



**City of Kingston
Planning Committee
Meeting Number 07-2024
Agenda**

**Thursday, March 21, 2024 at 6:00 p.m.
Hosted at City Hall in Council Chamber**

Please provide regrets to Christine O'Connor, Committee Clerk at 613-546-4291, extension 1219 or cloconnor@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 planning applications in a public forum as detailed in the community meeting report. This report does not contain a staff recommendation and therefore no decisions will be made this evening. Each application in the community meeting report will be presented individually and following each presentation by the applicant, 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.

Community Meeting

The purpose of the Community Meeting is to provide the applicant with an opportunity to present a potential development proposal in the early stages of the development process and to seek feedback from the public and members of Planning Committee before a complete application is submitted to the City. Anyone who attends a Community Meeting may present an oral submission, and/or provide a written submission on the proposals being presented.

The Report of the Commissioner of Growth & Development Services (PC-24-022) is attached.

Schedule Pages 1 – 33

Details of the development proposals to be presented at the Community Meeting are listed below.

Exhibit A

File Number: D01-001-2024

Address: 40 Hyperion Court

Owner: 1382739 Ontario Limited

Applicant: The Boulevard Group

Schedule Pages: 5 - 20

Exhibit B

File Number: D01-003-2024

Address: 1287 - 1301 Gardiners Road

Owner: 1112019 Ontario Limited & 976653 Ontario Incorporated

Applicant: The Boulevard Group

Schedule Pages: 21 – 33

1. **Meeting to Order**

2. **Approval of the Agenda**

3. **Confirmation of Minutes**

- a) **That** the minutes of Planning Committee Meeting Number 06-2024, held Thursday, March 7, 2024, be approved.

4. **Disclosure of Pecuniary Interest**

5. **Delegations**

6. **Briefings**

7. **Business**

- a) **Subject: Recommendation Report**

File Number: D14-013-2023

Address: 2103 McKendry Road

District: 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 34 – 76

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.

b) Subject: Recommendation Report

File Number: D14-001-2024

Address: 780 Gardiners Road

District: Trillium

Application Type: Zoning By-Law Amendment

Owner: 2832719 Ontario Inc.

Applicant: The Boulevard Group

The Report of the Commissioner of Growth & Development Services (PC-24-021) is attached.

Schedule Pages 77 – 116

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-001-2024) submitted by The Boulevard Group, on behalf of 2832719 Ontario Inc, for the property municipally known as 780 Gardiners 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-24-021; 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.

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, April 4, 2024 at 6:00 p.m.

13. Adjournment

1. **Approved Site Plan Items:**

- D11-014-2023 – 290 Queen Street
- D11-024-2021 – 705 Development Drive
- D11-046-2020 – 870 Centennial Drive
- D11-029-2021 – 2702 2 Highway
- D11-004-2023 – 1752 Bath Road
- D11-046-2020 – 870 Centennial Road
- D11-016-2022 – 1533 McAdoo's Lane
- D11-005-2023 – 44 Barbara Avenue

2. **Applications Appealed to the Ontario Land Tribunal:**

1. 2 River Street – OLT-22-004597 – OPA/ZBA – 5-week Hearing commenced on February 5, 2024. Hearing concluded. Waiting on written decision.

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
Report to Planning Committee
Report Number PC-24-022**

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: March 21, 2024
Subject: Community Meeting Report
File Numbers: D01-001-2024, D01-003-2024

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

The following is a Community Meeting Report enclosing information about the following applications that will be subject to a Community Meeting at Planning Committee, with a presentation by the applicant:

- Address: 40 Hyperion Court (File Number D01-001-2024, Future Application Type: zoning by-law amendment)
- Address: 1287-1301 Gardiners Road (File Number D01-003-2024, Future Application Type: zoning by-law amendment)

March 21, 2024

Page 2 of 4

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

March 21, 2024

Page 3 of 4

Options/Discussion:

Non-Statutory Community Meeting

The purpose of the Community Meeting is to provide the applicant with an opportunity to present a potential development proposal in the early stages of the development process and to seek feedback from the public and members of Planning Committee before a complete application is submitted to the City. Anyone who attends a Community Meeting may present an oral submission, and/or provide a written submission on the proposals being presented.

A Community Meeting Form (completed by the applicant) and a standard map package showing the location of the subject site, and relevant Official Plan land use designation and zoning information for each proposal is included as an exhibit to this report, as follows:

- 40 Hyperion Court, File Number D01-001-2024 (Exhibit A)
- 1287-1301 Gardiners Road, File Number D01-003-2024 (Exhibit A)

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.

Statutory Public Meeting

If the applications proceed to a complete application, a statutory Public Meeting for each application will be scheduled at a later date and further Notice regarding the Public Meeting will be provided in accordance with the *Planning Act*.

Existing Policy/By-Law:

Planning Act

Provincial Policy Statement, 2020

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

By-Law Number 2007-43, A By-Law to require Development Proponents to Pre-Consult with The Corporation of the City of Kingston respecting Planning Matters

Notice Provisions:

Notices were sent by mail to all property owners (according to the latest Assessment Rolls) within 120 metres of the subject properties and a notice sign was posted on the subject properties.

March 21, 2024

Page 4 of 4

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Community Meeting Form, Application Materials and Map Package for 40 Hyperion Court (File Number D01-001-2024)

Exhibit B Community Meeting Form, Application Materials and Map Package for 1287-1301 Gardiners Road (File Number D01-003-2024)



City of Kingston Community Meeting Form

Note to Applicant: This Form is to be completed by the Applicant and is intended to provide a detailed description of the site, locational context and the proposed application as the basis for a Community Meeting at Planning Committee. The only supplementary information that will be provided by Staff for the Community Meeting is a map package (location, Official Plan, zoning, etc). Please keep residents and members of Planning Committee in mind when completing this form by ensuring that all information is thorough, detailed and understandable. Where a field is not applicable to the site or proposal, please indicate “N/A”. Since this Form will be attached as an exhibit to a staff report, this Form must be completed in a manner that is accessible. Please refrain from using formatting or tables that are not accessible. If this form is completed in a manner that is not accessible, it may result in delays to the timing of the Community Meeting and may require staff to make amendments or adjustments prior to attaching the form as an exhibit to a staff report.

Owner/Application Information

Owner: 1382739 ONTARIO LIMITED

Applicant (if Owner is not the Applicant): The Boulevard Group

Site Characteristics

Site address: 40 Hyperion Court

Site area: 1.8 hectares

Description of existing use and buildings on site (height, floor area, units, bedrooms, parking spaces, setbacks, etc): Presently, the subject property is developed with a single storey building surrounded by surface vehicular parking. Located at the rear (south façade) of the building are the loading bays which provide increased functionality of the existing on-site development. The existing building on-site is 40,025 square feet in gross floor area and is currently divided between two (2) separate units. The unit fronting Lappan’s Lane is currently occupied by a laboratory, warehouse and retail store (St. Lawrence Pools). The easternmost unit within the building is currently vacant, formerly functioned as a call centre. The property was

developed approximately 20 years ago, and is subject to an existing Site Plan Control Agreement.

Official Plan designation: Business Park Industrial & SSP #9

Zoning by-law (zone and other relevant schedules and overlays): M1 – Business Park

Existing number of trees: ~20

Number of existing trees to be retained: ~20

Description of heritage status (not a heritage building, listed, designated or located in a heritage conservation district): N/A

Description of Surrounding Uses and Buildings

East: Business Park

West: Business Park

North: Business Park

South: Business Park

Description of Proposal

Summary description of the proposal (use, height, floor area, setbacks, units, bedrooms, condominium, rental, affordability level, parking and bike spaces, will existing building or any existing features be retained/renovated/demolished etc.): No development is proposed as part of this application. The purpose of this application is to primarily broaden the complementary uses that are permitted on the subject property to facilitate increased marketability for future tenants and employment opportunities. In addition to broadening the permitted complementary uses, the proposed Zoning By-law Amendment application seeks to modify the existing performance standards applicable to the threshold regulating the permitted primary use (ie. Retail Store) on the subject property in accordance with the City's Official Plan policies. There are also proposed amendments to the open storage provisions.

Type of Application: Zoning By-law Amendment

Proposed use: As existing, with additional complementary uses permitted

Proposed number and type of residential units and bedrooms (if residential): N/A

Proposed gross floor area (of each use): As existing

Proposed height: As existing

Proposed setbacks:

Front: As existing

Interior: As existing

Exterior: As existing

Rear: As existing

Proposed number of vehicular parking spaces (include breakdown of occupant, visitor, car-share, accessible, etc): As existing

Proposed number of bicycle parking spaces: As existing

Proposed landscaped open space: As existing

Proposed amenity area (if residential): N/A

Proposed number of trees to be planted: 0

Description of how the application conforms with the Official Plan: The proposed additional complementary uses are compatible with the surrounding area, and conform to Policies 3.6.12, 3.6.A.2 and 3.6.A.6.

If located in an area that is subject to Official Plan policies related to source water, natural heritage system, natural heritage features and areas, hazards, cultural heritage resources, areas of archaeological potential, or areas of archaeological significance, description of how the proposal will conform with the policies: N/A

Description of amendment(s) required to the Zoning By-law: The purpose of this application is to primarily broaden the complementary uses that are permitted on the subject property to facilitate increased marketability for future tenants and employment opportunities. In addition to broadening the permitted complementary uses, the proposed Zoning By-law Amendment application seeks to modify the existing performance standards applicable to the threshold regulating the permitted primary use (ie. Retail Store) on the subject property in accordance with the City's Official Plan policies. There are also proposed amendments to the open storage provisions.

Other information that would be valuable for a Community Meeting: No development is proposed as part of this application.

List of Drawings/Studies Submitted

- Servicing Report
- Draft by-law
- Floor Plan

- Zoning Review Matrix
- Existing approved Site Plan

Community Meeting Form Prepared by: The Boulevard Group

Date: 17 January 2024

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Exception ‘E__’ and Addition of Holding Overlay ‘H__’ (40 Hyperion Court))

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

“E__.

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) **Day Care Centre**
 - (iv) **Financial Institution**

- (v) **Fitness Centre**
- (vi) **Laundry Store**
- (vii) **Personal Service Shop**
- (viii) **Place of Worship**
- (ix) **Recreation Facility**
- (x) **Wellness Clinic**

- (b) The calculation for the number of bike spaces, and **end-of-trip bike facilities**, shall be determined based separately on the individual units within the building, and not on the overall building.
- (c) A **retail store** is permitted to a maximum of 50% of the **gross floor area** of the building.
- (d) Open Storage:
 - (i) Minimum rear setback: 3.0 metres
 - (ii) Minimum interior setback: 3.0 metres
 - (iii) Minimum exterior setback: 10.0 metres
 - (iv) Maximum area of open storage: 25% of lot area

1.4. By adding the following Hold Number H__ in Section 22 – Holding Conditions, as follows:

“**H__**. The Holding Overlay only applies to a Day Care Centre. 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

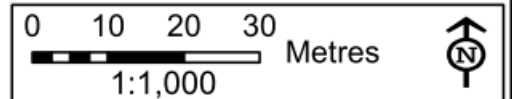
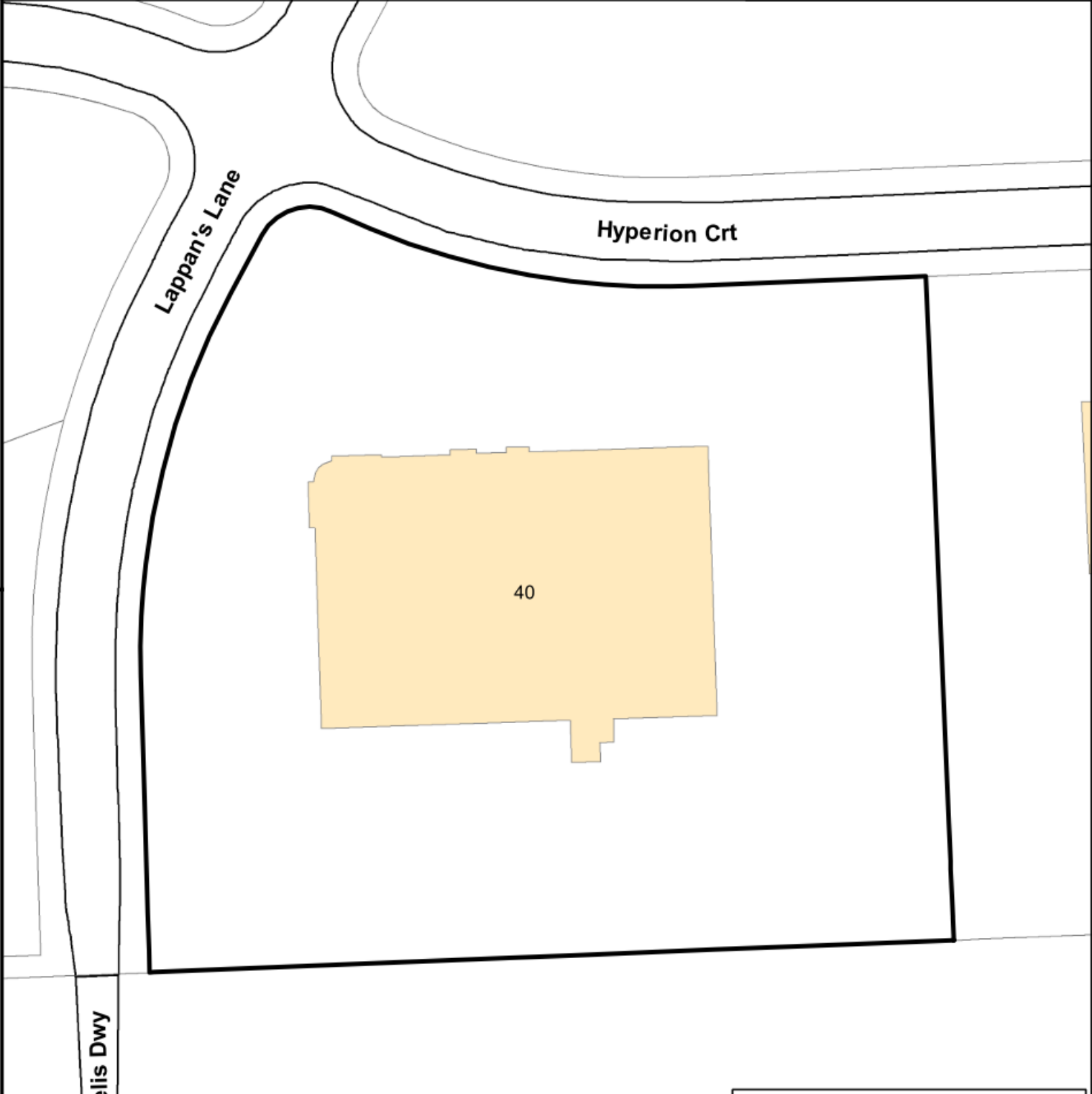
Bryan Paterson
Mayor



Planning Committee
Key Map
Address: 40 Hyperion Ct.
File Number: D01-001-2024

 Subject Lands




John Counter Blvd





Planning Committee
Neighbourhood Context

Address: 40 Hyperion Crt.
File Number: D01-001-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



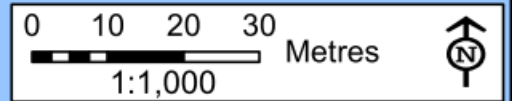
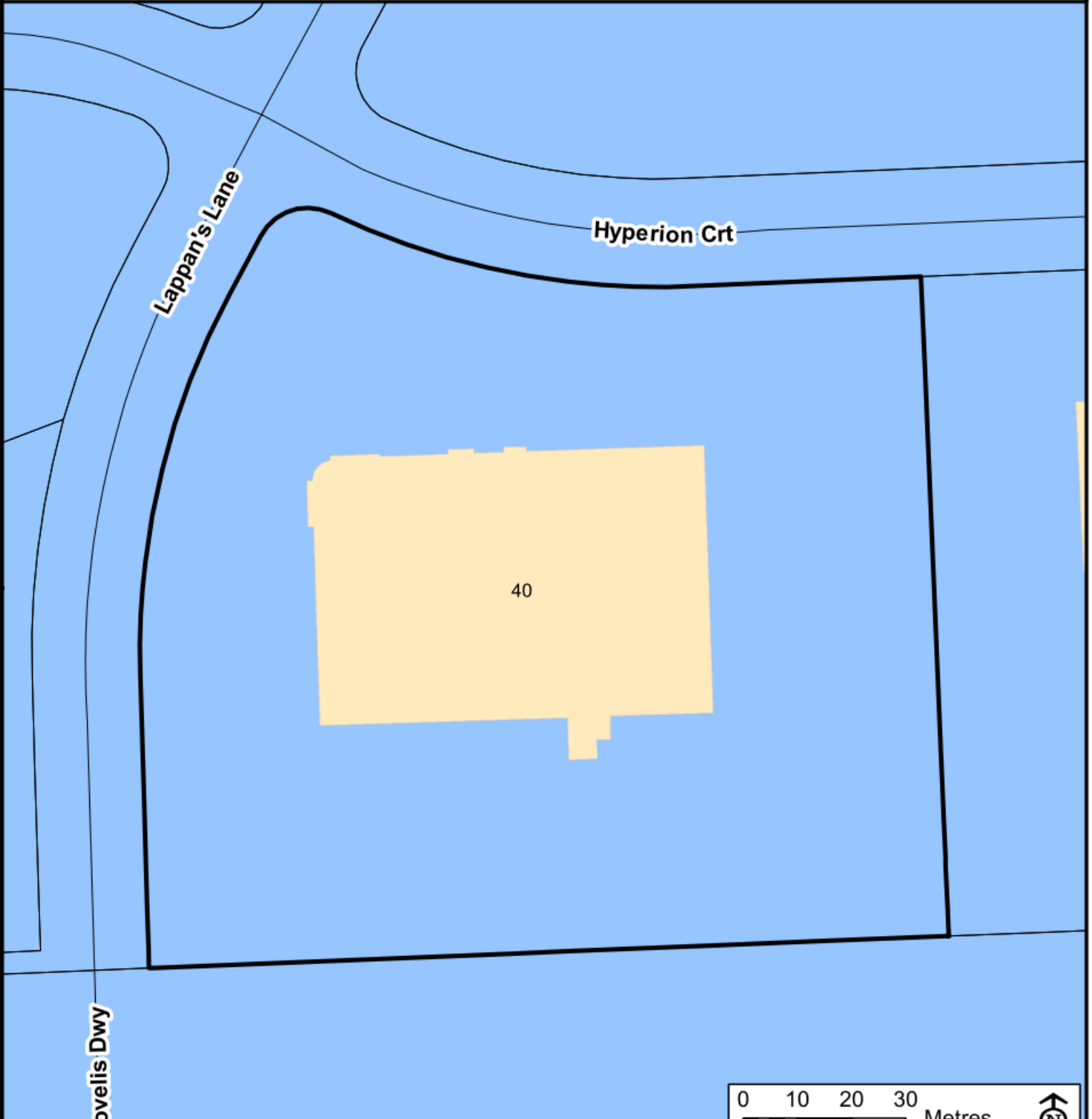
Prepared By: J. Cameron
Prepared On: Jan-25-2024

Warranty: This document is prepared for your personal use only. It is not to be used for any other purpose. The City of Kingston disclaims any responsibility for any errors, omissions, or delays in the information provided in this document. The City of Kingston does not warrant the accuracy, completeness, or reliability of the information provided in this document. The City of Kingston is not responsible for any damages or losses resulting from the use of this document. © 2024 City of Kingston.



Planning Committee
Official Plan, Existing Land Use
Address: 40 Hyperion Crt.
File Number: D01-001-2024

Subject Lands
 BUSINESS PARK INDUSTRIAL



Exhibits: This document is subject to copyright and may only be used for your personal, non-commercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors and is not liable for any damages of any kind resulting from the use of or reliance on the information contained in this document. The City of Kingston does not warrant any representation or approval (explicit or implied) regarding the accuracy, quality or reliability of the use of the information provided in this document. ©2024 The Corporation of the City of Kingston.



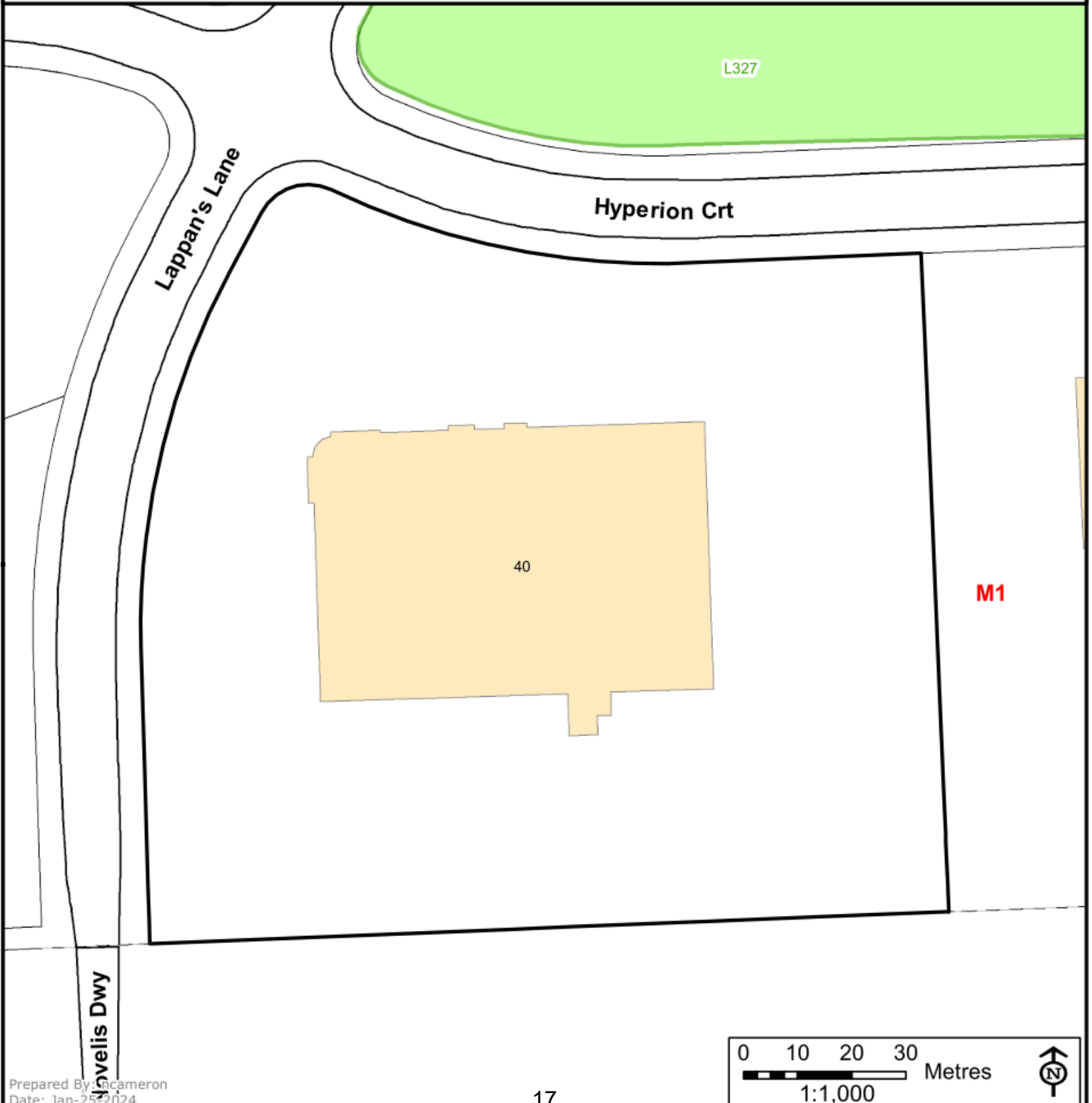
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 40 Hyperion Crt.
File Number: D01-001-2024

Subject Lands
Schedule 1 Zoning Map
 Zone

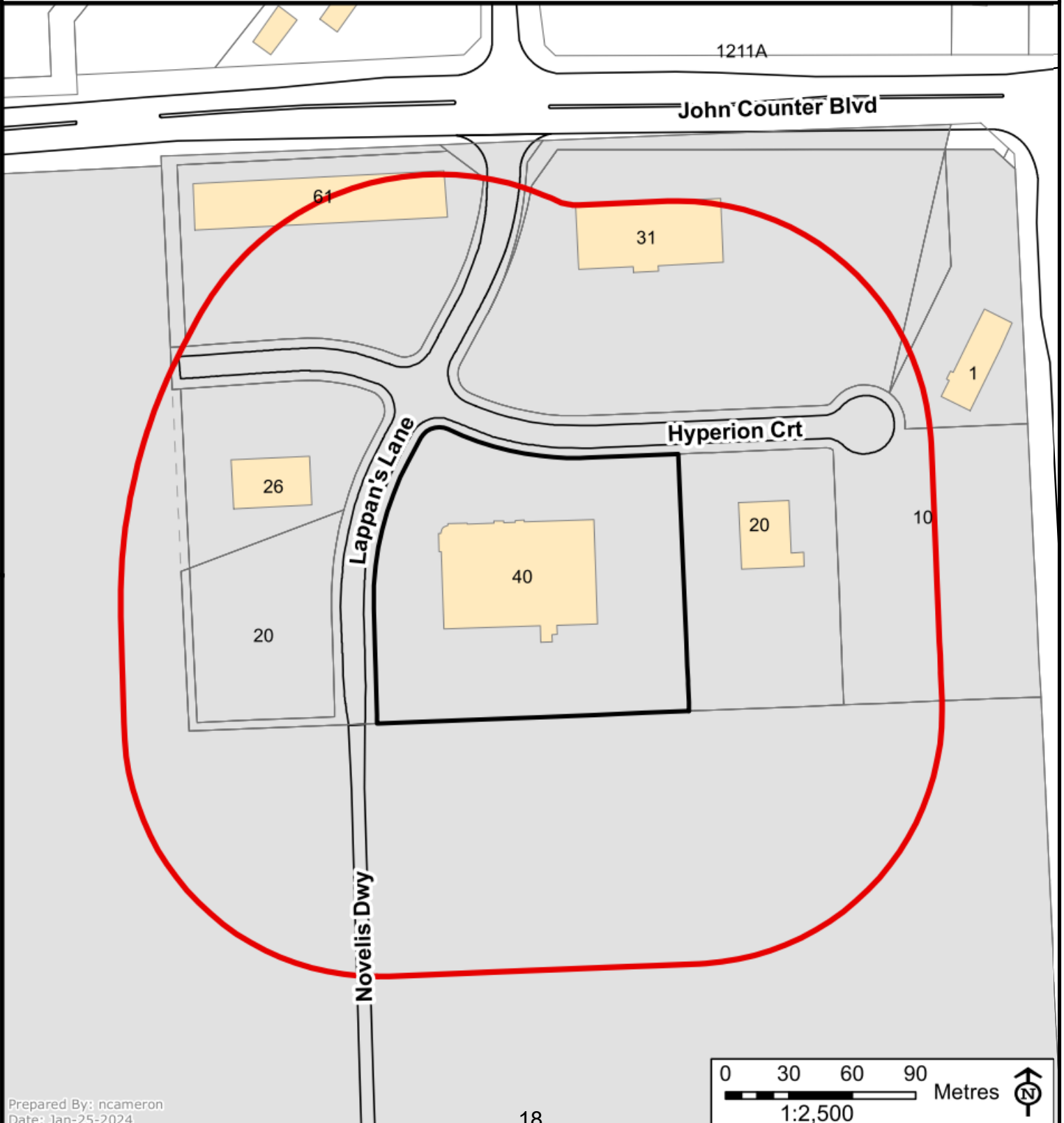
Schedule E - Exception Overlay
 Legacy Exceptions (LXXX)
 Exceptions (EXXX)
Schedule F - Holding Overlay
 Holding Overlay (HXXX)





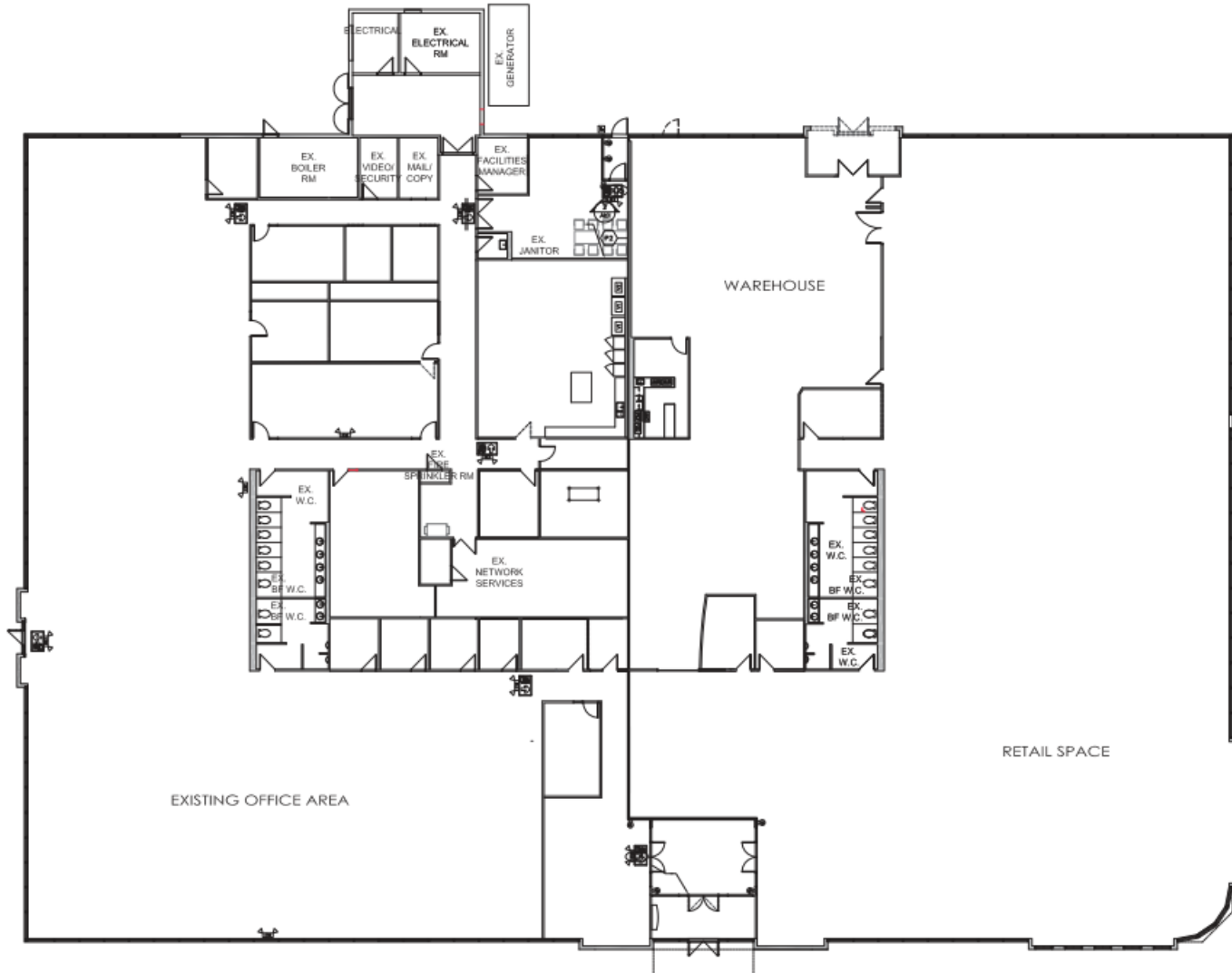
Planning Committee
Public Notice Notification Map
Address: 40 Hyperion Crt.
File Number: D01-001-2024

- 120m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 11 Properties in Receipt of Notice (MPAC)



DO NOT SCALE DRAWINGS
CHECK AND VERIFY ALL DIMENSIONS BEFORE
PROCEEDING WITH THE WORK.
DRAWINGS NOT TO BE USED FOR CONSTRUCTION
UNLESS STAMPED AND SIGNED BY THE CONSULTANT.
THESE DRAWINGS HAVE BEEN DESIGNED IN
CONFORMANCE WITH THE ONTARIO BUILDING CODE.

REV.	DATE	DESCRIPTION
1	2024.01.19	ISSUED FOR COORDINATION
2		
3		



1 EXISTING FLOOR PLAN
SCALE: 1/32" = 1'-0"

Alexander Wilson
Architect Inc
Addressly Place
300-26 Gair Street
Kingston, ON K7L 2L1
T: 613-545-3244
F: 613-545-1411



ST. LAWRENCE POOLS
40 HYPERION COURT
KINGSTON, ON
Ontario

EXISTING FLOOR
PLANS

Client:	AW	Checked By:	
Date:		Date:	1/19/2024
Project No.:		Revision:	1
Client No.:		Project No.:	A100



City of Kingston Community Meeting Form

Note to Applicant: This Form is to be completed by the Applicant and is intended to provide a detailed description of the site, locational context and the proposed application as the basis for a Community Meeting at Planning Committee. The only supplementary information that will be provided by Staff for the Community Meeting is a map package (location, Official Plan, zoning, etc). Please keep residents and members of Planning Committee in mind when completing this form by ensuring that all information is thorough, detailed and understandable. Where a field is not applicable to the site or proposal, please indicate "N/A". Since this Form will be attached as an exhibit to a staff report, this Form must be completed in a manner that is accessible. Please refrain from using formatting or tables that are not accessible. If this form is completed in a manner that is not accessible, it may result in delays to the timing of the Community Meeting and may require staff to make amendments or adjustments prior to attaching the form as an exhibit to a staff report.

Owner/Application Information

Owner: 1112019 Ontario Ltd & 976653 Ontario Inc.

Applicant (if Owner is not the Applicant): The Boulevard Group

Site Characteristics

Site address: 1287 & 1301 Gardiners Road

Site area: 2.5 ha & 0.94 ha

Description of existing use and buildings on site (height, floor area, units, bedrooms, parking spaces, setbacks, etc): The building has been used for a variety of office and light industrial uses. No new development is proposed as part of this application. It is proposed to change the zoning on the subject properties from M1 to M4.

Official Plan designation: Business Park Industrial

Zoning by-law (zone and other relevant schedules and overlays): M1

Existing number of trees: Unknown

Number of existing trees to be retained: No change

Description of heritage status (not a heritage building, listed, designated or located in a heritage conservation district): N/A

Description of Surrounding Uses and Buildings

East: Business Park Uses

West: Vacant Land

North: Business Park Uses

South: Business Park Uses

Description of Proposal

Summary description of the proposal (use, height, floor area, setbacks, units, bedrooms, condominium, rental, affordability level, parking and bike spaces, will existing building or any existing features be retained/renovated/demolished etc.): No development is proposed on the subject lands as part of the application. It is proposed to change the zoning from M1 to M4.

Type of Application: Zoning By-law Amendment

Proposed use: Amend the zoning on the property from M1 to M4

Proposed number and type of residential units and bedrooms (if residential): N/A

Proposed gross floor area (of each use): As existing

Proposed height: As existing

Proposed setbacks:

Front: As existing

Interior: As existing

Exterior: As existing

Rear: As existing

Proposed number of vehicular parking spaces (include breakdown of occupant, visitor, car-share, accessible, etc): As existing – 355 spaces

Proposed number of bicycle parking spaces: As existing

Proposed landscaped open space: As existing

Proposed amenity area (if residential): N/A

Proposed number of trees to be planted: No new trees proposed

Description of how the application conforms with the Official Plan:

The proposed permitted uses are consistent with Official Plan policy for the Business Park Industrial designation and are generally compatible with the existing business park area as demonstrated by the current mix of uses, which includes complementary service commercial uses. All future physical development will be subject to Site Plan Control, which will include a detailed review of any proposed development and provides an opportunity to implement any necessary mitigations measures if required

The proposed Zoning By-law Amendment will encourage and support a mix of uses (commercial, office and light industrial) and support the continued success of the business park area

If located in an area that is subject to Official Plan policies related to source water, natural heritage system, natural heritage features and areas, hazards, cultural heritage resources, areas of archaeological potential, or areas of archaeological significance, description of how the proposal will conform with the policies: N/A

Description of amendment(s) required to the Zoning By-law: Change the zoning from M1 to M4, and to remove bike requirements for the existing building.

Other information that would be valuable for a Community Meeting: No development is proposed as part of this application

List of Drawings/Studies Submitted

- Draft Zoning By-Law
- Servicing Report

Community Meeting Form Prepared by: The Boulevard Group

Date: 19 January 2024

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, "Kingston Zoning By-Law Number 2022-62" (Introduction of Exemption Number 'EXXX' and Introduction of Holding Overlay 'HXXX' (1287 & 1301 Gardiners Road))

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 is amended as follows:
 - 1.1. Schedule 1 – Zoning Map is amended by changing the zone symbol “M1’ to zone symbol “M4’, as shown on Schedule “A” attached to and forming part of this By-Law.
 - 1.2. Schedule E – Exception Overlay is amended to add Exception Number EXXX, as shown on Schedule "B" attached to and forming part of this By-Law. Schedule F – Holding Overlay is amended to add Holding Overlay HXXX, as shown on Schedule "B" attached to and forming part of this By-Law.
 - 1.3. Schedule F – Holding Overlay is amended by adding Holding Overlay HXXX, as shown on Schedule “C” attached to and forming part of this By-Law. Schedule E – Exception Overlay is amended by adding Exception Number EXXX, as shown on Schedule “C” attached to and forming part of this By-Law.
 - 1.4. By adding the following Exception Number EXXX in Section 21 – Exceptions, as follows:

“EXXX. Despite anything to the contrary in the By-Law, the following provisions apply to the lands subject to this Exception:

 - (a) **Long-term bike spaces** are not required for the **building** existing on the date of passing of this By-Law at 1287

Gardiners Road;

- (b) **End-of-trip bike facilities** for non-residential uses are not required for the **building** existing on the date of passing of this By-Law at 1287 Gardiners Road;
- (c) The calculation for the number of bike spaces, and **end-of-trip bike facilities**, shall be determined based separately on the individual units within a **building**, and not on the overall **building**.

- 1.4 By adding the following Holding Number HXXX in Section 22 – Holding Conditions, as follows:

“HXXX. The Holding Overlay only applies to a **day care centre**. 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 'B' to By-Law Number

Address: 1287 and 1301 Gardiners Rd
File Number: D01-003-2024

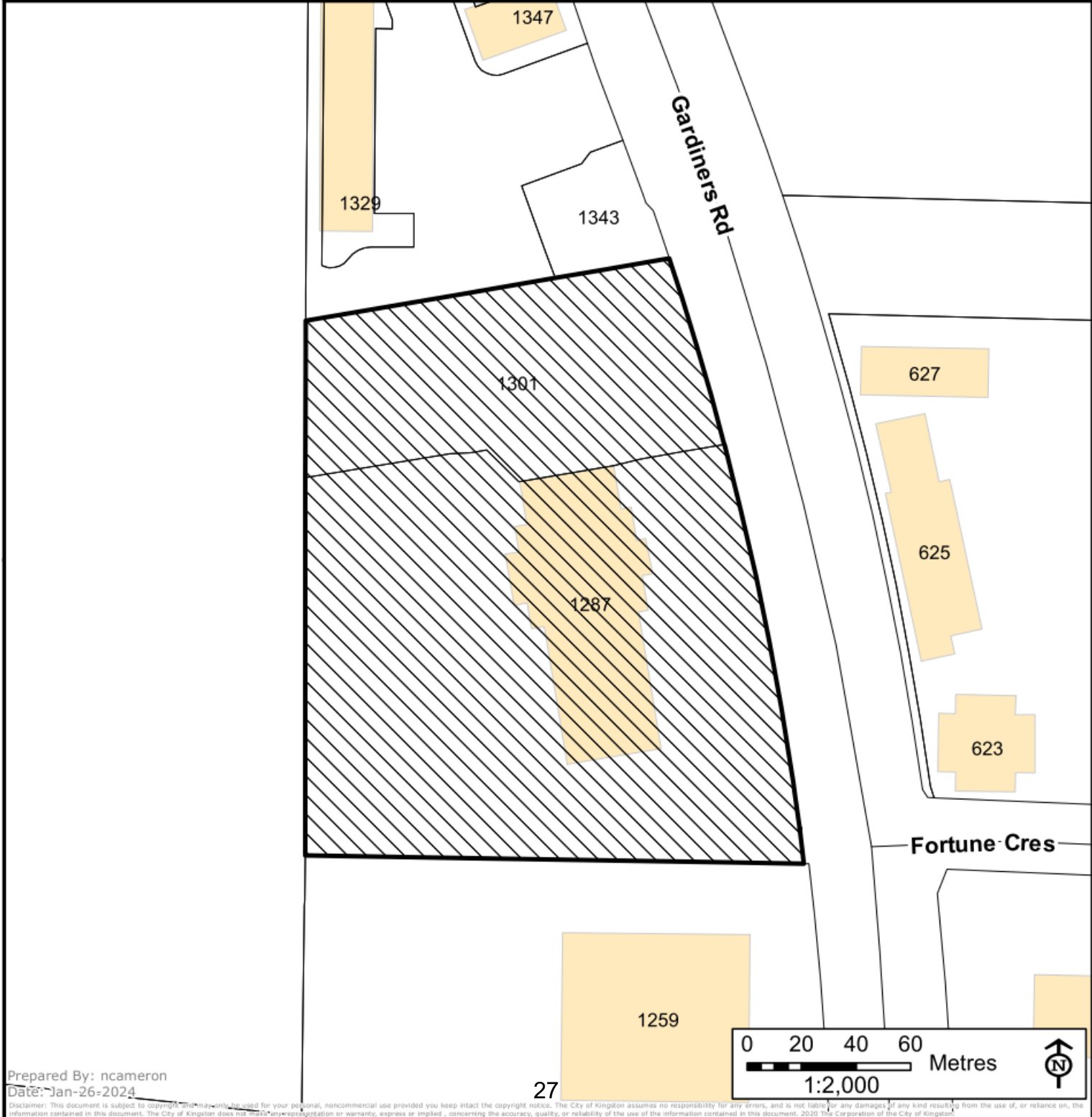
Kingston Zoning By-Law 2022-62 Schedule F - Holding Overlay

 Lands to be added as HXXX

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor Clerk






Schedule 'C' to By-Law Number

Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

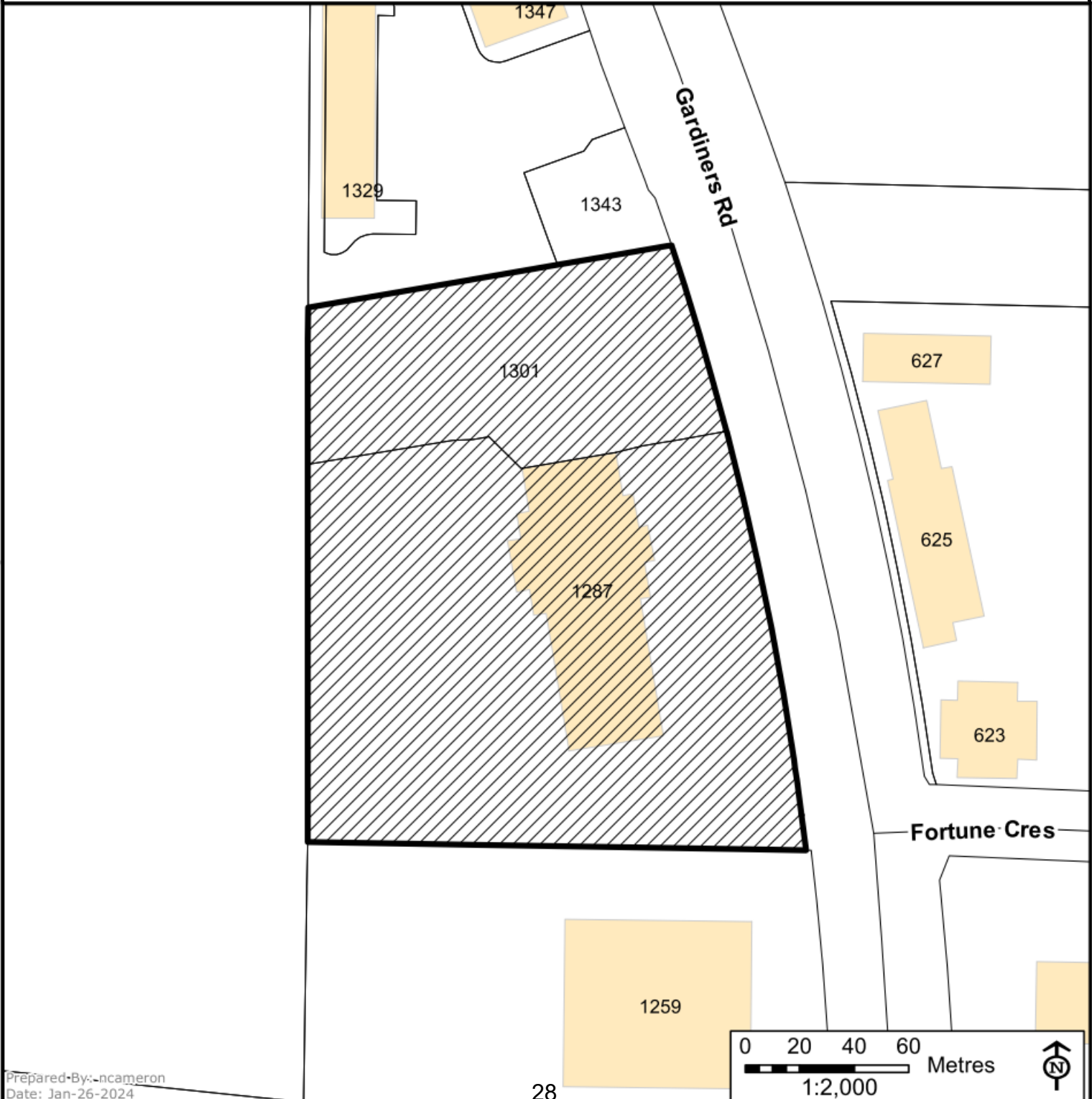
Address: 1287 and 1301 Gardiners Rd
File Number: D01-003-2024

 Lands to be added as EXXX

Certificate of Authentication

This is Schedule 'C' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor Clerk



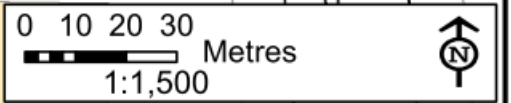
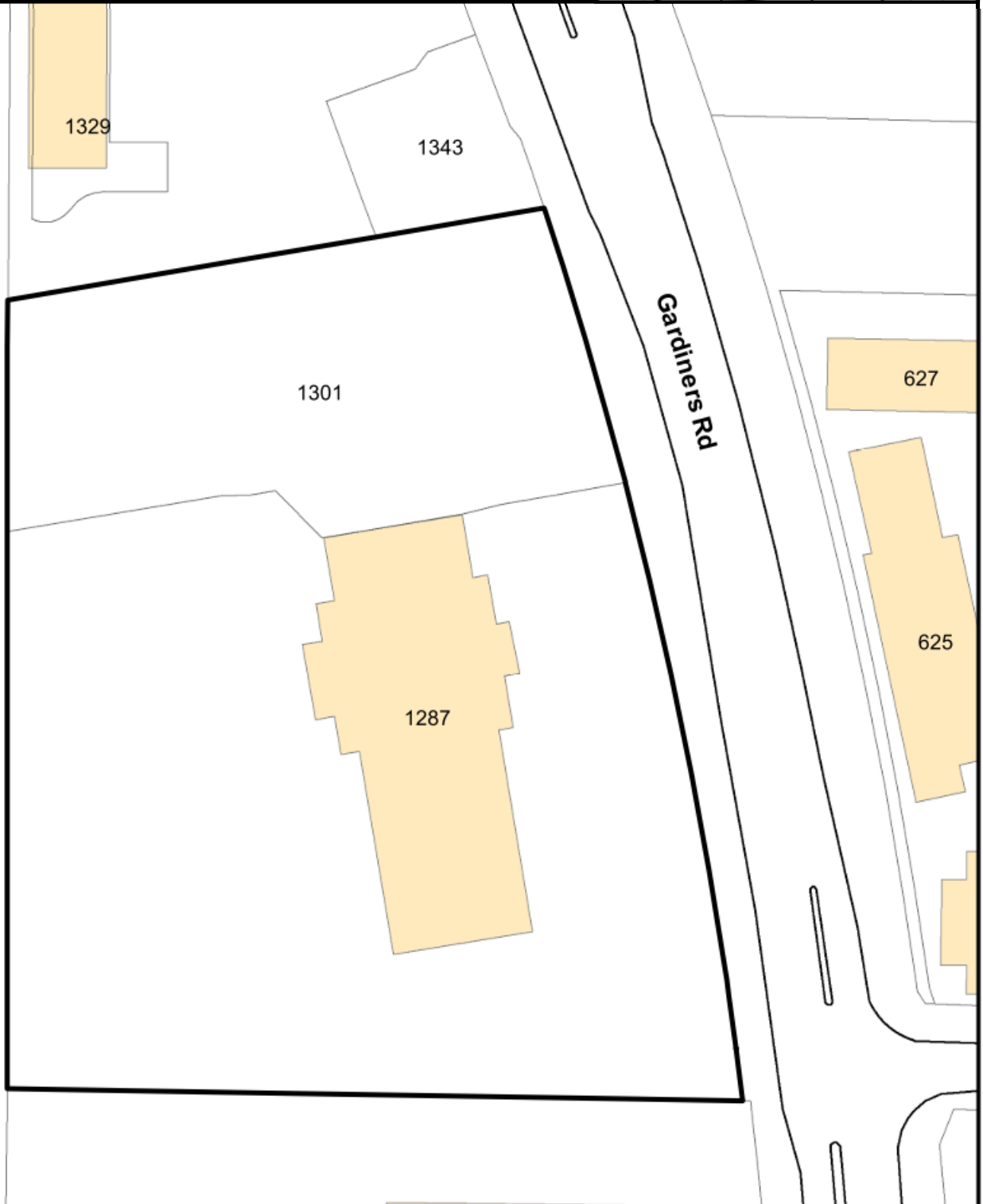
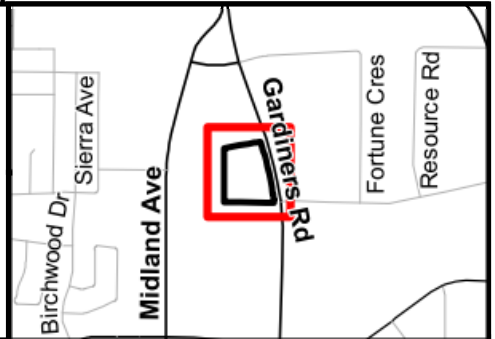


City of Kingston

Key Map

Address: 1287 and 1301 Gardiners Rd
File Number: D01-003-2024
Prepared On: Jan-26-2024

 Subject Lands

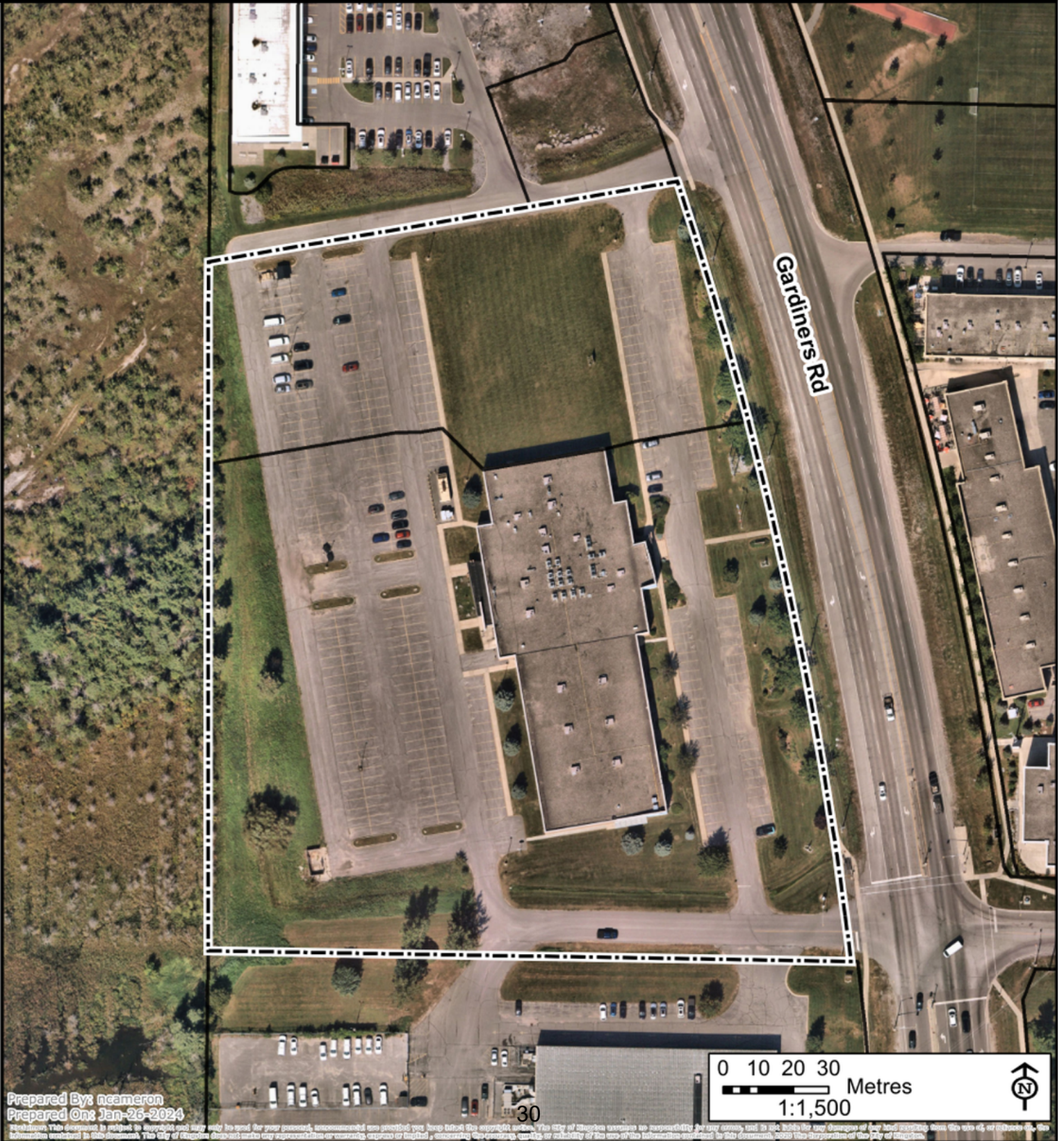




City of Kingston Neighbourhood Context

Address: 1287 and 1301 Gardiners Rd
File Number: D01-003-2024
Prepared On: Jan-26-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels








Planning Services

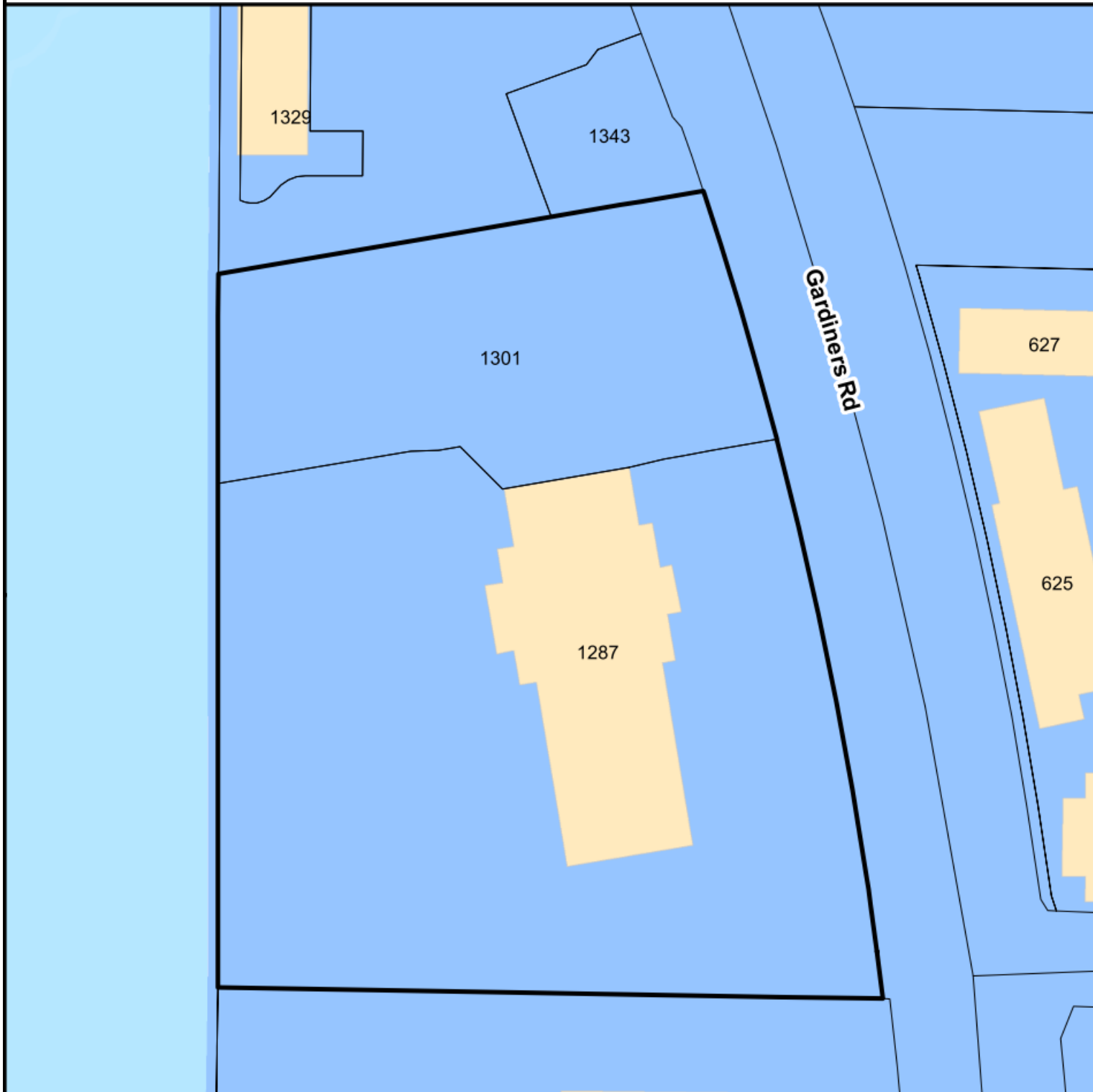
City of Kingston Official Plan, Existing Land Use

Address: 1287 and 1301 Gardiners Rd

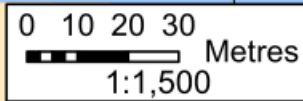
File Number: D01-003-2024

Prepared On: Jan-26-2024

-  Subject Lands
-  BUSINESS PARK INDUSTRIAL
-  GENERAL INDUSTRIAL



Prepared By: ncameron
Date: Jan-26-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, non-commercial use. Please do not reproduce or distribute this document without the express written permission of the City of Kingston. The City of Kingston does not warrant the accuracy, completeness, or reliability of the information contained in this document. ©2024 The Corporation of the City of Kingston.

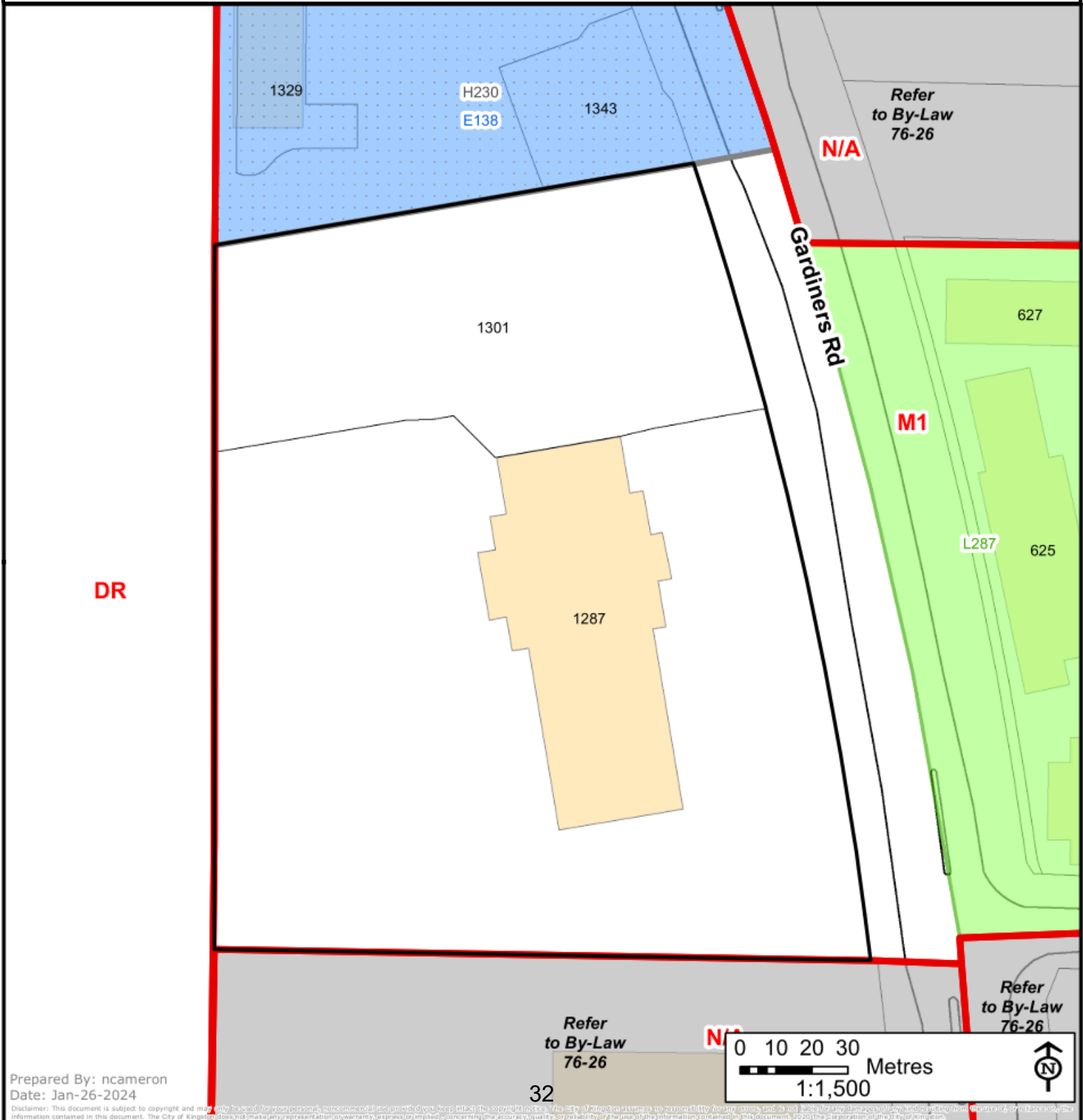


Planning Services

Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

Address: 1287 and 1301 Gardiners Rd
File Number: D01-003-2024
Prepared On: Jan-26-2024

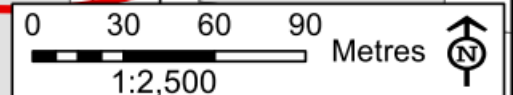
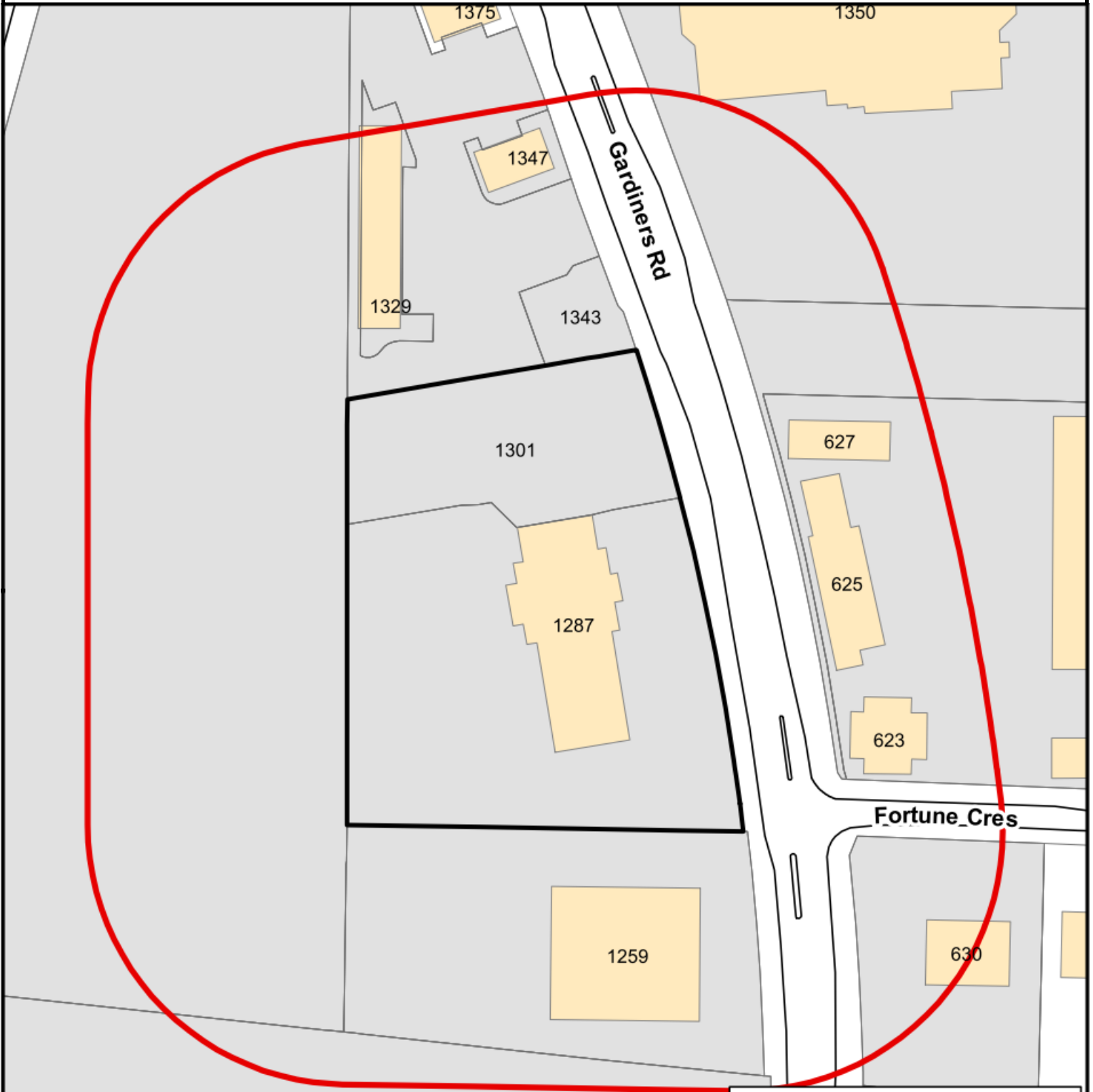
- Subject Lands
- Schedule 1 Zoning Map Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)





City of Kingston
Public Notice Notification Map
Address: 1287 and 1301 Gardiners Rd
File Number: D01-003-2024
Prepared On: Jan-26-2024

- 120m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 12 Properties in Receipt of Notice (MPAC)





**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: March 21, 2024
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.

March 21, 2024

Page 2 of 10

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 proposed zoning by-law amendment will recognize the existing additional residential unit as being a legal use but shall prohibit all future residential development on 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.

March 21, 2024

Page 3 of 10

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

March 21, 2024

Page 4 of 10

Options/Discussion:

Public Meeting & Comprehensive Report

Planning Services is recommending the Public Meeting and comprehensive report are heard concurrently at the March 21, 2024 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.

March 21, 2024

Page 5 of 10

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 March 21, 2024.

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.

March 21, 2024

Page 6 of 10

No development is contemplated as part of this application. The proposed zoning by-law amendment will recognize the existing additional residential unit as being a legal use but shall prohibit all future residential development on the subject lands.

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.

March 21, 2024

Page 7 of 10

The application is consistent with the direction of the PPS. A detailed review of the applicable policies is attached in Exhibit E.

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.

March 21, 2024

Page 8 of 10

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.

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 March 21, 2024, with respect to this application, concurrent with the Comprehensive Report submission. There are no written public concerns or comments received at the time of preparing this report. Any correspondence received before the Public Meeting will be provided to the Committee and the applicant prior to the March 21, 2024 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

March 21, 2024

Page 9 of 10

consistent with the Provincial Policy Statement and the City's Official Plan in protecting prime agricultural lands.

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 March 18, 2024.

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

March 21, 2024

Page 10 of 10

Contacts:

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

Jacob Slevin, Planner, 613-546-4291 extension 2176

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

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 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Exception Number E161 (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 ‘E161’, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. By adding the following Exception Number E161 in Section 21 – Exceptions, as follows:

“**E161.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) “The existing **accessory dwelling** is permitted on the lands.
 - (b) The expansion of, alteration to, or relocation of the existing **accessory dwelling** is permitted subject to and in accordance with the performance standards set out in Clause 8.2.1. of this By-law.
 - (c) No other **residential uses** are permitted after the date of passing of this by-law except as provided for in (a) and (b) above.”
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

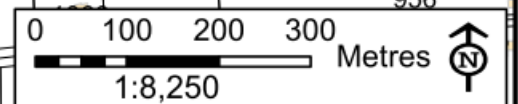
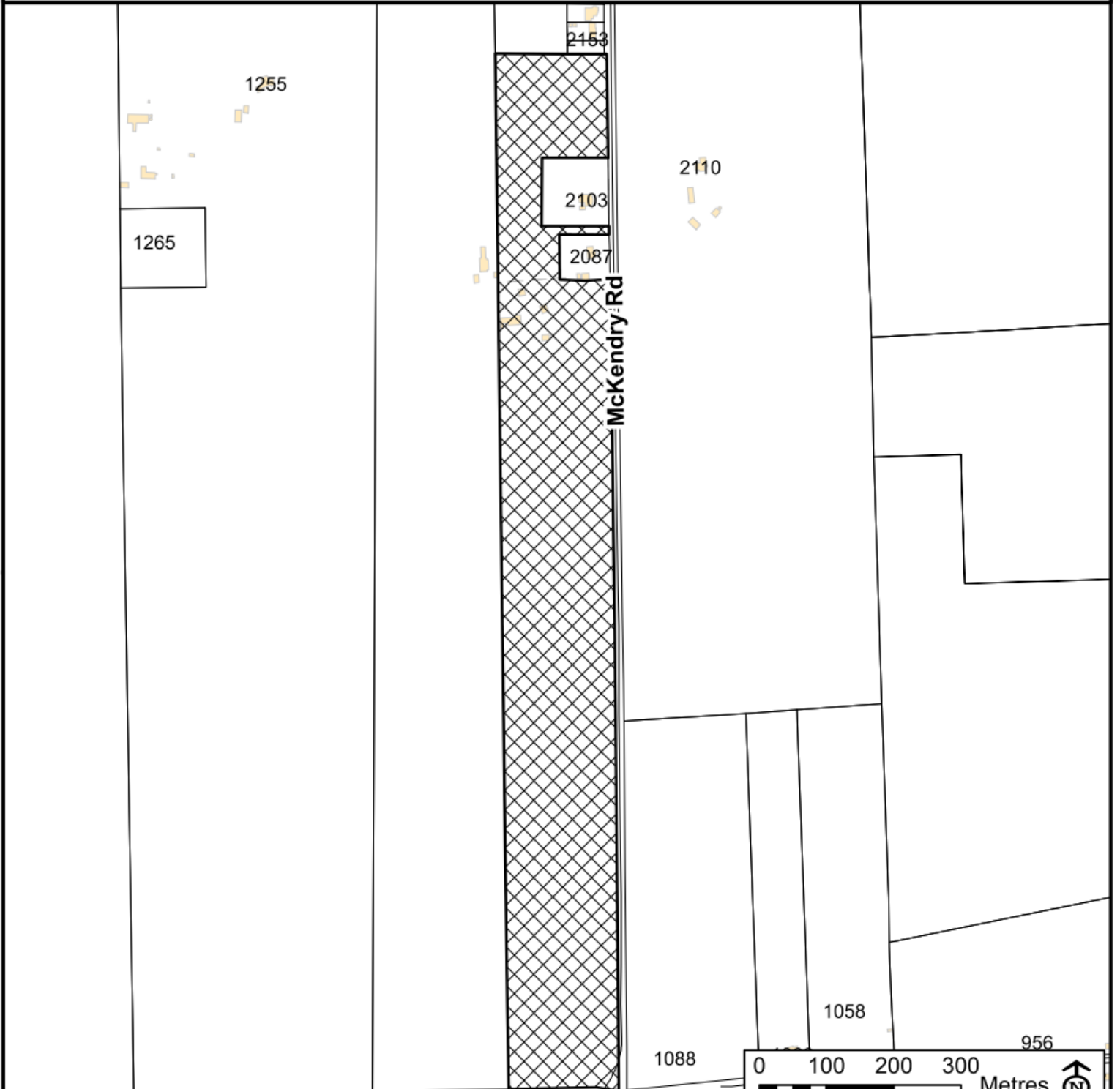
 Lands to be added as E139

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

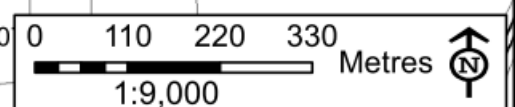
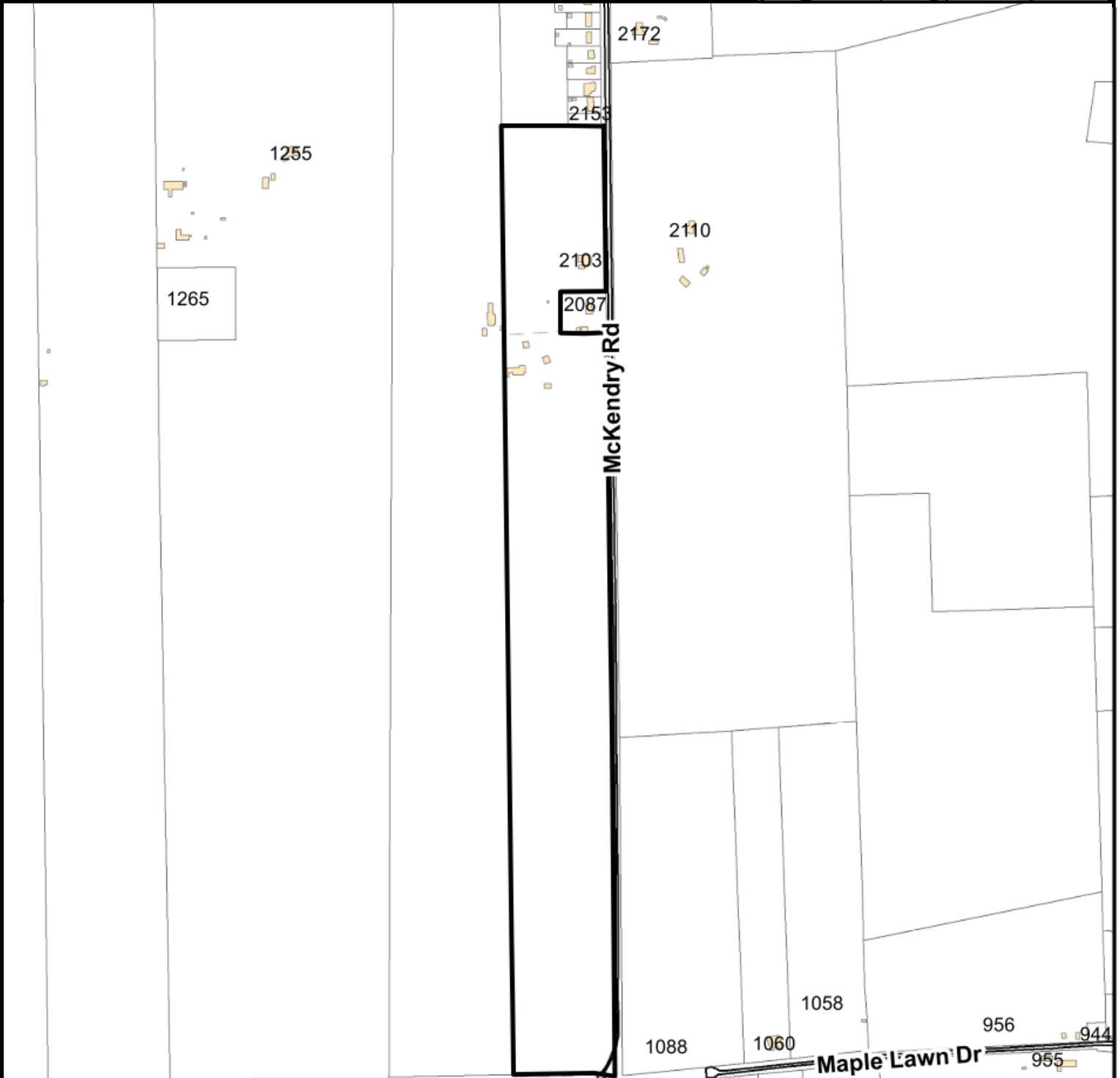
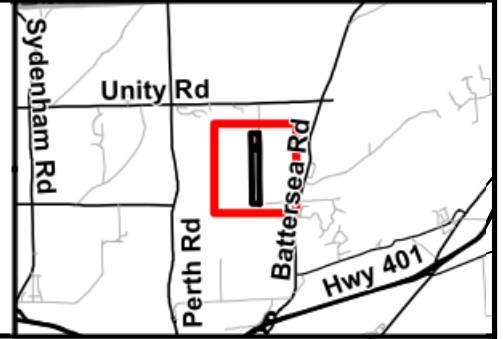


Planning Committee

Key Map

Address: 2103 McKendry Road
File Number: D14-013-2023

 Subject Lands

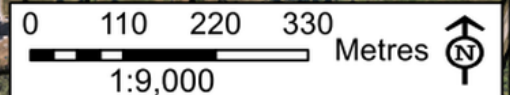
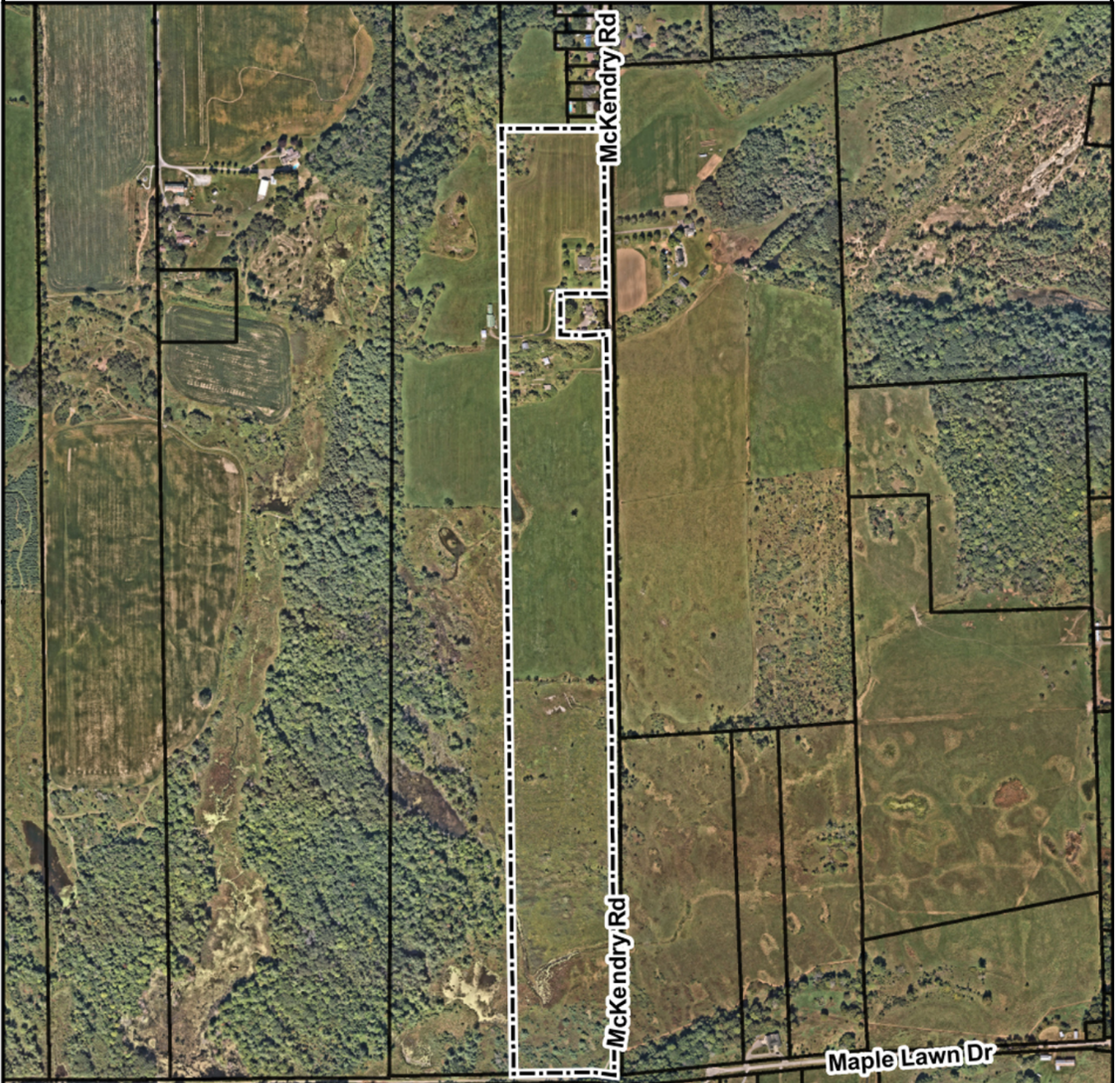




Planning Committee
Neighbourhood Context (2023)

Address: 2103 McKendry Road
File Number: D14-013-2023






- Subject Lands
- Property Boundaries
- Proposed Parcels

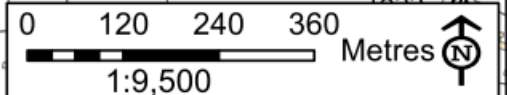
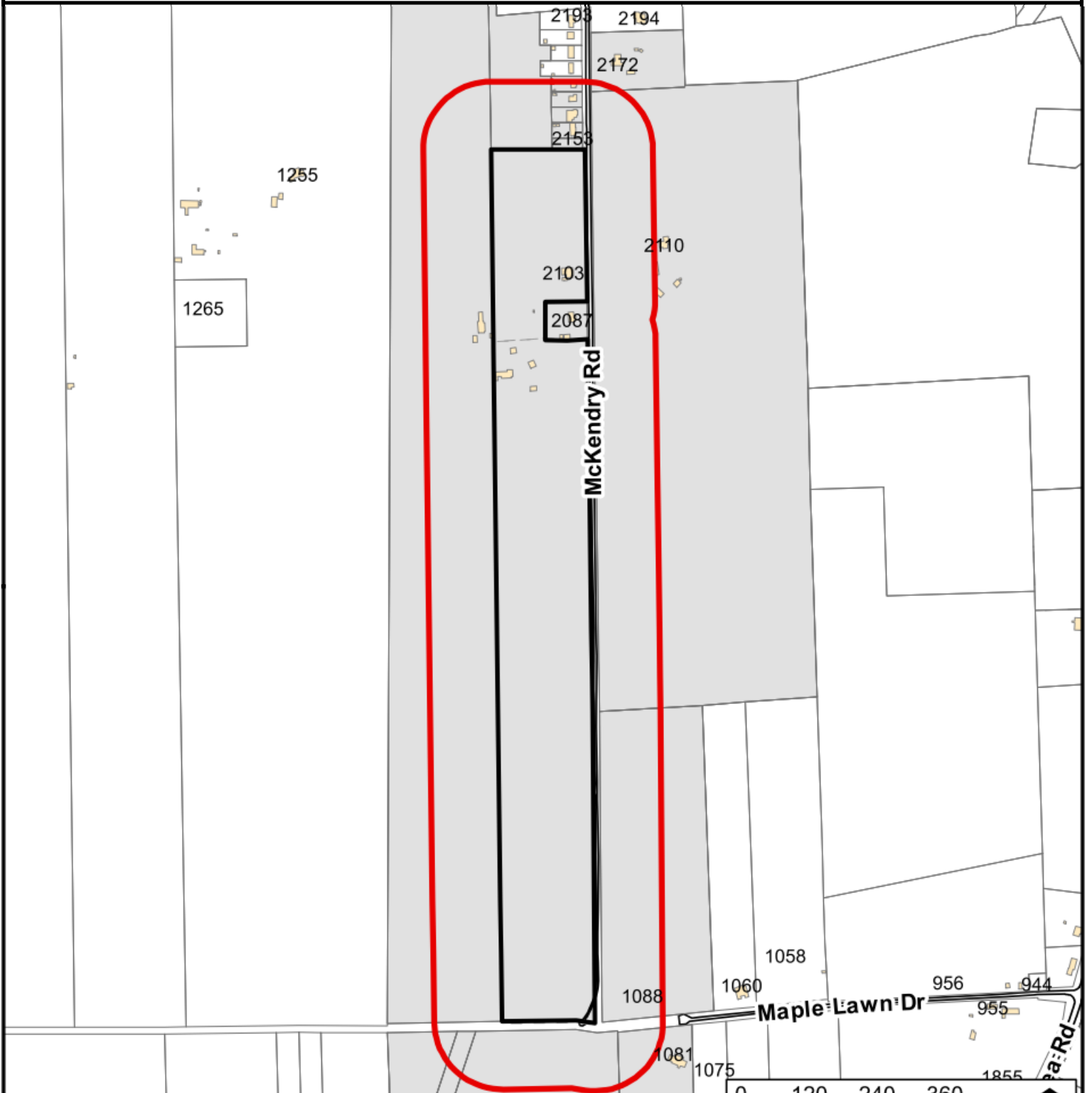




Planning Committee Public Notice Notification Map

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)



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 any additional residential uses 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 future 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	<p>The existing residential uses on the provisionally approved retained and severed lots are serviced by individual water and sewage services.</p> <p>By prohibiting additional residential development, the proposed exception will prohibit incompatible residential uses on prime agricultural lands.</p>
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 future 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> <p>a) promote compact form and a structure of nodes and corridors;</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 served by major highways, airports, rail facilities and marine facilities;</p> <p>e) 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>f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and</p>	<p>Quality and Climate Change</p>	<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 additional 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,	Wise Use and Management of Resources	Minimum Distance Separation was evaluated through the consent application process and it was deemed that there

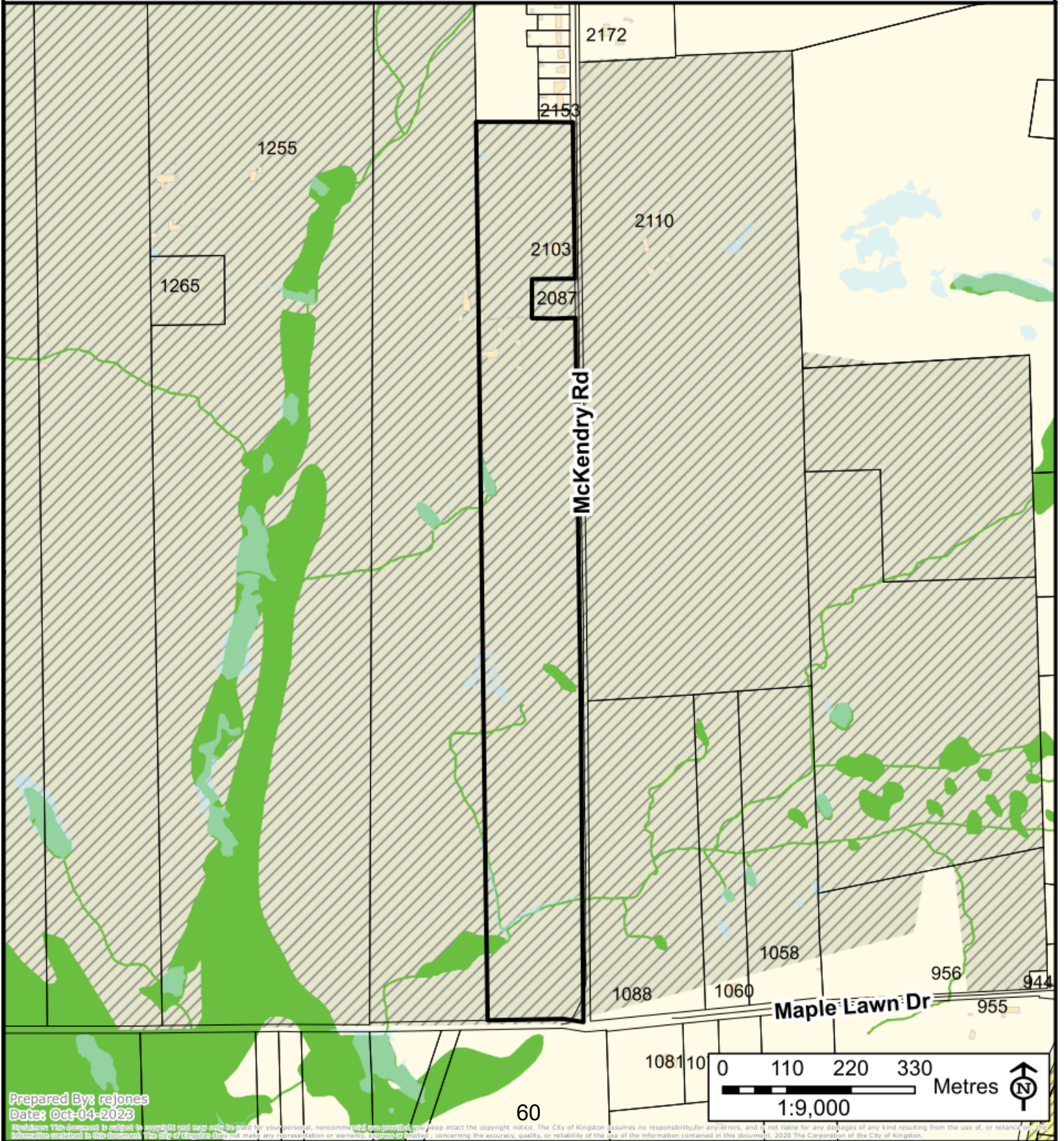
Policy Number	Policy	Category	Consistency with the Policy
	shall comply with the minimum distance separation formulae.		were no livestock or manure storage facility and conforms with MDS requirements.
2.3.4.1	<p>Lot creation in prime agricultural areas is discouraged and may only be permitted for:</p> <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</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 future residential development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	accommodated through the 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



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 future 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 additional 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 future 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 additional 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 recognize this converted additional residential unit as legal and will prohibit the establishment of any future residential uses of any kind 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 future residential uses 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>

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>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 layer prohibiting additional 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>



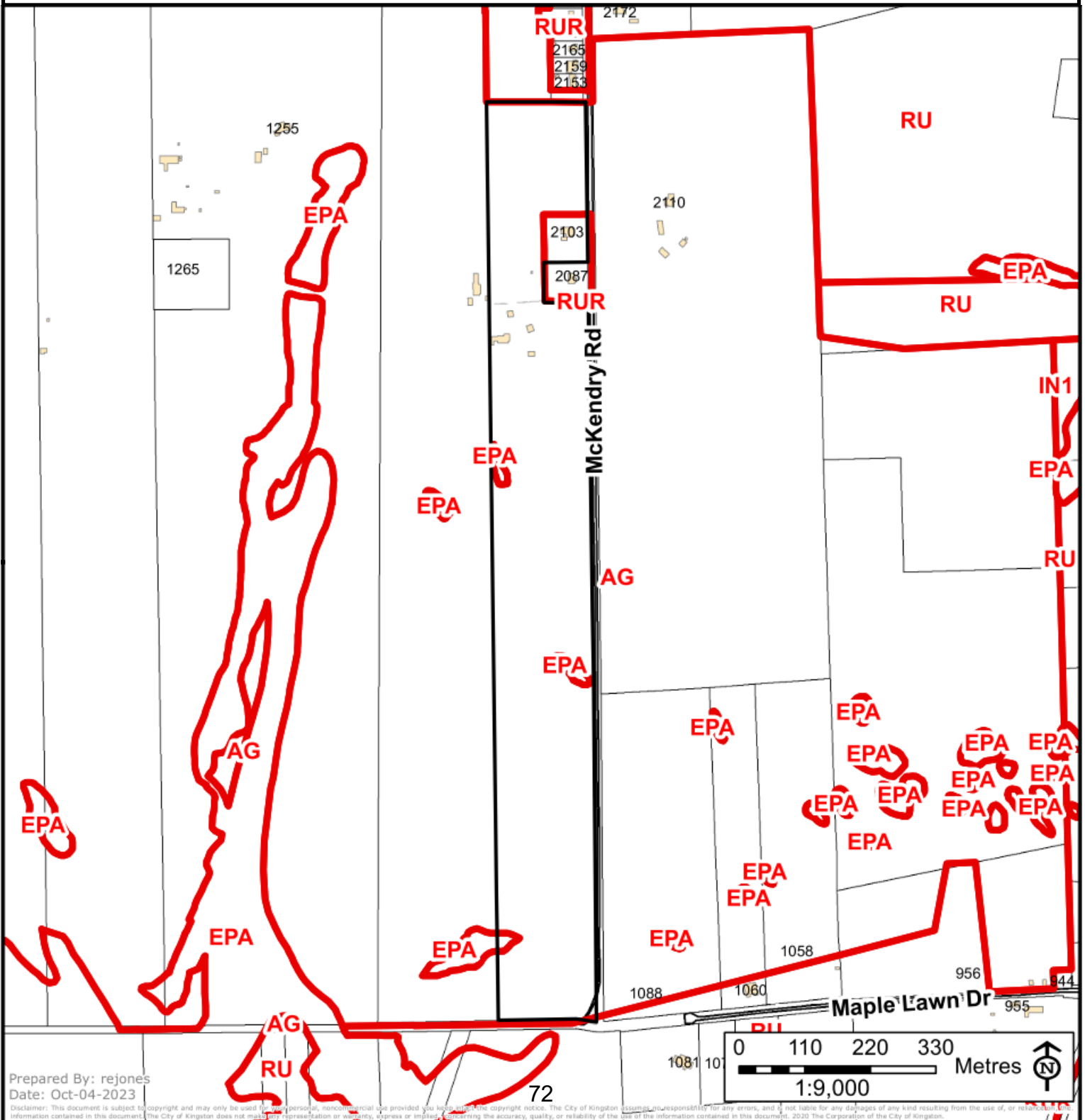
Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

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

Disclaimer: This document is subject to copyright and may only be used for personal, noncommercial use provided you keep the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not warrant the accuracy, quality, or reliability of the information contained in this document. © 2020 The Corporation of the City of Kingston.



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-24-021**

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: March 21, 2024
Subject: Recommendation Report
File Number: D14-001-2024
Address: 780 Gardiners Road
District: 6 - Trillium
Application Type: Zoning By-Law Amendment
Owner: 2832719 Ontario Inc.
Applicant: The 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 2832719 Ontario Inc., with respect to the subject site located at 780 Gardiners Road.

The subject property is designated as Arterial Commercial in the Official Plan and is zoned C2-25 under the former Kingston Township Zoning By-Law Number 76-26. The site is developed with a single storey commercial building that has historically been used as an automotive dealership and automotive centre. The existing building is currently unoccupied. The effect of the proposed Zoning By-Law amendment is to replace the existing C2-25 Zone under former Zoning By-Law Number

March 21, 2024

Page 2 of 12

76-26 with a 'General Commercial' (CG) Zone under the current Kingston Zoning By-Law. The purpose of this application is to broaden the number of permitted commercial uses for the subject property and allow the site to be reviewed according to the performance standards of the more modern Kingston Zoning By-Law, which will encourage opportunities for re-investment in this under-utilized commercial property while maintaining the intent of the Arterial Commercial designation for this site established by the Official Plan.

The existing C2-25 Zone does not permit any noise sensitive uses and was not subject to a Holding Overlay. A Holding Overlay will be applied to the CG Zone as the new zone does permit noise sensitive uses such as a dwelling unit in a mixed-use building, day care centre, and a library. Prior to the permitting the establishment of any permitted noise sensitive uses on the site, the City shall require a noise study to be submitted demonstrating that these uses can be accommodated without adverse impacts due to noise.

No physical development for 780 Gardiners Road is proposed at this time. The Zoning By-Law amendment is proposed to allow for a wider range of permitted commercial uses and to ensure that the property is subject to the modern performance standards established in the Kingston Zoning By-Law.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-001-2024) submitted by The Boulevard Group, on behalf of 2832719 Ontario Inc, for the property municipally known as 780 Gardiners 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-24-021; 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.

March 21, 2024

Page 3 of 12

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

March 21, 2024

Page 4 of 12

Options/Discussion:

Public Meeting and Comprehensive Report

Planning Services is recommending the Public Meeting and comprehensive report are heard concurrently at the March 21, 2024, 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 involves a change in non-residential use and does not contemplate development at this time; and
- Combining the Public Meeting and the comprehensive report facilitates the streamlining of the development approval process, thereby decreasing application processing time.

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:

Jacob Slevin, Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 2176
jslevin@cityofkingston.ca

March 21, 2024

Page 5 of 12

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 October 10, 2023.

Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of January 16, 2024.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before April 15, 2024, 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, known municipally as 780 Gardiners Road, is located at the northeast corner of the intersection of Gardiners Road and Taylor-Kidd Boulevard. Both Gardiners Road and Taylor-Kidd Boulevard are designated as Arterial Roads. The property has an approximate area of 3983 square metres, with roughly 177 metres of frontage onto Taylor-Kidd Boulevard and 51 metres of frontage onto Gardiners Road. Vehicular access to the property is provided from the Gardiners Road frontage.

The subject site is irregularly shaped due to the presence of a thin, triangularly shaped portion of land which extends along Taylor-Kidd Boulevard towards the eastern end of the property (Exhibit B – Key Map). Due to its irregular shape and size, this triangular portion of the subject lands are highly constrained and as such this portion of the property is currently vacant and unused. To regularize this unusual parcel fabric, the applicant has proposed to sever the triangular portion of the subject lands and to add this portion to the abutting property at 790 Gardiners Road. The applicant has submitted a separate Consent application in support of this proposal (File Number D10-003-2024).

The property is surrounded by commercial land uses to the north, south, east and west. The built form of these uses primarily consists of individual one-storey commercial buildings and commercial plazas. The RioCan Centre, a major shopping centre containing numerous commercial uses and ample vehicle parking spaces, is located to the south.

The nearest residential uses are located on Whistler Terrace, consisting of one and two storey single-detached and semi-detached homes. These residential properties are located approximately 105 metres east of the subject property, excluding the undeveloped triangular strip which is proposed to be severed as part of the Consent application mentioned above.

The subject lands are serviced using municipal water and wastewater infrastructure. The property is within walking distance of multiple bus stops, which provides access to Kingston Transit Routes 11 and 14, as well as Express Route 701.

March 21, 2024

Page 6 of 12

Proposed Application and Submission

The applicant is proposing a Zoning By-Law amendment for the subject property. This application would remove the existing C2-25 zoning designation from the former Kingston Township Zoning By-Law and add a rezone the lands to General Commercial (CG) in the current Kingston Zoning By-Law. Additionally, a Holding Overlay would be added for this property to prevent the development of noise sensitive uses until a satisfactory noise impact study is submitted.

No physical development for the subject property will be facilitated through this Zoning By-Law amendment application. No addition to the existing building or redevelopment of the subject property is proposed at this time. Rather, the intent of this proposal is to facilitate future investment in this under-utilized commercial property by permitting a wider range of commercial uses and allowing the property to be subject to the modern performance standards established by the current city-wide Kingston Zoning By-Law.

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

- Concept Plan
- Planning Justification Report and Draft By-Law
- Owner's Authorization

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 a Settlement Area as defined by the Provincial Policy Statement (2020) and is developed with a single storey commercial building formerly used as an automotive centre and dealership but is currently unoccupied. The proposed Zoning By-Law Amendment to rezone the subject property as Commercial General to facilitate future investment and re-development of this under-utilized commercial property. As such, the proposal supports the diversification of the City of Kingston's economic base on lands which are serviced by municipal water and wastewater infrastructure as well as several bus transit routes.

This application for a zoning by-law amendment is consistent with the Provincial Policy Statement (2020). A detailed review of how this proposal complies with the applicable policies is attached in Exhibit D.

March 21, 2024

Page 7 of 12

Official Plan Considerations

The property at 780 Gardiners Road is inside the City’s Urban Boundary and is located within a Business District as shown on Schedule 2 – City Structure of the Official Plan. Business Districts are primarily intended to accommodate employment opportunities. The subject property is designated as Arterial Commercial by the Official Plan (Exhibit E – Official Plan, Land Use Map). The intention of Arterial Commercial lands is to provide suitable locations for commercial uses that require visibility and easy access from the traveling public, as well as uses which require large sites that can accommodate outdoor display areas. It is the intent of the Official Plan that Arterial Commercial uses require a location along a major road.

The applicant has proposed a Zoning By-Law amendment to delete the current C2-25 Zone and implement a CG (General Commercial) Zone on the subject property. No development is proposed with this application, it is the intent of the applicant to rezone the property to CG in order to permit a wider range of commercial uses and allow the property to be subject to the modern performance standards established in the Kingston Zoning By-Law, with the goal of encouraging future redevelopment of the under-utilized commercial property. Permitted uses within the CG Zone are aligned with the intention of the Arterial Commercial designation. Several other properties in the surrounding area are zoned as CG with an Official Plan designation of Arterial Commercial, including 755-759 Gardiners Road and 834-854 Gardiners Road.

By encouraging the redevelopment of a currently under-utilized commercial property, this proposal aligns with the Official Plan’s goals of promoting and protecting existing employment areas in order to maintain a diverse economic base for the City of Kingston. Additionally, as the subject property is an existing landholding serviced by municipal water and wastewater infrastructure and is in close proximity to multiple bus transit routes, this proposal also supports the City’s goals of encouraging new non-residential development through intensification and re-use of under-utilized lands.

The applicant’s proposal is considered by Planning staff to be in conformity with the policies of the Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

Zoning By-Law Discussion

The property is currently subject to the C2-25 Zone of former Kingston Township Zoning By-Law and is currently not subject to the provisions of the city-wide Kingston Zoning By-Law (Exhibit G – Zoning Map). The existing zoning permits a number of commercial uses, as shown below in Table 1.

The purpose and effect of the proposed Zoning By-Law amendment is to apply the CG Zone to the subject lands to permit a wider range of commercial uses and allow the property to be subject to the modern performance standards. No specific development is proposed for the property at this time, and as such, no specific zoning relief or any site-specific exemptions are being requested by the applicant at this time.

March 21, 2024

Page 8 of 12

As shown in Table 1 below, despite the differing terminology in some cases, the permitted uses in the proposed CG Zone have significant overlap with the permitted uses in the existing C2-25 Zone. However, the proposed CG Zone allows for additional permitted uses and as such, the proposed CG Zone is considered to be a more permissive zoning designation while still restricting permitted uses to commercial uses which fulfill the intent of the Official Plan’s designation of the lands as Arterial Commercial. This more permissive zoning designation is anticipated to encourage the future redevelopment of the subject lands, which are currently unused. Additionally, bringing the property into the Kingston Zoning By-Law will allow the property to be subject to performance standards that are aligned with the City’s current policy goals. Such performance standards which would potentially relevant to the subject property include updated vehicle and bicycle parking standards as well as permissions for mixed-use development.

The proposed CG Zoning will allow for certain noise sensitive uses which were not permitted under the existing Zoning. To ensure that this application does not permit future development of uses which will be adversely affected by noise and vibration impacts from existing surrounding land uses, a Holding Overlay is being established as part of this application. The Overlay may be removed at such time as the City is presented with a noise and vibration study which demonstrates that noise concerns will not adversely impact the proposed sensitive land use. Uses that will be subject to this Overlay are shown in Table 1 below.

Table 1 – Zoning Comparison Table

Zone Provision	Existing Zone – C2-25 (Kingston Township Zoning By-Law 76-26)	Proposed Zone – CG (Kingston Zoning By-Law 2022-62)
Permitted Uses	<ul style="list-style-type: none"> • Auditorium • Bank • Beverage Room • Business of Professional Office • Clinic • Commercial Club • Dry Cleaning or Laundry Outlet • Personal Service Shop • Private Club 	<ul style="list-style-type: none"> • Dwelling Unit in a Mixed Use Building* • Animal Care • Automobile Sales Establishment • Banquet Hall • Carwash • Commercial Parking Lot • Community Centre • Club • Creativity Centre

March 21, 2024

Page 9 of 12

	<ul style="list-style-type: none"> • Public Use • Recreational Establishment • Restaurant • Retail Store • Shopping Centre consisting of any permitted uses listed above • Automobile Dealership • Automotive Centre 	<ul style="list-style-type: none"> • Day Care Centre¹ * • Financial Institution • Fitness Centre • Gas Station • Grocery Store • Funeral Establishment • Institutional Use* • Laundry Store • Library* • Museum • Office • Personal Service Shop • Place of Worship • Recreation Facility • Recreational Vehicle Sales Establishment • Repair Shop • Restaurant • Retail Store • Special Needs Facility* • Training Facility • Wellness Clinic <p>¹. Is permitted only as an accessory use to a principal use on the lot.</p>
--	---	--

March 21, 2024

Page 10 of 12

		* Holding Overlay will apply to this use. Noise study will be required prior to removal of Overlay.
--	--	---

Other Applications

The site is also subject to a Consent Application (File Number D10-003-2024) for the irregularly shaped triangular portion towards the east of 780 Gardiners Road and fronting onto Taylor-Kidd Boulevard. This triangular portion, with an area of 457.4 square metres and 105.3 metres of frontage on Taylor-Kidd Boulevard, is proposed to be added to the abutting lands at 790 Gardiners Road. Due to its irregular shape and size, this portion of the subject lands is highly constrained and as such this portion of the property is currently vacant and unused. This proposed lot addition would regularize the unusual lot fabric of 780 and 790 Gardiners Road and increase the usable land for 790 Gardiners Road.

The subject property is not subject to any other Planning Applications at this time. However, it is noted that, as per the City’s Site Plan Control By-Law (By-Law Number 2010-217), new non-residential development, redevelopment, or additions located along an Arterial Road shall be require an application for Site Plan Control. As the subject property is located at the corner of two Arterial Roads, future non-residential development or redevelopment on this site shall require a Site Plan Control application.

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 March 21, 2024, with respect to this application. This Public Meeting will be held concurrently with the submission of this Comprehensive Report. There have been no written public concerns or comments received at time of preparing this report. Any correspondence received before the Public Meeting will be provided to the Committee and the applicant prior to the Public Meeting on March 21, 2024.

Effect of Public Input on Draft By-Law

No public comments were received at the time this report was prepared.

Conclusion

The proposed Zoning By-Law amendment to rezone the subject property at 780 Gardiners Road from the C2-25 Zone under Kingston Township Zoning By-Law to the CG Zone under Kingston Zoning By-Law is recommended for approval for the reasons outlined throughout this report. The

March 21, 2024

Page 11 of 12

proposal is anticipated to encourage the future redevelopment of an unused commercial property at a prime location at the intersection of two arterial roads by enabling a more permissive zoning which remains consistent with the intent of the Arterial Commercial designation applicable to the property. While no specific development is proposed at this time, future development proposals would be required to meet the performance standards of the Kingston Zoning By-Law, and non-residential development proposals will be required to submit a Site Plan Control application. At this stage, staff can assess the technical details of the proposal to ensure that any development will be functional and compatible with the surrounding area.

This application is consistent with the PPS, conforms to the intent of the Official Plan, and represents good land use planning, and as such 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

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 34 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 March 18, 2024.

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.

March 21, 2024

Page 12 of 12

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Draft Zoning By-Law and Schedules
- Exhibit B Key Map
- Exhibit C Neighbourhood Context
- Exhibit D Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Land Use Map
- Exhibit F Conformity with the Official Plan
- Exhibit G Zoning By-Law Number 2022-62 Map
- Exhibit H Proposed Site Plan – Existing Conditions
- Exhibit I Site Photographs
- Exhibit J Public Notification Map

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Transfer of Lands into Kingston Zoning By-law and Introduction of Holding Overlay Number H235, (780 Gardiners Road))

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; and

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 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 symbol ‘CG’, 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 Number H235, as shown on Schedule “B” attached to and forming part of this By-Law.
 - 1.3. By adding the following Holding Overlay H235 in Section 22 – Holding Conditions, as follows:

“**H235.** The Holding Overlay only applies to the following: a **dwelling unit** within a **mixed use building**; a **day care centre**; an **institutional use**; a **library**; and a **special needs facility**. 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. 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



Schedule 'A' to By-Law Number

Address: 780 Gardiners Rd.
File Number: D14-001-2024

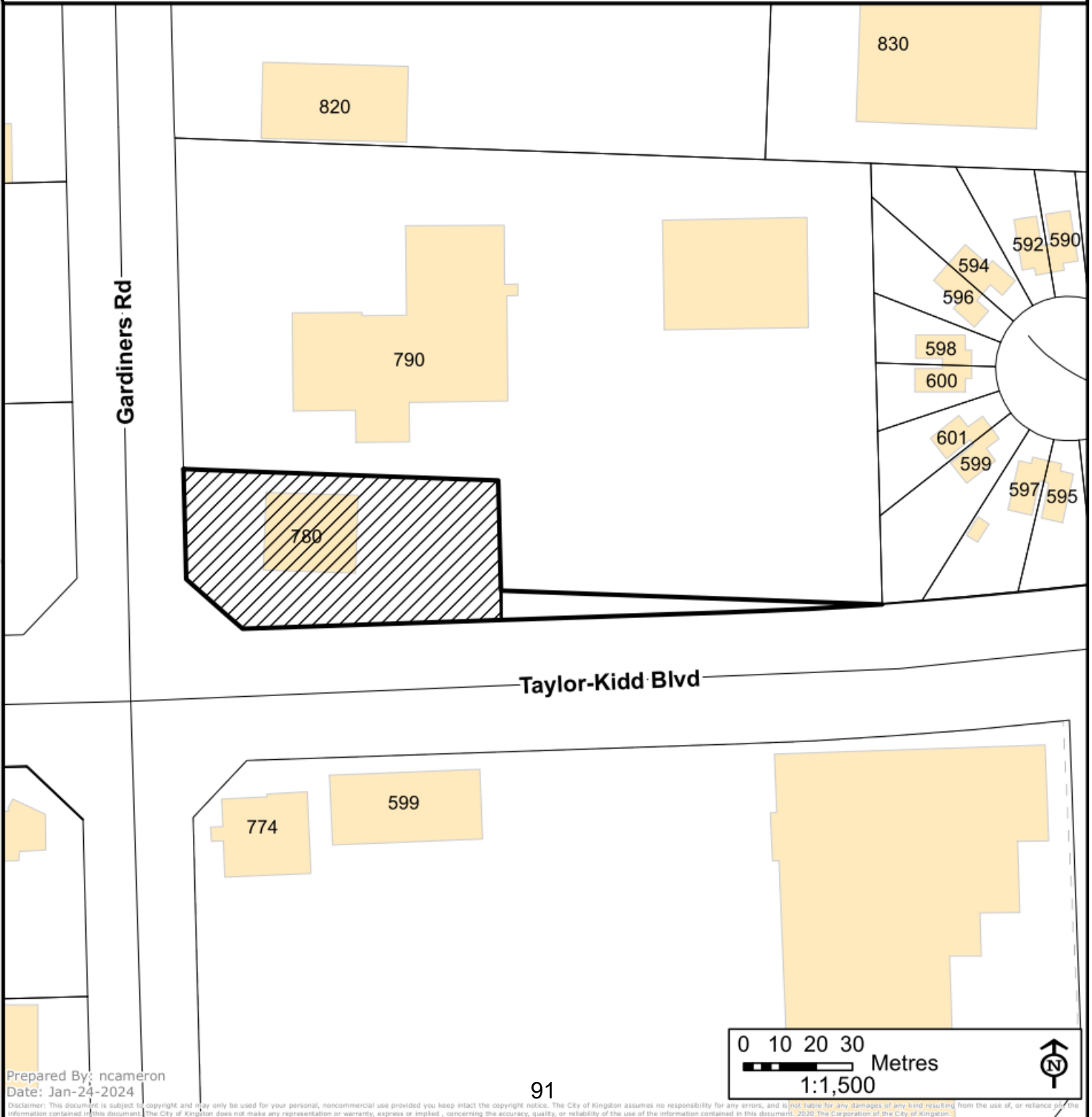
Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

Lands to be Rezoned from NA to CG

Certificate of Authentication

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


Mayor Clerk





**Schedule 'B'
to By-Law Number**
Address: 780 Gardiners Rd.
File Number: D14-001-2024

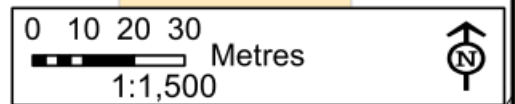
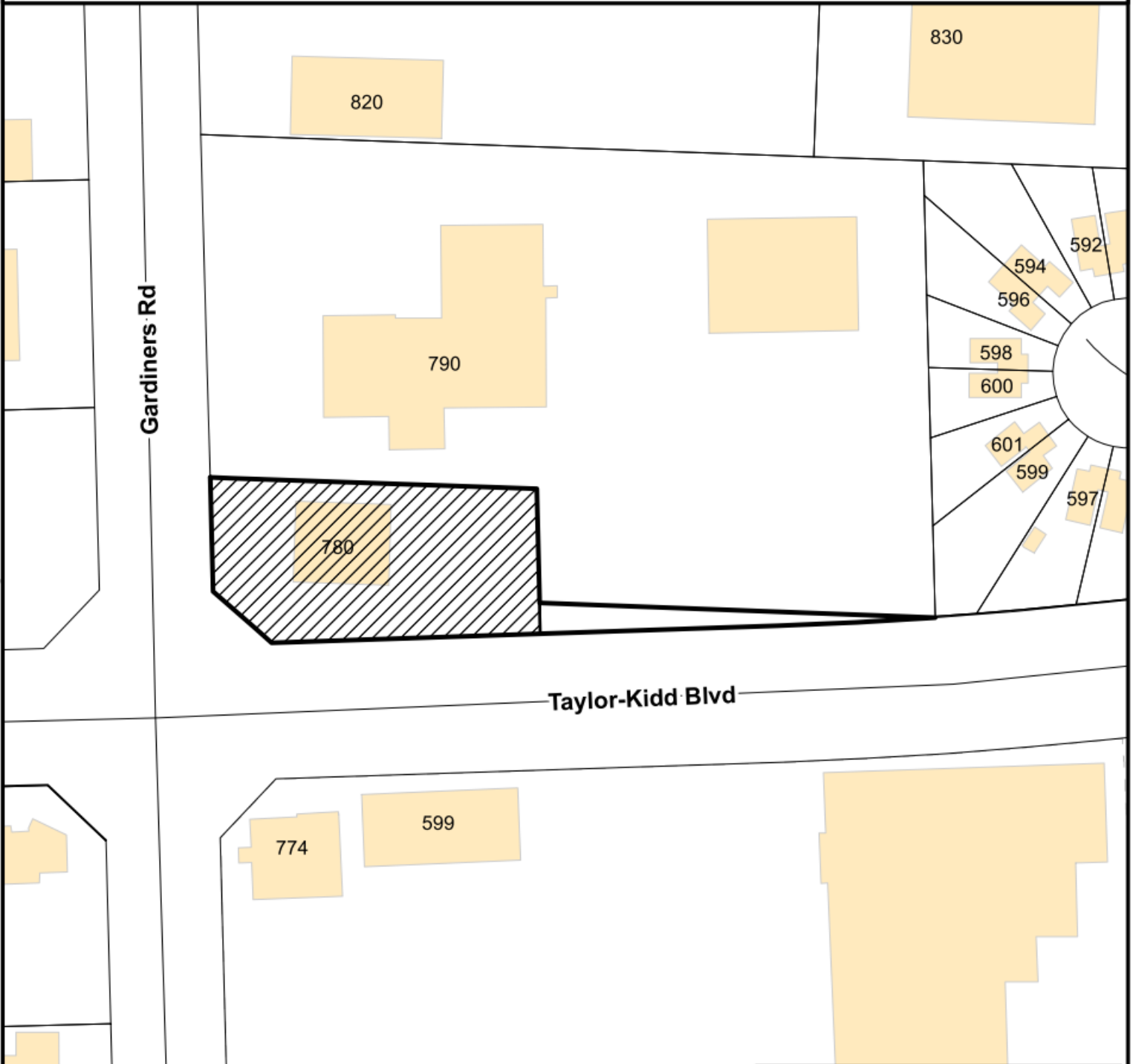
**Kingston Zoning By-Law 2022-62
Schedule F - Holding Overlay**

 Lands to be Zoned HXXX

Certificate of Authentication

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

Mayor Clerk

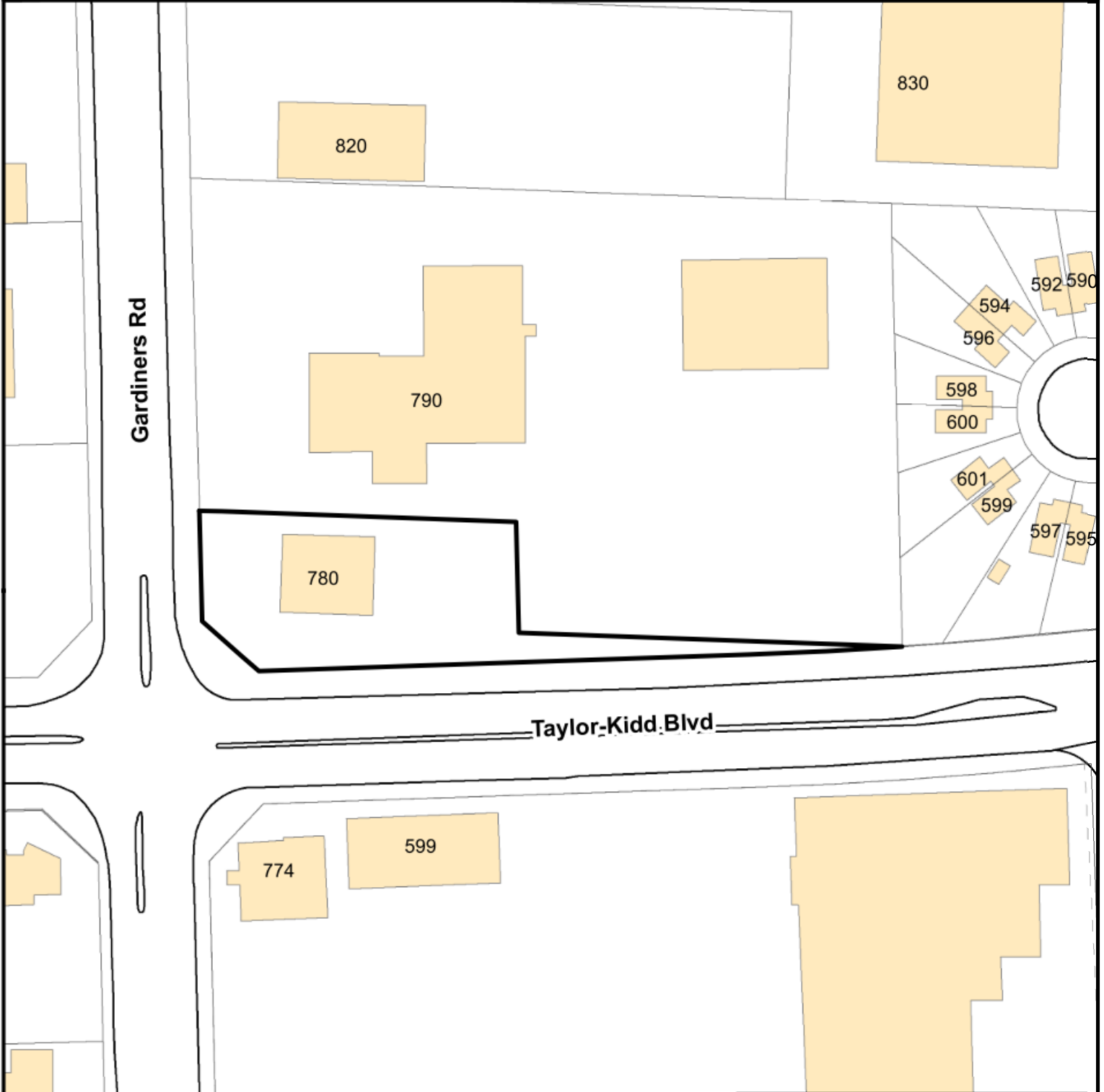
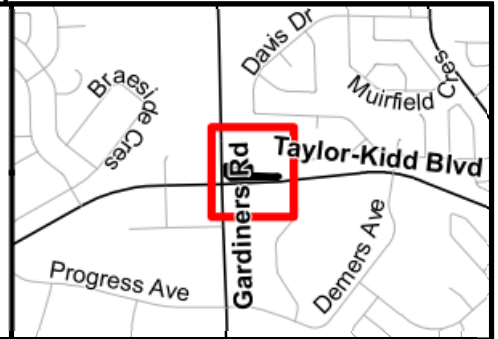




Planning Committee Key Map

Address: 780 Gardiners Rd
File Number: D14-001-2024
Prepared On: Jan-18-2024

 Subject Lands

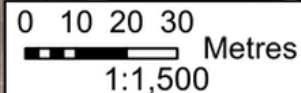




Planning Committee Neighbourhood Context

Address: 780 Gardiners Rd
File Number: D14-001-2024
Prepared On: Jan-18-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Warranties: This document is prepared by the City of Kingston and is provided for your general information only. The City of Kingston assumes no responsibility for any errors, omissions or damages of any kind resulting from the use of the information contained in this document. The City of Kingston does not accept any responsibility or liability for any errors, omissions or damages of any kind resulting from the use of the information contained in this document. The City of Kingston does not accept any responsibility or liability for any errors, omissions or damages of any kind resulting from the use of the information contained in this document. The City of Kingston does not accept any responsibility or liability for any errors, omissions or damages of any kind resulting from the use of the information contained in this document.

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>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 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</p>	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	<p>Efficiencies in land use development patterns are obtained through the ability to adapt new uses to existing infrastructure and building stock.</p> <p>The proposal supports the accommodation of employment and commercial uses by allowing for a wider range of commercial uses than is permitted by the previous Zoning By-Law 76-26.</p> <p>The proposal is transit supportive as it will facilitate future commercial development in a location serviced by multiple bus transit routes.</p> <p>The proposal will facilitate future development on a parcel of land already serviced by municipal water and sewage infrastructure.</p> <p>The application will facilitate the future redevelopment of an existing under-utilized commercial property through infill development.</p>

Policy Number	Policy	Category	Consistency with the Policy
1.1.3.1	Settlement areas shall be the focus of growth and development.	Settlement Areas	The subject lands are located within the Urban Boundary, which is the defined as a settlement area for the City and are well serviced by transit. No expansion of the Urban boundary is required.
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 developed; and g) are freight-supportive. 	Settlement Areas	<p>The proposed Zoning By-law Amendment will facilitate the future re-development of this under-utilized commercial property, representing an efficient use of land in municipal infrastructure. The site's proximity to multiple bus routes represents an efficient use of transit infrastructure.</p> <p>As no development is proposed, there are no negative impacts to air quality or climate change.</p>
1.1.3.3	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 proposal will allow the subject site to be reviewed according to more modern development standards, facilitating future redevelopment.

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.	Land Use Compatibility	A Holding Overlay, which will apply only to sensitive uses permitted by the CG Zone that were not permitted under the original zoning for the property, will be established through this application. Prior to removal of the Holding Overlay, a noise and vibration study must be submitted that demonstrates that no adverse impacts on sensitive uses due to noise will be anticipated.
1.3.1	<p>Planning authorities shall promote economic development and competitiveness by:</p> <p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p> <p>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 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>	Employment	The proposed Zoning By-Law Amendment seeks to ensure the subject property is regulated via the most up-to-date zoning regulations, encouraging the establishment of new business on the site. This will improve and diversify the City's economic base, given that the property is currently vacant. The proposal will also create opportunities for mixed use development, provided that noise and vibration concerns can be addressed.

Policy Number	Policy	Category	Consistency with the Policy
	<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>		
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>	Employment Areas	<p>This proposal supports the protection and preservation of the commercial land use on this property by widening the range of permitted uses and thereby facilitating re-investment and redevelopment.</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>The subject property is already serviced by municipal water and sewage services.</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>	Transportation Systems	<p>The subject site is in close proximity to several bus stops which are serviced by Kingston Transit Routes 11 and 14, as well as Express Route 701.</p>





Policy Number	Policy	Category	Consistency with the Policy
1.7.1	Long-term economic prosperity should be supported by: a) promoting opportunities for economic development and community investment-readiness;	Long-Term Economic Prosperity	This proposal promotes opportunities for economic development by facilitating future redevelopment of this property by allowing a wider range of permitted commercial uses.
2.1.1	Natural features and areas shall be protected for the long term.	Natural Heritage	No natural heritage features on or adjacent to the subject property.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	Cultural Heritage and Archeology	The property has no built heritage resources and is not adjacent to any heritage properties. The property is not within a significant cultural heritage landscape.
2.6.4	Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.	Cultural Heritage and Archeology	No potential for archeological resources is identified for the subject property.

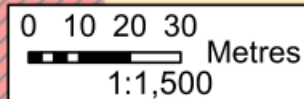
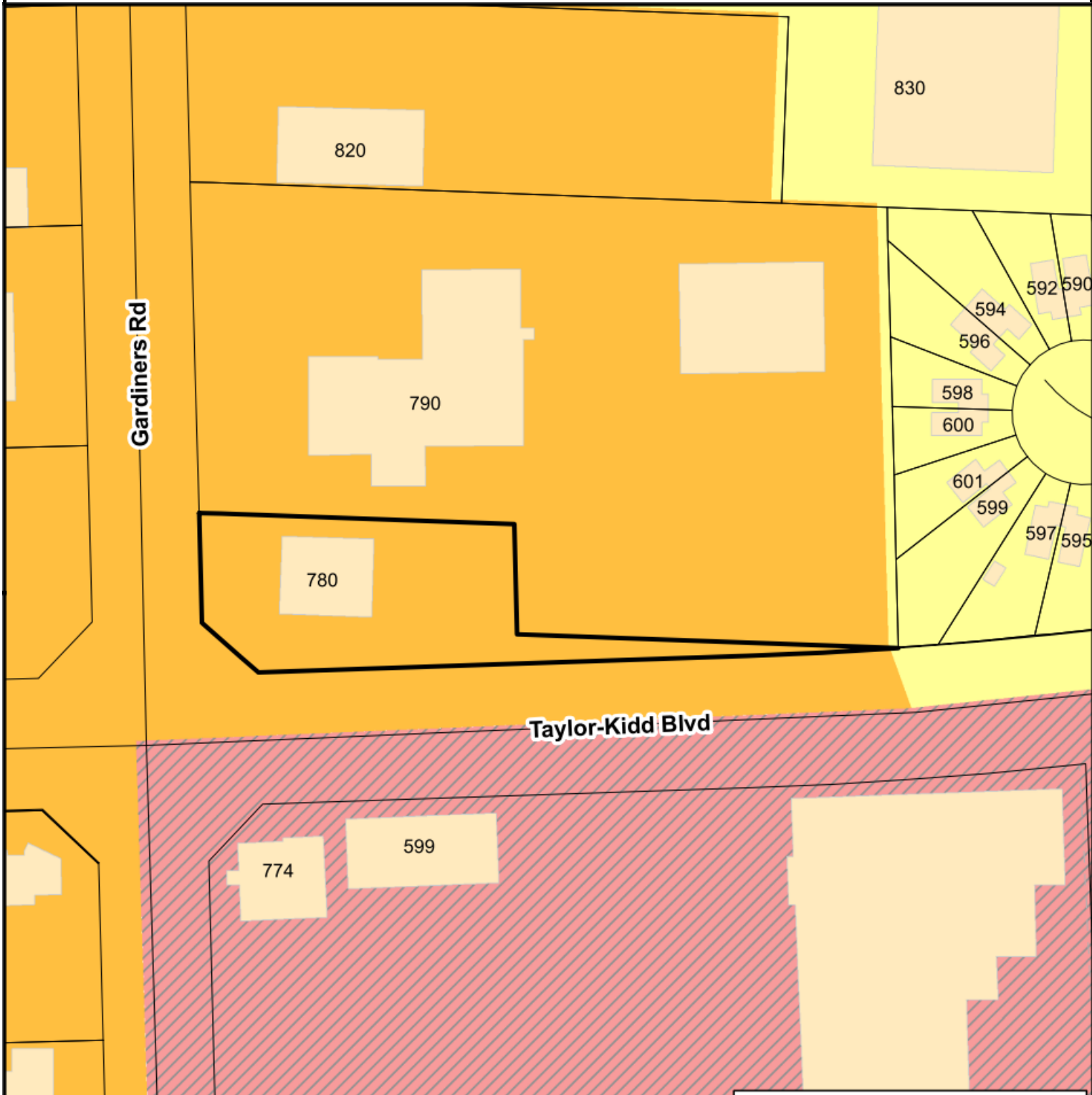


Planning Services

Planning Committee Official Plan, Existing Land Use

Address: 780 Gardiners Rd
File Number: D14-001-2024
Prepared On: Jan-18-2024

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  REGIONAL COMMERCIAL
-  RESIDENTIAL



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; c. enhanced access to public amenities and spaces for all residents, visitors and workers; 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; l. promotion of green infrastructure to complement infrastructure; n. an ecosystem approach to protecting the natural heritage system 	<p>Urban Areas – Focus of Growth</p>	<p>The subject lands are located within the Urban Boundary, and any future development will increase the density of commercial uses as envisioned for the lands.</p> <p>The lands are located near to public transit and active transportation infrastructure such as bike lanes and bus stops.</p> <p>The lands are located within walking distance from the Kingston Transit transfer station located at the Cataraqui Town Centre.</p> <p>Any future on-site development will utilize existing infrastructure without the need of any additional extensions.</p> <p>The proposed Zoning By-Law Amendment seeks to revitalize an under-used commercial property by permitting a wider range of commercial uses under the CG Zone within Kingston Zoning By-law 2022-62 compared to the C2-25 Zone within Kingston Township Zoning By-law 76-26 that currently applies to the property.</p> <p>There are no trees or natural heritage features of any kind on the subject property.</p>
<p>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 the Urban Boundary will be the focus of growth and development in the City and contains sufficient land to accommodate the projected</p>	<p>Urban Boundary</p>	<p>The subject lands are within the urban boundary and will facilitate future redevelopment of lands within the built up area of the City and with existing infrastructure services.</p>

Policy	Category	Conformity with the Policy
<p>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>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> <ul style="list-style-type: none"> 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); 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 Housing District shown on Schedule 2; c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in 	<p>Business Districts</p>	<p>The subject lands are located within the Urban Boundary, and within an established commercial employment area. Any future non-residential development on the subject property shall be subject to Site Plan Control, at which point technical details can be reviewed to ensure there are no land use compatibility concerns.</p> <p>Certain sensitive uses are permitted within the CG Zone that were not permitted under the property's previous zoning. A Holding Overlay will be established on the property to require that noise and vibration concerns are addressed prior to allowing any newly permitted noise sensitive uses to be developed. The permitted uses within the CG Zone are not anticipated to create significant levels of noise or odour.</p> <p>No development is currently proposed, however, streetscape aesthetic concerns as well as traffic concerns can be reviewed and considered at the time of a future Site Plan Control application.</p> <p>The proposed CG (General Commercial) Zone is compatible with the other commercial uses in the surrounding area and is suitable for the size and location of the subject property. The</p>

Policy	Category	Conformity with the Policy
<p>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 onsite 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>proposal will not undermine other business park, industrial or technological uses.</p>
<p>2.3.1. The focus of the City's 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>Growth Focus</p>	<p>The subject lands are located within the Urban Boundary, which is the focus of growth. It is intended that future development of the property will re-use existing services.</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</p>	<p>Intensification</p>	<p>This proposal supports the increase in overall net non-residential density through intensification by facilitating the future redevelopment of an under-utilized commercial property.</p>

Policy	Category	Conformity with the Policy
Specific Policy Areas, as illustrated in Schedule 13.		
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.	Employment	The permitted uses will facilitate employment opportunities to achieve a diversified economic base for residents of the City of Kingston.
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.	Principles of Growth – Transportation	See Section 2.1.1. Property is located near bike lane infrastructure and is serviced by Kingston Transit Routes 11, 14, and 701 with multiple bus stops nearby.
2.3.18. Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports 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.	Principles of Growth – Accessibility	Proposals for future development will have to comply with the Accessibility for Ontarians with Disabilities Act (AODA).
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: a. reduce infrastructure and public facility costs; b. reduce energy consumption and greenhouse gas emissions; c. support active transportation and viable public transit;	Phasing of Growth - Vision	See Section 2.1.1.

Policy	Category	Conformity with the Policy
<p>d. conserve agriculture and natural resources within the City; and</p> <p>e. reduce reliance on private vehicles.</p>		
<p>2.4.5. The City has established the following minimum targets for intensification to occur within the Urban Boundary.</p> <p>b. It is the intent of the City that ten percent (10%) of new nonresidential development occur through intensification.</p>		<p>This proposal supports the City's intensification targets for non-residential development by encouraging redevelopment of this under used property.</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>See Section 2.2.6.</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 proposed Zoning By-law Amendment represents a relatively minor change to the subject property in terms of land use. Both the current and proposed zones are commercial zones. The Official Plan's designation of this property as Arterial Commercial is intended to remain. The surrounding land uses to the north, east, south and west are all commercial uses, including several nearby uses included in the CG Zone.</p> <p>The existing C2-25 Zone and proposed CG Zone share a number of permitted uses, as shown in Table 1 of this report under the 'Zoning By-law Discussion' sub-heading.</p> <p>The sole purpose of this application is to encourage redevelopment of this property by permitting a wider range of commercial uses and allowing this property to be reviewed according to the modern performance</p>

Policy	Category	Conformity with the Policy
		standards established in the Kingston Zoning By-law.
<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; 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, l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents. 	Land Use Compatibility Matters	<p>No physical development is proposed or contemplated as part of this Zoning By-law Amendment application.</p> <p>See Section 2.7.1 for discussion of compatibility of proposed land use change with surrounding uses.</p> <p>If new non-residential development is proposed for the subject property, Site Plan Control application will be required. As part of this application, technical details with regards to shadowing, light, noise, traffic, etc. will be assessed and reviewed. Through the Site Plan Control application process, the City may request such technical studies and reports as it deems are appropriate to assess the development proposal's compatibility with surrounding land uses.</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>By allowing for a wider range of permitted commercial uses on the property, this proposal supports the diversification of the City’s economic base while preserving the subject lands for commercial/employment uses.</p> <p>The property will benefit from existing municipal infrastructure in terms of transit as well as water and wastewater services.</p>
<p>3.4.E.1. Permitted uses in the Arterial Commercial designation include a range of services that cater to the travelling public, uses that require large sites, or which require outdoor display such as vehicle sales lots or vehicle rental premises, hospitality uses, and automotive uses such as gas bars and service stations. Large floor-plate retail uses intended for a Regional Commercial designation are not included. Outdoor patio restaurants may be permitted in accordance with the policies of Section 3.4.G. Limited convenience commercial goods and services may also be permitted with the size and type of use regulated in the zoning by-law.</p>	<p>Arterial Commercial – Permitted Uses</p>	<p>Permitted uses within the proposed CG Zone align with the intent of the Arterial Commercial designation and the permitted uses identified for this designation within the Official Plan.</p>

Policy	Category	Conformity with the Policy
Office uses are permitted as an accessory use only.		
3.4.E.2. The planned function of an Arterial Commercial designation is to provide for a limited range of goods and services that do not fit well within the retail hierarchy and require a location on a major road. The designation is not intended to accommodate uses planned for a Regional Commercial designation or other designation in the retail hierarchy.	Arterial Commercial – Function	See Section 3.4.E.1.
3.4.E.3. The City contains a number of older strip plazas that have developed along arterial roads that are major arteries into the City. These sites, designated Arterial Commercial, contain a mix of retail, office and service uses in addition to the uses currently permitted in the Arterial Commercial designation. The implementing zoning by-law for those sites may recognize the existing wider range of uses.	Arterial Commercial – Existing Development	780 Gardiners Road is currently unused. The property was formerly used as an automotive centre and auto dealership. An automobile sales establishment is a permitted use within the proposed CG Zone.
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 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.	Infrastructure & Transportation – New Development	No new development is proposed at this time. If new non-residential development or redevelopment is proposed, a Site Plan Control application will be required at which time servicing, utilities, and other technical details related to infrastructure and transportation shall be evaluated.
6.1.1. The City will protect and encourage the stewardship and restoration of the natural heritage system identified on Schedules 7 and 8 by directing development away from natural heritage features and areas. Further, land use and development within the	Natural Heritage System – Intent	No natural heritage features are existing on the subject lands. As such, future development on these lands will have no adverse impacts on the natural heritage system.

Policy	Category	Conformity with the Policy
<p>adjacent lands to natural heritage features and areas will be regulated by the City to protect the ecological function of the natural heritage system. Environmental impact assessments may be required to demonstrate that development and land use change will not result in negative impacts.</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 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>Cultural Heritage and Archeology – Heritage Impact Statement</p>	<p>780 Gardiners Road does not contain any built heritage resources, nor is the property adjacent to any built heritage resources. As such, no heritage impact statement is required.</p>
<p>7.4.1. The Archaeological Master Plan is intended to manage archaeological resources in the City and provide policy direction in</p>	<p>Cultural Heritage and Archaeology – Archaeological Master Plan</p>	<p>Heritage Planning staff have confirmed that there is no potential for archeological resources on these lands. As</p>

Policy	Category	Conformity with the Policy
assessing areas of archaeological potential.		such, no archeological studies are required.
<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;</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 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>As outlined throughout this table, the proposal complies with all relevant policies and schedules of the Official Plan.</p> <p>No new development in terms of construction is proposed through this Zoning By-law Amendment application. The proposed new CG zoning for this property is compatible with the surrounding uses and zones.</p> <p>No new buildings or structures are proposed.</p> <p>The proposed CG Zone is similar to the existing C2-25 Zone in terms of permitted uses. The Zoning By-Law Amendment will allow for several newly permitted commercial uses and will allow the site to be reviewed according to the modern performance standards of the Kingston Zoning By-Law 2022-62. This is intended to encourage redevelopment of the unused property.</p> <p>Site Plan Control application will be required for new non-residential development on the site. Technical details such as the functionality of loading and parking will be assessed at the time of such an application</p> <p>Commercial uses permitted in the proposed CG Zone are anticipated to support a similar level of density relative to other nearby commercial uses.</p> <p>No impacts to municipal infrastructure, services, or traffic are anticipated given that no new development is proposed.</p> <p>No City staff or members of external agencies have objected</p>

Policy	Category	Conformity with the Policy
<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>to the applicant's proposal. At the time of writing this report, no public comments have been received.</p> <p>The proposal does not create a negative precedent, as Planning staff have been supportive of applications to rezone lands subject to zones outdated zoning by-laws to comparable zones under the current Kingston Zoning By-Law 2022-62.</p>

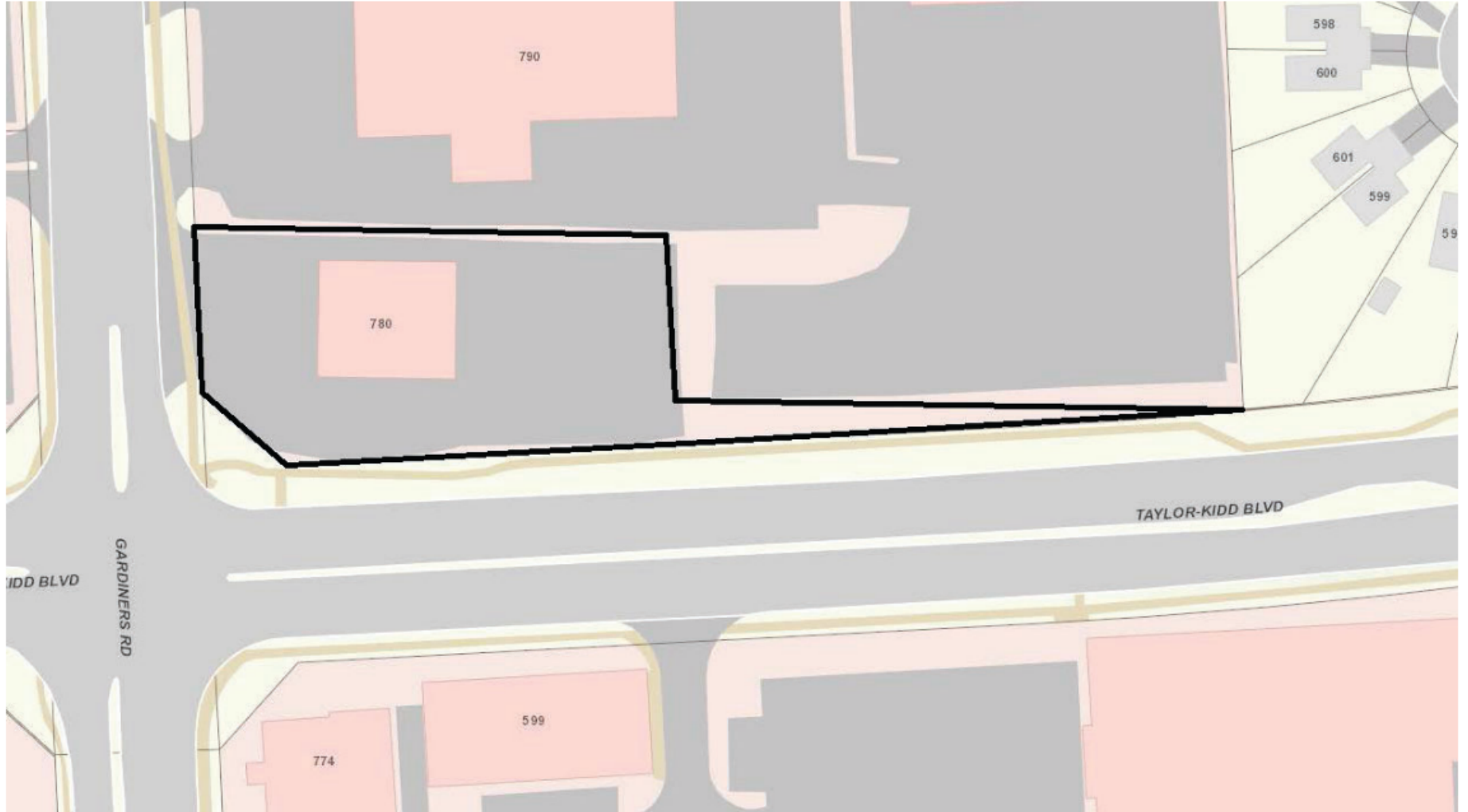




Figure 1: Frontal view of the subject property at 780 Gardiners Road. Existing building was formerly used as an automotive centre and is currently vacant.



Figure 2: View of the rear and side of the existing vacant building from the sidewalk adjacent to Taylor-Kidd Boulevard.



Figure 3: View of the adjacent auto dealership use at 790 Gardiners Road. An associated Consent application (File Number D01-003-2024) seeks to transfer the irregular triangular lot portion at the east of 780 Gardiners Road to this adjacent property at 790 Gardiners Road to regularize the irregular parcel fabric.



Figure 4: View of other commercial properties at 795 Gardiners Road, across the road from the subject property. Commercial uses permitted within the CG Zone will be compatible with the existing commercial character of the surrounding area.

