWWA Standard C-105;

- all ductile iron fittings must be cement lined with mechanical joints;
- every ductile iron pipe and special casting must be coated outside with coal tar pitch varnish using a hot dip method; and,
- wedges must be installed at ductile iron pipe joints to ensure electrical continuity.

c) Plastic Pipe and Fittings

- plastic pipe must conform to AWWA C900-Poly (Vinyl Chloride) (PVC) Specification, SDR 18 for pipe up to 400 millimeters in diameter, for larger pipe sizes and subject to the Contract Administrator's approval, a larger SDR number may be used, however the minimum wall thickness allowed will be 26 millimeters;
- the pipe must be homogeneous throughout, free from voids, cracks, inclusions, discolouration, and other defects;
- all pipe and fittings must be certified to CSA B137.3;
- fitting must be ductile iron according to AWWA C153/A21.53 or injection moulded PVC plastic according to CSA B137.2 or prefabricated PVC plastic for pipe diameters 300 millimeters and larger according to CSA B137.3; and,
- the colour for all PVC pipe and PVC fittings must be blue.

d) Concrete Pressure Pipe and Fittings

- concrete Pressure Pipe must only be allowed if so stated in the tender form or on the contract drawings;
- concrete pressure pipe must be laid according to the specifications outlined in the AWWA M9 Concrete Pipe Installation Manual;
- the internal joint gap must be checked to ensure the proper seating of the gasket, then be pointed with cement mortar using a hand trowel; and,
- the joint exterior must be protected with a diaper filled with grout installed to the manufacturer's instructions.

Valves

Valves must be as follows:

- three valves must be placed on a tee intersection and four valves on a cross intersection;
- on straight runs isolation valve spacing must be not more than 150 metres;
- valve boxes must be adjusted to finished grade;

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- main valves are to be located in line with the intersecting street lines, at all intersections;
- all valves must be clockwise opening with 50mm operating nut with the exception of the area of the former City, which must have "Kingston Operating Nuts";
- the operation of all valves, curb stops and hydrants must be restricted to employees of Utilities Kingston;
- the placement of additional water valve(s) for the purpose of isolating the water service may be permitted on a case by case basis for such facilities as residential, commercial and industrial developments; and,
- any material and/or installation costs associated with the additional water valve(s) are to be paid by the owner.

Service Connections

Service connections must be as follows:

- services must be sized in accordance with the Ontario Building Code;
- service connections must have a corporation main stop and be "goose-necked" near the water main as per the appropriate OPSD;
- main stops may be set at the spring line and the gooseneck may be horizontal;
- a ball valve type curb stop without a drain and associated valve box to finished grade must be provided on the service connection to each premises and be located at the property line, in accordance with relevant OPSD and the use of a stainless steel extension rod;
- separate services must be provided to each building and each unit of a semi-detached or row house residential building;
- water services must be "Type K" copper, or approved polyethylene;
- non-conductive materials will require the use of tracer wire;
- there must be no joints between the main stop and the curb stop and no joints between the curb stop and the building interior; and,
- service connections to PVC mains must be by stainless steel saddle or approved equal, either of which must be approved by Utilities Kingston.

Fire Hydrants

Fire hydrants must be installed as per OPSD and must also conform to the following:

- hydrants must be located such that the maximum road travel distance from hydrant to the center frontage of a lot must not exceed 75 metres;
- any deviation beyond the maximum allowable spacing will require the approval of the City's Fire Chief;
- each hydrant must have an isolation valve with a valve box;
- each hydrant must have a 150-millimeter barrel with two 63-millimeter hose connections and one 100-millimeters Stortz Pumper (Steamer) Port connection and must be clockwise opening;
- hydrants must be Clow Brigadier D67M, or Canada Valve Century B50-B18;
- each hydrant must have a concrete shock collar of 1 metre x 1 metre x 150 millimeters thick, the top of which must be 150 millimeters below the flange;
- hydrant flanges must be higher than the crown of the adjacent road or the top of the adjacent curb, whichever is higher;
- hydrant flanges must be placed such that connecting bolts can be easily removed;
- hydrants set in ditches or swales must conform to OSPD 217.05;
- all hydrants must be self-draining;
- to ensure drainage, washed gravel of suitable size and quantity must be placed around the drain holes and topped with suitable geotextile to ensure fines do not migrate into the drainage rock;
- fire hydrants, which are not in service, must have a 300 millimeter x 300 millimeter sign affixed on the road-facing side with 35mm black lettering on a reflective yellow background stating "Notice: This Hydrant Is Not In Service";
- prior to the issuance of the Preliminary Certificate of Approval of the Underground Services, each hydrant must be flow rated by Utilities Kingston personnel in accordance with Installation, Field Testing, and Maintenance of Fire Hydrants AWWA M17;
- upon meeting the applicable standard, the flow ratings will be forwarded to the owner's engineer prior to issuance of the Preliminary Certificate of Approval of the Underground Services;
- the owner's application for the Certificate must have appended to it the hydrant ratings as provided by Utilities Kingston;
- all hydrants must be placed in an obstruction free zone such that neither their view nor their accessibility is obstructed;

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- no object will be permitted within a triangle bounded by a point commencing 1.0 metre behind the hydrant, and extending at a 45 degree angle to the curb or road edge;
- no object wider in any direction than 250 millimeters is permitted within an area bounded by a triangle within an apex 1 metre behind the hydrant and sides intersecting the road edge or curb at a 10 degree angle;
- the Fire Chief will have the final authority on the location of structures or other items which might interfere with the view or the accessibility of hydrants; and,
- Utilities Kingston must paint all hydrants Chrome Yellow, and the bonnet and nozzle caps painted as follows:

Colour of cap	Flows
Blue - Class AA	Flows greater than 95 litres per second (L/s) (1500 USGPM)
Green - Class A	Flows of 63 to 95 L/s (1000 to 1500 US Gallons per Minute (USGPM))
Orange - Class B	Flows of 31 to 63 L/s (500 to 1000 USGPM)
Red - Class C	Flows less than 31 L/s (500 USGPM)

Tracer Wire

All services must be traced with an appropriate tracer wire. Tracer wire must be “cad welded” to valve boxes and service boxes or connected in an equal fashion as approved by Utilities Kingston. Tracer wire splices must be by means approved by the City.

Non-metallic services must have the tracer wire extending into the building being serviced and terminated at the water meter remote. All non-metallic water mains and services must have a 12-gauge tracer wire and have the tracer wire thermo welded to the curb box.

Tracer wire must be looped up the outside of all main and hydrant valve boxes and extended into the valve box by 50mm through a saw cut 50mm below the bottom of the cover bell. Where applicable the tracer wire is to continue from the hydrant valve box to the hydrant where it must be cad welded to the boot of the hydrant.

Cathodic Protection

Tracer wire on mains must be protected with a 2.3 kilogram (kg) zinc anode, at each end a maximum spacing of which must be 500 metres.

Sacrificial anodes must be supplied and installed on all ductile iron or cast iron fittings and at other locations as directed by the Engineer. Anodes must be:

- zinc casting alloy conforming to ASTM M-418 10.9kg;
- magnesium extrusion conforming to ASTM B-843-93 14.5 kg; and,
- set and thermite welded to the satisfaction of the Engineer.

Valves, metallic fittings and hydrants must be protected with 7.7kg magnesium anodes. Metallic services of 25 millimetres or smaller and less than 20 metres in length must be protected with a 2.3kg zinc anode. Other metallic services of 50 millimetres or smaller must be protected with a 5.5kg zinc anode.

7.4.6 Natural Gas

The supplier of natural gas within the former boundaries of the City of Kingston is Utilities Kingston. In other areas the supplier is Enbridge Gas. In those areas where Utilities Kingston has distribution rights for natural gas, Utilities Kingston is responsible for maintenance of gas services to the meter outlet.

All design and installation in the area in which Utilities Kingston has distribution rights must be the responsibility of Utilities Kingston and all associated construction costs must be borne by the owner.

For those areas where the City does not have distribution rights, gas mains and servicing requirements must conform to the standards of the supplier. Regardless, in no case must a gas service or main be placed within 2 metres of other parallel-aligned water and sewer mains or services in accordance with the Public Utilities Act, unless prior approval is received from the owner of each utility.

Gas services must conform to the following:

- a) Gas mains and services to be labelled with pipe material and size;
- b) Valve boxes and valve chambers indicated on plans;
- c) Proposed design load submitted; and,
- d) Proposed location of the meter set and regulator to be indicated.

7.4.7 Abandoned Services

For all existing services or stubs to be abandoned, a note must be included on the drawings stipulating that the services are to be cut and capped at the main unless prior written approval has been provided by Utilities Kingston.

7.4.8 Street Lighting

Any street lighting on the municipal right-of-way must be designed to meet the City of Kingston and Utilities Kingston standards. For more details regarding street lighting

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requirements and standards, please refer to the City of Kingston's [Subdivision Development Guidelines and Technical Standards](#).

For Site Plan Control applications that alter the existing lighting in the right-of-way, these current design guidelines will be followed for their replacement. All costs for the installation of new or replacement lighting in the right-of-way will be at the developer's expense.

7.4.9 Electricity and Other Wire Servicing

The supplier of electricity within the former boundaries of the City of Kingston and parts of Barriefield Village is Kingston Hydro Corporation. In other areas the supplier is Hydro One or Granite Power.

In the areas where the Kingston Hydro Corporation has distribution rights for electricity, maintenance responsibilities vary. In most situations, Utilities Kingston will maintain the primary electrical cables along with the transformers. Exceptions to this situation may occur and are described in the Conditions of Service document for Kingston Hydro Corporation.

In these areas, the following apply:

- a) the design must be approved by Utilities Kingston;
- b) the owner will be responsible for all costs;
- c) the owner must install conduits, transformer pads and necessary grounding; and
- d) all electrical wiring must be in ducts including services to the meter base.

For those areas where Utilities Kingston does not have distribution rights, the electrical distribution and servicing requirements must conform to the standards of the supplier.

Regardless of ownership, all wire services under roads must be placed in conduit extending on either side of the road to the edge of the joint utility trench. If no joint utility trench exists, the duct must extend to a point 1.5 metres behind the back of curb in the case of urban roads and 0.5 metre behind the shoulder in the case of semi-urban roads.

Electrical Servicing Requirements

- Overhead and underground structures associated with electrical service entrances must be located on the site plan and include the proposed sizing and design connected load.
- All electric servicing manholes must be labelled.
- Light standards and fixtures locations must be shown.
- Utility structures, transformer boxes and Bell/cable poles, pedestals and guys must be indicated on the drawing.

- Traffic and pedestrian signals must be included where applicable.
- All electrical servicing must be done in accordance with the standards established by the electrical supply authority.

7.4.10 Fibre Optics

Utilities Kingston has wired areas in the City of Kingston with fibre optic glass so broadband services are available to select single and multi-tenant commercial and industrial sites throughout the city. Utilities Kingston may install a fibre optics conduit at no expense to the owner in the joint utility trench. For more information please contact Utilities Kingston at 613-546-1181.

7.4.11 Utility Easements

Utility infrastructure that is to be assumed by the City of Kingston and services more than one property must be situated in either a road allowance or on property deeded to the City of Kingston by easement or ownership. Easement documents must be in the standard format prescribed by the City of Kingston.

Easements must be 5 metres wide for a single utility main or line. Where more than one utility main or line is in a single easement, the easement must extend to 3 metres beyond the outside edge of the outside mains or lines. Easements of less width will be considered for situations such as shallow rear yard catch basin connections, in which case the easement width must not be less than 3 metres. All measurements are to be construed as being the perpendicular width.

Regardless, the separations as stated in the *Public Utilities Act* will not be compromised and sufficient width will be provided to allow for exposure of buried services using side slopes required by regulation and without the need for shoring.

7.4.12 Construction and Inspection

Utilities Kingston is responsible for inspection of services. Utilities Kingston's role during testing will be as follows:

- a) continuity testing on water services:
- b) the Developer must contact Utilities Kingston prior to the test being performed;
 - Utilities Kingston personnel must be on site to witness the testing performed;
- c) pressure testing of the sewer and water systems:
 - testing performed by the Developer;
 - results of testing to be supplied to Utilities Kingston;
- d) disinfection and bacteriological testing of the water service:
 - testing performed by the Developer;

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- results of testing to be supplied to Utilities Kingston.

Services smaller than 100mm in diameter serving a single structure, and connected to an existing watermain, must be installed according to OPSS 701. Connections to water mains will be performed by a tapping sleeve and valve. The work will be completed by Utilities Kingston personnel, with all material to be supplied by the owner. Before final connection to the meter, the service must be flushed with all valves in the fully open position for a minimum of 5 minutes. Connection to follow immediately upon completion of the flushing.

Services 100 millimeters and larger must be treated as a water main or main extension for the purposes of leakage testing, backflow protection, flushing and disinfection. Connections to existing water mains must be as stated above. No connection to the City of Kingston water distribution system will take place without proof of the installation of an appropriate backflow prevention device.

Leakage testing and disinfection of all mains and services greater than or equal to 100mm diameter must conform to OPSS 701 as described and amended below:

- all new pipes must be isolated from the existing distribution system by the temporary installation of a suitable backflow prevention device to be supplied, installed, and eventually removed by the developer;
- hydrostatic testing must be conducted under the supervision of the Developer's engineer, upon the completion of the water service including backfilling;
 - The test section must be filled slowly with water and all air must be removed from the pipeline
 - A 24 hour absorption period may be allowed before starting the test; and,
 - The test section must be subjected to the specified continuous test pressure for a minimum of 2 hours.
- test pressure must be 1035 kPa unless otherwise required by the Ontario Building Code or other legislation relating to the particular service;
- the leakage is the amount of water added to the test section to maintain the specified test pressure for the test duration;
- the measured leakage must be compared with the allowable leakage as calculated for the test section;
- the allowable leakage is 2.22 litres per millimetre of pipe diameter per kilometre of water main per day;
- if the measured leakage exceeds the allowable leakage, all leaks must be located and repaired and the test section must be retested until a satisfactory result is obtained;

- flushing and disinfection operations must be conducted under the supervision of the Developer's engineer;
 - while flushing or chlorinating, all valves, hydrants and curb stops located on the section to be disinfected must be operated to ensure disinfection;
 - flushed sections must be protected from contamination;
 - after flushing is completed, water from the existing distribution system must be allowed to flow at a controlled rate into the new pipeline;
 - liquid chlorine solution must be introduced so that the chlorine is distributed throughout the section being disinfected;
 - the chlorine must be applied so that the chlorine concentration is 50 mg/l minimum throughout the section;
 - the system must be left charged with the chlorine solution for 24 hours;
 - sampling and testing for chlorine residual must be carried out by the Developer's engineer;
 - the chlorine residual will be tested in the section after 24 hours;
 - if the tests indicate a chlorine residual of 25 milligrams per liter (mg/l) minimum, the section must be flushed completely and recharged with water normal to the operation of the system;
 - if the test does not meet the requirements, the flushing and chlorination procedure must be repeated until satisfactory results are obtained;
 - twenty-four hours after the system has been recharged, the Developers engineer must take samples for bacteriological testing; and,
 - if there is indication of contamination, the disinfection procedure must be repeated in its entirety.

Water service testing procedures and results are to be certified by a Professional Engineer. All test results are to be forwarded to Utilities Kingston for review and approval. The system must not be put into operation until clearance has been given by Utilities Kingston.

Owners are advised that except in the case of an emergency shutdown, it is illegal to operate any water valve in the City of Kingston. Only licensed personnel at Utilities Kingston are permitted to open, close or in any way operate a water valve that is part of the active/live water distribution system. Owners and contractors may not operate during the construction process any water valves and must contact Utilities Kingston where operation of the water system is required. Any evidence of unauthorized activity

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on the water valves near or adjacent to a construction site will be enforced to the fullest extent possible.

Additions or extensions to the water service will require the installation of a backflow preventor. Disinfection and bacteriological testing of the water service extension is required and the test results are to be forwarded to Utilities Kingston. The water line extension can only be charged by Utilities Kingston personnel.

Construction of the services (i.e. water service and sewer laterals) will be performed by the contractor and inspected by Utilities Kingston. If the services are backfilled at the time of inspection the laterals will not pass the inspection.

Connections to sanitary sewers will be witnessed and inspected by Utilities Kingston personnel.

By-Law Number 2006-122, Section 8.1 provides that no person, except for City personnel authorized under the Safe Drinking Water Act, is permitted to operate a fire hydrant. Fire hydrants must not be used to provide a source of water for construction purposes. Any evidence of the illegal use of hydrants will result in the active enforcement of the provisions of By-Law Number 2006-122 regarding the illegal use of hydrants.

All electrical installations must be inspected and approved by the Electrical Safety Authority. In some instances, the electrical supply authority may inspect electrical service entrance cables, equipment meters and/or embedded installations where there is concern that the installations may impact the local distribution system of the supply authority.

7.5 Fire & Rescue

Fire safety standards applicable to site plan design are provided, primarily, from provincial regulations such as the Ontario Fire Code, the Fire Protection and Prevention Act, and the Ontario Building Code. In addition to these regulations, fire safety requirements with respect to site access and water supply provisions are detailed elsewhere within this document.

The access and vehicular movement within the site must be designed to the City's requirements, applicable zoning regulations and the approval of the Fire Department. Fire access routes should include dimensions to indicate:

- a) minimum width of 6 metres;
- b) minimum 12 metres centre line turning radius;
- c) minimum 5 metres overhead clearance height;
- d) maximum 90 metres dead end length or suitable turn-around facilities; and
- e) maximum 15 metres distance from principal entrances and other required access openings.

For further information regarding fire protection issues, please contact Fire Prevention at (613) 548-4001 ext. 5123.

7.6 Accessibility

The *Planning Act* identifies the accessibility for persons with disabilities to all facilities, services and matters to which the Act applies as a matter of provincial interest. There are specific accessibility requirements in the Ontario Building Code which should be considered at the time of the site design. Barrier free design applies to all buildings except single, semi-detached, duplexes, triplexes, townhouses, or boarding houses with less than eight residents.

The Municipal Accessibility Advisory Committee (MAAC) conducts a review of plans submitted with a Site Plan Control application for accessibility/universal design. Plans will be reviewed and evaluated in terms of accessibility for persons with various types of disabilities.

7.6.1 General Design Considerations

Plans submitted for accessibility review and evaluation are encouraged to:

- a) clearly indicate all specific accessibility considerations including, but not limited to, lighting, signage, parking, ramps, doorways, and safety features;
- b) indicate the disability groups considered in the development of the plan (e.g., mobility, visual disabilities);
- c) consider accessibility (universal design) in the development of the plan as indicated by stating the source or guidelines used as reference; and,
- d) the International disability symbols should be used to mark designed accessibility features.

7.6.2 Accessible Parking Spaces

The requirements associated with accessible parking spaces, including size, location and required number of accessible parking spaces, are governed by the applicable Zoning By-Law for the property.

Accessible parking spaces should be the spaces located closest to the nearest accessible entrance(s) of the building on an accessible route. If located in a separate building, the accessible parking spaces must be on the shortest accessible route to an accessible entrance of the parking facility. Care should be taken so that persons in wheelchairs and scooters or using braces and crutches are not compelled to wheel or walk behind parked cars.

All accessible parking spaces must be painted blue and be marked by an identifying marker consisting of the International Symbol for the physically challenged.

Accessible parking spaces should be level, preferably a 2% grade in all directions. Where this is not possible, the gradient should not exceed 5%.

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7.6.3 Access to and within Buildings

Entrances should be easily distinguishable. Canopies are a good feature to have above entrances to help identify the entrance and to provide shelter while entering.

The main entrance, all fire exits and adjacent pedestrian pathways must be accessible (automated doors, wide enough to accommodate motorized scooters, etc.). Ideally, all entrances should be accessible. The type of entry control devices utilized should consider the difficulty for people with limited mobility or dexterity.

The main entrance to the buildings and all other entrances to outdoor open space or recreation areas, should be designed in accordance with the Ontario Building Code and ideally should have a minimum width of 0.81 metre. Automatic sliding doors which are easy to open or open automatically with a proximity or motion sensor and slow to close are also satisfactory.

Where a change in level is necessary, either inside the building in areas where members of the public have access from streets, open spaces or interior walkways in adjacent buildings, or outside the building, a ramp should be provided in accordance with the Ontario Building Code. The top and bottom of the ramp should be identified by a tactile or texture change in the flooring and by a visual alert having a contrast of 70%.

The sight lines from the entrances to the passenger loading area and parking lots should be uninterrupted. Lighting at the entrances, the passenger loading area and in the lobby should be sufficiently bright and non-glare.

Provision should be made for the thorough and immediate removal of snow and ice from exterior ramps and a curb or guardrail should be provided to keep wheelchair and scooters from slipping over the edge of the ramp.

7.6.4 Interior Design

Although not part of the Site Plan Control review process, consideration should be given to the following interior design principles as it could affect the layout or design of the building or the site:

- a) the lobby, main social and recreational facilities, mail boxes, laundry room, elevators, public washrooms, garbage deposit areas and indoor garage all should be accessible to physically challenged persons;
- b) at least one elevator should accommodate wheelchairs and scooters with the control buttons not more than 1.2 metres above the floor and doors which close relatively slowly;
- c) public washrooms or washrooms adjacent to lounges or recreational areas in apartment buildings should be designed in accordance with the Ontario Building Code;
- d) mailboxes should be no lower than 0.6 metres and no higher than 1.4 metres from the floor; and,

- e) laundry rooms require generous floor space to allow turning movements for wheelchair and scooters and at least one washer and dryer should have side hinged front loading doors for easy access by physically challenged persons.

7.6.5 Pathways

The surface should be firm, even and clear of obstacles such as trash cans or newspaper boxes. Paving blocks with large joints and gravel and soil should be avoided. Pathways should have a colour or texture that contrasts from its surroundings. The design of curb-cuts should include flared edges and colours or tactile alerts to demarcate them.

Grades should be gradual along a pathway. Long or steep ramps should have switchbacks with resting platforms.

A passenger drop-off area should be provided with a direct and level route to the main entrance of the building and, ideally, provided with a roof shelter. Curb ramps, where required, must be provided to permit access from parking area to sidewalk.

Openings to the pathway should be perpendicular to the direction of travel. As a safety measure, wheel-stops help prevent vehicles from encroaching the pathway.

7.6.6 Universal Design Principles

In addition to the requirements of the Ontario Building Code, the City of Kingston's MAAC also applies Universal Design principles in its assessment of accessibility.

Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The intent of the universal design concept is to simplify life for everyone by making products, communications, and the built environment more usable by more people at little or no extra cost. The universal design concept targets all people of all ages, sizes, and abilities.

Further information on the Universal Design principles, can be found in The Principles Of Universal Design, Copyright 1995, The Center for Universal Design, NC State University.

7.6.7 Additional Reference Material

Applicants are encouraged to review the following documents at the design stage and to incorporate in the building design as many features as possible:

- Canada Mortgage and Housing Corporation, Housing for Persons with Disabilities, 1996;
- Canadian Standards Association, CAN/CSA – B651-M90, Barrier Free Design – A National Standard of Canada, 1990;
- Standards for Barrier Free Design of Ontario Government Facilities, Management Board Secretariat, 2004;

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- National Capital Commission, Barrier Free Site Design Manual, 1994;
- Ontario Ministry of Community and Social Services, Designing for Disabled Guidelines, 1987; and,
- Ontario Ministry of Housing, Ontario Building Code, Section 3.8, Barrier Free Design, 2006.

7.7 Building Permit

Review and approval of a Building Permit is not part of the Site Plan Control process. Any questions or submission of an application for Building Permit should be directed to the Building Services Department which is responsible for the review and approval of Building Permit applications. Building Permit applications may be processed concurrently with an application for Site Plan Control approval.

The Ontario Building Code requires that certain types of buildings be designed by an Architect or Engineer. This matter must be discussed with the Building Services prior to filing a Site Plan Control application, in order to determine if the proposed building fits into that category. In cases where the proposed building is subject to this requirement, the plans submitted for Site Plan Control approval must be prepared by an Architect or Engineer and bear an Architect or Engineer stamp.

7.7.1 Spatial Separation

Spatial separation requirements of the Ontario Building Code should be taken into consideration when designing a site as they could impact the location of buildings and windows, as well as the type of exterior building material.

All ground and/or facia signs on the subject property must comply with the City of Kingston By-law Number 2009-140, “A By-Law to Regulate Signs in The City of Kingston”, and will be reviewed during the Building Permit application process. However, the location of all existing and proposed ground signs must be shown on the Site Plan drawing and all roof and/or facia signs must be shown on the Architectural Drawings that are included with the submission of the Site Plan Control application.

8. Contacts and Related Documents

The following departments may be contacted regarding requirements for development within the City of Kingston:

8.1 Contacts

Department	Phone Number	Email
Building Services	613-546-4291, ext. 3280	buildingpermits@cityofkingston.ca

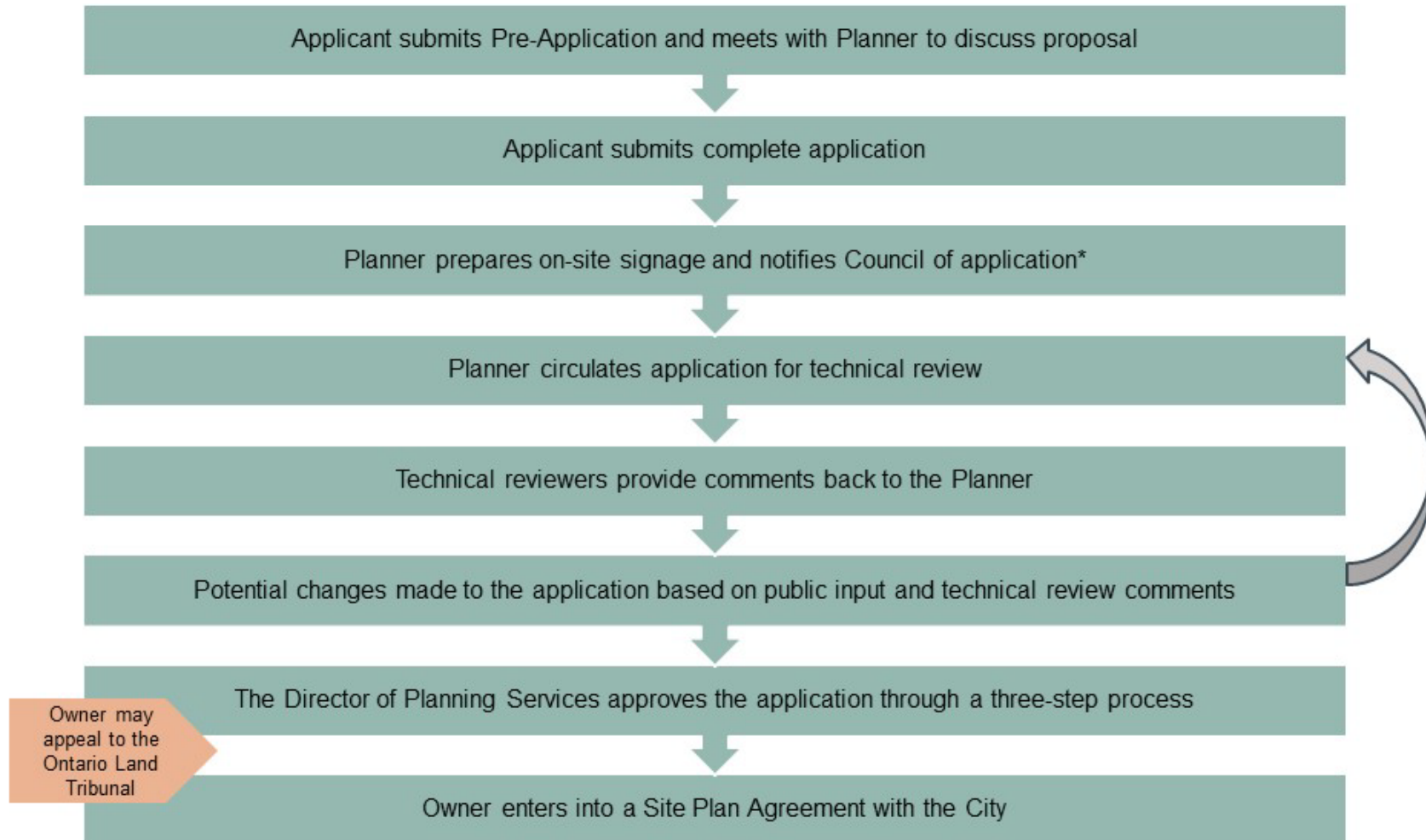
Department	Phone Number	Email
Engineering Services	613-546-4291, ext. 3130	
Heritage Services	613-546-4291, ext. 1389	heritageplanning@cityofkingston.ca
Planning Services	613-546-4291, ext. 3180	planning@cityofkingston.ca
Transportation & Transit Services	613-546-4291, ext. 3299	transportation@cityofkingston.ca
Utilities Kingston	613-546-1181	info@utilitieskingston.com

8.2 Related Documents

In addition to the documents referenced throughout these guidelines, the following documents should be consulted when designing a site and preparing a Site Plan Control application submission:

- Ontario *Planning Act*
- Provincial Policy Statement
- City of Kingston Official Plan
- City of Kingston Zoning By-Laws
- City of Kingston Site Plan Control By-Law Number 2024-XX
- City of Kingston Tree By-Law Number 2018-15
- City of Kingston Site Alteration By-Law Number 2008-128
- City of Kingston Archaeological Master Plan
- City of Kingston Subdivision Development Guidelines and Technical Standards
- Kingston Transportation Master Plan
- City of Kingston Active Transportation Master Plan
- City of Kingston Access Management Guidelines
- City of Kingston Downtown and Harbour Architectural Guidelines

Appendix A: Site Plan Control Process Flow Chart



*As per By-Law Number 2006-75, a member of Council may request that an application for Site Plan Control be referred to Planning Committee. If the application is referred to the Planning Committee, an Information Report is prepared by staff to obtain comments from the public and the Planning Committee.



**City of Kingston
Report to Planning Committee
Report Number PC-24-010**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: December 7, 2023
Subject: Recommendation Report
File Number: D35-004-2022
Address: 2312 Princess Street
District: District 2 - Loyalist-Cataraqui
Application Type: Official Plan & Zoning By-Law Amendment
Owner: 976653 Ontario Inc.
Applicant: Patry Inc.

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding applications for Official Plan and zoning by-law amendments submitted by Patry Inc., on behalf of 976653 Ontario Inc., with respect to the subject site located at 2312 Princess Street.

The applicant is proposing to construct a new six-storey, mid-rise, apartment building containing 300 homes together with the interior conversion of an existing two-storey heritage building to accommodate a building containing three homes and 12 bedrooms. The proposed apartment building would be situated 30 metres from the heritage building while maintaining an approximate 12.5 metre setback from the north lot line. The apartment building would have a three-storey base

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while utilizing step-backs in building height along the building's northern wall at the fourth and fifth storeys to mitigate impacts on the residential area to the north while a similar step-back is used along the south wall opposite the heritage building to minimize the impact on that heritage feature.

Vehicle access to the proposed development is intended to be primarily by way of Andersen Drive while a reconfigured entrance off Princess Street would provide an additional opportunity for a 'right-in-only' turning movement into the site. The Princess Street entrance is proposed to be relocated from its current location, which flanks the property line and abuts the driveway for the neighbouring property, to a location further west and enhanced by way of a pedestrian walkway.

The lands are designated primarily as 'Arterial Commercial' with a portion at the north end of the site designated 'Residential' as set out in the Cataraqui North Neighbourhood Secondary Plan within the City of Kingston Official Plan. The site is also located within the Cataraqui Village Heritage Character Area as identified on Schedule 9 of the Official Plan. No exterior change to the heritage building is being proposed; however, the proposal does seek to allow for its conversion to a single detached house.

The applicant is requesting an amendment to the City's Official Plan to change the portions of the property which are currently designated Arterial Commercial to Residential along with a site-specific policy to allow for the increased density of the apartment building while allowing a reduced density to facilitate a possible future severance of the lands which accommodate the heritage building. The applicant is also requesting an amendment to the Zoning By-Law which would re-zone the subject lands to a combination of the Urban Multi-Residential 2 (URM2) Zone, for the area associated with the proposed apartment building; and, the Urban Residential 3 (UR3.B) Zone, for the area associated with the heritage building, each with an Exception Overlay to recognize specific characteristics of the proposed development.

The proposed mid-rise development represents the efficient use of an under-utilized parcel of serviced land located on the City's primary intensification corridor which hosts both express and regular transit service and extensive local amenities which provide opportunities for active transportation. The proposed development will add to the mix and affordability of housing options within the Cataraqui North Secondary Plan community. The design of the proposed building and site has been refined over the course of the technical review to address concerns regarding the compatibility of the development with adjacent residential uses and the issues of safety and driveway function in respect to the access along Princess Street. The proposed development represents good land use planning.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan and zoning by-law amendments (File Number D35-004-2022) submitted by Patry Inc., on behalf of 976653 Ontario Inc., for the property municipally known as 2312 Princess Street, be approved; and

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That the City of Kingston Official Plan, as amended, be further amended, Amendment Number 88, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-010; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A and B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-010; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Priorities	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Statutory Public Meeting**

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Kingston before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Ian Clendening, Senior Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3126
iclendening@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, these applications were subject to a pre-application meeting held on October 26, 2021, with Planning Services and various other departments and agencies. Following this, a complete application submission was made by the applicant on March 25, 2022.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before July 23, 2022, which is 120 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT). Staff have been working with the applicant to address concerns and technical issues related to access to the site and traffic safety as well as the massing and impact associated with the proposed built form on the abutting residential area.

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Site Characteristics

The subject property is situated at the northeast corner of Princess Street and Andersen Drive, roughly 340 metres west of Sydenham Road. The property is an irregularly shaped lot, widening out towards the rear, measuring 1.45 hectare in size and having approximately 147 metres of frontage along Andersen Drive to the west and 55 metres of frontage along Princess Street to the south. The site is currently developed with a two-storey building at the southwest corner of the lot which is designated under Part IV of the Ontario Heritage Act and was, up until recently, occupied by the Lakeshore School.

The surrounding area contains a variety of commercial, institutional, open space, and residential land uses (Exhibit D – Neighbourhood Context Map). To the east and west of the subject lands are a range of highway commercial uses of various scales. Immediately south of the property, on the opposite side of Princess Street, the predominant land use consists of additional highway commercial development and institutional uses before transitioning to one and two storey single detached residential further south. Abutting the site to the north, the land use consists of semi-detached houses having walk-out basements which accommodate the grade change between Ellesmeer Avenue and the subject lands. Further north of the site there exists an addition of a variety homes which can be found in the form of single-detached homes and townhouses.

The site is located within walking distance of various amenities, including FreshCo, the Kingston Gospel Temple, Quarry Chiropractic and Wellness Centre, Rona Home & Garden Centre and is situated along an express transit route (501/502) which connects Downtown with Cataraqui Centre as well as regular transit service in the form of the number 7 and number 14 bus routes which run adjacent to the property along its Princess Street and Anderson Drive frontage respectively. Sidewalks flank the north and south sides of Princess Street as well as the west side of Andersen Drive. Currently there are no dedicated cycling facilities in this area; however, this section of Princess Street has been identified as a 'Proposed Spine Route' under the City's Active Transportation Master Plan.

The surrounding area is one which has seen relatively recent development, with both of the residential areas north and south of the subject lands having been developed in the early 2000's along with a number of commercial developments along this section of Princess Street since that time. Additionally, a five-storey apartment building containing 230 residential homes is currently under construction approximately 100 metres east of the subject property at 2274 Princess Street.

Proposed Application and Submission

The applicant is proposing to construct a six-storey apartment building and convert the existing heritage designated building located on the property, which until recently accommodated an educational institution, to a single detached house. The proposed apartment building would accommodate a total of 300 homes consisting of a variety of 48 studios, 150 one-bedroom, 48 one-bedroom with dens, and 54 two-bedroom configurations. The heritage building would be converted to a single detached dwelling and accommodate a total of 12 bedrooms within three

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homes. Access to the site is proposed to be by way of Andersen Drive and Princess Street with the access from Princess Street limited to that of a 'right-in-only' access point.

Based on the total number of homes within the proposed apartment building and single detached dwelling and the lot area of 1.45 hectares, the proposed density is 209 homes per hectare. Taken individually, the apartment building would have a density of the approximately 264 home per hectare across the 1.14-hectare site while the heritage building would have a density of ten home per hectare.

The proposed apartment building would be setback 12.47 metres from the north lot line and 5.5 metres from the west lot line along Anderson Drive and 30 metres from the heritage designated building. The apartment building is characterised using step-backs along the north and south building faces and a recessed building envelope in the mid-section of the building along the north lot line which serves to create an 'inner courtyard' area. Outdoor amenity space for the residents is proposed in the inner courtyard, an outdoor area at the northeastern portion of the subject lands, and within the building through the provision of balconies and rooftop terraces. A common indoor amenity area measuring 285 square metres is proposed for a total of 4,585 square metres of combined amenity space and green space.

The applicant proposes to recess the building face along the north lot line an additional 1.2 metres at the fourth storey and a further 5.6 metres at the fifth storey resulting in the maximum height of the building at the sixth storey level of 20.7 metres being setback 19.2 metres. On southern face, the building steps back at the fourth floor four metres. These measures have been taken in large part to soften the impact on the abutting residential properties to the north, and to respect the heritage attributes of the site.

Parking for the apartment building is proposed to be in the form of a combination of surface and underground parking with a total of 282 parking spaces. An overall ratio of 0.9 stalls per home is achieved through the provision a two-level underground garage accommodating 238 spaces, and surface parking which accommodates an additional 23 parking stalls including eight accessible stalls. In addition to resident parking, the surface parking also accommodates five visitor spaces and three car-share spaces. For bicycle parking, 275 long-term spaces and 30 short-term spaces are provided.

In support of the application, the applicant has submitted the following:

- Planning Rationale and Justification Report
- Concept Site Plan
- Floor Plans
- Heritage Impact Statement
- Shadow Study

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- Tree Inventory & Preservation Plan
- Traffic Impact Study
- Noise Impact Study
- Landscape Concept
- Servicing Report
- Storm Water Management Report
- Stage 1 Archaeological Assessment

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Summary of Changes to Applications from First to Submission

Through revisions to the initial submission, the applicant has made a number of modifications to address the concerns raised. These changes include the base of the apartment building being moved an additional 2.5 metres south, away from the north lot line, while a specific provision has been added into the amending by-law which excludes a driveway in this location. The fourth storey of the apartment has been moved back 0.7 metres, while the fifth storey has been moved 3.2 metres south where it is now in line with the sixth storey with both the fifth and sixth storeys now only having a marginal projection along the east end. These changes have been made to minimize the extent of shadowing over the abutting properties and the extent of overlook into the rear yards of the neighbouring properties.

In an effort to further address the privacy and overlook concerns of area residents, the applicant has also made changes to the balcony and fifth floor terrace including the removal of all balconies above the third floor along the north wall which are now provided as juliette balconies. On the fifth floor, the roof-top terrace has been broadly reconfigured, coinciding with the reduced fifth and sixth storey floor plate at the east end, and is now defined by a large open area at the east end whereas previously it had been a narrow strip along the north end. Of additional note, a garden feature is proposed to create an additional visual barrier between the terrace area and the lands further north.

In respect to vehicular access, the driveway entrance at Princess Street has been relocated approximately ten metres west from its current location in an effort to create a more defined entrance to each lot by separating the two abutting driveways which currently span width of 21 metres. The entrance has also been programmed as a ‘right-in-only’ to assist with traffic flow and safety.

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Within the site, parking has been reconfigured to allow better access to the accessible and visitor stalls while the number of stalls has been reduced from an oversupply of 367 total parking stalls, ten of which were intended for the school use, to 286 parking stalls, three of which are intended for the single detached dwelling. The apartment continues to provide a majority of the parking within an underground parking area, however; since the first submission, the entry has been shifted to where it now provides access along the southernmost building wall whereas previously the entry was generally opposite the driveway entrance off Anderson Drive, near the main pedestrian entryway. Short-term bike parking which is now required under the provisions of Kingston Zoning By-Law but was not required at the time of their submission has been added to the proposal where it is provided near the main building entrance where the underground parking access had previously been situated. Long term bike spaces are also now provided and are situated in three secured bike storage areas located within the underground parking area.

In respect to the heritage building on the property, the applicant now seeks to permit the conversion to a residential use, and allow for the possibility of a future severance by way of Official Plan policy allowing for a lower density than the minimums otherwise required of this area, and zoning relief to allow for a reduced rear yard setback and a total of twelve bedrooms within the single detached house which is to accommodate three homes.

The relationship between the heritage building and the apartment building has been enhanced by way of an additional ten metres of separation distance between the two buildings while the step-back at the third storey has been raised to the fourth storey while the south building wall which faces this heritage feature has been afforded a greater degree of articulation to frame the heritage building.

Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The proposed development is consistent with the Provincial Policy Statement (2020). The development will provide additional housing options within the urban settlement area boundary, while supporting intensification and infill within the serviced urban area. Utilities Kingston has confirmed that adequate services exist for the proposed development. Traffic surrounding the site has been appropriately addressed through directing the primary entrance/exit to Anderson Drive while limiting Princess Street to a 'right-in-only' at a new location. The site is in proximity to extensive commercial, employment, recreational, and institutional uses and is serviced by both express and regular transit service helping facilitate the land use patterns encouraged by the Provincial Policy Statement.

No external change is proposed to the heritage building, and the residential use of this cultural heritage resource allows for the conservation through continued use of this built heritage resource consistent with the Provincial Policy Statement with the reduced density, in part, a reflection of the deep setback from Princess Street with mature trees in front and west side

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yards forming a part of the site's heritage attributes. Consistent with provincial policy with respect to the conservation of cultural heritage resources, the applicant has submitted a Heritage Impact Statement demonstrating that the that the heritage attributes of the protected heritage property will be conserved as a result of the proposed development noting that the design of the building will create a compatible, unified background for the heritage resource.

The proposed development represents the efficient use of land that and is suitable and desired for residential intensification. A detailed review of the applicable policies is attached in Exhibit E.

Official Plan Considerations

The subject property is predominantly designated Arterial Commercial but with sections in the rear designated as Residential within the Cataraqi North Neighbourhood Secondary Plan in the City of Kingston Official Plan (Exhibit D – Official Plan, Land Use). The site is also located within the Cataraqi Village Heritage Character Area as identified on Schedule 9 of the Official Plan (Exhibit E – Heritage Areas, Features and Protected Views). The subject property is in a Corridor and a Housing District as illustrated in the City Structure set out in Schedule 2 of the Official Plan and is located within the Urban Boundary.

The Official Plan amendment application proposes to change the land use designation of that portion of the subject lands currently designated Arterial Commercial to Residential in the Cataraqi North Secondary Plan of the Official Plan. The application also proposes a site-specific policy to permit a high-density residential use of up to 264 homes per net hectare which would allow the development under both the current lot fabric with 209 homes per hectare while also allowing consideration of a severance of the 1.14-hectare portion of the subject land upon which the apartment building is intended to be built. An additional provision within the site-specific policy would allow for a corresponding reduction in the minimum density requirements by exempting the heritage building from the 14 homes per hectare minimum densities otherwise required withing the Residential designation.

The Residential land use designation of the Cataraqi North Secondary Plan encourages a variety of compatible housing types and building styles to accommodate the different and changing needs of the community. It is the intent of this designation to have varying densities of development distributed throughout the neighbourhood to ensure that a high proportion of residents live within a short walking distance of local facilities and services which this development proposal would help to achieve.

The proposal has evolved to ensure that it meets the land use compatibility policies of the Official Plan. A development's compatibility with its surrounding environment is measured by the degree in which the proposal would create adverse effects or negatively impact the character or planned function of an area. Compatibility concerns include shadowing, the loss of privacy due to intrusive overlook, visual intrusion that disrupts the streetscape, and incompatibility in terms of scale, style, massing and colour with mitigation measures such as setbacks, transition and fencing an appropriate means of maintaining compatibility.

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To ensure compatibility, the applicant has increased the building setback from the north lot line, including greater step-backs where the three-storey base increases to four, and thereafter six storeys generally achieving a 45-degree angular plane. These features provide a gradual transition in height along Anderson Drive as the site progresses from the more intensive, commercial oriented area near Princess Street and the rear of the property where the three-storey component of the integrates with the two-storey residences.

The enhanced setback measuring 12.47 metres from the north lot line provides an area of open separation between the two uses and which is further enhanced by a vegetated buffer and fencing intended to provide additional transition as well as prevent shadowing and loss of privacy.

Regarding shadowing, the applicant has provided a revised Solar Analysis reflecting the updated plans which increased the setbacks and removed much of the fifth and sixth storey massing from the far east side of the building. As a result of these measures the shadows cast by the development have no impact at all on the abutting northern properties between the spring and fall equinoxes as shadows do not project into the rear yards of these properties (Exhibit J - Renderings & Solar Analysis). During these times of the year outdoor enjoyment of backyard spaces is at its highest where activities such as gardening, barbecuing, and other active or passive recreation makes use of these spaces, and the proposed development would not have any shadow impact during these times. Towards the winter solstice when the sun-angle is at its lowest, shadowing begins to traverse across the rear yards to varying degrees but would not have an undue adverse impact.

Outdoor amenity area for the residents has been significantly reconfigured including the removal of balconies above the third storey along the north wall which would face the single-detached residences to the north which have been replaced with juliette balconies to prevent residents from lingering outside in a manner which could allow for significant overlook into the rear yards of the existing neighbourhood. This is complimented by further efforts to reduce any privacy and overlook concerns by tailoring the fifth-floor terrace to an open area directed eastwards while a garden feature separates the edge of the terrace from the edge of the building.

Staff will work closely with the applicant at the site plan control stage to ensure that all of these requirements are fully implemented.

The development of this site fulfills a number of the other key policies within Section 2 of the Official Plan in terms of the intent of Housing Districts, Corridors, Principles of Growth, Phasing of Growth, Intensification Targets, Order of Development, Urban Boundary, and Protection of Resources. When reviewed in the context of these policies, the subject property is an excellent and priority candidate for high density residential intensification, as an underutilized parcel located on an intensification corridor within the serviced urban boundary and within walking distance of open space, commercial uses, employment and public transit. The proposed development will assist the City in achieving the minimum intensification targets for residential growth.

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In summary, the proposed re-designation of the front portion of the subject lands from Arterial Commercial to Residential, with a site-specific policy area for the entirety of the subject lands to address an increase in density and to recognize the limitations of the irregularly shaped parcel maintains the overall intent of the Official Plan and allows the site to be development residentially, as intended by the Secondary Plan. The development of the site with the proposed use will add to the mix of housing types and affordability within Cataraqui North, thereby creating a more complete community and additional options for aging in place within the Cataraqui North neighbourhood.

The proposed development and associated Official Plan amendment conform to the general intent of the Official Plan. A detailed review of the applicable Official Plan policies is attached in Exhibit G.

Zoning By-Law Discussion

The property is not currently subject to the Kingston Zoning By-Law, instead being subject to Zoning By-Law Number 76-26 which zones the property General Commercial “C2-30-H” Zone subject to a holding symbol (Exhibit H – Kingston Zoning By-Law Number 2022-62). The C2-30 zone permits a variety of commercial uses with residential uses within this zone being restricted to an accessory dwelling unit located on the ground floor.

An amendment is required to permit the proposed residential use with the lands proposed to be incorporated into the Kingston Zoning By-Law through the proposed amendment which would place the lands within the Urban Multi-Residential Zone 2 (URM2) Zone, for those areas where the apartment building is located; and, the Urban Residential 3.B (UR3.B) Zone, for those areas where the existing heritage building is located. Additionally, an Exception Overlay is proposed to recognize certain characteristics of the irregularly shaped lot and particular features of the proposed development.

The Exception Overlay for the apartment building is intended to allow for an increased building height; a reduced interior and rear setback; allowances for additional balcony area; and, variations to certain parking requirements. Additional provisions to the Exception Overlay have also been added to ensure that the ultimate development of the does not result in unexpected impacts to the surrounding area including a limit on the number of homes; prohibition of a driveway along the north lot line; requirement for a landscaped are along the north lot line.

The following table provides a comparison of the requirements of the zoning by-law for the URM2 zone against the requirements that are proposed to accommodate the development application.

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Table 1 Zoning Comparison Table URM2 & Proposed Exception Overlay

Zone Provision	By-Law Section	Required (URM2)	Proposed (E139)	Relief Required?
Maximum number of Dwelling Units	Not applicable	Not applicable	300	No
Maximum height (metres)	Table 12.3.1	12.5 metres	20.7 metres	Yes
Minimum Rear Setback	Table 12.3.1	The greater of: a) 7.5 metres b) 25% of lot depth (37.75 metres)	12.47 metres	Yes
Minimum Interior Setback	Table 12.3.1	6.0 metres	3.5 metres	Yes
Maximum % of wall to be occupied by balconies	4.20.1.2	A maximum of 30% of the horizontal length of each face of the main wall of each storey may be occupied by balconies;	Inner Courtyard Faces: West: 29% South: 36% East: 46% Outer Facades: West: 35% North-West: 30% (2nd floor) North-East: 31% (2nd floor) East-North: 30% East-Central: 33% East-South: 32% South-East: 36%	Yes

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Zone Provision	By-Law Section	Required (URM2)	Proposed (E139)	Relief Required?
Balconies location	Not applicable	Not applicable	Within 15 metres of the rear lot line no balconies other than juliette balconies are permitted above the 3rd floor.	No
Amenity Area Setback	Not applicable	Not applicable	The fifth floor outdoor amenity area must be set back a minimum of 2.0 metres from the buildings north main wall;	No
Planting Strip	Not applicable	Not applicable	A minimum 2.0 metre wide planting strip must be provided along the rear lot line.	No
Privacy Fence	Not applicable	Not applicable	A privacy fence with a minimum height of 2.4 metres must be provided along the rear lot line.	No
Driveway Location	Not applicable	Not applicable	A driveway and a drive aisle may not be located within 12 metres of the rear lot line.	No
Minimum drive aisle width	7.4.1.	Perpendicular Parking: 6.7 metres	6.0 metres	Yes
Car-share Spaces	Table 7.1.1.	0.05 spaces per dwelling unit (15 spaces)	3 spaces	Yes
Visitor Spaces	Table 7.1.1.	0.15 spaces per dwelling unit (45 spaces)	10 spaces	Yes

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Zone Provision	By-Law Section	Required (URM2)	Proposed (E139)	Relief Required?
Small car parking space	7.4.9.4.	A maximum of 10% of parking spaces provided on a lot, excluding accessible spaces, visitor spaces and car-share spaces, are permitted to be parking spaces for small cars (26 spaces)	50	Yes
Parking Space Design	7.4.10.1	Not applicable	Up to 20 spaces within a parking structure may be partially obstructed on one side by a wall or column	Yes
Parking Provisions for Multi-unit Residential	7.4.9.3	<p>Parking spaces must be located in a permitted private garage, parking structure, driveway or parking lot in the rear yard or interior yard, except as follows:</p> <p>(a) Visitor spaces may be located in the front yard or exterior yard provided the visitor space is not closer than 3.0 metres to any lot line and not closer than 7.5 metres to any street line;</p>	A maximum of 50 parking spaces may be located within a front yard or exterior yard provided no parking space is closer than 9.0 metres to a front lot line and 15 metres from a rear lot line.	Yes

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Zone Provision	By-Law Section	Required (URM2)	Proposed (E139)	Relief Required?
Location of Loading Spaces	7.5.7.	Loading spaces must be located in the rear yard or in the interior yard and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use	Loading Space may be located in a front yard provided it is not closer than 30 metres to a front lot line or exterior lot line.	Yes
Minimum Number of Long-Term Bike Spaces	Table 7.3.1	0.9 per dwelling unit	0.75 per dwelling unit	Yes
Weather protected Short-term Spaces	7.3.13.5	50% of required	No weather protected Short-term Spaces	Yes

Building Height and Setbacks

The proposed amendments seek to permit a maximum height of 20.7 metres to allow for a six-storey built form over portions of building. A height map is intended to form a part of the by-law to require step-backs at specific distances from the surrounding lot lines to ensure an appropriate transition.

The height map provides for a maximum of six storeys beginning at 56.8 metres distance from the east most lot line and 19.2 metres from the north lot line and progressing across the remainder of the building with the exception of an interior courtyard which measures 31.4 metres width and setback a distance of 31.7 metres from the north lot line, and opposite the heritage building where the sixth storey steps down to four storeys.

As the site transitions to the residential neighbourhood to the north, provisions of the draft by-law would require building step backs which generally maintain a 45-degree angular plane with the base of the building starting at a height of 10.5 metres at a distance of 12.4 metres from the north lot line. This 10.5 metre height at the base of the building is within the maximum height range of 10.7 metres, or 9.0 metres in the case of a flat roof, allowed within the UR3.B zone which regulates the residential neighbourhood immediately north, but with a significantly greater rear setback of 12.4 metres versus 6 metres required of the UR3.B zone.

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The rear setback of the URM2 zone is determined based on the greater of 7.5 metres or, 25 percent of lot depth. The proposed building exceeds the 7.5 metre requirement; however, the significant depth of this irregularly shaped lot requires a rear setback of 37.75 metres based on the 25 percent of lot depth, and as such the applicant is seeking an amendment to allow for a 12.4 metre setback.

Overall, the proposed development directs outdoor amenity area generally associated with a rear yard towards the western end of the lot and within the building itself. The three-storey height at the base of the building is consistent with the heights allowed in the residential neighbourhood to the north. The generous setback between the proposed apartment building and the north lot line and the manner in which the grade increases in elevation progressing northwards both act to minimize the impact of the built form as the area transitions from higher density apartments to semi-detached residences. The inclusion of a two-metre-wide planting strip would further act to mitigate this transition.

Progressing further away from the north lot line, the building progresses to a fourth and sixth storey at distances of 13.6 metres and 19.2 metres from the north lot line, achieving an angular plane of 47 degrees between the edge of the roof and the north lot line. The applicant has provided a shadow analysis which demonstrates that the shadows do not encroach, or encroach only marginally, between the Spring and Fall Equinox. During the Winter Solstice, and around this date when the Sun's inclination is the lowest, and shadows therefore the longest, it is recognized that the shadows associated with the proposed development would traverse at varying extents across the rear yards of the lots to the north. Outside of the Winter Solstice, these impacts abate as the shadows recede towards that of the Spring and Fall Equinox (Exhibit J – Renderings and Solar Analysis). Overall, the impact is assumed to be limited in time, minor in nature, and compatible under the Official Plan.

Balconies

The Kingston Zoning By-Law regulates the extent of a building wall which may be covered in balconies which project out from the face of the building as a means of affording a greater animation to the façade, limiting the space this feature may occupy to 30%. The applicant has put forward a development proposal which utilizes a number of 'wings' to the building with a total of 12 unique exterior walls which range in balcony coverage ranging between 30 to 36 percent along outer facades and between 29 and 46 percent along the inner courtyard. The additional space occupied by balconies along the building wall allows individual homes to have access to a modest outdoor amenity space measuring approximately 4.25 metres width and having a maximum projection of 2.0 metres from the wall of the building.

As a result of concern for balconies overlooking into the rear yards of the residential area to the north, balconies have been removed from the third storey homes along face towards the north lot line. The prohibition on balconies above the second floor enhances the protection for surrounding residential areas which have been built into the URM8 Zone which allows balconies above the second floor while simultaneously permitting a lesser rear setback than proposed for the subject property.

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Balconies provide a substitute for the private back yard amenity generally associated with a single-detached residence affording a degree of private outdoor space that supports uses typically not found or allowed in parks such as eating meals or hosting private social events. The inclusion of limited amounts of balconies, while exceeding the 30 percent limit along the building wall will not result in undue overlook or privacy concerns for the abutting properties and add to the residential amenity for the building's residents.

Parking Facilities and Driveway Requirements

Vehicle parking requirements of the Kingston Zoning By-Law are intended to ensure that a site can accommodate its intended function. The proposal meets the numeric quantity of parking stalls required though variations in certain criteria are proposed to accommodate the irregularly shaped lot and the design challenges of providing underground parking.

The Kingston Zoning By-Law directs loading spaces to the rear or side of a building in an effort to minimize the visual impact of these features, especially from the street. The proposed layout contemplates a lay-by area near the front entrance of the building but at a location which is well recessed from the street. The resultant location allows easy access for residents who are moving into or out of the building while protecting the visual aesthetics of the area and helping to maintain the pedestrian friendly character.

An amendment is also sought to allow vehicle parking otherwise prohibited within the front yard. The proposed layout of the parking facilities recesses the parking away from the street to the extent possible, however; due to the extensive lot depth and the irregular parcel fabric, a portion of the parking facilities have been provided either in the front yard, or within an area which would become a part of the front in the event of a severance of the heritage building. The layout of the parking allows ample space for vegetation which softens the impact of the parking areas. The front yard is also made considerably larger than generally contemplated under the provisions of the zoning by-law as a result of the large setback of the heritage building and the location of the apartment building well recessed from Princess Street to accommodate the irregular lot fabric and the presence of the heritage building.

Minor reductions in the vehicle parking for car-share and visitor spaces are also proposed, with a combined total of 13 spaces allocated to these uses whereas 60 would otherwise be required for the 300 homes proposed and would compliment the 270 parking stalls intended for the residents which is well within the range of 0.8 to 1.0 stalls per unit required. Given the greater share of one-bedroom units and the fact that the site is very well connected through public transit, the reduced visitor parking can be justified by the greater share of public transportation which would accommodate visitation to the site.

To address the constraints associated with the underground parking, the applicant is also seeking specific allowances to permit a greater share of small car spaces and to allow a maximum of 20 parking spaces to be partially obstructed by a supporting column necessary to the construction of the building. The allowance for small cars roughly doubles the as-of-right permission for 26 spaces to be for small cars to a total of 50 spaces. Small car spaces measure

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4.8 metres by 2.4 metres which can accommodate the average car or mid-sized sedan but would be insufficient to accommodate the average sports utility vehicle or pickup truck. Given that the units are intended for the rental market and would not be tied to specific units, the proposed reduced parking size would allow the site to work at a functional level with a greater degree of flexibility to accommodate the needs of the residents. In similar fashion, a total of 20 parking spaces are intended to be partially encumbered by the presence of a supporting column which would remain able to accommodate vehicle parking but would represent a known obstacle in which the individual associated with the parking stall would be required to navigate around. The marginal additional accommodation required of the user of the encumbered parking space is more than offset by the efficient layout of the underground parking area and the location of the supporting columns and would continue to allow for the operate at a functional level.

Bike Facilities

The applicant has provided 30 short-term bike spaces and 225 long-term bike spaces to accommodate the anticipated needs of the residents. Short-term bike spaces are provided near the main entry to the building and, while provided in the quantity required by the Kingston Zoning By-Law, are not intended to be weather protected whereas half of the required short-term bike spaces are otherwise required to be weather protected. Based on the developer's experience these spaces are often under utilized and the proposal consists of providing fewer spaces but of a higher quality. Specifically, there are a total of 78 bike spaces provided in individual lockers, represents 30 percent of all long-term bike spaces while an additional area provides general long-term bike spaces for 150 using a 'stacked' horizontal bike space layout. As many residents will choose to utilize the site's transit offerings for their transportation, the slightly reduced provision of long-term bike spaces is appropriate for this location.

For the building designated under Part IV of the *Ontario Heritage Act*, the applicant seeks relief from the provisions of the UR3.B Zone to allow for a total of twelve bedrooms within the proposed three dwelling units intended to be accommodated within the building. Additional relief is sought to allow for a lesser rear setback of 3.5 metres which could facilitate a future severance of the property should this development option be pursued but does not form part of the current proposal.

The following table provides a comparison of the requirements of the zoning by-law for the UR2.B Zone against the standards that are proposed to accommodate the development.

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Table 2 Zoning Comparison Table UR3.B & Proposed Exception Overlay

Zone Provision	By-Law Section	Required (UR3.B)	Proposed (E140)	Relief Required?
Maximum number of bedrooms	Table 11.4.3.	8	12	Yes
Minimum Rear Setback (metres)	4.28.1	6	3.5	Yes

Building Setbacks

A reduction in the rear yard is proposed to allow for the consideration of a future severance of the heritage building from the remainder of the property. Given the site characteristics, the most likely configuration of a severance would be that of a corner lot with the narrower street frontage being along Princess Street at the south end of the property, making the rear lot line the north lot line. This area of the property accommodates an addition to the heritage building which is further recessed from the street line to a distance of approximately 13 metres, while further to the rear an open area exists before transitioning into the parking area for the apartment building.

Rear setbacks are generally used to accommodate a private outdoor amenity area. The lands which surround the heritage building provide a considerable amount of this type of amenity for the residents, including the extensive front yard. The reduced setback at the rear would not impact the overall utility of the site and would not result in any adverse impacts on privacy.

Bedroom Limit

The heritage building is a relatively large building with information from the Municipal Property Assessment Corporation (MPAC) indicating a gross floor area of more than 600 square metres, inclusive of the garage addition. The adaptive transformation of this heritage building to accommodate three dwelling units with a total bedroom count of twelve is an appropriate use of a site in a high-density area with a large building initially constructed for a residential purpose and now proposed to be repurposed as such as a means of conserving a built heritage resource.

Other Applications

In the event of approval, the development would be subject to Site Plan Control. Community Benefits Charges would be applicable for the apartment building.

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If the applicant wishes to pursue a severance to separate the two buildings, a consent application would be required.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

Public Comments

The following is a summary of the public input received to date, including a summary of the feedback received at the Public Meeting on August 11, 2022. Members of the public who had provided written comment were afforded notice of revised submission material by way of e-mail notification of such on May 15, 2023, and September 28, 2023, and were invited to provide comment. All original written public comments are available in Exhibit M of this report.

Loss of Privacy/Overlook

Comment: Given our back gardens are not deep in lot size, that [12.4 metres] is incredibly close for a building that will tower above. It's enough that I have lost any pleasing view but now I will be staring right into the second-floor apartments from my living room.

Comment: This is the main reason I 'seriously' request the adoption of julliette balconies ONLY on the northeast and northwest wings of the apartment unit. There is no reason why this cannot be adopted.

Comment: Parts have now been stepped back or removed from the top floor to make way for extremely expanded rooftop terraces (totalling over 7000 square feet) on the north and northeast sides. Much skepticism is invited about there not being any noise disturbance issues for abutting neighbours.

Comment: A towering building will overtake the back yards, there will be no privacy.

Comment: Lack of privacy remains an issue – the large building so very close to our property contravenes our right to privacy.

Comment: I am pleased to see Juliette balconies installed on northeast and northwest wings above the second floor but strongly ask the planning committee, council and developer to consider the Walnut Grove residents and please insist that the second-floor outdoor apartment balconies in these locations be *changed* to Juliette style as well. This will at the very least will minimize the intrusiveness of the building in our backyards and our indoor living space.

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Comment: I am concerned with the impact of this proposed building that results in unacceptable intrusive overlook, excessive shadowing, and negative impact on the neighbouring residents' ability to enjoy their properties.

Response: As outlined in the body of the report, the fifth-floor terrace has been reconfigured to orient activity towards the east while a garden feature along the north edge of the building has been added to provide additional separation.

Balconies have been removed along the north wall of the building above the second storey preventing residents from enjoying outdoor activity which may overlook the residential area to the north. This is further supplemented by the provision of a fence and vegetative buffering which will further mitigate any impact. Outdoor balconies and an outdoor patio area are afforded to the units on the 2nd and first floors respectively which provide a degree of amenity to these units while not having any privacy impact beyond the normal overlook associated with existing neighbouring properties which host much larger balconies and decks.

Traffic

Comment: The increased volume of residents in this development and that of the unit to the east will have an immediate impact on myself and fellow residents along Ellesmeer, and surrounding neighborhood. None of which will be remotely positive in nature.

Comment: I am also concerned about the impact that a 300 plus unit residential building will have on the vehicular traffic in the area.

Comment: It will also increase the traffic on Andersen as people head North on it to get to the 401, Sydenham Rd. Cataraqui Woods Drive and other areas to the north.

Comment: Traffic congestion and accidents are bound to occur. Princess St. at Andersen is busy now and the 1st. apartment building is not even occupied yet. Did the traffic studies take into account peak hours of traffic along Princess St.? Traffic along Princess at the Sydenham rd intersection is already heavily congested with traffic lineups all the way back to the former Ambassador hotel from Sydenham rd. With added traffic & congestion could mean delay in these emergency vehicles, which delay could lead to a life & death situation.

Comment: Andersen Dr, already a heavily travelled street with frequent speeding will be significantly worse.

Comment: What also needs to be considered traffic wise is all the building that is going on along Taylor Kidd behind Best Buy area. Which will also add significant traffic volumes to the intersection at Princess and Taylor Kidd that is already overloaded. Anyone who frequently drives in this area doesn't need a study to tell them that.

Comment: There will be increased traffic, increased noise, increased shadowing and a loss of privacy in our backyards.

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Comment: Has the City of Kingston conducted comprehensive traffic studies outlining the impacts that a 302-unit building will have on the intersection of Princess and Andersen? Access to the building at 2312 Princess St. should be analyzed before this application is approved.

Comment: Traffic in this area is already at a maximum with several commercial sites and Princess Street and Andersen as the main access routes.

Comment: The traffic on Princess St is already heavy and with the additional traffic from 2274 Princess it will be further challenged.

Comment: It would make sense to do an impact study after the current building has been completed and occupied to determine what effect it will have on traffic & noise pollution before allowing another high density building to be constructed and another presumed 348 vehicles attempting to navigate on these already congested streets.

Comment: The intersection at Princess St and Sydenham Rd is already a disaster for traffic. Nobody needs a traffic study to tell them that. Vehicles can be lined up from the traffic lights at Sydenham Rd to the top of the overpass on Princess above the train tracks. The last thing this area of Kingston needs is 242 more units at 2274 Princess and 302 more at 2312 Princess.

Comment: With 242 units at 2274 and 302 at 3212 Princess there will be more traffic on Princess and also on Anderson which will impact our safety and impair our ability to access arterial streets.

Response: The applicant has revised the proposal to have a 'right-in-only' off Princess Street with the entrance moved further west to create a separation from the abutting entrance associated with the property further east. This limitation will minimize traffic conflicts with the right-hand turn lane. Full eastbound and westbound traffic opportunities are made possible by the site's access to Anderson Drive which can accommodate the anticipated flow.

Princess Street, Sydenham Road, and John Counter Boulevard are all Arterial Roads intended to accommodate intra-urban traffic. These roads face increasing traffic volumes predominantly based on the growth of the city and not individual developments. The City does have plans for improvements to these intersections with the projects being funded primarily through the use of Development Charges which the proposed development would be subject to.

Modifications to the entrance have been made to ensure the safety of turning movements onto and off of Princess Street. The intersection between Princess Street and Anderson Drive would continue to function in a satisfactory manner despite the increased volumes.

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Massing/height

Comment: The one to two meters increase is barely relevant given the astounding proximity of the apartment to begin, in the initial plan.

Comment: Proposed 6 storey building will not "blend in" with the surrounding buildings.

Comment: A second massive building will completely overload our small neighbourhood.

Comment: This number of storeys will drastically overpower our (and our neighbours') bungalows and shadowing will still be an issue.

Comment: has been moved 2 metres farther south from our property lines, this overgrown structure is still larger than the first building at 2274 Princess St. and we believe it is on a smaller piece of land. Its crowding of abutting property lines does not comply with land use compatibility. In fact, it just adds to the dense, overcrowded congestion in this small community of well-established bungalow homes.

Comment: At the end of the day I will be staring into a block- wall of windows and any reasonable view of open sky without shadowing.

Comment: I have such serious concerns about 10 meters from my fence line. That is exceptionally close.

Comment: design of the building results in an unacceptable level of intrusive overlook. The impact of the height and length of the north wall is compounded by the location of ALL of the outdoor amenity space along the same wall.

Comment: The overlook into our homes and backyards from the terraces, balconies, and windows along the north and east sides of the building is terrible given the proximity to our homes. The balconies reduce the already small distance between the building and our homes and should be eliminated or at least only French balconies.

Comment: The building layout appears to have been designed to upset current residences. It is jammed into an odd shape property.

Comment: The additional height would reduce the enjoyment of local residence.

Comment: The proposed building is too large, too high (6 storeys) for the property.

Comment: One of the reasons we chose to spend our retirement days in this community was due to the quiet, low density residential nature of not only our own subdivision but of all the surrounding area. This proposed development would completely destroy this atmosphere.

Comment: The number of units for this development is greater than the number of units being built at 2274 Princess St., yet the lot is smaller.

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Comment: Making additional changes to allow for another over sized building of 302 units, will overpopulate the neighborhood, crowding store's, buses, parks and intersections.

Comment: This is higher than his current property under construction at 2274 Princess St. (4 storeys) which also abuts similar houses to ours on our street. A 6-storey building would increasingly dwarf the row of consistent bungalows on Ellesmeer Avenue.

Comment: The sheer enormity of the density issue and the impact it potentially would cause on the community cannot be understated and must be addressed.

Comment: We are not in favour of changes made to the Official Plan or Zoning By-Laws due its impending overcrowding of this neighbourhood in general, and, of our small retirement community of Walnut Grove in particular.

Response: The proposed building creates an animated building façade along Anderson Drive which steps down as it transitions to the lower density area to the north. A vegetative buffer and a 12.4 metre open area which constitutes the rear setback creates a further visual delineation between the higher density proposed development and that of the existing area.

Loss of Vegetation and Environmental Concerns

Comment: This developer is unnecessarily removing mature trees from a property the importance of mature trees to fight our climate emergency and will insist that more trees are retained.

Comment: The City is offering residents young trees to be planted to grow the green canopy and protect the environment and at the same time allowing developers to cut down the mature trees that are already there.

Comment: Additionally, the lovely, wooded area to our east has already been stripped bare in recent months, leaving zero greenspace and increasing the density.

Comment: Why are we stripping bare of vegetation an already said zone, which instead should be an opportunity for user friendly greenspace with appropriate housing if that's a goal.

Comment: This rezone proposal certainly appears to be neglectful in maintaining eco friendly zones which cities of the future claim to tout.

Comment: The property is too small to build a six-storey apartment building. Where is the green space going to be & will there be room for trees.

Comment: Trees will be gone. It will be a wood and concrete jungle behind the homes.

Response: Through the development process, the applicant would be responsible for replacing the tree canopy lost as a result of the proposed development in accordance with the City's

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Trees By-Law. A vegetative barrier is to be implemented along the north lot line and is intended to grow into a mature line of trees enhancing the tree canopy.

In regard to sustainability concerns, it should be noted that wood construction, has been demonstrated to be a more environmentally sustainable form of construction when compared to concrete and steel while the density afforded through this mid-rise building prevents the need to expand the urban area outward into the surrounding natural area, with the 300 units requiring approximately 15 hectares of land at a lower density-built form.

Shadows

Comment: no sun getting to the yards.

Comment: it looks like the houses to the north of the proposed building will be in the dark for most of December.

Comment: Lack of light – shadowing we presume, will remain a problem.

Comment: According to the shadow study, the proposed building will shadow my house all day in the late fall and winter. Most of my living space with large windows face south. My living room/dining room, my master bedroom and my recreation room. The sunlight is important to me, without it my heating bills will significantly increase, and my overall mental health will be impacted.

Comment: During the entire month of December (and parts of months on either side) we will have absolutely no sunlight coming into the entire south side of our house.

Comment: It is completely unacceptable for our homes to be in partial or complete shadow from November to January. We will be in complete shadow during the month of December, during the bleakest part of the winter.

Comment: There will be an unacceptable amount of shadowing during the winter months. The shadow study shows that on December 25, (which means for several weeks both before and after this date), the houses will be in shadow for the entire day.

Comment: The overshadowing that will occur in the winter months will affect our lovely south exposure at a time of year when it is most desirable.

Comment: Even with the reduced height in parts of the stepped building (north side), the shadow (solar) study still shows that we will not get sunlight for a large part of the day during the months of Dec.

Comment: It might block the sun out completely during certain times of the year. Having a building so close by would significantly affect property values of Ellesmeer Ave that we

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should be compensated for through a significant drop in property taxes. The building should be pushed to at least 60 meters from the back lots of Ellesmeer Ave properties.

Comment: As a homeowner, I do not wish to have a large building towering over my back garden blocking my sun and view, and subsequently have to stare into homeowners' balconies.

Response: Shadows cast between the spring and fall equinox do not encroach into the rear yards of the abutting properties to the north of the site and would therefore have no impact at all on the enjoyment of these properties during the summer and surrounding seasons when gardening and other outdoor activities are most common. Shadows would traverse across the rear yards of properties to varying extents during the winter months but would not result in adverse impacts which would prevent the normal use of these properties.

Noise

Comment: Noise levels will increase significantly from current levels due to AC units and exhaust fans.

Comment: There will be increased noise.

Comment: The impact on the enjoyment of our backyards by the increased noise level of the pool and terraces especially the roof top terraces with loudspeakers will be considerable and the nighttime lighting of these areas will be invasive. The lighting of the area is already bad enough with the existing businesses.

Comment: feel there will be a significant increase in noise produced by the proposed building. My house lines up directly with the proposed swimming pool. The terraces will overlook my property and they are planning to install loudspeakers.

Comment: The large pool area, with no wall on the north to stop noise from travelling into our backyards is completely unacceptable to us.

Comment: We are also concerned about air conditioner noise and placement of the dumpsters which are noisy when emptied.

Response: Activities during construction and post construction will be required to comply with the requirements of the City's Noise By-Law. At the Official Plan amendment and zoning by-law amendment application stage, a proponent is required to submit a Noise Feasibility Study that provides an assessment as to whether the proposed development will be able to comply with the Ministry of Environment Conservation and Parks' NPC-300 Guidelines in terms of the impacts of transportation noise and stationary noise on the subject site as well as the impact of stationary noise on surrounding sensitive uses.

The applicant has provided the requisite Noise Impact Study and Update to the satisfaction of the City. At the site plan stage, the applicant will need to provide a Detailed Noise Study that

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specifically details the selection of noise generating equipment that the building will require and any necessary on-site mitigation and/or warning clauses that need to be considered for the project to continue to meet the NPC-300 Guidelines.

Construction Noise & Blasting

Comment: Two levels of underground parking means a lot of blasting which potentially could result in large cracks in the foundations of all the homes backing onto this area, not to mention the cracking of interior walls.

Comment: The blasting and the dust generated by this for two levels of underground parking will disrupt our lives for months. The other building at 2274 Princess Street required about two months of blasting, which was loud and there was a lot of vibration.

Comment: The blasting, digging, and removal of trees along the fence line will do irreparable damage to the existing fence, which is close to 20 years old. A new, higher, fence (at least 10 feet) would be reasonable.

Comment: Two levels of underground parking would mean a longer period of very disrupting noise and startling vibration while construction is underway.

Response: The City's Noise By-law restricts the timing of construction activities while Construction practices are regulated by the Ontario Building Code and blasting activities are regulated provincially under O. Reg. 244/97. Any damages resulting from construction practices would be the liability of the offending party, and general liability insurance is a standard practice/requirement for the construction and mortgage industries.

Economic Impact

Comment: Due to shading in the winter, our heating bills will be increased significantly.

Comment: I expect our winter heating cost to increase ten to twenty percent and our resale value to drop up to 100 thousand dollars.

Comment: Properties, especially ones along Ellesmeer Avenue will bear the cost of devaluation due to the crowding of such a massive building.

Comment: When we purchased our homes on Ellesmeer Avenue, this land was zoned, by the city, for low density housing. If the zoning is changed to allow this development, the resale value of houses on the south side of Ellesmeer Avenue will be reduced by a considerable amount.

Response: No evidence indicates that the presence of the building would have a detrimental impact on property values while the impact on property values, whether beneficial or detrimental, do not constitute a consideration in the land use planning process.

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Given that the shadows are largely contained within the subject lands with the exception of the period immediately around the Winter Solstice, where shadows traverse across the rear yards of the properties to the north, it is unlikely that the proposed building would have a meaningful impact on heating costs.

Safety

Comment: All wood construction brings fear of a fire hazard should such an occurrence happen.

Comment: Emergency vehicles Ambulance and Fire go along Princess St. on a daily basis. Princess St. being a main artery for them to get to a lot of other areas. With added traffic & congestion could mean delay in these emergency vehicles, which delay could lead to a life & death situation.

Comment: We didn't see any access roads on the map for emergency vehicles, such as fire trucks, etc. Is this not a requirement?

Response: The City's Building Services and Fire Services departments reviewed the proposed development and found no issue. Standards for fire safety are set out in the *Ontario Building Code Act* and the *Fire Protection and Prevention Act* both of which allow this type of wood frame construction. The 6.7-metre-wide drive aisle serves as a fire access route in the event of an emergency and the building would be developed in accordance with all applicable law.

Application is Premature

Comment: Strongly object to the requested increase in density. There already is an apartment building presently being built by Patry at 2274 Princess Street with fewer units on a bigger piece of land. Because this building is not yet completed, no one knows what the impact will be of this construction regarding traffic, noise, safety, light pollution, privacy, etc. for our community.

Comment: Allowing this amendment should be denied especially until the already approved unit being built has been established and further studies of the effects of that can be analyzed.

Response: The Traffic Impact Study incorporated 2274 Princess Street as well as other recent development in the "Background Developments" and used established methodologies projecting traffic volumes out to 2031. Detailed studies were put forward for consideration as a part of the, then proposed, development at 2274 as similar studies have been put forward for this proposal.

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Colour and design

Comment: The dark colour of the exterior cladding on the bottom 3 storeys emphasizes the immensity of this large structure. Could the developer consider a lighter cladding colour that could be added to the lower floors as well.

Response: This comment has been forwarded to the applicant; however, recent changes to the Planning Act prevent municipalities from regulating building materials and colour through Site Plan Control. Notwithstanding this limitation, due to the presence of the heritage Building there is a requirement for consideration and sensitivity to the compatibility of this built heritage feature. The Heritage Impact Statement addressed façade treatment stating, "The building is divided visually in half between the 3-storey podium which will be clad with brick and will provide a complementary background for the heritage building. The upper 3 floors which will be about 10 meters in height and clad in a cream or taupe smooth-texture stucco. This material will provide a neutral palette reducing the visual impact of the building's height and mass. The main entrance will be enlivened by an entry canopy and heritage style paving stones." Any building design and treatment would be required to be compatible with the heritage building.

Drainage

Comment: I have is that the storm drain that is located in the southwest corner of my backyard is about 4' lower than the subject property which has caused issues for the existing fence.

Response: The site will be regraded, and the development would proceed in accordance with an approved Storm Water Management Plan which would address any standing water deficiencies which may exist on the property currently.

Fencing

Comment: Suitable fencing is required to provide increased security, safety and privacy in a way that is suitably aesthetic.

Comment: Like the site at 2274 Princess St., we would like to have, as a minimum, an attractive taller fence built (8 feet min.) by Patry Inc. and the removal of the standing one done and paid for by his company as well.

Response: The applicant would be installing a 2-metre-wide vegetative barrier as well as a privacy fence to separate the development from the abutting residential area.

Effect of Public Input on Draft By-Law

Through the technical review process and the Public Meeting, the applications have evolved significantly since it was initially submitted. The concerns raised from the public about the compatibility of the proposed development has been considered through and reflected in the

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technical review comments. These comments have been reflected in the changes in built form brought forward by the applicant and supported through additional technical studies.

Elements of built form compatibility that were brought forward by staff and the public have been incorporated into a robust set of regulations in the amending zoning by-law to ensure compatibility, including a height map, landscape buffering requirements and ensuring that the development adheres to a minimum 12 metre rear yard setback.

These regulations in the by-law implement the intended scale of the property and increase compatibility with adjacent land uses, including residential and commercial heritage properties.

Conclusion

The recommended Official Plan and zoning by-law amendment will apply site-specific exceptions to permit the development of an underutilized property in an are which is well serviced by existing amenities facilitating active transportation options and a greater range of housing options. The proposed development affords adequate protection from undue adverse impacts to the stable residential neighbourhood to the north and protects the heritage attributes of the built heritage located on the property.

Through the plans and submitted technical reports, the application has demonstrated that the proposed development will be compatible with surrounding land uses and will address functional needs of residents. The proposal is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

Existing Policy/By-Law:

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

Provincial

Planning Act

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

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Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 607 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on December 3, 2023.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, 28 pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Ian Clendening, Senior Planner, 613-546-4291 extension 3126

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Draft By-Law and Schedule A to Amend the Official Plan
- Exhibit B Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62
- Exhibit C Key Map
- Exhibit D Neighbourhood Context
- Exhibit E Consistency with the Provincial Policy Statement
- Exhibit F Official Plan, Land Use

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- Exhibit G Conformity with the Official Plan
- Exhibit H Zoning By-Law Number 2022-62, Schedules 1, E, and F
- Exhibit I Site Plan and Floor Plans
- Exhibit J Renderings & Solar Analysis
- Exhibit K Site Photographs
- Exhibit L Public Notice Notification Map
- Exhibit M Public Comments

By-Law Number 2023-XXX

A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 88, 2312 Princess Street)

Passed: [Meeting Date]

Whereas a Public Meeting was held regarding this amendment on August 11, 2022 and on December 7, 2023;

Now Therefore the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The City of Kingston Official Plan is hereby amended by the following map change which shall constitute Amendment Number 88 to the Official Plan for the City of Kingston.
 - (a) **Amend** Schedule 'CN-1' Cataraqui North Secondary Plan, of the City of Kingston Official Plan, so as to re-designate a portion the property located at 2312 Princess Street, as shown on Schedule 'A' to By-law Number 2022- ____, from 'Arterial Commercial' to 'Residential'.
2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Policy as Section 10C.3.19.1:

"2312 Princess Street, Schedule CN-1

10C.3.19.1 That lands associated with the existing building designated under Part IV of the Ontario Heritage Act are not subject to the minimum density ranges.
3. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Policy as Section 10C.3.34.1:

"2312 Princess Street, Schedule CN-1

10C.3.34.1 That high density residential development may be located at the northeast corner of Princess Street and Anderson Drive, 2312 Princess Street, subject to the following restrictions:

 - a. The maximum density is 264 dwelling units per net hectare of land.

4. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Planning Services

Schedule 'A' to By-Law Number _____

Address: 2312 Princess Street
File Number: D35-004-2022

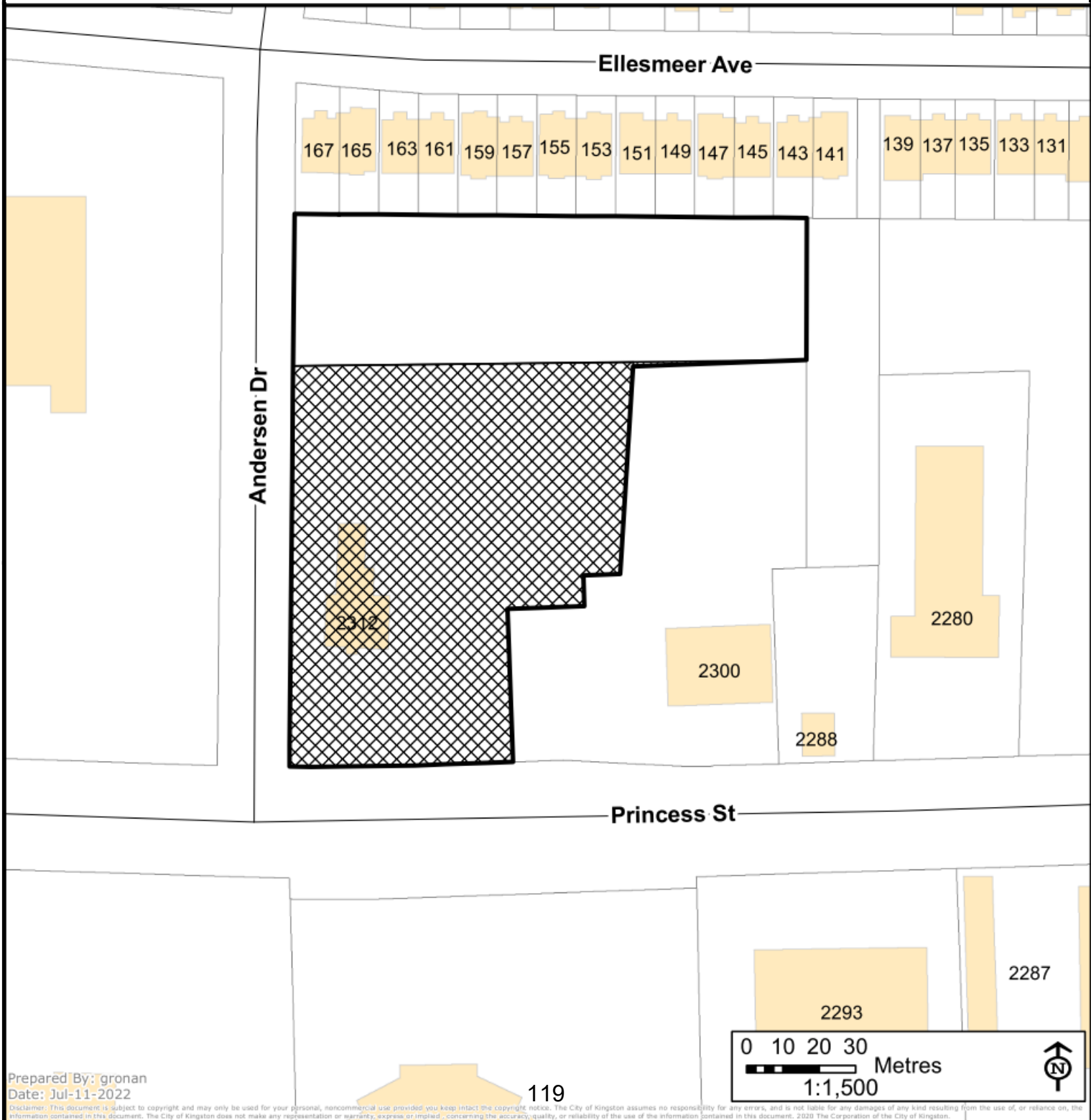
Schedule CN-1 Cataraqui North Neighbourhood Secondary Plan

 Lands to be Re-designated from 'Arterial Commercial' to 'Residential'

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor Clerk



By-Law Number 2023-XX

**A By-Law to Amend By-Law Number 2022-62, “The Kingston Zoning By-law”
(Transfer of Lands into Kingston Zoning By-Law, Introduction of Exception
Numbers E139 and E140, and removal of Holding Overlay H180 (2312 Princess
Street))**

Passed: [Meeting Date]

Whereas the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (the “Kingston Zoning By-Law”);

Whereas the subject lands are identified as “Not Subject to this By-Law” on Schedule 1 of the Kingston Zoning By-Law;

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-Law to incorporate the subject lands into the Kingston Zoning By-Law and to introduce a new exception number and remove a holding overlay;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

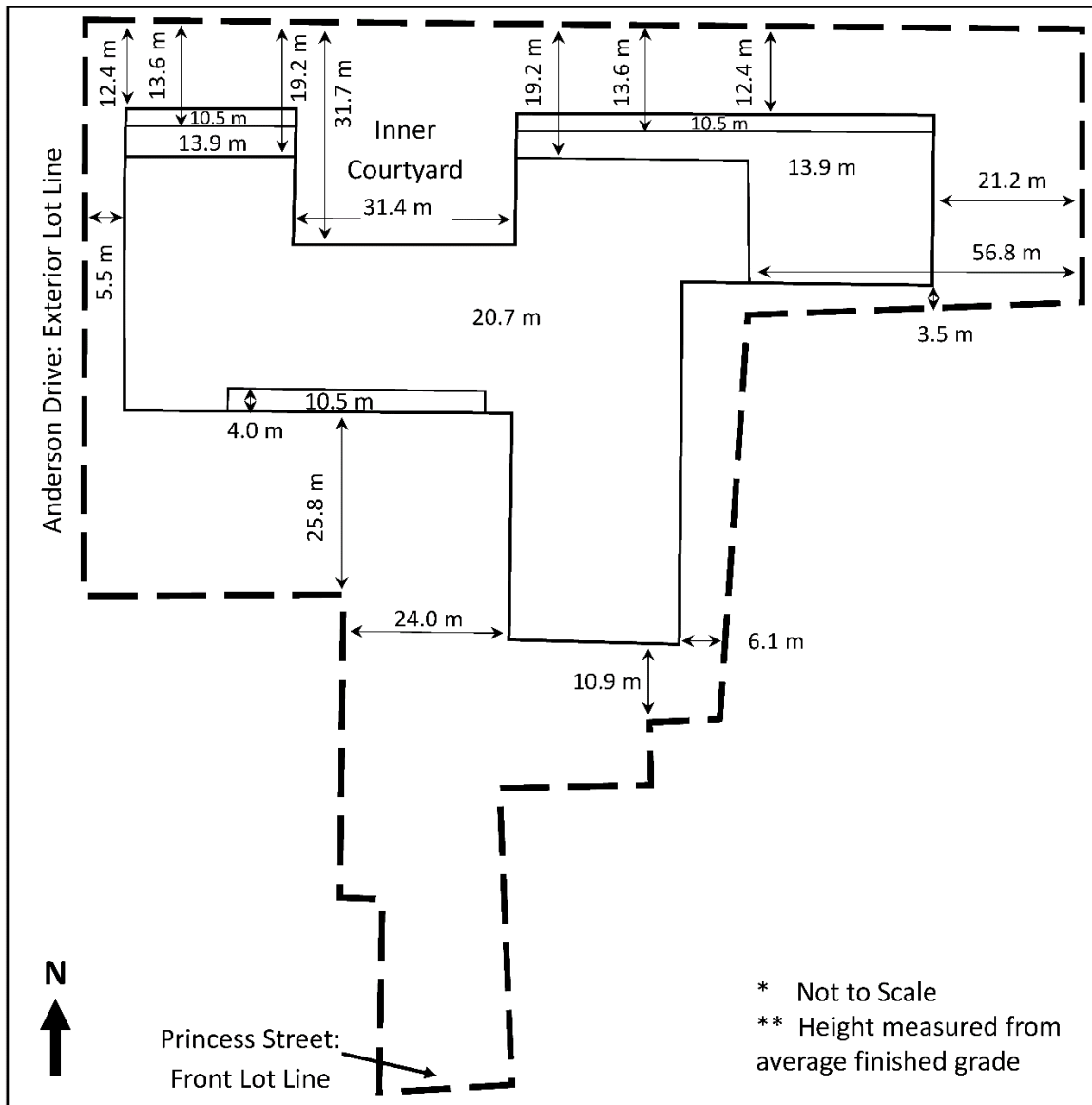
1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-Law Number 2022-62”, is amended as follows:
 - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, and by adding the zone symbols ‘URM2’ and ‘UR3.B’, as shown on Schedule “A” attached to and forming part of this By-Law.

- 1.2. Schedule E – Exception Overlay is amended by adding Exception Number E139 and Exception Number E140, as shown on Schedule “B” attached to and forming part of this By-Law.
- 1.3. Schedule F – Holding Overlay is amended by removing Hold Number ‘H180’, as shown on Schedule “C” attached to and forming part of this By-Law;
- 1.4. By adding the following Exception Number E139 in Section 21 – Exceptions, as follows:

 “E139. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
 - (a) The lands subject to this Exception are considered one **lot** for zoning purposes;
 - (b) The maximum number of **dwelling units** in an **apartment building** is 300;
 - (c) The **front lot line** is the **lot line** dividing the **lot** from Princess Street.
 - (d) The **exterior lot line** is the **lot line** dividing the **lot** from Anderson Drive;
 - (e) The maximum **building heights** are specified on Figure E139, with a maximum 0.5 metre variance on noted dimensions permitted;
 - (f) The **building setbacks** are shown on Figure E139, with a maximum 5% variance on noted dimensions permitted;
 - (g) Maximum percentage of a **main wall** occupied by **balconies** facing an inner courtyard is 46%, facing a **rear lot line** is 30%, and all other **main walls** is 36%;
 - (h) Projecting or recessed **balconies** are not permitted above the second floor when they are within 15 metres of the rear lot line.
 - (i) A minimum 2.0 metre wide **planting strip** must be provided along the **rear lot line**;
 - (j) A privacy **fence** with a minimum height of 2.4 metres must be provided along the **rear lot line**;
 - (k) The fifth floor outdoor **amenity area** must be set back a minimum of 2.0 metres from the buildings north **main wall**;
 - (l) A **driveway** and a **drive aisle** may not be located within 12 metres of the **rear lot line**;

- (m) The minimum **drive aisle** width is 6.0 metres;
- (n) Minimum number of **car-share spaces** is 3;
- (o) Minimum number of **visitor spaces** is 10;
- (p) A maximum of 50 **parking spaces** are permitted to be **parking spaces** for small cars, with a minimum length of 4.8 metres and a minimum width of 2.4 metres, with signage that identifies the space as “small car parking space”;
- (q) Up to 20 **parking spaces** within a **parking structure** may be partially obstructed on one side by a wall or column;
- (r) A maximum of 50 **parking spaces** may be located within a **front setback** or **exterior setback** provided no parking space is closer than 9.0 metres to a front lot line and 15 metres from a rear lot line;
- (s) A **Loading Space** may be located in a **front yard** provided it is not closer than 30 metres to a **front lot line** or **exterior lot line**;
- (t) A minimum of 0.75 **long-term bike spaces** are required per **dwelling unit**;
- (u) **Short-term bike spaces** are not required to be weather-protected.

(v) **Figure E139:**



- 1.5. By adding the following Exception Number E140 to Section 21 – Exceptions as follows
 - (a) The lands subject to this Exception are considered one lot for zoning purposes;
 - (b) Maximum number of **bedrooms** is 12 **bedrooms**;
 - (c) Minimum **rear setback**: 3.5 metres; and
2. The lands shown on Schedule “A” attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-Law and the provisions of City of

Kingston By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, no longer apply to the lands.

3. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor





Planning
Services

Schedule 'A' to By-Law Number

Address: 2312 Princess St
File Number: D35-004-2022

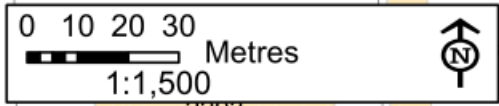
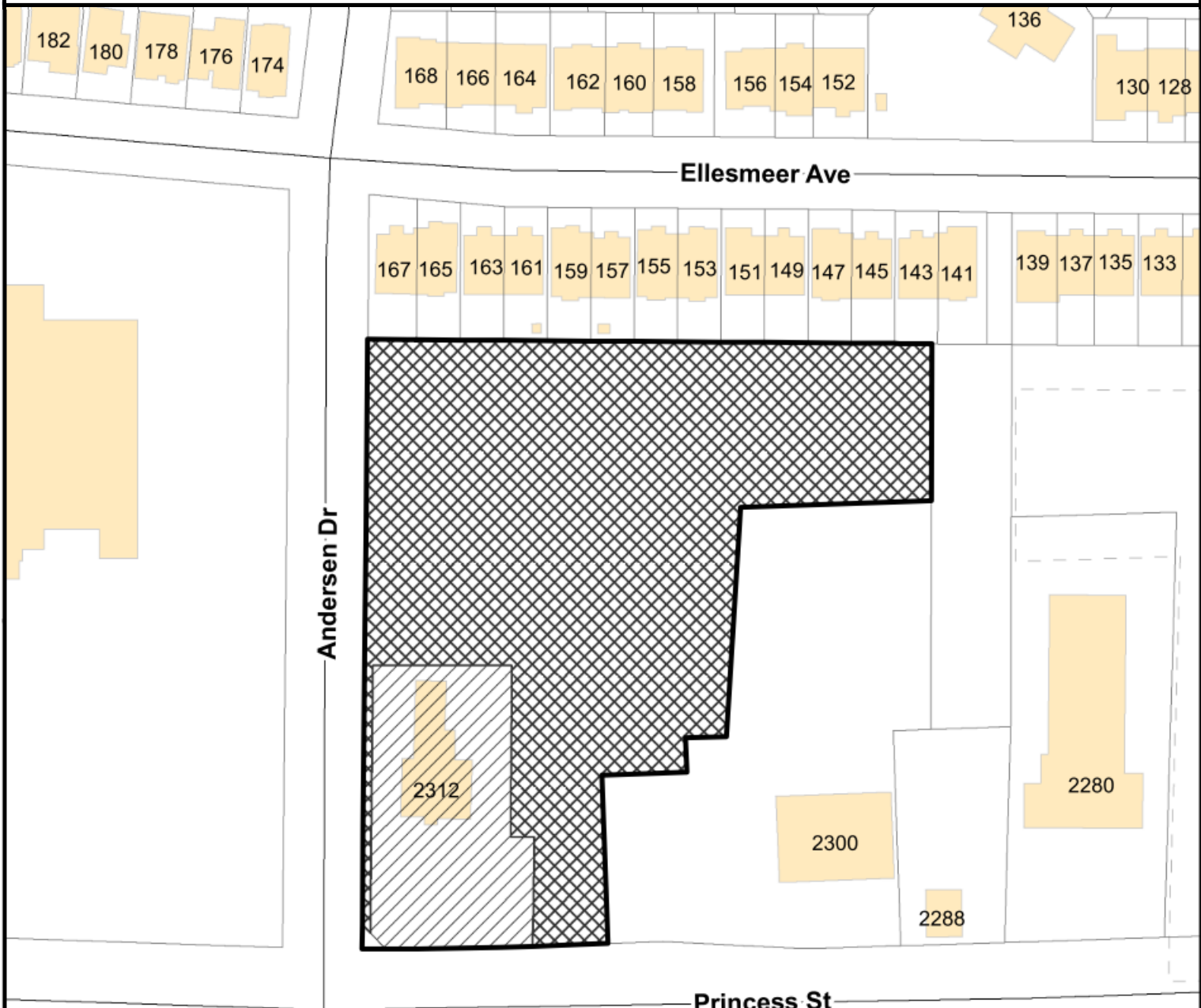
Reference Kingston Zoning By-Law Schedule 1 - Zoning Map

-  Rezoned from Not Subject to this By-law to UR3.B
-  Rezoned from Not Subject to this By-law to URM2

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor Clerk



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Planning Services

Schedule 'B' to By-Law Number

Address: 2312 Princess St
File Number: D35-004-2022

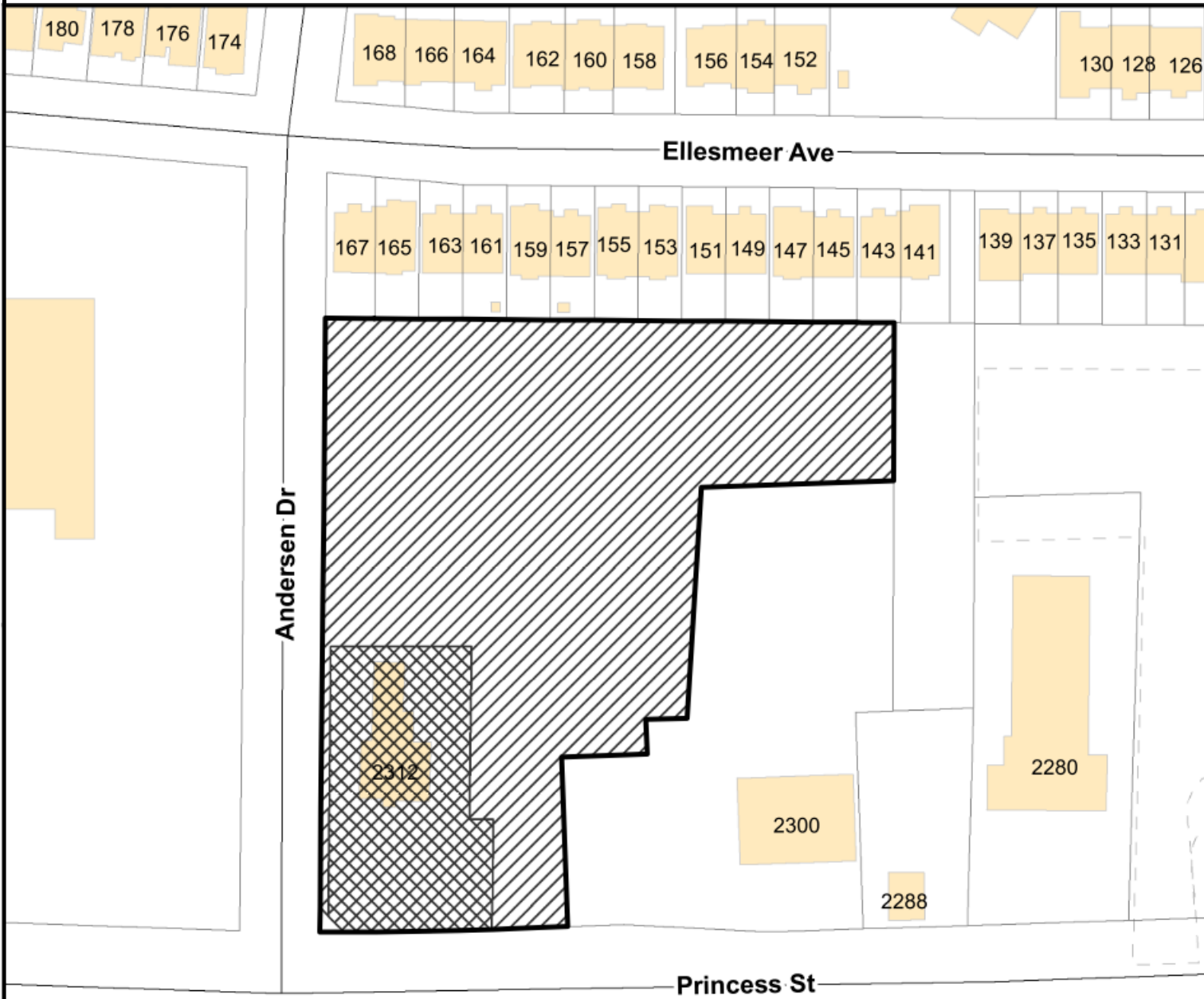
Reference Kingston Zoning By-Law Schedule E - Exception Overlay

-  Lands to be Added as Exception Number E139
-  Lands to be Added as Exception Number E140

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor Clerk



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Schedule 'C'
to By-Law Number _____
Address: 2312 Princess Street
File Number: D35-004-2022

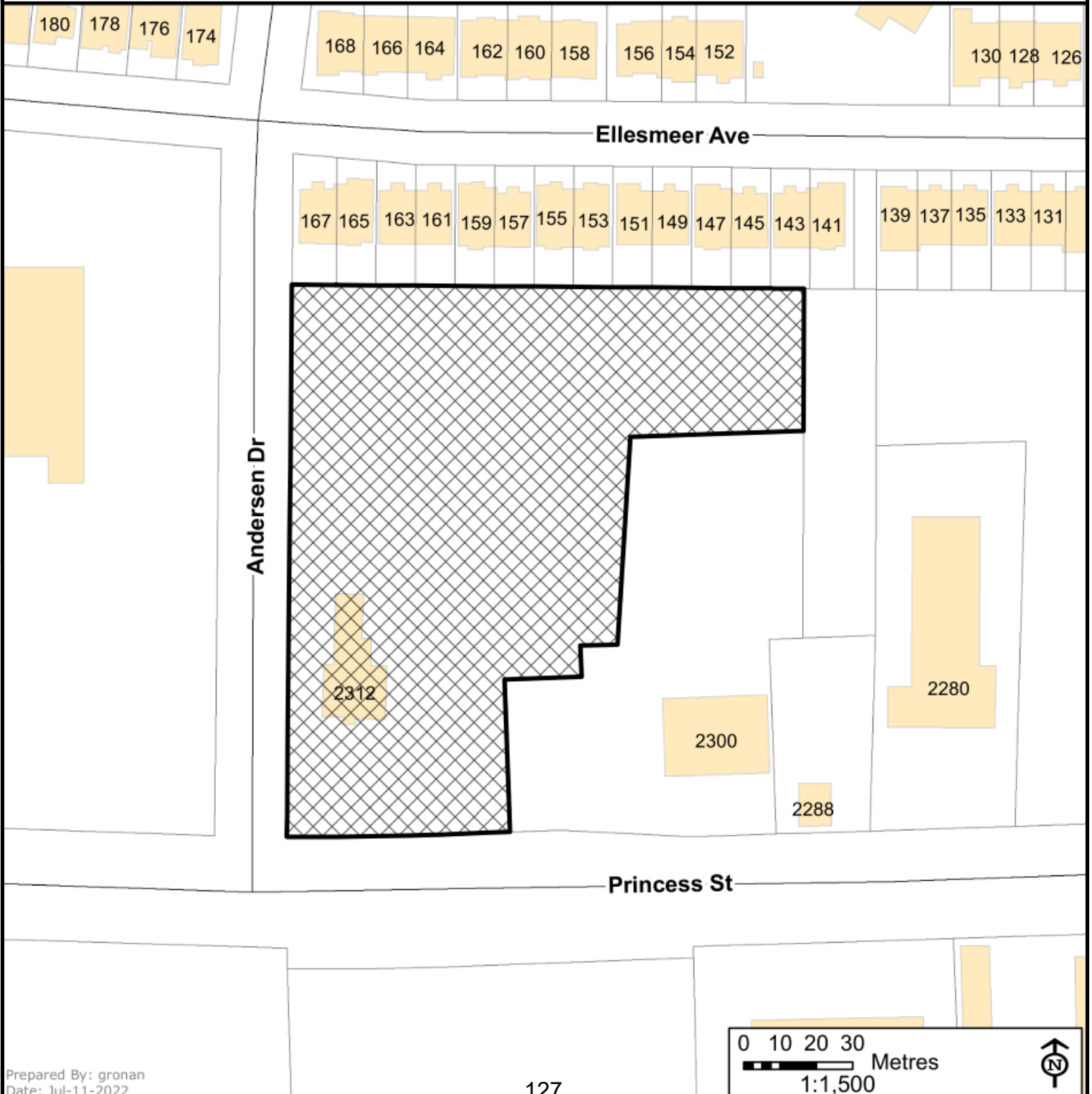
Kingston Zoning By-Law 2022-62
Schedule F - Holding Overlay

Lands to be Removed from Holding Overlay H180

Certificate of Authentication

This is Schedule 'C' to By-Law Number _____, passed this _____ day of _____ 2023.

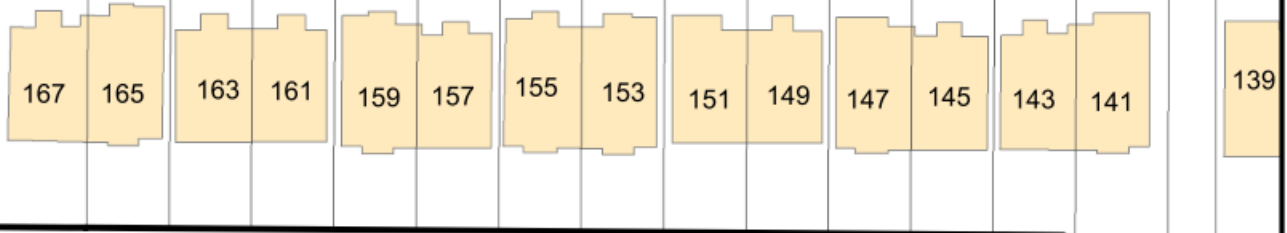
Mayor Clerk



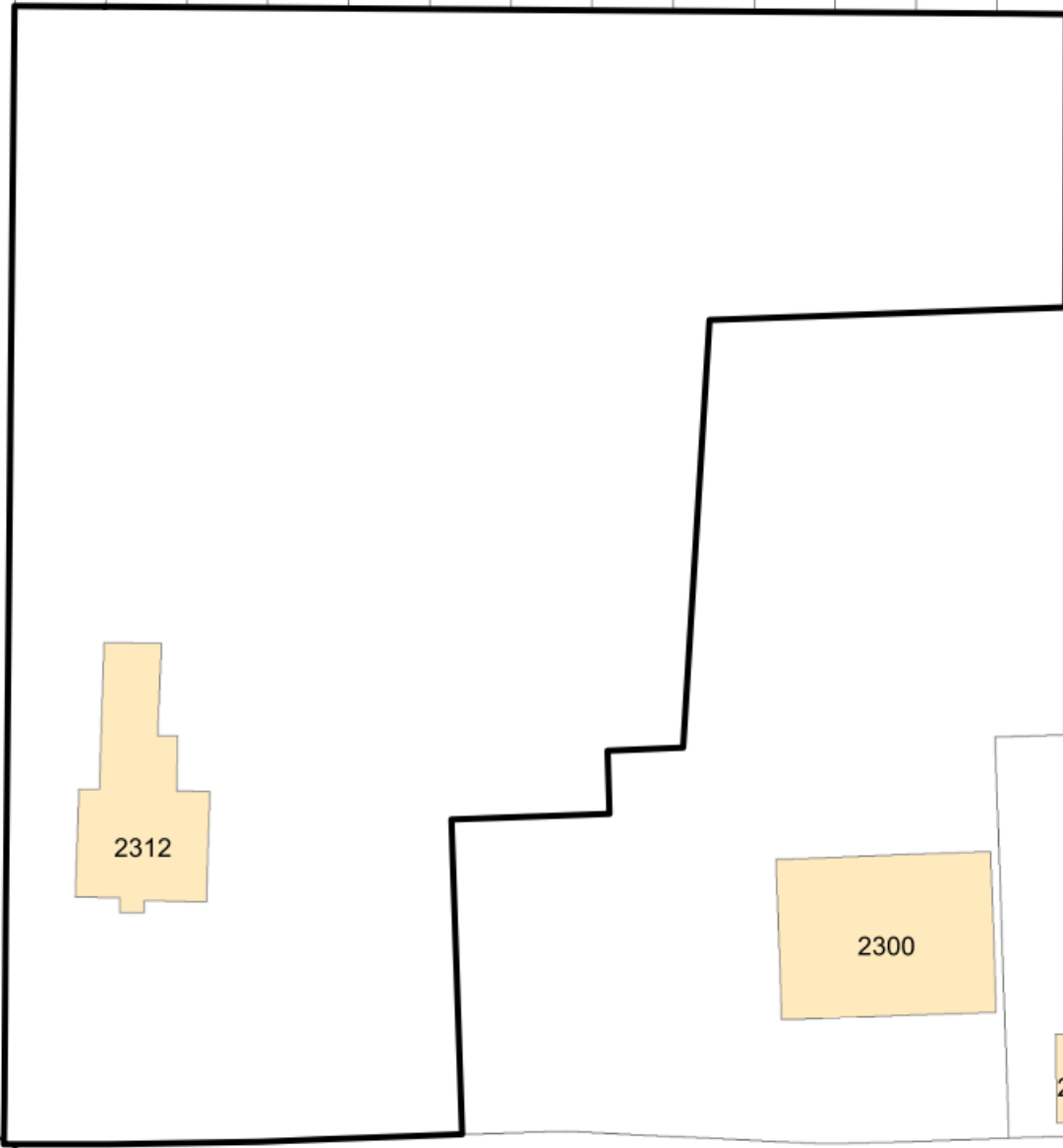


Planning Committee
Key Map
Address: 2312 Princess St
File Number: D35-004-2022

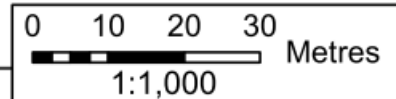
Subject Lands



Andersen Dr



Princess St





Planning Committee
Neighbourhood Context (2021)

Address: 2312 Princess Street
File Number: D35-004-2022

- Subject Lands
- Property Boundaries
- Proposed Parcels



Preliminary List of Applicable Policies of the Provincial Policy Statement

Policies applicable to the subject application include, but are not limited to the following. The application will be evaluated against the applicable policies in a future comprehensive report.

Policy Number	Policy	Category	Conformity with the Policy
1.1.1(a)	<p>Healthy, livable and safe communities are sustained by:</p> <p style="padding-left: 40px;">a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p>	Building Strong Healthy Communities	The proposed development is located on a serviced and underutilized parcel located within the urban boundary. The proposal will use land efficiently to create added residential density within the settlement area of the municipality.
1.1.1(b)	<p style="padding-left: 40px;">b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other</p>	Building Strong Healthy Communities	The proposed development adds to the mix of land uses and mix of housing options within the Princess Street corridor and within the Cataraqui North Secondary Plan area.

Policy Number	Policy	Category	Conformity with the Policy
	uses to meet long-term needs;		
1.1.1(c)	c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;	Building Strong Healthy Communities	The proposed development is not expected to result in any environmental or public health and safety concerns.
1.1.1(d)	d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;	Building Strong Healthy Communities	The proposed development represents an integration of locating residential intensification where it will help to support public investment in transit, infrastructure and helps avoid extending servicing and delays putting pressure on expanding the urban boundary to accommodate residential growth.
1.1.1(e)	e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;	Building Strong Healthy Communities	The proposed development will use existing public service facilities.

Policy Number	Policy	Category	Conformity with the Policy
1.1.1(f)	f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;	Building Strong Healthy Communities	The development will be required to comply with Accessibility for Ontarians with Disabilities Act (AODA) standards for private development, including common indoor and outdoor spaces. In addition, there will be at least 23 barrier free units and with the exception of the vertical clearance for accessible spaces in the parking garage, the accessible parking will be compliant with the applicable zoning regulations.
1.1.1(h)	g) promoting development and land use patterns that conserve biodiversity; and	Building Strong Healthy Communities	Locating the proposed development within the urban boundary on an arterial road and on lands designated for residential development alleviates pressures to expand the urban boundary outward into the rural area of the City and therefore will help to preserve overall biodiversity.
1.1.1(i)	h) preparing for the regional and local impacts of a changing climate.	Building Strong Healthy Communities	The proposed development supports efforts to combat the changing climate regionally and locally by developing in a high density, compact form, resulting in less land consumption when compared to lower density built form.

Policy Number	Policy	Category	Conformity with the Policy
1.1.3.1	Settlement areas shall be the focus of growth and development.	Settlement Areas	The proposed development that seeks to add 303 residential units to the City's housing stock is located within the urban boundary of the municipality, which is equivalent to the definition of settlement area in the PPS. The development is proposed on a serviced, underutilized property in an area where intensification is promoted by the City's land use planning documents. The site is located in proximity to commercial amenities and public transit.
1.1.3.2(a)	Land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources;	Settlement Areas	The proposed development is a compact, high density form that makes efficient use of land. It is appropriate for the infrastructure and public service facilities that are already available.
1.1.3.2(b)	b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;	Settlement Areas	The site does not require the expansion of any municipal services and makes more economical use of the City's linear infrastructure.
	c) minimize negative impacts to air quality and climate change, and	Settlement Areas	The higher density and transit oriented nature of the development will prevent the outward expansion of the City while

Policy Number	Policy	Category	Conformity with the Policy
	promote energy efficiency;		simultaneously reducing greenhouse gas emissions otherwise associated with longer and car oriented commuting patterns.
	d) prepare for the impacts of a changing climate;	Settlement Areas	See 1.1.3.2(c)
	e) support active transportation;	Settlement Areas	The characteristics of the proposed development, its location and context provide support for existing transit service
	f) are transit-supportive, where transit is planned, exists or may be developed;	Settlement Areas	The higher density development on an existing transit corridor represents transit supportive development
1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.	Settlement Areas	The proposed development is located within the urban boundary adjacent to an arterial road where there is access to multiple transit routes, including express transit. Adding 303 rental housing units to this parcel of land through intensification and with a reduced provision of off-street parking is a transit-supportive development. The proposed development will make use of existing available infrastructure and public service facilities, with sanitary servicing capacity provided through an active capital works project to

Policy Number	Policy	Category	Conformity with the Policy
			upgrade the Days Road pumping station.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	Settlement Areas	The recommended zoning standards for this site promote intensification in a compact form. There are no known risks to public health and safety resulting from the subject applications.
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.	Settlement Areas	The City, through its Official Plan, has established a minimum intensification target within the urban boundary, whereby a minimum of 40% of residential development is to occur through intensification. The proposed development will contribute to the City's efforts to achieve this target.
1.4.1(b)	To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall: b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential	Housing	The proposed development will assist the City by adding to the range and mix of housing options and its ability to accommodate residential growth through intensification on serviced lands.

Policy Number	Policy	Category	Conformity with the Policy
	units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.		
1.4.3(b)	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:</p> <ul style="list-style-type: none"> b) permitting and facilitating: <ul style="list-style-type: none"> 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; 2. all types of residential intensification, 	Housing	<p>The Official Plan has established a target that 25% of all new housing meet the Plan’s definition of affordable housing. At this time, it is not known if any of the dwelling units within the building will meet the definition of affordable housing, however the development is expected to contribute to the goal of providing an appropriate range and mix of housing within the urban boundary and to provide additional tenure of residential units within the Cataraqui North Secondary Plan Area to meet the social, health, economic and well-being requirements of current and future residents.</p>

Policy Number	Policy	Category	Conformity with the Policy
	including additional residential units, and redevelopment in accordance with policy 1.1.3.3;		
1.4.3(c)	c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;	Housing	The subject property is located within the urban boundary, on an arterial road and in an area where infrastructure and public service facilities are available.
1.4.3(d)	d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;	Housing	The proposed density of the development within the proposed built form of an apartment building is an appropriate form of intensification for its location and will efficiently use land, infrastructure and will support active transportation and the use of public transit.
1.4.3(e)	e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit,	Housing	The proposed development is located adjacent to many transit routes, including express transit.

Policy Number	Policy	Category	Conformity with the Policy
	including corridors and stations; and		
1.4.3(f)	f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.	Housing	The recommended site specific zoning for the site facilitates a compact form of development, while maintaining appropriate considerations for health and safety.
1.6.3(a)	<p>Before consideration is given to developing new infrastructure and public service facilities:</p> <p>a) the use of existing infrastructure and public service facilities should be optimized;</p>	Infrastructure and Public Service Facilities	The proposed development is located in the serviced urban boundary where existing water, road infrastructure and public service facilities are available.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services,	Sewage, Water and Stormwater	The proposed development is a residential intensification project located within the municipally serviced urban boundary of the municipality.

Policy Number	Policy	Category	Conformity with the Policy
	intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.		
1.6.6.7(a)	<p>Planning for stormwater management shall:</p> <p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</p>	Sewage, Water and Stormwater	The proposed stormwater management for the development incorporates both quantity and quality controls to ensure the control and filtering of contaminants as well as overall health and safety. The site provides 40% of the site as open space which helps in terms of maximizing vegetative and pervious surfaces for the site.
1.6.6.7(b)	b) minimize, or, where possible, prevent increases in contaminant loads;	Sewage, Water and Stormwater	Storm water management controls will be implemented in accordance with Provincial and Municipal standards.
1.6.6.7(c)	c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;	Sewage, Water and Stormwater	See 1.6.6.7(a)
1.6.6.7(d)	d) mitigate risks to human health,	Sewage, Water and Stormwater	There are no anticipated effects to safety or the environment.

Policy Number	Policy	Category	Conformity with the Policy
	safety, property and the environment;		
1.6.6.7(e)	e) maximize the extent and function of vegetative and pervious surfaces; and	Sewage, Water and Stormwater	See 1.6.6.7(a)
1.6.6.7(f)	f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.	Sewage, Water and Stormwater	See 1.6.6.7(a)
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	Transportation Systems	The development is proposed to make use of the existing road network.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	Transportation Systems	The proposed high density use is located on an arterial road, within walking distance of public transit stops and commercial, employment, recreational and institutional uses and amenities. The provision of off-street vehicular parking is proposed to be reduced and the recommended zoning includes bicycle parking for residents and visitors. All of these factors are supportive of the use of other modes of travel and

Policy Number	Policy	Category	Conformity with the Policy
			reducing the length and number of vehicle trips to and from the site.
1.7.1(a)	<p>Long-term economic prosperity should be supported by:</p> <ul style="list-style-type: none"> a) promoting opportunities for economic development and community investment-readiness; b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce; c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities; d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets; e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features 	Long-Term Economic Prosperity	<p>The proposed development responds to market based needs and adds to the range of available housing options for the workforce by adding 300 1 and 2 bedroom rental units. The proposed development will contribute to the sense of community and sense of place within the Cataraqui North neighbourhood through a compact design. The design of the building and mitigation of adverse effects has been evaluated through the lens of a Heritage Impact Statement that has been reviewed to the satisfaction of Heritage Services staff. The proposed intensification project helps to add residential density to an underutilized property adjacent to transit and amenities and within the urban boundary, which is positive from a climate change perspective as it avoids the consumption of additional lands beyond the urban boundary to accommodate growth and locates growth in an area where trips can be made easily without a car.</p>

Policy Number	Policy	Category	Conformity with the Policy
	<p>that help define character, including built heritage resources and cultural heritage landscapes;</p> <p>f) promoting the redevelopment of brownfield sites;</p> <p>g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;</p> <p>h) providing opportunities for sustainable tourism development;</p> <p>i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network;</p>		

Policy Number	Policy	Category	Conformity with the Policy
	<ul style="list-style-type: none"> j) promoting energy conservation and providing opportunities for increased energy supply; k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and l) encouraging efficient and coordinated communications and telecommunications infrastructure. 		
1.8.1(a)	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment (including 	Energy Conservation, Air Quality and Climate Change	The proposed development responds to the policies in the Official Plan regarding nodes and corridors by proposing a high density residential land use within an identified intensification corridor.

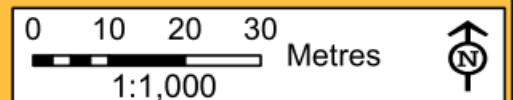
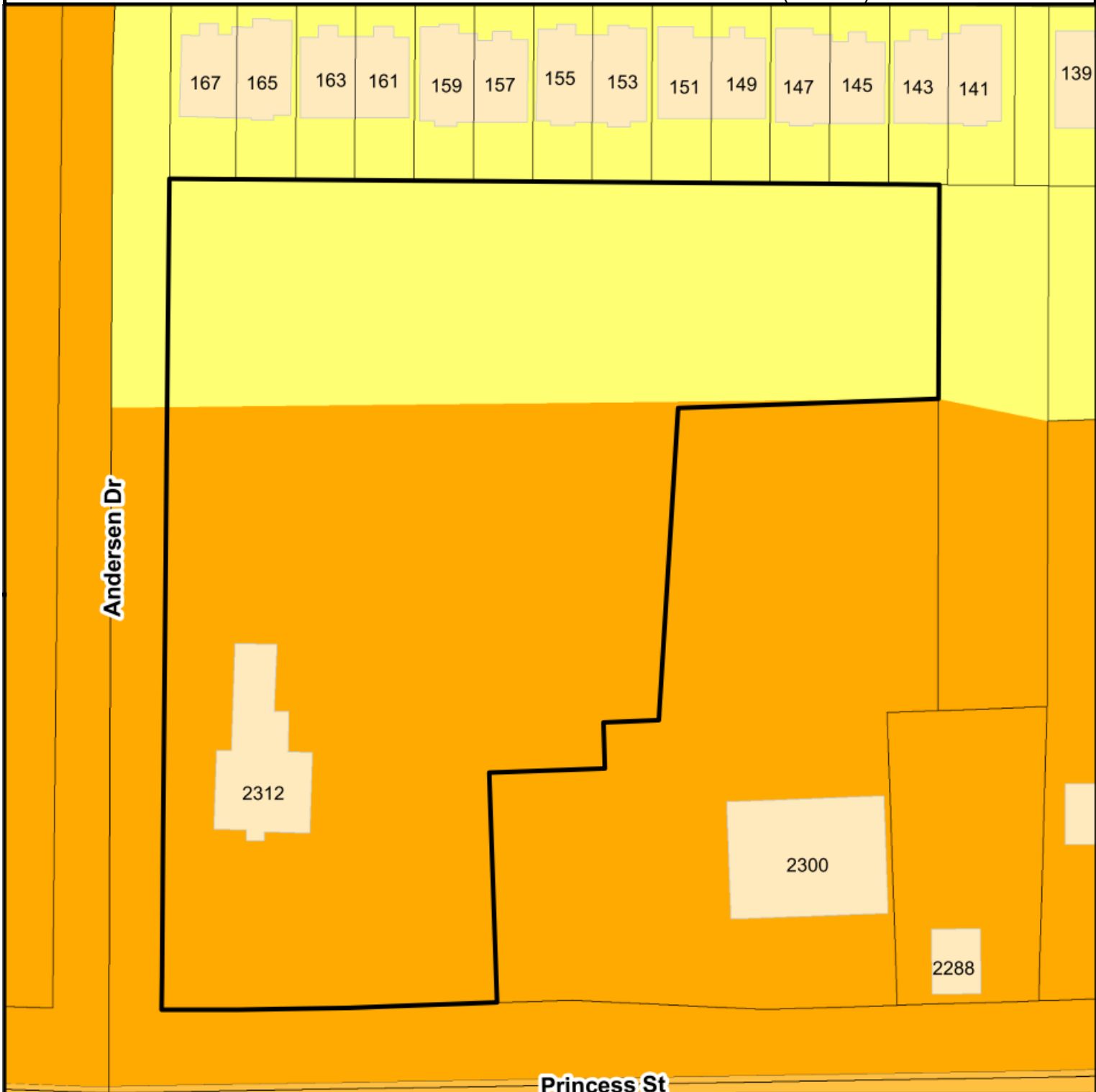
Policy Number	Policy	Category	Conformity with the Policy
	<p>commercial and industrial) and institutional uses and other areas;</p> <p>c) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;</p> <p>d) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and</p> <p>e) maximize vegetation within settlement areas, where feasible.</p>		
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	Cultural Heritage and Archaeology	The Heritage Impact Study has confirmed that the setback of the apartment building and the use of step backs create a built form which is compatible with the built heritage resource.
2.6.2	Development and site alteration shall not be permitted on lands containing archaeological resources or areas of	Cultural Heritage and Archaeology	The site has been cleared of Archaeological Potential

Policy Number	Policy	Category	Conformity with the Policy
	archaeological potential unless significant archaeological resources have been conserved.		
2.6.3	Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.	Cultural Heritage and Archaeology	See 2.6.2



Planning Committee
Official Plan, Land Use
Address: 2312 Princess St
File Number: D35-004-2022

- Subject Lands
- ARTERIAL COMMERCIAL(CNNSP)
- RESIDENTIAL (CNNSP)
- ARTERIAL COMMERCIAL
- CATARAQUI NORTH
NEIGHBOURHOOD SECONDARY
PLAN (CNNSP)



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Preliminary List of Applicable Official Plan Policies

Policies applicable to the subject application include, but are not limited to the following. The application will be evaluated against the applicable policies in a future comprehensive report.

Section	Policy	Category	Conformity with the Policy
2.1.1(a)	<p>Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <p>a. appropriate (minimum) densities;</p>	Sustainable Development	<p>The proposed development represents an appropriate high density development in relation to its surrounding context and the strategic policy direction in the Official Plan regarding growth management. The subject property is on full municipal services, on an Arterial Road and having access to numerous surrounding amenities.</p>
2.1.1(b)	<p>b. land use patterns that foster transit and active transportation;</p>	Sustainable Development	<p>The proposed developments is surrounded by commercial amenities including a grocery store immediately opposite the site and places additional residential units adjacent to bus stops which service a variety of express (501 & 502) and regular (7 & 4) transit service.</p> <p>Sidewalks flank both sides of Princess Street and the west side of Anderson Drive which provides pedestrian linkage to Chadwick Parkette approximately 240 metres north.</p>

Section	Policy	Category	Conformity with the Policy
			Dedicated bike lanes provide additional active transportation options slightly further from the site in the form of the east-west corridor along Taylor Kidd Boulevard and the north-south corridor along Centennial Drive. While in the immediate area, it is planned that Princess Street will form a 'Spine Route' as outlined in the City's Active Transportation Master Plan.
2.1.1(e)	e. direction of new development and key land uses to areas where they can best result in sustainable practices;	Sustainable Development	The site is located within walking distance of a wide array of commercial needs including that of a grocery store which
2.1.1(g)	g. maximized use of investments in infrastructure and public amenities;	Sustainable Development	The higher density development maximizes the City's investment in infrastructure and public amenities by allocating a greater number of residential units to the same amount of linear infrastructure.
2.1.1(h)	h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use;	Sustainable Development	The proposed development makes effective use of an underutilized parcel of land with full municipal services bringing additional investment into this area as well as residents who will

Section	Policy	Category	Conformity with the Policy
			ultimately procure items and services from the surrounding shops.
2.1.1(k)	k. climate positive development;	Sustainable Development	<p>Storm water is managed on site and the site makes use of underground parking thereby limiting the amount of impermeable surfaces.</p> <p>The development is located on transit service and in an area with a number of commercial amenities reducing the reliance on the private automobile.</p>
2.1.1(l)	l. promotion of green infrastructure to complement infrastructure;	Sustainable Development	The development intends to use natural vegetation to provide an additional visual buffer between the apartment building and the residential neighbourhood to the north.
2.1.1(m)	m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7	Sustainable Development	The proposed development adds to the mix of land uses within the area including the provision of rental units in a variety of bedroom configurations.

Section	Policy	Category	Conformity with the Policy
2.1.4(e)	<p>In reviewing development applications, the City will promote sustainability through:</p> <ul style="list-style-type: none"> e. practices that conserve or recycle materials, energy, or other resources; 	Sustainable Development	<p>The development makes use of an existing heritage building on the property which is to be repurposed for residential use thereby reducing the amount of green house gas emission which generally go along with new construction.</p> <p>Additionally, a vegetative barrier consisting of trees are intended to form a visual barrier along the north lot line which serves an additional benefit of reducing carbon dioxide from the atmosphere.</p>
2.1.1(g)	<p>Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> g. maximized use of investments in infrastructure and public amenities; 	Sustainable Development	<p>The site is located within the Urban Boundary and is serviced by a high degree of infrastructure and public amenities including transit service, roads, sidewalks etc. which would be more effectively utilized through the added intensification.</p>
2.1.1(i)	<ul style="list-style-type: none"> i. parks that are planned to be accessed by urban residents within a ten-minute walk and situated in locations that lessen the need for pedestrians to cross an arterial road or major highway; 	Sustainable Development	<p>The site is within 800 metres distance (approximately 10 minutes walking distance) from a number of parks including Chadwick Parkette; Augusta Common West Park; and, Bert Meunier Common all of which can</p>

Section	Policy	Category	Conformity with the Policy
			be accessed without crossing an arterial or major highway.
2.1.1(k)	k. climate positive development;	Sustainable Development	Higher density development located in close proximity to transit offerings is generally perceived as climate positive.
2.1.4(l)	l. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;	Sustainable Development	The more intensive use of the City's linear infrastructure will reduce the cost of the service.
2.1.4(m)	m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7;	Sustainable Development	The development proposes rental units in a variety of configurations which will aid in the mix of land uses.
2.2.4	The Urban Boundary shown by the dashed line on Schedule 2 has been established to recognize the substantially built up areas of the City where major sewer, water and transportation infrastructure has been planned. The land within	City Structure	The subject lands are located within the Urban Boundary and the development would help achieve the City's objective of directing growth to within this area.

Section	Policy	Category	Conformity with the Policy
	<p>the Urban Boundary will be the focus of growth and development in the City and contains sufficient land to accommodate the projected growth for a planning horizon of 2036. The Area Specific Phasing area within the Urban Boundary is subject to site-specific urban growth management policies. The Special Planning Area sites are also within the Urban Boundary and are now committed to a substantial land use but could accommodate future growth.</p>		
2.2.5	<p>Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor development (i.e., that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community</p>	City Structure	<p>Portions of the subject lands are located with the City's Housing Districts. As outlined throughout the proposed development does not compromise the stability of the surrounding area and demonstrates its compatibility with the surrounding built form of the neighbourhood in which the site is located.</p>

Section	Policy	Category	Conformity with the Policy
	facilities and commercial uses.		
2.4.1(a)	<p>The City supports sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to:</p> <p>a. reduce infrastructure and public facility costs;</p>	Phasing of Growth	The development proposes a density of 209 units per hectare which makes efficient use of the City's linear infrastructure such as water and wastewater pipes and road network. The density proposed is located on multiple existing transit routes and would aid in making this service more viable.
2.4.1(b)	<p>b. reduce energy consumption and greenhouse gas emissions;</p>	Phasing of Growth	The proposed wood frame construction is less resource intensive than steel or concrete building and provides housing in a form which is transit supportive thereby allowing for ongoing reduction in greenhouse gas emissions through a greater share of public transit use.
2.4.1(c)	<p>c. support active transportation and viable public transit;</p>	Phasing of Growth	See 2.4.1(a) and (b)
2.4.1(d)	<p>d. conserve agriculture and natural resources within the City; and</p>	Phasing of Growth	The higher density development prevents the undue sprawl of lower density housing further into the natural and agricultural areas.
2.4.1(e)	<p>e. reduce reliance on private vehicles.</p>	Phasing of Growth	The proposed development provides

Section	Policy	Category	Conformity with the Policy
			<p>ample bike infrastructure and is transit supportive.</p> <p>The location in close proximity to grocery and other daily needs will allow a greater share of the residents to make use of active transportation and reduce their reliance on private vehicles.</p>
2.4.4(b)	<p>New residential development and new secondary plans are subject to the following policies and minimum densities:</p> <ul style="list-style-type: none"> a. for large-scale developments and greenfield areas, a minimum of 37.5 residential units per net hectare is established for new residential development in order to be transit supportive; 	Phasing of Growth	The development achieves this minimum and supports transit oriented development.
2.6.1.	It is the intent of this Plan to promote development in areas where change is desired while protecting stable areas from incompatible development or types of development and rates of change that may be destabilizing.	Protecting Stable Areas	The subject property has frontage on Princess Street, an arterial road and is located on the periphery of a residential neighbourhood. The proposed development has been designed to be compatible with its surroundings and is not expected to destabilize the surrounding neighbourhood. The

Section	Policy	Category	Conformity with the Policy
			proposed development is anticipated and desired in this location along the Princess Street Corridor, on the edge of a neighbourhood, in a walkable area that is close to amenities and transit.
2.7.1.	Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.	Land Use Compatibility Principles	The proposed form, function and use are compatible with surrounding land uses. Potential adverse effects that were identified early on in the technical review process have been adequately addressed through a number of mitigation measures that resulted in a refined design.
2.7.2	The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.	Land Use Compatibility Principles	The applications have demonstrated that the proposed development is not expected to negatively impact the character, planned function and/or ecological integrity of the area and the health and safety of humans. A separate land use compatibility study is not required for the subject applications.

Section	Policy	Category	Conformity with the Policy
2.7.3(a)	<p>The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>a. shadowing;</p>	Land Use Compatibility Principles	<p>A revised Solar Analysis reflecting the updated which have increased the setbacks and removed much of the fifth and sixth storey massing from the far east side of the building. The resultant shadows have no impact on the abutting northern properties between the spring and fall equinoxes as shadows do not project into the rear yards during the times when outdoor enjoyment of backyard spaces is at its highest (e.g., gardening, barbequing, active/passive recreation, etc.). Towards the winter solstice when the sun-angle is at its lowest, shadowing begins to traverse across the rear yards to varying degrees but would not have an undue adverse impact.</p>
2.7.3(b)	<p>b. loss of privacy due to intrusive overlook;</p>	Land Use Compatibility Principles	<p>Balconies have been removed along the north wall of the building above the second storey while a fence and vegetative buffer further mitigate any impact. The fifth floor terrace has been reoriented towards the east while a garden feature has been added to the northern edge.</p>

Section	Policy	Category	Conformity with the Policy
2.7.3(c)	c. increased levels of light pollution, noise, odour, dust or vibration;	Land Use Compatibility Principles	<p>Adverse effects due to the generation of odour, dust, light pollution or noise are not anticipated to result from the proposed development. A lighting plan will be required at the time of site plan control to ensure that there are no adverse impacts with respect to lights spilling over onto any adjacent residential properties.</p> <p>A noise study has been prepared to the satisfaction of the City and a Detailed Noise Study will be required at the site plan control stage to ensure that the proposed development implements any necessary on-site mitigation to meets the Ministry of Environment Conservation and Parks NPC-300 Guidelines for both the residents of the building and adjacent sensitive uses.</p>
2.7.3(d)	d. increased and uncomfortable wind speed;	Land Use Compatibility Principles	The proposed development is not anticipated to result in any increased or uncomfortable wind speeds.
2.7.3(e)	e. increased level of traffic that can disrupt the intended function or amenity of a use	Land Use Compatibility Principles	The proposed development is not anticipated to create an increased level of traffic

Section	Policy	Category	Conformity with the Policy
	<p>or area or cause a decrease in the functionality of active transportation or transit;</p>		<p>that would disrupt the function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit.</p> <p>A Traffic Impact Study was submitted in support of the application. The conclusion of the reports is that the existing road network can accommodate the increase in traffic that would be generated by the development.</p>
2.7.3(f)	<p>f. environmental damage or degradation;</p>	<p>Land Use Compatibility Principles</p>	<p>The site does not have any environmentally sensitive areas, and where trees are lost through the development, they would be compensated for through the City's Trees By-law, including through the provision of a treed barrier affording a greater separation between the development and the lots further north.</p>
2.7.3(g)	<p>g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</p>	<p>Land Use Compatibility Principles</p>	<p>Diminished service levels are not anticipated to occur as a result of the proposed development. The development will make efficient use of the existing available water and road infrastructure and will have sanitary capacity.</p>

Section	Policy	Category	Conformity with the Policy
2.7.3(h)	h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;	Land Use Compatibility Principles	<p>The proposed development is not anticipated to result in the reduction of residents adjacent to the subject property from being able to enjoy their properties. The Solar Analysis demonstrates that shadows do not encroach onto the abutting properties between the spring and fall equinox when outdoor activities are the most common.</p> <p>A Heritage Impact Study has been submitted which confirms that the proposed apartment building would compliment the built heritage feature through a 30 metre setback and building step back features which act to frame the heritage building.</p>
2.7.3(i)	i. visual intrusion that disrupts the streetscape or buildings;	Land Use Compatibility Principles	<p>The step-backs to the rear of the building maintain a near 45 degree angular plane to the rear property line aiding in the transition between the six-storey building to the three-storey base and the two storey residences further north.</p> <p>The building fills in a vacant and underutilized part of the site with a compatible built form that</p>

Section	Policy	Category	Conformity with the Policy
			transitions to both the heritage structure and the neighbourhood to the north.
2.7.3(j)	j. degradation of cultural heritage resources;	Land Use Compatibility Principles	The Heritage Impact Study has confirmed the development is compatible with the heritage building.
2.7.3(k)	k. architectural incompatibility in terms of scale, style, massing and colour; or,	Land Use Compatibility Principles	The development is similar in form to a five storey building further east along Princess Street while the site integrates with the residential area to the north through step-backs and setbacks. See also 2.7.3.(i)
2.7.3(l)	l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.	Land Use Compatibility Principles	See 2.7.3(j)
2.7.6(a)	Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that	Land Use Compatibility Principles	The proposed density is 209 dwelling units per net hectare, which is a level of intensification that is supported by the site's location along an intensification corridor, in proximity to employment, commercial, recreational and institutional uses and also near public transit. The scale and massing are appropriate for the property on which the

Section	Policy	Category	Conformity with the Policy
	<p>the functional needs of the occupants or users will be met by providing:</p> <p style="padding-left: 40px;">a. suitable scale, massing and density in relation to existing built fabric;</p>		<p>development is proposed in that appropriate transition features such as step backs and buffers are used to separate the surrounding uses.</p>
2.7.6(b)	<p style="padding-left: 40px;">b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program;</p>	Land Use Compatibility Principles	<p>A vegetative buffer is proposed along the north lot line while green space and amenity area are afforded throughout the building and upon the lot.</p> <p>A total of 40% of the lot is to remain as greenspace which is predominantly located at the northern end of the site.</p>
2.7.6(c)	<p style="padding-left: 40px;">c. adequate land area and appropriate site configuration or provision for land assembly, as required;</p>	Land Use Compatibility Principles	<p>The site makes use of an irregularly shaped lot, but accommodates sufficient space for amenity and parking area.</p>
2.7.6(d)	<p style="padding-left: 40px;">d. efficient use of municipal services, including transit;</p>	Land Use Compatibility Principles	<p>The proposed development does not require the expansion of any services, and allows for a more cost effective form of delivery of existing services.</p>
2.7.6(e)	<p style="padding-left: 40px;">e. appropriate infill of vacant or under-utilized land; and,</p>	Land Use Compatibility Principles	<p>The majority of the site has remained vacant and the proposed development makes efficient use of the site.</p>

Section	Policy	Category	Conformity with the Policy
2.7.6(f)	f. clearly defined and safe: <ul style="list-style-type: none"> • site access; • pedestrian access to the building and parking spaces; • amenity areas; • building entry; and, • parking and secure and appropriate bicycle facilities. 	Land Use Compatibility Principles	The proposed configuration makes appropriate accommodation for amenity areas and allows for site access, and building entry and parking consistent with the principles of CPTED (Crime Prevention Through Environmental Design)
2.8.5	Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the natural heritage system. Its quantity will be required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer infrastructure exists in the City.	Protection of Resources	Through the development of the site, existing standing water issues would be resolved through the implementation of a Storm Water Management Plan which would coincide with the development.
4.6.3	The reconstruction of existing roads and the construction of new roads within settlement areas are to include safe, convenient and accessible pedestrian facilities, such as sidewalks, corner ramps, pedestrian signals and crosswalks of universal design. The enhancement of roadways, sidewalks, sidewalk safety barriers,	Transportation	Pedestrian and street linkages are enhanced in this transit oriented site through the implementation of sidewalks and the separation and delineation of the existing driveway which flanks the neighbouring property.

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	and transit facilities to maximize mobility and access for all will be required in all construction and reconstruction projects.		
7.4.1	The Archaeological Master Plan is intended to manage archaeological resources in the City and provide policy direction in assessing areas of archaeological potential.	Archaeological Resource Conservation	The site has been cleared of Archaeological Potential.
8.4	<p>Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:</p> <p>a. providing for age-friendly needs and the requirements of people with disabilities, and others requiring access supports through improved amenities such as parking, benches, and washrooms, clear signage, visual or auditory indicators, and other means as appropriate;</p> <p>b. improving public security through enhanced lighting, visibility of public areas, provision of entrance locations in well-traveled</p>	Urban Design - Accessibility and Safety	The proposal will be designed to meet minimum standards of the Accessibility for Ontarians with Disabilities Act (AODA). The site will comply with the minimum parking standards for barrier free access. Details such as lighting, signage, benches, signage, emergency routing, clear entry ways will be addressed through site plan control. Efforts to incorporate CPTED principles will be addressed through site plan control to ensure that there is a sense of safety throughout the property. The urban design study indicates that tactile warning plates and coherent pedestrian crossing locations should be incorporated to facilitate a comfortable,

Section	Policy	Category	Conformity with the Policy
	<p>areas, and ease of access for emergency personnel or vehicles;</p> <p>c. clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity;</p> <p>d. arranging public uses and amenities within a convenient walking distance;</p> <p>e. providing adequate walkway widths, visually permeable materials and structures, and landscaping elements that do not obstruct sightlines in the design of streetscapes, transportation facilities, or public buildings and places; and,</p> <p>f. promoting safe environments by applying Crime Prevention Through Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites.</p>		<p>safe and accessible site for pedestrians.</p>
8.6	The City requires the design of new development to be visually compatible with	Urban Design – New Development	The siting, scale and design of the building are an appropriate response to the design cues given

Section	Policy	Category	Conformity with the Policy
	<p>surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <ul style="list-style-type: none"> a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features; b. protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development; c. promoting innovation in building design to create an interesting and varied built environment, to increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility; <p>achieving compatibility in land use and with a predominant architectural</p>		<p>by the fact that the site is located along a mixed use intensification corridor on the outer limits of the Cataraqui North neighbourhood. It has a similar scale and interface with its surroundings to that of the Retirement residence currently under construction at 2666 Princess Street and the apartment building at 2274 Princess Street.</p> <p>The proposed inner courtyard and step-backs at the north and south sides of the building will contribute to the variety of built form of the area and is consistent with the Official Plan policies that strive for a diverse, inclusive and barrier free built environment.</p> <p>The proposed development is compatible from a land use perspective and the proposed architectural style of the building will make a positive contribution to the streetscape. The buildings fit and function are suitable for the site and its context. The proposals consistency with the land use compatibility policies of Section 2.7 of the Official</p>

Section	Policy	Category	Conformity with the Policy
	<p>style, street pattern or site arrangement where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard;</p>		<p>Plan have been addressed within this exhibit.</p>
<p>9.3.2</p>	<p>Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:</p> <ul style="list-style-type: none"> a. the conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the vision and planning principles, including sustainability, stability and compatibility outlined in Section 2, and consistency with provincial policy; b. the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use; c. the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, 	<p>Administration & Implementation – Official Plan Amendments - Criteria</p>	<p>The proposed official plan amendment, including the request for a Site-Specific Policy Area conforms to the general intent of the Official Plan from a sustainability, stability and compatibility perspective. The proposed amendment is consistent with the PPS (2020).</p> <p>Although both the Residential and Arterial Commercial land use designations permit high density residential, it is desired to remove the dual designation on the lands and consolidate it to one designation for ease of interpretation moving forward. It is desired to make better use of this serviced parcel that is located on Princess Street to add a type of housing that is currently absent in the Cataraqui North neighbourhood.</p>

Section	Policy	Category	Conformity with the Policy
	<p>with adjacent and planned uses, including cultural heritage resources and natural heritage features and areas;</p> <p>d. the potential of the proposal to cause instability within an area intended to remain stable;</p> <p>e. the ability of the City's infrastructure to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure improvements in other areas of the City;</p> <p>f. the financial implications (both costs and revenues) to the City;</p> <p>g. the degree to which approval of the amendment would establish an undesirable precedent; and,</p> <p>h. consistency with the Provincial Policy Statement and provincial legislation and guidelines.</p>		<p>The proposed development has been mitigated to achieve land use compatibility, including compatibility with adjacent cultural heritage resources and the surrounding neighbourhood.</p> <p>As the proposed development has been evaluated to be compatible, it is not expected to create any instability within the neighbourhood.</p> <p>There is existing water and road infrastructure to service the proposed development.</p> <p>There are no anticipated negative financial impacts of the proposed development.</p> <p>The OLT has affirmed on multiple occasions that land use planning decisions do not constitute precedent. The subject site is located in a Secondary Plan Area and there are no other comparable parcels of underutilized lands located on an arterial road within the Cataraqui North neighbourhood.</p> <p>The proposal has been assessed within Exhibit E as being consistent with</p>

Section	Policy	Category	Conformity with the Policy
			the Provincial Policy Statement (2020).
9.5.9(a)	<p>When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <p>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</p>	By-Laws	The proposed zoning by-law amendment conforms to the intent of the Official Plan policies and schedules as proposed to be amended through the concurrent application for official plan amendment.
9.5.9(b)	<p>b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan;</p>	By-Laws	The proposed development includes elements of mitigation in terms of the fencing, landscaping requirements as well as the rear yard setback and height map to ensure that the built form will achieve compatibility with existing uses, zones and adjacent cultural heritage resources.
9.5.9(c)	<p>c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p>	By-Laws	The proposal has been refined to lower the height and increase the setback at the rear of the site. The proposed building generally achieves a 45 degree angular plane (i.e., 47 degrees), which is one method of reducing compatibility concerns by creating built form transition and reducing shadowing impacts.

Section	Policy	Category	Conformity with the Policy
9.5.9(d)	d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;	By-Laws	The subject site is located on the City's primary corridor, where residential intensification is desired. This development is a unique opportunity to add much needed variety in housing type and affordability within the Cataraqui North neighbourhood.
9.5.9(e)	e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;	By-Laws	The propose density is desirable and suitable for its proposed location. The proposal meets requirements with respect to landscaped open space and amenity areas and parking for residents has been provided in accordance with the Zoning By-law while minor deviations in the car-share and visitor parking and bike spaces reflect the site's location along an active transit corridor.
9.5.9(f)	f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;	By-Laws	As outlined throughout this Exhibit, the development is suitable for the neighbourhood.
9.5.9(g)	g. the impact on municipal	By-Laws	No negative impacts on municipal infrastructure

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	infrastructure, services and traffic;		servicing or roads are expected as a result of this development.
9.5.9(h)	h. comments and submissions of staff, agencies and the public; and,	By-Laws	Comments from the public and comments from the technical review have resulted in successful revisions to the proposed design.
9.5.9(i)	i. the degree to which the proposal creates a precedent.	By-Laws	The OLT has affirmed on several occasions that Planning Act decisions do not create precedent.
10C.1.6	To promote excellence and innovation in urban and environmental design that is sensitive to, and scaled to, the natural and built environments.	Cataraqui North Secondary Plan - Objectives	The proposed development will make a positive urban design contribution to the streetscape and the building design has employed many strategies to ensure that it is scaled and sensitive to the surrounding built environment.
10C.1.7	To encourage the preservation of significant features of the natural environment, such as watercourses and stands of mature trees, and integrate such resources into proposed developments, wherever possible.	Cataraqui North Secondary Plan - Objectives	There are no significant natural heritage features on the site. Trees that are removed will be subject to compensation in a manner that is consistent with the City's Tree By-Law.
10C.1.8	To ensure that the safety and security of all neighbourhood residents is the prime consideration in all aspects of the	Cataraqui North Secondary Plan - Objectives	The safety and security of neighbourhood residents is not expected to be negatively impacted

Section	Policy	Category	Conformity with the Policy
	planning and development of the neighbourhood.		by the proposed development.
10C.1.9	To integrate compatible land uses in order to achieve a more cohesive and safe neighbourhood.	Cataraqui North Secondary Plan - Objectives	The proposed mid-rise apartment building represents compatible integration with the adjacent Walnut Grove neighbourhood. Adding more “eyes” on the area in terms of residents instead of a vacant, unlit parcel of land will increase the sense of cohesiveness and safety of the neighbourhood.
10C.1.11	To ensure that development and the provision of municipal services occurs in an efficient and economical manner, and provides an adequate supply of serviced land.	Cataraqui North Secondary Plan - Objectives	The proposed development will make efficient use of available and upcoming servicing.
10C.1.12	To ensure that proposed development complements adjoining existing land uses, including environmental and heritage resources.	Cataraqui North Secondary Plan - Objectives	The development has been designed to be compatible with the heritage resources on the property while design considerations have been developed to ensure compatibility with the abutting residential area.
10C.3.1	The Residential land use designation means that: the predominant use of land and buildings is for residential purposes; and, other uses which are complementary to and	Cataraqui North Secondary Plan – Residential Policies – General	The proposed development is a residential use and is therefore consistent with the Residential land use designation of the Cataraqui North Secondary Plan.

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	serve principal residential uses such as elementary schools and parkettes are also permitted.	Residential Policies	
10C.3.2	A variety of compatible housing types and building styles are encouraged in order to accommodate the different and changing needs of the community.	Cataraqui North Secondary Plan – Residential Policies - General Residential Policies	The apartment rental units will add to the mix of housing types and building options to accommodate the different and changing needs of the community.
10C.3.3	Over-concentration of any one housing type or building design are discouraged.	Cataraqui North Secondary Plan – Residential Policies - General Residential Policies	The neighbourhood predominantly contains low density residential uses and therefore the proposed multi-unit development helps to diversify the housing options available in this neighbourhood.
10C.3.4	At least 25 percent of the approved residential units must be for affordable housing.	Cataraqui North Secondary Plan – Residential Policies - General Residential Policies	The proposed development adds to the degree of affordability of units within the neighbourhood.
10C.3.5	Residential areas must be designed to allow for convenient pedestrian movement incorporating universal design standards.	Cataraqui North Secondary Plan – Residential Policies - General Residential Policies	The future site plan control application will be reviewed to ensure that minimum universal design standards are achieved for exterior pedestrian areas of the site.

Section	Policy	Category	Conformity with the Policy
10C.3.6	An overall density of development, sufficient to foster a healthy and safe neighbourhood environment in which a wide range of services, amenities and employment opportunities can be provided in an efficient and financially-sustainable manner, is encouraged.	Cataraqui North Secondary Plan – Residential Policies - General Residential Policies	The proposed density is appropriate for the site, contributes to a healthy and safe neighbourhood and is located with ease of access to a wide range of services, amenities and employment opportunities.
10C.3.7	Varying densities of development, calculated on a net area basis, will be distributed throughout the neighbourhood to ensure that a high proportion of residents will live within a short walking distance of local facilities and services.	Cataraqui North Secondary Plan – Residential Policies - General Residential Policies	Permitting the proposed high density residential use on the subject site is consistent with this policy. Residents of the building will be able to enjoy short walks to local facilities and services.
10C.3.9	Every reasonable effort will be made to ensure that any proposed development is compatible with existing adjacent residential areas	Cataraqui North Secondary Plan – Residential Policies - General Residential Policies	Significant modifications have been made to the proposed development to strike a more appropriate balance between residential intensification and compatibility with existing adjacent residential areas.
10C.3.28	Any form of high density residential housing which conforms to the development, density and building height policies outlined below is permitted.	Cataraqui North Secondary Plan – High Density Residential Policies	The proposed high density development conforms to the high density residential policies of the Cataraqui North Secondary Plan, with the exception of density. A site-specific policy is proposed to permit a slight increase in

Section	Policy	Category	Conformity with the Policy
			density from 125 units per net hectare to 264.
10C.3.29	The density of development for high density residential housing is intended to range from 27 to 125 dwelling units per net hectare of land.	Cataraqui North Secondary Plan – High Density Residential Policies	The proposed density of the development is overall 209 units per net hectare, which exceeds the intended range within the Cataraqui North Secondary Plan Area. In the event of a severance of these lands, the resultant density would be 264 and 14 units per hectare but would allow an appropriate intensification of an under utilized site as well as the adaptive re-use of a heritage building. Overall, while there is an increase in the units per hectare, the site is within the height limit of eight storeys.
10C.3.30	The maximum building height in high density residential areas is eight storeys.	Cataraqui North Secondary Plan – High Density Residential Policies	The proposed height range between 3 and 6 storeys is well below the maximum of 8 storeys established through this policy.
10C.3.31	High density residential buildings must be oriented to the street in order to create a prominent building presence along the street and in a manner that is compatible with adjacent development.	Cataraqui North Secondary Plan – High Density Residential Policies	The proposed Site-Specific Policy Area includes a policy for the site to acknowledge it as an irregularly shaped parcel with limited frontage on Princess Street and that the implementing zoning by-law and site plan control

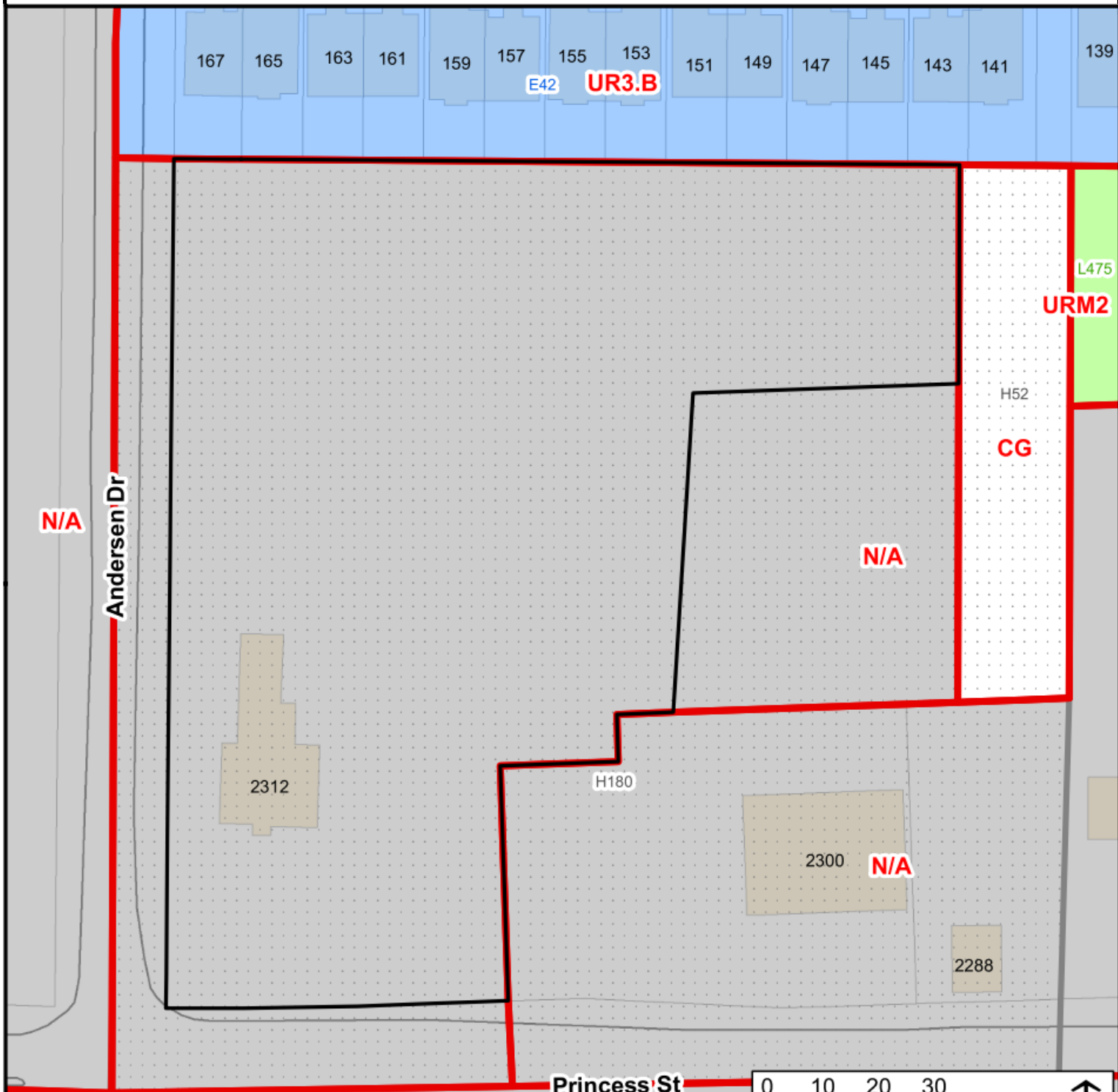
Section	Policy	Category	Conformity with the Policy
			will be used to orient the building to the street to greatest extent possible given the limitations of the parcel configuration.
10C.3.32	Integrating apartment buildings and other multiple dwelling housing forms with adjoining uses must be encouraged provided the clustering of such uses into isolated enclaves is avoided.	Catarqui North Secondary Plan – High Density Residential Policies	The proposed development is contiguous to the Walnut Grove neighbourhood and resident of the building will be located within walking distance of existing open space amenities of the Catarqui North neighbourhood.

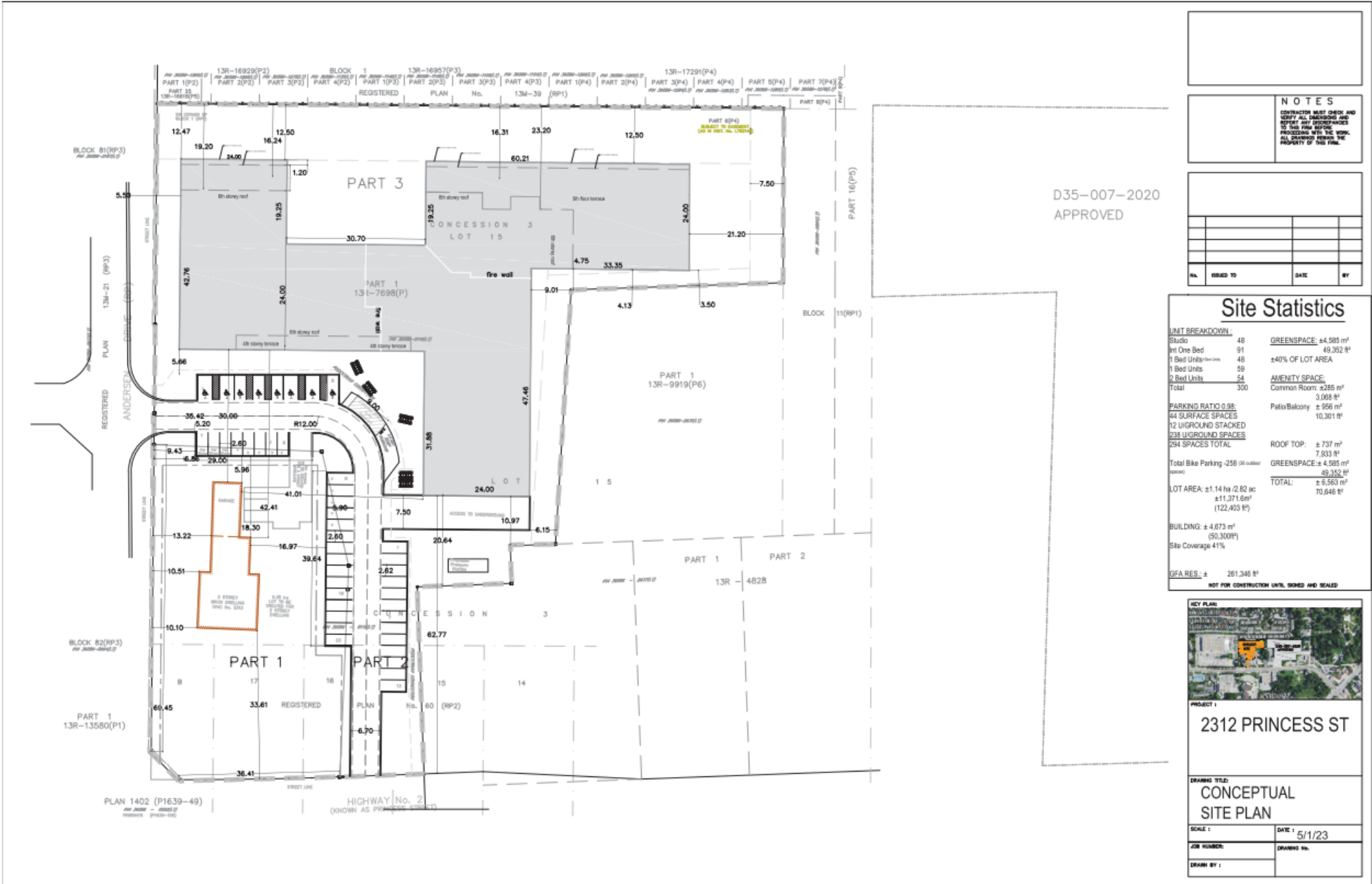


Planning Committee Kingston Zoning By-Law 2022-62

Address: 2312 Princess St
File Number: D35-004-2022

- Subject Lands
- Schedule 1 Zoning Map Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)





NOTES
CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE TITLE ENGINEER. PROCEEDING WITH THE WORK ALL DIMENSIONS REMAIN THE PROPERTY OF THIS FIRM.

NO.	ISSUED TO	DATE	BY

D35-007-2020
APPROVED

Site Statistics

UNIT BREAKDOWN		GREENSPACE: ±4,585 m ²		
Studio	48	Int One Bed	91	±40% OF LOT AREA
1 Bed Units	48	2 Bed Units	54	
2 Bed Units	54			
Total	300	Common Room	±285 m ²	
PARKING RATIO 0.98:		Patio/Balcony	±956 m ²	
64 SURFACE SPACES			10,301 m ²	
12 UNGROUND STACKED				
238 UNGROUND SPACES				
294 SPACES TOTAL				
Total Bike Parking -258 (81 outdoor spaces)		ROOF TOP:	±737 m ²	
		GREENSPACE:	±4,585 m ²	
			49,352 m ²	
LOT AREA: ±1.14 ha (2,828.80 ±11,371.6m ² (122,403 ft ²))		TOTAL:	±5,563 m ² (70,646 ft ²)	
BUILDING: ±4,673 m ² (50,300ft ²)				
Site Coverage 41%				
GFA RES: ± 261,346 ft ²				

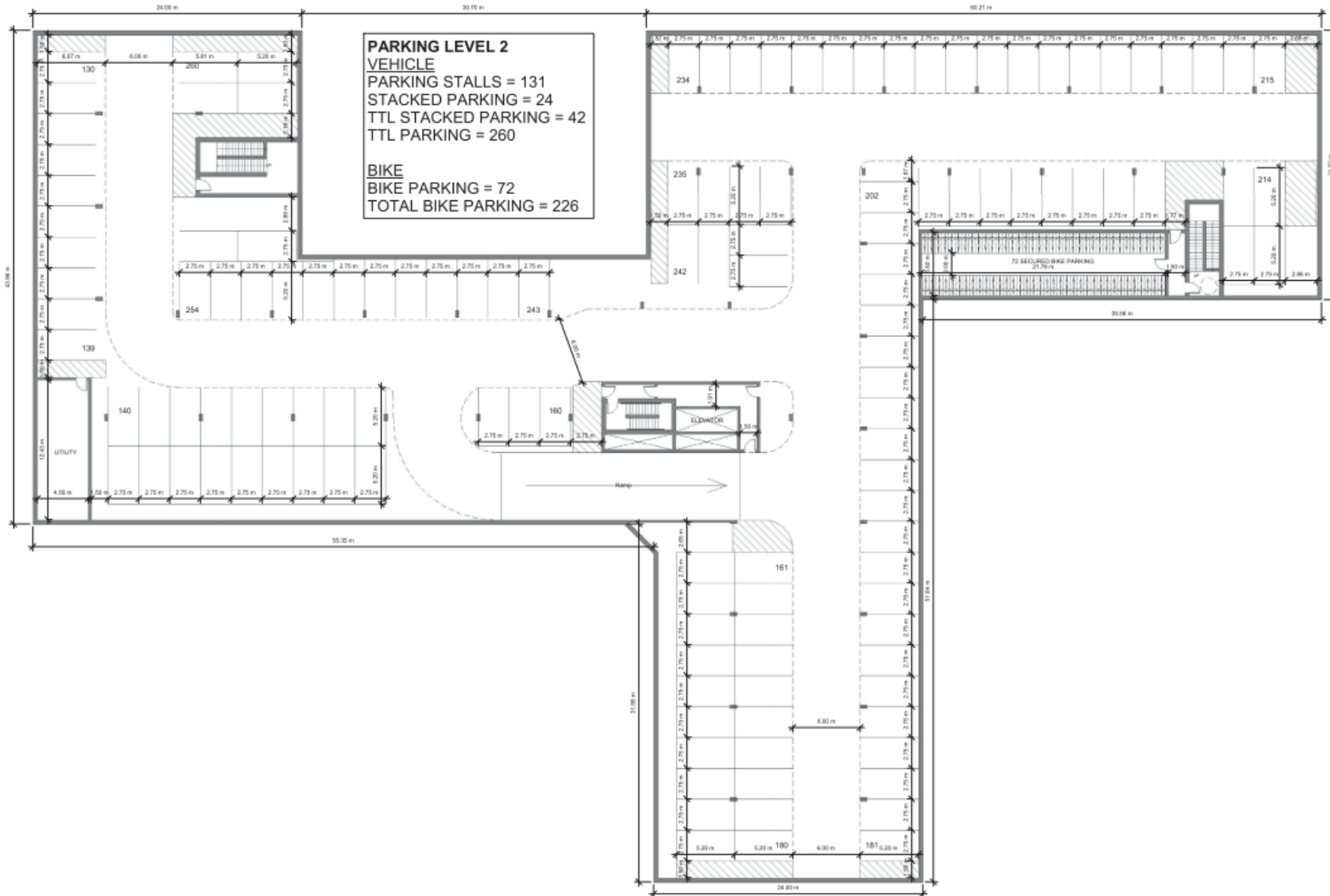
NOT FOR CONSTRUCTION UNTIL BORED AND SEALED



PROJECT 1
2312 PRINCESS ST

DRAWING TITLE:
CONCEPTUAL SITE PLAN

SCALE:	DATE: 5/1/23
JOB NUMBER:	DRAWING No.
DRAWN BY:	



Consultant
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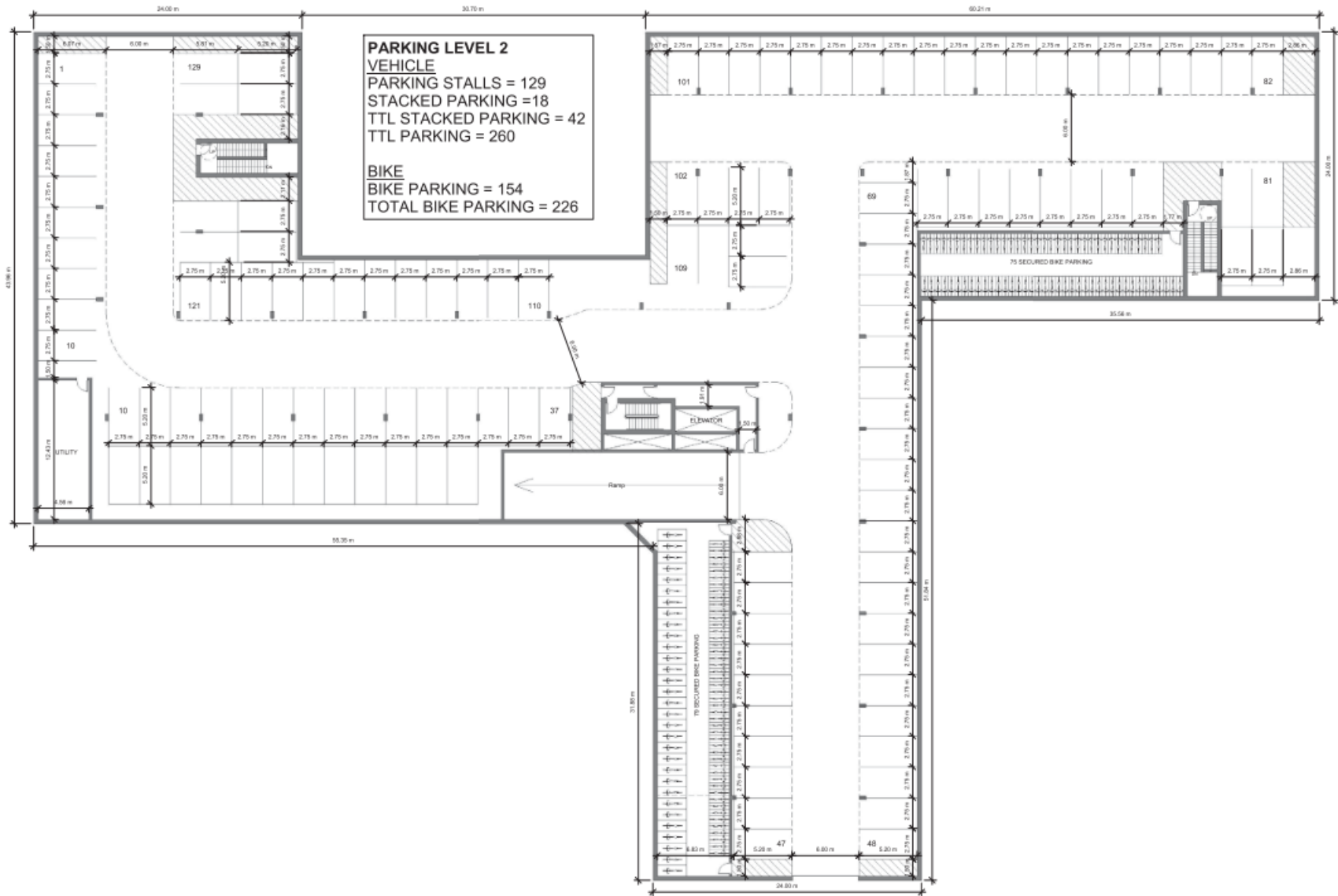
2312
PRINCESS STREET
Parking Level 2

Project Number
Date
Drawn by
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Project Number
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Author
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Scale 1 : 160



PARKING LEVEL 2
VEHICLE
 PARKING STALLS = 129
 STACKED PARKING = 18
 TTL STACKED PARKING = 42
 TTL PARKING = 260

BIKE
 BIKE PARKING = 154
 TOTAL BIKE PARKING = 226

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**2312
PRINCESS STREET
Parking Level 1**

Project Number	Project Number
Date	24-JAN-27
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FIRST FLOOR - 48 UNITS
FLOOR AREA - 48031 SF
RENTABLE - 37145 SF

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2312
PRINCESS STREET
First Floor Plan

Project number _____ Project Number 24 - JAN - 27
 Date _____
 Drawn by _____ J.S.
 Checked by _____ Checker
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2312
 PRINCESS STREET
 2nd Floor Plan

Project Number	Project Number
Date	24 - JAN - 22
Drawn by	J.S.
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Scale	1 : 160



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**2312
PRINCESS STREET
Third Floor Plan**

Project Number: _____ Project Number: _____
 Date: 24 - JAN - 22
 Drawn by: _____ Author: _____
 Checked by: _____ Checker: _____

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Scale: 1" = 160'

FORTH FLOOR - 56 UNITS
FLOOR AREA - 45104 SF
RENTABLE - 40670 SF

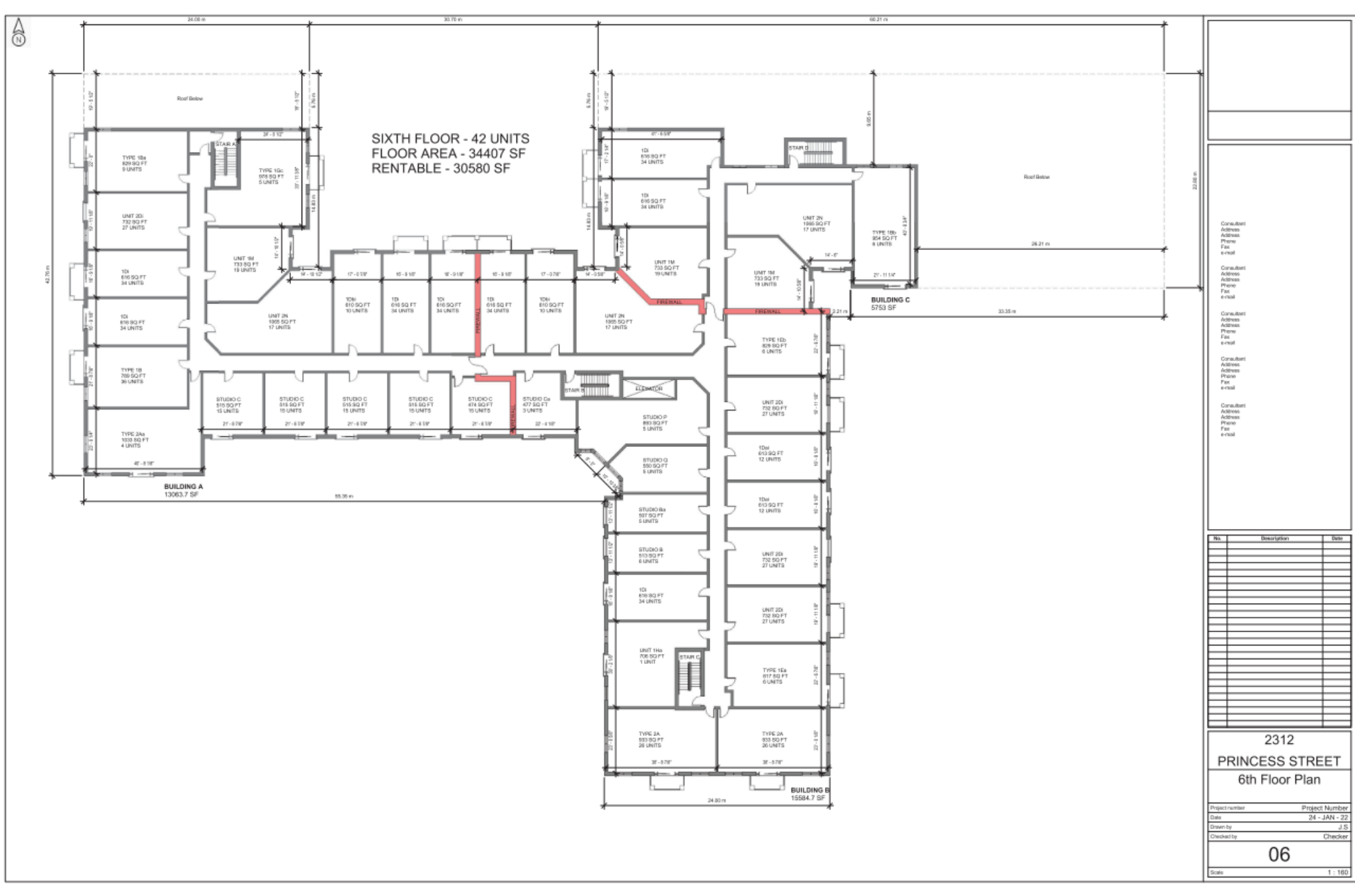


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2312
PRINCESS STREET
4th Floor Plan

Project Number	Project Number
Date	24 - JAN - 27
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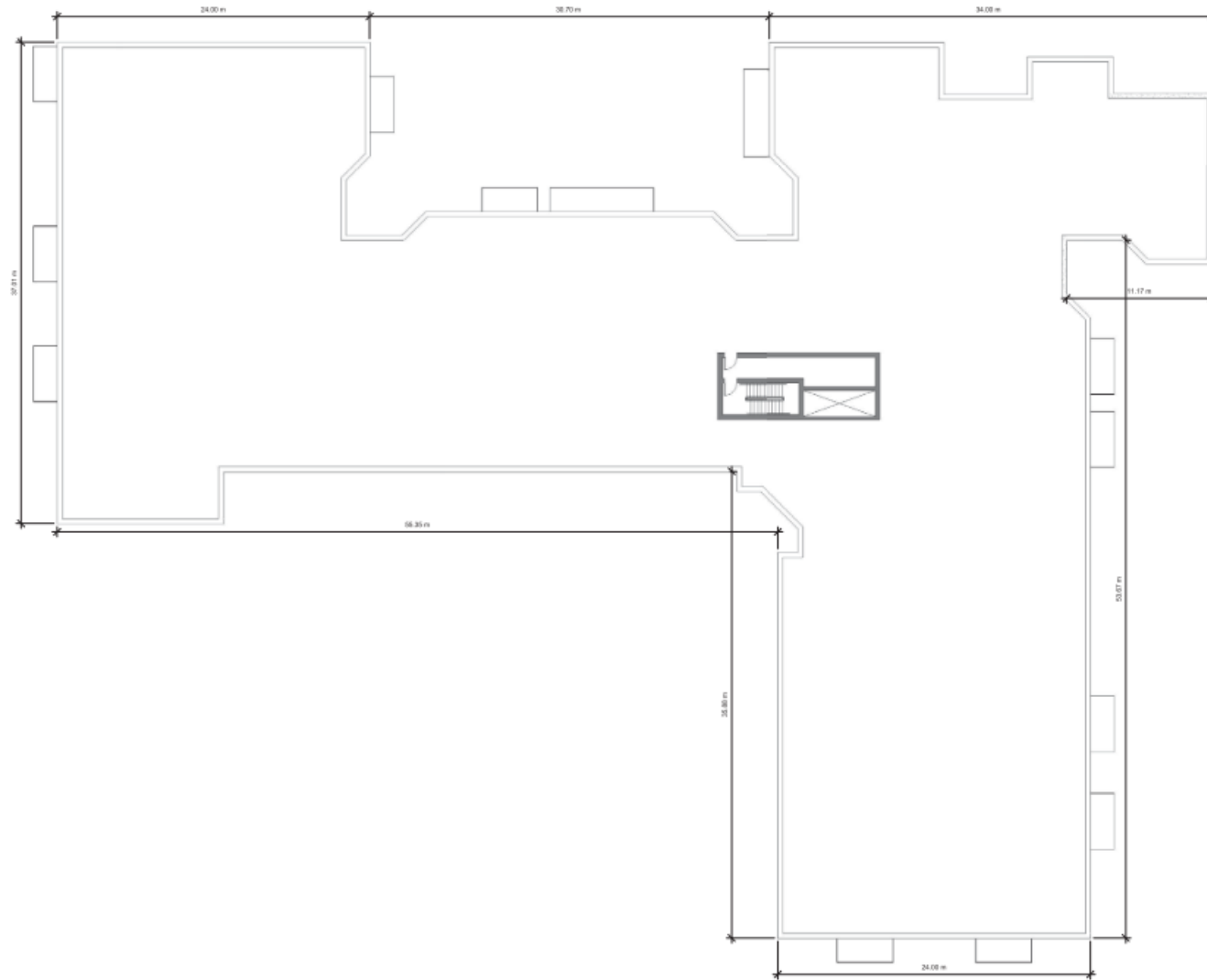
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**2312
PRINCESS STREET
6th Floor Plan**

Project Number	Project Number
Date	24 - JAN - 22

Drawn by	J.S
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	1 : 180



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2312
PRINCESS STREET
Roof Plan

Project number	Project Number
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<p>2312 PRINCESS STREET North Elevation</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Project number</td> <td>Project Number</td> </tr> <tr> <td>Date</td> <td>24 - JAN - 22</td> </tr> <tr> <td>Drawn by</td> <td>J.S</td> </tr> <tr> <td>Checked by</td> <td>Checker</td> </tr> <tr> <td align="center" style="font-size: 24pt;">08</td> <td></td> </tr> <tr> <td>Scale</td> <td>1/16" = 1'-0"</td> </tr> </table>	Project number	Project Number	Date	24 - JAN - 22	Drawn by	J.S	Checked by	Checker	08		Scale	1/16" = 1'-0"																					
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No.	Description	Date

2312
PRINCESS STREET
South Elevation

Project Number	24 - JAN - 22
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No.	Description	Date

2312
PRINCESS STREET
East Elevation

Project number Project Number
Date 24 - JAN - 22
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Checked by Checker

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No.	Description	Date

2312
 PRINCESS STREET
 West Elevation

Project Number: Project Number
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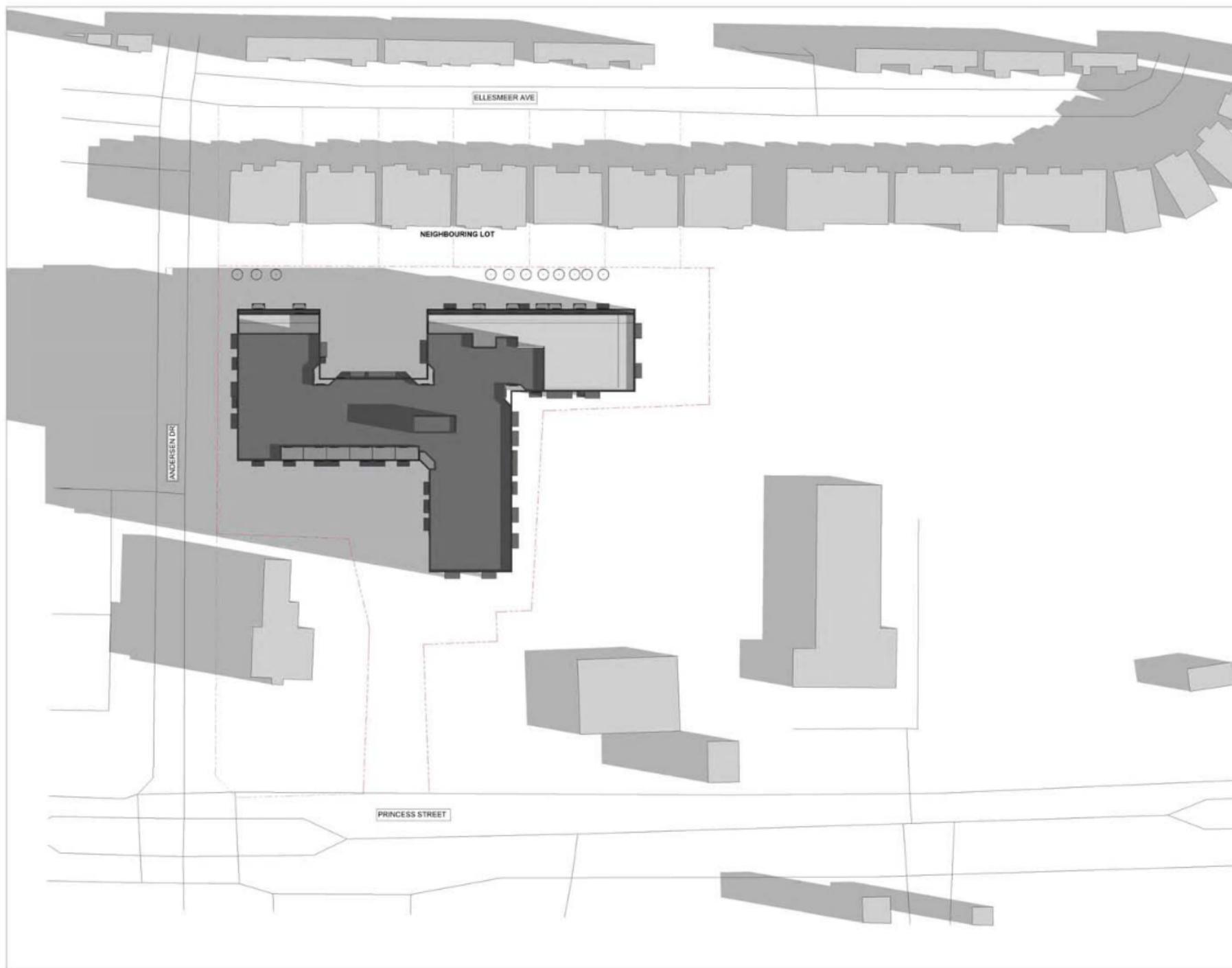
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Project number	Project Number
Date	24 - JAN - 22
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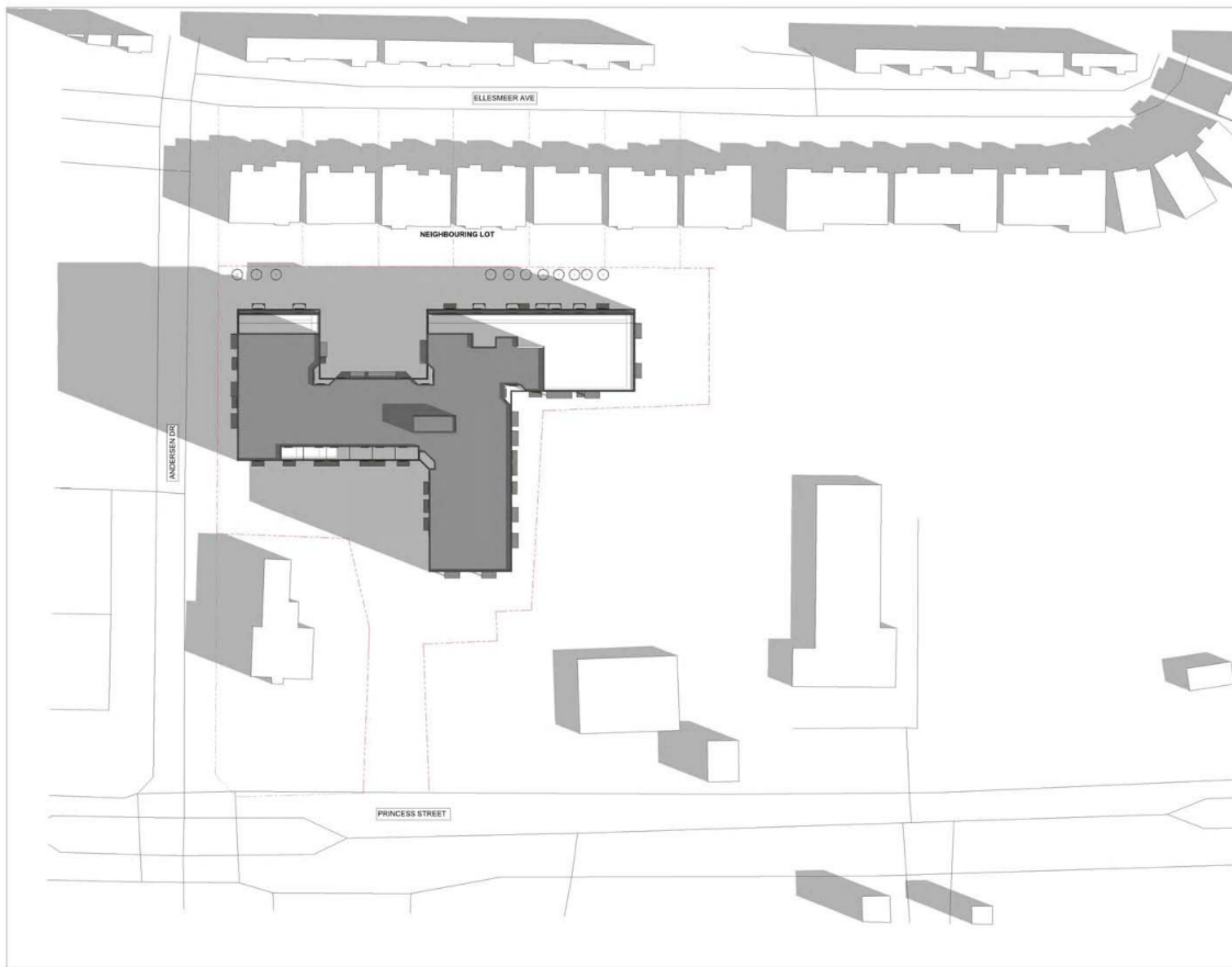






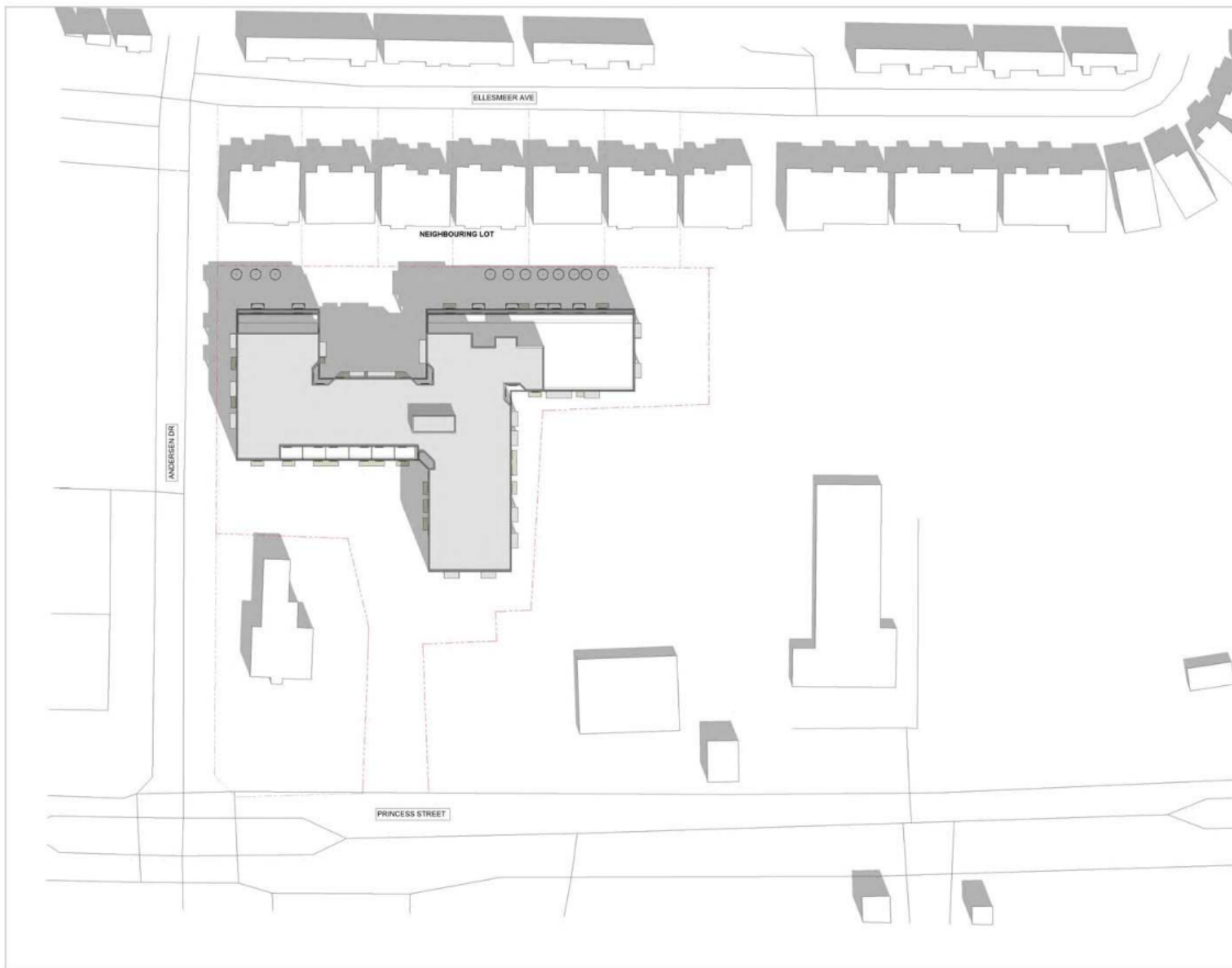


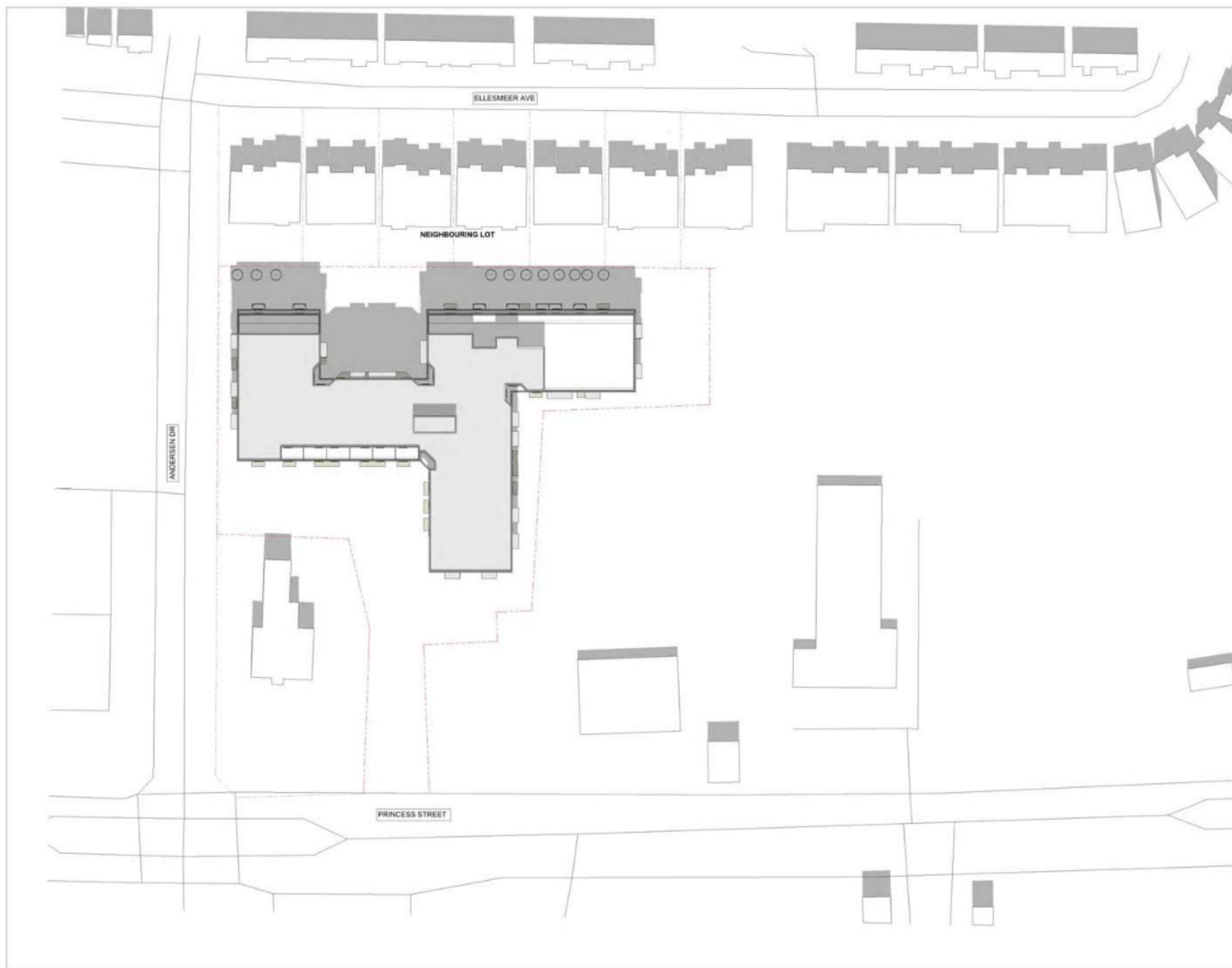


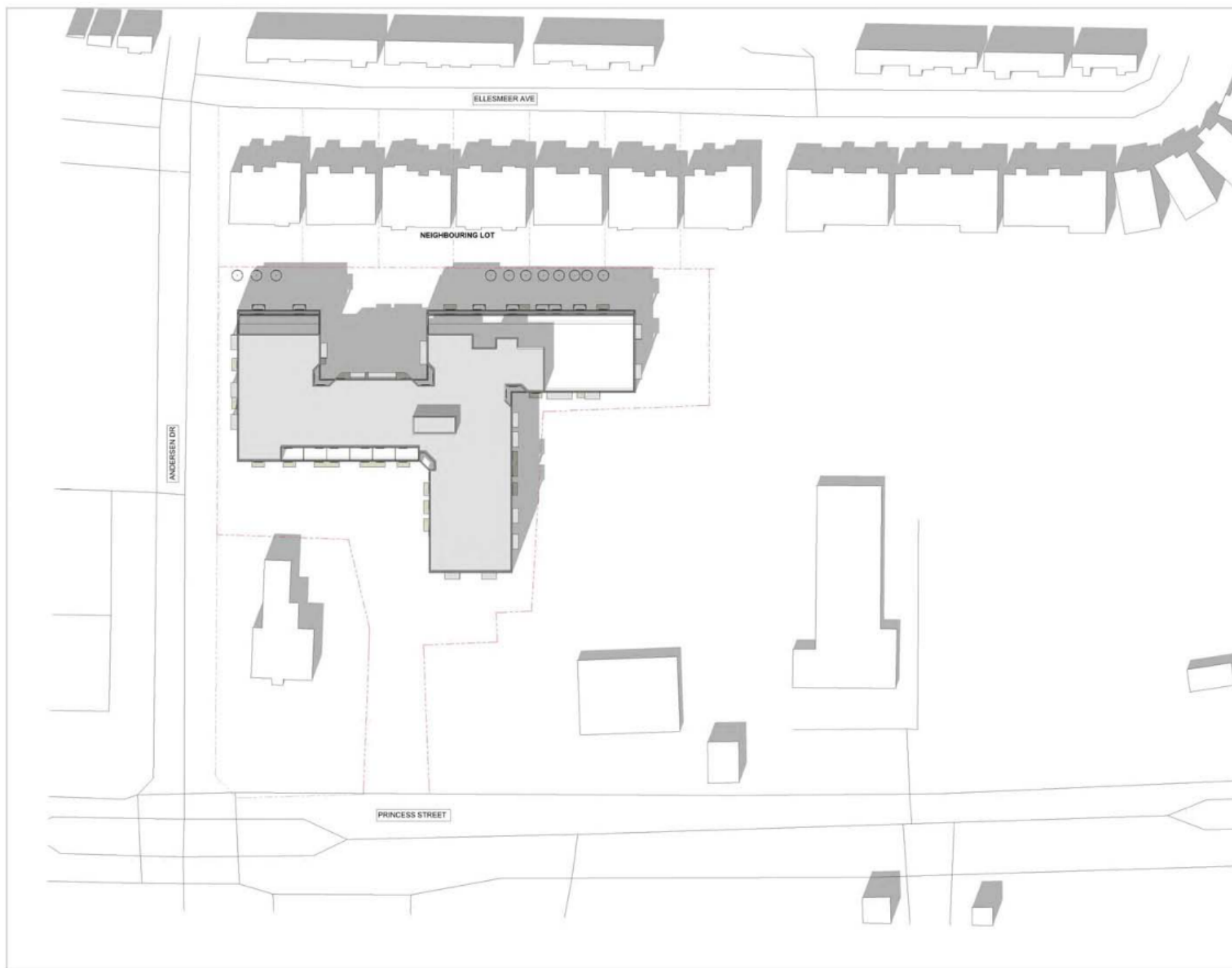


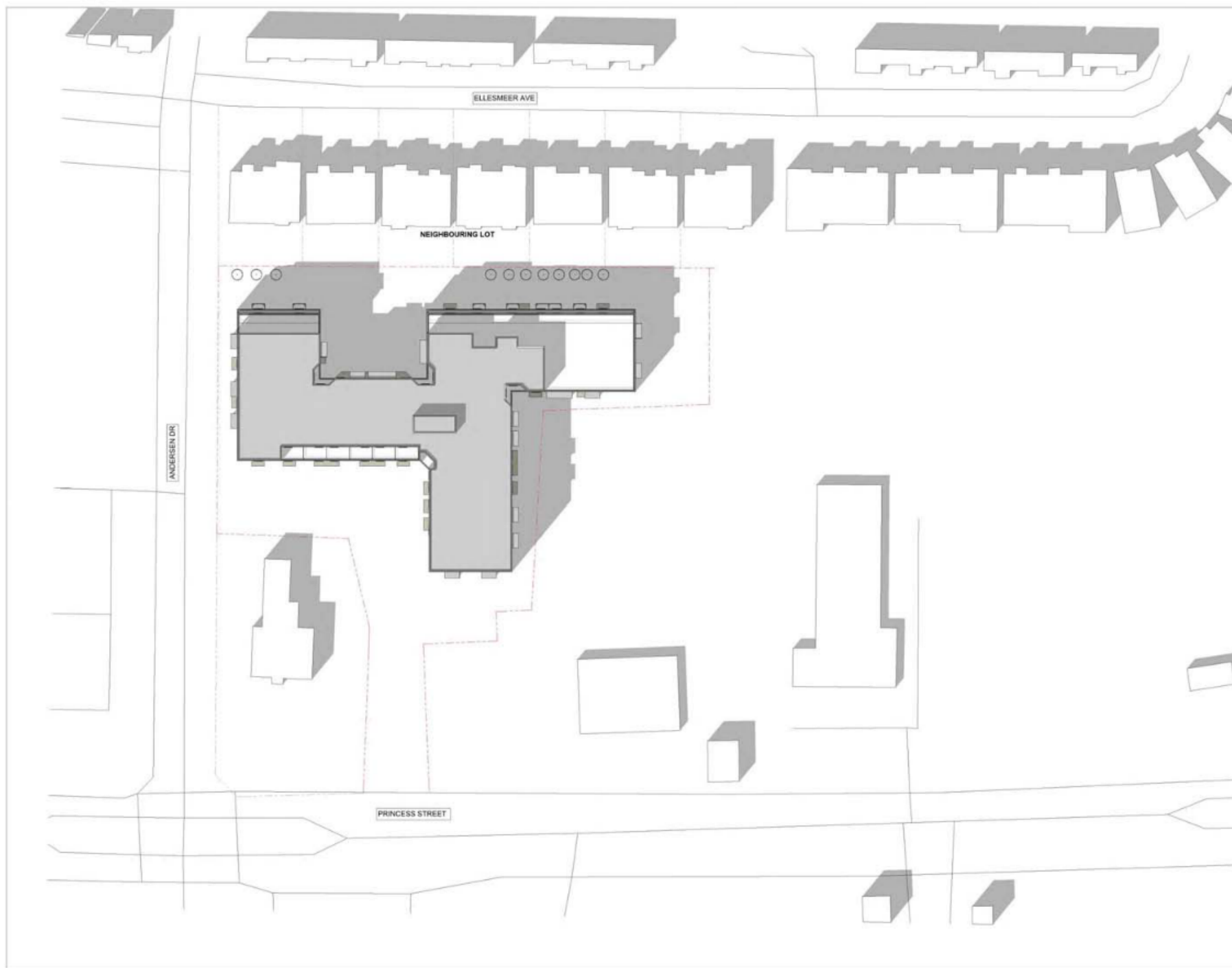




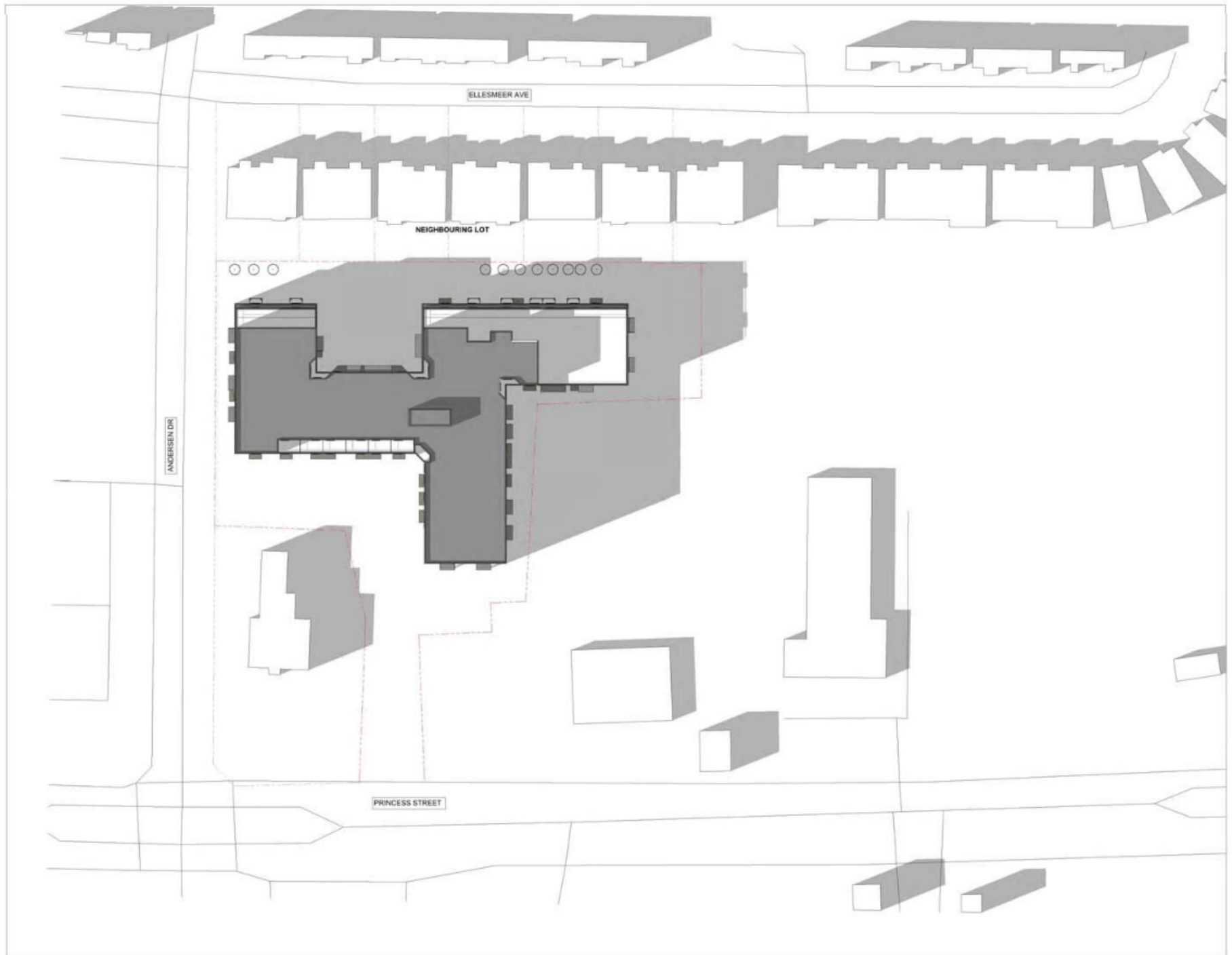


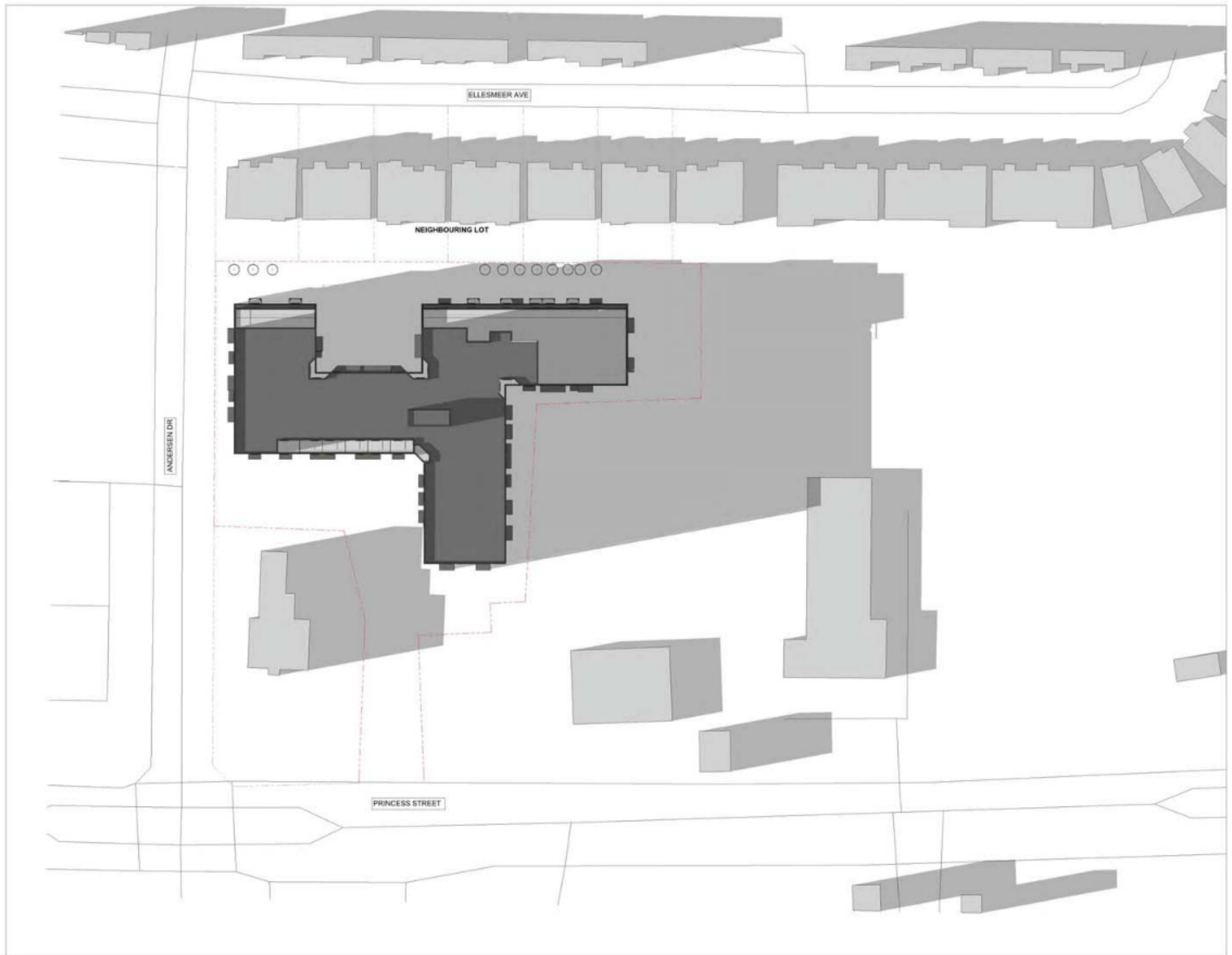






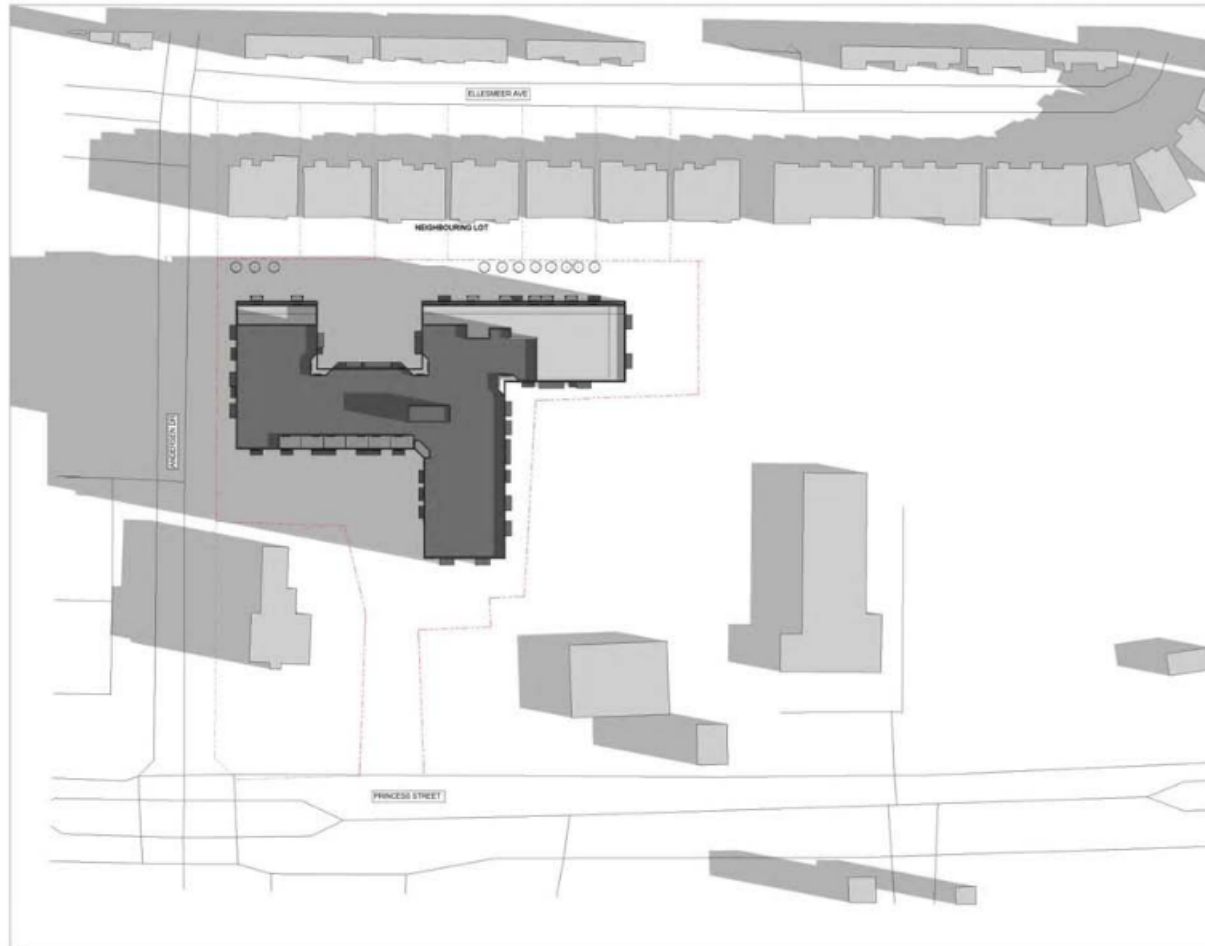


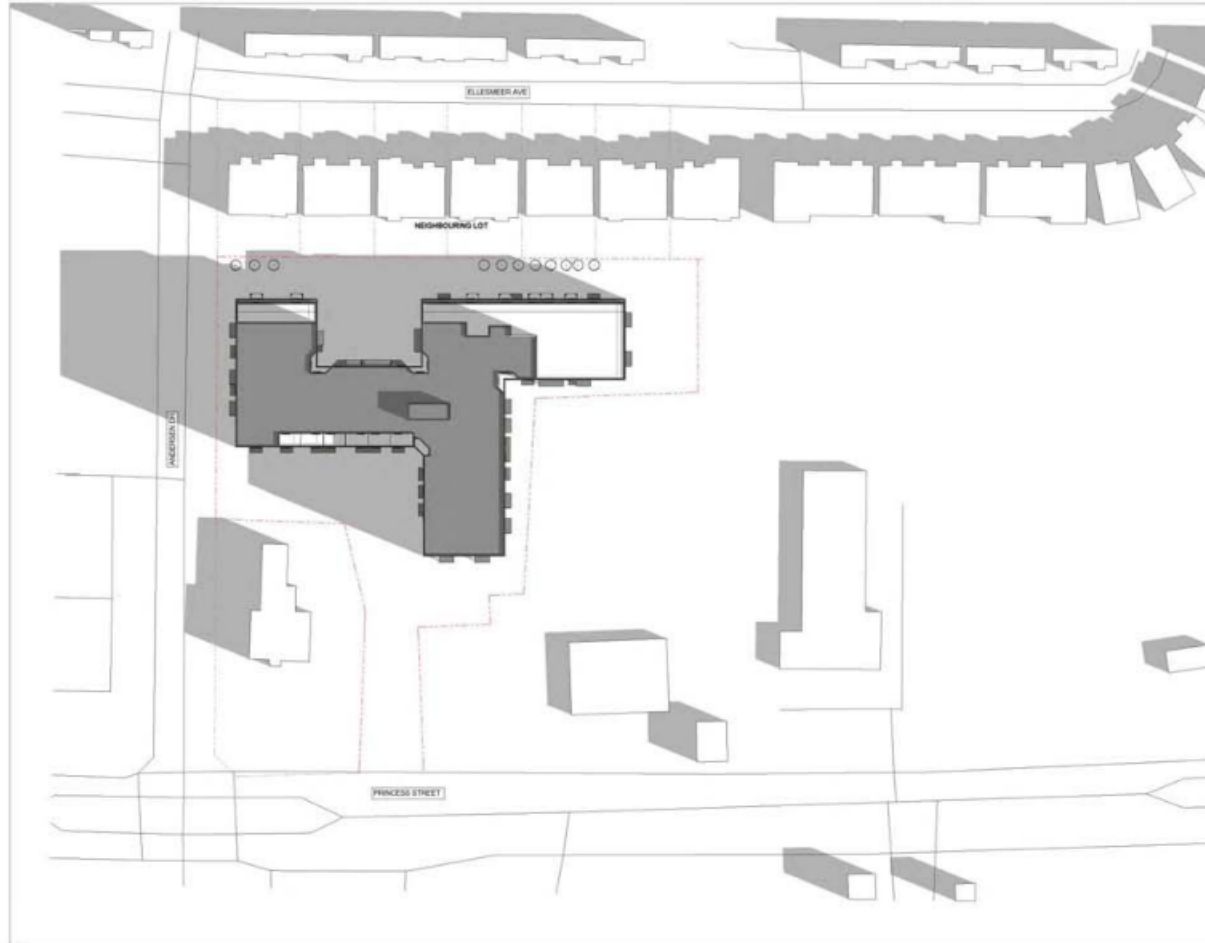


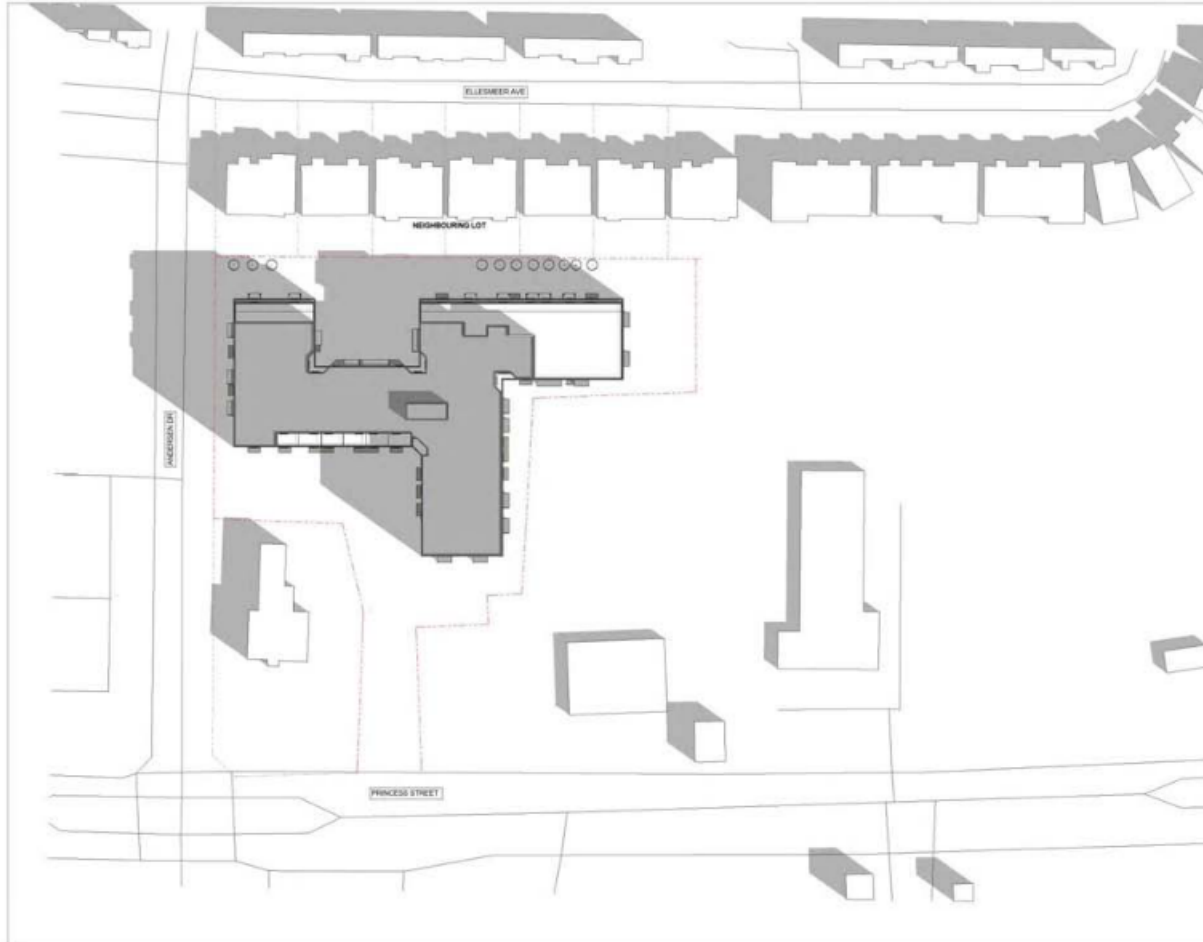


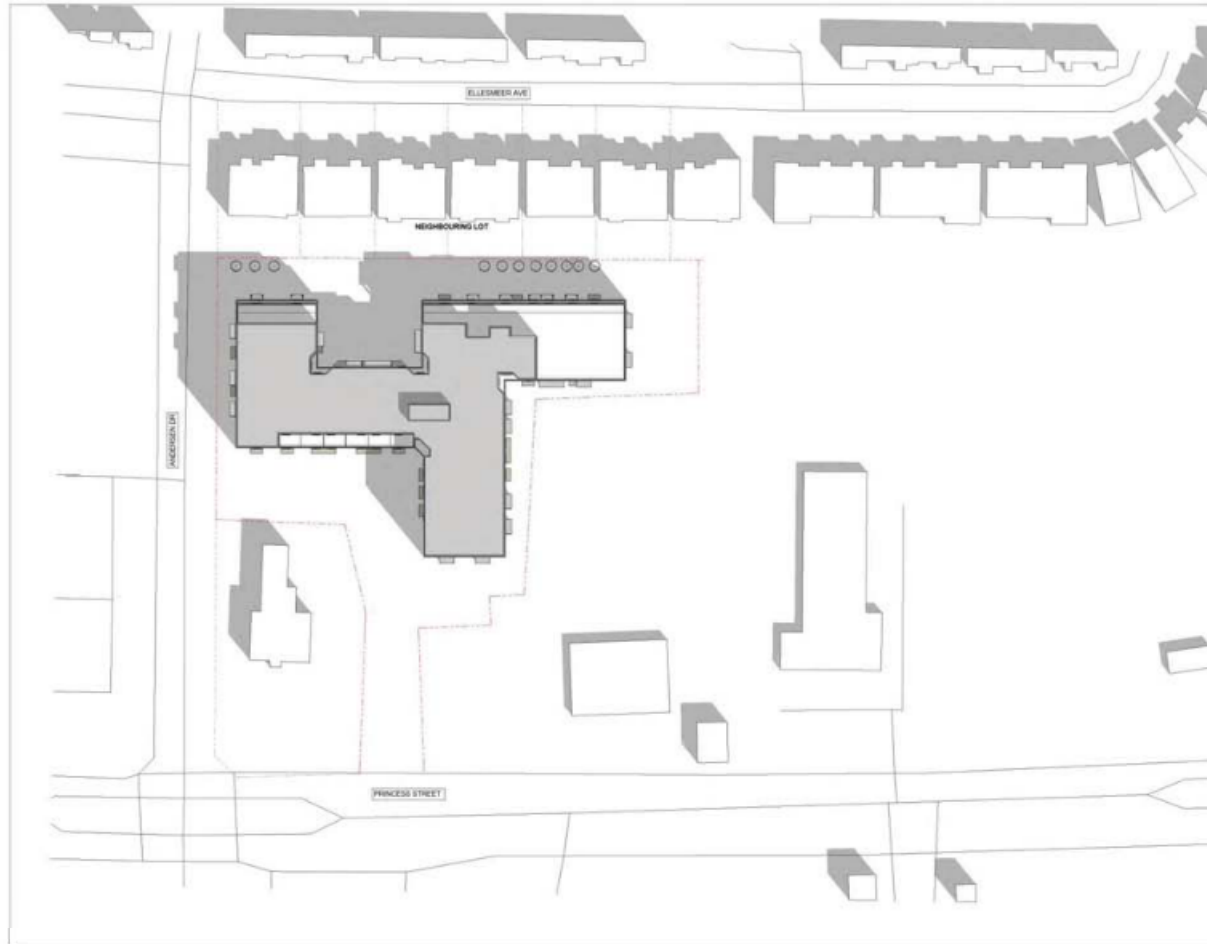


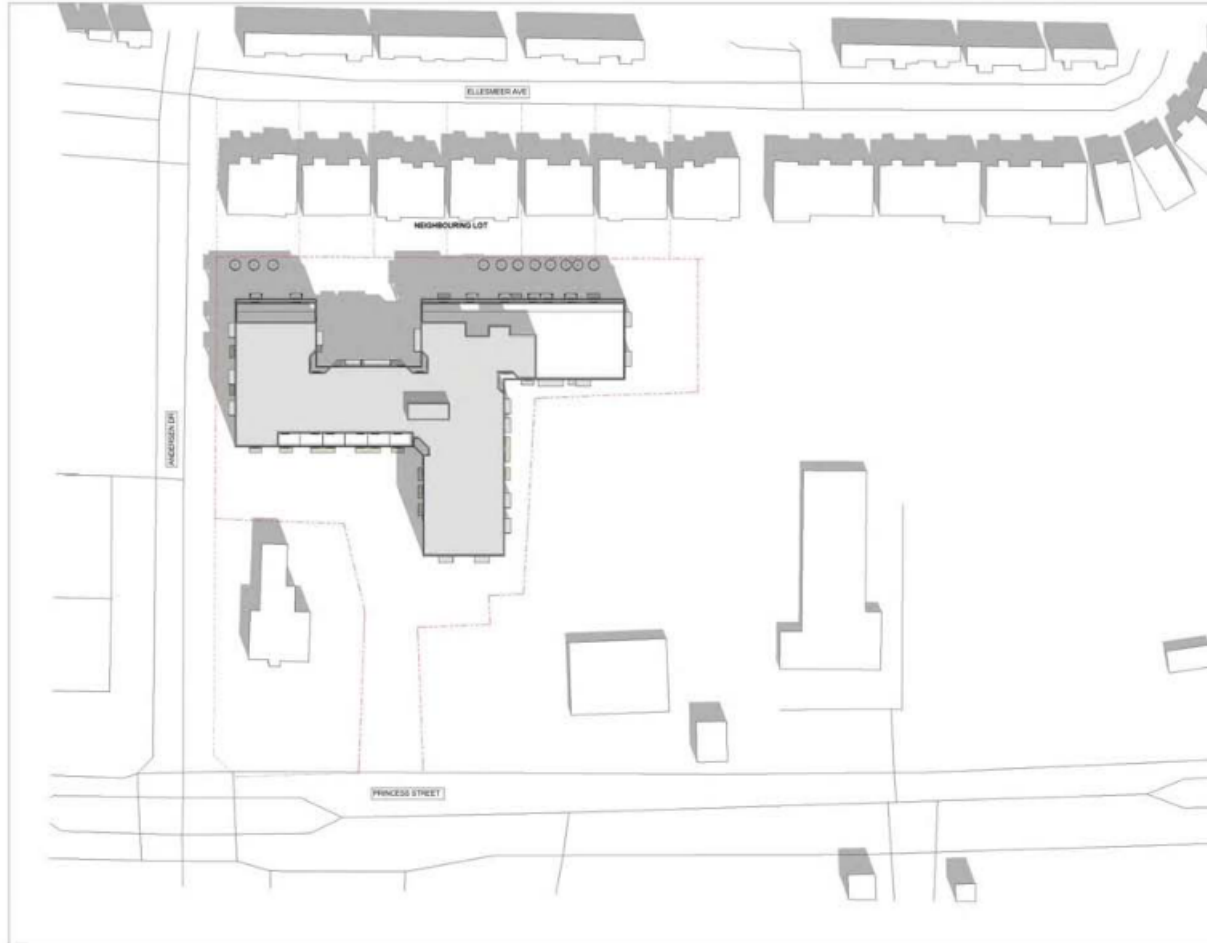


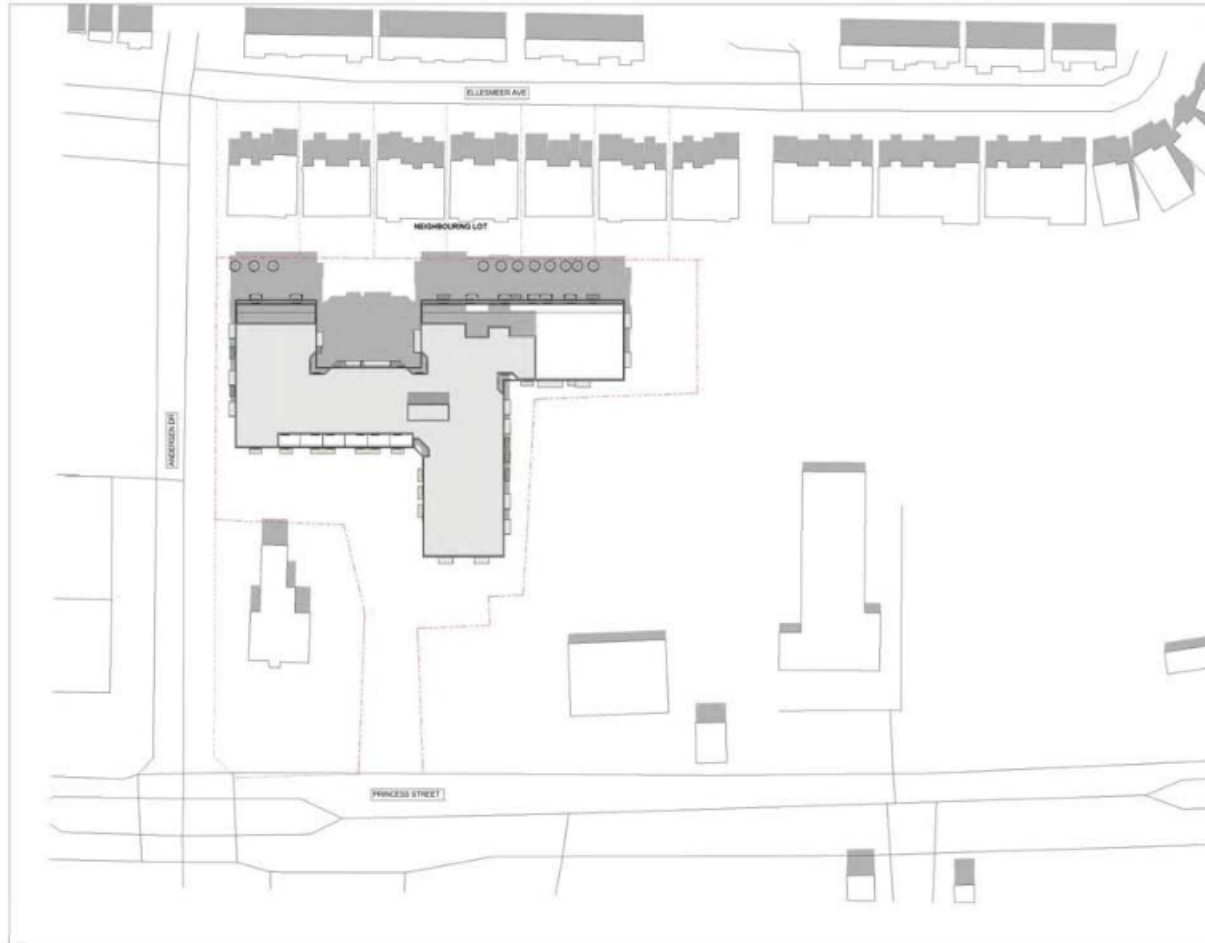


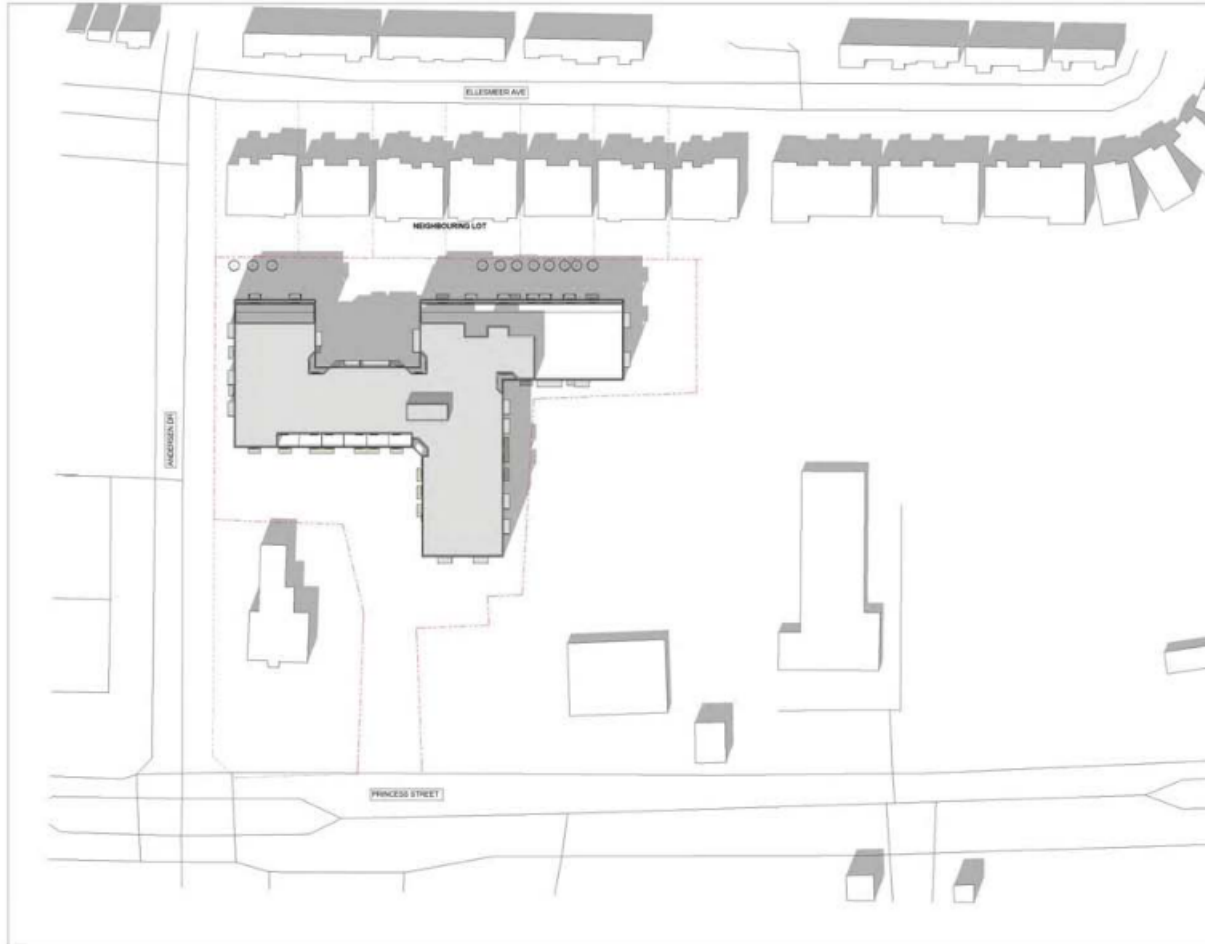


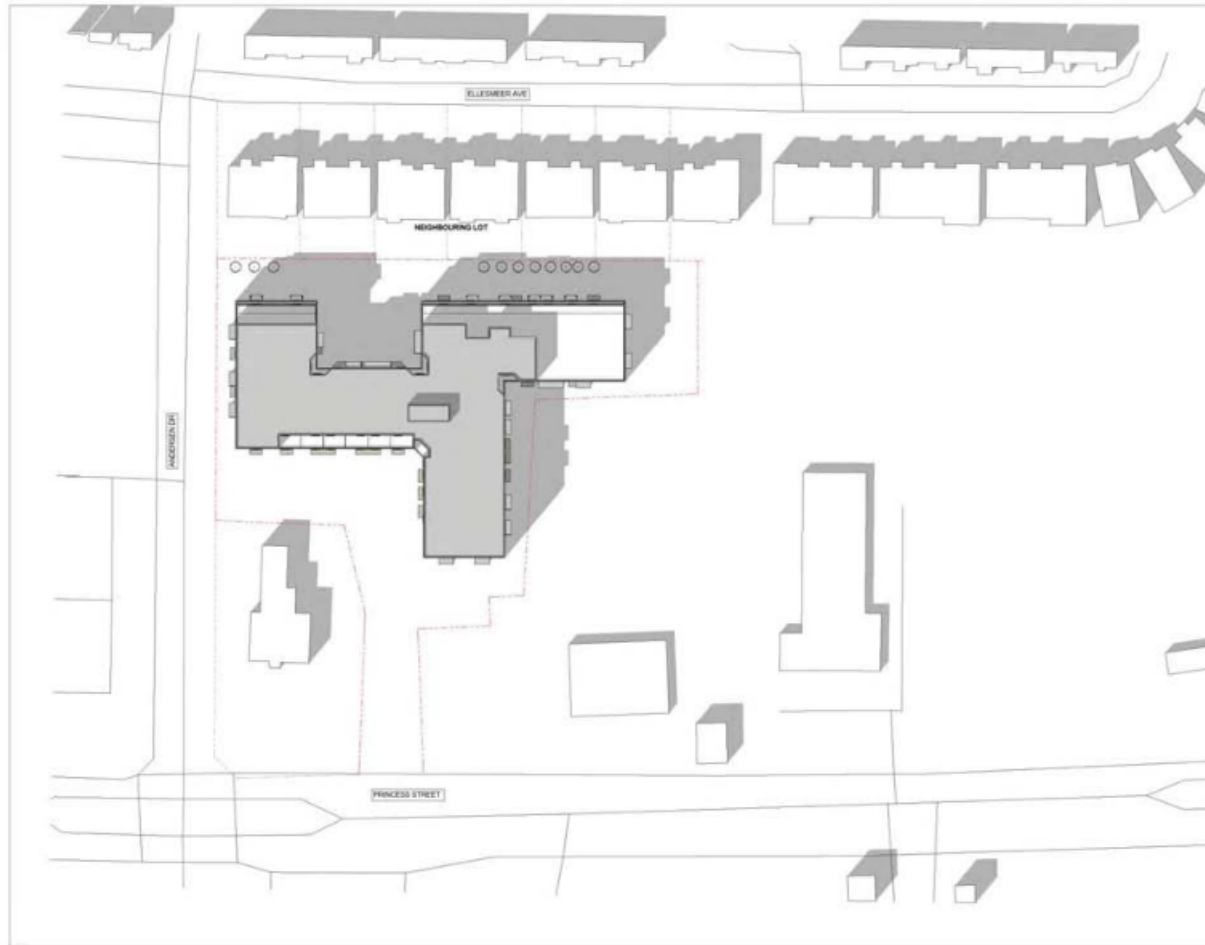


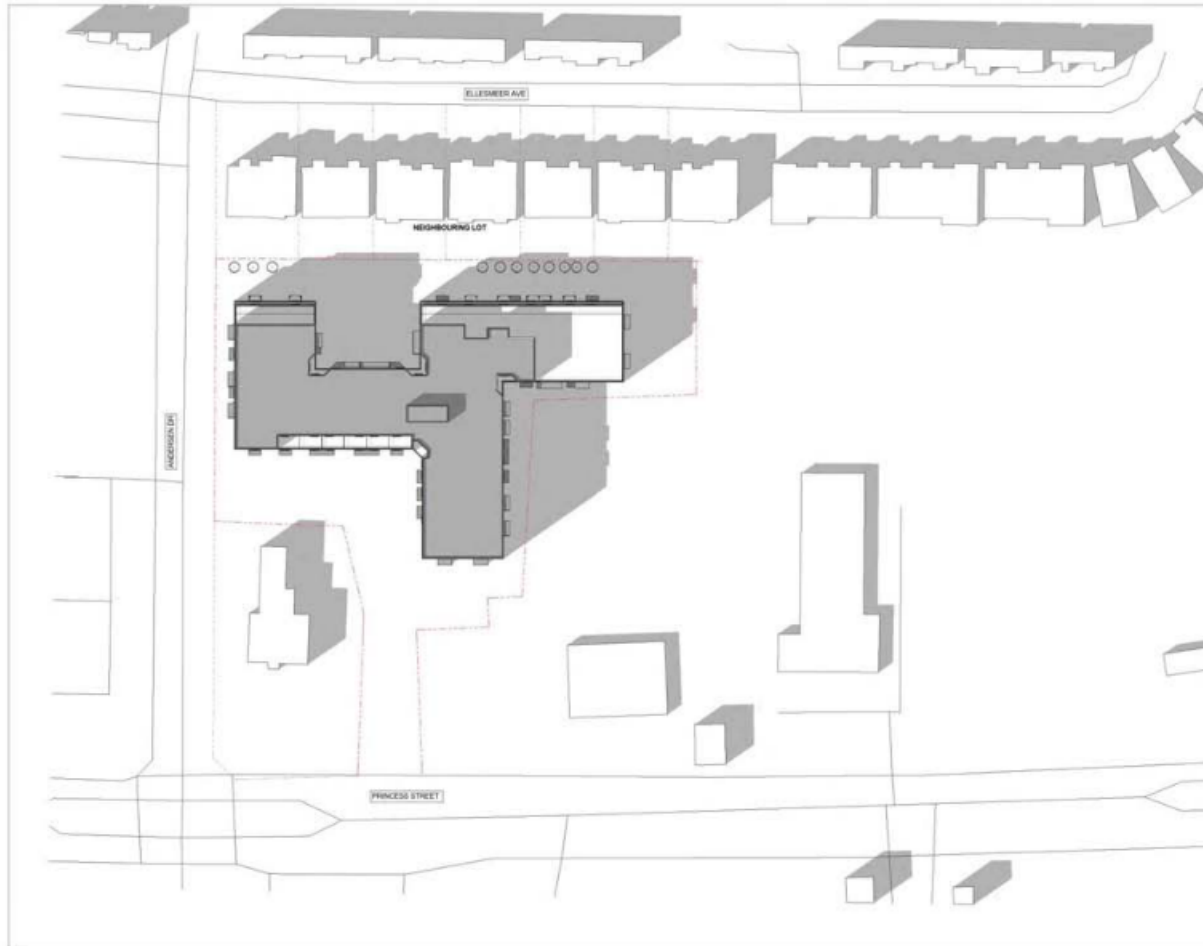


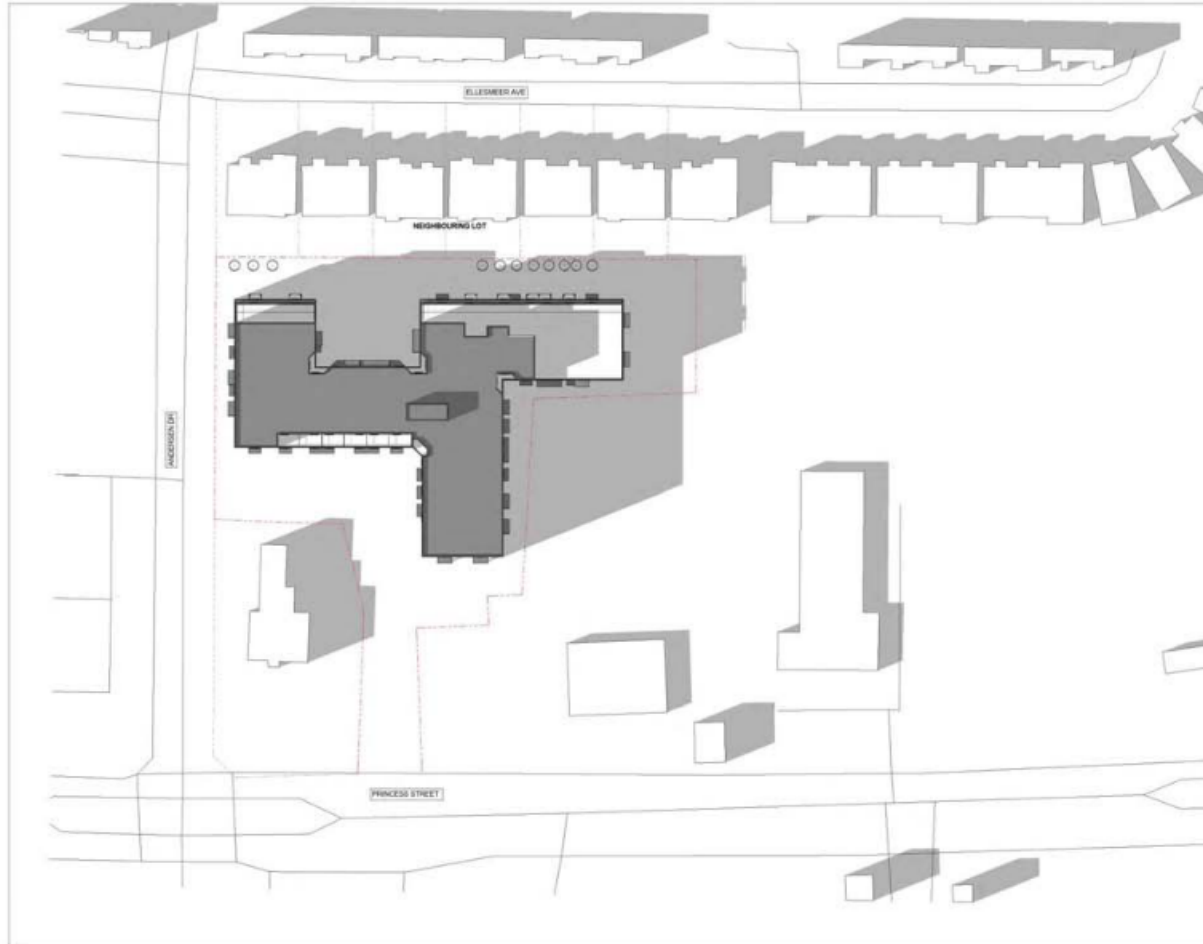


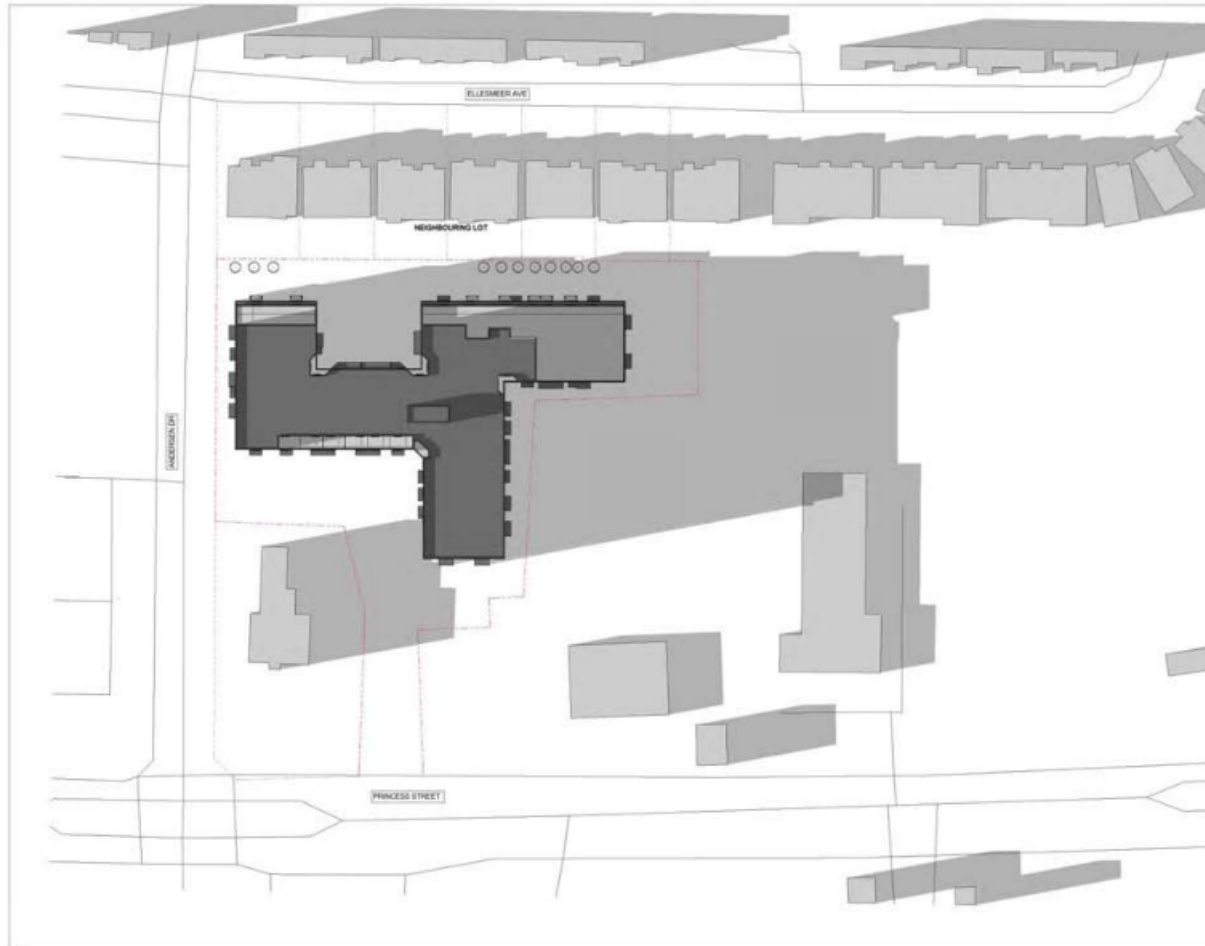


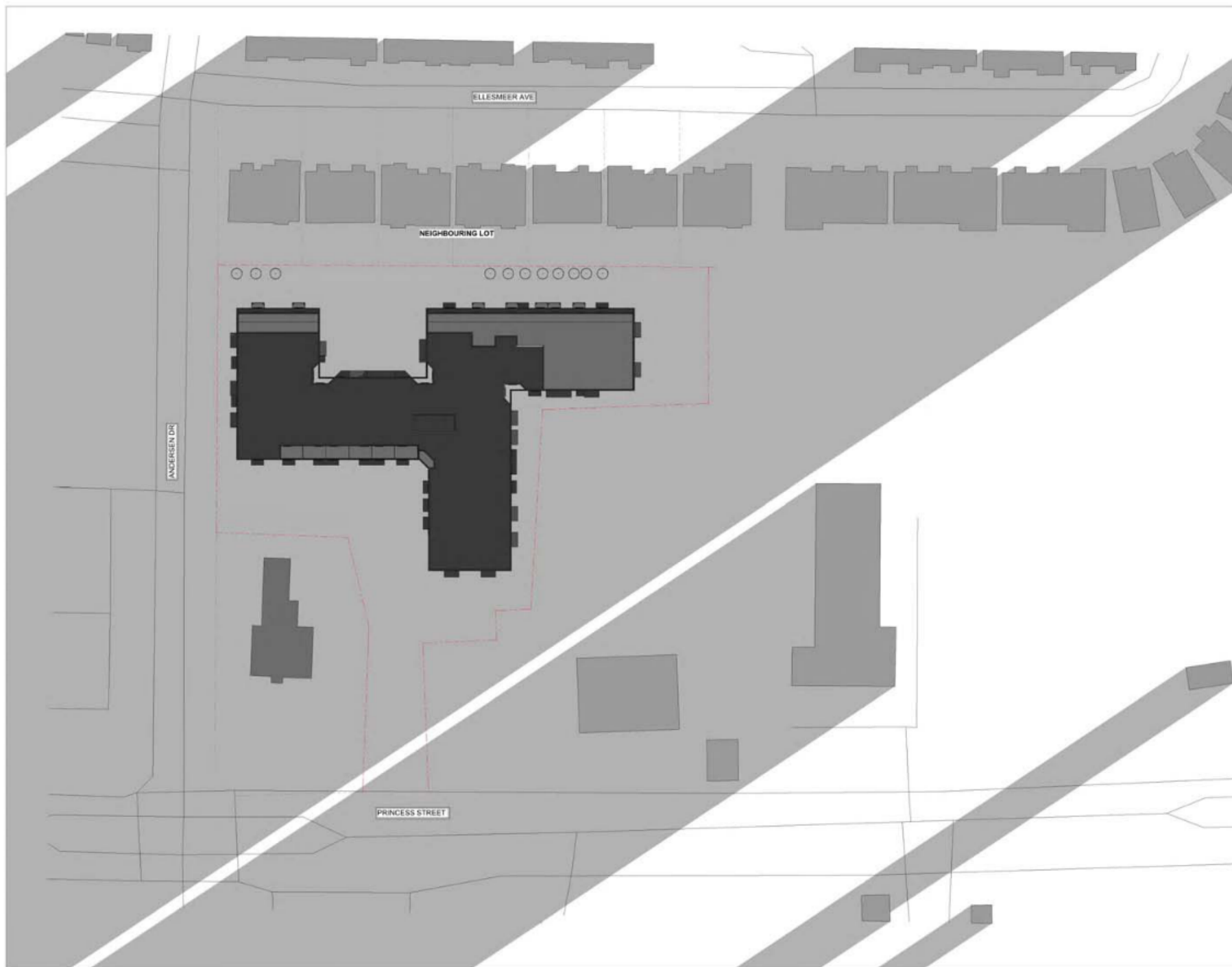


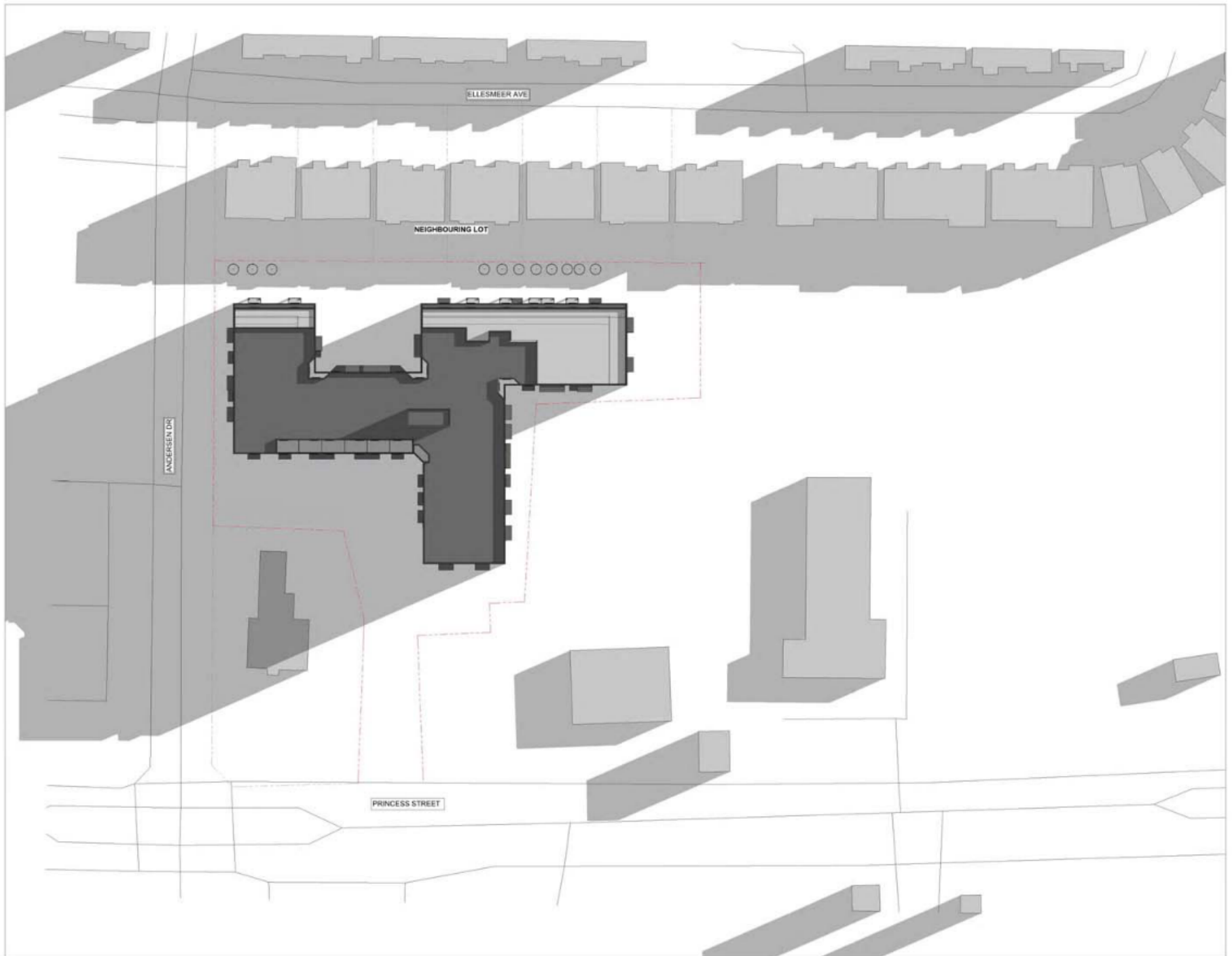


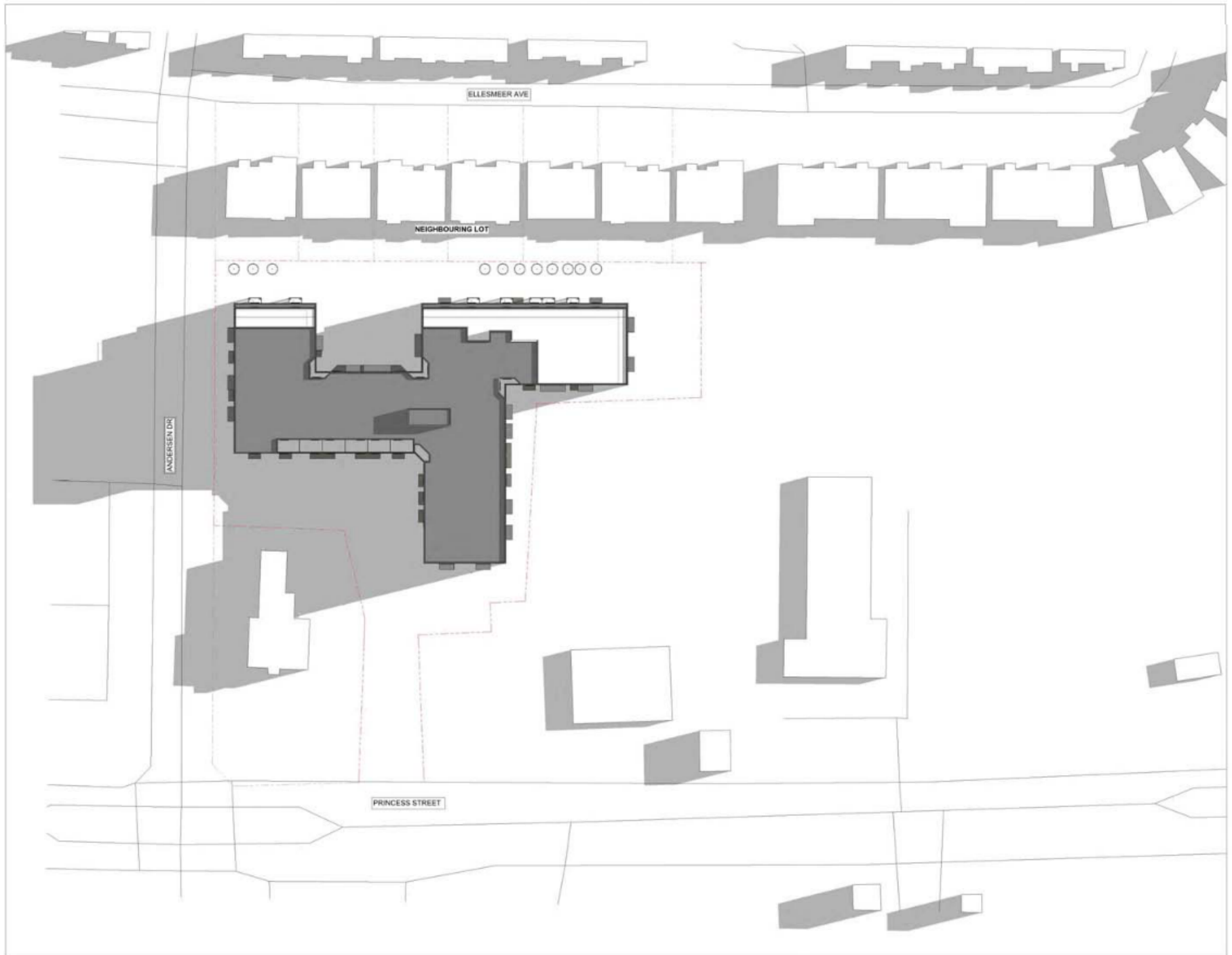


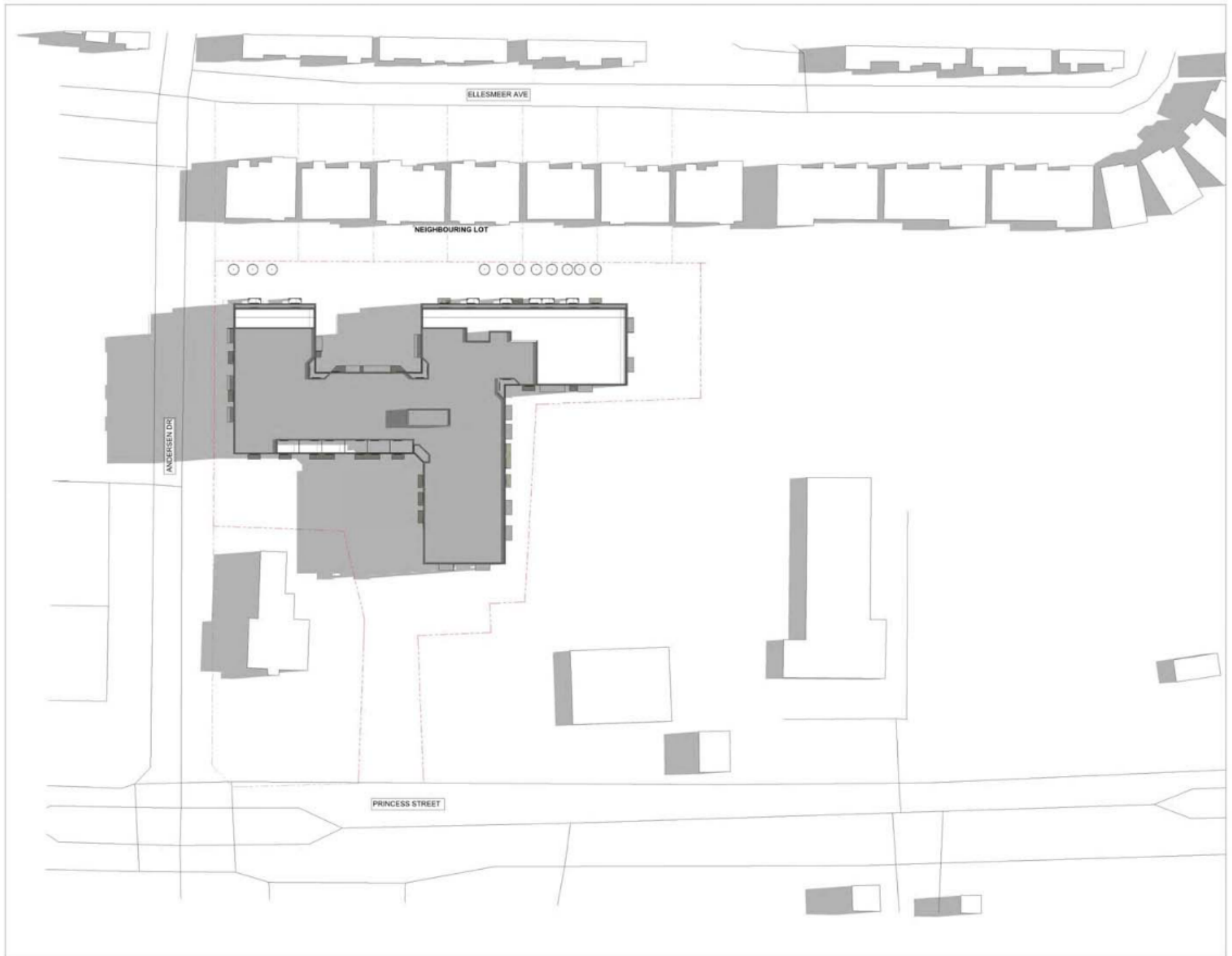


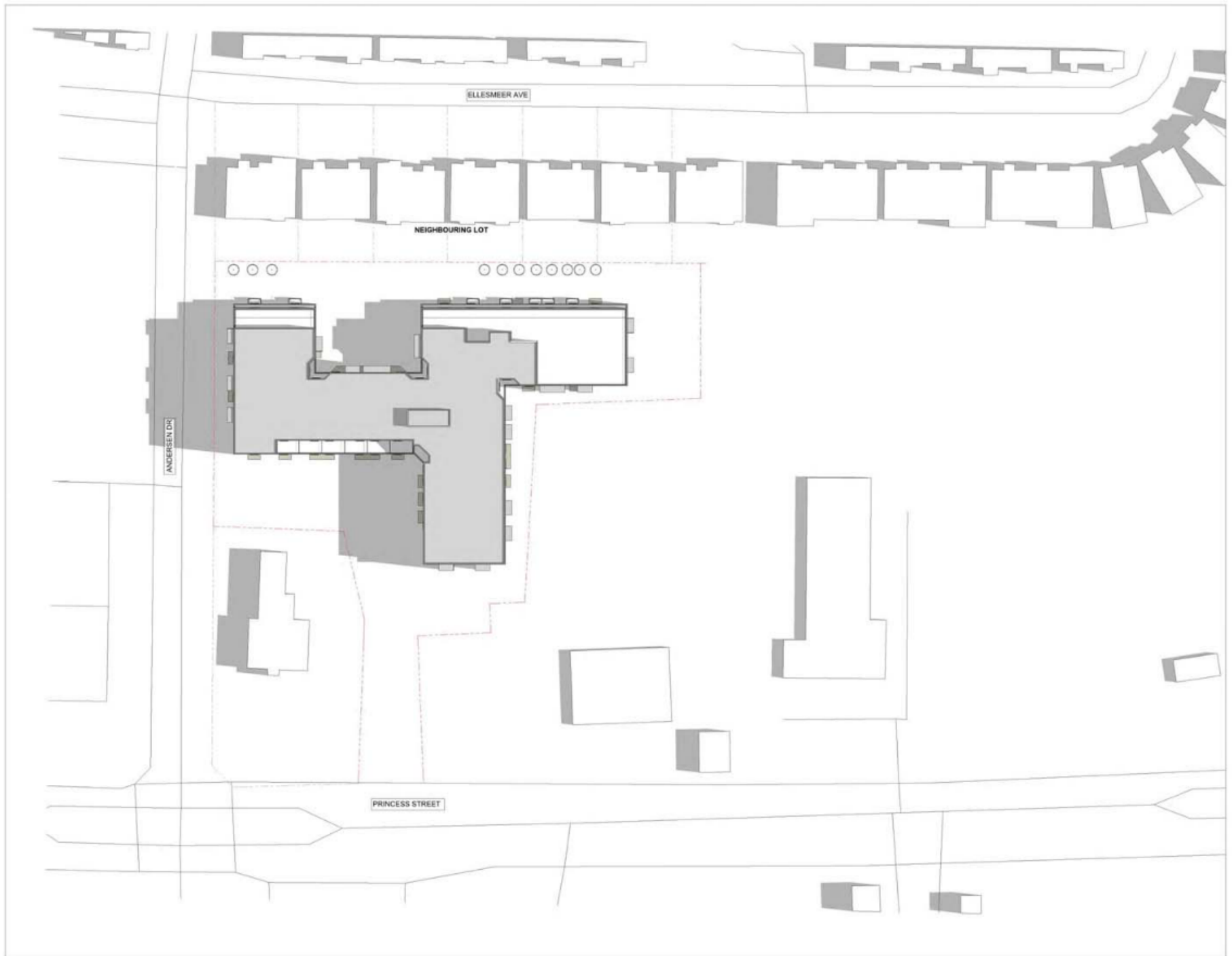


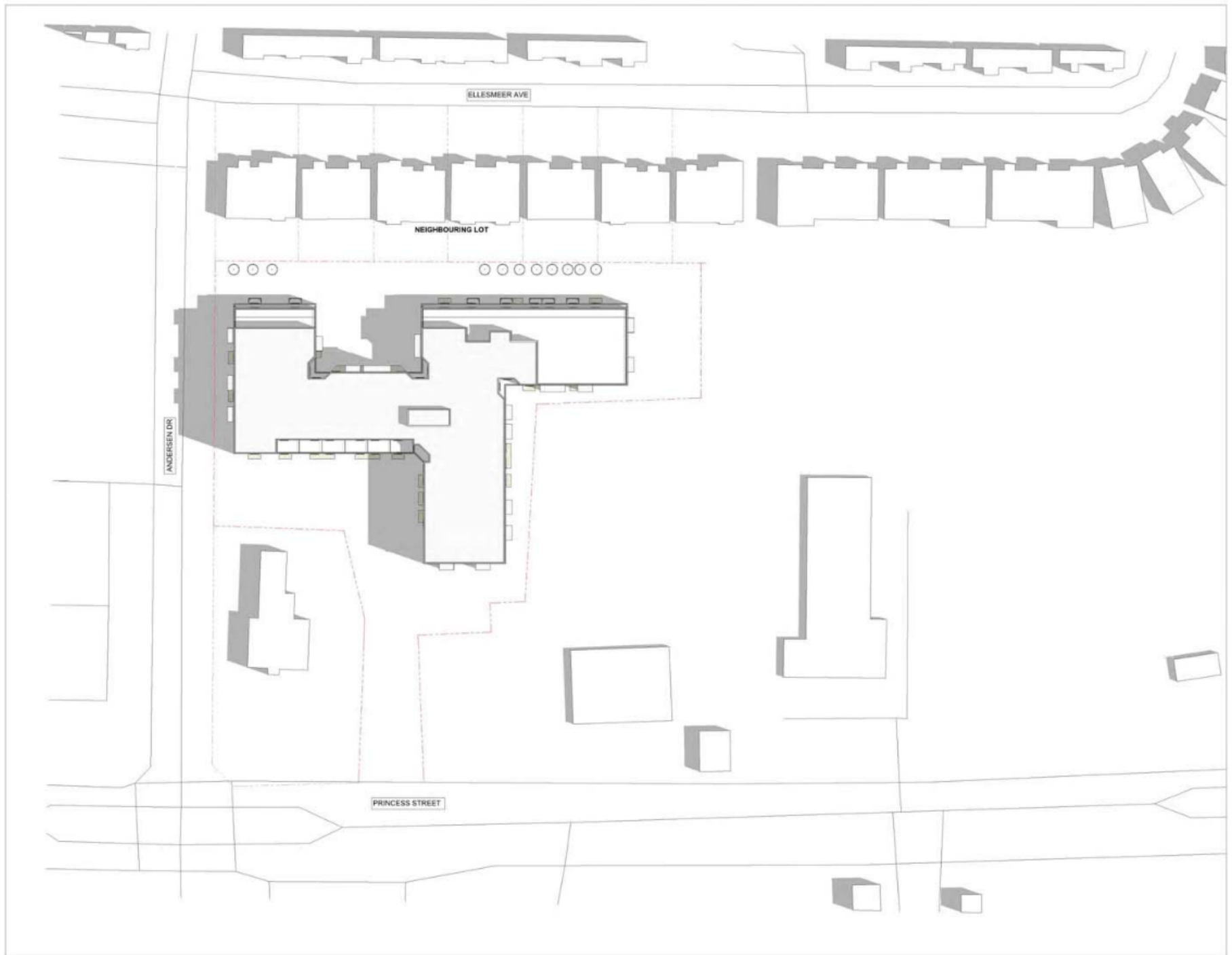


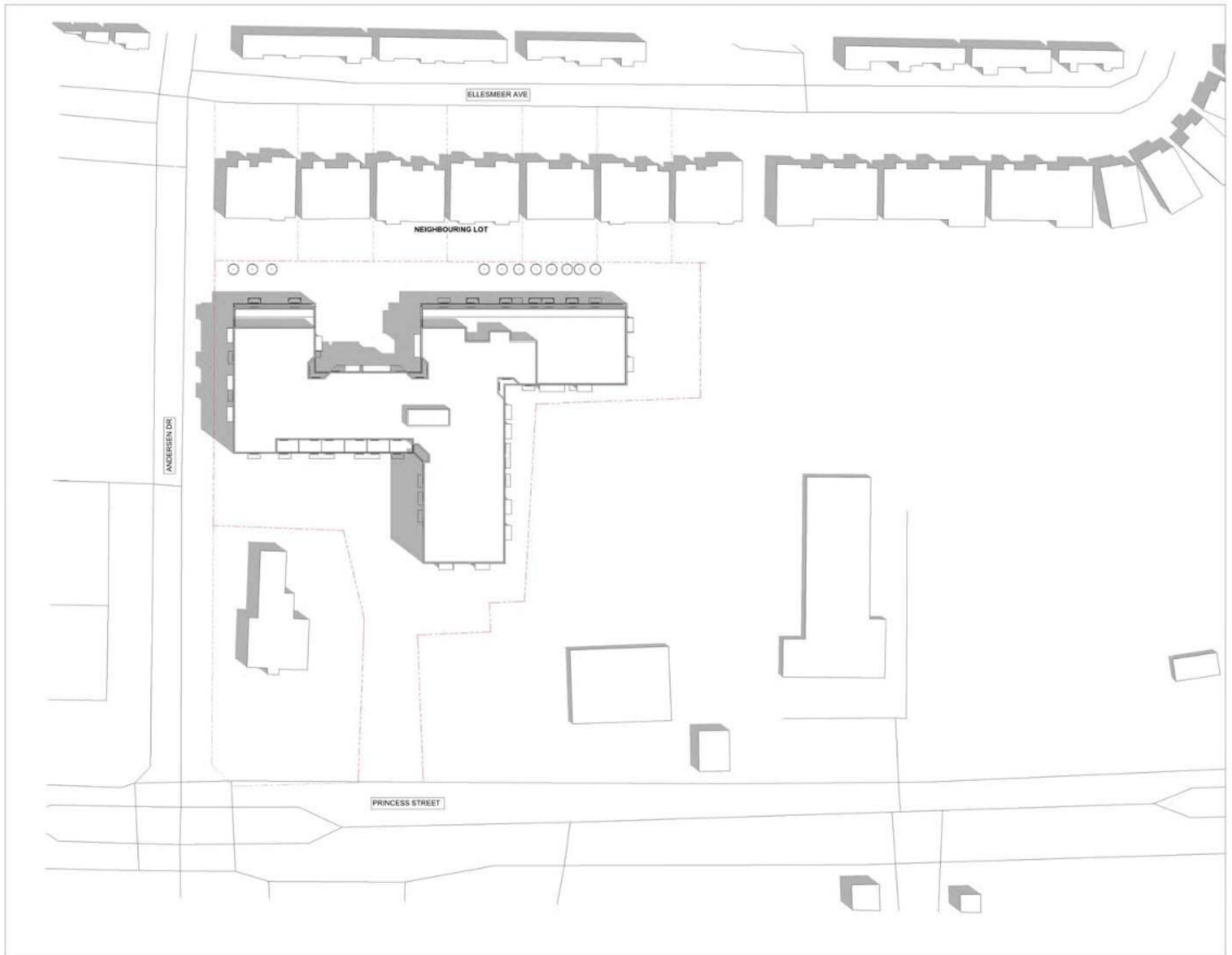


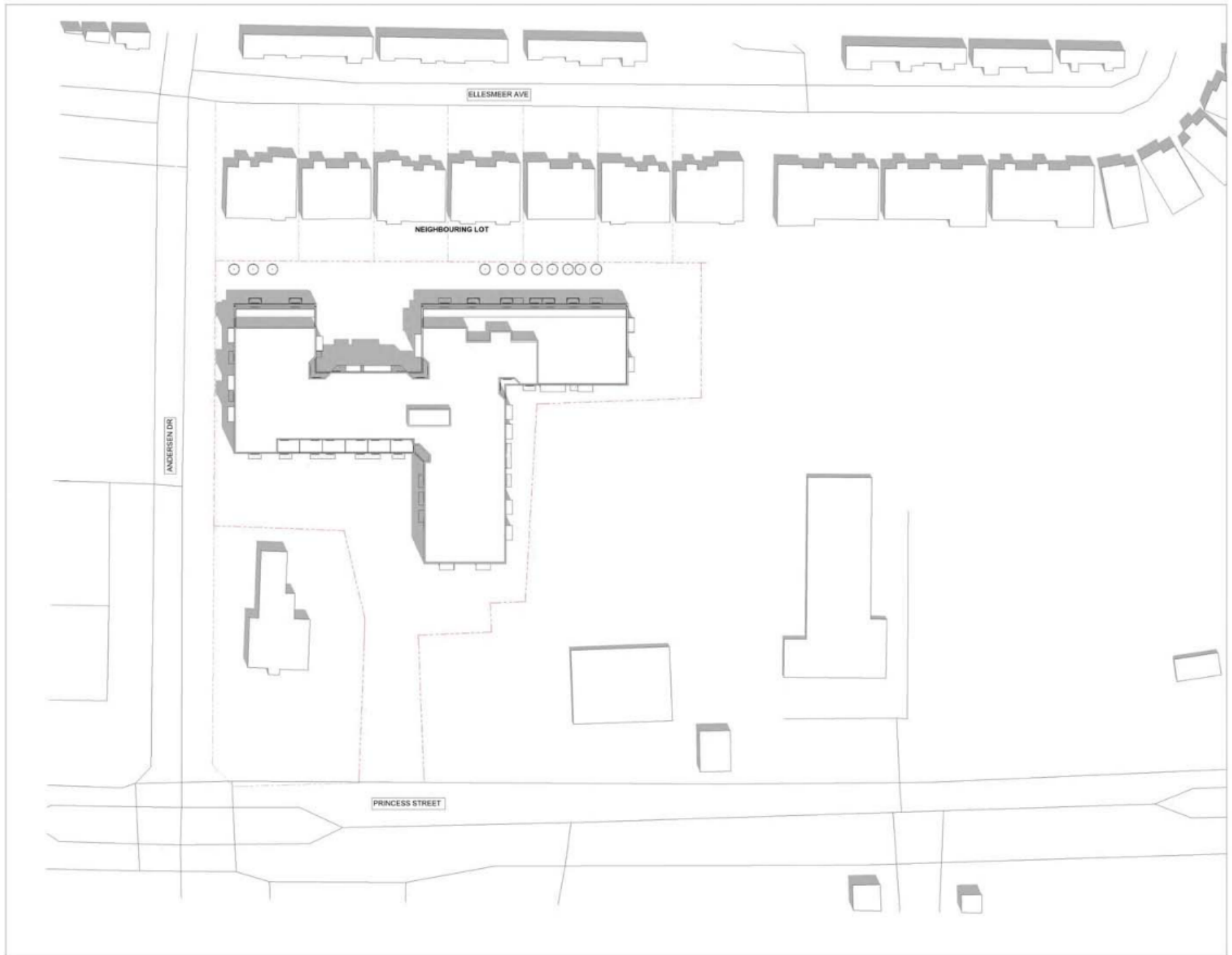




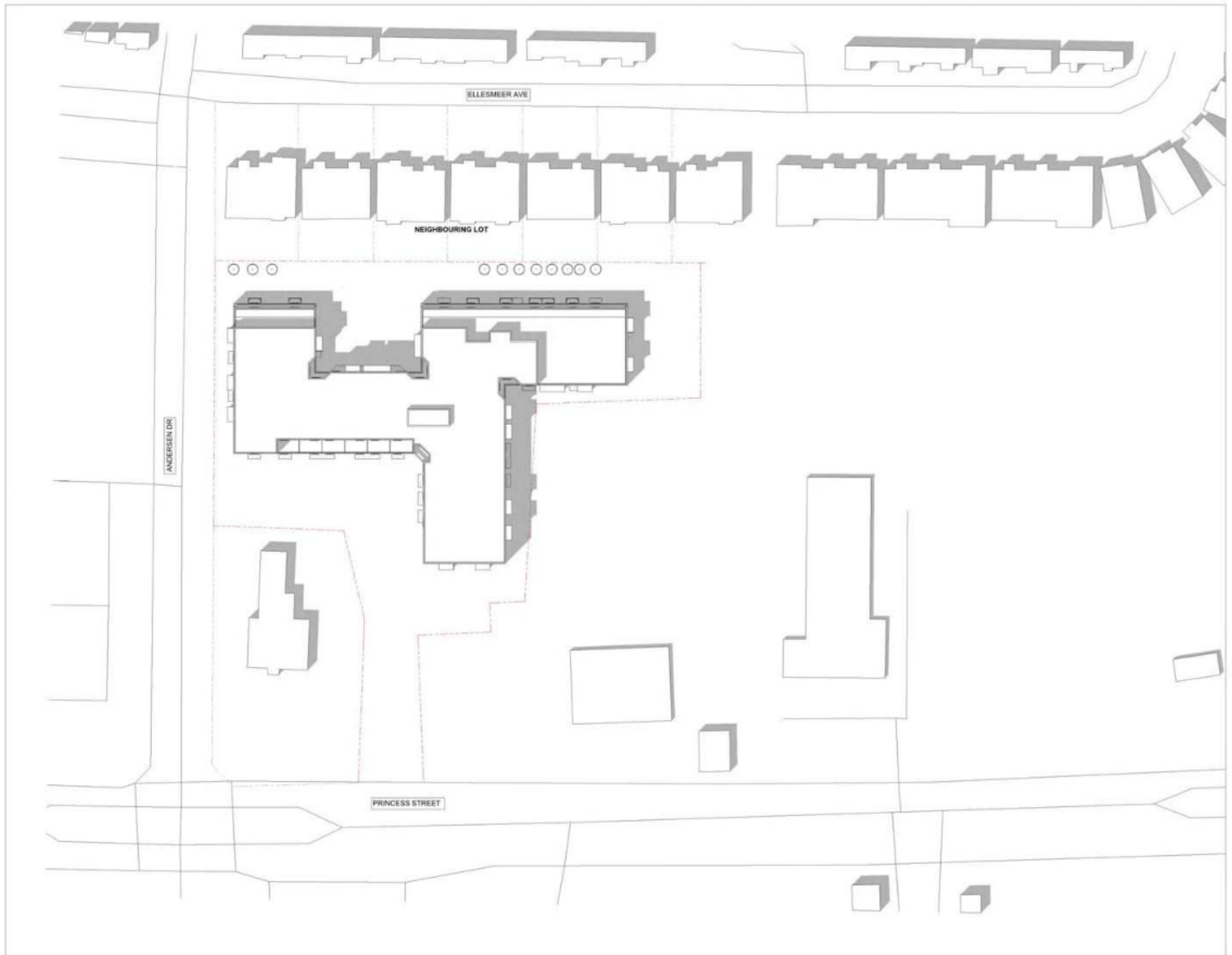


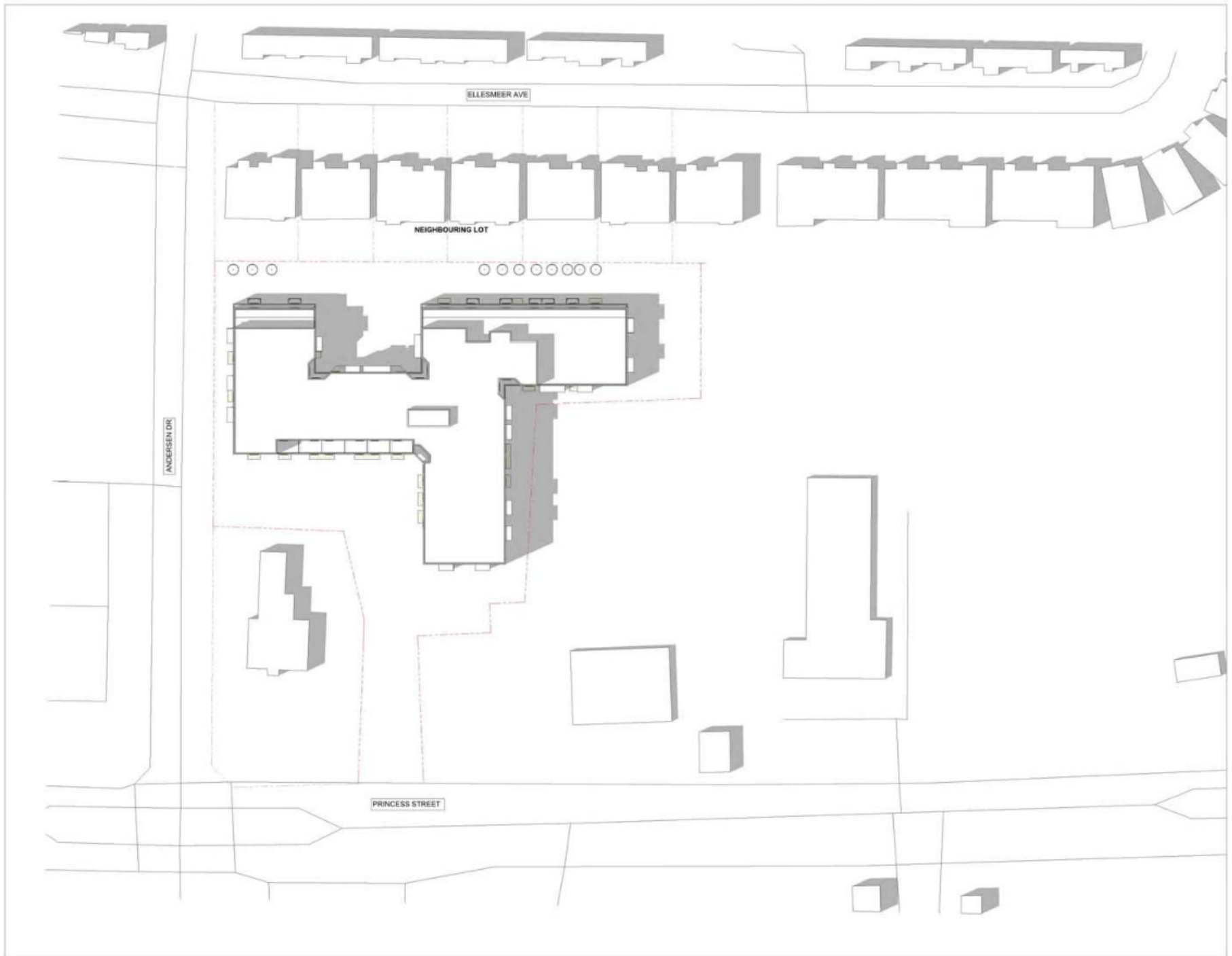


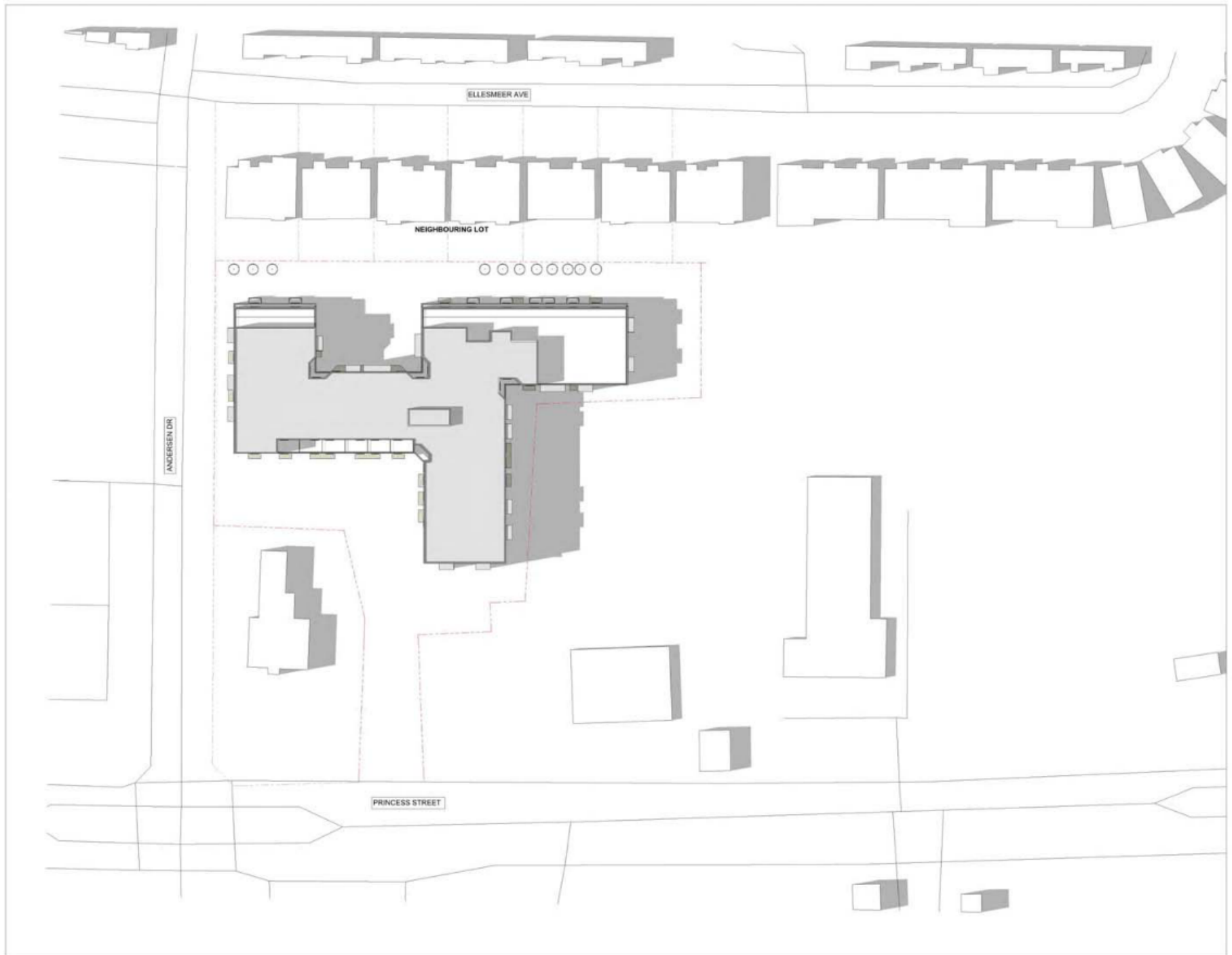






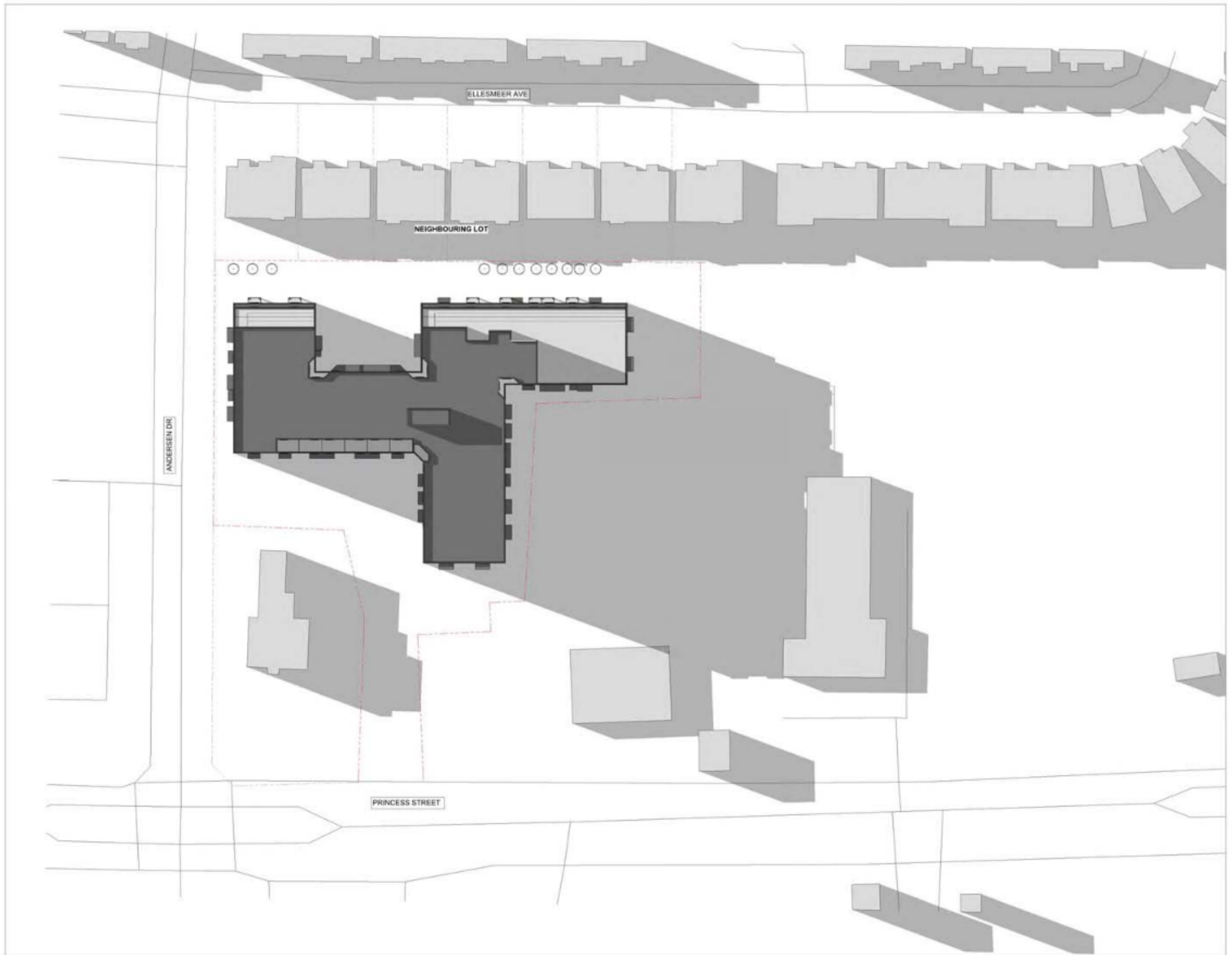


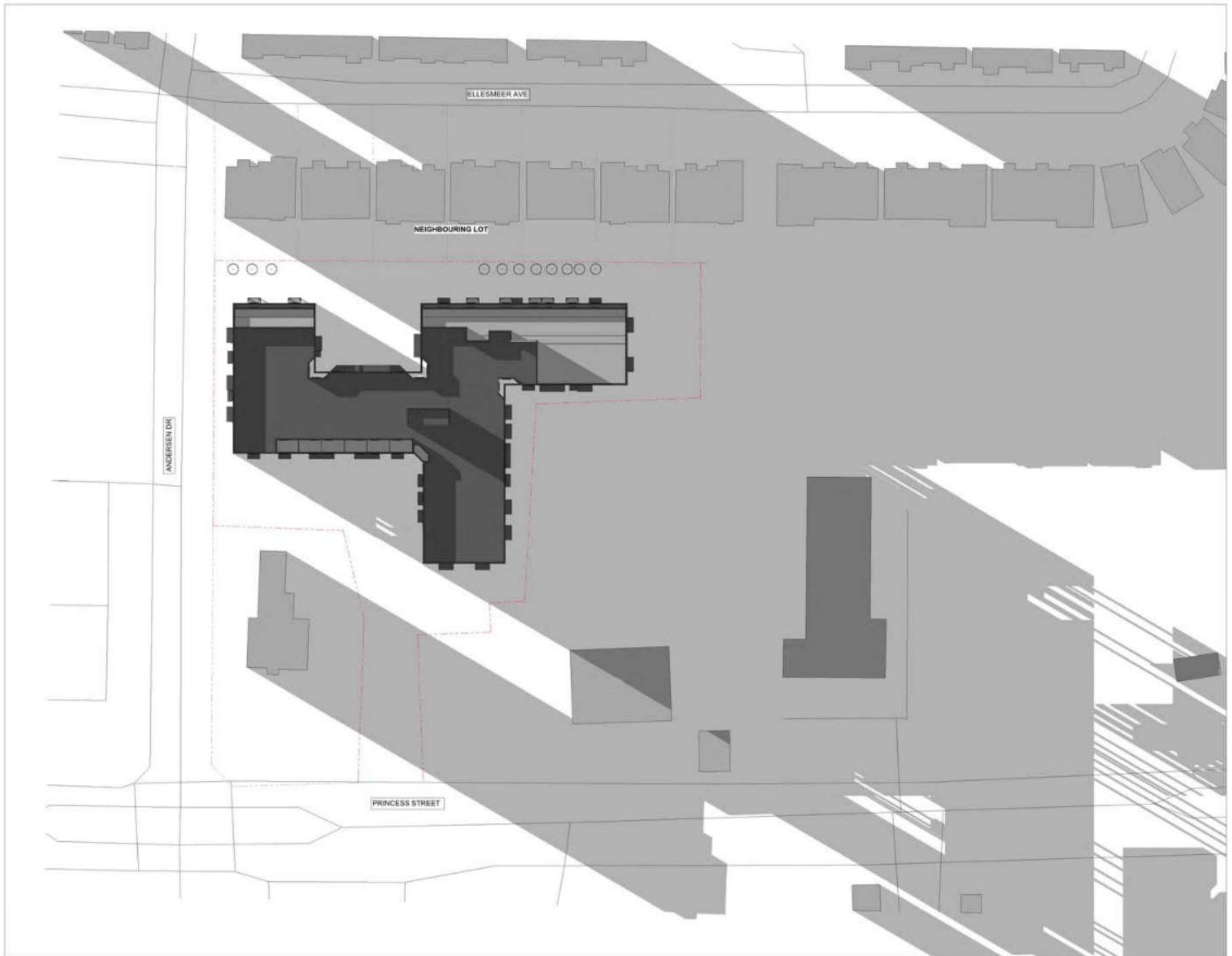


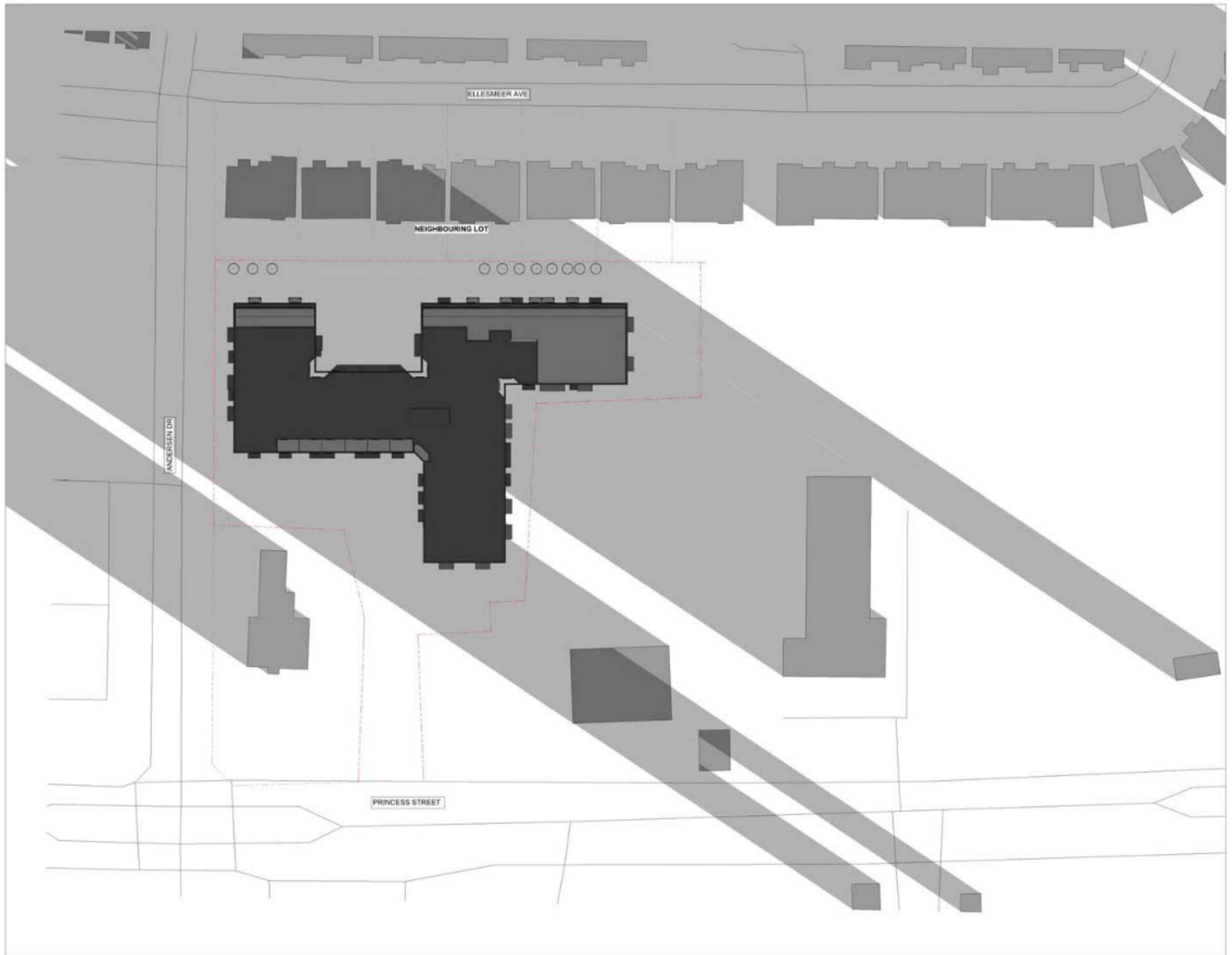


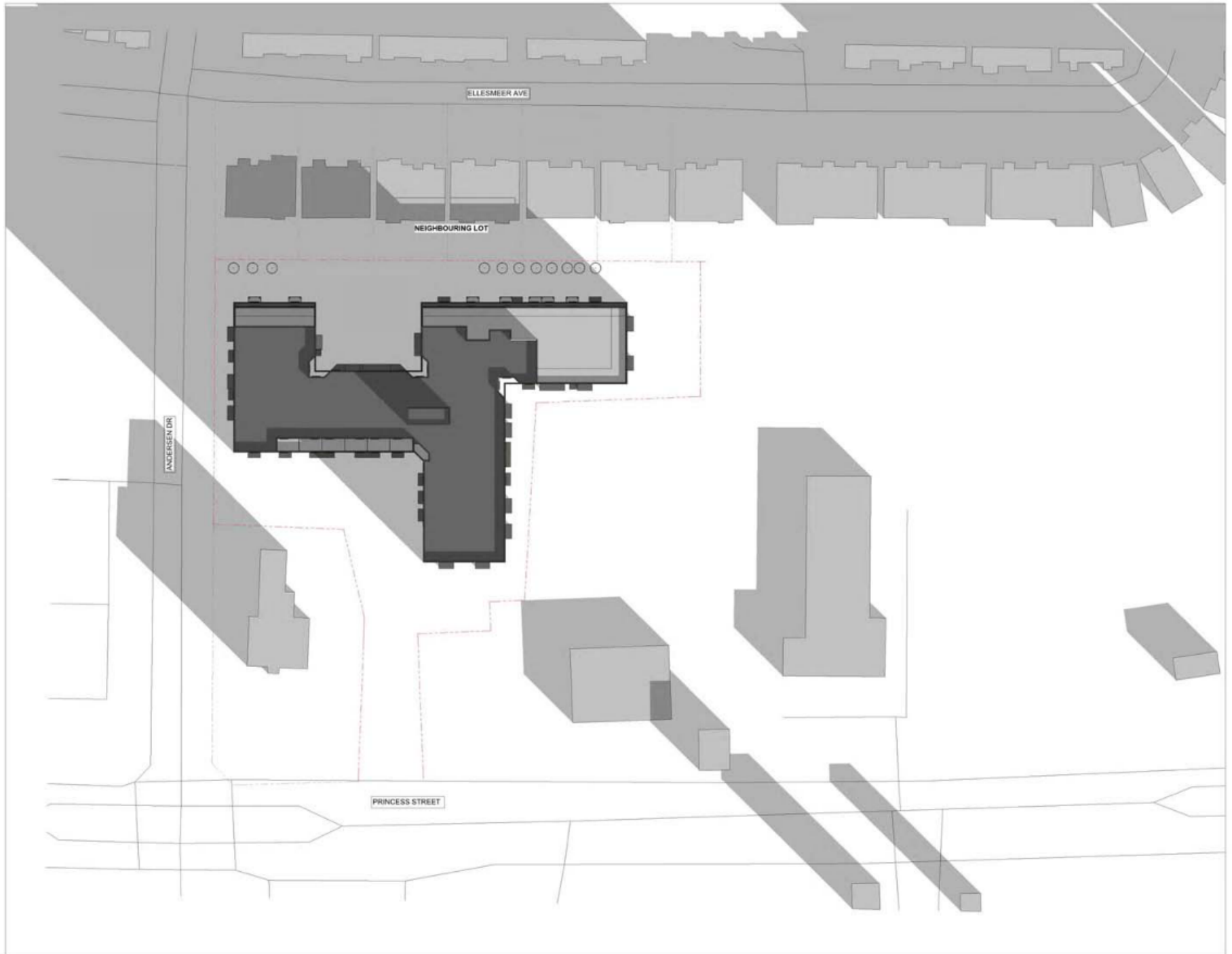


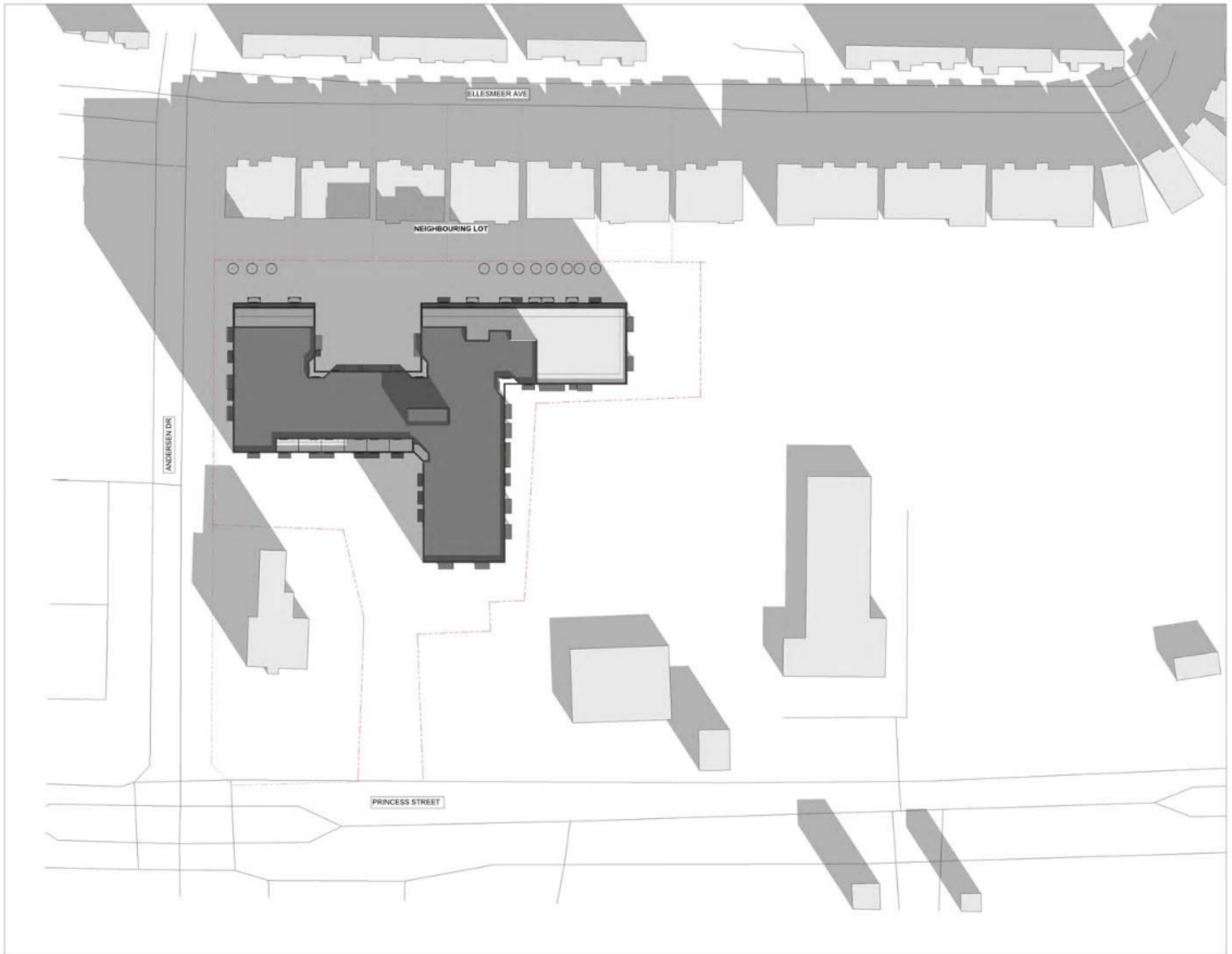


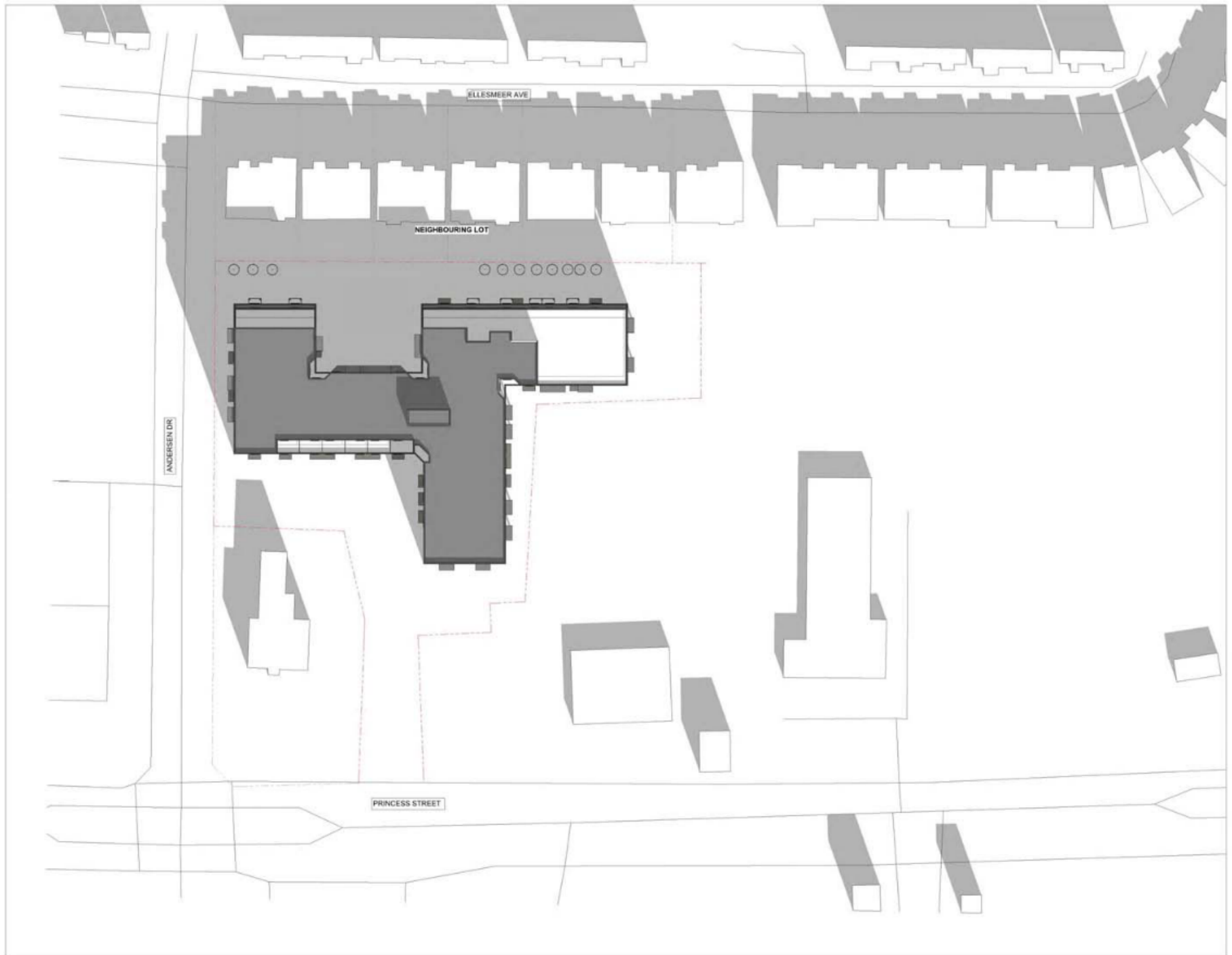


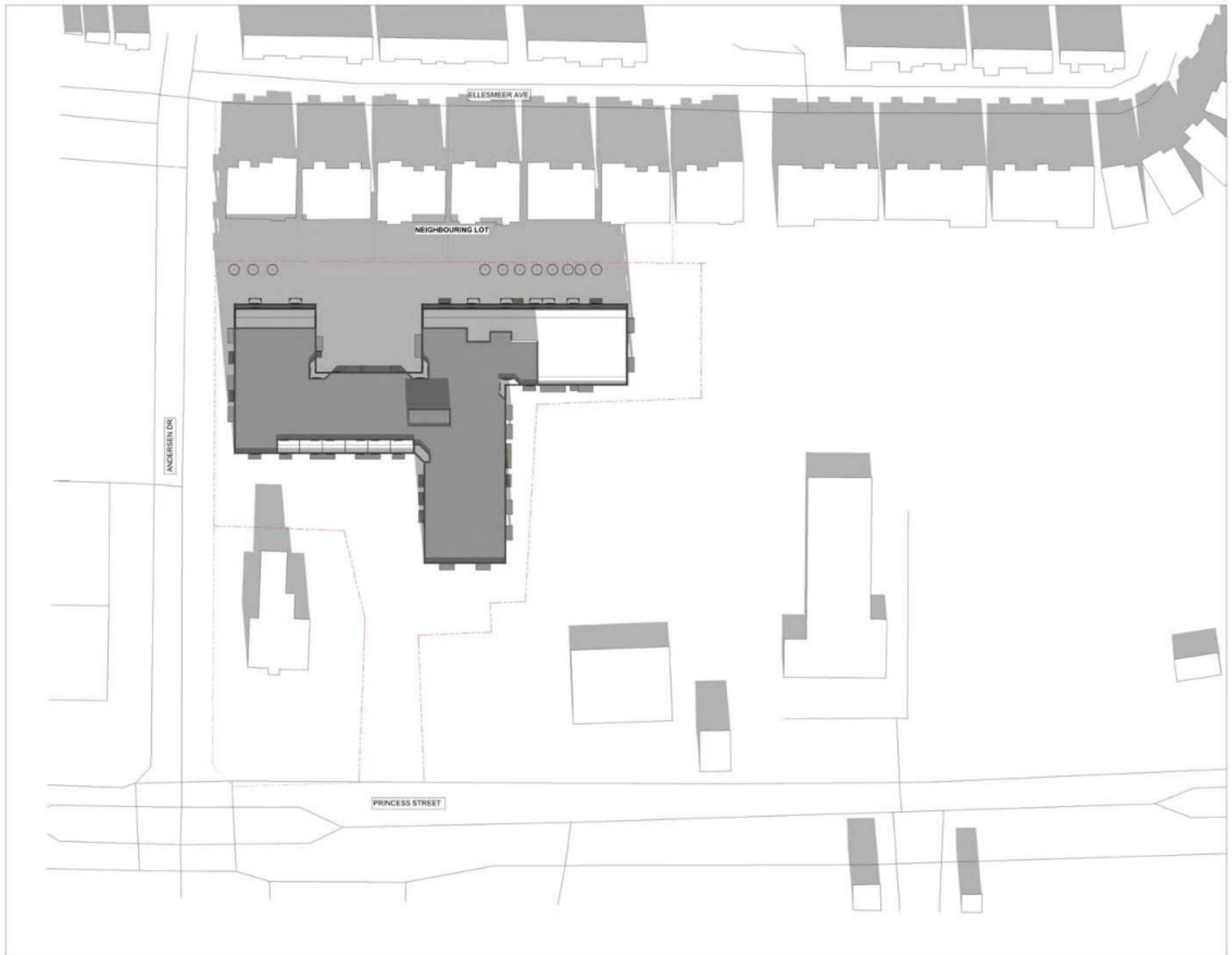




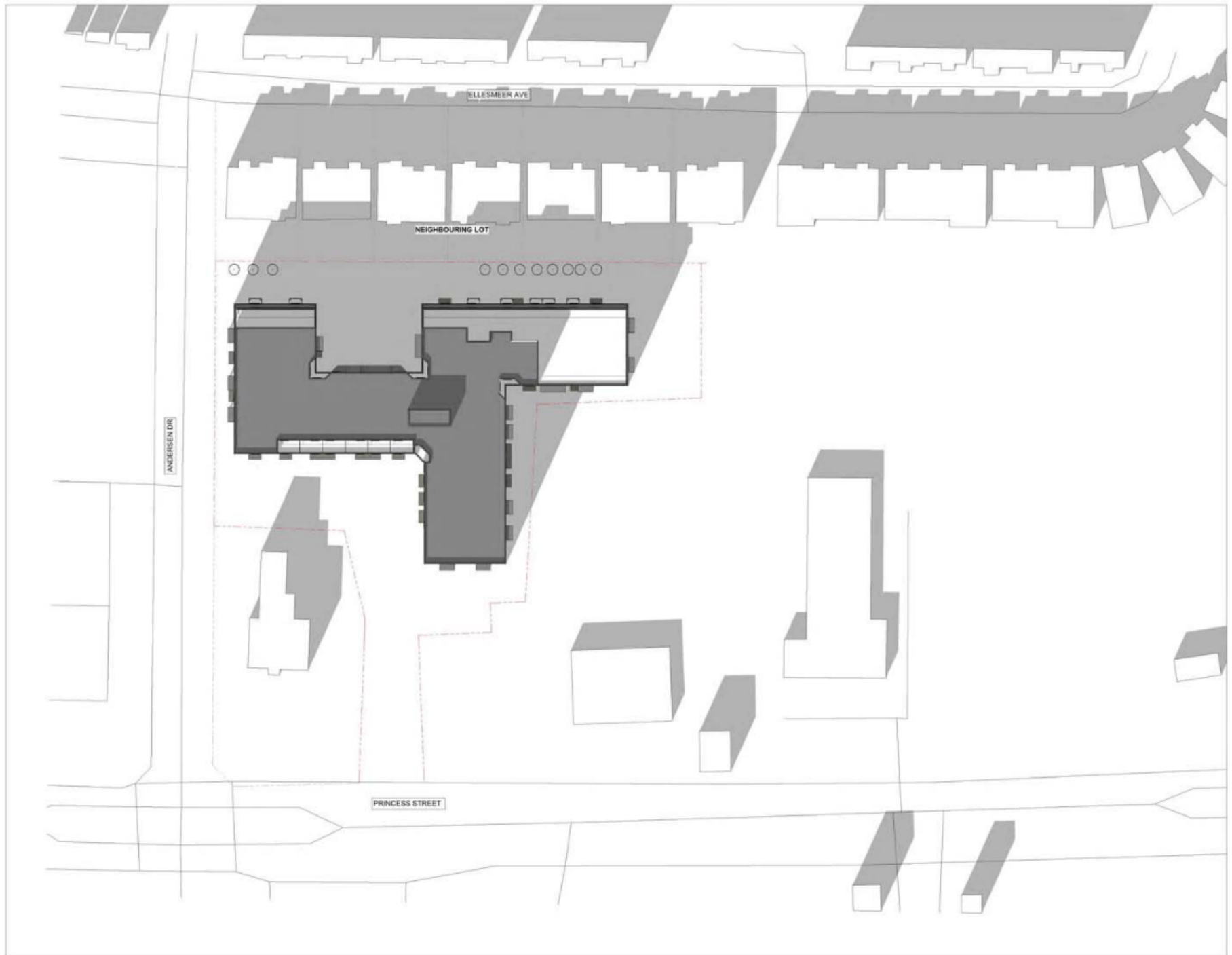


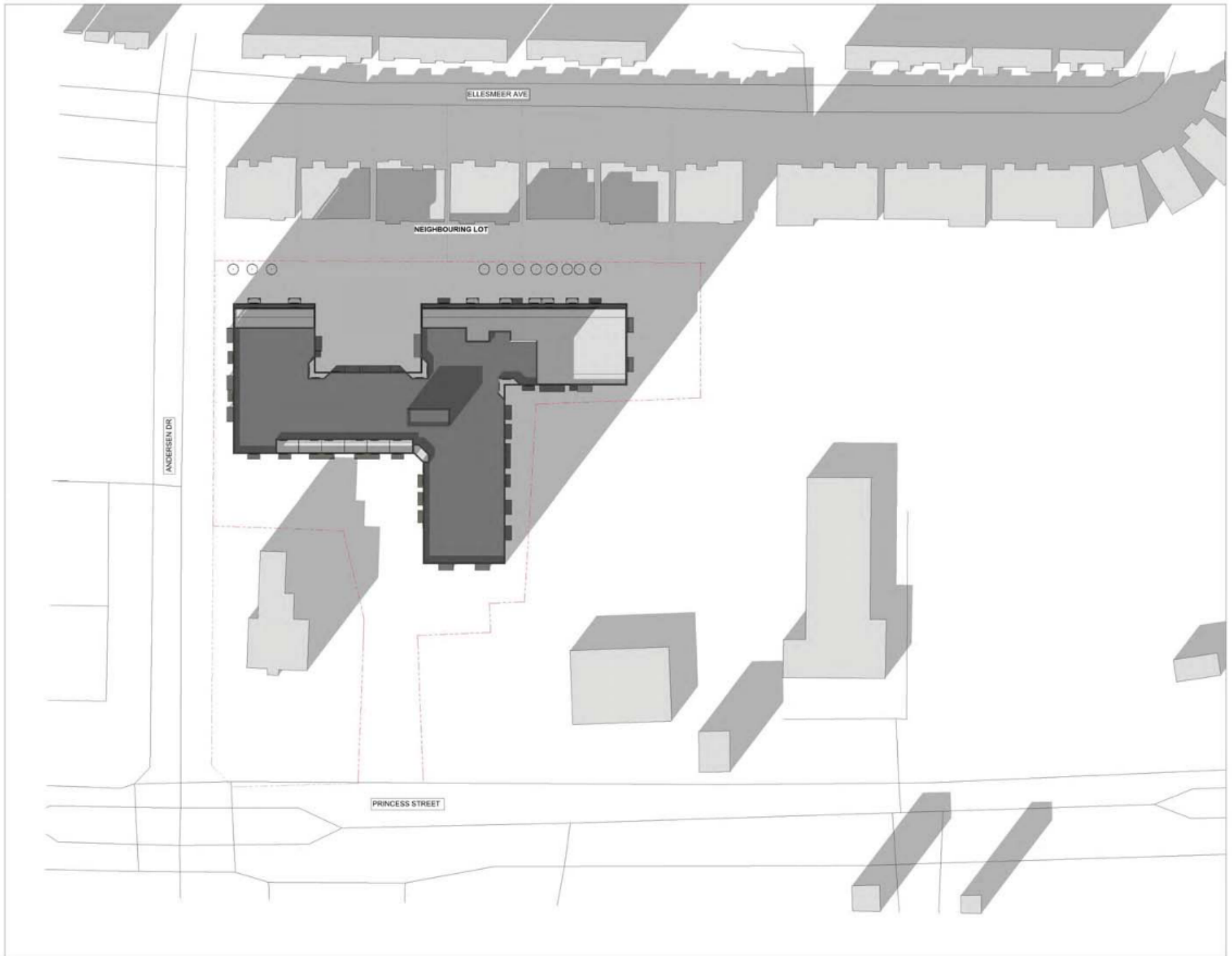


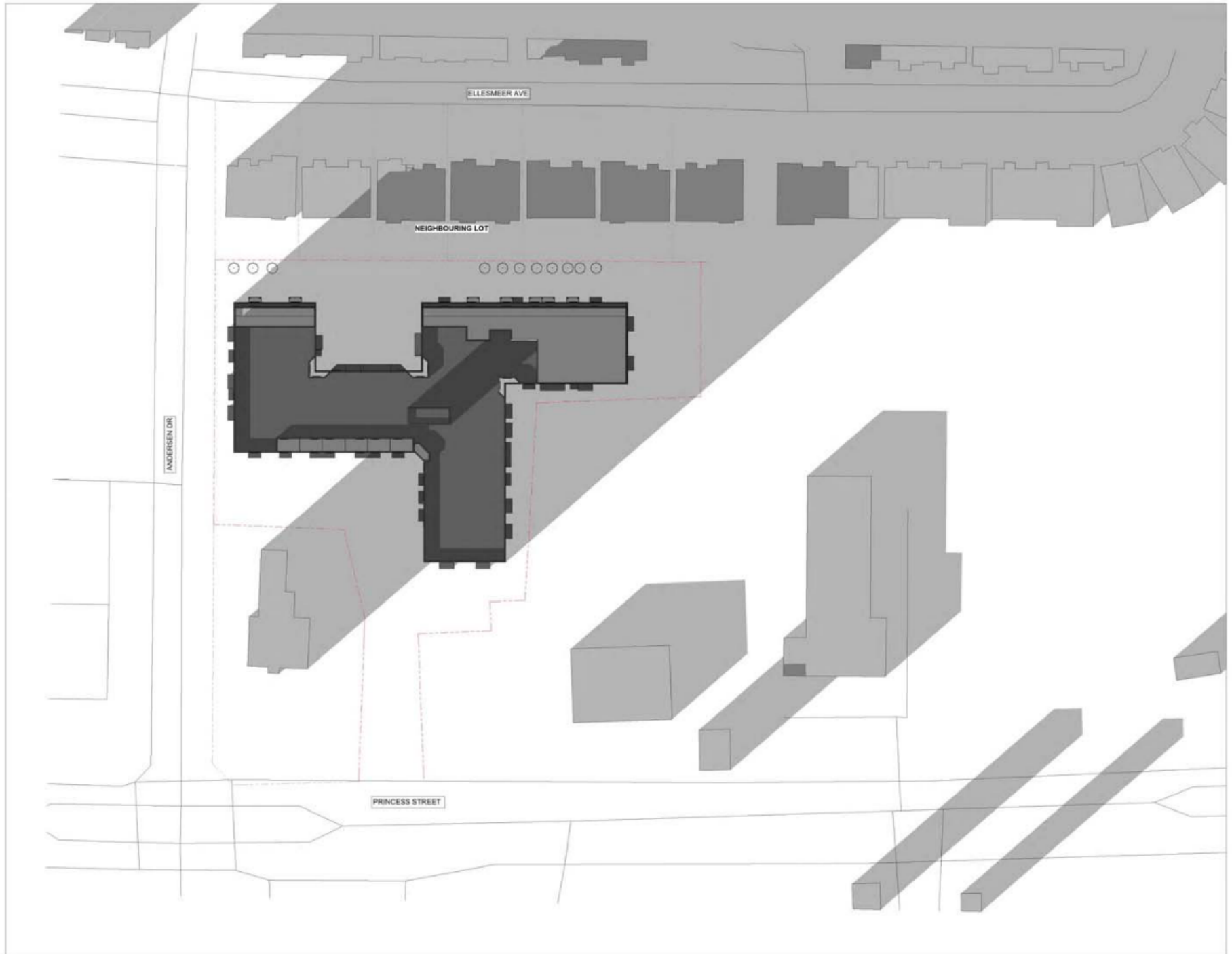












Site Photos

View from Princess Street & Anderson Drive looking north



Image Courtesy of Google Streetview

View from Ellesmeer Avenue & Anderson Drive looking southwest



Image Courtesy of Google Streetview

View from western side of Subject Lands looking north-northeast



View from Ellesmeer Avenue looking South



View from Anderson Drive at rear Entrance of RONA looking northwest



View from mid section of Subject Lands looking north



Comparison – 2274 Princess Street as viewed from Ellesmeer Avenue



Comparison – 2274 Princess Street as viewed from Ellesmeer Avenue



Comparison – 2274 Princess Street as viewed from Ellesmeer Avenue



Comparison – 2274 Princess Street as viewed from Ellesmeer Avenue

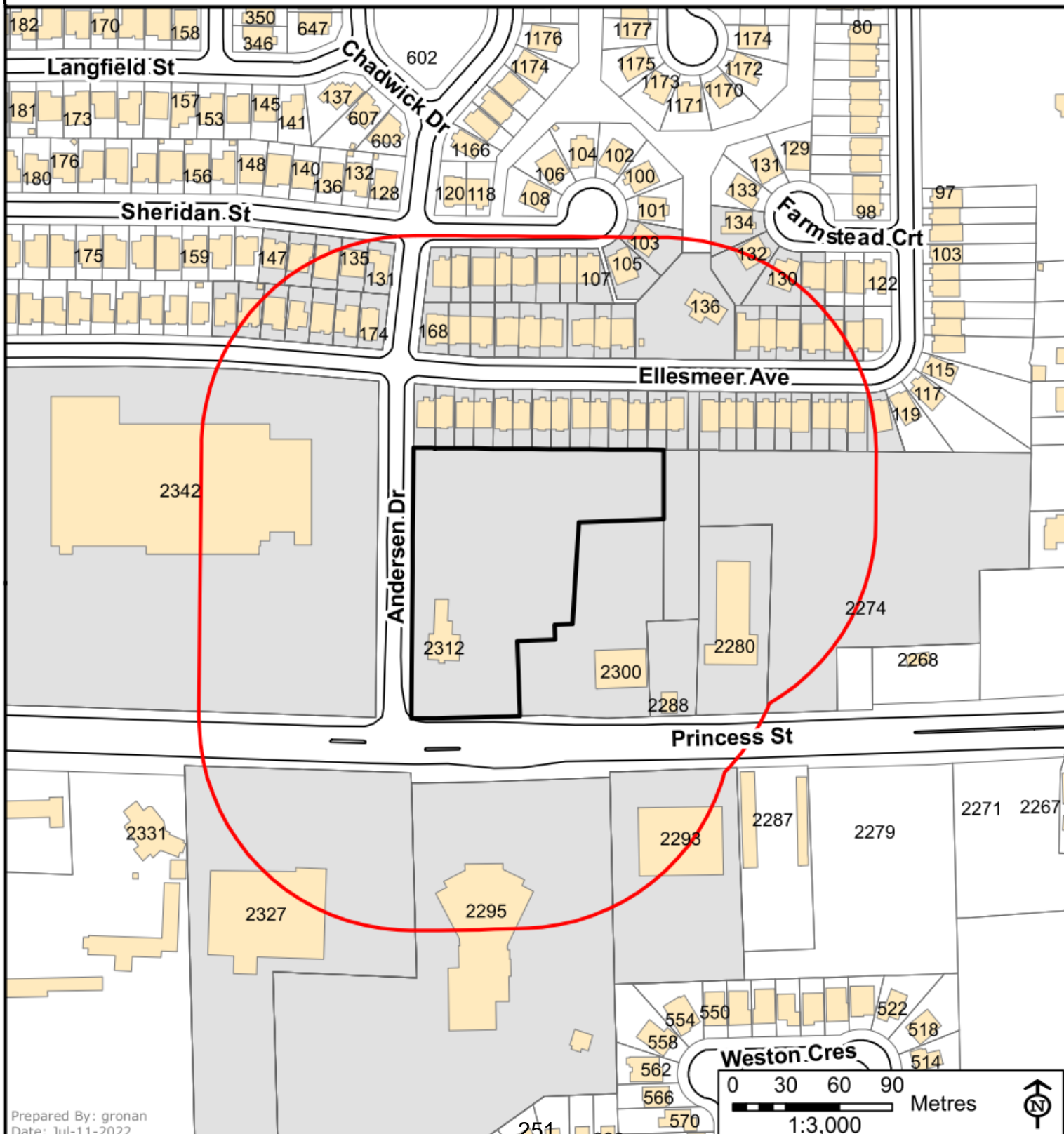




CITY OF KINGSTON Public Notice Notification Map

Address: 2312 Princess St
File Number: D35-004-2022

- Subject Lands
- Property Boundaries
- 120m Public Notice Boundary
- 77 Properties in Receipt of Public Notice



Prepared By: gronan
Date: Jul-11-2022

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Clendening, Ian

From: mobrien [REDACTED] >
Sent: October 17, 2023 1:14 PM
To: Clendening, Ian
Subject: Re: Revised Submission - D35-004-2022 (2312 Princess Street)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Ian,

Sorry for the delay in getting back to you regarding some questions I have re: the latest news and DASH postings for the 2312 Princess St. development.

After having some quiet time to examine the newest reports submitted by the developer, as well as your own added comments, there still are a few questions remaining, if you don't mind answering.

1. You have stated that "only juliet balconies are permitted ABOVE the 2nd floor for those units facing towards Ellesmeer Avenue.". Am I correct in assuming then that the balconies on the north wall for levels 1 and 2 inclusive will definitely be regular, deep balconies?

2. Under the Sept. 26th submission titled "4th Submission ZBA-OPA Tracker, no. 17 - there is still reference to u-turns being permitted at the intersection of Andersen and Princess Sts. for those exiting and wanting to go east on Princess St. to the downtown area. Is that correct? As most know who travel through that intersection on a daily basis, that intersection is already rife with heavy traffic issues (barely safe for pedestrians to cross, super speeding cars through that intersection, heavy load of automobiles) and the thought of having u-turns allowed at that spot suggests even worse traffic issues. It is hard to be reassured that that intersection can tolerate further sudden, unpredictable and heavier flow of traffic with travellers deciding to do u-turns. Perhaps we are not understanding that correctly and would appreciate clarification.

3. The solar/shadowing study from May 23, 2023 remains very troublesome as it continues to demonstrate that at certain times of year (especially Dec. and surrounding weeks) precious daylight will definitely be obstructed for many who live to the north of the building. Thus we are still asking that the height of the building be reduced to remain the same as 2274 Princess Street - ie. max. 4 floors on the north side. This was an adjustment that was granted to those involved in the 2274 project in the planning stages and we feel we should be offered the same concession. As you are aware, 2312 is a much larger building on a much smaller piece of property and its overstated size continues to be clearly problematic to abutting residents.

If you can address any of these concerns or clarify any points, I would greatly appreciate it. I am organizing a meeting in Nov. with Walnut Grove residents who are gravely concerned and I would like to be able to clarify some of these points. And it would just be good that we have the same understanding of proposals when working with your Planning Services department.

With thanks,
Mary O'Brien

Clendening, Ian

From: nancy lovell [REDACTED] >
Sent: October 2, 2023 9:35 AM
To: Clendening, Ian
Cc: Chaves, Paul
Subject: Re: Revised Submission - D35-004-2022 (2312 Princess Street)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ian,

I thank you for the latest updates to the 2312 Princess St. Patry Property Development. I am very pleased and thankful to see the amendment by zoning department to prohibit the proposed road along the back of our properties.

Unfortunately, I see little else has been changed or addressed by the developer.

The apartment development is 'still ' a mere 12.4 meters from my fenceline. Given our back gardens are not deep in lot size, that is incredibly close for a building that will tower above. It's enough that I have lost any pleasing view but now I will be staring right into the second floor apartments from my livingroom where I spend 90% of my time. This is the main reason I 'seriously' request the adoption of julliette balconies ONLY on the north east and north west wings of the apartment unit. There is no reason why this cannot be adopted. It's planned on all other floors. Only the developer will gain from the balconies as they can charge a premium for an apartment with a balcony. I would like to hope your department and the city will adopt this proposal. I feel since the zoning was changed for this plot of land my voice has been lost with its development.

The increased volume of residents in this development and that of the unit to the east will have an immediate impact on myself and fellow residents along Ellesmeer, and surrounding neighborhood. None of which will be remotely positive in nature.

Therefore I respectfully desire the city, and planning department to support us in many of these requests moving ahead in the next phase.

Kindest regards,
Nancy Lovell
[REDACTED]
[REDACTED] Ellesmeer Ave

[Sent from Yahoo Mail on Android](#)

On Thu, Sept 28, 2023 at 4:22 p.m., Clendening, Ian
<iclendening@cityofkingston.ca> wrote:

By way of this e-mail, I wanted to keep you up-to-date regarding the proposed Official Plan & Zoning By-law amendment for the property at 2312 Princess Street (Our file D35-004-2022) which you have previously provided comment on.

Through the review of the last submission referenced in the correspondence of May 15, the applicant has made further revisions to the proposal. The full submission is available on the City's DASH portal.

Some of the key revisions to the proposal include:

- In response to concerns over traffic safety, access to Princess Street would be limited to a 'right-in only' entrance.
- In response to concerns that a private road could be placed along the north lot line in the future, an additional provision has been added to the proposed Zoning By-law Amendment which specifically prohibits such. A landscape buffer is also required along this property line.

The latest submission maintains the building setbacks, including step backs at various heights, which were put forward during the last submission, and described more particularly as:

- 1st – 3rd storey: setback 12.4 metres
- 4th storey: setback 13.6 metres
- 5th – 6th storey: setback 19.2 metres

Only juliet balconies are permitted above the 2nd floor for those units facing towards Ellesmeer Avenue.

At this time, City staff are reviewing the material and invite the public to review the proposal as revised. I can confirm that future correspondence will be sent at such time as a Public Meeting has been scheduled.

All comments put forward to date will form a part of the public record and put before the Planning Committee at the time of the Public Meeting, and I invite any comment you may have on the application as revised which would be afforded the same benefit as well as consideration during the current staff review.

Kindly,



Ian Clendening (he/him/his)

Senior Planner

Planning Services

City of Kingston

Located at: 1211 John Counter Boulevard,



216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 extension 3126

iclendening@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

From: Clendening, Ian
Sent: Monday, May 15, 2023 2:05 PM
Subject: Revised Submission - D35-004-2022 (2312 Princess Street)

Further to your interest in the application for Official Plan & Zoning By-law amendment for the property at 2312 Princess Street (Our file D35-004-2022), I wanted to advise you that the applicant has provided revisions to the proposal.

At this time, Staff are undertaking a review of the material submitted, and by way of this correspondence, I wanted to afford you an early opportunity to review the proposal as revised.

Further notice will be provided once a Public Meeting has been scheduled.

All material can be accessed at the following link: <https://aca-prodca.accela.com/KINGSTON/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=REC22&capid2=00000&capid3=000VM&agencycode=kingston&IsToShowInspection>

Once you click through the hyperlink click the “Record Info” drop down menu to select “Supporting Information” as illustrated below. This will bring you to a list of all documents available.

[Return to CityofKingston.ca](#)



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Search for Development Applications

Record D35-004-2022:
OPA, ZBA, DPC, DPS
Record Status: In Technical Review

Record Info ▾

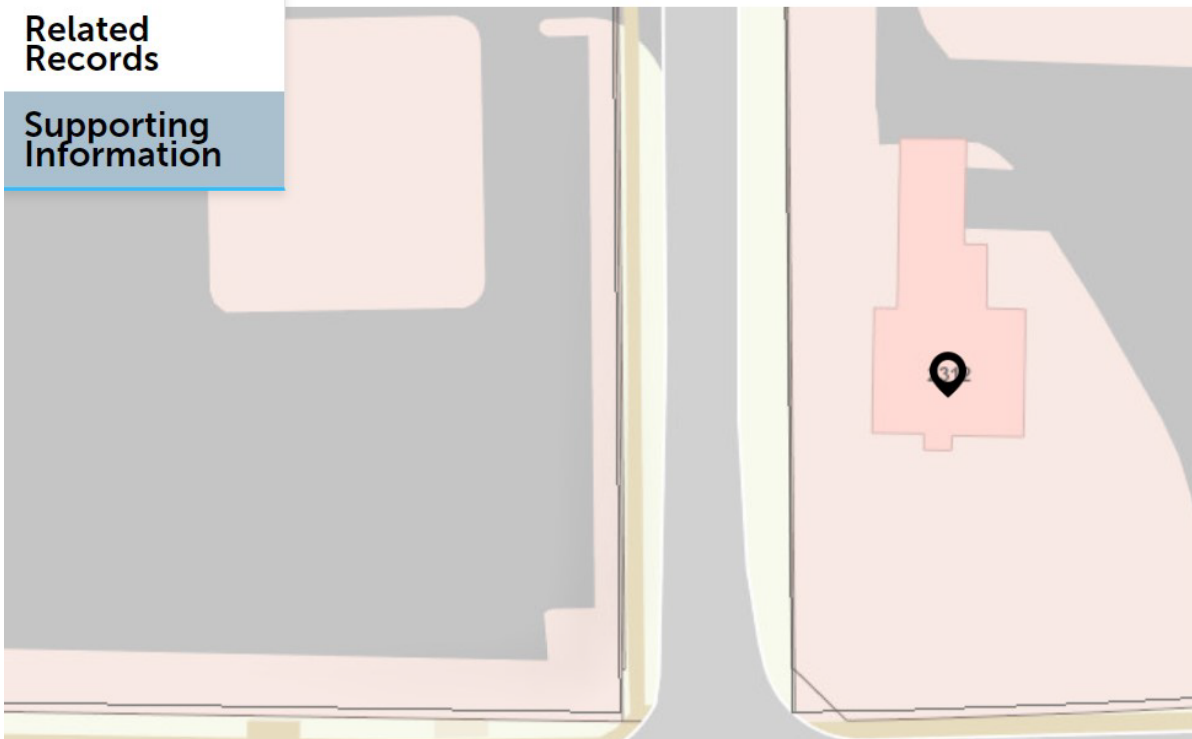
Record
Details

Processing
Status

Related
Records

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Information

Application



Kindly,



Ian Clendening (he/him/his)

Senior Planner

Planning Services

City of Kingston

Located at: 1211 John Counter Boulevard,

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Clendening, Ian

From: Virginia Jones [REDACTED] >
Sent: July 1, 2023 4:32 PM
To: Clendening, Ian
Subject: 2312 Princess St. Kingston

Follow Up Flag: Follow up
Flag Status: Flagged

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Mr. Clendening

I am a resident of Walnut Grove backing onto the proposed apartment building at 2312 Princess St.

I would like to address my concerns regarding this proposal.

* The property is too small to build a six storey apartment building. Where is the green space going to be & will there be room for trees.?

*Two levels of underground parking means a lot of blasting which potentially could result in large cracks in the foundations of all the homes backing onto this area, not to mention the cracking of interior walls.

*Traffic congestion and accidents are bound to occur. Princess St. at Andersen is busy now and the 1st. apartment building is not even occupied yet.

Did the traffic studies take into account peak hours of traffic along Princess St.? Traffic along Princess at the Sydenham rd intersection is already heavily congested with traffic lineups all the way back to the former Ambassador hotel from Sydenham rd. Is putting hundreds of more housing in this area supposed to make this traffic problem better?

Emergency vehicles Ambulance and Fire go along Princess St. on a daily basis. Princess St. being a main artery for them to get to a lot of other areas . With added traffic & congestion could mean delay in these emergency vehicles , which delay could lead to a life & death situation .Please take this Traffic concern seriously when considering YOUR DECISION .

*Privacy for residents is a major concern as well for the homes backing onto the property. A towering building will overtake the back yards, there will be no privacy. There will be increased noise , no sun getting to the yards . Trees will be gone .It will be a wood and concrete jungle behind the homes.

** Please consider these concerns and leave the property as Low Density.

Regards Virginia Jones

Sent from my iPad

Clendening, Ian

From: Diane Anderson [REDACTED] >
Sent: June 14, 2023 1:06 PM
To: Clendening, Ian
Subject: Development at 2312 Princess St. (File No. D35-004-2022)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To the City of Kingston Planning committee,

This is a follow-up to my original letter sent to you on August 2 2022.

I oppose that the zoning for this area be changed to allow a high-density residential building to be constructed. The proposed 6 storey building will not "blend in" with the surrounding buildings.

I am not against the land being developed but it should not overshadow the surrounding houses, including the heritage house that is on the property.

From the shadow report it looks like the houses to the north of the proposed building will be in the dark for most of December. The way these houses were designed means that most of us spend the majority of our waking hours on the south side of our houses. We all have walk-out basements to a very small backyard. We also have large windows on the south wall of our houses and a balcony on the main level. I just moved into my house 2.5 years ago and the main reason I chose this house was because of the south facing windows and doors. I know I have a choice and can move but moving is not in-expensive and not a pleasant task for a retired senior.

I do pay a significant amount of property tax to live in my moderate house here on Ellesmeer. I also currently feel safe and secure here.

I am also concerned about the impact that a 300 plus unit residential building will have on the vehicular traffic in the area. Andersen Drive at that end is relatively busy as it is. It is sometimes difficult to safely cross Andersen on foot at Ellesmeer. Princess Street(Hwy 2) is also currently a very busy thoroughfare. I think a new traffic study should be done after the new building at 2274 Princess St. is occupied. Where 2274 exits onto Princess St is a tricky spot with it being just beyond the curve going up the hill and past Tim Hortons. And this is just west of two busy intersections at Counter Blvd. and Sydenham Rd. And with there being a right hand turn only when exiting 2274 will greatly affect the traffic heading west on Princess St. It will also increase the traffic on Andersen as people head North on it to get to the 401, Sydenham Rd. Cataraqui Woods Drive and other areas to the north.

I would like to see some kind of development at 2312 Princess St. but a 6 storey residential building with 302 units and two floors underground for parking is just too much.

I hope the planning committee will work with the residents in the area and hopefully something can be built that will not have a huge adverse impact on anyone. We would like to maintain our peaceful park-like community as much as possible.

Thank you for your consideration,
Diane Anderson
161 Ellesmeer Ave.
Kingston, ON
[REDACTED]

From: [REDACTED]
To: [Clendening, Ian](#)
Cc: [Glenn, Conny](#); [Oosterhof, Gary](#); [McLaren, Jeff](#); [Osanic, Lisa](#); [Cinanni, Vincent](#)
Subject: Re: 2312 Princess St. Application
Date: June 12, 2023 1:04:09 PM

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Hello Ian and Planning Committee Members,

We are writing to you with a summary of concerns that we still have as residents directly abutting the building proposal listed below. They are regarding proposals for changes to both the Official Plan and Zoning By-laws Amendment. (We have already sent a letter to Councillor Paul Chaves, who we know is not only our district representative, but also a Planning Committee member.)

Re: Development at 2312 Princess St. (File No. D35-004-2022) J. Patry Inc.

After having read the most recently posted reports (April -May 2023) on DASH, we appreciate some changes made by the developer regarding this address. However, we do ask that you seriously consider our position on the following:

As voiced at the first Public Meeting, in general, we are not in favour of changes made to the Official Plan or Zoning By-laws due its impending overcrowding of this neighbourhood in general, and, of our small retirement community of Walnut Grove in particular. We understand the current need for housing, but this small area of the Loyalist-Cataraqui District is already greatly impacted with the elevated density imposed by the new building currently underway at 2374 Princess Street.

1. The height of the building is still a problem. It remains largely at 6 storeys, with the realization that parts have now been stepped back or removed from the top floor to make way for extremely expanded rooftop terraces (totally over 7000 sq. ft.) on the north and northeast sides. Much skepticism is invited about there not being any noise disturbance issues for abutting neighbours.
2. This number of storeys will drastically overpower our (and our neighbours') bungalows and shadowing will STILL be a issue. Even with the reduced height in parts of the stepped building (north side), the shadow (solar) study still shows that we will not get sunlight for a large part of the day during the months of Dec. and the months of either side of this. This is unacceptable to us, as we rely very heavily on light from the south due to the layout design of our houses. The property at 2374 Princess St. had the agreement from the developer to cap it at 4 storeys on the north side for this very reason.
3. While it is evident that, thankfully, the location of the building's

footprint has been moved 2 metres farther south from our property lines, this overgrown structure is still larger than the first building at 2274 Princess St. and we believe it is on a smaller piece of land. Its crowding of abutting property lines does not comply with land use compatibility. In fact, it just adds to the dense, overcrowded congestion in this small community of well-established bungalow homes.

4. The dark colour of the exterior cladding on the bottom 3 storeys emphasizes the immensity of this large structure. Could the developer consider a lighter cladding colour that could be added to the lower floors as well?

For these reasons, we urgently ask that you consider our meaningful concerns. The enjoyment of our homes will be hugely compromised. The element of "balance", found to be an integral part of being "compatible", is drastically lacking.

Thank you for your attention in considering our concerns.

Kind regards,

Mary O'Brien and Grant MacDonald
163 Ellesmeer Avenue

Clendening, Ian

From: Clendening, Ian
Sent: May 29, 2023 9:12 AM
To: M Jones
Subject: RE: D35-004-2022 (2312 Princess Street)

Hi Marc,

Firstly, I wanted to thank you for providing comments and confirm their receipt.

In regards to the comment about the renderings, the omission of these documents has been passed along to the applicant, and I expect to have additional site renderings in the near future.

In regards to your other comments, these concerns are noted and will be passed along to the applicant and will form a part of the public record and put before the Planning Committee for consideration.

As you are aware, no Public Meeting has been scheduled at this time. At such time as a Public Meeting is scheduled, I will ensure you are advised of such.

Kindly,



Ian Clendening (he/him/his)

Senior Planner
Planning Services

City of Kingston
Located at: 1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3126
iclendening@cityofkingston.ca

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From: M Jones [REDACTED] >
Sent: Saturday, May 27, 2023 2:44 PM
To: Clendening, Ian <iclendening@cityofkingston.ca>
Subject: D35-004-2022 (2312 Princess Street)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Ian,

I wanted to write to you with my thoughts and concerns regarding 2312 Princess St.

Residents in this area purchased property with rear privacy which will now be eliminated by two apartment buildings. This will overload a small neighbourhood, significantly reducing property values. Current residents near by will experience a large increase in noise and traffic in an area that already has traffic problems.

What also needs to be considered traffic wise is all the building that is going on along Taylor Kidd behind Best Buy area. Which will also add significant traffic volumes to the intersection at Princess and Taylor Kidd that is already overloaded. Anyone who frequently drives in this area doesn't need a study to tell them that.

There are several renderings of the proposed building, however they have left out renderings of the rear (north side) of the building that current residents will have to live with.

Andersen Dr, already a heavily travelled street with frequent speeding will be significantly worse. I'd like to propose the speed limit on Andersen Dr be reduced to 40 KM.

The current west bound Princess St bus stop in front of Rona causes a lot of traffic problems by backing traffic through the intersection and preventing right hand turns off Andersen Dr. A pullout should be created at this bus stop so it can completely move off the road when stopping. Or move the bus stop further down the road to the west.

We understand more housing is needed but it should not be done in a way that is a major burden to residents that have already lived there for years and years. Noise levels will increase significantly from current levels due to AC units and exhaust fans.

If the planning committee and developer would take our concerns seriously and keep the property as low density housing with no balconies on the north side.

Marc Jones
155 Ellesmeer Ave Kingston

159 Ellesmeer Avenue
Kingston, ON
K7P 3H6

Ian Clendening, Senior Planner
Planning Services, City of Kingston
216 Ontario St.
Kingston, ON K7L 2Z3

May 22, 2023

Re: 2312 Princess St. – Official Plan and Zoning By-law Amendment, File D35-004-2022

Dear Mr. Clendening:

We are writing to you in response to the recently updated reports posted on the DASH site for the above site.

There are many concerns that we have and we feel that the application for the amendments should not be granted because of them. Here is a summary of the problems that this proposal brings to us as residents of Ellesmeer Avenue:

- Lack of privacy remains an issue– the large building so very close to our property contravenes our right to privacy. It is not compatible with existing neighbours' rights to privacy.
- Lack of light – shadowing, we presume, will remain a problem. There is no revised shadow study to confirm this but the 6-storey height segments will still cast darkness on residents' homes.
- This predominantly all-wood construction brings fear of a fire hazard should such an occurrence happen.
- Properties, especially ones along Ellesmeer Avenue, will bear the cost of devaluation due to the crowding of such a massive building which is so very close to neighbours' property lines.
- This high-density building is an addition to the other high-density one already under construction near Tim Horton's. A second such massive building will completely overload our small neighbourhood. Why must one neighbourhood bear the brunt of so much overbuilding?

We would appreciate if you, the Planning Committee and the developer take these issues into consideration in all future review of the proposal to have the Official Plan and Zoning By-Law amendments changed.

Regards,

Nancy Emily Jean Berga
Andy Berga

Nancy Berga and Andy Berga

159 Ellesmeer Avenue

RECEIVED

MAY 29 2023

PLANNING DIVISION
CITY OF KINGSTON

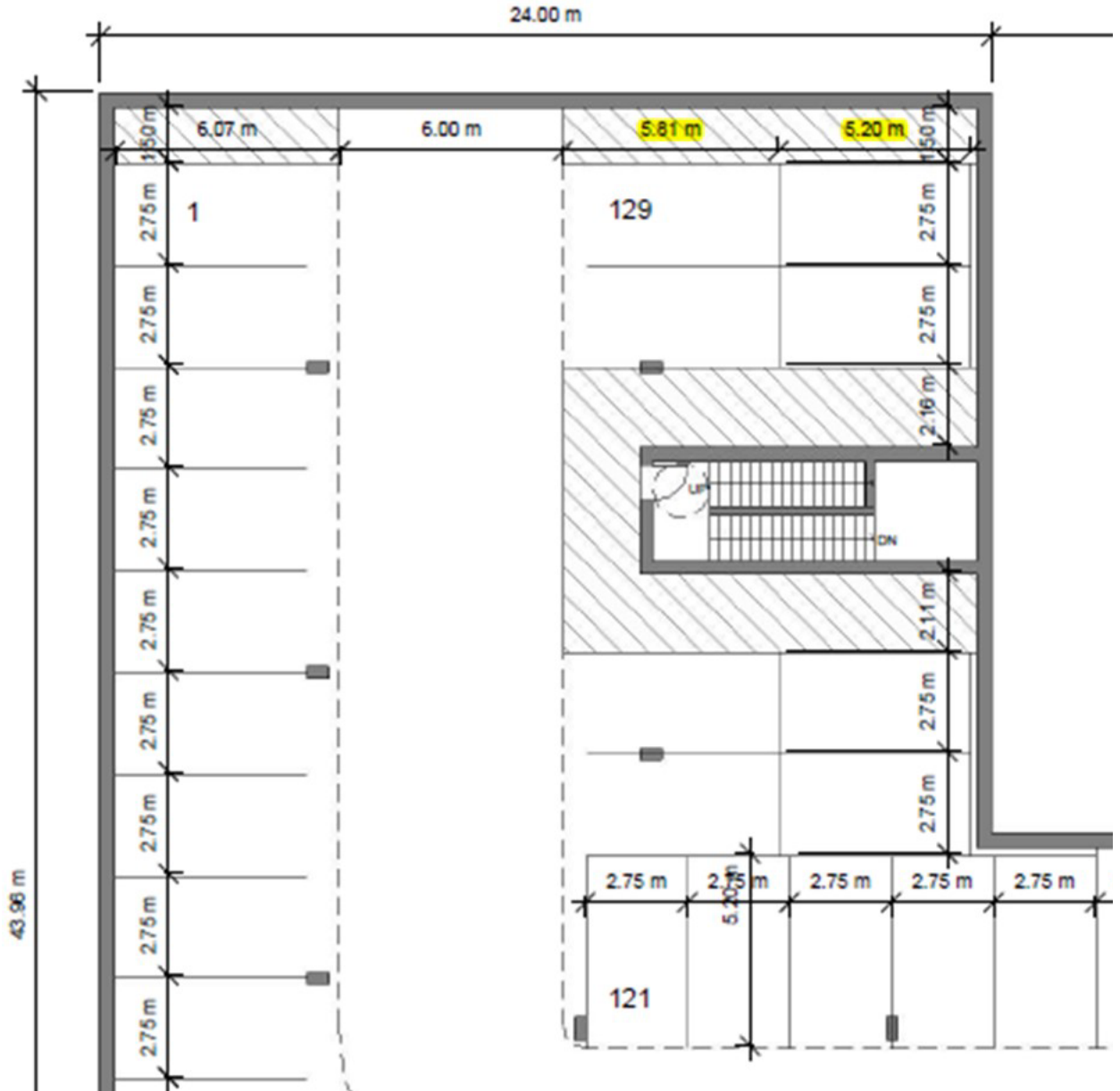
Clendening, Ian

From: Clendening, Ian
Sent: May 25, 2023 10:16 AM
To: [REDACTED]
Subject: RE: Ian: Re: Revised Submission - D35-004-2022 (2312 Princess Street)

Hi Marry,

Many thanks for your comments and questions. I would like to offer the following:

1. With changes made to the location of the building on the site, terraces, etc., can we have a look at the NEW and accurate shadow study for this? As shadowing is a major concern, we feel it is crucial to have a revised shadowing study to review as well.
 - a. **This item was missed in the initial resubmission. I have reached out to the applicant and it is now available on DASH (you can organize material by date such that it will populate at the top of the list, unfortunately due to file size I am hesitant to attach to this e-mail).**
2. We are wondering why the Conceptual Rendering (3-D concept, not the elevation drawing) has been omitted for the view that residents would see looking south from their properties at the north end of the new building.
 - a. I have reached out to the applicant to provide this modeling.
3. As the proximity of the large structure is so close to adjacent properties on Ellesmeer Ave., it is very important to get a view comparable to all the views from the east and south, which are of less consequence to residents?
 - a. **As noted in (2), I have reached out to the applicant requesting this imagery.**
4. It is confusing that on both slide 1 and slide 2 of the Floor Plans (posted on April 26th) they are labelled "Parking Level 2". They contain slightly different numbers of spaces. Is it possible that this plan is mislabelled and that one of them is actually "Parking Level 1"?
 - a. **This appears to have been a mistake in the labeling of this document with Page 2 of the document intending to read "Parking Level 1" with the floor level correctly labelled at the bottom right of the PDF.**
5. Finally, can you confirm the meaning of "stacked" parking? Does this infer parking with one vehicle 'stacked' horizontally, as opposed to vertically? (This poses the curious question of how those vehicles that are on the interior of the 'stack' remove their vehicles when desired.)
 - a. **That is a great observation, as the underground parking area does in fact consist of a number of parking stalls which are designed one in front of another ("stacked parking" or "tandem parking"). Presumably the two stalls are intended to be allocated to a single unit and I look forward to clarifying some of the details of these ~42 stalls with the applicant. I have provided a small screenshot of the garage plan illustrating an example (stalls immediately below the yellow highlights)**



I will note that there is vertically stacked bike parking so you may need to be attentive as to what is being referred to in a given report/note in the submission

Kindly,

Ian Clendening (he/him/his)
Senior Planner
Planning Services

City of Kingston
Located at: 1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3126
iclendening@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

-----Original Message-----

From: mobrien [REDACTED] t>
Sent: Monday, May 22, 2023 7:35 PM
To: Clendening, Ian <iclendening@cityofkingston.ca>
Subject: Ian: Re: Revised Submission - D35-004-2022 (2312 Princess Street)

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Hello Ian,

Thank you again for the alert and the opportunity to review the new reports posted on DASH re: the Proposed changes to the Official Plan & Zoning By-law amendment for 2312 Princess Street.

I have now had a chance to look at this in detail, with a few other eyes joining in, and there are four important questions I would like to ask you to answer, if possible.

1. With changes made to the location of the building on the site, terraces, etc., can we have a look at the NEW and accurate shadow study for this? As shadowing is a major concern, we feel it is crucial to have a revised shadowing study to review as well.
2. We are wondering why the Conceptual Rendering (3-D concept, not the elevation drawing) has been omitted for the view that residents would see looking south from their properties at the north end of the new building. As the proximity of the large structure is so close to adjacent properties on Ellesmeier Ave., it is very important to get a view comparable to all the views from the east and south, which are of less consequence to residents?
3. It is confusing that on both slide 1 and slide 2 of the Floor Plans (posted on April 26th) they are labelled "Parking Level 2". They contain slightly different numbers of spaces. Is it possible that this plan is mislabelled and that one of them is actually "Parking Level 1"?
4. Finally, can you confirm the meaning of "stacked" parking? Does this infer parking with one vehicle 'stacked' horizontally, as opposed to vertically? (This poses the curious question of how those vehicles that are on the interior of the 'stack' remove their vehicles when desired.)

Thank you for your time in clarifying these concerns. I would greatly appreciate if you could alert me, too, before the next Public Meeting is announced so as to have a bit more time to organize those wishing to respond.

Kind regards,
Mary

- > Further to your interest in the application for Official Plan & Zoning By-law amendment for the property at 2312 Princess Street (Our file D35-004-2022), I wanted to advise you that the applicant has provided revisions to the proposal.
- > At this time, Staff are undertaking a review of the material
- > submitted,

and by way of this correspondence, I wanted to afford you an early opportunity to review the proposal as revised.

> Further notice will be provided once a Public Meeting has been scheduled.

> All material can be accessed at the following link:

> https://linkprotect.cudasvc.com/url?a=https%3a%2f%2faca-prodca.accela.com%2fKINGSTON%2fCap%2fCapDetail.aspx%3fModule%3dPlanning%26TabName%3dPlanning%26capID1%3dREC22%26capid2%3d00000%26capid3%3d000VM%26agencycode%3d%3d%26IsToShowInspection&c=E,1,VsucE4II2gh_zxSB8J9mtjhJAK-Q-EGiNu0DZKfACDHUUCiKmjdoz6i2Mee4qwNrliH_7BEM0Yuj2pwL-cZQQY9qRno1LUXTSG2IX3bqEJM,&typo=1

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> IX3bqEJM,&typo=1

Once you click through the hyperlink click the "Record Info" drop down menu to select "Supporting Information" as illustrated below. This will bring you to a list of all documents available.

Clendening, Ian

From: nancy lovell [REDACTED] >
Sent: May 18, 2023 5:58 PM
To: Clendening, Ian
Subject: Revisions to 2312 Princess St plan

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Ian,

I thank you for supplying the supporting information links in order for me to view the proposed revisions. I look forward to zooming into the future meeting.

After I reviewed such, I must say, I was somewhat disappointed with some of the proposed revisions. I see very little changes with regard to the citizens of the north on Ellesmeer Ave and their concerns. Certainly no height or basic size of the apartment unit has dramatically changed. That has been lost. Setbacks from our fencelines appears to be of no concern either. The one to two meters increase is barely relevant given the astounding proximity of the apartment to begin, in the initial plan.

However, I am pleased to see Juliette balconies installed on northeast and northwest wings above the second floor but strongly ask the planning committee, council and developer to consider the Walnut Grove residents and PLEASE insist that the second floor outdoor apartment balconies in these locations be *changed* to Juliette style as well. This will at the very least will minimize the intrusiveness of the building in our backyards and our indoor living space.

I can appreciate the consultations and studies engaged by the developer, et all, to move forward, but I do feel a lost battle with my concerns. I am not objectionable to an apartment unit either. However, more effort appears to be made to ensure the on site heritage building and its surroundings look nice, and that the view from Princess and Anderson Streets is pleasing to the public passerby, which in reality is shocking given both face busy roads, commercial structures and not residential homes which really face the biggest impact. At the end of the day I will be staring into a block- wall of windows and any reasonable view of open sky without shadowing.

In the past, I have lived in apartments and homes, both which have backed onto apartment units in major Canadian cities, even overseas in Paris and London. Never have I encountered a neighbouring apartment so close to my residence.

If this is a sign of the future planning directive in our fair city I am dismayed. Providing quick affordable housing (that is yet to be seen in this development) and changing planning zones to do so, appears to be the major agenda of our city. By jamming every square inch of openspace with slap up Lego box buildings, is not a reason to compromise on the importance of our long term commitment to the environment, well being of people, neighborhoods and the historical value and future of our beautiful city. I just hope a bit more of the latter will be taken into account, as the city moves ahead with future development.

I thank you for addressing my concerns and will be most interested in next steps forward.

With kindest regards

Nancy Lovell
153 Ellesmeer Ave

[Sent from Yahoo Mail on Android](#)

Clendening, Ian

From: nancy lovell [REDACTED] >
Sent: March 1, 2023 11:21 AM
To: Clendening, Ian
Subject: RE: 2312 Princess Street Development

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Ian,

Thank you kindly for the update.

I have such serious concerns about 10 meters from my fenceline. That is exceptionally close!! I trust the planning department will consider this when the next submission is presented by Patry Development and that we can provide feedback before final decisions are made.

A compromise at the 'very' least would be to reduce the unit to five stories with the setback from Ellesmeer fenceline (property) to begin at 20-30 meters. We still will have a building towering over our back windows of which in my case, all of my living takes place as does most of my neighbours. I miss the tree and natural field views already. As I am handicapped and housebound 90% of the time, the loss of sun light for work and art endeavours is worrisome and disheartening.

I see already how the apartment unit east of us is already beginning to tower above. The larger setbacks should be considered for our homes as opposed to Princess Street entrance area.

Maybe the Patry team will reconfigure a more suitable plan.

I can only hope.

Again my thanks to you for following up so promptly and hearing my concerns.

Regards

Nancy Lovell
[REDACTED] Ellesmeer Ave
[REDACTED]

[Sent from Yahoo Mail on Android](#)

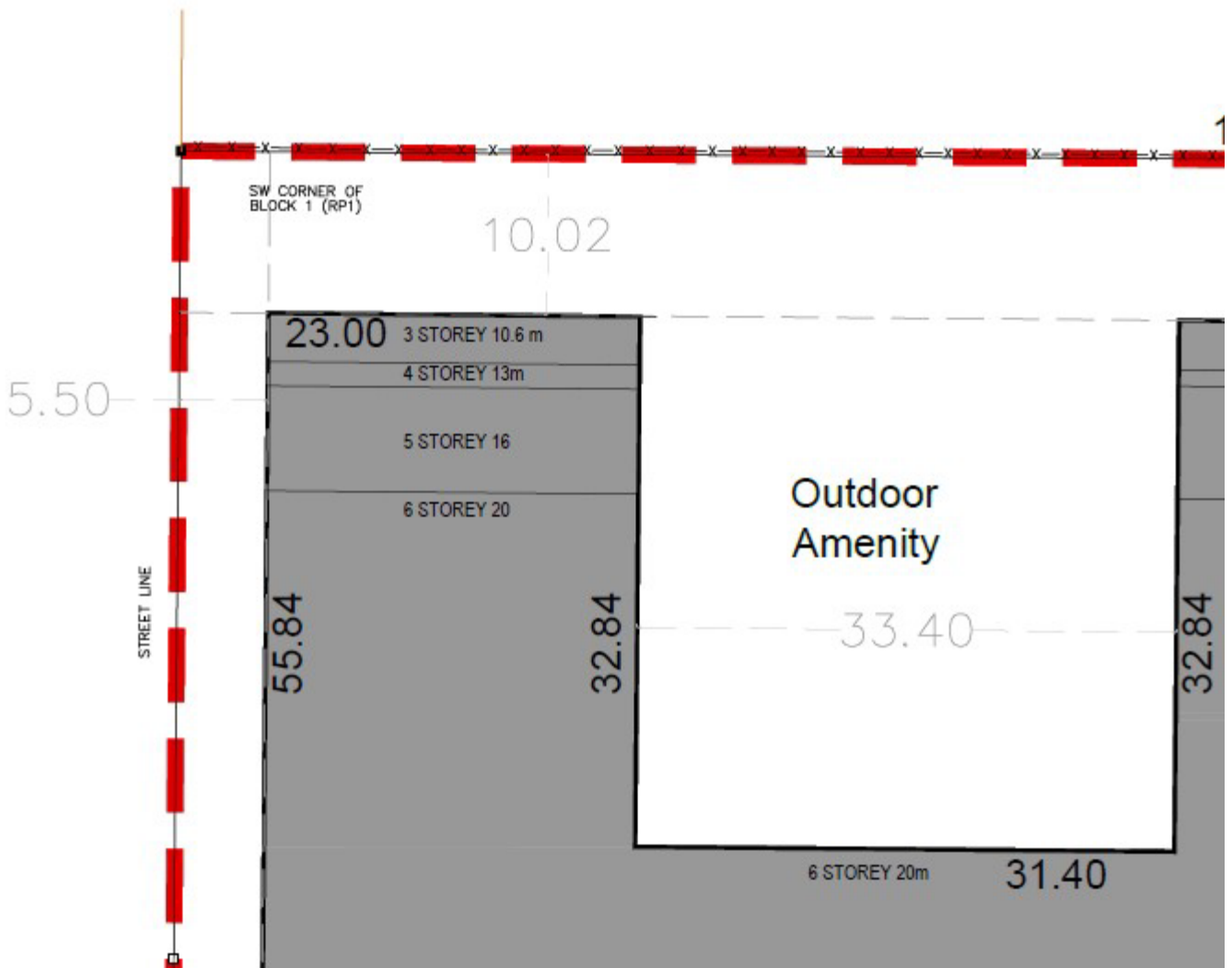
On Wed, Mar 1, 2023 at 9:11 a.m., Clendening, Ian
<iclendening@cityofkingston.ca> wrote:

Hi Nancy,

It is true we have not received a 2nd submission.

Based on my rough measurement from the back of your house to the edge of your property line (11.3 metres) plus the distance stated in the first submission (10.28 metres) the distance to the rear of the building to the edge of your dwelling (again, rough estimate) would be 21.58 metres.\

For ease of reference, I have provided a screenshot of the rear of the building. The building as initially proposed had a 3 storey building face extend to the 10.28 metre setback at which point various step-backs were incorporated on the 4th and 5th storeys. A patio feature was intended to be on the top of the 5th storey with access from the 6th story units.



Kindly,



Ian Clendening (he/him/his)

Senior Planner

Planning Services

City of Kingston

Located at: 1211 John Counter Boulevard,



216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 extension 3126

iclendening@cityofkingston.ca

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From: nancy lovell [REDACTED] >
Sent: February 28, 2023 1:41 PM
To: Clendening, Ian <iclendening@cityofkingston.ca>
Subject: 2312 Princess Street Development

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As a homeowner backing on this apartment development I have a question based on the information I have received to date.

I understand height approval and design revisions have not yet been submitted.

Could you please provide me with distance from my back fenceline at 153 to the proposed apartment construction. There was discussion of 32' back but that was for a roof terrace I believe.

Could you confirm actual dimensions at this point?

Regards

Nancy Lovell

[Sent from Yahoo Mail on Android](#)

Clendening, Ian

From: mobrien [REDACTED] >
Sent: August 15, 2022 2:50 PM
To: Clendening, Ian; Neill, Jim; Osanic, Lisa; Hutchison, Rob; Kiley, Robert; Simon Chapelle; Hill, Wayne
Subject: Clarifications re: 2312 Princess St. Proposal

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Good Afternoon,

After having attended (and spoken at) the Planning Committee Meeting on Thurs. Aug. 11th re: the 2312 Princess St. proposal (File no.

D35-004-2022), I feel compelled to make a few brief comments re: some things that were not quite clear, nor possibly correct, in the information shared by Mr. Mark Touw.

In an effort for us to work most effectively with the City's Planning Services and the Planning Committee, I think it is prudent to have clear and accurate information to think about.

Some points that I think need some clarification are:

1. By my count, there are 13 black walnut trees (nos. 11-21 inclusive, and no. 30 and no. 44) that are slated for removal off of this site and only some of them are near the heritage building. See the chart in the "Tree Inventory Report" on DASH.
2. I believe (as do many others) that the "school" (Lakeshore) has already moved out of the heritage property at the end of this school year and has relocated to Sydenham Road. Unless there is some other school lined up to take up residency in a future construction zone, this information could be seen as incorrect.
3. Regarding my comments about loud speaker and amplified sound, there is a legitimate reason for concern. And, contrary to Mr. Touw's comment, DASH does contain that level of detail within reports from J.E. Coulter in the "Noise Impact Study". This can be read on the report's page numbers 9, 10 and 13. There is, indeed, reference to the threshold of noise coming from terraces and balconies, in part through the existence of these 2 electronic sources. While I recognize that it is not a given that the building's management would permit this, the mere fact that it is mentioned gives great cause for concern. This would be in addition to noise from (also on the report's page 9) the capacity of 120 people (60 people on each of the two terraces) potentially overlooking our property.

I look forward to working with Planning Services and the Planning Committee when viewing new proposed changes that will allay concerns for those of us living in very close proximity to the development site.

Thank you for your diligent work.

Mary O'Brien

August 11, 2022

Planning Services

City of Kingston

216 Ontario St.

Kingston, ON K7L 2Z3

Re: 2312 Princess St. (File No. D35-004-2022)

Dear Planning Committee:

As a homeowner directly abutting the north side of 2274 Princess St. I am writing to express my concern to the project at 2312 Princess St. All the objections RAID tabled in 2021 are now currently evolving into real time issues.

The developer is seeking changes to the zoning bylaws from Arterial Commercial and Low Density Residential to High Density Residential.

My question to Planning Services:

Has the City of Kingston conducted comprehensive traffic studies outlining the impacts that a 302-unit building will have on the intersection of Princess and Andersen? Access to the building at 2312 Princess St. should be analyzed before this application is approved.

With 242 residential units at 2274 Princess St coupled with 302 residential units at 2312 Princess St the impacts will be extraordinary and this needs to be thoroughly examined. Traffic along the referenced corridor is already precarious without the additional 544 residential units.

Although I support the need for housing in our community, I respectfully ask that careful consideration to be given to the impacts on vehicular and pedestrian traffic this proposal will have.

Regards,

Wendy Kleywegt-Bowen

121 Ellesmeer Ave, Kingston, ON

K7P 3H9

Clendening, Ian

From: Bob Heintz [REDACTED] >
Sent: August 10, 2022 10:43 AM
To: Clendening, Ian
Subject: 2312 Princess Street (file # D35-004-2022) from Patry Inc.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

From: Robert Heintz
141 Ellesmeer Ave.
Kingston ON K7P 3H6

I want to register my strong objection to changing the official plan to allow this development. When we purchased our homes on Ellesmeer Avenue, this land was zoned, by the city, for low density housing. If the zoning is changed to allow this development, the resale value of houses on the south side of Ellesmeer Avenue will be reduced by a considerable amount, and due to shading in the winter, our heating bills will be increased significantly. There will be increased traffic, increased noise, increased shadowing and a loss of privacy in our backyards. I know these problems have been pointed out in other letters, but I want to emphasize what it will cost us to see this project built. I expect our winter heating cost to increase ten to twenty percent and our resale value to drop up to 100 thousand dollars. This would apply to all the homes on the south side of the street from 117 to 167 Ellesmeer. If the zoning change is approved, we all deserve to be compensated for these unexpected expenses. How could this compensation be done? Will the city negotiate a settlement with each property owner or will it insist that Patry Inc. does this?

Get [Outlook for iOS](#)

August 9, 2022

Dear Mr. Clendening:

Re: City File No. D35-004-2022 – 2312 Princess Street – Patry Inc.

I am writing to you to express my concern about some aspects of the application for 2312 Princess Street. In particular, I am concerned with the impact of this proposed building that results in unacceptable intrusive overlook, excessive shadowing, and negative impact on the neighbouring residents' ability to enjoy their properties.

Specifically, I refer to the:

1. length of the wall facing Walnut Grove;
2. height of the wall facing Walnut Grove;
3. proposed outdoor amenity spaces all of which overlook Walnut Grove
4. minimal setback from the property line shared with Walnut Grove.

Once again, this developer is intent on erecting a building that is oversized for the lot on which it will be situated resulting in the following unacceptable impacts on neighbouring properties:

1. There will be an unacceptable amount of shadowing during the winter months. The shadow study shows that on December 25, (which means for several weeks both before and after this date), the houses will be in shadow for the entire day. This is the same impact that was going to be felt by the residents behind this developer's neighbouring building at 2274 Princess St. To resolve this, the length of the wall abutting neighbouring properties needs to be reduced, the top storey of the north wall removed, the building's proximity to the property line increased, and any additional steps necessary to significantly reduce the amount of shadowing to an acceptable level.
2. The design of the building results in an unacceptable level of intrusive overlook. The impact of the height and length of the north wall is compounded by the location of ALL of the outdoor amenity space along the same wall. While the developer may argue that this was done to break up the north wall and reduce its impact on the Walnut Grove properties, the reduction in privacy and increase in noise levels negates this supposed benefit and, in fact, worsens the intrusive overlook. It is imperative that the outdoor amenity areas be relocated to areas that do not overlook residential properties. There are three other sides available for this purpose.
3. Once again, this developer is unnecessarily removing mature trees from a property. Although I appreciate that the trees to the south of the building will be left standing, all of the remaining trees will be clear cut. I hope that, in the time since decisions were made regarding 2274 Princess Street which allowed the clear cutting of that valuable urban tree canopy, the City has become more environmentally aware of the importance of mature trees to fight our climate emergency and will insist that more trees are retained.

It IS possible to increase and diversify our housing, to design apartment buildings that are compatible with their adjacent neighbourhoods, and to retain our urban tree canopy. Please let your decisions reflect this.

Respectfully submitted,

June Blackburn

131 Ellesmeer Avenue

Email: [REDACTED]

Mr. Ian Clendening
Senior Planner City of Kingston
1121 John Counter Boulevard
Kingston, Ontario K7K 6C7

Dear Mr. Clendening,

As a resident of Walnut Grove (a community of single story homes) I am writing this to express my concern about the applications by Patry Inc. for amendments to the Zoning By-laws governing the 2312 Princess Street property. While we realize the need for housing in the city, my husband and I strongly object to the requested increase in density. There already is an apartment building presently being built by Patry at 2274 Princess Street with fewer units on a bigger piece of land. Because this building is not yet completed, no one knows what the impact will be of this construction regarding traffic, noise, safety, light pollution, privacy, etc. for our community. Patry's request to amend the Zoning By-laws for the 2312 Princess Street property will compound these affects should a six story, 302 unit apartment building be allowed. It is just too big!

Catherine and Claude Regis
160 Ellesmeer Avenue
Kingston, Ontario K7P 3H6

██████████

Clendening, Ian

From: Bob Fulford [REDACTED] >
Sent: August 6, 2022 10:44 AM
To: Clendening, Ian
Subject: Proposed Official Plan Amendment 2312 Princess Street

Follow Up Flag: Follow up
Flag Status: Flagged

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This note is to file our objection to yet another zoning amendment in order to allow a 6 storey building to be erected adjacent to our community of Walnut Grove. Traffic in this area is already at a maximum with several commercial sites and Princess Street and Andersen as the main access routes.

The City is offering residents young trees to be planted to grow the green canopy and protect the environment and at the same time allowing developers to cut down the mature trees that are already there. It would make sense to do an impact study after the current building has been completed and occupied to determine what effect it will have on traffic & noise pollution before allowing another high density building to be constructed and another presumed 348 vehicles attempting to navigate on these already congested streets.

These decisions should not be based on tax dollars but on the comfort and enjoyment of the residents of this City. We live on Sheridan Street here in Walnut Grove and it is already very difficult and dangerous to access Andersen Street due to high density traffic coming south and north.

Robert & Lynne Fulford
111 Sheridan Street

Sent from my iPad

Clendening, Ian

From: Phyllis Langridge [REDACTED] >
Sent: August 7, 2022 4:00 PM
To: Clendening, Ian
Cc: Chapelle, Simon
Subject: 2312 Princess Street (File No. D35-004-2022) from Patry Inc.
Attachments: ED836A18-1C9B-4C4B-A965-B5D08317974A.tiff

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To: The City Planners and all Members of the Planning Committee:

I, Phyllis Langridge, (143 Ellesmeer Ave) am opposed to the proposed Patry Development at 2312 Princess Street.

Although I knew that someday this property would be developed, I believed it would be development suitably for the size of the subject property. The Official Plan and Zoning By-Laws are being challenged by Patry Inc. once again. Changing this property from arterial Commercial/Low density residential to high density residential contradicts the City's own plan. This issue has already been dealt with in the decision given for 2274 Princess St. and the current proposal considerably exceeds the previous decision. This is totally unacceptable for the size of this property.

I would like to register my strong objection to the project due to the size of the building on such a small parcel of land providing such a high population density. Our area will be strained by the addition of 230 units on the larger property to the east (2274 Princess) soon. Building this large building with such high density will further impact this entire neighbourhood immensely (and in particular the homes on the south of Ellesmeer in Walnut Grove which back onto the said property) for the following reasons:

- **Size** - The proximity to our fence line especially when our residential units backing on this property all have living rooms (great rooms) facing the building.
- **Traffic** - The traffic on Princess St is already heavy and with the additional traffic from 2274 Princess it will be further challenged.
- **Noise and lighting** - The impact on the enjoyment of our backyards by the increased noise level of the pool and terraces especially the roof top terraces with loud speakers will be considerable and the nighttime lighting of these areas will be invasive. The lighting of the area is already bad enough with the existing businesses.
- **Overlook** - The overlook into our homes and backyards from the terraces, balconies and windows along the north and east sides of the building is terrible given the proximity to our homes. The balconies reduce the already small distance between the building and our homes and should be eliminated or at least only French balconies.
- **Overshadowing** - The overshadowing that will occur in the winter months will affect our lovely south exposure at a time of year when it is most desirable.
- **Fencing** - Suitable fencing is required to provide increased security, safety and privacy and must be aesthetically suitable.

If the project was restricted to four stories with a suitable setback of the fourth floor, there would be less traffic congestion and impact of overlook and overshadowing. Also, there should be an increased setback from our property line as even the set

back from the heritage house is twice that of the planned 10 meter set back on the north side. How is this restriction more necessary for a business establishment than our homes?

Another concern I have is that the storm drain that is located in the south west corner of my backyard is about 4' lower than the subject property which has caused issues for the existing fence. This was brought to the attention of the City in the past. City councillor, Simon Chapelle, and City staff visited the site and agreed it was illegal for the ground water to run onto my property. Attempts to contact the owner by all parties went unanswered and were abandoned by the City leaving me with a fence that is stressed and could fail at any time. I have attached a picture of the runoff at its worst and the fence as it leans today. **I am concerned that this fence and runoff issue will not be addressed properly and the City will not do anything to help based on my past experience in dealing with the past developer and the City.** As an aging senior, I feel very vulnerable in the City of Kingston.

Proper fencing at the expense of the developer is necessary along the length of the Walnut Grove property at the very minimum. Also, careful attention to the drainage of the property is necessary.

Unfortunately, I am unable to make verbal comments on the 11th so must rely on this method of communication. I am available to discuss any of these issues at 613-547-4062.

I would like to receive written notification of the decision by the City of Kingston regarding the proposed Official Plan Amendment or proposed zoning by-law amendment.

Respectfully,
Phyllis Langridge
143 Ellesmeer Ave







Clendening,Ian

From: lucy pelletier [REDACTED] >
Sent: August 7, 2022 4:20 PM
To: Clendening,Ian
Subject: 2312 Princess St. Patry Inc. - File #D35-004-2022

Follow Up Flag: Follow up
Flag Status: Flagged

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To: The City Planners and all Members of the Planning Committee:

I, Lucie Pelletier, (149 Ellesmeer Ave) am opposed to the proposed Patry Development at 2312 Princess Street.

It do not oppose suitable development of the subject property but oppose development of this size on such a small property. The Official Plan and Zoning By-Laws were challenged by Patry Inc. with 2274 Princess but this request far exceeds the limits set for 2274. Changing this property to high density residential contradicts the City's own plan. This is totally unacceptable for this culturally significant area.

I strongly objection to the project because of the size of the building and its high population density. This area will be strained by the addition of 230 units on the larger property to the east (2274 Princess). Building such a large building with such high density will impact this entire neighbourhood immensely (and in particular the homes on the south of Ellesmeer in Walnut Grove which back onto the said property) for the following reasons:

- **Size** - The proximity to our fence line especially when our residential units backing on this property all have living rooms (great rooms) facing the building.
- **Traffic** - The traffic on Princess St is already heavy and with the additional traffic from 2274 Princess it will be further challenged.
- **Noise and lighting** - The impact on the enjoyment of our backyards by the increased noise level of the pool and terraces especially with loud speakers on the rooftop terraces will be considerable and the nighttime lighting of these areas will be invasive as the lighting of the area is already bad enough.
- **Overlook** - The overlook into our homes and backyards from the terraces, balconies and windows along the north and east sides of the building is terrible given the proximity to our homes. The balconies reduce the already small distance between the building and our homes and should be illuminated.

- **Overshadowing** - The overshadowing that will occur in the fall/winter months will affect our lovely south exposure at a time of year when it is most enjoyable.
- **Fencing** - Suitable fencing is required to provide increased security, safety and privacy in a way that is suitably aesthetic.

The project must be restricted to a more suitable size with larger setbacks from property lines especially those backing on residential properties. This would mean less traffic congestion and a lower impact of noise, lighting, overlook and overshadowing. Proper fencing at the expense of the developer is necessary for privacy and security of our homes. Careful attention must be paid to the drainage of the property to reduce the impact on our property as I have a drainage swale running near the back fence of my property.

We are paying high taxes for our adult lifestyle residences and this should be considered by the City of Kingston in dealing with this request.

I would like to receive written notification of the decision by the City of Kingston regarding the proposed Official Plan Amendment or proposed zoning by-law amendment.

Respectfully,
Lucie Pelletier
149 Ellesmeer Ave

Clendening, Ian

From: Grant Smith [REDACTED] >
Sent: August 5, 2022 12:12 PM
To: Clendening, Ian
Subject: Official Plan Amendment and Zoning By-Law Amendment, City File Number D35-004-2022

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I would like to comment on Patry Inc. request to amend the city planning bylaw. As found on the city website the application has minimal information to form a complete opinion. The city notice to area residents indicates an amendment to rezone the property for an increase in height and a reduction in parking, setback and unit size.

Requesting the building not exceed current zoning height rules and / or not exceed Patry Inc. other new building height located east of this property. The additional height would reduce the enjoyment of local residence. The bylaw was in existence before the building plans were started. This is the same for set backs to the property line to provide privacy and additional green space. A high density building only creates more conflicts to the citizens of Kingston.

The building layout appears to have been designed to upset current residences. It is jambed into an odd shape property. The design talks about 3 stories high before set backs start. This appears intended to modify local residence as the upper floor set back starts at a minimal distance. Requesting no upper floors but at a minimum better set backs.

Walnut Grove owns the property on the east end of this new development. Concern the new building residence will use the property as a short cut to the existing Tim Hortons. Requesting the builder install a fence to prevent this from happening.

Thank you

Grant Smith

Clendening, Ian

From: harry toy [REDACTED] >
Sent: August 5, 2022 11:34 AM
To: Clendening, Ian
Subject: 2312 princess street development

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From;
Harry toy
165 ellesmeer ave.
Kingston, on. K7P3H6

August 5, 2022

To;
Planning Services
City of Kingston
216 Ontario St.
Kingston, On K7L2Z3

RE: 2312 Princess Street (FileNo. D35-004-2022) from Patry Inc.

Dear Planning Committee

My wife and I are residents at 165 Ellesmeer Ave. which directly abuts the north side of the above proposal by Patry Inc. at 2312 Princess St.

I would like to register my strong objection to the project due to the detrimental effect it will have on our standard of living.

This proposed development would change the existing Official Plan and Zoning from Arterial Commercial and low density residential to high density residential, which contradicts the city's plan.

The proposed building is too large, too high (6 stories) for the property . It is even larger than the unit under construction at 2274 Princess St., which is on a larger property.

One of the reason we chose to spend our retirement days in this community was due to the quiet, low density residential nature of not only our own subdivision but of all the surrounding area.

This proposed development would completely destroy this atmosphere.

Please consider the negative impact this development will have on our enjoyment of our residence and deny the proposed amendment to the current zoning.

Please provide written notification of the decision by the City of Kingston re: any proposed Official Plan Amendment or proposed zoning by-law amendments.

Regards,
Harry Toy
165 Ellesmeer Ave
Kingston, On., k7P3H6

Sent from my iPad

Clendening, Ian

From: M Jones [REDACTED] >
Sent: August 4, 2022 7:33 PM
To: Clendening, Ian
Subject: 2312 Princess Street (File No. D35-004-2022)

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Marc Jones
155 Ellesmeer Ave
Kingston, ON
K7P3H6

August 04, 2022

Planning Services
City of Kingston
Kingston, ON

Dear Planning Committee:

I am writing regarding the proposed development at 2312 Princess Street (File No. D35-004-2022).

I think everyone knew something would eventually be built at this location. However many residents feel the proposed plan does not fit the size of the property or show any respect to existing property owners nearby.

Location of building

A big concern of mine is the building of a 6 story apartment 32 metres from Ellesmeer Ave's back fence. It might block the sun out completely during certain times of the year. Having a building so close by would significantly affect property values of Ellesmeer Ave that we should be compensated for through a significant drop in property taxes. The building should be pushed to at least 60 meters from the back lots of Ellesmeer Ave properties.

Fencing

The development at the other apartment just down the road by the same developer appears like it may eventually cause the backyard fences to start collapsing for those units behind the development. The developer for 2312 should put up a new fence at least 8 ft high behind the apartment and Ellesmeer Ave units.

Size of building

The apartment should be much smaller than 6 stories, perhaps 4 stories at most and left as a low density zone, not changed to high density.

Noise/nuisance

The proposal also has an outdoor pool. This should be moved to a rooftop or indoor pool to limit noise caused by 300 units that might have access to the pool.

Garbage Locations

If there are garbage dumpsters outside, I'd request they be kept away from the property lines. The garbage from this apartment should not become a burden to everyone else around

Traffic

The intersection at Princess St and Sydenham Rd road is already a disaster for traffic. Nobody needs a traffic study to tell them that. Vehicles can be lined up from the traffic lights at Sydenham Rd to the top of the overpass on Princess above the train tracks. The last thing this area of Kingston needs is 242 more units at 2274 Princess and 302 more at 2312 Princess.

I would like written notification of the decision by the City of Kingston regarding any proposed Official Plan Amendment or proposed zoning bylaw amendments.

Marc Jones
155 Ellesmeer Ave
Kingston
K7P3H6

Diane Anderson
161 Ellesmeer Ave.
Kingston ON
K7P 3H6

August 4, 2022

RE: 2312 Princess Street (File No. D35-004-2022) from Patry Inc.

Dear City of Kingston Planning Committee:

I live in one of the houses that backs on to this proposed development. The size(height), design and total number of units overlooking my property will seriously impact the use of my property both inside and outside as most of my living space faces the north side of the proposed building.

The land currently is zoned for arterial commercial and low-density Residential housing. I object to it being re-zoned to high density Residential.

I am not against that this land be developed but it should be developed with a building(s) more suitable to the location of the lot. Together with the development being constructed on 2274 Princess St the amount of people and vehicles will severely impact the traffic flows in this area. There will be even more back ups and fender benders along Princess St. from Sydenham and Andersen. The amount of traffic along Andersen has increased significantly over the last few years with the addition of new houses at the north end and the lights installed at Catarauqui Woods and Sydenham St. People are now using Andersen to access the 401 via Sydenham and thereby avoiding the intersection of Sydenham and Princess. As well when there is an accident on the 401 locally many of the transport truck/trailers detour on to this stretch of Princess St. rather than using the indicated EDR.

Changes to the proposed building that should be considered:

1. Reducing the height from 6 stories to a maximum of 4 stories. According to the shadow study, the proposed building will shadow my house all day in the late fall and winter. Most of my living space with large windows face south. My living room/dining room, my master bedroom and my recreation room. The sunlight is important to me, without it my heating bills will significantly increase, and my overall mental health will be impacted.
2. The building should be setback more from the north side of the lot. I feel there will be a significant increase in noise produced by the proposed building. My house lines up directly with the proposed swimming pool. The terraces will overlook my property and they are planning to install loudspeakers?
3. A 10-foot wall or fence should be installed along the north border. I understand that a 10-foot fence is being build at the development at 2274 Princess St. A row of evergreen trees should also be planted inside this fence to help block the noise that will be coming from the new development. This would also be environmentally friendly and provide an area that would be suitable for birds to utilize. We currently have a good variety and numbers of birds in the area. Robins, nuthatches, blue jays, cardinals, chickadees, doves etc.
4. Re-locate the pool to either the east or south side (Princess St.) of the building. Re-locate the terraces as well.

5. Use of the strip of land between the north wall of the building and the fence should be kept to a minimum. No vehicular traffic and no garbage dumpster. The emptying of these dumpster creates a large amount of noise and attracts wildlife such a raccoons, rats and mice, which are currently a problem in the area.
6. Reduce the number of units overall. The number of units for this development is greater than the number of units being built at 2274 Princess St., yet the lot is smaller.

Please take into consideration that just north of the proposed development is an area of senior housing. Significantly increasing the population density adjacent to us will affect us greatly. Vehicular (including bicycles) and pedestrian (including dogs) traffic will increase. Our vulnerability to break-ins will increase as well. Our area will be used for walks and as a shortcut to access Sydenham as there is a walkway thru the old Sydenham United Church cemetery. I also hope the increased traffic will not impede emergency vehicles from speedy access to our area.

Please send me the decisions made by the City of Kingston on the proposed Official Plan Amendment or the proposed zoning by-law amendment by email or by regular mail.

Regards,

Diane Anderson

██

████████████████████

Clendening, Ian

From: Dalton Sproule <[REDACTED]>
Sent: August 4, 2022 12:52 PM
To: Clendening, Ian
Cc: Dalton Sproule; Kas; Chapelle, Simon; Osanic, Lisa
Subject: City File Number D35-004-2022 (Official Objection)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please consider this our official objection to the proposed official plan amendment and zoning by-law amendment for 2312 Princess Street.

We own and reside at 103 Sheridan St in the Walnut Grove community and object to any further development of Apartment buildings in the near vicinity. As you are well aware the city just made amendments to the zoning by-laws to accommodate another very large apartment building of 240 or so units.

Making additional changes to allow for another over sized building of 302 units, will over populate the neighborhood, crowding store's, buses, parks and intersections. Allowing this amendment should be denied especially until the already approved unit being built has been established and further studies of the effects of that can be analyzed.

This shouldn't be all about making money for a contactor and gaining tax revenue for the city, it should be about building a community that fits with the surroundings and amenities.

Therefore we're asking the planning department to deny approving any amendments. Our for fathers or previous planners put regulations in place for a reason, please respect their ideals.

Dalton Sproule
[REDACTED]

Sent from [Mail](#) for Windows

From: Linda Kemp
Sent: August 3, 2022 11:32 AM
To: Fawcett,Elizabeth <EFAWCETT@cityofkingston.ca>
Subject: 2312 Princess Street (File D35-004-2022) Patry Inc

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To: Planning Committee

We live at 167 Ellesmeer Ave, which directly abuts the north side of the proposed new development by Patry Inc. at 2312 Princess St. We would like to state our strong objections to a number of issues with regard to this proposal.

1. The size and density of the proposed building is too large for the parcel of land. The Official Plan currently allows Arterial Commercial and low density Residential. We were aware of this when we purchased our home five years ago. The developer at that time builds lovely bungalows and we thought this would be compatible with the surrounding residences. Patry Inc. then purchased this property and is planning to build a large and intrusive apartment complex which will directly affect those living on the north side of the building. The City must rein in these developers and finally say “no” to the requests to have the Official Plan amended to such a large extent. What is the use of an Official Plan if a developer can come along and ask for unreasonable amendments without taking into account adjacent residences.
2. The building will be too close to our property line and the building is too high. Our living space in our home is at the back, i.e. living room, dining room, master bedroom, plus our backyard decks. Looking at a brick wall from our living room window will not be a pleasant view and sitting on our deck with people looking down on us will adversely affect the enjoyment of our property.
3. The footprint of the building does not take into account the residences on the north side. The pool area will be disruptive to the enjoyment of backyards and the extra lighting required around the pool area and around the perimeter of the building will cause light pollution to those close by. The current street lights and the high intensity lights on the Rona property already light up our house at night. I can’t imagine what it will be like with additional lighting. The noise (and possibly music) on the north side of the building will be another disruption.
4. Shadowing: It is completely unacceptable for our homes to be in partial or complete shadow from November to January. We will be in complete shadow during the month of December, during the bleakest part of the winter. As previously stated our living is done in the back portion of our homes and this shadowing will adversely affect our living conditions.
5. The blasting and the dust generated by this for two levels of underground parking will disrupt our lives for months. The other building at 2274 Princess Street required about two months of blasting, which was loud and there was a lot of vibration. Perhaps if the building is smaller with fewer units then only one level of parking would be required or if the building is smaller then some of the parking could be surface parking.
6. We, the residents, of Ellesmeer Avenue would like to see a new fence installed by the

developer. The blasting, digging, and removal of trees along the fence line will do irreparable damage to the existing fence, which is close to 20 years old. A new, higher, fence (at least 10 feet) would be reasonable.

7. We didn't see any access roads on the map for emergency vehicles, such as fire trucks, etc. Is this not a requirement?

These are our major concerns about this proposal and hope that the Planning Committee will take them into consideration.

Thank you.

Sincerely,

Terry and Linda Kemp
167 Ellesmeer Ave.

Mary O'Brien
163 Ellesmeer Avenue
Kingston, ON K7P 3H6

August 2, 2022

Planning Services
City of Kingston
216 Ontario St.
Kingston, ON K7L 2Z3

RE: 2312 Princess Street (File No. D35-004-2022) from Patry Inc.

Dear Planning Committee:

As two residents of a home directly abutting the north side of the above proposal by Patry Inc. (File No. D35-004-2022) at 2312 Princess Street, we would like to register our strong objections to the project due to the highly detrimental impact this 6-storey building would have on the enjoyment of our residence.

Before offering specific points, we want to first underline that this property (2312 Princess St.) was purchased by Patry Inc. knowing full well what the City's Official Plan entailed and what that parcel of property was zoned for. His continuous requests for exceptions without any convincing and clear consideration for land use compatibility within the existing neighbourhoods is, in our estimation, very troublesome at the very least. Like many others, we have to ask "What is the OPA for if developers can have it changed by influencing the Planning Dept. at the City?".

When purchased, we were aware of the current zoning and foresaw any future construction on that vacant lot as falling into the parameters of those restraints (Arterial Commercial and low density Residential). We are not prepared to support the amendments to the Official Plan and Zoning By-Laws to allow for such an intrusive, possibly untenably noisy and definitely obstructive structure to be erected.

More specifically, in regard to the proposal for 2312 Princess St.:

Put most simply, the proposal's land use compatibility is at an alarming low level. And, as the Official Plan references, consideration for the right to the peaceful enjoyment of surrounding residences must be given. (See Official Plan – Land Use Compatibility Matters 2.7.3 and Functional Needs 2.7.6). Frankly, the Patry plan, as stated, provides for a vastly inflated density in population, creating a myriad of problems for existing home owners like ourselves.

Our main concerns are as follows:

1. The size is too large. And the **height (6 storeys) is too tall**. This is higher than his current property under construction at 2274 Princess St. (4 storeys) which also abuts similar houses to ours on our street. A 6 storey building would increasingly dwarf the row of consistent bungalows on Ellesmeer Avenue.

There is an inherent unfairness for Patry to use the height of existing buildings (eg. Knightsbridge at 7 storeys, Lasalle Hotel at 4 storeys and the Braebury property at 2395 Princess at 4 storeys) as justification for proposing this 6 storey building as none of these properties closely abut existing residences.

2. It is a **much larger building on a smaller piece of land** than his nearby build currently under construction (2274 Princess St. is 1.72 hectares and 2312 Princess is 1.45 hectares).

3. **Shadowing** will be big problems for us. During the entire month of December (and parts of months on either side) we will have absolutely NO SUNLIGHT coming into the entire south side of our house. Please note that 81% of our entire sunlight into our homes comes through the windows at the back of our house (south side). Out of 10 rooms in our entire home, 6 of them are completely on that south wall.

Most people who do not live here do not realize the innate design of the majority of the houses on Ellesmeer Ave.. The design involves the majority of rooms used most frequently (livingroom, diningroom, bedroom and some kitchens), and possible recreation room and bedroom in finished basements all rely on that south wall of windows for sunlight. In most houses, only a guest bedroom with bathroom and a main entrance door and hallway are located on the north side of our houses. This is something that homeowners on this street cannot change to compensate for light lost due to a tall, obstructing building.

Overlook and noise – The proposal has the building much too close to our property line. It needs to be moved south by at least the amount that 2274 Princess St. was moved (an additional 2 metres). Any balconies on the north side of the new build should be Juliet ones (or none at all) to mitigate noise and disruption to the enjoyment of our backyard. It is noted that any artist's renderings of what that north wall would look like as Ellesmeer residents looked out their back windows seems to be averted in the proposal.

The **large pool area**, with no wall on the north to stop noise from travelling into our backyards is completely unacceptable to us. How that can be compatible with many peoples' backyards just metres away from their property line is quite beyond us. Additionally, mention of possible **amplified music** and **loud speakers** on terraces is also a totally unacceptable intrusion into the quiet enjoyment of our backyard. It would be advantageous if the "U" shape of the pool area could be flipped 180 degrees and face Princess St., not the backyards of multiple residences. Noise from the pool area would then most likely not be as evident. While we recognize preserving the heritage property at the corner is of importance, why is the pool noise directed at us instead of an already noisy Princess St. and a vacant heritage property?

We also are concerned about the actual noise from the individual air conditioning units to be attached outdoors to each unit.

4. **Two levels of underground parking** would mean a longer period of very disrupting noise and startling vibration while construction is underway. (We jumped in our seats during the blasts from the construction at his 2274 Princess St. property!) With a smaller number of units (ie. fewer storeys), perhaps one level of underground parking would suffice.
5. **Fencing** – Like the site at 2274 Princess St., we would like to have, as a minimum, an attractive taller fence built (8 feet min.) by Patry Inc. and the removal of the standing one done and paid for by his company as well. And, not unlike the 2274 Princess St. property, having a fence along the east end of the Patry property would ensure that foot traffic would not be possible across into property owned by Walnut Grove (Block 11 and Block 12).

These are the main objections we have to the proposal as it relates to the immediate impact it will have on living in our own home.

We would like to hereby request in writing that we receive the decision of the City re: the above proposed Official Plan Amendment and Zoning By-law Amendment.

Respectfully yours,

Mary O'Brien and Grant MacDonald (163 Ellesmeer Avenue)

Clendening, Ian

From: Andy Nancy Berga <[REDACTED]>
Sent: August 3, 2022 3:09 PM
To: Clendening, Ian
Subject: RE:2312 Princess Street (file No. D34-004-2022) Patry Inc.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Andy and Nancy Berga
159 Ellesmeer Avenue
Kingston ON K7P3H6

We are residents of a home which will abutt the north side of the proposed development by Patry Inc. We would like to strongly object to this proposal as it will have a high detrimental effect on the enjoyment and of our retirement in our residences

This proposal has Patry Inc. trying to change the zoning from Arterial Commercial and Low Density Residential to High Density Residential which contradicts the City's Plan.

CONCERNS

! The size is too large and the height is too high (6 Stories) We would propose 4 stories as 2274 Princess which also abuts Ellesmeer Ave. and has similar bungalows

This is a much larger building than 2274 Princess which is on a much larger lot.

2. Traffic. With 242 units at 2274 and 302 at 3212 Princess there will be more traffic on Princess and also on Anderson which will impact our safety and impair our ability to access arterial streets. A shift in the plans to 200 units with a lower profile would eliminate some of the traffic problems at both entrances.

3. Fencing We would ask Patry Inc to put up a new 8 to 10 foot fence for security, safety and aesthetics.

4. Noise. We seniors who live on Ellesmeer Ave, which is pretty well all of us, are aware of a pool in the amenities area is in close proximity to our living area which faces south would impact our enjoyment of our homes. We propose the pool be placed on the Princess street side. We are also concerned about air conditioner noise and placement of the dumpsters which are noisy when emptied. This could be mitigated by having them emptied later in the day.

5. Shadowing. As 6 of our 7 large windows of our house face south, the building would obscure the light and take away sunlight and enjoyment. Fewer stories and a smaller footprint would allow fewer shadows.

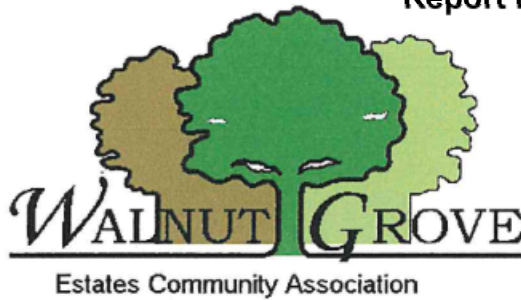
6. Footprint We propose the building be moved at least another 4 Metres from our property line. We would also like to see the fewest number of windows facing north and also terraces move to the south.

We would also ask for a written notification of the decision by the City of Kingston

Thank you,

Regards

Andy and Nancy Berga
159 Ellesmeer Ave. K7P3H6



RECEIVED

JUL 28 2022

PLANNING DIVISION
CITY OF KINGSTON

Mr. Ian Clendening,
Senior Planner
City of Kingston
1121 John Counter Boulevard
Kingston, Ontario K7K 6C7

July 21st, 2022

Dear Mr. Clendening,

Re: 2312 Princess Street, Kingston, Ontario
City File: D35-004-2022

The Walnut Grove Estates Community Association, as owners of property adjacent to the proposed development at 2312 Princess Street, City of Kingston, must formally express its opinions and requests to the City Planners and to all members of the Planning Committee concerning the current application for Official Plan Amendment and Zoning By-Law Amendment by Patry Inc.

The Association has in the recent past, addressed a similar application in respect to the development at 2274 Princess Street and with some degree of success made City Planners and Councillors aware of the many issues that could have adversely affected the surrounding community. These areas of serious concern, raised in detail, are not that different from those currently being seen in the initial planning documents submitted in support of the 2312 Princess St. amendment application.

It is not the responsibility of this Association or the community at large to critique or challenge the architectural documentation or the detailed engineering reports and studies supporting the application but simply to raise awareness of concerns surrounding fundamental project objectives and design principles that shape the form and function of the proposed development. In this case, as it was with 2274 Princess St., the fundamental objectionable principle that controls most aspects of the proposed design is the requested amendment to increase significantly the allowable building density.

The site specific allowable density passed by Council earlier this year on the recommendation of the Planning Committee for 2274 Princess St. was 74sqm of lot area/dwelling unit. This was a decrease from the 80sq m of lot/dwelling unit prescribed in the Residential Type 5 Zoning area. The current requested density

amendment for this site is 48sqm of lot area/dwelling unit. This is a requested adjustment of staggering 40% reduction in land area requirement to accommodate the 302 unit mix being proposed.

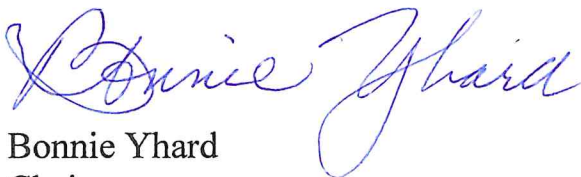
Noting that the initial request for reduction in lot size requirements at 2274 Princess St. was 71sqm/dwelling unit and approved at 74sqm /dwelling unit it is difficult to understand how an adjacent proposed development could be viewed differently. Applying the 71sqm of lot size to the available land at 2312 Princess St., the maximum number of dwelling units would equate to a maximum of 196 units or 106 units less than proposed.

The Association and the community group of concerned citizens known as RAID spent a great deal of time and effort in indentifying and demonstrating the shortfalls of the 2274 Princess St. development, while not trying to reject development outright. It is hoped that a similar approach might be found when dealing with this current proposed development. However the sheer enormity of the density issue and the impact it potentially would cause on the community cannot be understated and must be addressed before other issues such as traffic, security, noise, setbacks, screening, sight lines, privacy, etc. can be debated.

An agreement frequently used in support of the 2274 Princess St. development was that it was consistent with the City's objectives in providing affordable housing or as the developer indicated providing housing that was more affordable due to the size of dwelling units being offered. The Association recognizes the needs for more housing and generally is supportive of the City's initiatives in this regard. However when the approach to satisfying housing shortages is not in balance or even close to compliance with the most recent comparable example of high density housing then it must be challenged.

The Association therefore requests that the City Planners and all members of the Planning Committee critically and diligently resolve the density issue before contemplating and debating subsequent planning issues.

With due respect for your consideration,



Bonnie Yhard
Chair

Walnut Grove Estates Community Association

Clendening, Ian

From: nancy lovell <[REDACTED]>
Sent: July 28, 2022 7:51 PM
To: Clendening, Ian
Subject: Proposed Official Plan Amendment and Zoning 2312 Princess Street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Planning Committee Members,

As a homeowner for over 12 years, (153 Ellesmeer Ave) backing onto the proposed Patry Apartment Development Project at the above said address, I have serious concerns and object to the direction this is project is moving .

Prior to purchasing my property, I looked extensively at the ownership and zoning of the said vacant land. Residential with low rise up to a max 2-3 story, that might include a commercial property like a bank, school, small plaza business was the said zoning. Arterial commercial and Residential. This seemed to be in keeping with the Residential area to the north, and I this found acceptable.

Now the proposed six story apartment not only presents a serious density issue in our neighborhood but also towers over our properties.

Princess/ Anderson is an extremely busy traffic corner now. With an additional 302 unit building(with more persons per household) this will seriously increase traffic flow on both streets, presenting serious safety and noise concerns just for starters.

Additionally, the lovely wooded area to our east has already been stripped bare in recent months, leaving zero greenspace and increasing the density. Two high rise buildings are not welcomed. This rezone proposal certainly appears to be neglectful in maintaining eco friendly zones which cities of the future claim to tout, Kingston included. Why are we stripping bare of vegetation an already said zone, which instead should be an opportunity for user friendly greenspace with appropriate housing if that's a goal. This new proposal is certainly not in keeping with the neighborhood and I find it interesting that city officials can so easily rezone such.

I am also very interested in the actual building design and how Patry Development has chosen to situate the building on the property. Can it be provided for interest? As a homeowner, I do not wish to have a large building towering over my back garden blocking my sun and view, and subsequently have to stare into homeowners balconies. It may sound selfish but I wonder if, as members of the said building/ planning committee you would accept the same in your backyard? If this is an approach to the so called housing issue in town it really is an bandaid on a much larger issue.

Surely if an apartment is the only option then half the size(max 3 stories) (original zoning height) with appropriate space from our fence line is what should be maintained.

I would also like to suggest the builder be required to provide greenspace, in the development, maybe including a berm of evergreen trees along the Ellesmeer Ave fence line.

In closing I am registering my complete disapproval of allowing for the rezoning of this track of land and increasing the living density of this project.

With kindest regards,

Nancy Lovell
153 Ellesmeer Ave

[Sent from Yahoo Mail on Android](#)



**City of Kingston
Report to Planning Committee
Report Number PC-24-002**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: December 7, 2023
Subject: Recommendation Report
File Number: D14-012-2023
Address: 1329,1343,1347,1375,1383 Gardiners Road and 561 Macrow Street
District: District 2 - Loyalist-Cataraqui
Application Type: Zoning By-Law Amendment
Owner: Clermont Investments Inc.
Applicant: Boulevard Group

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by the Boulevard Group, on behalf of Clermont Investments Inc., with respect to the subject site located at 1329,1343,1347,1375,1383 Gardiners Road and 561 Macrow Street.

The property is located south of Highway 401 to the west of the Cataraqui Estates Business Park and west of the Invista Centre recreation complex, with frontage on Macrow Street and

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Gardiners Road. An overall site plan has been approved for the site (File Number D11-407-2012) that includes three buildings that have been constructed, and two buildings identified as part of a future phase of development that will require a site plan modification application.

The subject site is designated Business Park Industrial in the Official Plan and is zoned M1 (Business Park Zone) in the Kingston Zoning By-Law with a Legacy Exception (L294). In accordance with Legacy Exception L294, complementary uses are currently restricted to 25% of the gross floor area on-site.

The purpose and effect of the proposed Zoning By-Law amendment is to permit an increased percentage of uses intended to complement business park uses (“complementary uses”), and to update the list of permitted uses on the subject property in accordance with the terminology of the Kingston Zoning By-Law. Complementary uses that would be permitted through the proposed zoning by-law amendment, in up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; banquet hall; day care centre; financial institution; fitness centre; laundry store; personal service shop; place of worship; recreational facility; restaurant; and, wellness clinic. The recommended zoning by-law amendment recognizes a minimum number of six loading spaces previously approved for the site and exempts existing buildings from long-term bike parking and end-of-trip bike facility requirements of the Kingston Zoning By-Law. The zoning by-law amendment also has the effect of eliminating a planting strip requirement that was not carried forward into the business park zones of the Kingston Zoning By-Law.

The recommended amendment includes the establishment of a Holding Overlay to ensure that the noise sensitive uses (i.e., day care centre and place of worship) are assessed through a Noise Impact Study and found to be compatible with surrounding land uses, prior to being permitted to be established on the subject lands.

No new buildings are proposed at this time; however, two future one-storey buildings totalling approximately 1,060 square metres are envisioned for the property through the approved site plan control application for the property (File Number D11-407-2012). The future buildings will require a site plan modification application, which will address detailed design matters such as the building envelope, accessibility and the configuration of additional paved parking surfaces and walkways.

The recommended zoning by-law amendment will increase permissions for a diversified mix of complementary uses on the subject property, which will ultimately support, and foster employment uses on the property and in the vicinity, and active transportation between employment and supportive uses. The site is well suited for the addition of complementary uses with its frontage along Gardiners Road and the uses will not have a negative impact on nearby employment uses. The proposal, as assessed through the technical review process, is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

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Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-012-2023) submitted by Boulevard Group, on behalf of Clermont Investment Inc., for the property municipally known as 1329,1343,1347,1375,1383 Gardiners Road and 561 Macrow Street, be approved ; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-002; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Priorities	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Statutory Public Meeting**

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Amy Didrikson, Intermediate Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3296
adidrikson@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application meeting on April 12 2023. Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of October 2, 2023.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before December 31, 2023, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the City will be required to refund the fees that were paid by the applicant on the subject application and the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

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Site Characteristics

The subject property is approximately 2.45 hectares in area and is located on the southwest corner of Gardiners Road and Macrow Street (Exhibit B – Key Map), which are both Arterial Roads according to Schedule 4 of the Official Plan. Highway 401 is approximately one kilometre north of the site.

A common element condominium applies to the lands, including five parcels of tied lands (POTLs) and common elements which include the parking area and landscaped areas. The property currently contains one 2880 square metre, two-storey building and two 473 square metre, one-storey buildings, internal roadways, landscaping and parking (Exhibit I – Site Photographs). The existing buildings contain a mixture of business park and commercial uses.

The property is in an area referred to as the Gardiners Road Industrial Park delineated in the 2015 Employment Land Strategy Review. The property abuts undeveloped lands to the west and north, which are in General Industrial and Business Park Industrial land use designations of the Official Plan, respectively. The property to the south contains employment uses, including a biotechnology research lab, and to the east of Gardiners Road is the City's Invista Centre recreation complex. Further to the south at 623-631 Fortune Crescent there are a number of commercial uses including restaurants and retail stores, as well as office space. Further to the east beyond Fortune Crescent along Centennial Drive is the Cataraqui Estates Business Park, approximately 700 metres from the subject property. Further to the west of Midland Avenue is a residential subdivision.

The property is connected to sidewalks and a pedestrian crosswalk at a signalized intersection along the property frontage on Gardiners Road. A stop for transit route 7 is located within walking distance of the subject property at Gardiners Road and Fortune Crescent, which provides service from the Invista Centre to the Rideau Heights neighbourhood. Bike infrastructure in the vicinity includes a bike lane on Cataraqui Woods Drive, which will eventually connect with a buffered bike lane on Midland Avenue according to the City's Active Transportation Master Plan. A connection to the K&P trail is also located approximately 700 metres to the northeast of the subject property.

Proposed Application and Submission

The subject property is currently developed with three buildings containing a mix of business park and complementary uses, including a freestanding restaurant. The site plan approved for the property identifies two future buildings which were indicated as a restaurant and a drive through restaurant, which would be considered complementary uses. To allow the future buildings to contain complementary uses, as well as to allow the existing complementary uses to remain, a zoning by-law amendment is required to permit an increased percentage of complementary uses.

The purpose and effect of the proposed Zoning By-Law amendment is to an increase in complementary use permissions from 25% to 49% of the gross floor area on the subject property, and to update the list of permitted uses on the subject property in accordance with the

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terminology of the Kingston Zoning By-Law. Complementary uses that would be permitted through the proposed zoning by-law amendment, in up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; banquet hall; day care centre; financial institution; fitness centre; laundry store; personal service shop; place of worship; recreational facility; restaurant; and, wellness clinic. The recommended zoning by-law amendment recognizes a minimum number of six loading spaces previously approved for the site and exempts existing buildings from long-term bike parking and end-of-trip bike facility requirements of the Kingston Zoning By-Law. The zoning by-law amendment also has the effect of eliminating a planting strip requirement that was not carried forward into the business park zones of the Kingston Zoning By-Law.

The recommended amendment includes the establishment of a Holding Overlay to ensure that the noise sensitive uses (i.e., day care centre and place of worship) are assessed through a Noise Impact Study and found to be compatible with surrounding land uses, prior to being permitted to be established on the subject lands.

No new buildings are proposed at this time; however, the two future one-storey buildings envisioned for the property through the approved site plan control application for the property (File Number D11-407-2012) total approximately 1,060 square metres. The future buildings will require a site plan modification application, which will address detailed design matters such as the building envelope, accessibility and the configuration of additional paved parking surfaces and walkways.

In support of the application, the applicant has submitted the following:

- Concept Site Plan (Approved Site Plan), prepared by McIntosh Perry (Exhibit H);
- Floor plans and elevations of existing buildings;
- A Servicing Feasibility Brief, prepared by Groundwork Engineering Ltd.; and,
- A Planning Justification Report prepared by the Boulevard Group.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using "Look-up a Specific Address". If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The subject lands are located within the City of Kingston Urban Boundary which would be considered a Settlement Area as defined by the Provincial Policy Statement (2020). Settlement areas are to be the focus of growth, developed with a mix and range of land uses. The site is currently developed with a mix of employment uses and complementary uses. The proposal

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would permit an increased percentage of complementary uses intended to support the employment uses on site and in the vicinity, and ultimately support active transportation within the employment area. The proposed mix of land uses will diversify the economic base and make efficient use of land and resources, through fostering development of a site that is appropriately serviced by municipal water, wastewater, active and public transportation. Noise sensitive uses proposed on the property will be restricted by a recommended Holding Symbol until the required Noise Impact Study is provided.

The recommended Zoning By-Law amendment is consistent with the Provincial Policy Statement as it will promote economic development, represents a wise use of resources, and protects public health and safety.

A detailed review of the applicable policies is attached in Exhibit D – Consistency with the Provincial Policy Statement.

Official Plan Considerations

The subject lands are located within a Business District as shown on Schedule 2 – City Structure of the Official Plan. The zoning by-law amendment permits limited retail and service commercial uses that serve business activities, consistent with the strategic intent of Business Districts.

The subject property has a Business Park Industrial land use designation in the Official Plan (Exhibit E – Official Plan, land use), which is a form of employment land. The goal of the Business Park Industrial land use designation is to develop attractive areas for prestige office, research, light industrial, and similar employment uses at visible and easily accessed locations within the city. The main uses permitted within the Business Park Industrial designation include employment uses such as corporate administrative offices and government offices, research and development facilities, including laboratories, data processing facilities, including call centres, as well as certain light industrial uses, provided they are contained within enclosed buildings. Complementary uses, defined to include uses such as daycares, conference facilities, restaurants and recreation facilities are also permitted subject to applicable criteria. The new complementary uses enabled by the zoning by-law amendment are consistent with the uses contemplated in the Official Plan.

The subject application for zoning by-law amendment is required in accordance with the Official Plan which allows complementary uses to exceed 25% of the gross floor area on a site subject to meeting specific criteria. The proposal conforms to the required criteria to establish 49% complementary uses on the subject property, as the permitted uses will provide a similar rate of employment as the primary permitted uses will not hinder or preclude any employment uses from establishing on any lands in the employment area. The uses facilitated through the amendment will ultimately improve the quality of life and reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses.

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Staff are of the opinion that the proposal is conforms with the policies of the Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

Zoning By-Law Discussion

The subject property is zoned Business Park (M1) zone in the Kingston Zoning By-Law, with a Legacy Exception L294 in Parking Area 5 (Exhibit G – Kingston Zoning By-Law Number 2022-62 Map). The M1 zone permits a range of employment uses such as a call centre, catering service, laboratory and office. The Legacy Exception includes business park uses permissions, carrying forward terminology from the Former Kingston Township Zoning By-Law, including data processing and related services; business offices; professional offices; laboratory, research, development facilities carried out within enclosed buildings; film or recording studio; printing establishment; and public uses. Complementary uses permitted by the Legacy Exception include a bank or financial institution; clinic; restaurant and patio; restaurant, freestanding; restaurant, take-out; dry cleaning and related services; and personal service shop and may establish in up to a maximum of 25% of the built gross floor area.

The purpose and effect of the proposed Zoning By-Law amendment is to permit an increased percentage of uses intended to complement business park uses (complementary uses), and to update the list of permitted uses in accordance with the terminology of the Kingston Zoning By-Law. Complementary uses that would be permitted through the proposed zoning by-law amendment, up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; banquet hall; day care centre; financial institution; fitness centre; laundry store; personal service shop; place of worship; recreational facility; restaurant; and, wellness clinic. The recommended zoning by-law amendment recognizes a minimum number of six loading spaces previously approved for the site and exempts existing buildings from long-term bike parking and end-of-trip bike facility requirements of the Kingston Zoning By-Law. The zoning by-law amendment also has the effect of eliminating a planting strip requirement that was not carried forward into the business park zones of the Kingston Zoning By-Law.

The proposed Zoning By-Law amendment would replace the existing Legacy Exception L294 in effect on the site and with a new Exception Overlay E138. Each of the modifications to the existing zoning of the subject property, is discussed below in relation to the intent of the Kingston Zoning By-Law provisions.

1. Refined Business Park Permitted Use Terminology:

The following table details the business park uses that are currently specified in the Legacy Exception L294 carried forward from Zoning By-Law Number 76-26, and the corresponding permitted business park uses in the applicable M1 parent zone. One of the effects of the Zoning By-Law amendment is to refine the list of permitted business park uses to align with the terminology of the Kingston Zoning By-Law, and to remove the redundant use terms of Legacy Exception L294.

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Business Park Use Permissions		
Permitted Use in Legacy Exception 294, not carried forward into Proposed Exception 138	M1 (Business Park) Zone – Corresponding Permitted Use	Notes
(i) Data processing and related services	Research Establishment and a Call Centre	<p>Data processing and related services is undefined in Zoning By-Law 76-26 but is understood to correspond with the following use terms of the Kingston Zoning By-Law Number 2022-62:</p> <p>Research Establishment means the use of any lot or building for research, data collection and manipulation, and/or technical development of information or devices for application, excluding a laboratory.</p> <p>Call Centre means the use of any lot or building established to transmit or receive a high volume of phone calls to provide technical support, customer service, sales or similar client services.</p>
(ii) Business offices; (iii) Professional offices;	Office	<p>“Business office” and “Professional office” are undefined in Zoning By-Law 76-26 but are understood to correspond with the permission for an Office in the Kingston Zoning By-Law Number 2022-62:</p> <p>Office means the use of any lot or building for conducting the affairs of businesses, professions, services, media studios, industries, governments, or other similar activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods. Office excludes a wellness clinic.</p>

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Business Park Use Permissions		
Permitted Use in Legacy Exception 294, not carried forward into Proposed Exception 138	M1 (Business Park) Zone – Corresponding Permitted Use	Notes
<p>(iv) Laboratory, research, development facilities carried out within enclosed buildings;</p>	<p>Laboratory and Research Establishment</p>	<p>The Legacy use permission for a laboratory, research, and development facility carried out within an enclosed building corresponds with permission for a Laboratory and Research Establishment in the Kingston Zoning By-Law Number 2022-62:</p> <p>Zoning By-Law 76-26 defines Laboratory as a building or portion thereof wherein scientific experiments, tests or investigations are conducted and/or where drugs, chemicals, or other substances or articles pertinent to such experiments, test or investigations are manufactured or otherwise prepared for use on the premises.</p> <p>The Kingston Zoning By-Law defines a Laboratory as the use of any lot or building where experiments, tests or investigations are conducted and/or where drugs, chemicals, or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the lot. This definition excludes a research establishment. See above for the definition of a Research Establishment.</p>
<p>(v) Film or Recording Studio;</p>	<p>Production Studio</p>	<p>“Film or Recording Studio” is undefined in Zoning By-Law 76-26 but is understood to correspond with the permission for an Production Studio in the Kingston Zoning By-Law Number 2022-62:</p>

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Business Park Use Permissions		
Permitted Use in Legacy Exception 294, not carried forward into Proposed Exception 138	M1 (Business Park) Zone – Corresponding Permitted Use	Notes
(vi) Printing Establishment;	Light Industrial Use	<p>A printing establishment is undefined in Zoning By-Law 76-26 but is understood to correspond with permission for a Light Industrial Use in the Kingston Zoning By-Law Number 2022-62:</p> <p>Light Industrial Use means the use of any lot or building for production, processing, manufacturing, fabrication, assembly, or similar processes, including those that are technologically advanced or innovative, within a self-contained building where the processes have a low probability of fugitive emissions such as noise, odour, dust or vibration. This definition does not include any other use defined herein.</p>
(vii) Public use.	-	<p>The Legacy use permission for a Public Use corresponds with permission in all zones for a Public Use in the Kingston Zoning By-Law.</p> <p>In Zoning By-Law 76-26, a Public Use means a building, structure or lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, any Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada, any telephone or telegraph company, or any railway company authorized under The Railway Act.</p> <p>Kingston Zoning By-Law includes the following comparable definition of Public Use:</p>

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Business Park Use Permissions		
Permitted Use in Legacy Exception 294, not carried forward into Proposed Exception 138	M1 (Business Park) Zone – Corresponding Permitted Use	Notes
		<p>Public Use means the use of any lot or building for a public service by a public authority including the City, any conservation authority established by the Province of Ontario, any utility company, or any railway company authorized under the Canada Transportation Act, S.C. 1996 c. 10. Public use includes the use of any lot or building owned by a public authority by any other third party, including where the party is not a public authority, for any purpose authorized by the applicable public authority.</p>

As detailed above, the business park uses permitted in the Legacy Exception do not need to be specified in the new Exception as they are permitted in the applicable M1 zone, or in all zones of in accordance with section 4.9.1 of the Kingston Zoning By-Law.

2. Existing Permitted Complementary Uses Permitted in up to 49% of total Gross Floor Area:

The complementary uses detailed in the following table are currently permitted in up to 25% of the total gross floor area on the property as per the applicable M1 zone modified by Legacy Exception L294. The recommended zoning by-law amendment and exception overlay E138 would have the effect of refining and carrying forward these permitted uses under the terminology of the Kingston Zoning By-Law, and allowing these uses to occupy up to 49% of the total gross floor area on the property.

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Refined Complementary Use Permissions		
Existing Permitted Use by Legacy Exception 294, in up to 25% of the total gross floor area on site	M1 (Business Park) Zone (E138) Corresponding Use Proposed to Occupy up to 49% of total gross floor area on site	Notes
(i) Bank or financial institution;	Financial Institution	<p>A “bank or financial institution” is undefined in Zoning By-Law 76-26 but is understood to correspond with permission for a Financial Institution in the Kingston Zoning By-Law Number 2022-62.</p> <p>Financial Institution means the use of any lot or building wherein money management services are provided and includes a bank, trust company, credit union, financial company, mortgage company, loan company, cheque cashing company, or investment company</p>
(ii) Clinic ;	Wellness Clinic	<p>The Legacy use permission for a clinic corresponds with the term Wellness Clinic in the Kingston Zoning By-Law Number 2022-62. These corresponding definitions are detailed below for reference:</p> <p>Clinic means a building or part of a building that is used solely by physicians, dentists, and / or drugless practitioners, their staff, and their patients for the purpose of consultation, diagnosis, and office treatment and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, providing that all such uses have access only from the interior of the building or structure, but shall not include</p>

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Refined Complementary Use Permissions		
Existing Permitted Use by Legacy Exception 294, in up to 25% of the total gross floor area on site	M1 (Business Park) Zone (E138) Corresponding Use Proposed to Occupy up to 49% of total gross floor area on site	Notes
		<p>accommodation for in-patient care or operating rooms for major surgery.</p> <p>Wellness Clinic means the use of any lot or building by physicians, dentists, physiotherapists, chiropractors, nurses, naturopaths, osteopaths, psychologists, therapists, registered massage therapists, optometrists or other similar medically focused practitioners, for the purpose of consultation, diagnosis, and office treatment associated with such profession. A wellness clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but excludes a hospital.</p>
<p>(iii) Restaurant and patio;</p> <p>(iv) Restaurant, freestanding;</p> <p>(v) Restaurant, take-Out;</p>	Restaurant	<p>The Kingston Zoning By-Law does not distinguish between restaurants with patios, take out restaurants, or freestanding restaurants.</p> <p>Restaurant means the use of any lot or building in which the principal business is the preparation and serving of food and/or beverages to the public for consumption on or off the premises, and which may include the preparation of food in a ready to consume state for consumption off the premises. A restaurant includes a take-out restaurant, a bakery, and other similar uses.</p>

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Refined Complementary Use Permissions		
Existing Permitted Use by Legacy Exception 294, in up to 25% of the total gross floor area on site	M1 (Business Park) Zone (E138) Corresponding Use Proposed to Occupy up to 49% of total gross floor area on site	Notes
(vi) Dry cleaning and related services;	Laundry Store	<p>Zoning By-Law 76-26 includes defined terms that include dry cleaning but does not define “dry cleaning and related services”. This permitted complementary use is carried forward through permission for a Laundry Store, which is defined in the Kingston Zoning By-Law as follows:</p> <p>Laundry Store means the use of any lot or building for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process. A laundry store includes a laundromat, where one or more clothes washing and drying machines are used.</p>
(vii) Personal service shop.	Personal Service Shop	<p>A personal service shop in both Zoning By-Law 76-26 and the Kingston Zoning By-Law 2022-62 carry similar definitions as detailed below:</p> <p>Under Zoning By-Law 76-26, Personal Services Shop means an establishment wherein a personal service is performed. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.</p>

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Refined Complementary Use Permissions		
Existing Permitted Use by Legacy Exception 294, in up to 25% of the total gross floor area on site	M1 (Business Park) Zone (E138) Corresponding Use Proposed to Occupy up to 49% of total gross floor area on site	Notes
		Under the Kingston Zoning By-Law, Personal Service Shop means the use of any lot or building in which services involving the care of persons or their apparel are offered and includes a barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, tanning salon, spa or similar service establishments as licensed by the City. The sale of merchandise is only permitted as an accessory use to the principal service provided.

Permission for the above complementary uses in up to 49% of the total gross floor area on the property is consistent with the intent of the Zoning By-Law, as they will allow for complementary uses explicitly and implicitly contemplated by the Official Plan to establish in less than half of the total gross floor area on the property. The expanded gross floor area permissions for the above complementary uses on the site are all contemplated as principal permitted uses in the Employment Service (M4) zone in recognition that these uses can provide supportive services to employment areas.

3. New Complementary Use Permissions:

The complementary uses in the following table are not currently permitted by the applicable M1 zone or Legacy Exception L294 zone and are introduced into the recommended Exception Overlay E138. These complementary uses are permitted to occupy a maximum of 49% of the total gross floor area on the subject property. The corresponding definitions are detailed below.

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New Complementary Use Permissions	
Defined Complementary Use Permitted by Exception (E138)	Notes
<p>Animal Care means the use of any lot or building for medical, grooming, training or similar services for animals, but does not include a kennel or an animal shelter.</p>	<p>Also permitted as a principal use in the Employment Service (M4) zone.</p>
<p>Animal Shelter means the use of any lot or building for the care of lost, abandoned or neglected animals and operated by a public authority or semi-public authority or by a not-for-profit organization.</p>	<p>Also permitted as a principal use in the Employment Service (M4) zone.</p>
<p>Banquet Hall means the use of any lot or building in which facilities are provided for the gathering of people for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served, but excludes a restaurant.</p>	<p>Also permitted as a principal use in the Employment Service (M4) zone.</p>
<p>Day Care Centre means the use of any lot or building licensed pursuant to the Child Care and Early Years Act, 2014, S.O. 2014, c.11, Sched. 1, for the purpose of providing temporary care for or supervision of children for a child’s safety, wellbeing or development, in the absence of the child’s parent or guardian and for a continuous period that does not exceed 24 hours. A day care centre may also include care offered or supplied on a regular schedule to adults for a portion of a day, but which does not provide overnight accommodation.</p>	<p>Also permitted as a principal use in the Employment Service (M4) zone.</p> <p>Permitted subject to the removal of the recommended Holding Overlay H230</p>
<p>Fitness Centre means the use of any lot or building in which facilities are provided for fitness or athletic activities such as body-building, endurance training, yoga, exercise and fitness classes, or other similar uses where the principal focus is fitness. Fitness centres may include associated facilities such as a sauna, a swimming pool and a solarium and accessory uses such as a food concession and retail store.</p>	<p>Also permitted as a principal use in the Employment Service (M4) zone.</p>

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New Complementary Use Permissions	
Defined Complementary Use Permitted by Exception (E138)	Notes
<p>Place of Worship means the use of any lot or building for the regular assembly of persons for the practice of religious worship, services, or rites.</p>	<p>Also permitted as a principal use in the Employment Service (M4) zone.</p> <p>Permitted subject to the removal of the recommended Holding Overlay H230</p>
<p>Recreational Facility means the use of any lot or building for athletic or recreation activities, which may include a community centre, club, ice or roller skating rink, curling rink, indoor paintball facility, axe throwing, racquet club, swimming pool, golf driving range, billiard parlour and bowling alley or other similar uses where the principal focus of the use is the participation in athletic or recreation activities.</p>	<p>Also permitted as a principal use in the Employment Service (M4) zone.</p>

Permission for the above complementary uses in up to 49% of the total gross floor area on the property is consistent with the intent of the Zoning By-Law, as they will allow for complementary uses explicitly and implicitly contemplated by section 3.6.A.2 of the Official Plan to establish in less than half of the total gross floor area on the property. Through the application of a Holding Overlay for the Day Care Centre and Place of Worship uses, which are considered sensitive uses, a Noise Impact Study will be required to ensure the required mitigation measures can be implemented taking into consideration existing and planned industrial uses in the vicinity. The new complementary uses permitted on the site are all contemplated as principal permitted uses in the Employment Service (M4) zone in recognition that these uses can provide supportive services to employment areas.

4. Minimum Loading Space Requirements:

The Exception Overlay requires a minimum of six loading spaces for the property, which carries forward the same provision from the existing Legacy Exception. The site plan approved for the subject property (Exhibit H) includes seven proposed loading spaces, which exceeds this minimum requirement. The intent of the loading space requirements is to ensure employment zones and commercial uses have adequate, dedicated areas for loading to meet functional

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needs. There are no concerns with the ability for six loading spaces to meet the functional needs of the five buildings total buildings envisioned for the site. It is notable that the loading spaces in this instance are part of the common elements of the condominium that applies to the site, and as a result, are available to all tenants on the property. Carrying forward the existing minimum requirement will clarify requirements for the property under the Kingston Zoning By-Law, which requires buildings to be separately assessed for loading space requirements. As tenants change and uses fluctuate on the site, the zoning compliance of six total loading spaces will be able to be clearly ascertained as part of building permit reviews.

5. Exemption for Long-term Bike Space and End-of-trip Facility Requirements:

The three existing buildings on the subject property were developed under former Zoning By-Law requirements which did not require long-term bike spaces, which are required to be weather protected and secure, or end-of-trip facilities, such as showers. The Exception Overlay contains an exemption to recognize the compliance of the existing buildings on the subject property, while requiring long-term bike spaces and end-of-trip facilities for any new buildings developed on the subject property.

Zoning By-Laws are intended to be forward-looking, and not to apply requirements retroactively to existing development. Section 7.3.16. of the Kingston Zoning By-Law incorporates this intended effect by specifying that a deficiency is not required to be made up before the construction of any addition or a change of use provided that any additional bike spaces required by the Kingston Zoning By-Law for an addition or change of use are provided. As the tenants of existing buildings change, the exception will clarify that existing buildings are not required to be modified internally to meet these new requirements, which will facilitate zoning compliance reviews of building permits for tenant fit. However, new building construction on the subject property will be required to incorporate long-term bike parking and end-of-trip facilities going forward.

6. Removal of Landscaped Buffer Requirement from Legacy Exception:

Legacy Exception L294 contained a 7.0 metre landscaped planting strip requirement along the Gardiners Road frontage which modified a 10 metre requirement from the Business Park zone of Zoning By-Law 76-26. The applicant has requested that the legacy planting strip requirement be removed from the new Exception Overlay, given that the Kingston Zoning By-Law contains updated landscape strip standards, and there is an approved site plan for the property that incorporates the 7.0 metre planting strip requirement.

Planting strip requirements and landscaped open space requirements were updated in the Kingston Zoning By-Law, and updated standards were informed by recommendations from the Employment Land Strategy Review (2015). In particular, the Employment Land Strategy Review concluded that planting strip requirements be reduced to 3 metres, which is reflected in new, city-wide requirements for employment zones. Updated requirements for planting strips apply to ensure visual screening between differing zones and land uses to promote compatibility. For example, a 3.0 metre planting strip is required under section 16.2.2.3 of the Kingston Zoning By-

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Law when properties in an M1 Business Park zone abut any other zone, to ensure visual screening and land use compatibility.

The legacy planting strip requirement has been removed, as it no longer applies to properties to the north and south under the Kingston Zoning By-Law, and does not reflect updated requirements for business park zones. However, tree plantings will be sought along the Gardiners Road frontage for future buildings as part of future site plan modification applications on the subject property, consistent with policy applicable to gateways.

Other Applications

There have been a number of previous Planning Act applications at this address including:

2010 – A zoning by-law amendment application (File Number D14-194-2010) to amend the property from a restricted general industrial zoning to a business park zoning and permit business park and commercial uses.

2012 – A Site Plan Control application (File Number D11-407-2012) was approved to permit the construction of 3 commercial buildings.

2015 – A Final Plan of Condominium application (File Number D07-006-2015) to establishing a Common Elements Condominium Corporation for five parcels of tied land (POTL's).

2015 – Zoning By-Law Amendment to clarify interpretation of the subject property as one lot.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

Public Comments

A Public Meeting is being held on December 7, 2023, concurrently with a recommendation to Planning Committee.

As of the date of finalizing this report, there have been no public submissions related to the application.

Effect of Public Input on Draft By-Law

None

Conclusion

In conclusion, the proposed Zoning By-Law amendment will enable additional complementary use permissions to underutilized employment lands on full municipal services in the Urban Boundary,

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which will ultimately foster a diversified economic base and provide support and services to meet the needs of the primary business park uses without interfering with the intended function of its surrounding area. A Holding Overlay will apply to ensure that proposed sensitive uses can be compatible with existing and planned employment uses in the vicinity, before being established. The recommendation within this report is consistent with the PPS, conforms to the City's Official Plan and represents good land use planning.

Existing Policy/By-Law:

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial

Planning Act

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to owners of 13 properties (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on November 28, 2023.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, no pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

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Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Amy Didrikson, Intermediate Planner, 613-546-4291 extension 3296

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62

Exhibit B Key Map

Exhibit C Neighbourhood Context (2023)

Exhibit D Consistency with the Provincial Policy Statement

Exhibit E Official Plan, Land Use

Exhibit F Conformity with the Official Plan

Exhibit G Zoning By-Law Number 2022-62 Map

Exhibit H Concept Site Plan (Approved Site Plan)

Exhibit I Site Photographs

Exhibit J Public Notice Notification Map

By-Law Number 2023-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Removal of Legacy Exception ‘L294’, Introduction of Exception Number ‘E138’ and Introduction of Holding Overlay ‘H230’ (1329, 1343, 1347, 1375 and 1393 Gardiners Road and 561 Macrow Street))

Passed: [Meeting Date]

Whereas the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (the “Kingston Zoning By-Law”);

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-Law;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-Law Number 2022-62”, is amended as follows:
 - 1.1. Schedule E – Exception Overlay is amended to remove Legacy Exception L294 and to add Exception Number E138, as shown on Schedule “A” attached to and forming part of this By-Law.
 - 1.2. Schedule F – Holding Overlay is amended by adding Holding Overlay H230, as shown on Schedule “B” attached to and forming part of this By-Law.
 - 1.3. By adding the following Exception Number E138 in Section 21 – Exceptions, as follows:

“E138. Despite anything to the contrary in this By-Law, the following provisions apply to the lands subject to this Exception:

 - (a) The following **complementary uses** are permitted, up to a maximum of 49% of the total **gross floor area**, in the aggregate:
 - (i) **Animal Care**
 - (ii) **Animal Shelter**
 - (iii) **Banquet Hall**

- (iv) **Day Care Centre**
- (v) **Financial Institution**
- (vi) **Fitness Centre**
- (vii) **Laundry Store**
- (viii) **Personal Service Shop**
- (ix) **Place of Worship**
- (x) **Recreation Facility**
- (xi) **Restaurant**
- (xii) **Wellness Clinic**

- (b) The lands subject to this Exception are deemed to be one lot for the purposes of interpreting zoning provisions;
- (c) **Long-term bike spaces** are not required for **buildings** existing on the date of passing of this By-Law at 1329, 1343 and 1347 Gardiners Road;
- (d) **End-of-trip bike facilities for non-residential uses** are not required for **buildings** existing on the date of passing of this By-Law at 1329, 1343 and 1347 Gardiners Road;
- (e) Despite clause (b) of this By-Law, **bike space** requirements and **end-of-trip bike facility** requirements are calculated and provided for each new **building** as though they are on their own individual lot; and
- (f) A minimum of 6 loading spaces must be provided.”

1.4. By adding the following Holding Number H230 in Section 22 – Holding Conditions, as follows:

“**H230.** The Holding Overlay only applies to a **day care centre** or a **place of worship**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.”

2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

Addresses: 1329, 1343, 1347, 1375 and
1383 Gardiners Rd. and 561 Macrow St
File Number: D14-012-2023

Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

Schedule E Exception Number

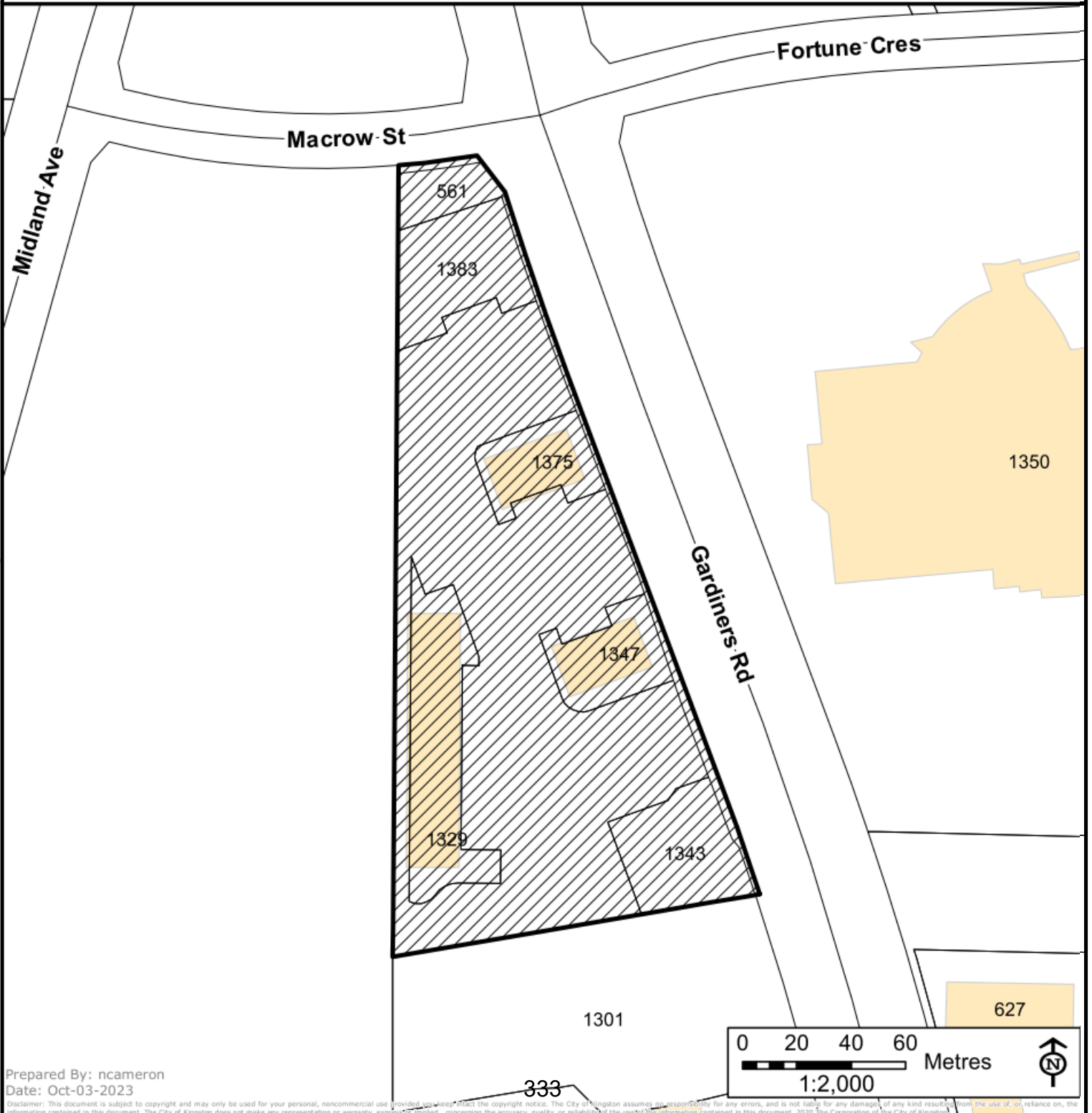
 Lands to be removed from L294 and added as E138

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor

Clerk






Schedule 'B' to By-Law Number

Addresses: 1329, 1343, 1347, 1375 and
1383 Gardiners Rd. and 561 Macrow St
File Number: D14-012-2023

Kingston Zoning By-Law 2022-62 Schedule F - Holding Overlay

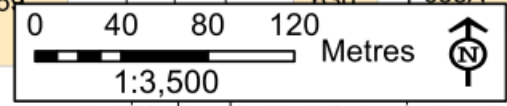
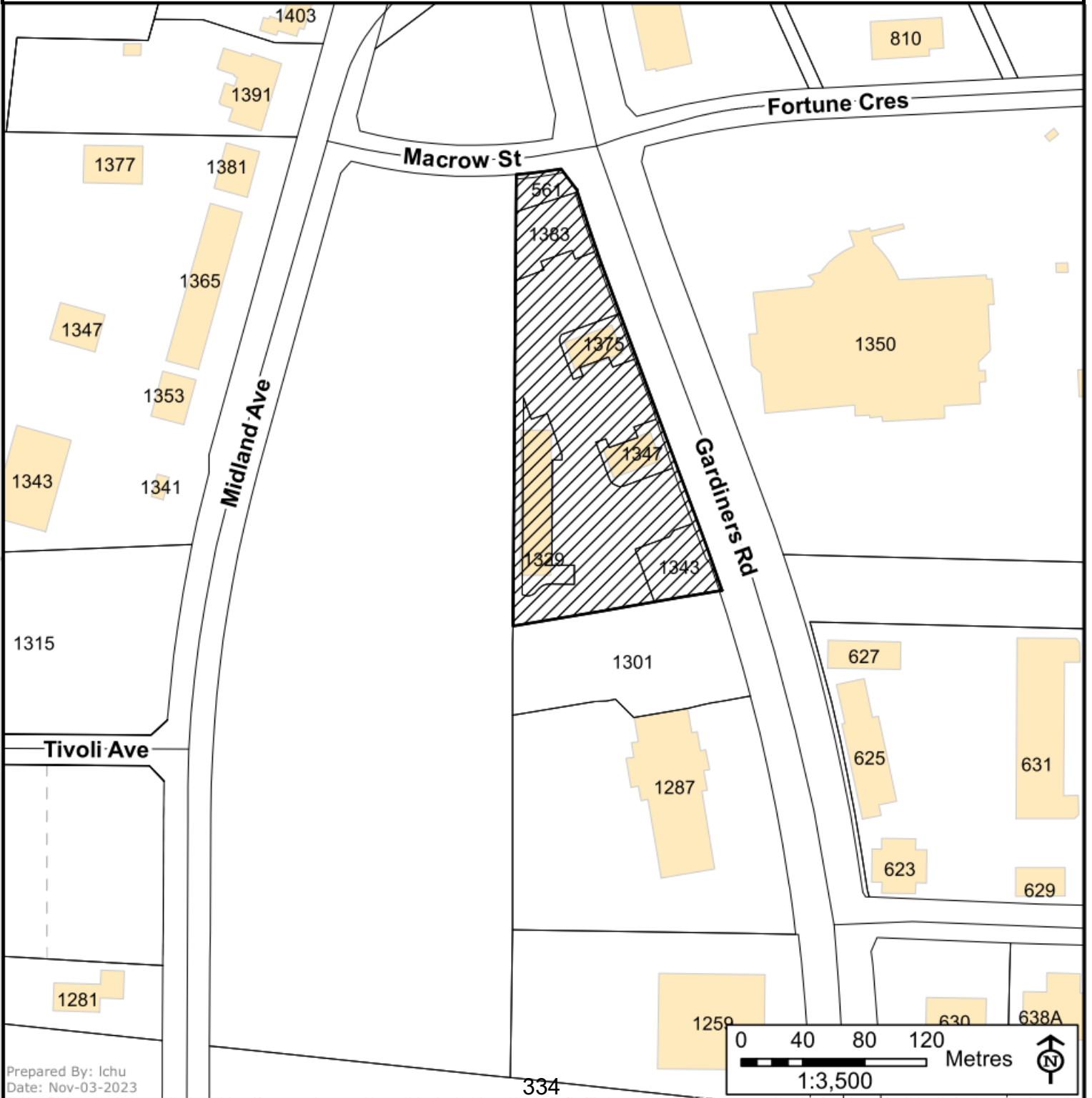
 Lands to be Added as H230

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor

Clerk



Prepared By: Ichu
Date: Nov-03-2023

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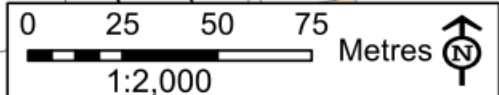
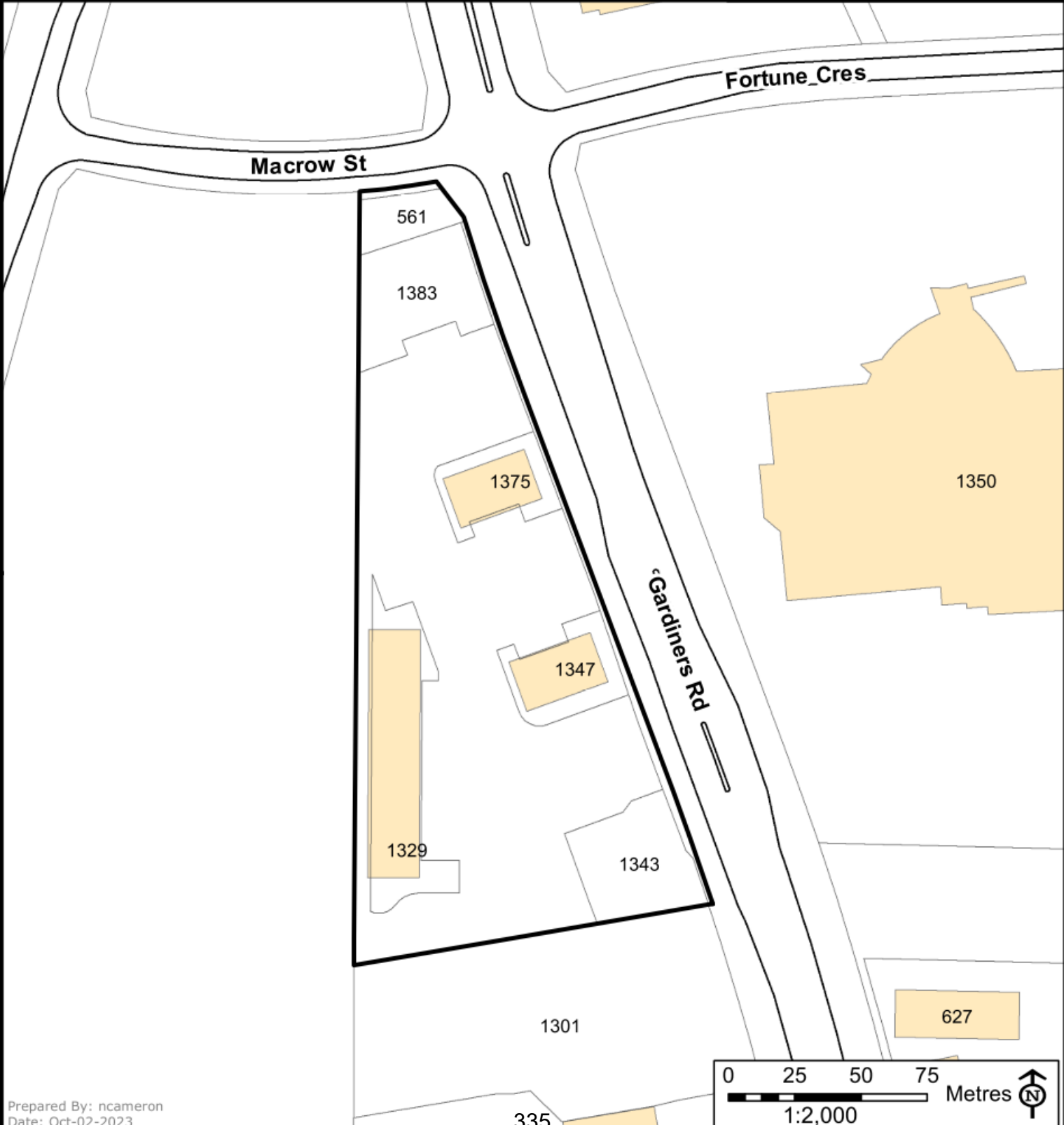
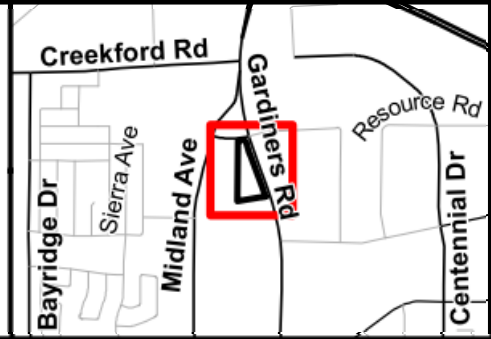
Planning Committee

Key Map

Address: 1329, 1343, 1347, 1375 and 1383 Gardiners Rd. and 561 Macrow St.




File Number: D14-012-2023

 Subject Lands



Prepared By: ncameron
Date: Oct-02-2023

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-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>Healthy livable and safe communities are sustained by:</p> <p>a) healthy, livable, and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care comes), recreation, park and open space, and other uses to meet long-term needs.</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those area which are adjacent or close to settlement areas.</p>	Building Strong Healthy Communities	<p>a) The complementary uses facilitated by the recommended zoning by-law amendment are expected to sustain the financial well-being of the municipality over time as it will allow for a diversity of economic uses to both provide employment uses and supportive service commercial uses.</p> <p>b) The subject lands are designated for employment uses in the Official Plan. The complementary uses enabled by the recommended zoning by-law amendment are contemplated under the Official Plan and will allow the City to meet its long-term economic needs.</p> <p>c) The recommended zoning by-law amendment includes a Holding Overlay which will require a Noise Impact Study for sensitive uses to ensure no public health and safety concerns are created.</p> <p>d)&e) The subject lands are located within the Urban Boundary of the City of Kingston and are designated for the</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.</p> <p>g) ensuring the necessary infrastructure and public service facilities are or will be available to meet current and projected needs.</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>		<p>proposed uses in the Official Plan. The subject property is accessible by transit and is located at the intersection of two Arterial Roads. Encouraging development on these underutilized lands represents an efficient and cost-effective form of development.</p> <p>g) The subject lands are serviced by existing municipal infrastructure and public service facilities. A Servicing Feasibility Brief was submitted with the subject application which has determined capacity is available for the range of permitted uses.</p> <p>h) The subject property does not contain any natural heritage features according to Schedules 7 and 8 of the Official Plan, and as such, the recommended zoning by-law amendment supports a land use pattern that conserves biodiversity.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	Building Strong Healthy Communities	The subject lands are located within the Urban Boundary, which is the primary area designated for growth and development in the

Policy Number	Policy	Category	Consistency with the Policy
			City of Kingston Official Plan.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be development; and g) are freight-supportive. <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p>	Building Strong Healthy Communities	<p>The subject lands are located in an employment area, designated for a range of employment and supportive uses. The mix of land uses enabled by the zoning by-law amendment will increase the range and extent of complementary uses possible on a fully serviced land parcel within the Urban Boundary on an Arterial Road in proximity to Highway 401, where water and sanitary capacity is available and transit infrastructure is available. Increasing development opportunities on the subject property, which is presently underutilized, makes use of existing infrastructure, and minimizes land consumption and servicing costs associated with extending settlement areas and services.</p> <p>Complementary uses in Business Park designations are intended to improve the quality of life and</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses. The subject property is well connected to sidewalks along Gardiners Road through signalized intersections from the subject property to surrounding employment uses.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>Building Strong Healthy Communities</p>	<p>The zoning by-law amendment has the effect of increasing complementary use permissions for existing and future buildings within a serviced industrial park. The proposed uses are compatible with surrounding development. A holding overlay will be applied to the proposed day care and place of worship uses. To remove the holding overlay, the applicant will need to submit a Noise Impact Study to demonstrate these uses can be compatible with existing and planned employment uses in the vicinity.</p>

Policy Number	Policy	Category	Consistency with the Policy
1.2.6.1	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	Building Strong Healthy Communities	The subject lands are located in an area designated for employment uses. General Industrial land uses are permitted on lands to the west of the subject property. In the event that a more sensitive use (Place of Worship or Day Care Centre) is proposed on the subject lands, the recommended Holding Overlay will ensure that a Noise Study prepared in accordance with Provincial standards and guidelines is conducted to ensure that those uses are appropriately designed to mitigate noise associated with existing and planned employment uses.
1.3.1	Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into	Building Strong Healthy Communities	The subject lands are located within the City's Urban Boundary in an area designated for employment land uses, and supportive complementary uses. The recommended zoning by-law amendment is consistent with policy promoting economic competitiveness as it provides flexibility to establish an appropriate mix of complementary uses,

Policy Number	Policy	Category	Consistency with the Policy
	<p>account the needs of existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to support current and projected needs.</p>		<p>on up to 49% of the gross floor area on site.</p>
1.3.2.1	<p>Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.</p>	<p>Building Strong Healthy Communities</p>	<p>The subject lands are designated for employment uses in the Official Plan. Utilities and transportation infrastructure is in place to support the existing and future employment development. The recommended zoning by-law amendment will strengthen the viability of these employment lands and support economic development.</p>
1.3.2.3	<p>Within employment areas planned for industrial or manufacturing uses, planning authorities shall</p>	<p>Building Strong Healthy Communities</p>	<p>The recommended zoning by-law amendment includes a day care facility and a</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.</p> <p>Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.</p>		<p>place of worship as a permitted complementary use, which are considered noise sensitive uses. The Business Park Industrial designation limits complementary uses in order to preserve the primary employment function and to maintain land use compatibility within the Business Park. The recommended zoning by-law amendment applies a Holding overlay to ensure that permitted sensitive uses are appropriately designed to address potential negative impacts.</p>
1.3.2.6	<p>Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.</p>	Building Strong Healthy Communities	<p>The recommended zoning by-law amendment protects the employment area, as it does not seek to change employment land uses permitted on the subject property, which are permitted to occupy 100% of the gross floor area on site, but will allow flexibility for a maximum of 49% of the gross floor area to be occupied by complementary land uses.</p>
1.6.3	<p>Before consideration is given to developing new</p>	Building Strong Healthy Communities	<p>The subject lands are serviced by existing municipal infrastructure,</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>infrastructure and public service facilities:</p> <p>a) the use of existing infrastructure and public service facilities should be optimized; and</p> <p>b) opportunities for adaptive re-use should be considered, wherever feasible.</p>		<p>including infrastructure such as sanitary and water services.</p>
<p>1.6.6.1</p>	<p>Planning for sewage and water services shall:</p> <p>a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:</p> <ol style="list-style-type: none"> 1. municipal sewage services and municipal water services; and 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible; <p>b) ensure that these systems are provided in a manner that:</p> <ol style="list-style-type: none"> 1. can be sustained by the water resources upon which such services rely; 2. prepares for the impacts of a changing climate; 3. is feasible and financially viable over their lifecycle; and 4. protects human health and safety, and the natural environment; <p>c) promote water conservation and water use efficiency;</p>	<p>Building Strong Healthy Communities</p>	<p>The required sewage and water service infrastructure is in place to support the range of proposed uses, as demonstrated by the Servicing Feasibility Brief submitted with the application.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>d) integrate servicing and land use considerations at all stages of the planning process; and</p> <p>e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.</p>		
1.6.6.2	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	Building Strong Healthy Communities	<p>The subject lands are serviced by municipal sewage service and municipal water services. The recommended zoning by-law amendment is intended to support the viability of development envisioned for the subject property, which is intended to include two future buildings. Additional development on the subject property will optimize the use of existing services.</p>
1.6.6.7	<p>Planning for stormwater management shall:</p> <p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</p> <p>b) minimize or prevent increase in contaminant loads;</p> <p>c) minimize erosion and changes in water balance and prepare for the impacts of a changing climate through effective management of stormwater,</p>	Building Strong Healthy Communities	<p>No changes to the subject property are proposed at this time; however, future buildings on the two undeveloped parcels of tied land will require Site Plan Control modification applications. The Site Plan Control modification process may require a Stormwater Management Report to evaluate any changes to existing drainage</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property damage and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>		<p>conditions and to prepare recommendations for the proposed development.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	Building Strong Healthy Communities	<p>The recommended zoning amendment is not expected to have an adverse impact on the existing or planned transportation system. A traffic impact study was not requested as part of the zoning by-law amendment application.</p>
1.7.1	<p>Long-term economic prosperity should be supported by:</p> <p>a) promoting opportunities for economic development and community investment-readiness;</p> <p>c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.</p>	Building Strong Healthy Communities	<p>The recommended zoning amendment would permit a wide range of employment and employment supportive uses, that are consistent with Official Plan policy, and which would support diversified economic opportunities. The recommended zoning by-law amendment will optimize the long-term availability and use of land, resources and infrastructure ultimately</p>

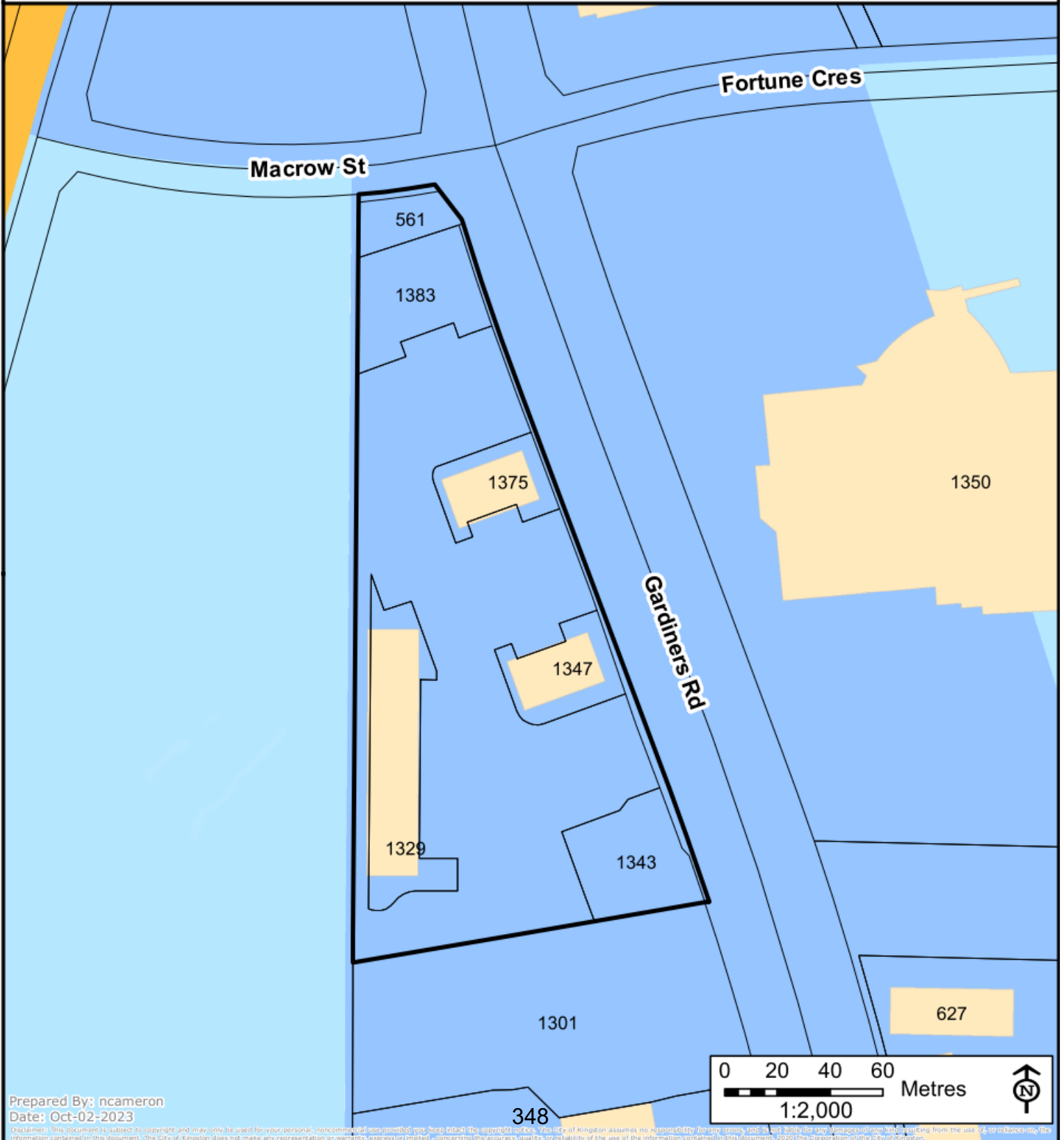
Policy Number	Policy	Category	Consistency with the Policy
			by fostering development on a fully-serviced property on an Arterial Road with transit service available.
1.8.1	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <p>b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;</p> <p>c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;</p> <p>d) focus freight-intensive land uses to areas well serviced by major highways, airports, rail facilities and marine facilities.</p>	Building Strong Healthy Communities	<p>The subject lands are located within walking distance of an existing transit route, and planned cycling infrastructure as part of the Active Transportation Master Plan. Complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees within employment areas by providing support and services in close proximity to employment uses: maintaining a range of supportive uses encourages the use of walking and cycling by employees of the business park.</p> <p>The amendment includes relief from long term bike parking requirements for existing buildings only, and requires these facilities to be incorporated into future buildings on the site.</p>



Planning Committee Official Plan, Land Use

Addresses: 1329, 1343, 1347, 1375 and
1383 Gardiners Rd. and 561 Macrow St.
File Number: D14-012-2023

- Subject Lands
- ARTERIAL COMMERCIAL
- BUSINESS PARK INDUSTRIAL
- GENERAL INDUSTRIAL



Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.1. Most growth will occur within the Urban Boundary where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; c. enhanced access to public amenities and spaces for all residents, visitors and workers; d. opportunities for sharing resources; e. direction of new development and key land uses to areas where they can best result in sustainable practices; g. maximized use of investments in infrastructure and public amenities; j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects; k. climate positive development; l. promotion of green infrastructure to complement infrastructure; m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7; and, 	<p>Urban Areas - Focus of Growth</p>	<p>The subject lands are located within in the Urban Boundary. Development facilitated by the zoning by-law amendment will achieve sustainability objectives by directing an appropriate mix of employment and complementary uses to a land parcel that is on full municipal water and sanitary services, has access to public transit services, and is adjacent to a major recreational complex. Development on the lands maximizes investments in infrastructure and public amenities.</p> <p>The proposed zoning by-law amendment will direct supportive land uses to an area that is well connected to active transportation infrastructure and signalized intersections, which will ultimately foster active transportation as employees access complementary services in close proximity, on foot.</p> <p>The lands are connected to surrounding residential areas by local transit route 7, and as a result directing an appropriate mix of employment, commercial and personal service uses can foster transit usage.</p> <p>There are no natural heritage features on the subject property according to schedule 7 or 8 of the Official Plan, and</p>

Policy	Category	Conformity with the Policy
<p>n. an ecosystem approach to protecting the natural heritage system.</p>		<p>as a result, fostering development on the subject lands avoids encroachments into the natural heritage system.</p>
<p>2.2.6 Business Districts are primarily intended to accommodate employment opportunities. These include General Industrial and Business Park Industrial designations, as well as the Waste Management Industrial designation and limited retail and service commercial uses that serve business activities. The Norman Rogers Airport is also recognized as being in a Business District under an Airport designation. Regional Commercial uses and some specialized quasi-commercial uses will be limited to the permitted uses for the specific designations, as described in Section 3. Standards in Business Districts will be sufficiently flexible to allow a ready response to new types of employment uses provided that:</p> <p>a. areas of interface with sensitive uses are addressed so that compatible development is achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s);</p> <p>b. an upgraded visual appearance is maintained at gateways as defined in Section 8.11, along major roads and the interface with any Centre, Corridor or</p>	<p>Business Districts</p>	<p>The recommended zoning by-law amendment conforms to the strategic intent of Business Districts, by ensuring the uses on the property are primarily business park uses, and permitting limited supportive and service commercial uses, in accordance with policy under section 3.6.12. Through the limitation on the gross floor area permitted for complementary uses, the Zoning by-law amendment will not undermine the business park, industrial or technological uses intended as the focus of Business Districts.</p> <p>The proposed Holding Overlay will ensure that the sensitive uses of a place of worship or day care centre cannot be established until a Noise Impact Study is completed to ensure compatible development can be achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s).</p> <p>The subject lands have frontage and vehicular access to an Arterial Road (Gardiners Road), in proximity to a connection with Highway 401. There are no concerns with the ability of the transportation network to accommodate traffic generated by the uses permitted by the zoning by-law</p>

Policy	Category	Conformity with the Policy
<p>Housing District shown on Schedule 2;</p> <p>c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in accordance with the Ministry of the Environment and Climate Change Guidelines (D-1 and D-6) or any such further regulation implemented by the City, as applicable;</p> <p>d. uses which generate large amounts of traffic or have intensive on-site operations are located in areas that are able to accommodate, or can be improved to accommodate, such activity levels without adverse effects on the planned transportation system, the nearby Housing Districts, Centres or Corridors; and,</p> <p>e. regional commercial uses, institutions, recreation or hospitality uses will be restricted to limited locations that will not undermine the business park, industrial or technological uses intended as the focus of Business Districts.</p>		<p>amendment on the subject lands. A Traffic Impact Study was not requested as part of a complete Zoning By-Law Amendment application.</p>
<p>2.3.7 The City will promote and protect employment areas and pursue increased levels of job creation in the commercial, institutional and industrial sectors in order to foster a diversified and vigorous economic base with a range of opportunities for its residents.</p>	<p>Employment</p>	<p>The recommended zoning by-law amendment will permit a range of business park and supportive uses on the subject lands, which will support diversified economic development opportunities, and facilitate future development that is consistent with the employment principles of growth.</p>

Policy	Category	Conformity with the Policy
<p>2.5.10. In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity and improve environmental conditions.</p>	<p>Phasing of Municipal Infrastructure and Transportation - Strategic Direction to Promote Active Transportation</p>	<p>See section 2.1.1</p> <p>The subject property is connected to surrounding business park uses, and the Cataraqui Estates Business Park through sidewalks and signalized intersections with pedestrian crosswalks. In accordance with section 3.6.12 of the Official Plan, incorporating complementary uses into employment lands reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses.</p>
<p>2.5.11 The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites</p>	<p>Phasing of Municipal Infrastructure and Transportation - Transit Priority</p>	<p>See section 2.1.1. The recommended zoning by-law amendment will allow for the appropriate mix of business park and complementary uses on the subject property, which is presently underutilized, and connected to public transit. Ultimately, the range of uses will draw residents to access the property through transit service available.</p>
<p>2.7.1 Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	<p>Compatible Development and Land Use Change</p>	<p>The existing development of the subject property includes a mix of complementary, commercial uses and business park uses, which has been compatible with surrounding land uses. The development enabled by the zoning by-law</p>

Policy	Category	Conformity with the Policy
		<p>amendment would allow for existing complementary uses to remain while allowing for additional complementary uses to establish in new buildings planned for the property. As a Noise Impact Study has not been submitted in support of sensitive day care centre and place of worship uses, this will be required before the recommended Holding Overlay is removed.</p> <p>A site plan has been approved for the subject property which was reviewed for functionality of the parking areas, and pedestrian circulation. Future development or changes to existing development will be subject to Site Plan Control to similarly ensure functionality as well as accessibility.</p>
<p>2.7.2 The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of the area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.</p>	<p>Compatible Development and Land Use Change</p>	<p>The application for zoning by-law amendment includes the submission of a Planning Justification report which addresses matters regarding land use compatibility. The subject lands are located within a Business Park land use designation, where increased complementary use permissions are contemplated as per the requirements of section 3.6.12. The recommended zoning by-law amendment includes the addition of a holding overlay to address additional protective measures to more sensitive uses to ensure that potential negative impacts can be</p>

Policy	Category	Conformity with the Policy
		mitigated, prior to establishing permission for a day care centre or place of worship.
<p>2.7.3 The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <ul style="list-style-type: none"> a. shadowing; b. loss of privacy due to intrusive overlook b. loss of privacy due to intrusive overlook; c. increased levels of light pollution, noise, odour, dust or vibration; d. increased and uncomfortable wind speed; e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit; f. environmental damage or degradation; g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded; h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting; i. visual intrusion that disrupts the streetscape or buildings; j. degradation of cultural heritage resources; k. architectural incompatibility in terms of scale, style, massing and colour; or, 	<p>Land Use Compatibility Matters</p>	<p>The recommended zoning by-law amendment does not modify standards of the Kingston Zoning By-Law related to permitted building envelopes on the subject property, and as a result, compatibility with respect to shadowing and architectural incompatibility is maintained. The complementary use permissions established through the zoning by-law amendment are consistent with the uses contemplated in section 3.6.A.2. and will not result in increased levels of light pollution, noise, odour, dust or vibration.</p> <p>The subject lands have frontage and vehicular access to an Arterial Road (Gardiners Road), in proximity to a connection with Highway 401. There are no concerns with the ability of the transportation network to accommodate traffic generated by the uses permitted by the zoning by-law amendment on the subject lands. A Traffic Impact Study was not requested as part of a complete Zoning By-Law Amendment application.</p> <p>A Servicing Feasibility Brief submitted by Groundwork Engineering was submitted as part of the Zoning By-Law Amendment application, which was reviewed to the satisfaction of Utilities</p>

Policy	Category	Conformity with the Policy
<p>i. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.</p>		<p>Kingston. There are no concerns that the additional permissions for complementary uses will overload water or sanitary services available to the subject property.</p>
<p>2.7.4 Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <ul style="list-style-type: none"> a. ensuring adequate setbacks and minimum yard requirements; b. establishing appropriate transition in building heights, coverage, and massing; d. designing the building in a way that minimizes adverse effects; e. maintaining mature vegetation and/or additional new landscaping requirements; f. controlling access locations, driveways, service areas and activity areas; and, g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage. 	<p>Mitigation Measures</p>	<p>The recommended zoning by-law amendment does not modify standards of the Kingston Zoning By-Law related to setbacks or permitted building envelopes on the subject property. Future buildings on the subject property will be required to comply with all applicable standards of the Kingston Zoning By-Law, with the exception of loading space requirements which are specified based on the approved site plan for the subject property. The additional permissions for complementary uses are not anticipated to require additional mitigation measures through enhanced setbacks or development standards regulated through the Zoning By-Law. The day care and place of worship uses subject to the Holding Overlay will require a supporting Noise Impact Assessment that may recommend mitigation measures to ensure the uses can be made compatible with existing and planned uses in the vicinity. These mitigation measures will be required to be implemented through a site plan control application which</p>

Policy	Category	Conformity with the Policy
		is required for both of these uses under City By-law 2010-217.
<p>2.7.6 Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <ul style="list-style-type: none"> a. suitable scale, massing and density in relation to existing built fabric; b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program; c. adequate land area and appropriate site configuration or provision for land assembly, as required; d. efficient use of municipal services, including transit; e. appropriate infill of vacant or under-utilized land; and, f. clearly defined and safe: site access; pedestrian access to the building and parking spaces; amenity areas; building entry; and, parking and secure and appropriate bicycle facilities. 	Functional Needs	<p>The overall development of the site has undergone the Site Plan Control process (City File Number D11-407-2012) and includes appropriate setbacks, landscaping, site orientation, parking and general site performance to ensure the proper functioning of the lands. Any new development will be subject to a Site Plan Control modification process.</p> <p>The recommended Zoning By-Law amendment includes a provision that clarifies long-term bike parking requirements and end-of-trip facilities (e.g. shower and change facilities) apply only to new construction, in recognition that the retrofit requirements for new tenants in existing buildings may be challenging. As bike infrastructure is established in the area in accordance with the City of Kingston Active Transportation Master Plan, new building development on the subject property will be required to provide secure and appropriate bicycle facilities in accordance with this policy.</p>

Policy	Category	Conformity with the Policy
<p>2.9.1 It is the intent of this Plan to promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> a. providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and complementary uses, and takes into account the needs of existing and future businesses; c. planning for, protecting and preserving employment areas for current and future uses; d. ensuring the necessary infrastructure is provided to support current and projected needs; and, e. encouraging the development of business incubators. 	<p>Economic Development Strategy</p>	<p>The recommended zoning by-law amendment conforms to strategic policy promoting economic development and competitiveness by enabling an appropriate mix of employment, commercial and supportive complementary uses on the lands that will also maintain the predominant use of the property for business park uses. Existing uses on the subject property include approximately 25% complementary uses, with two remaining buildings planned for the site which were intended to accommodate complementary uses. Allowing the existing uses to remain and enabling additional complementary uses on the site is intended to account for the needs of existing and future businesses, consistent with this policy.</p>
<p>2.9.2 The City supports a strong and diversified economic base and works collaboratively with other levels of government and various agencies, such as the Kingston Economic Development Corporation (KEDCO), in developing and implementing economic strategies that:</p>	<p>Economic Development Strategy</p>	<p>The proposed Zoning By-law Amendment will enable flexibility to provide a diversified economic base through additional complementary use permissions that retain the predominant use of the property as business park uses, which could include research and development initiatives in the areas of education, clinical health,</p>

Policy	Category	Conformity with the Policy
<p>a. promote employment opportunities for residents of all ages and abilities;</p> <p>b. support retention and expansion programs for existing and evolving employment sectors;</p> <p>c. promote development and investment opportunities in conjunction with the City's: available commercial and employment land base, including the commercial banking sector; institutional assets, particularly research and development initiatives in the areas of education, clinical health, national defence, technology and alternative energies; and,</p> <p>d. recognize and respond to evolving industry and market trends in a timely, innovative and sustainable manner.</p>		<p>national defence, technology and alternative energies, referenced in policy 2.9.2.</p>
<p>3.6.2 The City strongly supports a strong and diversified economic base. As outlined in the Employment Land Strategy Review, the City will continue to promote the City's four Business Parks: Cataraqi Estates Business Park; Clyde Business Park; Alcan Business Park; and, the St. Lawrence Business Park. Other specific means of supporting economic development by the City are set out in Section 2.9.</p>	<p>Support of Economic Base</p>	<p>The subject property is located approximately 700 metres from the Cataraqi Estates Business Park. The recommended zoning by-law amendment will enable a diversified employment base through providing additional complementary uses contemplated in Business Parks under section 3.6.A.2. of the Official Plan which can support the surrounding employment uses and the Cataraqi Estates Business Park.</p>
<p>3.6.4 The City will take an active role in preserving employment areas for future job growth. A sufficient supply</p>	<p>Employment Land Supply</p>	<p>The subject lands are located within the Urban Boundary and are located in a Business Park land use designation in the</p>

Policy	Category	Conformity with the Policy
<p>of land designated for employment uses must be maintained within the Urban Boundary in order to meet anticipated short and long-term needs, including an adequate supply of serviced land and an allowance for choice in terms of location, size of property, and servicing needs.</p>		<p>Official Plan. The recommended zoning by-law amendment will maintain business park uses as the predominant permitted use on the site, while allowing for additional complementary use permissions as contemplated under section 3.6.A.2. of the Official Plan. The proposal will not remove the lands from the Business Park land use designation and will ensure a sufficient supply of land designated for employment uses is maintained within the Urban Boundary.</p>
<p>3.6.7 Employment areas will be protected from fragmentation, the intrusion of sensitive uses as defined by Ministry of the Environment and Climate Change guidelines, high traffic volumes or through traffic related to retail commercial uses or other land uses, and adverse effects.</p>	<p>Protection of Employment Areas</p>	<p>The proposal will not have the effect of fragmenting the employment area, as the predominant use of the property will continue to be for business park uses. The recommended Holding Overlay will ensure that day care and place of worship uses are evaluated through a Noise Impact Study to determine whether they can be made compatible with existing and planned employment uses, before they can be established. High traffic volumes are not anticipated to result from the increased complementary use permissions, that could result in adverse effects to the employment area.</p>
<p>3.6.12 Complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees</p>	<p>Complementary Uses</p>	<p>The subject zoning by-law application is submitted in accordance with this policy to establish additional complementary use</p>

Policy	Category	Conformity with the Policy
<p>within the employment area by providing support and services in close proximity to employment uses.</p> <p>Complementary uses listed within the Business Park Industrial and General Industrial designations will require a minor variance or zoning by-law amendment, as appropriate, prior to being permitted by the zoning by-law in accordance with the following:</p> <p>a. a minor variance application may be used to establish complementary uses that occupy generally 25 percent of the total floor area of all buildings located on a parcel of land, provided the complementary uses:</p> <p>i) will provide a support or service to the employees within the employment area designations that are continuous to the subject parcel and that the support or service cannot be provided from an adjacent land use designation to such employment area;</p> <p>ii) will not hinder or preclude any employment uses from establishing on any lands in the employment area designations due to principles of land use compatibility, in accordance with Section 2.7; and</p> <p>iii) will be oriented towards the road frontage and contribute to an attractive and functional employment area.</p>		<p>permissions to 49% of the total gross floor area on the site, beyond the 25% currently permitted on the subject property. The additional complementary uses permitted through the amendment are consistent with the types of uses contemplated under section 3.6.A.2. of the Official Plan and are permitted in the Employment Service (M4) zone of the Kingston Zoning By-Law. These uses are understood to provide a supportive function to employment uses and to encourage active transportation. In terms of whether the support or service could be provided from an adjacent land use designation, it's notable that the subject property is in proximity to an Arterial Commercial land use designation on the west side of Midland Road which is intended to permit a range of services that cater to the travelling public, such as vehicle sales lots or vehicle rental premises, hospitality uses, and automotive uses such as gas bars and service stations. The new complementary uses enabled through the zoning by-law amendment are not envisioned in the Arterial Commercial land use designation.</p> <p>The Holding Overlay will ensure that a day care centre use or place of worship are not established until a Noise</p>

Policy	Category	Conformity with the Policy
<p>b. a zoning by-law amendment will be required to establish complementary uses that exceeds the threshold established for minor variances in a), including standalone complementary uses, and must demonstrate:</p> <ul style="list-style-type: none"> i) the criteria listed above in clause a have been satisfied; ii) will result in similar rates of employment as the primary permitted uses, in accordance with Section 2.3.7; and iii) will not contribute to the fragmentation of continuous employment areas by generally being located at entrances or along edges of continuous employment areas that are visible from arterial or collector roads to assist in the transition between the employment uses and surrounding land uses. 		<p>Impact Study is completed and it has been demonstrated that these uses can be made compatible with existing and planned land uses, and will not hinder or preclude any employment uses from being established.</p> <p>The additional complementary uses permitted through the zoning by-law amendment, such as a fitness centre or an animal care use, will have a similar rate of employment as the primary permitted uses, which include business park uses such as a warehouse and a wholesale establishment.</p> <p>The permissions established through the zoning by-law amendment will not contribute to the fragmentation of the employment area, as they will maintain the predominant use of the property as business park uses. Furthermore, the location of the lands at the intersection of two Arterial Roads provides a buffer and transition to surrounding land uses in accordance with this policy.</p>
<p>3.6.13 On a single land holding equal to or greater than 10 hectares in area and designated for employment uses, complementary uses may be established in advance of a primary permitted use, provided the gross floor area of such complementary uses does not exceed five percent of the site's lot area. The intent of</p>	<p>Complementary Uses</p>	<p>No individual lot subject to this zoning by-law amendment is equal to or greater than 10 hectares. The subject property is 2.45 hectares in area and does not qualify under this policy section.</p>

Policy	Category	Conformity with the Policy
<p>this policy is to accommodate a limited amount of complementary uses that can be an asset in attracting permitted employment uses to a larger single land holding, provide an amenity to employees, and accordingly create a development that meets the City's objectives for employment lands.</p>		
<p>3.6.14 The zoning by-law will establish specific provisions related to land use, setbacks, and lot coverage, for each of the specific Industrial designations identified by this Plan.</p>	<p>Zoning By-law</p>	<p>The amendment does not propose any changes to the applicable M1 zoning with respect to setbacks and lot coverage. Additional complementary use permissions are recommended to modify the permitted uses of the M1 zone in accordance with sections 3.6.12 and 3.6.A.2.</p>
<p>3.6.A.1 The main uses permitted within the Business Park Industrial designation include:</p> <ul style="list-style-type: none"> a. corporate administrative offices and government offices; b. research and development facilities, including laboratories; c. data processing facilities, including call centres; d. technologically advanced manufacturing, fabricating, and assembling operations for the production of high value products; e. administrative, professional and technical services, such as engineering and surveying firms, that support the above uses and are consistent with 	<p>Business Park Industrial Permitted Uses</p>	<p>The proposed zoning by-law amendment has the effect of maintaining the primary permitted business park uses in the M1 zone of the Kingston Zoning By-Law, which implement the uses contemplated under section 3.6.A.1. These business park uses are permitted to occupy 100% of the gross floor area on the subject property under the recommended Zoning By-Law amendment, and complementary uses are limited to establishing in a maximum of 49% of the total gross floor area.</p>

Policy	Category	Conformity with the Policy
<p>the image and amenity of a Business Park Industrial setting;</p> <p>f. film or recording studio;</p> <p>g. commercial school or training facility, provided the use is contained within an enclosed building(s);</p> <p>h. the following light industrial uses, provided they are contained within enclosed buildings: manufacturing, repairing, fabricating, processing and assembling operations; construction and transportation activities and facilities; storage, warehousing, and wholesale trade activities; and, communications facilities and utilities;</p> <p>i. accessory outdoor storage, subject to the following criteria, all of which must be satisfied: the outdoor storage use does not front onto or abut a public road; the area used to accommodate open storage, to be limited in the zoning by-law, is located to the rear or interior side yard of the property, preferably behind the primary building occupying the site; the outdoor storage use does not abut a lot which is zoned for a non-industrial land use; the outdoor storage use does not generate any emissions, dust, or debris that cannot be contained on-site; and, the outdoor storage area must be screened from view through landscaping and other</p>		

Policy	Category	Conformity with the Policy
measures that lessen the visual impact of the use.		
<p>3.6.A.2 The following uses are permitted as complementary uses within the Business Park Industrial designation:</p> <ul style="list-style-type: none"> a. office and business services, such as printing and equipment repair, which are intended to serve the Business Park Industrial area; b. day care facilities and/or places of worship, provided that the sensitive use is compatible with the industrial uses in the area and located in such a manner (e.g., on the periphery of an employment area) so that it does not preclude the development potential of adjacent employment lands; c. hotels and/or conference facilities, including banquet halls, trade show buildings, and similar uses to be defined in the implementing zoning by-law; d. restaurants, drive-through facilities, financial institutions, personal services, medical and paramedical uses, and convenience commercial uses; e. public and private parks and recreation facilities; f. parking lots and structures; and, g. sources of renewable energy, subject to the policies of Section 6.2 of this Plan. 	Business Park Industrial Complementary Uses	The recommended zoning by-law amendment establishes additional complementary use permissions in the M1 zone, which include complementary uses contemplated explicitly and implicitly in accordance with policy 3.6.A.2. For example, personal services such as animal care are permitted, and paramedical uses are included such as an animal shelter. These uses are similarly contemplated in the M4 (Employment Service) zone as uses that serve the employment area.

Policy	Category	Conformity with the Policy
<p>3.6.A.3 A standalone complementary use may be permitted, without amendment to this Plan, subject to demonstrating conformity to Section 3.6.12 or 3.6.13.</p>	<p>Business Park Industrial Complementary Uses</p>	<p>The zoning by-law amendment continues to enable complementary uses based on the total gross floor area on the property, similarly to the existing Legacy Exception, and specifies that the property be interpreted as a single lot of record. An existing stand-alone complementary (restaurant) use has been established and is compliant with the existing zoning in effect. Additional, standalone complementary uses would be able to be established with zoning by-law amendment in conformity with Section 3.6.12. Section 3.6.13. does not apply.</p>
<p>3.6.A.4 New development that is considered incompatible with the Business Park Industrial designation, and is prohibited within the Urban Boundary, include the following:</p> <ul style="list-style-type: none"> a. automotive wrecking yards; b. scrap and salvage yards (except where such products are recycled as an input to a permitted employment use on the same site); c. pits and quarries; d. sanitary landfill sites; e. elementary and secondary schools; f. commercial uses except for those complementary uses permitted in the Business Park Industrial designation, and the retail accessory uses permitted in Section 3.6.11 of this Plan; and, 	<p>Business Park Industrial Prohibited Uses</p>	<p>The recommended zoning by-law amendment does not conflict with the prohibited uses listed in Section 3.6.A.4.</p>

Policy	Category	Conformity with the Policy
g. residential uses, except for caretaker or guard's quarters.		
<p>9.5.9 When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <p>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</p> <p>b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan;</p> <p>c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area; and,</p> <p>d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms</p>	<p>Zoning Applications Planning Committee and Council Considerations</p>	<p>The application seeks to establish additional permitted uses and complementary uses for lands within a developed business park. The additional complementary use permissions align with the complementary uses permitted within the Business Park Industrial designation. The proposal limits complementary uses to a maximum of 49% total floor area of the lot, which serves to ensure the subject lands continue to primarily be used for employment purposes. The proposed uses are compatible with surrounding uses, which include research and development uses to the south, recreational facilities to the east and employment service uses to the south east. No new development is proposed at this time; however, at a future date a site plan modification will be required for future buildings on the subject property, which are intended to reflect the character of existing development on the site.</p> <p>The current application will not set an undesirable precedent within the municipality as the Official Plan specifically contemplates expanded complementary use permissions in employment areas where criteria detailed above have been met.</p>

Policy	Category	Conformity with the Policy
<p>per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		
<p>9.5.21 The City may pass a holding by-law pursuant to the Planning Act that will include the symbol “H” in situations where the future use of the land (or buildings or structures) has been determined but where imminent development would be premature until various conditions are met, as set forth in the holding by-law, including any of the following:</p> <p>a. municipal roads, services and utilities have been extended or improved, or servicing capacity has been added or allocated to enable development;</p> <p>b. satisfactory financial arrangements have been made to enable development;</p> <p>c. phasing of the development has been determined;</p> <p>d. studies have been completed (and may also be peer reviewed) to the satisfaction of the municipality to justify or support initiation of development; or,</p> <p>e. conditions arising from any study, or conditions which address any other</p>	<p>By-Laws - Holding By-laws</p>	<p>A holding overlay will be applied to the proposed complementary uses of ‘day care centre’ and ‘place of worship’.</p>

Policy	Category	Conformity with the Policy
impediment to development have been satisfactorily met, or are deemed by the City to be no longer relevant.		

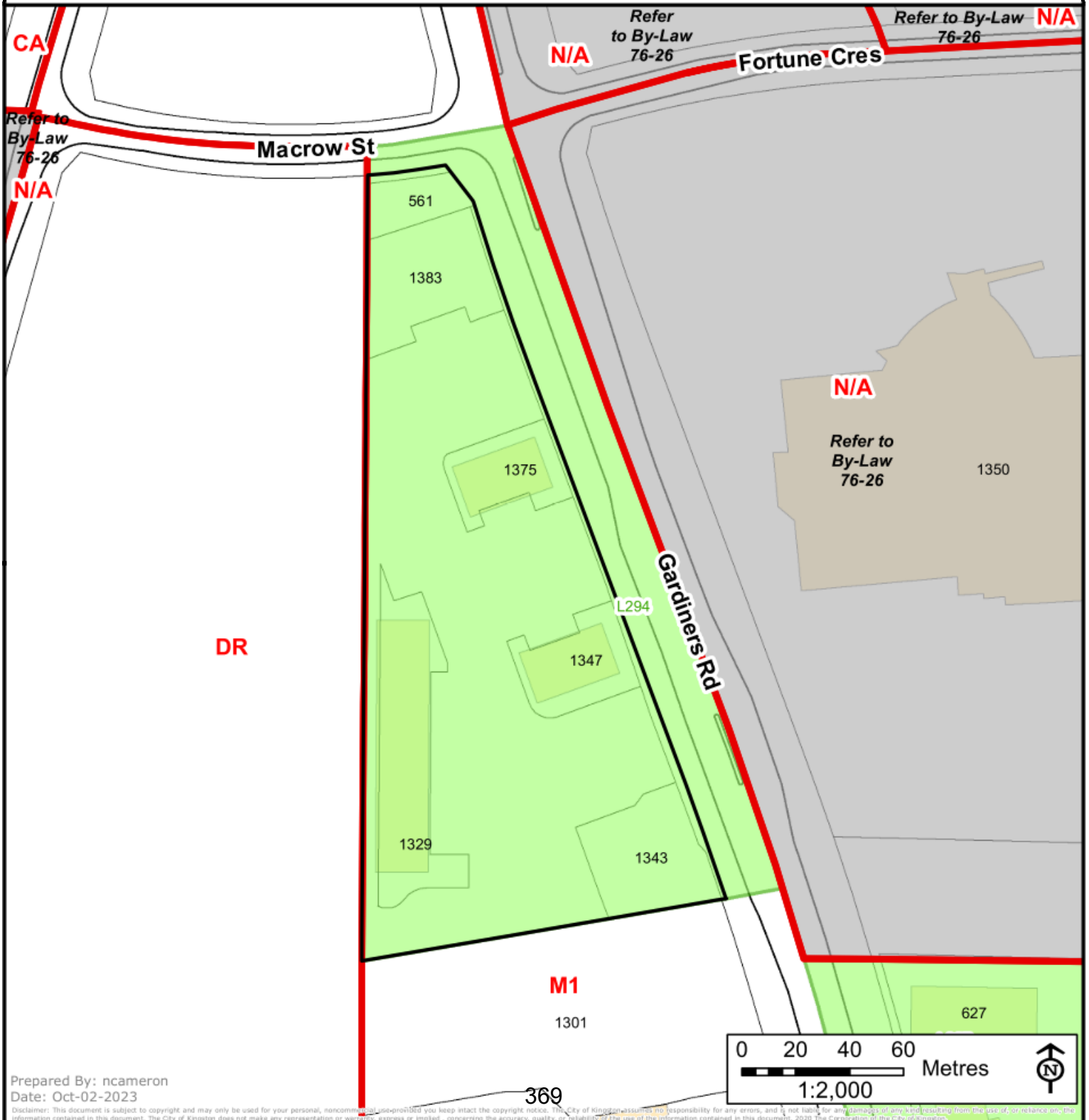


Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Addresses: 1329, 1343, 1347, 1375 and 1383 Gardiners Rd. and 561 Macrow St.
 File Number: D14-012-2023

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Site Photographs – D14-012-2023 – November 2, 2023



Figure 1: Street View of 1329 and 1347 Gardiners Road



Figure 2: Street View of 1375 Gardiners Road at the far right, 1347 Gardiners Road on the far left and 1329 Gardiners Road in the background.

Site Photographs – D14-012-2023 – November 2, 2023



Figure 3: Street view of 1343 Gardiners Road (Location of Future Building D)



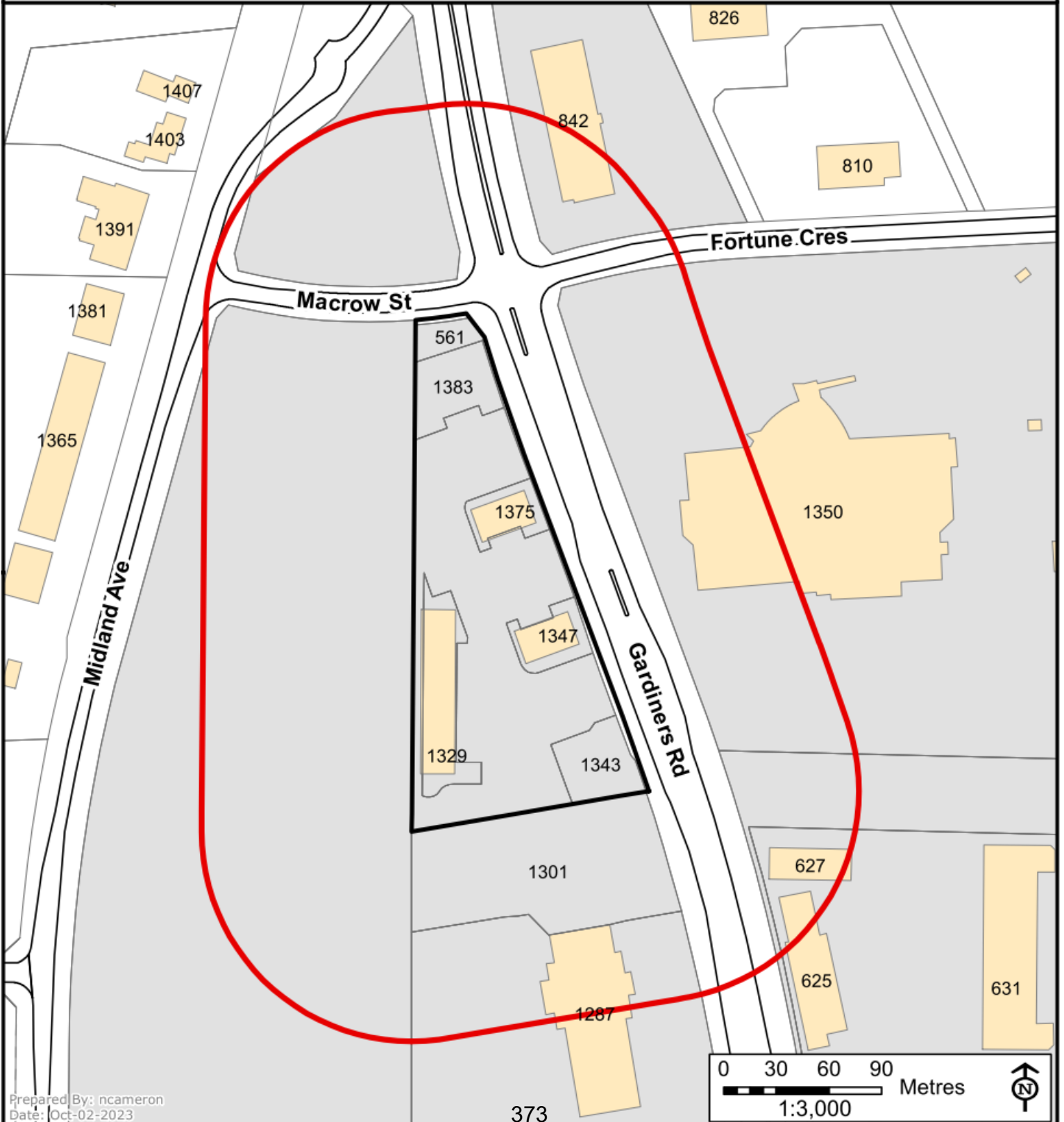
Figure 4: Street view of 1383 Gardiners Road (Location of Future Building A).



Planning Committee Public Notice Notification Map

Addresses: 1329, 1343, 1347, 1375
and 1383 Gardiners Rd. and 561
Macrow St.
File Number: D14-012-2023

- 120m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 13 Properties in Receipt of Notice (MPAC)



Prepared By: ncameron
Date: Oct-02-2023

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**City of Kingston
Report to Planning Committee
Report Number PC-24-003**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: December 7, 2023
Subject: Recommendation Report
File Number: D14-013-2023
Address: 2103 McKendry Road
District: District 1 - Countryside
Application Type: Zoning By-Law Amendment
Owner: Peter Skebo
Applicant: The Boulevard Group

Council Strategic Plan Alignment:

Theme: 2. Lead Environmental Stewardship and Climate Action

Goal: 2.2 Support climate action and sustainability for residents, businesses and partners.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by The Boulevard Group, on behalf of Peter Skebo, with respect to the subject site located at 2103 McKendry Road.

The subject property is a large, 24 hectare parcel of land located south of Unity Road, west of Battersea Road, and east of Perth Road, with frontage onto McKendry Road. The subject lands are designated Prime Agricultural Area and Environmental Protection Area in the Official Plan, and zoned as Prime Agricultural (AG) Area', Rural Residential (RUR), and Environmental Protection Area (EPA) in the Kingston Zoning By-Law.

December 7, 2023

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The property was recently subject to a technical consent application (File Number D10-010-2022) which has received provisional approval. The purpose of this consent application was to sever a one hectare lot containing an existing single-detached home and zoned as Rural Residential. Creation of new lots in Prime Agricultural Areas is discouraged by the Official Plan. However the severance of a lot containing an existing residence that is surplus to a farming operation is permitted under specific circumstances. A consent on Prime Agricultural Area lands must be conditional on a rezoning application to ensure that no new residential dwelling units will be permitted on the retained parcel.

In accordance with Provincial Policy and the City's Official Plan, a condition of provisional approval for the technical consent application for 2103 McKendry Road was that the applicant must apply for rezoning to prohibit any future residential development on the retained parcel. This application for a Zoning By-Law Amendment seeks to satisfy this condition of provisional approval.

Currently, the retained parcel is developed with an accessory dwelling unit and a cluster of non-residential buildings utilized as a repair shop for furniture and similar items. No new development is currently proposed for the subject lands.

The recommended zoning by-law amendment would allow for the continued use of the existing property as a repair shop with an associated accessory dwelling unit, while also preserving the potential of the subject lands for agricultural uses by prohibiting any further residential development. The proposal, as assessed through the technical review process, is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-013-2023) submitted by The Boulevard Group, on behalf of the owner Peter Skebo, for the property municipally known as 2103 McKendry Road, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-003; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

December 7, 2023

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Public Meeting & Comprehensive Report**

Planning Services is recommending the Public Meeting and comprehensive report are heard concurrently at the December 7, 2023, Planning Committee meeting based on the following:

- The proposal is compatible with the Provincial Policy Statement (2020) and the Kingston Official Plan;
- The proposal is considered minor in nature;
- The proposal will be contained within the existing approvals; and
- Combining the Public Meeting and the comprehensive report facilitates the streamlining of the development approval process, thereby decreasing application processing time.

Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Kingston before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Jacob Slevin
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 2176
jslevin@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application. A pre-application meeting was held on June 24, 2020 with Planning Services.

December 7, 2023

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Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of September 29, 2023.

A Community Meeting will be held at Planning Committee on December 7, 2023.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before December 28, 2023, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the City will be required to refund the fees that were paid by the applicant on the subject application and the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

Site Characteristics

The subject property, which is the retained parcel of the aforementioned recent consent application that has received provisional approval, is municipally known as 2103 McKendry Road. The property has an area of approximately 24 hectares with 166 metres of road frontage on an opened and maintained portion of McKendry Road and 1140 metres of frontage on the unopened road allowance of McKendry Road.

The property is currently designated Prime Agricultural Area and Environmental Protection Area in the Official Plan, and zoned as Prime Agricultural Area (AG), Rural Residential (RUR), and Environmental Protection Area (EPA) in the Kingston Zoning By-Law. The property is surrounded by a mix of residential, agricultural, and natural heritage uses (Exhibit C – Neighbourhood Context).

2103 McKendry Road is developed with a cluster of four buildings on the northern part of the property, which were originally used as a brick-making factory and are currently used as a repair shop for furniture and similar items. One building on the property is developed as an accessory dwelling unit, which is accessory to the repair shop use. The only agricultural use on the subject lands is the growing and cutting of hay. Existing natural heritage features, which are primarily located towards the south of the property, include watercourses, unevaluated wetlands, and valley lands.

Proposed Application and Submission

The applicant is proposing a zoning by-law amendment to restrict further residential development for the property located at 2103 McKendry Road, as a condition of a technical consent application (File Number D10-010-2022). This technical consent provided provisional approval for the creation of a new lot, one hectare in size and containing an existing single-detached house. As a condition of approval for this consent application, the retained 24 hectare parcel is required to obtain a zoning by-law amendment to restrict any future residential development on the retained parcel. The consent application received provisional approval on November 10, 2022. The applicant has two years to satisfy all conditions of approval.

No development is contemplated as part of this application. Approval of the proposed zoning by-law amendment will not enable any new development on the subject lands.

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In support of the application, the applicant has submitted the following:

- A Planning Justification Report, dated September 2023
- Severance Sketch (Exhibit J)

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The lands are located in a rural area and not within a settlement area as defined by the Provincial Policy Statement. Rural areas are systems of land that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. The subject rural lands include agricultural uses, natural heritage features, and small scale residential development.

The proposed zoning by-law amendment will ensure the continued use of the subject property for agricultural uses, while ensuring that any proposal for future residential development will be subject to a comprehensive review. In addition to the agricultural uses, the subject property also contains several natural heritage features including wetlands, watercourses, and valley lands. As no housing or other development is proposed, this application supports the goal that rural settlement areas shall be the focus of growth and development. Nothing in this proposal will place additional demands on rural infrastructure or public services.

The restriction of future residential uses to preserve the existing agricultural use supports a diversified rural economic base. The proposal is compatible with the rural landscape and can be sustained by existing rural services. Protection of the subject agricultural lands from future residential development contributes to strong healthy communities, promotes the wise use and management of resources, and protects public health and safety.

Approval of this application will ensure that, if future residential development is proposed for the subject property, and additional zoning by-law amendment will be required. Through such a zoning by-law amendment application, there will be the opportunity to evaluate development through the appropriate studies to confirm that there will be no negative impacts on natural heritage, local agricultural practices, or adjacent land uses.

The application is consistent with the direction of the PPS. A detailed review of the applicable policies is attached in Exhibit E.

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Official Plan Considerations

The subject property is designated 'Prime Agricultural Area' and 'Environmental Protection Area' in the Official Plan (Exhibit F). The intent of the Prime Agricultural Area designation in the Official Plan is to maintain a permanent and viable agricultural industry in order to provide the City with employment and a sustainable source of local food supply. As such, permitted uses are limited to agricultural uses, agriculture-related uses, and on-farm diversified uses. Environmental Protection Areas are intended to be maintained in their natural and undisturbed habitat but may be used in some instances as passive recreational spaces in consultation with the appropriate technical agencies.

The Official Plan discourages the creation of new lots in Prime Agricultural Areas, however, new lot creation is permitted for an existing residential dwelling that is surplus to a farm operation. As a condition of the provisionally approved technical consent (File Number D10-010-2022), and in accordance with the Official Plan, a zoning by-law amendment is required to prohibit residential development on the retained parcel of the subject lands. The proposed zoning by-law amendment represents an appropriate manner of protecting the existing agricultural use from potentially adverse impacts caused by additional residential development on the subject property.

The restriction of future residential development on the subject lands via the proposed zoning by-law amendment is consistent with the policy direction of the Official Plan regarding the protection of land which is suitable to long term agricultural production from scattered development of land uses unrelated to agriculture. Furthermore, the proposed zoning by-law amendment is also consistent with Official Plan direction that Environmental Protection Areas be maintained in their natural state to preserve their function in sustaining the natural heritage system.

A detailed review of the applicable policies is attached in Exhibit G.

Zoning By-Law Discussion

The site is subject to the Kingston Zoning By-Law, and is zoned primarily as Prime Agricultural Area (AG) with some southern portions of the property zoned as Environmental Protection Area (EPA). The severed parcel of the subject lands, which has been provisionally approved through a technical consent application (File Number D10-010-2022), is zoned as Rural Residential (RUR). The property currently contains an active agricultural operation, natural heritage features, several buildings associated with a furniture repair business, and an accessory dwelling unit. As a condition of consent, the retained parcel of land is to be zoned to prohibit residential development in order to comply with the prime agricultural policies of the Official Plan.

The parent zones for the property are not proposed to change at this time. Approval of this zoning by-law amendment application will enable a site-specific exemption to the subject property prohibiting residential development, which will protect the prime agricultural lands for exclusively agricultural uses.

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Other Applications

A technical consent application ([File Number D10-010-2022](#)) to sever the existing residential dwelling at 2103 McKendry Road, which is surplus to agricultural operations on the property, was initially submitted on March 27, 2022. This technical consent application received provisional approval on November 10, 2022. As a condition of this provisional approval, a zoning by-law amendment is required to prohibit residential uses on the retained portion of the subject lands.

Following provisional approval of the consent application, a permission application ([File Number D13-015-2023](#)) was submitted on March 1, 2023 in order to permit the internal conversion of an existing legal non-conforming office building to an accessory dwelling unit. This accessory dwelling unit was deemed to be more compatible with the uses permitted in the zoning by-law than the previously existing non-conforming office use. Approval of the permission application was granted by the Committee of Adjustment on April 17, 2023.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

Public Comments

A Public Meeting is being held on December 7, 2023 with respect to this application, concurrent with the Comprehensive Report submission. There are no written public concerns or comments received at time preparing this report. Any correspondence received before the Public Meeting will be provided to the Committee and the applicant prior to the December 7, 2023, Public Meeting.

Effect of Public Input on Draft By-Law

No public comments were received at the time this report was written.

Conclusion

Staff recommends approval of the application for zoning by-law amendment as the new exception zone will prohibit the establishment of a residential use on the subject lot which is in keeping with the condition of provisional approval through the consent application. No new development is proposed and there will be no adverse impacts to neighbouring properties. The proposal is consistent with the Provincial Policy Statement and the City's Official Plan in protecting prime agricultural lands.

December 7, 2023

Page 9 of 10

Existing Policy/By-Law:

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial*Planning Act*

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 24 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on December 4, 2023.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, no pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Jacob Slevin, Planner, 613-546-4291 extension 2176

December 7, 2023

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Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62
- Exhibit B Key Map
- Exhibit C Neighbourhood Context (2023)
- Exhibit D Public Notice Notification Map
- Exhibit E Consistency with the Provincial Policy Statement
- Exhibit F Official Plan, Land Use
- Exhibit G Conformity with the Official Plan
- Exhibit H Zoning By-Law Number 2022-62, Schedule 1
- Exhibit I Site Photographs
- Exhibit J Severance Sketch

By-Law Number 2023-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Exception Number E139 (2103 McKendry Road))

Passed:

Whereas the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (the “Kingston Zoning By-Law”);

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-Law to introduce a new exception number;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-Law Number 2022-62”, is amended as follows:
 - 1.1. Schedule E – Exception Overlay is amended by adding Exception Number ‘E139’, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. By adding the following Exception Number E139 in Section 21 – Exceptions, as follows:

“E139. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) **“Residential uses** established after the date of passing of this by-law are prohibited.”
2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

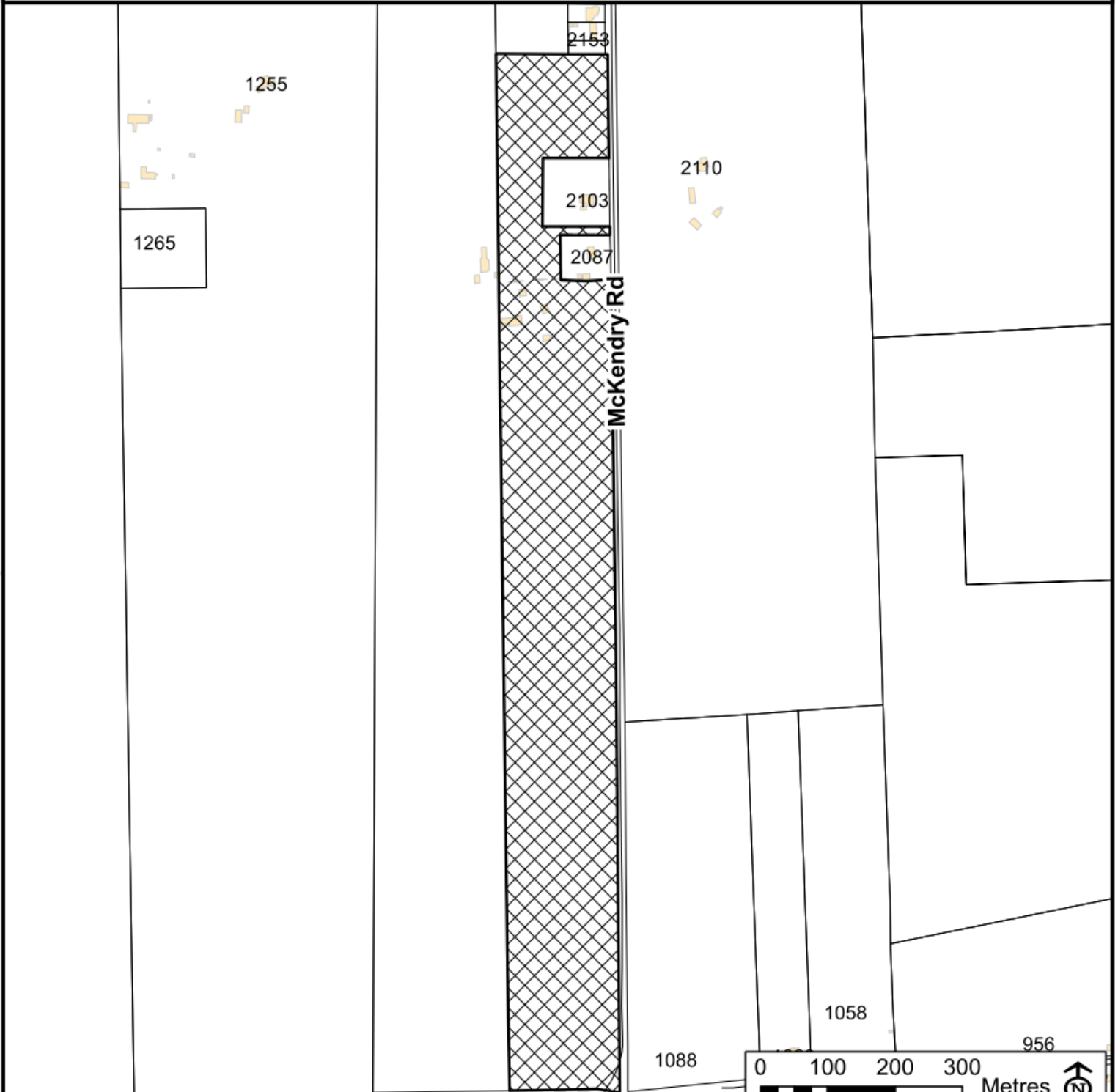
Address: 2103 McKendry Road
File Number: D14-013-2023

Lands to be added as E139

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor Clerk



Prepared By: rejones
Date: Nov-03-2023



Planning Services

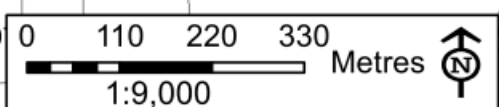
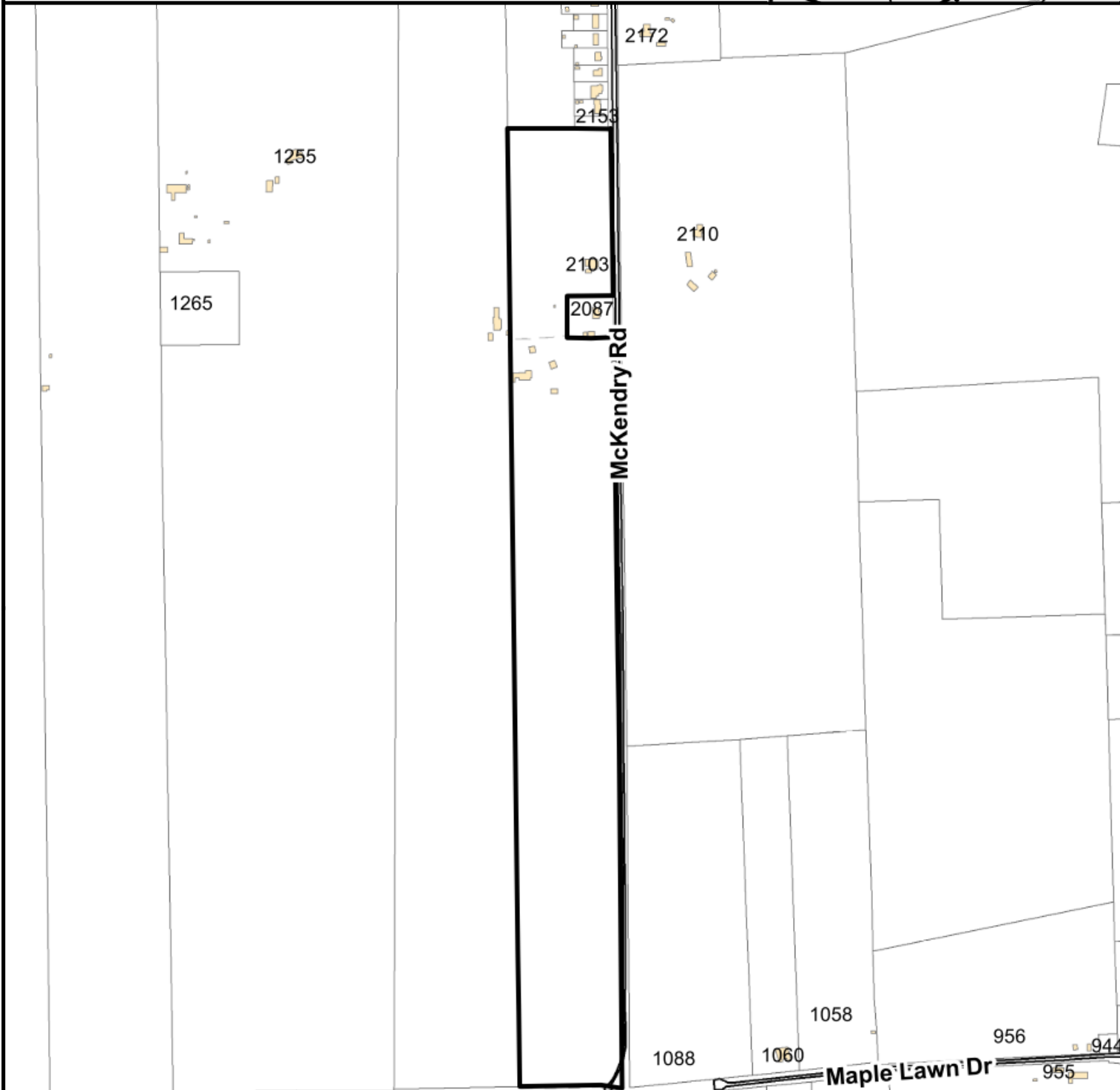
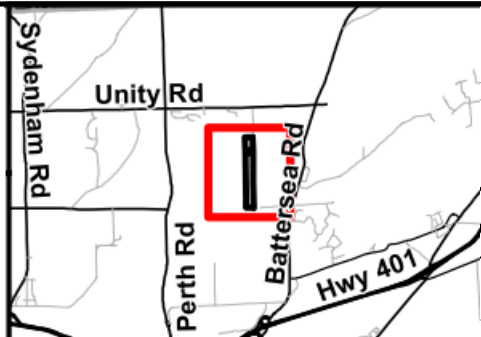
Planning Committee

Key Map

Address: 2103 McKendry Road

File Number: D14-013-2023

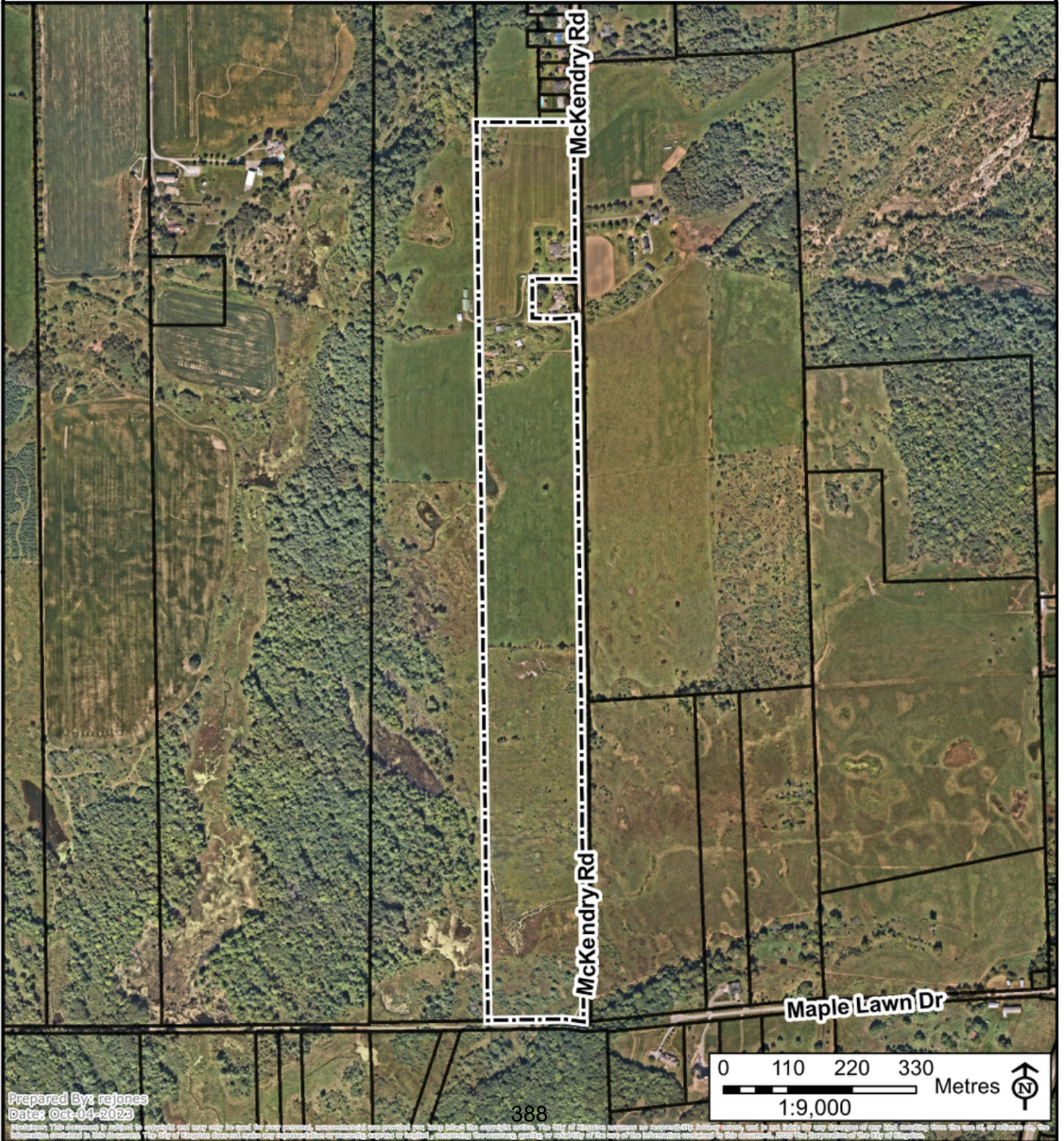
 Subject Lands










Planning Committee
Neighbourhood Context (2023)
Address: 2103 McKendry Road
File Number: D14-013-2023

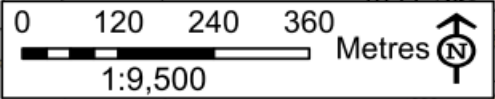
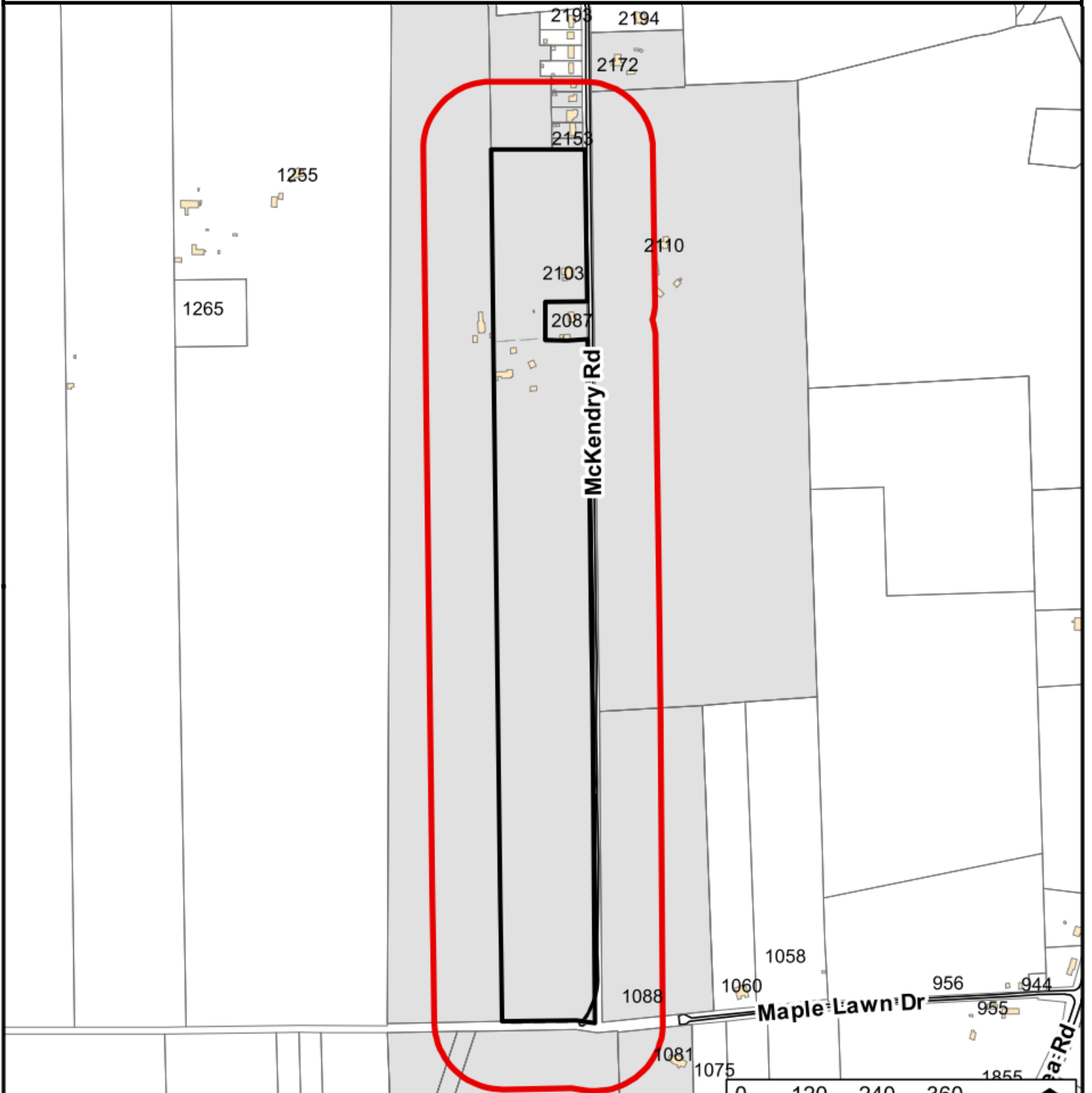
- Subject Lands
- Property Boundaries
- Proposed Parcels





Planning Committee
Public Notice Notification Map
 Address: 2103 McKendry Road
 File Number: D14-013-2023

-  120m Public Notification Boundary
-  Subject Lands
-  Property Boundaries
-  Proposed Parcels
-  15 Properties in Receipt of Notice (MPAC)



Prepared By: rejones
 Date: Oct-04-2023

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Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1.	<p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption</p>	Building Strong Healthy Communities	<p>The subject property is located in the rural area outside of any planned settlement area and is in an area which is serviced with individual private well and sewage disposal system.</p> <p>The proposal to prohibit a residential use on the subject property will protect the prime agricultural lands for agricultural purposes and prevent against inefficient land use patterns and development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>		
1.1.4.1	<p>Healthy, integrated and viable rural areas should be supported by:</p> <p>a) building upon rural character, and leveraging rural amenities and assets;</p> <p>b) promoting regeneration, including the redevelopment of brownfield sites;</p> <p>c) accommodating an appropriate range and mix of housing in rural settlement areas</p> <p>d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;</p> <p>e) using rural infrastructure and public service facilities efficiently;</p> <p>f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable</p>	Building Strong Healthy Communities	<p>By prohibiting residential development, the proposed zoning by-law amendment will protect the biodiversity of the existing natural heritage features on the property from potential adverse effects caused by residential development.</p> <p>Preservation of the prime agricultural lands for agricultural purposes will ensure there are opportunities for appropriate economic activities in prime agricultural areas.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>management or use of resources;</p> <p>g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;</p> <p>h) conserving biodiversity and considering the ecological benefits provided by nature; and</p> <p>i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.</p>		
1.1.4.4	Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area.	Building Strong Healthy Communities	The subject property and its provisionally approved severed parcel are outside of a planned settlement area in the rural lands.
1.1.5.2	<p>On rural lands located in municipalities, permitted uses are:</p> <p>a) the management or use of resources;</p> <p>b) resource-based recreational uses (including recreational dwellings);</p> <p>c) residential development, including lot creation, that is locally appropriate;</p> <p>d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;</p> <p>e) home occupations and home industries;</p> <p>f) cemeteries; and</p> <p>g) other rural land uses.</p>	Building Strong Healthy Communities	<p>The provisionally approved severed parcel containing an existing residential dwelling and the existing accessory dwelling unit on the retained parcel represent form of locally appropriate residential development.</p> <p>The proposed zoning by-law amendment will prohibit additional residential development and ensure that the retained parcel will be preserved for agricultural uses.</p>

Policy Number	Policy	Category	Consistency with the Policy
1.1.5.4	Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.	Building Strong Healthy Communities	The existing residential uses on the provisionally approved retained and severed lots are serviced by individual water and sewage services. By prohibiting residential development, the proposed exception will prohibit incompatible residential uses on prime agricultural lands.
1.1.5.7	Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.	Building Strong Healthy Communities	The proposed zoning by-law amendment will have the effect of protecting agricultural uses and directing residential development to more suitable areas.
1.1.5.8	New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.	Building Strong Healthy Communities	Minimum Distance Separation was evaluated through the consent application process and it was deemed that there were no livestock or manure storage facility within 1200 metres of the subject property.
1.2.6.2	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	Building Strong Healthy Communities	By prohibiting residential development on the subject lands, the potential for future conflict between agricultural uses and sensitive residential land uses will be avoided.

Policy Number	Policy	Category	Consistency with the Policy
1.6.6.4	<p>Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.</p> <p>At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.</p>	Building Strong Healthy Communities	<p>The proposal will not result in the need to extend or create any new municipal water or sewage service.</p> <p>A hydrogeological assessment is not required for the retained parcel as a residential use will not be permitted on the property.</p>
1.8.1	Planning authorities shall support energy conservation and efficiency, improved air	Energy Conservation, Air	The establishment of the exception zone on the subject property will

Policy Number	Policy	Category	Consistency with the Policy
	<p>quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future; d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities; e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and 	Quality and Climate Change	<p>ensure the parcel of land will be maintained for agricultural purposes only.</p> <p>The protection of the existing agricultural use and natural heritage features on the subject property will support the City's initiative to improve air quality and combat climate change.</p> <p>The restriction of future residential uses on the retained agricultural parcel in the rural area will encourage more efficient patterns of land use development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	g) maximize vegetation within settlement areas, where feasible		
2.1.1	Natural features and areas shall be protected for the long term.	Wise Use and Management of Resources	The proposal to prohibit residential development on prime agricultural lands will protect the natural features and areas for the long term from residential development.
2.2.1	<p>Planning authorities shall protect, improve or restore the quality and quantity of water by:</p> <p>a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;</p> <p>b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;</p> <p>c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;</p> <p>d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;</p> <p>e) maintaining linkages and related functions among ground water features, hydrologic functions, natural</p>	Wise Use and Management of Resources	<p>The prohibition of residential development on the retained parcel will prevent additional strain from being placed on groundwater resources in the rural area.</p> <p>Natural heritage features on the subject property such as wetlands and watercourses will be protected from potential adverse impacts caused by residential development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>heritage features and areas, and surface water features including shoreline areas;</p> <p>f) implementing necessary restrictions on development and site alteration to:</p> <ol style="list-style-type: none"> 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; <p>g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;</p> <p>h) ensuring consideration of environmental lake capacity, where applicable; and</p> <p>i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.</p>		
2.3.1	Prime agricultural areas shall be protected for long-term use for agriculture.	Wise Use and Management of Resources	The establishment of the proposed exception zone will prohibit residential uses on the retained portion of land which will protect the lands for future agricultural uses.
2.3.3.3	New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.	Wise Use and Management of Resources	Minimum Distance Separation was evaluated through the consent application process and it was deemed that there were no livestock or

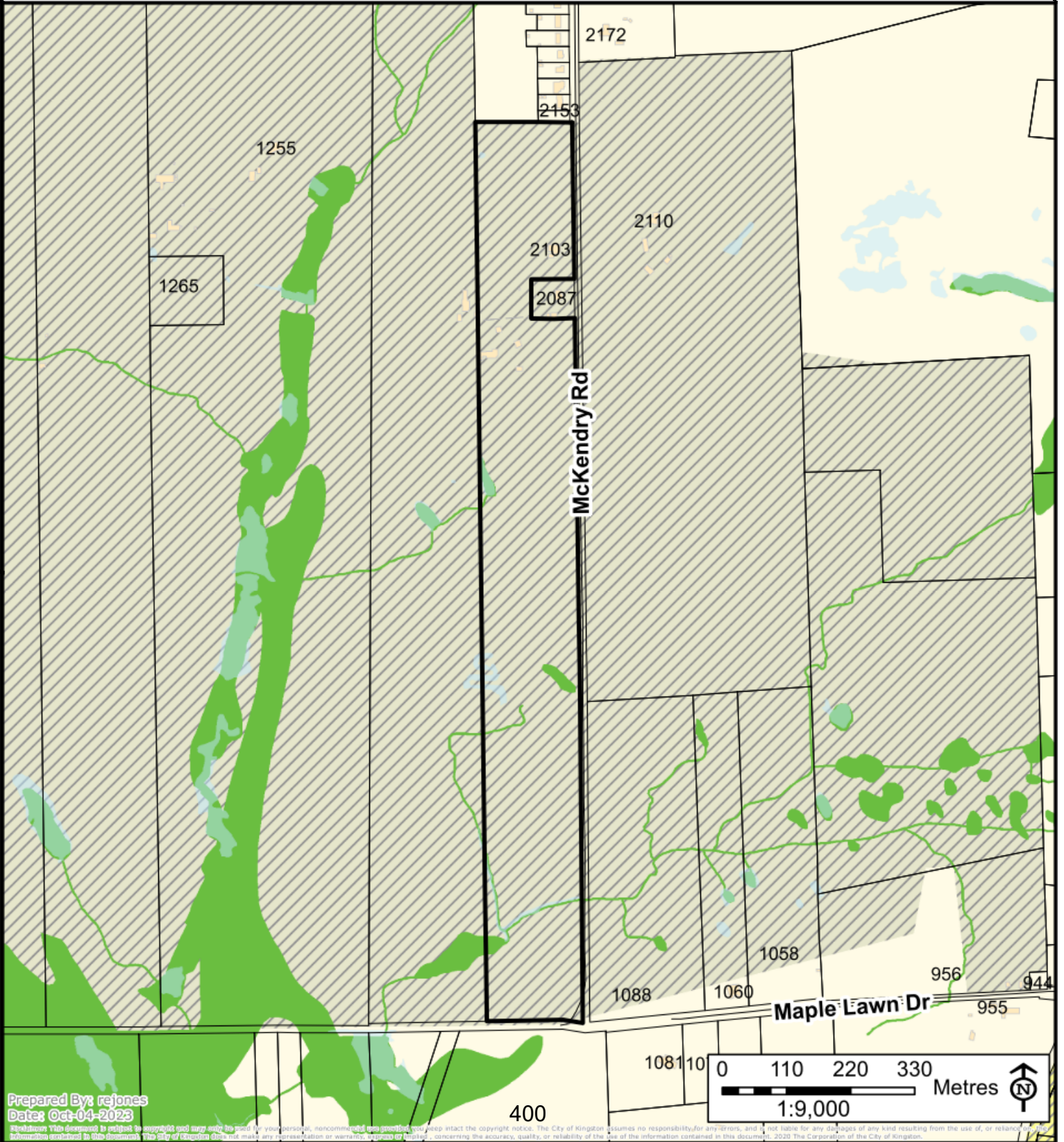
Policy Number	Policy	Category	Consistency with the Policy
			manure storage facility and conforms with MDS requirements.
2.3.4.1	<p>Lot creation in prime agricultural areas is discouraged and may only be permitted for:</p> <p>a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;</p> <p>b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;</p> <p>c) a residence surplus to a farming operation as a result of farm consolidation, provided that:</p> <ol style="list-style-type: none"> 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and <p>d) infrastructure, where the facility or corridor cannot be accommodated through the</p>	Wise Use and Management of Resources	<p>The severed lot on the subject property, which received provisional approval through consent application D10-010-2022, contains a single detached dwelling on private water and sewage disposal system. The severed lot meets the minimum size requirements of the Official Plan and Zoning By-Law.</p> <p>As a condition of provisional approval the retained parcel is required to be rezoned to prohibit residential development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	use of easements or rights-of-way.		
2.6.2	Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.	Wise Use and Management of Resources	<p>The provisionally approved severed parcel has been cleared of archeology.</p> <p>No development or site alteration is proposed for the retained parcel, and therefore no archeological assessment is required.</p>



Planning Committee
Official Plan, Existing Land Use
Address: 2103 McKendry Road
File Number: D14-013-2023

- Subject Lands
- PRIME AGRICULTURAL
- ENVIRONMENTAL PROTECTION AREA
- ESTATE RESIDENTIAL
- RURAL



Prepared By: rejonas
Date: Oct-04-2023

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Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.2. Within Rural Areas, as shown on Schedule 2, growth will be limited and the natural assets, functions, and occupations that contribute to the general sustainability of the City as a whole will be supported through:</p> <ul style="list-style-type: none"> a. the protection of groundwater sources; b. an ecosystem approach to protecting the natural heritage system; c. the protection of surface water features, including inland lakes and rivers, Lake Ontario and the St. Lawrence River; d. the extraction of mineral resources and the rehabilitation of depleted mineral mining operation sites, which must occur in a manner that is sensitive to the existing uses in the general area and in accordance with appropriate provincial legislation; e. limiting the types of permitted development to those that support and are compatible with a resource based local economy and sustainable practices; and f. promotion of agricultural opportunities, practices, and alliances that enhance agricultural employment as well as local food production, distribution, and consumption as an integral part of the local economy and the City's sustainability goals. 	<p>2.1 Sustainable Development</p>	<p>The proposal to prohibit residential development on the retained parcel will protect groundwater resources and limit permitted development to types that are compatible with the prime agricultural designation of the subject lands.</p> <p>The proposal will protect prime agricultural lands for future agricultural uses which satisfies the City's sustainability goals.</p>
<p>2.2.14. Rural Areas are comprised of a mix of land uses that support a diversification of</p>	<p>2.2 City Structure</p>	<p>The subject property is primarily designated as Prime Agricultural Area, with portions of</p>

Policy	Category	Conformity with the Policy
<p>the economic base, housing, and employment opportunities. These areas are comprised of lands protected for agricultural uses and agricultural-related uses, being designated Prime Agricultural Area or Rural Lands, as appropriate.</p> <p>Rural Areas also contain natural heritage features, many of which fall within the Environmental Protection Area and Open Space designations, as well as natural resources, designated Mineral Resource Area. The protection of the area's natural features will help to conserve biodiversity while maintaining water quality and the ecological benefits provided by nature.</p> <p>Lands designated Rural Commercial and Rural Industrial also support the rural economy within Rural Areas. These lands are distinct from rural settlement areas, designated Hamlets, which accommodate a mix of land uses that also support the rural community. The Estate Residential designation captures limited areas of residential land use in Rural Areas.</p>		<p>Environmental Protection Area designations towards the south of the property.</p> <p>The proposed Exception to restrict residential development will protect the Prime Agricultural and Environmental Protection Area lands from potential adverse impacts caused by residential development.</p>
<p>2.8.1. The City recognizes that the ecological functions of the natural heritage system and the biodiversity of its components are inter-related and function together to contribute to sustaining human health and economic welfare, as well as providing habitat for plant and animal communities. The City, in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and Fisheries and Oceans Canada, as appropriate, intends to protect</p>	<p>2.8 Protection of Resources</p>	<p>The proposed Exception to restrict residential development will protect natural heritage features on the subject lands from potential adverse impacts caused by residential development.</p>

Policy	Category	Conformity with the Policy
<p>significant elements of the natural heritage system, as more specifically discussed in Sections 3.10 and 6 of this Plan, and illustrated on Schedules 3, 7 and 8 and the secondary plans included in Section 10 of this Plan. It is the intent of the City to support and participate in stewardship programs in partnership with conservation organizations.</p>		
<p>2.8.4. Water is a resource that must be protected. In order to maintain the quality and quantity of water, the City will restrict development and site alteration near sensitive surface water or groundwater features and in areas of medium to very high groundwater sensitivity and will implement the policies of the Cataraqui Source Protection Plan as required.</p>	<p>2.8 Protection of Resources</p>	<p>The restriction of residential development will prevent additional strain from being placed on groundwater resources.</p>
<p>2.8.6. The City has designated Prime Agricultural Areas and has defined the long term expansion of its Urban Boundary to conserve such areas to provide greater investment security for farmers. Uses that support the agricultural industry will be located in close proximity to the use, preferably on lands of lower soil capability in the Rural Lands designation. As further outlined in Section 3.11 of this Plan, lot creation is discouraged in a Prime Agricultural Area designation.</p>	<p>2.8 Protection of Resources</p>	<p>The provisionally approved severed lot was created in compliance with the policies of Section 3.11.</p> <p>This proposal to prohibit residential development on the retained Prime Agricultural lands will conserve the lands for agricultural policies, in keeping with the goals of the Official Plan.</p>
<p>2.10.1. In order to improve the resiliency and ensure the long-term prosperity of the community the City intends to:</p> <p>a. consider the potential impacts of climate change when</p>	<p>2.10 Climate Change Resiliency</p>	<p>Prohibiting residential development on the retained parcel which contains prime agricultural lands, will support the City's initiative to air quality and climate change.</p>

Policy	Category	Conformity with the Policy
<p>assessing the risks associated with natural hazards;</p> <p>b. consider the potential impacts of climate change and extreme weather events when planning for infrastructure, including green infrastructure, and assessing new development;</p> <p>c. support climate-resilient architectural design of buildings incorporating durable, reusable, sustainable materials and low impact technology for energy and stormwater management; and,</p> <p>d. explore opportunities to achieve climate positive development.</p>		
<p>3.3.11. Additional residential units are permitted on lands where a single detached dwelling, semi-detached dwelling, or townhouse are the permitted principal use or where a place of worship is located in a residential zone, provided they are in accordance with the zoning by-law and subject to the following criteria:</p> <p>a. A maximum of two additional residential units shall be permitted on a lot, of which a maximum of one additional residential unit may be detached and a maximum of one additional residential unit may be attached to or located in the principal building.</p> <p>b. Notwithstanding subsection 3.3.11.a, the zoning by-law will restrict additional residential units in areas that are known or potential servicing constraints through the use of holding provisions or other overlay provisions. The City will evaluate</p>	<p>3.3 Residential Uses</p>	<p>An existing legal non-conforming office use associated with the non-conforming furniture repair operation on the property was converted into an additional residential unit via permission application D13-015-2023.</p> <p>The additional residential unit is serviced by private water and sewage disposal services.</p> <p>The proposed Exception zone for the subject property will prohibit additional residential units from being created on the retained parcel.</p>

Policy	Category	Conformity with the Policy
<p>opportunities to reduce or remove known or potential servicing constraint areas, based upon a review of servicing capacities and other applicable land use planning matters and will amend the constraint areas in the zoning by-law accordingly.</p> <p>c. Additional residential units shall not be limited by minimum lot area or maximum density requirements established in the zoning by-law, but may be included in the calculations of density where minimum density requirements are established;</p> <p>d. Additional residential units are prohibited on a lot containing a boarding house or lodging house. A detached additional residential unit is prohibited on a lot containing a tiny house;</p> <p>e. Additional residential units shall not be permitted in a floodplain.</p> <p>f. An additional residential unit shall not be severed from the lot containing the principal residential unit.</p> <p>g. Applications seeking parking relief in support of an additional residential unit must satisfy all of the following locational criteria:</p> <ul style="list-style-type: none"> (i) the property is within walking distance of an express Kingston Transit bus route; (ii) the property is within walking distance of commercial uses; and (iii) the property is within walking distance of parkland, open space or community facilities. <p>For the purposes of this subsection,</p>		

Policy	Category	Conformity with the Policy
<p>walking distance shall be measured using the actual path of travel, such as along a road network (e.g., sidewalk, cycle lane, etc.) or other publicly accessible space.”</p> <p>h. A parking space for an additional residential unit may be located in a permitted driveway that is within a front yard. Tandem parking spaces shall be permitted to facilitate an additional residential unit.</p>		
<p>3.10.1 The Environmental Protection Area designation includes the following natural features and areas:</p> <ul style="list-style-type: none"> • areas of natural and scientific interest (ANSIs); • fish habitat; • provincially significant wetlands, significant coastal wetlands and locally significant wetlands; • Snake and Salmon Islands, located in Lake Ontario, as shown in Schedule 3-A; and • rivers, streams and small inland lake systems. 	<p>3.10 Environmental Protection Areas</p>	<p>Natural heritage features on the subject lands which are designated as Environmental Protection Area include wetlands and streams.</p>
<p>3.10.2. Uses within the Environmental Protection Area are limited to those related to open space, conservation or flood protection, and must be approved in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and/or Parks Canada as appropriate.</p> <p>Such uses include water quality management uses, necessary flood control structures or works, erosion control structures or works. Recreational or educational activities, generally</p>	<p>3.10 Environmental Protection Areas</p>	<p>No development is proposed within the portion of the property designated as Environmental Protection Area.</p> <p>Natural heritage features on the subject lands will be protected from potential adverse impacts caused by nearby residential development on the subject lands.</p>

Policy	Category	Conformity with the Policy
<p>of a passive nature, may be permitted in suitable portions of Environmental Protection Areas only if such activity will have no negative impacts on natural heritage features and areas, does not involve the use of structures or buildings, and is not subject to natural hazards.</p> <p>Where an Environmental Protection Area designation is solely tied to a local area of natural and scientific interest, or a locally significant wetland, consideration may be given to new mineral mining operations or mineral aggregate operations and access to minerals or mineral aggregate resources, subject to compliance with provincial and federal requirements.</p>		
<p>3.11.1. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2 and 3 lands, and any associated Class 4 through 7 lands within the Prime Agricultural Area, in this order of priority</p>	<p>3.11 Prime Agricultural Area</p>	<p>The subject lands are currently used for the agricultural operation of growing and cutting hay.</p> <p>The proposal to prohibit a residential use on the subject property will protect the prime agricultural lands for agricultural purposes and will satisfy conditions of provisional approval for consent application D10-010-2022.</p>
<p>3.11.9. Where individual on-site water and sewage services can be accommodated to the satisfaction of the City or applicable approval authority, an additional residential unit is permitted in the Prime Agricultural Area subject to the additional residential unit policies contained in Section 3.3.11 of this Plan.</p>	<p>3.11 Prime Agricultural Area</p>	<p>The conversion of a legal non-conforming office to an additional residential unit was approved through permission application D13-015-2023 in accordance with the policies of Section 3.3.11 of the Official Plan. The additional residential unit is serviced by private water and sewage disposal services.</p>

Policy	Category	Conformity with the Policy
<p>3.11.12. Prime Agricultural Areas are intended to be preserved for agricultural purposes only. New lot creation is discouraged in Prime Agricultural Areas and is permitted only for the following:</p> <p>a. agricultural uses, provided that the lot is of a size appropriate for the types of agricultural uses common in the area and is also sufficiently large enough to adapt to potential future changes in type or size of agricultural use. The City requires a minimum lot area of 40 hectares when considering lot creation for agricultural uses;</p> <p>b. an existing residence that is surplus to a farming operation, resulting from a farm consolidation (which is the acquisition of additional farm parcels to be operated as one farm operation). Any new lot will be limited to a minimum lot size needed to accommodate the use and appropriate individual on site water and sewage services. Consent is subject to rezoning to ensure that no new residential dwelling will be permitted on any remnant parcel that may be created by such severance. MDS I setbacks are not required for consent applications for a residence surplus to a farming operation, where the dwelling and nearby livestock facility or anaerobic digester are located on a separate lot prior to the consent, as the potential odour conflict already exists;</p> <p>c. an agriculture-related use, subject to the consent policies of Section 9.6 provided that any new lot is limited to a minimum size needed to accommodate the</p>	<p>3.11 Prime Agricultural Area</p>	<p>The provisionally approved severed lot of the subject property is currently developed with a single detached dwelling on a private well and sewage disposal system. As an existing dwelling surplus to a farming operation, a one hectare parcel of land containing this detached dwelling was provisionally approved for severance through consent application D10-010-2022.</p> <p>As a condition of provisional approval the retained parcel is required to be rezoned to prohibit residential development which will prohibit future residential development on the retained prime agricultural lands.</p>

Policy	Category	Conformity with the Policy
<p>use, and the individual on-site water and sewage services can be provided, as set out in Section 4.4 of this Plan; and,</p> <p>d. utility corridors for facilities or public road infrastructure, in cases where easements or rights of way are not appropriate to accommodate the utility.</p>		
<p>3.11.15 The Committee of Adjustment or approval authority within the Prime Agricultural Area may require the registration of a warning on title stating that the lot created by consent is adjacent to a livestock operation or other agricultural operation, and therefore may be subject to noise, dust, odour and other nuisances associated with agricultural activities.</p>	<p>3.11 Prime Agricultural Area</p>	<p>As a condition of provisional approval of consent application D10-010-2022, a development agreement for the severed and retained lands must be registered on title. A clause is to be included in this development agreement advising future owners that any new residential development on the severed or retained lands shall be outside of the required calculated Minimum Distance Separation (MDS) setback from any neighbouring livestock facility or manure storage and all other applicable requirements at the time of building permit issuance.</p>
<p>4.4.1. A Groundwater Supply Assessment in accordance with Ministry of the Environment and Climate Change guidelines and the City's standards for Hydrogeological Assessments will be required for any development that is proposed for an area without municipal services.</p>	<p>4.4 Individual On-Site Services</p>	<p>The single detached dwelling on the provisionally approved severed parcel is already serviced by private water and sewage disposal services.</p> <p>The additional residential unit on the retained parcel is also serviced by private water and sewage disposal services.</p> <p>Additional residential development on the retained parcel will be restricted.</p>
<p>7.4.10. Upon receiving information that lands proposed for development may include archaeological resources or constitute an area of archaeological potential, Council will not take any action to approve the development, and</p>	<p>7.4 Archaeological Resource Conservation</p>	<p>As a condition of the consent application D10-010-2022, an archeological assessment for the severed parcel was required.</p> <p>An assessment is not required on the retained parcel as residential uses will be prohibited through</p>

Policy	Category	Conformity with the Policy
<p>the owner of such land will be requested to have studies carried out at the owner's expense by qualified persons in accordance with the Province's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, and provide a copy of any correspondence from the Ministry of Tourism, Culture and Sport for any completed studies.</p>		<p>the establishment of the proposed exemption zone.</p>
<p>9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <ul style="list-style-type: none"> a. conformity of the proposal with the intent of the Official Plan policies and schedules; b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan; c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area; d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development; e. the suitability of the site for the proposal, including its ability to meet all required standards of 	<p>9.5 By-Laws</p>	<p>As outlined throughout Exhibit G of this report, the proposed zoning by-law amendment is in conformity with the intent of all relevant Official Plan policies and schedules.</p> <p>The proposal to establish an Exception prohibiting residential uses on the subject Prime Agricultural lands is compatible with the AG zoning of the property and the existing agricultural use. Approval of the proposal will protect the natural heritage features on the property from adverse impacts caused by residential development.</p> <p>No new buildings or structures will be constructed resulting from this amendment. Approval of this proposal will not alter residential density. No impacts on municipal infrastructure or services will be caused as a result of this amendment.</p> <p>No comments from City staff or external agencies have expressed concern about this proposal. No comments from the public have been received at the time of writing this report.</p> <p>As the requirement for a zoning by-law amendment to prohibit future residential development following the severance of a</p>

Policy	Category	Conformity with the Policy
<p>loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		<p>surplus dwelling on agricultural lands is a standard requirement established in the Official Plan, no precedents will be created through approval of this proposal.</p>



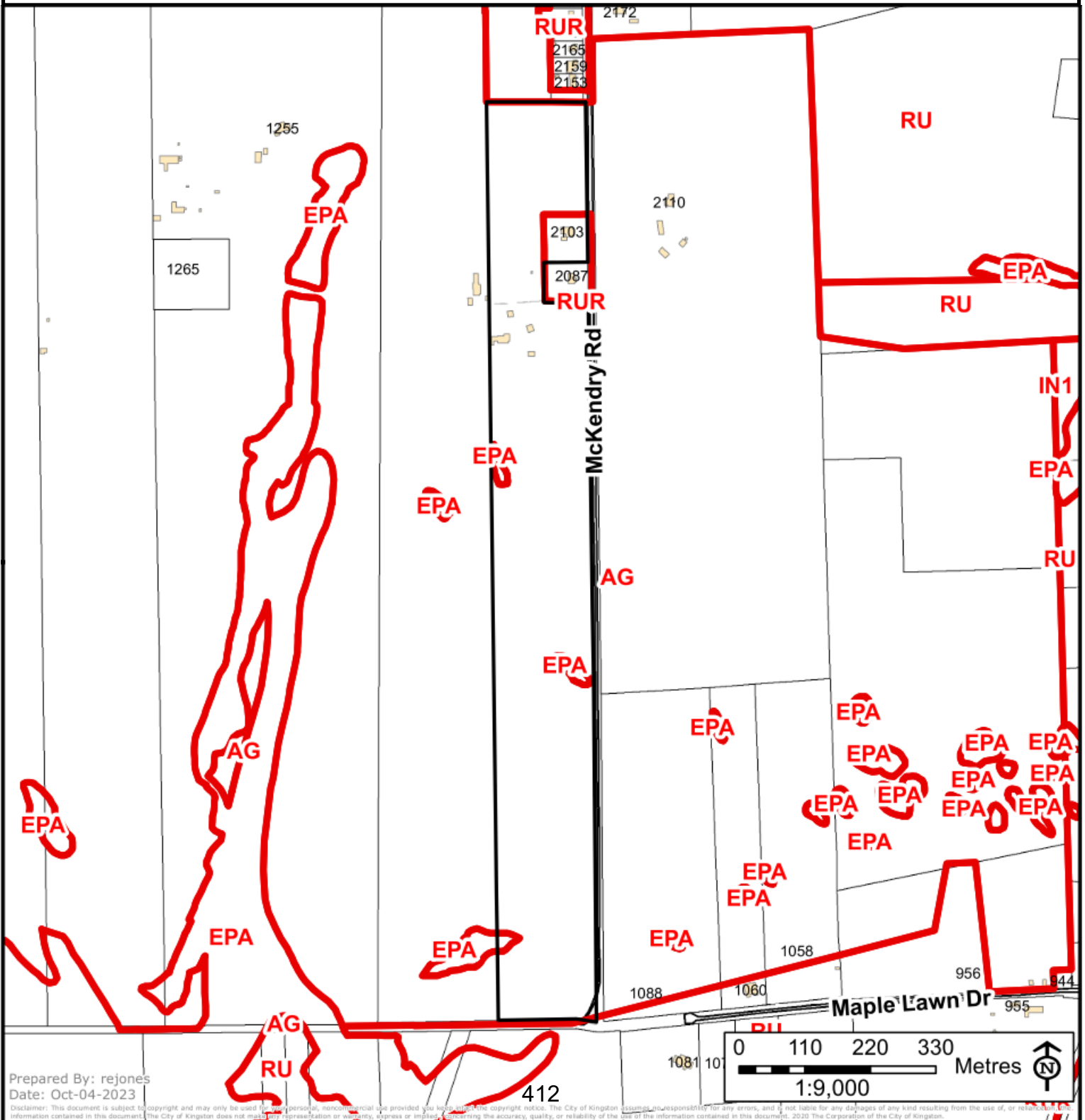
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 2103 McKendry Road
File Number: D14-013-2023

- Subject Lands
- Schedule 1 Zoning Map
- Zone

- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: rejones
Date: Oct-04-2023

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Figure 1: Field on the subject property, designated as Prime Agricultural Land in the Official Plan. Land is used for growing and cutting of hay.



Figure 2: Single detached house at 2103 McKendry Road. A one hectare parcel of land, including this detached house, was provisionally approved for severance through technical consent application D10-010-2022.



Figure 3: Former office building on the retained parcel of the subject lands, which was approved for conversion to an Additional Residential Unit through Permission application D13-015-2023.



Figure 4: Storage building on the retained parcel associated with the existing workshop use.



Figure 5: Exterior of the existing workshop building on the retained parcel. The workshop building is used for the repair of furniture and other similar items.



Figure 6: Interior of the workshop building.





**City of Kingston
Report to Planning Committee
Report Number PC-24-008**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: December 7, 2023
Subject: Recommendation Report
File Number: D14-004-2023
Address: 769 King Street West
District: District 5 - Portsmouth
Application Type: Zoning By-Law Amendment
Owner: Yuri Levin
Applicant: Fotenn Planning + Design

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Goal: 1.2 Promote increase in purpose-built rental housing.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by Fotenn Planning + Design on behalf of Yuri Levin, with respect to the subject site located at 769 King Street West.

The vacant site is located on the northeast corner of the intersection of King Street West and Cartwright Street. A single-detached dwelling and detached garage used to be on the subject lands but was demolished in 2022. The area is characterized by a variety of residential uses

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with commercial, institutional and open spaces nearby and is across the street from the Former Psychiatric Hospital Lands Heritage Character Area of the Rockwood Asylum. The buildings and landscape of the Rockwood Asylum property are designated under the *Ontario Heritage Act*.

The subject lands are designated Residential in the Official Plan and zoned Urban Residential Zone 10 (UR10) in the Kingston Zoning By-Law.

The purpose and effect of the proposed Zoning By-Law amendment is to rezone the property to an Urban Residential Zone 3 (UR3) and to establish an Exception Overlay for the parcel to permit the proposed townhouse use and amendments to the setbacks and deck provisions.

In addition to the zoning by-law amendment application, the property is also the subject of an application for consent under the *Planning Act* (File Number D10-019-2023), which is required for the severance of the property, and potentially to establish easements for access.

The recommended zoning by-law amendment would allow for the construction of three new townhouse units on separate lots, each with an additional dwelling unit, in a central location within the Urban Boundary. The proposal, as revised through technical review, is consistent with the Provincial Policy Statement, conforms to the Official plan, and represents good land use planning. The applications are recommended for approval.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-004-2023) submitted by Fotenn Planning + Design, on behalf of Yuri Levin, for the property municipally known as 769 King Street West, be approved ; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-008; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Priorities	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation, & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:**Background and Decision Date**

In accordance with By-Law Number 2007-43, this application was subject to a pre-application in the summer of 2022. Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of May 1, 2023. A Community Meeting was held at Planning Committee on July 13, 2023. A summary of the feedback received at the Community Meeting is provided in the Public Comments section of this Report.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before July 30, 2023, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

The applicant has been working with staff to address technical comments related to zoning by-law relief and tree preservation, taking the application beyond the 90 days after a complete application was received. Staff have reviewed the revised information and have no further technical concerns with preparing this report to advance a recommendation for consideration by the Planning Committee and Council.

Site Characteristics

The subject property is municipally addressed as 769 King Street West and is approximately 540 square metres in area with frontages on King Street West and Cartwright Street (Exhibit B – Key Map). The site is located in the Portsmouth neighbourhood, which is an area characterized by a variety of residential uses including single-detached houses, duplexes, and apartment buildings. Across the street to the south is the Former Psychiatric Hospital Lands Heritage Character Area of the Rockwood Asylum (Exhibit C - Neighbourhood Context (2022)). The buildings and landscape of the Rockwood Asylum property are designated under the *Ontario Heritage Act*.

The lands are currently vacant and formerly contained a two-storey single-detached dwelling and an accessory garage which was demolished in 2022 (Exhibit J – Site Photographs). There are two mature trees along the southwest street edge of the property and another four on or near the shared lot line to the north at the periphery of the site. In addition, there is a tree in the municipal right-of-way to the north of the property. Two trees on the property are proposed to be removed, with retention and tree protection installed for the trees in the municipal right-of-way and on the property boundary to the north.

The property is within walking distance of a number of major institutional uses found to the south and west of the site, including St. Lawrence College, Providence Care Hospital, and the provincial Beechgrove Complex including the former Rockwood Asylum and the Ministry of Community and Social Services. There are open space areas within walking distance including Lake Ontario Park located to the southwest, Garrigan Park located to the northeast, and

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Portsmouth Olympic Harbour is to the east. Commercial uses can be found within walking distance to the east of the property along King Street West and concentrated in the Portsmouth Village area.

The site is well served by Kingston Transit, as there are bus stops for numerous bus routes in the vicinity. Notably there are Express transit routes 501 and 502 and local routes 1, 2,3, and 18 with stops within walking distance at King Street West and Portsmouth Avenue.

Proposed Application and Submission

The applicant is proposing to develop three new three-storey townhomes, each with an additional residential unit, for a total of six homes, with severances to create three separately conveyable lots. Each of the townhomes is proposed to incorporate five bedrooms in the principal unit located on the second and third levels and three bedrooms in the additional unit located on the main floor and basement, for a total of eight bedrooms per property and 24 bedrooms overall. Two parking spaces are proposed per lot in a stacked format, with one space to be incorporated in a garage and one on the driveway leading to the garage. All parking is to be accessed via Cartwright Street. Pedestrian access for the northern and middle units will be provided via Cartwright Street, and the southern townhouse dwelling will have access both from Cartwright Street and King Street West. The applicant has proposed dedicated, weather-protected bike parking spaces in sheds in the rear yard, to be made available for residents of the three additional units, with easements for access to be provided through future consent applications.

Each townhouse will have a 45 square metre rear yard for exterior amenity space. Each unit is also proposed to have at least one balcony on the rear elevation, with the third storey fitted with French balconies on the Cartwright Street elevation (Exhibit H – Site Plan and Exhibit I – Floor Plans Elevations).

The application proposes to amend the Kingston Zoning By-Law to rezone the property to an Urban Residential Zone 3 (UR3) and to establish a new Exception Overlay for the entire parcel to include townhouses as a permitted use on the parcel and to establish the performance standards to enable the proposed severances and residential development. Relief is sought regarding the minimum front setback, minimum rear setback, minimum exterior setback of the main building, minimum front setback and exterior setback for decks and porches at various heights, and minimum interior lot line setbacks for accessory structures with long-term bicycle parking.

The proposed redevelopment of the subject property seeks to protect most of the existing mature trees adjacent to the development, including a City tree in the right of way on Cartwright Street and the boundary trees between the proposed dwellings and the neighbouring property to the north. A Tree Permit will be required at the building permit stage to ensure that proper protections are in place for the City-owned tree.

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The property is the subject of an application for consent under the *Planning Act* (File Number D10-019-2023), which is required for the severance of the property into the two proposed severed lots – the interior lots, and the retained lot located at the corner, as well as to establish easements for access. The retained lot is proposed to be 209 square metres in area with approximately 10.4 metres of frontage on Cartwright Street. The middle lot to be severed is proposed to be 152.8 square metres in area with approximately 7.6 metres of frontage on Cartwright Street. The lot to the north to be severed is proposed to be 178.9 square metres in area with approximately 8.9 metres of frontage on Cartwright Street. A conceptual site plan illustrating the proposed severances is provided as Exhibit I.

In support of the application, the applicant has submitted the following:

- Planning Justification Report prepared by Fotenn Planning + Design, dated April 28, 2023;
- Floorplans and Elevations, prepared by Lakeside Drafting and Design, dated April 25, 2023 and updated November 9, 2023;
- Stage 1 and 2 Archaeological Assessment, prepared by Matrix Heritage, dated April 13, 2023;
- Arborist Report and Tree Protection Plan, prepared by McLaren Tree Care, dated April 20, 2023;
- Tree Inventory, prepared by McLaren Tree Care, dated April 19, 2023;
- Plot Plan, prepared by Lakeside Drafting and Design, dated March 31, 2023;
- Stormwater Management Brief, prepared by Josselyn Engineering Incorporated, dated April 21, 2023 and updated November 9, 2023;
- Servicing Report, prepared by Josselyn Engineering Incorporated, dated April 21, 2023;
- Gas Load Summary;
- Sight Line Review, prepared by McIntosh Perry, dated April 24, 2023 and updated November 7, 2023;
- Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated April 12, 2023; and
- Tree Agreement Communication, dated September 19, 2023.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look Up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

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Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The application proposes residential development and additional lot creation on an existing residential lot within the Urban Boundary, which is identified as the designated growth area. The proposed development represents the infill of underutilized lands within the settlement area boundary, incorporating additional density into a site that was previously used for a single-detached dwelling. It will assist the City with reaching intensification targets, while taking the local conditions into consideration. It will not impact future expansion of the settlement area.

Infill of residential uses in the existing built-up area efficiently uses existing services and infrastructure and minimizes land consumption. The property is on fully serviced lands, and it will continue to be serviced by existing municipal infrastructure. This proposal is an efficient form of development as it optimizes the long-term use of land and adds to the mix of housing options available in this neighbourhood, adding new homes near a historic village centre and in proximity to major institutions.

The property is located on the edge of a built-up residential area and is within walking distance of major institutions, open space and commercial uses along King Street West, and is well serviced by transit. As a result, the proposed medium density development contributes to sustainable development objectives and is anticipated to support and encourage active transportation and transit use, reduce the need for personal vehicles and the potential for greenhouse gas emissions.

The proposal will also result in a negligible increase in stormwater flows and will improve the quality of runoff. A Servicing Brief confirms that the proposal can be adequately serviced by existing municipal water and sewer lines. The costs of upgrades to service connections will be assumed by the owner. A stormwater management report was completed by a qualified person in support of the application and provides confirmation that the proposal can adequately manage stormwater in accordance with City requirements. There are no environmental concerns related to residential development on this property, which has historically been used for residential purposes.

The proposal has been evaluated by Heritage Services as part of the technical review and it was determined that no Heritage Impact Statement was required and that it will not negatively impact the heritage attributes of the nearby listed property. The applicant has undertaken the required Stage 1 and 2 archaeological assessment of the property and the report has been submitted to the Province for inclusion into their Register of Archaeological Reports.

The application is consistent with the direction of the PPS. A detailed review of the applicable policies is attached in Exhibit D.

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Official Plan Considerations

The subject property is located within the Urban Boundary as illustrated on Schedule 2 of the Official Plan. According to the broad categories established as part of the City Structure illustrated on Schedule 2, the subject property is included in lands identified as Housing District and in proximity to an area identified as Major Institution. The property is designated Residential on Schedule 3 – Land Use, and the proposed housing conforms with the predominant use of land envisioned for this designation.

The subject property is designated Residential in the Official Plan according to Schedule 3 (Exhibit E – Official Plan, Land Use). Adjacent to and nearby are lands designated both Institutional and Main Street Commercial in the Official Plan, and Mixed Use, Heritage Landscape, Medium Density Residential in the Kingston Provincial Campus Secondary Plan area.

The proposed amendment would allow for the development of three townhouses and three additional dwelling units on an existing lot currently zoned for ground-oriented land uses in a location that is desirable for infill and intensification based on policy direction in the Official Plan. The property is located at an appropriate place for change - at the edge of an established, walkable neighbourhood. It is within walking distance of transit stops and a mix of land uses required for daily needs, including complementary commercial, institutional, and open space uses such as those provided at Portsmouth Village, St. Lawrence College, and Lake Ontario Park.

Formerly the site of a single-detached dwelling, the infill development will provide a total of six homes, a net increase of five homes, contributing to the percentage of new residential development to occur through intensification. The proposed intensification of the property is appropriate in relation to the adjacent stable residential area. With a density of 56 dwelling units per net hectare, the proposal represents an appropriate medium-density housing development in relation to its context. It increases the overall net residential density within the Urban Boundary, adds to the range and mix of dwelling unit types in the area, and introduces additional residential units into a low-vacancy market.

By locating new homes connected to active transportation infrastructure and in proximity to express and regular transit stops, as well as close to a range of commercial, employment, institutional and open space uses within walking distance, the proposal will promote a reduction of automobile trips and ultimately in greenhouse gas emissions. Homes in this location are within walking distance of a convenience grocery store and restaurants in Portsmouth Village, numerous commercial uses on the St. Lawrence College campus, as well as nearby at the Kingston Centre and in the downtown core.

No cultural heritage resources will be negatively affected by this proposal. A Stage 1 & 2 archaeological assessment was completed for the site, which concludes that there are no archaeological resources present on the subject property and no further study is required and

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recommends the site be cleared of archaeological potential. The assessment report has been submitted to the Provincial Public Register of Archaeological Assessment Reports.

There are no natural heritage features, such as significant woodland or wetland features, on or adjacent to the subject property, and the proposed residential use is not anticipated to result in environmental damage or degradation. Tree preservation for adjacent mature trees is planned, including a City tree in the right of way on Cartwright Street and the boundary trees between the proposed dwellings and the neighbouring property to the north. A tree permit application will be required for the protection of the municipally owned tree. Landscaped open space will be incorporated in the rear yard, with associated amenity and functionality for future occupants. Cash-in-lieu of parkland will be taken by the City at the consent application stage for the creation of each new lot.

The proposed housing is at a scale and density compatible with the surrounding residential land uses in terms of both form and function. The subject property can accommodate the townhouses and additional dwelling units; the redevelopment will occur largely within the envelope established in the zoning for single-detached dwellings, with a slight decrease in the minimum rear yard setback, in an area zoned for a range of dwelling types. The building design, with an orientation primarily to Cartwright Street and sized similar to other developments in the vicinity, will be architecturally compatible with the surrounding built form and will contribute to the overall streetscape.

There are no undue adverse impacts anticipated with respect to shadowing, as the proposed development will maintain a height consistent with maximum height permitted in the UR3 Zone and with other similar buildings in the area. New balconies and decks proposed as part of the redevelopment are required to maintain a minimum 1.2 metre setback from the interior side lot line. No relief is being sought regarding height for the proposed building. The scale of the proposed development is not expected to result in an increase in wind speed.

The proposed townhouses and accessory units are designed to minimize potential for overlook onto adjacent properties. The proposal is not expected to result in any reduction in the ability to enjoy a property, and no increased levels of light pollution, noise, odour, dust or vibration are anticipated in association with the continued residential use of the property. A Noise Impact Study was carried out as part of the technical review, and there are no concerns with the feasibility of required noise mitigation measures for the introduction of residential units, which will be undertaken as a condition of consent approval.

Pedestrian and vehicular access will be primarily from Cartwright Street, and the properties will have new civic addresses (3,5 and 7 Cartwright Street) to ensure clarity of access. No parking relief is required.

The proposed zoning by-law amendment as proposed conforms with the intent of the Official Plan. A detailed review of the applicable Official Plan policies is attached in Exhibit F.

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Zoning By-Law Considerations

The site is subject to the Kingston Zoning By-Law Number 2022-62 and is zoned Urban Residential Zone 10 (UR10). The UR10 zone permits a range of residential uses including single-detached houses, semi-detached houses, and duplexes, as well as a range of complementary community uses including community centre, elementary school, library, museum, place of worship, and secondary school. The proposed use of the site as townhouse units is not currently permitted.

The subject property previously contained a two-storey single-detached dwelling with an accessory garage. To permit the use of the property for townhouse units, as well as the proposed severances that would result in the residential intensification of the subject property, a zoning by-law amendment is required.

The applicant is proposing to rezone the property to an Urban Residential Zone 3 (UR3), which is the only Urban Residential zone that permits townhouses along with an Exception Overlay. The Exception Overlay will apply to modify requirements of the UR3 zone to permit the proposed townhouse units and their associated additional residential units, and to establish performance standards for the three lots to be created from the existing lot.

The following table provides a summary of the regulations proposed to be amended for both the retained and severed lots. The proposed zoning by-law amendment is included as Exhibit A.

Table 1 – Proposed Exception Overlay regulations

Provision	Requirement of the Kingston Zoning By-Law	Proposed Exception Overlay
Urban Residential Zone 3 (UR3)		
Minimum front setback	6 metres	3.3 metres
Minimum rear setback	6.75 metres	6 metres
Minimum exterior setback	6 metres	2.8 metres
4.20.4 Decks and Porches greater than 1.2 metres in height		
Minimum front setback	6 metres	3.3 metres – 1.2 metres = 2.1 metres
Minimum exterior setback	6 metres	3.4 metres
4.20.4 Decks and Porches between 0.6 metres and 1.2 metres in height		

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Minimum front setback	3.5 metres	1.3 metres
Minimum exterior setback	3.5 metres	Retained: 1.3 metres
4.1.2.4. Additional Accessory Provisions for Residential Uses and Buildings		
Minimum setback from all lot lines	1.2 metres	0 metres from the interior lot lines except adjacent to the property at 9 Cartwright Street.

Minimum Front and Exterior Setback

The proposed townhouses are to be located 3.3 metres from the property line along Cartwright Street and 2.8 metres from the exterior lot line along King Street West, creating a continuous streetwall that is in keeping with the adjacent properties. The existing sidewalks along both rights-of-way further separate the proposed building from the roads. This design replicates the corner of Portsmouth Avenue and King Street West, creating a harmonious neighbourhood design on corner lots along an arterial road.

The proposed building has been proposed at a height of three storeys, a complimentary height to the existing surrounding development. This provides an appropriate transition in building height and mitigate potential impacts of the reduced exterior side yard setback of the retained lot. The reduced setbacks are appropriate and consistent with the typical development patterns of surrounding properties, and no relief is being sought for building height or interior setbacks for the principal building.

Minimum Rear Setback

The rear setback is proposed to be reduced from the required 6.75 metres to 6 metres. While the lot line furthest from and parallel to King Street West is technically the rear lot line, in the context of the proposed townhouse orientation, the eastern lot line will function as a rear yard for the proposed development. The proposed reduction still provides 45 square metres of rear amenity space per townhouse and is not expected to result in adverse impacts on adjacent properties such as a loss of privacy or intrusive overlook.

Balcony and Deck Setbacks

Amenity area for the townhouse and additional dwelling units will be provided in part through balconies, with at least one balcony per unit proposed in this development. The balconies are located all floors of the townhouses, triggering varying height provisions of Section 4.20.4. Relief is requested to reduce the minimum front and exterior yard setbacks of balconies greater than 1.2 metres in height from 6 metres to 2.1 metres and 3.4 metres, respectively. Relief is

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additionally requested of balconies between 0.6 metres and 1.2 metres in height to reduce the minimum front and exterior setbacks from 3.5 metres to 1.3 metres each. The balconies will help maintain a pedestrian scale along both King Street West and Cartwright Street, thereby promoting a more pedestrian-oriented and friendly urban environment. The reduced setbacks will not result in any adverse impacts along the streetscape or to surrounding properties.

Minimum Setbacks for Accessory Structures

Relief is requested from the minimum accessory structure setbacks to permit the placement of the long-term bicycle parking along the interior line with a 0 metre setback. The placement of the sheds along the interior lot line will permit the backyard to maximize the continuous open space of the landscaped area for the enjoyment of residents. The low roof line of the sheds will create minimal shadowing on adjacent backyards and are not anticipated to diminish the ability to use or enjoy adjacent backyards. No reduction in the interior lot line is sought between the property and the neighbouring property to the north.

Other Applications

The development will be subject to future applications for the consent to create separate parcels for the three proposed townhouse units, as well as to establish easements for access to the rear yards and the long-term bicycle parking proposed therein.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

Public Comments

The following is a summary of the public input received to date, including a summary of the feedback received at the Community Meeting on July 13, 2023. All original written public comments are available in Exhibit K of this report.

- Comment: Concerned about the inclusion of a multi-unit building where there was previously a single-detached house.

Response: The subject property is an appropriate and desirable location for infill residential development and intensification, based on growth management and sustainable development policies in the City of Kingston's Official Plan. It is also notable that, due to recent changes to the *Planning Act* under Bill 23, three dwelling units are a permitted use, as of right on all urban, serviced lots.

- Comment: Concerned about the potential loss of existing trees in proximity to adjacent home (9 Cartwright).

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Response: It is the intention of the applicant to retain as many trees as possible in the development, including both City trees and boundary trees between the subject property and the adjacent neighbour to the north. A Tree Preservation Plan will be provided at the time of the building permit application.

- Comment: Concerned about potential overlook as well as loss of shading and light going into the neighbouring yard to the north.

Response: The proposed development meets almost all zoning requirements that would currently permit the construction of a single-detached dwelling. The applicant is requesting relief for a reduction in required rear yard by 0.75 metres, which would marginally reduce the amount of light available to the adjacent yards to the north at some times of day. The number of windows on the north side of the building has been minimized to reduce the potential for incidental overlook.

- Comment: Interested in how long the construction period will be.

Response: No schedule is available for how long the proposed structure will take to construct if approved; however, at the Public Meeting the agent commented that the owners are quick builders, so the period of construction is likely 4 to 6 months.

Effect of Public Input on Draft By-Law

The public input received expressed concerns with the intensification of the subject property in proximity to an existing dwelling and also expressed concern about the potential impact on mature trees along the property boundary to the north. The zoning has been structured to maintain the character of the area while allowing infill development on an underutilized site.

Conclusion

The recommended zoning by-law amendment will apply site-specific exceptions to permit a townhouse use on the property with limited relief for the building form. The subject site is located in the Urban Boundary, on full municipal services, on a property zoned for residential dwellings. The proposal will establish means of tree preservation at the site in an effort to retain the existing boundary trees. The site is conducive to active transportation with connections to sidewalks, transit, and public open space, and it is also within walking distance of numerous commercial, institutional, and employment uses. Long-term bicycle parking will be provided for residents of the proposed additional dwelling units.

Through the plans and submitted technical reports, the application has demonstrated that the proposed development will be compatible with surrounding land uses and will address functional needs of residents. The proposal is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

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Existing Policy/By-Law:

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial*Planning Act*

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 50 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice was placed in The Kingston Whig-Standard on November 28, 2023.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, no written public correspondence has been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Chris Wicke, Senior Planner, 613-546-4291 extension 3242

December 7, 2023

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Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62
- Exhibit B Key Map
- Exhibit C Neighbourhood Context (2022)
- Exhibit D Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Land Use
- Exhibit F Conformity with the Official Plan
- Exhibit G Zoning By-Law Number 2022-62
- Exhibit H Proposed Site Plan
- Exhibit I Proposed Floor Plans and Elevations
- Exhibit J Site Photographs
- Exhibit K Public Notice Notification Map

By-Law Number 2023-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Zone Change from ‘UR10’ to ‘UR3’ and Introduction of Exception Number E141 (769 King Street West))

Passed:

Whereas the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (the “Kingston Zoning By-Law”);

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-Law, as amended;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule 1 – Zoning Map is amended by changing the zone symbol of the subject lands from ‘UR10’ to ‘UR3’, as shown on Schedule “A” attached to and forming part of By-Law Number 2023-XX
 - 1.2. Schedule E – Exception Overlay is amended by adding Exception Number ‘E141’, as shown on Schedule “B” attached to and forming part of By-Law Number 2023-XX;
 - 1.3. By adding the following Exception Number E141 in Section 21 – Exceptions, as follows:

(E141) 769 King Street West

Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The minimum **front setback** is 3.3 metres;
- (b) The minimum **rear setback** is 6 metres;
- (c) The minimum **exterior setback** is 2.8 metres;
- (d) The minimum **front setback** of a **balcony** over 1.2 metres in height is 2.1 metres;
- (e) The minimum **exterior setback** of a **balcony** over 1.2 metres in height is 3.4 metres;

- (f) The minimum **front setback** of a **deck** or **porch** over 1.2 metres in height is 2.1 metres;
- (g) The minimum **exterior setback** of a **deck** or **porch** over 1.2 metres in height is 3.4 metres;
- (h) The minimum **front setback** a **deck** or **porch** between 0.6 and 1.2 metres in height is 1.3 metres;
- (i) The minimum **exterior setback** of a **deck** or **porch** between 0.6 and 1.2 metres in height is 1.3 metres; and
- (j) The minimum interior setback an accessory structure containing long-term bicycle parking is 0 metres, except adjacent to the property at 9 Cartwright Street where it is a minimum of 1.2 metres.

2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Kingston
Planning
Services

Schedule 'A' to By-Law Number

Address: 769 King Street West
File Number: D14-004-2023

Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

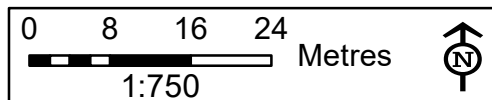
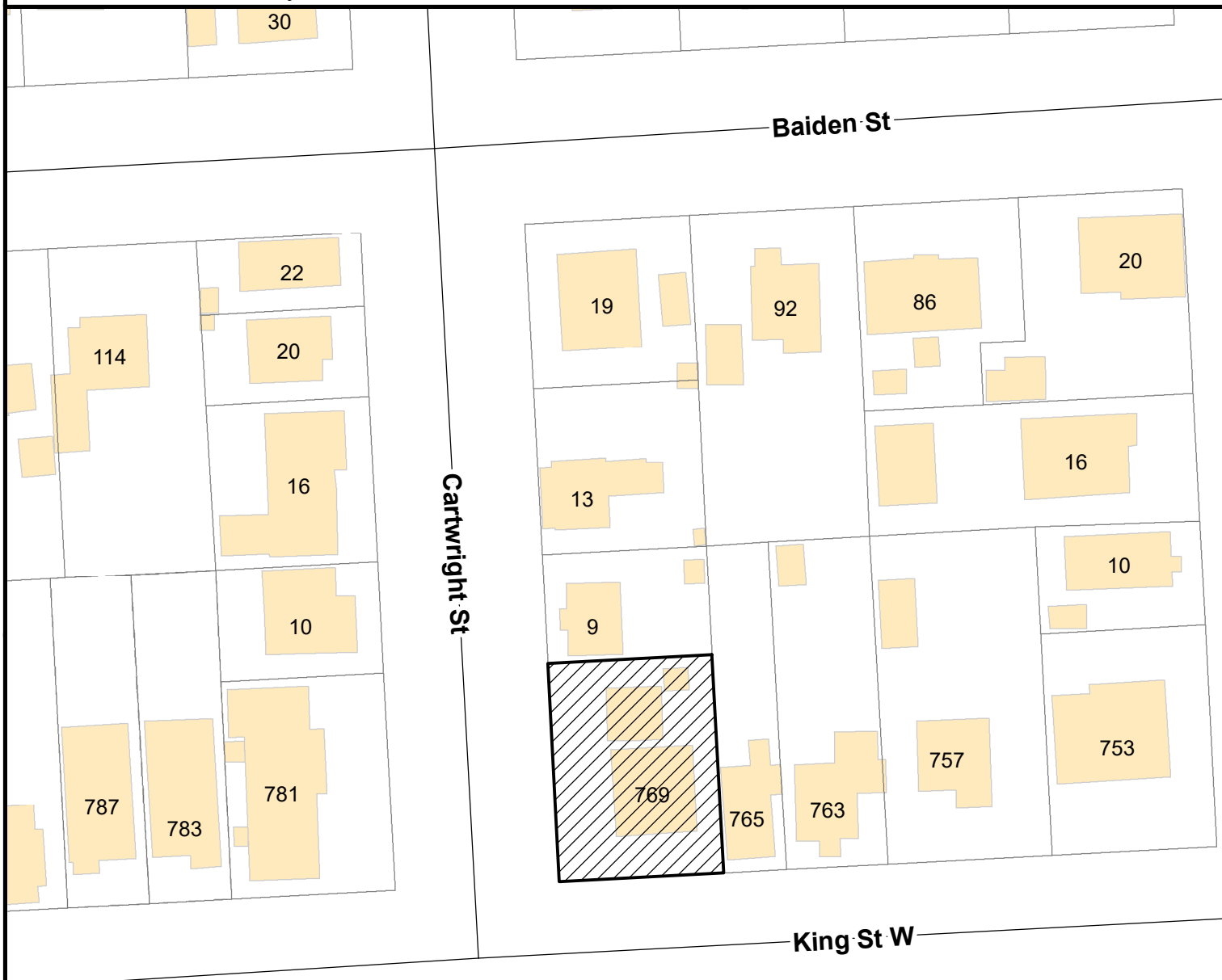
Lands to be Re-Zoned From UR10 to UR3

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor

Clerk





Planning
Services

Schedule 'B' to By-Law Number

Address: 769 King St W
File Number: D14-004-2023

Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

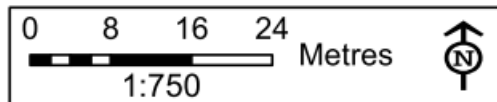
 Lands to be added as E141

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor

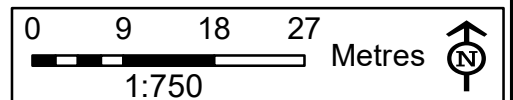
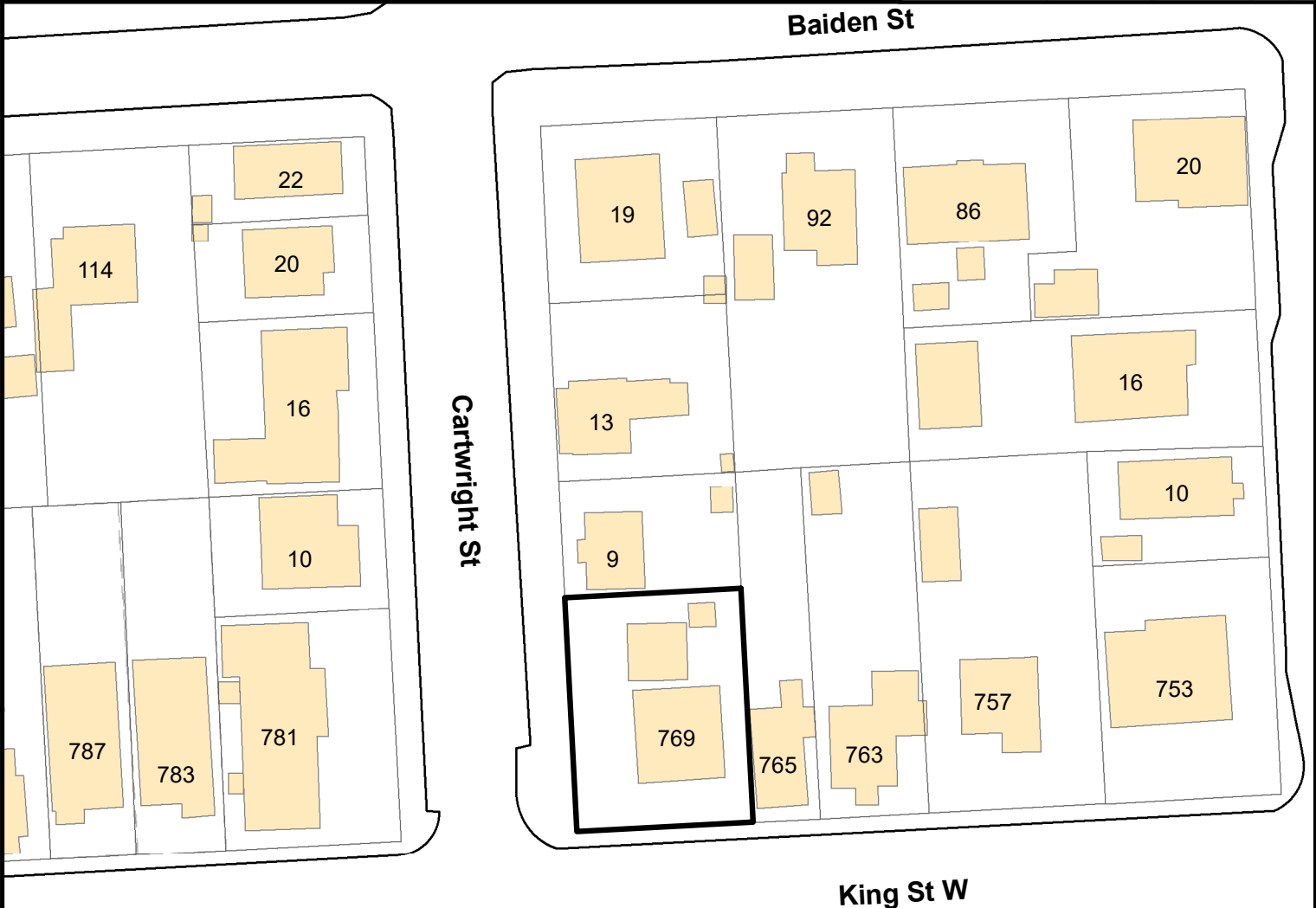
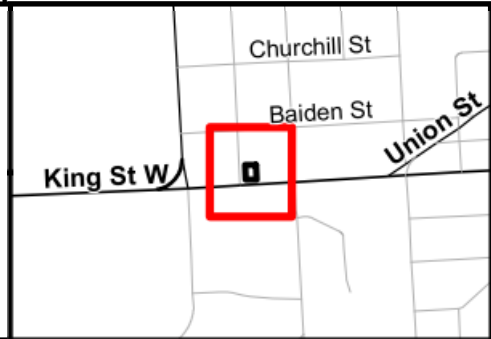
Clerk





Planning Committee
Key Map
Address: 769 King St West
File Number: D14-004-2023

 Subject Lands

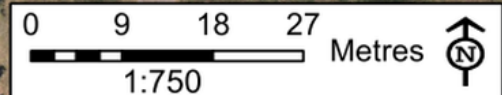




Planning Committee
Neighbourhood Context (2022)

Address: 769 King St West
File Number: D14-004-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels



Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>Healthy, livable and safe communities are sustained by:</p> <ul style="list-style-type: none"> a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting the integration of land use planning, growth management, transit- 	<p>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<p>The application proposes residential development and further lot creation on an existing lot within the Urban Boundary on fully serviced lands, which represents an efficient form of development.</p> <p>The proposal will accommodate three townhouses and three additional dwelling units on what will eventually be three lots. There are no environmental concerns related to residential development on this property, which has been historically been used for residential purposes.</p> <p>The subject property is located centrally within the City's Urban Boundary and will not impact future expansion of the settlement area.</p> <p>The proposed development represents the infill of underutilized lands within the settlement area. Infill of residential uses in the existing built-up area efficiently utilizes existing</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>		<p>services and infrastructure and minimizes land consumption. The development will be subject to the Ontario Building Code (OBC), which ensures applicable accessibility requirements are satisfied. The proposal will not negatively affect the heritage attributes of the nearby heritage listed property. In terms of preparing for a changing climate, the proposed development is planned to retain as many mature trees in proximity as possible, thereby reducing the potential negative effects of urban summer heat. The proposal will also result in a negligible increase in stormwater flows and improve the quality of runoff.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	Settlement Areas	The subject property is located on full municipal services within the City of Kingston's Urban Boundary, which is identified as the designated growth area.
1.1.3.2	Land use patterns within settlement areas shall be	Settlement Areas	The proposal will result in three new townhouses and three

Policy Number	Policy	Category	Consistency with the Policy
	<p>based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p>		<p>additional residential dwellings (one per townhouse) which will increase the total number of units on site from 1 with the previous single detached dwelling to 6 units. This will make efficient use of the land as the subject property is within the Urban Boundary and located on full municipal services which can accommodate the proposed development. The property is within walking distance of major institutions, open space and commercial uses along King Street West. The property is a short walk from St. Lawrence College, and in close proximity to public open space at Lake Ontario Park. The site is also within walking distance of numerous bus routes including stops for Express transit routes 501 and 502. As a result, the proposed development is anticipated to support and encourage active transportation and transit use, reduce the need for personal vehicles and as a result, also reduce potential for</p>

Policy Number	Policy	Category	Consistency with the Policy
			greenhouse gas emissions.
1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.	Settlement Areas	The proposed development incorporates additional density into site within the settlement boundary that was previously used for a single detached dwelling. It will continue to be serviced by existing municipal infrastructure. Please refer to 1.1.1. and 1.1.3.2.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	Settlement Areas	Appropriate setbacks and development standards are incorporated into the proposed zoning by-law amendment to enable the integration of the townhouses and additional residential units on the property. The proposal enables a residential infill development on a property designated for residential land uses, adjacent to a residential neighbourhood, in proximity to complementary institutional,

Policy Number	Policy	Category	Consistency with the Policy
			commercial and open space uses.
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.	Settlement Areas	The proposed development within the settlement area boundary will assist the city with reaching the intensification targets, while taking the local conditions into consideration.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	Settlement Areas	The subject lands are located on the edge of a built-up residential area and in proximity to institutional, commercial and open space uses. The proposed residential lot and development can be serviced by existing infrastructure.
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness	Housing	The proposed development adds to the mix of housing options in the adjacent neighbourhood through the addition of townhouses with additional dwelling units on an existing residential lot. As indicated above in Section 1.1.1. and 1.1.3.1, the proposed development represents an efficient use of land within the urban boundary and

Policy Number	Policy	Category	Consistency with the Policy
	<p>plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; <p>c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;</p> <p>d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p>		<p>will be serviced by existing municipal infrastructure that is able to meet the needs of the proposed development. The medium density proposal will be transit supportive and will make efficient use of underutilized land.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</p>		
1.6.6.2	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	Sewage, Water and Stormwater	<p>A Servicing Brief was prepared by a qualified person as part of the submission and confirms that the proposal can be adequately serviced by existing municipal water and sewer lines. The costs of upgrades to service connections will be assumed by the owner.</p>
1.6.6.7	<p>Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized,</p>	Sewage, Water and Stormwater	<p>A stormwater management report was completed by a qualified person in support of the application and provides confirmation</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>		<p>that the proposal can adequately manage stormwater in accordance with City requirements.</p>
1.6.7.4	<p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>Transportation Systems</p>	<p>The proposal represents appropriate intensification of a developed site within the settlement area. The proposal will result in medium density residential development connected to municipal sidewalks and is within walking distance of a number of bus transit stops, including express transit. The location of the property in proximity to a mix of</p>

Policy Number	Policy	Category	Consistency with the Policy
			land uses, including institutional, commercial, open space and community facilities supports the feasibility of active transportation to meet daily needs.
1.7.1	<p>Long-term economic prosperity should be supported by:</p> <ul style="list-style-type: none"> b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce; c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities; d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets; e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; 	Long-Term Economic Prosperity	<p>The infill development proposal to intensify a residential property on full municipal services in the Urban Boundary optimizes the long-term use of land and adds to the mix of housing options available in the neighbourhood. Additional dwelling units near a historic centre of the city (Portsmouth Village) and in proximity to major institutions contributes to goals of enhancing the vitality and viability of downtowns and main streets. The conceptual designs submitted as part of the subject application are intended to contribute to the streetscape and reflect the character of surrounding properties. The proposal has been evaluated by Heritage Services and will not negatively impact the heritage attributes of the nearby cultural heritage property.</p>

Policy Number	Policy	Category	Consistency with the Policy
1.8.1	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and g) maximize vegetation within settlement areas, where feasible. 	Energy Conservation, Air Quality and Climate Change	<p>The proposed infill development and residential intensification in a location well connected to transit infrastructure and within walking distance of many amenities contributes to goals of reduced greenhouse gas emissions and sustainable development objectives under policy 1.8.1.</p> <p>The proposal will retain adjacent trees and will incorporate landscaped open space in the rear yard of the development.</p>
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	Cultural Heritage and Archaeology	The proposal was reviewed by Heritage Services as part of the technical review and it was determined that no Heritage Impact

Policy Number	Policy	Category	Consistency with the Policy
			Statement was required.
2.6.2	Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.	Cultural Heritage and Archaeology	The applicant has undertaken the required Stage 1& 2 archaeological assessment of the property and the report has been submitted to the Province for inclusion into their Register of Archaeological Reports.
2.6.3	Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.	Cultural Heritage and Archaeology	Please see 2.6.1.



Planning Services

Planning Committee Official Plan, Existing Land Use

Address: 769 King St West
File Number: D14-004-2023

Legend

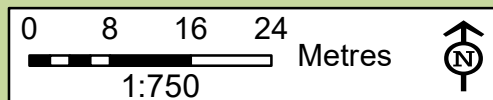
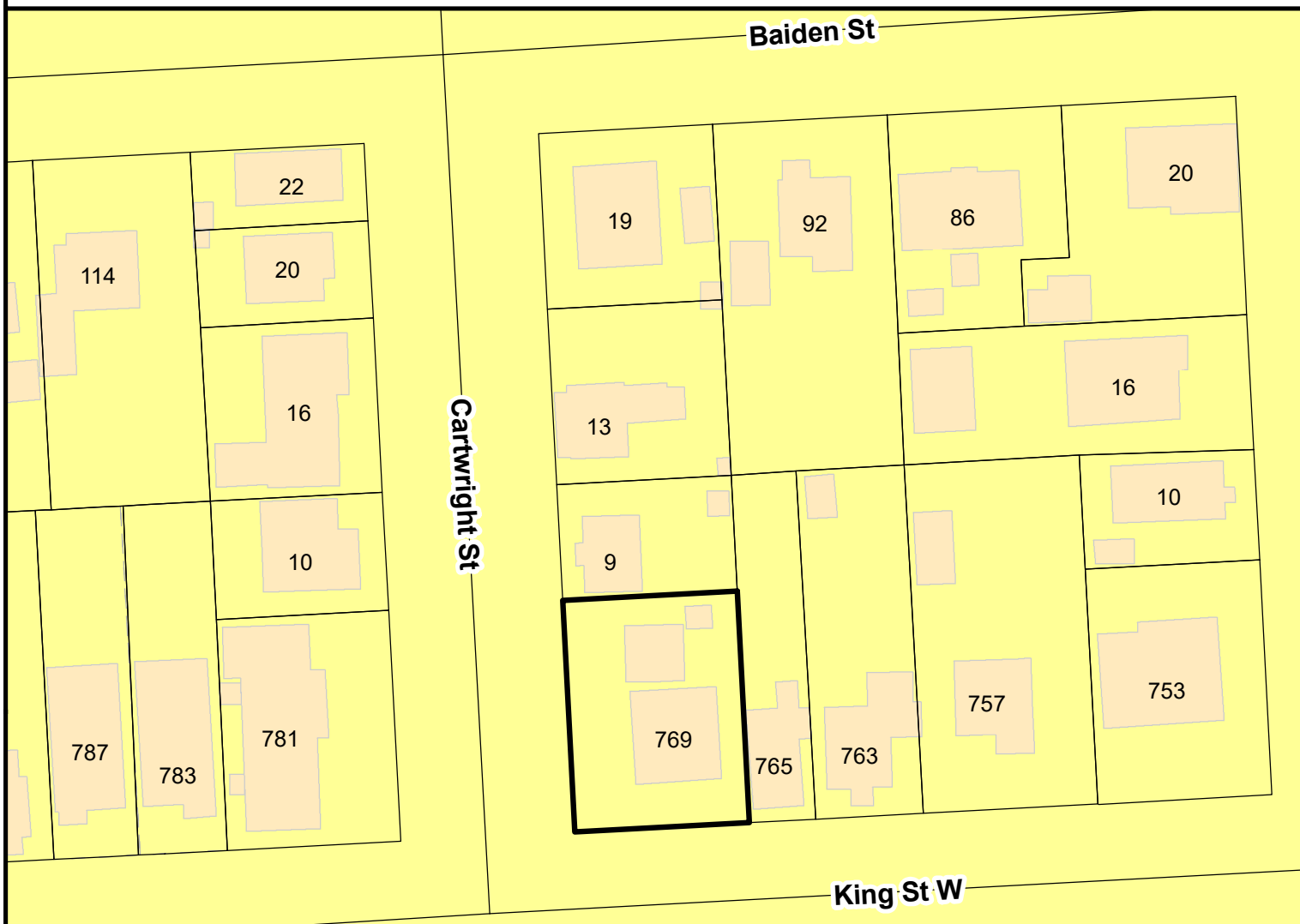
Subject Lands

Land Use Designation

RESIDENTIAL

SECONDARY PLAN AREA

HERITAGE LANDSCAPE



Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.1. Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; d. opportunities for sharing resources such as parking, utilities, and the land base for locally grown produce, in the form of urban agriculture, as well as educational, recreational or cultural assets; e. direction of new development and key land uses to areas where they can best result in sustainable practices; g. maximized use of investments in infrastructure and public amenities; h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use; j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects; k. climate positive development; 	<p>Urban Areas – Focus of Growth</p>	<p>The incorporation of three proposed townhouses represents an appropriate medium density housing development in relation to its context and strategic policy direction in the Official Plan regarding growth management. See further discussion under Section 3.3.B.4. in this regard. The redevelopment of a lot that was formerly a single detached dwelling into a townhouse block of three units, with three additional residential units incorporated, represents an appropriate density in relation to its context. The townhouse units will fit into almost the same development envelope as a single detached dwelling. See further discussion under section 3.3.C.3. in this regard.</p> <p>The proposal is consistent with policy direction and it is a sustainable land use pattern that directs additional dwelling units within walking distance of transit stops and a range of commercial, employment, institutional and open space uses, that will foster active transportation and transit usage.</p> <p>The subject property is on full municipal services, and it is within walking distance of Portsmouth Village, St. Lawrence College, and numerous public amenities,</p>

Policy	Category	Conformity with the Policy
		<p>such as Lake Ontario Park and Portsmouth Olympic Harbour.</p> <p>The proposed redevelopment of the subject property seeks to protect most of the existing mature trees adjacent to the development, including a City tree in the right of way on Cartwright Street and the boundary trees between the proposed dwellings and the neighbouring property to the north.</p>
<p>2.1.4. In reviewing development applications, the City will promote sustainability through:</p> <p>a. encouragement of green building design to reduce greenhouse gases by adopting:</p> <ul style="list-style-type: none"> • energy efficient construction; • renewable sources of energy for lighting and heating; • natural lighting; • design that reduces water consumption; • design which minimizes discharge into the sanitary sewers; and • design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design and stormwater re-use. <p>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces</p>	<p>Development Review</p>	<p>a) Post-development flows of stormwater will have a negligible increase from pre-development flows, as detailed in the submitted Stormwater Design Brief. A portion of the roof flows will be directed to grassed areas which promote greater infiltration and therefore will negate the increase in post development release rates from pre-development release rates. In addition, the development will incorporate modern construction practices that include energy efficiency criteria.</p> <p>b. and c.) The proposal includes the retention of most of the existing trees in the vicinity of the development, and landscaped open space area will be provided as an amenity for future occupants in the rear yard.</p> <p>d and e) The proposed townhouse form is efficient in terms of the land area required</p>

Policy	Category	Conformity with the Policy
<p>the negative effects of urban summer heat;</p> <p>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</p> <p>d. construction and operational practices that minimize waste and maximize re-use of resources;</p> <p>e. practices that conserve or recycle materials, energy, or other resources;</p> <p>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</p> <p>g. the creation of a mix of uses that support increased access to healthy foods;</p> <p>h. the use of materials that have been extracted or recovered locally;</p> <p>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</p> <p>k. development that suits the demographic and/or socio-economic needs of the community.</p>		<p>for the units, as well as from an energy conservation perspective by limiting exposed surface area, thereby reducing heating and cooling demand.</p> <p>f) The proposal will promote a reduction of automobile trips and will support active transportation and transit through introducing additional dwelling units within walking distance of transit stops and a range of commercial, employment, institutional and open space uses.</p> <p>g. The additional dwelling units in this location will be within walking distance of a convenience grocery store and restaurants in Portsmouth Village, as well as numerous commercial uses on the St. Lawrence College campus, as well as nearby at the Kingston Centre and in the downtown core.</p> <p>i. the subject property is located in the Urban Boundary on full municipal services.</p> <p>k. The zoning by-law amendment allows for the development of three townhouse units and three additional residential units in a location that is desirable for infill and intensification based on policy direction in the Official Plan.</p>
<p>2.2.4. The Urban Boundary shown by the dashed line on Schedule 2 has been established to recognize the</p>	<p>Urban Boundary</p>	<p>The proposal is for three townhouses and three additional dwelling units on an existing lot and two proposed</p>

Policy	Category	Conformity with the Policy
<p>substantially built up areas of the City where major sewer, water and transportation infrastructure has been planned. The land within the Urban Boundary will be the focus of growth and development in the City and contains sufficient land to accommodate the projected growth for a planning horizon of 2036. The Area Specific Phasing area within the Urban Boundary is subject to site-specific urban growth management policies. The Special Planning Area sites are also within the Urban Boundary and are now committed to a substantial land use but could accommodate future growth.</p>		<p>lots, on a site zoned for ground-oriented land uses within the Urban Boundary and within walking distance of commercial, institutional, and parkland uses. The proposal conforms to strategic policy direction to focus growth and development in the City within the Urban Boundary.</p>
<p>2.2.5 Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor <i>development</i> (i.e., that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses.</p>	<p>Housing Districts</p>	<p>The subject property is in a Housing District component of the Urban Structure as per Schedule 2 of the Official Plan. As detailed under Section 2.2.1. of the Official Plan, the broad structural elements of the Urban Structure are not land use designations. The more detailed land use designations are shown on Schedule 3, which include associated policy detailing permitted uses and outline criteria for growth and change. Regardless, the proposed residential use is in keeping with the Housing District category.</p>
<p>2.3.1. The focus of the City's</p>	<p>Growth Focus</p>	<p>The subject property is located</p>

Policy	Category	Conformity with the Policy
<p>growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston’s Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning.</p>		<p>within the Urban Boundary. The proposed development will provide a total of six units, a net increase of five dwelling units on municipal water and sewer services. A Servicing Brief was submitted with the subject application which lists the previously abandoned services and details the new service connections required for the proposed lots, the cost of which will be borne by the applicant. Utilities Kingston is the supplier of water and sewer service in the area and has reviewed the application through the technical review process and has not identified any concerns with servicing capacity to accommodate the development.</p>
<p>2.3.2. In 2013, residential density within the City’s Urban Boundary was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the Urban Boundary through compatible and complementary intensification, the development of underutilized properties and brownfield sites, and through the implementation of area specific policy directives tied to Secondary Planning Areas and Specific Policy Areas, as illustrated in Schedule 13.</p>	<p>Intensification</p>	<p>The proposed severance and proposed townhouse development on the existing and newly created lots will provide a residential density of 56 dwelling units per net hectare where there was previously one dwelling unit and a corresponding density of 18 units per hectare, thereby increasing the overall net residential density within the Urban Boundary.</p>
<p>2.3.8. Cultural heritage resources will continue to be valued and conserved as part of the City’s defining</p>	<p>Cultural Heritage</p>	<p>The subject property is not designated under the <i>Ontario Heritage Act</i>. It is adjacent to Rockwood House and the</p>

Policy	Category	Conformity with the Policy
<p>character, quality of life, and as an economic resource that contributes to tourism in both the urban and rural portions of the City.</p>		<p>associated cultural heritage resources on the Kingston Psychiatric Hospital grounds. Given the separation between the properties, it was determined by Heritage Services that no Heritage Impact Study would be required.</p>
<p>2.3.11. In order to implement the Strategic Direction of the Kingston Transportation Master Plan, active transportation will be aggressively promoted with greater emphasis on pedestrians, cyclists and transit, and accessibility for all residents and visitors.</p>	<p>Transportation</p>	<p>Additional dwelling units on the subject property will facilitate active transportation through proximity to transit stops, connections to municipal sidewalks and the site's location within walking distance to community facilities, public parks and commercial uses. Secured access to bicycle storage is proposed to be provided in accessory buildings in the rear yard.</p>
<p>2.3.17. The City supports the City of Kingston and County of Frontenac Municipal Housing Strategy (2011) and the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013) in order to increase affordable housing in the City, and for it to be located primarily within the Urban Boundary in accordance with the directions of the Municipal Housing Strategy Locational Analysis Study (2012).</p>	<p>Principles of Growth – Affordable Housing</p>	<p>The application does not propose affordable units as defined by the Plan. The proposal introduces additional residential units into a low-vacancy market.</p>
<p>2.3.18. Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports</p>	<p>Accessibility</p>	<p>The proposed development will be required to incorporate any applicable accessibility requirements of the Ontario Building Code. Accessible parking requirements do not</p>

Policy	Category	Conformity with the Policy
<p>and promotes opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted. The City also encourages owners of private properties with public access to do the same.</p>		<p>apply to townhouses with parking spaces accessed directly by a driveway according to section 7.2.4 of the Kingston Zoning By-Law.</p>
<p>2.4.1. The City supports sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to:</p> <ul style="list-style-type: none"> a. reduce infrastructure and public facility costs; b. reduce energy consumption and greenhouse gas emissions; c. support active transportation and viable public transit; d. conserve agriculture and natural resources within the City; and e. reduce reliance on private vehicles. 	<p>Phasing of Growth - Vision</p>	<p>The proposal optimizes the efficient use of land as an infill development in the Urban Boundary with three townhouses and three additional residential units on full municipal services. The proposal will support the use of active transportation and public transit, and it will ultimately reduce reliance on private vehicles and reduce greenhouse gas emissions. There are no natural heritage features, such as significant woodland or wetland features, on the subject property. Tree preservation for adjacent mature trees is planned.</p>
<p>2.4.3. It is the intent of this Plan to achieve an increase in the City's net urban residential densities through promoting intensification and requiring minimum densities for residential development.</p>	<p>Residential Density</p>	<p>The proposed redevelopment of the site will require the severance of the property into three separate lots, an increase of two new lots within the Urban Boundary. Each lot will be developed with a townhome, and each townhome will be comprised of 2 units. This represents a medium density of 56 dwelling units per net hectare.</p>
<p>2.4.4. New residential development and new</p>	<p>Minimum Residential Density</p>	<p>The proposal meets minimum density targets and directives</p>

Policy	Category	Conformity with the Policy
<p>secondary plans are subject to the following policies and minimum densities:</p> <p>a. for the existing built-up residential areas, a net <i>urban residential density</i> of 22 dwelling units per net hectare is established as the overall minimum density, except where specifically increased in subsections (b), (c), and (d) below;</p> <p>d. a moderate increase in density will be permitted adjacent to Centres and Corridors so as to accommodate a transition in density from areas intended to support high density residential to those supporting low and medium densities, provided the proposal demonstrates conformity to the policies of Section 2.6 and 2.7 of this Plan.</p>		<p>in conformity with 2.4.4 by creating two additional lots to be developed at a medium residential density of up to 75 dwelling units per net hectare. The resulting density will be transit supportive and will exceed the minimum density established for existing built-up residential areas.</p> <p>The density of the lot, both as it currently exists and following the creation of two new lots, will increase relative to the existing lot. The proposal demonstrates conformity with policy Sections 2.6 and 2.7 as detailed further below.</p>
<p>2.4.5. The City has established the following minimum targets for intensification to occur within the Urban Boundary.</p> <p>a. It is the intent of the City that 40 percent (%) of new residential development occur through intensification.</p>	Intensification Targets	The proposed development contributes to the percentage of new residential development to occur through intensification.
<p>2.4.6. Urban development within the City will proceed in a planned and orderly manner. The Order of Development will be as follows:</p> <p>a. lands located within the Urban Boundary that have servicing capacity currently in place, including infill</p>	Order of Development – Urban Boundary	The proposed intensification on lands within the Urban boundary with servicing capacity is consistent with the first priority for development.

Policy	Category	Conformity with the Policy
opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development;		
2.5.8. Where intensification is encouraged, increased densities will only be approved when it has been determined by the City that servicing capacity exists or that capacity expansions are imminent to accommodate additional development.	Servicing Capacity	Servicing capacity exists for the increased density proposed for the site, as detailed in the Servicing Brief submitted with the subject application, and as confirmed by Utilities Kingston through technical review.
2.5.10. In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity and improve environmental conditions.	Strategic Direction to Promote Active Transportation	The proposal does not require new road infrastructure and will foster the use of transit and active transportation through the subject property's location in relation to existing bus routes, and a highly walkable location in relation to nearby parks, commercial and institutional uses and community facilities.
2.5.11. The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within	Transit Priority	The proposal will support transit usage through appropriate development of an underutilized site in a compatible built form, in proximity to numerous bus transit stops on King Street West and Portsmouth Avenue, including Express bus stops.

Policy	Category	Conformity with the Policy
<p>newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites.</p>		
<p>2.6.1. It is the intent of this Plan to promote development in areas where change is desired while protecting stable areas from incompatible development or types of development and rates of change that may be destabilizing.</p>	<p>Protecting Stable Areas – Stable Areas</p>	<p>The subject property within the urban boundary is a desirable place for change, as it is located at the interface between a residential neighbourhood to the north, east, and west and open space to the south, with institutional uses to west at St. Lawrence College, as well as amenities to the east in Portsmouth Village. The proposed development is compatible with the surrounding neighbourhood, as demonstrated in the review of Section 2.7.3.</p>
<p>2.6.2. Stable areas are those which are fulfilling their intended function and generally have the following neighbourhood characteristics:</p> <ul style="list-style-type: none"> a. a well-established land use pattern in terms of density, type of use(s) and activity level; b. a common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section; c. a stable pattern of land ownership or tenure; d. a consistent standard of property maintenance 	<p>Protecting Stable Areas – Stable Areas</p>	<p>The subject lands are located at the edge of a stable residential neighbourhood as described in Section 2.6.2. The proposed residential development of a lot fronting onto King Street West and Cartwright Street will ultimately improve the streetscape and enhance the character of the surrounding area.</p> <p>See Policy 2.6.3.</p>

Policy	Category	Conformity with the Policy
<p>with relatively little vacancy in land or building occupancy;</p> <p>e. a limited number of applications for development that would alter the established pattern of land assembly and built form; and,</p> <p>a sufficient base of social and physical infrastructure to support existing and planned development.</p>		
<p>2.6.3. Stable areas will be protected from development that is not intended by this Plan and is not compatible with built heritage resources or with the prevailing pattern of development in terms of density, activity level, built form or type of use. The following types of intensification are generally considered appropriate within stable areas:</p> <p>a. infill development that is limited and designed to complement the area's existing built form, architectural and streetscape character, and level of activity;</p> <p>d. intensification that requires a zoning by-law amendment or minor variance in support of factors that may affect the intensity of use (e.g., density, building height, reduction in parking and/or amenity areas, etc.) provided it can be demonstrated that the proposal will:</p> <ul style="list-style-type: none"> • complement existing uses in the area; 	<p>Stable Areas</p>	<p>The proposed intensification of the property is appropriate in relation to the adjacent, stable residential area. There are similar medium-density residential developments in the vicinity, and the proposed townhouse form fits in almost all regards with the development envelope defined in the zoning, which would be the same extents as if a single detached structure were proposed on the same lot.</p>

Policy	Category	Conformity with the Policy
<ul style="list-style-type: none"> • support a transition in density and built form; • support active transportation and public transit; and • be compatible with existing development taking into account the policies of Section 2.7 of this Plan. 		
<p>2.7.1. Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	Compatible Development and Land Use Change	The application demonstrates that the proposed development will be compatible with surrounding residential land uses, in terms of form and function. The built form is compatible with surrounding properties as detailed in this Exhibit, and the subject property can accommodate the townhouses and additional units as detailed below under section 2.7.6.
<p>2.7.2. The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.</p>	Compatible Development and Land Use Change	The proposed development will be compatible with surrounding land uses as detailed under Section 2.7.3. A Planning Justification Report was submitted with the application, which speaks to land use compatibility and the potential for adverse effects in conformity with section 2.7.2.
<p>2.7.3. The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <p>a. shadowing;</p>	Land Use Compatibility Matters	a. There are no undue adverse impacts anticipated with respect to shadowing, as the proposed redevelopment will maintain a height

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<p>b. loss of privacy due to intrusive overlook;</p> <p>c. increased levels of light pollution, noise, odour, dust or vibration;</p> <p>d. increased and uncomfortable wind speed;</p> <p>e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;</p> <p>f. environmental damage or degradation;</p> <p>g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</p> <p>h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;</p> <p>i. visual intrusion that disrupts the streetscape or buildings;</p> <p>j. degradation of cultural heritage resources;</p> <p>k. architectural incompatibility in terms of scale, style, massing and colour; or</p> <p>l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.</p>		<p>consistent with the permitted zoning. No relief is being sought for the proposed building, and the height is in keeping with the similar built form in the vicinity.</p> <p>b. The proposed townhouses and accessory units are designed and oriented such that there are few windows on the north side of the structure, and they are smaller and do not provide an angle of overlook for the adjacent rear yard. The proposed balconies on the eastern face of the building are oriented to the rear yard as well.</p> <p>c. No increased levels of light pollution, noise, odour, dust or vibration are anticipated in association with the continued residential use of the property.</p> <p>d. The scale of the proposed development is not expected to result in an increase in wind speed.</p> <p>e. Adverse effects of increased traffic is not anticipated due to the moderate scale of the proposal at the edge of an existing residential neighbourhood and the location in proximity to a Collector Road (Portsmouth Avenue) and an Arterial Road (King Street West). The site is well located in relation to existing transit routes and active transportation</p>

Policy	Category	Conformity with the Policy
		<p>connections, and the proposal is expected to foster these forms of transportation.</p> <p>f. There are no natural heritage features on or adjacent to the subject property, and the proposed residential use is not anticipated to result in environmental damage or degradation.</p> <p>g. The applicant has demonstrated through the submission of a Servicing Brief that there is available physical servicing capacity within the municipal system to accommodate the development, and Utilities Kingston has not identified any capacity constraints in this location. The increase to a total of six dwelling units at this location is not expected to overburden existing social services intended to serve the area.</p> <p>h. The proposal is not expected to result in any reduction in the ability to enjoy a property or the value of the heritage setting adjacent to the grounds of the former Kingston Psychiatric Hospital. Landscaped open space will be incorporated in the rear yard, with associated amenity and functionality for future occupants.</p> <p>i. The proposal reintroduces a building of compatible form which fronts onto King Street West and conforms</p>

Policy	Category	Conformity with the Policy
		<p>to Official Plan Urban Design policy detailed further below under Section 8.</p> <ul style="list-style-type: none"> j. No cultural heritage resources will be negatively affected by this proposal. k. The proposed development will be architecturally compatible with the surrounding built form as detailed under the review of Section 8 below. l. There are no significant views of built heritage resources or natural heritage features on the property or in proximity, which will be affected by the proposal.
<p>2.7.4. Mitigation measures may be used to achieve development and land use <i>compatibility</i>. Such measures may include one or more of the following:</p> <ul style="list-style-type: none"> a. ensuring adequate setbacks and minimum yard requirements; b. establishing appropriate transition in building heights, coverage, and massing; c. requiring fencing, walls, or berming to create a visual screen; d. designing the building in a way that minimizes <i>adverse effects</i>; e. maintaining mature vegetation and/or additional new landscaping requirements; f. controlling access locations, driveways, service areas and 	<p>Mitigation Measures</p>	<p>The recommended Zoning By-Law amendment is intended to recognize existing conditions on and adjacent to the subject property while ensuring that new development meets standards of the Kingston Zoning By-Law. The proposed building height will be required to adhere to the maximum height permitted in the UR3 Zone. New balconies and decks proposed as part of the redevelopment are required to maintain a minimum 1.2 metre setback from the interior side lot line.</p> <p>The proposal is intended to maintain mature vegetation and implement landscaped open spaces on site. Pedestrian and vehicular access will be primarily from Cartwright Street, and the</p>

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<p>activity areas; and, g. regulating location, treatment and size of <i>accessory uses</i> and structures, lighting, parking areas, garbage storage facilities and signage.</p> <p>Planning Act tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.</p>		<p>properties will have new civic addresses (3,5 and 7 Cartwright Street) to ensure clarity of access. As a condition of the required consent application for the severance and easement, a tree permit will be required for the preservation of a City owned tree which is in proximity of the site in the right of way.</p>
<p>2.7.6. Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <ul style="list-style-type: none"> a. suitable scale, massing and density in relation to existing built fabric; b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program; c. adequate land area and appropriate site configuration or provision for land 	<p>Functional Needs</p>	<p>The functional needs of the occupants or users of the building will be met as follows:</p> <ul style="list-style-type: none"> a. The recommended zoning by-law amendment enables a ground-oriented, medium residential density residential redevelopment of three townhomes and three additional residential units at the edge of a residential neighbourhood. The density and scale of the redevelopment is suitable as it is intended to occur largely within the envelope established in the zoning for single detached dwellings, with a slight decrease in rear yard setback, in an area zoned for a range of dwelling types. b. The proposal will incorporate landscaped open space on the lot and will maintain most of the

Policy	Category	Conformity with the Policy
<p>assembly, as required; d. efficient use of municipal services, including transit; e. appropriate infill of vacant or under-utilized land; and, f. clearly defined and safe: site access; pedestrian access to the building and parking spaces; amenity areas; building entry; and parking and secure and appropriate bicycle facilities.</p>		<p>existing, mature trees adjacent to the proposed structure.</p> <p>c. The property size of the parcels to be severed are adequate for the proposed use and density; it satisfies the medium-density locational requirements detailed under section 3.3.B below.</p> <p>d. The proposal will facilitate efficient use of existing transit service, as new dwelling units will be within walking distance of numerous transit routes, including transit stops on King Street West (i.e. Express routes 501 and 502) and routes on Portsmouth Avenue (i.e. 1, 2,3,6 and 18).</p> <p>e. The infill development enabled by the recommended zoning amendment will make use of a vacant property that was previously occupied by a single detached dwelling which is centrally located in the City’s Urban Boundary, within walking distance of a mix of land uses required for daily needs, including complementary commercial, open space and institutional uses.</p> <p>f. The proposed structure will front onto Cartwright Street, with entrance locations that would be in close proximity to the sidewalk and public realm. Future</p>

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		<p>redevelopment will be required to comply with requirements for a 1.2 metre walkway to the streetline. Clearly defined outdoor amenity areas are proposed for new dwelling units through balconies and landscaped open space in the rear yard. Vehicular parking spaces are proposed to be located in garages internal to the building, and in the driveways leading to the garages. Bicycle parking is proposed in sheds to be located in the rear yards, to be access via easement to be established through the consent process.</p>
<p>2.8.5. Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the natural heritage system. Its quantity will be required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer infrastructure exists in the City.</p>	<p>Protection of Resources - Stormwater Management</p>	<p>A Stormwater Design Brief prepared by Josselyn Engineering Inc. was submitted in support of the proposed development.</p> <p>As per the report, development of the site presents no adverse effects to adjacent properties or municipal storm sewers, and the site is generally in accordance with the City of Kingston requirements. The post- development release rates represent a negligible increase from the pre- development release rates. The site grading will be designed to maintain similar drainage patterns to pre- development conditions. Additionally, the site development represents an increase in the quality of the</p>

Policy	Category	Conformity with the Policy
		runoff from the site.
<p>2.10.1. In order to improve the resiliency and ensure the long-term prosperity of the community the City intends to:</p> <p>b. consider the potential impacts of climate change and extreme weather events when planning for infrastructure, including green infrastructure, and assessing new development;</p> <p>d. explore opportunities to achieve climate positive development.</p>	Resiliency	<p>The proposal will promote a reduction of automobile trips and ultimately greenhouse gas emissions through locating new homes in proximity to transit stops, as well as a range of commercial, employment, institutional and open space uses within walking distance.</p> <p>The lot is currently vacant. Following development, the greenspace amenity of the site will be reinstated and mature trees will be preserved.</p>
<p>3.3.1. The predominant use of land in a Residential designation will be for various forms of housing. Community facilities are permitted in accordance with Section 3.2.</p>	Land Use Designation and Policy – Permitted Uses	<p>The property is designated Residential on Schedule 3 – Land Use. The proposed housing conforms with the predominant use of land envisioned for the Residential designation.</p>
<p>3.3.4. New development is encouraged and expected to incorporate “green building features” as recommended in Section 2.1.4 of this Plan, and must comply with the policies of all other sections of this Plan.</p>	Residential Uses – Green Building Design Features	<p>The proposal enables a development that incorporates sustainability considerations recommended in Section 2.1.4 (see above).</p>
<p>3.3.6. Existing Housing Districts as shown on Schedule 2 are considered stable, unless otherwise identified by this Plan. Only minor changes in the predominant pattern of housing type, height or density, are permitted in accordance with Section 2.6.</p>	Land Use Designation and Policy – Existing Residential Areas Stable	<p>The recommended zoning amendment provides for new housing at a scale and density compatible with the surrounding area. See Section 2.6. for details.</p>

Policy	Category	Conformity with the Policy
<p>3.3.7. Within existing stable residential areas, applications for infill must be located and organized to fit with neighbouring properties, including cultural heritage resources, and must satisfactorily address the following criteria:</p> <ul style="list-style-type: none"> a. confirmation that adequate municipal services can be provided; b. demonstrated suitability of dwelling type, lot size, building height and massing, building materials, and exterior design; and c. demonstrated ability to achieve compatible use and development of the property taking into account the policies of Section 2.7. 	<p>Infill</p>	<p>See Section 2.7.6. for details.</p>
<p>3.3.8. Within the Urban Boundary, intensification through moderate increases in building height or density may be considered at the edge of neighbourhoods, provided that the development is adjacent to one or more of the following: transit routes, community facilities, areas of open space, or mixed use Centres or Corridors, as identified on Schedule 2.</p>	<p>Intensification</p>	<p>The proposed moderate increase in density on the lot conforms with this policy. The subject property is located at the edge of the adjacent residential neighbourhood in proximity to Portsmouth Village and is located within walking distance of numerous transit routes, community facilities and open space, as well as commercial and employment uses.</p>
<p>3.3.16. Some forms of residential <i>development</i> will be subject to the site plan control policies of Section 9.5 of this Plan.</p>	<p>Site Plan Control</p>	<p>As a result of recent changes to the <i>Planning Act</i> under Bill 23, the proposal does not require site plan control approval.</p>
<p>3.3.10. The City's affordable housing initiatives are designed to support</p>	<p>Residential Uses – Affordable Housing</p>	<p>The proposal contributes to housing affordability initiatives through the intensification of</p>

Policy	Category	Conformity with the Policy
<p>development of housing that is affordable for low and moderate income households and to help households transition out of core housing need. Affordable initiatives are designed to provide a full range of housing in terms of tenure, affordability, accessibility, and locations in different urban residential neighbourhoods, to increase choice for low and moderate income households. Such initiatives include:</p> <p>a. a minimum target that 25 percent of all new housing in the City be affordable to low and moderate income households.</p> <p>j. encouraging intensification and a mix of densities in new communities as a way to promote affordability; and,</p> <p>k. promoting the use of second residential units as affordable housing.</p>		<p>the subject property and by adding to the mix of housing options available in the neighbourhood.</p>
<p>3.3.B.1. Medium density residential land uses include such building types as townhouses, additional residential units, maisonettes, multiple dwelling conversions, walk-up or small-scale apartments, and mixed use buildings with commercial on the ground floor. The density range for medium density extends from 37.5 up to 75 units per net hectare, unless an approved secondary plan establishes alternative provisions.</p>	<p>Medium Density Residential Policies</p>	<p>The proposed redevelopment of the lot has a density of 56 dwelling units per net hectare (counting only the townhouse units as additional residential units are not considered), which is considered medium density according to section 3.3.B.1.</p>
<p>3.3.B.2. New medium density</p>	<p>Medium Density</p>	<p>The subject zoning by-law</p>

Policy	Category	Conformity with the Policy
<p>residential land uses may be approved through rezoning without amendment to this Plan, subject to the following:</p> <ul style="list-style-type: none"> a. site plan control review; b. availability of adequate municipal services; c. provision of amenity areas, which are functional and provide recreational opportunities to the satisfaction of the City. Functional amenity areas are designed to be programmed, versatile, and well integrated; d. adequate on-site parking for vehicles and bicycles for each residential unit and for visitors, either in surface parking areas, individual driveways and garages, or in above or below grade parking structures, as the City deems appropriate; and, e. protection of adjacent low density residential areas from adverse effects such as overshadowing and excessive traffic. 	<p>Rezoning Requirements</p>	<p>amendment application has been submitted in accordance with this policy, and in addition:</p> <ul style="list-style-type: none"> a. site plan control review will not be required due to recent Provincial changes to the <i>Planning Act</i> under Bill 23; b. adequate municipal services are available; c. functional amenity areas will be provided in the rear yards. The severed lots will include outdoor amenity areas such as balconies and landscaped open space; d. the on-site parking spaces are proposed both within the townhouse garages and on the driveway in the front yard. The proposal includes bicycle parking provided in sheds proposed in the rear yard. e. no adverse effects are anticipated as a result of the proposed development as detailed under section 2.7.3.
<p>3.3.B.3. New medium density residential developments must address the land use compatibility criteria of Section 2.7 and the urban design policies of Section 8 of this Plan.</p>	<p>Medium Density Locational Criteria</p>	<p>See Section 2.7 and Section 8.</p>
<p>3.3.B.4. In order to assess new medium density residential projects, the applicant must provide an analysis through a planning justification report. The analysis must address the</p>	<p>Medium Density Locational Criteria</p>	<p>A Planning Justification report was submitted with the subject application, prepared by a Professional Planner, which addressed the location of the project. The subject property meets the locational criteria for</p>

Policy	Category	Conformity with the Policy
<p>location of the project. Generally, medium density residential projects will be located:</p> <ul style="list-style-type: none"> a. on a site that is appropriate given the context of surrounding land uses; b. adjacent to, or within walking distance of, commercial areas; c. in an area that has access to public transit; and, d. within walking distance of parkland, open space or community facilities. 		<p>a medium density residential land use, as it is located:</p> <ul style="list-style-type: none"> a. on the edge of a residential neighbourhood adjacent to open space and in proximity to institutional and commercial uses, at a density corresponding with residential development in the vicinity; b. within walking distance of commercial uses in Portsmouth Village and at the St. Lawrence College campus; c. within walking distance of numerous transit stops along King Street West and Portsmouth Avenue; and, d. within walking distance of numerous parks and community facilities such as Lake Ontario Park, Garrigan Park, Aberdeen Park, and Portsmouth Olympic Harbour.
<p>3.8.13. In accordance with the Planning Act and the policies of this Plan, the City requires as a condition of development, a land dedication to be conveyed to the municipality for park or other public recreational purposes. This can amount to up to 2 percent of the total land area in the case of land proposed for industrial or commercial development, and an amount of up to 5 percent in the case of land proposed for residential development. These provisions apply unless an alternative cash-in-lieu</p>	<p>Parkland Dedication</p>	<p>Cash-in-lieu of parkland will be taken by the City at the consent application stage or for the five additional residences at the building permit stage.</p>

Policy	Category	Conformity with the Policy
<p>contribution is approved by the City, or a higher dedication is required for more intensive residential development, as required under Section 3.8.15.</p>		
<p>3.8.16. The City may request cash-in-lieu for all or part of any required land dedication under the Planning Act under the following circumstances:</p> <ul style="list-style-type: none"> a. where the parcel of land is either too small or poorly located to meet parkland needs; b. in an area that has excess parklands; c. where the condition of the land is unsuitable for park purposes; d. where no opportunity exists to enlarge existing neighbourhood parks; e. where there is no opportunity to obtain useful waterfront land; f. where a large development project is within reasonable walking distance to an existing park, provided that the trip does not involve crossing an arterial road; and, g. where the provision of cash-in-lieu from a large project would not result in an overload to the existing park(s) 	<p>Cash-in-lieu</p>	<p>Cash-in-lieu of parkland will be taken by the City at the consent application stage for the creation of each new lot. The subject property is too small to meet public parkland dedication needs.</p>
<p>4.1.1. New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In</p>	<p>Infrastructure & Transportation – New Development</p>	<p>A Servicing Brief was submitted with the subject application which identifies the need for upgrades to service connections, the cost of which will be borne by the applicant. Utilities Kingston is the</p>

Policy	Category	Conformity with the Policy
<p>determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.</p>		<p>provider of water and sewer service in the area and has reviewed the application through the technical review process and have not identified any concerns with servicing capacity to accommodate the development.</p>
<p>4.3.1. Stormwater management techniques must be used in the design and construction of all new development to control both the quantity and quality of stormwater runoff. The degree of control will depend on the conditions in the downstream receiving water bodies. This is to minimize the negative impacts of development on the downstream receiving water bodies, the aquatic environment, and fish habitat.</p>	<p>Stormwater Management - Purpose</p>	<p>The applicant has submitted a Stormwater Management Brief, reviewed to the satisfaction of City Engineering services with respect to stormwater quality and quantity.</p>
<p>4.3.4. For urban infill development projects, the City will require the preparation of a stormwater management report to address the impacts of additional lot coverage or new uses of the site on the quality and quantity of water. Proponents must endeavour to improve the management of stormwater from the existing development areas.</p>	<p>Stormwater Management – Quality and Quantity of Water</p>	<p>The Stormwater Management Brief submitted in support of the proposed infill development addresses the quality and quantity of stormwater for the proposed redevelopment. The proposal will result in a negligible increase in flows relative to pre-development flows as detailed in the report.</p>
<p>4.6.1. As described in Section 2.5.11 of this Plan, the City intends to foster sustainability within the community and to reduce reliance on the automobile by satisfying travel demand through the efficient use of the existing</p>	<p>Transportation – Strategic Direction</p>	<p>See Section 2.5.11 The subject property is in a highly walkable location with sidewalk connections to numerous commercial, institutional, employment and open space uses.</p>

Policy	Category	Conformity with the Policy
<p>infrastructure, and by providing the facilities and services to encourage walking, cycling and transit as priority universally accessed modes of travel, before expanding the City's road infrastructure.</p>		
<p>4.6.28. The City will augment its program of landscaping and street tree planting and replacement in many parts of the City to enhance the streetscape, particularly within the Urban Boundary.</p>	Street Landscaping	<p>As part of the technical review of the application, the need for a tree permit application was identified to ensure the preservation of a mature, city-owned tree along the Cartwright Street frontage.</p>
<p>4.6.38. Specific means of encouraging transit use include, but are not limited to: a. the careful location, design and site planning of high intensity uses;</p>	Transit Service	See Section 2.5.11
<p>4.6.47. It is the intention of this Plan to encourage a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or active transportation.</p>	Parking	<p>Vehicular parking spaces are proposed to be located in garages internal to the townhouses and in the driveway with access to Cartwright Street.</p>
<p>4.6.48. Parking areas will be provided for any land use in the City as specified by the zoning by-law. Special provisions to accommodate those with disabilities will be provided in all zones.</p>	Parking	<p>No amendments are required to the requirements for Parking Area 3, which applies to the subject property according to the Zoning By-Law. Accessible parking requirements do not apply to freehold townhouses with parking spaces accessed directly by a driveway according to Section 7.2.4 of the Kingston Zoning By-Law.</p>
<p>4.6.61. The zoning by-law will be used to regulate the supply</p>	Accessible Parking	See Section 4.6.48. above.

Policy	Category	Conformity with the Policy
<p>of accessible parking as required by provincial legislation. The location of accessible parking spaces shall provide enhanced accessibility through a consideration of factors including, but not limited to, the distance between parking spaces and accessible building entrances, security of the parking area, lighting of the area, protection from the weather, and ease of maintenance.</p>		
<p>5.21. The City of Kingston recognizes the importance of noise management. Any proposed development that has a sensitive use within the potential influence area as described in the Province’s D-6 Guideline or between the 25 to 30 NEF contours requires a detailed noise study to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines or any such further guidance or requirement implemented by the City, as applicable, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.</p>	<p>Noise Study</p>	<p>The application includes a Noise Impact Study prepared by J.E.Coulter Associates Limited. Staff in Engineering reviewed the Noise Impact Study as part of the technical review of this application and had no concerns with the feasibility of required noise mitigation measures for the introduction of residential units. The Noise Impact Study will also be required as a condition of consent approval, and the recommendations and warning clauses will be incorporated into an associated development agreement.</p>
<p>5.26. Any use, including industrial, commercial, institutional or high density residential, proposed to generate a stationary source</p>	<p>Noise from Stationary Sources</p>	<p>See Section 5.21. The Noise Impact Study prepared in support of the subject application was prepared by a qualified person.</p>

Policy	Category	Conformity with the Policy
<p>of noise or vibration may be required to undertake a detailed noise and/or vibration study, to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines, address all sources of noise and vibration, include recommendations for mitigation to meet the applicable criteria, and ensure that there is no adverse effect on an existing or planned sensitive use.</p>		
<p>5.27. Where a sensitive use is proposed within 300 metres of a stationary source of noise, the City requires that a noise study be prepared to address the Ministry of the Environment and Climate Change noise guidelines. All related means of mitigation are required to be secured prior to approval of development.</p>	<p>Noise from Stationary Sources</p>	<p>See Section 5.21 for details. A series of recommendations are proposed to meet the current noise guidelines of MECP, to be implemented through the consent process.</p>
<p>6.2.1. The City promotes the design and orientation of development that: f. enhances the feasibility of non-automotive transportation including active transportation.</p>	<p>Energy Conservation and Production - General</p>	<p>See Section 2.5.11 and 4.6.1.</p>
<p>6.2.2. The City promotes landscaping and tree planting programs that help to moderate summer and winter micro-climatic conditions.</p>	<p>Energy Conservation and Production - General</p>	<p>The proposal includes the development of a residential building, with landscaped areas to be located in the rear yard. Trees adjacent to the lot – both boundary trees to the north and City trees in the</p>

Policy	Category	Conformity with the Policy
		<p>right-of-way – are to be retained.</p> <p>As part of the technical review of the application, the need for a tree permit application was identified to ensure the preservation of a mature, city-owned tree in proximity to the Cartwright Street frontage.</p>
<p>6.2.13. The City promotes intensification based on principles of minimizing energy consumption through attention to building design and the design and installation of infrastructure, and densities that support active transportation and transit.</p>	<p>Energy Conservation and Production - General</p>	<p>The building will be designed and constructed to meet modern Ontario Building Code requirements for energy efficiency.</p> <p>The additional density proposed on the subject property, connected to active transportation infrastructure and in proximity to transit routes on King Street West and Portsmouth Avenue, is expected to support active transportation and transit.</p>
<p>7.1.2. The City will recognize and conserve its built heritage resources and will promote the maintenance and development of an appropriate setting within and around all such sites.</p>	<p>Built Heritage Resources – General Policies</p>	<p>The subject property is adjacent to a heritage designated property. The proposed development is not expected to have any negative impacts on the cultural heritage resources adjacent to the subject property.</p>
<p>7.1.7. The City may require that a heritage impact statement be prepared by a qualified person to the satisfaction of the City for any development proposal, including a secondary plan, which has the potential to impact a built heritage resource. The scope of the heritage impact statement is</p>	<p>Built Heritage Resources – Heritage Impact Statement</p>	<p>Following a review by Heritage Services, a Heritage Impact Statement was not required for the proposed development.</p>

Policy	Category	Conformity with the Policy
<p>determined in consultation with the City and must include information and assessment relevant to the circumstances, including alternative development approaches or mitigation measures to address any impact to the built heritage resource and its heritage attributes. A heritage impact statement may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district or heritage area is proposed. The City may also require a heritage impact statement for any requests to de-designate a protected heritage property; such statements must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.</p>		
<p>7.1.10. Conserving built heritage resources forms an integral part of the City's planning and decision-making. The City uses the power and tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this Section. This may include the following a. designating real property</p>	<p>Conservation of Built Heritage Resources</p>	<p>The subject property is not designated under the <i>Ontario Heritage Act</i>. It is adjacent to Rockwood House and the associated cultural heritage resources on the Kingston Psychiatric Hospital grounds. Given the separation between the properties, it was determined by Heritage Services that no Heritage Impact Study would be required.</p> <p>A Stage 1 & 2 archaeological assessment was completed for the site, which recommends</p>

Policy	Category	Conformity with the Policy
<p>under Part IV, or V of the Ontario Heritage Act, or encouraging the Province to designate real property under Part VI of the Ontario Heritage Act;</p> <p>b. requiring, as a condition of any approval, the retention of any built heritage resources found within a plan of subdivision, a plan of condominium, or on any parcel created by consent, or other land division approval;</p> <p>c. using zoning by-law provisions as appropriate, to conserve identified built heritage resources;</p> <p>d. using the provisions of Section 37 of the Planning Act in order to maintain the integrity of identified built heritage resources;</p> <p>e. using site plan control provisions of Section 41 of the Planning Act to ensure that new development on adjacent properties is compatible with the adjacent identified built heritage resources;</p> <p>f. using design guidelines to provide for sympathetic development of adjacent lands that are not designated, but which could impact the site of the built heritage resource;</p> <p>g. ensuring that archaeological resources are evaluated and conserved prior to any ground disturbance, in accordance with the City's Archaeological Master Plan and provincial regulations;</p> <p>h. in partnership with</p>		<p>the site be cleared of archaeological potential. The assessment report has been submitted to the Provincial Public Register of Archaeological Assessment Reports.</p>

Policy	Category	Conformity with the Policy
<p>Kingston’s Indigenous Peoples of Canada community, a Protocol outlining the working relationship with them and the City will be designed, approved and implemented; and</p> <p>i. using heritage easements as a means to protect significant built heritage resources, where appropriate.</p>		
<p>7.4.2. The City will permit development and site alteration on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved. In general, preservation of the resources “in situ” is the preferred method, but in some cases the conservation can occur by removal and documentation. Where significant archaeological resources are preserved “in situ”, only development and site alteration that maintains the heritage integrity of the site is permitted.</p> <p>The investigation and conservation of archaeological resources shall be completed in consultation with all appropriate First Nations, Métis and Inuit communities.</p>	<p>Conservation of Archaeological Resources</p>	<p>A Stage 1 & 2 archaeological assessment report was submitted with the application which concludes that there are no archaeological resources present on the subject property and no further study is required. The assessment report has been submitted into the Provincial Public Register of Archaeological Assessment Reports.</p>
<p>8.3. The Design Guidelines for Residential Lots establish the following guiding principles that should be used to ensure new residential</p>	<p>Urban Design – Guiding Principles for Development of Residential Lots</p>	<p>The proposed introduction of three townhouses with additional residential units, within walking distance of a mix of land uses required to</p>

Policy	Category	Conformity with the Policy
<p>development is integrated into the existing built fabric, and is conducive to active transportation:</p> <ul style="list-style-type: none"> a. protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan); b. foster developments that are context appropriate; c. foster attractive developments which add to the existing sense of place; d. provide a variety of housing types; 		<p>meet daily needs, will be integrated into the existing built fabric and be conducive to active transportation.</p> <p>The medium-density residential development at the edge of a stable residential neighbourhood will not result in adverse effects and will protect and preserve the adjacent residential neighbourhood (see Section 2.6).</p> <p>The conceptual designs, with a building oriented to Cartwright Street and sized similar to other developments in the vicinity, will contribute to the overall streetscape.</p> <p>The additional dwelling units enabled by the recommended Zoning By-Law amendment will add to the range and mix of dwelling unit types in the area, and ultimately provide a variety of housing types.</p>
<p>8.4. Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:</p> <ul style="list-style-type: none"> c. clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity; f. promoting safe environments by applying Crime Prevention Through 	<p>Accessibility and Safety</p>	<p>Construction will be in accordance with the Ontario Building Code, including any applicable accessibility requirements.</p> <p>The development proposal will orient the townhouses and the additional residential units towards Cartwright Street, with clear sight lines from the public road allowance to proposed entrance locations. No areas are being proposed that are hidden from public view.</p> <p>CPTED principles have been considered in the design of buildings, the site layout and</p>

Policy	Category	Conformity with the Policy
<p>Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites.</p>		<p>landscaping.</p>
<p>8.6. The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <ul style="list-style-type: none"> a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features; b. protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development; c. promoting innovation in building design to create an interesting and varied built environment, to increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility; d. achieving compatibility in land use and with a predominant architectural 	<p>Urban Design - New Development</p>	<p>The conceptual design put forward as part of the subject application for the residential redevelopment is visually compatible with the surrounding neighbourhood in terms of scale and density, as well as through its incorporation into the streetscape. The proposed townhouse development, which will be oriented to primarily address Cartwright Street, is sized similarly to the permissions provided in the Zoning By-Law for a single detached building on the lot. There are no concerns regarding potential impact on the listed heritage site to the south of the property</p> <p>The proposal achieves land use compatibility policy in Section 2.7 (see above).</p>

Policy	Category	Conformity with the Policy
<p>style, street pattern or site arrangement where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard;</p>		
<p>9.5.7. Amendments to the zoning by-law will be made only after public notice and consultation as required by the Planning Act and consultation with affected authorities or agencies.</p>	<p>Amendments to the Zoning By-law</p>	<p>Public notices have been provided in accordance with the requirements in the Planning Act, and the technical review has occurred in consultation with affected authorities and agencies.</p>
<p>9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <ul style="list-style-type: none"> a. conformity of the proposal with the intent of the Official Plan policies and schedules; b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan; c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area; d. the extent to which the 	<p>Planning Committee / Council Considerations</p>	<ul style="list-style-type: none"> a. The proposal conforms with the intent of the Official Plan policies and schedules as detailed in this table. b. The proposed medium density residential development is compatible with existing residential uses in the adjacent neighbourhood which is zoned for a mix of ground-oriented dwelling types. There are no natural heritage features on the subject property. c. The residential redevelopment, enabled through the recommended Zoning By-Law amendment, will allow for the development of three townhouse units that are consistent with the zoning standards of adjacent sites, and the Urban Design Guidelines for Residential Lots as described above.

Policy	Category	Conformity with the Policy
<p>proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		<p>d. Intensification is warranted and desirable in this location, in accordance with numerous strategic growth management policies, as a property in the Urban Boundary on full municipal services, within walking distance of a complementary mix of land uses, on the edge of an established neighbourhood. The proposed development is sized to be in keeping with the existing built form in the site context.</p> <p>e. The proposed development and subsequent lots are suitable for additional density and can accommodate amenity area and parking requirements in excess of Zoning By-Law requirements.</p> <p>f. The medium density development facilitated through the proposal is suitable relative to the neighbourhood, as described under Section 3.3.B.</p> <p>g. The subject site is on full municipal services, and will benefit from existing transit stops, and active transportation infrastructure in the surrounding area. Adverse impacts on the capacity of these services is not anticipated as a result of a total of six dwelling units on the subject property.</p> <p>h. The application has been</p>

Policy	Category	Conformity with the Policy
		<p>circulated for technical review and there are no outstanding technical comments pertaining to the zoning by-law amendment. Comments received from members of the public and Planning Committee are reviewed in staff's comprehensive report.</p> <p>i. The recommended zoning by-law amendment will establish an exception overlay to permit the introduction of townhouses with associated relief for the building form. The new use is not expected to have an impact on the character of the heritage property on the south side of King Street West and will not set an undesirable precedent.</p>



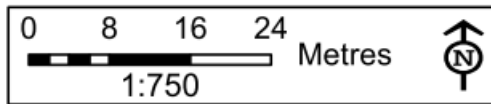
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 769 King St West
File Number: D14-004-2023

Subject Lands
Schedule 1 Zoning Map
Zone

Schedule E - Exception Overlay
Legacy Exceptions (LXXX)
Exceptions (EXXX)
Schedule F - Holding Overlay
Holding Overlay (HXXX)



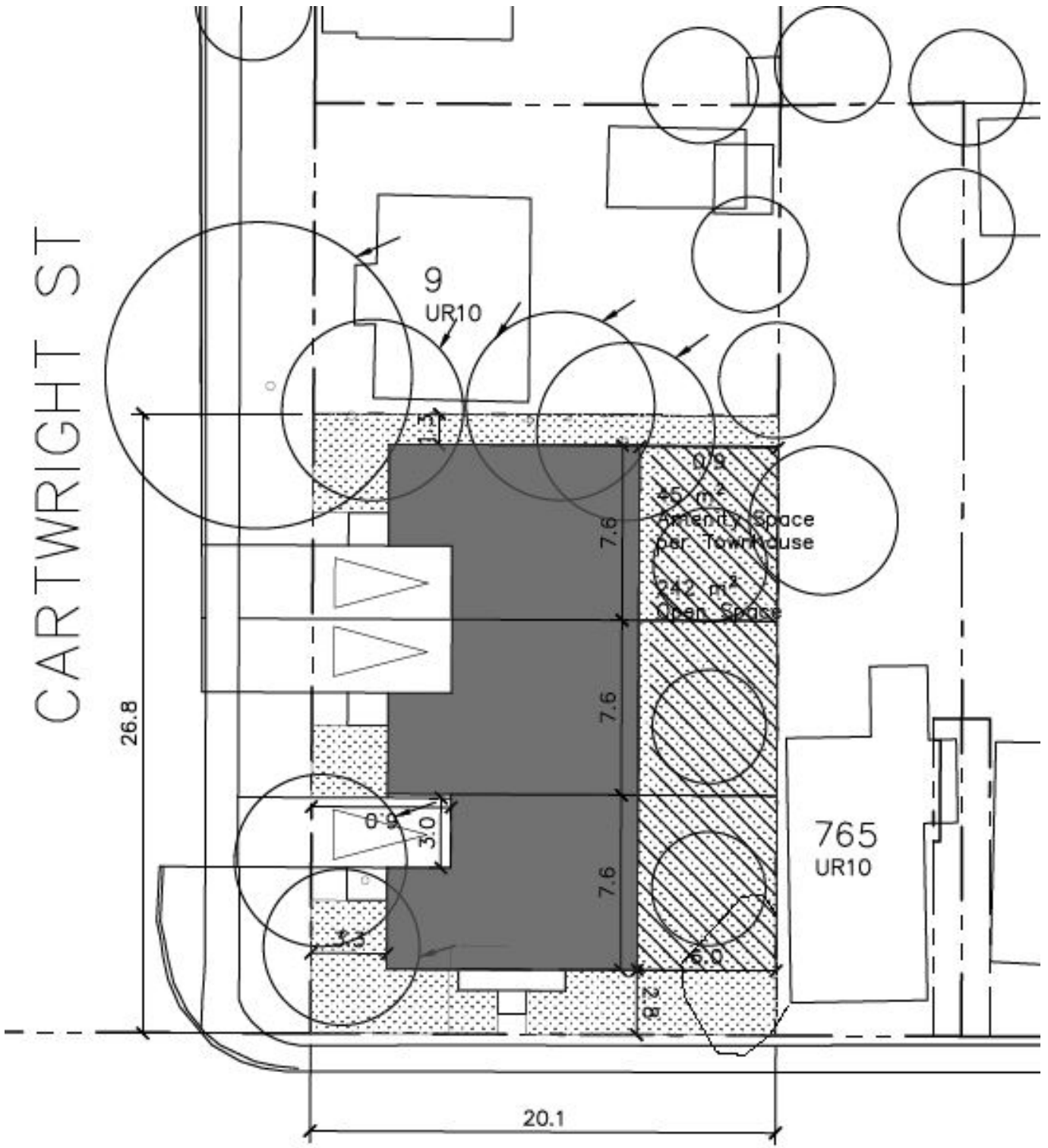
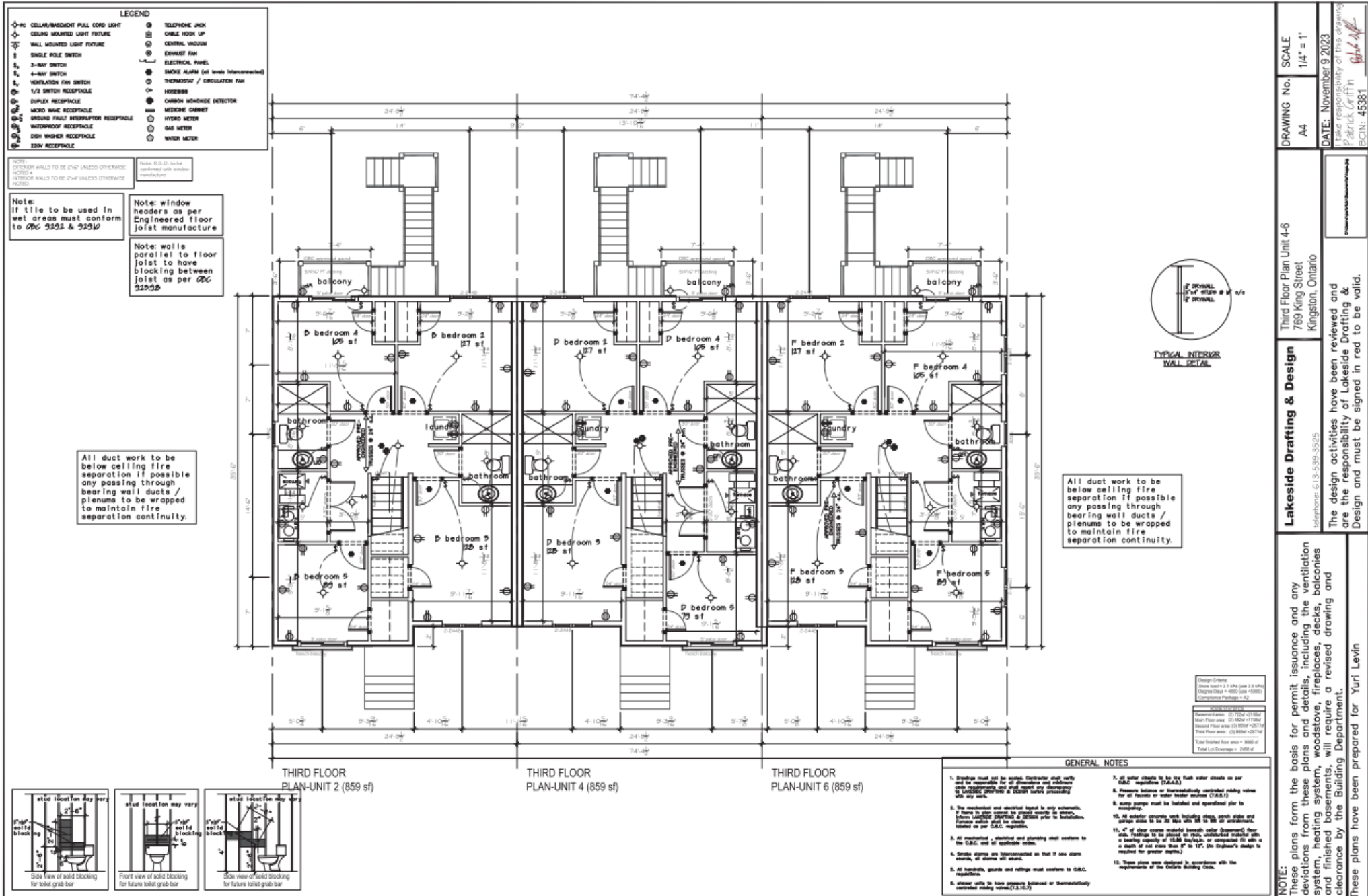


Figure 3: Proposed Site Plan (Source: Lakeside Drafting and Design)



TOTAL AREA OF EXTERIOR WALLS	6610 SQ.FT
TOTAL AREA OF GLAZED OPENINGS	1059 SQ.FT
TOTAL PERCENTAGE OF GLAZED OPENINGS	16.2%



DRAWING No. SCALE
A5 1/4" = 1'

DATE: November 9 2023
Take responsibility of this drawing
Patrick Griffin
BCIN: 45381

Exterior Elevations
769 King Street
Kingston, Ontario

Lakeside Drafting & Design
Telephone: 613-539-3525

The design activities have been reviewed and are the responsibility of Lakeside Drafting & Design and must be signed in red to be valid.

NOTE:
These plans form the basis for permit issuance and any deviations from these plans and details, including the ventilation system, heating system, woodstove, fireplaces, decks, balconies and finished basements, will require a revised drawing and clearance by the Building Department.

These plans have been prepared for Yurt Levin



Looking west at subject property at 769 King Street West.



Looking north across King Street West at the subject property and adjacent dwellings to the east.



Looking south of King Street West at the Beechgrove Complex landscaped area.



Looking north along Cartwright Street from the subject property.



Looking west along King Street West to the west of the subject property



Looking north from King Street West towards 491 McDonald Avenue to the east of the property.



Planning Advisory Committee

Meeting Notes

Members Present Sam Davies, Kimberly Fawcett Smith, Tony Gkotsis, Kelly Stevenson

Staff Present Sukriti Agarwal, Chanti Birdi

Regrets Ibrahim Kettaneh, Donna Gillespie, Paul Martin

Meeting Date: Wednesday, July 12, 2023 (1:00 p.m. – 3:00 p.m.)

Item 1: Summary of Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023* and Proposed Provincial Planning Statement

Planning staff Ms. Birdi led a PowerPoint presentation summarizing the contents of Bill 97 and the proposed Provincial Planning Statement.

Following the presentation, Committee members discussed the following:

- Clarification was requested on the maximum number of additional residential units permitted on a lot. Staff clarified that up to three units are permitted in both urban and rural areas where single detached, semi-detached and row house dwelling are permitted, subject to applicable zoning and building permit requirements. It was further clarified that all three units may now be within the principal building or two may be within the principal building, with a third unit located in a detached accessory building.
- The impact of changes to the definition “employment area” were discussed, specifically in the context of institutional-type uses in the industrial areas. Staff indicated that existing uses would be permitted to continue, however, the larger impact on Official Plan policies will require further review to ensure conformance with Provincial Policy. Member Tony Gkotsis requested that the Committee be further consulted at the time of this review to allow for additional input.
- Ms. Agarwal provided clarification on the impact of changes to the definitions of “employment area” within the *Planning Act* and “areas of employment” within the proposed Provincial Planning Statement. At this time the Official Plan review is on

hold to coordinate the review against the anticipated Provincial Planning Statement changes.

- Member Mr. Davies requested clarification on the applicability of the proposed Provincial Planning Statement employment area policies. Ms. Agarwal clarified that the employment area policies in the proposed Provincial Planning Statement focus on industrial-type uses such as manufacturing. As an example of potential changes resulting from the Provincial Planning Statement, Ms. Agarwal highlighted the City's Business Park Industrial designation where offices and light-industrial type uses are currently permitted. Currently, this designation is considered an employment area, however, under the new Provincial definition of employment area, the uses permitted in this designation will need to be reviewed for consistency with Provincial policy. Where Business Park Industrial lands contain non-employment uses, redesignation of the lands to a more appropriate designation can be considered. The Planning Act provides that municipalities may amend their Official Plan.
- Staff indicated that the impact of employment land changes on the industrial uses in North King's Town secondary plan area will require review against the proposed Provincial Planning Statement policies once finalized. The subject area does include many heavy industrial-type uses, however, there are some areas along Montreal Street which have been proposed to include some residential intensification which may now need to be reviewed. The option to convert certain lands from employment lands to other designations may be considered.
- Members requested information on potential boundary expansions. At this time, it is not known whether an urban boundary expansion would be proposed or what direction a potential expansion could follow (i.e. north, east or west of the current boundary), however, there is currently a Population, Employment and Housing projections study being undertaken which may inform this conversation. This analysis will explore whether land supply within the current boundary can accommodate projected population growth. The Population, Employment and Housing projections study is anticipated to be brought to the Committee at a later date.
- Members requested information on allocation of public utilities, including any potential of cancelling previously assigned but unused allotments. A servicing allocation policy is being considered to address this matter. This was identified as a Council initiative, but is in early stages of policy creation. Some municipalities have policies where projects may lose servicing credits if not utilized within a certain time frame.

Item 2: Other Business

- Member Aaron St-Pierre has resigned from the Committee due to relocation outside of the City. The Clerks will be recruiting for this position.

The next meeting will be held virtually on October 11 at 1:00 p.m.