



City of Kingston
Planning Committee
Agenda

14-2024

Thursday, July 4, 2024

6:00 p.m.

Council Chamber

Committee Composition

Councillor Cinanni; Chair

Councillor Chaves

Councillor Glenn

Councillor McLaren

Councillor Oosterhof

Councillor Osanic

Please provide regrets to Christine O'Connor, Committee Clerk at 613-546-4291, extension 1219 or cloconnor@cityofkingston.ca

Watch live on the [Kingston City Council YouTube](#) channel or register to receive the [Zoom](#) link.

1. Introduction by the Chair

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.

2. Community Meeting items

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-24-040) is attached.

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

Exhibit A

File Number: D01-010-2024

Address: 2081 Joyceville Road

Owner: Tomlinson Environmental Services (TES)

Exhibit B

File Number: D01-009-2024

Address: 93 Division Street

Owner: Frontenac Property Management

3. Call to Order

4. Approval of the Agenda

5. Confirmation of Minutes

Recommendation:

That the minutes of Planning Committee Meeting Number 13-2024, held Thursday, June 20, 2024, be approved.

6. Disclosure of Pecuniary Interest

7. Delegations

8. Briefings

9. Business

1. Recommendation Report - 1287 and 1301 Gardiners Road

File Number: D14-005-2024

District: District 2 - Loyalist-Cataraqui

Address: 1287 and 1301 Gardiners Road

Application Type: Zoning By-Law Amendment

Owner: 1112019 Ontario LTD & 976653 Ontario Inc.

Applicant: The Boulevard Group

The Report of the Commissioner of Growth & Development Services (PC-24-039) is attached.

Recommendation:

That the Planning Committee recommends to Council on July 9, 2024:

That the application for a zoning by-law amendment (File Number D14-005-2024) submitted by The Boulevard Group, on behalf of 1112019 Ontario LTD & 976653 Ontario Inc., for the property municipally known as 1287 and 1301 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-24-039; 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.

2. Recommendation Report - 4065 Unity Road

97

File Number: D14-004-2024

Address: 4065 Unity Road

District: District 1 - Countryside

Application Type: Zoning By-Law Amendment

Owner: Dale and Gary Somerville

Applicant: Clark Consulting Services

The Report of the Commissioner of Growth & Development Services (PC-24-037) is attached.

Recommendation:

That the Planning Committee recommends to Council on July 9, 2024:

That the application for a zoning by-law amendment (File Number D14-004-2024) submitted by Clark Consulting Services, on behalf

of Dale and Gary Somerville, for the property municipally known as 4065 Unity 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-24-037; 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.

3. Recommendation Report - City-Initiated Housing and Administrative Amendments

183

Note: This item was deferred from the Planning Committee meeting held on June 20, 2024.

The Report of the Commissioner of Growth & Development Services (PC-24-041) is attached.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan and zoning by-law amendments (File Number D35-002-2024) submitted by the City of Kingston be approved; and

That the City of Kingston Official Plan, as amended, be further amended by amendment number 95, as per Exhibit A, (Draft By-Law and Schedules 'A' to 'D' to Amend the Official Plan) to Report Number PC-24-041; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedules 'A' to 'AC' to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-041; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit C (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-041; and

That Zoning By-Law Number 8499, as amended, be further amended, as per Exhibit D (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 8499) to Report Number PC-24-041; and

That Zoning By-Law Number 32-74, as amended, be further amended, as per Exhibit E (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 32-74) to Report Number PC-24-041; and

That Zoning By-Law Number 76-26, as amended, be further amended, as per Exhibit F (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 76-26) to Report Number PC-24-041; and

That Zoning By-Law Number 96-259, as amended, be further amended, as per Exhibit G (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 96-259) to Report Number PC-24-041; and

That Zoning By-Law Number 97-102, as amended, be further amended, as per Exhibit H (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 97-102) to Report Number PC-24-041; and

That By-Law Number 2006-75, as amended, be further amended, as per Exhibit I (Draft By-Law to Amend By-Law Number 2006-75, A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority) to Report Number PC-24-041; and

That By-Law Number 2005-10, as amended, be further amended, as per Exhibit J (Draft By-Law to Amend By-Law Number 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston) to Report Number PC-24-041; 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-laws be presented to Council for all three readings.

10. Motions

11. Notices of Motion

12. Other Business

13. Correspondence

1. Update from Planning Services

659

2. Correspondence received, dated June 21, 2024 regarding the Recommendation Report - City-Initiated Housing and Administrative Amendments

660

14. Date of Next Meeting

Planning Committee Meeting Number 14-2024 - Thursday, July 4, 2024 at 6:00 p.m.

The next meeting of the Planning Committee is scheduled for Thursday, July 18, 2024 at 6:00 p.m.

15. Adjournment



**City of Kingston
Report to Planning Committee
Report Number PC-24-040**

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: July 4, 2024
Subject: Community Meeting Report
File Numbers: D01-010-2024 & D01-009-2024

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Theme: 2. Lead Environmental Stewardship and Climate Action

Goal: 2.2 Support climate action and sustainability for residents, businesses and partners.

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: 2081 Joyceville Road (File Number: D01-010-2024, Future Application Type: Official Plan and zoning by-law amendments)
- Address: 93 Division Street (File Number: D01-009-2024, Future Application Type: zoning by-law amendment)

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Paige Agnew, Commissioner,
Growth & Development Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

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

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Options/Discussion:

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:

- 2081 Joyceville Road, File Number D01-010-2024 (Exhibit A)
- 93 Division Street, File Number D01-009-2024 (Exhibit B)

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.

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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 2081 Joyceville Road (File Number D01-010-2024)

- Exhibit B Community Meeting Form, Application Materials and Map Package for 93 Division Street (File Number D01-009-2024)



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: Tomlinson Environmental Services (TES)

Applicant (if Owner is not the Applicant):

Site Characteristics

Site address: 2081 Joyceville Road

Site area: 16.4 hectares

Description of existing use and buildings on site (height, floor area, units, bedrooms, parking spaces, setbacks, etc): The site currently contains a topsoil screening operation and a cell tower with existing access from Joyceville Road. No buildings are present on the site.

Official Plan designation: 'Rural Industrial'.

Zoning by-law (zone and other relevant schedules and overlays): Highway Commercial Exception (CH-3) and Restricted Rural (A1) in the Township of Pittsburgh Zoning By-law 32-74

Existing number of trees: 153 live trees

Number of existing trees to be retained: Unknown – concept plan is conceptual at this stage

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: Rural lands containing significant woodland and a riparian corridor are located immediately adjacent the site and extend to the east where they are interspersed with agricultural fields.

West: To the west is Joyceville Road beyond which is a rural commercial use area containing the Kingston Husky/Esso Fuel Station and Rest Stop that provides services to trucks and other vehicles from Highway 401. Beyond this are rural and prime agricultural lands as well as environmental protection areas.

North: Immediately to the north of the subject lands is Provincial Highway 401. Immediately across the 401 are rural lands containing contributory woodland, beyond which are prime agricultural lands under production. There are a couple scattered rural residential homes along 4th Concession north of the 401, beyond 300 m from the subject lands.

South: Immediately to the south of the subject property is the existing TES Organics Facility. Further south are prime agricultural and rural lands containing significant woodlands and riparian corridors interspersed with agricultural fields.

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.):

The overall vision for the proposed development is to establish appropriate policies to facilitate the development of a waste recycling and transfer facility, renewable natural gas (RNG) facility, and excess soils processing area on the vacant area of the lot, and maintain existing permissions for a gas station on the subject lands. Specific Site Plan details are not yet known.

Type of Application: Official Plan and Zoning By-law Amendment

Proposed use: Waste recycling and transfer facility, renewable natural gas (RNG) facility, and excess soils processing area (Waste Management use, but not a landfill)

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

Proposed gross floor area (of each use): Unknown – concept plan is conceptual at this stage

Proposed height: Unknown – concept plan is conceptual at this stage

Proposed setbacks: Unknown – concept plan is conceptual at this stage

Proposed number of vehicular parking spaces (include breakdown of occupant, visitor, car-share, accessible, etc): Unknown – concept plan is conceptual at this stage

Proposed number of bicycle parking spaces: Unknown – concept plan is conceptual at this stage

Proposed landscaped open space: Unknown – concept plan is conceptual at this stage

Proposed amenity area (if residential): N/A

Proposed number of trees to be planted: Unknown – concept plan is conceptual at this stage

Description of how the application conforms with the Official Plan: As identified in the City of Kingston Official Plan, the subject lands are designated Rural Industrial in the City of Kingston Official Plan. The applicant is seeking an Official Plan Amendment to redesignate the lands to Waste Management Industrial, to permit a waste recycling and transfer facility, with site-specific provision to permit an RNG facility and associated gasoline pumps, soil processing facility, and associated outdoor storage.

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:

- Sustainability Policies - promotes sustainability through operational practices that minimize waste and maximize re-use of resources and practices that conserve or recycle materials or other resources
- Rural Area Policies - supports the diversification of the rural economic base
- Land Use Compatibility
 - The proposed development will be effectively screened from Joyceville Road by berms and multi-leveled landscaping and appropriately setback from the property line and Environmental Protection Areas. As well, with consideration of Policy 2.7.5, the subject lands are well separated from nearby sensitive receptors (greater than 300 metres away from the closest residence).

- Environmental Compliance Approvals (ECAs) required for the waste recycling and transfer facility, RNG facility, and soils processing area will ensure that any levels of noise or odour are within Provincially acceptable limits, and that any adverse impacts on adjacent rural industrial or highway commercial uses, or environmental damage or degradation are minimized
- Natural Heritage System Policies – No development is proposed within the Environmental Protection Area. The EIS determined that with the incorporation of mitigation measures (outlined in Section 7 of the EIS report), no negative impacts are anticipated to identified natural heritage features or their ecological, candidate significant wildlife habitat, animal movement corridors, fish habitat, or species at risk.

Overall, the subject lands provide an appropriate location for the proposed uses given the proximity to a major transportation corridor (Highway 401), the presence of existing commercial and industrial uses adjacent to the site, and the limited presence of sensitive uses in the immediate area.

Description of amendment(s) required to the Zoning By-law: As identified in the Township of Pittsburgh Zoning By-law 32-74, the subject lands are zoned ‘Highway Commercial Exception (CH-3)’ and ‘Restricted Rural (A1)’.

On April 26, 2022, Council passed the new City of Kingston Zoning By-Law Number 2022-62, which is intended to largely repeal and replace the City’s existing zoning by-laws; this Zoning By-law is now in-effect. As approved by Council, Zoning By-Law 2022-62 would treat the subject lands as a hole not subject to the by-law. It is the City’s intent that any future Zoning By-law Amendment application bring the lands into By-Law 2022-62.

A Zoning By-law Amendment is required to rezone the subject lands to Waste Management Zone (M5) with site-specific provisions to permit a waste recycling and transfer facility, RNG facility and associated gas pumps, soil-processing facility, and associated outdoor storage areas. As well, a site-specific prohibition will be introduced to prohibit a landfill on the subject lands. There is no intent to develop a landfill or a dump on the lands

Other information that would be valuable for a Community Meeting: N/A

List of Drawings/Studies Submitted

- Conceptual Site Plan, prepared by MHBC, dated June 30th, 2023;
- Conceptual Landscaping Plan, prepared by MHBC, dated April 2024;
- Stormwater Management Report & Plans, prepared by Groundworks, dated April 30th, 2024 and March 14th, 2024 respectively;
- Archaeological Assessment, prepared by Matrix Heritage, dated November 2022;
- Environmental Impact Assessment and OWES Evaluation, prepared by Gemtec, dated April 5, 2024;

- Tree Inventory Study, prepared by ETC Eco Tree Care Inc., dated November 17th, 2022;
- Traffic Impact Study, prepared by Castleglenn, dated April 26th, 2024;
- Hydrogeology Study and Assessment of Drinking Source Water Risks, prepared by Gemtec, dated March 15th, 2024;
- Legal survey with proposed road widening; and,
- Planning Justification Report, prepared by MHBC Planning, dated April 2024.

Community Meeting Form Prepared by: Chelsea Major & Neal DeRuyter, MHBC

Date: May 10th, 2024

By-Law Number 2024-XXX

**A By-Law To Amend The City Of Kingston Official Plan (Amendment Number ____,
2081 Joyceville Road)**

Passed: [Meeting Date]

Whereas a Public Meeting was held regarding this amendment on _____;

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

1. The City of Kingston Official Plan is hereby amended by the following map change which shall constitute Amendment Number ____ to the Official Plan for the City of Kingston.
 - (a) Amend Schedule ‘3-C’, ‘Land Use’, of the City of Kingston Official Plan, so as to change the designation of the property located at 2081 Joyceville Road, as shown on Schedule ‘A’ to By-Law Number 2024-XX, from ‘Rural Industrial’ to ‘Waste Management Industrial’.
 - (b) **Amend** Schedule ‘3-D’, ‘Site Specific Policies’, of the City of Kingston Official Plan, so as to designate the property located at 2081 Joyceville Road, as shown on Schedule ‘A’ to By-Law Number 2024-XX, as ‘Site Specific Policy Area Number XX’.
2. Amend Section 3.17 by adding a new subsection 3.17.XX, as follows:

“2081 Joyceville Road, Schedule 3-D, SSP Number XX

3.17.XX That the Waste Management Industrial area identified on Schedule 3-D of this Plan as SSP Number XX, the following policies apply:

 - a. In addition to the permitted uses in the Waste Management Industrial designation, a gas station, an excess soil processing use and a renewable gas facility (biomass energy) shall also be permitted. A landfill site shall not be permitted.”
3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Planning
Services

**Schedule 'A' to By-Law Number
Official Plan Amendment Number XX**

Address: 2081 Joyceville Road
File Number: D01-010-2024

**Official Plan Schedule 3-C
Site Specific Policy**



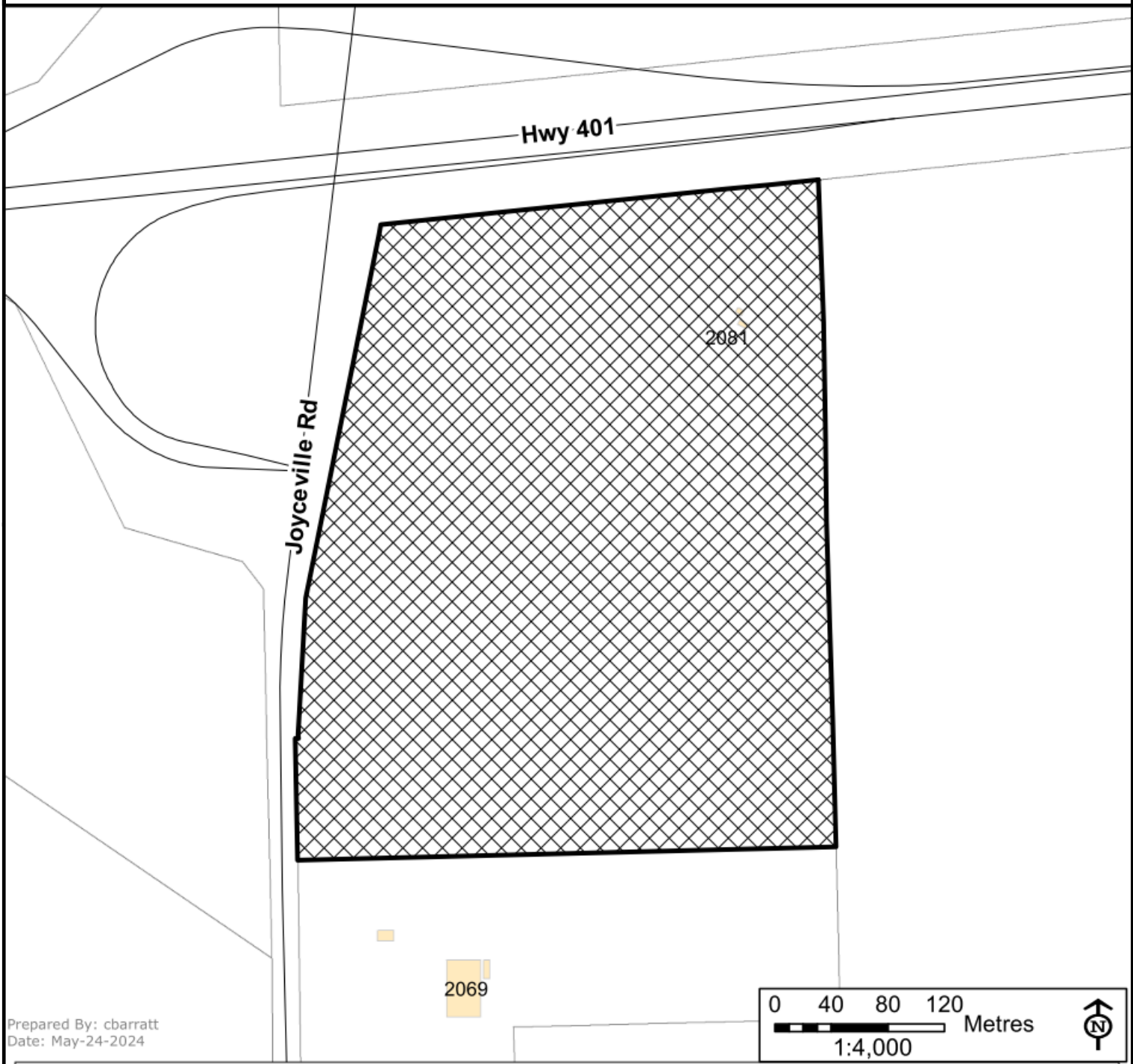
Lands to be redesignated from
Rural Industrial to Waste
Management Industrial with
Site Specific Exception

Certificate of Authentication

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

Mayor

Clerk



Prepared By: cbarratt
Date: May-24-2024

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 Exception Number EXX, (2081 Joyceville 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;

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

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 ‘M5’, as shown on Schedule “A” attached to and forming part of this By-Law.
 - 1.2. Schedule E – Exception Overlay is amended by adding Exception Number EXX, as shown on Schedule “B” attached to and forming part of this By-Law.
 - 1.3. By adding the following Exception Number EXX in Section 21 – Exceptions, as follows:

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

 - (a) In addition to the uses permitted by the applicable Zone, the following uses are permitted:

- (i) **Gas station;**
 - (ii) Excess soil processing use;
 - (iii) Renewable natural gas facility including related gasoline pumps;
and,
 - (iv) **Public use”**
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 32-74, entitled "Township of Pittsburgh Zoning 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: 2081 Joyceville Road
File Number: D01-010-2024

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

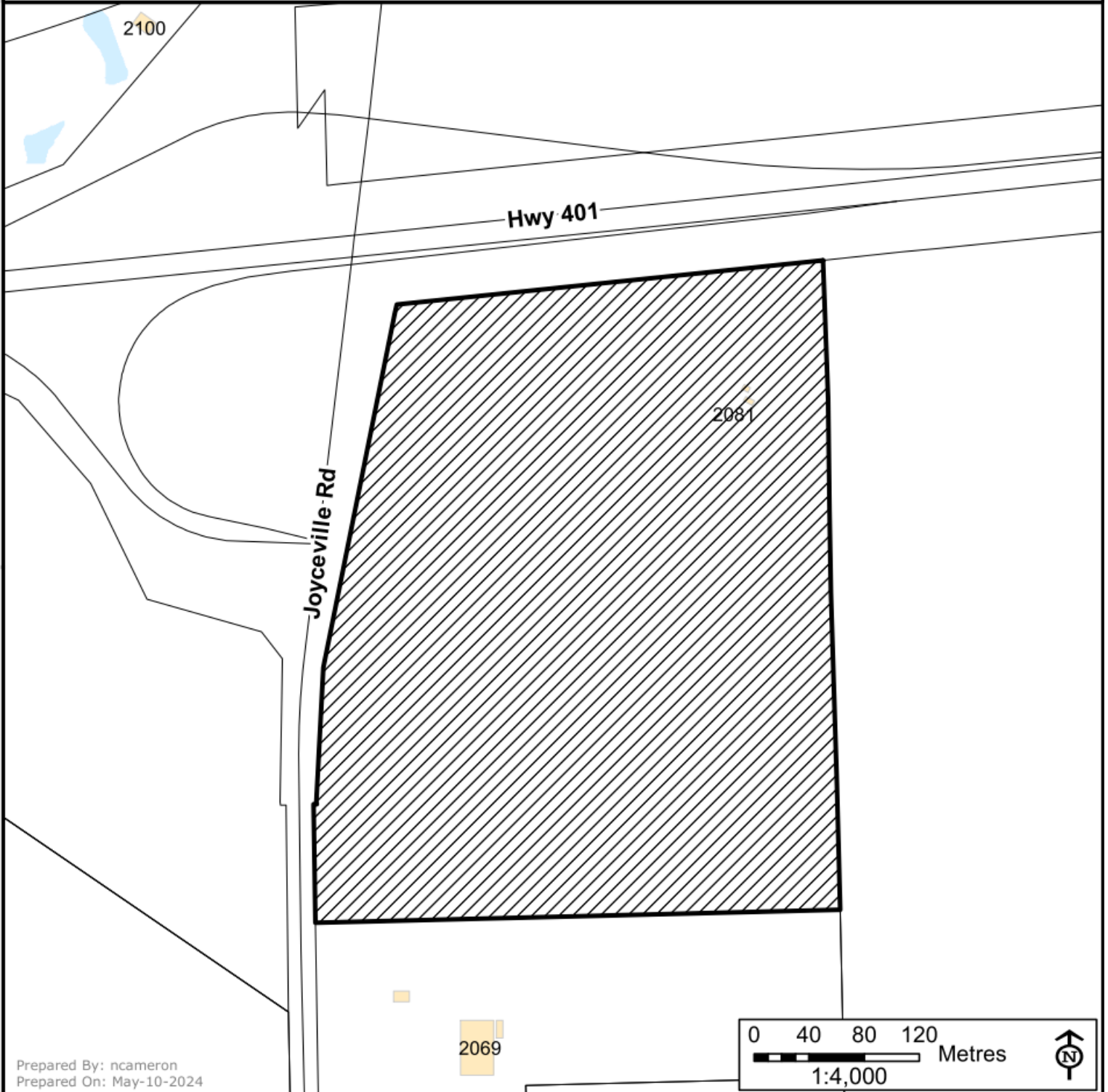
 Lands to be Rezoned From NA to M5

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor

Clerk




Prepared By: ncameron
Prepared On: May-10-2024



Schedule 'B' to By-Law Number

Address: 2081 Joyceville Road
File Number: D01-010-2024

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

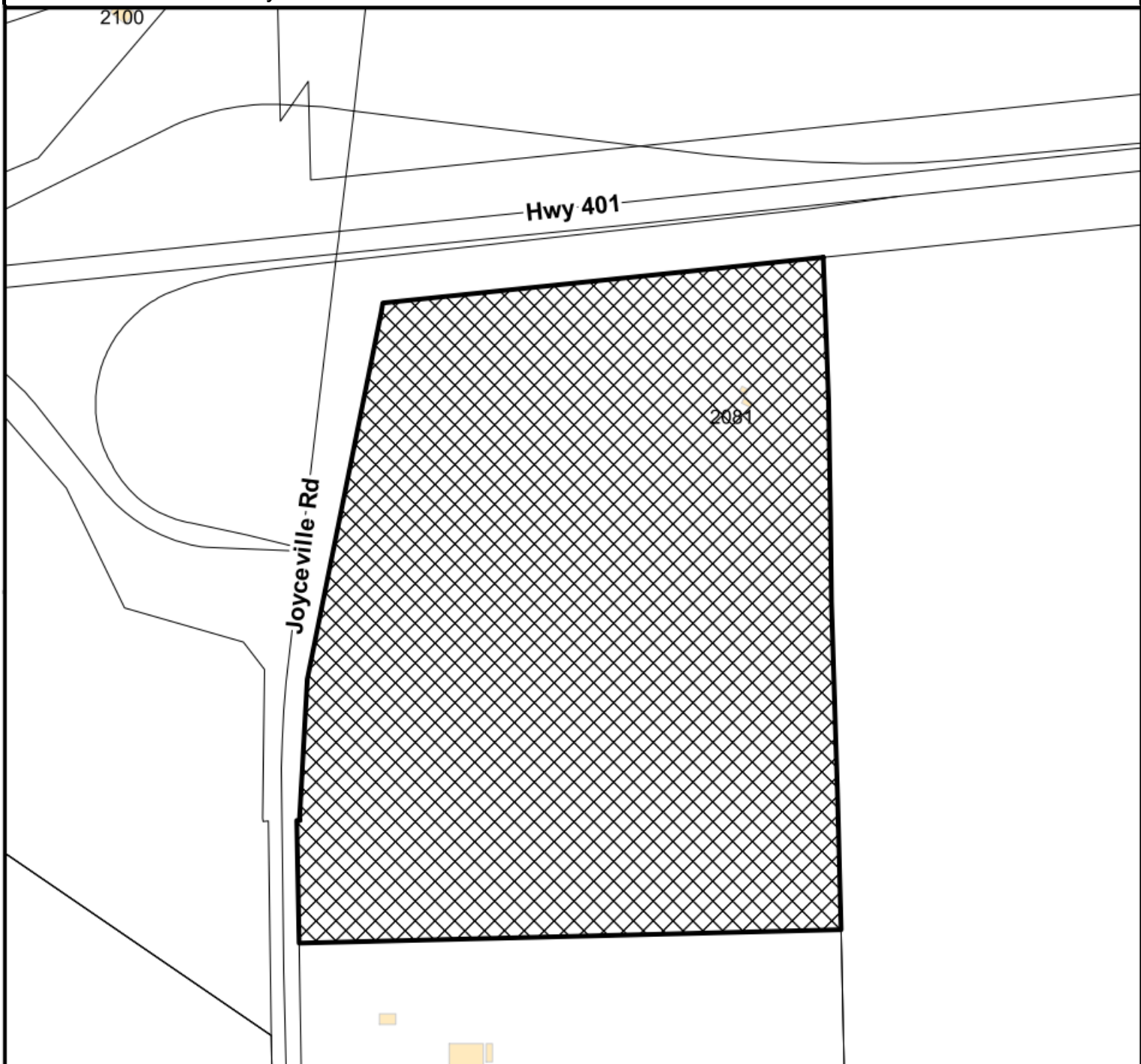
 Lands to be added as EXXX

Planning
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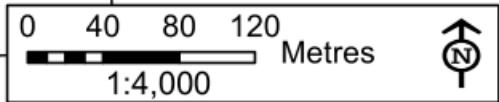
Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor Clerk




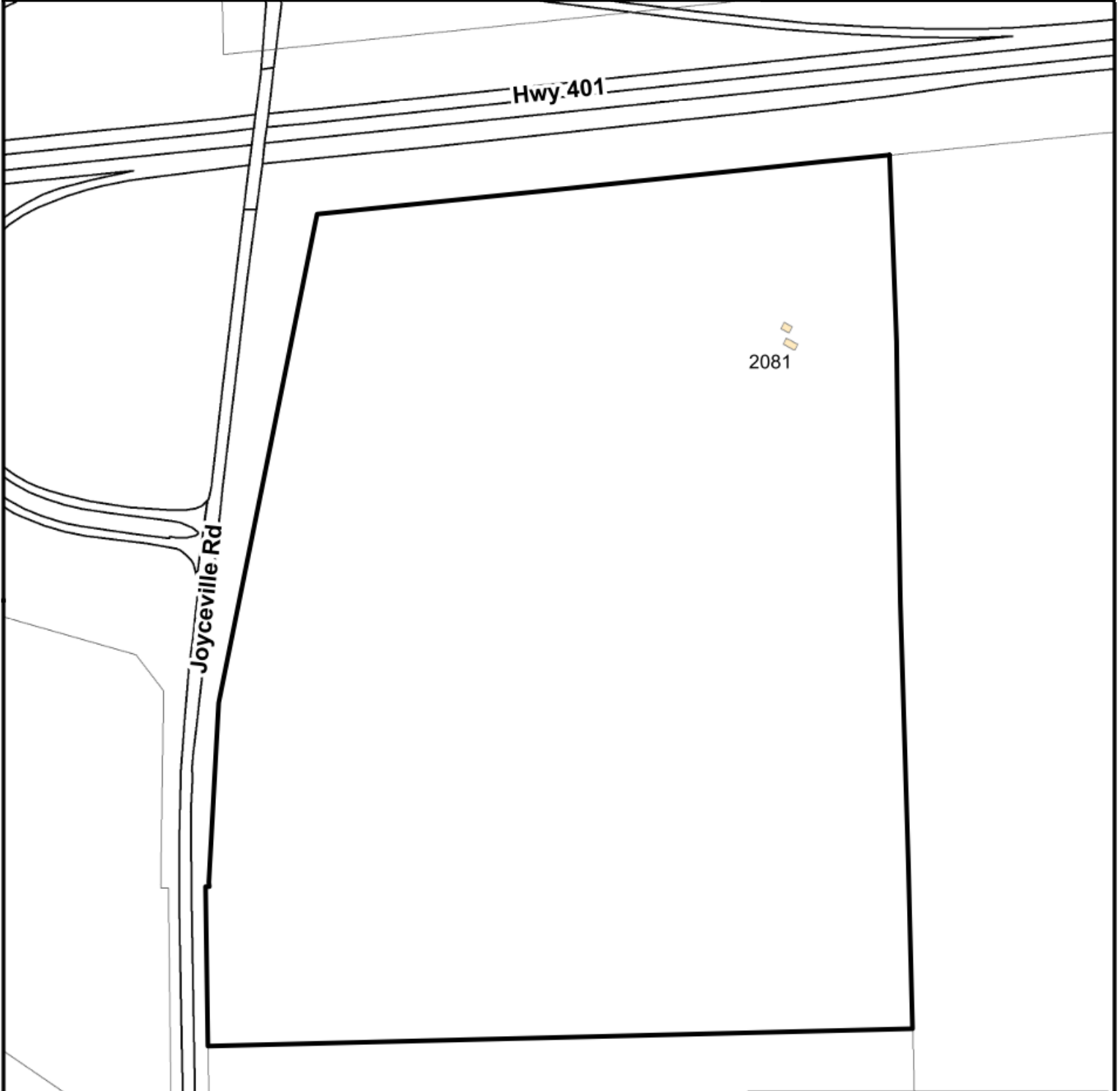
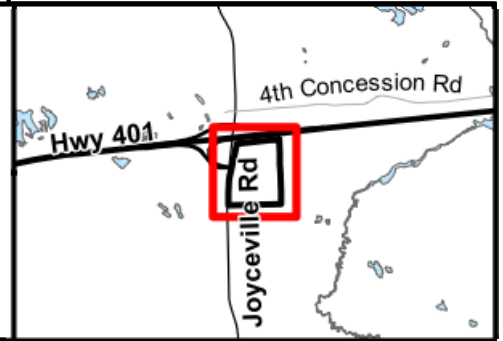
Prepared By: ncameron
Date: May-10-2024



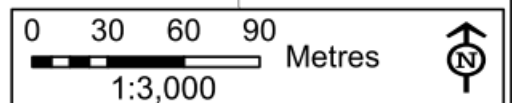
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City of Kingston
Key Map
Address: 2081 Joyceville Road
File Number: D01-010-2024
Prepared On: May-10-2024
 Subject Lands



Prepared By: cbarratt
Prepared On: May-10-2024





City of Kingston
Neighbourhood Context

Address: 2081 Joyceville Road
File Number: D01-010-2024
Prepared On: May-10-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: cbaratt
Prepared On: May-10-2024

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Planning Services

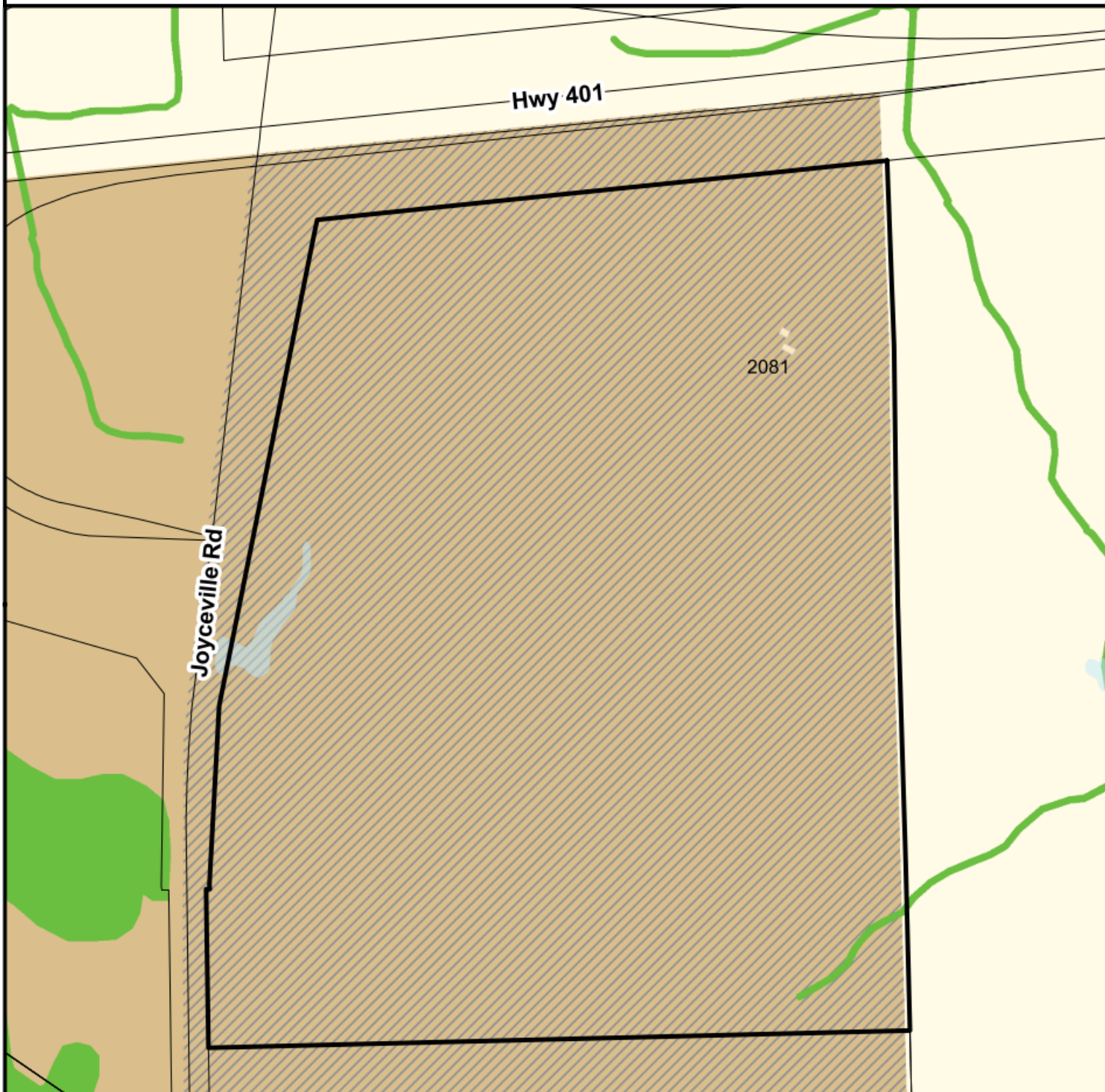
City of Kingston Official Plan, Existing Land Use

Address: 2081 Joyceville Road

File Number: D01-010-2024

Prepared On: May-10-2024

-  Subject Lands
-  ENVIRONMENTAL PROTECTION AREA
-  RURAL
-  RURAL COMMERCIAL
-  RURAL INDUSTRIAL



Prepared By: cbarratt
Prepared On: May-10-2024

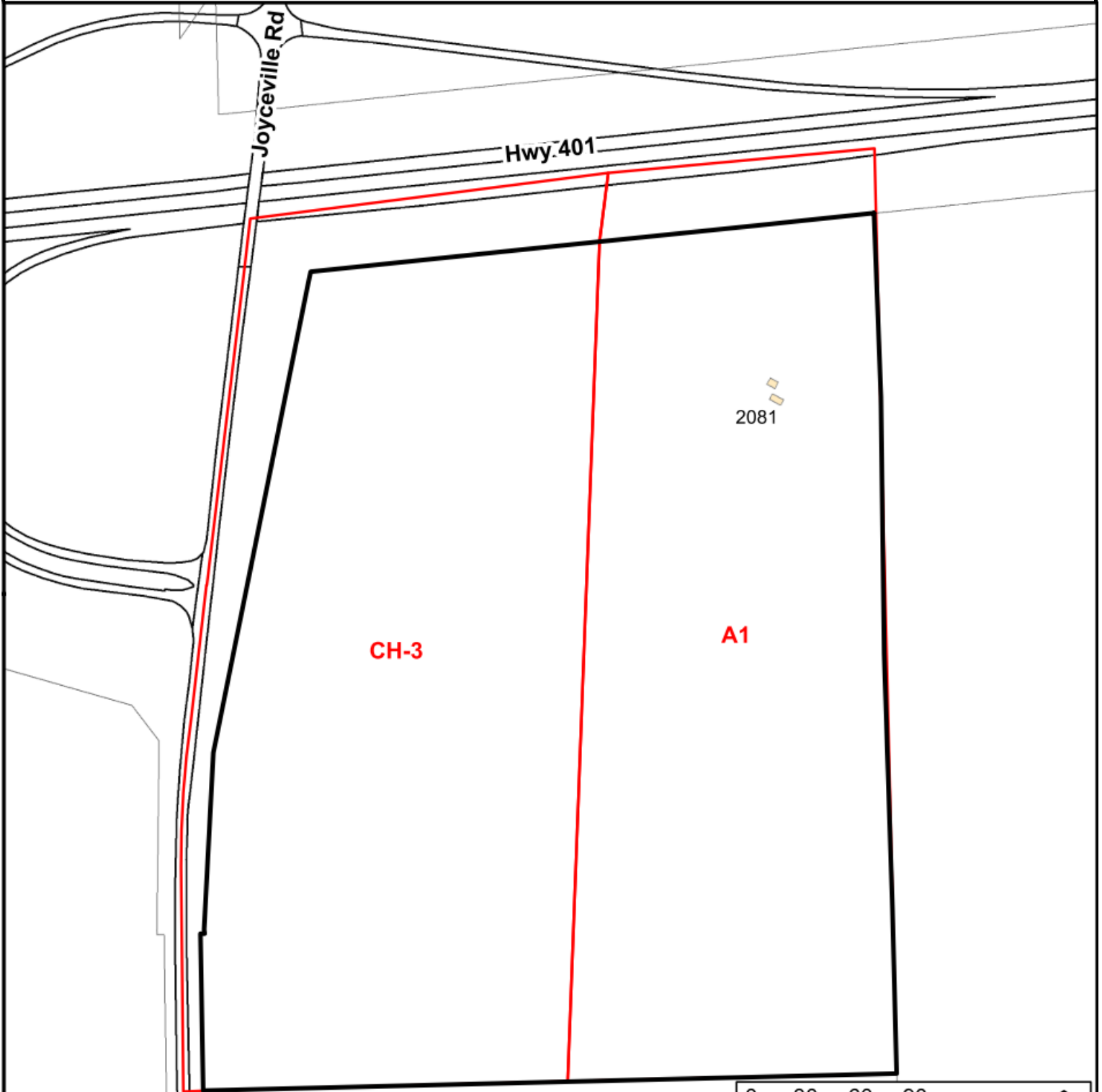
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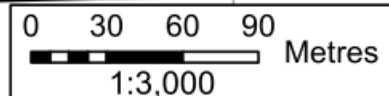
Planning Committee
Existing Zoning Bylaw, 32-74

Address: 2081 Joyceville Road
File Number: D01-010-2024

- Subject Lands
- Zone Boundaries



Prepared By: cbarratt
Prepared On: May-27-2024



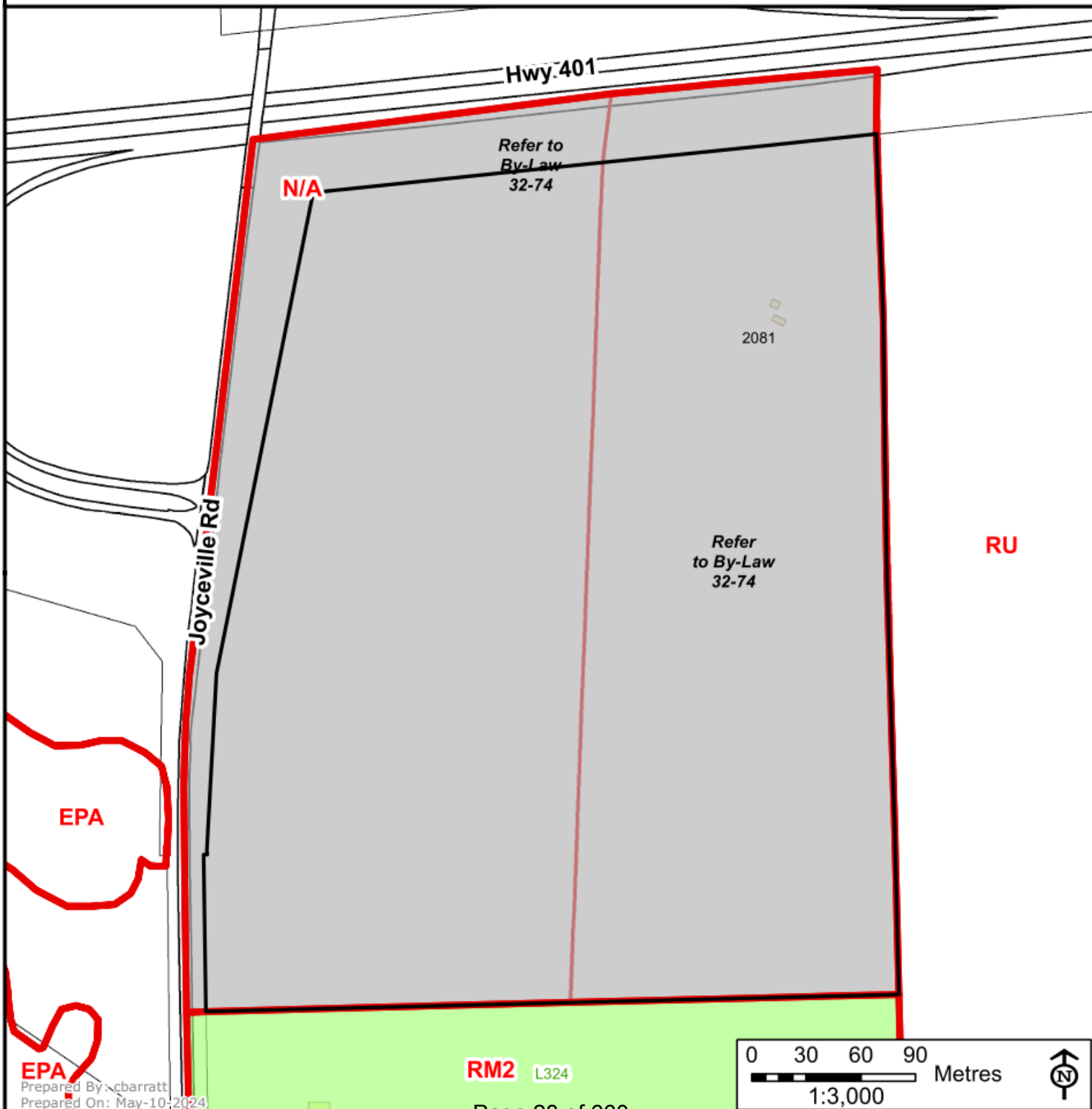


Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

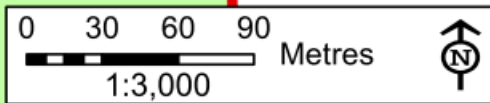
Address: 2081 Joyceville Road
File Number: D01-010-2024
Prepared On: May-10-2024

- 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)



EPA
Prepared By: cbarratt
Prepared On: May-10-2024

RM2 L324







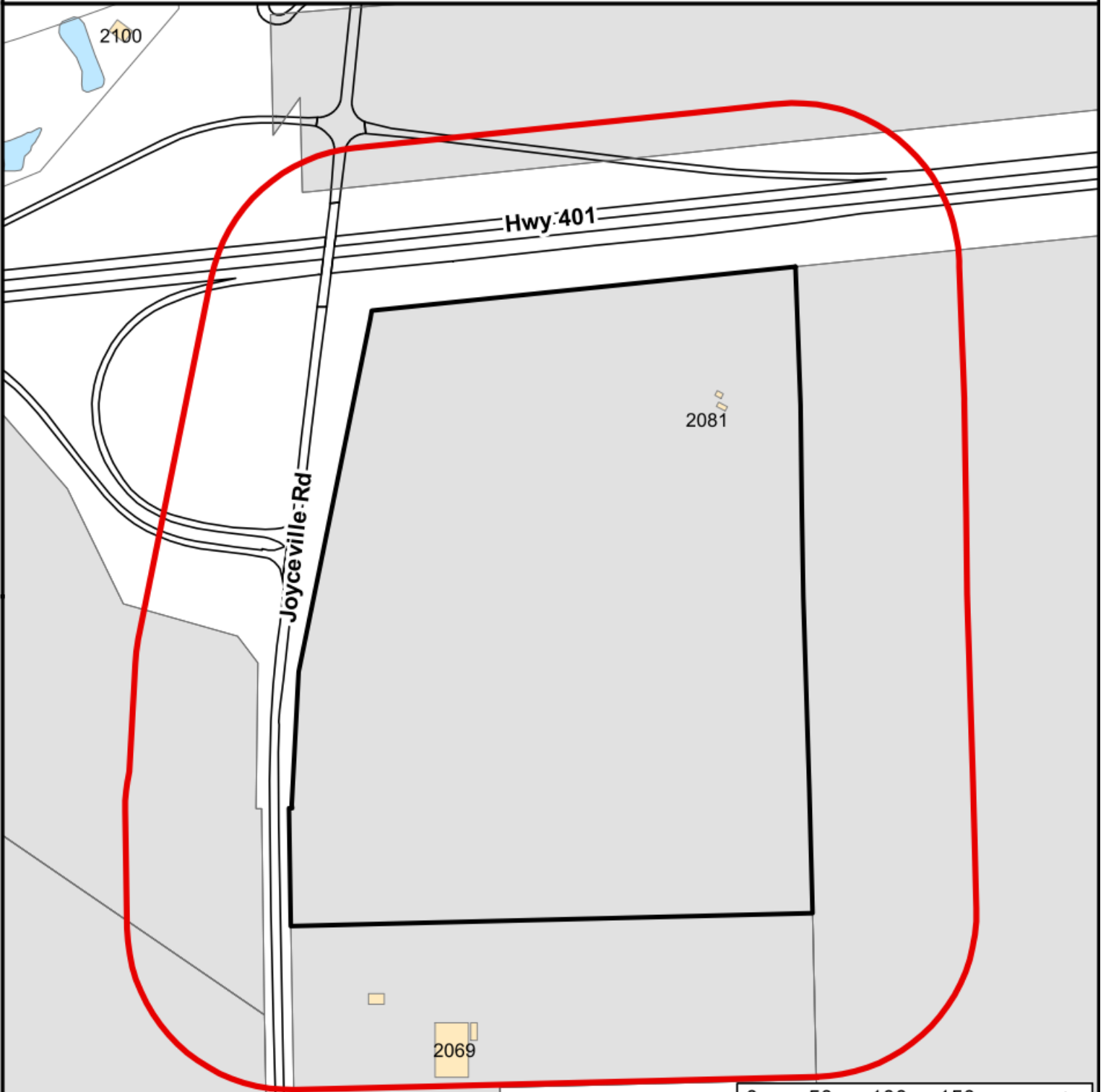
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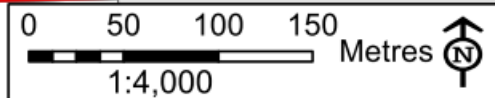
City of Kingston
Public Notice Notification Map

Address: 2081 Joyceville Road
File Number: D01-010-2024
Prepared On: May-10-2024

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



Prepared By: cbarratt
Prepared On: May-10-2024





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: Frontenac Property Management

Applicant (if Owner is not the Applicant): Mr. Justin Armitage

Site Characteristics

Site address: 93 Division Street

Site area: 320 m²

Description of existing use and buildings on site (height, floor area, units, bedrooms, parking spaces, setbacks, etc): The site is currently developed with two-and-a-half-storey semi-detached dwelling. Pedestrian access to the site is provided from Division Street, while vehicular access to the sites parking is provided from William Street. The site includes a gravel driveway and two tandem parking spaces accessed from William Street, along with a rear porch.

Official Plan designation: Residential

Zoning by-law (zone and other relevant schedules and overlays): The site is currently zoned Urban Residential Zone 5 (UR5) Zone in the Kingston Zoning By-law 2022-62

Existing number of trees: 4

Number of existing trees to be retained: 0

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: Residential

West: Residential

North: Residential

South: Residential

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.):

The proposal seeks to build an addition along the southern portion of the existing semi-detached dwelling located at 93 Division Street. The addition will have the effect of converting the existing semi-detached dwelling to a townhouse as the addition will be located on a new lot which is to be created by a common party wall severance. The new lot will be developed with a three-storey townhouse dwelling containing a total of eight (8) bedrooms. Pedestrian access to the new dwelling will be provided from Division Street, while vehicular access will be provided from William Street. A total of two (2) parking spaces are proposed on the severed lot, while both the severed and retained lot will contain one long-term bicycle parking space in their respective rear yard. The new parking spaces will be provided as two standard parking spaces as opposed to existing tandem parking on the site. Pedestrian access from both the retained and severed lots to the new parking area will be provided by a new walkway and associated reciprocal access easement located at the rear of the site.

Type of Application: Zoning By-law Amendment + Consent

Proposed use: Residential – Townhouse

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

The proposed development will contain 2 dwelling units (one on the severed lot and one on the retained lot) with a total of 13 bedrooms (five on the severed lot and 8 on the retained lot).

Proposed gross floor area (of each use): Residential GFA: ~ 496 m² (258 m² existing – 238 m² proposed)

Proposed height: 3 storeys (new development) – 2 storeys (existing building on retained lot)

Proposed setbacks (severed):

Front: 0.8 m

Interior: 0 m

Exterior: 3.2 m

Rear: N/A

Proposed setbacks (retained):

Front: 0.8 m

Interior: 0 m

Exterior: N/A

Rear: N/A

Proposed number of vehicular parking spaces (include breakdown of occupant, visitor, car-share, accessible, etc): A total of two (2) parking spaces are proposed in a reconfigured paved parking area at the southeastern corner of the severed lot.

Proposed number of bicycle parking spaces: 2 (one on the severed lot and one on the retained lot).

Proposed landscaped open space: ~51% severed lot - >30% retained lot

Proposed amenity area (if residential): To comply.

Proposed number of trees to be planted: To be determined through technical review.

Description of how the application conforms with the Official Plan:

The site is designated Residential on Schedule 3 Land Use of the City of Kingston Official Plan. Section 3.3 of the Official Plan outlines policy direction for residential uses, including policies regarding residential infill and intensification, as well as policies based on residential density. The proposed addition represents a medium density residential development, however the retained lot following the consent will result in the existing dwelling at 93 Division Street in having a density of 80 units per net hectare, which would qualify as high density residential development per the density range of Section 3.3.C.1. of the Official Plan. The proposal is in conformity with the medium and high density residential policies of the OP. The site is in an area that continues to support residential use, is sufficiently serviced by transit and surrounding commercial uses, and this density is compatible with the surrounding neighbourhood.

It is noted that a City-initiated Official Plan and Zoning By-law Amendment, titled Housing and Administrative Amendments, have been proposed to simplify policies relating to residential density in the Official Plan and to address inconsistencies, and permit the intended built form on the proposed severed lot. The amendment (D0-002-2024) is not anticipated to be in effect prior to full submission of the proposed applications.

The proposed development will intensify the site through infill with a built form that is compatible with the surrounding neighbourhood. The site is designated Residential and residential land uses are permitted in the Housing District. The proposed development will require a zoning by-law amendment to establish appropriate performance standards and permit the intended built form. The predominant zone on the residential lands surrounding the site is the Urban Residential 5 (UR5) Zone. The development will comply with the provisions of the UR5 Zone, as amended. The proposed development is anticipated to be compatible with the surrounding residential neighbourhood. The proposed built form is intended to reflect and respect the established characteristics of the surrounding area.

The proposal represents contextually appropriate residential intensification in a stable neighbourhood. The proposed lot areas, building setbacks, and building heights and massing have been designed to reflect the scale and character of the surrounding neighbourhood. The contemporary, compact built form will make efficient use of space, and will incorporate landscaping and stormwater management interventions. The development provides an opportunity for increased housing in a desirable location in proximity to open spaces, educational and employment uses, active transportation infrastructure, and public transit.

The proposed development is in keeping with both the established and permitted density, heights and massing, and landscaping expectations of the surrounding area. The development is intended to provide a built form that is complementary to the surrounding stable neighbourhood, with little impact on shadowing, privacy, light pollution, or safety and functionality of traffic.

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: A Stage 1-2 Archaeological Assessment was conducted. Based on the findings in this assessment, no further archaeological study is required.

Description of amendment(s) required to the Zoning By-law: The site is regulated by the City of Kingston Zoning By-law 2022-62 and is zoned Urban Residential 5 (UR5) Zone. A zoning by-law amendment is required to establish a site-specific exception overlay to permit the proposed residential built form and to establish performance standards on the proposed severed parcel which addresses minimum lot area, minimum interior yard setback, minimum aggregate interior setback, minimum sight triangle, and allows a townhouse as permitted use. A site-specific exception is also required on the proposed retained lot to address site deficiencies resulting from the proposed severance which addresses minimum lot area, minimum lot frontage, minimum interior yard setback, minimum aggregate interior setback, and allows a townhouse as permitted use.

Other information that would be valuable for a Community Meeting: Please refer to the Planning Brief submitted with this application for further details of the proposed development, including a summary of all supporting studies, the applicable Provincial Policy Statement and Kingston Official Plan policies, and a zoning table that provides a review of the development against the Kingston Zoning By-law 2022-62.

List of Drawings/Studies Submitted

- Conceptual Site Plan;
- Floor Plans and Architectural Elevations;
- Grading and Servicing Plan;
- Serviceability and Stormwater Management Report;
- Sight Triangle and Driveway Review;
- Stage 1-2 Archaeological Assessment;
- Noise Impact Study; and
- Enhanced Pre-application Planning Letter.

Community Meeting Form Prepared by: Tyler Hamilton, MCIP RPP (Co-Applicant)

Date: April 19th, 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 Numbers EX-1 (93 Division Street) and EX-2 (XX Division Street))

Passed: [Meeting Date]

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law;

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

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule E – Exception Overlay is amended by adding Exception Numbers EX-1 and EX-2, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. By adding the following Exception Numbers EX-1 and EX-2 in Section 21 – Exceptions, as follows:

“**EX-1.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) In addition to the uses permitted by the applicable Zone, the following use is permitted:
 - (i) **Townhouse.**
 - (b) The **uses** permitted by (a) must comply with the following provisions:
 - (i) The minimum **lot area** is 125 square metres;
 - (ii) The minimum **lot frontage** is 5.8 metres;
 - (iii) The minimum **interior setback** is 0 metres; and

(iv) The minimum aggregate of **interior setback** is 0 metres.”

“**EX-2.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

(a) In addition to the uses permitted by the applicable Zone, the following use is permitted:

(i) **Townhouse.**

(b) The **uses** permitted by (a) must comply with the following provisions:

(i) The minimum **lot area** is 195 square metres;

(ii) The minimum **interior setback** is 0 metres;

(iii) The minimum aggregate of **interior setback** is 0 metres; and

(c) The minimum **sight triangle** dimension is 4.5 metres by 4.5 metres.”

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

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk



Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

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

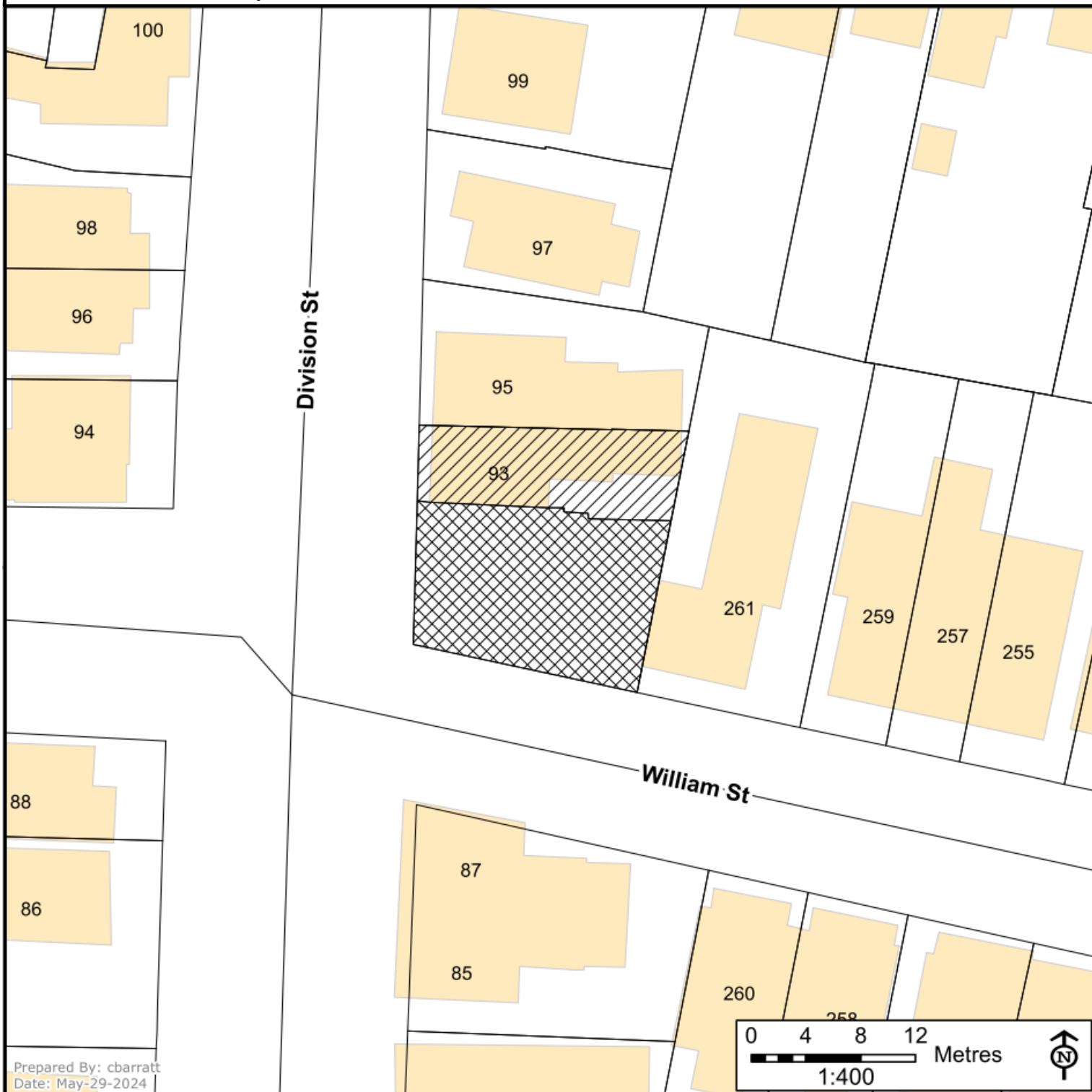
Address: 93 Division Street
File Number: D01-009-2024

-  Lands to be added as EX-1
-  Lands to be added as EX-2

Certificate of Authentication

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

Mayor Clerk



Prepared By: cbarratt
Date: May-29-2024



Planning Committee

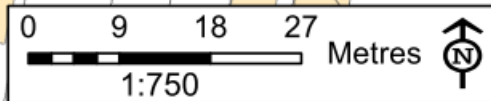
Key Map

Address: 93 Division Street
File Number: D01-009-2024
Prepared On: May-27-2024

Subject Lands






Prepared By: cbarratt
Prepared On: May-27-2024





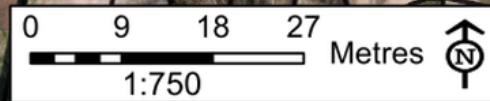
Planning Committee
Neighbourhood Context

Address: 93 Division Street
File Number: D01-009-2024
Prepared On: May-27-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Prepared By: cbaratt
Prepared On: May-27-2024





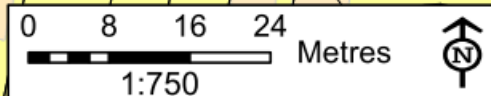
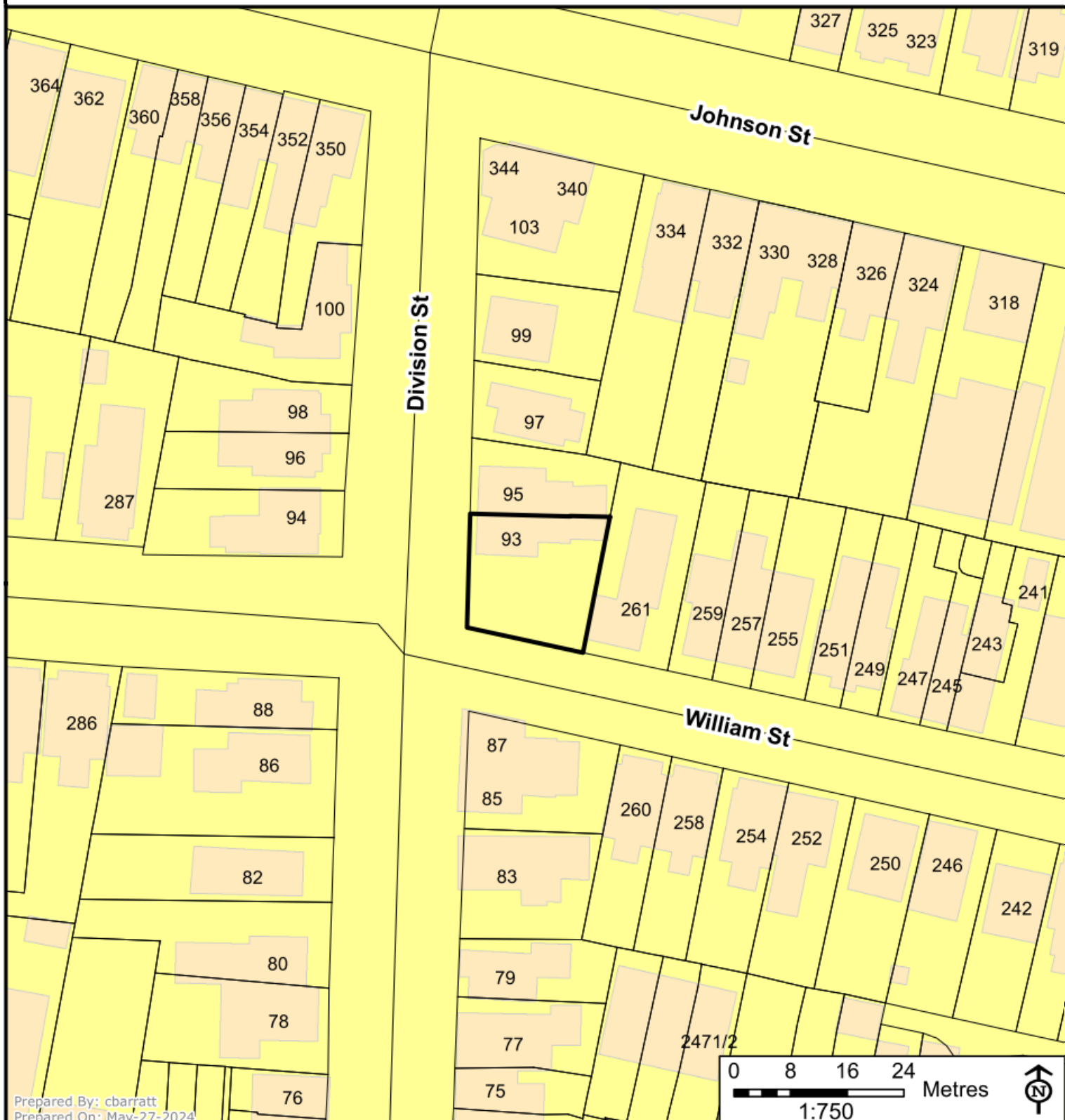


Planning Services

Planning Committee Official Plan, Existing Land Use

Address: 93 Division Street
File Number: D01-009-2024
Prepared On: May-27-2024

-  Subject Lands
-  RESIDENTIAL



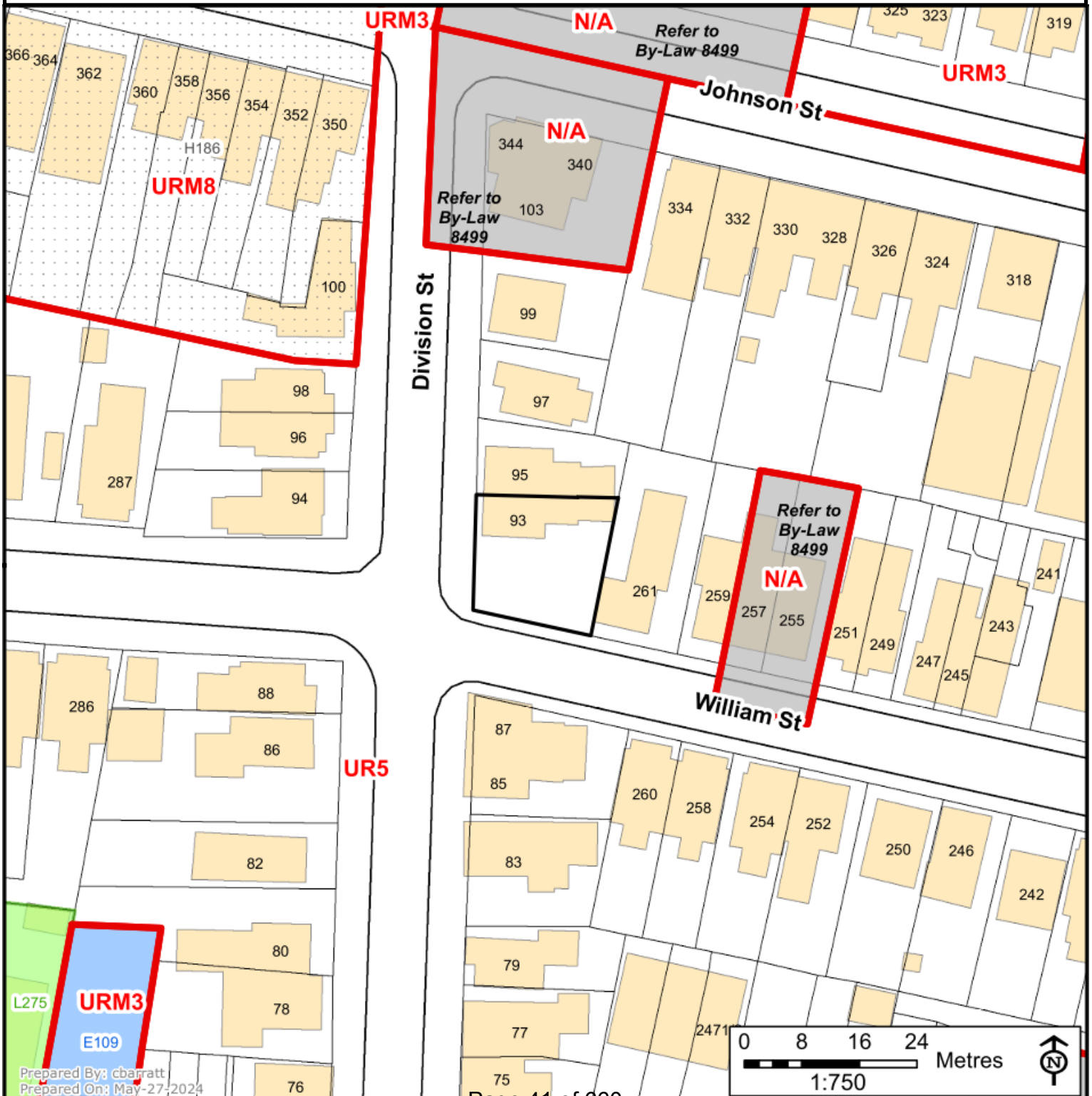


Planning Committee Kingston Zoning By-Law 2022-62

Planning Services

Address: 93 Division Street
File Number: D01-009-2024
Prepared On: May-27-2024

- 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)



Prepared By: cbarratt
Prepared On: May-27-2024

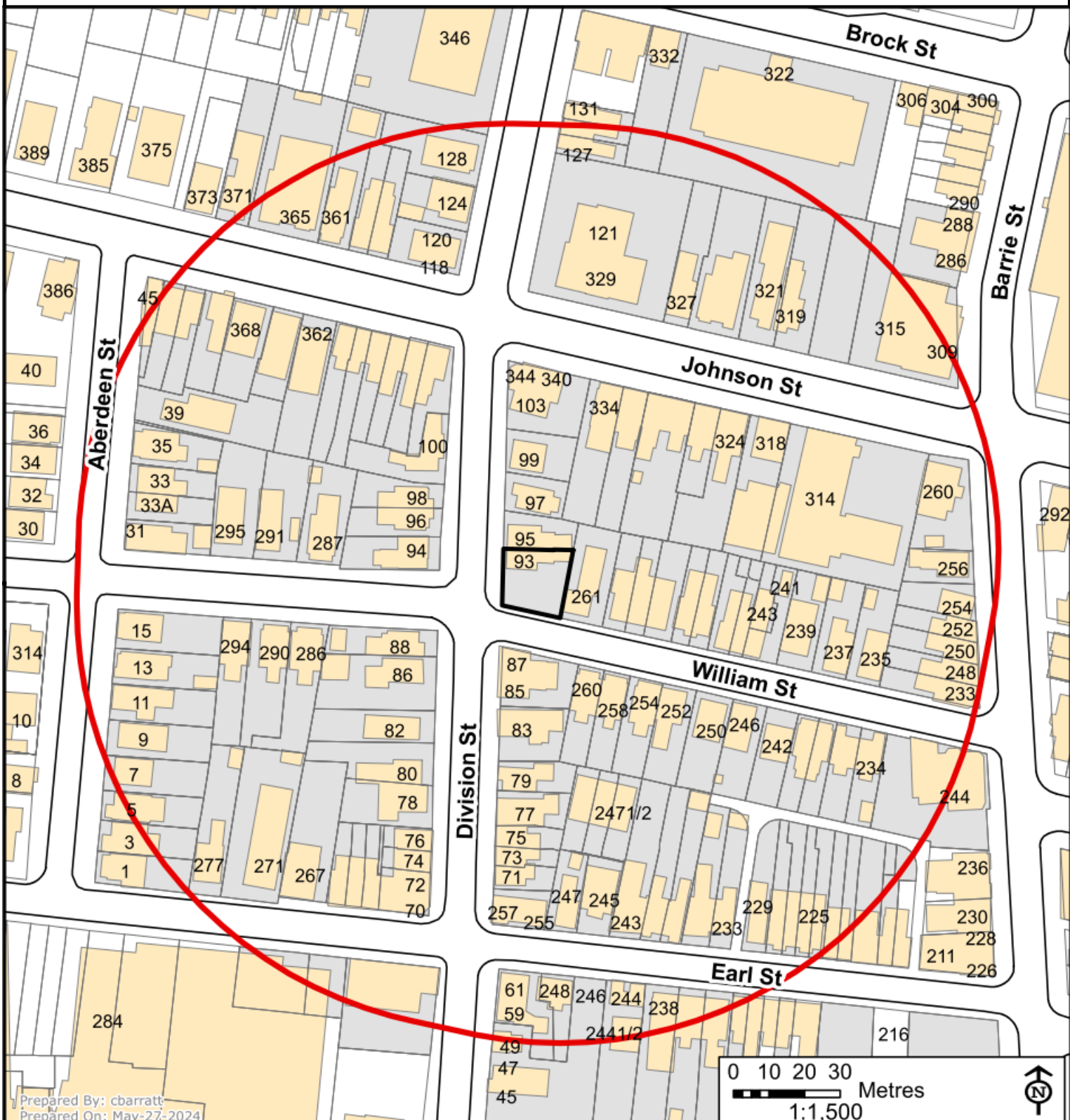
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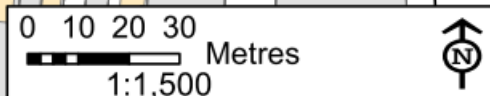
Planning Committee Public Notice Notification Map

Address: 93 Division Street
File Number: D01-009-2024
Prepared On: May-27-2024

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

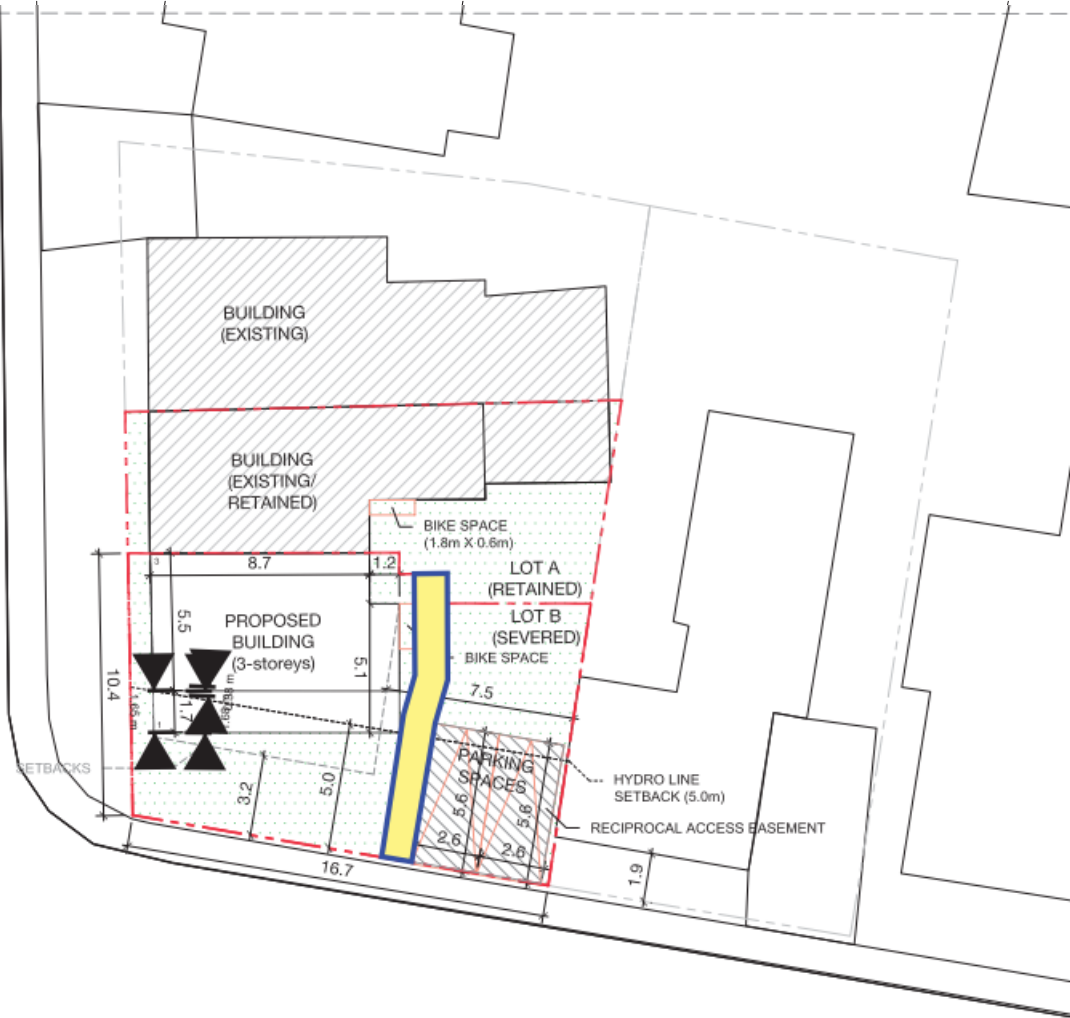


Prepared By: cbarratt
Prepared On: May-27-2024



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93 DIVISION ST
Concept Plan



DEVELOPMENT STATISTICS

RETAINED SITE AREA:	125 m ²
SEVERED SITE AREA:	166 m ²
TOTAL SITE AREA:	330 m ²
PROPOSED BUILDING FOOTPRINT	
BUILDING FOOTPRINT:	88 m ²
BUILDING QFA (PROPOSED):	238 m ²
PROPOSED LOT	
LOT FRONTAGE:	10.7 m
LOT COVERAGE:	38%
LANDSCAPE AREA:	89 m ² (31%)
SETBACKS REQUIRED:	
FRONT YARD:	0.9 m
INTERNAL SIDE YARD (NORTH):	0.0 m
EXTERNAL SIDE YARD (SOUTH):	3.2 m
REAR YARD:	7.5 m

- NOTES**
1. Parking Space 2.0m x 5.0m, Bike Space 1.8m x 0.6m.
 2. Parking Space for 93 Division (Retained), accessed via the severed lot, subject to required easement(s). See proposed reciprocal access easement.
 3. Total building QFA (gross) includes basement, plus three levels above: Basement - 88 m², Level 1 - 88 m², Level 2 - 88 m², Level 3 - 88 m².
 4. The base plan lot lines, existing roads and surrounding areas is based on provided KMMAPs and aerial images. The site area and all dimensions to be confirmed.

NO.	REVISION	DATE	BY

CLIENT
FRONTENAC PROPERTY MGMT

FOTENN
Planning + Design

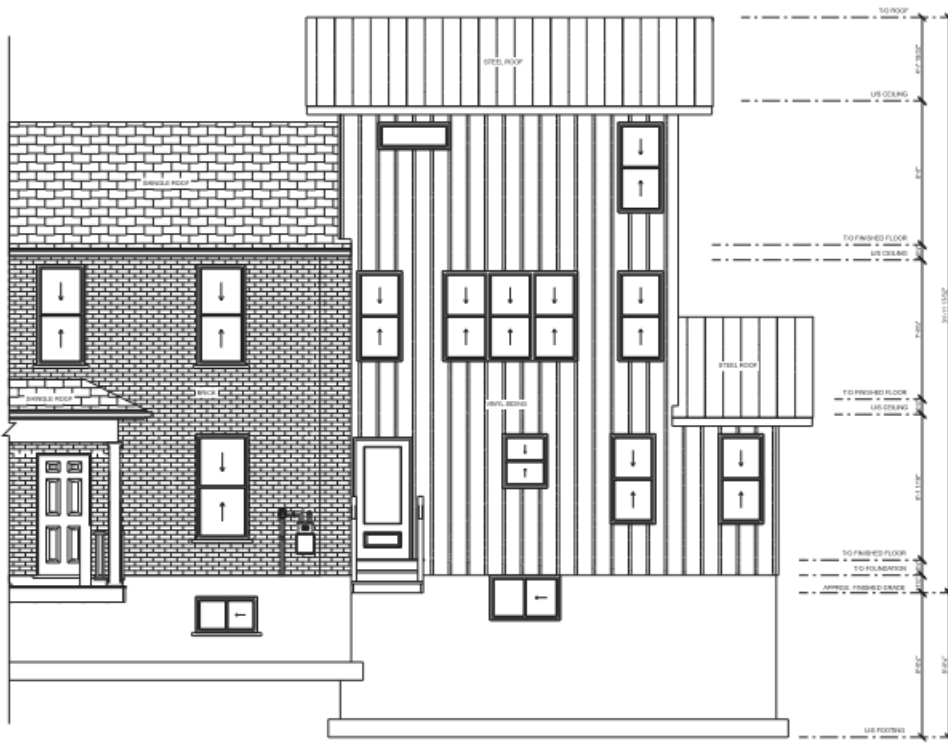
OTTAWA: 385 Cooper Street, Suite 300, Ottawa, ON K2P 2H1
TEL: 453-1100
www.fotenn.com

KINGSTON: 400 Galloway St., Suite 202, Kingston, ON K7K 1Z1
TEL: 542-2424

TORONTO: 214 Spadina Ave., Suite 204, Toronto, ON M5T 2C2
TEL: 763-4820

DESIGNED BY	BT
DRAWN BY	BT
CHECKED BY	BT
DATE	2024-03-28

P1



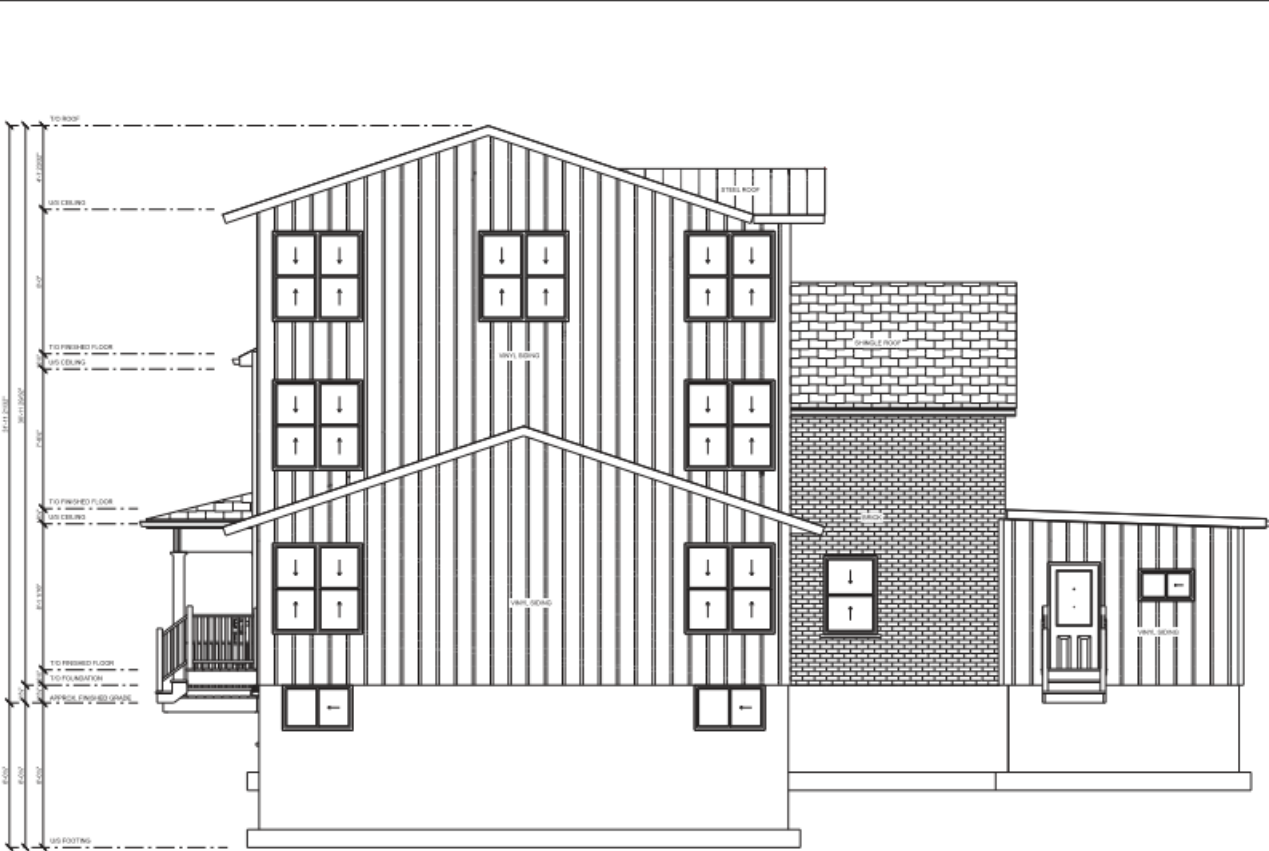
FRONT ELEVATION FOR PLANNING APPLICATION

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT WAS OBTAINED FROM REASONABLE AND RELIABLE SOURCES AND THAT I AM A LICENSED PROFESSIONAL ARCHITECT IN THE STATE OF INDIANA. I AM NOT PROVIDING ANY PROFESSIONAL SERVICES IN CONNECTION WITH THIS REPORT.

L. Henderson
L. HENDERSON ARCHITECTS, LLC, INDIANAPOLIS, IN

OWNER:	L. HENDERSON	DATE:	12/14/2024
PROJECT:	3800 HOLMES RD, INDIANAPOLIS, IN	SCALE:	1/8" = 1'-0"
DATE:	12/14/2024	BY:	L. HENDERSON
PROJECT NO.:	2024-001	REVISIONS:	

HOUSE OF THREE
 LISA HENDERSON, MAINT, CBCD
 3800 HOLMES RD,
 INDIANAPOLIS, IN 46204
 TEL: 317.333.3333
 FAX: 317.333.3333
 WEB: www.houseofthree.co
 INDIVIDUAL BCN 10244



RIGHT ELEVATION FOR PLANNING APPLICATION

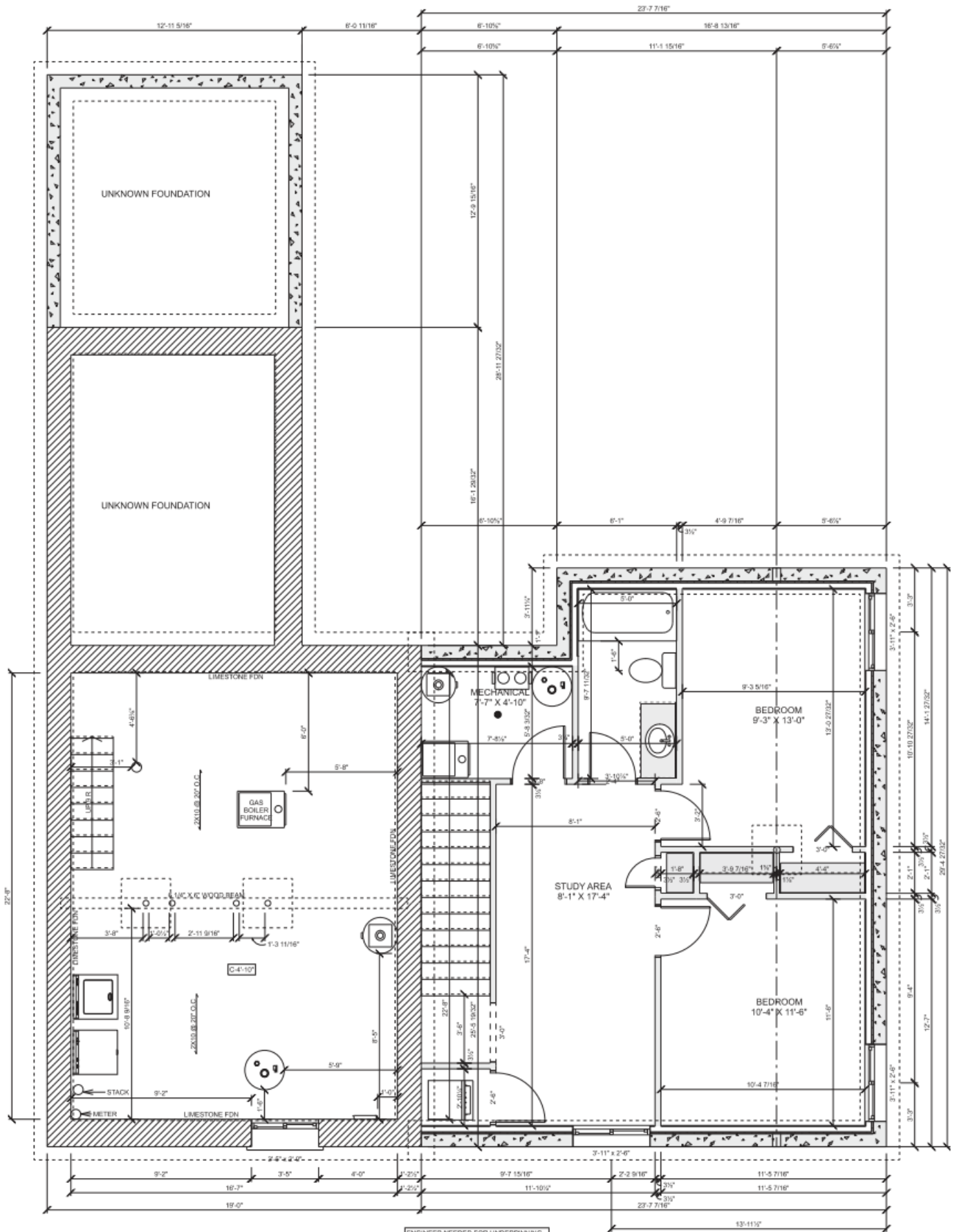
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 LISA HENDERSON, ARCHITECT
 HOUSE OF THOSE INC.
 10000 W. 10TH AVE.
 DENVER, CO 80231

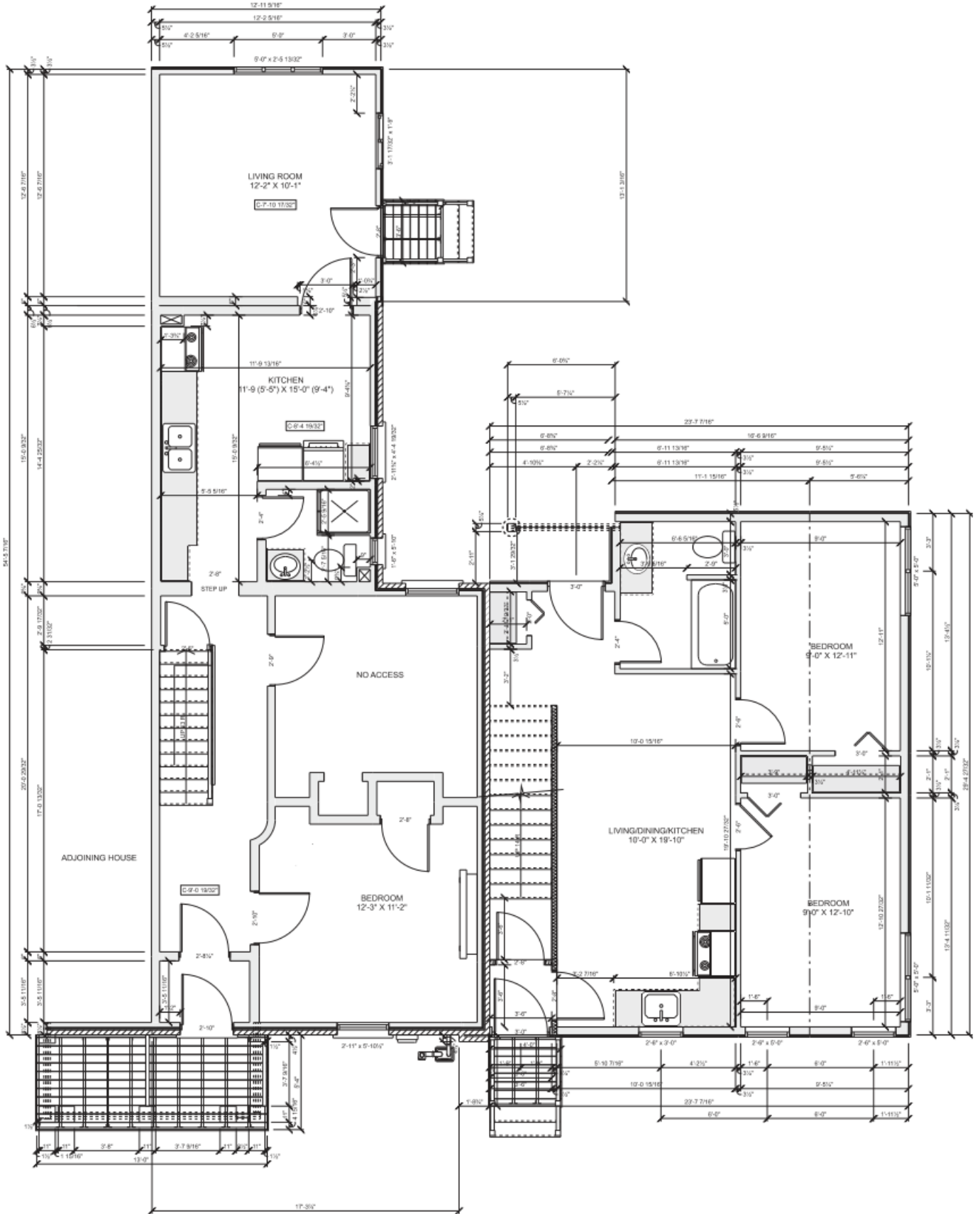
DESIGNER:	L. HENDERSON
DATE:	10/24
PROJECT NAME:	30 BIRCHWOOD DR. BIRMINGHAM, AL
SCALE:	1/8" = 1'-0"
DATE:	10/24/2024
AREA:	802 SF

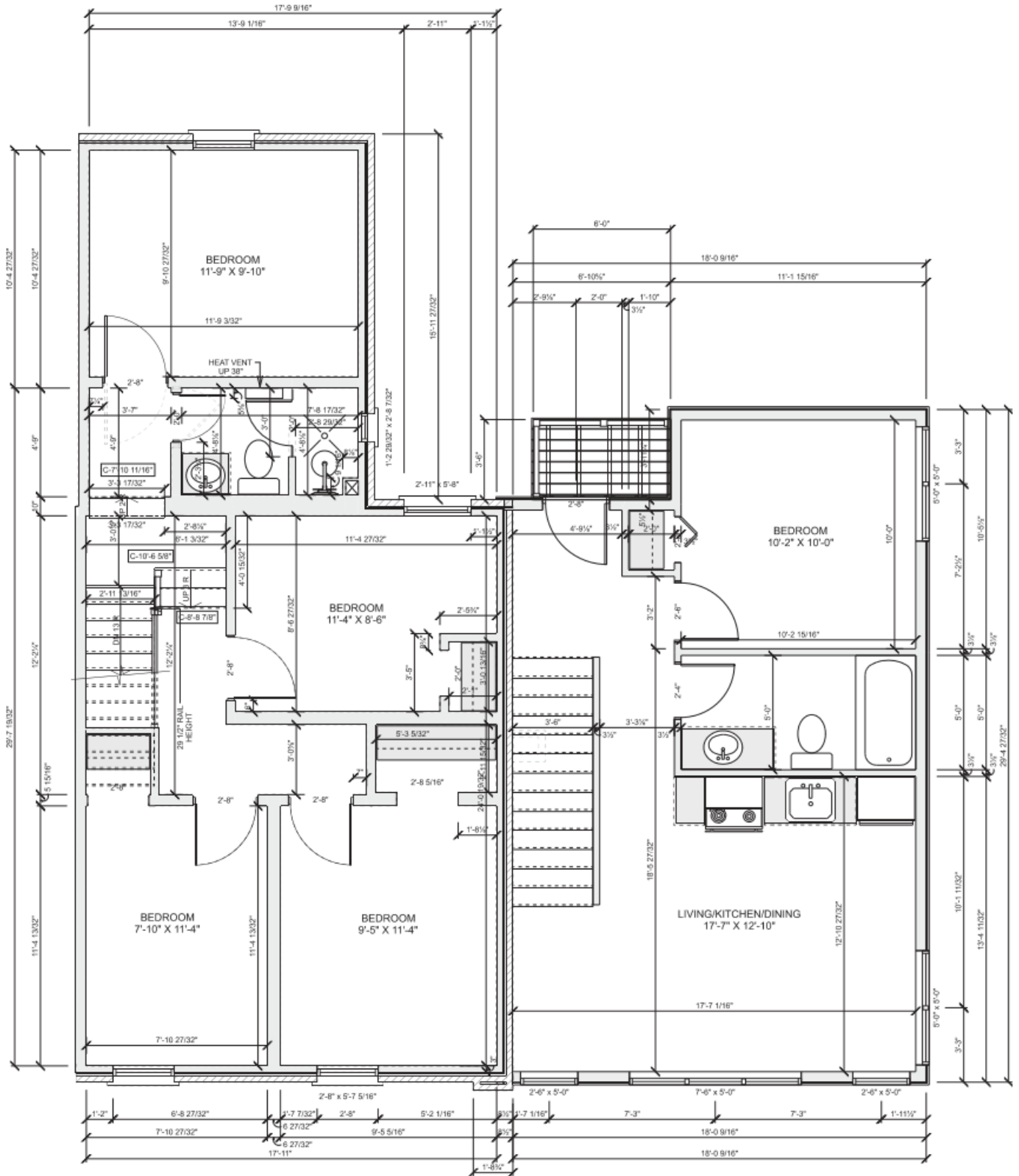
HOUSE OF THOSE
 LISA HENDERSON, ARCHITECT, CIBC
 3800 HOLMES RD.
 INVERARY, ON, N0H 1X0
 TEL: 905-881-1111
 EMAIL: info@houseofthosenc.ca
 WEB: www.houseofthosenc.ca
 INCORPORATED IN ONTARIO
 INDIVIDUAL SIN. 10244

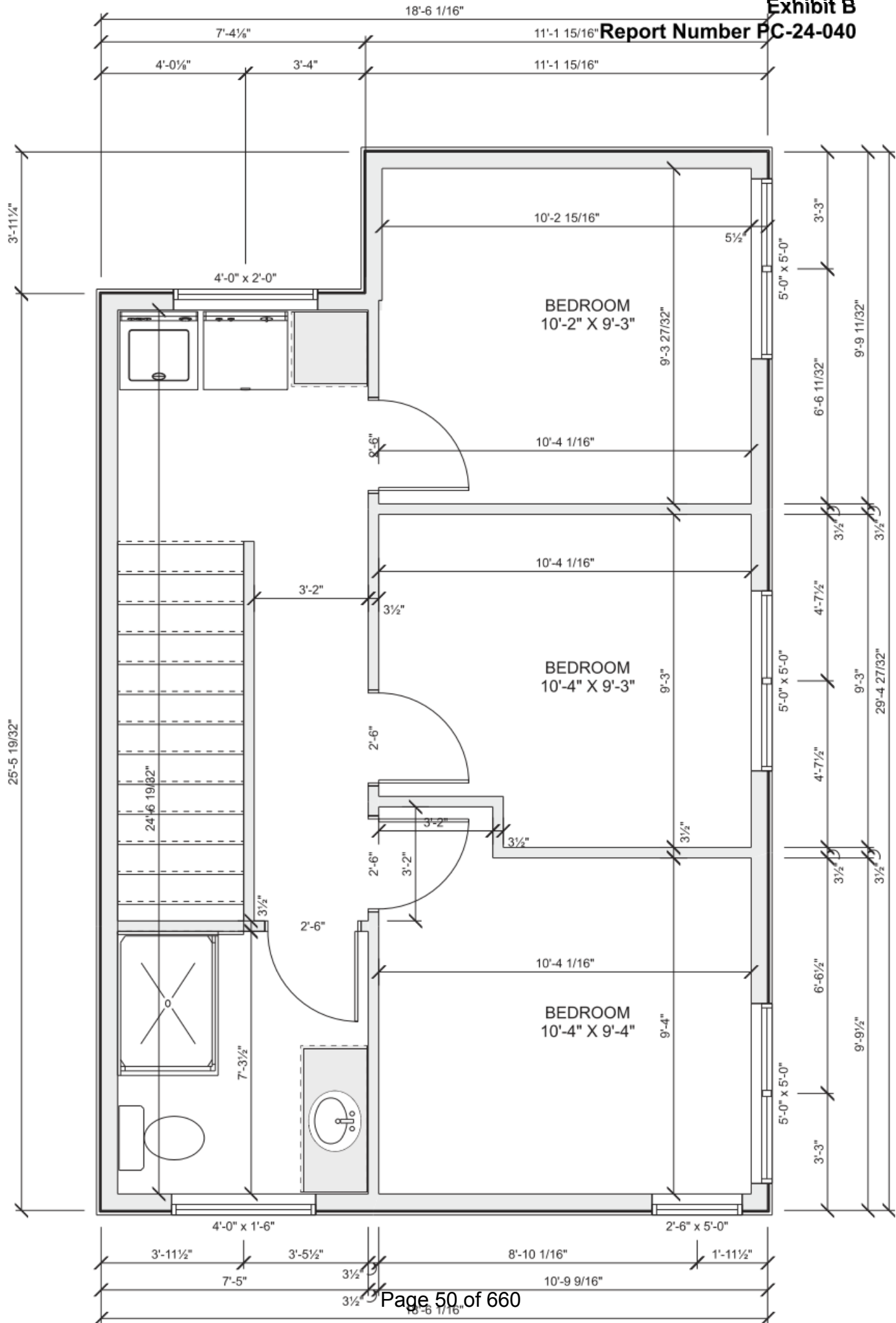




ENGINEER NEEDED FOR UNDERPINNING OF FOUNDATION OR FOUNDATION TO BE STEPPED UP APPROX. 3'-2" FROM TOP OF EXISTING TO TOP OF NEW FOUNDATION









**City of Kingston
Report to Planning Committee
Report Number PC-24-039**

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: July 4, 2024
Subject: Recommendation Report
File Number: D14-005-2024
Address: 1287 and 1301 Gardiners Road
District: District 2 - Loyalist-Cataraqui
Application Type: Zoning By-Law Amendment
Owner: 1112019 Ontario LTD & 976653 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 1112019 Ontario LTD & 976653 Ontario Inc., with respect to the subject site located at 1287 and 1301 Gardiners Road.

The subject lands are currently designated as Business Park Industrial in the Official Plan and subject to a Business Park (M1) zone in the Kingston Zoning By-Law. The property at 1287 Gardiners Road is developed with a single-storey building, currently used for research and development laboratory with several other internal units currently unused. The property at 1301

July 4, 2024

Page 2 of 11

Gardiners Road is currently vacant and undeveloped. The purpose of this proposed zoning by-law amendment is to rezone both properties from the existing Business Park (M1) zone to an Employment Service (M4) zone. The proposed M4 zone would permit a broader range of both employment and commercial uses, with the intent of encouraging future re-investment in the existing building at 1287 Gardiners Road and allowing for a wider range of new uses for the undeveloped lot at 1301 Gardiners Road. No new development is proposed as part of this application for a zoning by-law amendment, however, any proposals for new development on these lands in the future will require a Site Plan Control application.

This report includes a time-sensitive recommendation for Council's consideration at the upcoming meeting on July 9, 2024, in recognition of the fact that this application is entitled to a decision by Council on or before July 18, 2024, due to the 90-day timeline for zoning by-law amendment applications established by the *Planning Act*. As there are no additional City Council meetings scheduled between July 9, 2024, and August 13, 2024, staff recommend that this application be added to the July 9, 2024, City Council agenda in order to ensure this application is not subject to any fee refunds.

Recommendation:

That the Planning Committee recommends to Council on July 9, 2024:

That the application for a zoning by-law amendment (File Number D14-005-2024) submitted by The Boulevard Group, on behalf of 1112019 Ontario LTD & 976653 Ontario Inc., for the property municipally known as 1287 and 1301 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-24-039; 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.

July 4, 2024

Page 3 of 11

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

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

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Options/Discussion:

Statutory Public Meeting

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

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

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

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

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

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application. A Community Meeting was held at Planning Committee on March 21, 2024 during the pre-application process. A summary of the feedback received at the Community Meeting is provided in the Public Comments section of this report.

Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of April 19, 2024.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before July 18, 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

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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 lands, known municipally as 1287 Gardiners Road and 1301 Gardiners Road, are located in the Cataraqui Estates Business Park and adjacent to the Fortune Crescent Retail Centre. The properties are directly west of Gardiners Road, north of Cataraqui Woods Drive, east of Midland Avenue, and south of Macrow Street. The subject lands have a combined total land area of approximately 3.4 hectares, with 1287 Gardiners Road having 2.5 hectares and 1301 Gardiners Road having 0.94 hectares of land area. The properties have a combined frontage of 229 metres onto Gardiners Road, and vehicular access to both properties is provided from this frontage. A bus stop is located approximately 60 metres east of the subject lands, which is serviced by Kingston Transit Route 7.

The property at 1287 Gardiners Road is currently developed with an approximately 4,094 square metre single-storey building containing multiple units. This building is only partially occupied. One existing use is Performance Plants, a research and development laboratory in the field of agricultural biotechnology. Another use in the building is Euro Tile & Stone, a tile and stone warehouse. The remainder of the building is vacant.

The property at 1301 Gardiners Road is vacant, with no existing buildings on the parcel. The property is developed with a drive aisle for access from Gardiners Road and contains a number of parking spaces. While no development is proposed at this time, it is anticipated that this property will be developed at some point in the future.

The subject lands are surrounded by a variety of employment, commercial, and recreational uses. Uses to the north and east of the subject lands are developed with a mix of employment and commercial uses, including professional offices, wellness clinics, and restaurants. The INVISTA Centre, a municipal sports and recreation facility is located to the northeast of the subject properties. The lands to the south include industrial employment uses, while the lands west of the subject property are currently vacant and undeveloped.

Proposed Application and Submission

The applicant is proposing a Zoning By-Law amendment for the subject properties, which would have the effect of changing the existing Business Park (M1) zoning to an Employment Service (M4) zoning. No physical development for either parcel within the subject lands is contemplated as part of this application. The subject lands are considered to be under-utilized given that there is vacant space within the existing building at 1287 Gardiners Road and that the property at 1301 Gardiners Road remains entirely vacant. Given this, the purpose of this proposed rezoning is to encourage future investment in these under-utilized properties by rezoning to an M4 zone. The Employment Service (M4) permits numerous employment uses and as well as a number of commercial uses intended to service surrounding employment areas. As such, the M4 zone permits both employment and commercial uses and includes a wider range of permitted uses than the existing M1 zone which allows for a more limited range of employment uses.

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

- Owner Authorization Form
- Planning Justification Report and Draft By-Law
- Servicing Report

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). The property at 1287 Gardiners Road is developed with a partially occupied commercial building, while the property at 1301 Gardiners Road is vacant and undeveloped. The intent of the proposed Zoning By-Law amendment is to encourage future investment of these under-utilized properties by permitting a wider range of commercial and employment land uses. As such, this proposal supports long term economic prosperity by encouraging the diversification of the City’s economic base, as directed by the Provincial Policy Statement (2020).

A detailed review of the applicable Provincial Policy Statement provisions is attached in Exhibit D – Consistency with Provincial Policy Statement.

Official Plan Considerations

The subject properties at 1287 Gardiners Road and 1301 Gardiners Road are located inside the City’s Urban Boundary and within a Business District as shown on Schedule 2 – City Structure of the Official Plan. The subject property is designated Business Park Industrial in the Official Plan (Exhibit E – Official Plan, Land Use Map). The intention of Business Park Industrial designated lands is to provide prominent and easily accessible locations for high quality employment uses that promote a prestigious community image. It is the intent of the Official Plan for lands within the Business Park Industrial designation to be used for employment uses and complementary commercial uses to support these employment uses.

The applicant has proposed a Zoning By-Law amendment to rezone the subject lands from the current Business Park (M1) zoning and to a new Employment Service (M4) zoning. No development is being proposed as part of this application, rather, the intent of the application is to encourage future investment in these under-utilized commercial properties by rezoning the subject lands to a designation which permits a wider range of land uses. Permitted uses within the M4 zone include a variety of both employment and commercial uses. As such, this proposal

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supports the intention of the Official Plan for Business Park Industrial lands to be used for both employment uses and supportive commercial uses.

By encouraging future investment in currently under-utilized Business Park Industrial designated lands, 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 lands are within a highly commercialized area where the existing landholdings serviced by municipal infrastructure and in close proximity to a Kingston Transit bus route, this proposal also supports the City’s goals of encouraging new non-residential development through intensification and reuse of under-utilized lands.

A detailed review of the applicable Official Plan policies is attached in Exhibit F – Conformity with Official Plan.

Zoning By-Law Discussion

The subject properties are currently zoned a Business Park (M1), which permits a number of employment uses as shown below in Table 1. The proposed M4 for the subject property permits the vast majority of the employment uses which are already permitted in the current M1 zone. In addition to these uses which will continue to be permitted under the M4 zone, the proposed M4 zone also permits a number of commercial uses. A comparison of permitted uses in the current M1 zone and the proposed M4 zone is provided below in Table 1.

Table 1 – Zoning Comparison Table

Zone Provision	Existing Zone – Business Park (M1) Zone	Proposed Zone – Employment Service (M4) Zone
Permitted Uses	<ul style="list-style-type: none"> • Call Centre • Catering Service • Contractor’s Yard • Laboratory • Light Industrial Use • Office • Outdoor Storage • Production Studio • Repair Shop 	<ul style="list-style-type: none"> • Animal Care • Animal Shelter • Banquet Hall • Call Centre • Catering Service • Contractor’s Yard • Day Care Centre* • Financial Institution • Fitness Centre

July 4, 2024

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	<ul style="list-style-type: none"> • Research Establishment • Retail Store • Training Facility • Transportation Depot • Warehouse • Wholesale Establishment • Workshop 	<ul style="list-style-type: none"> • Hotel* • Laboratory • Light Industrial Use • Office • Personal Service Shop • Place of Worship • Production Studio • Recreation Facility • Repair Shop • Research Establishment • Restaurant • Retail Store • Training Facility • Transportation Depot • Warehouse • Wellness Clinic • Wholesale Establishment • Workshop <p>* Holding Overlay will apply to this use. A satisfactory Noise study will be required prior to removal of Overlay.</p>
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As shown in Table 1 above, there is significant overlap between the permitted uses in both zones. The only land use permitted in the M1 zone but not permitted in the M4 zone is Outdoor Storage, which is only permitted in the M1 zone as an accessory use to a primary use. With the exception of Outdoor Storage as an accessory use, all employment uses permitted in the M1 zone will continue to be permitted under the proposed M4 zone. As shown above, the proposed

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M4 zone will permit commercial uses intended to service the surrounding area which is predominantly made up of employment uses. Such commercial uses include, but are not limited to, a fitness centre, a restaurant, and a wellness clinic.

In addition to the M1 to M4 rezoning, the proposed Zoning By-Law amendment will also facilitate the addition of an Exception Overlay and a Holding Symbol to the subject lands.

The proposed Exception Overlay E167 will specify that, for the existing building at 1287 Gardiners Road, any future proposed change of use will not necessitate the addition of any long-term bike spaces or any end-of-trip bike facilities. However, the Exception Overlay specifies that long-term bike spaces and end-of-trip bike facilities would be required if new development is proposed for either site. This proposed Exception Overlay is aligned with proposals supported by Planning staff as part of the City-initiated Housing and Administrative Amendments (Report Number PC-24-041). One of the changes proposed as part of these amendments is to alter the requirements for bicycle parking and end of trip bike facilities such that these spaces and facilities will only be required when new development is proposed, and not simply for a change of use. As such, the proposed Exception Overlay is consistent with current staff recommendations to Planning Committee and Council.

The Holding Overlay H237 is being applied only to certain sensitive uses which are permitted by the M4 zone but were not previously permitted by the M1 zone. Prior to the establishment of a hotel or a day care centre on the subject lands, a noise impact study must be submitted and reviewed to the satisfaction of the City. The proposed Holding Overlay will not apply to any other permitted uses of the M4 zone.

Other Applications

The lands are 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 require an application for Site Plan Control. As the subject properties are located adjacent to Gardiners Road, which is an Arterial Road, future non-residential development or redevelopment on either 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

No public comments were received for this application during the Zoning By-Law Amendment Pre-Application stage, nor were there any comments from the public made at the Community Meeting held on March 21, 2024. At the time of finalizing this report, no public comments have been received for the Zoning By-Law Amendment application.

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Effect of Public Input on Draft By-Law

No public comments have been received regarding this proposal at the time this report was prepared.

Conclusion

The proposed Zoning By-Law amendment to rezone the subject properties at 1287 Gardiners Road and 1301 Gardiners Road is recommended for approval for the reasons outlined throughout this report. The proposed rezoning is anticipated to encourage future investment in these under-utilized properties. The subject lands are located within Business Park Industrial designated lands which are accessed by Gardiners Road, a major arterial road within the City. Although no specific development is proposed at this time, the intent of this Zoning By-Law amendment is to encourage development and investment for these strategically located properties by broadening the range of permitted land uses. Future proposals for development on the subject lands will require a Site Plan Control application, at which stage staff can assess the technical details of the proposal to ensure functionality and compatibility with the surrounding area.

As this proposal is consistent with the Provincial Policy Statement (2020), meets the intention of the Official Plan, and represents good land use planning, staff are recommending this Zoning By-Law amendment application 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 9 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 June 25, 2024.

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

At the time of writing of this report, no pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

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

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 Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Land Use
- Exhibit F Conformity with the Official Plan
- Exhibit G Zoning By-Law Number 2022-62 Map
- Exhibit H Site Photographs
- Exhibit I Public Notice Map

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Zone Change from ‘M1’ to ‘M4’ Zone, Introduction of Exception E167, and Addition of Holding Overlay H237 (1287 and 1301 Gardiners Road))

Passed: July 9, 2024

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 1 – Zoning Map is amended by changing the zone symbol from ‘M1’ to ‘M4’, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. Schedule E – Exception Overlay is amended by adding Exception ‘E167’, as shown on Schedule “B” attached to and forming part of this By-Law;
 - 1.3. Schedule F – Holding Overlay is amended by adding Hold Number ‘H237’, as shown on Schedule “C” attached to and forming part of this By-Law;
 - 1.4. By adding the following Exception Number E167 in Section 21 – Exceptions, as follows:

“**E167.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) **Long-term bike spaces** will not be required for a change of **use** at the existing building at 1287 Gardiners Road. However, if any other **development** is proposed, **long-term bike spaces** must be provided in accordance with all provisions of Subsection 7.3 of this By-law.

End-of-trip bike facilities for non-residential uses will not be required for a change of **use** at the existing building at 1287 Gardiners Road. However, if any other **development** is proposed, **end-of-trip bike facilities** must be provided in accordance with all provisions of Subsection 7.3 of this By-Law.”

- 1.5. By adding the following Hold Number H237 in Section 22 – Holding Conditions, as follows:

“**H237.** The Holding Overlay applies only to a **day care centre** or a **hotel**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following condition 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: July 9, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



**Schedule 'A'
to By-Law Number**
Address: 1287 Gardiners Road
File Number: D14-005-2024

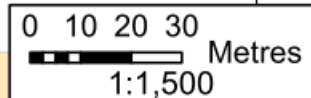
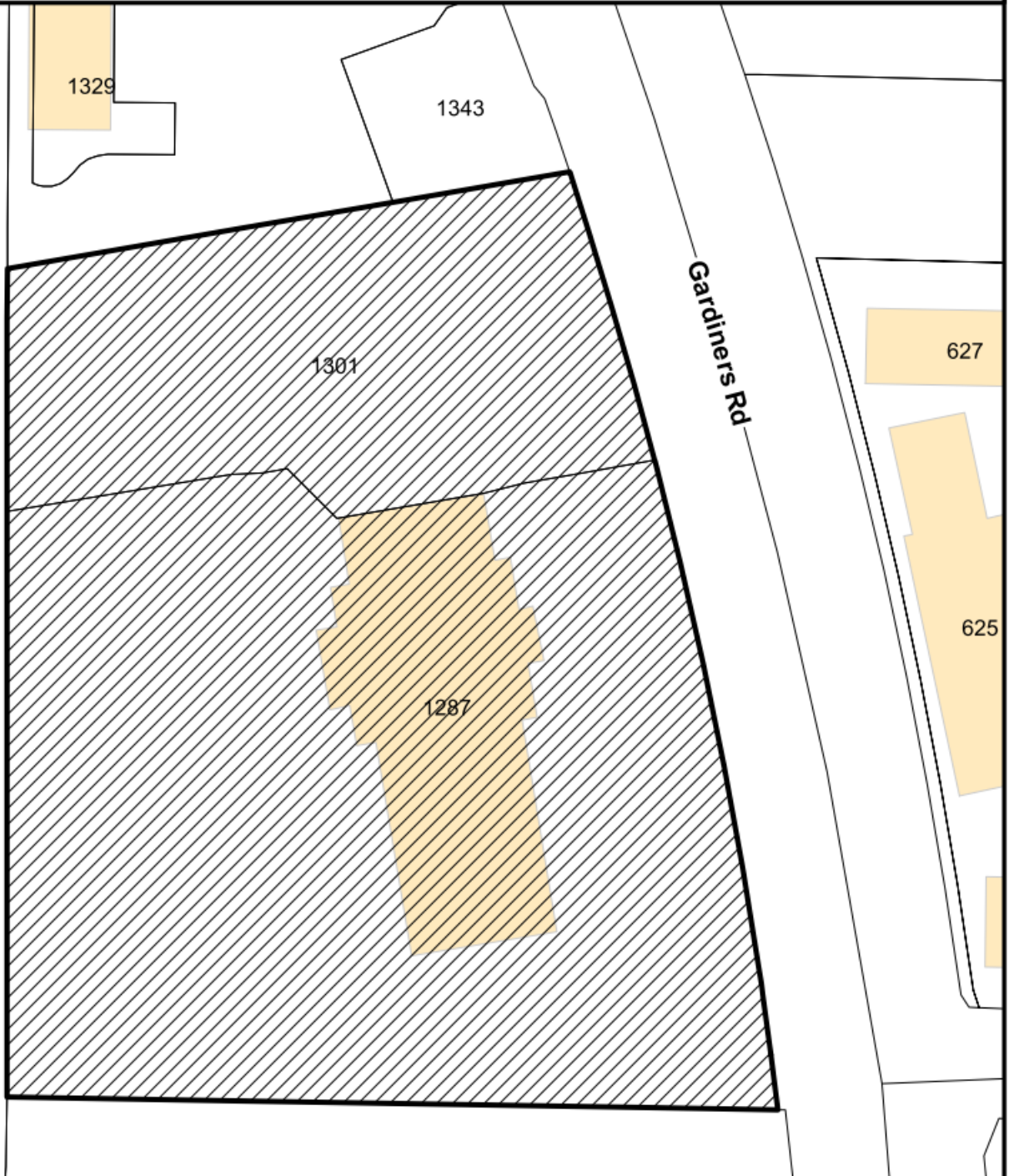
**Kingston Zoning By-Law 2022-62
Schedule 1 - Zoning Map**

Lands to be Rezoned from M1 to M4

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor Clerk






Schedule 'B' to By-Law Number

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

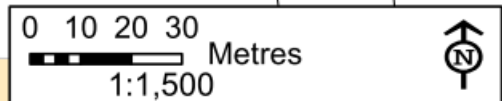
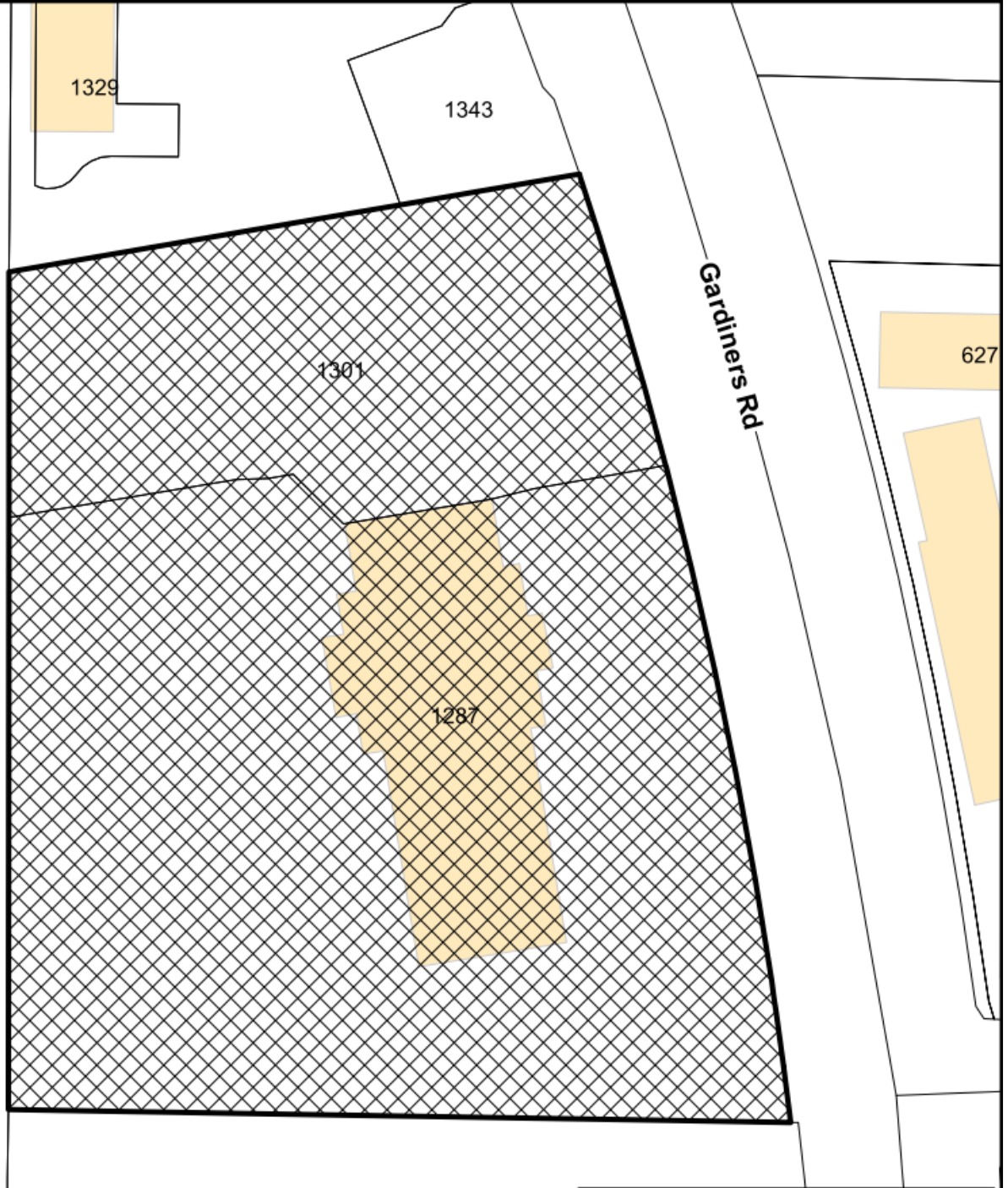
Address: 1287 Gardiners Road
File Number: D14-005-2024

 Lands to be added as E167

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 202__.

Mayor Clerk





Planning
Services

Schedule 'C' to By-Law Number

Address: 1287 Gardiners Road
File Number: D14-005-2024

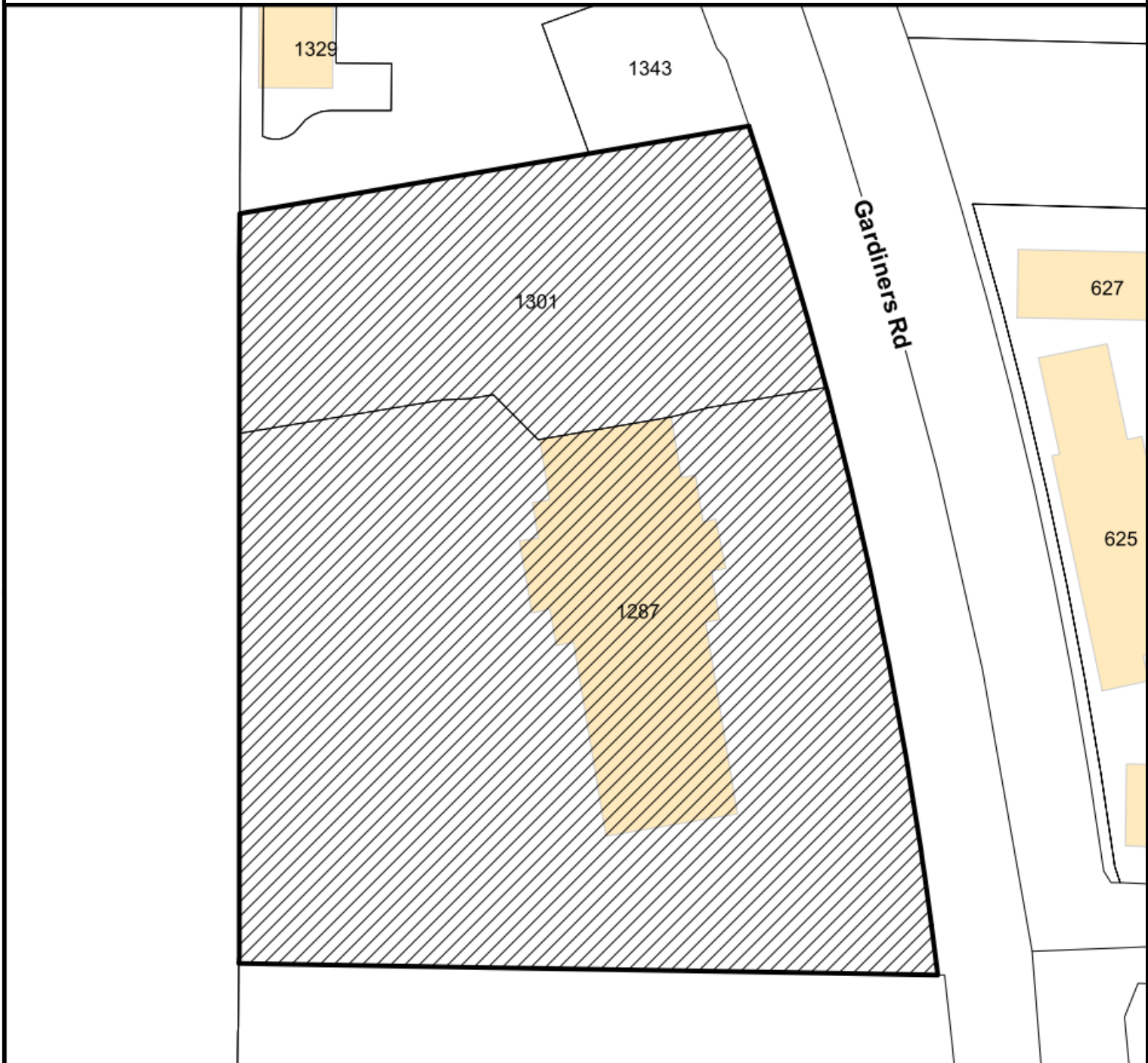
Kingston Zoning By-Law 2022-62 Schedule F - Holding Overlay

 Lands to be added as H237

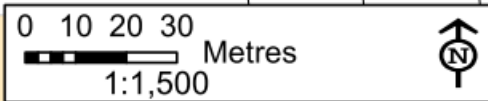
Certificate of Authentication

This is Schedule 'C' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor Clerk



Prepared By: cbarratt
Date: May-30-2024

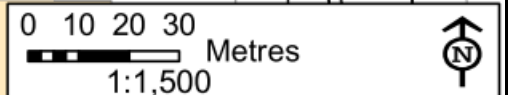
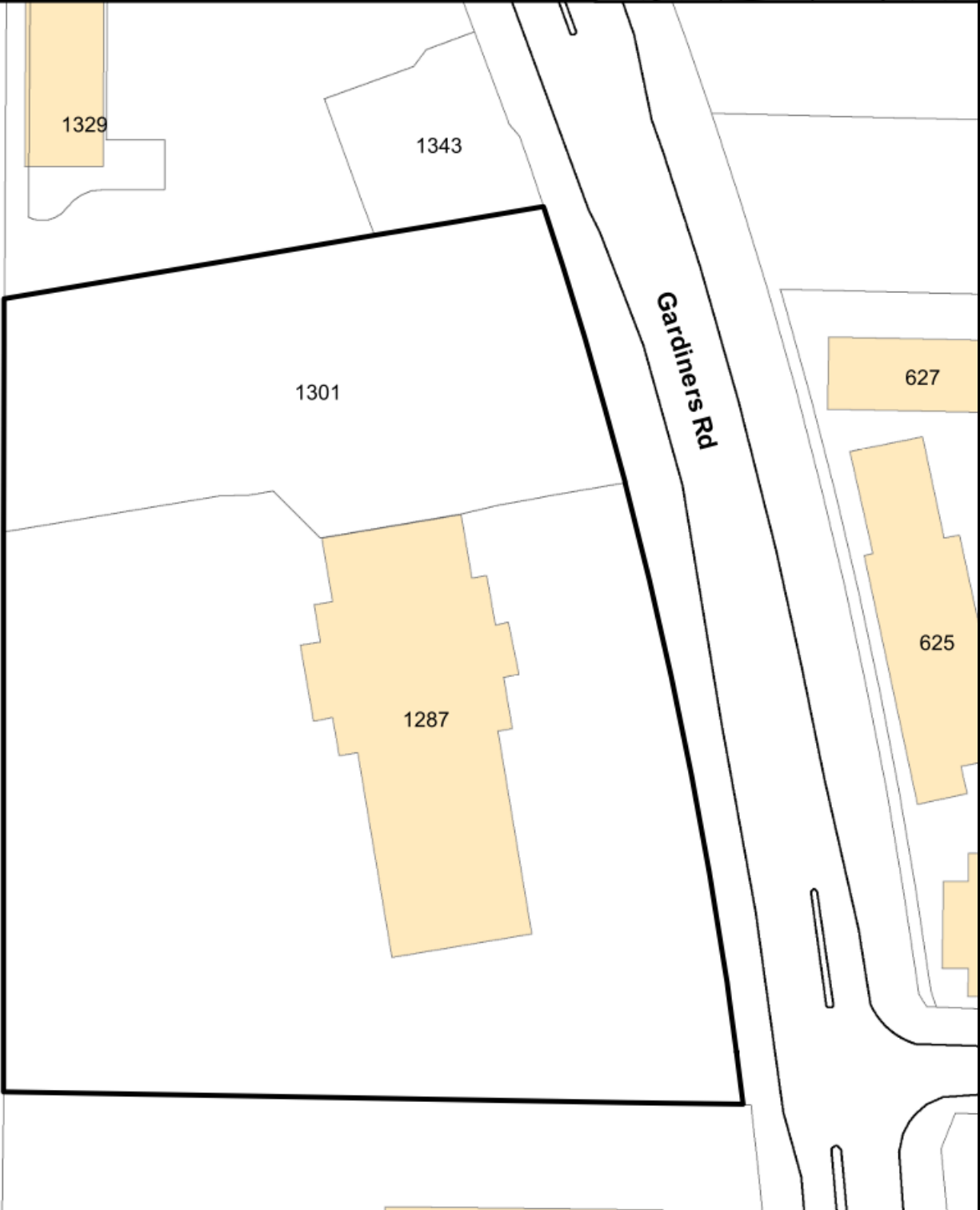
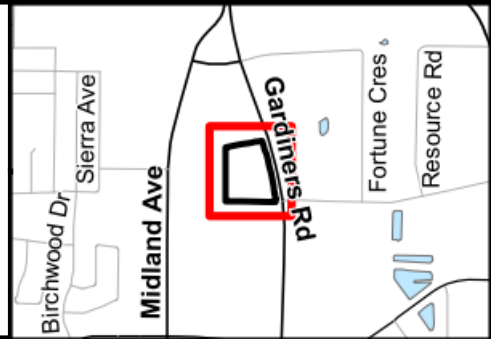




Planning Committee Key Map

Address: 1287 to 1301 Gardiners Road
File Number: D14-005-2024
Prepared On: Apr-23-2024

 Subject Lands



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Planning Committee Neighbourhood Context

Address: 1287 to 1301 Gardiners Road
File Number: D14-005-2024
Prepared On: Apr-23-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



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Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1.	<p>Healthy, livable and safe communities are sustained by:</p> <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,</p>	<p>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<p>The proposal promotes efficient development by widening the range of uses permitted on the subject lands, enhancing opportunities for future economic activity.</p> <p>There is no development being proposed, therefore the proposal does not provoke any environmental or public health and safety concerns.</p> <p>The subject lands are already serviced by municipal water and sewage infrastructure and public transportation opportunities. The widened range of permitted uses will support the efficient use of these resources through future development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>		
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 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> <p>a) efficiently use land and resources;</p> <p>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;</p>	Settlement Areas	<p>The subject lands are currently under-utilized and partially vacant. The proposed Zoning By-Law Amendment is intended to attract new business types to the area, encouraging the more efficient use of the subject lands and existing servicing and infrastructure.</p> <p>As the lands are already zoned for employment, the new uses permitted by the proposed Zoning</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p>		<p>By-Law Amendment are appropriate for the subject lands.</p> <p>Air quality, climate change and energy efficiency are not concerns for the proposal, as there is no development being proposed.</p>
1.2.6.1.	<p>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.</p>	Land Use Compatibility	<p>A Holding Overlay will be established through this application. The Holding Overlay will apply only to a hotel and a day care use, which are sensitive uses permitted by the proposed M4 zone that are not permitted under the current M1 zoning for the property. Prior to removal of the Holding Overlay to permit the development of a sensitive use, a noise and vibration study must be submitted and reviewed to the satisfaction of the City.</p>
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</p>	Employment	<p>The proposed Zoning By-Law Amendment promotes economic development and competitiveness by providing occupancy opportunities for a variety of commercial uses in addition to the employment uses already permitted.</p> <p>The proposal encourages compact, mixed-use development by permitting a mixture of</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>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> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to support current and projected needs.</p>		<p>commercial and employment uses on the subject lands.</p>
1.3.2.3.	<p>Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.</p> <p>Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.</p>	Employment Areas	<p>The proposed zoning does not permit residential uses. The subject lands will remain as employment areas. The proposal includes a Holding Overlay that will be applied to certain sensitive uses (hotel and day care) that are permitted under the proposed zoning but not permitted under the current zoning. A satisfactory noise impact study will be required to remove the hold. Future development on the subject lands will be subject to Site Plan Control.</p>

Policy Number	Policy	Category	Consistency with the Policy
1.3.2.6.	Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.	Employment Areas	The current and proposed zoning of the subject lands are both Employment Zones. There will be no adverse impact on employment uses.
1.6.3.	<p>Before consideration is given to developing new infrastructure and public service facilities:</p> <p>a) the use of existing infrastructure and public service facilities should be optimized; and</p> <p>b) opportunities for adaptive re-use should be considered, wherever feasible.</p>	Infrastructure and Public Service Facilities	The subject lands are located within the Urban Boundary and already are serviced by municipal servicing and infrastructure.
1.6.6.2.	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	Sewage, Water and Stormwater	The subject lands are already serviced by municipal water and sewage infrastructure.
1.6.6.7.	<p>Planning for stormwater management shall:</p> <p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p>	Sewage, Water and Stormwater	No new development is proposed. Future development on the subject lands will be subject to Site Plan Control, through which any changes to drainage and stormwater management will be evaluated.

Policy Number	Policy	Category	Consistency with the Policy
	<p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>		
1.6.7.2.	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	Transportation Systems	The subject lands are in close proximity to Kingston Transit Route 7, providing a connection to existing transportation infrastructure.
1.7.	<p>Long-term economic prosperity should be supported by:</p> <p>a) promoting opportunities for economic development and community investment-readiness;</p> <p>b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;</p> <p>c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;</p> <p>d) maintaining and, where possible, enhancing the vitality</p>	Long-Term Economic Prosperity	<p>By widening the range of permitted uses on the subject lands, the proposed Zoning By-Law Amendment will increase business and employment opportunities for future development.</p> <p>The proposal supports the more efficient use of the under-utilized subject lands by permitting a wider variety of land uses that have the potential to create a diverse range of employment opportunities.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>and viability of downtowns and mainstreets;</p> <p>e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;</p> <p>f) promoting the redevelopment of brownfield sites;</p> <p>g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;</p> <p>h) providing opportunities for sustainable tourism development;</p> <p>i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;</p> <p>j) promoting energy conservation and providing opportunities for increased energy supply;</p> <p>k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and</p>		

Policy Number	Policy	Category	Consistency with the Policy
	l) encouraging efficient and coordinated communications and telecommunications infrastructure.		
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 Archaeology	There are no significant built heritage resources or significant heritage landscapes in proximity to the subject lands or on the subject lands.
2.6.2.	Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.	Cultural Heritage and Archaeology	No potential for archeological resources was identified for the subject lands.
3.1.1.	<p>Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:</p> <p>a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;</p> <p>b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and</p> <p>c) hazardous sites.</p>	Natural Hazards	There are no natural hazards within or adjacent to the subject lands.
3.2.1.	Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt	Man-Made Hazards	There are no man-made hazards on or adjacent to the subject lands.

Policy Number	Policy	Category	Consistency with the Policy
	hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.		
4.6.	The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies.	Implementation and Interpretation	The proposed Zoning By-Law Amendment is consistent with the intent of the Official Plan, as outlined in Exhibit F – Official Plan Consistency.






Planning Services

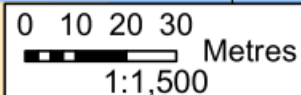
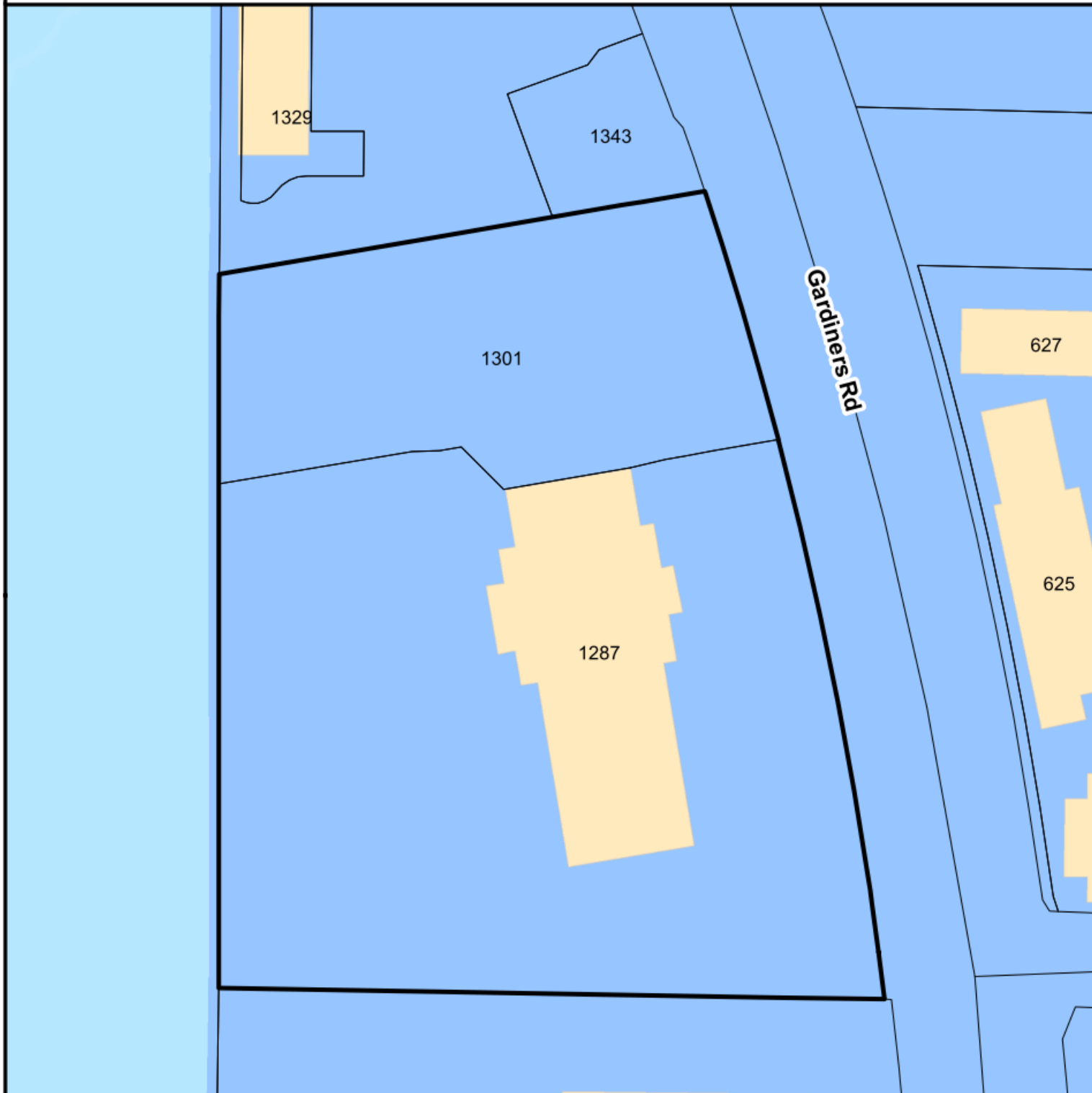
Planning Committee
Official Plan, Existing Land Use

Address: 1287 to 1301 Gardiners Road

File Number: D14-005-2024

Prepared On: Apr-23-2024

-  Subject Lands
-  BUSINESS PARK INDUSTRIAL
-  GENERAL INDUSTRIAL



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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; f. promotion of employment opportunities and alliances that enhance local skills, educational resources and the use of local products, including food; 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; 	<p>Urban Areas – Focus of Growth</p>	<p>The subject lands are within the Urban Boundary and located near to transit infrastructure. Additionally, the lands are located in close proximity to the recreational facilities at the City-owned INVISTA Centre and the Caraco Home Field, which are public amenities.</p> <p>No development is currently being proposed for the site, but any future development will utilize existing infrastructure without the need for additional extensions.</p> <p>The proposal supports the development of the subject lands to create a wide variety of employment opportunities.</p> <p>By allowing a wider range of permitted uses on these under-utilized properties, the application supports the Official Plan’s goal of revitalizing employment areas.</p> <p>As no physical development is contemplated for this site as part of the application, no tree removals are required.</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</p>	<p>Business Districts</p>	<p>The subject lands are located within the Urban Boundary and are designated as Business Park Industrial. The permitted uses within the proposed M4 Zone are compatible with this land use designation, and meet the intention of Business District areas as defined by the Official Plan. Any future non-residential development on the subject property shall be subject to Site</p>

Policy	Category	Conformity with the Policy
<p>being in a Business District under an Airport designation. Regional Commercial uses and some specialized quasi-commercial uses will be limited to the permitted uses for the specific designations, as described in Section 3. Standards in Business Districts will be sufficiently flexible to allow a ready response to new types of employment uses provided that:</p> <p>a. areas of interface with sensitive uses are addressed so that compatible development is achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s);</p> <p>b. an upgraded visual appearance is maintained at gateways as defined in Section 8.11, along major roads and the interface with any Centre, Corridor or Housing District shown on Schedule 2;</p> <p>c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in accordance with the Ministry of the Environment and Climate Change Guidelines (D-1 and D-6) or any such further regulation implemented by the City, as applicable;</p> <p>d. uses which generate large amounts of traffic or have intensive 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>Plan Control, at which point specific technical details can be reviewed to ensure there are no land use compatibility concerns.</p> <p>Gardiners Road from Highway 401 is defined as a gateway to the City of Kingston. Maintaining a level of design that supports the streetscape aesthetic envisioned for the Gardiners Road corridor will be reviewed and considered when a specific development is proposed during a Site Plan Control application process.</p> <p>Permitted uses within the M4 zone are not anticipated to create excessive amounts of noise or odour. As part of this rezoning application, a Holding Overlay will be created to require that noise and vibration concerns are addressed prior to development of any noise sensitive uses permitted in the M4 zone.</p> <p>The subject lands benefit from direct access via the Gardiners Road / Fortune Crescent intersection. At a time when specific on-site development is proposed, traffic impacts can be fully assessed and reviewed to the satisfaction of the City.</p> <p>The lands surrounding the subject property contain a balanced mix between commercial uses and industrial, business park employment uses. Given that the proposed M4 zone permits both commercial and employment uses, future development of the subject sites is anticipated to be compatible with surrounding land uses and will not undermine the business park and industrial uses which are the focus of Business Districts.</p>

Policy	Category	Conformity with the Policy
<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>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>2.3.7. The City will promote and protect employment areas and pursue increased levels of job creation in the commercial, institutional and industrial sectors in order to foster a diversified and vigorous economic base with a range of opportunities for its residents.</p>	<p>Employment</p>	<p>The proposed rezoning would expand permitted uses appropriate for the subject sites, facilitating a wide array of potential employment opportunities and a more diversified economic base for the City.</p>
<p>2.3.18. Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports and promotes opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted. The City also encourages owners of private properties with public access to do the same.</p>	<p>Principles of Growth – Accessibility</p>	<p>Proposals for future development will have to comply with the Accessibility for Ontarians with Disabilities Act (AODA).</p>
<p>2.4.5. The City has established the following minimum targets for intensification to occur within the Urban Boundary.</p>	<p>Intensification Targets</p>	<p>This proposal supports the City's intensification targets for nonresidential development by encouraging future development</p>

Policy	Category	Conformity with the Policy
<p>b. It is the intent of the City that ten percent (10%) of new nonresidential development occur through intensification.</p>		<p>for 1301 Gardiners Road, which is currently undeveloped and vacant land.</p> <p>Additionally, allowing a wider range of land uses supports intensification of the existing building at 1287 Gardiners Road, a non-residential unit which is not fully occupied.</p>
<p>2.6.1. It is the intent of this Plan to promote development in areas where change is desired while protecting stable areas from incompatible development or types of development and rates of change that may be destabilizing.</p>	<p>Protecting Stable Areas – Stable Areas</p>	<p>The subject property is not located within a Housing District, which are intended to remain stable. The intent of this rezoning application is to promote an appropriate level of development for these under-utilized employment lands which will be compatible with the surrounding commercial and employment uses.</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>See Section 2.7.3 and 2.7.4.</p>
<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; 	<p>Land Use Compatibility Matters</p>	<p>No physical development is proposed or contemplated as part of this Zoning By-law Amendment application.</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>g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</p> <p>h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;</p> <p>i. visual intrusion that disrupts the streetscape or buildings;</p> <p>j. degradation of cultural heritage resources;</p> <p>k. architectural incompatibility in terms of scale, style, massing and colour; or,</p> <p>l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.</p>		
<p>2.7.4. Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <p>a. ensuring adequate setbacks and minimum yard requirements;</p> <p>b. establishing appropriate transition in building heights, coverage, and massing;</p> <p>c. requiring fencing, walls, or berming to create a visual screen;</p> <p>d. designing the building in a way that minimizes adverse effects;</p> <p>e. maintaining mature vegetation and/or additional new landscaping requirements;</p> <p>f. controlling access locations, driveways, service areas and activity areas; and,</p>	Mitigation Measures	No development is proposed at this time. At such a time when future development is proposed for these properties, appropriate mitigation measures to ensure compatible development will be implemented based on the Official Plan policies.

Policy	Category	Conformity with the Policy
g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.		
<p>2.9.1. It is the intent of this Plan to promote economic development and competitiveness by:</p> <p>a. providing an appropriate mix and range of employment (including industrial, commercial and institutional 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 that support a wide range of economic activities and complementary uses, and takes into account the needs of existing and future businesses;</p> <p>c. planning for, protecting and preserving employment areas for current and future uses;</p> <p>d. ensuring the necessary infrastructure is provided to support current and projected needs; and,</p> <p>e. encouraging the development of business incubators.</p>	Economic Development Strategy	<p>The proposed rezoning of the subject lands allows for greater flexibility in the provision of different types of employment uses. See Section 2.7.1.</p> <p>By encouraging future investment in and development of these under-utilized lands, the proposal encourages opportunities to further a diversified economic base for the City.</p> <p>This rezoning application preserves the subject lands as an employment area while also allowing for a greater range of permitted uses. No expansion of municipal infrastructure is required as part of this application.</p>
<p>3.6.4. The City will take an active role in preserving employment areas for future job growth. A sufficient supply of land designated for employment uses must be maintained within the Urban Boundary in order to meet anticipated short and long-term needs, including an adequate supply of serviced land and an allowance for choice in terms of location, size of property, and servicing needs.</p>	Employment Land Supply	<p>The subject lands will remain as designated employment areas. The effect of the proposed rezoning will be to broaden the types of employment uses which are permitted.</p>

Policy	Category	Conformity with the Policy
<p>3.6.7. Employment areas will be protected from fragmentation, the intrusion of sensitive uses as defined by Ministry of the Environment and Climate Change guidelines, high traffic volumes or through traffic related to retail commercial uses or other land uses, and adverse effects.</p>	<p>Protection of Employment Areas</p>	<p>The proposed rezoning will not fragment the surrounding designated employment area, as the M4 zone will permit employment uses and complementary commercial uses which are appropriate for the surrounding land use context. See Section 3.6.4.</p>
<p>3.6.12. Complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses. Complementary uses listed within the Business Park Industrial and General Industrial designations will require a minor variance or zoning by-law amendment, as appropriate, prior to being permitted by the zoning by-law in accordance with the following:</p> <p>a. a minor variance application may be used to establish complementary uses that occupy generally 25 percent of the total floor area of all buildings located on a parcel of land, provided the complementary uses:</p> <ul style="list-style-type: none"> i. will provide a support or service to the employees within the employment area designations that are continuous to the subject parcel and that the support or service cannot be provided from an adjacent land use designation to such employment area; ii. will not hinder or preclude any employment uses from establishing on any lands in 	<p>Employment Areas – Complementary Uses</p>	<p>The complementary commercial uses permitted in the M4 zone are anticipated to be supportive of the surrounding employment and commercial area and will not hinder or preclude the development of any employment uses on nearby lands.</p> <p>The property at 1287 Gardiners Road is already developed with a functional building appropriate for a business park context. Any future development on this property or on the vacant property at 1301 Gardiners Road will be required to adhere to the aesthetic and character of the surrounding lands, as directed by the Official Plan.</p> <p>Potential land uses which are permitted in the proposed M4 zone are anticipated to generate a similar amount of employment opportunities as the existing M1 zone, especially given that there is significant overlap between permitted uses in both zones. See Section 2.3.7.</p> <p>The subject lands are prominent properties on a key arterial road into the City from Hwy 401. See Section 3.6.4 and Section 3.6.7.</p>

Policy	Category	Conformity with the Policy
<p>the employment area designations due to principles of land use compatibility, in accordance with Section 2.7; and</p> <p>iii. will be oriented towards the road frontage and contribute to an attractive and functional employment area.</p> <p>b. a zoning by-law amendment will be required to establish complementary uses that exceeds the threshold established for minor variances in a), including standalone complementary uses, and must demonstrate:</p> <p>i. the criteria listed above in clause a have been satisfied;</p> <p>ii. will result in similar rates of employment as the primary permitted uses, in accordance with Section 2.3.7; and</p> <p>iii. will not contribute to the fragmentation of continuous employment areas by generally being located at entrances or along edges of continuous employment areas that are visible from arterial or collector roads to assist in the transition between the employment uses and surrounding land uses.</p>		
<p>3.6.A.1. The main uses permitted within the Business Park Industrial designation include:</p> <p>a. corporate administrative offices and government offices;</p>	<p>Business Park Industrial – Permitted Uses</p>	<p>The main permitted uses for the Business Park Industrial designation are permitted by the current M1 zoning which applies to the subject lands.</p> <p>As shown in Table 1 of this report under the ‘Zoning By-law Discussion’ sub-heading, the vast</p>

Policy	Category	Conformity with the Policy
<p>b. research and development facilities, including laboratories;</p> <p>c. data processing facilities, including call centres;</p> <p>d. technologically advanced manufacturing, fabricating, and assembling operations for the production of high value products;</p> <p>e. administrative, professional and technical services, such as engineering and surveying firms, that support the above uses and are consistent with the image and amenity of a Business Park Industrial setting;</p> <p>f. film or recording studio;</p> <p>g. commercial school or training facility, provided the use is contained within an enclosed building(s);</p> <p>h. the following light industrial uses, provided they are contained within enclosed buildings:</p> <ul style="list-style-type: none"> • manufacturing, repairing, fabricating, processing and assembling operations; • construction and transportation activities and facilities; • storage, warehousing, and wholesale trade activities; and, • communications facilities and utilities. <p>i. accessory outdoor storage, subject to the following criteria, all of which must be satisfied:</p> <ul style="list-style-type: none"> • the outdoor storage use does not front onto or abut a public road; • the area used to accommodate outdoor storage, to be limited in the 		<p>majority of these uses will continue to be permitted under the proposed M4 zoning.</p> <p>The sole exception to this overlap of permitted uses is an outdoor storage use, which is permitted in the M1 zone under certain circumstances but is not permitted under the M4 zone.</p> <p>Given that there are many properties adjacent to and nearby the subject lands which do permit outdoor storage, the removal of outdoor storage as a permitted use for 1287 and 1301 Gardiners is not anticipated to create any problems for the surrounding area.</p>

Policy	Category	Conformity with the Policy
<p>zoning by-law, is located to the rear or interior side yard of the property, preferably behind the primary building occupying the site;</p> <ul style="list-style-type: none"> • the outdoor storage use does not abut a lot which contains an existing residential use or lot in a residential zone; • the outdoor storage use does not generate any emissions, dust, or debris that cannot be contained onsite; and, • the outdoor storage area must be screened from view through landscaping and other measures that lessen the visual impact of the use. 		
<p>3.6.A.2. The following uses are permitted as complementary uses within the Business Park Industrial designation:</p> <p>a. office and business services, such as printing and equipment repair, which are intended to serve the Business Park Industrial area;</p> <p>b. day care facilities and/or places of worship, provided that the sensitive use is compatible with the industrial uses in the area and located in such a manner (e.g., on the periphery of an employment area) so that it does not preclude the development potential of adjacent employment lands;</p> <p>c. hotels and/or conference facilities, including banquet halls, trade show buildings, and similar uses to be defined in the implementing zoning by-law;</p> <p>d. restaurants, drive-through facilities, financial institutions, personal services, medical and</p>	<p>Business Park Industrial – Complementary Uses</p>	<p>The proposed M4 zone will enable the development of complementary commercial uses which the Official Plan identifies as being supportive to employment lands. As the lands surrounding the subject properties are primarily used for employment land uses, any future development of complementary commercial uses would serve as an overall benefit to the surrounding Business Park Industrial designated area.</p> <p>In addition to permitting complementary commercial uses, the proposed M4 zone will continue to permit more traditional Business Park Industrial employment uses. See Section 3.6.A.1 above.</p>

Policy	Category	Conformity with the Policy
<p>paramedical uses, and convenience commercial uses;</p> <p>e. public and private parks and recreation facilities;</p> <p>f. parking lots and structures; and,</p> <p>g. sources of renewable energy, subject to the policies of Section 6.2 of this Plan.</p>		
<p>3.6.A.6. In addition to the general development requirements of Section 3.6.15 of this Plan, the following policies also apply to lands designated as Business Park Industrial:</p> <p>a. new development must enhance the character of its surrounding area through appropriate site arrangement and high quality architecture and landscaping;</p> <p>b. building facades must incorporate a mix of building materials and details to provide architectural interest on facades that are visible from public roads;</p> <p>c. less architecturally interesting facades of buildings must be substantially set back and screened from public view by dense landscaping as an alternative to providing architectural detail;</p> <p>d. where function necessitates a basic, box-like building form, exterior design, such as a change in colour, material or plane, must be introduced on exterior facades that are visible from public streets;</p> <p>e. the colour of exterior facades will be in keeping with surrounding industrial buildings, and bright, contrasting colours</p>	<p>Business Park Industrial – Development Criteria</p>	<p>No development is proposed for the subject lands at this time, however, the design for any future proposed development will be reviewed by staff during a Site Plan Control application process to ensure that the development criteria for Business Park Industrial lands is adhered to.</p>

Policy	Category	Conformity with the Policy
<p>will only be used for trims and accents; and,</p> <p>f. a high quality of landscaping must be used to enhance the overall aesthetic of the site, as well as to define the property boundaries and main entrance of the building.</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> <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</p>	<p>Planning Committee / Council Considerations</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. No new buildings or structures are proposed at this time. The proposed new M4 zoning for this property is compatible with the surrounding uses and zones.</p> <p>Lands in the City of Kingston subject to an M4 zone are quite limited, as there are only five distinct areas in the City which are zoned M4. Given the subject lands' location in a major employment area, the proposed rezoning to a zone which permits both employment and complementary commercial uses is considered to be appropriate.</p> <p>Both properties on the subject lands are unconstrained and large enough to accommodate loading, parking, open space, and amenity requirements. Further, the property at 1287 Gardiners Road already contains a functional building with an approved Site Plan agreement.</p> <p>The proposed Zoning By-law amendment seeks to provide flexibility for potential new occupants and employees to be located within the existing</p>

Policy	Category	Conformity with the Policy
<p>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>employment area. The suitability of a specific development proposal in terms of density will be assessed at such a time when a specific development is proposed.</p> <p>As no development is proposed, this application will have no impacts regarding municipal infrastructure, services, or traffic.</p> <p>No City staff or members of external agencies have objected 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 precedent, as Planning staff have been supportive of applications to rezone under-utilized commercial and employment lands to stimulate and encourage development and investment.</p>



Figure 1: View of the existing building at 1287 Gardiners Road.



Figure 2: View of the entrance to 1287 Gardiners Road, developed with a ramp for accessibility purposes.



Figure 3: Parking area at the front of 1287 Gardiners Road.



Figure 4: Additional parking area at the rear of 1287 Gardiners Road. The building is also accessible by a rear entrance.



Figure 5: Frontal view of the vacant lot at 1301 Gardiners Road. A parking area is already provided on this lot.



Figure 6: Additional view of the vacant lot at 1301 Gardiners Road.



Planning
Services





Planning Committee Public Notice Notification Map

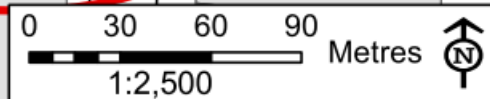
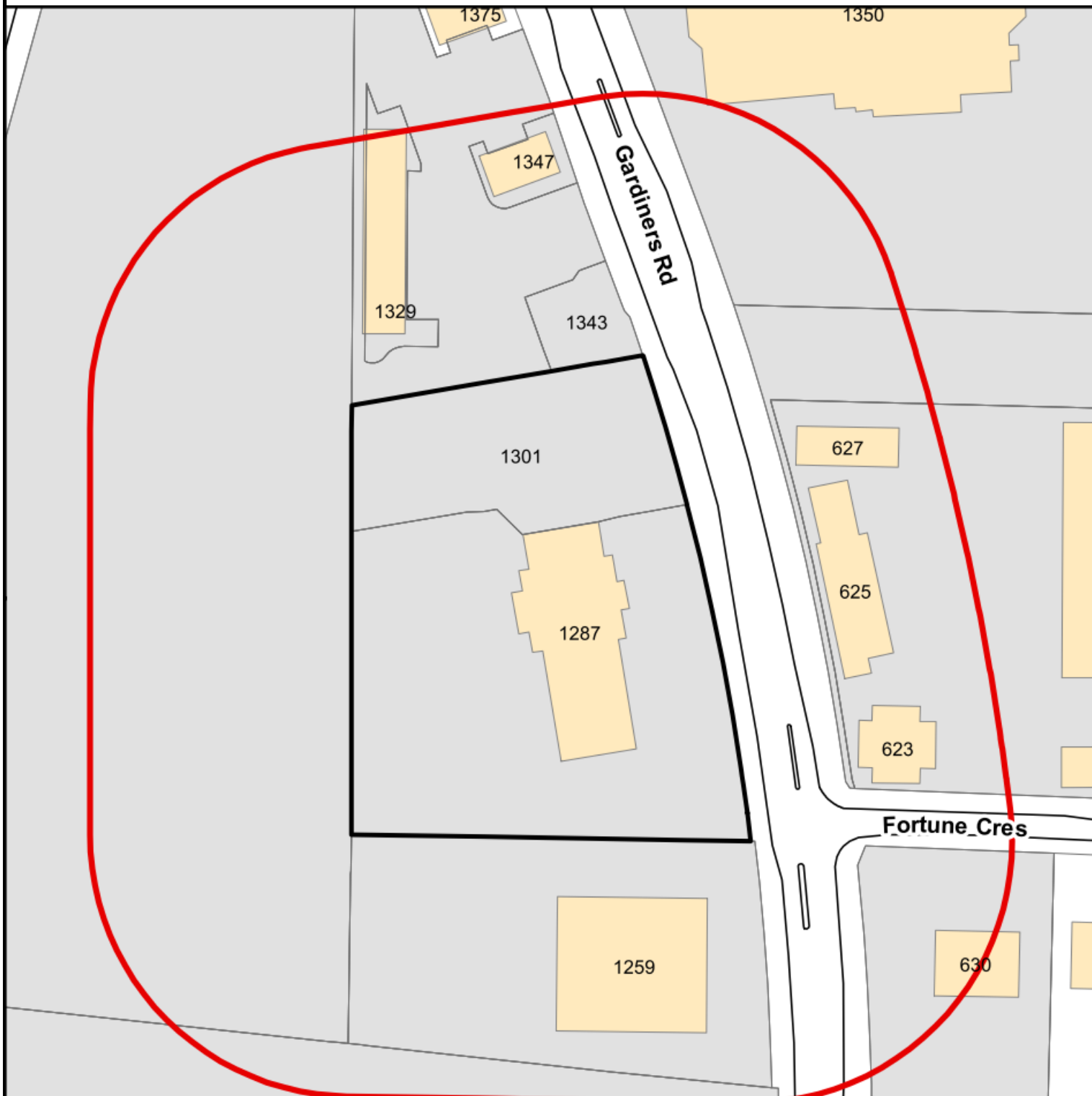
Address: 1287 to 1301 Gardiners Road

Road

File Number: D14-005-2024

Prepared On: Apr-23-2024

-  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-24-037**

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: July 4, 2024
Subject: Recommendation Report
File Number: D14-004-2024
Address: 4065 Unity Road
District: District 1 - Countryside
Application Type: Zoning By-Law Amendment
Owner: Dale and Gary Somerville
Applicant: Clark Consulting Services

Council Strategic Plan Alignment:

Theme: 2. Lead Environmental Stewardship and Climate Action

Theme: 4. Foster a Caring and Inclusive Community

Goal: 2.3 Maintain the City's natural heritage and environmental assets.

Goal: 4.2 Help address food insecurity and sustainability.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by Clark Consulting Services, on behalf of Dale and Gary Somerville, with respect to the subject site located at 4065 Unity Road. The subject site is designated 'Rural' in the Official Plan and is zoned General Rural Area (RU) in Kingston Zoning By-Law Number 2022-62.

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The large property is located on the south side of Unity Road, east of Quabbin Road, and west of Smith Road. The property was subject to a recent technical consent application ([File Number D10-024-2022](#)) which was provisionally approved and the applicants are in the process of clearing the conditions of approval. The consent application enabled the creation of a new lot separating the portion of the existing property currently being used for residential purposes containing an existing dwelling and agricultural buildings from the larger land area used for agriculture. Both the severed and retained parts of the property are subject to this zoning by-law amendment application. No new development is currently proposed for either the severed residential or the retained agricultural parcel.

The applicant is proposing a zoning by-law amendment to implement both an Exception Overlay as well as a Holding Overlay for the property at 4065 Unity Road to address one of the conditions of the consent application.

The Exception Overlay would permit the severed lands to continue to be used for limited agricultural purposes despite being smaller in lot area than the applicable zoning provisions. The Holding Overlay proposed for the retained lands would ensure that if development is proposed on the retained lands in the future, an application for hold removal will be required. Prior to the removal of the Holding Overlay, all necessary studies and agreements, as determined by the City, are required. At this time, required studies and agreements include a hydrogeological assessment and a noise study. In the interim, the retained lands would continue to be used for agricultural and conservation purposes.

The recommended zoning by-law amendment would allow for severance of the surplus residential dwelling, while still allowing the property to continue limited agricultural activity on the severed property. As well, it would allow for the continued use of the retained property for agricultural and conservation uses, thereby supporting the economic viability of the parcel as productive agricultural lands and maintaining the integrity of the natural heritage, until such time as development may be proposed in the future. 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.

This report includes a time-sensitive recommendation for Council's consideration at the upcoming meeting on July 9, 2024, in recognition of the fact that this application is entitled to a decision by Council on or before July 18, 2024, due to the 90-day timeline for zoning by-law amendment applications established by the *Planning Act*. As there are no additional City Council meetings scheduled between July 9, 2024, and August 13, 2024, staff recommend that this application be added to the July 9, 2024, City Council agenda in order to ensure this application is not subject to any fee refunds.

Recommendation:

That the Planning Committee recommends to Council on July 9, 2024:

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That the application for a zoning by-law amendment (File Number D14-004-2024) submitted by Clark Consulting Services, on behalf of Dale and Gary Somerville, for the property municipally known as 4065 Unity 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-24-037; 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.

July 4, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

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

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Options/Discussion:

Statutory Public Meeting

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

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

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

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

Chris Wicke, Senior Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3242
cwicke@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application. Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of April 19, 2024.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before July 18, 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).

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Site Characteristics

The subject property, which includes both the provisionally approved severed and retained portions of a recent application for consent, is municipally addressed as 4065 Unity Road. It has an area of approximately 66 hectares and 715 metres of frontage on Unity Road. The property is designated Rural in the Official Plan. It is zoned General Rural Area (RU) in the Kingston Zoning By-Law. The residential lot, with a dwelling and associated agricultural buildings, that has been provisionally approved for severance has a frontage of 184 metres on Unity Road and an area of approximately 2 hectares. The retained 64.2-hectare parcel of vacant land has approximately 531.2 metres of road frontage on Unity Road.

There are accessory structures related to agricultural use located in proximity to the residential dwelling on the subject property. The farm buildings were used for a dairy operation until 2006 and were subsequently used for beef cattle and goats until 2017. Beyond the residential dwelling and accessory structures on the severed parcel, the majority of the subject property that will be the retained parcel is used for agricultural purposes, while there are areas of contributory woodland and wetlands in the southwest and significant woodland in the southeast corner. The application for consent was reviewed by Cataraqui Conservation, and was noted that there are a few small watercourses on the subject lands, and that future development or site alterations will require a 30 metres setback from these features; however, no concerns were raised with the proposal as the severed lot is already developed and both the severed and retained lots are sufficiently large that conflicts with natural features and setbacks are not anticipated.

The subject property is surrounded by a mix of residential and agricultural uses, and natural heritage features (Exhibit C – Neighbourhood Context Map (2023)). The severed parcel abuts a Part IV designated heritage property known as 4017 Unity Road, which is designated for its two-storey classically balanced 19th century Regency farmhouse constructed prior to 1860 along with several outbuildings, including a wooden barn with a gable roof and a rear addition. The application was reviewed by Heritage Services who did not raise any concerns. The subject lands and the surrounding area is identified as being cleared of archaeological potential.

Unity Road is identified as an Arterial Road. A six metre road widening is being taken as part of the consent application, and an entrance permit has been identified as being required for the retained lot.

Proposed Application and Submission

The applicant is proposing a zoning by-law amendment to implement an Exception Overlay and a Holding Overlay for the property at 4065 Unity Road to address conditions of a recent technical consent application ([File Number D10-024-2022](#)).

The amendment will apply an Exception Overlay to the severed parcel to permit the use of the property for agricultural purposes in addition to the existing residential use. The amendment will also apply a Holding Overlay on the retained parcel to ensure that if development is proposed on the retained lot in the future, an application to remove the Holding Overlay will be required, and

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that any and all necessary studies and agreements, as determined by the City, will be provided prior to the removal of the Holding Overlay and future changes to the use of the land. This will ensure the continued use of the retained parcel for agricultural, and conservation uses, thereby maintaining the economic viability of the parcel as productive agricultural lands and the integrity of the natural heritage until such time as development may be proposed in the future.

The subject site is located in the rural area outside of the Urban Boundary, with only the potential for private services at this time, on a property zoned for a range of rural uses. The proposal will maintain the natural and cultural heritage attributes on site, as well as the existing productive agricultural activity.

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

- Planning Justification Report
- Minimum Distance Separation review
- Notice of Decision

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 rural land in question includes residential and agricultural uses.

This proposal will enable the continued use of the subject property for agricultural uses, while ensuring that any future residential development is subject to a further review with consideration for the various elements detailed previously. As no housing or other development is proposed at this time, this application supports the goal that rural settlement areas shall be the focus of growth and development. In addition, the proposal is compatible with nearby housing, and it will not place demands on rural infrastructure and public services.

The continuation of the agricultural use supports a diversified rural economic base. Ultimately, the proposal is compatible with the rural landscape and can be sustained by rural service levels. It contributes to a strong healthy community, is a wise use and management of resources, and protects public health and safety.

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Through this application, the proposal ensures that in the future there will be the opportunity to evaluate any future development through the appropriate studies to ensure that there will be no negative hydrogeological or noise impacts adjacent to the subject property.

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

Official Plan Considerations

The subject property is designated Rural in the Official Plan on Schedule 3C – Land Use (Exhibit E – Official Plan, Land Use). Permitted uses in the Rural designation include a wide range of rural uses including agriculture and associated uses, limited residential development, and other compatible land uses. Some portions of the site are identified as having natural heritage features including significant and contributory woodlands as indicated on Schedule 8 – Natural Heritage Area B. These areas are located to the south of the property, well away from existing development.

Due to the presence of nearby livestock facilities, a Minimum Distance Separation (MDS) review has been provided as part of the Planning Justification for both the severed and retained parcels. The proposed severed parcel is directly adjacent to a livestock facility to the east. In accordance with MDS Guideline 41, if the proposed lot measures over 1 hectare in size, the setback will be measured between the livestock facility and the nearest point of the house. Even if the barn is vacant today, the setback will still apply. Based on the consultant's calculations, it appears that the existing single-detached house is located outside of the minimum required MDS setback from the barn to the east.

The MDS review was for a Type A land use, which are characterized by lower density of human occupancy or habitation and includes lots with single-detached dwellings. For this type of land use, all barns within 750 metres are reviewed for their potential impact, and the consultant prepared MDS calculations for the applicable livestock facilities within this area. A review of aerial imagery, in consultation with the applicant, and a site visit to the local area led to the identification of three properties with livestock facilities that merit consideration. A detailed review of the three properties with livestock facilities was made and the following conclusions were made following calculations to set appropriate setbacks from the barns to any new development:

- **Barn A - 4017 Unity Road:** The vacant barn at 4017 Unity Road generates an MDS setback of 117 metres. The distance from the barn to the severed parcel is 81 metres. The severed parcel is greater than 1 hectare, is an agricultural use and has an existing house, therefore MDS setbacks are not applied to this new lot (Guideline 8). No house could be developed on the retained land within 117 metres of the barn at 4017 Unity Road. The barn at 4017 Unity Road is not impacted by the proposal.
- **Barn B - 4240 Unity Road:** This is a grouping of vacant barns and sheds that are on the portion of 4240 Unity southeast of Unity Road. These vacant barns generate an MDS setback of 140 metres. No new dwelling can be located on the retained land within 140

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metres of the closest structure on 4240 Unity Road. Approval of the application does not impact the barns at 4240 Unity Road.

- Barns C - 4430 Howes Road: Two single-storey buildings are used for housing sheep at 4430 Howes Road. The MDS setback generated from these barns is 144 metres. No new dwelling can be built on the retained land within 144 metres of these barns. The retained land is 688 metres from the barns. Approval of the application will not impact the sheep barns at 4430 Howes Road.

Since the dwelling on that severed parcel is existing and is beyond the setback distance of 117 metres (as it is 252 metres from the barn on the adjacent property), the application for severance complies with the provisions of MDS. Based on this analysis of the Minimum Distance Separation formulae, the consultant is of the opinion that the approval of the severance at 4065 Unity Road as proposed does not impact local livestock barns and fully complies with the provisions of MDS.

The property is in the rural area and removed from settlement areas in an area characterized by agricultural, residential and conservation uses. The proposal represents a compatible and appropriate manner of permitting the severance of an existing residential dwelling and associated accessory buildings while maintaining the existing agricultural and natural heritage uses on the retained parcel. Through the requirement for future supporting technical studies and the retention of permitted agricultural uses, the property will continue its use as an active agricultural operation while also retaining the natural heritage of the property. The site is also in proximity to other active agricultural livestock operations, and this application minimizes the potential for conflict with these activities.

The proposal to require additional studies when the retained lands are developed with residential uses is consistent with policy direction of the Official Plan with respect to protection of natural heritage and cultural heritage resources, support for local agriculture, and directing that the appropriate studies are undertaken to ensure that any future development of the land appropriately consider factors such as hydrogeology, noise generation, and compatibility with existing development. The changes enabled through the zoning by-law amendment will continue the use of the property for agricultural and conservation purposes.

A detailed review of the applicable policies is attached in Exhibit F.

Zoning By-Law Discussion

The site is subject to the Kingston Zoning By-Law Number 2022-62 and is zoned General Rural Area (RU) (Exhibit G - Existing Zoning). The subject property has been provisionally approved for a severance, and it currently contains a single-detached home as well as accessory buildings on the severed parcel and agricultural and conservation lands on the retained parcel.

The RU zone for the property is not changing and no development is proposed at this time. Agricultural uses are permitted in the RU zone, and the minimum lot size specified in Table 8.3.1. for this use is 40 hectares. The minimum lot area for a single-detached house is 1 hectare. Through the consent application approvals process, the two-hectare severed parcel is

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reduced in area such that agricultural uses would not be permitted. However, the applicant wants to retain this permitted use for the parcel, which currently contains farm buildings that have been historically used for cattle and goats. An Exception Overlay is proposed which would permit agricultural uses on the severed parcel.

Through the consent process, additional studies have been identified which are required prior to any new development on the retained lands. The intent for the Holding Overlay is to prevent development of the retained lands until such time as any future owner has completed the required studies to ensure that the potential impacts of future development are addressed when a suitable building envelope has been identified. With the large size of the property, and with no future development proposed at this time, completing the studies prior to a specific development proposal would be inefficient and cost prohibitive. This approach ensures that future studies will be completed and tailored to the specific location a future owner may identify for a residential use to reduce cost and duplication of efforts.

The requirements to remove the Holding Overlay are as follows:

- Hydrogeological Assessment: A hydrogeological assessment is required to confirm that adequate potable water is available for the retained lot, which is the larger lot with no existing buildings and currently being used for agricultural and conservation purposes. The assessment will need to be completed to the City's standard at the time of submission.
- Noise Study: If development is proposed to occur, the applicant must undertake the submission and approval of a satisfactory detailed noise study prepared by a qualified individual with experience in environmental acoustics and to demonstrate compliance with NPC-300.

If development is proposed in the future, the City may opt to require additional studies as part of the development process.

The recommended zoning by-law amendment is included as Exhibit A.

Other Applications

This property at 4065 Unity Road was recently subject to an application under the *Planning Act* for consent (File Number D10-024-2022). As the application for consent met the requirements of the zoning by-law in terms of permitted uses and zoning provisions, this was advanced as a technical consent. It was given provisional approval on January 20, 2023, subject to the conditions listed in the Notice of Decision.

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.

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Public Comments

No public comments have been received to date.

Effect of Public Input on Draft By-Law

None

Conclusion

The recommended zoning by-law amendment is proposed to address conditions of approval for the severance of an existing residential dwelling and associated accessory structures. The amendment will apply a Holding Overlay to the retained parcel, the removal of which prior to future development will require studies to ensure any and all appropriate measures are taken prior to future changes to the use of the land. This will ensure the continued use of the existing property for agricultural, and conservation uses, thereby maintaining the integrity of the natural heritage and the economic viability of the parcel as productive agricultural lands, until such time as development may be proposed in the future.

The amendment will also apply an Exception Overlay to the severed parcel to permit the continued use of the property for limited agricultural purposes in addition to the existing residential uses, despite the reduced size of the lot.

Through the implementation of an Exception Overlay to permit agricultural uses on the severed lot and a Holding Overlay with the requirement for future study on the retained lot, the application will permit ongoing agricultural uses while ensuring that any future proposed residential development will be compatible with surrounding land uses and will address functional needs of residents. The proposal is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. The application is recommended for approval.

Existing Policy/By-Law:

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

Provincial

Planning Act

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

July 4, 2024

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Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 19 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 June 25, 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

Contacts:

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

Chris Wicke, Senior Planner, 613-546-4291 extension 3242

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 Map

Exhibit D Consistency with the Provincial Policy Statement

Exhibit E Official Plan, Land Use

Exhibit F Conformity with the Official Plan

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Exhibit G Zoning By-Law Number 2022-62

Exhibit H Site Photographs

Exhibit I Public Notice Notification Map

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 E168 and Holding Overlay H238 (4065 Unity Road))

Passed:

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

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 E168 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 H238 as shown on Schedule “B” attached to and forming part of this By-Law;
 - 1.3. By adding the following Exception Number E168 in Section 21 – Exceptions, as follows:

“**E168.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
a. The minimum **lot** size for an **agricultural use** is 2 hectares.”
 - 1.4. By adding the following Holding Overlay H238 in Section 22 – Holding Conditions, as follows:

“**H238.** Prior to the removal of the Holding Overlay for a new **single detached house**, the following conditions must be satisfied:

- (a) The submission of a hydrogeological assessment to the satisfaction of the **City** and any other regulatory body; and
- (b) The submission of a satisfactory noise 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
Services

Schedule 'A' to By-Law Number

Address: 4065 Unity Road
File Number: D14-004-2024

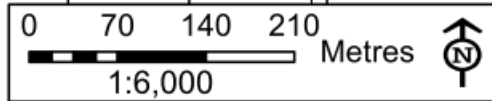
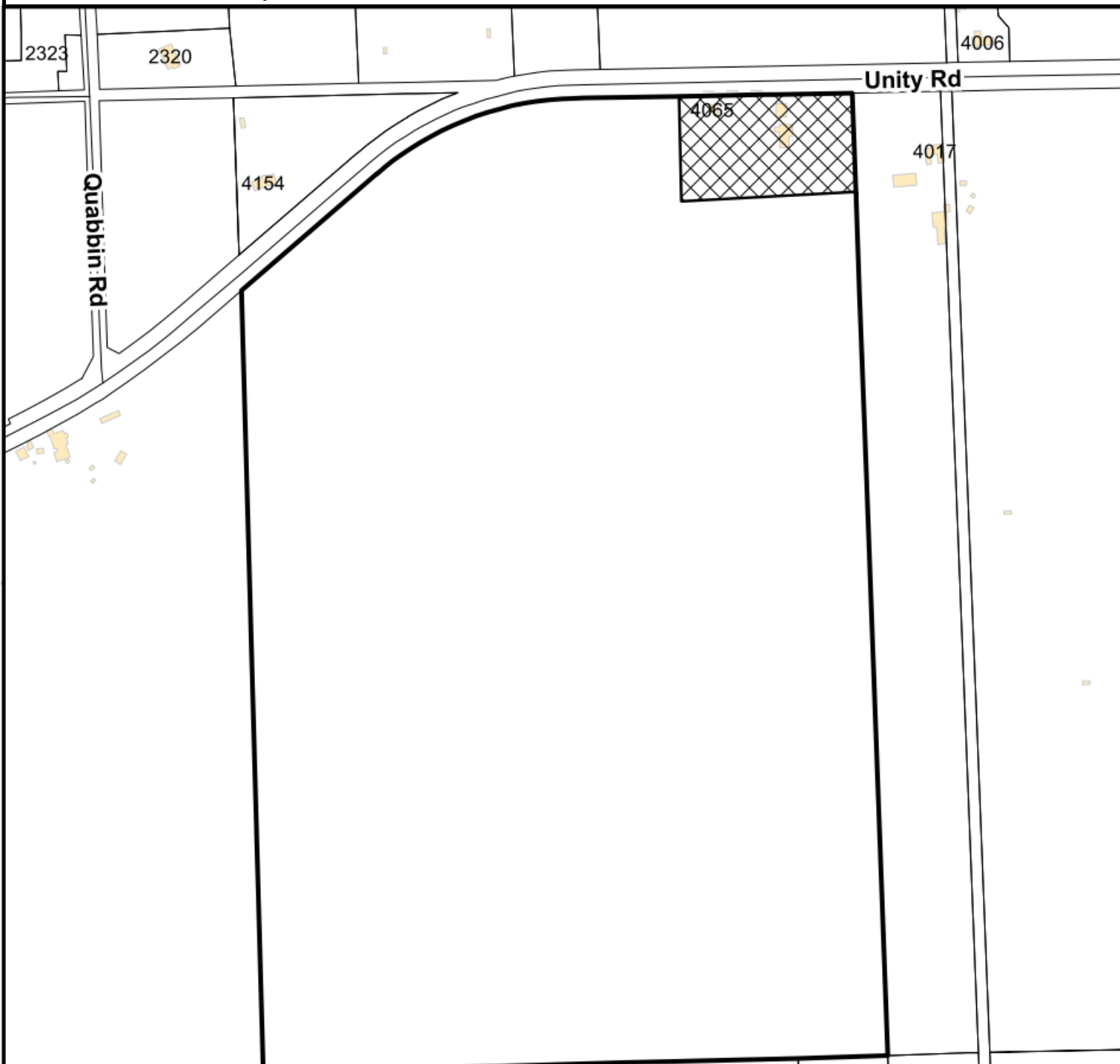
Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

 Lands to be added as E168

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor Clerk






Planning Services

Schedule 'B' to By-Law Number

Address: 4065 Unity Road
File Number: D14-004-2024

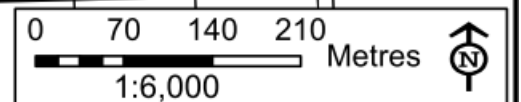
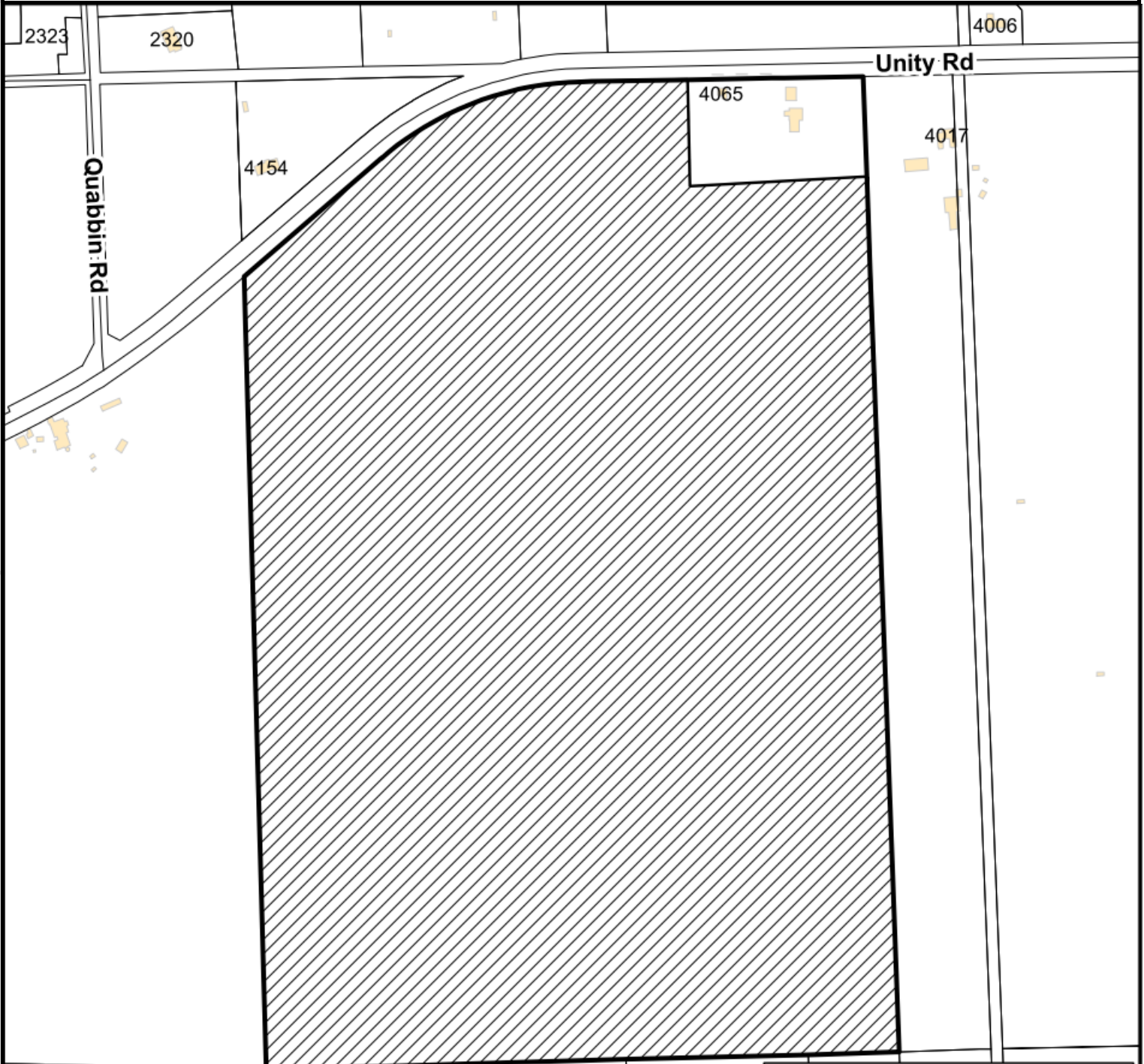
Kingston Zoning By-Law 2022-62 Schedule F - Holding Overlay

 Lands to be added as H238

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor Clerk

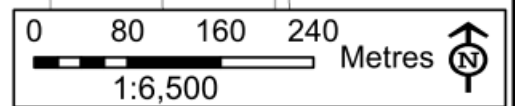
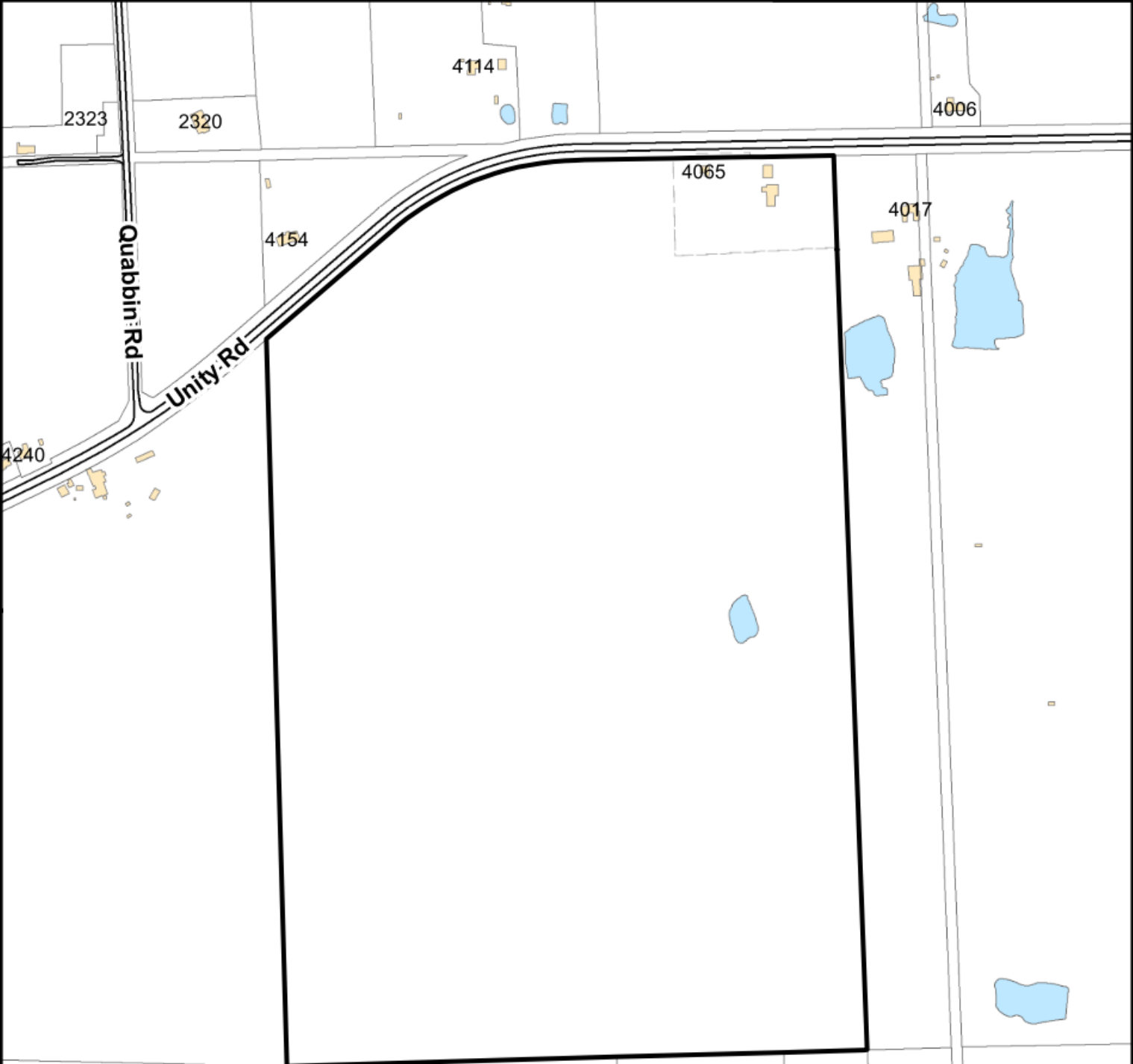
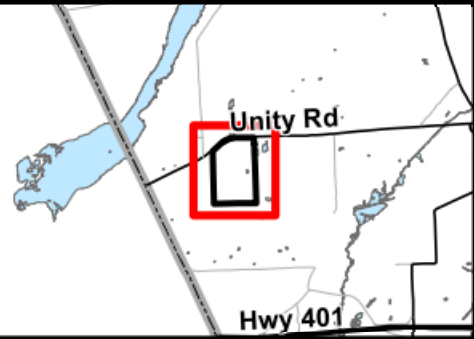




Planning Committee Key Map

Address: 4065 Unity Road
File Number: D14-004-2024
Prepared On: Apr-19-2024

 Subject Lands

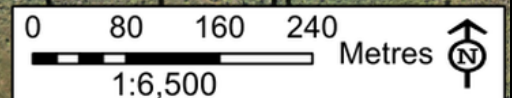
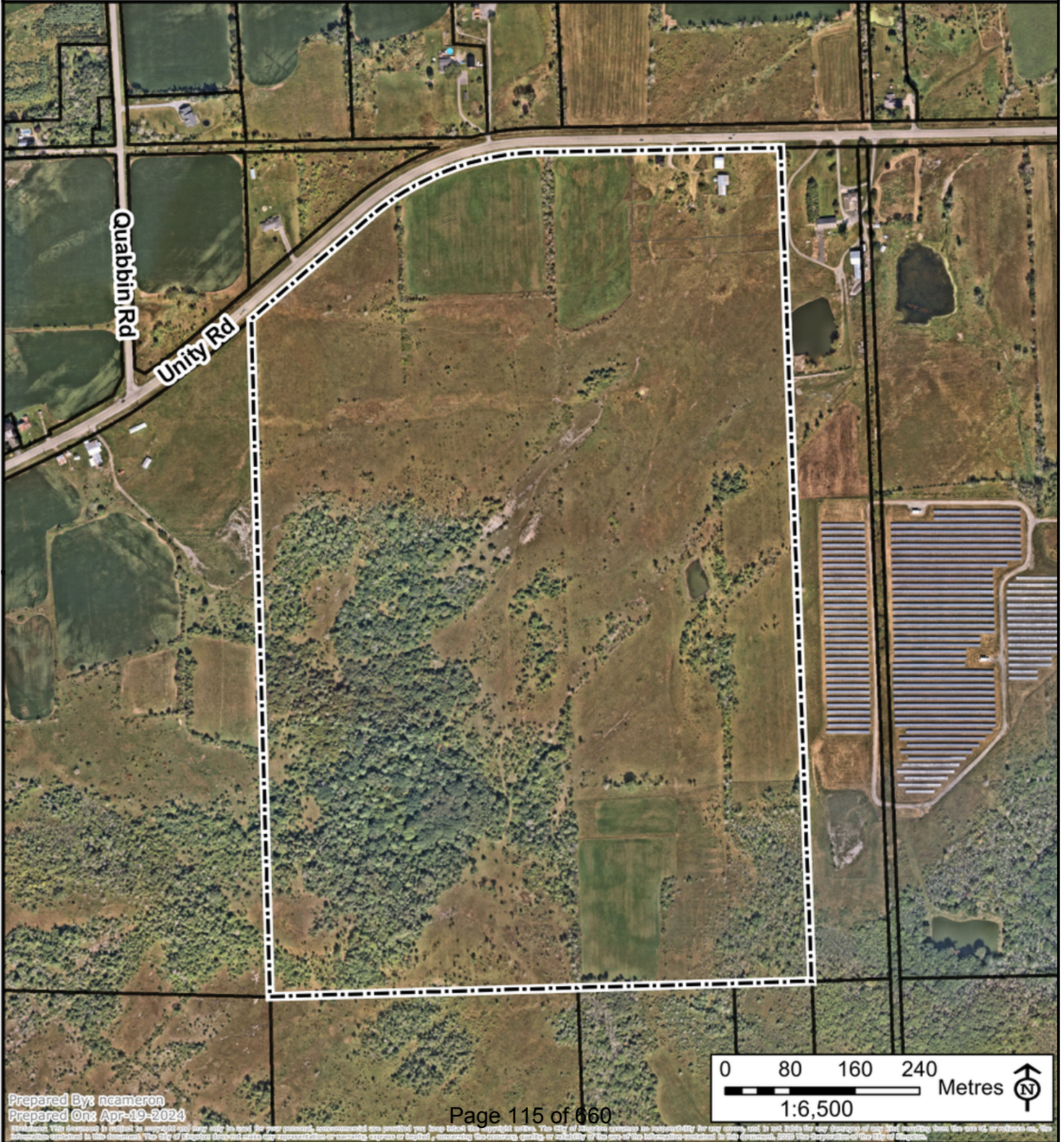




Planning Committee Neighbourhood Context

Address: 4065 Unity Road
File Number: D14-004-2024
Prepared On: Apr-19-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



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Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>Healthy, livable and safe communities are sustained by:</p> <ul style="list-style-type: none"> a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting the integration of land use planning, growth management, transit- 	<p>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<p>The application proposes the implementation of an Exception Overlay and a Holding Overlay on a parcel of land that is currently characterized by residential and agricultural uses on the portion of the parcel to be severed and agricultural and conservation uses on the parcel to be retained. This amendment is being done to fulfill a condition of a technical consent which has been provisionally approved to sever a smaller parcel of land on which there is an existing residential dwelling with agricultural buildings. The proposal will permit the separate conveyance of the residential dwelling while still retaining agriculture uses as a permitted use, and it will also permit the continued use the retained land for agricultural and natural heritage uses. The subject property is located outside of the City's Urban Boundary</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>		<p>in an area that is reliant on private servicing. This proposal will not impact future expansion of a settlement area. The proposed amendment retains the existing uses, including the agricultural use on the severed parcel which would otherwise be lost due to the smaller lot size, and the amendment minimizes land consumption for low density residential development.</p> <p>The proposal will conserve the natural and cultural heritage attributes of the property and heritage character of the adjacent Part IV heritage designated property. In terms of preparing for a changing climate, the proposed Holding Overlay both retains natural heritage and supports local agricultural production. No development is proposed at this time, and the proposal does not seek to alter the landscape on the property.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	Settlement Areas	The subject property is located outside of the City of Kingston's

Policy Number	Policy	Category	Consistency with the Policy
			<p>Urban Boundary, and it is not located in or near an area defined as a settlement area. No new development is proposed. The proposed amendment will result in an Exception Overlay permitting the continuation of agricultural uses on the severed parcel and a Holding Overlay being applied to the retained portion of the subject land which will ensure that the existing agricultural and natural heritage uses can continue and that the development of a single detached dwelling will not take place until such time as the identified studies are undertaken, thereby ensuring the appropriate review of the land prior to the approval of any future proposal.</p>
1.1.4.1	<p>Healthy, integrated and viable rural areas should be supported by:</p> <ul style="list-style-type: none"> a) building upon rural character, and leveraging rural amenities and assets; b) promoting regeneration, including the redevelopment of brownfield sites; c) accommodating an appropriate range and mix 	Rural Areas in Municipalities	<p>The proposed Exception Overlay will retain the rural character by permitting the continued use of the farm buildings on the severed parcel for agricultural uses. The Holding Overlay will retain the rural character of the area</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>of housing in rural settlement areas; d) encouraging the conservation and <i>redevelopment</i> of existing rural housing stock on rural lands; e) using rural <i>infrastructure</i> and public service facilities efficiently; f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets; h) conserving biodiversity and considering the ecological benefits provided by nature; and i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.</p>		<p>by both supporting the existing economic base through continued agricultural use of the retained land while retaining the existing natural assets and biodiversity on the site.</p> <p>Any future residential development on the retained land will have to demonstrate its appropriateness through the required studies including a hydrogeological assessment and noise study.</p>
1.1.4.2	<p>In <i>rural areas</i>, rural <i>settlement areas</i> shall be the focus of growth and development and their vitality and regeneration shall be promoted.</p>	Rural Areas in Municipalities	<p>No new development is proposed as part of this application. The severance of a lot has been provisionally approved for an existing dwelling and accessory structures; any future residential development on the retained parcel will</p>

Policy Number	Policy	Category	Consistency with the Policy
			require further study and a hold removal.
1.1.4.3	When directing development in rural <i>settlement areas</i> in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.	Rural Areas in Municipalities	<p>No new development is proposed on the subject lands. The existing dwelling and accessory agricultural buildings are to be severed, with an Exception Overlay that is proposed to permit the continuation of agricultural uses. Pre-existing agricultural and conservation uses will continue on the retained portion of the subject lands, thereby ensuring they continue to contribute to both the local economy and the natural systems of the area. No new services or infrastructure are required.</p> <p>The proposed Holding Overlay retains the character of the rural area by requiring future residential development on the retained lands to undergo the appropriate studies prior to the Holding Overlay being removed.</p>
1.1.5.1	When directing development on <i>rural lands</i> , a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the	Rural Lands in Municipalities	See 1.1.4.3

Policy Number	Policy	Category	Consistency with the Policy
	policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.		
1.1.5.2	On rural lands located in municipalities, permitted uses are: a) the management or use of resources; b) resource-based recreational uses (including recreational dwellings); c) residential development, including lot creation, that is locally appropriate; d) <i>agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices</i> , in accordance with provincial standards; e) home occupations and home industries; f) cemeteries; and g) other rural land uses.	Rural Lands in Municipalities	See 1.1.4.3
1.1.5.3	Recreational, tourism and other economic opportunities should be promoted.	Rural Lands in Municipalities	See 1.1.4.3
1.1.5.4	Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.	Rural Lands in Municipalities	See 1.1.4.3
1.1.5.5	Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or	Rural Lands in Municipalities	See 1.1.4.3

Policy Number	Policy	Category	Consistency with the Policy
	uneconomical expansion of this <i>infrastructure</i> .		
1.1.5.6	Opportunities should be retained to locate new or expanding land uses that require separation from other uses.	Rural Lands in Municipalities	See 1.1.4.3
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.	Rural Lands in Municipalities	See 1.1.4.3
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.	Rural Lands in Municipalities	No new land uses are being proposed at this time.
1.2.6.1	<i>Major facilities and sensitive land uses</i> shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential <i>adverse effects</i> 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	The proposed Exception Overlay will permit the continuation of agricultural uses on the severed parcel. The proposed Holding Overlay will require that future residential development on the retained lands undergo the appropriate studies. This includes consideration for noise, hydrogeology, and other studies as required.
1.2.6.2	Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the	Land Use Compatibility	See 1.2.6.1

Policy Number	Policy	Category	Consistency with the Policy
	<p>long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and <i>development</i> of proposed adjacent <i>sensitive land uses</i> are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:</p> <ul style="list-style-type: none"> a) there is an identified need for the proposed use; b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; c) <i>adverse effects</i> to the proposed <i>sensitive land use</i> are minimized and mitigated; and d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated. 		
1.5.1	<p>Healthy, active communities should be promoted by:</p> <ul style="list-style-type: none"> a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate <i>active transportation</i> and community connectivity; b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for <i>recreation</i>, including facilities, 	Public Spaces, Recreation, Parks, Trails and Open Space	The proposal will retain the existing uses of the severed and retained lands, and the Holding Overlay will require additional study prior to any future residential development. As such, the existing watercourses and natural features of the property will remain unchanged with the exception of activity from the continued

Policy Number	Policy	Category	Consistency with the Policy
	<p>parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;</p> <p>c) providing opportunities for public access to shorelines; and</p> <p>d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.</p>		<p>agricultural use of the property.</p>
1.6.1	<p>Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.</p> <p>Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:</p> <p>a) financially viable over their life cycle, which may be demonstrated through asset management planning; and</p> <p>b) available to meet current and projected needs.</p>	Infrastructure and Public Service Facilities	<p>No additional infrastructure is required for the implementation of this zoning by-law amendment as no development is proposed. No new buildings are proposed for the severed parcel. No facilities, public or private, are currently in place on the retained lands as they are used for agricultural and conservation uses. In future, if residential development is proposed, studies will be required to confirm private servicing availability.</p>
1.6.6.1	<p>Planning for sewage and water services shall:</p> <p>a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing;</p>	Sewage, Water and Stormwater	<p>See 1.6.1.</p> <p>No development is proposed for the severed or retained parcels.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>1. municipal sewage services and municipal water services; and</p> <p>2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;</p> <p>b) ensure that these systems are provided in a manner that:</p> <p>1. can be sustained by the water resources upon which such services rely;</p> <p>2. prepares for the impacts of a changing climate;</p> <p>3. is feasible and financially viable over their lifecycle; and</p> <p>4. protects human health and safety, and the natural environment;</p> <p>c) promote water conservation and water use efficiency;</p> <p>d) integrate servicing and land use considerations at all stages of the planning process; and</p> <p>e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing</p>		<p>In future, any proposed residential development on the retained parcel will be required to have the appropriate studies completed by a qualified person in support of the application and providing confirmation that the proposal can adequately provide private water services.</p> <p>As per the provisions of the proposed Holding Overlay, further study will be required regarding servicing prior to any future residential development on the site.</p>

Policy Number	Policy	Category	Consistency with the Policy
	options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.		
1.6.6.3	Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.	Sewage, Water and Stormwater	Please see 1.6.6.1.
1.6.6.4	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.	Sewage, Water and Stormwater	Please see 1.6.6.1
1.6.6.7	Planning for stormwater management shall: a) be integrated with planning for sewage and	Sewage, Water and Stormwater	As no development has been proposed for the site, no requirements are currently in place

Policy Number	Policy	Category	Consistency with the Policy
	<p>water services and ensure that systems are optimized, feasible and financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>		<p>for a stormwater management report. Please see 1.6.61. for additional details.</p>
1.6.7.1	<p>Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</p>	Transportation Systems	<p>The proposal is located in a rural area where no public transportation services are available. As no development is proposed for the site, the amendment will not result in any changes to the existing transportation system.</p>
1.6.7.4	<p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support</p>	Transportation Systems	<p>See 1.6.7.1.</p>

Policy Number	Policy	Category	Consistency with the Policy
	current and future use of transit and active transportation.		
1.7.1	<p>Long-term economic prosperity should be supported by:</p> <p>b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;</p> <p>c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;</p> <p>d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;</p> <p>e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;</p> <p>k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;</p>	Long-Term Economic Prosperity	<p>No new development is proposed for the either the severed lands subject to the proposed Exception Overlay or the retained lands subject to the Holding Overlay. The severance for the existing residential dwelling has been provisionally approved, and the proposed Exception Overlay and Holding Overlay are conditions of approval.</p> <p>On the retained lands, existing agricultural uses will continue, as will the existing natural heritage landscape. No new public services or infrastructure are required. The proposal minimizes negative impacts and considers ecological benefits by retaining the natural features of the land.</p>
1.8.1	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through	Energy Conservation, Air Quality and Climate Change	No new development is proposed as part of this application, and existing agricultural and conservation uses will continue.

Policy Number	Policy	Category	Consistency with the Policy
	<p>land use and development patterns which: f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and g) maximize vegetation within settlement areas, where feasible.</p>		
2.1.1	<p>Natural features and areas shall be protected for the long term.</p>	<p>Natural Heritage</p>	<p>Beyond the use of the lands for agricultural purposes, the balance of the subject lands will remain as conservation uses, retaining the existing natural heritage systems and ecological function. Natural Heritage Schedule 8 of the Official Plan identifies contributory and significant woodlands on the subject property. Mapping from the Ministry of Natural Resources and Forestry identifies that there is potential for species at risk on the property. A review of the consent application by Cataraqui Conservation noted that there are also a few small watercourses on the subject lands, and that future development or site alterations will require a</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>30 metres setback from these features; however, no concerns were raised with the proposal as the severed lot is already developed and both the severed and retained lots are sufficiently large that conflicts with natural features and setbacks are not anticipated.</p> <p>The Holding Overlay allows for further study if and when future development is proposed.</p>
2.1.2	<p>The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.</p>	Natural Heritage	See 2.1.1
2.1.3	<p>Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.</p>	Natural Heritage	See 2.1.1

Policy Number	Policy	Category	Consistency with the Policy
2.1.4.	Development and site alteration shall not be permitted in: a) significant wetlands in Ecoregions 5E, 6E and 7E1; and b) significant coastal wetlands.	Natural Heritage	No significant wetlands are identified on the subject property.
2.1.5	Development and site alteration shall not be permitted in: a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1; b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; d) significant wildlife habitat; e) significant areas of natural and scientific interest; and f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.	Natural Heritage	See 2.1.1. and 2.1.4.
2.1.6	Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.	Natural Heritage	See 2.1.1.

Policy Number	Policy	Category	Consistency with the Policy
2.1.7	Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.	Natural Heritage	See 2.1.1
2.1.8	Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.	Natural Heritage	See 2.1.1.
2.1.9	Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.	Natural Heritage	See 2.1.1. Agricultural uses are existing on the subject lands and are proposed to continue on both the severed and retained parcels.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water by: 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;	Water	The subject lands are in an area that is subject to private servicing for water. No new development is proposed, and thus there is no anticipated impact on water resources. Prior to any future residential development, hydrogeological analysis will be

Policy Number	Policy	Category	Consistency with the Policy
	<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 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</p>		<p>required as part of the Holding Overlay to ensure that sufficient water quality and quantity are available and that no impacts are created. The existing agricultural and conservation uses will not create any new impacts on groundwater features, hydrologic function, or natural heritage features.</p>

Policy Number	Policy	Category	Consistency with the Policy
	resources, through practices for water conservation and sustaining water quality; h) ensuring consideration of environmental lake capacity, where applicable; and i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads,		
2.2.2.	Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.		See 2.2.1
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	Cultural Heritage and Archaeology	Heritage Services was consulted with respect to this lot addition application. While the adjacent property at 4017 Unity Road is a Part IV designated property, there are no identified built heritage concerns with this application as no new development is proposed. If development is proposed in the future,

Policy Number	Policy	Category	Consistency with the Policy
			a heritage impact statement may be required as part of removal of the Holding Overlay in the event of proposed residential development. The area is identified as being cleared of archaeological potential.
2.6.2	Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.	Cultural Heritage and Archaeology	See 2.6.1
2.6.3	Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.	Cultural Heritage and Archaeology	See 2.6.1
3.1.	Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of: a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are	Natural Hazards	No development is proposed at this time. If development is proposed in the future, natural hazards will be assessed by Cataraqui Conservation as part of development review. There are currently no specific natural hazards





Policy Number	Policy	Category	Consistency with the Policy
	<p>impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;</p> <p>b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and</p> <p>c) hazardous sites.</p>		<p>identified on the subject lands.</p>
3.1.8	<p>Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.</p>		<p>See 3.1</p>

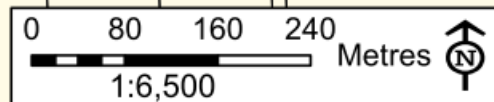
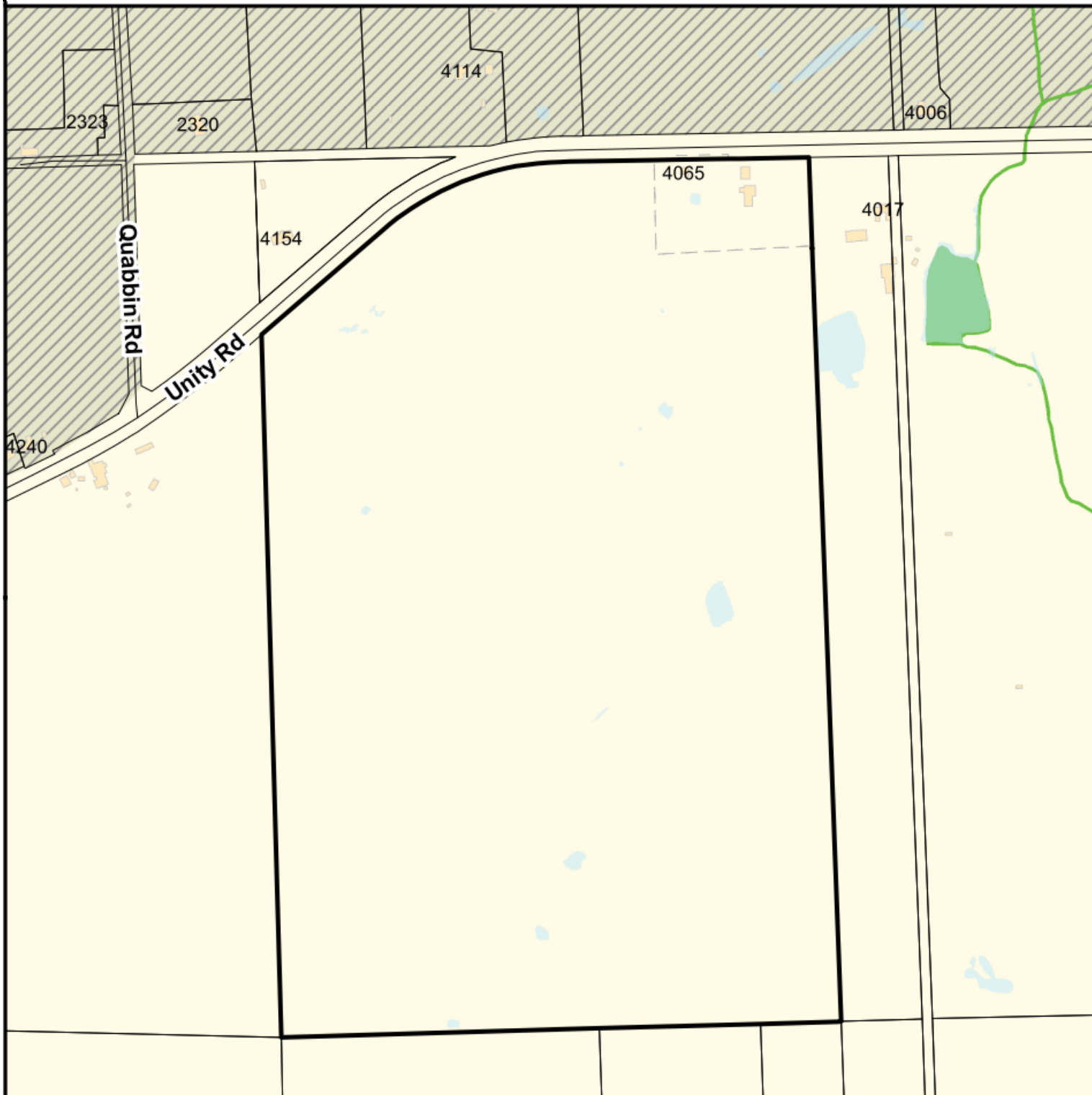


Planning Services

Planning Committee
Official Plan, Existing Land Use

Address: 4065 Unity Road
File Number: D14-004-2024
Prepared On: Apr-19-2024

-  Subject Lands
-  PRIME AGRICULTURAL
-  ENVIRONMENTAL PROTECTION AREA
-  RURAL



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Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.1. Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; d. opportunities for sharing resources such as parking, utilities, and the land base for locally grown produce, in the form of urban agriculture, as well as educational, recreational or cultural assets; e. direction of new development and key land uses to areas where they can best result in sustainable practices; g. maximized use of investments in infrastructure and public amenities; h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use; j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects; k. climate positive development; 	<p>Urban Areas – Focus of Growth</p>	<p>The proposal is located outside of the Urban Area. No new development is proposed. The area that is reliant on private servicing with limited public infrastructure in the vicinity and no need for new public investment.</p> <p>The zoning amendment application proposes the implementation of an Exception Overlay and a Holding Overlay on a parcel of land that is characterized by a residential dwelling, accessory structures used for agricultural purposes, and agricultural and conservation uses. This is being done to address conditions of a technical consent which has been provisionally approved to sever a 2 hectare parcel of land on which the existing residential dwelling and farm buildings are located. The amendment will permit the continued use of the severed and retained land for agricultural and natural heritage uses, while ensuring that future residential development will be subject to the appropriate studies.</p> <p>This proposal will not impact future expansion of a settlement area. The proposed amendment retains the existing uses and minimizes land consumption for low density residential development. The land use</p>

Policy	Category	Conformity with the Policy
		<p>pattern is not expected to change.</p> <p>The proposal will permit the continued use of the land base for local agriculture. It will also conserve the natural and cultural heritage attributes of the property, including the preservation of mature trees, as well as creating no impacts for the heritage character of the adjacent Part IV designated property. In terms of preparing for a changing climate, the proposed Holding Overlay is a climate positive proposal as it both retains natural heritage and supports local agricultural production and does not seek to alter the landscape on the property in a way that would be environmentally detrimental.</p>
<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 	<p>Rural Areas – Limited Growth</p>	<p>No new growth is proposed in the rural area as a result of this application.</p> <p>The proposal will contribute to the general sustainability of the City as a whole by retaining the existing agricultural and conservation uses. In so doing, the lands will assist with the protection of groundwater resources and the natural heritage system, avoid impacts on surface water features, not introduce any new development, and continue the existing agricultural practices that support the local economy.</p>

Policy	Category	Conformity with the Policy
<p>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;</p> <p>e. limiting the types of permitted development to those that support and are compatible with a resource based local economy and sustainable practices; and</p> <p>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>		
<p>2.1.4. In reviewing development applications, the City will promote sustainability through:</p> <p>a. encouragement of green building design to reduce greenhouse gases by adopting:</p> <ul style="list-style-type: none"> • energy efficient construction; • renewable sources of energy for lighting and heating; • natural lighting; • design that reduces water consumption; • design which minimizes discharge into the sanitary sewers; and • design which reduces or eliminates discharge into the storm 	<p>Development Review</p>	<p>No new development is proposed for the subject lands.</p> <p>The severance for the existing residential dwelling and accessory buildings has been provisionally approved, and the proposed Holding Overlay is intended to address the conditions of approval for the retained lands. On the retained lands, existing agricultural uses will continue, as will the existing natural heritage landscape. No new structures, uses, public services or infrastructure are required. The proposal minimizes negative impacts and considers ecological benefits by retaining the natural features of the land.</p>

Policy	Category	Conformity with the Policy
<p>sewers through incorporating stormwater management practices including low impact design and stormwater re-use.</p> <p>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat;</p> <p>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</p> <p>d. construction and operational practices that minimize waste and maximize re-use of resources;</p> <p>e. practices that conserve or recycle materials, energy, or other resources;</p> <p>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</p> <p>g. the creation of a mix of uses that support increased access to healthy foods;</p> <p>h. the use of materials that have been extracted or recovered locally;</p> <p>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</p> <p>k. development that suits the demographic and/or socio-</p>		<p>To ensure its appropriateness, prior to the removal of the proposed Holding Overlay through a zoning amendment, any new residential development will be subject to studies including, but not limited to a hydrogeological assessment and noise study. Considerations regarding incorporation of sustainable principles for building will also be addressed at that time.</p>

Policy	Category	Conformity with the Policy
economic needs of the community.		
<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 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>	Urban Boundary	This application is located outside of the urban boundary.
<p>2.2.14. Rural Areas are comprised of a mix of land uses that support a diversification of 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. Rural Areas also contain natural heritage features, many of which fall within the Environmental Protection</p>	Rural Areas	<p>The subject property is designated as Rural – it is not identified as prime agricultural lands. The existing agricultural use of the property is intended to continue.</p> <p>The subject lands do contain identified natural heritage features which are also intended to be conserved.</p> <p>No new development is being proposed, and the existing agricultural and conservation uses are to continue.</p>

Policy	Category	Conformity with the Policy
<p>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. 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>2.2.15. In Rural Areas, there are sites that have significance to more than one function or provide protection to more than one resource. Where there is a conflict, the City will be strongly guided by:</p> <ul style="list-style-type: none"> a. the priorities expressed in the Provincial Policy Statement and other legislation or policy of the Province; b. the strategic and fundamental planning principles expressed in this section of this Plan; and c. the particular circumstances of the site in the context of existing development and the overall policies of this Plan. 	<p>Rural Areas</p>	<p>The existing function of the entirety of the subject lands is residential, agricultural and conservation. No new uses are proposed at this time, and as such, there are no anticipated conflicts between functions.</p>

Policy	Category	Conformity with the Policy
<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 property is located outside of the Urban Boundary. No new development is proposed, and as such, no new services are required.</p>
<p>2.3.2. In 2013, residential density within the City’s Urban Boundary was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the Urban Boundary through compatible and complementary intensification, the development of underutilized properties and brownfield sites, and through the implementation of area specific policy directives tied to Secondary Planning Areas and Specific Policy Areas, as illustrated in Schedule 13.</p>	<p>Intensification</p>	<p>See 2.3.1</p>
<p>2.3.8. Cultural heritage resources will continue to be valued and conserved as part of the City’s defining character, quality of life, and as an economic resource that contributes to tourism in both the urban and rural portions of the City.</p>	<p>Cultural Heritage</p>	<p>Heritage Services was consulted with respect to this application. There are no identified built heritage concerns. The Archaeological Master Plan indicates that the subject property is cleared of archaeological potential. As the subject property is located adjacent to a Part IV designated heritage property, potential impacts were considered by Heritage</p>

Policy	Category	Conformity with the Policy
		Services. As the heritage resource is adjacent to the severed parcel and no new development is proposed, there were no heritage concerns.
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.	Transportation	As no new development is proposed, no change in anticipated regarding active transportation.
2.3.12. The planning for the lands shown as Rural Areas on Schedule 2 of this Plan must balance the resource protection objectives for agriculture, aggregates and minerals with the environmental objectives of the natural heritage features and areas and watershed management and the social objectives of protecting rural communities and the rural way of life.	Rural Areas	The proposal balances the use of the lands for agriculture and natural heritage. As no new development is proposed and future studies will be required prior to that possibility, this application effectively protects the existing rural character of the lands and the surrounding area.
2.3.15. Significant natural heritage features and areas and linkages comprising the natural heritage system will be protected utilizing an ecosystem approach.	Natural Heritage System	Portions of the site are identified as containing natural heritage features. Beyond the use of the lands for agricultural purposes, the balance of the subject lands will remain as conservation uses, retaining the existing natural heritage systems and ecological function. Natural Heritage Schedule 8 of the Official Plan identifies significant and contributory woodlands on the subject property. In addition,

Policy	Category	Conformity with the Policy
		<p>provincial natural heritage mapping identifies the presence of species at risk in the vicinity.</p> <p>The consent application was evaluated by Cataraqui Conservation, who indicated no concerns with the proposal because no new development is proposed and due to the size of the parcel which can accommodate future development without impact to natural heritage features.</p>
<p>2.3.17. The City supports the City of Kingston and County of Frontenac Municipal Housing Strategy (2011) and the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013) in order to increase affordable housing in the City, and for it to be located primarily within the Urban Boundary in accordance with the directions of the Municipal Housing Strategy Locational Analysis Study (2012).</p>	<p>Principles of Growth – Affordable Housing</p>	<p>No new residential units are proposed as part of this application.</p>
<p>2.3.18. Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports 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</p>	<p>Accessibility</p>	<p>No development is proposed. Any future development will be required to incorporate any applicable accessibility requirements of the Ontario Building Code.</p>

Policy	Category	Conformity with the Policy
properties with public access to do the same.		
<p>2.4.1. The City supports sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to:</p> <ul style="list-style-type: none"> a. reduce infrastructure and public facility costs; b. reduce energy consumption and greenhouse gas emissions; c. support active transportation and viable public transit; d. conserve agriculture and natural resources within the City; and e. reduce reliance on private vehicles. 	Phasing of Growth - Vision	<p>No new residential units are proposed as a result of this application. As such, there are no new servicing or infrastructure requirements.</p> <p>Agricultural lands and natural features are being retained as a result of this proposal.</p>
<p>2.4.3. It is the intent of this Plan to achieve an increase in the City's net urban residential densities through promoting intensification and requiring minimum densities for residential development.</p>	Residential Density	No new residential units are proposed as a result of this application.
<p>2.4.4. New residential development and new secondary plans are subject to the following policies and minimum densities:</p> <ul style="list-style-type: none"> a. for the existing built-up residential areas, a net <i>urban residential density</i> of 22 dwelling units per net hectare is established as the overall minimum density, except where specifically increased in subsections (b), (c), and (d) below; 	Minimum Residential Density	No new residential units are proposed as a result of this application.

Policy	Category	Conformity with the Policy
<p>d. a moderate increase in density will be permitted adjacent to Centres and Corridors so as to accommodate a transition in density from areas intended to support high density residential to those supporting low and medium densities, provided the proposal demonstrates conformity to the policies of Section 2.6 and 2.7 of this Plan.</p>		
<p>2.4.5. The City has established the following minimum targets for intensification to occur within the Urban Boundary. a. It is the intent of the City that 40 percent (%) of new residential development occur through intensification.</p>	<p>Intensification Targets</p>	<p>No new residential units are proposed as a result of this application.</p>
<p>2.4.6. Urban development within the City will proceed in a planned and orderly manner. The Order of Development will be as follows: a. lands located within the Urban Boundary that have servicing capacity currently in place, including infill opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development;</p>	<p>Order of Development – Urban Boundary</p>	<p>No new development is proposed as a result of this application. As such, there are no new servicing or infrastructure requirements.</p>
<p>2.5.1. Development within the City will be coordinated with land use planning and phased according to the City’s ability to provide adequate transportation access and municipal infrastructure, including full water, sewer and</p>	<p>Phasing</p>	<p>The lands are located outside of the urban boundary. No new development is proposed as a result of this application. As such, there are no new servicing or infrastructure requirements.</p>

Policy	Category	Conformity with the Policy
<p>stormwater management services within the urban area. The lands within the Urban Boundary, except for the Special Planning Areas, are the priority development areas. Special Planning Areas shown on Schedule 2 anticipate long-term infrastructure planning.</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>As no new land uses or development are proposed, the subject lands will continue to be compatible with surrounding land uses, in terms of form and function.</p>
<p>2.7.2. The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.</p>	<p>Compatible Development and Land Use Change</p>	<p>See 2.7.1</p>
<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; 	<p>Land Use Compatibility Matters</p>	<p>See 2.7.1</p>

Policy	Category	Conformity with the Policy
<p>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.</p>		
<p>2.7.4. Mitigation measures may be used to achieve development and land use <i>compatibility</i>. Such measures may include one or more of the following: a. ensuring adequate setbacks and minimum yard requirements; b. establishing appropriate transition in building heights, coverage, and massing;</p>	<p>Mitigation Measures</p>	<p>The proposed Exception Overlay is intended to permit the continued use of the severed parcel for agricultural uses.</p> <p>The proposed Holding Overlay is intended to ensure that any future residential development proposal will have any required mitigation measures identified as part of the process of</p>

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<p>c. requiring fencing, walls, or berming to create a visual screen;</p> <p>d. designing the building in a way that minimizes <i>adverse effects</i>;</p> <p>e. maintaining mature vegetation and/or additional new landscaping requirements;</p> <p>f. controlling access locations, driveways, service areas and activity areas; and,</p> <p>g. regulating location, treatment and size of <i>accessory uses</i> and structures, lighting, parking areas, garbage storage facilities and signage.</p> <p>Planning Act tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.</p>		<p>having the hold overlay removed.</p>
<p>2.7.5. In some cases, distance separation will likely be the recommended form of mitigation, particularly:</p> <p>a. between heavy industrial uses (Class I, Class II and Class III Industrial Facilities), sewage treatment facilities, electricity generation facilities and electricity transmission and distribution systems, transportation and infrastructure corridors, airports, rail facilities, marine facilities, mineral aggregate resources and operations,</p>	<p>Distance Separation</p>	<p>See Section 2.3.15 regarding separation from environmental areas.</p> <p>A Minimum Distance Separation calculation for existing livestock uses in the vicinity was undertaken as part of the supporting studies for the severance of the existing residential dwelling and accessory buildings, which is provisionally approved. No conflicts were identified.</p>

Policy	Category	Conformity with the Policy
<p>and residential or other sensitive uses; b. between intensive land uses and sensitive environmental areas; and, c. between intensive livestock operations, permanent manure storage, or resource extractive operations and sensitive uses, sensitive environmental features, or sensitive environmental functions. When identifying a required distance separation related to livestock operations, the minimum distance separation formulae will be used.</p>		
<p>2.7.6. Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing: a. suitable scale, massing and density in relation to existing built fabric; b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program;</p>	<p>Functional Needs</p>	<p>As no new land uses or development are proposed, the subject lands will continue to be compatible with surrounding land uses, in terms of form and function.</p>

Policy	Category	Conformity with the Policy
<p>c. adequate land area and appropriate site configuration or provision for land assembly, as required; d. efficient use of municipal services, including transit; e. appropriate infill of vacant or under-utilized land; and, f. clearly defined and safe: site access; pedestrian access to the building and parking spaces; amenity areas; building entry; and parking and secure and appropriate bicycle facilities.</p>		
<p>2.7.8. Issues of compatibility are critical in Rural Areas, as the long term protection of normal farm practices is a priority. This is reflected in the mutual separation of livestock operations and sensitive uses but also in addressing unique rural issues such as allowing the transport of farm machinery, tillage of land, and regular livestock husbandry techniques.</p>	<p>Land Use Compatibility in Rural Areas</p>	<p>See Section 2.7.5 No new development is proposed and as such, no conflicts are anticipated between the existing land uses.</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</p>	<p>Natural Heritage System</p>	<p>See Section 2.3.15 regarding ecological functions of the natural heritage systems.</p>

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<p>and Oceans Canada, as appropriate, intends to protect 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>2.8.2. Forests and trees are recognized as a critical part of the City's health and character. Kingston will take steps to achieve the Environment Canada guideline of 30 percent minimum forest coverage in the urban area and maintain the existing forest coverage outside the Urban Boundary, as well as achieve a doubling of the urban forest cover by 2025.</p>	<p>Minimum Forest Coverage</p>	<p>This property is outside of the Urban Boundary.</p> <p>Outside of normal farm practices, no trees are anticipated to be removed.</p> <p>See Section 2.3.15 for additional information regarding the natural heritage systems.</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>Water Quality and Quantity</p>	<p>The subject lands are in an area that is subject to private servicing for water. No new development is proposed, and thus there is no anticipated impact on water resources. Prior to any future residential development, hydrogeological analysis will be required as part of the Holding Overlay to ensure that sufficient water quality and quantity are available and that no impacts are created. The existing agricultural and conservation</p>

Policy	Category	Conformity with the Policy
		uses will not create any new impacts on groundwater features, hydrologic function, or natural heritage features.
<p>2.8.5. Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the natural heritage system. Its quantity will be required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer infrastructure exists in the City.</p>	Protection of Resources - Stormwater Management	No new land uses or development are proposed. In future, stormwater management may be examined as a required study as part of an application to remove the proposed Holding Overlay.
<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>	Prime Agricultural Areas	<p>The subject lands are not identified as a prime agricultural area.</p> <p>The existing agricultural use of the property is proposed to continue without disruption from development.</p> <p>No new impacts are anticipated on the surrounding agricultural operations.</p>
<p>2.8.8. Cultural heritage resources, will be conserved, managed and promoted for their contribution to the City's unique identity, history and sense of place in such a way as to balance heritage concerns with environmental and accessibility issues. Care will be taken not to put the</p>	Cultural Heritage	See 2.3.8.

Policy	Category	Conformity with the Policy
<p>existing UNESCO World Heritage Designation of the Rideau Canal, Fort Henry and the Kingston Fortifications at risk by working with partners to implement the Rideau Corridor Landscape Strategy.</p>		
<p>2.10.1. In order to improve the resiliency and ensure the long-term prosperity of the community the City intends to: b. consider the potential impacts of climate change and extreme weather events when planning for infrastructure, including green infrastructure, and assessing new development; d. explore opportunities to achieve climate positive development.</p>	Resiliency	<p>No new development is proposed as part of this application, and existing agricultural and conservation uses will continue.</p>
<p>2.10.2. It is the intent of this Plan to protect public health and safety by generally directing development away from natural hazards.</p>	Natural Hazards	<p>No development is proposed at this time. If development is proposed in the future, natural hazards will be assessed by Cataraqui Conservation as part of development review. There are currently no specific natural hazards identified on the subject lands.</p>
<p>3.9.2. The protection of a 30 metre naturalized buffer along a waterbody, also referred to as a “ribbon of life”, can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development</p>	“Ribbon of Life”	<p>No impacts are anticipated on the “ribbon of life”.</p> <p>The proposal will retain the existing uses of the land, and the Holding Overlay will require additional study prior to any future residential development. As such, the existing watercourses, open space, and environmentally protected areas on the property will remain unchanged with the exception</p>

Policy	Category	Conformity with the Policy
<p>from the water, and to create natural spaces for passive recreation. This is intended to be a text-based policy and these lands are not required to be shown on a schedule of this Plan to receive protection under this policy. Generally, the “Ribbon of Life” and “riparian corridor”, as identified in Section 6.1.3, apply to the same lands.</p>		<p>of activity from the continued agricultural use of the property.</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. Such uses include water quality management uses, necessary flood control structures or works, erosion control structures or works. Recreational or educational activities, generally 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. Where an Environmental Protection Area designation is solely tied to a local area of natural and</p>	<p>Environmental Protection Areas – Permitted Uses</p>	<p>See 2.3.15</p>

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<p>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>3.10.11. Applications for development in an Environmental Protection Area, and/or the adjacent lands to an Environmental Protection Area, will be required to submit an environmental impact assessment in accordance with the policies of Section 6. Section 6.1.8 defines the adjacent lands distances that relate to the various components making up an Environmental Protection Area.</p>	<p>Environmental Impact Assessment</p>	<p>See 2.3.15</p>
<p>3.12.1. The City recognizes the role of Rural Lands in contributing to agricultural production, forestry and mineral resources, natural areas and wildlife habitat, providing opportunities for rural economic development, outdoor recreation, and supporting the appreciation of natural areas that provide a contrast and respite from urban life.</p>	<p>Rural Lands - Function</p>	<p>See 2.1.2</p>
<p>3.12.2. Permitted uses in Rural Lands include all agricultural uses, agriculture-</p>	<p>Rural Lands – Permitted Uses</p>	<p>See 2.1.2. Only the existing agricultural and conservation uses are</p>

Policy	Category	Conformity with the Policy
<p>related uses, and on-farm diversified uses as permitted in the Prime Agricultural Area designation, sports and outdoor recreation activities in accordance with Section 3.12.4, and detached dwellings in accordance with Section 3.12.10 and that are compatible with adjacent land uses. Limited non-farm growth is permitted in Rural Lands if it does not limit or interfere with agricultural use, agriculture-related uses, on-farm diversified uses or a broader range of rural uses, and if it meets the environmental objectives of this Plan.</p>		<p>proposed for the property at this time.</p>
<p>3.12.6. All new or expanding livestock operations and applicable non-farm development will be required to comply with the minimum distance separation formulae.</p>	<p>Rural - MDS Formulae</p>	<p>A Minimum Distance Separation calculation for existing livestock uses in the vicinity was undertaken as part of the supporting studies for the severance of the existing residential dwelling and accessory buildings, which is provisionally approved. No conflicts were identified.</p>
<p>3.12.10. New residential development in the Rural Lands designation is generally discouraged and single detached dwellings are only permitted in accordance with the following criteria:</p> <ul style="list-style-type: none"> a. on existing lots of record; b. as minor infilling of development, subject to the policies of Section 9.6 of this Plan; c. on a lot with a minimum lot area of at least 1 hectare; 	<p>Rural – Development on Existing Lots</p>	<p>No new development is proposed at this time.</p>

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<p>d. on a lot that is in compliance with all of the policies governing area of influence as set out in Section 9.6 of this Plan; e. on a lot that will be buffered along the boundary where the Rural Lands designation abuts the Prime Agricultural Area designation; f. on a lot that meets the private individual on-site well and sewage services policies of Section 4.4 of this Plan; g. subject to the appropriate conditions of approval as set out in Section 9.6.17 of this Plan; and, h. for existing lots of record on private roads, development must meet the policies of Section 4.6.62 of this Plan.</p>		
<p>4.1.1. New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.</p>	<p>Infrastructure & Transportation – New Development</p>	<p>No development is proposed as part of this application. No new services are required.</p>
<p>4.2.10. Permitted development beyond the Urban Boundary and outside the Future Development Areas may generally proceed by means of individual on-site water and sewage services</p>	<p>Municipal Services Beyond Urban Boundary</p>	<p>No development is proposed as part of this application. This is an area where only private services are available, and prior to any future</p>

Policy	Category	Conformity with the Policy
subject to Section 4.4 of this Plan.		development, demonstration of feasibility will be required.
4.3.1. Stormwater management techniques must be used in the design and construction of all new development to control both the quantity and quality of stormwater runoff. The degree of control will depend on the conditions in the downstream receiving water bodies. This is to minimize the negative impacts of development on the downstream receiving water bodies, the aquatic environment, and fish habitat.	Stormwater Management - Purpose	No development is proposed as part of this application. Prior to any future development, demonstration of stormwater feasibility will be required.
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.	Groundwater Supply Assessment	No development is proposed as part of this application. Prior to any future development, demonstration of water quality and quantity through a hydrogeology study will be required.
4.4.3. The City may request that a hydrogeological study be undertaken in any location and will provide guidance on the scope of the study. The hydrogeological study must be submitted to the City for approval and must satisfy provincial regulations, guidelines and municipal policies, as amended. Where a property has been identified with more than one level of constraint due to groundwater	Hydrogeological Study Required	See 4.4.1

Policy	Category	Conformity with the Policy
sensitivity, the more stringent level must apply.		
<p>5.4. Land uses must be separated or regulated to avoid or effectively minimize any potential health and safety threat, or adverse effects associated with an adjacent area of hazard or area that creates a potentially damaging emission. In assessing the risk associated with natural hazards, the City will consider the potential impacts of climate change.</p>	Minimizing Impacts	<p>No development is proposed as part of this application.</p> <p>Prior to any future development, review of natural hazards will be required.</p>
<p>5.5. New development and site alteration in the regulatory floodplain is prohibited, except those uses that by their nature must be located within the regulatory floodplain. Areas that may be subject to flooding hazards are illustrated in Schedule 11-A Constraint Mapping. The City will work with the Cataraqui Region Conservation Authority to identify and assess new areas that may be prone to flooding hazards. Periodic updates to floodplain mapping may be undertaken in consultation with the Cataraqui Region Conservation Authority and any other agency having jurisdiction without an amendment to this Plan.</p> <p>Where there is existing development within the regulatory floodplain, development and site alteration may be permitted in consultation with the</p>	Regulatory Floodplain	See 5.4

Policy	Category	Conformity with the Policy
<p>Cataraqui Region Conservation Authority, and subject to risk mitigation measures (i.e., floodproofing).</p>		
<p>5.6. New development and site alteration must be located outside areas that are susceptible to erosion hazards, described as including the sum of:</p> <ul style="list-style-type: none"> a. an amount for toe erosion or the erosion that takes place at the bottom of a slope; b. stable slope which can vary from 1:1 for bedrock shorelines to 3:1 for all other situations; c. an erosion access allowance of a minimum of 6 metres from the top of the stable slope or 10 metres from the top of the bank, whichever is greater; and, <p>For the Lake Ontario and St. Lawrence River shorelines, stable slope and erosion access allowances will be defined through consultation with the Conservation Authority.</p> <p>Where there is existing development within the erosion hazard areas, development and site alteration may be permitted in consultation with the Cataraqui Region Conservation Authority, and subject to risk mitigation measures.</p>	<p>Erosion Hazard</p>	<p>See 5.4</p>
<p>5.7. Development shall generally be directed to areas outside the lands that are</p>	<p>Wildland Fires</p>	<p>See 5.4</p>

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<p>unsafe for development due to the presence of hazardous forest types for wildland fire. Risk factors for wildland fires include types and age of forest/vegetation, amount of underbrush and ladder fuels, and topography. Locations of potential wildland fire hazard areas have been identified by the Ministry of Natural Resources and Forestry and are shown in Appendix A.</p>		
<p>5.21. The City of Kingston recognizes the importance of noise management. Any proposed development that has a sensitive use within the potential influence area as described in the Province’s D-6 Guideline or between the 25 to 30 NEF contours requires a detailed noise study to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines or any such further guidance or requirement implemented by the City, as applicable, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.</p>	<p>Noise Study</p>	<p>See 5.4</p>
<p>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</p>	<p>Natural Heritage System - Intent</p>	<p>See 2.3.15</p>

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<p>features and areas. Further, land use and development within the 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>6.1.2. Areas identified as Natural Heritage “A” on Schedule 7 are designated Environmental Protection Area on Land Use Schedule 3 and the Land Use Schedules of the secondary plans in Section 10. In these areas, development or site alteration will not be permitted unless the feature or area is solely associated with a local area of natural and scientific interest, or a locally significant wetland, in which case 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>Natural Heritage “A” features include the following:</p> <ul style="list-style-type: none"> • areas of natural and scientific interest (ANSIs); • fish habitat; • provincially significant wetlands, significant coastal 	<p>Natural Heritage “A” Features and Areas</p>	<p>See 2.3.15.</p>

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<p>wetlands and locally significant wetlands;</p> <ul style="list-style-type: none"> • Snake and Salmon Islands, located in Lake Ontario, as shown in Schedule 3-A; and, • rivers, streams and small inland lake systems. 		
<p>6.1.3. Areas identified as Natural Heritage “B” on Schedule 8 will be treated as an overlay to land use designations on Schedule 3 and the land use designations of the secondary plans in Section 10. In these areas, development and site alteration will not be permitted unless it has been demonstrated that there will be no negative impacts on the natural heritage features or areas or ecological functions. Natural Heritage “B” features include:</p> <ul style="list-style-type: none"> • significant woodlands; • significant valleylands; • significant wildlife habitat; • unevaluated wetlands and coastal wetlands; • linkages and corridors; and, • riparian corridors. 	<p>Natural Heritage “B” Features and Areas</p>	<p>See Section 2.3.15</p>
<p>6.1.4. Development and site alteration will not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.</p>	<p>Species at Risk</p>	<p>See Section 2.3.15</p>
<p>6.1.5. Development and site alteration will not be permitted in fish habitat or habitat of aquatic species at risk, except</p>	<p>Species at Risk</p>	<p>See Section 2.3.15</p>

Policy	Category	Conformity with the Policy
<p>in accordance with provincial and federal requirements.</p> <p>Development and site alteration will not be permitted adjacent to the habitat of aquatic species at risk unless an environmental impact assessment demonstrates that there will be no negative impacts on natural heritage features and areas or ecological functions, and that Species At Risk Act (SARA) and Endangered Species Act (ESA) provisions have been addressed. The environmental impact assessment must be completed in consultation with Fisheries and Oceans Canada. They will also provide guidance on how projects must be carried out to remain in compliance with the SARA (i.e., by modifying the project to avoid impact, development of appropriate mitigation, or acquiring a SARA permit to carry out the activities). The Ministry of Natural Resources and Forestry will provide guidance on how projects must be carried out to remain in compliance with the ESA.</p>		
<p>6.1.8. The Province of Ontario’s “Natural Heritage Reference Manual,” as amended from time to time, specifies the adjacent lands for each category of natural heritage features and areas.</p> <p>Development and site alteration are not permitted on</p>	Adjacent Lands	See Section 2.3.15

Policy	Category	Conformity with the Policy
<p>adjacent lands to Natural Heritage “A” or “B” features shown on Schedules 7 and 8 respectively, unless it has been demonstrated that there will be no negative impacts on the natural heritage features and areas or on their ecological functions. In the review of any development or site alteration, an environmental impact assessment will be required as follows, unless otherwise directed by the City in consultation with the Cataraqui Region Conservation Authority:</p> <ul style="list-style-type: none"> a. within 120 metres of a provincially significant wetland, significant coastal wetlands and other coastal wetlands; b. within 50 metres of locally significant wetlands; c. within 120 metres of fish habitat; d. within 120 metres of significant woodlands; e. within 120 metres of significant valleylands; f. within 120 metres of areas of natural and scientific interest – life science; g. within 50 metres of areas of natural and scientific interest – earth science; h. within 120 metres of significant wildlife habitat; i. within 120 metres of the habitat of endangered species and threatened species, in accordance with the Endangered Species Act, and 		

Policy	Category	Conformity with the Policy
<p>as tracked by the Ministry of Natural Resources and Forestry “Natural Heritage Information Centre”; and j. within 120 metres of habitat of aquatic species at risk, in accordance with the Species At Risk Act and as tracked by the Federal Department of Fisheries and Oceans.</p>		
<p>6.1.11. Where lands shown as part of the natural heritage system on Schedules 7 and 8 are held in private ownership, nothing in this Plan will be construed to imply that such lands are open for the use of the general public or will be acquired by the City or other public agency. Various ways of preserving and managing the ecological resource through stewardship, partnerships, land trusts, environmental easements, acquisition or other means are encouraged.</p>	<p>Private Ownership</p>	<p>See Section 2.3.15</p>
<p>6.1.12. The City encourages a wide variety of land stewardship options, including protecting lands through easements, purchase, tax incentives, and dedication to land trusts to preserve and enhance the natural heritage system, and its adjacent lands, across the City. The City will encourage efforts with neighbouring municipalities, public agencies and private landowners to manage and improve the ecological sustainability of the</p>	<p>Land Stewardship</p>	<p>See Section 2.3.15</p>

Policy	Category	Conformity with the Policy
natural heritage system as a whole.		
<p>6.1.14. The “Guidelines for Environmental Impact Assessment” prepared by the Cataraqui Region Conservation Authority, as amended from time to time, or other guidelines used by the City to supplement the CRCA Guidelines, will guide the preparation of environmental impact assessments. In general, an environmental impact assessment must:</p> <ul style="list-style-type: none"> a. be undertaken by a qualified person with current knowledge in the field of biology, ecology, hydrology or other specialty as required by the specific circumstances; b. use appropriately scaled maps to show topography, existing uses and buildings, and all existing natural heritage features and areas and cultural heritage resources, whether or not they have been deemed significant for the subject site and areas adjacent to it; c. use appropriately scaled maps with topographic contours to show proposed uses, proposed site alteration and/or development; d. provide a thorough inventory of flora and fauna and related habitat communities to be completed over a seasonal time span that is appropriate; e. provide relevant information on geology (significant 	Environmental Impact Assessment	See Section 2.3.15

Policy	Category	Conformity with the Policy
<p>landforms), hydrology or hydrogeology;</p> <p>f. summarize the best information available collected from other agency or scientific sources and discuss the natural heritage features and areas, and the associated ecological functions;</p> <p>g. review the ecological functions of the natural heritage features and areas identified including habitat needs and the contribution of the site to the natural heritage system;</p> <p>h. evaluate any unevaluated wetlands in accordance with the Ontario Wetland Evaluation System;</p> <p>i. assess the cumulative impacts of the development proposal and any other existing or known future proposals in the vicinity; and</p> <p>j. assess the impact of the proposed development or site alteration on the various attributes of the natural heritage system during and after construction, and:</p> <ul style="list-style-type: none"> • recommend measures designed to ensure there is no disturbance of the feature, and that will result in no negative impact; • review alternative options and identify any monitoring requirements; and, • provide a professional conclusion as to whether the proposal is acceptable, considering potential impacts to natural heritage features 		

Policy	Category	Conformity with the Policy
and areas, related functions, and any proposed measures needed to protect the natural heritage feature(s) or area(s) affected, consistent with the Provincial Policy Statement and the policies of this Plan.		
<p>6.1.17. Nothing in this Section is intended to limit the ability of existing agricultural uses to continue. Existing agricultural uses and normal farm practices occurring on adjacent lands to the natural heritage features and areas are not subject to the requirement for an environmental impact assessment.</p>	<p>Agricultural Uses May Continue</p>	<p>The subject property has been used continuously for agricultural production and conservation. This is intended to continue.</p>
<p>6.1.18. The City encourages the preservation of all woodlands as shown on Schedule 8 of this Plan, and the consideration of all woodlands in the preparation of an environmental impact assessment. For the purposes of applications related to mineral aggregate operations, significant woodlands will be defined based on the criteria in the Natural Heritage Reference Manual.</p>	<p>Woodlands</p>	<p>See Section 2.3.15</p>
<p>6.1.22. Setbacks from natural heritage features and areas are established based on the recommendations of an approved environmental impact assessment or any other technical study that may be required (e.g. floodplain analysis, geotechnical study, etc.) and will be implemented through the zoning by-law in</p>	<p>Setbacks for Development</p>	<p>No development is currently proposed for the subject property. If development is proposed in the future, an Environmental Impact Assessment may be required to determine appropriate setbacks from existing features.</p>

Policy	Category	Conformity with the Policy
<p>consultation with the Ministry of Natural Resources and Forestry, the Cataraqui Region Conservation Authority, or Parks Canada, as appropriate.</p>		
<p>7.1.2. The City will recognize and conserve its built heritage resources and will promote the maintenance and development of an appropriate setting within and around all such sites.</p>	<p>Built Heritage Resources – General Policies</p>	<p>See Section 2.3.8.</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</p>	<p>Built Heritage Resources – Heritage Impact Statement</p>	<p>See Section 2.3.8.</p>

Policy	Category	Conformity with the Policy
<p>heritage property; such statements must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.</p>		
<p>7.1.10. Conserving built heritage resources forms an integral part of the City’s planning and decision-making. The City uses the power and tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this Section. This may include the following</p> <ul style="list-style-type: none"> a. designating real property under Part IV, or V of the Ontario Heritage Act, or encouraging the Province to designate real property under Part VI of the Ontario Heritage Act; b. requiring, as a condition of any approval, the retention of any built heritage resources found within a plan of subdivision, a plan of condominium, or on any parcel created by consent, or other land division approval; c. using zoning by-law provisions as appropriate, to conserve identified built heritage resources; d. using the provisions of Section 37 of the Planning Act 	<p>Conservation of Built Heritage Resources</p>	<p>See Section 2.3.8.</p>

Policy	Category	Conformity with the Policy
<p>in order to maintain the integrity of identified built heritage resources;</p> <p>e. using site plan control provisions of Section 41 of the Planning Act to ensure that new development on adjacent properties is compatible with the adjacent identified built heritage resources;</p> <p>f. using design guidelines to provide for sympathetic development of adjacent lands that are not designated, but which could impact the site of the built heritage resource;</p> <p>g. ensuring that archaeological resources are evaluated and conserved prior to any ground disturbance, in accordance with the City's Archaeological Master Plan and provincial regulations;</p> <p>h. in partnership with Kingston's Indigenous Peoples of Canada community, a Protocol outlining the working relationship with them and the City will be designed, approved and implemented;</p> <p>and</p> <p>i. using heritage easements as a means to protect significant built heritage resources, where appropriate.</p>		
<p>7.4.2. The City will permit development and site alteration on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources</p>	<p>Conservation of Archaeological Resources</p>	<p>See Section 2.3.8.</p>

Policy	Category	Conformity with the Policy
<p>have been conserved. In general, preservation of the resources “in situ” is the preferred method, but in some cases the conservation can occur by removal and documentation. Where significant archaeological resources are preserved “in situ”, only development and site alteration that maintains the heritage integrity of the site is permitted.</p> <p>The investigation and conservation of archaeological resources shall be completed in consultation with all appropriate First Nations, Métis and Inuit communities.</p>		
<p>8.6. The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <p>a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features;</p> <p>b. protecting natural heritage features and areas and</p>	<p>Urban Design – New Development</p>	<p>No new development is proposed at this time.</p> <p>In future, if development is proposed, it will take into account the urban design criteria specified, specifically with regard to protection of natural heritage features and achieving compatibility with the adjacent heritage landscape.</p>

Policy	Category	Conformity with the Policy
<p>cultural heritage landscapes through the siting, design and review of new development; c. promoting innovation in building design to create an interesting and varied built environment, to increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility; d. achieving compatibility in land use and with a predominant architectural style, street pattern or site arrangement where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard; and, e. encourage spaces, services and facilities that highlight arts and culture in a manner that generates and sustains cultural vitality.</p>		
<p>9.5.7. Amendments to the zoning by-law will be made only after public notice and consultation as required by the Planning Act and consultation with affected authorities or agencies.</p>	<p>Amendments to the Zoning By-law</p>	<p>Public notices have been provided in accordance with the requirements in the Planning Act, and the technical review has occurred in consultation with affected authorities and agencies.</p>
<p>9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p>	<p>Planning Committee / Council Considerations</p>	<p>a. The proposal conforms with the intent of the Official Plan policies and schedules as detailed in this table. b. The proposed continued use of the property for agricultural and</p>

Policy	Category	Conformity with the Policy
<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>h. comments and submissions of staff, agencies and the public; and,</p>		<p>conservation uses is compatible with existing uses in the adjacent area and is compatible with future planned uses. Further study will be required prior to the introduction of future development.</p> <p>c. The existing uses are compatible with existing building and structures.</p> <p>d. The proposal reinforces the character of the rural landscape and provides opportunity for further review in the future if development is proposed.</p> <p>e. The site is suitable for the proposal as it is a continuation of the existing use;</p> <p>f. No new development is proposed;</p> <p>g. No new services are required;</p> <p>h. All comments have been addressed;</p> <p>i. The proposal does not create an undesirable precedent as it will result in the protection and continuation of conservation and agricultural uses.</p>

Policy	Category	Conformity with the Policy
i. the degree to which the proposal creates a precedent.		



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

Planning Services

Address: 4065 Unity Road
File Number: D14-004-2024
Prepared On: Apr-19-2024

Subject Lands
Schedule 1 Zoning Map
 Zone

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

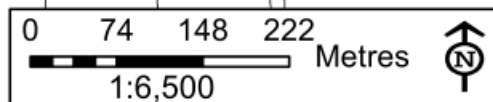
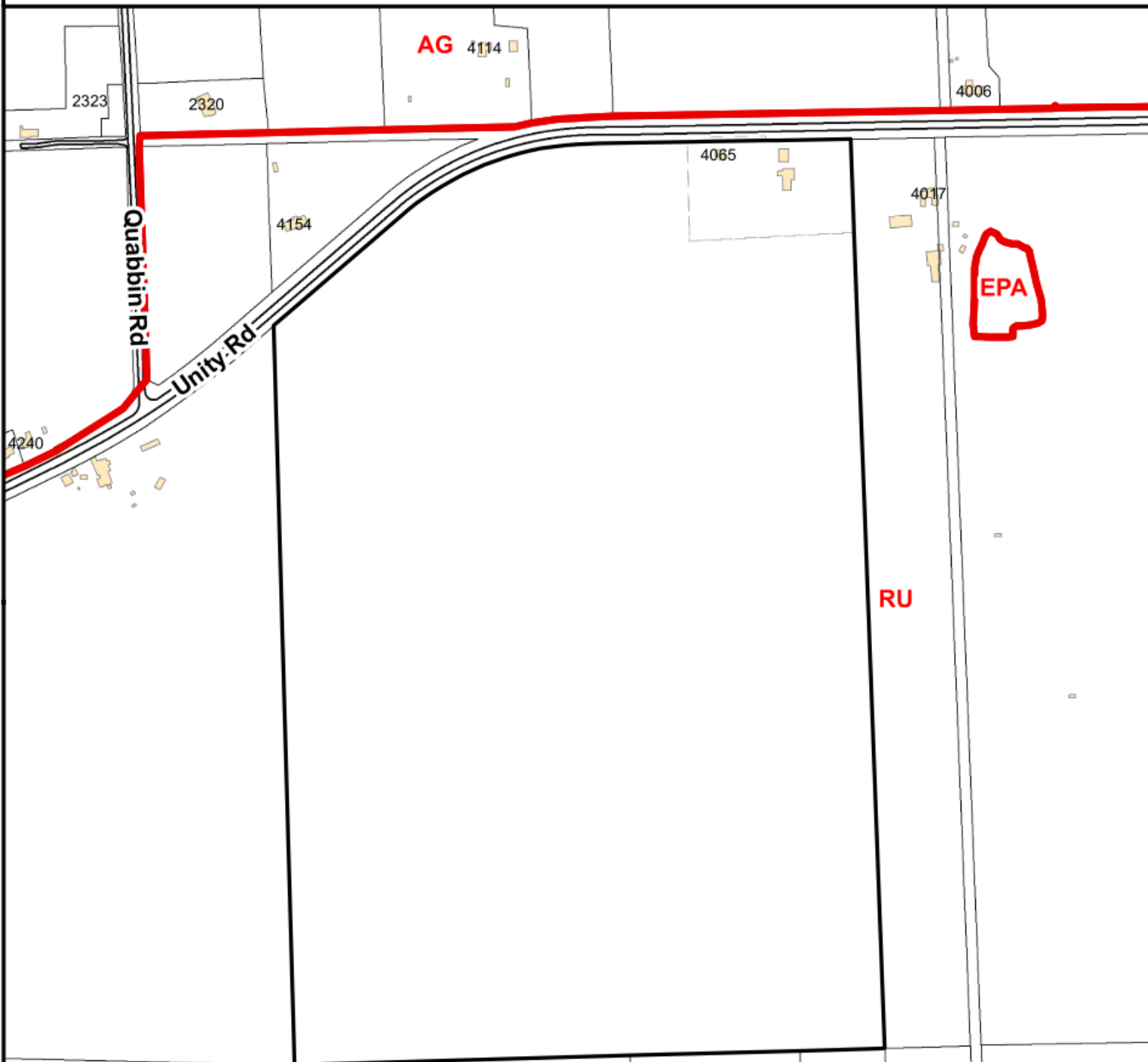




Figure 1: Looking south at the dwelling on the portion of the subject property to be severed.



Figure 2: Looking west along Unity Road at the frontage of the subject property to be severed.



Figure 3: Looking east at the dwelling and farm buildings on the subject property on Unity Road.



Figure 4: Looking south at the adjacent heritage designated property at 4017 Unity Road



Figure 5: Looking west along the frontage of the severed portion of the property on Unity Road



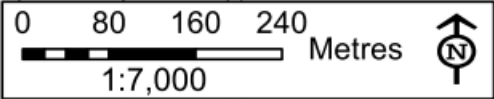
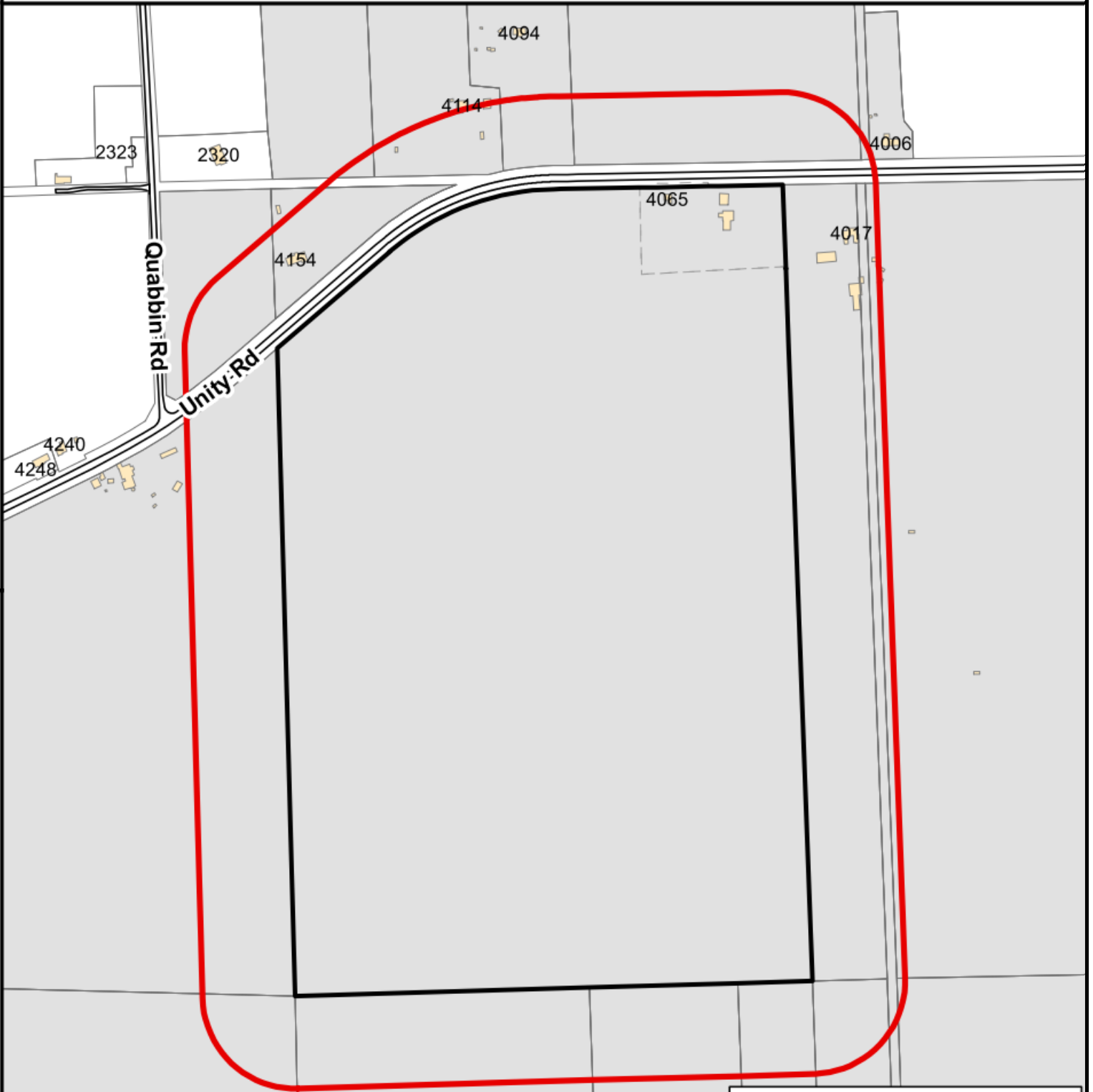
Figure 6: Looking north at the nearby dwellings and accessory structures at 4114 Unity Road.



Planning Committee Public Notice Notification Map

Address: 4065 Unity Road
File Number: D14-004-2024
Prepared On: Apr-19-2024

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





**City of Kingston
Report to Planning Committee
Report Number PC-24-041**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: June 20, 2024
Subject: Recommendation Report – City-initiated Housing and Administrative Amendments
File Number: D35-002-2024
Address: City-wide
Application Type: Official Plan & Zoning By-Law Amendment

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.1 Ensure an adequate supply of "ready-to-go" employment lands.

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

The national housing crisis is a complex, multi-faceted problem that requires a variety of concurrent and bold changes to be made by all levels of government, including the City of Kingston. The City has recently adopted a new [Rental Housing Community Improvement Plan](#) to help incentivize the construction and increase the supply of purpose-built rental apartments, and has recently endorsed a longer-term plan to create new visionary, strategic and bold Integrated Mobility and Official Plans that proactively plan for growth in a coordinated manner.

June 20, 2024

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While these are significant, transformative initiatives that will help to support the construction of new housing, there are a number of immediate policy and regulatory amendments that can be made to the Official Plan and the zoning by-laws to better support new housing construction while the 24 month long Official Plan (OP) project and 30 month long Integrated Mobility Plan (IMP) projects are undertaken.

The following is a report recommending approval to the Planning Committee regarding City-initiated applications for Official Plan and zoning by-law amendments, with additional amendments to the Delegated Authority/Planning By-Law and the Fees & Charges By-Law to implement a series of changes with the ultimate goal of supporting the construction of housing. The proposed amendments will: help to align the Official Plan and zoning by-laws with Bill 23 in a simplified manner; create permissions for 4 units per lot in low-rise residential areas; create broad policy permissions for affordable housing; streamline the development review process; allow the conversion of some existing non-residential buildings into residential; upzone the Campus Expansion Area for multi-unit residential buildings; streamline the approval process for multi-unit residential buildings along certain express transit routes; support innovative forms of housing and allow employers and institutions to build workforce and institutional housing. The amendments will also implement a number of administrative changes that refine a variety of Official Plan policies and zoning by-law regulations.

A number of the proposed amendments are Housing Accelerator Fund initiatives (detailed in [Report Number 23-172](#) and in the [Council Motion](#) from November 21, 2023). The proposed amendments represent bold, innovative and broad housing-supportive policy changes as an intermediate response to the housing crisis while larger policy work is undertaken through the IMP and OP projects. The proposed amendments have regard for matters of provincial interest set out in the *Planning Act*, are consistent with the Provincial Policy Statement, 2020, conform with and implement the City of Kingston Official Plan and represent good land use planning.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan and zoning by-law amendments (File Number D35-002-2024) submitted by the City of Kingston be approved; and

That the City of Kingston Official Plan, as amended, be further amended by amendment number 95, as per Exhibit A, (Draft By-Law and Schedules 'A' to 'D' to Amend the Official Plan) to Report Number PC-24-041; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedules 'A' to 'AC' to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-041; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit C (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-041; and

June 20, 2024

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That Zoning By-Law Number 8499, as amended, be further amended, as per Exhibit D (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 8499) to Report Number PC-24-041; and

That Zoning By-Law Number 32-74, as amended, be further amended, as per Exhibit E (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 32-74) to Report Number PC-24-041; and

That Zoning By-Law Number 76-26, as amended, be further amended, as per Exhibit F (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 76-26) to Report Number PC-24-041; and

That Zoning By-Law Number 96-259, as amended, be further amended, as per Exhibit G (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 96-259) to Report Number PC-24-041; and

That Zoning By-Law Number 97-102, as amended, be further amended, as per Exhibit H (Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 97-102) to Report Number PC-24-041; and

That By-Law Number 2006-75, as amended, be further amended, as per Exhibit I (Draft By-Law to Amend By-Law Number 2006-75, A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority) to Report Number PC-24-041; and

That By-Law Number 2005-10, as amended, be further amended, as per Exhibit J (Draft By-Law to Amend By-Law Number 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston) to Report Number PC-24-041; 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-laws be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

- Jennifer Campbell, Commissioner, Community Services
- 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
- Desirée Kennedy, Chief Financial Officer & City Treasurer

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Options/Discussion:

Statutory Public Meeting

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

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

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting. If Planning Committee endorses staff's recommendations, there is sufficient time before the July 9, 2024 Council meeting for staff to prepare a supplemental report for Council's final consideration if there are elements that need to be addressed in response to additional feedback received at the statutory public meeting.

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

Laura Flaherty, Project Manager
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3157
lflaherty@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, these amendments were subject to pre-application. A Community Meeting was held at Planning Committee on February 15, 2024 as per [Report Number PC-24-018](#) during the pre-application process. A summary of the feedback received at the Community Meeting and during the pre-application process is provided in the Public Comments section of this report.

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Proposed Application

As described in detail in the Summary of Changes & Planning Rationale document (Exhibit K), the City of Kingston is proposing various amendments to the Official Plan (“OP”), zoning by-laws, the Delegated Authority/Planning By-Law (By-Law Number 2006-75) and the Fees & Charges By-Law (By-Law Number 2005-10) as an intermediate step connected to the City’s commitments through the Housing Accelerator Fund (HAF) to support new housing construction and implement administrative updates. The initiatives can be categorized and summarized by the following eight themes:

Theme One: Align Documents with Bill 23 and Allow Four Units

- Delete stable areas policies in OP and replace with existing locational criteria;
- Remove density ranges and change terminology for low-rise, mid-rise and high-rise residential building types;
- Keep existing additional residential unit policies in rural area, change terminology to additional rural units;
- Introduce new permission for up to four units per lot in low-rise residential areas within the urban boundary, allow 12 bedrooms where a fourth unit proceeds through a H-Lift application;
- Change and streamline terminology for low-rise residential building types, move the number of units out of building type definitions and into a performance standard in each zone;
- Consolidate existing UR zones from 19 separate zones/subzones into 9 zones; and
- Allow existing garages to be converted into a residential unit without requiring relief from the zoning by-law connected to its size and/or location on a lot.

Theme Two: Support Affordable Housing

- Update affordable housing definitions; and
- Create new OP policy that allows affordable housing developments, and mixed market housing developments (if owned/operated by a non-profit housing provider) in most land use designations.

Theme Three: Support Housing Innovation and Upzone Campus Expansion Area

- Update Regional Commercial, District Commercial and Arterial Commercial policies to streamline mid-rise and high-rise residential criteria;
- Remove prohibition on mobile homes and add policies to better support innovative housing options such as tiny house communities and modular construction; and
- Upzone a portion of the Campus Expansion Area (the four blocks bounded by Johnson Street to the north, University Avenue to the west, Earl Street to the south and Division Street to the east) to give as-of-right permissions for 6-storey residential or mixed-use buildings.

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Theme Four: Streamline Development Review Process

- Update list of materials required for complete applications;
- Implement new alternative measures for informing and obtaining the views of the public (notices and public meetings);
- Amend Delegated Authority By-Law to delegate all H-Lift applications as minor zoning by-law amendments to the Director of Planning Services; and
- Reduce H-Lift application fees for residential buildings with 4 or less units.

Theme Five: Allow Conversion of Existing Non-residential Buildings into Residential

- Add new policy to OP that allows existing non-residential buildings to be converted into residential or mixed-use buildings in specific locations despite any underlying land use designation policies;
- Amend mandatory ground floor commercial mapping in downtown (OP and zoning) to permit conversion of the ground floor to residential along locations that are not vital commercial corridors; and
- Add new Non-Residential Conversion Overlay into the Kingston Zoning By-Law (ZBL 22-62) that permits the conversion of existing non-residential buildings along corridors to be converted without requiring zoning relief to standards associated with the size or location of a building.

Theme Six: Streamline Approvals Along Express Transit Routes

- Create new OP policy that allows new multi-unit residential or mixed-use buildings to be constructed on Express Transit Routes through a streamlined minor variance process rather than a rezoning application;
- Create criteria for the minor variance application and ensure notice is provided in a manner that is consistent with a rezoning application; and
- Add new Express Transit Area Overlay into ZBL 22-62 that identifies properties that are subject to the streamlined minor variance process and establishes height and built form expectations that automatically kick in when a minor variance is granted.

Theme Seven: Workforce and Institutional Housing

- Create new OP policy that allows workforce and institutional housing (if owned/operated by an employer or institution) in most land use designations.

Theme Eight: Administrative Amendments

- Update or delete references to site plan approval, zoning by-law regulations, specific Provincial ministries or policies;
- Delete unnecessary definitions in OP;
- Refocus Section 3.2 (currently Community Facilities) to apply to a broader range of uses and rename it as "Specific Use Policies";

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- Relocate a number of “specific use” policies into Section 3.2;
- Delete height and density bonus policies;
- Update references to Kingston Heritage Properties Committee;
- Add language in the OP about servicing constraints on combined sewers and introduce new policy supporting the future creation of a Servicing Allocation Policy;
- Introduce new criteria preventing condominium conversions where rental apartment buildings received grants for a 15 year period through the Rental Housing CIP;
- Allow for accessory buildings in the front yard in the RUR and LSR zones, increase height in RUR zone;
- Reduce walkway width requirement to 1.1 metres to align with the Building Code;
- Reduce minimum driveway width to 2.6 metres to align with parking space requirement;
- Allow wider driveways in the front yards to accommodate a parking space for residential units;
- Update planting strip language;
- Clarify school portable provisions;
- Simplify lot frontage definition and calculation;
- Update mechanical penthouse projection permissions;
- Update car-share parking, bike parking and visitor parking space requirements;
- Introduce requirement to provide short-term delivery parking space for multi-unit residential;
- Overhaul former zoning by-laws (8499, 76-26- 96-259, 32-74 and 97-102) to require the red exception properties to comply with ZBL 22-62, with permissions that allow for continued application of former zoning standards in certain circumstances (consistent with the approach to regulating Legacy Exceptions in ZBL 22-62);
- Implement a number of site-specific changes to individual properties;
- Amend the exception that applies to the Clogg’s Road Business Park to reflect the recent revocation of the Minister’s Zoning Order and to increase height permissions on a portion of the Business Park lands to better align with operational requirements of EV battery supply chain businesses;
- Introduce new separation distance from Highway 401 corridor;
- Create new clause that exempts existing properties from Holding Overlay constraint if a lot has an existing connection to the City’s lateral and no changes are proposed to the existing lateral connection;
- Allow smaller accessory buildings to be located closer to property lines;
- Create new Servicing Allocation Policy Overlay framework to kick-in if the City passes a Servicing Allocation Policy; and
- Update day care permissions in commercial and institutional areas.

All supporting information, including tracked changes versions of the proposed amendments to the Official Plan and Kingston Zoning By-law, can be accessed from the following DASH record: [D35-002-2024](#). Within this record window on DASH, choose “Supporting Information” from the “Record Info” drop-down menu to access the application materials.

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Justification

The Summary of Changes & Planning Rationale document included as Exhibit K to this report provides a detailed summary of the changes that are proposed and the rationale for each change. Overall:

The proposed amendments have regard to the matters of Provincial Interest articulated in the Section 2 of the *Planning Act*, as they will support the orderly development of safe and healthy communities, and the adequate provision of a full range of housing, including affordable housing in appropriate locations for growth and development. The amendments promote sustainable development that supports public transit and is oriented to pedestrians and will promote built form that is well designed, encourages a sense of place and provides high quality, safe, accessible public spaces.

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS indicates that healthy, liveable and safe communities are sustained, in part, by the provision of an appropriate affordable and market-based range and mix of residential types, including additional residential units. It provides further guidance to permit and facilitate “all housing options required to meet the social, health, economic and well-being requirements of current and future residents”, where the definition of housing options includes additional residential units and tiny houses.

The proposed amendments to the Official Plan and zoning by-laws will expand the location and types of housing that are provided across the City and will allow for a broader range of affordable and market housing options to be constructed. They will streamline processes, simplify zoning regulations and allow more flexibility in the way that housing is constructed across all neighbourhoods, while continuing to ensure that development is compatible and provides the functional elements necessary to support the residents in these communities. The proposed amendments to the Official Plan and the zoning by-laws are consistent with the Provincial Policy Statement and will allow for a broader range of housing types and options in the City.

The City of Kingston Official Plan sets out land use planning policies to manage and direct physical land use changes while protecting natural and cultural heritage, managing resources and necessary supporting infrastructure. The proposed amendments to the Official Plan will allow for a broader range of housing options and support new housing opportunities, including missing middle housing and more additional residential units on existing serviced properties, in a manner that continues to comply with the land use compatibility policies of the Official Plan and is consistent with the PPS. The proposed amendments to the Official Plan will direct new housing growth along the City’s major corridors and will streamline development approval processes in locations that are well supported by the City’s express transit routes.

The proposed amendments to the zoning by-laws conform with the Official Plan. They will continue to protect and conserve Kingston’s natural heritage and built heritage resources while allowing for new housing to be constructed in a compatible manner in appropriate locations that

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are already provided with the full suite of municipal services. The amendments maintain the built form standards (height, lot coverage etc.) for buildings within established neighbourhoods across the City, while allowing for a variety of new housing types to be developed in a manner that diversifies the housing options and locations and increases the number of residential units to support Kingston's growing community.

The administrative amendments to the zoning by-law will ensure that regulations respond to existing challenges for developing new housing, with more flexibility for infill properties to be redeveloped while acknowledging existing constraints that predate newer zoning provisions such as walkway requirements. The amendments will allow for new, emerging employment opportunities to flourish in the Clogg's Road Business Park and will correct zoning inconsistencies or issues on individual properties across the city while also supporting the construction of new affordable housing. The changes to the former zoning by-laws will allow for existing red exception permissions to be maintained while also translating those by-laws in a way that allows for new standards and innovative opportunities to be provided to those properties.

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 – Written Feedback

The following is a summary of the written public feedback received to date grouped by topic. Formal written public comments are available in Exhibit L of this report.

Four Unit Permissions

- It is good to see that this does not extend to rural areas as that would encourage sprawl.
- Allowing garages to be converted to residential units is a good thing. This should be incentivized.
- Was the permission allowing four units per lot in low-rise residential areas part of Bill 23 or the Zoning By-Law changes from April 2022?
 - Response: The approval of ZBL 22-26 in April 2022 permitted three units, which was then followed by Bill 23 with expanded three unit permissions. The proposed four unit amendments are one of the City's HAF initiatives.
- The degree to which any additional units must respect the existing neighbourhood environment and those owning nearby properties should be made clear. Direct consultation between the parties involved should be required.
- Under the increase to 12 bedrooms, could someone build a 9-bedroom dwelling on a property with an existing 3-bedroom dwelling?
 - Response: No, there is an 8 bedroom limitation that applies to a lot with up to three dwelling units. The proposed 12 bedroom limitation would apply only to lots with four

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dwelling units that have proceeded through an H-Lift application to satisfy technical requirements.

- The increase from 8 to 12 bedrooms is not supported, but the fact that performance standards are unchanged is appreciated.
- Will existing height restrictions for dwellings still apply under the amendments?
 - Response: Existing height restrictions for new houses remain.

Amenity Areas

- The change to the amenity area definition removes private outdoor space from the definition, which removes the zoning incentive for multi-unit development to provide private outdoor amenity areas. Is the intention that balconies are no longer allowed to count as amenity areas?
 - Response: The existing language better reflects the intent of ZBL 22-62 and the amendments that were initially proposed have been removed.

Affordable Housing

- Under the proposed changes, affordable housing would be permitted in all land use designations. In this context, is transitional housing included in the definition of affordable housing?
 - Response: It depends on the nature of housing and the types of services that are provided. It may be considered affordable housing that is subject to these policies, but it may be considered a special needs facility if it provides services in a manner that aligns with the special needs facility definition in the Official Plan.
- Permitting affordable housing in all land use designations is a positive change.
- Was allowing employers and institutions to build workforce and institutional housing part of Bill 23 or the Zoning By-Law changes from April 2022?
 - Response: No, this was not included in Bill 23 and is one of the City's HAF initiatives.
- How many affordable housing units can we create for 27.6 million over 5 years? For this question "affordable" means permanently affordable, not 80% market rate for 10 years.
 - Response: This is outside of the scope of these amendments. These amendments are policy based changes to support new housing construction and they do not direct funding or propose new construction.
- How many units are expected to be achieved in a 10-year timeframe? What would that number be without the HAF money and increased permissions?
 - Response: The City's 5-year average number of building permits for new residential units is around 1,000. Through HAF, the target is 1,400 units per year in 2024, 2025 and 2026. It is not possible to provide accurate estimates of the number of new residential units connected to the proposed policy initiatives over a 10-year timeframe.
- What are the estimated costs to the City of participating in the HAF program?
 - Response: There was no application fee associated with the HAF program. The cost of the Housing Needs Assessment was approximately \$29,500 and funded by

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the Housing & Social Services budget. The Housing Needs Assessment has proven to be a valuable resource to the City outside of the HAF application, as it identifies deficits and housing needs of the City to inform new policies.

- What would it look like for employers and institutions to build housing on any land? Would there be any public process? What sort of form and scale guidelines would it be subject to?
 - Response: The proposed amendments establish underlying Official Plan permissions. New workforce and institutional housing would still be required to either comply with existing zoning permissions or go through a standard development approvals process to establish the required zoning framework. Beyond these proposed amendments, the Province has added in more flexibility for post-secondary institutions into their proposed Bill 185, as detailed in Report Number 24-142, . At the time of writing this report, Bill 185 has not received Third Reading or Royal Assent and the post-secondary provisions may change depending on the language of future Regulations.

Express Transit Areas

- The proposed 20-metre setback for buildings with a height of 7 storeys or more when abutting a lot in a UR Zone should be reduced to 15 metres, which would be consistent with the site-specific zoning of 950 Centennial Drive, a location determined by council to be appropriate and compatible for a 7-storey building.
 - Response: The proposed Express Transit Areas overlay applies in a variety of contexts and locations across the city, with different built form considerations that would be appropriate depending on the specific location and context. This diversity is what has driven the need to proceed through a minor variance application process rather than creating as-of-right standards. Through each individual minor variance process, appropriate standards will be developed based on Official Plan policies and implemented through the minor variance.
- Parking should be permitted in front or exterior yards, as it is often necessary for mixed use buildings or buildings with seniors' housing.
 - Response: While there may be circumstances that this is suitable, the proposed Express Transit Areas overlay applies in a variety of contexts and locations across the City. This will be reviewed on a site-specific basis through a minor variance process.
- The requirement that buildings must be articulated by at least 2 metres for every 30 metres of linear wall length will significantly increase building costs and inefficiency in the building process.
 - Response: This can be reviewed on an individual basis through the minor variance application.
- Express Transit Areas should have reduced parking minimums.
 - Response: Express Transit Areas already have reduced parking minimums as they were used as the basis for creating the Parking Area framework in ZBL 22-62.
- Many of the zoning provisions are “to be determined through a minor variance application.” This sounds like conditional zoning – what is the legislative authority for setting these conditions of approval?

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- Response: Section 45(9) of the *Planning Act* allows for minor variance decisions to be conditional. The zoning framework is enabling and only kicks in when a property owner decides to apply for and ultimately obtain minor variance approvals.
- Was streamlining the approval process for multi-unit residential buildings along certain express transit routes part of Bill 23 or the Zoning By-Law changes from April 2022?
 - Response: No, this was not included in Bill 23 and is one of the City's HAF initiatives proposed to be implemented in these amendments.
- Will the express transit route on Hwy 15 from the St. Lawrence Business Park be an express transit area?
 - Response: The proposed Express Transit Area Overlay (Schedule 'AB' to Exhibit B) does not apply to the portion of Hwy 15 along the St. Lawrence Business Park.

Conversion of Non-Residential Buildings into Residential

- Why are some properties being removed from the obligation to provide ground floor commercial space?
 - Response: The properties that are subject to this are shown on Schedule 'C' and Schedule 'D' to Exhibit A. They were not designed to accommodate commercial space and are not key commercial corridors for the downtown.
- Why is the new Schedule G needed when there have been longstanding Official Plan policies encouraging residential development on upper stories of commercial buildings?
 - Response: The existing policies were written at a different time with vastly different housing pressures. The lands that are subject to the amendments are limited to areas that will not impact the commercial vitality downtown and would allow for existing buildings that were not designed for commercial uses to contribute new housing units in desirable and appropriate locations for new housing.

Changes to Former Zoning By-Laws and Red Exceptions

- A place of worship located at 1477 Sydenham Rd and currently under I-8 zoning in Zoning By-Law Number 76-26 would be rezoned to the HAM zone in 2022-62 where permitted uses are restricted to a school and public use. The City is requested to reconsider this change or include Community Centre and Place of Worship as permitted uses under the 2022-62 Exception.
 - Response: The proposed amendment to Former Zoning By-Law Number 76-26 corrects this.
- 920 Princess Street is subject to the C.74 exception and is subject to Schedule PS-1 of the Official Plan, as such it would be more appropriate if the Kingston Zoning By-Law zone that is identified is WM1.
 - Response: The proposed amendment to Former Zoning By-Law Number 8499 has been amended to identify WM1 for the C.74 exception.
- For the many provisions that are being added, it would be easier for people to understand the background of future development proposals if civic addresses and OLT hearing file numbers (when applicable) for the red exceptions were included in the zoning by-law.

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- Response: The text of the Red Exceptions exists in these former zoning by-laws already and this is not newly proposed content. Zoning by-laws typically do not include this information in the text, as municipal addresses can change through the development process. For context on any individual property, members of the public are encouraged to use DASH.
- Is the new approach to red exceptions similar to the current treatment of legacy exceptions?
 - Response: Yes, that is the intent of the proposed changes to the former zoning by-laws.
- The approach of assigning a new parent zones to the red exceptions and deleting the text of the old parent zone is not consistent with the previous Council direction on the matter, which was to individually review red exceptions to bring them into the new zoning by-law. This new approach will result in critical changes to parent provisions.
 - Response: The proposed changes continue to maintain the existing permissions contained within the red exceptions while ensuring that these properties also benefit from new, innovative permissions. The approach has changed since April 2022 as a result of quickly changing planning policy and legislation. The proposed approach will ensure that staff time is not wasted reviewing red exceptions against the policies of the current Official Plan when the new OP project has started to create a brand new Official Plan.
- It is requested that the text of the former zoning by-laws be retained, and that a clause be added that the provisions of the new parent zones will apply except where they are more restrictive than the provisions of the old zoning by-law.
 - Response: There is no need to preserve the existing text within the current version of the former by-laws. The existing text can still be referred to by reviewing the archived version of the by-law that existed immediately before amendments are approved (if Council approves the amendments).
- What will the proposed changes mean for properties where an application has recently been submitted or approved? Will there be transitional provisions?
 - Response: Amendments have been made since the Community Meeting to add transition provisions to the text of the former zoning by-laws to ensure that applications that are in progress can continue without impact.

Density and Stable Areas

- The change of terminology from density ranges to “low density,” “medium density” and “high density” gives the impression that density ranges are no longer meaningful, and that council will accommodate any development application requesting greater heights and densities.
 - Response: Staff respectfully disagree. Density ranges are meaningful when understanding the intensity of future uses in an area, however, they are not meaningful when improperly used as an attribute to classify a type of residential building.
- Intensification via additional units in neighborhoods and increased housing along express transit corridors are great approaches to reduce car dependency, but existing examples of concentrated housing around Queen’s and downtown show that parking limitations tend to

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drive extra cars into rear yards. What tools do we have to combat this or what tools could we develop?

- Response: The zoning by-law includes restrictions on the amount of area that can be used for parking in rear yards. For example, Clause 7.4.8. restricts the area of a parking lot to 43 square metres for lots with low-rise residential houses.
- Do townhouses fall under the provisions for apartment buildings or townhouses when more than one is located on the same lot?
 - Response: The proposed amendments to the definitions of townhouse and apartment buildings are intended to focus townhouses to situations where each unit is located on its own lot. Where multiple townhouse blocks are located on one lot, they are considered to be an apartment and subject to apartment standards.
- It is unclear why the stable area policies need to be removed entirely.
 - Response: The Summary of Changes & Planning Rationale document included in Exhibit K provides a detailed reason for the removal of these policies that are fundamentally contrary to Bill 23.
- There is concern over the removal of the word “stable” from Official Plan policies, particularly in the context of the Old Sydenham Heritage Conservation District. New policies require development to be “compatible,” which is more flexible of a term and much harder to dispute.
 - Response: There are no proposed changes to the HCD3 performance standards that regulate the size of new buildings in the Old Sydenham Heritage Conservation District and all future development in this area is required to obtain heritage permits. The removal of the word stable from the Official Plan will not impact how the Heritage Conservation District Plan policies are implemented through the heritage permit process.

Campus Expansion Area

- There is concern that landowners in the area affected by the change to Schedule 1 to rezone lands from UR5 to URM8 would not be receiving adequate notice.
 - Response: The proposed amendments apply city-wide and impact all properties in the City. The statutory notice requirements provided by the *Planning Act* and its associated regulations detail the type of notice required for city-wide amendments such as these. Statutory notice requirements have not only been met, but have been exceeded with additional emailed notices to interested persons and groups beyond what is required.
- The parking requirement exception is great and should be more widely implemented.
- While preserving heritage is important, it should never be used to restrict the type of building that can be built where a new one is being permitted. The heritage concerns should not restrict density or height in the campus expansion area.

Mobile Homes

- If a mobile home falls under the definition of house, can it be used as an additional residential unit on a property?

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- Response: Yes, if it meets the performance standards that apply to detached accessory houses in the urban area or additional rural units in the rural area.
- Removing the prohibition on mobile homes and better supporting tiny homes is a positive change. We should be doing more to promote the smaller dwellings that are rare right now.

Urban Residential Zones (UR Zones)

- The consolidation of UR zones is concerning for residents who took the time to understand the current zoning bylaw barely a year ago.
 - Response: The consolidation of the UR zones functionally happened when Bill 23 received Royal Assent by the Province. The proposed changes acknowledge that that primary attribute that required the existing number of UR zones was the type of residential building that was permitted. When all of the residential building types are permitted in all of the UR zones, the existing UR zones are consolidated. This is really a process of cleaning up the text and maps to reflect what has already been implemented by Bill 23 to ensure ZBL 22-62 is as simple as possible.

Heritage

- The wording of clause 13.2.4. does not reflect the fact that the OHA designates the entire lot as heritage, including the building.
 - Response: The proposed wording to be added to clause 13.2.4. is for clarification purposes only and continues to reflect the fact that the entire lot is designated.
- Amendments are requested to 61 Yonge St to better fit the historic, current, and intended uses of the site and the local context.
 - Response: The proposed amendments introduce permissions for an office and one residential unit to this property to reflect the unique history, context and the Official Plan permissions which allow for the adaptive reuse of existing designated heritage buildings in Open Space designations.

General Questions and Comments

- More effort should be made to ensure the public is aware of the impacts these changes could have.
- Overall, the changes seem positive.
- The proposed change would have positive outcomes. The updates to the definition of lot frontage, allowances for roof top mechanical, and reductions in required widths of dedicated walkways better reflect the practical constraints inherent in building and developing housing.
- Due to the large number of amendments, this proposal would effectively be a new zoning by-law.
 - Response: Fundamentally, ZBL 22-62 was scoped as a consolidation of the existing by-laws and only select standards received a tweak or rethink, while the majority of the standards were a consolidation of the standards from the former zoning by-laws from the 1970s and 1990s. During a housing crisis, climate emergency and in response to significant economic pressures impacting Kingston's residents, on top

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of the constant provincial policy and legislative changes over the last 3 years, the City must continuously review, update and make changes to policies and regulations. It should not be viewed negatively that broad amendments are proposed – this is what is required to respond to current pressures and housing needs in Kingston.

- The rezoning of 275 Sydenham St to adaptive re-use appears to be a shortcut to approval rather than an administrative change.
 - Response: The 275 Sydenham Street proposal is for the adaptive reuse of a heritage building to provide new residential units including affordable units. The proposed changes are included in these amendments as they will help to support the creation of affordable housing in an appropriate location and as an adaptive reuse of an existing designated building.
- Why was the new D3 schedule not included in the report?
 - Response: A number of the mapping changes were described in writing rather than providing the mapping in the Community Meeting Report. Schedule D3 (included in Exhibit C to this report), is a map identifying all lands within the urban boundary as being included in the proposed Fourth Residential Unit Holding Overlay. The description included in the Community Meeting Report sufficiently covered this content for initial consultation purposes without the need for providing the by-law schedule.
- What is the intention of the wording changes regarding the number of required accessible parking spaces?
 - Response: The existing language better reflects the intent of ZBL 22-62 and the amendments that were initially proposed have been removed.
- Have changes to laws in Ontario removed the right for residents to appeal the amendments that would affect their property?
 - Response: Bill 185 proposes amendments to the *Planning Act* that would limit appeals, as described in Report Number 24-142, May 7th Council Meeting. Further amendments to Bill 185 were made to this section through the Standing Committee process. At the time of writing this report, Bill 185 has not yet received Third Reading or Royal Assent.
- The short timeline of these rewrites is troubling. There is not enough time for public involvement.
 - Response: The purpose of pre-application and the community meeting process is to allow the public time to review, hear information and provide feedback on draft materials before a complete application is submitted. The documents were released in January, and they were not finalized until May 27th for a complete application. There was ample time provided for the public to review the materials and provide feedback to staff for consideration before the initialization of the complete application.
- Consider how provisions can support ageing in place. Ensure the form of the city is not ableist.
 - Response: Aging in place is a broad concept that requires a healthy supply of a variety of housing types in all areas of the city and requires permissions to change

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existing houses into different configurations or additional units. The proposed amendments will help to support aging in place by allowing for a variety of housing forms across the City.

Public Comments – Community Meeting (February 15, 2024)

Eight members of the public spoke at the Community Meeting on February 15, 2024 regarding the proposed amendments. The discussion was heavily focused on the Campus Expansion Area and the implications of the amendments for the Sydenham District.

There were a number of comments on the upzoning in the Campus Expansion Area to permit six-storey development. One member of the public voiced that six-storeys would not match the characteristics of the neighbourhood, and suggested that a maximum of three or four storeys would be more appropriate. Another expressed frustration with the existing use of rear-yards for parking and concern that the upzoning and other proposed amendments would encourage more rear-yard parking. Reoccurring themes among the comments on the Campus Expansion Area included concern about impacts on the tree canopy and concern for preserving neighbourhood character and heritage. The question of what could be done to protect existing trees from being cleared for development was raised.

Some participants spoke in favour of the amendments. One participant noted that the increase to six storeys in the campus expansion area would significantly increase the amount of affordable housing their housing cooperative could provide to students. Another participant also expressed support for the amendments, noting that the current by-laws and planning approval processes limit their ability to provide rental housing.

A few participants voiced opposition to any amendments that would permit new forms of development in the Sydenham District. Two participants expressed that the changes felt rushed and that there was not enough time for adequate public participation. There was one suggestion that the City direct development away from the established Sydenham neighbourhoods and towards North Kings Town. Another comment suggested that efforts be directed toward developing the former Prison for Women.

There were several questions about the intended outcomes of the amendments, including how many affordable units could be created with the funding and how many units are forecasted to be achieved within a ten-year timeframe. There was another question inquiring about the types of residences that could be built on Queen's University property and what standards they would have to meet. One participant inquired about the new permissions for mobile homes and whether they would be permitted on any residential property. They also asked about the shift in language from low, medium and high densities to low, medium and high-rise buildings and how that would impact the built form. There was also a request for clarification on the definition of affordable housing, and an inquiry about what the new 4th unit provisions would mean for current four-unit buildings that are existing but not recognized as having four units.

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Effect of Public Input on Draft By-Law

In response to the feedback received both in writing and at the Community Meeting on February 15, 2024, a number of changes have been made in the various amendments. The Summary of Changes & Planning Rationale document included as Exhibit K identifies the changes since the Community Meeting with a yellow highlight.

Conclusion

In summary, the proposed amendments to the Official Plan, the zoning by-laws, the Delegated Authority/Planning By-Law and the Fees & Charges By-law represent bold, innovative and broad housing-supportive policy changes as an intermediate response to the housing crisis while larger policy work is undertaken through the IMP and OP projects. The proposed amendments have regard for matters of provincial interest set out in the *Planning Act*, are consistent with the Provincial Policy Statement, 2020, conform with and implement the City of Kingston Official Plan and represent good land use planning.

Existing Policy/By-Law:

The proposed amendments were 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

Kingston Zoning By-law Number 2022-62

Former Zoning By-Law Numbers 8499, 32-74, 7626, 96-259, 97-102

By-Law Number 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston

By-Law Number 2006-75, A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority

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Notice Provisions:

Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by advertisement in The Kingston Whig-Standard 20 days in advance of the Public Meeting. If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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Other City of Kingston Staff Consulted:

Jenna Morley, Legal Counsel

Lisa Capener-Hunt, Director, Building Services & CBO

Brandon Forrest, Director, Business, Real Estate & Environment

Kevin Gibbs, Director, Heritage Services

Ian Semple, Director, Transportation & Transit

James Bar, Manager, Development Approvals

Matt Kussin, Manager, Transportation Policy & Programs

Joel Konrad, Manager, Heritage Planning

John Henderson, Housing Program Administrator

Exhibits Attached:

Exhibit A Draft By-Law and Schedules 'A' to 'D' to Amend the Official Plan

Exhibit B Draft By-Law and Schedules 'A' to 'AC' to Amend Zoning By-Law Number 2022-62

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Exhibit C	Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 2022-62 to Implement 4 Unit Permissions
Exhibit D	Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 8499
Exhibit E	Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 32-74
Exhibit F	Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 76-26
Exhibit G	Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 96-259
Exhibit H	Draft By-Law and Schedule 'A' to Amend Zoning By-Law Number 97-102
Exhibit I	Draft By-Law to Amend the Delegated Authority By-Law Number 2006-75
Exhibit J	Draft By-Law to Amend the Fees and Charges By-Law Number 2005-10
Exhibit K	Summary of Changes & Planning Rationale
Exhibit L	Public Comments

By-Law Number 2024-XX

A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 95, City-initiated Housing and Administrative Amendments)

Passed: [Meeting Date]

Whereas a Public Meeting was held regarding this amendment on June 20, 2024; and

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

1. The City of Kingston Official Plan is hereby amended by the following changes which shall constitute Amendment Number 95 to the City of Kingston Official Plan:
 - a. **Amend** the text of the City of Kingston Official Plan as shown on Schedule 'A' to this By-Law;
2. The City of Kingston Official Plan, as amended, is further amended by the following map changes:
 - a. **Amend** Schedule 3-D 'Site Specific Policies' by adding a new Site Specific Policy Number 3.17.77, as shown on Schedule 'B' to this By-Law;
 - b. **Amend** Schedule DH-3 'Downtown and Harbour Specific Policy Area Areas of Pedestrian Focus' by removing lands from the Mandatory Commercial Frontage, as shown on Schedule 'C' and Schedule 'D' to this By-Law;
 - c. **Amend** Schedule RC-1 'Rideau Community Secondary Plan' by replacing "Low Density Residential" with "Low-Rise Residential", "Medium Density Residential" with "Mid-Rise Residential", and "High Density Residential" with "High-Rise Residential";
 - d. **Amend** Schedule CW-1 'Catarqui West Secondary Plan' by replacing "Low Density Residential" with "Low-Rise Residential" and "Medium Density Residential" with "Mid-Rise Residential";
 - e. **Amend** Schedule KPC-1 'Kingston Provincial Campus Secondary Plan' by replacing "Low Density Residential" with "Low-Rise Residential", "Medium Density Residential" with "Mid-Rise Residential", and "High Density Residential" with "High-Rise Residential";

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

Given all Three Readings and Passed: [Meeting date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Certificate of Authentication

This is Schedule 'A' to By-law Number _____, passed this ___ day of _____ 2024.

Mayor

Clerk

Schedule 'A' to By-law Number 2024-XX

1. **Add** new Section 3.17.77 to read “On the property municipally known as 275 Sydenham Street, shown on Schedule 3-D as Site Specific Policy Area Number 77, permitted uses also include residential and neighbourhood commercial uses in a *mixed market housing development* or *affordable housing development*.”.
2. **Amend** the Foreword by replacing “Ontario Municipal Board (Ontario Municipal Board file number PL100149)” with “former Ontario Municipal Board (also formerly known as the Local Planning Appeal Tribunal and now known as the Ontario Land Tribunal through file number PL100149)”.
3. **Amend** the Foreword by replacing “Local Planning Appeal Tribunal (formerly known as the Ontario Municipal Board)” with “former Local Planning Appeal Tribunal”.
4. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Provincial Policy Statement, as amended,” and replacing it with “*Provincial Policy*”.
5. **Amend** the entirety of the Official Plan by deleting all existing instances of “Provincial Policy Statement, 2014” and replacing it with “*Provincial Policy*”.
6. **Amend** the entirety of the Official Plan by deleting all existing instances of “Provincial Policy Statement (2014)” and replacing it with “*Provincial Policy*”.
7. **Amend** the entirety of the Official Plan by deleting all existing instances of “the 2014 Provincial Policy Statement” and replacing it with “*Provincial Policy*”.
8. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Provincial Policy Statement (PPS)” and replacing it with “*Provincial Policy*”.
9. **Amend** the entirety of the Official Plan by deleting all existing instances of “the PPS” and replacing it with “*Provincial Policy*”.
10. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Provincial Policy Statement” and replacing it with “*Provincial Policy*”.
11. **Amend** the entirety of the Official Plan by deleting all existing instances of “Provincial Policy Statement” and replacing it with “*Provincial Policy*”.
12. **Amend** the entirety of the Official Plan by deleting all existing instances of “heritage impact statement” and replacing it with “heritage impact assessment”.

13. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Ontario Ministry of Natural Resources and Forestry” and replacing it with “the Province” or “the Province’s” as required by the context.
14. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Ministry of Natural Resources and Forestry” and replacing it with “the Province” or “the Province’s” as required by the context.
15. **Amend** the entirety of the Official Plan by deleting all existing instances of “subject to Ministry of Transportation approvals” and replacing it with “subject to Provincial approvals”.
16. **Amend** the entirety of the Official Plan by deleting all existing instances of “subject to Ministry of Transportation review” and replacing it with “subject to Provincial review”.
17. **Amend** the entirety of the Official Plan by deleting all existing instances of “Ministry of Transportation requirements” and replacing it with “Provincial requirements”.
18. **Amend** the entirety of the Official Plan by deleting all existing instances of “Ministry of Transportation permits” and replacing it with “Provincial permits”.
19. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Ministry of Transportation” and replacing it with “the Province” or “the Province’s” as required by the context.
20. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Ministry of Transportation (MTO)” and replacing it with “the Province” or “the Province’s” as required by the context.
21. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Ministry of the Environment and Climate Change Guidelines” and replacing it with “Provincial guidelines”.
22. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Ministry of the Environment and Climate Change Guideline” and replacing it with “Provincial guideline”.
23. **Amend** the entirety of the Official Plan by deleting all existing instances of “Ministry of the Environment and Climate Change Guidelines” and replacing it with “Provincial guidelines”.
24. **Amend** the entirety of the Official Plan by deleting all existing instances of “Ministry of the Environment and Climate Change D-1 and D-6 Guidelines” and replacing it with “Provincial D-1 and D-6 Guidelines”.

25. **Amend** the entirety of the Official Plan by deleting all existing instances of “Ministry of the Environment and Climate Change (MOECC) Guidelines” and replacing it with “Provincial guidelines”.
26. **Amend** the entirety of the Official Plan by deleting all existing instances of “Ministry of the Environment and Climate Change regulations” and replacing it with “Provincial regulations”.
27. **Amend** the entirety of the Official Plan by deleting all existing instances of “Ministry of the Environment and Climate Change noise guidelines” and replacing it with “Provincial noise guidelines”.
28. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Ministry of the Environment and Climate Change” and replacing it with “the Province”.
29. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Ministry of the Environment and Climate Change (MOECC)” and replacing it with “the Province”.
30. **Amend** the entirety of the Official Plan by deleting all existing instances of “the MOECC” and replacing it with “the Province”.
31. **Amend** the entirety of the Official Plan by deleting all existing instances of “the Ministry of Tourism, Culture and Sport” and replacing it with “the Province”.
32. **Amend** the entirety of the Official Plan by deleting all instances of “the Ministry of Northern Development and Mines” with “the Province”.
33. **Amend** the entirety of the Official Plan by deleting all existing instances of “low density residential” and replacing it with “low-rise residential”.
34. **Amend** the entirety of the Official Plan by deleting all existing instances of “low-density residential” and replacing it with “low-rise residential”.
35. **Amend** the entirety of the Official Plan by deleting all existing instances of “medium density residential” and replacing it with “mid-rise residential”.
36. **Amend** the entirety of the Official Plan by deleting all existing instances of “high-density residential” and replacing it with “high-rise residential”.
37. **Amend** the entirety of the Official Plan by deleting all existing instances of “high-density residential” and replacing it with “high-rise residential”.
38. **Amend** the entirety of the Official Plan by deleting all existing references to “medium and high density residential uses” and replacing it with “mid-rise and high-rise residential”.

39. **Amend** the entirety of the Official Plan by deleting all existing references to “medium and high density residential” and replacing it with “mid-rise and high-rise residential”.
40. **Amend** the entirety of the Official Plan by deleting all existing references to “medium density and high density residential” and replacing it with “mid-rise and high-rise residential”.
41. **Amend** the entirety of the Official Plan by deleting all existing references to “medium to high density residential” and replacing it with “mid-rise to high-rise residential”.
42. **Amend** the entirety of the Official Plan by deleting all existing references to “high and medium density residential” and replacing it with “mid-rise and high-rise residential”.
43. **Amend** the entirety of the Official Plan by deleting all existing instances of “mixed-use” and replacing it with “mixed use”.
44. **Amend** the entirety of the Official Plan by deleting all existing instances of “Development Charges and Impost Fees By-laws” with “Development Charges By-law”.
45. **Amend** the entirety of the Official Plan by deleting all existing instances of “Development Charges & Impost Fees By-laws” with “Development Charges By-law”.
46. **Amend** the entirety of the Official Plan by deleting all existing instances of “and impost fees”.
47. **Amend** Section 1.2 by amending the paragraph that corresponds with “Section 10” to replace “and the Princess Street Corridor” with “, the Princess Street Corridor and Central Kingston”, by adding “and Kingston Provincial Campus” after “Catarauqui West” and by adding “, KPC-1 and CK-1” after “PS-1”.
48. **Amend** Section 1.4. by updating the “Accommodation Costs” definition by deleting “In terms of *affordable housing*” and replacing “GST” with “HST”.
49. **Amend** Section 1.4 by updating the title of the “Additional Residential Unit” definition to “Additional Rural Unit” and adding “in the Rural Area” to the end of the definition.
50. **Amend** Section 1.4 by updating the “Adjacent Lands (Natural Heritage)” definition by adding “determined by the City” after “Province or” and by deleting “municipal”.

51. **Amend** Section 1.4 by updating the “Affordable” definition by replacing “ownership housing” with “an *affordable ownership unit*” and by replacing “rental housing” with “an *affordable rental unit*”.
52. **Amend** Section 1.4. by adding the definition “Affordable Housing” to be defined as “An affordable *rental unit* and/or *affordable ownership unit*”.
53. **Amend** Section 1.4. by adding the definition “Affordable Housing Development” to be defined as “A *development* where 100% of *residential units* are *affordable rental units* and/or *affordable ownership units*. An *affordable housing development* may take the form of any residential building type contemplated by this Plan. An *affordable housing development* may also include commercial uses or other non-residential uses in accordance with the policies of this Plan”.
54. **Amend** Section 1.4 by adding the definition of “Affordable Ownership Unit” to be defined as:

“A *residential unit* not intended for use as a rented residential premises for which:

- a. the price is no greater than the lesser of:
- the income-based affordable purchase price for the *residential unit* (in the year in which the unit is sold) set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997 Bulletin”, as it is amended from time to time; or
 - 90 per cent of the average purchase price identified for the *residential unit* (in the year in which the unit is sold) set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997 Bulletin”, as it is amended from time to time; and
- b. the *residential unit* is sold to a person who is dealing at *arm’s length* with the seller.”
55. **Amend** Section 1.4 by adding the definition of “Affordable Rental Unit” to be defined as:

“A *residential unit* intended for use as a rented residential premises for which:

- a. the rent is no greater than the lesser of:
- the income-based affordable rent for the residential unit set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997 Bulletin”, as it is amended from time to time; or
 - the average market rent identified for the residential unit set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997 Bulletin”, as it is amended from time to time; and
- b. the tenant is dealing at *arm’s length* with the landlord.”

56. **Amend** Section 1.4. by adding the definition “Arm’s Length” to be defined as “Has the same meaning as arm’s length in section 251 of the Income Tax Act (Canada) with necessary modifications”.
57. **Amend** Section 1.4 by adding the definition of “Attainable Unit” to be defined as “A *residential unit* that is an “attainable residential unit” as defined by the *Development Charges Act*”.
58. **Amend** Section 1.4 by updating the definition of “Bed and Breakfast Operations” by deleting “are limited in the zoning by-law, and”.
59. **Amend** Section 1.4 by updating the definition of “Comprehensive Review” by deleting the words that formerly read “For the purposes of policies 1.1.3.8 and 1.3.2.2 of the Provincial Policy Statement,” and by deleting the words “policy 1.6.6 of”.
60. **Amend** Section 1.4 by updating the definition of “Development” to add “the creation of a new land use or” after “new lot,”.
61. **Amend** Section 1.4 by deleting the definition of “Kilovolt (kV)” in its entirety.
62. **Amend** Section 1.4 by deleting the definition of “Kilowatt (kW)” in its entirety.
63. **Amend** Section 1.4 by adding the definition of “Market Unit” to be defined as “A *residential unit* that is not an *affordable ownership unit*, *affordable rental unit* or *attainable unit*”.
64. **Amend** Section 1.4 by deleting the definition of “Megawatt (MW)” in its entirety.
65. **Amend** Section 1.4 by adding the definition of “Mixed Market Housing Development” to be defined as “A *development* that includes a mixture of *market units* and/or *attainable units* along with *affordable housing*. A *mixed market housing development* may take the form of any residential building type contemplated by this Plan. A *mixed market housing development* may also include commercial uses or other non-residential uses in accordance with the policies of this Plan”.
66. **Amend** Section 1.4 by deleting the definition of “Nameplate Generating Capacity” in its entirety.
67. **Amend** Section 1.4 by adding the definition of “Provincial Policy” to be defined as “The Provincial Policy Statement, 2020, or any successor policy statements issued under section 3 of the *Planning Act* on matters relating to municipal planning that are of provincial interest”.
68. **Amend** Section 1.4 by updating the definition of “Qualified Person” by adding “the required” before “qualifications”, by deleting “and who is therefore

- appropriate for” and by replacing “conducting a study and/or providing” with “to conduct a study and/or provide”.
69. **Amend** Section 1.4 by deleting the definition of “Run-of-river System” in its entirety.
 70. **Amend** Section 1.4 by updating the definition of “Settlement Areas” by deleting “policy 1.1.2.”.
 71. **Amend** Section 1.4 by updating the definition of “Significant” by deleting “by the Province” after the words “provincially *significant*” in Section a.
 72. **Amend** Section 1.4 by deleting the definition of “Solar Energy” in its entirety.
 73. **Amend** Section 1.4 by updating the definition of “Tiny House” by replacing “one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and” with “*residential unit*”.
 74. **Amend** Section 1.4 by deleting the definition of “Volt (V)” in its entirety.
 75. **Amend** Section 1.4 by deleting the definition of “Watt (W)” in its entirety.
 76. **Amend** Section 1.4 by deleting the definition of “Wind Energy” in its entirety.
 77. **Amend** Section 1.4 by adding the definition of “Workforce and Institutional Housing” to be defined as “*Residential units* or co-living units that are owned and leased by an employer or institution specifically to persons who are employed by such employer or institution, or persons who attend such institution as a full-time student or equivalent”.
 78. **Amend** Section 2.1.5.a by deleting “, and the application of the City’s Municipal Green Building Policy”.
 79. **Amend** Section 2.2.5 by deleting “remain stable in accordance with Section 2.6 of this Plan, but will”, by adding “in a manner than ensures land use *compatibility* while supporting the construction of new housing” after “evolves” and by deleting “(i.e., that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood)”.
 80. **Amend** Section 2.2.7 by replacing “3.3.C” with “2.6”.
 81. **Amend** Section 2.2.8 by deleting “Zoning and other regulatory controls will also be used to implement the findings of the Plan”.
 82. **Amend** Section 2.2.13 by replacing “Psychiatric Hospital” with “Provincial Campus”.

83. **Amend** Section 2.4.4.d. by replacing “low and medium densities” with “low-rise and mid-rise residential”.
84. **Amend** Section 2.4.7 by deleting “every five years”.
85. **Amend** Section 2.4.11.e by deleting “any by-law passed under the *Municipal Act* for Impost Fees”.
86. **Delete** Section 2.5.12 in its entirety.
87. **Renumber** Section 2.5.13 to 2.5.12 and renumber subsequent items from this point forward.
88. **Amend** Section 2.6 by deleting “Protecting Stable Areas” and replacing it with “Residential Development” in the title.
89. **Amend** Section 2.6 by deleting the entire paragraph that begins with “Many neighbourhoods” and replacing it with:

“The housing crisis is a local, provincial and national problem, where the supply of housing does not meet the demand and where the cost of buying or renting has increased beyond what is considered affordable for many Canadians. It is a complex issue that has touched all residents, with the greatest and most inequitable impact on those populations who have the fewest resources and/or are most vulnerable.

Housing affordability is a general term that looks at the overall cost of all forms of housing across the broad spectrum including supportive housing, *affordable housing*, *attainable units* and *market units*, including rental and ownership tenures. It is well understood that the housing crisis is a multi-faceted problem contributed to by a variety of factors that are ultimately preventing the available supply of housing keeping pace with the increasing demand.

This Plan supports an increase in the overall supply of all forms of housing in appropriate locations to address housing affordability and the housing crisis. The *development* of new low-rise, mid-rise and high-rise residential uses will be guided by principles of land use *compatibility* that respect the quality of existing areas and provide for suitable transition between areas of differing use, sensitivity, urban design treatment, and intensity in order to avoid or mitigate *adverse effects*”.

90. **Amend** Section 2.6 by deleting the entire paragraph under the “Goal” heading that begins with “To maintain” and replacing it with “To support an increase in the overall supply of all forms of housing in appropriate locations and in a manner that ensures *compatible* development and land use”.
91. **Delete** Sections 2.6.1. to 2.6.7. in their entirety and replace with the following:

“Low-Rise, Mid-Rise and High-Rise Residential Building Types

- 2.6.1.** Low-rise residential buildings are the predominant form of housing in the City’s urban neighbourhood system, both in number of units and physical area. They represent low profile, ground oriented types of housing including, but not limited to, houses, semi-detached dwellings, duplexes, triplexes, rowhouses, townhouses, stacked townhouses and accessory houses. Low-rise buildings are generally up to 3 or 4 storeys in height.
- 2.6.2.** Mid-rise residential buildings represent buildings that are taller than low-rise buildings while maintaining a pedestrian scale and relationship to the street including small-scale apartments and mixed use buildings with residential units. Mid-rise residential buildings are generally between 4 and 6 storeys in height, but may be outside of this range depending on the context and ability to meet the compatibility and locational criteria for mid-rise buildings.
- 2.6.3.** High-rise residential buildings primarily include apartments and mixed use buildings with residential uses that are taller than a mid-rise building.

Appropriate Locations for New Low-Rise, Mid-Rise and High-Rise Residential

- 2.6.4.** New low-rise residential buildings are appropriate in existing low-rise residential areas and in greenfield areas that have been planned for low-rise residential through the policies of this Plan.
- 2.6.5.** New mid-rise residential buildings should generally be located:
- a. on a site that is appropriate given the context of surrounding land uses;
 - b. adjacent to, or within *walking distance* of, commercial areas;
 - c. in an area that has access to public transit; and,
 - d. within *walking distance* of parkland, open space or community facilities.
- 2.6.6.** New high-rise residential buildings should generally be located:
- a. within:
 - a Centre or Corridor;
 - an area planned for high-rise residential in a Secondary Plan or a Specific Policy Area Plan; or
 - the periphery of a low-rise or mid-rise residential neighbourhood;
 - b. within *walking distance* of areas designated for commercial use (i.e., any of the uses within the Commercial Hierarchy except for Neighbourhood Commercial);
 - c. within walking distance of parkland, open space or community facilities; and

- d. on an existing arterial or collector road”.
92. **Add** new Section 2.7.3.m to read “*adverse effects* on neighbouring properties related to stormwater management or drainage”.
93. **Delete** the entire paragraph at the end of Section 2.7.4. that begins with “*Planning Act* tools”.
94. **Amend** Section 2.8.1. by deleting “the Cataraqui Region Conservation Authority,”.
95. **Amend** Section 2.9.3.a by replacing “Heritage Kingston” with “Kingston Heritage Properties Committee”.
96. **Amend** Section 3.1.7.a by deleting “, as set out in the zoning by-law”.
97. **Amend** Section 3.2 by deleting “Community and Care Facilities” and replacing it with “Specific Use Policies” in the title.
98. **Amend** Section 2.6 by deleting the entire paragraph that begins with “Community facilities support” and replacing it with:

“Specific land uses are appropriate in a variety of land use designations subject to specific considerations. These uses can be generally classified as community facilities, public uses, institutional uses and certain types of residential uses. The specific uses identified in this section are permitted in the identified land use designations, subject to the identified criteria.”.
99. **Amend** Section 3.2 by deleting the entire paragraph under the “Goal” heading that begins with “To provide for” and replacing it with “To allow specific uses across a variety of land use designations subject to identified criteria”.
100. **Amend** Section 3.2.3 by replacing “medium and high density zones” with mid-rise and high-rise residential areas”, by replacing “low-density zone” with “low-rise residential area” and by deleting “as an *accessory use* to all permitted uses”.
101. **Amend** Section 3.2.10. by deleting “, subject to the provisions of the zoning by-law” and by deleting “, which may be limited in the zoning by-law”.
102. **Delete** Section 3.2.11. in its entirety.
103. **Amend** Section 3.2.12. by renumbering it to 3.2.11. and by deleting “, subject to the provisions of the zoning by-law”.
104. **Add** new Sections 3.2.12. to 3.2.38 as follows:

“**Bed and Breakfast Operations**

3.2.12. *Bed and breakfast operations* will be regulated through the Short-Term Rental By-law.

On-Campus and Off-Campus Housing

3.2.13. Council recognizes that the City shares an interest along with Queen's University, St. Lawrence College, the Royal Military College and private landowners for ensuring that on-campus and off-campus housing is affordable, safe, and sanitary.

3.2.14. Any new or redeveloped residential uses intended as off-campus housing must be designed and built to be viable for a wider housing market. The City may therefore restrict density by limiting the number of bedrooms or habitable rooms per *residential unit* through the zoning by-law. Sections 2.6, 2.7 and 8 of this Plan must be addressed in the review of off-campus housing proposals.

3.2.15. The City will continue to use its powers of inspection, and may use its powers of legislation to license rental accommodation.

Rooming & Boarding Houses

3.2.16. The City will continue to regulate rooming and boarding houses through a licensing by-law and a central register.

Additional Rural Units

3.2.17. *Additional rural units* are permitted on lands where a detached dwelling, semi-detached dwelling, or townhouse are the permitted principal use or where a *place of worship* is located in a zone in the Rural Area, subject to the following criteria:

- a. a maximum of two *additional rural units* are permitted on a lot, of which a maximum of one *additional rural unit* may be in a detached building;
- b. the zoning by-law will restrict *additional rural units* in areas that have known or potential servicing constraints through the use of holding provisions or other overlay provisions. The City will evaluate 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;
- c. *additional rural units* are not permitted in a floodplain;
- d. an *additional rural unit* shall not be severed from the lot containing the *principal residential unit*; and,
- e. a parking space for an *additional rural unit* may be located in a permitted driveway that is within a front yard. *Tandem parking spaces* are permitted to facilitate an *additional rural unit*.

Affordable Housing

- 3.2.18.** *Affordable housing* is a specific term for housing that is considered affordable for *low and moderate income households*. Rental housing is considered affordable when it accounts for no more than 30% of the gross annual household income for low and moderate income rental households.

At present, the construction of *affordable rental units* is primarily provided by non-profit organizations, supported by the City of Kingston and sometimes funded in different capacities by the three levels of government (municipal, federal and provincial). In recent years, the demand for *affordable rental units* has accelerated more quickly than the construction of new *affordable housing developments* and *mixed market housing developments*, which confirms that local non-profits and existing government funding approaches are not enough to fund and build the number of *affordable units* that are required.

While the intent of this Plan is to support new housing construction in appropriate locations to help with housing affordability overall, the construction of new *affordable units* is a fundamental matter of public interest that is prioritized over all other housing forms in this Plan.

Accordingly, despite the permitted uses in the underlying land use designation, *affordable housing developments* are permitted in all land use designations, except for Employment Areas, Environmental Protection Areas, Prime Agricultural Areas (except where they are in a permitted building form), Rural Industrial, and Mineral Resource. *Affordable housing developments* are permitted in the Open Space designation where the construction of new buildings or conversion of existing buildings is permitted, but should not be constructed in Open Space areas that are intended to remain in a natural state. *Affordable housing developments* must meet all other applicable policies of this Plan.

Mixed market housing developments, when constructed, owned and operated by a non-profit organization, are considered *affordable housing developments* for the purpose of this policy.

- 3.2.19.** The City's *affordable housing* initiatives are designed to support development of housing that is *affordable* for *low and moderate income households* and to help households transition out of *core housing need*. *Affordable housing* initiatives are designed to provide a full range of housing in terms of tenure, affordability, accessibility, and locations in different urban residential neighbourhoods, to increase choice for *low and moderate income households*. Such initiatives include:
- a. a minimum target that 25 percent of all new housing in the City be *affordable* to *low and moderate income households*.
 - b. where community benefits charges are required to be paid, the *affordable housing* contribution may take the form of *affordable*

housing construction on-site, the conveyance of land near the proposed *development* site, or monetary payment for the purpose of constructing *affordable housing*, with each site negotiated on an individual basis;

- c. a Municipal Non-Profit Housing Corporation or other not-for-profit housing associations that may acquire, assemble, rehabilitate or dispose of lands, buildings or structures for the purpose of providing *residential units*;
- d. the use of surplus lands owned by the municipality and other governmental agencies be considered for *affordable housing* as promoted in Section 9.9.4 of this Plan;
- e. promoting the *development* of not-for-profit housing projects by cooperative and not-for-profit housing organizations;
- f. the use of upper storey space in mixed use commercial development through such mechanisms as reduced parking requirements, financial incentives, or other programs;
- g. participation in programs of higher levels of government, and conformity with legislation of higher levels of government;
- h. other initiatives suggested through the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013), as may be amended from time to time;
- i. monitoring the development and availability of *affordable housing*, including by:
 - tracking the percentage and number of new *affordable housing* units, with reference to the 25 percent target and information provided as required in Section 9.12.2.c.;
 - tracking the number of *affordable housing* units that receive *affordable housing* capital funding;
 - tracking the number of building permits issued for accessory houses and *additional rural units*; and,
 - other methods as may be developed;
- j. encouraging *intensification* and a mix of densities in new communities as a way to promote affordability; and,
- k. promoting the use of accessory houses and *additional rural units* as *affordable housing*.

Tiny Houses & Communities and Modular Homes

3.2.20. *Tiny houses*, modular homes, mobile homes and other similar innovative or emerging housing trends are considered by this Plan to be residential buildings and Section 2.6 applies in determining the appropriate location based on the scale of the building.

- 3.2.21.** Tiny communities are an emerging trend in housing that co-locates many *tiny houses* (which are designed to be mobile) or many small houses (on permanent foundations) on one property, where resources and infrastructure may be shared and where shared community facilities may exist. Tiny communities take many shapes, configurations and ownership forms. Due to the unique nature of every tiny community, it is not possible to provide a one-size fits all as-of-right zoning framework that considers the necessary compatibility and infrastructure considerations. This Plan supports tiny communities as an innovative form of housing that can provide affordable or attainable rental or ownership opportunities in locations that are appropriate for low-rise residential buildings, subject to the applicable policies of Section 2.6 and 2.7, and all other policies of this Plan that apply to new low-rise residential *developments*. Where a tiny community qualifies as an *affordable housing development*, it is subject to Section 3.2.18.
- 3.2.22.** Modular homes are houses that are primarily constructed off-site, often in a manufacturing facility, and are moved either in pieces or as a whole building to a property where they are permanently installed. They are an innovative housing solution that may result in decreased costs or increased construction speed, opening up opportunities for new housing construction where certain resources, construction techniques and/or skilled labour may otherwise be constrained. Modular homes are an innovative housing solution that is supported by this Plan when designed in a manner that meets the Ontario Building Code. Where a modular home does not meet standard zoning provisions due to fixed construction designs and techniques, minor variance applications or, where necessary, rezoning applications, may give consideration to the constraints of modular housing construction in order to support the innovation and efficiency provided by this construction technique.

Workforce and Institutional Housing

- 3.2.24.** The City recognizes the importance of supporting both employers and institutions in helping to solve the housing crisis through more permissive residential policies that would support the construction of residential *developments* on lands owned by employers or institutions when those lands are used for *workforce and institutional housing*. Accordingly, despite the permitted uses in the underlying land use designation, *workforce and institutional housing* is permitted in all land use designations, except for Employment Areas, Environmental Protection Areas, Prime Agricultural Areas (except where they are in a permitted building form), Rural Industrial, Mineral Resource and any Open Space areas that are intended to remain in a natural state. No amendment is required to this Plan where the following matters are addressed to the satisfaction of the City through either a site specific zoning by-law amendment or a temporary use by-law (depending on the nature of the *workforce and institutional housing*):

- a. demonstration that the proposal is consistent with *Provincial Policy*;
 - b. where located in an area that is subject to policies related to source water, noise, vibration, airport zoning restrictions, natural heritage system, natural heritage features and areas, hazards, cultural heritage resources, areas of archaeological potential, or areas of archaeological significance, demonstration that the proposal complies with the applicable policies; and
 - c. demonstration that all applicable technical, functional and compatibility policies of this Plan are satisfied.
- 3.2.25.** As the intent of policy 3.2.24. is to support employers and institutions to provide housing for their employees or full time student populations, the City's expectation is that the ownership of these properties will remain under the employer or institution, or it will no longer be considered *workforce and institutional housing*. Where it is determined that lands are subsequently sold by the employer or institution, the City may rescind the zoning permissions by rezoning the properties back to the former applicable zone.
- 3.2.26.** Where a site specific zoning by-law amendment or temporary use by-law is approved under policy 3.2.24., no subdivision or land division is permitted, except for land lease communities in accordance with Section 9.6.27.

Non-Residential Conversion

- 3.2.27.** Despite the permitted uses in the underlying land use designations and policies within this Plan establishing density targets or limits, the conversion of existing non-residential buildings into buildings with residential units is permitted in areas identified as "Non-Residential Conversion Area" on Schedule G of the Kingston Zoning By-law in accordance with the provisions of the Zoning By-law.

Express Transit Areas - Intent

- 3.2.28.** It is the primary intent of this Plan to support increased residential or mixed use permissions on properties with frontage along "Express Transit" identified on Schedule H of Kingston Zoning By-law as an Express Transit Area.

Within these Express Transit Areas, the development approvals process will be streamlined by allowing apartment buildings or mixed use buildings to proceed through a minor variance application. This streamlined approach is intended to better support residential intensification along the City's priority corridors in a manner that supports new housing construction, transit and alternative modes of transportation, recognizing that the majority of these properties are located in one of the commercial designations which requires a complex process to allow for much needed residential *developments* in transit-oriented corridors. By accelerating the approval timeline, reducing costs associated with plans

and technical studies and reducing municipal fees, the intent of this streamlined approach is to prioritize new multi-unit housing construction through new permissions and greater certainty, while ensuring that all technical matters are satisfied through an individual technical review process that provides public notice and an opportunity for the public to provide feedback.

The prioritization of multi-unit residential and mixed use *developments* through the Express Transit Area policies does not mean that commercial or other non-residential *developments* aren't permitted as per all other applicable policies of this Plan. In no way are these policies intended to penalize *developments* that comply with all other policies of this Plan; however, these *developments* are not subject to the streamlined framework summarized above and must proceed in accordance with all other policies of this Plan.

Express Transit Areas - Policies

- 3.2.29.** Despite all other policies of this Plan, including secondary plan or area specific policies that are contrary, on properties with frontage along “Express Transit” identified on Schedule H of Kingston Zoning By-law, apartment or mixed use *developments* are permitted and intended to proceed through a minor variance application in accordance with Section 45 of the *Planning Act*, subject to the applicant meeting the following criteria to the satisfaction of the City:
- a.** the *development* generally maintains the built form established in the performance standards of the Express Transit Overlay of the Kingston Zoning By-law. Where variances are required to the established performance standards or where the standards are required to be established through the minor variance application, the applicant must demonstrate that the proposal conforms with the land use *compatibility* policies of Section 2.7. and other built form and urban design principles of this Plan;
 - b.** confirm or demonstrate that adequate capacity exists to provide water and wastewater services to the development to the satisfaction of Utilities Kingston and the City. There are areas of the City with capacity limitations, and it is recommended that applicants consult with Utilities Kingston through the City’s pre-application process early to determine if there are any known capacity limitations;
 - c.** confirm or demonstrate that adequate stormwater infrastructure exists to service the development to the satisfaction of the City;
 - d.** when required by the City, a Traffic Impact Study, or in some cases, a Traffic Brief, will be required to be completed by the applicant to assess the impact on the adjacent road network, to confirm site access, and to identify any mitigation that may be required. There are areas of the City with transportation constraints, and it is

recommended that applicants consult with the City through the pre-application process early to determine if there are any known constraints;

- e. where located in an area that would otherwise be subject to policies and regulations related to source water, noise, vibration, airport zoning restrictions, *natural heritage system*, *natural heritage features and areas*, hazards, *cultural heritage resources*, *areas of archaeological potential*, or areas of archaeological significance, those policies apply in the review of the application for a minor variance. The applicant must demonstrate that the proposal complies with the applicable policies to the satisfaction of the City;
 - f. where a property is designated Business Park Industrial or General Industrial, the applicant must demonstrate that the proposal is consistent with Provincial Policy that is in force at the time of the application;
 - g. where a property with frontage along Montreal Street is located within the boundary of the North King's Town study area, the land use and built form must conform with the final North King's Town Secondary Plan Phase 2 recommendation report, when endorsed by Council; and,
 - h. entering into an Agreement under Section 45(9) of the *Planning Act* that secures any condition as the committee considers advisable and as are set out in the decision, including the construction of the new *development* will be completed with all occupancy permits obtained within 3 years of the date of the Committee of Adjustment's approval, or the decision will automatically lapse. Where deemed appropriate by the Committee of Adjustment, the Committee may grant the provision of an additional year in response to an application requesting an extension of the timeline.
- 3.2.30.** Where commercial uses or other non-residential uses are proposed within a mixed use *development* in the Express Transit Area, they are permitted through this streamlined policy framework if the proposed non-residential use is permitted by the applicable land use designation identified on Schedule 3 of this Plan or is an appropriate commercial use to co-locate with residential uses in a mixed use *development*.
- 3.2.31.** All other forms of *development* that are not considered in the Express Transit Area policies are not subject to this streamlined policy framework and must comply with all other applicable policies of this Plan.
- 3.2.32.** Notice of a minor variance application proceeding in accordance with the Express Transit Area policies must comply with the requirements of the *Planning Act*, except the radius for the mailed notice must increase from 60 metres to 120 metres, and the number of days the notice is sent in advance of the hearing must increase from 10 days to 20 days. In

addition, the notice sign that is posted on the property must be formatted and sized in the same manner as notice signs for site-specific amendments to the zoning by-law”.

105. **Amend** Section 3.3 by deleting the entire first paragraph that begins with “The Residential land use” and replacing it with:
- “The Residential land use designation on Schedule 3-A denotes urban residential land uses that are intended to be on full municipal services. Residential uses are primarily forms of housing including low-rise residential buildings, mid-rise residential buildings and high-rise residential buildings contemplated by Section 2.6 of various types, tenure, and density that respond to a wide range of housing needs. Uses that support residential neighbourhoods and are *compatible* with a residential setting are also included”.
106. **Amend** Section 3.3.1 by adding “contemplated by the low-rise, mid-rise and high-rise residential policies in Section 2.6” after “forms of housing” and by replacing “Community facilities” with “Specific uses”.
107. **Amend** Section 3.3.2. by deleting “by zoning” and by replacing “low or medium density” with “low-rise or mid-rise”.
108. **Delete** Section 3.3.3 in its entirety and renumber Sections 3.3.4 and 3.3.5 as 3.3.3 and 3.3.4.
109. **Delete** Section 3.3.6 and its title and replace it as follows:
- “New Low-Rise, Mid-Rise and High-Rise Residential Buildings**
- 3.3.5.** Sections 2.6 and 2.7 identify the various types of low-rise, mid-rise and high-rise residential building types, including the appropriate locations for each building type and the land use compatibility considerations that must be demonstrated for new low-rise, mid-rise and high-rise residential *developments*. Where a new residential building is proposed in a Residential designation, it must comply with Sections 2.6 and 2.7, and all other applicable policies of this Plan”.
110. **Delete** Sections 3.3.7, 3.3.8, 3.3.9, 3.3.10, 3.3.11, 3.3.12, 3.3.13, 3.3.14, 3.3.15, 3.3.16, 3.3.A, 3.3.A.1, 3.3.A.2, 3.3.A.3, 3.3.B, 3.3.B.1, 3.3.B.2, 3.3.B.3, 3.3.B.4, 3.3.B.5, 3.3.C, 3.3.C.1, 3.3.C.2, 3.3.C.3, 3.3.C.4, 3.3.C.5, 3.3.C.6, 3.3.C.7, 3.3.D, 3.3.D.1, 3.3.D.2, 3.3.D.3, 3.3.D.4, 3.3.D.5, 3.3.D.6 and 3.3.D.7 in their entirety.
111. **Amend** Section 3.4.2 by deleting “, and further regulated in the implementing zoning by-law”.
112. **Amend** Section 3.4.3 by deleting “, and in the zoning by-law”.
113. **Amend** Section 3.4.5 by replacing “single detached or semi-detached dwellings” with “low-rise residential buildings”.

114. **Amend** Section 3.4.12.d by replacing “Provincial” with “Provincially”.
115. **Amend** Section 3.4.14 by replacing (“H”) symbol” with “Overlay (“H”)” and by amending the title so that it reads “Holding Overlay”.
116. **Amend** Section 3.4.18. by deleting “and finishes to a standard”.
117. **Amend** Section 3.4.A.4 by deleting “, and must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3, respectively.
118. **Amend** Section 3.4.A.8 by replacing “Downtown and Harbour Zoning By-law” with “zoning by-law”.
119. **Amend** Section 3.4.B.4 by replacing “higher density residential land uses” with “high-rise residential”.
120. **Delete** the existing text of Section 3.4.B.8 and replace it with “On Regional Commercial sites, mid-rise or high-rise residential, either alone or in combination with commercial uses are permitted subject to appropriate heights, setbacks, density, access and linkages. New mid-rise and high-rise residential *development* must address the criteria of Section 2.7. and the urban design policies of Section 8 of this Plan to ensure the built form of the *development* is *compatible* with that of adjacent uses. New residential *development* is encouraged to be oriented towards public streets so as to contribute to the pedestrian environment and the overall character of *development*”.
121. **Amend** Section 3.4.B.9 by deleting “The size of any office permitted will be regulated in the zoning by-law”.
122. **Amend** Section 3.4.C.6 by replacing “may be permitted by the zoning by-law” with “are permitted”.
123. **Delete** Section 3.4.D.7. and renumber 3.4.D.8, 3.4.D.9 and 3.4.D.10 as 3.4.D.7, 3.4.D.8 and 3.4.D.9.
124. **Delete** the existing text of Section 3.4.D.7. and replace it with “Within a District Commercial designation, mid-rise and high-rise residential are permitted subject to appropriate heights, setbacks, density, access and linkages, provided that the residential uses have adequate amenity in terms of open space, access, and protection from noise or other impacts. Such proposals must comply with the density policies of Section 2.4, the policies of Section 2.7, and the urban design policies of Section 8 of this Plan”.
125. **Amend** Section 3.4.E.1 by deleting “with the size and type of use regulated in the zoning by-law”.
126. **Delete** the existing text of Section 3.4.E.4 and replace it with “Residential *development* of outmoded or under-utilized arterial commercial sites for mid-rise

or high-rise residential are permitted subject to appropriate heights, setbacks, density, access and linkages, and the provision of adequate residential amenity in terms of open space, access, protection from noise or other impacts. Such proposals must comply with the density policies of Section 2.4, policies of Section 2.7 and urban design policies of Section 8 of this Plan”.

127. **Amend** Section 3.4.E.5 by deleting “on sites with suitable residential amenity and *active transportation* linkages to an adjacent residential neighbourhood”.
128. **Amend** Section 3.4.E.9 by deleting “by the zoning by-law”.
129. **Delete** Section 3.4.E.11 and its title in their entirety.
130. **Delete** Section 3.4.F.9 and its title in their entirety.
131. **Amend** Section 3.4.G.2.c by deleting “, or as may be specified in the implementing zoning by-law”.
132. **Amend** Section 3.4.G.5. by deleting its title and deleting “and are subject to site plan control review”.
133. **Amend** Section 3.4.G.7 by deleting the entire paragraph that begins with “Detailed regulations”.
134. **Amend** Section 3.5.1. by deleting “and by the provisions of the zoning by-law”.
135. **Delete** Section 3.5.2. and its title in their entirety and renumber subsequent items from this point forward until Section 3.5.11.
136. **Delete** Section 3.5.12 in its entirety.
137. **Amend** Section 3.5.A.3.b by deleting “are subject to site plan control review and”.
138. **Amend** Section 3.5.A.7.e by deleting “and site plan control review, where applicable, (low-rise residential may occur without rezoning)”.
139. **Delete** Section 3.6.14. and its title in their entirety and renumber subsequent items from this point forward until Section 3.6.16.
140. **Amend** Section 3.6.14.i by deleting “, and the use of high quality exterior materials that are *compatible* with surrounding uses”.
141. **Delete** Section 3.6.14.t. in its entirety.
142. **Amend** Section 3.6.A.1.i by deleting “, to be limited in the zoning by-law,”.
143. **Amend** Section 3.6.A.2.c by deleting “to be defined in the implementing zoning by-law”.

144. **Amend** Section 3.6.A.6 by deleting all existing references to “must” and replacing them with “should”.
145. **Amend** Section 3.6.C.6.c by replacing “MOECC” with “Provincial”.
146. **Amend** Section 3.8.4. by deleting “under the zoning by-law, as deemed appropriate”.
147. **Amend** Section 3.9.8. by deleting “the Cataraqui Region Conservation Authority,”.
148. **Amend** Section 3.9.A.2 by deleting “, as established in the zoning by-law,”.
149. **Amend** Section 3.9.B.4.b by deleting “the Conservation Authority and”.
150. **Amend** Section 3.10.4 by replacing “by the Province and their boundaries may only be altered with approval from the Ministry” with “using evaluation procedures established by the Province”.
151. **Amend** Section 3.10.3 by replacing “issued by the Province” with “approved through the evaluation process established by the Province”.
152. **Amend** the first paragraph of Section 3.11 by deleting “by the Ontario Ministry of Agriculture and Food”.
153. **Amend** Section 3.11.5.f by deleting “any may be subject to site plan control”.
154. **Amend** Section 3.11.6. by deleting “Such applications will also be subject to site plan control, where applicable”.
155. **Amend** Section 3.11.9 and its title by replacing all references to “*additional residential unit*” with “*additional rural unit*” and by deleting “contained in Section 3.3.11 of this Plan”.
156. **Amend** Section 3.12.5 by deleting “, and it is the intent of this Plan to recognize such uses in the zoning by-law”.
157. **Amend** Section 3.12.15 and its title by replacing all references to “*additional residential unit*” with “*additional rural unit*”, by deleting “and Tiny Houses” from the title, by deleting “in Section 3.3.11” and by deleting “, or a *tiny house* is permitted in Rural Lands, subject to the policies of Section 3.3.D.6 and Section 9.5.20 of this Plan”.
158. **Amend** Section 3.12.17.g by replacing “through consultation with the Cataraqui Region Conservation Authority” with “to the satisfaction of the City”.
159. **Amend** Section 3.12.17.i by deleting “, and established in the implementing zoning by-law”.

160. **Amend** Section 3.12.19 by replacing “All new small-scale industrial and commercial uses in the Rural Lands designation are subject to the Site Plan Control By-law in accordance with the *Planning Act*.” with “and are subject to the following criteria:”.
161. **Amend** Section 3.13.3 and its title by replacing all references to “*additional residential unit*” with “*additional rural unit*”, by deleting “and Tiny Houses” from the title, by deleting “in Section 3.3.11” and by deleting “, or a *tiny house* is permitted in a Hamlet designation subject to the policies of Section 3.3.D.6 and Section 9.5.20 of this Plan”.
162. **Delete** Section 3.13.10 and its title in their entirety.
163. **Delete** Section 3.13.11 and its title and replace them as follows:
“Provincial Review and Approval in Joyceville
3.13.10 The Hamlet of Joyceville is largely within the Provincially *controlled area* and *development* in the *controlled area* is subject to Provincial review and approval”.
164. **Delete** Section 3.14.6 and its title in their entirety and renumber subsequent items from this point forward until Section 3.14.9.
165. **Delete** Sections 3.15.6 and 3.15.7 and their titles in their entirety and renumber subsequent items from this point forward until Section 3.15.10.
166. **Amend** Section 3.16 by replacing the sentence in the second paragraph that starts with “Such resource” with “Such resource identified by the Province will be protected for future extraction in accordance with the *Mining Act*, the *Aggregate Resources Act*, and all other government regulations and guidelines”.
167. **Amend** Section 3.16.9 by replacing “the Ministry of Tourism and Culture’s” with “the Provincial”.
168. **Amend** Section 3.16.A.2 by replacing “the Ministry of Northern Development and Mines” with “the Province”.
169. **Amend** Section 3.16.B.5 by deleting “Separation distances will be reflected in the zoning by-law”.
170. **Amend** Section 3.17.1.b by deleting “site plan control review,” and replacing “Heritage Kingston” with “Kingston Heritage Properties Committee”.
171. **Amend** Section 3.17.1.c by replacing “both the commercial and residential” with “the residential”.
172. **Amend** Section 3.17.12.f by replacing “It is the intent of this Plan that any *development* of this site proceed by way of a site plan control review in

accordance with” with “Where *development* of this site proceed through an application for site plan approval in accordance with”.

173. **Delete** Section 3.17.15.d and renumber 3.17.15.e and 3.17.15.f as 3.17.15.d and 3.17.15.e.
174. **Amend** Section 3.17.17.b by deleting “in materials and design elements” from the second bullet point.
175. **Amend** Section 3.17.22.d by deleting “Downtown and Harbour”.
176. **Amend** Section 3.17.22.h by replacing “Heritage Kingston” with “Kingston Heritage Properties Committee”.
177. **Amend** Section 3.17.23.c by deleting “, the size of which is controlled through appropriate regulations in the implementing zoning by-law”.
178. **Delete** Section 3.17.26.e in its entirety.
179. **Amend** Section 3.17.34.c by replacing “the Minister of the Environment and Climate Change” with “the applicable Minister”.
180. **Amend** Section 3.17.66.d by deleting “Downtown and Harbour”.
181. **Amend** Section 3.17.66.g by replacing “Heritage Kingston” with “Kingston Heritage Properties Committee”.
182. **Delete** Section 4.1.8 and its title and replace them as follows:

“Provincial Permit Areas

4.1.8. In addition to all municipal requirements, a permit from the Province is required if a building, structure, entrance, road or sign is proposed within the defined *controlled areas*. In addition, the Province requires a municipality to obtain consent to open, close or divert any road entering upon or intersecting a *provincial highway*”.

183. **Amend** Section 4.2.4. by adding the following text at the end “There are limitations to the amount of new *development* that can be supported on properties serviced by combined sewers and on properties that have downstream sewers that are influenced by combined sewers before reaching a wastewater treatment plant. It is recommended that property owners consult with Utilities Kingston through the City’s pre-application process early to determine if there are any known *development* limitations.”.
184. **Add** new Section 4.2.17 as follows:

“Servicing Allocation Policy

- 4.2.17.** The City may pass a Servicing Allocation Policy which may include a system for tracking the water supply and sewage capacity available to support approved developments as well as criteria respecting the allocation of water supply and sewage capacity to development applications. Despite the servicing policies of this Plan that speak to the timing of confirming servicing capacity, where a Servicing Allocation Policy is in effect, the timing of confirming servicing capacity and allocation outlined in the Servicing Allocation Policy prevails.”.
185. **Amend** Section 4.6.9.f by replacing “an MTO” with “a Provincial”.
186. **Amend** Section 4.6.11 by replacing “Ministry permits” with “Provincial permits”.
187. **Amend** Section 4.6.59 by replacing “low, medium and high density” with “low-rise, mid-rise and high-rise”.
188. **Amend** Section 4.6.59.b by replacing “medium or high density” with “mid-rise or high-rise residential”.
189. **Amend** Section 4.7.7 by replacing “Minister of the Environment and Climate Change” with “applicable Minister” and by replacing “ministry” with Provincial”.
190. **Amend** Section 5.8.1. by replacing “Ministry of Agriculture, Food and Rural Affairs (OMAFRA)” with “Province will”.
191. **Delete** the text of Section 5.19.a and replace it with “to consult with the Province; and”.
192. **Amend** Section 6.1.8 by deleting “in consultation with the Cataraqui Region Conservation Authority.
193. **Amend** Section 6.1.8.i by deleting “Natural Heritage Information Centre”.
194. **Amend** Section 6.1.15 by deleting “, the Cataraqui Region Conservation Authority,”.
195. **Amend** Section 6.1.16 by deleting “, the Cataraqui Region Conservation Authority,”.
196. **Amend** Section 6.2.14 by deleting “Under the *Green Energy Act*, the City is not the approval authority for commercial wind energy and solar energy projects.”.
197. **Delete** Section 6.2.16 and its title in their entirety and renumber Section 6.2.17 as 6.2.16.
198. **Delete** Section 6.2.C.8 and its title in their entirety.
199. **Delete** Section 6.2.F.4 in its entirety and renumber Section 6.2.F.5 as 6.2.F.4.

200. **Amend** Section 7.1.6.c by replacing “Province” with “Province’s”.
201. **Amend** Section 7.1.7 by replacing “such statements” with “such assessments”.
202. **Delete** Section 7.3.A.8 and renumber subsequent items from this point forward until Section 7.3.A.16.
203. **Amend** Section 7.3.A.10 by deleting “and the Cataraqui Region Conservation Authority”.
204. **Amend** Section 7.3.C.9.a by deleting “stable”.
205. **Amend** Section 7.3.C.9.b by replacing “remain a stable area that conserves” with “be protected through the conservation of”.
206. **Amend** Section 7.3.D.1.f by adding “should” before “employ”.
207. **Delete** Section 7.3.D.4.d in its entirety and renumber 7.3.D.4.e as 7.3.D.4.d.
208. **Amend** Section 7.6.5. by replacing “Sections 9.5.25 and” with “Section”.
209. **Amend** Section 7.7.5. by replacing “Heritage Kingston” with “Kingston Heritage Programs Committee”.
210. **Amend** Section 7.8.6. by replacing “Heritage Kingston” with “Kingston Heritage Programs Committee”.
211. **Delete** Section 8.3.a and renumber subsequent items from this point forward until Section 8.3.g.
212. **Amend** Section 8.6.a by replacing “, landscaped treatment, building materials, exterior design elements or features” with “or landscaped treatments”.
213. **Amend** Section 8.10 by replacing “*affordable* units in accordance with Section 3.3.10 of this Plan” with “*affordable housing*”.
214. **Amend** Section 9.1.3 by deleting “It is not anticipated that matters contained in Section 2 will change without a major and *comprehensive review* of this Plan, as required in provincial policy. Thus any change to Section 2 is considered a major amendment requiring detailed study and consultation”.
215. **Amend** Section 9.3.1 by deleting “any” after “consistent with”.
216. **Delete** Section 9.3.2.d and renumber subsequent items from this point forward until Section 9.3.2.h.
217. **Amend** Section 9.4.4 and its title by replacing “Heritage Kingston” with “Kingston Heritage Properties Committee”.

218. **Amend** Section 9.4.4.d by replacing “to alter or demolish structures or buildings or elements” with “for new construction, alteration and/or demolition/removal of structures or buildings on properties”.
219. **Amend** Section 9.4.4.e by replacing “buildings” with “resources”.
220. **Delete** Sections 9.4.4.g and 9.4.4.h and renumber 9.4.4.i as 9.4.4.g.
221. **Amend** Section 9.4.6.a by replacing “*additional residential unit* constraint areas” with “site-specific and area-wide Holding Overlays where the City is satisfied that there are no longer constraints or technical requirements”.
222. **Add** new Section 9.4.6.b to read “creation of new site-specific and area-wide Holding Overlays where a new constraint or technical requirement is identified” and renumber subsequent items from this point forward until existing Section 9.4.6.e.
223. **Amend** Section 9.5.2. by replacing “such matters as” with “matters include, but not limited to”.
224. **Amend** Section 9.5.19 by replacing “Ontario Municipal Board” with “Ontario Land Tribunal”.
225. **Amend** Section 9.5.19.e by replacing “Heritage Kingston” with “Kingston Heritage Properties Committee”.
226. **Amend** Section 9.5.20. by deleting “for a *tiny house*” and replacing “case of *tiny house*” with “case of a garden suite”.
227. **Amend** the title to Section 9.5.21 so that it reads “Holding Overlay”.
228. **Amend** Section 9.5.21 by replacing “symbol” with “Holding Overlay (“H”)”.
229. **Delete** Sections 9.5.25 to 9.5.30 and their titles in their entirety and renumber subsequent items from this point forward until existing Section 9.5.41.
230. **Amend** Section 9.5.28 by deleting “relating to exterior design” and replacing “including without limitation the character,” with “including, without limitation to, the”.
231. **Amend** the title to Section 9.5.30 so that it reads “Property Maintenance”.
232. **Amend** Section 9.5.30 by deleting “Maintenance and Occupancy By-law and the”.
233. **Amend** the title to Section 9.5.32 so that it reads “Development Charges”.
234. **Add** new Section 9.5.36 to read “In order to preserve housing stock, particularly buildings with *heritage attributes* or housing that is in short supply in the City and

serves a special segment of the population, the City may pass by-laws to regulate the demolition of housing, including by-laws under the *Ontario Heritage Act* as described in Section 7.” with a title that states “Demolition Control”.

235. **Add** new Section 9.6.25.g to read “where a property has an agreement registered on title connected to financial grants obtained through a Community Improvement Plan and part of that agreement requires that condominium conversions cannot take place for a specified period of time, the application for condominium conversion will be refused until the specified period of time expires”.
236. **Add** new Section 9.6.27 to read “Land lease communities are residential developments where a house is privately owned while the land that the house is located on is leased. Land lease communities may take the form of any residential building type contemplated by this Plan and are permitted anywhere those residential building types are contemplated. Where permitted, land lease communities that establish a lease for a period between 21 and 49 years are exempt from subdivision and part-lot control provided they obtain site plan control approval in accordance with the *Planning Act*.”.
237. **Add** new Section 9.6.28 to read as follows:
- “9.6.28.** Stratified consent is a form of consent that may be granted by the Committee of Adjustment where, rather than dividing a lot vertically into separately conveyable parcels, a lot is divided horizontally or in a manner that stratifies ownership in a three dimensional manner by layering conveyable parcels either partially or wholly on top of each other. Stratified consent applications also generally include an application to create easements, where any shared access (pedestrian and vehicular), maintenance obligations, financial considerations or shared resources/amenity is established in perpetuity in favour of each stratified lot.
- An example of a stratified consent would be a triplex building where ownership parcels are created for the residential units that are layered on top of each other on the property and where easements are created over driveways, walkways, outdoor spaces and interior hallways benefitting the three residential units, with a description of how future costs and maintenance will be undertaken on the building and over the shared easement areas.
- Stratified consent is supported by this Plan where the building type is permitted by the zoning by-law and where it can be demonstrated that all necessary easements and language will be registered on title to support the long-term functional, financial and maintenance obligations of future property owners.”.

238. **Amend** Section 9.2.1.f by deleting “a land use”.

239. **Amend** Section 9.8.7 by replacing “Heritage Kingston” with “Kingston Heritage Properties Committee”.
240. **Amend** Section 9.12.2.c by deleting “with reference to the policies identified in Section 3.3.10”.
241. **Amend** Section 9.12.3.d by adding a new bullet point in the appropriate location alphabetically for “Community Meeting Form;”.
242. **Amend** Section 9.12.4.d by deleting “and draft plans of subdivision”.
243. **Delete** Section 9.12.4.e in its entirety and renumber subsequent items from this point forward until existing Section 9.12.4.l.
244. **Add** new Sections 9.12.6 to 9.12.9 as follows:

“Alternative Measures for Informing and Obtaining the Views of Public

9.12.6. In accordance with Sections 17(19.3) and 34(14.3) of the *Planning Act*, the following alternative measures may be used for informing and obtaining the views of the public in respect of site-specific amendments proposed to the Official Plan and zoning by-law that are initiated by a private property owner:

- a. Notice (Informing the Public) of a statutory Public Meeting during a formal application for an amendment to the Official Plan and/or zoning by-law will be:
 - provided at least 20 days in advance of the meeting;
 - published on a dedicated planning notices webpage on the City of Kingston website;
 - sent via email or mail to all individuals who have requested notice of the proposed amendments;
 - sent via email to all individuals who have signed up to receive general planning notices;
 - sent via mail to all property owners within 120 metre radius of the subject property; and
 - posted on a development sign on the subject property.

9.12.7. In accordance with Sections 17(19.3) and 34(14.3) of the *Planning Act*, the following alternative measures may be used for informing and obtaining the views of the public in respect of City-initiated amendments proposed to the Official Plan and zoning by-law:

- a. Notice (Informing the Public) of a non-statutory Community Meeting and/or statutory Public Meeting during a formal application for an amendment to the Official Plan and/or zoning by-law will be:

- provided at least 20 days in advance of the meeting;
- published on a dedicated planning notices webpage on the City of Kingston website;
- sent via email or mail to all individuals who have requested notice of the proposed amendments; and
- sent via email to all individuals who have signed up to receive general planning notices.

9.12.8. In accordance with Section 34(14.3) of the *Planning Act*, the following alternative measures may be used for informing and obtaining the views of the public in respect of minor zoning by-law amendments initiated by the City that have delegated authority in accordance with Policy 9.4.6:

- a. Notice (Informing the Public) of a complete application for a delegated authority minor zoning by-law amendment will:
 - be published on a dedicated planning notices webpage on the City of Kingston website;
 - sent via email or mail to all individuals who have requested notice of the proposed amendments;
 - be sent via email to all individuals who have signed up to receive general planning notices;
 - identify a deadline for the submission of written comments or objections on the proposed application; and
 - be provided at least 20 days in advance of the established deadline.
- b. To obtain the views of the public on the proposed minor zoning by-law amendment application, the City will:
 - receive written comments (support or object) during a 20-day “commenting period” following the Notice of Complete Application, and:
 - Where no written objections are made during the “commenting period” on the proposed application, no Public Meeting will be held; or
 - Where written objections are made during the “commenting period” on the proposed application, a Public Meeting will be held at Planning Committee to obtain views of the public on the proposed application.
- c. If the application proceeds to a Public Meeting, Notice (Informing the Public) of the Public Meeting will be:
 - provided at least 20 days in advance of the meeting;

- published on a dedicated planning notices webpage on the City of Kingston website; and
 - sent via email or mail to all individuals who have requested notice of the proposed amendments;
 - sent via email to all individuals who have signed up to receive general planning notices.
- 9.12.9.** In accordance with Section 51(19.3.1) of the *Planning Act*, the following alternative measures may be used for informing and obtaining the views of the public in respect of proposed plans of subdivision:
- a.** Notice (Informing the Public) of a complete application for draft plan of subdivision will:
 - meet all requirements of the *Planning Act* for a notice of complete application;
 - identify a “commenting period” with a deadline for the submission of written comments (support or object) on the proposed application; and
 - be provided at least 20 days in advance of the established deadline.
 - b.** To obtain the views of the public on the proposed application for draft plan of subdivision, the City will:
 - receive written comments (support or object) during a 20-day “commenting period” following the Notice of Complete Application, and:
 - where no written objections are made during the “commenting period” on the proposed application, no Community Meeting will be held; and
 - where written objections are made during the “commenting period” on the proposed application, a Community Meeting will be held at Planning Committee to obtain views of the public on the proposed application.
 - c.** Notice (Informing the Public) of a Public Meeting will be:
 - provided at least 20 days in advance of the meeting;
 - published on a dedicated planning notices webpage on the City of Kingston website;
 - sent via email or mail to all individuals who have requested notice of the proposed amendments;
 - sent via email to all individuals who have signed up to receive general planning notices;

- sent via mail to all property owners within 120 metre radius of the subject property; and
 - posted on a development sign on the subject property.”.
245. **Amend** Section 10A.1 by replacing “higher density residential uses” with “high-rise residential”.
246. **Amend** Section 10A.1.1 by replacing “higher density residential uses” with “high-rise residential”.
247. **Amend** the Goal of Section 10A.2 by replacing “higher density residential uses” with “mid-rise and high-rise residential”.
248. **Amend** Section 10A.2.13 by replacing “locational criteria of Sections 3.3.B.4 and 3.3.C.3, respectively” with “compatibility criteria of Section 2.7”.
249. **Amend** Section 10A.6.2 by deleting “Downtown and Harbour”.
250. **Amend** Section 10B.2.1 by replacing “Low, Medium and High Density” with “Low-Rise, Mid-Rise and High-Rise”.
251. **Amend** Section 10B.2.13 by replacing “single detached dwellings, linked single dwellings, and semi-detached dwellings” with “all low-rise residential buildings”.
252. **Amend** Section 10B.2.15.b by deleting “by amendment to the zoning by-law”.
253. **Delete** Section 10B.3.28 in its entirety and renumber Section 10B.3.29 to 10B.3.28.
254. **Amend** Section 10B.9.3 by replacing “high, medium, and low density forms of housing” with “low-rise, mid-rise and high-rise residential”.
255. **Amend** Section 10B.13.4 and its title by replacing all existing instances of “Mid-Rise” with “Low-Rise”.
256. **Amend** Section 10B.13.8 by replacing “Mid-Rise” with “Low-Rise”.
257. **Amend** Section 10C.1.3 by adding “*housing*” after “*affordable*”.
258. **Amend** Section 10C.3.12 by replacing “low density, medium density and high density” with “low-rise, mid-rise and high-rise”.
259. **Amend** Section 10C.3.27 by deleting “site plan control review and consideration of”.
260. **Amend** Section 10C.3.38 by deleting “site plan control review, and consideration of”.
261. **Amend** Section 10C.4.7 by deleting “site plan control review, and to”.

262. **Amend** Section 10D.3.1 by replacing “low and medium density” with “low-rise and mid-rise”.
263. **Amend** Section 10E.1.7 by deleting “during the site plan control review process”.
264. **Amend** Section 10E.1.12 by replacing “will” with “should”.
265. **Amend** Section 10F.3 by replacing “Low, Medium and High Density” with “Low-Rise, Mid-Rise and High-Rise”.
266. **Amend** Section 10F.3.3 by deleting “, subject to site plan control review”.
267. **Amend** Section 10F.3.6 by replacing “single detached dwellings, linked single dwellings, and semi-detached dwellings” with “all low-rise residential buildings”.
268. **Delete** Section 10G.2.17 in its entirety and renumber subsequent items from this point forward until existing Section 10G.2.24.



Planning Services

Schedule 'B' to By-Law Number

Schedule 3D Site Specific Policies

Lands Subject to Site-Specific Policy Number 3.17.77

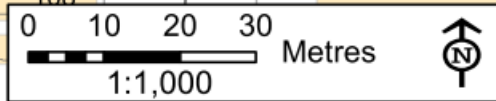
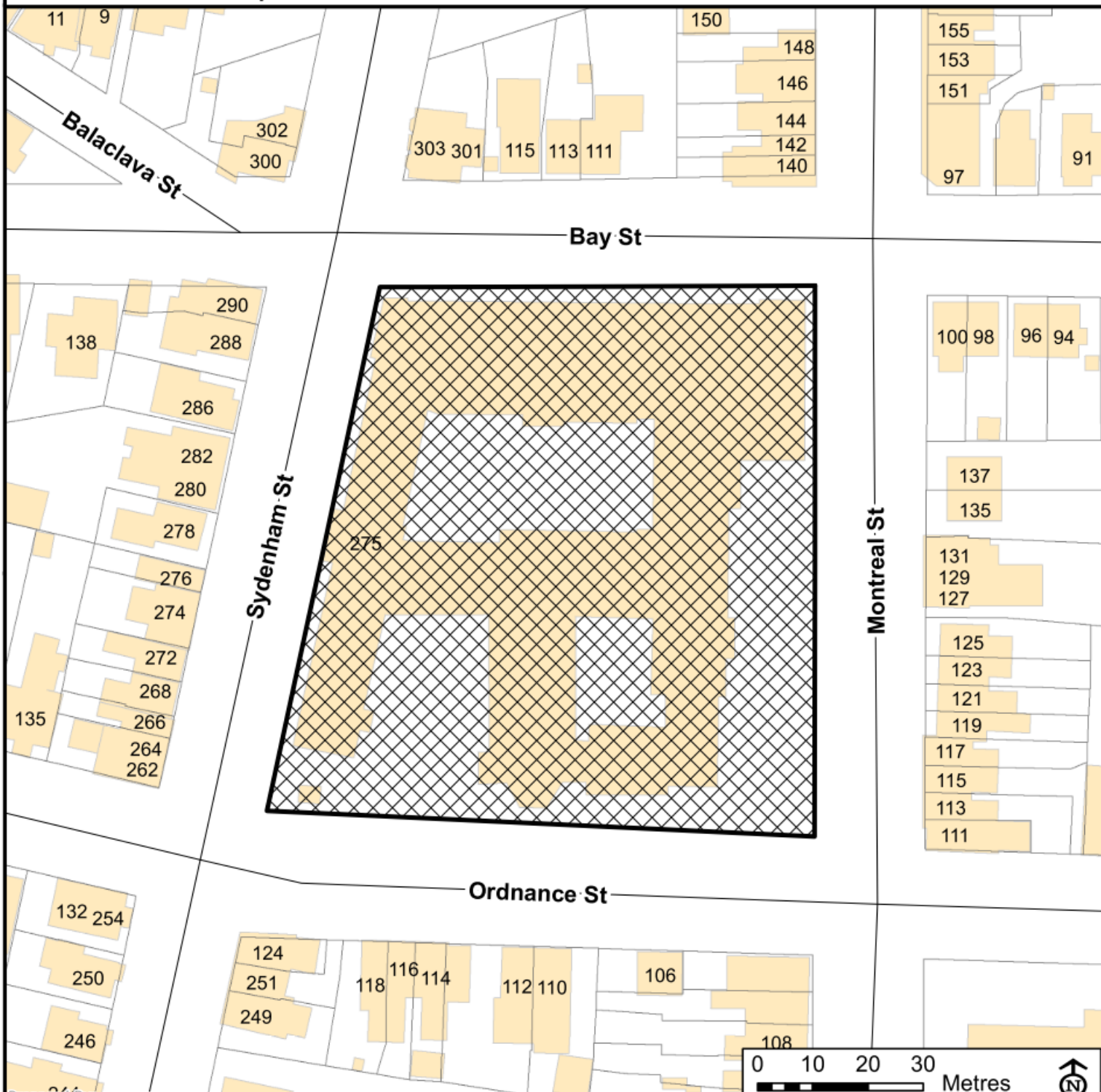
Address: 275 Sydenham Street

Certificate of Authentication

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

Mayor

Clerk





Schedule 'C' to By-Law Number

Johnson and King

Schedule DH-3 Downtown and Harbour Specific Policy Area Areas of Pedestrian Focus

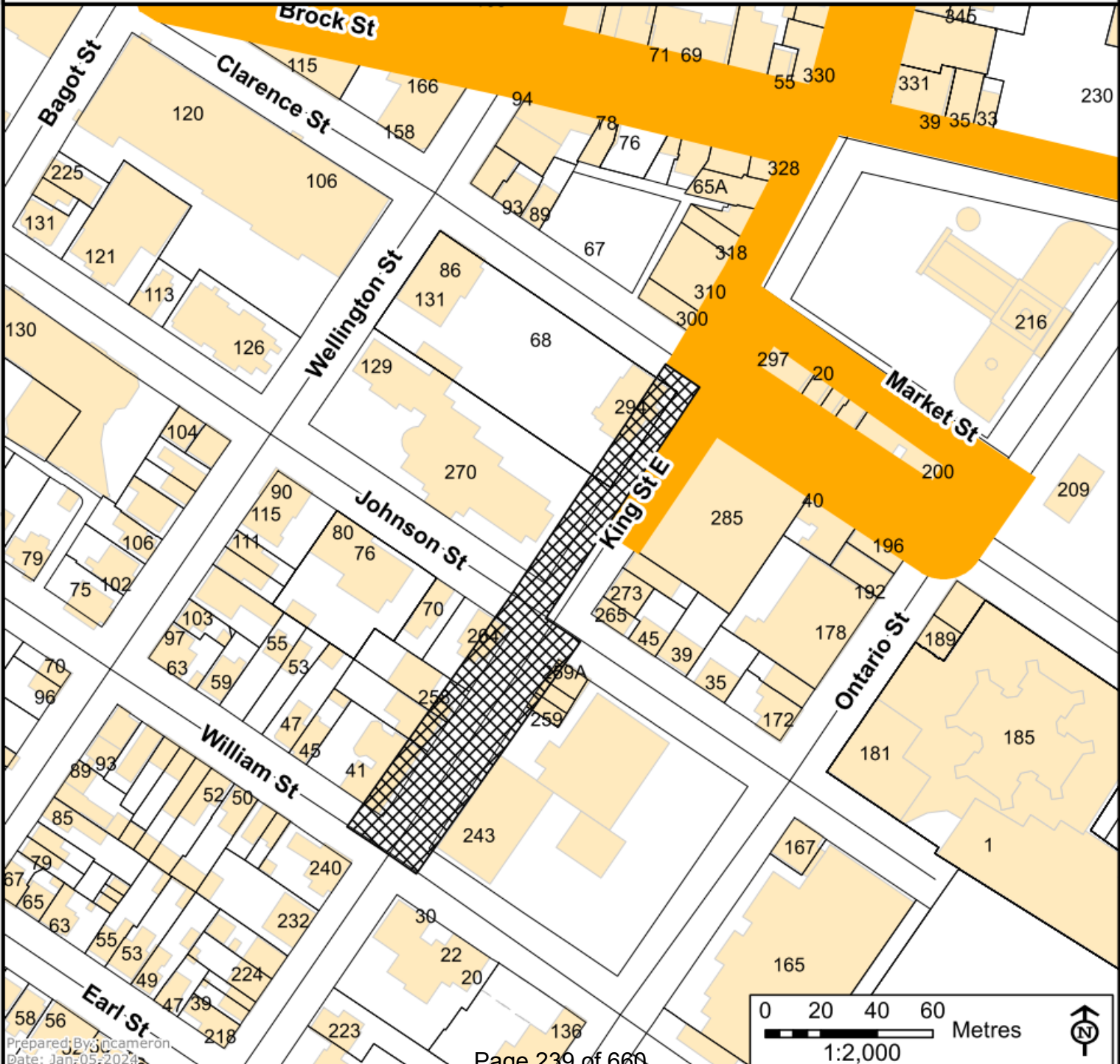
- Mandatory Commercial Frontage
- Lands to be Removed from Mandatory Commercial Frontage

Certificate of Authentication

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

Mayor

Clerk



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By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (City-initiated Housing and Administrative Amendments)

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. The Table of Contents is amended by adding “(AG, RU, RUR, LSR, RC and HAM)” after “Rural Zones”, “(RM1, RM2 and MX1)” after “Rural Industrial Zones”, “(WM1, WM2, DT1 and DT2)” after “Mixed Use Zones”, “(UR1 to UR9)” after “Urban Residential Zones”, “(URM1 to URM10)” after “Urban Multi-Residential Zones”, “(HCD1 to HCD3)” after “Heritage Zones”, “(IN1, IN2, G1 and G2)” after “Institutional Zones”, “(CN, CA, CD, CR, CG and CW)” after “Commercial Zones”, “(M1 to M5)” after “Employment Zones”, “(TA, TR and TU)” after “Transportation and Utilities Zones”, “(OS1, OS2 and DR)” after “Open Space Zones”, “(EPA)” after “Environmental Zones”, “(LXXX)” after “Legacy Exceptions”, “(EXXX)” after “Exceptions”, “(HXXX)” after “Holding Conditions” and “(-T)” after “Temporary Zones”);
 - 1.2. Clause 1.1.1. is amended by:
 - (a) adding “or “ZBL 22-62”) after “Kingston Zoning By-law”;
 - (b) adding a new Subclause 8. “Schedule D1, Urban Constraint Areas and Second Rural Unit Holding Overlay;”;
 - (c) adding a new Subclause 9. “Schedule D2, Third Rural Unit Holding Overlay;”;
 - (d) adding a new Subclause 10. “Reserved”;

- (e) renumbering existing Subclause 10 as new Subclause 11;
 - (f) renumbering existing Subclause 11 as new Subclause 12;
 - (g) adding new Subclause 13. “Schedule G, Non-Residential Conversion Holding Overlay;”;
 - (h) adding new Subclause 14. “Schedule H, Express Transit Area Overlay; and”
 - (i) adding new Subclause 15. “Schedule J, Servicing Allocation Policy Overlay.”;
- 1.3. Clause 1.8.5. is amended by deleting “in the **urban area**” and the Subtitle above this Clause is also amended by deleting “in the Urban Area”;
- 1.4. Clause 1.8.6. is deleted and replaced with:
- “1.8.6. A lot in an AG Zone or RU Zone that is reduced in size through a severance application and is less than 40 hectares in lot area is permitted to be used and developed for agricultural uses provided any new buildings comply with all other provisions of this By-law, including Subsection 4.8, requiring frontage on a street.”**
- 1.5. Clause 1.8.7. and the Subtitle above Clause 1.8.6. are deleted their entirety;
- 1.6. Clause 2.5.4. is deleted in its entirety and Clauses 2.5.5., 2.5.6. and 2.5.7. are renumbered as 2.5.4., 2.5.5. and 2.5.6.;
- 1.7. New Clause 2.5.6. is deleted and replaced with “Despite Clause 2.5.1., all land within the municipal boundary of the **City** located under a **waterbody** is deemed to be zoned EPA where it meets the definition of **waterbody**.”;
- 1.8. Clause 2.6.2. is amended by replacing “Schedule D and Schedule F” with “Schedule D, Schedule F, Schedule G and Schedule J”;
- 1.9. New Clause 3.1.3.A. is added as follows:
- “3.1.3.A. Accessory House means an accessory building that is used for the purpose of one dwelling unit, which is accessory to house, semi-detached house, or townhouse in the urban area.”;**
- 1.10. Clause 3.1.4. is deleted and replaced with:

“3.1.4. Additional Rural Unit means a **dwelling unit**, which is **accessory** to a **principal dwelling unit** in the **rural area**, and is located on the same **lot** as the **principal dwelling unit**. An **additional rural unit** is either a **second rural unit** or a **third rural unit.**”;

1.11. Clause 3.1.5. is deleted and replaced with:

“3.1.5. Affordable Unit means:

For affordable rental housing, a **dwelling unit** intended for **use** as a rented residential premises for which:

1. The rent is no greater than the lesser of:
 - (a) the income-based affordable rent for the **dwelling unit** set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997*”, as it is amended from time to time; or
 - (b) the average market rent identified for the **dwelling unit** set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act, 1997*”, as it is amended from time to time; and
2. The tenant is dealing at **arm’s length** with the landlord; and
3. The **affordable unit** is secured through an agreement registered on title of the property during the affordability term requiring:
 - (a) An affordability term set for a minimum of 20 years; and
 - (b) Following the initial occupancy, during the affordability term, the rent must not increase by more than the annual *Residential Tenancies Act* guideline increase.

For affordable ownership housing, a **dwelling unit** not intended for use as a rented residential premises for which:

1. The price is no greater than the lesser of:
 - (a) the income-based affordable purchase price for the **dwelling unit** (in the year in which the unit is sold)

set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997”, as it is amended from time to time; or

- (b) 90% of the average purchase price identified for the **dwelling unit** (in the year in which the unit is sold) set out in the “Affordable Residential Units for the Purposes of the *Development Charges Act*, 1997”, as it is amended from time to time; and

2. The tenant is dealing at **arm’s length** with the landlord.”;

1.12. Clause 3.1.5. is amended by replacing “actives” with “activities”;

1.13. Clause 3.1.15. is deleted and replaced with:

“3.1.15. Apartment Building means a multi-unit **residential building** that is not otherwise defined in this By-law. **Apartment building** also includes **development** with multiple multi-unit **residential buildings** on one **lot**, such as multiple **townhouses** or **stacked townhouses** when they are located on one **lot**.”;

1.14. New Clause 3.1.15.A. is added as follows:

“3.1.15.A. Arm’s Length has the same meaning as arm’s length in section 251 of the *Income Tax Act* (Canada) with necessary modifications.”;

1.15. Clause 3.1.19. is amended by adding “**outdoor storage** for the display and sale of **motor vehicles**,” after “including”;

1.16. Clause 3.2.13. is amended by deleting Subclause 2. and replacing “; and” with “.”;

1.17. The entire Kingston Zoning By-law is amended by replacing every reference to “gas station” with “service station”, while preserving single and plural references;

1.18. Clause 3.4.12. is deleted and replaced with “Reserved”;

1.19. Clause 3.6.19. is amended by adding “**principal**” before “**building**”;

1.20. Clause 3.7.4. is deleted and replaced with “Reserved”;

1.21. New Clause 3.8.14. is added as follows:

“3.8.14. House means a ground oriented **residential building** that is **used** for the purpose one or more **principal dwelling units** on

one **lot**. This includes, but is not limited to, a single detached house, duplex, triplex, rowhouse, **tiny house**, **mobile home** and other similar housing types. **House** also includes **buildings** that appear similar to a **semi-detached house** and **townhouse**, when the entire **building** is located on one **lot**.”;

- 1.22. Clause 3.12.12. is amended by adding “Where a **lot** is divided in a stratified manner to allow for separate ownership of different levels of a **building**, it is still considered to be one **lot** for the purpose of this By-law, with the **lot lines** that exist at the level of the ground being the applicable boundaries for zoning interpretation purposes.” to the end of the Clause.
- 1.23. Clause 3.12.16. is deleted and replaced with:

“**3.12.16. Lot Frontage** means the linear distance measured between the two points of intersection of the **interior lot lines** and/or **exterior lot lines** with the **front lot line**.

In the case of a pie-shaped or an irregularly shaped **lot** where the **lot** narrows at the **street line**, **lot frontage** is the linear distance measured between two points on the **interior lot lines** and/or **exterior lot lines** at a linear distance that is 6 metres from the **front lot line** measured along the **interior lot lines** and/or **exterior lot lines**.

Where a **corner lot** includes a **front lot line** and **interior lot line** and/or **exterior lot line** that do not intersect at one point, the **interior lot line** and/or **exterior lot line** is deemed to extend to its hypothetical point of intersection with the extension of the **front lot line**.”;
- 1.24. Clause 3.12.18. is deleted in its entirety;
- 1.25. Clause 3.13.1. is amended by deleting “the” between “to” and “support”;
- 1.26. Clause 3.13.9. is amended by replacing “manufactured dwelling” with “**house**” and deleting “a **principal building** and is”
- 1.27. The entire Kingston Zoning By-law is amended by replacing every reference to “**single detached house**” with “**house**”, while preserving single and plural references;
- 1.28. The entire Kingston Zoning By-law is amended by deleting every reference to “**duplex**” and “**triplex**”;

- 1.29. Clause 3.16.22. is amended by deleting “that is owned, operated and managed by the owner or occupant of the property upon which it is located”;
- 1.30. Diagram 3.18.10. is deleted;
- 1.31. Clause 3.18.10. is amended by replacing “and a detached **accessory building** containing an **additional residential unit** and a **tiny house**” with “, an **accessory house**, **additional rural unit** and a **tiny house**”;
- 1.32. Clause 3.18.11. is amended by replacing “, **co-living unit**, **tiny house**, **mobile home**, or an **additional residential unit**” with “and a **co-living unit**”;
- 1.33. Clause 3.19.2. is amended by replacing “Second Residential Unit” with “Second Rural Unit” and “a **additional residential unit**” with “an **additional rural unit**”;
- 1.34. Clause 3.19.5. is deleted and replaced with:
- “**3.19.5. Semi-Detached House** means a ground oriented **residential building** that is **used** for the purpose of two **dwelling units** and configured in such a manner that the **dwelling units** are divided vertically beside each other and with each **principal dwelling unit** being located on its own independent **lot**. This definition also includes a **semi-detached house** that has been **converted** to accommodate more than one **dwelling unit** on a **lot** in the **principal building**, subject to the maximum number of **dwelling units** permitted by the applicable Zone.”
- 1.35. Clause 3.19.7. is amended by deleting the word “minimum” before “horizontal”;
- 1.36. New Clause 3.19.7.A. is added as follows:
- “**3.19.7.A. Service Station** means the **use** of any **lot** or **building** where **motor vehicle** fuel is kept for sale, including a **gasoline pump**, and/or a facility where oil changes or other minor maintenance tasks are performed on **motor vehicles** and may also include the following additional functions:
1. The sale of oil, grease, antifreeze, tire tubes, tire accessories, electrical light bulbs, spark plugs, and batteries for **motor vehicles**, etc.;
 2. The sale of convenience commercial goods and food as an **accessory use**;

- 3. Carwash as an **accessory use**;
 - 4. Electrical charging stations for **electric vehicles**;
 - 5. Minor repairs essential to the actual operation of **motor vehicles** including ignition adjustment and tire inflation; and/or
 - 6. The sale of propane as an **accessory use.**”;
- 1.37. Clause 3.19.8. is amended by deleting the words “minimum required” before “horizontal”;
 - 1.38. Clause 3.19.13. is deleted and replaced with “Reserved”;
 - 1.39. Clause 3.19.8. is amended by replacing the word “four” with “five”;
 - 1.40. Clause 3.20.2. is amended by replacing “Third Residential Unit” with “Third Rural Unit” and “**additional residential unit**” with “**additional rural unit**”;
 - 1.41. Clause 3.20.3. is amended by replacing “detached **residential building**” with “**house**”, deleting “that is **accessory** to a **principal residential building** and” and deleting “in accordance with the garden suite provisions of the *Planning Act*”;
 - 1.42. Clause 3.20.7. is deleted and replaced with:
 - “**3.20.7. Townhouse** means a ground oriented **residential building** that is **used** for the purpose of three or more **dwelling units** and configured in such a manner that the **dwelling units** are divided vertically beside each other, with each **dwelling unit** having its own independent external access outside and with each **principal dwelling unit** being located on its own independent **lot**, including both **freehold** and **common element lots**. This definition includes back-to-back **townhouses** and also includes a **townhouse** that has been **converted** to accommodate more than one **dwelling unit** on a **lot** in the **principal building**, subject to the maximum number of **dwelling units** permitted by the applicable Zone.”
 - 1.43. Clause 3.20.13. is deleted in its entirety;
 - 1.44. Clause 3.23.1. is amended by deleting the word “minimum” before “linear”;
 - 1.45. Clause 3.23.9. is amended by replacing “residential **lots**” with “an area or a **lot**”;

- 1.46. Subclause 4.1.1.2. is amended by replacing “except as specified” with “except for minimum **height** requirements and except as otherwise specified”;
- 1.47. Subclause 4.1.2.1. is amended by adding “, except in an RUR Zone or LSR Zone where an **accessory building** is permitted in the **front yard** if it complies with the required **front setback** applicable to the **principal building**” after “**interior yard**”;
- 1.48. Subclause 4.1.2.2. is amended by adding “in addition to the **lot coverage** of the applicable Zone,” between “area,” and “the”;
- 1.49. Subclauses 4.1.2.3. to 4.1.2.6. are renumbered 4.1.2.4. to 4.1.2.7. and new Subclause 4.1.2.3. is added as follows:
- “**3.** In the **rural area**, **accessory buildings** are subject to and included in the **lot coverage** provision of the applicable Zone, except:
- (a) Where a **lot** existed as of the date of passing of this By-law that is smaller than the minimum **lot area** of the applicable Zone, in addition to the **lot coverage** of the applicable Zone, the maximum **lot coverage** for all **accessory buildings** on the **lot** is an additional 5% in the aggregate.”
- 1.50. Subclause 4.1.2.4. is amended by adding “, except in an RUR Zone where the maximum **height** of an **accessory building** is 6.0 metres” after “metres”;
- 1.51. Subclause 4.1.2.6. is amended by deleting “and” at the end;
- 1.52. Subclause 4.1.2.7. is amended by replacing the word “**setback**” with “**separation distance**” and adding “and” at the end;
- 1.53. New Subclause 4.1.2.8. is added as follows:
- “**8.** Despite Subclause 5., where an **accessory building** is less than 2.4 metres in height and 15 square metres in gross area (outside perimeter roof dimensions), the minimum **setback** from all **lot lines** is 0.6 metres.”;
- 1.54. Subclause 4.1.3.1. is amended by replacing the words “**additional residential units**” with “**accessory houses**”;

- 1.55. Clause 4.3.1. is amended by deleting “**townhouse**,” before “**stacked townhouse**” and replacing “**townhouse** or **stacked townhouse** are” with “**stacked townhouse** is”;
- 1.56. Clause 4.3.2. is amended by replacing “the WM1, WM2, DT1, DT2 and HCD2 Zones” with “PA1, PA2, PAA3 or on lands subject to and developed in accordance with the Express Transit Area Overlay framework”;
- 1.57. Clause 4.6.4. is amended by replacing “**site**” with “**sight**”;
- 1.58. New Clause 4.4.5. is added as follows:
 - “**4.4.5.** Despite the Housing Constraint Area Overlay or any other provision of this By-law that establishes a Holding Overlay in accordance with Clause 2.6.2. in the **urban area** connected to sanitary sewer, stormwater sewer, or a public water supply system capacity, where a **lot** is **developed** in a manner that does not require a new lateral or increase the size of an existing lateral connection to a municipally owned water, sanitary or stormwater system, the applicable Holding Overlay condition does not apply.”
- 1.59. Subclause 4.12.1.11. is amended by adding “, rain barrels” between “birdbaths” and “and”;
- 1.60. Subclause 4.12.1.12. is amended by adding “, lending libraries” between “newspaper” and “or”;
- 1.61. Subclause 4.12.1.18. is amended by adding “For clarity, this exemption includes **bike spaces** and other active transportation installations that are required by this By-law;” to the end of the Subclause;
- 1.62. Clause 4.13.2. is amended by deleting “**private sewage systems**,”;
- 1.63. Clauses 4.13.4. and 4.13.5. are renumbered 4.13.5. and 4.13.6. and new Clause 4.13.3. is added as follows:
 - 4.13.3. Private sewage systems** are exempt from the provisions of this By-law which regulate the size and location of a **building** including but not limited to **setbacks, separation distances, height** and **building depth**.”;
- 1.64. Clause 4.13.4. is amended by replacing “Clause 4.13.2.” with “Clauses 4.13.2. and 4.13.3.”, by deleting “including **basements, parking structures**, geothermal devices, renewable energy devices,” and by deleting “or other similar **building** components,”;

- 1.65. Subclause 4.14.2.3. is amended by adding “, **tiny house**” after “**mobile home**”;
- 1.66. Subclause 4.16.2.2. is renumbered 4.16.2.3. and new Subclause 4.16.2.2. is added as follows:
 “**4.16.2.2.** The minimum **height** for a row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres; and”;
- 1.67. Clause 4.18.2. is amended by replacing “3.5” with “5.0” and replacing “10” with “30”;
- 1.68. Clause 4.19.3. is amended by replacing “and their associated guards” with “, including their associated guards and any landing areas that are required by the *Building Code Act, 1992*,”
- 1.69. Subclause 4.20.1.2. is amended by replacing “30” with “45”;
- 1.70. Clause 4.20.4. is amended by adding “, including its associated guards and exterior stairs,” before “must”;
- 1.71. Table 4.20.4. is amended by adding “, excluding the area of the exterior stairs” after “1. Maximum surface area of floor level(s)”;
- 1.72. Table 4.20.4. is amended by adding “The lesser of the Zone provision or” in front of all instances of “3.5 metres”;
- 1.73. Clause 4.21.2. is amended by replacing “anything to the contrary” with “any **setback** that is more restrictive”;
- 1.74. Clause 4.25.2. is amended by adding “Urban Multi-Residential Zone,” before “HCD1 Zone”;
- 1.75. Clause 4.25.3. is amended by replacing “regulated in the same manner as an **accessory building** in the underlying Zone in which it is located” with “permitted in an **interior yard, exterior yard or rear yard**, and must be **setback** a minimum of 1.2 metres from a **lot line**.”;
- 1.76. New Clause 4.25.4. is added as follows:
 “**4.25.4.** For **residential buildings** with five to ten **dwelling units**, a dedicated waste and recycling storage area must be provided inside a **building** or within the **interior yard or rear yard**, with a minimum area of at least 5 square metres.”;

- 1.77. Clause 4.27.1. is amended by replacing “An **additional residential unit** and a **principal dwelling unit** in a” with “All **dwelling units**, including those located in an **accessory house**, detached **building** with an **additional rural unit**,”;
- 1.78. Subclause 4.27.1.1. is amended by replacing “1.2” with “1.1”;
- 1.79. Subclause 4.27.1.4. is amended by adding “through a change in surface materials or line painting or other similar mechanism” after “**parking space**”;
- 1.80. Subclause 4.27.1.5. is amended by adding the following to the end “, with the exception of the following features that are permitted to project as localized protrusions into the **walkway**:
- (a) Hydro or gas meters;
 - (b) Window sills, chimneys, fireplace projections, **cornices**, gutters, pilasters or similar architectural features”;
- 1.81. Clause 4.27.4. is amended by replacing all references to “**additional residential unit**” with “**dwelling unit**”, replacing “**building** contains an” with “**house** contains a”, and replacing “didn’t comply with the terms of” with “wasn’t a permitted **use** in”;
- 1.82. New Clause 4.27.5. is added as follows:
- 4.27.5.** Despite Subclause 4.27.1.4., where a **lot** was developed with a **residential building** and **driveway** as of the date of passing of this By-law, where the **lot** is **developed** in a manner that maintains, renovates and/or adds floor area to the existing **residential building** and has the effect of adding additional permitted **bedrooms** and/or **dwelling units** to the **lot** (either in the **principal building** or as an **accessory house**):
1. The **walkway** and **driveway** are permitted to overlap if:
 - (a) The portion of the **driveway** where the **walkway** overlaps does not contain any **parking spaces**; and
 - (b) The 1.1 metre wide **walkway** must be clearly delineated and distinct from the **driveway** through a change in surface materials or line painting or other similar mechanism; and
 - (c) A **sign** must be provided that clearly indicates that vehicles must use caution and yield to pedestrians using

the **walkway**. It must also state that parking is prohibited on top of the **walkway**; and

2. Portions of a **walkway** are permitted to be less than 1.1 metres wide where the **walkway** is provided in an existing **yard** that is less than 1.1 metres in width if:
 - (a) the **walkway** is designed in a manner that provides the greatest possible **walkway** width based on the dimensions of the existing **yard**; and
 - (b) the **walkway** is a minimum of 0.8 metres wide at the narrowest point; and
 - (c) all portions of the **walkway** outside of the existing **yard** are a minimum of 1.1 metres wide.”;

1.83. New Subsections 4.29, 4.30 and 4.31 are added as follows:

“4.29. Accessory Houses in the Urban Area

4.29.1. In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, IN2 Zone or DR Zone, an **accessory house** is permitted as an **accessory use** to a **house, semi-detached house, townhouse, or a place of worship**.

4.29.2. **Accessory houses** are exempt from the provisions of Subsection 4.1. but must comply with all other applicable provisions of this By-law including, but not limited to, the **walkway** provisions of Subsection 4.27., the bedroom provisions of Subsection 4.28., the **parking space** and **bike space** provisions of Section 7., and the housing constraint areas in Subsection 5.4.

4.29.3. **Accessory houses** are exempt from provisions that:

1. establish the maximum **density** as a measure of **dwelling units** per net hectare; and
2. establish the minimum **lot area** per **dwelling unit** on a **lot**.

Accessory House Provisions

4.29.4. Where permitted, an **accessory house** must comply with the following requirements:

1. **Accessory houses** are only permitted on a **lot** with three or less **dwelling units** in the **principal building**.
2. A maximum of one **dwelling unit** is permitted in an **accessory house**.
3. An **accessory house** must be located within a **rear yard** or **interior yard** and must comply with the following provisions:
 - (a) Minimum **rear setback** of 1.2 metres;
 - (b) Minimum **interior setback** of 1.2 metres;
 - (c) Minimum **front setback** and **exterior setback** of the applicable Zone;
 - (d) Maximum **lot coverage** of all **accessory buildings** on a **lot** is 10% in the aggregate;
 - (e) Maximum **height** of 4.6 metres; and
 - (f) Maximum **height** of 1 **storey**.
4. The **rear yard** or **interior yard** must be screened with a privacy **fence** with a minimum **height** of 1.8 metres as follows:
 - (a) When the **accessory house** is located in a **rear yard**, the privacy **fence** must be established along all **interior lot lines** and **rear lot lines** adjacent to the **rear yard**;
 - (b) When the **accessory house** is located in an **interior yard**, the privacy **fence** must be established along the **interior lot line** closest to the **accessory house** extending from the intersection of the **interior lot line** with the **rear lot line** to the intersection of the **interior lot line** with the required **front setback**; or
 - (c) When the **accessory house** is located in both a **rear yard** and an **interior yard**, the privacy **fence** must be established in accordance with Subclauses (a) and (b).
5. Where a **lot** is created through a plan of subdivision under the **Planning Act** or a description under the **Condominium Act, 1998** following the date of passing of this By-law, an

accessory house must comply with the provisions of Subclauses 4.29.4.5. and 4.29.4.6., except:

- (a) **Accessory houses** that are accessed by a **private street** or public laneway adjacent to the **rear lot line** must comply with the following provisions:
 - (i) the minimum **interior setback** is 0.0 metres;
 - (ii) the maximum **height** is the lesser of 7.5 metres or 2 **storeys**;
 - (iii) a privacy **fence** with a minimum **height** of 1.8 metres must be established along all **interior lot lines** adjacent to the **rear yard** and **interior yard**. No privacy **fence** is required along the **rear lot line**; and
 - (iv) despite Clause 4.27.1.4., the **walkway** requirements of Subsection 4.27. may be satisfied through the provision of an unobstructed 6.0 metre wide **private street** or public laneway connected to a **walkway** on the **lot**.

Legal Non-Compliance

- 6. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **accessory house** is permitted to be **developed** on the **lot** if it complies with all applicable provisions of this Subsection and all other applicable provisions of this By-law.
- 7. In an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, RUR Zone, RU Zone, LSR Zone or DR Zone a **private garage** that existed on the date of passing of this By-law is permitted to be **converted** into an **accessory house** without any zoning relief required related to the location and size of the **private garage** on the **lot** as long as it complies with all other provisions of this Subsection that are not related to the location and size of the **private garage** and all other applicable provisions of this By-law.

4.30. Additional Rural Units in the Rural Area

- 4.30.1. In the AG, RU, RUR, LSR and HAM Zones, **additional rural units** are permitted only as an **accessory use** to a **house**, **semi-detached house**, or **place of worship**, if such **building**

is listed as a permitted **use** in the applicable Zone and in accordance with this Subsection.

4.30.2. Additional rural units are exempt from the provisions of Subsection 4.1. but must comply with all other applicable provisions of this By-law including, but not limited to, the **walkway** provisions of Subsection 4.27., the **parking space** and **bike space** provisions of Section 7. and the housing constraint areas in Subsection 5.4.

4.30.3. Additional rural units are exempt from provisions that:

1. establish the maximum **density** as a measure of **dwelling units** per net hectare; and
2. establish the minimum **lot area** per **dwelling unit** on a **lot**.

General Provisions for Attached and Detached Additional Rural Units

4.30.4. Where permitted, **additional rural units** must comply with the following provisions:

1. **Additional rural units** are not permitted on a **lot** containing two or more **principal dwelling units**.
2. **Additional rural units** must be connected to **private services** to the satisfaction of the **City**.
3. A maximum of two **additional rural units** are permitted per **lot** including a maximum of one **second rural unit** and a maximum of one **third rural unit**.
4. Where two **additional rural units** are located on one **lot**:
 - (a) A maximum of one detached **additional rural unit** is permitted; and
 - (b) A maximum of one **additional rural unit** may be attached to or located within the **principal building**.

Attached Additional Rural Unit Provisions

5. An **additional rural unit** that is attached to the **principal building** or located within the **principal building** must comply with all provisions of Clause 4.30.4. and must comply with all provisions applicable to the **principal building**.

Detached Additional Rural Unit Provisions

6. In addition to meeting all provisions of Clause 4.30.4., an **additional rural unit** in a detached **accessory building** must be located within a **rear yard** or **interior yard** and the **accessory building** must comply with the following provisions:
 - (a) Minimum **rear setback** of 1.2 metres;
 - (b) Minimum **interior setback** of 1.2 metres;
 - (c) Minimum **front setback** and **exterior setback** of the applicable Zone;
 - (d) Maximum **lot coverage** of all **accessory buildings** on a **lot** is 10% in the aggregate;
 - (e) Maximum **height** of 4.6 metres; and
 - (f) Maximum **height** of 1 **storey**.

Legal Non-Compliance

7. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **additional rural unit** is permitted within the existing **principal building** if the **development** of the **additional rural unit** complies with all other standards this By-law including, but not limited to, the **walkway** provisions of Subsection 4.27., the **parking space** and **bike space** provisions of Section 7. and the housing constraint areas in Subsection 5.4.
8. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **additional rural unit** is permitted to be attached to the **principal building** if any new **development** associated with the **additional rural unit** complies with this By-law.
9. Where a **principal building** is legal non-complying in accordance with Subsection 1.8., an **additional rural unit** is permitted in a detached **accessory building** if the detached **accessory building** complies with this By-law.

4.31. Highway 401 Separation Distance

- 4.31.1.** Where a **lot** is adjacent to the Highway 401 **right-of-way** and such **lot** is **developed** with a permitted **use** or **building**, the minimum required **separation distance** from a **use** or **building** to the Highway 401 **right-of-way** is 14.0 metres.
- 4.31.2.** Where a **lot** is not adjacent to the Highway 401 **right-of-way**, but is located in an area where a **use** or **building** can be **developed** within 14.0 metres of the Highway 401 **right-of-way**, Clause 4.31.1. applies.”;
- 1.84. Subsection 5.4. is renamed from “Additional Residential Units Overlay” to “Housing Constraint Area Overlays”;
- 1.85. The text of Clause 5.4.1. is deleted and replaced with “Schedule D1, Urban Constraint Areas and Second Rural Unit Holding Overlay, Schedule D2, Third Rural Unit Holding Overlay have the effect of restricting the **development** or **use** of a **lot** or **building** in accordance with the provisions of this Subsection.”;
- 1.86. Clause 5.4.2. and the Subtitle before it are deleted in their entirety;
- 1.87. Clauses 5.4.3., 5.4.4. and 5.4.5. are renumbered as 5.4.2., 5.4.3. and 5.4.4.;
- 1.88. Clause 5.4.2. is amended by replacing “**Additional residential units**” with “**Additional rural units, accessory houses** and the construction of new **dwelling units** beyond what legally existed on the date of passing of this By-law”;
- 1.89. Subclauses 5.4.2.1., 5.4.2.2., 5.4.2.3. and 5.4.2.6. are deleted in their entirety and Subclauses 5.4.2.4. and 5.4.2.5. are renumbered 5.4.2.1. and 5.4.2.2.;
- 1.90. Subclause 5.4.2.1. is amended by adding the word “Rural” before “Constraint”;
- 1.91. The text of Subclause 5.4.2.2. is deleted and replaced with “ Within a **basement** or **basement storey** on lands identified as “Urban Constraint Area – Sewer Surcharging (Combined Storm and Sewer)” on Schedule D1. For clarity, this provision only restricts the entirety of a **dwelling unit** from being located within a **basement** or **basement storey** – habitable floor area of a **dwelling unit** is permitted in a **basement** or **basement storey** when a **habitable room** of such **dwelling unit** is located at or above the **first storey**.”;
- 1.92. New Subclauses 5.4.2.3. and 5.4.2.4. are added as follows:

- “3. On lands identified as “Urban Constraint Area – Sewer Capacity” on Schedule D1; or
- 4. Within a **basement** or **basement storey** on lands identified as “Urban Constraint Area – Sewer Surcharging” on Schedule D1. For clarity, this provision only restricts the entirety of a **dwelling unit** from being located within a **basement** or **basement storey** – habitable floor area of a **dwelling unit** is permitted in a **basement** or **basement storey** when a **habitable room** of such **dwelling unit** is located at or above the **first storey**.”;
- 1.93. Clauses 5.4.3. and 5.4.4. are amended by replacing all instances of the words “Second Residential Unit” with “Second Rural Unit”, replacing all instances of the words “Third Residential Unit” with “Third Rural Unit”, including the bolded and unbolded terms;
- 1.94. Clauses 5.4.3. and 5.4.4. are amended by deleting all instances of the words “Holding Overlay” when they follow the words “Rural Unit”;
- 1.95. Clause 5.4.6. and its Subtitles are deleted in their entirety;
- 1.96. Clause 5.5.1. is amended by replacing “Section 20 and Exception in Section 21 unless” with “Section 20 or Exception in Section 21. Unless”;
- 1.97. Clause 5.5.3. is amended by deleting the word “different”;
- 1.98. Clause 5.5.4. is amended by replacing the word “refers” with “or Exception in Section 21 refer” and by adding “or Exception under this By-law, as applicable” to the end;
- 1.99. New Clause 5.5.5. is added as follows:
 - “5.5.5. Despite Clause 5.5.2., where a Legacy Exception only permits a select range of **building** types that are considered to be a **house**, **semi-detached house** or **townhouse** by this By-law, such Legacy Exception is interpreted to allow a **house**, **semi-detached house** or **townhouse** subject to the maximum number of **dwelling units** identified in the applicable Zone, of which a maximum of one **dwelling unit** is permitted in an **accessory house** or as a detached **additional rural unit** (as applicable), and subject to compliance with all provisions of this By-law including all Housing Constraint Area Overlays in Subsection 5.4.”;
- 1.100. New Subsections 5.7., 5.8. and 5.9. are added as follows:
 - “5.7. **Non-Residential Conversion Overlay**

- 5.7.1.** All existing **buildings used**, either in part or as a whole, for **non-residential uses** on a **lot** identified as “Non-Residential Conversion Area” on Schedule G of this By-law are permitted to be **converted** to a **mixed use building** or an **apartment building** through the **construction** of one or more **dwelling units**.
- 5.7.2.** The **conversion** of existing **buildings** permitted by Clause 5.7.1. does not require any zoning relief related to the location and size of the existing **building** and is exempt from Subsection 4.3. requiring **amenity area** and Subsection 4.16. requiring **planting strips**, but must comply with all other applicable provisions of this By-law.
- 5.7.3.** In accordance with Clause 2.6.2, a Holding Overlay has been established in the area identified as “Non-Residential Conversion Area – Holding Overlay” on Schedule G. Prior to the removal of any lot from a Holding Overlay and the issuance of a building permit for a **conversion** in accordance with Clauses 5.7.1. and 5.7.2., the following conditions must be satisfied:
- (a)** The **City** is satisfied that there is adequate servicing capacity (i.e. water, wastewater, natural gas, and electrical) for the proposed development;
 - (b)** All necessary studies, as determined by the **City** through the pre-consultation process, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, parking, soil, noise, natural heritage features, archeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
 - (c)** All agreements required by the **City** through the pre-consultation process, including site plan control, have been executed and registered on title, as appropriate.
- 5.8. Express Transit Area Overlay**
- 5.8.1.** All **lots** with a **street line** along a **street** identified as an Express Transit route subject to an identified height (in **storeys** and **metres**) on Schedule H of this By-law are intended to be **developed** with an **apartment building** or **mixed use building** through a minor variance application in accordance with Section 45 of the **Planning Act** and the Express Transit Area policies of the Official Plan.

5.8.2. Where an **apartment building** or **mixed use building** is permitted through a minor variance in accordance with Clause 5.8.1., the provisions of Sections 8 to 21 of this By-law do not apply, and instead the performance standards in Table 5.8.2. and Clauses 5.8.3. and 5.8.4. apply. All other applicable provisions of this By-law must be complied with. It is the intent of this By-law to allow for minor variances to the performance standards where necessary due to the unique configuration, layout or location of a **lot** in accordance with the policies of the Official Plan.

Table 5.8.2. – Express Transit Area Performance Standards

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	—
2. Minimum lot frontage (metres)	—
3. Maximum height (metres and storeys)	The maximum height is the lesser of the number of storeys or height in metres identified along the street line of the lot on Schedule H of this By-law
4. Minimum and maximum front setback (metres)	To be determined through a minor variance application
5. Minimum rear setback (metres)	To be determined through a minor variance application
6. Minimum exterior setback (metres)	To be determined through a minor variance application
7. Minimum interior setback (metres)	To be determined through a minor variance application
8. Minimum stepbacks	(a) for lots where the maximum height is greater than 6 storeys , the minimum stepbacks required along the front lot line and/or exterior lot line : (i) storeys 7 and above: minimum 3.0 metres from the exterior wall of the 6 th storey (b) for all other lots : N/A
9. Minimum landscaped open space	10%

Zoning Provision	all permitted uses
10. Maximum lot coverage	To be determined through minor variance application
11. Minimum floor to floor height of first storey	4.5 metres

5.8.3. Despite the definitions of **front lot line** and **rear lot line**, for the purpose of this Subsection, the **front lot line** is the **street line** along a **street** identified as “Express Transit”. If a **lot** has more than one **street line** along a **street** identified as “Express Transit”, then the shorter **lot line** is considered the **front lot line**.

5.8.4. In addition to the provisions of Table 5.8.2., **apartment buildings** or **mixed use buildings** permitted through a minor variance must comply with the following provisions:

1. The minimum **separation distance** between a **building** and a **lot** located in a UR Zone is:
 - (a) For **storeys** 1 to 4: 10 metres;
 - (b) For **storeys** 5 to 6: 15 metres; and
 - (c) For **storeys** 7 and above: 20 metres.
2. The main pedestrian entrance to the **building** must be located on the **main wall** facing the **front lot line**.
3. A minimum of 50% of the **front yard** and **exterior yard** must be soft landscaping that allows water to permeate into the ground (vegetation such as trees, shrubs, hedges, ornamental plantings, grass, groundcover or other similar plantings).
4. **Loading spaces, parking spaces** and **parking lots** are not permitted in a **front yard** or **exterior yard**.
5. **Parking structures** are not permitted to occupy any part of a **main wall** facing a **street line**.
6. At the second **storey** and above, the maximum horizontal length of one continuous plane of a **main wall** of a **building** facing the **front lot line** and **exterior lot line** is 30 metres before articulation is provided. Articulation must be provided in the form of relief for a minimum horizontal

length of 6 metres along the **main wall** at a minimum depth of 2 metres from the face of the **main wall**.

7. For **buildings** greater than 10 **storeys** in **height**, the maximum floor plate of all **storeys** above the 6th **storey** is 800 square metres. Floor plate includes all areas enclosed within exterior walls, including hallways, elevators, stairs, mechanical shafts, and all similar components.
8. Where a **lot** is adjacent to a lot in a UR Zone, within the required **rear setback**, a minimum 2.0 metre wide **planting strip** must be provided along the full length of the **rear lot line** and must comply with Subclause 4.16.1.2.

5.9. Servicing Allocation Policy Overlay

- 5.8.1. Where a Servicing Allocation Policy is in effect, in accordance with Clause 2.6.2, a Holding Overlay is established in the area identified as “Servicing Allocation Policy Area” on Schedule J.
- 5.9.2. No new **development** is permitted in the Servicing Allocation Policy Area until such time that the Holding Overlay is removed for specified forms of **development** through a partial hold removal in accordance with Clause 2.6.4.
- 5.9.3. In order to remove the Servicing Allocation Policy Area Holding Overlay, the following conditions must be satisfied:
 1. The City has confirmed servicing allocation for the specified form of development in accordance with the Servicing Allocation Policy.
- 5.9.4. Despite Clause 5.9.2., where the Servicing Allocation Policy specifies forms of **development** that are not subject to the Policy, such forms of **development** are not subject to the Servicing Allocation Policy Area Holding Overlay.
- 5.9.5. Where the **City** has established an expiry on a servicing allocation for a specified form of **development** as per Subclause 5.9.3.1. and that allocation expires, amendments to the Servicing Allocation Policy Overlay to delete the partial hold removal are considered a technical revision in accordance with Clause 1.10.2.”;

- 1.101. Subsection 6.1. is amended to add “s, Mobile Homes and Innovative Housing Technologies” after “Tiny House”;

- 1.102. Clause 6.1.1. is deleted;
- 1.103. Clause 6.1.2. is renumbered 6.1.1. and the text is deleted and replaced with:
- “6.1.1. Tiny houses, mobile homes,** modular homes and other similar innovative housing technologies that result in the construction of a **dwelling unit** are considered a **dwelling unit** in a **residential building**. Where permitted, they must comply with all provisions applicable to:
1. the **principal residential building** in the **urban area** or **rural area**, as applicable; or
 2. detached **additional rural unit** if it is located in the **rural area**; or
 3. **accessory houses** if it is located in the **urban area**.”;
- 1.104. Subclause 6.3.2.3. is amended by adding “, except as permitted by Clause 7.6.1.” to the end;
- 1.105. New Clause 6.14.2. is added as follows:
- “6.14.2. Dwelling units** are permitted as an **accessory use** in a **place of worship**, to a maximum of three **dwelling units** in the **urban area** and three **dwelling units** in the **rural area**, inclusive of **dwelling units** in an **accessory house** or detached **additional rural unit**. Such **dwelling units** must comply with Subsections 4.29. or 4.30., or the Zone standards that apply to the **principal building**.”;
- 1.106. Clause 6.15.1. is amended by replacing the word “provisions” with **“setbacks”** and adding “For clarity, provisions requiring additional **bike spaces, accessible spaces, loading spaces** and any other additional facilities do not apply to portable **classrooms**.” to the end of the Clause;
- 1.107. New Subsection 6.21. is added as follows:
- “6.21. Back-to-Back Townhouses**
- 6.21.1.** Despite the required **rear setback** of the applicable Zone, where multiple **lots** are **developed** with back-to-back **townhouses**, the minimum **rear setback** is 0 metres.”;

- 1.108. Clause 7.1.12. is amended by replacing the words “off-site **parking spaces** must be provided” with “required **parking spaces** may be provided off-site”;
- 1.109. Subclause 7.1.13.2. is amended by replacing the words “**heritage buildings**” with “a **lot** that contains a designated **heritage building**”;
- 1.110. Subclause 7.1.14.1. is amended by replacing the words “**dwelling unit** in a **mixed use building, stacked townhouse** or **common element townhouse**” with “**dwelling units** in a **mixed use building** and **stacked townhouses**”;
- 1.111. Paragraphs 7.1.15.1.(a), 7.1.15.1.(b), 7.1.15.2.(a) and 7.1.15.2.(b) are deleted;
- 1.112. Subclause 7.1.15.1. is amended by adding the words “a maximum of” before “1.25” and replacing “if.” with “if all **parking spaces** provided above the maximum ratio are **electric vehicle ready**.”;
- 1.113. Subclause 7.1.15.2. is amended by adding the words “a maximum of” before “1.5” and replacing “if.” with “if all **parking spaces** provided above the maximum ratio are **electric vehicle ready**.”;
- 1.114. The Subtitle before Clause 7.1.19. is amended to read “Addition to Existing Building – Parking Spaces”;
- 1.115. Clause 7.1.19. is amended by replacing the words “or change of **use**. However, an addition or change of **use** which has the effect of requiring additional **parking spaces** under this By-law is not permitted unless the total number of required **parking spaces** is provided” with “, provided, however, any additional **parking spaces** required by this By-law for such addition must be provided in accordance with all provisions respecting **parking spaces**”;
- 1.116. Table 7.1.1. is deleted and replaced as follows:

	use	Number of Parking Spaces (minimum, unless otherwise specified)
1.	<p>(a) apartment building (b) dwelling unit in mixed use building (c) stacked townhouse</p>	<p>(i) Required number of parking spaces: PA1, PA2: minimum 0.4 to a maximum of 1.0 per dwelling unit PA3: minimum 0.6 to a maximum of 1.0 per dwelling unit PA4: minimum 0.8 to a maximum of 1.0 per dwelling unit PA5: minimum and maximum of 1.0 per dwelling unit</p> <p>(ii) In addition to (i), where a lot contains 30 or more dwelling units, a minimum of: - 1 car-share space must be provided, with 1 additional car-share space provided for every 50 dwelling units thereafter; and - 1 short-term delivery parking space, the location and signage of which must be provided to the satisfaction of the City through the site plan review process</p> <p>(iii) In addition to (i) and (ii), the minimum number of visitor spaces: PA1, PA2: 0.03 per dwelling unit PA3, PA4, PA5: 0.06 per dwelling unit</p>
2.	<p>In the urban area: (a) house (b) townhouse (c) semi-detached house (d) accessory house</p>	<p>PA1, PA2, PA3, PA4: 1.0 parking spaces per lot PA5: 1.0 per dwelling unit for the first two dwelling units on a lot</p>
3.	<p>In the rural area: (a) dwelling unit</p>	<p>1.0 per dwelling unit</p>
4.	<p>home occupation</p>	<p>PA1: 0 parking spaces PA2, PA3, PA4, PA5: 0 parking spaces, except where an employee who does not reside in the dwelling unit, or a customer physically attend the lot, then 1 parking space</p>
5.	<p>All other uses</p>	<p>—</p>

- 1.117. Table 7.2.2. is amended by adding the words “**special needs facility,**” after “**self-service storage facility,**” in the third row;
- 1.118. Clause 7.3.1. is amended by adding the words “or Table 7.3.2. or Table 7.3.3.” after “Table 7.3.1.” and by adding the words “Despite the generalized Zone-based ratios provided in Table 7.3.2. for **non-residential uses,** the **use**-based ratios in Table 7.3.3. apply, except in the case of a multi-tenanted **building** with more than one **principal use,** then the generalized Zone-based ratios of Table 7.3.2. apply.” to the end of the Clause;
- 1.119. Clause 7.3.2.2 is amended by adding the words “Where multiple tenants separately occupy spaces or units in one **building,** the required number of **bike spaces** is calculated based on the total number of **bike spaces** that are required for the entire **building** and may be provided as one central bike facility, or individually across the separate units in a manner that generally proportions the bike facilities based on the gross floor area of each unit. Where the ultimate **use** of each unit is unknown at the time of construction, the permitted **use** which generates the highest number of **bike spaces** must be used to calculate the required number of **bike spaces.**” to the end of the Clause;
- 1.120. Clause 7.3.3. is amended by deleting the words “, except for **common element townhouses** and **stacked townhouses** where the requirements may be calculated per **lot**”;
- 1.121. New Subclause 7.3.7.4. is added as follows:
- “**4.** A maximum of 75% of the required **long-term bike spaces** are permitted to be provided as **vertical bike spaces.**”;
- 1.122. Delete the text of Clause 7.3.7. and replace it as follows:
- “**7.3.8.** Despite Clause 7.3.7.:
- 1.** Where a **long-term bike space** is required for a **house, semi-detached house, townhouse** and **accessory house,** it is exempt from Clauses 7.3.7., 7.3.10., 7.3.11. and 7.3.12. and must:
 - (a)** be provided in a secure, enclosed location such as within an **accessory building,** or within a vestibule or other interior floor area that doesn’t form part of a **dwelling unit;** and
 - (b)** be provided with a continuous pathway that ensures clear access from the **street** to the **long-term bike space.**

2. Where a **building** that existed on the date of passing of this By-law is **converted** in a manner that results in the introduction of **dwelling units** or an increase in the number of **dwelling units**, it is exempt from Clauses 7.3.7.2. and 7.3.7.4.”;
- 1.123. Subclause 7.3.9.3. is amended by adding the words “Where multiple tenants separately occupy spaces or units in one **building**, and the **bike spaces** are provided as one central bike facility as per Clause 7.3.2., this requirement does not apply.” to the end of the Subclause;
- 1.124. Subclause 7.3.10.3. is amended by replacing the words “1.5 metres;” with “1.2 metres where 4 or more **bike spaces** are provided in a common bike storage area.”;
- 1.125. Subclause 7.3.11.3. is amended by adding the words “where 4 or more **bike spaces** are provided in a common bike storage area” after “metres”;
- 1.126. Subclause 7.3.12.4. is amended by adding the words “where 4 or more **bike spaces** are provided in a common bike storage area” after “metres”;
- 1.127. Clause 7.3.13. is amended by replacing the words “, **stacked townhouses** or **common element townhouses**” with “and **stacked townhouses**”;
- 1.128. Subclauses 7.3.13.1. and 7.3.13.2. are amended by replacing the number “10” with “5” in the two locations it is referenced;
- 1.129. The Subtitle before Clause 7.3.16. is amended to read “Addition to Existing Building – Bike Spaces and End-of-Trip Facilities”;
- 1.130. Clause 7.3.16. is amended by deleting the words “or a change of **use**” and the words “or change of **use**”;
- 1.131. Table 7.3.1., together with its Subtitle, are deleted and replaced as follows:

Table 7.3.1. – Required Number of Long-Term and Short-Term Bike Spaces for Residential Uses

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
1.	Residential (a) apartment building (b) dwelling unit in mixed use building (c) stacked townhouse	0.9 per dwelling unit	0.1 per dwelling unit

	Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
2.	(a) house (b) semi-detached house (c) townhouse (d) accessory house	(a) in the urban area: 1.0 per dwelling unit (b) in the rural area: —	—
3.	home occupation	—	—

1.132. New Tables 7.3.2. and 7.3.3., together with their Subtitles, are added as follows:

Table 7.3.2. – Required Number of Long-Term and Short-Term Bike Spaces for Non-Residential Uses by Zone

	Zone or Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
1.	Rural Zones	—	—
2.	Rural Industrial Zones	—	—
3.	Non-residential uses in Mixed Use Zones, Urban Residential Zones, Urban Multi-Residential Zones and Heritage Zones	0.1 per 100 square metres of gross floor area	0.2 per 100 square metres of gross floor area
4.	Commercial Zones	0.1 per 100 square metres of gross floor area	0.2 per 100 square metres of gross floor area
5.	Employment Zones	0.1 per 100 square metres of gross floor area	—
6.	Transportation and Utilities Zones	—	—

Table 7.3.3. – Required Number of Long-Term and Short-Term Bike Spaces for Non-Residential Uses by Use

	Zone or Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
1.	airport facilities, automobile body shop, automobile repair shop, automobile sales establishment, campground,	—	—

	Zone or Use	Minimum Number of Long-Term Bike Spaces	Minimum Number of Short-Term Bike Spaces
	carwash, cemetery, community garden, correctional college, correctional institution, feedmill, ferry terminal, food truck, forestry use, funeral establishment, golf course, hospital, hotel, kennel, marina, military installation, park, recreational vehicle sales establishment, service station		
2.	banquet hall, library, museum	—	0.2 per 100 square metres of gross floor area
3.	community centre, entertainment establishment, place of worship, recreation facility, stadium	—	0.1 per person
4.	day care centre	—	0.5 per classroom
5.	elementary school, secondary school	1 per classroom	1.5 per classroom
6.	post-secondary institution	—	3 per classroom

- 1.133. Table 7.4.1. is amended by replacing the number “3.0” in rows 1 and 2 with “2.6”, by adding the words “for the portion of the **drive aisle** used to access a **parking space**, and 6.0 metres for any internal circulation road that is not directly used to access a **parking space**” after “6.7 metre **drive aisle**” in row 3, and by replacing the words “6.7 metre **drive aisle**” in row 4 with “6.0 metre **drive aisle** for two-way traffic and 3.0 metre **drive aisle** for one-way traffic”;
- 1.134. Clause 7.4.8. is amended by replacing the words “**additional residential unit**” with “**accessory house**”, replacing the words “and **freehold**” with “or”;
- 1.135. Subclause 7.4.8.2. is amended by replacing the text with “**Parking spaces** are permitted in **tandem configuration**”;
- 1.136. Subclause 7.4.8.5. is amended to replace the words “cumulative width of all **driveways** on a **lot** within the required **front setback** or **exterior setback**” with “width of a **driveway** at the point of intersection with the **front lot line** or **exterior lot line**”;

- 1.137. Paragraph 7.4.8.5.(b) is amended by replacing “3.0” with “2.6”;
- 1.138. Subclause 7.4.8.6. is deleted and replaced as follows:
- “6. Beyond the point of intersection with the **lot line**, the maximum cumulative width of all **driveways** on a **lot** is 6.0 metres, except:
- (a) If a **lot** complies with and will continue to comply with the required **landscaped open space** and all other provisions of this By-law including all requirements of Clause 7.4.8., the **driveway** may be widened to accommodate one additional **parking space** to a maximum **driveway** width of 9.0 metres, if:
- (i) The increased **driveway** width is limited to the extent required to accommodate one additional **parking space** at a maximum dimension of 2.6 metres wide by 6 metres long plus any driveway area required to maneuver a vehicle into the additional **parking space**; and
- (b) Where the **driveway** leads to a **private garage**, the maximum width beyond the required **front setback** or **exterior setback** is the width of the **private garage** on the subject **lot**.”;
- 1.139. Clause 7.4.9. is amended by deleting the words “**common element townhouse**.”;
- 1.140. Subclause 7.4.11.1. is amended by replacing the number “6.0” with “9.0”;
- 1.141. Table 7.5.1. is amended by replacing the words “Employment Zones” with “Employment **Uses**”;
- 1.142. Clause 7.5.7. is deleted and Clauses 7.5.8., 7.5.9 and 7.5.10. are renumbered as 7.5.7., 7.5.8. and 7.5.9.;
- 1.143. The Subtitle before Clause 7.5.9. is amended to read “Addition to Existing Building – Loading Spaces”;
- 1.144. Clause 7.5.9. is amended by deleting the words “or a change of **use**” and deleting the words “or change of **use**”;
- 1.145. Table 8.1.2. is amended by deleting the row that formerly started with “**duplex**”;

1.146. Table 8.1.2. is amended by deleting the dot to the cell in the row that starts with “**banquet hall**” and corresponds with the RU column;

1.147. Table 8.3.1. is amended by replacing the number “90.0” with “60.0”;

1.148. Table 8.4.1. is amended by adding a row at the bottom as follows:

11. Maximum number of principal dwelling units per lot	1.0	—
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1.149. Table 8.5.1. is amended by adding a row at the bottom as follows:

12. Maximum number of principal dwelling units per lot	1.0
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1.150. Table 8.6.1. is amended by adding a row at the bottom as follows:

9. Maximum number of principal dwelling units per lot	1.0	1.0
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1.151. Table 8.7.1. is amended by adding a row at the bottom as follows:

10. Maximum number of principal dwelling units per lot	2.0	2.0	—
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1.152. Subclauses 8.7.2.1., 8.7.2.2., 8.7.2.3. and 8.7.2.4. are amended by adding the word “or” before “**semi-detached house**” in all locations;

1.153. Paragraph 9.2.2.1.(c) is amended by adding the words “with a minimum **height** of 1.8 metres and” after the words “**visual screen**”;

1.154. Subclause 10.4.2.3. is amended by adding the words “**uses in**” after “commercial”;

1.155. Subclause 10.5.2.3. is amended by adding the words “**uses in**” after “commercial”;

1.156. Clause 11.1.1. is amended by adding the word “and” before “Urban Residential Zone 9 (UR9), and by deleting the words “Urban Residential Zone 10 (UR10), Urban Residential Zone 11 (UR11), Urban Residential Zone 12 (UR12) and Urban Residential Zone 13 (UR13)”;

1.157. Table 11.1.2. is deleted and replaced as follows:

Use	UR1	UR2	UR3	UR4	UR5	UR6	UR7	UR8	UR9
Residential house	●	●	●	●	●	●	●	●	●
semi-detached house	●	●	●	●	●	●	●	●	●
townhouse	●	●	●	●	●	●	●	●	●
Non-Residential community centre	●	●	●	●	●	●	●	●	●
elementary school	●	●	●	●	●	●	●	●	●
library	●	●	●	●	●	●	●	●	●
museum	●	●	●	●	●	●	●	●	●
place of worship	●	●	●	●	●	●	●	●	●
secondary school	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹	● ¹

1.158. Table 11.2.1. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house and townhouse	non-residential buildings
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	(a) house: 10.0 (b) semi-detached house: 9.0 per lot (c) townhouse: 6.0 per lot	10.0
3. Maximum height (metres)	(a) flat roof: 9.0 (b) all other: 10.7	(a) flat roof: 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0
5. Minimum rear setback (metres)	6.75	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0
7. Minimum interior setback (metres)	(a) 1.2 metres (b) Despite (a), where a common party wall is located along a lot line: 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%

Zoning Provision	house, semi-detached house and townhouse	non-residential buildings
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	—	—
13. Maximum number of dwelling units per lot including accessory houses	3.0	—

1.159. Clauses 11.2.2., 11.2.3. and 11.2.4. are deleted in their entirety;

1.160. Table 11.2.2. and 11.2.3. are deleted in their entirety;

1.161. Table 11.3.1. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house and townhouse	non-residential building
1. Minimum lot area (square metres)	—	—
2. Minimum lot frontage (metres)	(a) house : 12.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 6.0 per lot	12.0
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other: 10.7	(a) flat roof : 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	6.0	6.0
5. Minimum rear setback (metres)	7.5	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0
7. Minimum interior setback (metres)	(a) 1.2 metres (b) Despite (a), where a common party wall is located along a lot line : 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—

Zoning Provision	house, semi-detached house and townhouse	non-residential building
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	—	—
13. Maximum number of dwelling units per lot including accessory houses	3.0	—

- 1.162. Clauses 11.3.2. and 11.3.3. are deleted in their entirety;
- 1.163. Table 11.3.2. and 11.3.3. are deleted in their entirety;
- 1.164. Clause 11.3.4. is renumbered 11.3.2. and is amended by replacing “Table 11.3.3.” with “Table 11.3.1.”, by replacing “UR2.B” with “UR2” and by adding the words “was vacant or” before “was created”;
- 1.165. Paragraph 11.3.2.1.(a) is amended by replacing “Table 11.3.3.” with “Table 11.3.1.”;
- 1.166. Paragraph 11.3.2.1.(b) is amended by replacing “Table 11.3.3.” with “Table 11.3.1.”;
- 1.167. Subparagraph 11.3.2.1.(b)(ii) is amended by replacing the words “dwelling unit” with “lot” and by adding “and” after the semi-colon;
- 1.168. New Subparagraph 11.3.2.1.(b)(iii) is added as follows:
 “(iii) 8.6 metres per lot for a townhouse.”;
- 1.169. Table 11.4.1. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house and townhouse	non-residential building
1. Minimum lot area (square metres)	—	—

Zoning Provision	house, semi-detached house and townhouse	non-residential building
2. Minimum lot frontage (metres)	(a) house : 9.0 (b) semi-detached house : 7.5 per lot (c) townhouse : 6.0 per lot	9.0
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other: 10.7	(a) flat roof : 9.0 (b) all other: 10.7
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the greater of 3.0 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the greater of 3.0 metres or the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 3.0 metres	6.0
5. Minimum rear setback (metres)	6.0	equal to the height of the rear wall
6. Minimum exterior setback (metres)	2.4	2.4
7. Minimum interior setback (metres)	(a) 1.2 metres on one side and 0.6 metres on the other side (b) Despite (a), where a common party wall is located along a lot line : 0 metres	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—

Zoning Provision	house, semi-detached house and townhouse	non-residential building
12. Maximum building depth	—	—
13. Maximum number of dwelling units per lot including accessory houses	3.0	—

1.170. Clauses 11.4.2. and 11.4.3. are deleted in their entirety;

1.171. Table 11.4.2. and 11.4.3. are deleted in their entirety;

1.172. Clause 11.4.4. is renumbered 11.4.2. and is amended by replacing “Table 11.4.3.” with “Table 11.4.1.”, by replacing “UR3.B” with “UR3” and by adding the words “was vacant or” before “was created”;

1.173. Paragraph 11.4.2.1.(a) is amended by replacing “Table 11.4.3.” with “Table 11.4.1.”;

1.174. Paragraph 11.4.2.1.(b) is amended by replacing “Table 11.4.3.” with “Table 11.4.1.” and by replacing the words “**dwelling unit**” with “**lot**” in both locations;

1.175. Table 11.5.1. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house and townhouse	non-residential building
1. Minimum lot area (square metres)	(a) house : 557.4 (b) semi-detached house : 350.0 per lot (c) townhouse : 270.0 per lot	557.4
2. Minimum lot frontage (metres)	(a) house : 16.7 (b) semi-detached house : 10.0 per lot (c) townhouse : 8.0 per lot	16.7
3. Maximum height (metres)	(a) flat roof : 9.0 (b) all other roof types: 10.7	(a) flat roof : 9.0 (b) all other roof types: 10.7
4. Minimum front setback (metres)	6.1	6.1
5. Minimum rear setback (metres)	7.6	equal to the height of the rear wall

Zoning Provision	house, semi-detached house and townhouse	non-residential building
6. Minimum exterior setback (metres)	6.1	6.1
7. Minimum interior setback (metres)	(a) where there is an attached private garage : 1.22 metres (b) where there is no attached private garage : 2.44 metres on one side and 1.22 metres on the other side (c) Despite (a) and (b), where a common party wall is located along a lot line : 0 metres from the lot line with the common party wall and 1.22 metres from the other interior lot line	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	—	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	30%	30%
11. Maximum number of principal buildings per lot	1.0	1.0
12. Maximum building depth	—	—
13. Maximum number of dwelling units per lot including accessory houses	3.0	—

1.176. Table 11.6.1. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
1. Minimum lot area (square metres)	(a) house : 370.0 (b) semi-detached house : 330.0 per lot (c) townhouse : 295.0 per lot	370.0
2. Minimum lot frontage (metres)	(a) house : 10.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot	10.0

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (c) Despite (a) and (b), where a building existed as of the date of	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback for the existing building and any further

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
	passing of this By-law and the exterior setback is less than required, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback	development that enlarges or alters the building is the existing exterior setback
7. Minimum interior setback (metres)	(a) house : 0.6 (b) semi-detached house and townhouse : where a common party wall is located along a lot line : 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) house : 3.2 (b) semi-detached house and townhouse : —	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
13. Maximum number of dwelling units per lot including accessory houses	3.0	—

1.177. Clause 11.6.2. and its Subtitle are deleted in their entirety;

1.178. Table 11.7.1. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
1. Minimum lot area (square metres)	(a) house : 465.0 (b) semi-detached house : 280.0 per lot (c) townhouse : 250.0 per lot	465.0
2. Minimum lot frontage (metres)	(a) house : 15.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot	15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback	(a) 4.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 4.5 metres, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres	a) 4.5 (b) Despite (a), where a building existed as of the date of passing of

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
	and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback	this By-law and the exterior setback is less than 4.5 metres, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback
7. Minimum interior setback (metres)	(a) house : 0.6 (b) semi-detached house and townhouse : where a common party wall is located along a lot line : 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) house : 3.0 (b) semi-detached house and townhouse : —	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
13. Maximum number of dwelling units per	3.0	—

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
lot including accessory houses		

1.179. Table 11.8.1. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
1. Minimum lot area (square metres)	(a) house : 555.0 (b) semi-detached house : 330.0 per lot (c) townhouse : 295.0 per lot	555.0
2. Minimum lot frontage (metres)	(a) house : 15.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot	(a) corner lot : 16.5 (b) all other lots: 15.0
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 7.5 metres, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 7.5 metres, the minimum exterior setback for the existing building and any	(a) 7.5 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 7.5 metres, the minimum exterior setback for the

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
	further development that enlarges or alters the building is the existing exterior setback	existing building and any further development that enlarges or alters the building is the existing exterior setback
7. Minimum interior setback (metres)	(a) house : 1.2 (b) semi-detached house and townhouse : where a common party wall is located along a lot line : 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) house : 3.0 (b) semi-detached house and townhouse : —	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
13. Maximum number of dwelling units per lot including accessory houses	3.0	—

1.180. Table 11.9.1. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
1. Minimum lot area (square metres)	(a) house : 418.0 (b) semi-detached house : 275.0 per lot	418.0

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
	(c) townhouse : 245.0 per lot	
2. Minimum lot frontage (metres)	(a) house : 13.7 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot	(a) corner lot : 16.5 (b) all other lots : 13.7
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 6.0 metres, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the front setback is less than 6.0 metres, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback
5. Minimum rear setback (metres)	—	equal to the height of the rear wall
6. Minimum exterior setback (metres)	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 6.0 metres, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback	(a) 6.0 (b) Despite (a), where a building existed as of the date of passing of this By-law and the exterior setback is less than 6.0 metres, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback
7. Minimum interior setback (metres)	(a) house : 1.2 (b) semi-detached house and townhouse : where a common party wall is located along a lot line : 0 metres from the lot line with the	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres

Zoning Provision	house, semi-detached house and townhouse	non-residential uses
	common party wall and 1.2 metres from the other interior lot line	
8. Minimum aggregate of interior setbacks	(a) house : 3.0 (b) semi-detached house and townhouse : —	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
13. Maximum number of dwelling units per lot including accessory houses	3.0	—

1.181. Clause 11.9.2. and its Subtitle are deleted in their entirety;

1.182. Subsections 11.10. and 11.11. are deleted in their entirety;

1.183. Subsection 11.12. is renumbered 11.10 and is amended by replacing all references to “Urban Residential Zone 11” with “Urban Residential Zone 9”, by replacing all references to “UR11” with “UR9” and by replacing all references to “Table 11.12.2.” with “Table 11.10.2.”;

1.184. Table 11.10.2. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house, linked dwelling and townhouse	non-residential use
1. Minimum lot area (square metres)	(a) house : 320.0 (b) semi-detached house : 270.0 per lot (c) townhouse : 240.0 per lot	320.0

Zoning Provision	house, semi-detached house, linked dwelling and townhouse	non-residential use
2. Minimum lot frontage (metres)	(a) house : 10.6 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot	(a) corner lot : 14.0 (b) other lot : 10.6
3. Maximum height	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys
4. Minimum front setback (metres)	6.0	6.0
5. Minimum rear setback (metres)	6.0	equal to the height of the rear wall
6. Minimum exterior setback (metres)	6.0	6.0
7. Minimum interior setback (metres)	(a) house with attached private garage : 1.2 (b) house with no attached private garage : 1.2 metres on one side and 2.4 metres on other side (c) semi-detached house and townhouse : where a common party wall is located along a lot line : 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line	3.0 metres plus 0.3 metres for each additional 0.6 metres in height above 4.6 metres
8. Minimum aggregate of interior setbacks	(a) house : 3.2 (b) semi-detached house and townhouse : —	—
9. Minimum landscaped open space	30%	30%
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1.0	—

Zoning Provision	house, semi-detached house, linked dwelling and townhouse	non-residential use
12. Maximum building depth (metres)	—	—
13. Maximum number of dwelling units per lot including accessory houses	3.0	—

1.185. Subsections 11.13. and 11.14. are deleted in their entirety;

1.186. Table 12.1.2. is deleted and replaced as follows:

Use	URM 1	URM 2	URM 3	URM 4	URM 5	URM 6	URM 7	URM 8	URM 9	URM 10
Residential apartment building	•	•	•	•	•	•	•	•	•	•
dwelling unit in a mixed use building	—	—	—	—	—	—	—	• ¹	—	—
house	•	—	•	•	•	—	—	—	—	—
semi-detached house	•	—	—	—	—	—	—	—	—	—
stacked townhouse	•	•	—	—	—	—	—	•	•	•
townhouse	•	•	—	•	•	—	—	—	—	—
Non- residential community centre	•	•	•	•	•	•	•	•	•	•
day care centre	•	•	•	•	•	•	•	•	•	•
elementary school	•	•	•	•	•	•	•	•	•	•
library	•	•	•	•	•	•	•	•	•	•
museum	•	•	•	•	•	•	•	•	•	•
place of worship	•	•	•	•	•	•	•	•	•	•
secondary school	• ²	• ²	• ²	• ²	• ²	• ²	• ²	• ²	• ²	• ²

1.187. Table 12.2.1. is amended by adding a row at the bottom as follows:

12. Maximum number of principal dwelling units per lot including accessory houses	3.0	3.0	—	—
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1.188. Table 12.4.1. is amended by adding the words “for the existing **building** and any further **development** that enlarges or alters the **building**” before “is the existing **front setback**” in row 4;

1.189. Table 12.4.1. is amended by adding the words “for the existing **building** and any further **development** that enlarges or alters the **building**” before “is the existing **exterior setback**” in row 6;

1.190. Table 12.4.1. is amended by replacing row 12 as follows:

12. Maximum number of principal dwelling units per lot including accessory houses	(a) house, semi-detached house: 3.0 (b) all other: 6.0
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1.191. Table 12.5.1. is deleted and replaced as follows:

Zoning Provision	all permitted uses
1. Minimum lot area (square metres)	(a) house: 335.0 (b) semi-detached house, townhouse: 270.0 per lot
2. Minimum lot frontage (metres)	18.0
3. Maximum height	—
4. Minimum front setback (metres)	7.5
5. Minimum rear setback (metres)	7.5 metres for buildings up to 5 storeys , then additional 1.2 metres for every storey above 5
6. Minimum exterior setback (metres)	7.5
7. Minimum interior setback (metres)	(a) non-residential buildings: equal to half the height of the building (b) residential buildings that are 1 storey: 1.8 (c) residential buildings that are 2 storeys: 3.0 (d) residential buildings that are greater than 2 storeys: 3.0 metres plus 1.2 metres for each additional storey above 2 (e) Despite (b), (c) and (d), for townhouses , where a common party wall is located along a lot line , then 0 metres
8. Minimum landscaped open space	30%

Zoning Provision	all permitted uses
9. Maximum density	apartment building: 69 dwelling units per net hectare
10. Maximum number of dwelling units per lot including accessory houses	(a) house, semi-detached house, townhouse: 3.0 (b) all other permitted uses: see density requirement above

1.192. Table 12.6.1. is amended by adding a row at the bottom as follows:

10. Maximum number of principal dwelling units per lot including accessory houses	(a) house, semi-detached house, townhouse: 3.0 (b) all other permitted uses: see density requirement above
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1.193. Table 13.1.2. is amended by deleting the rows that formerly started with “**duplex**” and “**triplex**”;

1.194. Table 13.1.2. is amended by adding a dot with a superscript 2 to the cell in the row that starts with “**townhouse**” and corresponds with the “HCD1” column;

1.195. Table 13.2.2. is deleted and replaced as follows:

Zoning Provision	Heritage Lot	Non-Heritage Lot
1. Minimum lot area (square metres)	Lot area existing as of the date of passing of this By-law	370.0
2. Minimum lot frontage (metres)	Lot frontage existing as of the date of passing of this By-law	12.0
3. Maximum height (metres)	Height existing as of the date of passing of this By-law	(a) Where 2 adjacent lots with a front lot line on the same street are heritage lots: the lesser of 10.0 metres or the average of the height of the heritage buildings on the adjacent heritage lots (b) For all other lots: 10.0
4. Minimum front setback (metres)	Front setback existing as of the date of passing of this By-law	(a) Where 2 adjacent buildings have a front lot line on the same street: the lesser of 3.0 metres or the average front setbacks of adjacent buildings

Zoning Provision	Heritage Lot	Non-Heritage Lot
		<p>(b) Where 1 adjacent building has a front lot line on the same street: the lesser of 3.0 metres or the average of 3.0 metres and the front setback of adjacent building</p> <p>(c) Where no adjacent buildings have a front lot line on the same street: 3.0 metres</p> <p>(d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback</p>
5. Minimum rear setback (metres)	Rear setback existing as of the date of passing of this By-law	7.0
6. Minimum exterior setback (metres)	Exterior setback existing as of the date of passing of this By-law	3.0
7. Minimum interior setback (metres)	Interior setback existing as of the date of passing of this By-law	<p>(a) 1.2 metres</p> <p>(b) Despite (a), where a common party wall is located along a lot line: 0 metres</p>
8. Minimum aggregate of interior setbacks	Aggregate of interior setbacks that existed as of the date of passing of this By-law	6.0
9. Minimum landscaped open space	Landscaped open space existing as of the date of passing of this By-law	30%
10. Maximum lot coverage	Lot coverage existing as of the date of passing of this By-law	25%

Zoning Provision	Heritage Lot	Non-Heritage Lot
11. Maximum number of principal buildings per lot	1	1
12. Maximum number of storeys	Number of storeys existing as of the date of passing of this By-law	2
13. Maximum number of dwelling units per lot including accessory houses	3.0	3.0

- 1.196. Clause 13.2.4. is amended by adding the words “or a new **building** on a **heritage lot**” before the words “must comply”;
- 1.197. Table 13.4.1. is amended by adding the words “for the existing **building** and any further **development** that enlarges or alters the **building**” before “is the existing **front setback**” in row 4;
- 1.198. Table 13.4.1. is amended by adding the words “for the existing **building** and any further **development** that enlarges or alters the **building**” before “is the existing **exterior setback**” in row 6;
- 1.199. Table 13.4.1. is amended by adding a row at the bottom as follows:

14. Maximum number of principal dwelling units per lot including accessory houses	(a) house, semi-detached house, townhouse : 3.0 (b) all other permitted uses : see density requirement above
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- 1.200. Table 14.1.2. is amended by deleting the rows that formerly started with “**duplex**” and “**triplex**”;
- 1.201. Table 14.1.2. is amended by deleting all instances of the superscript “2” from each cell with a dot in the row that starts with “**day care centre**”;
- 1.202. Table 14.3.2. is deleted and replaced as follows:

Zoning Provision	house, semi-detached house, townhouse	all other permitted uses
1. Minimum lot area (square metres)	(a) house : 370.0 (b) semi-detached house : 330.0 per lot (c) townhouse : 295.0 per lot	—

Zoning Provision	house, semi-detached house, townhouse	all other permitted uses
2. Minimum lot frontage (metres)	(a) house : 10.0 (b) semi-detached house : 9.0 per lot (c) townhouse : 8.0 per lot	—
3. Maximum height (metres)	(a) flat roof : lesser of 9.0 metres or 3 storeys (b) all other: lesser of 10.7 metres or 3 storeys	—
4. Minimum front setback (metres)	(a) Where 2 adjacent buildings have a front lot line on the same street : the lesser of 4.5 metres or the average front setbacks of adjacent buildings (b) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (c) Where no adjacent buildings have a front lot line on the same street : 4.5 metres (d) Despite (a), (b) and (c), where a building existed as of the date of passing of this By-law and the front setback is less than required, the minimum front setback for the existing building and any further development that enlarges or alters the building is the existing front setback	(a) Area A : 1.5 times the height of the building (b) Area B : 7.5 (c) Area C : 7.5
5. Minimum rear setback (metres)	—	(a) Area A : 1.5 times the height of the building (b) Area B : 7.5 (c) Area C : the greater of 7.5 metres or 25% of the lot depth
6. Minimum exterior setback (metres)	(a) Where 1 adjacent building has a front lot line on the same street : the lesser of 4.5 metres or the average of 4.5 metres and the front setback of adjacent building (b) Where no adjacent buildings have a front lot line on the same street : 4.5 metres	(a) Area A : 1.5 times the height of the building (b) Area B : 7.5 (c) Area C : 50% of the height of the building

Zoning Provision	house, semi-detached house, townhouse	all other permitted uses
	(c) Despite (a) and (b), where a building existed as of the date of passing of this By-law and the exterior setback is less than required, the minimum exterior setback for the existing building and any further development that enlarges or alters the building is the existing exterior setback	
7. Minimum interior setback (metres)	(a) house : 0.6 (b) semi-detached house and townhouse : where a common party wall is located along a lot line : 0 metres from the lot line with the common party wall and 1.2 metres from the other interior lot line	(a) Area A : 1.5 times the height of the building (b) Area B : 7.5 (c) Area C : 50% of the height of the building
8. Minimum aggregate of interior setbacks	(a) house : 3.6 (b) semi-detached house and townhouse : —	—
9. Minimum landscaped open space	30%	—
10. Maximum lot coverage	—	—
11. Maximum number of principal buildings per lot	1	—
12. Maximum building depth (metres)	(a) 18.0 (b) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	—
13. Maximum density of habitation units	—	519 habitation units per net hectare
14. Maximum number of dwelling units per lot including	3.0	—

Zoning Provision	house, semi-detached house, townhouse	all other permitted uses
accessory houses		

- 1.203. Table 15.1.2. is amended by deleting the rows that start with “**apartment building**”, “**stacked townhouse**” and “**townhouse**”;
- 1.204. Table 15.1.2. is amended by deleting all instances of the superscript “2” from each cell with a dot in the row that starts with “**day care centre**”;
- 1.205. Table 15.1.2. is amended by adding a dot to the cell in the row that starts with “**restaurant**” and corresponds with the “CR” column;
- 1.206. Table 15.7.1. is amended by adding a row at the bottom as follows:

10. Maximum number of dwelling units per lot	1.0
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- 1.207. Subclause 16.2.2.3. is amended by deleting the words “, or has a **street line** located on the opposite side of the **street** from a **lot** in a Zone other than an Employment Zone”;
- 1.208. Paragraph 16.2.2.3.(a) is amended by replacing the words “is required adjacent to any such **lot line** or **street line** in accordance with the provisions of Subsection 4.16.” with “must be provided along the portion of the **lot line** that abuts a **lot** in a Zone that is not an Employment Zone;”;
- 1.209. Paragraph 16.2.2.3.(b) is renumbered 16.2.2.3.(d) and new Paragraphs 16.2.2.3.(b) and 16.2.2.3.(c) are added as follows:
 - “(b) The minimum **height** for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres;
 - “(c) **Driveways, walkways** and similar features are permitted to cut across the **planting strip** perpendicularly; and”;
- 1.210. Subclauses 16.2.2.4. and 16.2.2.5. are renumbered 16.2.2.5. and 16.2.2.6. and new Subclause 16.2.2.4. is added as follows:
 - “4. Where a **lot** has a **street line** that is located on the opposite side of the **street** from any Zone other than an Employment Zone:
 - “(a) A minimum 3.0 metre wide **planting strip** must be provided along the portion of the **street line** that is

opposite to the Zone that is not an Employment Zone;
and

- (b) The minimum **height** for the row of trees or a continuous hedgerow of evergreens or shrubs located in the **planting strip** is 1.5 metres; and
- (c) **Driveways, walkways** and similar features are permitted to cut across the **planting strip** perpendicularly.”;

- 1.211. Table 16.5.1. is amended by deleting the word “**other**” from the top row;
- 1.212. Table 18.4.1. is amended by adding “including **accessory houses**” to the end of the first column on the bottom row and replacing “1.0” with “3.0” in the column that corresponds with “**house**” in that same row;
- 1.213. Schedule 1 – Zoning Map is amended by changing the zone symbol of all lands in the City currently zoned ‘UR2’ and ‘UR3’ to ‘UR1’;
- 1.214. Schedule 1 – Zoning Map is amended by changing the zone symbol of all lands in the City currently zoned ‘UR1.A’, ‘UR2.A’ and ‘UR3.A’ to ‘UR2’;
- 1.215. Schedule 1 – Zoning Map is amended by changing the zone symbol of all lands in the City currently zoned ‘UR1.B’, ‘UR2.B’ and ‘UR3.B’ to ‘UR3’;
- 1.216. Schedule 1 – Zoning Map is amended by changing the zone symbol of all lands in the City currently zoned ‘UR6’ to ‘UR7’;
- 1.217. Schedule 1 – Zoning Map is amended by changing the zone symbol of all lands in the City currently zoned ‘UR9’, ‘UR10’, ‘UR12’ and ‘UR13’ to ‘UR6’;
- 1.218. Schedule 1 – Zoning Map is amended by changing the zone symbol of all lands in the City currently zoned ‘UR11’ to ‘UR9’;
- 1.219. Schedule E – Exception Overlay is amended by adding Exception ‘E81’ for the property municipally known as 596 MacDonnell Street, as shown on Schedule “A” attached to and forming part of this By-Law;
- 1.220. By adding the following Exception Number E81 in Section 21 – Exceptions, as follows:
 - “**E81.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) Houses must comply with the Zone provisions applicable to houses, except:
- (i) Minimum **lot area**: 417 square metres
 - (ii) Minimum **front setback**: 4.2 metres
 - (iii) Minimum **interior setback**: 1.1 metres
 - (iv) Maximum **building depth**: 14.7 metres
 - (v) Minimum **driveway** width: 2.6 metres
 - (vi) Minimum **drive aisle** width: 4.8 metres
 - (vii) Minimum **parking space** length: 5.2 metres
 - (viii) Minimum **walkway**:
 - (1) For projections or balconies that are more than 1.2 metres in **height** above the **finished grade** and are located on the west side of a **dwelling unit**, a privacy barrier of a minimum height of 1.5 metres must be provided on the north side of each balcony or projection.
 - (2) Minimum **walkway** described in Section 4.27 of Zoning By-Law 2022-62 may be 1.1 metres wide.”
- 1.221. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, and by adding the zone symbol ‘WM1’ and ‘WM2’ for the property municipally known as 170 Colborne Street, as shown on Schedule “B” attached to and forming part of this By-Law.
- 1.222. The property municipally known as 170 Colborne Street shown on Schedule “XX” attached to and forming part of this By-Law is incorporated into the Kingston Zoning By-law and the provisions of **former zoning by-law 8499**, as amended, no longer apply to the lands.
- 1.223. Schedule 1 – Zoning Map is amended by changing the zone symbol for the properties municipally known as 1653 and 1663 Venture Drive from ‘OS1’ to ‘M2’, as shown on Schedule “C” attached to and forming part of this By-law;
- 1.224. Schedule 1 – Zoning Map is amended by changing the zone symbol for the properties municipally known as 1614, 615-621 Norris Court from ‘M2’ to ‘M1’, as shown on Schedule “D” attached to and forming part of this By-law;
- 1.225. Schedule 1 – Zoning Map is amended by changing the zone symbol for the properties municipally known as 623-631 Fortune Crescent from ‘M1’ and ‘M2’ to ‘M4’, as shown on Schedule “E” attached to and forming part of this By-law;

- 1.226. Schedule 1 – Zoning Map is amended by changing the zone symbol for the properties municipally known as 638 Fortune Crescent from ‘M1’ to ‘M2’, as shown on Schedule “F” attached to and forming part of this By-law;
- 1.227. Schedule 1 – Zoning Map is amended by changing the zone symbol for the properties municipally known as 1104, 1122, 1125, 1128, 1134, 1139, 1140 and 1146 Westbrook Road from ‘RU’ to ‘RUR’, as shown on Schedule “G” attached to and forming part of this By-law;
- 1.228. Schedule 1 – Zoning Map is amended by changing the zone symbol for the properties within the Campus Expansion Area from ‘UR5’ to ‘URM8’, as shown on Schedule “H” attached to and forming part of this By-law;
- 1.229. Schedule E – Exception Overlay is amended by adding Exception ‘E147’ for the Campus Expansion Area, as shown on Schedule “I” attached to and forming part of this By-Law;
- 1.230. By adding the following Exception Number E147 in Section 21 – Exceptions, as follows:
- “**E147.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
- (a) Where **dwelling units** are **developed**, the minimum number of **dwelling units** is 11.
 - (b) Where **co-living units** are **developed**, the minimum number of private **bedrooms** and/or living spaces in **co-living units** is 44.
 - (c) The minimum **lot area** in Table 12.9.1. does not apply.
 - (d) The minimum **interior setback** is 0 metres, except that a minimum 1.1 metre wide area must be provided at grade with an unobstructed **height** a minimum of 2.1 metres in the form of a **walkway** allowing exterior pedestrian access from the **front yard** to the **rear yard**. The **walkway** is permitted to overlap a **driveway** if it complies with Subclause 4.27.5.1.
 - (e) There is no minimum **stepback** required where a **main wall** faces Aberdeen Street, Division Street, William Street or Earl Street.
 - (f) The maximum **floor space index** and **lot coverage** in Table 12.9.1. do not apply.
 - (g) Subclause 12.9.2.1. does not apply.

- (h) Balconies are not permitted on a **main wall** that faces a **street line**.
 - (i) **Standard parking spaces, visitor parking spaces and car-share spaces** are not required.
 - (j) A minimum of 5 square metres of **amenity area** must be provided for each **dwelling unit** on a **lot**.
 - (k) **Amenity area** is not permitted on the roof of a **building**.
 - (l) For the properties municipally known as 3, 5, 7, 9, 11, 15 and 19 Aberdeen Street, future **development** must maintain the **front setback** and reflect the uniform spacing of the front **main walls** facing Aberdeen Street, as they existed on the date of passing of the site-specific by-law, to the satisfaction of the City through the site plan review process. Any future **development** is encouraged to retain and adaptively reuse the existing **buildings** to the greatest extent feasible.
 - (m) For the property municipally known as 267 Earl Street, the **lot** is permitted to be developed in accordance with the provisions of the E109 Exception or in accordance with the provisions of this Exception.
 - (n) For the property municipally known as 271 Earl Street, the **lot** is permitted to be **developed** in accordance with the provisions of the L275 Exception or in accordance with the provisions of this Exception.
 - (o) For the property municipally known as 217-219 University Avenue and 330 William Street, the **lot** is permitted to be **developed** in accordance with the provisions of the L172 Exception or in accordance with the provisions of this Exception.
 - (p) For the property municipally known as 241 University Avenue, the **lot** is permitted to be **developed** in accordance with the provisions of the L213 Exception or in accordance with the provisions of this Exception.”
- 1.231. Schedule F – Holding Overlay is amended by adding Hold Number ‘H232’, for the Campus Expansion Area as shown on Schedule “J” attached to and forming part of this By-Law;
- 1.232. By adding the following Hold Number H232 in Section 22 – Holding Conditions, as follows:

“H232. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the **City**:

- (a) The **City** is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- (b) All necessary studies, as determined by the **City** through the pre-consultation process, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- (c) All agreements required by the **City** through the pre-consultation process, including site plan control, have been executed and registered on title, as appropriate.”

1.233. Schedule 1 – Zoning Map is amended by changing the zone symbol for the properties within the Joyceville Hamlet from ‘AG’ to ‘HAM’, as shown on Schedule “K” attached to and forming part of this By-law;

1.234. Schedule F – Holding Overlay is amended by adding Hold Number ‘H219’, for the Joyceville Hamlet as shown on Schedule “L” attached to and forming part of this By-Law;

1.235. Schedule 1 – Zoning Map is amended by changing the zone symbol for the property municipally known as 3110 Princess Street from ‘CA’ to ‘UR2’, as shown on Schedule “M” attached to and forming part of this By-law;

1.236. Schedule 1 – Zoning Map is amended by changing the zone symbol for a portion of the property municipally known as 4050 Howes Road from ‘RM1’ to ‘RU’, as shown on Schedule “N” attached to and forming part of this By-law;

1.237. Schedule E – Exception Overlay is amended by adding Exception ‘E148’ for the property municipally known as 1610 Highway 15, as shown on Schedule “O” attached to and forming part of this By-Law;

1.238. By adding the following Exception Number E148 in Section 21 – Exceptions, as follows:

“E148. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

(a) In addition to the **uses** permitted by the applicable Zone, the following **use** is permitted:

(i) **Contractor’s yard.”**

1.239. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, and by adding the zone symbol ‘IN2’ for the property municipally known as 275 Sydenham Street, as shown on Schedule “P” attached to and forming part of this By-Law.

1.240. The property municipally known as 275 Sydenham Street shown on Schedule “P” attached to and forming part of this By-Law is incorporated into the Kingston Zoning By-law and the provisions of **former zoning by-law 8499**, as amended, no longer apply to the lands.

1.241. Schedule E – Exception Overlay is amended by adding Exception ‘E149’ for the property municipally known as 275 Sydenham Street, as shown on Schedule “Q” attached to and forming part of this By-Law;

1.242. By adding the following Exception Number E149 in Section 21 – Exceptions, as follows:

“**E149.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

(a) In addition to the **uses** permitted by the applicable Zone, the following **uses** are permitted within the **buildings** existing on the date of passing of the site specific by-law:

(i) **dwelling units** in a **mixed use building**;

(ii) **apartment building**; and

(iii) all **uses** permitted in the CN Zone.

(b) The maximum number of **dwelling units** is 200.

(c) No **loading spaces** are required.

(d) **Amenity area** is not required for **residential uses** in a **building** existing on the date of passing of the site specific by-law.

(e) **Short-term bike spaces** or **long-term bike spaces** are not required for any **use** in a **building** existing on the date of passing of the site specific by-law.

- (f) **End-of-trip bike facilities** are not required for **non-residential uses** in a **building** existing on the date of passing of the site specific by-law.
 - (g) The **buildings** existing on the date of passing of the site specific by-law are deemed to comply with the provisions of this By-law.”
- 1.243. Schedule 1 – Zoning Map is amended by changing the zone symbol for the property municipally known as 655 Graceland Avenue from ‘DR’ to ‘UR2’, as shown on Schedule “R” attached to and forming part of this By-law;
- 1.244. Schedule 1 – Zoning Map is amended by changing the zone symbol for the property municipally known as 36 Joseph Street from ‘M2’ to ‘DR’, as shown on Schedule “S” attached to and forming part of this By-law;
- 1.245. Schedule 1 – Zoning Map is amended by changing the zone symbol for the lands located in the northwest corner of Perth Road and Highway 401 from ‘EPA’ and ‘RU’ to ‘OS2’ and from ‘EPA’ to ‘RU’, as shown on Schedule “T” attached to and forming part of this By-law;
- 1.246. Schedule E – Exception Overlay is amended by revising the boundary of Exception ‘E78’ for the Clogg’s Road Business Park area, as shown on Schedule “U” attached to and forming part of this By-Law;
- 1.247. By deleting the text of Exception Number E78 in Section 21 – Exceptions, and replacing it with the following text:
- “**E78.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
- (a) The maximum **height** is 40 metres.”
- 1.248. Schedule E – Exception Overlay is amended by adding Exception ‘E162’ for the property municipally known as 61 Yonge Street, as shown on Schedule “V” attached to and forming part of this By-Law;
- 1.249. By adding the following Exception Number E162 in Section 21 – Exceptions, as follows:
- “**E162.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
- (a) In addition to the uses permitted by the applicable Zone, the following **uses** are permitted in the **building** existing on the date of passing of the site specific by-law:

- (i) **Office**; and
 - (ii) A maximum of one **dwelling unit.**”
- 1.250. Schedule 3 – Required Ground Floor Commercial is amended by removing the frontages identified as “Frontage to be Removed from Required Ground Floor Commercial” on Schedule “W” and Schedule “X” attached to and forming part of this By-law;
- 1.251. Schedule D1 – Additional Residential Unit is deleted and replaced with new Schedule D1 – Urban Constraint Areas and Second Rural Unit Holding Overlay as contained in Schedule “Y” attached to and forming part of this By-law;
- 1.252. Schedule D2 – Additional Residential Unit is deleted and replaced with new Schedule D2 – Third Rural Unit Holding Overlay as contained in Schedule “Z” attached to and forming part of this By-law;
- 1.253. Schedule G – Non-Residential Conversion Overlay is created as a new Schedule G – Non-Residential Conversion Overlay to the Kingston Zoning By-law as contained in Schedule “AA” attached to and forming part of this By-law;
- 1.254. Schedule H – Express Transit Area Overlay is created as a new Schedule H – Express Transit Area Overlay to the Kingston Zoning By-law as contained in Schedule “AB” attached to and forming part of this By-law; and
- 1.255. Schedule J – Servicing Allocation Policy Overlay is created as a new Schedule J – Servicing Allocation Policy Overlay to the Kingston Zoning By-law as contained in Schedule “AC” attached to and forming part of this By-law.
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: 596 MacDonnell St.

Lands to be added as Exception Number E81

Certificate of Authentication

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

_____ Mayor _____ Clerk





Planning
Services

Schedule 'AA'
to By-Law Number

Certificate of Authentication



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

Mayor

Clerk

Kingston Zoning By-Law 2022-62 Schedule G - Non-Residential Conversion Overlay

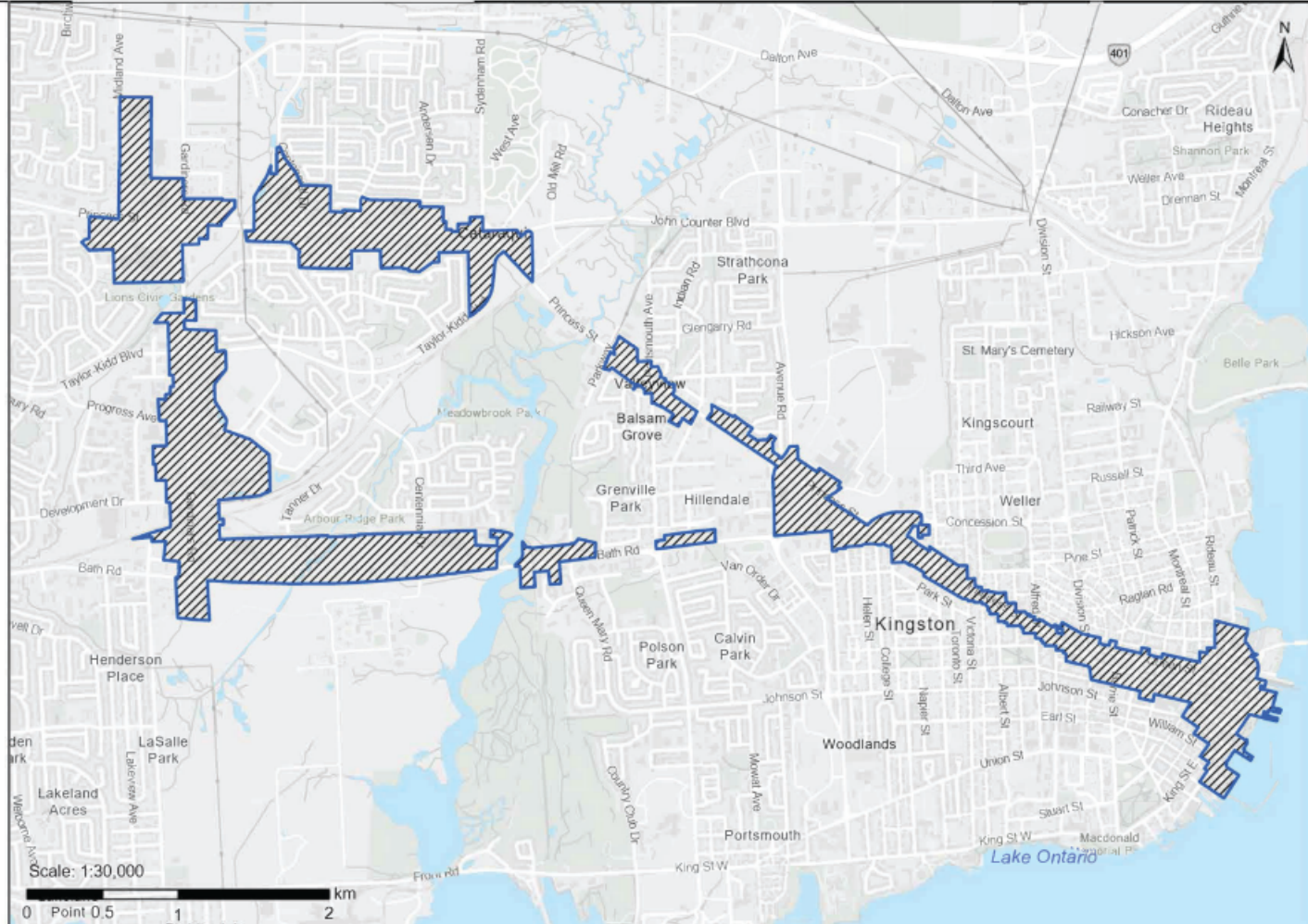
Non-Residential Conversion Overlay Area

-  Non-Residential Conversion Area
-  Non-Residential Conversion Area - Holding Overlay

Lands that are identified as "Not Subject to this By-law" on Schedule 1 – Zoning Map are not subject to this Schedule.

If you require information in an alternate format, please call 613-546-0000. We will work with you to understand your specific information and accessibility needs and to provide for them within a reasonable timeframe.

[Note: For more information please visit the New Zoning By-law interactive web app at <https://apps.cityofkingston.ca/newzoningbylawmap>]



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Planning
Services

Schedule 'AB'
to By-Law Number

Certificate of Authentication

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

Mayor _____

Clerk _____

Kingston Zoning By-Law 2022-62
Schedule H - Express Transit Area Overlay

Schedule H - Express Transit
Area Overlay

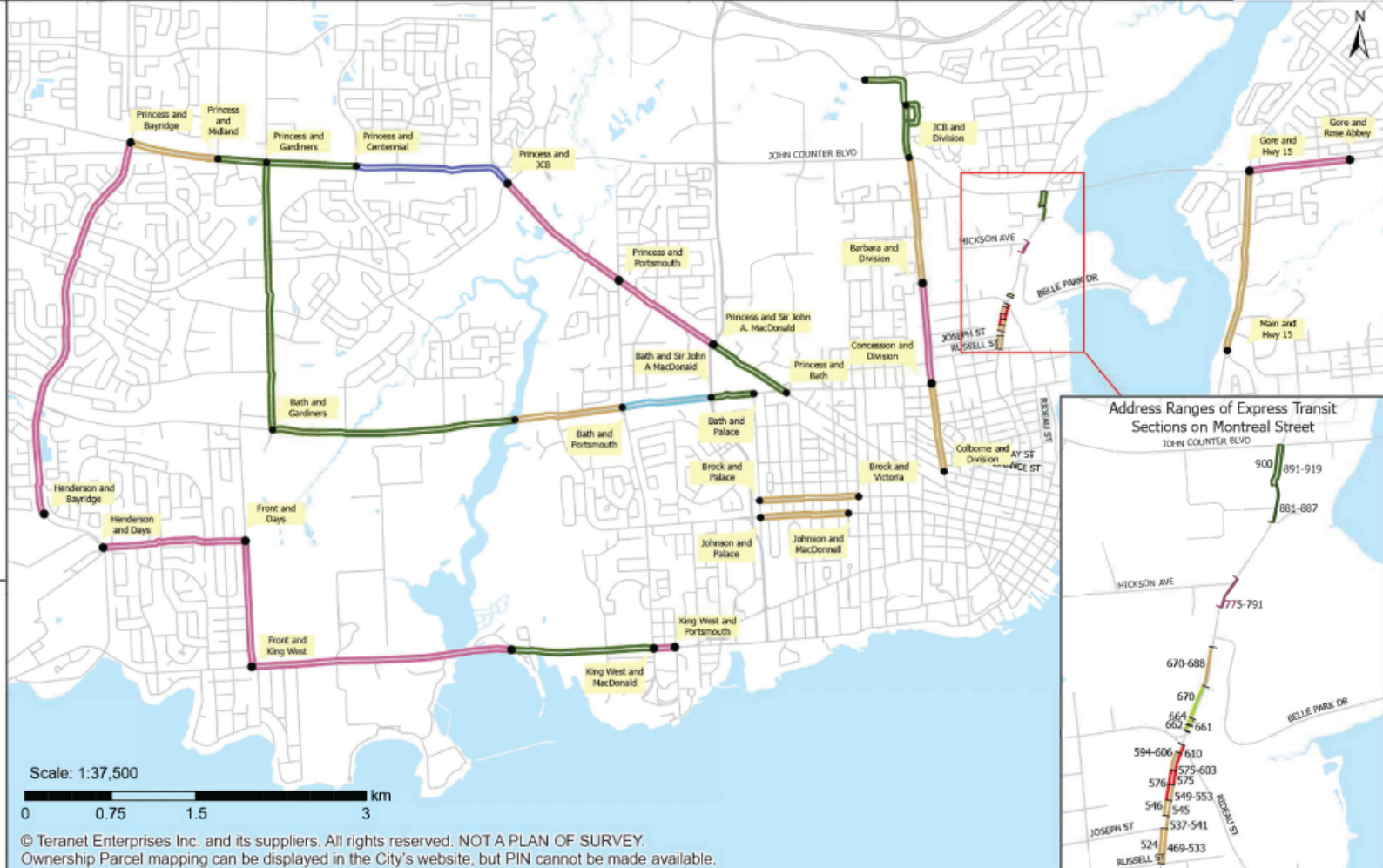
- 4 Storeys (13.5m)
- 6 Storeys (19.5m)
- 8 Storeys (25.5m)
- 10 Storeys (31.5m)
- 12 Storeys (37.5m)
- 15 Storeys (46.5m)
- 20 Storeys (61.5m)

Lands that are identified as "Not Subject to this By-law" on Schedule 1 - Zoning Map are not subject to this Schedule.

If you require information in an alternate format, please call 613-546-0000. We will work with you to understand your specific information and accessibility needs and to provide for them within a reasonable timeframe.

[Note: For more information please visit the New Zoning By-law interactive web app at <https://apps.cityofkingston.ca/newzoningbylawmap>]

Key Map
City of Kingston



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**Schedule 'AC'
to By-Law Number**

Certificate of Authentication

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

Mayor

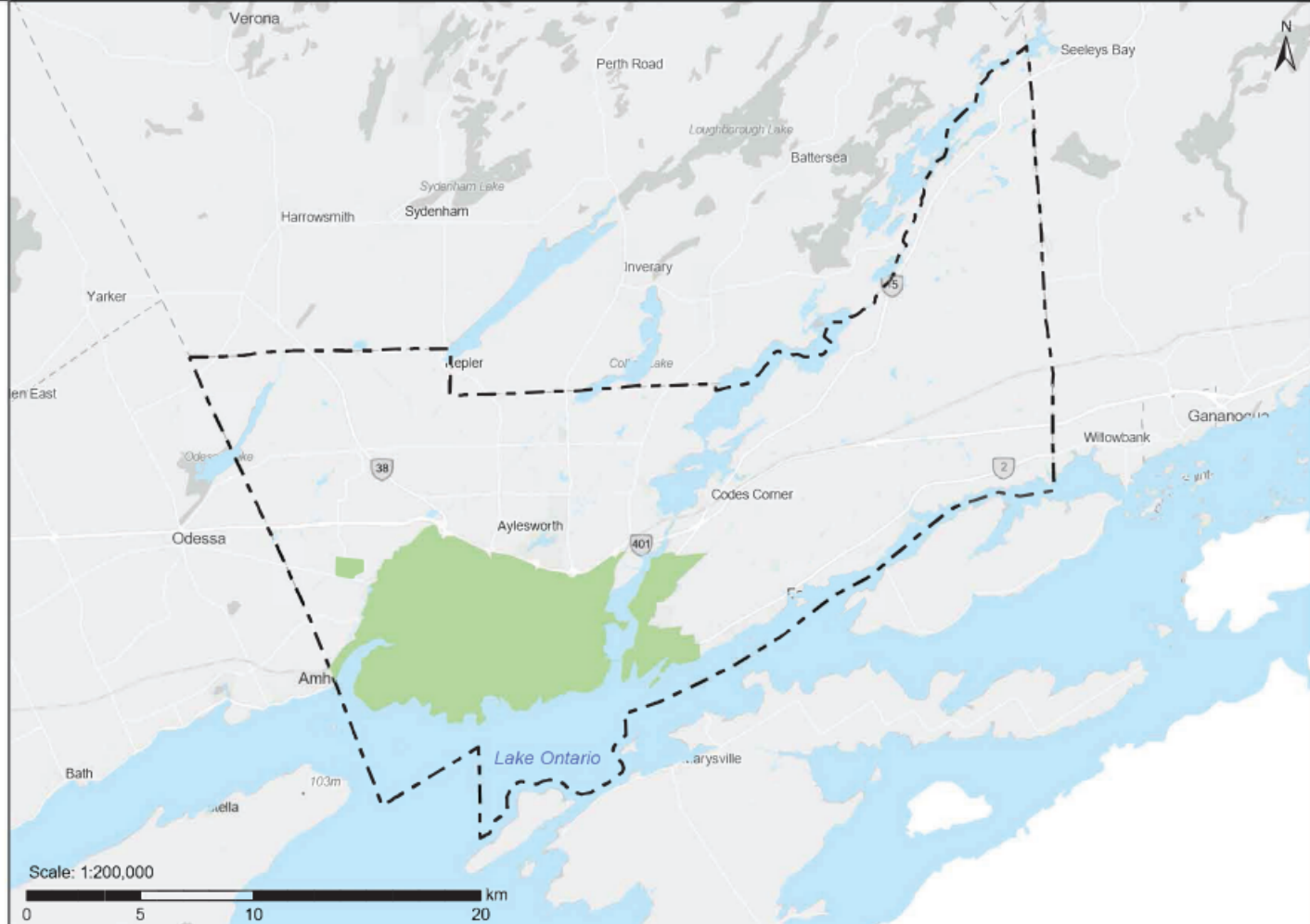
Clerk

**Kingston Zoning By-Law 2022-62
Schedule J - Servicing Allocation Policy
Overlay**

Servicing Allocation Policy Overlay

 Servicing Allocation Policy Area

 City of Kingston Boundary



If you require information in an alternate format, please call 613-546-0000. We will work with you to understand your specific information and accessibility needs and to provide for them within a reasonable timeframe.

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Schedule 'B' to By-Law Number

Address: 170 Colborne St.

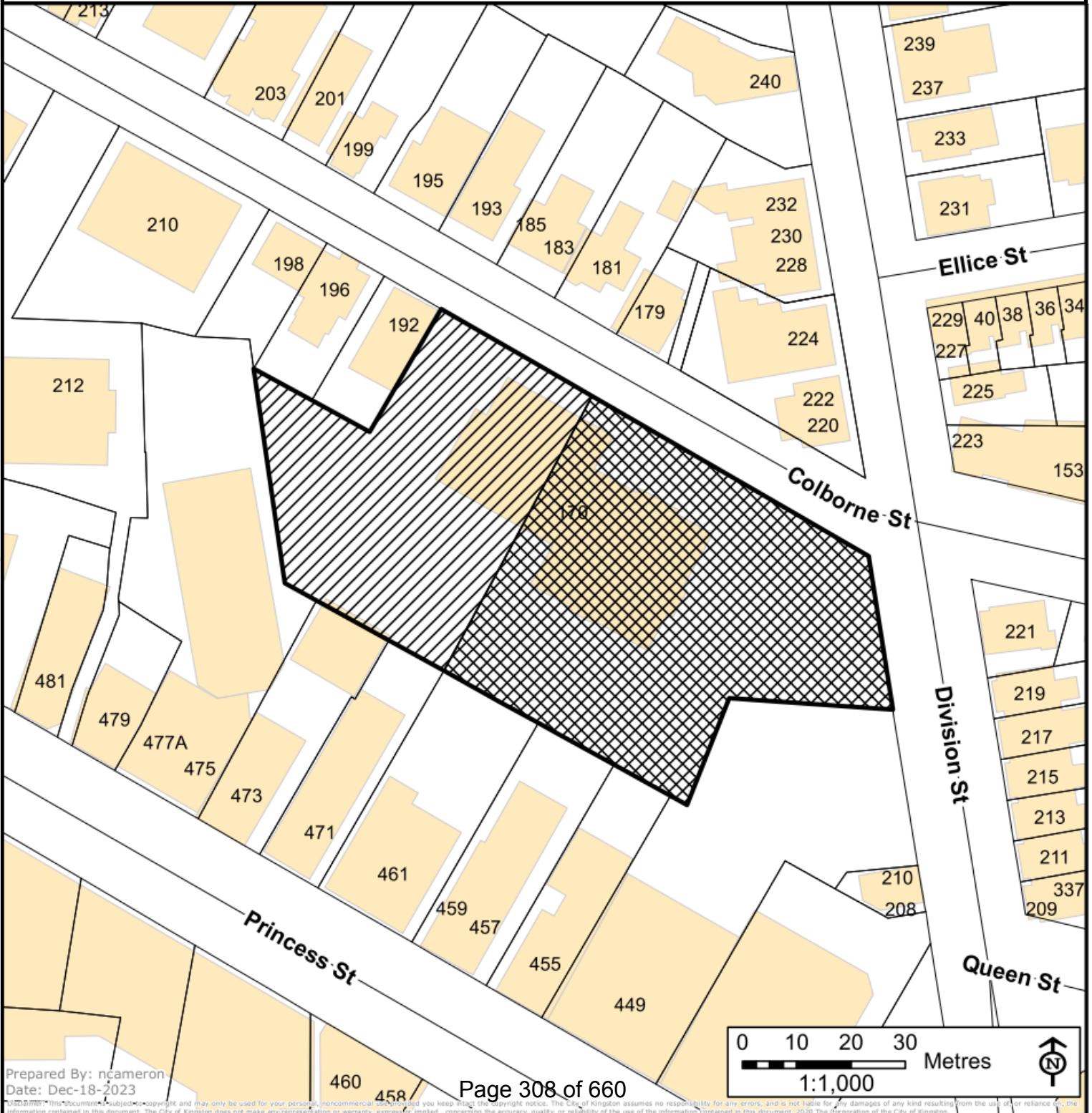
Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

- Lands to be Rezoned from NA to WM1
- Lands to be Rezoned from NA to WM2

Certificate of Authentication

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

Mayor Clerk



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Schedule 'C' to By-Law Number

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

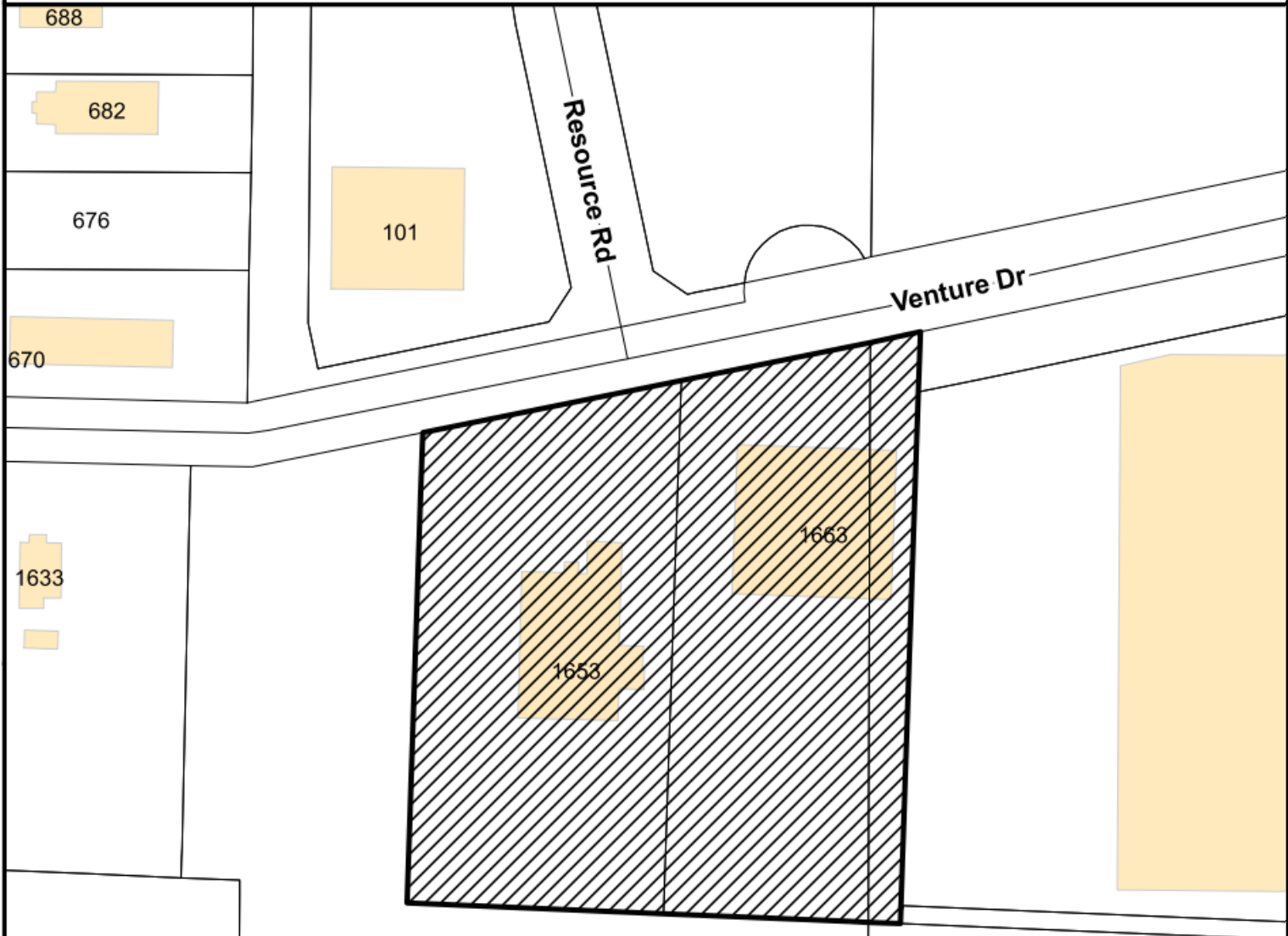
Address: 1653 and 1663 Venture Dr.

Lands to be Rezoned from OS1 to M2

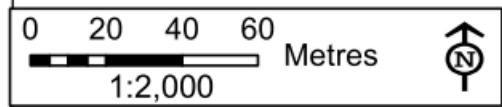
Certificate of Authentication

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

Mayor Clerk



Prepared By: ncameron
Date: May-17-2024





Schedule 'D' to By-Law Number

Address: 614, 615, 621 Norris Crt.

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

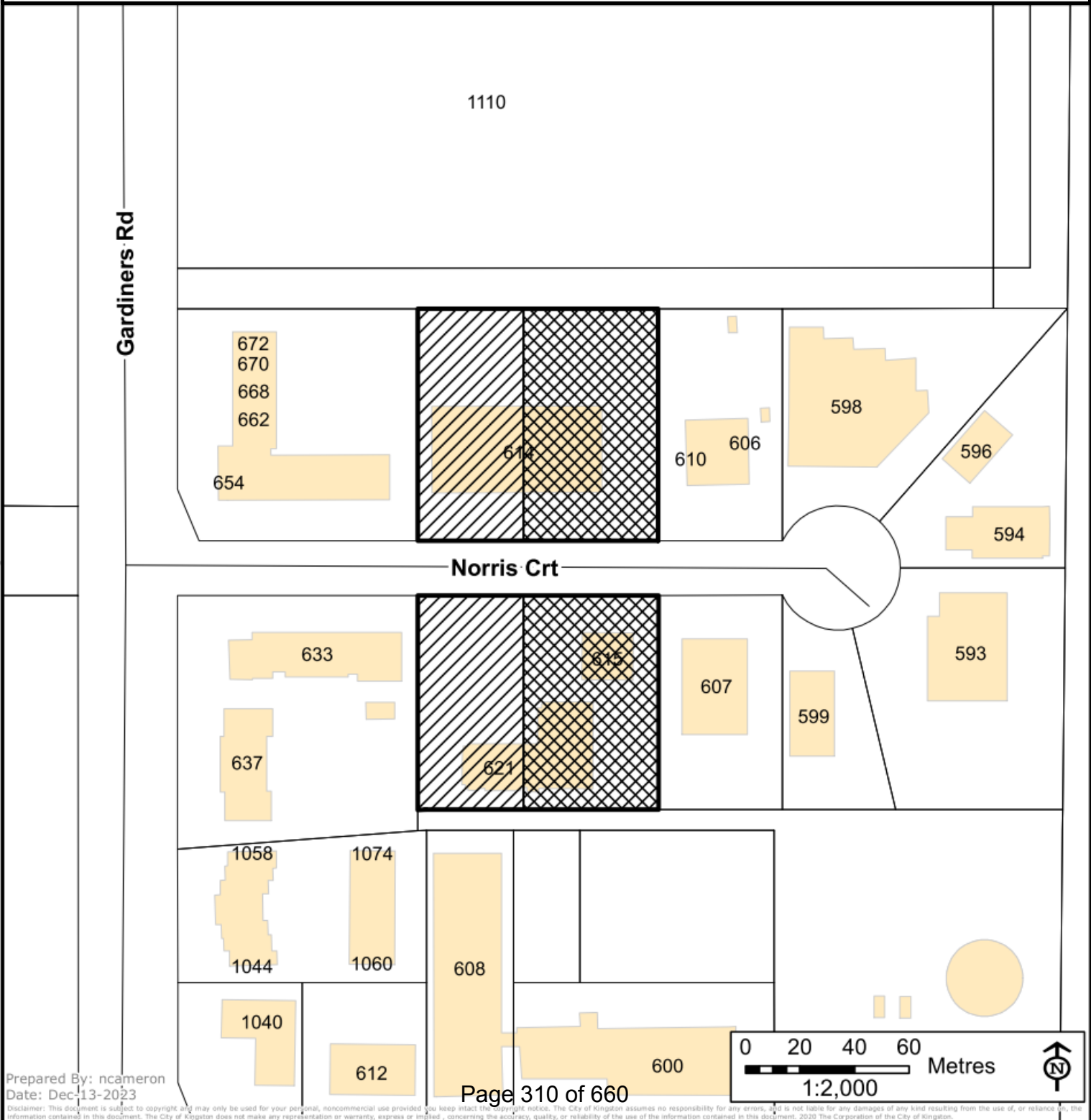
- Lands to be Rezoned from M2 to M1
- Subject Lands Currently Zoned M1

Certificate of Authentication

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

Mayor

Clerk








Schedule 'E' to By-Law Number

Address: 623-631 Fortune Cres

Certificate of Authentication

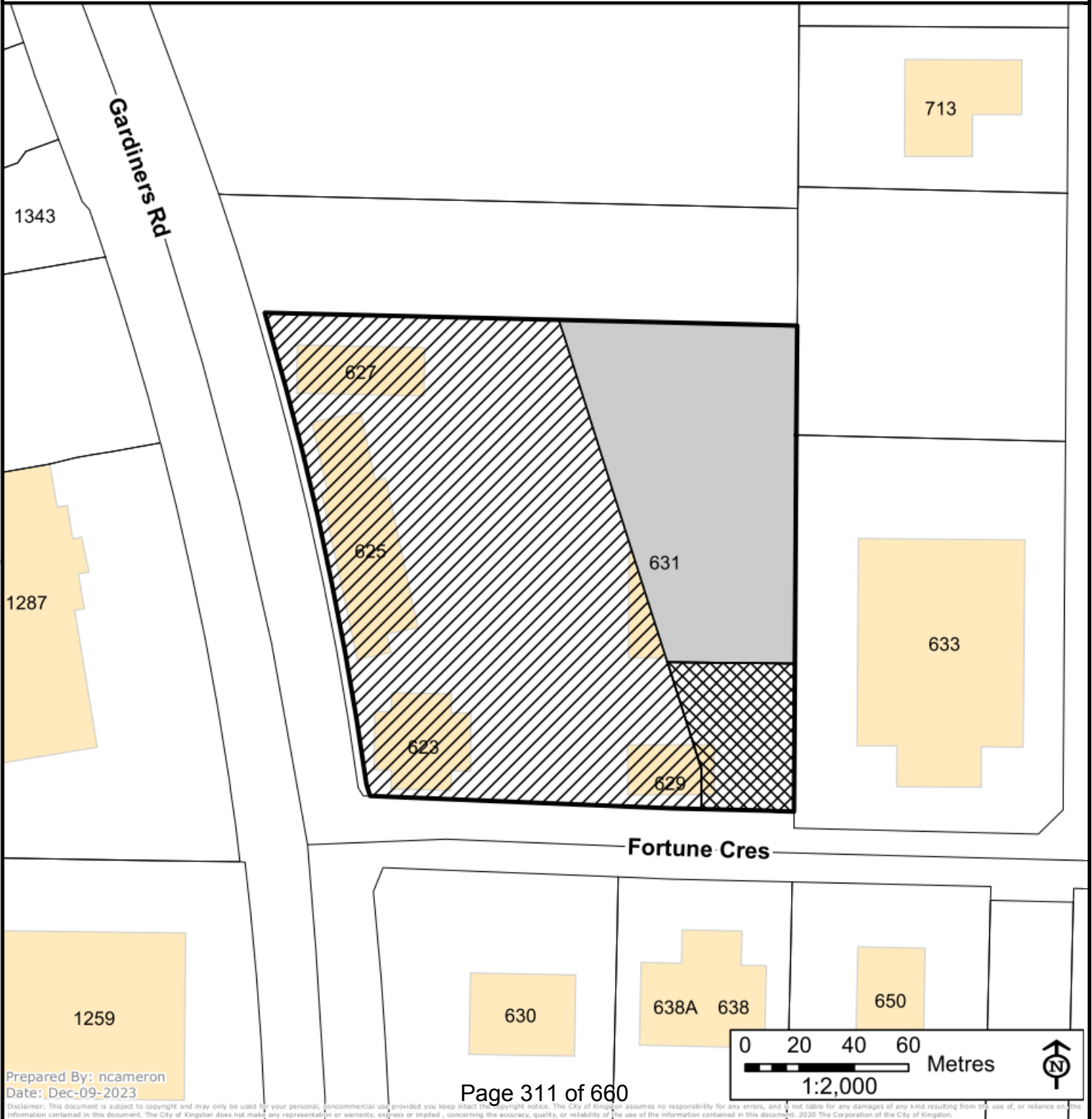
This is Schedule 'E' to By-Law Number _____, passed this _____ day of _____ 2024.

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

-  Lands to be Rezoned from M1 to M4
-  Lands to be Rezoned from M2 to M4
-  Subject Lands Currently Zoned M4

Mayor

Clerk







**Schedule 'F'
to By-Law Number**

Address: 638 Fortune Cres

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

-  Lands to be Rezoned from M1 to M2
-  Subject Lands Currently Zoned M2

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Schedule 'G' to By-Law Number

Address: 1104 - 1146 Westbrook Rd.

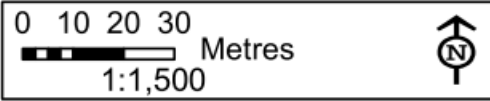
Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

- Lands to be rezoned from RU to RUR
- Subject lands currently zoned RUR

Certificate of Authentication

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

Mayor Clerk



Prepared By: ncameron
Date: May-17-2024

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Schedule 'H'
to By-Law Number
Campus Expansion Area
Upzoning

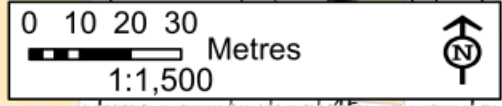
Kingston Zoning By-Law 2022-62
Schedule 1 - Zoning Map

- Lands to be Rezoned from UR5 to URM8
- Subject Lands Currently Zone URM8

Certificate of Authentication

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

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**Schedule 'I'
to By-Law Number**
Campus Expansion Area
Upzoning

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

- Lands to be added as Exception Overlay E147
- Lands to be Removed from E109 and Added to E147
- Lands to be Removed from L172 and Added to E147
- Lands to be Removed from L213 and Added to E147
- Lands to be Removed from L275 and Added to E147

Certificate of Authentication

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

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Schedule 'J'
to By-Law Number
Campus Expansion Area
Upzoning

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

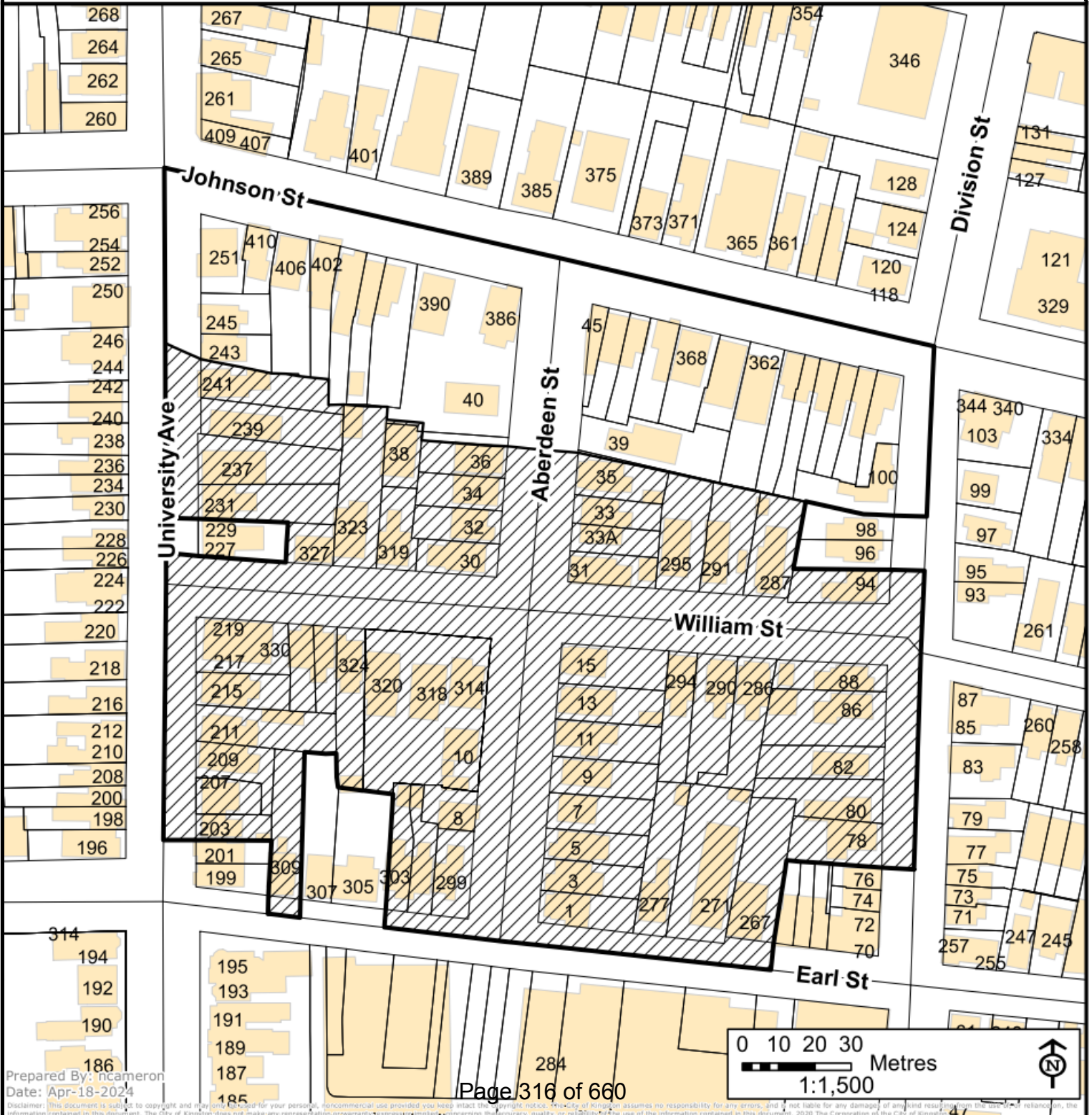
Lands to be added as Holding Overlay H232

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

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Clerk





Schedule 'K' to By-Law Number

Joyceville Hamlet

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

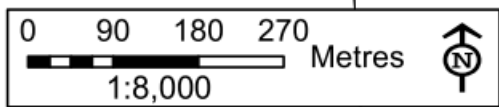
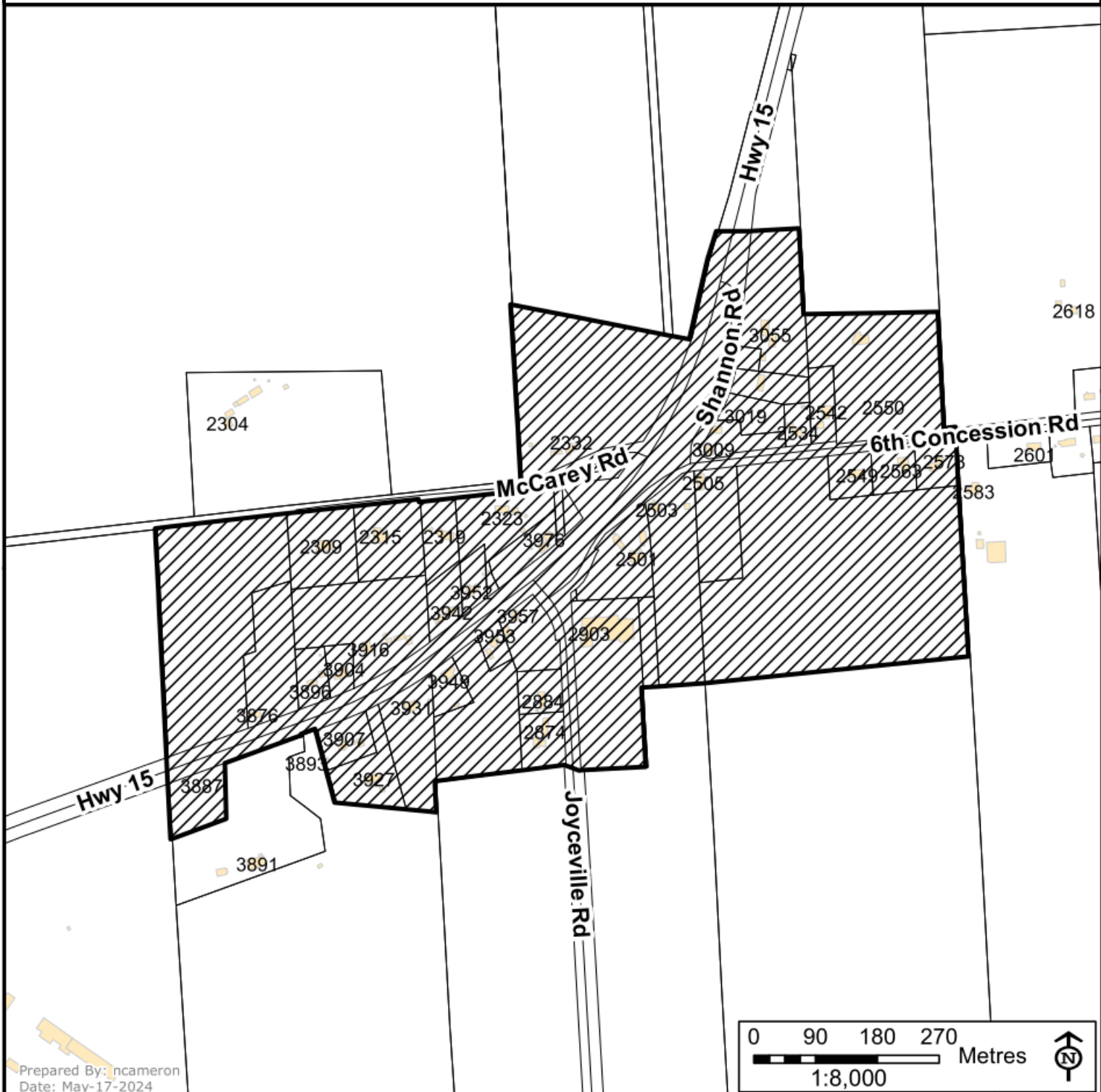
Lands to be Rezoned from AG to HAM

Certificate of Authentication

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

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Schedule 'L' to By-Law Number

Joyceville Hamlet

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

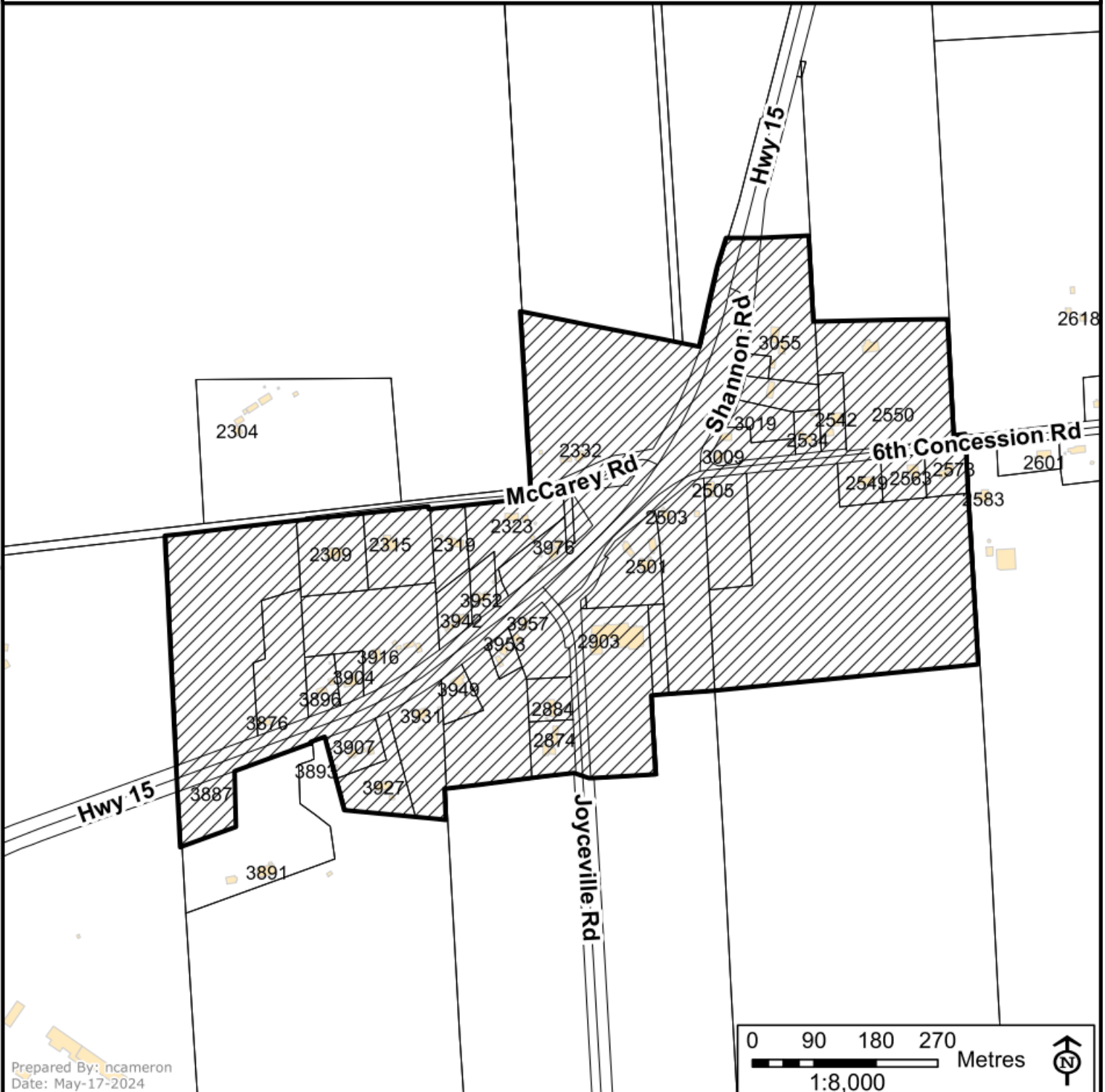
Lands to be added to Holding Overlay H219

Certificate of Authentication

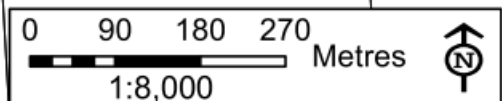
This is Schedule 'L' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor

Clerk



Prepared By: ncameron
Date: May-17-2024





Schedule 'M' to By-Law Number

Address: 3110 Princess St.

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

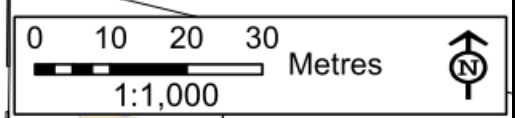
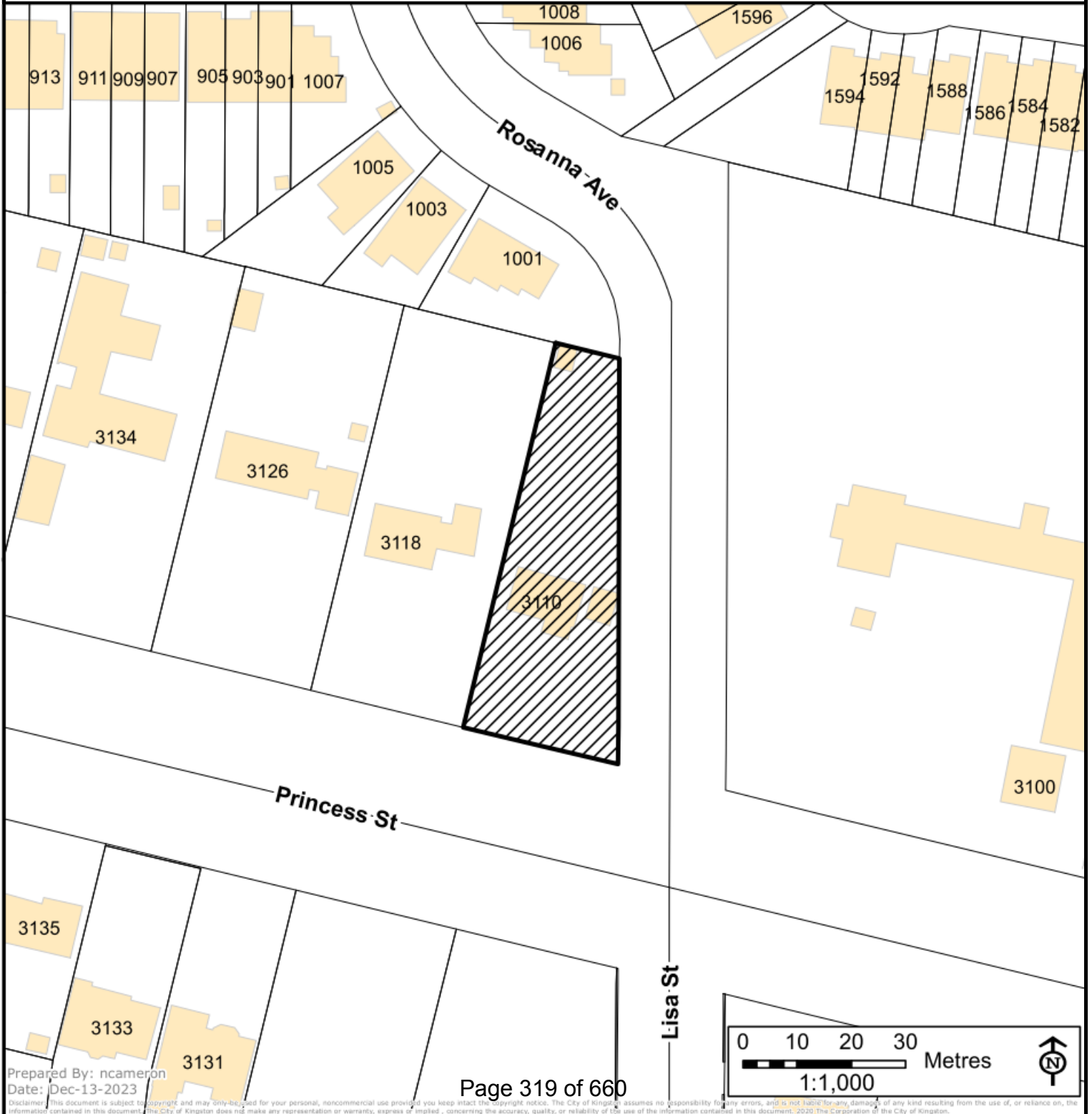
 Lands to be Rezoned from CA to UR2

Certificate of Authentication

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

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Clerk







Planning Services

Schedule 'N' to By-Law Number

Address: 4050 Howes Rd.

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

-  Lands to be Rezoned from RM1 to RU
-  Subject Lands Currently Zoned RU

Certificate of Authentication

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

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Planning Services

Schedule 'O' to By-Law Number

Address: 1610 Hwy 15

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

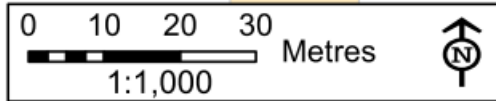
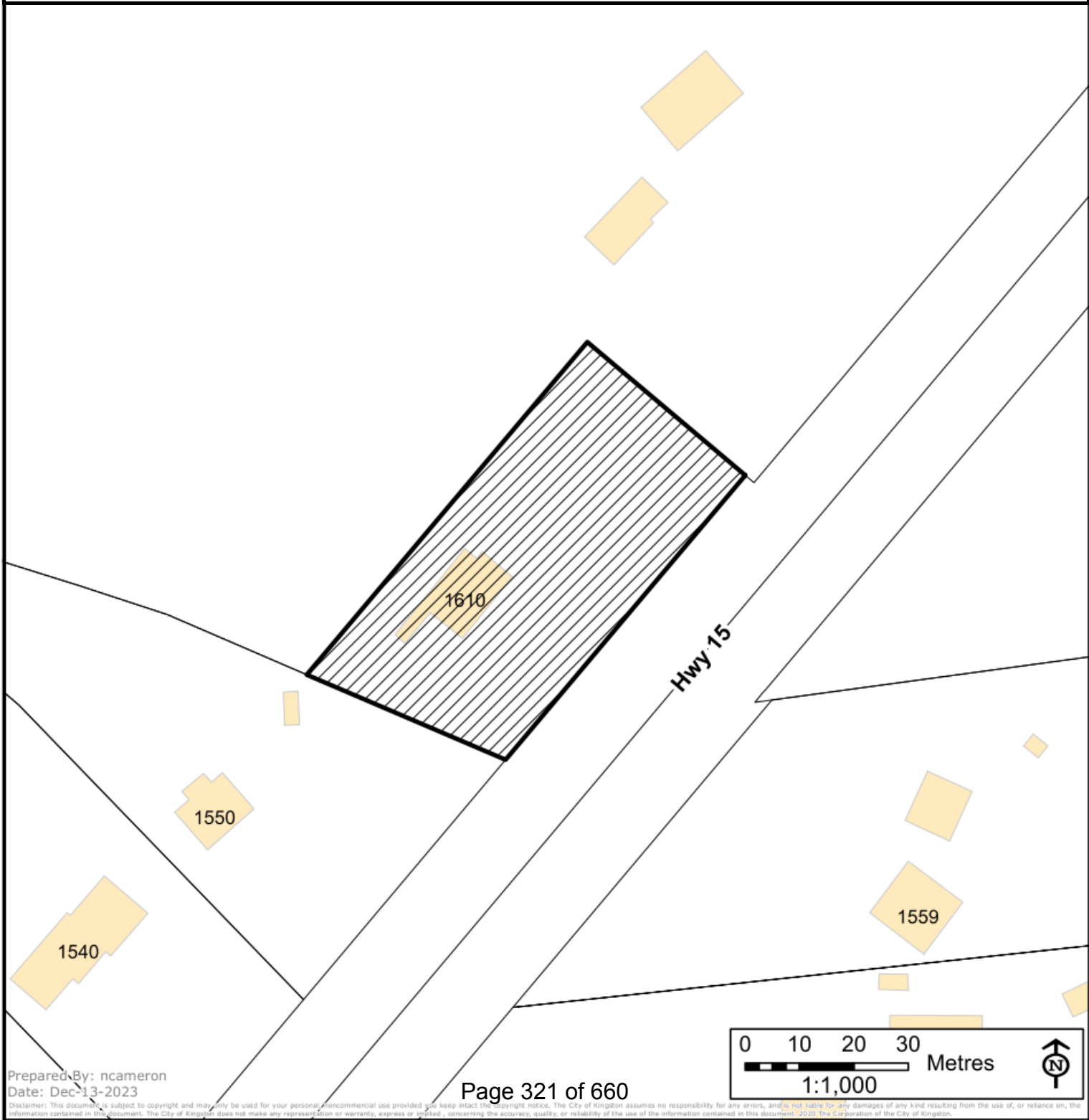
 Lands to be added as Exception Number E148

Certificate of Authentication

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

Mayor

Clerk





Schedule 'P' to By-Law Number

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

Address: 275 Sydenham St.

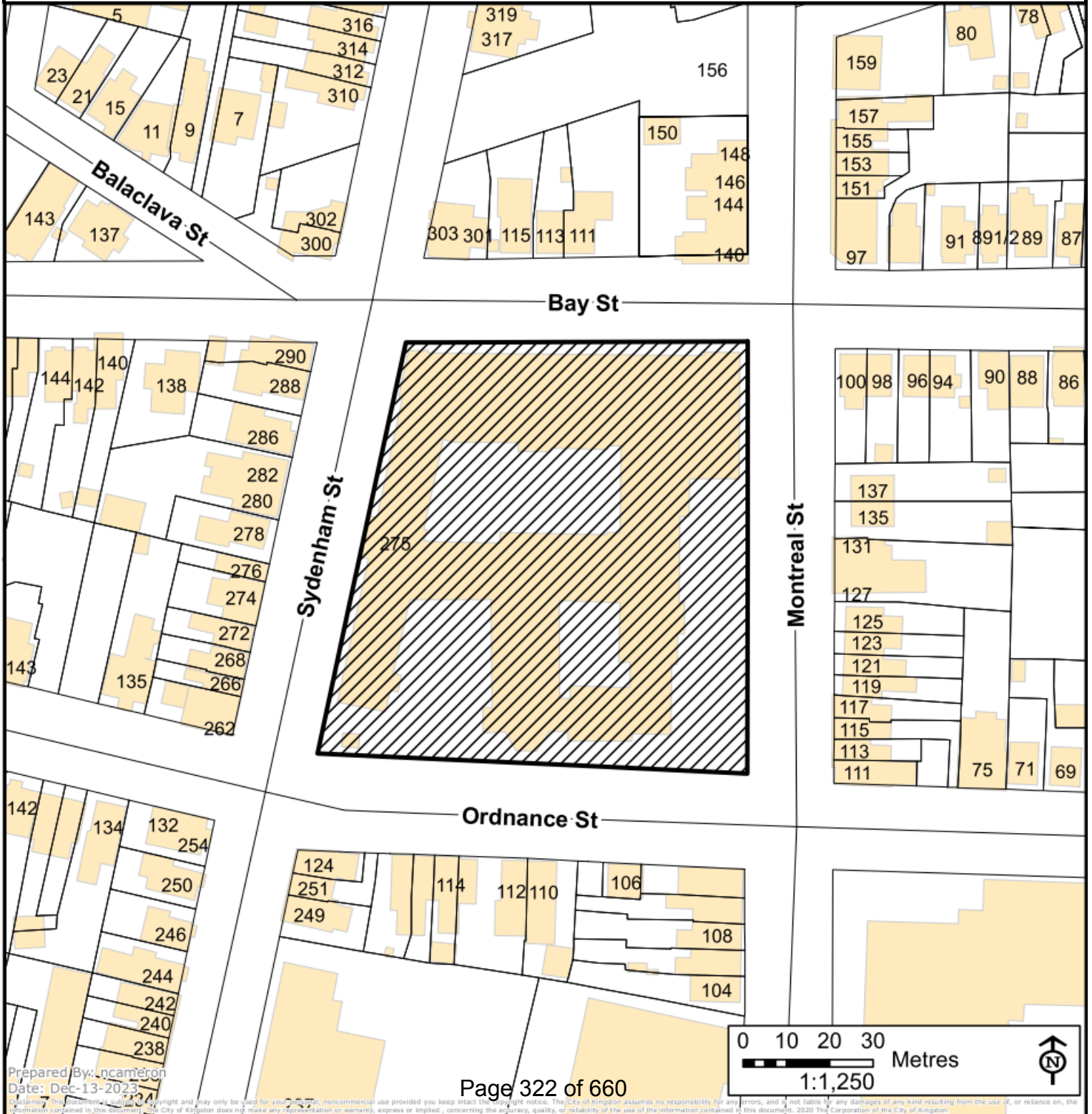
Lands to be Rezoned from NA to IN1

Certificate of Authentication

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

Mayor

Clerk





Schedule 'Q' to By-Law Number

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

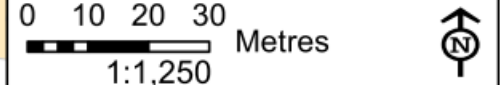
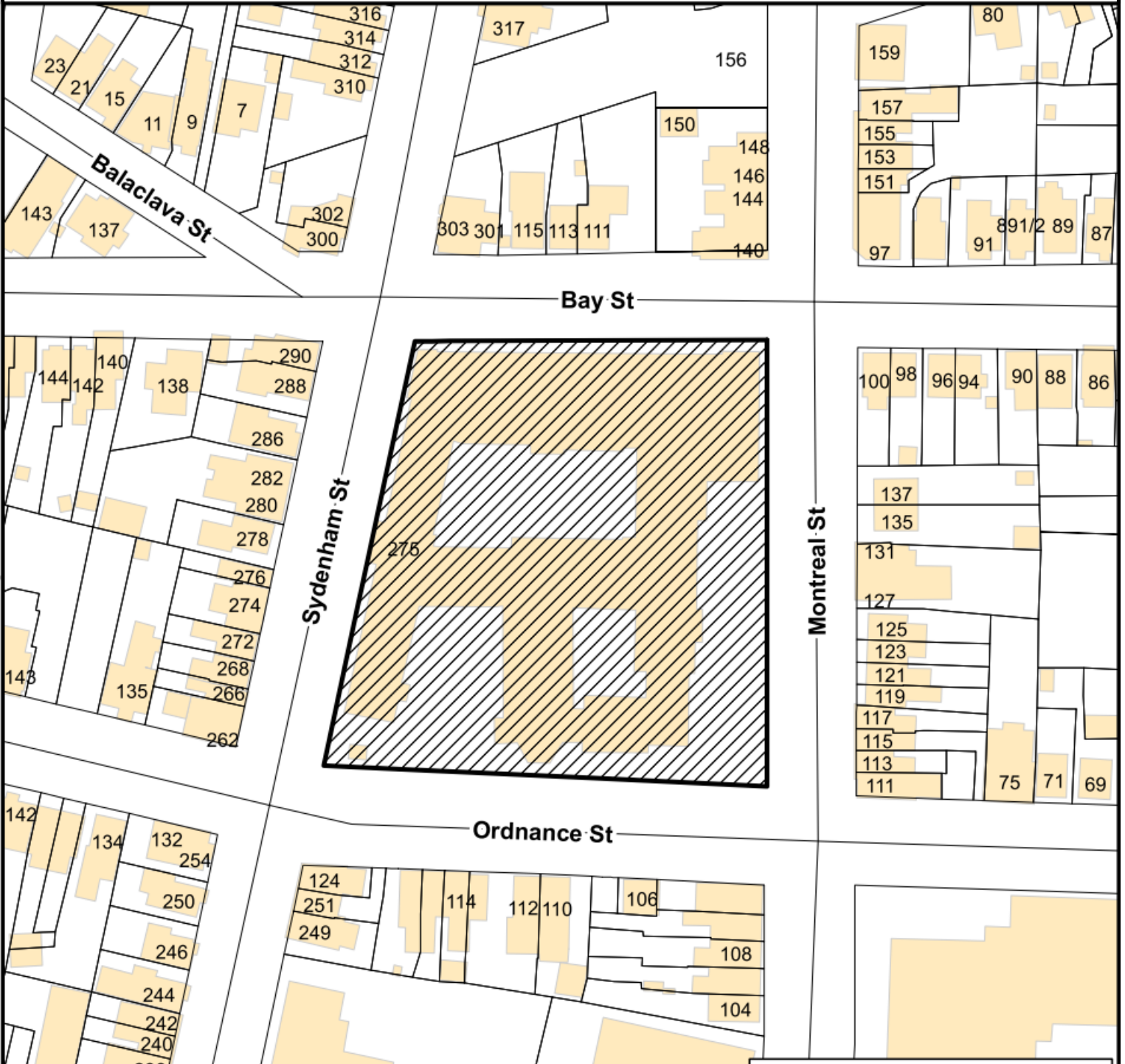
Address: 275 Sydenham St.

Lands to be added as Exception Number E149

Certificate of Authentication

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

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**Schedule 'R'
to By-Law Number**

Address: 655 Graceland Ave

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

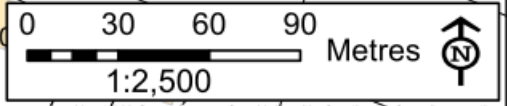
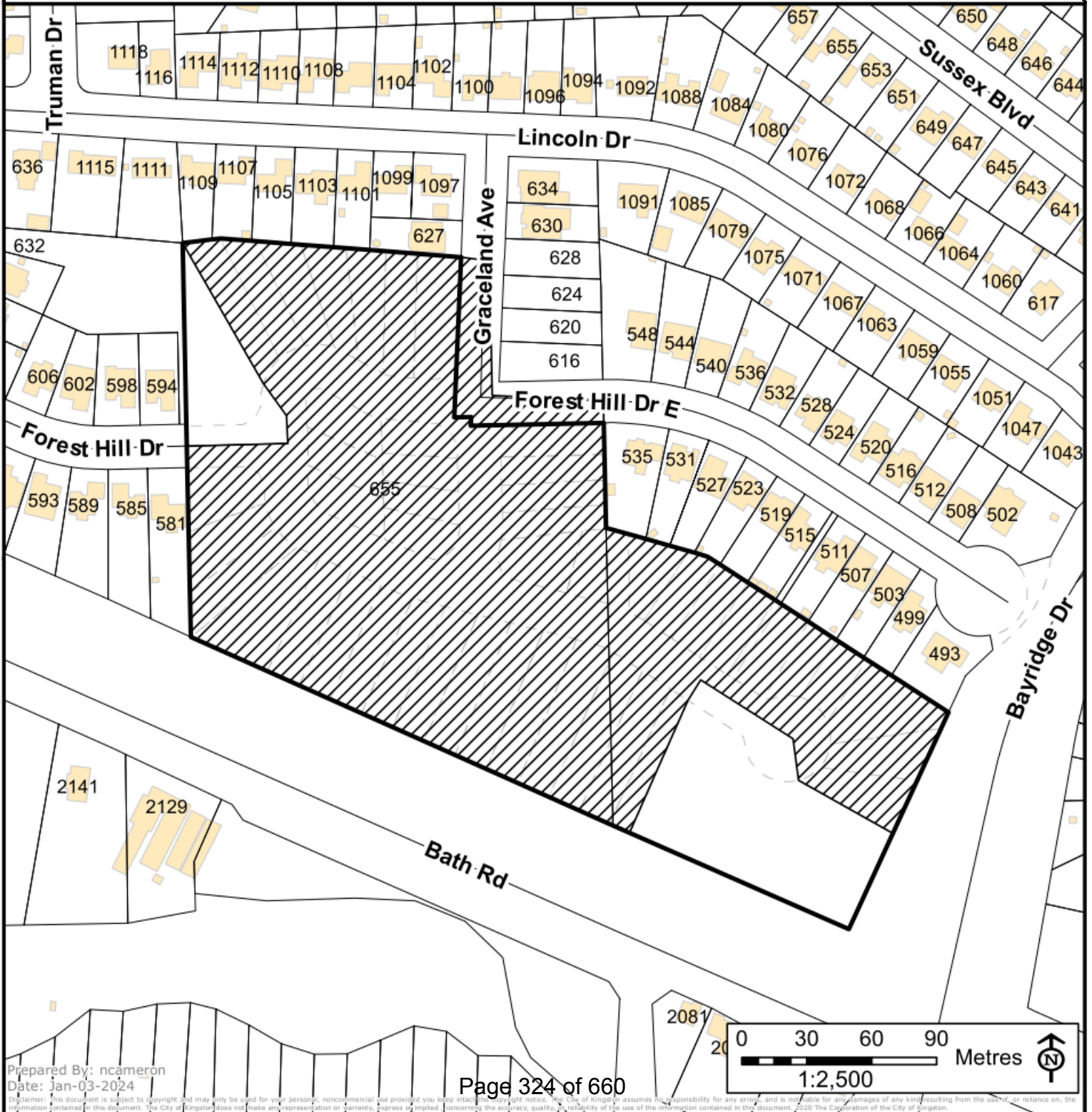
 Lands to be Rezoned from DR to UR2

Certificate of Authentication

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

Mayor

Clerk



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Schedule 'S' to By-Law Number

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

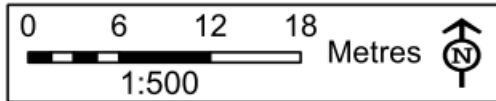
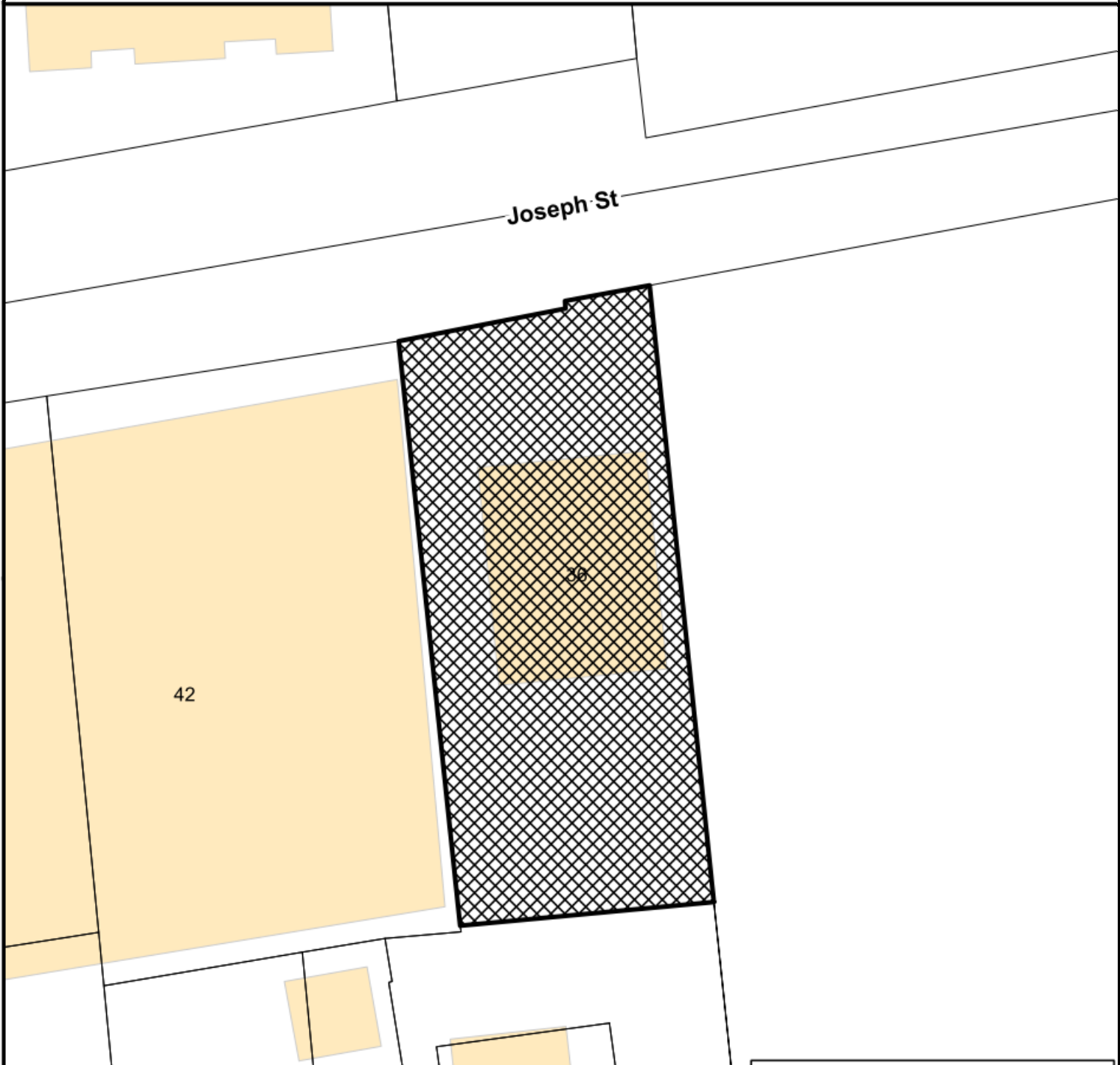
Address: 36 Joseph St

 Lands to be Rezoned from M2 to DR

Certificate of Authentication

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

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Schedule 'T' to By-Law Number

Northwest Corner of
Perth Rd and Hwy 401
Certificate of Authentication

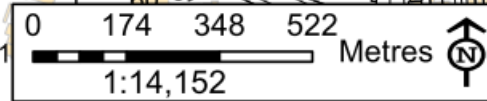
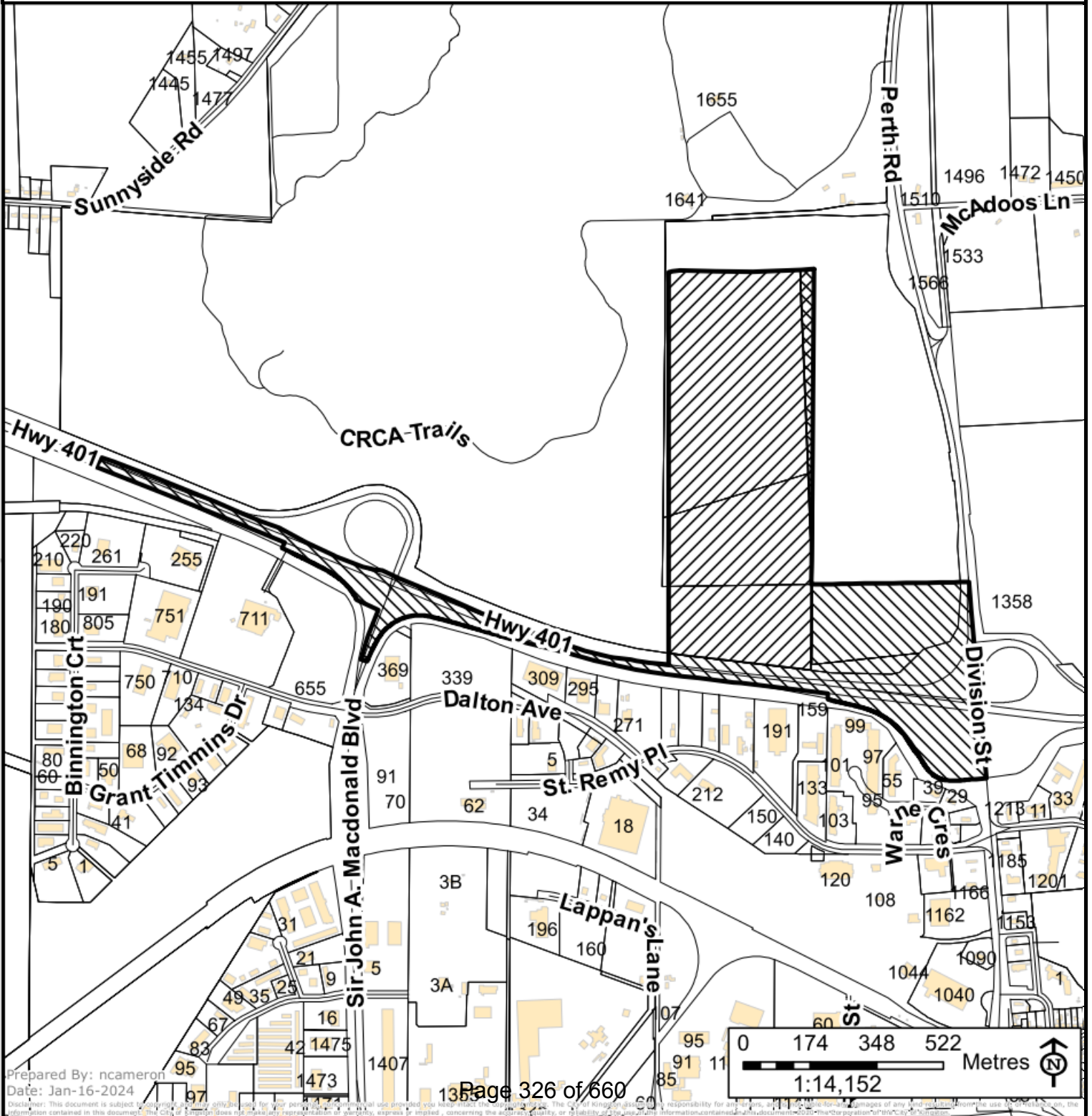
Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

-  Lands to be rezoned from EPA to OS2
-  Lands to be rezoned from RU to OS2
-  Lands to be rezoned from EPA to RU

This is Schedule 'T' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor

Clerk







Schedule 'U' to By-Law Number

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

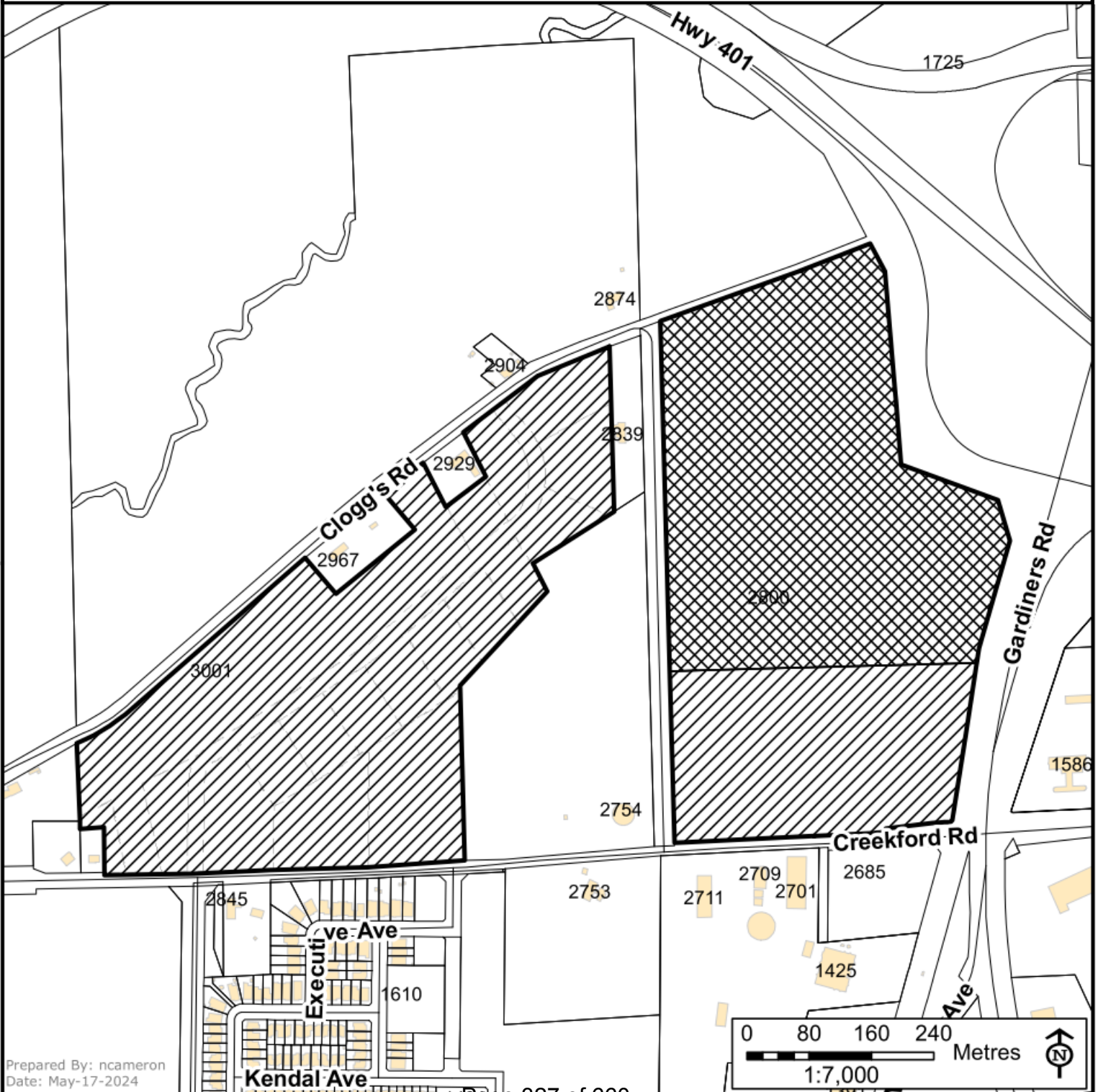
Address: 2800 & 3001 Clogg's Rd

-  Lands to remain in E78 with modified exception text
-  Lands to be removed from E78

Certificate of Authentication

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

_____ Mayor _____ Clerk



Prepared By: ncameron
Date: May-17-2024


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Schedule 'V' to By-Law Number

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

Address: 61 Yonge St.

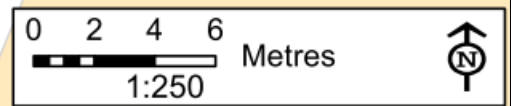
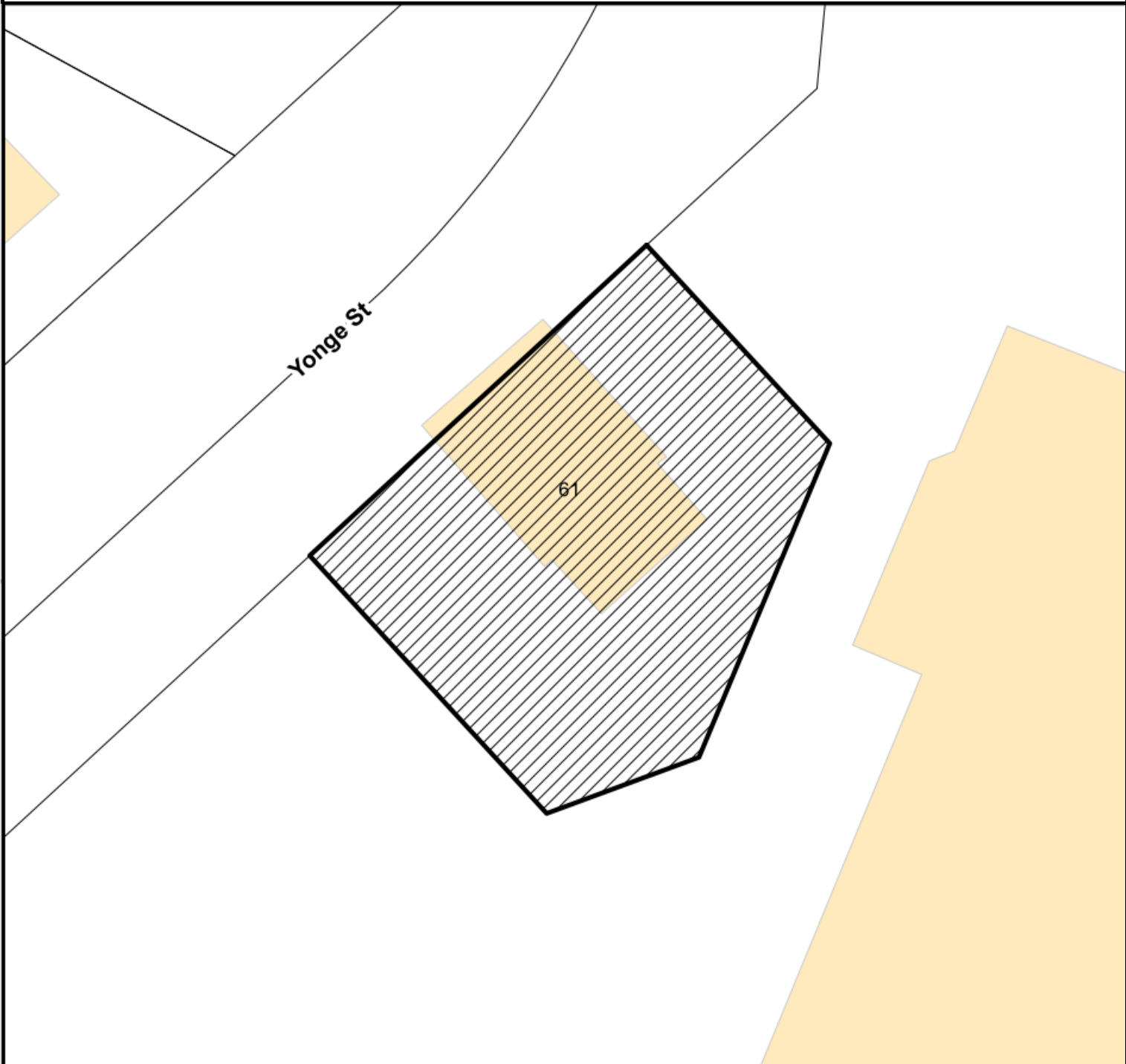
 Lands to be added as Exception Number E162

Certificate of Authentication

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

Mayor

Clerk





Schedule 'W' to By-Law Number

Johnson and King

Kingston Zoning By-Law 2022-62 Schedule 3 - Required Ground Floor Commercial

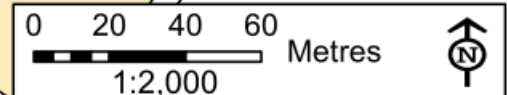
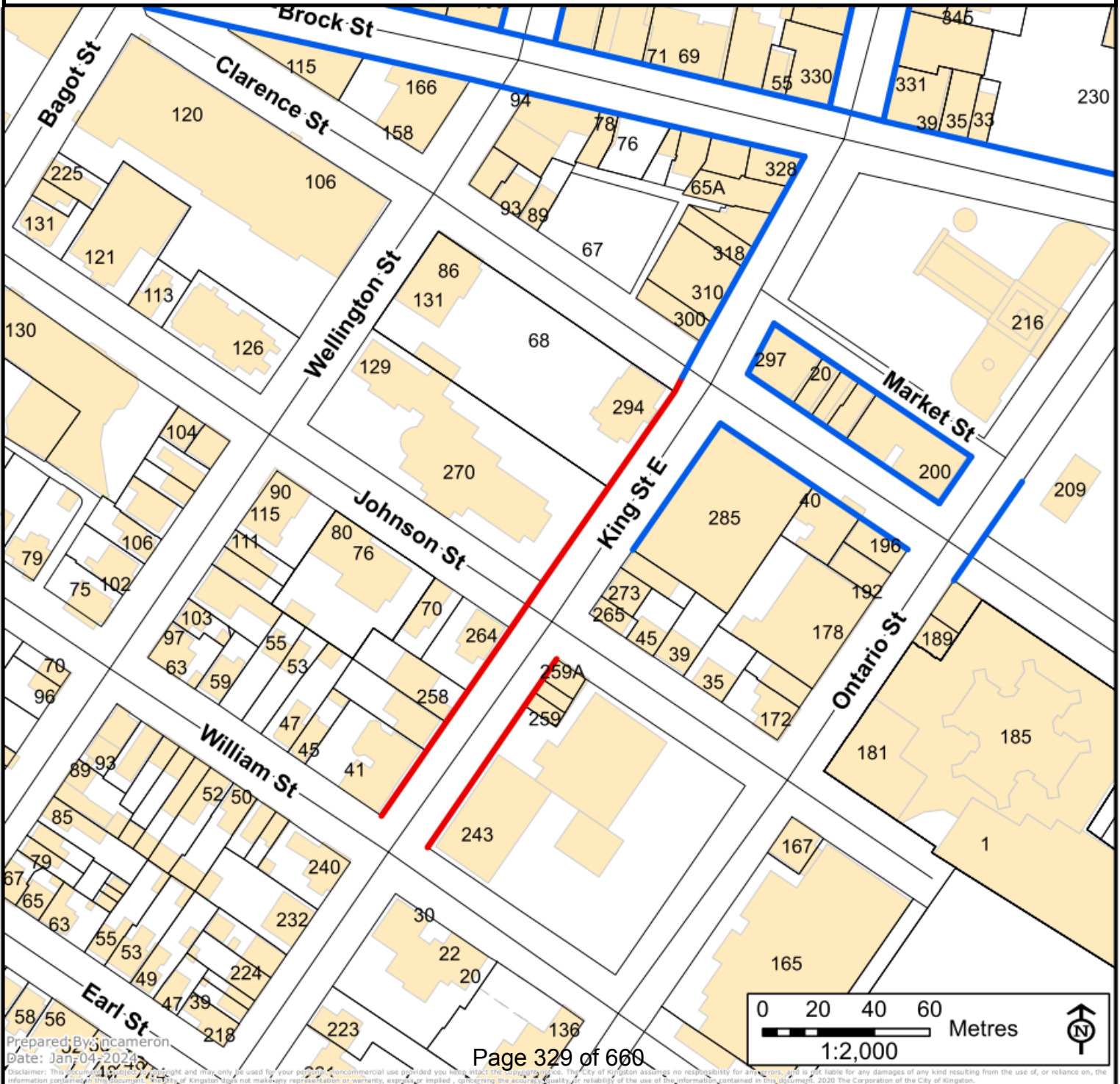
- Required Ground Floor Commercial
- Frontage to be Removed from Required Ground Floor Commercial

Certificate of Authentication

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

Mayor

Clerk



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Schedule 'X' to By-Law Number

Wellington and Queen

Kingston Zoning By-Law 2022-62 Schedule 3 - Required Ground Floor Commercial

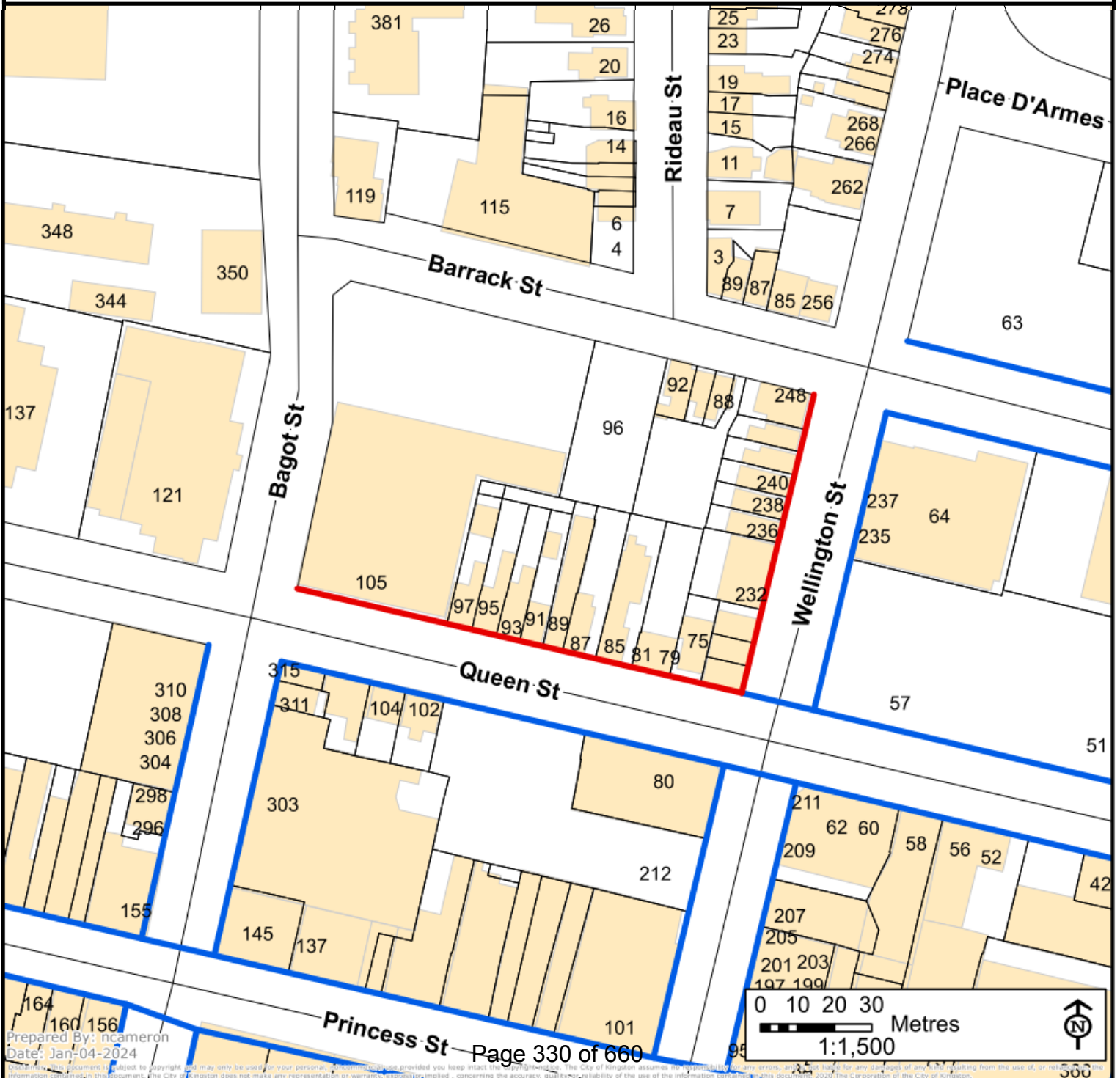
- Required Ground Floor Commercial
- Frontage to be Removed from Required Ground Floor Commercial

Certificate of Authentication

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

Mayor

Clerk





Planning
Services

Schedule 'Y'
to By-Law Number

Certificate of Authentication

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

Mayor

Clerk

Kingston Zoning By-Law 2022-62 Schedule D1 - Urban Constraint Areas and Second Rural Unit Holding Overlay

Constraint Areas and Second Rural Unit Holding Overlay

City of Kingston Boundary

Constraint Areas

- Urban Constraint Area - Sewer Surcharging
- Urban Constraint Area - Sewer Surcharging (Combined Storm and Sewer)
- Urban Constraint Area - Sewer Capacity
- Rural Constraint Area - Loughborough Lake (At-Capacity Lake)

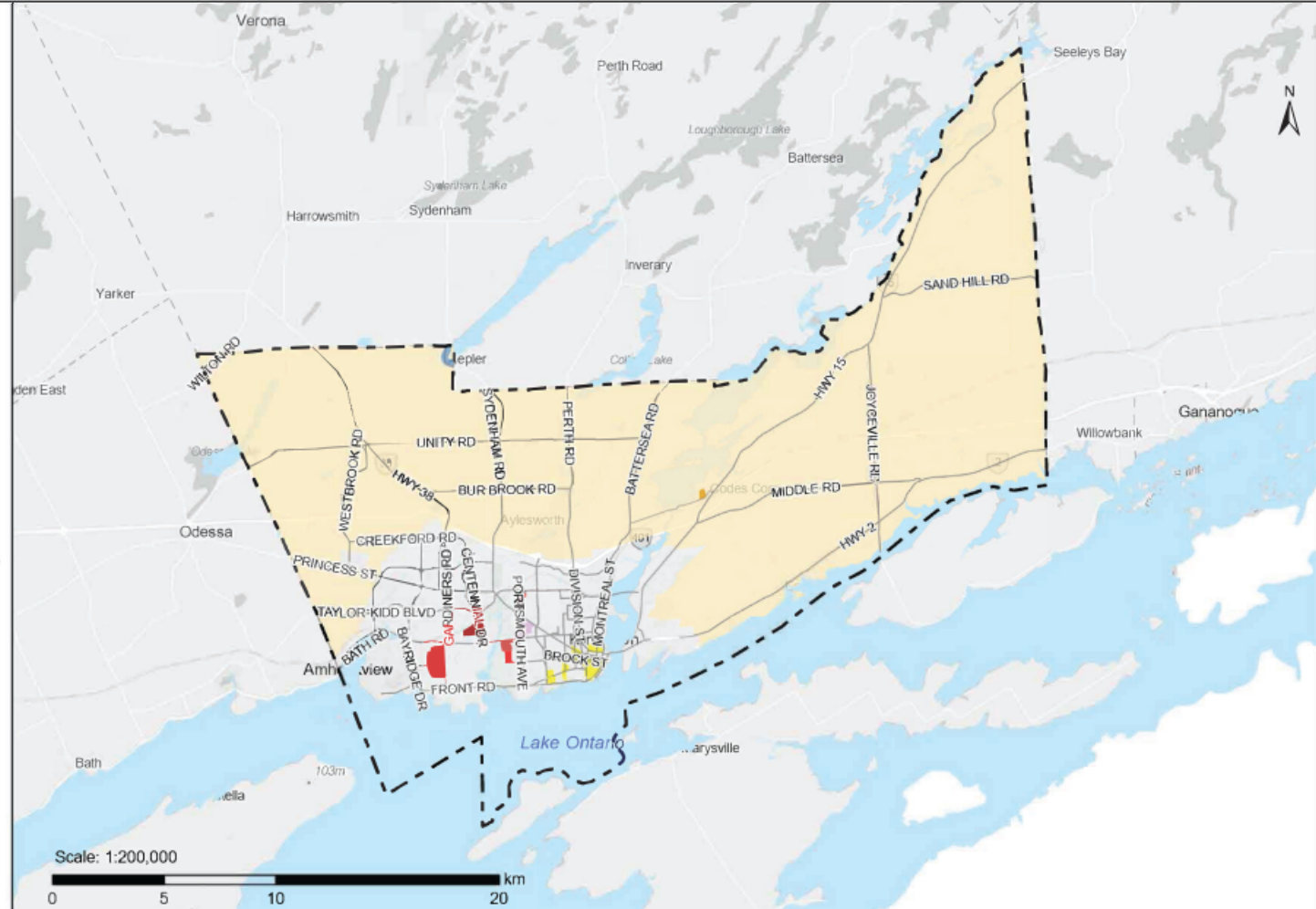
Second Rural Unit Holding Overlay

- Second Rural Unit - Water Supply/Water Quality
- Second Rural Unit - Servicing Capacity (Cana Subdivision)

Lands that are identified as "Not Subject to this By-law" on Schedule 1 – Zoning Map are not subject to this Schedule.

If you require information in an alternate format, please call 613-546-0000. We will work with you to understand your specific information and accessibility needs and to provide for them within a reasonable timeframe.

[Note: For more information please visit the New Zoning By-law interactive web app at <https://apps.cityofkingston.ca/newzoningbylawmap>]



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Planning
Services

**Schedule 'Z'
to By-Law Number**

Certificate of Authentication

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

Mayor

Clerk

**Kingston Zoning By-Law 2022-62
Schedule D2 - Third Rural Unit Holding
Overlay**

Third Rural Unit Holding Overlay

City of Kingston Boundary

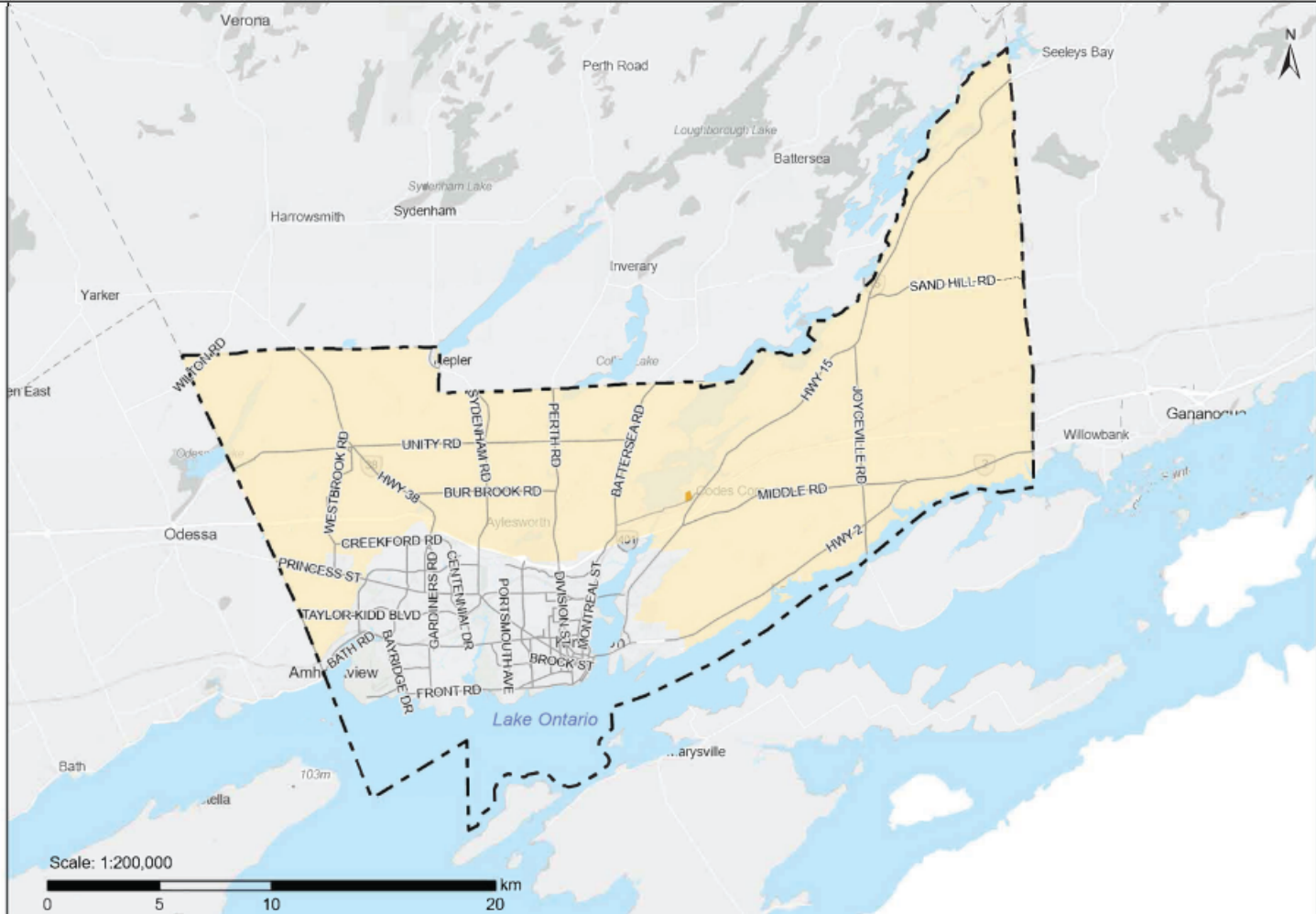
Third Rural Unit Holding Overlay

- Third Rural Unit - Water Supply/Water Quality
- Third Rural Unit - Servicing Capacity (Cana Subdivision)

Lands that are identified as "Not Subject to this By-law" on Schedule 1 – Zoning Map are not subject to this Schedule.

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By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (City-initiated Housing and Administrative Amendments, Four Units)

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 D3 – Fourth Residential Unit Holding Overlay is created as a new Schedule D3 – Fourth Residential Unit Holding Overlay to the Kingston Zoning By-law as contained in Schedule “A” attached to and forming part of this By-law;
 - 1.2. Clause 1.1.1. is amended by:
 - (a) adding a new Subclause 10. “Schedule D3, Fourth Urban Residential Unit Holding Overlay.”;
 - 1.3. Clause 4.3.1. is amended by replacing the word “three” with “four”;
 - 1.4. New Clause 4.28.2. is added as follows:

“**4.28.2.** Despite Clause 4.28.1., where a the “Fourth Residential Unit Holding Area” established in Clause 5.4.5. is removed from a **lot**, a maximum of 12 **bedrooms** are permitted per **lot**, in the aggregate.”;
 - 1.5. Clause 5.4.1. is amended by adding “, and Schedule D3, Fourth Urban Residential Unit Holding Overlay” before “have”;
 - 1.6. New Clause 5.4.5. is added as follows:

“**5.4.5.** In accordance with Clause 2.6.2., a Holding Overlay has been established in the area identified as “Fourth Residential Unit Holding Area” on Schedule D3 and only applies to the development of a fourth **dwelling unit** in a **house, semi-**

detached house, townhouse or accessory house on one **lot** in chronological order of **development** of the **lot**. Prior to the removal of any **lot** from the Holding Overlay and the issuance of a building permit for the fourth **dwelling unit** in a **house, semi-detached house, townhouse or accessory house** on one **lot**, the following conditions must be satisfied:

1. The **City** is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
2. All necessary studies, as determined by the **City**, have been completed and accepted by the **City**. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition.

Note: There are limitations in the number of plumbing fixtures that are permitted under the Ontario Building Code that are dependent on the size of the water service to a property. Many areas of the City have a water service size that will limit the number of plumbing fixtures. Applicants are encouraged to contact the City early in the design process to determine the number of plumbing fixtures that will be permitted.”;

- 1.7. Clause 6.14.2. is amended by replacing “three **dwelling units** in the **urban area**” with “four **dwelling units** in the **urban area**”;
- 1.8. Table 11.2.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;
- 1.9. Table 11.3.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;
- 1.10. Table 11.4.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;
- 1.11. Table 11.5.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;
- 1.12. Table 11.6.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;
- 1.13. Table 11.7.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;

- 1.14. Table 11.8.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;
 - 1.15. Table 11.9.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;
 - 1.16. Table 11.10.2. is amended by replacing the number “3.0” in the bottom row with “4.0”;
 - 1.17. Table 12.2.1. is amended by replacing the number “3.0” in the bottom row with “4.0” in both columns with a “3.0”;
 - 1.18. Table 12.4.1. is amended by replacing the number “3.0” in row 12 with “4.0”;
 - 1.19. Table 12.5.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;
 - 1.20. Table 12.6.1. is amended by replacing the number “3.0” in the bottom row with “4.0”;
 - 1.21. Table 13.2.2. is amended by replacing the number “3.0” in the bottom row with “4.0” in both columns with a “3.0”;
 - 1.22. Table 14.3.2. is amended by replacing the number “3.0” in the bottom row with “4.0”; and
 - 1.23. Table 18.4.1. is amended by replacing the number “3.0” in the bottom row with “4.0”.
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
Services

Schedule 'A'
to By-Law Number

Certificate of Authentication

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

Mayor

Clerk

Kingston Zoning By-Law 2022-62
Schedule D3 - Fourth Residential
Unit Holding Overlay

Fourth Residential Unit Holding Overlay

City of Kingston Boundary

Fourth Residential Unit Holding Area

Lands that are identified as "Not Subject to this By-law" on Schedule 1 – Zoning Map are not subject to this Schedule.

If you require information in an alternate format, please call 613-546-0000. We will work with you to understand your specific information and accessibility needs and to provide for them within a reasonable timeframe.

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By-Law Number 2024-XX

A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston”

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 8499, as amended, of the former City of Kingston;

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

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Delete the entire text and replace with the text shown in Schedule “A”, attached to and forming part of By-Law Number 2024-XX.
2. That 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

Certificate of Authentication

This is Schedule 'A' to By-law Number _____, passed this ____ day of _____ 2024.

Mayor

Clerk

Schedule 'A' to By-law Number 2024-XX

Former City of Kingston Zoning By-law Number 8499

A By-law to regulate the use of lands and the size and location of buildings on select properties within the former City of Kingston.

1. Any references to "this By-law" mean the Former City of Kingston Zoning By-law Number 8499.
2. The provisions of this By-law apply to the lands identified on Schedule "A" of this By-law, as amended.
3. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule "A".
4. Table 1 includes a list of all of Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule "A" of this By-law.
5. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-law, in accordance with the "Kingston Zoning By-law Zone" identified in Table 1 for the Zone applicable to the property.
6. Despite 3, 4 and 5, where the Official Plan designates lands as an Environmental Protection Area, the applicable "Kingston Zoning By-law Zone" is the EPA Zone.
7. Despite 3, 4 and 5, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
8. Where a Holding Symbol ("-H") applies to a property on Schedule "A" of this By-law or on Schedule F of the Kingston Zoning By-law, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:
 - a. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:

Former City of Kingston Zoning By-law Number 8499

- i. The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- ii. All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- iii. All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Transition Provisions

9. Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW], if the development or use complies, or the building permit application is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].
10. Where a complete application was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW] for the development or use of a lot or one or more buildings, approval may be granted in accordance with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW], for one or more of the following applications where they are consistent with the intent of the complete application:
 - a. Any application under Section 45 of the *Planning Act*;
 - b. Site plan control approval pursuant to Section 41 of the *Planning Act* and/or an enhanced site plan control pre-application (D02);
 - c. Consent pursuant to Section 53 of the *Planning Act*;
 - d. Draft plan of subdivision pursuant to Section 51 of the *Planning Act* or a description under the *Condominium Act*; and
 - e. A part lot control exemption pursuant to Section 50 of the *Planning Act*.
11. Where the development or use of a lot or one or more buildings qualifies under Clause 10, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].

Former City of Kingston Zoning By-law Number 8499

12. Nothing in this By-law applies so as to continue the exemption provided by Clauses 9, 10 and 11 beyond the issuance of the final building permit upon which the exemptions are founded.
13. A building permit may be issued in the context of this By-law as it read immediately prior to **[INSERT DATE OF PASSING OF BY-LAW]** for any development subject to one or more approved minor variances under the provisions of this By-law prior to **[INSERT DATE OF PASSING OF BY-LAW]** or in accordance with Clause 10.
14. Where a lot is developed in a manner that is consistent with the applicable Red Exception, minor variances may be granted by the Committee of Adjustment in accordance with Section 45 of the *Planning Act* to the provisions of this By-law as it read immediately prior to **[INSERT DATE OF PASSING OF BY-LAW]**.

Table 1 – Zones and Red Exceptions Subject to this By-law

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A	Not Applicable	UR5
A.40	On the approximately 0.12 hectare parcel of land located on the southeast corner of Division Street and Railway Street and designated A.40 on Zoning Map Number 17, any building in existence on the date of passing of this by-law shall be deemed to be in conformity with all provisions of this By-Law however: (a) the permitted uses for such building shall only be as follows: i. a bank, ii. a retail store or similar use, iii. a multiple family dwelling, (b) no enlargement, extension or structural alteration of any kind shall be permitted.	CN
A.41	On the approximately 0.14 hectare parcel of land located on the south side of Pine Street approximately 21.0 metres from Division Street and designated A.41 on Zoning Map Number 17 of this by-law, (a) an apartment building containing not more than 41 senior citizen apartments shall be a permitted use, subject to the provisions of Zone C, (b) the minimum number of required off-street parking spaces shall be in the order of one parking space for every four senior citizen apartments, plus 10 additional parking spaces.	URM3
A.44	On the approximately 0.24 hectare parcel of land located on the north side of Earl Street approximately 18.0 metres west of Alfred Street and designated A.44 on Zoning Map Number 30 of this by-law, the existing residential building providing accommodation primarily for students and owned by the Science 44 Co operative Inc. shall be deemed to be a building and use of land conforming to the provisions of the A zone however no extension or enlargement to this building shall be permitted.	UR5

Former City of Kingston Zoning By-law Number 8499

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A.106	On the approximately 1.62 hectare parcel of land designated A.106 on Zoning Map Number 31 within the structure located at the rear of the Frontenac County Court House, commonly referred to as "the Gaoler's Residence", a non-profit administration office for use by the Canadian Red Cross Society shall also be a permitted use.	IN2
A.119	On the approximately 0.12 hectare parcel of land bounded by Barrie Street, Ordnance Street and York Street, known municipally as 391 Barrie Street, and zoned as "A.119" on Zoning Map Number 18 attached to and forming part of amending By-Law Number 2009-24 the permitted uses shall also include "Health Care Professional Office." The building and site development as of the date of the passing of this by-law shall be deemed to comply with the regulations of this Zoning By-Law. No additional floor space may be created unless approved by the Committee of Adjustment or additional amendment to the Zoning By-Law. For the purpose of the "A.119" zone, the following definition shall apply: Health Care Professional Office means a building used by health practitioners such as physicians, dentists, midwives, physiotherapists, and other similar professions, their staff, and their patients for the purposes of consultation, diagnosis and office treatment. The building may include administrative offices, waiting rooms, treatment rooms and other accessory rooms. This shall not include accommodation for in-patient care or operating rooms for major surgery.	CN
A.123	On the approximately 0.04 hectare parcel of land located on the east side of Nelson Street, north of Princess Street, and designated A.123 on Zoning Map Number 19 attached to and forming part of By-Law Number 8926 as Schedule "A", i. The permitted uses shall also include a minimum of ten parking spaces in exclusive association with uses located on the adjacent parcel of land designated C.123 on Zoning Map Number 19. ii. The parking area referred to in Section 123(a)i. shall be buffered with a wall or fence along the north and east boundaries.	UR5
A.130	On the approximately 0.12 hectare parcel of land located at the northwest corner of Clergy and Colborne Streets and designated A.130 on Zoning Map Number 18 attached to and forming part of By-Law Number 9016 as Schedule "A": 1. An undertaker's establishment shall also be a permitted use. 2. This undertaker's establishment shall be subject to the provisions of the A zone except that: (a) the minimum required front yard shall be 1.5 metres, (b) the maximum percentage of lot coverage shall be 41 per cent of the total lot area, (c) the maximum total building floor area for all buildings shall be 975.5 square metres.	UR5
A.132	On the approximately 0.08 hectare parcel of land located at the Northwest corner of Clergy and Queen Streets and designated A.132 on a copy of Zoning Map No. 18 attached to and forming part of By-Law No. 90-64 as	CN

Former City of Kingston Zoning By-law Number 8499

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Schedule "A", the permitted uses shall also include offices for or in connection with businesses or professions, subject to the following regulations:</p> <p>(a) All uses shall be conducted entirely within the building existing as of the date of the passing of this by-law;</p> <p>(b) NO extension or enlargement of the existing building shall be permitted;</p> <p>(c) Parking shall be supplied in accordance with the minimums required in Section 5.3 of By-Law No. 8499, to a maximum of sixteen (16) parking spaces.</p>	
A.139	<p>On the approximately 0.53 hectare parcel of land located at the northeast corner of Bagot and Catarauqui Streets and designated A.139 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 9230 as Schedule "A", the permitted uses shall also include a Brewers Retail sales outlet and distributing warehouse.</p>	CN
A.142	<p>On the parcel of land identified as 298-394 Montreal Street and designated A.142 on copies of Zoning Map Number 17 and 18 attached to and forming part of By Law Number 9233, as Schedules "A" and "B", the permitted uses shall also include neighbourhood shores and a retail store selling office supplies provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.</p>	URM3
A.143	<p>On the parcel of land identified as 240-246 Montreal Street and Designated A.143 on a copy of Zoning Map Number 18 attached to and forming part of By Law Number 9233 as Schedule "B" the permitted uses shall also include a drive-in restaurant and neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.</p>	UR5
A.145	<p>On the parcel of land identified as 277 Montreal Street and designated A.145 on copies of Zoning Maps Number 17 and 18 attached to and forming part of By Law Number 9233 as Schedules "A" and "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.</p>	CN
A.146	<p>On the parcel of land identified as 285 Montreal Street and designated A.146 on copies of Zoning Maps Number 17 and 18 attached to and forming part of By Law Number 9233 as Schedules "A" and "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.</p>	CN
A.147	<p>On the parcel of land identified as 303 Montreal Street and designated A.147 on copies of Zoning Maps Number 17 and 18 attached to and forming</p>	CN

Former City of Kingston Zoning By-law Number 8499

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	part of By Law Number 9233 as Schedules "A" and "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established these premises as of July 28, 1975 plus an area equal to 10 per cent of the previously described area.	
A.149	On the approximately 0.08 hectare parcel of land located on the west side of Bagot Street between Bay and Ordnance Streets and designated A.149 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 9234, as Schedule "A", the permitted uses shall also include an ambulance service operated by the Ministry of Health.	UR5
A.162	On the approximately 0.04 hectare parcel of land located at the southwest corner of Rideau and Catarauqui Street and designated A.162 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 9385 as Schedule "A": i) The permitted uses shall also include a Group Home operated by the Kingston and District Association for the Mentally Retarded; ii) For the purpose of this Section, a Group Home shall be defined as a single housekeeping unit in a residential dwelling in which three to ten residents live as a family under responsible supervision, in accordance with provincial requirements, and consistent with the requirements of its residents. The home shall be licensed or approved by the Province of Ontario. "Residents" for the purpose of this Section shall be defined as to exclude staff or receiving family.	UR5
A.164	On the approximately 0.07 hectare parcel of land located on the east side of Division Street south of Stephen Street and designated A.164 on Zoning Map Number 17 attached to this by-law as Schedule "A"; i) the permitted uses shall also include business and professional offices; ii) repealed by By-Law Number 83-168 – 1983; iii) one parking space shall be provided for each 27.78 square metres of office space located on the said property.	UR5
A.166	On the approximately 0.2 hectare parcel of land located at the southeast corner of King Street East and Maitland Streets and designated A.166 on a copy of Zoning Map Number 31 attached to and forming part of By-Law Number 79-140 as Schedule "A": (a) The permitted uses shall also include professional offices having a maximum total floor area of 140 square metres provided they are located in the existing building; (b) A minimum of 1 parking space for every 28 square metres of professional office space shall be provided; (c) The required commercial off-Street parking spaces may be located in the front yard of the building.	HCD3
A.169	On the parcel of land identified as 73-75 Bay Street and 442 Bagot Street and designated A.169 on a copy of Zoning Map Number 18, attached to and forming part of By-Law Number 79-263 as Schedule "B", the permitted uses shall also include neighbourhood stores, provided that these commercial uses do not occupy a total floor area which is greater than the total floor	UR5

Former City of Kingston Zoning By-law Number 8499

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	area occupied by commercial uses established on these premises as of the date of the passing of this by-law plus an area equal to 10 per cent of the previously described area.	
A.170	On the parcel of land identified as 424 Bagot Street and designated A.170 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 79-263 as Schedule "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of passing of this by-law, plus an area equal to 10 per cent of the previously described area.	UR5
A.171	On the parcel of land identified as 212 Montreal Street and 68-70 Raglan Road and designated A.171 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 79-263 as Schedule "B", the permitted uses shall also include neighbourhood stores and a retail florist shop provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of passing of this by-law plus an area equal to 10 per cent of the previously described area.	UR5
A.172	On the parcel of land identified as 61-63 John Street and designated A.172 on copies of Zoning Maps Number 17 and 18 attached to and forming part of By Law Number 79-263 as Schedules "A" and "B", the permitted uses shall also include neighbourhood stores provided that these commercial uses do not occupy a total floor area which is greater than the total floor area occupied by commercial uses established on these premises as of the date of passing of this by-law plus an area equal to 10 per cent of the previously described area.	UR5
A.214	On the approximately 0.134 hectare parcel of land located at the southeast corner of Concession Street and Alfred Street,, and designated A.214 on a copy of Zoning Map Number 19 attached to and forming part of By-Law Number 86-95 as Schedule "A", the following regulations shall apply: (a) Notwithstanding the provisions of Section 6.2 of this By-Law, the permitted uses shall also include neighbourhood stores and services, provided that these uses occupy the ground floor of the building only and contain no more than 430 square metres of floor space; (b) The maximum number of permitted dwelling units shall be six (6), containing a total floor space of not more than 430 square metres; (c) Notwithstanding the provisions of Section 5.3 of this by-law, the minimum number of required off-street parking spaces shall be nineteen (19); (d) Notwithstanding the provisions of Section 5.27 of this by-law, the minimum required amenity area shall be 96.8 square metres; (e) Notwithstanding the provisions of Section 6.3(b) of this by-law, the minimum required front yard shall be 3.86 metres; (f) Notwithstanding the provisions of Section 6.3(d) of this by-law, the minimum required rear yard shall be 0.6 metres; (g) Notwithstanding the provisions of Section 6.3(c) of this by-law, the	UR5

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	minimum required side yard of the West side of the property shall be 3.86 metres.	
A.243	<p>On the approximately 0.035 hectare parcel of land located on the west side of Nelson Street South of Princess Street, known municipally as 182 Nelson Street, and designated 'A.243' on Zoning Map 19 of By-Law Number 8499, the following regulations shall apply:</p> <ul style="list-style-type: none"> a) Notwithstanding the provisions of Section 6.2 of this by-law the permitted uses shall also include professional offices; b) The professional office use shall be restricted to the ground floor only of the building; c) The maximum permitted building depth shall be 16.95 metres; d) The aggregate side yard for the building on this property shall be 3.0 metres; e) The maximum ground floor area of the building on this property shall be 112.6 square metres; f) The second floor of the building shall be used for one (1) residential dwelling unit; g) The minimum number of required off-street parking spaces shall be four (4) for the non-residential use on the site, and one (1) space for the residential use, which space shall be provided within 60 metres of the property. In the event that the ground floor is used for a professional office other than a chiropractic clinic, the combined parking requirements for both floors shall be four (4) parking spaces instead of the five (5) stipulated above. h) Access to the required off street parking spaces shall be permitted by a single combined entrance / exit lane. 	UR5
A.297	<p>On the approximately 0.027 hectare (265 square metre) parcel of land located on the northeast corner of Patrick Street and Markland Street, known municipally as 51 Patrick Street and designated 'A.297' on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 96-195 as Schedule "A", the following regulations shall apply:</p> <ul style="list-style-type: none"> (i) Notwithstanding the provisions of Section 6.2 of this by-law, the permitted uses shall also include a triplex dwelling; (ii) The minimum number of required off-street parking spaces shall be three (3); (iii) The basement dwelling unit shall be confined within the walls of the building in existence as of the date of the passing of this by-law and shall contain a maximum floor area of 50 square metres. (iv) Notwithstanding the provisions of Section 6.3(a), 6.3(b), 6.3(c), 6.3(d) and 6.3(e) of this by-law, the existing building shall be recognized as non complying with respect to the regulations of the "A" Zone regarding Minimum Lot Area, Minimum Front Yard, Minimum Side Yard, Minimum Rear Yard and Maximum Percentage of Lot Coverage. No extension or enlargement of the existing building shall be permitted, however, alterations, include structural alterations, necessary for the normal maintenance and repair of the existing building will be permitted. 	UR5

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A.334	<p>On the approximately 0.12 acre parcel of land located on the west side of Bagot Street, known municipally as 402 Bagot Street, and designated 'A.334' on a copy of Zoning Map Number 18 attached hereto and forming part of By-Law Number 2004-16, the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 6.3(j) of this by-law, a structural alteration having the effect of adding new floor area to the principal building on the subject property shall be permitted, provided that:</p> <p>(a) the gross floor area of the principal building shall not exceed 390.2 square metres (4,200 square feet);</p> <p>(b) the additional new floor area permitted by the passing of this by-law shall not exceed 79.2 square metres (852 square feet) and shall be wholly contained within the third storey, and, the remaining 48 square metres (516 square feet) of "non-permitted" space on the third storey will be rendered inaccessible for use;</p> <p>(c) the four (4) units shall be contained within the walls of the building in existence as of the date of the passing of this by-law; and, any extension, expansion or structural alteration which has the effect of adding new floor area or dwelling units to the said multiple family dwelling, including dormer construction, shall be prohibited.</p>	UR5
A.358	<p>On the approximately 453 square metre parcel of land known as 130 Helen Street and zoned as 'A.358' on Zoning Map Number 20 attached to and forming part of amending By-Law 2006-206:</p> <p>Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 6 for the "A" One Family and Two Family Residential Zone shall apply to the 'A.358' Zone except that:</p> <p>i) Permitted Use: Maximum of six dwellings units within the building in existence on the property on the day of the passing of this by-law.</p> <p>ii) Minimum Lot Area: 94 square metres per dwelling unit</p> <p>iii) Minimum Rear Yard: 6.1 metres</p> <p>iv) Maximum Building Height The maximum permitted height of any exterior wall exclusive of end gable shall be 7.9 metres</p> <p>v) Flat Roof Height A flat roof shall be permitted above the 7.9 metre exterior wall</p> <p>vi) Maximum Building Depth 16.7 metres</p> <p>vii) Minimum Off-Street Vehicle Parking: 1 parking space per dwelling unit</p> <p>viii) Parking: A maximum of three parking spaces shall be permitted within the front yard</p>	UR5
A.368	<p>On the approximately 357 square metre parcel of land located north of Princess Street and on the west side of Frontenac Street, known municipally as 544 Frontenac Street, a maximum of 3 dwelling units shall be permitted</p>	UR5

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>in accordance with the following provisions:</p> <p>i. Maximum Gross Floor Area shall be limited to the existing 580 square metres as approved by Committee of Adjustment Decision Notice D10 025-2005;</p> <p>ii. Maximum Residential Building Depth: 14.3 metres; and</p> <p>iii. Minimum Lot Area: 350 square metres.</p>	
A.369	<p>On the approximately 546 square metre parcel of land located north of Princess Street and on the east side of Frontenac Street, known municipally as 551 Frontenac Street, the following provisions shall apply in addition to Section 13:</p> <p>i) The minimum side yard setback shall be 0.2 metres on one side and 2.7 metres on the other side;</p> <p>ii) The maximum number of units shall be 3 units with 10 bedrooms.</p>	UR5
A.372	<p>On the approximately 532.4 square metre parcel of land known as 349 Mack Street and zoned as 'A.372' on Zoning Map 20 attached to and forming part of amending By-Law 2007-144:</p> <p>Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 6 for the "A" One-Family Dwelling and Two-Family Dwelling Zone shall apply to the 'A.372' Zone except the following:</p> <p>i) In addition to the provisions of Section 6.2, a day care centre shall also be permitted.</p> <p>ii) Notwithstanding the provisions of Section 5.3, a minimum of three on-site parking spaces shall be provided for any use permitted in Section i) above.</p> <p>iii) The setbacks of the building existing at the date of the passing of this by law shall be deemed to comply.</p>	UR5
A.377	<p>Notwithstanding the provisions of Section 6.2 hereof to the contrary, on the lands designated 'A.377' on Schedule "A" attached hereto, the following regulations shall apply:</p> <p>a) That the following additional use be permitted:</p> <ul style="list-style-type: none"> • a 'Daycare Centre' <p>b) That notwithstanding any regulations to the contrary a maximum aggregate driveway width of 8.1 metres is permitted.</p> <p>c) That notwithstanding any regulations in Section 5.3 to the contrary a maximum aggregate of 4 parking spaces is permitted in the front yard and exterior side yard.</p>	UR5
A.379	<p>On the approximately 0.42 hectare parcel of land known municipally as 342 Patrick Street, and zoned 'A.379' on Zoning Map Number 17 attached to and forming part of and amending By-Law Number 2008-161:</p> <p>i) A community facility shall be the only permitted use.</p> <p>ii) For the purpose of the 'A.379' Zone, the following definition shall apply: Community Facility means a building where members of the public are provided with educational, social, cultural, or religious programs and where neither overnight care nor living accommodation is available.</p> <p>iii) Notwithstanding the provisions of Section 5.3, a minimum of 29 off-street parking spaces shall be provided.</p>	UR5

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	iv) The building and site development as of the date of the passing of this by law shall be deemed to comply with the regulations of this Zoning By Law.	
A2	Not Applicable	UR7
A2.47	On the parcel of land identified as Lot 17, Reg. Plan 679, located on the north west corner of Forsythe Avenue and Wolfe Street and designated A2.47 on Zoning Map Number 26 of this by-law, a two-family dwelling which shall be of brick or brick veneer construction, with cottage type roof and one and one-half storeys high, shall be permitted.	UR7
A2.48	On the approximately 0.06 hectare parcel of land located on the south side of Johnson Street approximately 30.0 metres east of Mowat Avenue and designated A2.48 on Zoning Map Number 26 of this by-law, a two family dwelling which shall be of brick or brick veneer construction, with cottage type roof, two storeys high and of the same general appearance as the dwelling located on the lot immediately east of the subject property, shall be permitted.	UR7
A2.49	On the approximately 0.1 hectare parcel of land located on the south side of Princess Street approximately 91.0 metres east of Portsmouth Avenue and designated A2.49 on Zoning Map Number 12 a two-family dwelling shall be a permitted use.	CA
A2.354	On the approximately 0.14 hectare parcel of land located at the north-east corner of Johnson Street and Roden Street, known municipally as 1061 Johnson Street, and designated 'A2.354' on Map 25 of this by-law, the existing building may contain a maximum of three dwelling units.	UR7
A4.50	On the approximately 0.15 hectare parcel of land located on the east side of Victoria Street between Union Street and Earl Street and on the approximately 0.19 hectare parcel of land located on the east side of Victoria Street between Union Street and Earl Street, both parcels being designated A4.50 on Zoning Map Number 30 of this by-law, not more than a total of seven two-family dwellings shall be permitted to be constructed.	UR6
A5	Not Applicable	UR6
A5.52	On the approximately 0.07 hectare parcel of land located on the southwest corner of Mowat Avenue and Churchill Street and designated A5.52 on Zoning Map Number 28, (a) a Physiotherapy Clinic within the same building as a place of residence provided that the said premises continue to be the place of residence only for Hans Blaser or Vreni Blaser, shall be a permitted use, (b) the portion of the building so occupied by the Physiotherapy Clinic shall at no time occupy more than 116.0 square metres of floor area of the building including the basement, provided that at no time more than three Physiotherapists are engaged in the practice of physiotherapy on the subject lands.	UR6
A5.150	On the approximately 0.14 hectare parcel of land located on the west side of Mowat Avenue between Union Street and Baiden Street and designated A5.150 on a copy of Zoning Map Number 28 attached to and forming part of By-Law Number 9163 as Schedule "A", the permitted uses shall also include a row dwelling containing four dwelling units.	UR6

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A5.252	<p>On the approximately 0.06 hectare parcel of land located on the east side of Yonge Street south of King Street West, known municipally as 97, 99, 101 Yonge Street, and designated A5.252 on a copy of Zoning Map Number 29 attached to and forming part of By-Law Number 90-135 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding Section 11.2 of this by-law, the permitted uses shall also include a three (3) unit row dwelling and associated parking spaces;</p> <p>(b) Notwithstanding Section 11.3 of this by-law, the existing three (3) unit row dwelling shall be deemed to be conforming with respect to yard requirements, lot area, lot width and parking.</p>	UR6
A5.314	<p>On the approximately 0.12 hectare (.29 acre) parcel of land located on the east side of Montreal Street known municipally as 1135 Montreal Street, and designated 'A5.314' on a copy of Zoning Map Number 7 attached hereto and forming part of this by-law, the following regulations shall apply:</p> <p>(i) In addition to the uses permitted in the 'A5' Zone, as set out in Section 11.2 of this by-law, a triplex shall also be permitted use;</p>	UR6
A5.332	<p>On the approximately 0.09 hectare (.23 acre) parcel of land located on the west side of Division Street known as 666 Division Street, and designated 'A5.332' on a copy of Zoning Map Number 14 attached hereto and forming part of By-Law Number 2003-49, as Schedule "A", the following regulations shall apply:</p> <p>(i) In addition to the uses permitted in the 'A5' Zone, as set out in Section 11.2 of this by-law, a triplex shall also be permitted use, provided that the three units are contained within the walls of the building in existence as of January 21, 2003, the date of the passing of this by-law.</p>	UR6
A5.337	<p>On the approximately 0.08 hectare (0.20 acre) parcel of land located on the west side of Wilson Street, known as 134 Wilson Street and designated 'A5.337' on a copy of Zoning Map Number 7 attached hereto and forming part of By-Law Number 2003-369, as Schedule "A", the following regulations shall apply:</p> <p>In addition to the uses permitted in the 'A5' Zone, as set out in Section 11.2 of this by-law, a triplex dwelling shall also be a permitted use, provided that the three units are contained within the walls of the building in existence as of September 9, 2003, the date of the passing of this by-law.</p>	UR6
A5.339	<p>On the approximately 0.08 hectare (0.20 acre) parcel of land located on the west side of Wilson Street, known as 130 Wilson Street and designated 'A5.339' on a copy of Zoning Map Number 7 attached hereto and forming part of Amending Zoning By-Law Number 2004-21, as Schedule "A", the following regulations shall apply:</p> <p>(i) In addition to the uses permitted in the 'A5' Zone, as set out in Section 11.2 of this by-law, a triplex dwelling shall also be a permitted use, provided that the three units are contained within the walls of the building in existence as of the date of the passing of this by-law.</p>	UR6
A5.376	<p>On the approximately 588 square metre parcel of land known as 880 Victoria Street and zoned as 'A5.376' on Zoning Map Number 14 attached to and forming part of amending By-Law 2008-136, notwithstanding any</p>	UR6

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>provisions of the by-law to the contrary, the provisions of Section 11 for the 'A5' Zone shall apply to the 'A5.376' Zone except that:</p> <p>(i) Additional Permitted Uses: Day Care Centre</p> <p>(ii) Notwithstanding the provisions of Section 5.3A(b), a minimum of 2 off-street parking spaces shall be provided for any use permitted in Section (i) above, which spaces may be a minimum of 2.5 metres wide.</p> <p>(iii) Notwithstanding the provisions of Section 5.3B(c), parking may be provided in the front yard.</p> <p>(iv) Deemed to Comply: The building and site development existing as of the date of the passing of this by-law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of Section 11 of this by-law.</p>	
A5.381	<p>On the approximately 929 square metre parcel of land known as 34 Barbara Avenue and zoned as 'A5.381' on Zoning Map Number 14 attached to and forming part of amending By-Law Number 2009-25, the following provisions shall apply:</p> <p>i) Additional Permitted Uses within the Building Existing as of the Date of the Passing of this By-Law: Multiple family dwelling containing no more than three dwelling units</p> <p>ii) Minimum Lot Area: 929 square metres</p> <p>iii) Minimum Number of Off-Street Vehicle Parking Spaces: 3 parking spaces</p> <p>iv) Deemed to Comply: The building, accessory garage and site development existing as of the date of the passing of this by-law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that the existing building or accessory garage on the site is removed, any new development shall be subject to the regulations of Section 11 of this by-law.</p>	UR6
B.54	<p>On the approximately 0.43 hectare parcel of land located on the southeast corner of Johnson Street and Bagot Street and designated B.54 on Zoning Map Number 31,</p> <p>(a) a residential building containing not more than 51 senior citizen apartments plus one dwelling unit shall be a permitted use of the land,</p> <p>(b) the minimum number of required off-street parking spaces shall be 30,</p> <p>(c) there shall be no regulations regarding:</p> <p>i. Percentage of Lot Occupancy</p> <p>ii. Minimum Front Yard</p> <p>iii. Minimum Rear Yard</p> <p>iv. Minimum Side Yard</p> <p>v. Courts</p> <p>vi. Density</p>	URM3
B.55	<p>On the approximately 0.06 hectare parcel of land located on the north side of Lower Union Street approximately 17.0 metres east of Bagot Street and</p>	HCD3

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	designated A.55 on Zoning Map Number 31, a hospital as defined by the Public Hospitals Act, R.S.O. (1970) Chapter 378, shall be a permitted use of land.	
B.56	On the approximately 0.18 hectare parcel of land located on the south side of Wellington Street between Gore and Earl Streets and designated B.56 Zoning Map Number 31, the provisions of the B zone shall apply except that: (a) the permitted uses shall also include: i. a residential building containing a maximum of seventeen selling units; and ii. Repealed by By-Law Number 79-140. (b) A maximum of three off-street parking spaces may be located in a yard other than the rear yard.	HCD3
B.117	On the approximately 0.16 hectare parcel of land located at the northeast corner of Division Street and Johnson Street, known as 329 Johnson Street and zoned 'B.117' on a copy of Zoning Map Number 31 attached to and forming part of By Law Number 2005-143 as Schedule "A", the following regulations shall apply: (i) Notwithstanding the provisions of Section 13 of this by-law, the permitted uses shall also include: (a) a coffee shop with a maximum floor area of 150 square metres, located on the ground floor of the building (b) an office with a maximum floor area of 150 square metres, located on the ground floor of the building.	URM3
B.179	On the approximately 0.08 hectare parcel of land located on the south side of Lower Union Street between Ontario Street and King Street and designated B.179 on a copy of Zoning Map Number 31 attached to and forming part of By Law Number 80-115 as Schedule "A", the existing multiple family dwelling containing seven dwelling units shall be deemed to be a use of land conforming with the provisions of this by-law. No owner of this multiple family dwelling shall alter the building or permit the alteration of the building unless he applies to Council or the Committee of Adjustment and receives consent to make such alteration.	HCD3
B.180	On the approximately 0.12 hectare parcel of land located on the east side of King Street East between West Street and Lower Union Street and designated B.180 on a copy of Zoning Map Number 31 attached to and forming part of By Law Number 80-115 as Schedule "A", the existing multiple family dwelling containing sixteen dwelling units shall be deemed to be a use of land conforming with the provisions of this by-law. No owner of this multiple family dwelling shall alter the building or permit alteration of the building unless he applies to Council or the Committee of Adjustment and receives consent to make such alteration.	HCD3
B.191	On the approximately 0.075 hectare parcel of land located on the east side of King Street East south of Lower Union Street and designated B.191 on a copy of Zoning Map Number 31 attached to and forming part of By-Law Number 82-196 as Schedule "A", the permitted uses shall also include	HCD3

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	professional offices for architects, engineers, accountants, and lawyers provided that these uses are confined within the wall of the existing coach house building.	
B.219	On the 0.12 hectare parcel of land located at the southwest corner of Bagot Street at John Street a row dwelling containing a maximum of eight dwelling units shall be a permitted use of land subject to the following exceptions to the regulations for Zone B: (i) Permitted Uses: A row dwelling containing up to eight dwelling units. (ii) Front Yard: Bagot Street 3.0 metres minimum; – John Street 4.57 metres minimum; (iii) Amenity Area: 524 metres minimum.	URM3
B.228	On the approximately 221 square metre parcel of land located at the Southwest corner of Ontario and Earl Streets, and designated B.228 on a copy of zoning Map Number 31 attached to and forming part of By-Law Number 87-206 as Schedule "A", notwithstanding Section 13.3, the following regulations shall apply for construction of a four storey dwelling unit row house only: i) Minimum Front Yard: No Requirement ii) Minimum Side Yard: No Requirement iii) Minimum Rear Yard: No Requirement iv) Corner Lots: Front Yard: No Requirement v) Maximum Lot Coverage: 95 per cent vi) Maximum Density: 135 dwelling unit per hectare vii) Play Space and Amenity Area: Total 54 square metres viii) Parking: 3 Interior Spaces	URM3
B.229	On the approximately 0.024 hectare parcel of land located at 50 Earl Street (South side), and designated B.229 on a copy of Zoning Map Number 31 attached hereto and forming part of By-Law Number 87-223 as Schedule "A", the following regulations shall apply: (i) Notwithstanding any provision of Section 13 to the contrary, two dwelling units shall be permitted within the existing dwelling located thereon.	HCD3
B.306	On the approximately 0.14 hectare parcel of land located on the northwest corner of Johnson and Barrie Street, known municipally as 309-315 Johnson Street, and designated 'B.306' on the map attached to and forming part of By-Law Number 98-267 as Schedule "A", the following regulations shall apply: (i) In addition to the uses permitted by Section 13.2 of this by-law a funeral home and associated parking shall also be permitted on lands designated 'B.306'; (ii) The minimum number of required off-street parking spaces for the funeral home and any upper floor residential units shall be thirty-one (31); (iii) That notwithstanding the provisions of Section 13.3, Subsections (b), (c), and (d) of this by-law, the existing funeral home shall be recognized as non-complying with respect to the minimum building setback requirements along Johnson Street, Barrie Street and the north property boundary;	URM3

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(iv) That notwithstanding the provisions of Section 13.3, Subsection (g) of this by-law, the maximum percentage of lot coverage shall be 40 per cent.	
B.351	<p>On the approximately 1255 square metre parcel of land located at 39 Russell Street, being Concession WGCR Part Farm Lot 1; RP 13R12917, Parts 1 and 2, between Division Street and Montreal Street and zoned as 'B.351-H' on the copy of Zoning Map Number 17 attached to and forming part of By-Law 2005-57 as Schedule "A", the following regulations shall apply:</p> <p>(a) Purpose and Requirement for Removal of Holding Symbol: The use and removal of the '-H' Holding Symbol shall be in accordance with the provisions of Section 5.39 of this by-law. To ensure the proper redevelopment of the lands, given the findings of the Environmental Site Assessment and Soils Investigations, development will not proceed until the following have been completed:</p> <ul style="list-style-type: none"> • an acceptable Remediation Plan is provided and carried out to the Municipality's satisfaction; • that a Record of Site Condition (RSC) is filed with the Ministry of the Environment or that the City has declared that a RSC is not required; • a Site Plan Control Agreement is executed by the Owner, which Agreement shall incorporate the recommendations for site remediation and all other applicable municipal conditions. <p>(b) Permitted Interim Uses: In accordance with Section 5.39 (i) of this By-Law.</p> <p>(c) Zone Regulations When '-H' Symbol Removed: Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 13 for the "B" Three and Six Family Dwelling Zone shall apply to the 'B.351' Zone except that:</p> <p>(i) notwithstanding the provisions of Section 13.2, the following additional uses shall be permitted:</p> <ul style="list-style-type: none"> • an office, not exceeding 250 square metres in gross floor area; <p>(ii) the minimum rear yard shall be 4.0 metres;</p> <p>(iii) notwithstanding Section 5.3 of this by-law, the minimum number of off-street parking spaces to be provided on site shall be 8;</p> <p>(iv) notwithstanding Section 5.3 of this by-law, parking facilities may be located in front of the midway point between the front and rear walls of the main building;</p> <p>(v) development on the site shall be subject to Site Plan Control.</p>	URM3
B.388	<p>Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated 'B.388' on Schedule "A" hereto, the following regulations shall apply:</p> <ol style="list-style-type: none"> 1. Shall have a total of 6 dwelling units; 2. Maximum Interior Side Yard Width of 2.5 metres; 3. Maximum lot coverage of 37.5 per cent; 4. Minimum Amenity and Play Space Area of 467 square metres 5. Minimum driveway width of 2.5 metres; and 6. A single vehicle ingress and egress shall be permitted. 	URM3

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
B1.57	On the approximately 1.32 hectare parcel of land located on the south side of Nickle Avenue west of Curtis Crescent and designated B1.57 on Zoning Map Number 24, the maximum number of dwelling units that may be erected thereon shall be 120, nor shall any building be built which is over seven storeys in height.	URM4
B1.59	On the approximately 0.09 hectare parcel of land located on the south side of Johnson Street west of Yonge Street and designated B1.59 on Zoning Map Number 26, no outside stairway shall be permitted.	UR7
B1.60	On the approximately 0.3 hectare parcel of land located on the east side of Hillendale Avenue south of Princess Street and designated B1.60 on Zoning Map Number 21, the maximum density shall be 106.2 units per hectare and multiple family structures erected thereon shall be in substantial conformity with the site plans prepared by Regent Properties Company, copies of which are attached and form part of this by-law as Schedules "D-1", "D-2", "D-3", and "D-4".	URM4
B1.62	On the approximately 0.53 hectare parcel of land located between Mowat Avenue and Yonge Street south of Logan Street and designated B1.62 on Zoning Map Number 29, the maximum building height shall be 21.3 metres.	URM4
B1.63	On the approximately 0.77 hectare parcel of land located on the North side of Barbara Avenue west of Division Street and designated B1.63 on Zoning Map Number 14, the maximum density shall be 111.2 dwelling units per hectare.	URM4
B1.64	On the approximately 2.17 hectare parcel of land located on the southwest corner of Bath Road and Portsmouth Avenue and designated B1.64 on Zoning Maps Number 21 and Number 22 the erection and occupation of 56 three bedroom family units and 20 four bedroom family units shall be permitted provided that the location of the said buildings is in substantial conformity with the location shown on the site play prepared by E.A. Cromarty, Architect, dated September 18, 1969, a copy of which is attached hereto and forms part of this by-law as Schedule "F".	URM4
B1.65	<p>On those lands located north of Weller Avenue and west of Wilson Street and designated B1.65 on Zoning Maps number 3 and 7, the provisions of the B1 zone shall apply except as otherwise stipulated on Schedule "G" attached to and forming part of this by-law and/or as outlined in Section 65(a) as follows:</p> <p>(a) Development shall be permitted only if it is in substantial conformity with the site plan prepared by Headway Corporation Limited, dated April 10, 1972, a copy of which is attached to and forms part of this by-law as Schedule "G". The Schedule "G" is intended to allow development subject to the provisions of the B1 zone save and except that:</p> <p>1. Blocks B, D, H, J, L and M as shown on Schedule "G" shall be designated B1.65.</p> <p>(a) Blocks D, H, L and M shall be used for 246 O.H.C. family housing units with land area of 5.22 hectares more or less;</p> <p>(b) Blocks H and M shall be modified to permit 1.0 parking space per unit;</p> <p>(c) Block J shall be modified to permit 1.0 parking space for each four units;</p>	URM4

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(d) Blocks D, H, J, L and M shall be modified to permit buildings to be erected within the required set back and side yard area;</p> <p>(e) Block B shall be modified as follows:</p> <p>(i) to permit a maximum of 267 dwelling units in three buildings, each of which is to have a maximum height of 6 storeys;</p> <p>(ii) to provide that off-street parking facilities may be located anywhere on the lot except that no parking space may be located within 30.5 metres of a street line.</p> <p>(f) Blocks D, H, L and M shall be modified to permit buildings to be constructed at the rear of others and not fronting on a public street;</p> <p>(g) Block J shall be modified to permit a maximum of 53 dwelling units;</p> <p>(2) Blocks B-1, BB, BBB, C, DD, HH, and JJ as shown on Schedule "G" shall be designated B1.65 but not permitting dwelling units;</p> <p>(3) Blocks E, EE, G, GG as shown on Schedule "G" shall be designated B1.65 but permitting the erection of a Day Care Centre only, and in the event the Blocks are not so used, then the said Blocks shall be used in perpetuity for Park purposes.</p>	
B1.109	On those parcels of land consisting of approximately 4.82 hectares of land located south of Princess Street immediately east of the Little Cataraqui River and designated B1.109 on Zoning Map Number 11, the maximum number of permissible dwelling units shall be 326.	URM4
B1.110	On that parcel of land located adjacent to the Little Cataraqui River between Bath Road and Princess Street and designated B1.110 on Zoning Map Number 11, the maximum density shall not be greater than 35.8 units per ha.	EPA
B1.115	<p>On the approximately 1.05 hectare parcel of land located west of Portsmouth Avenue and south of Johnson Street and designated B1.115 on a copy of Zoning Map Number 24 attached to and forming part of By-Law Number 8759 as Schedule "A":</p> <p>i. The permitted uses shall be group or row dwellings only;</p> <p>ii. The maximum number of dwelling units that may be permitted thereon shall be 30;</p> <p>iii. The requirements for Minimum Floor Area and Bachelor Dwelling Units shall be as follows: Minimum Floor Area (Per Dwelling Unit): Two to five family dwelling: 74.3 square metres Six or more family dwelling: 65.0 square metres Bachelor Apartment: 28.0 square metres Within a multiple family dwelling, not more than one bachelor apartment shall be permitted for every four family dwelling units.</p> <p>iv. The minimum number of required off-street vehicle parking spaces shall be in the ratio of 1.3 spaces per dwelling unit.</p> <p>v. Off-street vehicle parking facilities shall be provided on the same lot or premises as the referred to structure of use and may occupy any location thereon other than any required front yard space.</p> <p>vi. The Play Space requirements shall be as follows:</p>	URM4

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(a) Where housing units are allowed and there are more than 40 housing units with more than one bedroom contained in one or more apartment buildings on the property, a Play Space of at least 2.3 square metres per housing unit shall be provided in one location. In projects of over 100 such housing units, the required space may be separated into two or more areas provided no one space is less than 232.0 square metres.</p> <p>(b) Play Spaces shall be located in rear areas, at ends of buildings or in other suitable locations on the property which will not impair views from living rooms or front entrances, and permit easy access from the housing units without encountering traffic hazards.</p> <p>vii. There shall be no requirements for the provisions of Amenity Areas.</p>	
B1.116	<p>On the approximately 1.92 hectare parcel of land located west of Portsmouth Avenue and north of Nickle Avenue and designated B1.116 on a copy of Zoning Map Number 24 attached to and forming part of By-Law Number 8759 as Schedule "A":</p> <p>i. The permitted uses shall be multiple family dwellings only;</p> <p>ii. The maximum number of dwelling units that may be permitted thereon shall be 178 units;</p> <p>iii. The requirements for Minimum Floor Area and Bachelor Dwelling Units shall be as follows: Minimum Floor Area (Per Dwelling Unit): Two to five Family dwelling: 74.3 square metres Six or more family dwelling: 65.0 square metres Bachelor apartment: 28.0 square metres Within a multiple family dwelling, not more than one bachelor apartment shall be permitted for every four family dwelling units.</p> <p>iv. The minimum number of required off-street vehicle parking spaces shall be in the ratio of 1 space per dwelling unit.</p> <p>v. Off-Street vehicle parking facilities shall be provide on the same lot or premises as the referred to structure or use and may occupy any location thereon other than any required front yard space.</p> <p>vi. The Play Space requirements shall be as follows: (a) Where housing units are allowed and there are more than 40 housing units with more than one bedroom contained in one or more apartment buildings on the property, a Play Space of at least 2.3 square metres per housing unit shall be provided in one location. In projects of over 100 such housing units, the required space may be separated into two or more areas provided no one space is less than 232.0 square metres. (b) Play Spaces shall be located in rear areas, at ends of buildings or in other suitable locations</p>	URM4
B1.121	<p>On the approximately 0.22 hectare parcel of land located on the east side of Montreal Street opposite Hickson Avenue and designated B1.121 on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 8784 as Schedule "A";</p> <p>(a) the permitted uses shall only include a 12 unit apartment building and accessory buildings thereto;</p>	OS2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(b) the minimum required front yard shall be 5.8 metres; (c) the minimum number of required off-street parking spaces shall be 12.	
B1.134	On the approximately 1.0 hectare parcel of land located at the northwest corner of Montreal and Briceland Streets and designated B1.134 on a copy of Zoning Map Number 7 attached to and forming part of By-Law Number 9052, as Schedule "A", the maximum permitted height shall be 10.7 metres.	URM4
B1.181	On the approximately 0.59 hectare parcel of land located on the west side of Ontario Street between West Street and Lower Union Street and designated B1.181 on a copy of Zoning Map Number 31 attached to and forming part of By Law Number 80-115 as Schedule "A": i. The only permitted use shall be a multiple family dwelling containing up to 89 dwelling units and up to 144 bedrooms and accessory buildings thereto. ii. The Maximum Front Yard shall be 6.10 metres and the Minimum Front Yard shall be 3.05 metres. iii. The Minimum Rear Yard shall be 8.2 metres. iv. The Minimum number of required off-street parking spaces shall be 82. v. The maximum building height shall be 20.5 metres or 98.0 metres above mean sea level, whichever is the lesser. The building shall have a maximum of seven storeys. vi. The external dimensions of the main building shall not exceed 57.0 metres by 22.0 metres. vii. Accessory buildings are to be as per Section 5.17 except that the Maximum Lot Coverage shall not exceed 10.4 per cent of the lot area. viii. The provisions of By-Law Number 8499 as described in Sections 5.3(a)(ii)(2), 14.2, 14.3(a), 14.3(c), and 14.3 (h) shall not apply.	URM4
B1.182	On the two parcels of land located on both sides of Eldon Hall Place at the southwest corner of Portsmouth Avenue and Bath Road and designated B1.182 on a copy of Zoning Map Number 21 attached to and forming part of By-Law Number 81-112 as Schedule "A": i. The only permitted use shall be one multiple family dwelling containing up to a maximum of 83 dwelling units located on the north side of Eldon Hall Place, and accessory buildings thereto. ii. The required off-street parking facilities for this use may be located on both sides of Eldon Hall Place within the B1.182 zone. ii. the provisions of By-Law Number 8499 as described in Sections 5.3 B (e), 14.2 and 14.3 (d) shall not apply.	URM4
B1.206	On the approximately 1.53 hectare parcel of land located on the East side of King Street East North of Place D'Armes and West of Ontario Street, designated as B1.206 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 85-110 as Schedule "B", the maximum number of permitted dwelling units shall be 88 and the maximum permitted density shall be 58 dwelling units per hectare.	URM4
B1.207	On those parcels of land, located east of Rideau Street between Bay Street and River Street, designated as B1.207 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 85-110 as Schedule "B", the following regulations shall apply:	URM4, except:

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(i) Notwithstanding the provisions of Section 14.2 of this by-law, the only permitted uses shall be:</p> <ul style="list-style-type: none"> (a) multiple family dwellings; (b) group dwellings, row dwellings; (c) senior citizen apartments; (d) group homes; (e) community halls; (f) bachelor apartments; (g) accessory buildings to any use permitted in the B1.207 zones; (h) churches and church halls. <p>(i) municipally operated home for the aged complex as described in Section 207, Subsection (iv).</p> <p>(ii) Notwithstanding Sections 14.3(d) and 14.3(h) of this by-law, the maximum permitted density shall be 50 dwelling units per net hectare, subject to the provisions of Subsection (iii) below.</p> <p>(iii) Notwithstanding Subsection (ii) above, the maximum permitted density may be increased up to 62.5 dwelling units per net hectare pursuant to the provisions of Section 36 of the Planning Act, 1983 on the following basis:</p> <ul style="list-style-type: none"> (a) Assisted Housing: subject to (iii) (d) below, one unit for each unit of assisted housing provided up to a maximum increase of 15 per cent of the maximum density provided for in Subsection (ii) above. (b) Parkland: subject to (iii) (d) below, a density increase equal to the number of dwelling units which could have been constructed on any lands dedicated as public parkland in excess of the minimum required parkland contribution up to a maximum of 15 per cent of the maximum density provided for in Subsection (ii) above. (c) New Road Allowance: subject to (iii) (d) below, a density increase equal to the number of dwelling units which could have been constructed on lands provided for a new public road allowance up to a maximum of 15 per cent of the maximum density provided for in Subsection (ii) above. (d) However, in no instance shall the total increase in density provided for in Subsections (iii) (a), (iii) (b) and (iii) (c) exceed 25% of the maximum permitted density provided for in Subsection (ii) above. (e) An agreement being entered into between the property owner and the City of Kingston which specifies the facilities, services or matters to be provided in exchange for an increase in density; (f) Any additional dwelling units permitted as an increase in density pursuant to (iii) (a), (b), (c) and (d) above shall be subject to all applicable regulations of this By-Law. <p>(iv) (a) On the approximately 3.34 hectare parcel of land located at the northeast corner of Rideau Street and North Street, a municipally operated home for the aged complex shall be permitted. This complex shall include a 170 bed home for the aged and a 70 bed senior citizen residence and may include accessory commercial type amenities to a maximum of 1000 square metres floor area designed to provide for the day-to-day needs of the residents and staff. Also permitted shall be an auditorium primarily for use</p>	<p>- 175, 205 Rideau St: IN2 - 1 Bay St: OS2</p>

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>by residents and staff. (b) Notwithstanding Section 5.3B(e), parking may be located to within not less than 7.5 metres of any lot boundary.</p>	
B1.234	<p>On the parcel of land located on the south side of King Street West, known municipally as 1000 King Street West and comprising the easterly 1.35 hecares of the property commonly known as the Richardson Dock, and designated 'B1.234' on Zoning Maps Number 27 and 28 attached to and forming part of By-Law Number 2001-48 as Schedules "A" and "B", the following regulations shall apply: (i) Notwithstanding Section 14.3 (d) of this By-Law, one (1) multiple family residential building containing a maximum of ninety-one (91) residential units shall be permitted.</p>	URM4
B1.236	<p>On the approximately 2.99 hectare parcel of land located on the East side of Montreal Street opposite the easterly ends of Weller Avenue and Drennan Street, and designated as B1.236 on a copy of Zoning Map Number 7 attached to and forming part of By-Law 88-188, as Schedule "A", the following regulations shall apply: (a) The maximum density shall not be over 55 dwelling units per hectare. (b) Neighbourhood convenience retail commercial uses shall also be permitted to a maximum 150 square metres of floor space. (c) In addition to (b) above, a maximum of 350 square metres of neighbourhood service type uses shall be permitted, which may include doctors' offices, retailing of medical and pharmaceutical supplies and a restaurant, not including take-out or drive-in service. (d) Maximum height shall not be over 10 metres except that one residential dwelling containing not more than 1,500 square metres on any of the upper three floors may be constructed to a height of not more than 19 metres above the elevation of Montreal Street at its nearest proximity to the said dwelling, and one further residential dwelling containing not more than 1,000 square metres on any floor above the third may be constructed to a height of 13 metres. (e) A minimum area of 2,000 square metres shall be exclusively allocated to areas for recreation/play space. These areas may be divided into not more than three parcels provided at least one has a minimum area of 1,000 square metres. (f) No dwelling shall be located less than 30 metres from the boundary of the railway right of way.</p>	DR
B1.263	<p>On the lands located within the block bounded by Bay Street, Rideau Street, North Street and the old railway right-of-way and designated 'B1.263' on a copy of Zoning Map Number 18 attached to and forming part of By-Law Numbers 93 203 and 94-330, the following regulations shall apply: (i) The only permitted uses shall be: (a) row dwellings containing not more than thirty-three (33) dwelling units; including the three (3) accessory apartments located in three of the townhouse units along Bay Street; (b) accessory buildings to any use permitted in the 'B1.263' zone.</p>	URM4

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(ii) The maximum building height, measured from Rideau Street, Bay Street and North Street adjacent to the site, shall be three (3) storeys.</p> <p>(iii) The minimum setback requirements shall be as follows:</p> <p>(a) For the townhouses fronting onto North Street: Minimum Front Yard: 6.0 metres Minimum Rear Yard: 6.0 metres Minimum Side Yard (adjacent to Wellington Street): 4.5 metres</p> <p>(b) For the townhouses fronting onto Bay Street: Minimum Front Yard: 7.5 metres Minimum Rear Yard: 4.5 metres Minimum Side Yard (adjacent to Wellington Street): 4.5 metres</p> <p>(c) For the townhouses fronting onto Rideau Street: Minimum Front Yard: 7.5 metres Minimum Rear Yard (northerly section of building): 5.72 metres Minimum Side Yard – Adjacent to Bay Street: 5.73 metres – Adjacent to North Street: 5.75 metres</p>	
B1.264	<p>On the lands located within the block bounded by Bay Street, Rideau Street, North Street and the old railway right-of-way and designated 'B1.264' on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 94 330 as Schedule "A", the following regulations shall apply:</p> <p>(i) The only permitted uses shall be:</p> <p>(a) multiple family dwellings containing not more than eighty-five (85) dwelling units;</p> <p>(b) accessory buildings to any use permitted in the 'B1.264' zone.</p> <p>(ii) The maximum building height, measured from Wellington Street adjacent to the site, shall be seven (7) storeys.</p> <p>(iii) Notwithstanding the provisions of Section 14.3 (a) of this by-law, any multiple family dwelling constructed within the 'B1.264' Zone shall be located 7.5 metres from Wellington Street.</p> <p>i. Notwithstanding the provisions of Section 14.3 (b) of this by-law, any multiple family dwelling constructed within the 'B1.264' Zone shall be subject to the following minimum side yard setbacks: South Side: 26.5 metres; North Side: 43.5 metre</p> <p>(vi) The external dimensions for any multiple family dwelling constructed within the 'B1.264' Zone, measured from building corner to building corner, shall not exceed 70.8 metres in length and 22.2 metres in width.</p>	URM4
B1.331	<p>On the approximately 1.49 hectare (3.7 acre) parcel of vacant land located on the west side of Division Street south of Elliott Avenue and north of Kirkpatrick Street and designated 'B1.331' on Zoning Map Number 8 attached to and forming part of By-Law Number 2002-183, as Schedule "A", the following provisions shall apply:</p> <p>(i) In addition to the uses permitted in Section 14.2 of this by-law for the 'B1' Zone, a Nursing / Retirement Home with a maximum of 220 beds and accessory medical and commercial uses related to the Nursing / Retirement Home shall also be permitted on the lands Zoned 'B1.331'. The permitted</p>	URM4

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>accessory commercial uses may include, but not necessarily be limited to, a medical clinic, a pharmacy, a beauty salon / barber shop, or a retail store, provided that any such accessory commercial uses are located entirely within the Nursing / Retirement Home and are designed to serve only the residents or employees of the home.</p> <p>(ii) For the purposes of this Section, a Nursing / Retirement Home shall be defined as a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hallway, but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and accessory medical and commercial facilities may also be provided.</p> <p>(iii) Notwithstanding the provisions of Section 14.3 (d) of this by-law, the maximum number of permitted dwelling units shall be 110.</p> <p>(iv) Where a combined nursing / retirement home and apartment complex may be proposed, the maximum number of dwelling units / beds permitted shall not exceed a combined number that would generate more than 220 persons on the lands Zoned 'B1.331'. The total number of persons generated by any such development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of beds / units by the number of persons in accordance with the following table:</p> <p>Dwelling Unit Type Number of Persons Generated Nursing Home Bed 1.0 Bachelor Unit 1.0 1 Bedroom Unit 1.5 2 Bedroom Unit 2.5 3 Bedroom Unit 3.5 plus 1.0 for each or Greater Additional Bedroom</p> <p>(v) Notwithstanding the provisions of Section 14 of this by-law, the maximum permitted building height shall be four (4) storeys.</p>	
B1.345	<p>On the approximately 499.31 square metre parcel of land located at 23 to 25 West Street and zoned 'B1.345' on Zoning Map 31, the provisions of Section 14, for the 'B1' Multiple Family Dwelling Zone shall apply to the 'B1.345' Zone except that the following regulations shall apply notwithstanding any provisions of the by-law to the contrary:</p> <p>(a) Notwithstanding the provisions of Sections 14 (a), (b), and (c), the existing building shall be deemed conforming with respect to the minimum front, side and rear yard.</p> <p>(b) Minimum lot width: 9.30 metres</p> <p>(c) Maximum density: 124 dwelling units per hectare</p> <p>(d) Off-street parking: 1 space per dwelling unit (minimum); the required parking may be located in front of the midway point between the front and rear walls of the main building, and stacked parking shall be permitted.</p>	HCD3
B1.360	<p>On the approximately 1.1 hectare parcel of land located at the south-east corner of Bath Road and Sir John A. Macdonald Boulevard, known</p>	URM4

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	municipally as 94 Wright Crescent, and designated 'B1.360' on Schedule "A" to By-Law Number 2006-207, the maximum density shall be 105 dwelling units per hectare.	
B1.361	<p>On the approximately 0.8 hectare parcel of land located at the south east corner of Bath Road and Sir John A. Macdonald Boulevard, known municipally as 100 Wright Crescent, and designated 'B1.361' on Schedule A to By-Law Number 2006-207, the following provisions shall apply in addition to Section 14:</p> <p>i) Both the minimum side yard setback and the minimum rear yard setbacks shall be 0 metres.</p> <p>ii) The off-street parking requirement shall be 161 parking spaces, all of which must be located within 100 metres of the subject property.</p>	URM4
B1.382	<p>On the approximately 600 square metre parcel of land known as 225 and 227 Earl Street and zoned as 'B1.382' on Zoning Map Number 30 attached to and forming part of amending By-Law Number 2009-43, the following provisions shall apply to the entire area zoned 'B1.382':</p> <p>i) Minimum Front Yard: 3.0 metres</p> <p>ii) Minimum Side Yard: There shall be no minimum side yard setback requirement for a residential building having two storeys or less.</p> <p>iii) Maximum Density: 140 dwelling units per hectare</p> <p>iv) Minimum Lot Width: 16.0 metres</p> <p>v) Projection into Yards:</p> <p>(a) A covered or uncovered unenclosed porch, deck, balcony or veranda may project out from the main building wall providing it is no closer than 1.5 metres to the front lot line.</p> <p>(b) A step may project out from the main building wall up to the front lot line.</p> <p>(c) There shall be no minimum setback from the interior side lot line of a common party wall for a covered or uncovered unenclosed porch, deck, balcony, step or veranda.</p> <p>vi) Minimum Number of Parking Spaces: 6 parking spaces</p> <p>vii) Minimum Size of a Parking Space: 2.58 metres wide by 6.0 metres long</p> <p>viii) Minimum Number of Bicycle Parking: 12 spaces.</p>	URM4
B2.199	<p>On the approximately 0.80 hectare parcel of land located on the south side of Elliot Avenue between Douglas Avenue and Division Street (Block "J", Registered Plan Number 1656) and designated B2.199 on a copy of Zoning Map Number 8 attached to and forming part of By-Law Number 84-69 as Schedule "A":</p> <p>(i) The maximum permitted density shall be 42 dwelling units per net ha.</p> <p>(ii) Notwithstanding Section 15.3(k) of this By-Law, the maximum number of dwelling units per building shall be thirty-five (35).</p>	URM5
B2.274	<p>On the approximately 0.4 hectare parcel of land located in the block bounded by Yonge Street, Logan Street and Mowat Avenue, known municipally as 28 Yonge Street and designated 'B2.274' on a copy of Zoning Map Number 29, attached to and forming part of By-Law Number 93-255 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding the provisions of Section 15.3(j) of this by-law, the</p>	URM5

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Maximum Number of Permitted Dwelling Units shall be eighteen (18);</p> <p>(b) Notwithstanding the provisions of Section 15.3(a) of this by-law, the Maximum Height shall be three (3) storeys provided the building height as defined in this by-law does not exceed 9.6 metres;</p> <p>(c) Notwithstanding the provisions of Section 15.3(c) of this by-law, the Minimum Front Yard shall be:</p> <p>On Yonge Street: 3.0 metres;</p> <p>On Logan Street: 2.0 metres;</p> <p>On Mowat Avenue: 3.0 metres;</p> <p>(d) Notwithstanding the provisions of Section 15.3(d) of this by-law, the Minimum Side Yard shall be 0.6 metres;</p> <p>(e) Notwithstanding the provisions of Section 15.3(e) of this by-law, the Minimum Rear Yard shall be 6.4 metres;</p> <p>(f) Notwithstanding the provisions of Section 15.3(g) of this by-law, the Maximum Percentage of Lot Occupancy shall be 82.7 per cent.</p>	
B2.283	<p>On the approximately 0.2 hectare parcel of land located on the east side of Yonge Street south of Logan Street, and designated 'B2.283' on a copy of Zoning Map Number 29 attached to and forming part of By-Law Number 94-129 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 15.3(j) of this by-law, the Maximum Number of Permitted Dwelling Units shall be eleven (11);</p> <p>(ii) Notwithstanding the provisions of Section 15.3(a) of this by-law, the Maximum Height shall be three (3) storeys provided the building height as defined in the by-law does not exceed 9.6 metres;</p> <p>(iii) Notwithstanding the provisions of Section 15.3(c) of this by-law, the Minimum Front Yard shall be: On Yonge Street – 2.0 metres;</p> <p>(iv) Notwithstanding the provisions of Section 15.3(d) of this by-law, the Minimum Side Yard shall be 2.0 metres;</p> <p>(v) Notwithstanding the provisions of Section 15.3(e) of this by-law, the Minimum Rear Yard shall be 3.2 metres;</p> <p>(vi) Notwithstanding the provisions of Section 15.3(g) of this by-law, the Maximum Percentage of Lot Occupancy shall be 85 per cent.</p>	URM5
B3.68	<p>On the approximately 0.97 hectare parcel of land located on the south side of King Street East and on the west side of West Street and designated B3.68 on Zoning Map Number 31, the existing multiple family dwelling shall be deemed to be a use of land conforming with the provisions of this by-law except that:</p> <p>(a) no parking in association with this use shall be permitted within 36.6 metres of the south side of King Street,</p> <p>(b) no extension, expansion or structural alteration of any kind to the said multiple family dwelling shall be allowed.</p>	URM6
B3.69	<p>On the approximately 0.95 hectare parcel of land located on the east side of Ontario Street south of Lower Union Street as extended and designated B3.69 on Zoning Map Number 31, any multiple family dwelling constructed, or for the construction of which a building permit has been issued by the building Inspector, before the date of passage of this by-law by the City</p>	URM6

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	which was constructed in accordance with all by-laws of the City, in force at that date, shall be deemed to be a use of land conforming with the provisions of this by-law. No extension, expansion or structural alteration of any kind to the said multiple family dwelling shall be allowed.	
B3.133	On the approximately 1.98 hectare parcel of land located north of Elmwood Street and west of Sir John A. Macdonald Boulevard and designated B3.133 on a copy of Zoning Map Number 21 attached to and forming part of By-Law Number 9046 as Schedule "A", the maximum number of permissible dwelling units shall be 229.	URM6
B3.135	On the approximately 10.7 hectare parcel of land located east of Rideau Street and north of River Street and designated B3.135 on Zoning Map Number 16 and 17 attached to and forming part of By-Law Number 9064 as Schedule "A" and "B", the maximum number of permitted dwelling units shall be 790.	URM6
B3.185	<p>On the approximately 3.4 hectare parcel of land located at the south east corner of Bath Road and Portsmouth Avenue and designated B3.185 on Zoning Map Number 21 attached to and forming part of By-Law Number 2002-55 as Schedule "A", the following provisions shall apply:</p> <ul style="list-style-type: none"> ii. The 150 unit apartment building shall have a maximum height of eleven storeys. iii. A coffee shop shall be a permitted accessory use within the 150 dwelling unit multiple family dwelling. iv. The building within which the coffee shop is located shall not contain any show or display windows associated with the use which is visible from the exterior of the building. v. There shall be no commercial signs visible from the exterior of the building. vi. Access to the coffee shop shall not be directly from the external part of the building. vii. Vehicle access to the property shall be limited to Portsmouth Avenue and Bath Road. There shall be no vehicle access from the property to Van Order Drive. viii. The minimum required amenity space shall be 15,215 square metres. ix. The property Zoned 'B3.185' shall be subject to a Holding Provision which shall only be removed once all of the applicable requirements of Section 5.39 of the Zoning By-law have been complied with. Following removal of the Holding Provision the apartment building of up to 150 units permitted under subsection (i) above, will be a permitted use. 	URM6
B3.200	On the approximately 0.086 hectare parcel of land located on the east side of Alfred Street north of Princess Street, known municipally as 353-355 Alfred Street, and designated B3.200 on a copy of Zoning Map Number 19, attached hereto and forming part of By-Law Number 84-176 as Schedule "A", the permitted uses shall also include professional offices provided that these offices are confined within the walls of the existing building.	URM6
B3.202	On the approximately 3.17 hectare parcel of land located on the north side of Bath Road between the two extensions of Elmwood Road, known	URM6

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>municipally as 217-247 Bath Road, (Bowling Green Apartments) designated B3.202 on a copy of Zoning Map Number 21 attached to and forming part of By-Law Number 85-11 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding Section 16.3 (f) of this by-law, the maximum number of permitted dwelling units shall be 385.</p> <p>(ii) Notwithstanding Section 16.3 (c) of this by-law, the maximum percentage of lot occupancy shall be 102.9 per cent.</p> <p>(iii) Notwithstanding the provisions of Section 16.3 of this by-law, the minimum required rear yard shall be 20 metres.</p>	
B3.204	<p>On the approximately 2.87 hectare parcel of land located on the East side of Montreal Street South of Elliot Avenue and designated B3.204 on a copy of Zoning Map Number 15 and Number 16 attached to and forming part of By-Law Number 85 10 as Schedule "A" and Schedule "B", the following regulations shall apply:</p> <p>(i) The maximum number of permitted dwelling units shall be 216;</p> <p>(ii) Notwithstanding the provisions of Section 16.3(f) of this by-law, the maximum permitted density shall be 75.3 dwelling units per hectare.</p>	URM6
B3.211	<p>On the approximately 3.72 hectare parcel of land located at the southwest corner of Queen Mary Road and Greenview Drive, and designated B3.211 on a copy of Zoning Map Number 22, Zoning Map Number 23 and Zoning Map Number 24 attached to forming part of By-Law Number 85-58 as Schedules "A", "B" and "C" respectively:</p> <p>(i) Notwithstanding Section 16.3(f) of this by-law, the maximum permitted density shall be 87.1 dwelling units per net hectare.</p> <p>(ii) The maximum number of permitted dwelling units shall be 324.</p>	URM6
B3.216	<p>On the approximately 3.74 hectare parcel of land located at 1102, 1106 and 1110 King Street West and commonly known as the Kingston Grain Elevator and designated as B3.216 on a copy of Zoning Map Number 27 attached to and forming part of By-Law Number 2007-176 as Schedule "A", the following regulations shall apply:</p> <p>(a) The permitted uses as listed in Section 16.2 shall be modified as follows:</p> <p>i. there shall be a maximum of three buildings containing up to a maximum of 343 dwelling units and separate free standing buildings containing up to 38 townhouse units;</p> <p>ii. That notwithstanding Section 16.2 to the contrary a retirement home use, as defined herein, shall be a permitted use;</p> <p>iii. the establishment of accessory uses complementary to a retirement home use, including but not limited to a hairdresser, pharmacy and small scale retail use to a maximum of 10 per cent of the gross floor area. The accessory uses shall be exclusive to the retirement home residents and employees; and</p> <p>iv. also permitted shall be the on-shore facilities necessary for a marina including associated commercial and restaurant facilities, including a retail convenience store for primary use by residents as well as customers of the marina, all to a maximum floor area of 1000 square metres.</p>	URM6

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	<p>(b) Notwithstanding Section 16.3 to the contrary, the following regulations shall apply:</p> <ul style="list-style-type: none"> i. the front yard regulations shall not apply; ii. the side yard regulations shall not apply; iii. the rear yard regulations shall not apply; iv. the maximum lot occupancy shall be 210 per cent with the lands within the B3.216 zone shall being considered as one lot for zoning purposes; v. the density provisions shall not apply; vi. permit a dwelling unit equivalency ratio of 2 retirement home suites, as defined herein, to one dwelling unit (2:1 units) for a retirement home use to a maximum 154 retirement home suites; and vi. Notwithstanding Section 5.3 to the contrary, a reduced parking ratio of 0.60 parking spaces per retirement home suite shall apply to the retirement home use. vii. Notwithstanding Section 5.3 to the contrary, commercial uses, excluding the accessory retirement home uses but including the marina use, shall be supplied at the rate of one parking space per each 18.5 square meters of floor area. <p>c) Retirement Lodge or Retirement Home Use: A residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided for the exclusive use of the residents.</p> <p>d) Retirement Home Suite: Shall be defined as a habitable space designed for living and sleeping consisting of studios, one or two bedrooms, private bathroom and separate entrance from a common hall, and a kitchenette which may include convenience facilities such as a bar fridge and a microwave oven, but without full cooking facilities.</p>	
B3.249	<p>(a) Notwithstanding the provisions of Section 16.2, the only permitted use shall be a senior citizens apartment containing not more than thirty dwelling units;</p> <p>(b) Notwithstanding the provisions of Section 5.3B (d), parking for not more than eight vehicles may be located within not less than two metres from the street line.</p>	URM6
B3.316	<p>On the approximately 2.6 hectare (6.4 acre) parcel of land located on the south side of King Street West, known municipally as 1066 King Street West and comprising the westerly portion of the property commonly known as the Richardson Dock, and designated 'B3.316' on Zoning Maps Number 27 and 28 attached to and forming part of By-Law Number 2001-48 as Schedules "A" and "B", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 16.3 (f) of this by-law, two (2) multiple family residential buildings containing a maximum of two hundred and twenty-five (225) residential units in total shall be permitted;</p>	URM6

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	<p>(ii) Notwithstanding the provisions of Section 16.3 (a) of this by-law, the proposed (easterly) building on the site shall be located no further than 50 metres from King Street West</p> <p>(iii) Notwithstanding the provisions of Section 16.3 (e) of this by-law, the total building mass for both buildings shall not exceed 27,000 square metres;</p> <p>(iv) Notwithstanding the provisions of Section 16.3 (g) and Section 5.3 of this by-law, a minimum of 220 underground parking spaces and a minimum of 109 surface parking spaces shall be provided on site for both buildings;</p> <p>(v) Notwithstanding the provisions of Section 5.3 (d) ii. of this by-law, surface parking shall be permitted to within 13.5 metres of the street line;</p> <p>(vi) Notwithstanding the provisions of Section 16.3 (b) of this by-law, the minimum side yard setback on the east side of the property shall be 9.86 metres and the minimum aggregate side yard shall be 25.8 metres.</p>	
B3.346	<p>On the approximately 0.67 hectare parcel of land located at 41 Joseph Street, being Part of Lots 191 to 195 of Registered Plan C22, between Joseph Street and Fraser Street and zoned as 'B3.346' on the copy of Zoning Map Number 17 attached to and forming part of By-Law Number 2005-31 as Schedule "A", the following regulations shall apply:</p> <p>(a) Purpose and Requirement for Removal of Holding Symbol: The use and removal of the '-H' Holding Symbol shall be in accordance with the provisions of Section 5.39 of this by-law. To ensure the proper redevelopment of the lands, given the findings of the Environmental Site Assessment and Soils Investigations, development for residential or community facility uses will not proceed until the following have been completed:</p> <ul style="list-style-type: none"> • An acceptable Remediation Plan is provided and carried out to the Municipality's satisfaction and that a Record of Site Condition is filed with the Ministry of the Environment; • A Site Plan Control Agreement is executed by the Owner, which Agreement shall incorporate the recommendations for site remediation and all other applicable municipal conditions. <p>(b) Permitted Interim Uses: In accordance with Section 5.39 (i) of this by-law.</p> <p>(c) Zone Regulations When '-H' Symbol Removed: Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 16 for the 'B3' Multiple Family Dwelling Zone shall apply to the 'B3.346' Zone except that:</p> <p>(i) Notwithstanding the provisions of Section 16.2, the following additional uses shall be permitted:</p> <ul style="list-style-type: none"> • Community Centre or Community Hall, including, but not necessarily limited to, counseling services, life skills groups, meeting spaces for clients of Home Base Non Profit Housing Inc. and other social service agencies, kitchen / cafeteria space, group counseling rooms, drop-in room, copies / supply room and offices for program staff and administration; • Crisis Care Shelter shall be limited to a maximum occupancy of 30 	URM6

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>persons;</p> <p>(ii) The maximum gross floor area for the additional permitted uses listed in Clause (c) (i) above shall be 800 square metres;</p> <p>(iii) No Crisis Care Facility, Community Centre or Community Hall use shall be located closer than 20 metres to any other residential zone;</p> <p>(iv) The maximum height of any building shall be 2 storeys, not to exceed 9.0 metres;</p> <p>(v) Notwithstanding the provisions of Section 16.3 (g) and Section 5.3 of this by-law to the contrary, off-street parking facilities for residential uses shall be provided at a ratio of 1 parking space for each of the first two units, plus 1 parking space for each additional 4 units;</p> <p>(vi) Notwithstanding the provisions of Section 16.3 (f) of this by-law to the contrary, the maximum permitted density shall be 69 units per net hectare.</p> <p>(vii) Notwithstanding the provisions of Section 5.33(iv) of this by-law to the contrary, a permitted Crisis Care Shelter use may occupy a portion of a Community Centre or Community Hall building.</p>	
C.74	<p>On the approximately 0.23 hectare parcel of land located on the north side of Franklin Place and designated C.74 on Zoning Map Number 20, the construction shall be restricted to a commercial and apartment complex containing a total of 48 dwelling units, 613 square metres of commercial area and a total of 100 parking spaces. It shall be substantially in conformity with the plan entitled "Proposed Commercial and Apartment Complex Scheme "F", prepared by E.A. Cromarty, Architect, dated November 1970, attached to and forming part of this by-law as Schedules "H-1", "H-2", "H-3", "H-4" and "H 5".</p>	WM1
C.75	<p>On the approximately 0.22 hectare parcel of land located on the east side of Regent Street approximately 106.5 metres south of Princess Street and designated C.75 on Zoning Map Number 20, only a parking lot in association with a hotel shall be a permitted use of the land.</p>	CN
C.123	<p>On the approximately 0.04 hectare parcel of land located on the east side of Nelson Street, north of Princess Street, and designated A.123 on Zoning Map Number 19 attached to and forming part of By-Law Number 8926 as Schedule "A",</p> <p>i. The permitted uses shall also include a minimum of ten parking spaces in exclusive association with uses located on the adjacent parcel of land designated C.123 on Zoning Map Number 19.</p> <p>ii. The parking area referred to in Section 123(a)i. shall be buffered with a wall or fence along the north and east boundaries.</p>	WM1
C.125	<p>On the approximately 0.16 hectare parcel of land located on the east side of Albert Street and designated C.125 on a copy of Zoning Map Number 19 attached to and forming part of By-Law Number 8873 as Schedule "A", no buildings shall be located within 15.2 metres of Albert Street and the land within 15.2 metres of Albert Street shall be used for landscaping purposes only except that underground parking shall be permitted.</p>	WM1
C.194	<p>On the approximately 0.03 hectare parcel of land located on the east side of Drayton Avenue north of Princess Street, Known municipally as 7 Drayton</p>	WM1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Avenue, and designated C.194 on a copy of Zoning Map Number 20 attached to and forming part of By-Law Number 83-107 as Schedule "A":</p> <p>(i) The minimum number of required off-street parking spaces shall be four (4).</p> <p>(ii) Any commercial floor space in addition to the ground floor area of the existing building and shop as of the date of the passing of this by-law shall be subject to the parking requirements set out in Section 5.3 of this by law.</p>	
C.201	<p>On the approximately 0.04 hectare parcel of land located on the east side of Victoria Street north of Princess Street, known municipally as 577 Victoria Street and designated C.201 on a copy of Zoning Map Number 19 attached to and forming part of By-Law Number 84-204 as Schedule "A" the only permitted uses shall be those which are in exclusive association with or accessory to the commercial use on the property located immediately to the south, known municipally as 647 Princess Street.</p>	WM1
C1.286	<p>On the approximately 0.001 hectare (128.1 square metre) parcel of land located on the west side of Division Street, between Brock and Garrett Streets, known municipally as 154 Division Street and designated 'C1.286' on a copy of Zoning Map Number 19 attached to and forming part of By-Law Number 94-203 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of C1 zoning, any C1 use of the existing building shall be confined to the ground floor thereof;</p> <p>(ii) Notwithstanding the provisions of Section 5.3 and Section 21.3(f) of this by-law, the minimum number of required off-street parking spaces shall be two (2) which shall be exclusively devoted to the neighbourhood commercial (C1) use of such building during normal business hours;</p> <p>(iii) Notwithstanding the provisions of Section 21.3(b) and 21.3(c) of this by-law, the existing building shall be deemed to be conforming with respect to rear yard and maximum percentage of lot coverage. There shall be no additions or expansion of the existing building which have the effect of reducing the existing rear yard or increasing the percentage of lot coverage, without prior municipal approval.</p>	CA
C1.317	<p>On the approximately 0.2 hectare (0.49 acre) parcel of land at the north-east corner of James and Montreal Street know as 351 Montreal Street, and designated 'C1.316' on the copy of Zoning Map Number 17 attached to and forming part of By-Law Number 2001-116 as Schedule "A", the following regulations shall apply:</p> <p>(i) Maximum lot coverage of 58 per cent.</p> <p>(ii) Minimum rear yard setback of 6 metres.</p>	CN
C1.338	<p>On the approximately 166 square metre parcel of land located at 19 Concession Street, and designated 'C1.338' on a copy of Zoning Map 19 attached to and forming part of By-Law Number 2004-5 as Schedule "A", the following regulations shall apply:</p> <p>(i) The following uses shall be permitted; restaurant; one residential dwelling unit, provided that such dwelling unit is located within a commercial structure.</p> <p>(ii) Maximum Height: 12.0 m</p>	CN

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	(iii) Minimum Rear Yard: 4.0 metres (iv) Maximum Percentage of Lot Coverage: 55 per cent (v) Accessory Buildings As per Section 5.17 of this by-law. (vi) Parking As per Section 5.3 of this by-law.	
C1.378	Notwithstanding the provisions of Section 6.2 hereof to the contrary, on the lands designated 'C1.378' on Schedule "A" attached hereto, the following regulations shall apply: a) That the following uses shall only be permitted on the ground floor: <ul style="list-style-type: none"> • Retail store; • Neighbourhood store; • Offices for or in connection with a business or profession; • Restaurant; and • Laundromat. b) That a single residential unit be a permitted use on the second floor; c) Notwithstanding Section 5.3 to the contrary parking regulations shall not apply to the subject property; d) Maximum percentage lot coverage is 100 per cent; and e) Minimum setback for all yards shall be 0.0 metre.	CN
C1.620	Notwithstanding the provisions of Section 5 and Section 21 hereof to the contrary, on the approximately 0.39 hectare parcel of land known municipally as 595 Bagot Street and 38 Charles Street and zoned 'C1 .620' on Schedule 'A' hereto, the following regulations shall apply: a) Permitted Use: A community facility shall be the only permitted use. b) Definitions: "Community Facility" means the use of any lot, building or structure, or part thereof, for the provision of access to meals, health services, social support services, cultural, social or recreational programs, life/work skills training programs or other related services to members of the public. A community facility may also contain office space associated with the operation of the facility. c) Off-Street Parking: Notwithstanding the provisions of Section 5.3, a minimum of 22 off-street parking spaces shall be provided. d) Parking Design Standards: The minimum size of a parking space shall be 2.6 metres wide and 5.5 metres long. e) Accessible Parking Design Standards: Notwithstanding the provisions of Section 5.3A(d)(ii), the following regulations shall apply to accessible parking spaces: <ol style="list-style-type: none"> i. Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 5.5 metres length. ii. Type B spaces shall have minimum rectangular dimensions of 2.6 metres width by 5.5 metres length. 	CD

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	iii. An access aisle with minimum rectangular dimensions of 1.5 metres width and 5.5 metres length is required adjacent to Type A and Type B accessible parking spaces.	
C2	Not Applicable	CA
C2.77	On the approximately 0.45 parcel of land located on the northeast corner of Sir John A. Macdonald Boulevard and Princess Street and designated C2.77 on Zoning Map Number 13, a wholesale business shall be a permitted use.	CD
C2.78	On the approximately 0.09 hectare parcel of land located on the northwest corner of Concession Street and Macdonnell Street and designated C2.78 on Zoning Map Number 13, only the construction and operation of a gasoline bar and an attendant's building shall be permitted. The foregoing uses shall be subject to the regulations of the C2 zone except that: (a) The minimum front yard shall be as follows: Buildings: 6.55 metres Gas Pumps: 2.6 metres (b) The minimum lot depth shall be 22.9 metres (c) The minimum ground floor area shall be 16.3 square metres	CN
C2.80	On the approximately 0.21 hectare parcel of land located on the north side of Concession Street between Grey and Alfred Streets and designated C2.80 on Zoning Map Number 19, the minimum required front yard shall be 13.7 metres.	CA
C2.82	On the approximately 1.42 hectare parcel of land located on the north side of Princess Street east of Sir John A. Macdonald Boulevard and designated C2.82 on Zoning Map Number 13, the maximum height shall be 14.6 metres and the location of the building shall be in substantial conformity with the site plan prepared by Ala Kantti, Liff, Stefaniszyn, Architects, dated November 1971, a copy of which is attached to and forms part of this by-law as Schedules "I-1", "I-2", and "I-3".	CD
C2.101	On the approximately 12.0 hectare parcel of land located east of Division Street north of Weller Avenue and designated C2.101 on Zoning Map Number 3: (a) the permitted uses shall only be as follows: i. Offices in connection with businesses or professions, provided there is not over 604.0 square metres of office space per structure; ii. Banks; iii. Bowling alleys, theatres, auditoriums; iv. Brewer's retail store and liquor store; v. Motels or hotels; vi. Municipal and publicly owned utility and government buildings or facilities and telephone exchanges; vii. Indoor and outdoor athletic and sports facilities, including open or enclosed stadiums; viii. Accessory uses incidental solely to any of the above uses which may include restaurants, lunch counters and retail stores (including retail stores selling general service);	CA

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	<p>ix. Repair and services for electrical and household equipment; x. Restaurants and lunch counters including drive-in restaurants; xi. Automobile sales, service and repair shops and gas bars, including diesel and propane fuels; xii. Neighbourhood stores excluding department stores of full line food stores; xiii. The combined maximum of the permitted uses listed in Paragraphs x., xi., and xii., above shall not exceed 2,800 square metres floor area. (b) The minimum side and rear yard requirements shall also include the following provisions: Wherever the subject property abuts a residential zone, a yard of not less than 19.4 metres wide shall be provided within the subject property. This yard shall be screened by a masonry wall not less than 1.4 metres in height, which shall extend to within 7.6 metres of the street line. Nothing other than a driveway shall be located in the yard.</p>	
C2.108	<p>On the approximately 0.32 hectare parcel of land located south of Counter Street west of Sir John A. Macdonald Boulevard and designated C2.108 on Zoning Map Number 10 the following provisions shall also apply: (a) The permitted uses shall only be as follows: i. Retail Stores (including retail stores selling general services) lunch counters, restaurants; ii. Offices in connection with a business or profession; iii. Banks; iv. Accessory buildings to any use permitted above. (b) Maximum Height: 9.0 metres (c) Minimum Front Yard: 7.5 metres (d) Minimum Lot Depth: 38.1 metres (e) Off-Street Parking As per Section 5.3 of this by-law however for C2 uses not specifically designated in this Section 1 parking space shall be provided for every 28.0 square metres of store area including office space.</p>	CN
C2.136	<p>On the two parcels of land consisting of Approximately 1.82 hectares located east of Rideau Street and North of River Street and designated C2.136 on Zoning Map Number 17 attached to and forming part of By-Law Number 9064 as Schedule "A", the permitted uses shall only include a hotel and accessory uses thereto and convenience retail and service commercial facilities appropriate to the nature of the development which facilities shall be limited to a maximum area of 1,115.0 square metres.</p>	CA
C2.156	<p>On the approximately 0.11 hectare parcel of land located at the northwest corner of Connaught and Concession Streets and designated C2.156 on Zoning Map Number 19 attached to and forming part of By-Law Number 85-76 as Schedule "A", the following regulation shall apply: i. The permitted use shall only be an automotive repair shop that installs and services previously manufactured parts excluding body repairs, paint shop, exhaust system repairs, sale of new or used automobiles and the sale of gasoline;</p>	CA

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	ii. Notwithstanding the provisions of Section 5.3 of this by-law, the minimum number of required off-street parking spaces shall be sixteen (16); iii. Notwithstanding the provisions of Section 22.3(d) of this by-law, there shall be no minimum required rear yard; iv. Notwithstanding the provisions of Section 22.3(c) of this by-law, there shall be no minimum side yard requirement on the west side of the property and the minimum required side yard on the east side of the property shall be 2.4 metres; v. Notwithstanding the provisions of Section 22.3(f) of this by-law, the minimum required lot depth shall be 41.0 metres.	
C2.174	On the approximately 0.36 hectare parcel of land located on the north side of Concession Street between Princess and Macdonnell Streets and designated C2.174 on a copy of Zoning Map Number 13 attached to and forming part of By Law Number 80-22 as Schedule "A": (a) The permitted uses shall also include an office building containing a maximum gross leasable area of 1858.0 square metres. (b) The permitted use listed in Section 174(a) shall be subject to the regulations for the C (Commercial) Zone, except that required on site parking spaces may be located in a front yard.	CA
C2.187	On the approximately 9.7 hectare parcel of land located on the west side of Division Street between Dalton Avenue and the Macdonald-Cartier Freeway (Highway Number 401) and designated as C2.187 on Zoning Maps Number 2 and 3, the permitted uses shall only be as follows: i. a shopping centre containing the following: (1) a food store with a minimum gross leasable area of 3,251 square metres. (2) a department store with a maximum gross leasable area of 6,940 square metres. (3) additional retail, including offices with a combined maximum gross leasable area of 6,530 square metres provided that no one such retail store has a maximum gross leasable area exceeding 929 square metres which may include the following uses: (A) Banks (B) Bowling alleys, theatres, auditoriums (C) Brewers retail store and liquor store ii. Motels or hotels; iii. Indoor and outdoor athletic and sports facilities; iv. Municipal and publicly owned utility and government buildings or facilities and telephone exchange.	CA
C2.197	On the approximately 1.8 hectare parcel of land located on the South side of Princess Street West of the Parkway and designated C2.197 on a Copy of Zoning Map Number 11 attached to and forming part of By-Law Number 83-204 as Schedule "A": (i) A buffer strip, with a minimum width of 6.1 metres as measured from the property line, shall be maintained along the westerly and southerly boundaries. No development shall be permitted within this buffer strip and	CA

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	<p>no further dumping placing of fill shall be permitted.</p> <p>(ii) For the purpose of calculating the rear yard and side yard requirements only for any building or part thereof which is constructed on this property or on the adjacent land to the East Zoned C2 (Arterial) Commercial, that parcel of land containing approximately 0.01 hectares and designated EPA (environmental protection area) on Zoning Map Number 11 and described in Instrument Number 362739 as Registered in the Registry Division of Frontenac Number 13, shall be included in the said calculations. No buildings shall be permitted on the lands described in said Instrument Number 362739.</p> <p>(iii) The minimum elevation for any building openings shall be 76.6 metres geodetic.</p>	
C2.268	<p>On the parcel of land located on the north side of Princess Street west of Parkway, known municipally as 1473 Princess Street and designated 'C2.268' on a copy of Zoning Map Number 11 attached to and forming part of By Law Number 92 346 as Schedule "H", the following regulations shall apply:</p> <p>(i) the minimum elevation for any building openings shall be 77.6 metres geodetic.</p>	CA
C2.269	<p>On the parcel of land located on the south side of Princess Street west of Parkway, known municipally as 1550 Princess Street and designated 'C2.269 on a copy of Zoning Map Number 11 attached to and forming part of By-Law Number 92-346 as Schedule "H", the following regulations shall apply:</p> <p>(i) the minimum elevation for any building openings shall be 76.6 metres geodetic.</p>	CA
C2.273	<p>On the approximately 0.74 hectare parcel of land located on the south side of Princess Street east of Parkway, known municipally as 1440 Princess Street and designated 'C2.273' on a copy of Zoning Map Number 11 attached to and forming part of By-Law Number 93-103 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 22.2 (i) of this by-law, the permitted uses shall also include:</p> <p>(a) offices with a total maximum gross leasable area of 1795.16 square metres; and</p> <p>(b) the Loyola Community Learning Centre;</p> <p>(ii) The maximum size of any individual office use shall be 1000 square metres of gross leasable area; and</p> <p>(iii) The Loyola Community Learning Centre shall not be subject to subsection (ii) above.</p>	CA
C2.308	<p>On the approximately 0.1 hectare parcel of land located on the south side of Princess Street between Portsmouth Avenue and Hillendale Avenue, known municipally as 1344 Princess Street, and designated 'C2.308' on the map attached hereto and forming part of this by-law, the following regulations shall apply:</p> <p>(i) In addition to the provisions of Section 22.2 of this by-law, a maximum of</p>	CA

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	<p>one (1) dwelling unit shall be permitted provided it is located within the walls of the building in existence on the property on the day of the passing of this by-law;</p> <p>(ii) That notwithstanding the provisions of Section 22.3 (c) of this by-law, this minimum side yard on the west side of the existing building and any additions thereto shall be 2.1 metres (7.1 feet);</p> <p>(iii) That notwithstanding the provisions of Section 22.3 (c) of this by-law, the minimum side yard on the east side of the existing building and any additions thereto shall be 6.7 metres (22.1 feet). In addition to a driveway, parking spaces may also be located within this side yard;</p> <p>(iv) Notwithstanding the provisions of Section 5.3 and Section 22.3 (h) of this by-law, the minimum number of required off-street parking spaces for the psychiatrist's office and one (1) residential unit shall be five (5);</p> <p>(v) That in the event that the existing building on the site is removed, any new building shall be subject to the regulations of Section 22.3 of this by-law.</p>	
C2.313	<p>On the approximately 0.7 hectare (1.8 acre) parcel of land located at the northwest corner of Elliott Avenue and Montreal Street, and designated 'C2.313' on a copy of Zoning Map Number 7 attached to and forming part of By-Law Number 2000-36 as Schedule "A", the following regulations shall apply:</p> <p>(i) In addition to the uses permitted in the 'C2' Zone, as set out in Section 22.2 of this by-law, medical offices and a nursery / garden centre / greenhouse shall also be permitted uses;</p> <p>(ii) Notwithstanding the provisions of Section 22.2 (i) of this by-law, the maximum amount of office space shall be 1350 square metres, provided that no one office use occupies a floor area in excess of 675 square metres;</p> <p>(iii) Notwithstanding the provisions of Section 22.3 (c) of this by-law, parking shall be permitted within the required side yard along the Elliott Avenue frontage of the property.</p>	CA
C2.320	<p>On the approximately 0.14 hectare (.36 acre) parcel of land located at 902 Portsmouth Avenue, and designated 'C2.320' on a copy of Zoning Map Number 11 attached to and forming part of By-Law Number 2001-182 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding the uses listed in Section 22.2 the only permitted uses shall be a professional office and an accessory residential unit.</p> <p>(ii) Notwithstanding the provisions of Section 22.3 (b) of this by-law, the minimum front yard requirement shall be 10 metres.</p> <p>(iii) Notwithstanding the provisions of Section 22.3 (h) the minimum number of parking spaces shall be six (6) spaces and shall be located in the rear yard.</p> <p>(iv) Notwithstanding the provisions of Section 22.3 (h) all parking will be restricted to the rear yard.</p>	CN
C2.335	<p>On the approximately 0.346 hectare parcel of land located on the north west corner of Sir John A. Macdonald Boulevard and Princess Street, known municipally as 1129 Princess Street and 144 & 152 Avenue Road, and</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>designated 'C2.338-H' on a copy of Zoning Map Number 12 attached to and forming part of By-Law Number 2004-48 as Schedule "A", the following regulations shall apply:</p> <p>For the purposes of this by-law, the parcels of land comprising the 'C2.338' Zone shall be interpreted as being one parcel of land for by-law purposes; Notwithstanding Section 22.2(i) of By-Law Number 8499, office uses shall be permitted without any maximum gross floor area limitation per building; Notwithstanding Section 22.3(d) of By-Law Number 8499, the minimum required rear yard shall be 30.0 metres.</p> <p>Notwithstanding any sections of By-Law Number 8499 to the contrary, a minimum 4.0 metre vegetated buffer shall be provided along the rear property line abutting the Residential Zone and along the northerly 38 metres of the east property line, extending from the rear property line and fronting Avenue Road.</p> <p>Notwithstanding any sections of By-Law Number 8499 to the contrary, a minimum 1.8 metre high fence of solid masonry (brick or limestone or patterned concrete) shall be constructed along the south and west limits of the minimum 4.0 metre vegetated buffer required by subsection (iv) above. That the Holding Symbol '-H' shall be applied to the 'C2.338' Zone as indicated on Schedule "A" attached hereto; and, that in addition to any provisions of Section 5.39 of By-Law Number 8499 respecting the use and removal of '-H' Symbols, the following shall be provided prior to the removal of the '-H' symbol:</p> <p>an approved site plan for the subject lands addressing ingress and egress to the property and traffic flows along Sir John A. Macdonald Boulevard and Princess Street;</p> <p>2) an approved site plan for the subject lands providing planting details for the minimum 4.0 metre wide vegetated buffer and construction details of the solid barrier buffering adjacent to the abutting residential land uses;</p> <p>3) an executed Site Plan Control Agreement.</p> <p>(Note: Section 338A is hereby amended by changing the section number to account for a duplicate section numbering so that Section 338A will now be changed to read as Section 335 and inserted in the proper location.)</p>	
C2.383	<p>On the approximately 0.63 hectare parcel of land known municipally as 1469 Princess Street, and zoned 'C2.383' on Zoning Map Number 11 attached to and forming part of amending By-Law Number 2009-90, the following provisions shall apply:</p> <p>i) Notwithstanding the provisions of Section 22, a "commercial school" shall also be a permitted use.</p> <p>ii) Notwithstanding the provisions of Section 5.3, a minimum of 84 off-street parking spaces shall be provided.</p>	CA
C3.84	<p>On the approximately 6.84 hectare parcel of land located within the block bounded by Sir John A. Macdonald Boulevard, Princess Street and Bath Road, and designated C3.84 on Zoning Map Number 13 the maximum lot occupancy shall be not greater than 30 per cent, and the number of parking</p>	CD

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	spaces provided shall be not less than 4.8 spaces per 92.9 square metres of gross leasable area.	
C4	Not Applicable	WM1
E.71	<p>On the approximately 3.3 hectare (8.2 acre) property, generally bounded by Union Street, Division Street, Earl Street and University Avenue and zoned 'E.71' on Zoning Map 30 attached to and forming part of By-Law Number 2006-145, the provisions of the "E" Zone shall be in force where applicable except that:</p> <p>(a) In addition to the uses permitted in Section 17.2 of By-Law Number 8499, the following uses shall also be permitted: a bank; a drug and sundry store; a Laundromat; a dry cleaning outlet; a barber shop; a hairdresser or hair stylist service; and a bookstore.</p> <p>(b) the uses listed in (a) above shall not occupy more than 882.6 square metres of floor space in total.</p> <p>(c) buildings within which any of the uses mentioned in (a) above are located shall not contain any show or display windows associated with these uses and which are visible from the exterior of the building.</p> <p>(d) there shall be no commercial signs visible from the exterior of the building.</p> <p>(e) access to the uses listed in (a) above shall not be directly from the external part of the building but shall be from common corridors within the building, except that those uses which require direct service entrances from any street may have such entrance provided that they are used for that purpose only.</p> <p>(f) Building Setback from University Avenue (minimum): 6.0 metres Building Setback from Union Street (minimum): 9.53 metres Building Setback from Division Street (minimum): 0.0 metres Building Setback from Earl Street (minimum): 0.0 metres Interior Side Yard Setback East side (minimum): 3.2 metres Interior Side Yard Setback – West side (minimum): 3.6 metres</p>	IN2
E.100	On the approximately 0.24 hectare parcel of land located on the south side of Stuart Street, east of University Avenue and designated E 100 on Zoning Map Number 30, there shall be no minimum side yard requirements.	IN2
E.265	<p>On the approximately 1.09 hectare parcel of land located on the north side of Union Street between Alfred Street and University Avenue, and designated 'E.265' on a copy of Zoning Map Number 30 attached to and forming part of By Law Number 92-136 as Schedule "A", the following regulations shall apply:</p> <p>(i) Notwithstanding the provisions of Section 17.3(a) of this by-law, the minimum setback requirements for the proposed library building shall be as follows:</p>	IN2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>From Union Street: 6.79 metres From Alfred Street: 0.00 metres From University Avenue: 0.00 metres Rear Yard: 23.0 metres, which shall be measured between the rear wall of the library and the property line, notwithstanding any other structures located in the rear yard area.</p> <p>(ii) The maximum library building height, measured to the top of the mechanical shaft on Alfred Street, shall be 31.0 metres.</p> <p>(iii) Notwithstanding the provisions of Section 17.2 of this by-law, a six (6) unit row dwelling shall be permitted at the northwest corner of the property subject to the following regulations:</p> <p>(a) the minimum setback from Alfred Street shall be 2.4 metres; (b) the minimum sideyard setback on the north side of the dwelling shall be 2.0 metres; (c) a minimum of six (6) off-street parking spaces shall be provided in accordance with the provisions of Section 5.3 of this by-law. (iv) Notwithstanding the provisions of Section 17 of this by-law, the existing three (3) unit dwelling located at 174 University Avenue and the existing two (2) unit dwelling located at 176 University Avenue shall be deemed to be a use of land and building conforming with the provisions of this by-law. No extension, expansion or structural alteration of any kind which does not conform with the regulations set out in Section 6.3 of this by-law or which has the effect of creating an additional dwelling unit within or attached to the said buildings shall be permitted. A minimum of five (5) off-street parking spaces shall be provided in accordance with the provisions of Section 5.3 of this by-law.</p>	
E.275	<p>On the approximately 0.27 hectare parcel of land located at the southwest corner of Barrie Street and Earl Street, known municipally as 212-218 Barrie Street and 216 Earl Street and designated 'E.275' on a copy of Zoning Map Number 30 attached to and forming part of By-Law Number 96-360 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding and in addition to the provisions of Section 17.2 of this by-law, the permitted uses shall also include church offices provided that this use is contained within the walls of the existing building located at 212 Barrie Street;</p> <p>(b) Notwithstanding the provisions of Section 17.3(a) of this by-law, the existing building at 212 Barrie Street shall be recognized as non complying with respect to minimum front, side and rear yard requirements. No extension or enlargement of the existing building shall be permitted, however, alterations, including structural alterations, necessary for the normal maintenance and repair of the existing building shall be permitted;</p> <p>(c) Notwithstanding the provisions of Section 17.3(g) and Section 5.3 of this by-law, the minimum number of required off-street parking spaces for the church offices permitted in Subsection (a) herein shall be five (5);</p> <p>(d) Notwithstanding the provisions of Section 17.2 of this by-law, any permitted University uses, except associated surface parking, shall be</p>	IN2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	contained within the walls of the existing building known municipally as 218 Barrie Street.	
E.299	<p>On the approximately 0.054 hectare (544 square metre) parcel of land located on the north side of William Street between Division Street and Barrie Street, known municipally as 255 and 257 William Street, and designated 'E.299' on a copy of Zoning Map Number 30 attached to and forming part of By-Law Number 97 59 as Schedule "A", the following regulations shall apply:</p> <p>(i) In addition to the provisions of Section 17.2 of this by-law, the permitted uses shall also include a three unit row dwelling;</p> <p>(ii) Any three unit row dwelling constructed on the property shall be subject to the following regulations:</p> <p>(a) The minimum number of required off-street parking spaces shall be three;</p> <p>(b) Notwithstanding the provisions of Section 6.3(a) and 6.3(d) of this By-Law, the existing building and any addition thereto shall be deemed to comply to the regulations of the "A" Zone regarding Minimum Lot Area and Minimum Rear Yard;</p> <p>(c) Notwithstanding the provisions of Section 6.3(b) of this by-law, the minimum front yard setback for any addition shall be the established front yard setback of the existing building and porch;</p> <p>(d) Notwithstanding the provisions of Section 6.3(e) of this by-law, the Maximum Percentage of Lot Coverage shall be forty (40) per cent;</p> <p>(e) Notwithstanding the provisions of Section 6.3(c) of this by-law, the Minimum Aggregate Side Yard shall be 3.2 metres, provided that the minimum side yard for any addition to the existing building shall be 0.76 metres;</p> <p>(f) Notwithstanding the provisions of Section 6.3(f) of this by-law, the maximum building height for any addition to the existing building shall be two storeys.</p>	UR5
E.317	<p>On the approximately 450 square metre parcel of land located on the southeast corner of Johnson and Division Streets, known municipally as 344 Johnson Street, and designated 'E.317' on Zoning Map Number 30 attached to and forming part of By-Law Number 2001-45 Schedule "A", the following regulations shall apply:</p> <p>(i) That notwithstanding the provisions of Section 17.2 of this by-law, the following uses shall also be permitted within the walls of the building in existence as of the date of the passing of this by-law:</p> <ul style="list-style-type: none"> • six (6) residential dwelling units; or • five (5) residential dwelling units in conjunction with a neighbourhood commercial use; <p>(ii) That the following uses shall constitute a neighbourhood commercial use as permitted in Clause (i) above: retail convenience store; corner food store; laundromat; restaurant; coffee shop; neighbourhood take-out food outlet; hairdresser; barber; shoe repair; and, dry cleaning pick up outlet.</p> <p>(iii) Any permitted neighbourhood commercial use shall be located on the</p>	UR5

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>ground floor of the building and shall not exceed 900 square feet of floor area.</p> <p>(iv) hat notwithstanding Section 5.3 of this by-law, that the owner be required to provide a minimum of 10 parking spaces.</p>	
E.321	<p>On the approximately 0.08 hectare parcel of land located on the east side of Alfred Street, between Union and Earl Streets, known municipally as 157 Alfred Street, and designated 'E.321' on a copy of Zoning Map Number 30 attached to and forming part of By-Law Number 2001-193 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding the provisions of Section 17.2 of this by-law, the permitted uses shall also include two (2), three (3) unit dwellings;</p> <p>(b) The maximum number of permitted residential units on the lands Zoned 'E.321' shall be six (6);</p> <p>(c) Notwithstanding the provisions of Sections 17.3 (a) i. (3) of this by-law, the minimum front, side and rear yard requirements shall be as follows: Existing Building and Proposed Addition Front Yard: 3.3 metres (existing) Side Yard (north): 0.24 metres (existing) Side yard (south): 2.3 metres Rear Yard: 13.6 metres Proposed Building Front Yard: 3.0 metres Side Yard (north): 1.4 metres Side yard (south): 1.3 metres Rear Yard: 17.7 metres</p> <p>(d) Notwithstanding the provisions of Section 5.3 and Section 17.3 (g) of this By-Law, the minimum number of required off street parking spaces shall be six (6).</p> <p>(e) The minimum play space and amenity area requirement for the permitted three unit dwellings shall be a total of 284.5 square metres.</p>	IN2
E.327	<p>On the approximately 0.10 hectare parcel of land located on the east side of Alfred Street, between Johnson and Earl Streets, known municipally as 205 to 209 Alfred Street, and designated 'E.327' on a copy of Zoning Map Number 30 attached to and forming part of By-Law Number 2002-103 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding the provisions of Section 17.2 of this by-law, the permitted uses shall also include two (2), three (3) unit dwellings;</p> <p>(b) The maximum number of permitted residential units on the lands Zoned 'E.327' shall be six (6);</p> <p>(c) Notwithstanding the provisions of Sections 17.3 (a) i. (3) of this by-law, the minimum front, side and rear yard requirements shall be as follows: 205 Alfred Street Minimum Front Yard for house: 5.5 metres Minimum Front Yard for porch: 3.75 metres Minimum Side Yard (north) : 0.76 metres (existing) Minimum Side Yard (north): 1.2 metres (proposed addition)</p>	UR5

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Minimum Side yard (south): 0.06 metres (existing) Minimum Side Yard (south): 1.2 metres (proposed addition) Minimum Rear Yard: 20.4 metres 209 Alfred Street Minimum Front Yard for house: 5.75 metres Minimum Front Yard for porch: 4.1 metres Minimum Side Yard (north): 0.0 metres (existing) Minimum Side Yard (north) : 1.8 metres (proposed addition) Minimum Side yard (south): 1.85 metres (existing) Minimum Side Yard (south): 2.4 metres (proposed addition) Minimum Rear Yard: 20.4 metres (d) Notwithstanding the provisions of Section 5.3 and Section 17.3 (g) of this by-law, the minimum number of required off street parking spaces shall be six (6). (e) The minimum play space and amenity area requirement for the permitted six (6) dwelling units shall be a total of 400 square metres.</p>	
E1.72	<p>On the approximately 2.83 hectare parcel of land located west of Sir John A. Macdonald Boulevard north of Union Street and designated E1.72 on Zoning Map Number 26, a Maximum height of 48.8 metres or 16 storeys shall be the permitted building height.</p>	IN2
E1.73	<p>For the parcel of land extending approximately 82.0 metres along the westerly boundary of the property owned by Queen's University, located west of Sir John A. Macdonald Boulevard, south of Johnson Street and designated E1.73 on Zoning Map Number 26, a minimum rear yard of 10.7 metres shall be permitted.</p>	IN2
E1.289	<p>On the approximately 1.34 hectare (13410 square metre) parcel of land located on the Northwest corner of Union and College Streets, known municipally as 421 Union Street, and designated 'E1.289' on a copy of Zoning Map Number 26 attached to and forming part of By-Law Number 95-190 as Schedule "A", the following regulations shall apply: (i) Notwithstanding the provisions of Section 18.2 of this by-law, the only permitted uses shall be the Donald Gordon Centre and accessory uses or buildings thereto and other similar teaching or educational facilities; (ii) Notwithstanding the provisions of Section 18.3(a) of this by-law, the maximum building height shall be as follows: • new conference wing: one and one-half storeys or 6.9 metres above grade; • north wing: three (3) storeys or 9.3 metres above grade; • west wing: four (4) storeys or 11.9 metres above grade; For the purposes of this section, "grade" shall mean 99.0 metres geodetic, which is the existing grade level at Roselawn House and the Coach House. The "height" shall be the distance from grade to the top of the roof surface. (iii) Notwithstanding the provisions of Section 18.3(d) of this by-law, the minimum rear yard for any new construction shall be 4.2 metres; (iv) Notwithstanding the provisions of Section 18.3(b) of this by-law, the minimum required side yards for any new construction shall be:</p>	IN2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> • on the west side of the property: 7.0 metres; • on the east side (College Street) of the property: 5.0 metres; (v) Notwithstanding the provisions of Section 18.3(e) of this by-law, the minimum lot width shall be 86.12 metres; (vi) Notwithstanding the provisions of Section 5.3 and Section 18.3(g) of this by-law, the minimum number of required off-street parking spaces shall be eighty (80); (vii) Notwithstanding the provisions of Section 5.4 and Section 18.3(h) of this by-law, the off-street loading facilities shall be located only on the west side of the property; (viii) There shall be no vehicle access to the site from College Street. 	
E1.359	<p>On the approximately 26 hectare parcel of land located at the north-west corner of Portsmouth Avenue and King Street West, known municipally as 100 Portsmouth Avenue, and designated E1.359' on Maps 24, 25 & 28 of this By-law, the following additional provisions shall apply:</p> <ol style="list-style-type: none"> 1. That the site may contain one (1) wind turbine with a maximum height of 35 metres and a maximum blade diameter of 8 metres; 2. Notwithstanding the provisions in Section 18.2 to the contrary a 'nursing home' use shall be a permitted use; 3. Notwithstanding any provisions in Section 18 to the contrary that the lands within the 'E1.359' Zone shall be considered as one lot for zoning purposes; and 4. Notwithstanding any other provision of this by-law to the contrary, the Holding (H) symbol applied to the zone may be removed upon the submission of a satisfactory noise report confirming that the proposed wind turbine complies with the Ministry of Environment Guidelines. 	IN2
EPA	Not Applicable	EPA
M	Not Applicable	M2
M.96	<p>On the approximately 12.34 hectare parcel of land located on the north side of Counter Street, west of Lappan's Lane and designated M.96 on a copy of Zoning Map Number 9 attached to and forming part of By-Law Number 79-138 as Schedule "E", the following uses shall also be permitted:</p> <ol style="list-style-type: none"> i. Reconditioning and selling of used machinery. ii. Scrap ferrous and non-ferrous metal storage and processing. <p>The land to be used for scrap ferrous and non-ferrous metal outside storage shall be restricted to an area on the subject property north of a line 58 metres from Counter Street to be adequately screened with said screening to be satisfactory to the City.</p>	M5
M.175	<p>On the three parcels of land located on the north side of Counter Street and between Division Street and LeRoy Grant Drive and designated M.175 on a copy of Zoning Map Number 8 attached to and forming part of By-Law Number 80-42 as Schedule "A", all areas and facilities used for retail purposes as of the date of passing of this by-law shall be a permitted use. These areas may continue to be used for accessory retail uses.</p>	M3

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
M.177	<p>On the approximately 5.5 hectare parcel of land located on the north side of Counter Street west of Sir John A. Macdonald Boulevard and designated M.177 on copies of Zoning Maps Nos. 9 and 10 attached to and forming part of By-Law Number 80-94 as Schedules "A" and "B" respectively, the permitted uses shall also include:</p> <ul style="list-style-type: none"> (a) Banks (b) Radio and Television communication facilities (c) Offices (d) Printers (e) Automobile Service Centres (f) Dry Cleaners. 	M2
M.224 & M.282	<p>On the approximately 2.78 hectare parcel of land located on the east side of Steve Fonyo Drive north of Terry Fox Drive, known municipally as 31 Steve Fonyo Drive, and designated 'M.224' and 'M.282' on a copy of Zoning Map Number 1 and Zoning Map Number 10 attached to and forming part of By-Law Number 93-354 as Schedule "A" and Schedule "B", the following regulations shall apply:</p> <ul style="list-style-type: none"> (i) Notwithstanding the provisions of Section 31.A of this by-law, the permitted uses shall also include public or private recreation facilities. 	M2
M.235	<p>On the approximately 0.425 hectare parcel of land located on the north side of Counter Street opposite Indian Road, and designated as M.235 on a copy of Zoning Map Number 10 attached to and forming part of By-Law 88-52 as Schedule "A", the permitted uses shall also include an office building for the Kingston Construction Association.</p>	M2
M.267	<p>On the two (2) parcels of land located on the north and south sides of Dalton Avenue east of Don Street and designated 'M.267' on a copy of Zoning Map Number 2 attached to and forming part of By Law Number 92-346 as Schedule "B", the following regulations shall apply:</p> <ul style="list-style-type: none"> (i) the minimum elevation for any building openings shall be 76.6 metres geodetic. 	M3
M.271	<p>On the approximately 0.48 hectare parcel of land located on the north side of Counter Street at Leroy Grant Drive and designated M.271' on a copy of Zoning Map Number 9 attached to and forming part of By-Law Number 92-345 as Schedule "A", the permitted uses shall also include an unlicensed (under the Liquor Licence Board of Ontario) restaurant only if primarily used in association with and accessory to the bus terminal use on the property located immediately to the east.</p>	M3
M.287	<p>On the approximately 0.80 hectare parcel of land located on the northwest corner of Counter and Rigney Streets, known municipally as 121 Counter Street, and designated 'M.287' on a copy of Zoning Map Number 8 attached to and forming part of By-Law Number 94-204 as "A", the following regulations shall apply:</p> <ul style="list-style-type: none"> (i) In addition to the provisions of Section 31A of this by-law, the permitted uses shall also include: <ul style="list-style-type: none"> (a) a donut shop containing a maximum floor area of 74.3 square metres and providing seating for a maximum of twenty-four (24) persons intended 	M3

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>to serve primarily the surrounding industrial area;</p> <p>(b) a "Mailboxes Plus" service, providing mailboxes for lease and accessory services such as photocopying and facsimile machines intended primarily for the lessees of the mailboxes.</p> <p>(c) an office, for the conduct of uses such as the practice of a profession, the carrying on of a business or administration but shall not include a retail use.</p> <p>(d) a financial office, for the conduct of uses such as banking, trust companies, mortgage companies or investment companies.</p> <p>(ii) A minimum of eight (8) off-street parking spaces shall be provided for the exclusive use of the patrons of the donut shop and "Mailboxes Plus" service.</p> <p>(iii) Office and financial office uses shall be limited to a combined maximum floor area of 1500 square metres.</p>	
M.298	<p>On the approximately 6.04 hectare parcel of land located on the east side of Lappan's Lane, south of Dalton Avenue and immediately north of the main line of the Canadian National Railway, and designated 'M.298' on a copy of Zoning Map Nos. 2, 3, 8 and 9 marked as Schedules "A", "B", "C" and "D" attached hereto and forming part of By-Law Number 96-343, the following regulations shall apply:</p> <p>(i) In addition to the provisions of Section 31.A of this by-law, the permitted uses shall also include:</p> <p>(a) an automotive evolution centre and museum;</p> <p>(b) public or private, indoor or outdoor, recreation facilities;</p> <p>(c) accessory uses which are clearly subordinate to the uses permitted in (a) and (b) herein. Without limiting the generality of the foregoing, these accessory uses may include restaurants, snack bars, gift shops or pro shops; and</p> <p>(ii) The accessory uses permitted in (i)(c) herein, shall be designed to serve the principle uses on the lot and shall not occupy an area which is greater than twenty-five (25) per cent of the total floor area of all buildings on the lot;</p> <p>(iii) There shall be a minimum 30 metres building setback from the Canadian National Railway right-of-way in conjunction with a minimum 2.4 metres high earthen safety berm. The berm shall be a minimum of 2.4 metres above the grade at the property line, having side slopes not steeper than 2.5 to 1 and be located adjoining and parallel to the railway right-of-way with returns at the ends;</p> <p>(iv) The maximum height of any dome structure containing the permitted uses outlined in Subsection (I), Clauses (a) and (b) herein shall be 25 metres.</p>	M3
M.330	<p>On the approximately 0.4 hectare parcel of land located on the west side of Binnington Court, north of Dalton Avenue, known municipally as 190 Binnington Court, and designated as 'M.330' on a copy of Zoning map Number 1 attached to and forming part of By-Law Number 2002-129 as Schedule "A", the following regulations shall apply:</p> <p>(a) Notwithstanding the provisions of Section 31A.1 of this by-law to the contrary, professional office and financial services uses shall also be</p>	M3

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	<p>permitted in addition to the existing uses, provided that said professional office and financial service uses shall be contained within the walls of the building in existence as of the date of the passing of this by-law;</p> <p>(b) In accordance with the provisions of Section 224 of By-Law Number 8499, there shall be no outside storage or storage tanks permitted;</p> <p>(c) For the purposes of this section only, the permitted professional office and financial services uses shall include a professional office in which a service or consultation is given, including, but not necessarily limited to, the offices of a lawyer, a planner, an architect, a surveyor, an engineer, an insurance broker, a union local or a chartered accountant or financial services associated with a bank, a trust company, a mortgage company or an investment company.</p>	
M.362	<p>On the approximately 9.15 hectare parcel of land located at the north-east corner of the John Counter and Sir John A Macdonald Boulevards and designated 'M.362' on Schedule "A" to By-Law Number 2006-230, the following provisions shall apply in addition to Section 31A:</p> <p>i) The following use shall also be permitted: – restaurant with food commissary and catering activities.</p> <p>ii) The use listed in i) above shall not occupy in total more than 158 square metres of floor space.</p>	M2
M.380	<p>Notwithstanding the provisions of Section 31A hereof to the contrary, on the lands zoned 'M.380' on Schedule "A" hereto, the following regulations shall apply:</p> <p>a) All existing areas and facilities used for accessory retail purposes as of January 1, 2007 by a Supplies Dealer shall continue to be a permitted use to a maximum gross floor area of 760 square meters. The 760 square meters accessory retail use shall be a permitted use until such time as the primary use, defined herein as a "supplies dealer", ceases to exist at which time the following provisions shall apply to the whole of the property; Permitted Uses:</p> <ul style="list-style-type: none"> • Maximum 25 per cent gross floor area per unit for an accessory retail use. <p>b) All expansions to the existing building, or any new buildings, after January 1, 2007 shall be permitted a maximum 25 per cent gross floor area per unit for an accessory retail use.</p> <p>c) Maximum one vendor licensed to sell food on the subject property, excluding a restaurant.</p> <p>d) For purpose of the M.380 zone, Supplies Dealer means an establishment where the primary purpose is the storage and sale of household and agricultural goods, wares, and merchandise to the public.</p>	M3
M.389	<p>652 Dalton Avenue</p> <p>Notwithstanding the provisions of Section 31A hereof to the contrary, on the approximately 0.96 hectare parcel of land known municipally as 652 Dalton Avenue, and zoned 'M.389' on Zoning Map Number 1 attached to and forming part of amending By-Law Number 2010-35, the following provisions shall also apply:</p> <p>a) Additional Permitted Uses</p>	M3

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	Restaurant Business or Professional Office b) Minimum Front Yard: 8.5 metres c) Distance From Wetland: No development shall be within 30 metres of the boundary of the Little Cataraqui Creek wetland; an encroachment of up to 7 metres into the setback is permitted within 20 metres of the exterior side lot line, subject to the approval of the Cataraqui Region Conservation Authority.	
M1.237	On the approximately 0.75 hectare parcel of land on the East side of Division Street immediately south of the C.N.R. main line, the permitted uses shall also include: (i) furniture and floor or wall covering business; (ii) machine and tool rental and accessory sale business.	M2
M2	Not Applicable	DR
M2.240	On the approximately 0.83 hectare parcel of land located on the west side of Harvey Street between Hickson Avenue and Elliot Avenue, known municipally as 62-80 Harvey Street, and designated M2.240 on a copy of zoning map Number 15 attached to and forming part of By-Law Number 89-31 as Schedule "A", the permitted uses shall also include: (i) a machine and tool rental business and its accessory uses, including the sale of rental related supplies, the sale of outdoor power equipment and electrical power equipment, the sale of industrial contractors' equipment and the wholesale of a variety of products associated with the Rental operation.	M2
M2.328	On the approximately 1.04 hectare parcel of land located at the south west corner of Cassidy and Montreal Streets, and designated 'M2.328' on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 2002-51 as Schedule "A", the following regulations shall apply: (a) Notwithstanding the provisions of Section 25.(2) (c) and Section 212 of this by-law, the permitted uses shall also include: • the sales of motor vehicles; and • the upholstering and re-upholstering of boat covers and tops.	M2
M6	Not Applicable	M2
M6.97	For those parcels of land designated M6.97 on Zoning Map Nos. 15 and 17, any building containing one or more dwelling units constructed or for the construction of which a building permit has been issued by the Building Inspector, before the date of passage of this by-law by the City, which was constructed in accordance with all by-laws of the City in force at that date, shall be deemed to be a use of land and building conforming with the provisions of this by-law. No extension, expansion or structural alteration of any kind which does not conform with the regulations set out in Section 6.3 of this by-law or which has the effect of creating an additional unit within or attached to the said building shall be permitted.	- 4-6 River St: UR5 - 47-75 Hickson Ave: UR5 - 363, 371, 477-485, 493, 511-525, 535, 541 Rideau St: UR5 - 15-21 McKenna Ave: M2

Former City of Kingston Zoning By-law Number 8499

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
		- 40-44 Hickson Ave: M2 - 753-765, 779 Division St: M2 - 83-137 Hickson Ave: M2 - 684-686, 576, 600-606 Montreal St: M2
M6.118	On those lands located west of Montreal Street and south of Railway Street and designated M6.97 and M6.118 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 8728 as Schedule "A", the permitted uses shall also include the storage, warehousing, distribution, fabrication and otherwise processing of new steel.	M1
M6.215	On the approximately 2.0 hectare parcel of land located on the West side of Montreal Street between Railway Street and Hickson Avenue, known municipally as 734 Montreal Street and designated 'M6.215' on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 95-105 as Schedule "A", the following regulations shall apply: (i) Notwithstanding the provisions of Section 29.2(c) of this by-law, the permitted uses shall also include: (a) buildings and facilities used by the Royal Canadian Legion Branch 560 for Legion and community functions and events; and (b) public or private parks and recreational facilities.	UR5
M6.223	On the approximately 0.64 hectare parcel of land located on the west side of Montreal Street north of Hickson Avenue and designated M6.223 on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 87-14 as Schedule "A", the following regulations shall apply: (i) the permitted uses shall also include a restaurant within the limits of the existing roofed building area and adjacent outside areas; (ii) there shall be no expansion or enlargement of the existing buildings.	M2
M7	Not Applicable	URM2
M7.176	On the approximately 0.60 hectare parcel of land located on the southeast corner of river Street and Orchard Street and designated M7.176 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 80-43 as Schedule "A": (a) The permitted uses shall also include: i. soap manufacturing; ii. chemical industries but excluding those which emit smoke or fumes	UR5

Former City of Kingston Zoning By-law Number 8499

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	obnoxious to humans or vegetation and excluding those with wastage materials unsuitable for a sewage treatment plant.	
M7.178	<p>Within the area designated M7.178 on a copy of Zoning Map Number 15 which is attached to and forms part of By-Law Number 80-77 as Schedule "A", the permitted uses shall also include:</p> <p>(a) a pest control service and associated retail store;</p> <p>(b) a bottling plant for soft drinks and associated warehouse and associated retail facilities.</p>	UR5
M7.285	<p>On the approximately 0.38 hectare parcel of land located on the south side of Railway Street between Division Street and Patrick Street, known municipally as 142 and 154 Railway Street, and designated M7.285 on a copy of Zoning Map Number 17 attached to and forming part of By-Law Number 94-47 and By-Law Number 2000-261, as Schedule "A" the following regulations shall apply:</p> <p>(i) In addition to the provisions of Section 30.2 of this by-law, the permitted uses shall also include community centres and public or private recreation facilities;</p> <p>(ii) Notwithstanding the provisions of Section 5.3 of this by-law, the minimum number of required parking spaces for the uses listed in subsection (i) shall be forty (40).</p>	M2
M7.304	<p>On the approximately 0.21 hectare (2125.5 square metre) parcel of land located on the south side of Hickson Avenue, between McKenna Avenue and Hagerman Avenue, known municipally as 50 Hickson Avenue, and designated 'M7.304' on a copy of Zoning Map Number 15 attached to and forming part of By-Law Number 97-309 as Schedule "A", the following regulations shall apply:</p> <p>(i) In addition to the provisions of Section 30.2 of this by-law, the permitted uses shall also include community centres and public or private recreation facilities;</p> <p>(ii) Notwithstanding the provisions of Sections 5.3 and 30.3 (f) of this by-law, the minimum number of required off-street parking spaces for any community centre or public or private recreation facility use shall be eighteen (18);</p> <p>(iii) Notwithstanding the provisions of Sections 30.3 of this by-law, the minimum required front yard shall be 6.7 metres;</p> <p>(iv) Notwithstanding the provisions of Section 30.3 (b) of this by-law, the maximum percentage of lot coverage shall be 35 per cent; and</p> <p>(v) Notwithstanding the provisions of Section 30.3 of this by-law, any new additions to the existing buildings or any new building construction on the site shall maintain the existing building setbacks along the east and south property boundaries.</p>	M2
M9.220	<p>For the parcels of land containing 19.5 hectares located on the northeast and northwest sides of Sir John A. Macdonald-Cartier Freeway and designated 'M9.220' on a copy of Zoning Map Number 1 attached to and forming part of By-Law Number 93-24 as Schedule "A" the following regulations shall apply:</p>	M1

Former City of Kingston Zoning By-law Number 8499

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(a) Notwithstanding Section 31B.2(a), the maximum height shall be 25.0 metres;</p> <p>(b) Notwithstanding Section 31B.2(b), the minimum lot area shall be 8000 square metres;</p> <p>(c) Notwithstanding Section 31B.2(g), the minimum lot occupancy shall be 40 per cent.</p>	
M9.296	<p>1471-1475 John Counter Boulevard and 16 Terry Fox Drive</p> <p>Notwithstanding the provisions of Section 31B.1 and 31B.2 hereof to the contrary, the lands designated 'M9.296-H' on Schedule "A" hereto, the following regulations shall apply:</p> <p>(a) Permitted uses are limited to:</p> <p>(i) Business park uses:</p> <p>(a) offices for or in connection with businesses or professions;</p> <p>(b) corporate administrative operations of an office nature;</p> <p>(c) data processing and related service, including call centre;</p> <p>(d) film or recording studio;</p> <p>(e) laboratory or research and development facility;</p> <p>(f) printing establishment;</p> <p>(g) technologically advanced manufacturing, fabricating and assembling operations for the production high value products (non-noxious);</p> <p>(h) commercial school;</p> <p>(i) education centre; and</p> <p>(j) public use.</p> <p>(ii) Complementary / commercial uses:</p> <p>(a) bank or financial institution;</p> <p>(b) clinic;</p> <p>(c) retail store;</p> <p>(d) pharmacy;</p> <p>(e) restaurant (including a maximum of one drive-through facility);</p> <p>(f) personal service shop; and</p> <p>(g) day care.</p> <p>(b) Complementary / commercial uses shall be limited to a maximum of 25 per cent of the total gross floor area of all buildings on the lands designated M9.296-H.</p> <p>(c) Accessory uses:</p> <p>(i) Accessory uses are permitted in accordance with the General Provisions;</p> <p>(ii) A maximum of 25 per cent of the total floor area for any single tenant or business may be used for the purposes of the display and retail sale of products manufactured, processed, fabricated or assembled on the premises.</p> <p>(d) Open storage is prohibited.</p> <p>(e) '-H' Holding Zone Provisions:</p> <p>(i) The '-H' Holding provision applies to a day care use.</p> <p>(ii) The '-H' Holding provision shall not be removed until the following conditions have been satisfied:</p> <p>(a) The submission of a Phase I Environmental Site Assessment and any</p>	<p>- 1471-1473 Sir John A MacDonald Blvd: M1</p> <p>- 1475 Sir John A. MacDonald Blvd: M2</p> <p>- 16 Terry Fox Dr: M2</p>

Former City of Kingston Zoning By-law Number 8499

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>subsequent assessment as necessary, including a Record of Site Condition, prepared by a qualified person as defined by the City of Kingston and completed to the satisfaction of the City of Kingston and which adheres to all applicable municipal and provincial requirements; and</p> <p>(b) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the City of Kingston and completed to the satisfaction of the City of Kingston and which adheres to all applicable municipal and provincial requirements.</p> <p>(f) The provisions of Section 31B.2(i), Subsection (ii) of this by-law prohibiting parking within ten metres (10 m) of the street line and requiring a landscaped berm to screen parking located between the building and street line shall not apply; and</p> <p>(g) The provisions of Section 31B.2(l) of this by-law requiring minimum landscaping areas shall not apply.</p>	
M9.384	<p>Notwithstanding the provisions of Section 31B.1 hereof to the contrary, for the lands designated 'M9.384' on Schedule "A" to By-Law Number 2009-93, the following regulations shall apply:</p> <ul style="list-style-type: none"> • Permitted Uses shall be limited to the following: Automobile service station; accessory retail use to an automobile service station; A restaurant, including a drive through restaurant; A car wash; and Accessory building to any use permitted in the M9.384 Zone. • That notwithstanding any M9 provisions to the contrary the following C2 zone provisions shall apply: all of Section 22.3. 	M1
M9.392	<p>Notwithstanding any provisions of Section 31B.1 hereof to the contrary, on the lands zoned 'M9.392' on Schedule "A" attached hereto, the following provisions shall apply:</p> <p>a) Permitted Uses:</p> <ul style="list-style-type: none"> i) corporate administrative office ii) day care centre, accessory to a corporate administrative office <p>b) Minimum Yards:</p> <ul style="list-style-type: none"> i) north property line: 10.0 metres ii) east property line: 7.5 metres iii) south property line: 6.0 metres iv) west property line: 7.5 metres <p>c) Minimum Lot Occupancy: 12 per cent</p> <p>d) Minimum Off-Street Parking:</p> <ul style="list-style-type: none"> i) corporate administrative office: 2.96 parking spaces per 100 square metres of gross floor area ii) day care centre: 0.85 parking spaces per 100 square metres of gross floor area <p>e) Minimum Off-Street Loading Facilities:</p> <ul style="list-style-type: none"> i) 1 off-street loading space ii) Loading facilities shall be located at the rear or interior side of a building only. 	M2

Former City of Kingston Zoning By-law Number 8499

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	f) Landscaping Area: adjacent to existing or proposed street, not less than 7.5 metre of landscaped area, excluding driveway;	
OS1	Not Applicable	IN1
OS2.99	For those parcels of land located north of King Street West, east of the Little Cataraqui River and designated OS2.99 on Zoning Map Number 27, any one or two family dwelling constructed, or for the construction of which a building permit has been issued by the Building Inspector, before the date of passage of this by-law by the City, which was constructed in accordance with all by-laws of the City in force at that date, shall be deemed to be a use of land and building conforming with the provisions of this by-law. No extension, expansion or structural alternation of any kind which does not conform with the regulations set out in section 6.3 of this by-law or which has the effect of creating an additional dwelling unit within or attached to the said building shall be permitted.	OS2
P2.217	On the approximately 2.31 hectares of water located on the south side of King Street West lying immediately west of the property commonly known as the Kingston Grain Elevator and designated as P2.217 as shown on a copy of Zoning Map Number 27 attached to and forming part of By-Law Number 86-144 as Schedule "A", the permitted uses shall also include the water based facilities necessary for the operation of a marina.	EPA

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 32-74, “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in The Township of Pittsburgh”

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 32-74, as amended, of the former Township of Pittsburgh;

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

1. By-Law Number 32-74 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh”, as amended, is hereby further amended as follows:
 - 1.1. Delete the entire text and replace with the text shown in Schedule “A”, attached to and forming part of By-Law Number 2024-XX.
2. That 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

Certificate of Authentication

This is Schedule 'A' to By-law Number _____, passed this ____ day of _____ 2024.

Mayor

Clerk

Schedule 'A' to By-law Number 2024-XX

Former Township of Pittsburgh Zoning By-law Number 32-74

A By-law to regulate the use of lands and the size and location of buildings on select properties within the former Township of Pittsburgh.

1. Any references to "this By-law" mean the Former Township of Pittsburgh Zoning By-law Number 32-74.
2. The provisions of this By-law apply to the lands identified on Schedule "A" of this By-law, as amended.
3. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule "A".
4. Table 1 includes a list of all of Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule "A" of this By-law.
5. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-law, in accordance with the "Kingston Zoning By-law Zone" identified in Table 1 for the Zone applicable to the property.
6. Despite 3, 4 and 5, where the Official Plan designates lands as an Environmental Protection Area, the applicable "Kingston Zoning By-law Zone" is the EPA Zone.
7. Despite 3, 4 and 5, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
8. Where a Holding Symbol ("-H") applies to a property on Schedule "A" of this By-law or on Schedule F of the Kingston Zoning By-law, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:
 - a. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:

Former Township of Pittsburgh Zoning By-law Number 32-74

- i. The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- ii. All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- iii. All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Transition Provisions

9. Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW], if the development or use complies, or the building permit application is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].
10. Where a complete application was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW] for the development or use of a lot or one or more buildings, approval may be granted in accordance with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW], for one or more of the following applications where they are consistent with the intent of the complete application:
 - a. Any application under Section 45 of the *Planning Act*;
 - b. Site plan control approval pursuant to Section 41 of the *Planning Act* and/or an enhanced site plan control pre-application (D02);
 - c. Consent pursuant to Section 53 of the *Planning Act*;
 - d. Draft plan of subdivision pursuant to Section 51 of the *Planning Act* or a description under the *Condominium Act*; and
 - e. A part lot control exemption pursuant to Section 50 of the *Planning Act*.
11. Where the development or use of a lot or one or more buildings qualifies under Clause 10, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].

Former Township of Pittsburgh Zoning By-law Number 32-74

12. Nothing in this By-law applies so as to continue the exemption provided by Clauses 9, 10 and 11 beyond the issuance of the final building permit upon which the exemptions are founded.
13. A building permit may be issued in the context of this By-law as it read immediately prior to **[INSERT DATE OF PASSING OF BY-LAW]** for any development subject to one or more approved minor variances under the provisions of this By-law prior to **[INSERT DATE OF PASSING OF BY-LAW]** or in accordance with Clause 10.
14. Where a lot is developed in a manner that is consistent with the applicable Red Exception, minor variances may be granted by the Committee of Adjustment in accordance with Section 45 of the *Planning Act* to the provisions of this By-law as it read immediately prior to **[INSERT DATE OF PASSING OF BY-LAW]**.

Table 1 – Zones and Red Exceptions Subject to this By-law

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A1	Not Applicable	RU
A1-1	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated A1-1 may be used for 1 detached single-family dwelling house in accordance with all other applicable provisions of the A1 Zone.	RU
A1-2	Notwithstanding the provisions of Section 23(1)(a) and (b) and Section 23(2)(a), (b), and (c) to the contrary, the lands designated as "A1-2" on Schedule "A" attached hereto shall be used for no other purpose than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions: (i) Lot Area (minimum): 1,200 square metres (ii) Lot Frontage (minimum): 30 metres (iii) Front Yard Depth (minimum): 13 metres	AG
A1-3	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-3 on Schedule "A" hereto, shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions: (i) Lot Area (minimum): 1,300 square metres (ii) Lot Frontage (minimum): 30 metres	RUR
A1-4	Notwithstanding the provisions of Section 23(1)(a) and (b) and Section 23(2)(a) hereof to the contrary, the lands designated A1-4 on Schedule "A" attached hereto shall be used for no purpose other than the establishment of an Ontario Hydro transformer distribution station in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	RUR

Former Township of Pittsburgh Zoning By-law Number 32-74

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A1-5	<p>Notwithstanding the provisions of Section 23(2) hereof to the contrary, the lands designated A1-5 on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 2 hectares (ii) Lot Frontage (minimum): 45 metres (iii) Interior Side Yard Width (minimum): 4.5 metres (iv) Rear Yard Depth (minimum): 7 metres (v) Dwelling Houses Per Lot Maximum (maximum): 1 only 	AG
A1-7	<p>Notwithstanding any provisions of Section 23(1) and Section 23(2) hereof to the contrary, the lands designated A1-7 on Schedule "A" attached hereto may be used for an automobile sales establishment and work shop for the repair or maintenance of vehicles, excluding a mobile home, a motor home or a travel trailer, subject to the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 40 metres (iii) Front Yard Depth (minimum): 80 metres (iv) Interior Side Yard Width (minimum) 12 metres, except that the interior side yard width for an existing shed shall be 10 metres. (v) Dwelling Houses: No dwelling houses shall be permitted within the A1-7 zone. (vi) Parking Area Location: No parking space shall be located within 60 metres of the lot line abutting Highway No. 15 or within 30 metres of the eastern boundary of the A1-7 zone. (vii) Vehicle Storage: The number of vehicles for sale or repair shall not exceed 12. (viii) Outside Storage: There shall be no outside storage of automobile parts or inoperative vehicles. (ix) Work Shop Floor Area: The maximum gross floor area of the work shop building shall not exceed 106 square metres. (x) Signs: Signs shall not be permitted provided that one legal sign not exceeding 0.8 square metres in size may be affixed to the exterior of the front wall of the work shop. 	AG
A1-8	<p>Notwithstanding the provisions of Section 23(2)(a), Section 23(2)(b), and Section 23(2)(i) hereof to the contrary, the lands designated "A1-8" on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p>	RU, except the portion of the lot that is

Former Township of Pittsburgh Zoning By-law Number 32-74

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(i) Lot Area (minimum): 6 hectares (ii) Lot Frontage (minimum): 55 metres (iii) Dwelling Houses Per Lot (maximum): 1 only.	designated as a Prime Agricultural Area in the Official Plan must comply with the AG Zone
A1-9	Notwithstanding the provisions of Section 5(11)(a), Section 23(2)(a), Section 23(2)(b), and Section 23(2)(i) hereof to the contrary, the lands designated as A1-9 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area (minimum): 6 hectares (ii) Dwelling Houses Per Lot (maximum): 1 single family dwelling house only, provided that it involves a relocation of the dwelling house which existed on the subject lands on the date of enactment of this clause. (iii) Side Lot Lines: For the purposes of the A1-9 Zone, all lot lines which are not shoreline shall be deemed to be side lot lines.	RU
A1-10	Notwithstanding the provisions of Section 23(1)(b), Section 23(2)(a), Section 23(2)(e), and Section 23(2)(i) hereof to the contrary, the lands designated as A1-10 on Schedule "A" attached hereto may also be used for a bakeshop facility in accordance with the following provisions: (i) Lot Area (minimum): 2 hectares (ii) Dwelling Houses Per Lot (maximum): 1 single family dwelling house only (iii) Interior Side Yard Width (minimum): (a) On the western boundary of the A1-10 zone, the minimum interior side yard width shall be 10 metres. (b) On the eastern boundary of the A1-10 zone, the minimum interior side yard width shall be 0 metres for an existing barn. (iv) Lot Frontage (minimum) 85 metres	RU
A1-13	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), and 23(2)(a) hereof to the contrary, the lands designated as A1-13 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use, in accordance with the following provision: (i) Lot Area (minimum): 2 hectares	RU

Former Township of Pittsburgh Zoning By-law Number 32-74

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A1-14	<p>Notwithstanding the provisions of Section 9 hereof to the contrary, on the lands designated 'A1-14' on Schedule "A" hereto, the following regulations shall apply:</p> <p>(i) Permitted Uses: In addition to the provisions of Section 9(1), the permitted uses shall also include a "commercial school", for the purpose of providing transport truck training.</p> <p>(ii) Prohibited Uses: Notwithstanding the provisions of Section 9(1), the following uses shall be prohibited:</p> <ul style="list-style-type: none"> • public garage; • automobile sales establishment; • car wash; <p>(iii) Maximum Floor Area: The maximum floor area for the commercial school permitted by clause (i) above shall be 55 square metres.</p> <p>(iv) Notwithstanding the provisions of Section 9(2)(c)(ii) and Section 5(16)(c) the minimum setback requirement for a commercial vehicle 5 tonnes or greater, including the trailers, from the front lot line shall be 65 metres.</p> <p>(v) Notwithstanding any provisions to the contrary the maximum number of commercial vehicles 5 tonnes or greater shall be limited to 2 commercial vehicles.</p> <p>(vi) That the use and removal of the '-H' Symbol on the rear portion of the lands shall be in accordance with the regulations of Section 6 (6) of the Zoning By-Law and that prior to the removal of the '-H' Symbol and any redevelopment of the lands, a Stage 1 Archaeological Assessment shall be submitted and approved by the Municipality.</p>	<p>- 2110 Deer Ridge Road: AG - 2210 Gibraltar Road, 2085 Hwy 15: RU</p>
A1-15	<p>Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a), and 23(2)(b) hereof to the contrary, the lands designated as A1-15 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 1 hectare (ii) Lot Frontage (minimum): 67 metres</p>	<p>- 2730 4th Concession Road: AG - 2605 & 2615 Middle Road: RUR</p>
A1-17	<p>Notwithstanding the provisions of Section 23(2)(a), and Section 23(2)(b) hereof to the contrary, the lands designated as A1-17 on Schedule "A" attached hereto may be used for a single family dwelling house in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 3.27 hectares (ii) Lot Frontage (minimum): 74.56 metres.</p>	<p>RU</p>

Former Township of Pittsburgh Zoning By-law Number 32-74

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A1-19	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-19 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 0.9 hectares (ii) Lot Frontage (minimum): 87 metres	AG
A1-20	Notwithstanding the provisions of Sections 23(2)(a) and 23(2)(e) hereof to the contrary, the lands designated as A1-20 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Lot Area (minimum): 1.8 hectares (ii) Interior Side Yard (minimum): 3 metres	AG
A1-21	Notwithstanding the provisions of Sections 23(2)(a) hereof to the contrary, the lands designated as A1-21 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares.	AG
A1-22	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), and 23(2)(a), and 23(2)(b) hereof to the contrary, the lands designated as A1-22 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 0.8 hectares. (ii) Lot Frontage (minimum): 64 metres.	RUR
A1-24	Notwithstanding the provisions of Section 23(2)(a) hereof to the contrary, the lands designated as A1-24 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	RU
A1-25	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-25 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 2.0 hectares (ii) Lot Frontage (minimum): 78 metres	RU
A1-26	Notwithstanding the provisions of Section 23(1)(a), 23(1)(b), and 23(2)(a) hereof to the contrary, the lands designated as A1-26 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 1.0 hectare.	RUR

Former Township of Pittsburgh Zoning By-law Number 32-74

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A1-27	Notwithstanding the provisions of Section 23(2)(a), hereof to the contrary, the lands designated as A1-27 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 9.0 hectares	RU
A1-28	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a), and Section 23(2)(b) hereof to the contrary, the lands designated as A1-28 on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, and a public use, in accordance with the following provisions: (i) Lot Area (minimum): 1.2 hectares (ii) Lot Frontage (minimum): 80 metres	AG
A1-29	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a), and Section 23(2)(b) to the contrary, the lands designated as A1-29 on Schedule "A" hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 1.4 hectares (ii) Lot Frontage (minimum): 50 metres	AG
A1-30	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a), and Section 23(2)(b) hereof to the contrary, the lands designated as A1-30 on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 3.0 hectares (ii) Lot Frontage (minimum): 55 metres	AG
A1-32	Notwithstanding the provisions of Sections 23(1)(a) and (b) and Sections 23(2)(a), (b), (e) and (f) hereof to the contrary, the lands designated as A1-32 on Schedule "A" attached hereto shall be used for no other purpose than the establishment of a hydro electric regulating station in accordance with the following provisions: (i) Lot Area (minimum): 3700 square metres (ii) Lot Frontage (minimum): 60 metres (iii) Interior Side Yard (minimum): 9 metres (iv) Rear Yard Depth (minimum): 7 metres	AG
A1-34	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-34 on Schedule "A" attached hereto shall be used for no other purpose than a single	AG

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	detached dwelling or a home occupation in accordance with the following provisions: (i) Lot Area (minimum): 0.9 hectares (ii) Lot Frontage (minimum): 66 metres	
A1-35	Notwithstanding the provisions of Section 23(2)(a) hereof to the contrary, the lands designated as "A1-35" on Schedule "A" attached hereto shall be used in accordance with the following provision: (i) Lot Area (minimum): 2.8 hectares	AG
A1-36	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b), Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as "A1-36" on Schedule "A" attached hereto shall be used for no other purpose than a single family dwelling or a home occupation in accordance with the following provisions: (i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 65 metres	RUR
A1-37	Notwithstanding the provisions of Section 23(2) hereof to the contrary, the lands designated as A1-37 on Schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 1 hectare (ii) Lot Frontage (minimum): 30 metres	RUR
A1-38	Notwithstanding the provisions of Section 23(2) hereof to the contrary, the lands designated as A1-38 on Schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 9 hectares (ii) Lot Frontage (minimum): 75 metres	RU
A1-39	Notwithstanding the provisions of Section 23(2)(a) hereof to the contrary, the lands designated as "A1-39" on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 1.4 hectare	RU
A1-40	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(b) hereof to the contrary, the lands designated as "A1-40" on Schedule "A" attached hereto shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 0.4 hectare (ii) Lot Frontage (minimum): 55 metres	AG

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A1-41	Notwithstanding the provision of Section 23(2)(a) and 23(2)(b) hereof to the contrary, the lands designated as "A1-41" on Schedule "A" attached hereto, shall be used for no other purpose than one or more of the following uses: a detached single family dwelling house, a home occupation or a public use in accordance with the following provision: (i) Lot Area (minimum): 0.7 hectare	RUR
A1-42	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a), 23(2)(e) and 23(2)(f) hereof to the contrary, the lands designated as "A1-42" on Schedule "A" attached hereto shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 0.5 hectare (ii) Interior Side Yard Width (minimum): 4.5 metres (iii) Rear Yard Depth (minimum): 7.5 metres	RUR
A1-43	Notwithstanding the provisions of Section 23(2)(a) and (b) hereof to the contrary, the lands designated as "A1-43" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Lot Area (minimum): 1.5 hectares (ii) Lot Frontage (minimum): 75 metres	RU
A1-44	Notwithstanding the provisions of Section 23(2)(b) hereof to the contrary, the lands designated as "A1-44" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Lot Frontage (minimum): 40 metres	AG
A1-45	Notwithstanding the provisions of Section 23(2)(b) hereof to the contrary, the lands designated as "A1-45" on Schedule 'A' attached hereto, shall be developed in accordance with the following provision: (i) Lot Area (minimum): 5 hectares	RU
A1-46	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(e) hereof to the contrary, the lands designated as "A1-46" on Schedule 'A' attached hereto, shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 1 hectare (ii) Interior Side Yard Width (minimum): 4.5 metres	RUR
A1-47	Notwithstanding the provisions of Section 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(b) hereof to the contrary, the lands designated as "A1-47" on Schedule 'A' attached hereto, shall be	RU

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum) 0.4 hectares (ii) Lot Frontage (minimum) 60 metres	
A1-48	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(b) and 23(2)(c) to the contrary, the lands designated as A1-48 on Schedule 'A' hereto, shall be used for no other purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 65 metres (iii) Front Yard Depth (minimum): 114 metres	RUR
A1-49	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(e) hereof to the contrary, the lands zoned as "A1-49" on Schedule 'A' attached hereto, shall be used for no other purpose than one or more of the following uses: a single detached dwelling house, a semi-detached dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum) 2 hectares	RU
A1-50	Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), 23(2)(a) and 23(2)(e) hereof to the contrary, the lands designated as "A1-50" on Schedule "A" attached hereto shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public a use in accordance with the following provisions: (i) Lot Area (minimum): 3.5 hectares	RU
A1-51	Notwithstanding the provisions of Section 23(1)(a), Section 23(1)(b) and Section 23(2)(a) hereof to the contrary, the lands designated as A1-51 on Schedule 'A' attached hereto shall be used for no other purpose than one or more of the following uses: a single family house dwelling house, a home occupation, or a public use in accordance with the following provision: (i) Lot Area (minimum) 2.5 hectares	RU
A1-52	Notwithstanding the provision Section 23(2)(b) hereof to the contrary, the lands designated as A1-52 on Schedule 'A' attached hereto shall be used in accordance with the following provision: (i) Where a lot abuts Middle Road the minimum lot frontage shall be 85 metres.	RU, except the portion of the lot that is designated as a Prime Agricultural

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
		Area in the Official Plan must comply with the AG Zone
A1-53	Notwithstanding the provisions of Section 23(1) and Section 5(7)(f) to the contrary, the lands designated as A1-53 on Schedule "A" hereto, shall be used for no other purpose than one or more of the following uses; a detached single family dwelling house, a public use or a home occupation including the use of the existing garage for the storage of vehicles and material for a home occupation, in accordance with the following provisions: (i) Lot Area (minimum): 2.0 hectares	RU
A1-54	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated A1-54 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area Minimum: 1 hectare (ii) Lot Frontage: 69.5 metres	RUR
A1-55	Notwithstanding the provisions of Section 23(2)(b) hereof to the contrary, the lands designated A1-55 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Frontage: 76.2 metres	RU
A1-56	Notwithstanding the provisions of Section 23 hereof to the contrary, the lands designated 'A1-56' on Schedule 'A' hereto, shall be developed in accordance with the following provisions: (i) Lot Frontage (minimum): 44 metres (ii) Interior Side Yard (minimum): 6 metres	RU, except the portion of the lot that is designated as a Prime Agricultural Area in the Official Plan must comply with the AG Zone
A1-57	Notwithstanding the provisions of Section 23 hereof to the contrary, on the lands designated 'A1-57' on Schedule 'A' hereto, the following regulations shall apply: (i) Special Front Yard Restriction:	RU

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Notwithstanding any provisions of this By-law to the contrary, no buildings or structures may be constructed on or in the ground within 80 metres of the front lot line, the lot line that abuts Isle of Man Road, while a Holding Symbol (-H) applies to the zone.</p> <p>(ii) Special Holding Symbol Provision:</p> <p>a. Notwithstanding the provisions of Section 6(6) to the contrary, development is permitted in accordance with the provisions of Section 23(1), Section 23(2) and Section 23(3)(ddd)(i).</p> <p>b. Notwithstanding the provisions of Section 5(24)(iii) to the contrary, the Holding Symbol shall only be removed upon written clearance provided by the Ministry of Culture of Ontario.</p>	
A1-58	<p>Notwithstanding the regulations in Section 5(7) of Zoning By-Law No 32-74 to the contrary, the following regulations shall apply:</p> <p>(i) No more than one person, other than a resident of the dwelling shall be employed in the home occupation;</p> <p>(ii) There shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential;</p> <p>(iii) The maximum gross floor area to be utilized for the purpose of a home occupation shall not exceed 31 square metres;</p> <p>(iv) The home occupation shall be permitted to sell goods, wares and merchandise not produced on the premises;</p> <p>(v) A minimum of 2 parking spaces shall be dedicated to the home occupation use;</p> <p>(vi) A home occupation shall be permitted within a private garage attached to the dwelling unit;</p> <p>(vii) A nursery/Garden Centre/Greenhouse use as defined in By-Law No. 32-74 is Prohibited;</p> <p>(viii) The outdoor display of goods, wares or merchandise shall be permitted on the lands immediately abutting the main structure and shall not exceed 31 square metres; and,</p> <p>(iv) No permanent outdoor display of goods, wares or merchandise is permitted.</p>	RU
A1-59	<p>Notwithstanding the provisions of Section 23 hereof to the contrary, the lands zoned as 'A1-59' on Schedule 'A' attached hereto, the following regulations shall apply:</p> <p>(i) Special Holding Symbol Provision:</p> <p>a) Notwithstanding the provisions of Section 5(24) to the contrary, the Holding symbol shall only be removed upon completion and Approval of the following:</p> <p>- A hydro-geological Study verifying adequate water quantity and</p>	RU

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	quality; and - A Stage 1 Archaeological Assessment.	
A2-1	Notwithstanding the provisions of Sections 24(2)(a), 24(2)(b), and 24(2)(c) hereof to the contrary, the lands designated as "A2-1" on Schedule "A" hereto shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions: (i) Lot Area (minimum): 0.2 hectares (ii) Lot Frontage (minimum): 45.5 metres (iii) Front Yard Depth (minimum): 10.5 metres	RUR
A2-2	Notwithstanding Section 5(1)(d)(iii), Section 5(14)(a), Section 5(14)(d), Section 5(14)(e)(vii), Section 24(1)(a), Section 24(1)(b), Section 24(2)(a) and Section 24(2)(i) hereof to the contrary, the lands designated as "A2-2" on Schedule "A" hereto may be used for a private park and a commercial club (limited to party facilities) subject to the following provisions: (i) Lot Area (minimum): 1.9 hectares (ii) Dwelling Houses Per Lot (maximum): 1 accessory dwelling house only. (iii) Buildings Related To Commercial Club: - only 1 building related to the commercial club shall be permitted and the maximum gross floor area of such building shall not exceed 240 square metres. (iv) Buildings Related To Private Park: - no new building shall be erected as an accessory use for the private park except that this shall not prevent the use of any existing building, located within the A2-2 Zone for such purposes. (v) Building Separation (minimum): 3.65 metres, provided that nothing shall prevent the expansion of an existing building having less than the required minimum building separation provided that the existing building separation is not further reduced. (vi) Parking Area Regulations: (a) Parking Requirements (minimum): parking spaces shall be provided, within the A2-2 Zone, at a rate of 1 space per 4 persons design capacity of the combined private park and commercial club facilities and at a rate of 1 space per dwelling unit. (b) Parking Area Location: - no parking space shall be located closer than 19 metres to any boundary of the A2-2 Zone.	RC

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(c) Access: access to the A2-2 Zone shall be limited to a maximum of 3 driveways.	
A2-3	Notwithstanding the provisions of Section 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-3 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 2 hectares.	RU
A2-4	Notwithstanding the provisions of Section 24(2)(a), hereof to the contrary, the lands designated as A2-4 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 1.2 hectares.	RU
A2-5	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b) and Section 24(2)(a) hereof to the contrary, the lands designated as A2-5 on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 3.96 hectares.	RU
A2-6	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-6 on Schedule "A" hereto may be used for a detached single family dwelling house, a farm, a farm produce outlet, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 6 hectares	RU
A2-7	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-7 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house or home occupation in accordance with the following provision: (i) Lot Area (minimum): 1.6 hectares	RU
A2-8	Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated as A2-8 on Schedule "A" hereto shall be used in accordance with the following provision: (i) Lot Area (minimum): 6.0 hectares	RU
A2-9	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), 24(2)(a), and 24(2)(e) hereof to the contrary, the lands designated as A2-9 on Schedule "A" hereto shall be used for no purpose other than a detached single family dwelling house and a home occupation in accordance with the following provisions:	RUR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(i) Lot Area (minimum) 0.85 hectares (ii) Interior Side Yard Width (minimum) 4.5 metres	
A2-10	Notwithstanding the provisions of Section 5(18)(a) and Sections 24(1)(a), 24(1)(b), 24(2)(a), 24(2)(c), and 24(2)(e) hereof to the contrary, the lands designated as A2-10 on Schedule "A" hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provisions: i) Lot Area (minimum): 0.8 hectares ii) Front Yard Depth (minimum): 10.0 metres iii) Interior Side Yard Width (minimum): 10.2 metres iv) Setback (minimum): 25.3 metres.	RUR
A2-11	Notwithstanding the provisions of Section 24(1)(a), 24(1)(b), 24(2)(a), and 24(2)(b) hereof to the contrary, the lands designated as A2-11 on Schedule "A" hereto shall be used for no other purpose than a detached single family dwelling house in accordance with the following provisions: (i) Lot Area (minimum): 0.93 hectares (ii) Frontage (minimum): 76 metres.	RUR
A2-12	Notwithstanding the provisions of Sections 24(2)(a) and 24(2)(b) hereof to the contrary, the lands designated as A2-12 on Schedule "A" hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 4.80 hectares (ii) Frontage (minimum): 76 metres.	RU
A2-13	Notwithstanding the provision of Sections 24(2)(a) and 24(2)(e) hereof to the contrary the lands designated as A2-13 on Schedule "A" hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 2.4 hectares (ii) Interior Side Yard Width (minimum): 11.0 metres.	RU
A2-14	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b), and Section 24(2)(a), hereof to the contrary, the lands designated as A2-14 on Schedule "A" attached hereto may be used for a detached single family dwelling house and a home occupation, in accordance with the following provision: (i) Lot Area (minimum): 0.68 hectares	RUR
A2-15	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-15 on Schedule "A" hereto may be used for a detached single family dwelling house and a home occupation, in accordance with the following provision: (i) Lot Area (minimum): 1.0 hectares	RU

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A2-16	Notwithstanding the provisions of Section 24(2)(a) and Section 24(2)(b), hereof to the contrary, the lands designated as A2-16 on Schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 68 metres	RUR
A2-17	Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated as A2-17 on Schedule "A" attached hereto shall be used in accordance with the following provision: (i) Lot Area (minimum): 5.0 hectares	RU
A2-18	Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated as "A2-18" on Schedule "A" attached hereto shall be used in accordance with the following provision: (i) Lot Area (minimum): 1.5 hectares	RU
A2-19	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b), and Section 24(2)(a) hereof to the contrary, the lands designated as "A2-19" on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, or a public use in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	AG
A2-20	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b), and Section 24(2)(a) hereof to the contrary, the lands designated as "A2-20" on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, or a public use, in accordance with the following provision: (i) Lot Area (minimum): 2.4 hectares	RU
A2-21	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b), and Section 24(2)(a) hereof to the contrary, the lands designated as "A2-21" on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, or a public use in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	- 4009 Brewer's Mill Road: RU - 3815 Sand Hill Road: AG
A2-22	Notwithstanding the provisions of Section 24(1) and Section 24(2)(a) hereof to the contrary, the lands designated as "A2-22" on Schedule "A" attached hereto, shall be used for no purpose other than one or more of the following uses: an accessory dwelling house; a detached single family dwelling house; a cemetery; a farm; a farm produce outlet; a home occupation; a	RU

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	public use; or a specialized farm, in accordance with the following provision: (i) Lot Area (minimum): 4.0 hectares	
A2-24	Notwithstanding the provisions of Section 24(1), Section 24(2)(a), Section 24(2)(e) and Section 24(2)(f) hereof to the contrary, the lands designated as "A2-24" on Schedule "A" attached hereto, shall be used for no other purpose than one or more of the following uses: a detached single family dwelling house, a home occupation or a public use, accordance with the following provisions: (i) Lot Area (minimum): 1.0 hectares (ii) Interior Side Yard Width (minimum): 9 metres (iii) Rear Yard Depth: 9 metres	RUR
A2-25	Notwithstanding the provisions of Section 24(1)(a), 24(1)(b), 24(2)(b) and Section 5(22) herein, the lands designated as "A2-25" on Schedule 'A' attached hereto shall be used for one or more of the following uses only: a single family dwelling house; a home occupation; and a public use in accordance with the following provisions: (i) Lot Area (minimum): 0.8 hectare (ii) Lot Frontage (minimum): 70 metres (iii) Water Setback No building or structure, other than a marine facility, shall be located less than 50 metres from the high water mark.	RUR
A2-26	Notwithstanding the provisions of Section 24(1) and Section 5(7)(f) to the contrary, the lands designated as A2-26 on Schedule 'A' hereto, shall be used for no other purpose than one or more of the following uses; a detached single dwelling house, a public use or a home occupation including the use of the existing garage for the storage of vehicles and materials for a home occupation, in accordance with the following provisions: (i) Lot Area (minimum) 1.0 hectares	RUR
A2-27	Notwithstanding the provisions of Section 24(2)(a) and (b) hereof to the contrary, the lands designated A2-27 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area Minimum: 1.0 hectare (ii) Lot Frontage: 82.5 metres	RUR
A2-28	Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated as A2-28 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area Minimum: 1.34 hectare.	RU

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A2-29	<p>Notwithstanding the provisions of Section 24(2)(a) hereof to the contrary, the lands designated A2-29 on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p> <p>(i) Lot Area: 1.529 hectares.</p>	RU
A2-30	<p>Notwithstanding the provisions of Section 24(1), Section 24(2)(a) and (e) hereof to the contrary, the lands designated 'A2-30' on Schedule "A" attached hereto shall be used for no purpose other than one or more of the following uses:</p> <p>A single family dwelling house, a home occupation, and a public use in accordance with the following provision:</p> <p>(i) Lot Area Minimum: 1.0 hectare</p> <p>(ii) Special Setback from Railway Right-of-Way No part of the main dwelling house shall be located within 120 metres of a railway right-of-way; this exclusion area is identified as Part 2 of Reference Plan 13R-16172</p> <p>(iii) Interior Side Yard Width (minimum to south lot line): 2 metres</p>	RUR
A2-31	<p>Notwithstanding the provisions of Section 24(1) hereof to the contrary, the lands designated as 'A2-31' on Schedule "A" attached hereto may also be used for a home occupation, including fireworks displays and wholesaling, located in an accessory structure in accordance with the following provisions in addition to any other requirements:</p> <p>(i) Maximum Permitted Floor Area for a home occupation – 55 square metres;</p> <p>(ii) Where the home occupation includes the storage of fireworks the following minimum setbacks will apply:</p> <p>(a) Setback from Road Allowance: 100 metres</p> <p>(b) Setback from Pipeline Easement: 200 metres</p> <p>(c) Setback from a Dwelling Unit: 90 metres</p> <p>(d) Setback from the existing Dwelling on the abutting property to the west: 150 metres.</p>	RU
A2-32	<p>Notwithstanding the provisions of Section 5(24) -'H' Holding Zone Provisions to the contrary, the Holding (-H) symbol shall not be removed until the following conditions have been satisfied:</p> <p>a. A hydrogeological study that satisfactorily demonstrates that an adequate supply of potable water is available for the existing and proposed development;</p> <p>b. An environmental impact assessment that is prepared in accordance with the Official Plan and is satisfactory to the City of Kingston and the Cataraqui Region Conservation Authority is submitted to the City;</p>	RU

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>c. An archaeological study acceptable to the Ministry of Culture, Recreation and Citizenship is provided; and,</p> <p>d. The owner has entered in to a Site Plan Control Agreement that satisfactorily implements these studies.</p> <p>No site alterations such as vegetation or tree removal or grading shall take place until the Holding symbol has been removed. Any alterations shall be restored to their pre-existing state before any required studies are conducted.</p>	
C	Not Applicable	RC
C-1	Notwithstanding any provisions of this By-law to the contrary, the lands designated as "C-1" on Schedule "A" hereto may be used for an ice cream retail outlet and an ice cream products warehouse used in conjunction with such retail outlet.	RC
C-4	<p>Notwithstanding the provisions of Section 15(1)(a), Section 15(1)(b), Section 15(2)(b), Section 15(2)(c), and Section 15(2)(e) hereof to the contrary, the lands designated as "C-4" on Schedule "A" attached hereto shall be used for no purpose other than a retail pet shop operation and a single family dwelling house in accordance with the following provisions:</p> <p>(i) Front Yard Depth (minimum): 6 metres</p> <p>(ii) Exterior Side Yard Depth (minimum): 3 metres</p> <p>(iii) Rear Yard Depth (minimum): 6 metres.</p>	RC
C-5	<p>Notwithstanding any provisions of this By-law to the contrary, the lands which are designated as "C-5" on Schedule "A" attached hereto may also be used for a shopping centre consisting of any of the uses permitted by Section 15(1)(b) hereof, including a convenience store, and shall be developed in accordance with the following provisions:</p> <p>(i) For the purpose of the "C-5" Zone, a recreational establishment shall not include an arcade or video machine entertainment centre.</p> <p>(ii) Interior Side Yard (minimum): 9 metres</p> <p>For the purpose of the "C-5" Zone, the southern boundary of the Zone shall be deemed to be a side lot line.</p> <p>(iii) Rear Lot Line:</p> <p>For the purpose of the "C-5" Zone, the western boundary of the Zone shall be deemed to be a rear lot line.</p> <p>(iv) Parking Area (minimum): 90 spaces.</p>	CG
CH-1	Notwithstanding any provisions of this By-law to the contrary, the lands designated CH-1 on Schedule "B-2" hereto shall be used for no purpose other than a restaurant and an accessory dwelling house in accordance with the provisions of Schedule "B-2" hereto.	RC

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
CH-2	Notwithstanding the provisions of Section 16(1)(b) hereof to the contrary, the lands designated CH-2 on Schedule "A" hereto shall be used for no other purpose than one or more of the following uses: a home occupation, a motel, a Nursery/Garden Centre/Greenhouse, a public use, a retail outlet accessory to a permitted use, a rental cabin, a restaurant.	RC
CH-3	Notwithstanding any provisions of this By-law to the contrary, the lands designated CH-3 on Schedule "A" attached hereto shall be used for no purpose other than a highway service centre in accordance with the following definitions: (i) "Highway Service Centre" means an establishment providing a restaurant and engaged in the retail sale of fuel and/or lubricants for motor vehicles, including commercial motor vehicles, but not including a snowmobile or motorized snow vehicle. Accessory uses may include a business office, a tourist information facility, and minor maintenance or repair operations for motor vehicles and commercial motor vehicles, other than body work or painting. (ii) "Commercial Motor Vehicle" means a motor vehicle having attached thereto a truck or delivery body and includes an ambulance, a hearse, a bus, fire fighting apparatus, and a tractor used for hauling purposes on a public highway or public road.	RC
CH-4	Notwithstanding the provisions of Section 16(1)(b) hereof to the contrary, the lands designated "CH-4" on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a fruit and vegetable cart, an indoor country market, a home occupation, a motel, a Nursery/Garden Centre/Greenhouse, a public use, a rental cabin, and a restaurant, in accordance with the following provisions: (i) Interior Side Yard Width (minima): (a) No interior side yard is required where lots abut within the CH-4 zone. (b) On the eastern boundary of the CH-4 zone, the minimum interior side yard width shall be 2 metres from an existing dwelling house. (ii) Fruit and Vegetable Cart: (a) up to one fruit and vegetable cart not exceeding 10 square metres of lot coverage is permitted provided that: (i) it is located no closer than 1 metre to the front lot line; and (ii) it is in use not more than 5 months of each calendar year; and (iii) during the months it is not in use, it is not located in the front	RC

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>yard.</p> <p>(iii) Indoor Country Market:</p> <p>(a) a country market is permitted provided that:</p> <p>(i) it is located wholly indoors;</p> <p>(ii) the sale of items is limited to: vegetables, fruits, jams, jellies, syrups, baked goods, eggs, honey, potted plants, crafts, or antiques; and</p> <p>(iii) the gross floor area does not exceed 250 square metres.</p>	
CH-6	<p>Notwithstanding any provisions of this By-law hereof to the contrary, the lands designated as CH-6 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Uses Permitted: A convenience store and the uses permitted in Section 16(1)(a) and Section 16(1)(b).</p> <p>(ii) Special Provision: Where, at the time of passing of this By-law, any existing building or structure is not in conformity with the yard or setback requirements of Zoning By-law 32-74, the existing yard or setback shall be deemed to be the required yard or setback, only insofar as it affects the existing building or structure. Any alteration to a structure or building or any new construction of a structure or building shall be in conformity with Section 5 and Section 16 of Zoning By-law 32-74 as amended as the same shall then exist.</p>	RC
CH-8	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated CH-8 on Schedule "A" hereto shall be used for no other purpose than a motel, an accessory dwelling house, or a public use, in accordance with the following provisions:</p> <p>(i) Interior Side Yard Width (minimum):</p> <p>(a) on the southern boundary of the CH-8 Zone, the minimum interior side yard shall be 6 metres.</p>	RC
CH-9	<p>Notwithstanding the provisions of Section 16(1)(a) and Section 16(1)(b) hereof to the contrary, the lands designated as "CH-9" on Schedule "A" attached hereto, may be used for: a business office, a personal service shop, a professional office, a retail store, a day nursery, a recreational establishment, a merchandise service shop or a flea market.</p>	RC
CH-11	<p>Notwithstanding any provision of Section 16(1) to the contrary lands zoned as CH-11 on Schedule 'A', Map 4, and also shown on Schedule 'A' of By-Law No. 2006-109 may also be used for a "Car Wash". A privacy fence shall be installed to separate any non-residential uses from an abutting residential zone.</p>	CG

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
CL-1	<p>Notwithstanding the provisions of Section 14 hereof to the contrary, the lands designated as 'CL-1' on Schedule "A" attached hereto may be used in accordance with the following provisions:</p> <p>No person shall within any 'CL-1' Zone use any lot to erect, alter or use for any purpose except one or more of the following 'CL-1' uses, namely:</p> <p>(a) Residential Uses: A maximum of two (2) dwelling units. (b) Non-residential Uses: Convenience store; A public use; Antique store; Art gallery; Artisans studio; Boutique; Clock shop; and Professional offices (medical doctor's office, lawyer, or surveyor).</p> <p>Zone Provisions</p> <p>No person shall within the 'CL-1' Zone use the lot and existing building to erect, alter or use for any purpose except in accordance with the following provisions:</p> <p>(a) Lot area (minimum): 1100 square metres (b) Front yard depth (minimum): 7.5 meters (c) Exterior side yard (minimum): 7.5 meters (d) Interior side yard (minimum): 4.5 meters (e) Rear yard depth (minimum): 4 meters (f) Landscaped open space (minimum): 30% (g) Height of building (maximum): 9 metres; 4.7 metres on the easterly 6 metres of the existing building (h) Dwelling units per lot (maximum): 2 only (i) Parking (maximum): 6 parking spaces</p>	HCD1
CT-2	<p>Notwithstanding any provisions of Section 17(1) hereof to the contrary, the lands designated CT-2 on Schedule "A" hereto may be used for an existing camping ground.</p>	RC
CT-4	<p>Notwithstanding the provisions of Section 17(1)(b) hereof to the contrary, the lands designated CT-4 on Schedule "A" attached hereto may be used for tour boat operations including a souvenir shop and accessory office facilities; and a tourist floating dwelling house.</p>	CW
CT-5	<p>Notwithstanding the provisions of Section 17(1) hereof to the contrary, the lands designated as CT-5 on Schedule "A" hereto shall be used for no purpose other than a rental cabin.</p>	LSR
CT-6	<p>Notwithstanding any provisions of this By-law hereof to the contrary, the lands designated as CT-6 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Uses Permitted: An accessory dwelling house, an accessory dwelling unit, a tent, a trailer park, a recreational facility and a Park Model Home.</p>	RC

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Park Model Homes are subject to the following:</p> <ul style="list-style-type: none"> (a) the maximum number of Park Model Homes shall be 31; (b) no person shall reside in or otherwise use or occupy any Park Model Home from January 1 to March 31 inclusive of any year; (c) additions may be made to a Park Model Home provided no more than 48 square metres of gross floor area is added to any Park Model Home; (d) all Park Model Homes shall comply with Canadian Standards Association Standards Z241. (ii) Lot Frontage: 12 metres (iii) "Recreational Facility" means a building or structure or specified area planned for, used for or related to recreational, social or cultural activities whether indoors or outdoors and shall include playgrounds, parks, swimming pools, halls, tennis courts, shelters, and similar uses. (iv) Camp Lots: <ul style="list-style-type: none"> (a) "Camp Lots" means a parcel of land within a trailer park designated for occupancy by a travel trailer. (b) Maximum Number of Camp Lots: 289 (c) Minimum Camp Lot Area: 185 square metres per camp lot. (v) Parking Areas: <ul style="list-style-type: none"> (a) 1 parking space for each camp lot, to be located on each camp lot. (b) 1 parking space per 10 camp lots to be provided for visitor parking. (c) Parking space requirements for recreational facilities shall be those identified for recreational establishments. (vi) Vehicular Driveways: <p>All driveways established for the purpose of accommodating vehicular traffic shall have a minimum width of 6.096 metres for two-way traffic and 3.048 metres for one way traffic.</p> (vii) Minimum Elevation: <p>No building or structure shall be erected below a minimum elevation of 89.22 metres geodetic.</p> (viii) Special Provisions: <p>No recreational facility or camp lot shall be located closer than 30 metres to any lot line which abuts a residential use or undeveloped land in a residential zone.</p> 	
D-2	<p>Notwithstanding the provisions of Section 25(1) and 25(2)(b) to the contrary, the lands designated as "D-2" on Schedule 'A' attached shall be used for no other purpose than one or more of the following uses: a farm, but not a specialized farm; a farm</p>	DR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	produce outlet; a personal recreation use of the owner; or a public use in accordance with the following provisions: (i) Lot Frontage (minimum): 0 metres	
ER-4	Notwithstanding any provisions of this By-law to the contrary, the lands designated ER-4 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Minimum Elevation: No opening to any building or structure shall be constructed below the minimum elevation of 76.8 metres (Canadian Geodetic Datum). (ii) Provincial Highway Setback: No building or structure shall be located less than 30.5 metres from any Provincial Highway. (iii) Water Setback: No building or structure other than a marine facility shall be located less than 30.5 metres from the high water mark of the St. Lawrence River.	RU
ER-5	Notwithstanding the provisions of Section 7(1)(b) and Section 7(2) hereof to the contrary, the lands designated ER-5 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Special Use: An existing horse shelter designed and used by no more than six horses may be permitted as an accessory use on a lot with a minimum size of 3.2 hectares. (ii) Minimum Elevation: No buildings or structures shall be erected below a contour line of 76.9 metres (Canadian Geodetic Datum).	RUR
ER-8	Notwithstanding the provisions of Sections 5(1), 5(18), and 7(2) to the contrary, the lands designated as ER-8 on Schedule "A" hereto shall be used in accordance with the following provisions: (i) Accessory Use: garage existing as of at time of passing of this By-law may be located in the front yard no closer than 13.0 metres to the front lot line. (ii) Lot Area (minimum): 2 hectares.	RU
ER-9	Notwithstanding the provisions of Section 7(2)(a) hereof to the contrary, the lands designated as ER-9 on Schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Lot Area (minimum): 1.6 hectares	RUR
FP	Not Applicable	EPA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
I-1	Notwithstanding the provisions of Section 13(1)(b) hereof to the contrary, the lands designated I-1 on Schedule "A" attached hereto may be used for the production and maintenance of animals needed to meet the requirements of research facilities.	UR2
I-2	Notwithstanding the provisions of Sections 13(2) and 5(22) hereof to the contrary, the lands designated I-2 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Lot Frontage (minimum): 23 metres (ii) Interior Side Yard Width (minimum): 1 metre (iii) Water Setback (minimum): 1 metre	RU
I-3	Notwithstanding the provisions of Section 5(14)(a) and Section 13(1) hereof to the contrary, the lands designated as I-3 on Schedule "A" hereto shall be used for no purpose other than a nursing home in accordance with the following provision: (i) Parking Requirements (minimum): 1.5 parking spaces per 4 beds or fraction thereof.	URM2
I-4	Notwithstanding any provisions of this By-law to the contrary, the lands designated as I-4 on Schedule "A" hereto shall be used for no other purpose other than a church in accordance with the following provisions: (i) Front Lot line: For the purposes of the I-4 Zone, the western boundary of the zone shall be deemed to be a front lot line. (ii) Interior Side Yard Width (minimum): 9 metres (iii) Rear Yard Depth (minimum): 10.5 metres (iv) Planting Strips: As part of any required yard, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip. (v) Parking: (a) No parking shall be located within any required planting strip. (b) All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required. (c) All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.	RU
LSR	Not Applicable	LSR
LSR-1	(i) Notwithstanding the provisions of Section 12(1)(a) hereof to the contrary, the lands designated LSR-1 on Schedule "A" attached hereto shall be used for no purpose other than one or more of the following uses: a detached single family dwelling house, a seasonal dwelling house and a farm.	LSR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(ii) Notwithstanding any other provisions of this By-law hereof to the contrary, no buildings or structures, including accessory buildings and structures, other than a fence, shall be located closer than 440 metres to the rear lot line.	
LSR-2	Notwithstanding the provisions of Section 12(2)(m) hereof to the contrary, the lands designated as "LSR-2" on Schedule 'A' attached hereto shall be developed in accordance with the following: (i) Direct vehicular access to a legal right-of-way shall be provided in the form of an unobstructed driveway or passageway at least 3.0 metres in width.	LSR
LSR-4	Notwithstanding the provisions of Section 12(1)(b) hereof to the contrary, the lands designated as "LSR-4" on Schedule 'A' attached hereto shall be developed in accordance with the following: (i) The permitted uses shall also include: a farm, but not including a specialized farm as defined herein; a home occupation; (ii) Direct vehicular access to a legal right-of-way shall be provided in the form of an unobstructed driveway or passageway at least 3.0 metres in width.	LSR
LSR-5	Notwithstanding any provisions of Section 12 of the By-Law to the contrary, the lands designated as 'LSR-5' on Schedule 'A' attached hereto and municipally known as 992 Harmony Lane shall be developed in accordance with the following: (i) Any dwelling, accessory building or private sewer system shall be constructed a minimum of 30.0 metres away from the shoreline and within the 30.0 metre setback there shall be no soil disturbance or removal of existing vegetation. (ii) For the purposes of this By-Law, the height of a building shall be measured from the minimum elevation of the finished surface of the ground where it abuts the main building. The maximum height for a dwelling shall be 9.0 metres, measured to the highest point of the building, exclusive of any roof construction such as a chimney. (iii) The maximum height of any exterior wall shall be 7.0 metres. (iv) Mansard roofs are not permitted.	LSR
M1-1	Notwithstanding any provisions to this By-law hereof to the contrary, the lands designated as M1-1 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Uses Permitted: Uses which are or may become obnoxious or offensive by reason of emission of odour, smoke, dust, noise, gas, fumes,	RM1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>cinders, vibration, refuse matter or water carried waste or which are or may become explosive, are specifically excluded. Subject to this qualification, the following uses are permitted:</p> <ul style="list-style-type: none"> - an accessory dwelling unit - a bakery - a business office - an equipment rental establishment - a factory outlet - a farm equipment sales establishment - a garden centre - an industrial mall - a manufacturing plant - a merchandise service shop - a personal service shop - a photographic establishment - a printing establishment - a public use - a recreational vehicle sales establishment - a showroom - a veterinary establishment - a warehouse <p>(ii) Number of Buildings per Lot:</p> <p>(a) No more than one building shall be located on a lot unless the Corporation has approved plans showing all existing buildings, access, parking facilities, and other site features located on the lot and the proposed alterations and improvements of such features that will ensure that the additional building(s) will not detrimentally affect vehicular access, vehicular circulation, and will be properly integrated with other building(s) on the lot.</p> <p>(b) Where additional building(s) are proposed, all buildings shall conform to the provisions of the By-law and the distance between buildings shall be equal to the average height of the buildings concerned, but in no case shall the distance between buildings be less than 7.5 metres.</p> <p>(iii) Open Storage:</p> <p>(a) No person shall use any lot or part thereof for outside storage, sales, rental or display unless an area which has been specifically designed and set aside for such purpose and is fully integrated with the main use of that lot has been approved by the Corporation pursuant to Section 40 of the Planning Act, R.S.O. 1983.</p> <p>(b) Open storage shall not exceed forty percent (40%) of the lot</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>area.</p> <p>(c) No open storage area shall be located within any required yard which abuts a residential use or residential zone boundary.</p> <p>(d) No open storage shall be located within six (6) metres of a street line.</p> <p>(iv) Planting Strips:</p> <p>(a) As part of any required yard, three (3) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip.</p> <p>(b) Notwithstanding subparagraph (a) above, as part of any required yard, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip where a lot or any portion thereof abuts Highway No. 15 or a Special Restricted Rural (A1-14) Zone.</p> <p>(c) Notwithstanding subparagraphs (a) and (b) above, a planting strip is not required in an interior side yard which abuts an Industrial Zone.</p> <p>(v) Illumination:</p> <p>(a) No strings of lights shall be permitted.</p> <p>(b) Illumination shall not cause direct or indirect glare on a street that may interfere with pedestrian or traffic safety nor cause direct or indirect glare on land or buildings in a residential zone or used for residential purposes.</p> <p>(c) Illumination, except that required for the operation of a business or for security reasons, shall cease no later than 10:00 p.m. daily except in the case of a business remaining open later, in which case, illumination shall cease when the business closes to the public.</p> <p>(vi) Parking:</p> <p>(a) One row of visitor or executive parking, and an aisle providing ingress and egress thereto, shall be permitted in a front yard provided the row does not extend beyond the extremities of the front wall of the building or each building, if more than one, and provided that no parking or aisle shall be located closer than 6 metres from the front line.</p> <p>(b) No parking shall be located within any required yard which abuts a residential use or a residential zone boundary.</p> <p>(c) All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.</p> <p>(d) Buffer planting shall be used to conceal parking areas in the front yard; and, plantings and/or fence and planting combinations may be used in side and rear yards. Where appropriate such buffering may form part of the required planting</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>strip.</p> <p>(e) All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required.</p> <p>(f) Parking Requirements (minimum):</p> <p>Type of Use Number of Parking Spaces</p> <p>Bakery 2.7 per 100 square metres of gross floor area</p> <p>Equipment Rental Establishment 5.4 per 100 square metres of gross floor area</p> <p>Factory Outlet 5.4 per 100 square metres of gross floor area</p> <p>Farm Equipment Sales 2.7 per 100 square metres of gross floor area</p> <p>Garden Centre 5.4 per 100 square metres of gross floor area</p> <p>Industrial Mall 5.0 per 100 square metres of gross floor area</p> <p>Manufacturing Plant 2.7 per 100 square metres of gross floor area</p> <p>Photographic Establishment 4.0 per 100 square metres of gross floor area</p> <p>Printing Establishment 4.0 per 100 square metres of gross floor area</p> <p>Recreational Vehicle Sales 2.7 per 100 square metres of gross floor area</p> <p>Showroom 5.4 per 100 square metres of gross floor area</p> <p>Veterinary Establishment 8.5 per 100 square metres of gross floor area</p> <p>Warehouse 2.7 per 100 square metres of gross floor area</p> <p>(vii) Special Provision:</p> <p>For the purposes of the M1-1 Zone a "Manufacturing Plant" means an establishment primarily engaged in the processing, altering, finishing, refinishing or assembly or similar production of various articles, commodities or things.</p>	
MD-1	<p>Notwithstanding any provisions of Section 21(1)(b) hereof to the contrary, the lands designated as MD-1 on Schedule "A" hereto, shall be used for no purpose other than a waste disposal area or an agricultural use with the approval of the Minister of Environment in accordance with Section 45 of the Environmental Protection Act.</p> <p>(i) For the purpose of the MD-1 zone, "waste disposal area" shall mean land upon, into, or in which waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste; and "waste" shall include ashes, garbage, refuse, and domestic waste but shall not include human body waste, toilet waste, liquid or waterborne</p>	RM2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	culinary and sink waste, laundry waste, chemical waste, commercial or industrial waste, or drainage from a plumbing facility.	
MD-2	Notwithstanding any provisions of Section 21(1)(b) and 21(2)(a) hereof to the contrary, the lands designated as MD-2 on Schedule "A" attached hereto shall be used for no purpose other than a sewage treatment facility, including a sludge transfer station but excluding incinerators for the incineration of industrial by-products in accordance with the following provisions: (i) Required Yards (minima): (a) From Provincial Hwy. No. 2: 122 metres (b) From eastern boundary of the MD-2 Zone: 46 metres (c) From the western boundary of the MD-2 Zone: 69 metres For the purpose of the MD-2 Zone, the western boundary shall be deemed to be the lot line which abuts Gates Boulevard and extends from Highway No. 2 to La Salle Boulevard, and all other lot lines shall be deemed to be side lot lines.	RM2
MVC-2	Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 17A for the 'MVC' Zone shall apply to the 'MVC-2' zone except that: (a) Additional Permitted Use: bank or financial institution (b) Maximum Front Yard Depth: 23.5 metres (c) Minimum Rear Yard Depth: 7.1 metres (d) Minimum Height Of Building: 5.2 metres (e) Minimum Number Of Storeys: 1 (f) There Shall Be No Minimum Number Of Row Buildings (g) Parking: Parking shall be required on the basis of 1 space per 18 square metres of gross floor area (h) A minimum 3 metre wide planting strip shall be provided along the north and south lot line (i) A drive through service facility accessory to a bank or financial institution use is permitted.	CG
MX-2	Notwithstanding the provisions of Section 20(1)b and 20(2) hereof to the contrary, lands designated MX-2 on Schedule "A" attached hereto may be used for an aggregate screening operation, an asphalt plant, a concrete batching plant, crushing plant or any combination of the foregoing uses and the lands shall be developed in accordance with the following special provisions: (i) Required Yards (minima) (a) Front: 90 metres (b) Interior Side: 60 metres (c) Rear: 90 metres	MX1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(ii) Exceptions To Yards Requirements Nothing shall prevent the location of an earth berm of uniform height and width from being located in a required front yard or a required rear yard provided that such berm is located no less than 30 metres from a front or rear lot line.	
MX-3	Notwithstanding the provisions of Section 5(11) and Section 20(1)(b) hereof to the contrary, the lands designated as MX-3 on schedule "A" attached hereto shall be used in accordance with the following provisions: (i) Access through an abutting zone shall be permitted. (ii) Permitted uses shall be one or more of the following: a gravel pit; a stone quarry; a municipal service garage; a warehouse; a storage yard; a public use.	MX1
OS	Not Applicable	OS2
OS-2	Notwithstanding the provisions of Section 8(1)(b) hereof to the contrary, the lands designated OS-2 on Schedule "A" hereto may be used for a rifle and pistol club, including a firing range.	OS2
OS-4	Notwithstanding Section 22(1)(b) hereof to the contrary, the lands designated as "OS-4" on Schedule "A" hereto may be used for the establishment of a golf course and associated club house and pro shop facility provided that such associated club house and pro shop facility are located within the barn which existed on the subject lands on the date of the enactment of this clause. In the context of using the aforementioned barn for the purposes of a club house and pro shop facility, said barn may be renovated or expanded to contain a maximum gross floor area of 402 square metres provided that all other provisions of the OS-4 Zone are complied with.	RC
OS-6	Notwithstanding the provisions of Section 22(1)(b) hereof to the contrary, the lands designated OS-6 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Uses Permitted: A hotel or motel and the uses permitted in Section 22(1)(a) and Section 22(1)(b). (ii) Number of Rooms: The maximum number of hotel or motel rooms shall be twenty eight (28). (iii) Special Provision:	RC

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	The location of a hotel or motel shall be restricted to an addition, expansion or alteration of the existing golf club house building.	
OS-10	Notwithstanding the provisions of Section 22(1)(a), Section 22(1)(b), Section 22(2)(d), Section 22(2)(e), Section 22(2)(f), and Section 22(2)(j) hereof to the contrary, the lands designated as "OS-10" on Schedule "A" attached hereto shall be used for no other purpose than a single family dwelling or a home occupation in accordance with the following provisions: (i) No building, structure or use shall be located closer than 30 metres to the boundaries of Block 42, R.P. 1844. (ii) Height Of Building (minimum): 9 metres (iii) One dwelling house only shall be permitted within the OS-10 Zone.	OS2
R1	Not Applicable	HAM
R1-17	Notwithstanding the provisions of Section 9(2) hereof to the contrary, the lands designated as R1-17 on Schedule "A" hereto shall be developed in accordance with the following provision: (i) Minimum Elevation: No dwelling house shall be erected with a floor elevation below 89.63 metres (Canadian Geodetic Datum).	HAM
R1-18	Notwithstanding Section 9(1)(a), Section 9(2)(b)(iii) and Section 9(2)(e) of this By-law to the contrary, the lands designated as R1-18 on Schedule "A" hereto shall be used for no purpose other than two existing single family dwelling houses and one additional single family dwelling house to be developed in accordance with the following provisions: (i) Lot Frontage (minima): 20 metres (ii) Interior Side Yard Width (minima): 7.6 metres except that where the side lot line is adjacent to the eastern boundary of the R1-18 Zone, the interior side yard width shall be a minimum of 27.74 metres For the purposes of the R1-18 Zone, the front lot line shall be deemed to be the lot line which abuts Canal Drive and all other lot lines shall be deemed to be side lot lines.	HAM
R1-34	Notwithstanding the provisions of Section 9(2)(b)(iii), hereof to the contrary, the lands designated as "R1-34" on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Frontage (minimum): 30 metres	RUR
R1-39	Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-39" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Front Yard Depth (minimum): 39 metres	RUR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
R1-40	Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-40" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Front Yard Depth (minimum): 62 metres	RUR
R1-41	Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-41" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Front Yard Depth (minimum): 80 metres	RUR
R1-42	Notwithstanding the provisions of Section 9(1), 9(2)(a) and 9(2)(b) to the contrary, the lands designated as "R1-42" on Schedule 'A' attached shall be used for no other purposes than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 2 hectares (ii) Lot Frontage (minimum): 60 metres.	RU
R1-48	Notwithstanding the provisions of Section 9(1), 9(2)(b)(ii) and 9(3)(e) of this By-law to the contrary, the lands designated R1-48 on Schedule 'A' hereto shall be used for no other purpose than a detached single family dwelling house, home occupation or a public use in accordance with the following provisions: (i) Lot Area (minimum) 2,000 square metres (ii) Lot Frontage (minimum) 17 metres For the purposes of the R1-48 zone, 'Lot frontage' means the horizontal distance between the side lot lines and measured along the common property line with the public right-of-way.	RUR
RR-2	Notwithstanding the provisions of Section 8(2)(a), hereof to the contrary, the lands designated as RR-2 on Schedule "A" attached hereto may be used for a detached single family dwelling house, in accordance with the following provision: (i) Lot Area (minimum): 0.38 hectares.	RUR
RR-3	Notwithstanding the provisions of Section 8(2)(a) hereof to the contrary, the lands designated as RR-3 on Schedule "A" attached hereto may be used for a detached single family dwelling house, in accordance with the following provision: (i) Lot Area (minimum): 0.35 hectares.	RUR
RR-4	Notwithstanding the provisions of Section 8(2)(a) hereof to the contrary, the lands designated as RR-4 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 0.24 hectares.	AG
RR-9	Notwithstanding the provisions of Section 8(1) and Section 8(2) to the contrary, the lands designated as RR-9 on Schedule 'A'	RUR

Former Township of Pittsburgh Zoning By-law Number 32-74

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	hereto, shall be used for no other purpose than one or more of the following uses: a detached single family dwelling house, a home occupation, or a public use, in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 76-26, “A By-Law to Regulate the Use of lands and the Character, Location and Use of Buildings and Structures in The Township of Kingston”

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 76-26, as amended, of the former Township of Kingston;

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

1. By-Law Number 76-26 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Delete the entire text and replace with the text shown in Schedule “A”, attached to and forming part of By-Law Number 2024-XX.
2. That 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

Certificate of Authentication

This is Schedule 'A' to By-law Number _____, passed this ____ day of _____ 2024.

Mayor

Clerk

Schedule 'A' to By-law Number 2024-XX

Former Township of Kingston Zoning By-law Number 76-26

A By-law to regulate the use of lands and the size and location of buildings on select properties within the former Township of Kingston.

1. Any references to "this By-law" mean the Former Township of Kingston Zoning By-law Number 76-26.
2. The provisions of this By-law apply to the lands identified on Schedule "A" of this By-law, as amended.
3. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule "A".
4. Table 1 includes a list of all of Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule "A" of this By-law.
5. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-law, in accordance with the "Kingston Zoning By-law Zone" identified in Table 1 for the Zone applicable to the property.
6. Despite 3, 4 and 5, where the Official Plan designates lands as an Environmental Protection Area, the applicable "Kingston Zoning By-law Zone" is the EPA Zone.
7. Despite 3, 4 and 5, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
8. Where a Holding Symbol ("-H") applies to a property on Schedule "A" of this By-law or on Schedule F of the Kingston Zoning By-law, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:
 - a. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:

Former Township of Kingston Zoning By-law Number 76-26

- i. The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- ii. All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- iii. All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Transition Provisions

9. Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW], if the development or use complies, or the building permit application is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].
10. Where a complete application was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW] for the development or use of a lot or one or more buildings, approval may be granted in accordance with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW], for one or more of the following applications where they are consistent with the intent of the complete application:
 - a. Any application under Section 45 of the *Planning Act*;
 - b. Site plan control approval pursuant to Section 41 of the *Planning Act* and/or an enhanced site plan control pre-application (D02);
 - c. Consent pursuant to Section 53 of the *Planning Act*;
 - d. Draft plan of subdivision pursuant to Section 51 of the *Planning Act* or a description under the *Condominium Act*; and
 - e. A part lot control exemption pursuant to Section 50 of the *Planning Act*.
11. Where the development or use of a lot or one or more buildings qualifies under Clause 10, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].

Former Township of Kingston Zoning By-law Number 76-26

12. Nothing in this By-law applies so as to continue the exemption provided by Clauses 9, 10 and 11 beyond the issuance of the final building permit upon which the exemptions are founded.
13. A building permit may be issued in the context of this By-law as it read immediately prior to **[INSERT DATE OF PASSING OF BY-LAW]** for any development subject to one or more approved minor variances under the provisions of this By-law prior to **[INSERT DATE OF PASSING OF BY-LAW]** or in accordance with Clause 10.
14. Where a lot is developed in a manner that is consistent with the applicable Red Exception, minor variances may be granted by the Committee of Adjustment in accordance with Section 45 of the *Planning Act* to the provisions of this By-law as it read immediately prior to **[INSERT DATE OF PASSING OF BY-LAW]**.

Table 1 – Zones and Red Exceptions Subject to this By-law

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A1	Not Applicable	RU, except: - 1096 McAdoos Lane: RM2
A1-2	Notwithstanding the provisions of Section 23(1)(a) and (b) and Section 23(2)(a), (b), and (c) to the contrary, the lands designated as “A1-2” on Schedule “A” attached hereto shall be used for no other purpose than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions: (i) Lot Area (minimum): 1,200 square metres (ii) Lot Frontage (minimum): 30 metres (iii) Front Yard Depth (minimum): 13 metres	RU
A1-3	Notwithstanding the provisions of Section 23(2)(a) and Section 23(2)(b) hereof to the contrary, the lands designated as A1-3 on Schedule “A” hereto, shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions: (i) Lot Area (minimum): 1,300 square metres (ii) Lot Frontage (minimum): 30 metres	RUR
A1-4	Notwithstanding the provisions of Section 23(1)(a) and (b) and Section 23(2)(a) hereof to the contrary, the lands designated A1-4 on Schedule “A” attached hereto shall be used for no purpose other than the establishment of an Ontario Hydro transformer distribution station in accordance with the following provision: (i) Lot Area (minimum): 0.8 hectares	TU

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A1-5	<p>Notwithstanding the provisions of Section 23(2) hereof to the contrary, the lands designated A1-5 on Schedule "A" attached hereto shall be developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 2 hectares (ii) Lot Frontage (minimum): 45 metres (iii) Interior Side Yard Width (minimum): 4.5 metres (iv) Rear Yard Depth (minimum): 7 metres (v) Dwelling Houses Per Lot Maximum (maximum): 1 only 	RU
A1-6	<p>Notwithstanding any provisions of Section 9 hereof to the contrary, the lands designated A1-6 on Schedule "A" hereto shall be used for no purpose other than a veterinary clinic and shall be used in accordance with the following special provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 3982 square metres (ii) Lot Frontage (minimum): 65 metres (iii) Front Yard Depth (minimum): 6 metres (iv) Rear Yard Depth (minimum): 12 metres (v) Outside animal pens or runs shall be prohibited. 	RC
A1-7	<p>Notwithstanding any provisions of Section 23(1) and Section 23(2) hereof to the contrary, the lands designated A1-7 on Schedule "A" attached hereto may be used for an automobile sales establishment and work shop for the repair or maintenance of vehicles, excluding a mobile home, a motor home or a travel trailer, subject to the following provisions:</p> <ul style="list-style-type: none"> (i) Lot Area (minimum): 0.8 hectares (ii) Lot Frontage (minimum): 40 metres (iii) Front Yard Depth (minimum): 80 metres (iv) Interior Side Yard Width (minimum) 12 metres, except that the interior side yard width for an existing shed shall be 10 metres. (v) Dwelling Houses: No dwelling houses shall be permitted within the A1-7 zone. (vi) Parking Area Location: No parking space shall be located within 60 metres of the lot line abutting Highway No. 15 or within 30 metres of the eastern boundary of the A1-7 zone. (vii) Vehicle Storage: The number of vehicles for sale or repair shall not exceed 12. (viii) Outside Storage: There shall be no outside storage of automobile parts or inoperative vehicles. (ix) Work Shop Floor Area: The maximum gross floor area of the work shop building shall not exceed 106 square metres. 	RU

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(x) Signs: Signs shall not be permitted provided that one legal sign not exceeding 0.8 square metres in size may be affixed to the exterior of the front wall of the work shop.	
A1-8	Notwithstanding the provisions of Section 23(2)(a), Section 23(2)(b), and Section 23(2)(i) hereof to the contrary, the lands designated "A1-8" on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area (minimum): 6 hectares (ii) Lot Frontage (minimum): 55 metres (iii) Dwelling Houses Per Lot (maximum): 1 only.	RU
A1-9	Notwithstanding the provisions of Section 5(11)(a), Section 23(2)(a), Section 23(2)(b), and Section 23(2)(i) hereof to the contrary, the lands designated as A1-9 on Schedule "A" attached hereto shall be developed in accordance with the following provisions: (i) Lot Area (minimum): 6 hectares (ii) Dwelling Houses Per Lot (maximum): 1 single family dwelling house only, provided that it involves a relocation of the dwelling house which existed on the subject lands on the date of enactment of this clause. (iii) Side Lot Lines: For the purposes of the A1-9 Zone, all lot lines which are not shoreline shall be deemed to be side lot lines.	RU
A1-11	Notwithstanding the provisions of Article (a) of Subsection (92) of Section 4, and Article (a) of Subsection (13) of Section 5 hereof to the contrary, the lands designated A1-11 on Schedule "A" hereto shall be used in accordance with the following provisions: (i) Elevation of Building Openings (minimum): 88.4 metres geodetic (ii) Front Lot Line For the purposes of determining the Lot Frontage, the Front Lot Line shall be deemed the lot line parallel to Bur Brook Road. (iii) Access to Improved Street No person shall erect any building or structure unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width and at a minimum elevation of 87.8 metres geodetic, is provided to an improved street.	RU
A1-12	Notwithstanding the provisions of Section 9(2) to the contrary, the lands designated 'A1-12' on Map 1 of Schedule "A" hereto may also include the following uses: • an office / shop in association with a rural related business; • enclosed and outside storage associated with such permitted business.	RC

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(i) Notwithstanding the provisions of Section 9(2)(e) to the contrary, the following provision shall apply:</p> <ul style="list-style-type: none"> • the minimum side yard requirement for the storage garage shall be 28 feet or 8.5 metres. 	
A1-13	<p>Notwithstanding the provisions of Sections 23(1)(a), 23(1)(b), and 23(2)(a) hereof to the contrary, the lands designated as A1-13 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use, in accordance with the following provision:</p> <p>(i) Lot Area (minimum): 2 hectares</p>	RU
A1-14	<p>Notwithstanding the provisions of Section 9 hereof to the contrary, on the lands designated 'A1-14' on Schedule "A" hereto, the following regulations shall apply:</p> <p>(i) Permitted Uses: In addition to the provisions of Section 9(1), the permitted uses shall also include a "commercial school", for the purpose of providing transport truck training.</p> <p>(ii) Prohibited Uses: Notwithstanding the provisions of Section 9(1), the following uses shall be prohibited:</p> <ul style="list-style-type: none"> • public garage; • automobile sales establishment; • car wash; <p>(iii) Maximum Floor Area: The maximum floor area for the commercial school permitted by clause (i) above shall be 55 square metres.</p> <p>(iv) Notwithstanding the provisions of Section 9(2)(c)(ii) and Section 5(16)(c) the minimum setback requirement for a commercial vehicle 5 tonnes or greater, including the trailers, from the front lot line shall be 65 metres.</p> <p>(v) Notwithstanding any provisions to the contrary the maximum number of commercial vehicles 5 tonnes or greater shall be limited to 2 commercial vehicles.</p> <p>(vi) That the use and removal of the '-H' Symbol on the rear portion of the lands shall be in accordance with the regulations of Section 6 (6) of the Zoning By-Law and that prior to the removal of the '-H' Symbol and any redevelopment of the lands, a Stage 1 Archaeological Assessment shall be submitted and approved by the Municipality.</p>	RU
A1-16	<p>Notwithstanding any provisions of the by-law to the contrary, the provisions of Section 9 for the 'A1 Zone shall apply to the 'A1-16' Zone except that:</p>	RUR

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(a) A minimum 30 metre building and structure (including septic systems) setback from the high water mark shall be required. Within the 30 metre setback, there shall be no disturbance of soil or removal of vegetation.	
A2-1	Notwithstanding the provisions of Sections 24(2)(a), 24(2)(b), and 24(2)(c) hereof to the contrary, the lands designated as "A2-1" on Schedule "A" hereto shall be used for no purpose other than the establishment of a Bell Canada telecommunications equipment building in accordance with the following provisions: (i) Lot Area (minimum): 0.2 hectares (ii) Lot Frontage (minimum): 45.5 metres (iii) Front Yard Depth (minimum): 10.5 metres	RU
A2-2	Notwithstanding Section 5(1)(d)(iii), Section 5(14)(a), Section 5(14)(d), Section 5(14)(e)(vii), Section 24(1)(a), Section 24(1)(b), Section 24(2)(a) and Section 24(2)(i) hereof to the contrary, the lands designated as "A2-2" on Schedule "A" hereto may be used for a private park and a commercial club (limited to party facilities) subject to the following provisions: (i) Lot Area (minimum): 1.9 hectares (ii) Dwelling Houses Per Lot (maximum): 1 accessory dwelling house only. (iii) Buildings Related To Commercial Club: - only 1 building related to the commercial club shall be permitted and the maximum gross floor area of such building shall not exceed 240 square metres. (iv) Buildings Related To Private Park: - no new building shall be erected as an accessory use for the private park except that this shall not prevent the use of any existing building, located within the A2-2 Zone for such purposes. (v) Building Separation (minimum): 3.65 metres, provided that nothing shall prevent the expansion of an existing building having less than the required minimum building separation provided that the existing building separation is not further reduced. (vi) Parking Area Regulations: (a) Parking Requirements (minimum): parking spaces shall be provided, within the A2-2 Zone, at a rate of 1 space per 4 persons design capacity of the combined private park and commercial club facilities and at a rate of 1 space per dwelling unit. (b) Parking Area Location: - no parking space shall be located closer than 19 metres to any boundary of the A2-2 Zone. (c) Access: access to the A2-2 Zone shall be limited to a maximum of 3 driveways.	RU

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
A2-3	Notwithstanding the provisions of Section 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-3 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 2 hectares.	RU
A2-4	Notwithstanding the provisions of Section 24(2)(a), hereof to the contrary, the lands designated as A2-4 on Schedule "A" attached hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 1.2 hectares.	RU
A2-5	Notwithstanding the provisions of Section 24(1)(a), Section 24(1)(b) and Section 24(2)(a) hereof to the contrary, the lands designated as A2-5 on Schedule "A" attached hereto may be used for a detached single family dwelling house, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 3.96 hectares.	RU
A2-6	Notwithstanding the provisions of Sections 24(1)(a), 24(1)(b), and 24(2)(a) hereof to the contrary, the lands designated as A2-6 on Schedule "A" hereto may be used for a detached single family dwelling house, a farm, a farm produce outlet, a home occupation, and a public use in accordance with the following provision: (i) Lot Area (minimum): 6 hectares	RU
A2-7	Notwithstanding the provisions of Section 5(1), Section 10(1) and Section 10(2) of this By-Law to the contrary, the lands designated 'A2-7' on Map 1 of Schedule "A" hereto may be developed in accordance with the following regulations: 1. Only Permitted Use: • a landscaping business which provides related service work off site; an office associated with the landscaping business; the repair and storage of equipment associated with the landscaping business; a landscape horticultural supplies holding yard for offsite service locations containing materials such as gravels, soils, stone, mulches, trees / shrubs; no retail sales will be permitted from the site. 2. Maximum Floor Area of Storage / Office / Garage: The maximum floor area of the landscaping business shall not exceed 267.11 square metres in the repair / office building and 210 square metres in the existing Quonset structure. 3. Use of the Repair / Office Building: The repair and office uses associated with the landscaping business shall only be located within the repair / office building.	RC

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Said repair and office uses shall only be permitted in conjunction with the permitted landscaping business.</p> <p>4. Use of the Quonset Building: The Quonset structure may be used for storage of tools and equipment and supplies pertaining to the permitted landscaping business.</p> <p>5. Landscape Horticultural Supplies: Landscape horticultural supplies shall be permitted on site only for supply to off-site service locations, including gravels, soils, stone, mulches, trees and shrubs. No retail sales such as landscape horticultural supplies shall be permitted from the site.</p> <p>6. Perennial Propagation Yard: The perennial propagation yard shall be located on site and shall be used to grow perennials for offsite service locations only. No retail sales of perennials shall be permitted from this site.</p> <p>7. Advertising: All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.</p>	
C1-2	Notwithstanding the provisions of Section 18(1)(b) hereof to the contrary, the lands designated as C1 2 on Schedule "A" hereto, shall not be used for a convenience store.	CN
C1-3	Notwithstanding the provisions of Section 18(2)(h) hereof to the contrary, on the lands designated C1 3 on Schedule "A" hereof, the gross floor area of a shopping centre shall not exceed 1,100 square metres and no single use shall have a gross floor area of greater than 280 square metres.	CA
C1-4	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the C1-4 Zone:</p> <p>7.3.4.1 Permitted Uses</p> <p>The only permitted uses shall be:</p> <ul style="list-style-type: none"> (a) Commercial Uses Commercial Establishment; Specialty Retail Store Offices; Community or Recreation Centres; Club; Bank; Restaurant; Commercial Entertainment Establishment; Commercial Recreation Facility; Dry Cleaning Outlet Bake Shop; 	CA

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Amusement Arcade, provided the Amusement Arcade shall not be located closer to any school property than 300.0 metres (984 feet).</p> <p>(b) Non-Commercial Uses Apartment Dwelling; Senior Citizen Apartment Dwelling.</p> <p>7.3.4.2 Regulations</p> <p>(a) Maximum Density Notwithstanding Table 7.2, the maximum permitted density shall be 271.0 residential units per net hectare;</p> <p>(b) Number Of Units The maximum number of permitted residential units shall be 126;</p> <p>(c) Amenity Areas / Equipped Children’s Play Areas Notwithstanding Section 5.5, the minimum amount of amenity area/equipped children’s play area shall be a combined total of 4202 square metres (45,232 square feet);</p> <p>(d) Maximum Building And Structure Height Notwithstanding Table 7.2 and Section 5.19, the maximum building and structure height, including the mechanical penthouse shall be 117.5 metres (386 feet) geodetic;</p> <p>(e) Angular Plane Height Notwithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.</p> <p>(f) Off-Street Parking Notwithstanding Table 7.2 and Section 5.22, the minimum number of off-street parking spaces shall be 248;</p> <p>(g) Maximum Gross Floor Area The maximum gross floor area of the commercial component of the building shall be 7000 square metres (75,350 square feet).</p>	
C1-6	<p>Notwithstanding any provision of this By-Law to the contrary, the lands designated ‘C1-6’ on Schedule “A” hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Permitted Uses: (a) A use authorized by Section 18(3)(c)(i) of this By-Law; (b) An automobile service station;</p> <p>(ii) Gross Floor Area (maximum) The combined total gross floor area of all permitted uses shall not exceed 2000 square metres.</p> <p>(iii) Holding Symbol ‘-H’ That a Holding Symbol ‘-H’ shall be applied to the ‘C1-6’ Zone as indicated on Schedule “A” attached hereto. In addition to the provisions of Section 6(6) of this By-Law respecting the use and removal of ‘-H’ Symbols, the following shall be provided prior to the removal of the ‘-H’ Symbol:</p>	CA

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> • an approved site plan for the subject lands addressing ingress and egress to the property and traffic flows along Gardiners Road and Development Drive; and, • an executed Site Plan Control Agreement. 	
C1-7	<p>MAXIMUM BUILDING HEIGHT Notwithstanding Table 7.2 of this By-Law, the maximum building height shall be five (5) storeys not to exceed 19.2 metres (63 feet).</p> <p>ANGULAR PLANE HEIGHT Notwithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.</p>	CN
C1-8	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-8 Zone:</p> <p>7.3.8.1 REGULATIONS The regulations shall be as follows:</p> <p>(a) MAXIMUM BUILDING HEIGHT Notwithstanding Table 7.2 and Section 5.19 of this By-Law, the maximum building height shall be nine (9) storeys not to exceed 29.5 metres (96.7 feet).</p> <p>(b) ANGULAR PLANE The provisions of Section 5.6 and Section 7.2.3, of this By-Law shall not apply.</p> <p>(c) FOURTH STOREY SETBACK Commencing at the building height of 12.7 metres (41.7 feet), the building setback shall be 3.7 metres (12.2 feet) along the King Street block face, and 4.0 metres (13.2 feet) along the Clarence Street block face.</p> <p>(d) PERMITTED HEIGHT EXCEPTION Notwithstanding Section 5.19(i), an elevator shaft and a heating and cooling systems mechanical penthouse, with a gross floor area of 190 square metres (2045 square feet), and a maximum height of 8.66 metres (28.4 feet) shall be permitted above the ninth storey.</p> <p>(e) Maximum Gross Floor Area Maximum gross floor area shall be 13,985 square metres (150,538 square feet).</p> <p>(f) Off-Street Parking Notwithstanding Table 7.2 of this By-Law, the minimum number of off-street parking spaces shall be 227.</p>	CA
C1-10	<p>Notwithstanding the provisions of Section 18(1) to the contrary, the lands zoned 'C1-10' on Map 3 of Schedule "A" attached hereto shall only be used for a single detached dwelling or a business or professional office.</p> <p>Any non-residential uses shall be developed in accordance with the following provisions:</p>	CA

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(i) Gross Floor Area (maximum) Maximum permitted gross floor area shall be 120 square metres and contained within the existing building at the date of the passing of this by-law.</p> <p>(ii) BUFFERING (minimum) A solid fence 1.8 metres in height or a buffering strip of 2 metres in width shall be provided on the property where a non-residential use abuts a residential use.</p> <p>(iii) Parking Parking shall be in conformance with Section 5(16), Parking Area Regulations, of this By-Law.</p> <p>(iv) DEEMED COMPLIANT Notwithstanding the provisions of Section 18(2) to the contrary, the existing building shall be deemed to comply with the minimum setback requirements</p>	
C1-11	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-11 Zone:</p> <p>1. REGULATIONS</p> <p>(a) Number Of Units The maximum number of residential units shall be fourteen (14).</p> <p>(b) Maximum Density Notwithstanding Table 7.2 of this By-Law, the maximum density shall be 234.0 residential units per net hectare.</p>	CA
C2	Not Applicable	CA
C2-1	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated C2-1 on Schedule "A" hereto may be used for a motel, a hotel, a convention centre, a place of worship, a day nursery, an arcade accessory to a permitted principal use, and an accessory dwelling unit located on the ground floor. Such lands shall be developed in accordance with the following provisions:</p> <p>(i) TOURIST ESTABLISHMENTS: Tourist establishments shall be developed on lands served by a public water system and a sanitary sewer system, in accordance with the following provisions:</p> <p>(a) Lot Area (Minimum): 7500 square feet plus 500 square feet for each guest room in excess of 4.</p> <p>(b) Lot Frontage (Minimum): 75 feet</p> <p>(c) Interior Side Yard (Width): 30 feet, provided that where the interior side yard lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.</p> <p>(d) Habitable Room Window: Where the exterior wall of a tourist establishment building contains a first storey habitable room window, such wall shall be located no less than 30 feet from any</p>	CA

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>interior side lot line or rear lot line.</p> <p>(e) Distance Between Buildings: Where more than one motel building is erected on the same lot, the minimum distance between the buildings shall not be less than 50 feet; provided that where two external walls facing and parallel to each other contain no openings or windows to habitable rooms, the distance between such two walls may be reduced to 10 feet</p> <p>For the purpose of the foregoing, such external walls having an angle of divergence not more than 85 degrees shall be deemed to face and be parallel to each other.</p> <p>In the above paragraph, "angle of divergence" means the interior acute angle formed by and lying between such two external walls or their projections.</p> <p>(ii) Arcades: Arcades shall be permitted provided that such uses are accessory to and located within the same premises as a permitted principal use.</p> <p>(iii) Day Nurseries: Parking shall be provided at the rate of 1 space plus 1 space for each person employed in the day nursery operation.</p>	
C2-6	Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-6 on Schedule "A" hereto may be used for a body shop.	CA
C2-7	Notwithstanding the provisions of Section 19(1) hereof to the contrary, the use of the lands designated C2-7 on Schedule "A" hereto shall be limited to one dwelling unit plus one or more of the following uses: an antique shop, a business or professional office, a clinic, a home occupation and a personal service shop.	RUR
C2-9	<p>Notwithstanding any provision of Section 19(1) or Section 5(6)(b) of this By law to the contrary, the lands designated C2-9 on Schedule "A" hereto shall be used for no purpose other than the following:</p> <p>an automotive centre including an automatic car wash as an accessory use but excluding any facilities for the sale of gasoline or diesel fuel;</p> <p>an appliance rental shop;</p> <p>a bank;</p> <p>a boat sales establishment;</p> <p>a business or professional office;</p> <p>a clinic;</p> <p>a commercial club;</p> <p>a dry cleaning or laundry outlet;</p> <p>a funeral home;</p> <p>a laundromat;</p> <p>a merchandise service shop;</p>	<p>- 775 and 785 Gardiners Road: CA</p> <p>- 780 and 785 Taylor Kidd Blvd: M1</p>

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>a personal service shop; a private club; a recreational establishment; a restaurant; a retail store providing for the sale of products related to home repairs and improvements; a shopping centre consisting of any of the permitted uses listed herein; a theatre; a union hall; a vehicle sales establishment; a veterinary clinic.</p> <p>The lands designated as C2-9 on Schedule "A" shall be used in accordance with the following special provisions: (i) Restrictions Adjacent To Flood Plans: No building or structure shall be erected or altered within 60 metres (200 feet) of a flood plain except with the approval of the local Conservation Authority. (ii) Gross Floor Area (maximum): The gross floor area of a shopping centre shall not exceed 1858.1 square metres (20,000 square feet) and no single use within such shopping centre shall have a gross floor area of greater than 185.9 square metres (2,000 square feet).</p>	
C2-10	Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-10 on Schedule "A" hereto may be used for a church.	CA
C2-11	Notwithstanding any provisions of this By law to the contrary, on the lands designated as C2-11 on Schedule "A" hereto, no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right of way.	CA
C2-15	<p>Notwithstanding the provisions of Subsection (1) of Section 19 hereof to the contrary, the lands designated C2-15 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Uses Permitted (a) Residential Uses: an accessory dwelling unit in the upper portion of a Non-Residential building. (b) Non-Residential Uses: an auditorium; an automatic car wash; an appliance rental shop; a bank;</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>a beverage room; a boat sales establishment; a business or professional office; a clinic; a commercial club; a commercial school; a dry-cleaning or laundry outlet; a funeral home; a home occupation; an institute; a laundromat; a merchandise service shop; a vehicle sales or rental establishment; a parking lot; a personal service shop; a copy shop; a private club; a public use in accordance with the provisions of Section 5(18) hereof; a recreational establishment; a restaurant; a take-out restaurant; a retail store; an undertaking establishment; a veterinary clinic; a shopping centre consisting of any of the permitted uses listed herein. (ii) Retail Gross Leasable Area (maximum): 10,000 square metres.</p>	
C2-16	<p>Notwithstanding any provisions of Section 19 hereof to the contrary, the lands designated C2 16 on Schedule "A" hereto shall not be used for an auditorium, an appliance rental shop, a boat sales establishment, a funeral home, an institute, a private club, a recreational establishment, an undertaking establishment or a veterinary clinic but may be used for any other purpose set out in Section 19(1) hereof provided that such uses are developed in accordance with the provisions of Section 19(2) and the following special provision: (i) Access To Improved Street: No access shall be permitted to or from Bayridge Drive.</p>	CA
C2-17	<p>Notwithstanding any provisions of Section 19(1) hereof to the contrary, the lands designated C2-17 on Schedule "A" hereto may be used for an existing manufacturing plant and accessory dwelling house provided that the facade of the exterior walls of each</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	building is maintained in general harmony with the residential buildings permitted in the zone which such facade abuts.	
C2-18	Notwithstanding the provisions of Section 19(1) to the contrary, the lands designated 'C2-18' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions: (i) Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-18 shall be used for no purpose other than one or more of the following: - an automatic car wash - an automotive centre - a business or professional office - a gasoline retail facility - a public use in accordance with the provisions of Section 5(18) hereof - a retail store.	CA
C2-19	Notwithstanding the provisions of Section 19(1)(b) and 19(2)(k) hereof to the contrary, the following special provision shall apply to the lands designated C2-19 on Schedule "A" hereto: (i) the maximum gross leasable area of all buildings and structures permitted within the C2 19 Zone shall not exceed 6038.5 square metres.	CA
C2-20	Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated as C2-20 on Schedule "A" hereto shall be used for no purpose other than one or more of the following: a business or professional office a clinic.	CD
C2-21	Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated as C2-21 on Schedule "A" hereto shall not be used for a supermarket and no automobile service station or gasoline retail facility shall be permitted on Lot 5 of Registered Plan 1724.	CA
C2-22	Notwithstanding any provisions of this By law to the contrary, the lands designated C2-22 on Schedule "A" hereto (described as Parts 1, 2, 3, 4 and 5, Reference Plan 13R 5750 and Parts 1, 2 and 3, Reference Plan 13R 6357) shall be used for no purpose other than a business or professional office, and a clinic.	CD
C2-23	Permitted Uses: Notwithstanding Section 19(1)(b) hereof to the contrary, the lands designated C2-23 shall be used for no other purpose than the following: an automatic car wash; an automobile service station; an automotive centre;	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>an appliance rental shop; a bank; a beverage room; a boat sales establishment; a business or professional office; a clinic; a commercial club; a commercial school; a dry cleaning or laundry outlet; a funeral home; a gasoline retail facility; a home occupation; an institute; a laundromat; a merchandise service shop; a vehicle sales or rental establishment; a parking lot; a personal service shop; a copy shop; a private club; a public use in accordance with the provisions of Section 5(18) hereof; a restaurant; a take out restaurant; a retail store; an undertaking establishment; a veterinary clinic; a shopping centre consisting of any of the permitted uses listed herein.</p> <p>(ii) Side Yard Provision – Notwithstanding Section 19(2)(f)(ii) to the contrary, the existing building and any future additions may have a minimum side yard width of 2.5 metres along the east lot line; this side yard provision shall only apply to a maximum building length of 30 metres and shall include the length of the existing building.</p> <p>(iii) Open Storage Provision – Notwithstanding Section 19(2)(n) to the contrary, an open storage area may be located in a rear yard with a maximum area of 60 square metres; any open storage area shall be fenced and comply with the minimum yard requirements.</p>	
C2-24	<p>Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-24 on Schedule "A" hereto shall be used for no purpose other than one or more of the following: an auditorium a bank</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>a beverage room a business or professional office a clinic a commercial club a dry cleaning or laundry outlet a personal service shop a private club a public use in accordance with the provisions of Section 5(18) hereof a recreational establishment a restaurant a retail store a shopping centre consisting of any of the permitted uses listed herein.</p>	
C2-25	<p>Notwithstanding the provisions of Section 19(1)(b) and 19(3)(x) hereof to the contrary, the lands designated C2-25 on Schedule "A" hereto shall be used for no purpose other than a use authorized by Section 19(3)(x), an automobile dealership or an automotive centre.</p>	CA
C2-26	<p>Notwithstanding the provisions of Section 19(1)(b) and 19(3)(x) hereof to the contrary, the lands designated 'C2-26' on Schedule "A" attached hereto, shall be used for no other purpose other than a use authorized by Section 19(3)(x), a day care centre, a nursery school and a veterinary clinic. For the purpose of this section, a veterinary clinic is defined to mean a building where one or more licensed veterinarians and any associated staff provide medical, grooming, boarding operations or similar services. Accessory uses such as kennels and other similar uses shall be permitted. Any overnight boarding of animals shall be within the main building only.</p>	CA
C2-28	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated C2-28 on Schedule "A" hereto may also be used for a day nursery, and such lands shall be developed in accordance with the following provisions: (i) The maximum gross leasable area of all retail commercial buildings and structures permitted within the C2-28 Zone shall not exceed 3,000 square metres.</p>	CA
C2-29	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated C2-29 on Schedule "A" hereto shall be used for no purpose other than a funeral home, including an accessory residential unit, and such lands shall be developed in accordance with the following special provision: (i) Parking Requirements (minimum):</p>	CN

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Funeral Home In accordance with the provisions of Section 5(16)(a) hereof. Accessory residential unit 1 parking space.</p>	
C2-30	<p>Notwithstanding any provision of this By law to the contrary, the lands designated C2-30 on Schedule "A" hereto shall be used in accordance with the provisions of the C2 1 Zone and may also be used for the purpose of a Nursery/Garden Centre/Greenhouse.</p>	CA
C2-31	<p>Notwithstanding any provision of this By law to the contrary, the lands designated C2-31 on Schedule "A" hereto shall be used in accordance with the provisions of the C2-1 Zone and may also be used for the purpose of a par 3 golf course.</p>	CA
C2-32	<p>Notwithstanding the provisions of Sections 19(1) and 19(2) hereof to the contrary, the lands designated C2-32 on Schedule "A" hereto shall be used for no purpose other than a business or professional office, and such use shall be developed in accordance with the following provision: (i) The maximum gross leasable area of all buildings and structures permitted within the C2-32 Zone shall not exceed 1,160 square metres.</p>	CA
C2-33	<p>Notwithstanding the provisions of Sections 19(1) hereof to the contrary, the lands designated C2-33 on Schedule "A" hereto may be used for a convenience store.</p>	CA
C2-34	<p>Notwithstanding any provision of this By law to the contrary, the lands designated C2-34 on Schedule "A" hereto shall be used in accordance with the provisions of the C2-24 Zone and may also be used for the purpose of an appliance rental shop, a commercial school, an institute, a laundromat, a merchandise service shop, a copy shop, a takeout restaurant, a supermarket or a veterinary clinic.</p>	CA
C2-36	<p>Notwithstanding the provisions of Section 5(1), 19(1) and 19(2) hereof to the contrary, the lands designated C2-36 on Schedule "A" hereto shall be used and developed in accordance with the following provisions. (i) Permitted Uses Principal use of the lands within the C2-36 Zone shall be restricted to one or more of the following: convention centre; an hotel; a motel; a public use in accordance with Section 5(18) hereof. (ii) SERVICES No person shall, within the C2-36 Zone, use any lot or erect, alter or use any building or structure unless such a lot is served by a</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>public water system and a sanitary sewer system.</p> <p>(iii) Accessory Uses Notwithstanding the provisions of Section 5(1) hereof to the contrary the following special provisions related to accessory uses shall apply:</p> <p>(1) Uses Permitted Commercial uses providing for the sale of goods and services may be permitted provided that said uses are accessory to a permitted principal use. Accessory commercial uses may include those uses authorized by Section 19(1)(b) hereof, a place of worship, a day nursery, and an arcade.</p> <p>(2) Gross Floor Area The combined maximum gross floor area of permitted accessory commercial uses shall not exceed 2,000 square metres.</p>	
C2-37	<p>Notwithstanding the provisions of Section 19(1) and 19(2) hereof to the contrary, the lands designated C2-37 on Schedule "A" hereto shall be used and developed in accordance with the following provisions.</p> <p>(i) Permitted Uses (a) Principal use of the lands within the C2-37 Zone, and served by only a public water system or sanitary sewer system, shall be restricted to one or more of the following: an accessory dwelling unit, an antique shop, a business or professional office, a merchandise service shop, a retail store.</p> <p>(b) Principal use of the lands within the C2-37 Zone, and served by a public water system and a sanitary sewer system may be used in accordance with the provisions outlined in Section 19(1) and 19(2).</p> <p>(ii) Gross Floor Area The gross floor area of all buildings and structures on the lands within the C2-37 Zone shall not exceed 280 square metres unless the lands are served by a public water system and sanitary sewer system.</p>	CA
C2-38	<p>Notwithstanding the provisions of Clause (c) of Section 5(16), Clause (b) of Section 19(1), and Clauses (d), (e), (g), (h) and (o) of Section 19(2) hereof to the contrary, the lands designated C2-38 on Schedule "A" hereto shall be used for no purpose other than a use authorized by Section 19(3)(ai) hereof, and such uses shall be developed in accordance with the following provisions:</p> <p>(i) Front Yard Depth (minimum): 3.0 metres (ii) Exterior Side Yard Width (minima)</p>	CD

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(a) Adjacent to Bath Road (Highway Number 33): 6.0 metres or as required by the Ministry of Transportation, whichever is the greater.</p> <p>(b) Adjacent to Coverdale Drive: 3.0 metres</p> <p>(iii) Rear Yard Depth (minimum): 3.0 metres</p> <p>(iv) Parking Area Location: No part of any parking area shall be located closer to the streetline of Coverdale Drive than the nearest part of any wall of a principal building.</p> <p>(v) Landscaped Open Space (minimum): 10%, provided that the Front Yard and Exterior Side Yard adjacent to Coverdale Drive shall be used for no purpose other than landscaped open space. This requirement however shall not prevent access to the lands in accordance with Section 5(16)(d) hereof.</p> <p>(vi) GASOLINE PUMP ISLAND LOCATION: May only be located in a required yard when such a yard is an exterior side yard adjacent to Bath Road (Highway Number 33). All other provisions of Section 19(2)(o) hereof shall apply.</p>	
C2-39	<p>Notwithstanding the provisions of Sections 19(1) and 19(2) hereof to the contrary, the lands designated C2-39 on Schedule "A" hereto may also be used for a church and such lands shall be developed in accordance with the following provisions:</p> <p>(i) Height of Building (maximum): 6 storeys.</p>	CA
C2-41	<p>Notwithstanding the provisions of Section 5(19) and Section 19 hereof to the contrary, the lands designated C2-41 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Residential Uses: Accessory residential dwelling units within a non residential building.</p> <p>(ii) Non Residential Uses: All uses permitted by Section 19(1)(b) hereof; a convention centre a day nursery a hotel a motel a place of worship a Nursery/Garden Centre/Greenhouse</p> <p>(iii) Lot Coverage (maximum): 35%</p> <p>(iv) Dwelling Units Per Lot (maximum): 2</p> <p>(v) Yard Requirements Adjacent To Railway: No building shall be erected within 120 metres of a railway right of way. This distance may be reduced from 120 metres to 30 metres where a 2.5 metre high safety berm has been constructed</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>adjoining and parallel to the railway right of way.</p> <p>(vi) Servicing Requirements: In the absence of full municipal sewerage services being available to lands zoned C2-41, no person shall use any lot or erect any building or structure without the approval of the area Health Unit and the Cataraqui Region Conservation Authority for on site sewage disposal systems and storm water quality control measures, respectively.</p>	
C2-42	<p>Notwithstanding the provisions of Section 4, Section 5(16), Section 19(1) and clauses (j), (l), (n) and (p) of Section 19(2) hereof to the contrary, the lands designated C2-42 on Schedule "A" hereto also may be used for a self-service storage facility, an accessory dwelling house and an accessory dwelling unit, provided said uses are developed and used in accordance with the following provisions:</p> <p>(i) Self-Service Storage Facility - means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.</p> <p>(ii) Dwelling Unit Area (minima): (a) Accessory Dwelling Unit In accordance with Section 19(2)(j)(i) hereof (b) Accessory Dwelling House 93 square metres</p> <p>(iii) Parking Area Regulations In accordance with Section 5(16) hereof.</p> <p>(iv) Open Storage - Self-Service Storage Facility: No open storage of goods or materials shall be permitted, except in accordance with the following provisions: (a) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers). (b) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and clauses (f) and (g) of Section 19(2) hereof as if such open storage use were a building or structure provided, however, that such use complies with paragraph (a)</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>above. (c) Notwithstanding paragraph (b) above, no open storage use shall be located in a front yard, or an interior side yard or rear yard which abuts a residential or Development (D) Zone.</p>	
C2-44	<p>Notwithstanding the provisions of Clause (b) of Sections 5(15A), Clauses (a) and (c) of Section 5(16), Clause (h) of Section 19(2) and Clause (b) of Section 19(1) hereof to the contrary, the lands designated C2 44 on Schedule "A" hereto shall not be used for an auditorium, an appliance rental shop, a boat sales establishment, a funeral home, an institute, a private club, a recreational establishment, an undertaking establishment or a veterinary clinic but may be used for any other purpose set out in Section 19(1) hereof provided that such uses are developed in accordance with the provisions of Section 19(2) and the following special provisions:</p> <p>(i) Outdoor Seasonal Display Area An outdoor seasonal display and sales area may be located within a parking area provided that it occupies no more than four (4) parking spaces and provided that it meets all other requirements of Section 5(15A) hereof.</p> <p>(ii) Parking Area Regulations (a) Requirements (minimum): 66 parking spaces, each such parking space as defined in Schedule "C" hereto (b) Location: The uncovered surface parking area shall be permitted in all yards, or in an area between the streetline and the required setback.</p> <p>(iii) Landscaped Open Space (minimum): 8%</p>	CA
C2-45	<p>Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-45 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses:</p> <ul style="list-style-type: none"> an appliance rental shop; a bank; a business or professional office; a clinic; a commercial club; a commercial school; a convenience school; a convenience store; a dry cleaning or laundry outlet; a gasoline retail facility; an institute; a merchandise service shop; a parking lot; 	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>a personal service shop; a coffee shop; a private club; a public use; a recreational establishment; a restaurant; a take-out restaurant; a retail store; a veterinary clinic; a shopping centre consisting of any of the permitted uses listed herein.</p>	
C2-49	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated C2-49 on Schedule "A" hereto shall be used for no purpose other than a mini self-storage facility and such land use shall be developed in accordance with the following provisions: (i) Height of Building (maximum): 6 metres (20 feet) (ii) Any building(s), structure(s), or parking area associated with the mini self-storage facility shall be located within the area shown on Schedule "B-9" hereto, provided that a drive aisle shall be permitted within the easterly 25 foot setback. (iii) REMOVAL OF HOLDING PROVISION: Development of the lands with the C2-49 Zone shall be delayed by the use of the Holding symbol "-H" until such time as: (a) a drainage plan satisfactory to the Township and the Cataraqui Region Conservation Authority have been completed and approved; (b) a Site Plan Agreement has been registered on title; and, (c) the "-H" has been removed by further amendment to this By-law.</p>	CA
C2-50	<p>Notwithstanding the '-H' applied pursuant to the Planning Act, the lands designated 'C2-50-H' may be used in accordance with the permitted uses and regulations contained in Section 29 of this By-Law for Zone 'D' Development. (2) Subject to the removal of the '-H' Symbol pursuant to the Planning Act, the lands shall be used in accordance with the permitted uses and regulations contained in Section 19 of this By-Law for the 'C2' General Commercial Zone, and with any modifications thereto as specified below or elsewhere in this By-Law. (3) Subject to the removal of the '-H' Symbol pursuant to the Planning Act, and notwithstanding the provisions of Subsection (2) of Section 19 hereof to the contrary, the lands located on the south side of Coverdale Drive, designated 'C2-50-H' on the Zoning</p>	CD

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Schedule attached hereto and forming part of By-Law Number 99-66 as Schedule "A", shall be developed in accordance with the following provisions:</p> <p>(i) USES PERMITTED/PROHIBITED</p> <p>(a) Notwithstanding the provisions of Section 19 (1)(b) of this By-Law, a Supermarket shall not be permitted on the lands zoned 'C2-50'.</p> <p>(b) Notwithstanding the provisions of Section 19 (1) (b) of this By-Law, a Convenience Store shall be permitted on the lands zoned 'C2-50' provided that the total floor area for all such uses does not exceed 300 square metres.</p> <p>(ii) Gross Leasable Area (maximum): The total gross leasable area of all retail commercial uses permitted within the 'C2-50' Zone shall not exceed 3,000 square metres.</p> <p>(iii) Height of Building (maximum) Notwithstanding the provisions of Section 19(2) Subsection (l) of this By-Law, the maximum building height shall be 15.2 metres (50 feet).</p> <p>(4) The '-H' Symbol shall only be removed once the following conditions have been complied with:</p> <p>(i) Confirmation that sufficient servicing capacity is available in the former Township of Kingston's sewage treatment plant;</p> <p>(ii) All applicable Municipal and Agency requirements have been complied with;</p> <p>(iii) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and</p> <p>(iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the Planning Act.</p>	
C2-52	<p>Notwithstanding the provisions of Section 19 (1)(b) and Section 19 (3)(x) hereof to the contrary, the lands designated 'C2-52' on Map Number 3 to Schedule "A" hereto shall be used for no purpose other than:</p> <p>(i) a use authorized by Section 19(3)(x) of this By-Law;</p> <p>(ii) an automobile dealership or an automotive centre;</p> <p>(iii) a free standing restaurant;</p> <p>(iv) an institute;</p> <p>(v) a vehicle sales and rental establishment;</p> <p>(vi) a parking lot;</p> <p>(vii) a copy shop;</p> <p>(viii) a take-out restaurant.</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
C2-53	Notwithstanding the provisions of Section 19 (1) hereof to the contrary, the land designated C2-53 on Schedule "A" hereto may also be used for a rental outlet and a convenience store.	CA
C2-54	<p>Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'C2-54' on Map 3 of Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) USES PERMITTED In addition to the uses permitted in Section 19(1) (a) and (b) and Section 19(3) (a), a Home Improvement Store as defined herein shall be permitted.</p> <p>(ii) Maximum Gross Floor Area A maximum gross floor area of 13 006 square metres shall be permitted for the Home Improvement Store use.</p> <p>(iii) Parking Notwithstanding the provisions of Section 5(16) of this By-Law, the minimum number of required off-street parking spaces shall be 512.</p> <p>(iv) Definitions For the purposes of the 'C2-54' Zone, the following definitions shall apply: HOME IMPROVEMENT STORE means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto supply stores, home centres and building supply stores, including the sale of nursery and landscaping plants, equipment and supplies, and including retail outside storage.</p> <p>(v) OUTDOOR STORAGE Open storage of goods and materials accessory to the permitted Home Improvement Store use shall be permitted in the exterior side yard only, subject to a minimum setback of 23 metres from the street line and a maximum area of 2690 square metres, including any areas covered by a canopy.</p> <p>(vi) REMOVAL OF HOLDING PROVISION Development of the lands within the 'C2-54' Zone shall be delayed by the use of the '-H' Holding Symbol. Use and Removal of the '-H' Symbol shall be in accordance with the provisions of Section 6(6) of this By-Law, as amended.</p>	CA
C2-55	Notwithstanding the provisions of Section 19(3) (x) hereof to the contrary the lands designated C2-55 on Schedule "A" may also be used and developed for one or more of the following use: All uses permitted in the C2-24 zone:	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<ul style="list-style-type: none"> - Free standing restaurants; and - Take out restaurants. 	
C2-56	<p>Notwithstanding the provisions of Section 19(1) to the contrary, the lands designated C2-56 on Map 5 of Schedule “A” hereto shall be used in accordance with the following special provisions:</p> <p>(i) Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-56 on Schedule ‘A’ hereto shall be used for no purpose other than one or more of the following:</p> <ul style="list-style-type: none"> - an auditorium - an automobile service station - an appliance rental shop - a bank - a beverage room - a boat sales establishment - a builders merchant - a business or professional office - a clinic - a commercial club - a commercial school - a convenience store - a dry-cleaning or laundry outlet - a farm implement dealer - a gasoline retail facility - a merchandise service shop - a vehicle sales or rental establishment - a personal service shop - a copy shop - a private club <p>a public use in accordance with the provisions of Section 5(18) hereof</p> <ul style="list-style-type: none"> - a recreational establishment - a restaurant - a take out restaurant - a retail store - a rental establishment - a veterinary clinic - a wholesale use - a warehouse - a shopping centre consisting of any of the permitted uses listed herein. <p>(ii) Open Storage No open storage of goods or materials shall be permitted except in accordance with the following provisions:</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(a) Every open storage use shall be accessory to the use of the main building on the lot.</p> <p>(b) Every open storage use shall comply with the yard and setback provisions of Section 19(2) as if the open storage use were a building or structure.</p> <p>(c) An open storage use shall only be permitted to the rear of the existing buildings on the property.</p> <p>(d) Every open storage use shall be enclosed within a closed wooden, metal and/or plastic fence, extending at least six feet in height above the ground, constructed of durable materials and maintained in good condition.</p>	
C2-57	<p>Notwithstanding the provisions of Section 19(1) to the contrary, the lands designated 'C2-57' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions:</p> <p>(i) Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-57 on Schedule 'A' hereto shall be used for no purpose other than one or more of the following:</p> <ul style="list-style-type: none"> - an auditorium - a bank - a beverage room a business or professional office - a clinic - a commercial club - a dry cleaning or laundry outlet - a personal service shop - a public use in accordance with the provisions of Section 5(18) hereof - a recreational establishment - a restaurant - a retail store - a shopping centre consisting of any of the permitted uses - a veterinary clinic is permitted as an accessory use to a retail store. 	CA
C2-58	<p>Notwithstanding any provisions of the By-Law to the contrary, the lands designated 'C2-58' on Map 3 of Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) In addition to the uses permitted in Section 19(1)(a) and (b), a Nursery/Garden Centre/Greenhouse shall be permitted;</p> <p>(ii) Open Storage of goods or materials accessory to the permitted Nursery/Garden Centre/Greenhouse use shall be permitted in the Rear Yard and Interior Side Yard only.</p> <p>(iii) Maximum Gross Leasable Area</p> <p>Notwithstanding the provisions of Section 19(2)(k) hereof to the contrary, the gross leasable area of a shopping centre shall not</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	exceed 3000 square metres. For the purpose of this provision the term “gross leasable area” shall not include floor area which is exclusively devoted to institutional, office or residential use.	
C2-59	<p>Notwithstanding the provisions of Section 19(1) and (2) of this By-law to the contrary, the lands designated ‘C2-59’ on Map 1 of Schedule ‘A’ hereto may be used for:</p> <p>(a) Residential Uses: two accessory dwelling units in the upper portion of a Non-Residential building</p> <p>(b) Non-Residential Uses an appliance rental shop; a bank; a beverage room; a boat sales establishment; a business or professional office; a clinic; a home occupation; a merchandise service shop; a vehicle sales or rental establishment; a personal service shop; a copy shop; a private club; a public use in accordance with the provisions of Section 5(18) hereof; a recreational establishment; a restaurant; a take out restaurant; a retail store; a supermarket; a veterinary clinic; a shopping centre consisting of any of the permitted uses listed herein.</p>	HAM
C2-60	Notwithstanding the provisions of Section 5 (16)(a) to the contrary, the lands designated ‘C2-60’ on Schedule ‘A’ hereto shall have a minimum parking space requirement for the existing ‘Department Store’ use of 1.7 parking spaces per 100 square metres of Gross Leasable Area.	CA
C2-61	<p>Notwithstanding the provisions of Section 19(1) and 19(2) to the contrary, the lands zoned ‘C2-61-H’ on Map 3 of Schedule “A” hereto shall only be used in accordance with the following special provisions:</p> <p>(i) The only permitted uses on the property shall be the following: a bank</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>a business or professional office a clinic a dry-cleaning or laundry outlet a home occupation a laundromat a merchandise service shop a personal service shop a copy shop a public use in accordance with the provisions of Section 5(18) hereof a restaurant, to a maximum gross floor area of 223 square metres and shall not include a drive-through window a take-out restaurant, to a maximum gross floor area of 223 square metres a retail store, to a maximum gross floor area of 223 square metres a veterinary clinic an accessory dwelling unit in the upper portion of a Non-Residential building (ii) Development on this site shall be subject to site plan control. (iii) All required loading spaces shall be located in the rear yard or side yard not abutting a residential use. (iv) No open storage of goods or materials shall be permitted.</p>	
C2-62	<p>Notwithstanding the provisions of Section 19(1) and 19(2) to the contrary, the lands zoned 'C2-62' on Map 3 of Schedule "A" hereto and known municipally as 2040 Unity Road shall only be used in accordance with the following special provisions: The only permitted uses on the property shall be the following: (a) Residential Uses: an existing single detached dwelling. (b) Non-Residential Uses: an appliance rental shop; a bank; a boat sales establishment; a business or professional office; a dry cleaning or laundry outlet; a home occupation; a merchandise service shop; a vehicle sales or rental establishment; a parking lot; a personal service shop; a copy shop; a public use in accordance with the provisions of Section 5(18)</p>	HAM

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	hereof; a retail store.	
C2-64	<p>Notwithstanding the '-H' Symbol applied pursuant to the Planning Act, the lands may be used in accordance with the provisions of Section 19 for the 'C2' Zone except that:</p> <p>(a) Additional Permitted Uses: church; prefabricated building products outlet; vehicle sales or rental establishment excluding accessory uses for the repair and maintenance of such vehicles.</p> <p>(b) Prohibited Uses: automatic car wash; automobile service station; boat sales establishment; gasoline retail facility; parking lot; vehicle sales or rental establishment; accessory dwelling unit.</p> <p>(c) MINIMUM WIDTH OF A PLANTING STRIP ABUTTING A "D" ZONE: none</p> <p>(d) DEEMED TO COMPLY: The building existing as of the date of the passing of this By-Law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of Section 19 of this By-Law.</p> <p>2. Subject to the removal of the '-H' Symbol pursuant to the Planning Act, a day nursery is a permitted use.</p> <p>3. The '-H' Symbol shall only be removed once the following conditions have been complied with:</p> <p>(i) Submission of a Record of Site Condition to the satisfaction of the City;</p> <p>(ii) All applicable Municipal and Agency requirements have been complied with;</p> <p>(iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,</p> <p>(iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the Planning Act.</p>	CA
C2-69	<p>Notwithstanding the provisions of Section 5 and Section 19 hereof to the contrary, the lands designated 'C2-69' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>(i) USES PERMITTED: Notwithstanding any provisions to the contrary only the following uses are permitted:</p> <p>(a) Residential Uses:</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>an accessory dwelling unit.</p> <p>(b) Non-Residential Uses:</p> <p>an automobile service station;</p> <p>a beverage room;</p> <p>a boat sales establishment;</p> <p>a clinic;</p> <p>a commercial club;</p> <p>a commercial school;</p> <p>a landscape supply business;</p> <p>a merchandise service shop;</p> <p>a nursery/garden centre/greenhouse;</p> <p>offices as an accessory use to a permitted use;</p> <p>a public use in accordance with the provision of Section 5(18);</p> <p>a recreational establishment;</p> <p>a rental outlet;</p> <p>a restaurant;</p> <p>a take-out restaurant;</p> <p>a vehicle sales or rental establishment;</p> <p>a veterinary clinic.</p> <p>(ii) Definitions:</p> <p>For the purpose of the 'C2-69' zone, the following definition shall apply:</p> <p>LANDSCAPE SUPPLY BUSINESS shall mean the bulk storage and sale of landscaping and gardening supplies, such as soil, gravel, potting mix, sand and mulch, where the majority of materials sold from the premises are not in pre-packaged form</p> <p>(iii) Open Storage Area:</p> <p>(a) No open storage area shall be permitted within:</p> <p>(i) 1.0 metres of a lot line abutting Princess Street</p> <p>(ii) 3.0 metres of a lot line abutting John Counter Boulevard or Purdy's Court</p> <p>(a) Notwithstanding any other provision, display of pre-packaged landscape products will be permitted within the required 3.0 metres setback along John Counter Boulevard, but not within 1.5 metres of the lot line.</p> <p>(b) No storage of materials shall be greater than 4.0 metres in height</p> <p>(iv) Landscape Strip:</p> <p>(a) A minimum 3.0 metres wide landscape strip shall be provided along the lot line adjacent to Purdy's Court.</p> <p>(b) A landscape strip shall include a mixture of coniferous and deciduous trees which will provide a sight obscuring buffer.</p> <p>Parking:</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	A landscape supply business shall provide a minimum of 5 parking spaces.	
C2-72	<p>Notwithstanding the provisions of this By-Law to the contrary, the lands designated 'C2-72' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>(a) Only Permitted Residential Uses: An accessory dwelling unit in the upper portion of a Non-Residential building</p> <p>(b) Only Permitted Non-Residential Uses: an appliance rental shop an auditorium an automatic car wash an automobile service station a bank a boat sales establishment a business or professional office a copy shop a clinic a commercial club a commercial school a convenience store a day nursery a dry-cleaning or laundry outlet a gasoline retail facility a home occupation an institute a laundromat a merchandise service shop a personal service shop a private club a public use in accordance with the provisions of Section 5(18) hereof a recreational establishment a restaurant a retail store a shopping centre consisting of any of the permitted uses listed herein a supermarket a take-out restaurant a vehicle sales or rental establishment, with limited service and/or repair operations a veterinary clinic a wholesale use accessory to a permitted use</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(c) Gross Floor Area (Maximum) The combined gross floor area of all uses shall not exceed 7,293 square metres.</p> <p>(d) '-H' Holding Zone Provisions:</p> <p>(i) That a Holding Symbol '-H' shall be applied to the 'C2-72' zone as indicated on Schedule 'A' attached hereto. The 'H' Holding provision applies to the following uses separately or in combination: Accessory dwelling unit in the upper portion of a non-residential building located at 607 Gardiners Road. A day nursery located at 607 Gardiners Road.</p> <p>(ii) In addition to the provisions of Section 6(6) of this By-Law respecting the use and removal of '-H' Symbols, the following provisions shall also apply:</p> <p>(a) The 'H' Holding provision may be removed for any one of the above listed uses or any combination of the above uses at such time as an applicable Record of Site Condition and all required supporting studies, prepared by a qualified person as defined by the City of Kingston, is completed to the satisfaction of the City of Kingston and adhering to all municipal and provincial requirements.</p> <p>(b) The 'H' Holding Zone provision will only be removed for the specified use(s) for which an approved Record of Site Condition and supporting studies are applicable. All other listed uses will remain subject to the holding provision. A separate Record of Site Condition and supporting studies must be submitted for all subsequent requests to remove the holding provision to permit additional listed uses.</p>	
C2-73	<p>Notwithstanding the provisions of Section 19 and Section 5 hereof to the contrary, the lands designated 'C2-73' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>(i) Permitted uses on the lands designated 'C2-73' shall be limited to the following:</p> <p>(a) Arterial Commercial Uses: An Automatic Car Wash; An Automobile Service Station; A Gasoline Retail Facility; A Rental Outlet; A Coffee Shop; A Commercial Club; A Commercial School; An Institute; A Restaurant; A Take-Out Restaurant;</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>A Drive-In Restaurant or Restaurant with Drive-Through; A Restaurant with Patio; A Beverage Room; A Veterinary Clinic; An Animal Hospital. (b) Limited Convenience Commercial Uses: A Day Nursery; A Dry-Cleaning or Laundry Outlet; A Copy Shop; A Retail Store; A Personal Service Shop; A Florist Shop; A Merchandise Service Shop; A Laundromat; A Bank. (ii) Exterior Side Yard Width (Minimum): 5.7 metres; (iii) Interior Side Yard Width (Minimum): 7.5 metres; (iv) Rear Yard Depth (Minimum): 6.1 metres; (v) Setback The setback requirements of Section 5(20) regarding setback distances from buildings to public roadways shall not apply. (vi) Gross Floor Area: Limited convenience commercial uses shall have a maximum gross floor area of 500 square metres per commercial unit. (vii) Drive-Through Service Facility: (a) No drive through service facility shall be constructed or established within 50 metres of a residential zone; (b) A drive through service facility may be located in, or within 50 metres of a commercial zone that permits a residential use. (viii) '-H' Holding Zone Provisions: (a) The 'H' Holding provision applies only to a "Day Nursery" use. (b) The 'H' Holding provision may be removed at such time as a Record of Site Condition (RSC) signed by the Qualified Person who prepared it, along with a copy of all supporting studies, and which meet the requirements of Ontario Regulation 153/04 (as amended), is provided and completed to the satisfaction of the City of Kingston.</p>	
C3-7	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated C3 7 on Schedule "A" hereto may be used for a horse barn in accordance with the following provision: (i) Interior Side Yard Width (minima): 7 metres (24 feet)</p>	RU
C3-9	<p>Notwithstanding any provision of Section 20(1), Section 20(2)(f), Section 20(2)(h) and Section 20(2)(n) hereof to the contrary, the</p>	RC

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>lands designated C3 9 on Schedule "A" hereto, may be used for an automobile body shop together with an existing dwelling house, used as an accessory dwelling house, provided that such uses are developed in accordance with the following provisions:</p> <p>(a) Exterior Side Yard Width (minimum): (i) Accessory dwelling house 7.620 metres (ii) Other uses 15.240 metres</p> <p>(b) Rear Yard Depth (minimum): (i) Accessory dwelling house 4.572 metres (ii) Other uses 45.720 metres</p> <p>(c) Open Storage: No open storage of goods, materials or motor vehicles shall be permitted except in accordance with the following provisions: (i) Every open storage use shall be accessory to the use of the main building on the lot. (ii) An open storage use shall only be permitted in yard other than a required yard, a front yard or an exterior side yard.</p>	
C3-14	<p>Notwithstanding the provisions of Sections 20(1) and 20(2) hereof to the contrary, the lands designated C3-14 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house, a florist shop, a Nursery/Garden Centre/Greenhouse and a public use, in accordance with Schedule "B-6" hereto.</p>	CD
C3-15	<p>Notwithstanding the provisions of Section 20(1) and 20(2)(e) to the contrary, the lands designated C3-15 on Schedule "A" hereto may only be used for a retail store, restaurant and one dwelling unit, in accordance with the following provisions:</p> <p>(i) Front Yard Depth (minimum) 9.7 feet (ii) Gross Floor Area (maximum) 204 square metres (iii) Access No driveway will be permitted within 15 metres of any residentially zoned property.</p>	CN
C3-16	<p>Notwithstanding the provisions of Section 20 of this By-Law to the contrary, the lands designated 'C3-16' on Map 2 of Schedule 'A' hereto may be used and developed in accordance with the following regulations:</p> <p>(i) Permitted Uses: The following uses shall be permitted: (a) Residential Uses a single-detached dwelling house; (b) Non-Residential Uses a boat sales establishment and accessory office, warehouse and showroom a travel trailer and/or mobile home sales establishment; a vehicles sales or rental establishment.</p>	RC

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(c) Non-Residential Uses On The Southern Portion Of The Site Within The Fill Line The subject lands lying between the fill line along Westbrook Creek (as determined by the Cataraqui Region Conservation Authority) and the existing chain link security fence will be permitted the following uses:</p> <p>(i) Outdoor storage;</p> <p>(ii) Boat storage building. (ii) Rear Yard Depth (minimum) 10 feet From the existing chain link fence located south of the fill line.</p> <p>(iii) Setbacks For Existing Buildings Existing buildings are hereby deemed to be in compliance with the minimum setbacks. Any new buildings or additions to existing buildings shall be built in accordance with the setback regulations of this By-Law.</p> <p>(iv) Use Of The Accessory Showroom The permitted showroom use shall be associated with the boat, travel trailer, mobile homes and vehicles sales or rental establishment only and shall be attached to the northeast side of the existing one storey garage, located on the property known municipally as 3667-3669 Princess Street. The maximum floor area permitted for a showroom shall not exceed 272 square meters.</p> <p>(v) Accessory Office Use The permitted office use shall only be associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment and shall be located within the existing one storey office building on the property known municipally as 3667-3669 Princess Street.</p> <p>(vi) Accessory Warehouse The warehouse use associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment shall be located to the south of the gas pipeline easement and be located within the one storey Quonset structures. The warehouse use shall only be permitted in conjunction with the permitted boat, travel trailer, mobile home, and vehicles sales or rental establishment located at 3667-3669 Princess Street. The warehouse structures will be permitted to encroach into the rear portion of the 'C3-16' Zone, south of the fill line extending to the perimeter fence located to the north of the Westbrook Creek. The warehouse will not be permitted to extend beyond the perimeter fence into the Westbrook Creek.</p> <p>(vii) Open Storage No open storage of goods or materials shall be permitted except in</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>accordance with the following provisions:</p> <p>(i) Every open storage use shall be accessory to the use of the main building on the lot.</p> <p>(ii) An open storage use shall only be permitted in a rear yard.</p> <p>(iii) Notwithstanding paragraph (ii) above, in the case of a boat, travel trailer, mobile homes sales, vehicle sales or rental establishment, an open storage use shall be permitted in all yards provided that no such use is located closer to a street than the minimum front yard setback.</p> <p>(iv) Every open storage use shall be enclosed within a fence consisting of at least an eight-wire farm fence which is maintained in good condition.</p> <p>(viii) Outdoor Seasonal Display And Sales Area Nothing in this By-Law shall prevent an area set aside outside of a building or structure within a commercial zone, which is used in conjunction with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment located within the building or structure and located on the same lot, to be used for the display or retail sales of seasonal produce or new merchandise, provided such area:</p> <p>(a) Is seasonal in nature and does not include a permanent retailing area; and,</p> <p>(b) Is not located within a fire lane, a parking area or a loading space required to fulfill the provisions of the Zoning By-Law, or a driveway or passageway which provides an access route for vehicular traffic across the lot or to an improved street which abuts said lot.</p> <p>(ix) Parking Spaces (minimum) A minimum of 25 off street parking spaces shall be provided to accommodate all uses on the site.</p> <p>(x) Loading Space Regulations (minimum) One required loading space as per the requirements of Section 5(12).</p> <p>(xi) Advertising All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.</p>	
C4-1	<p>Notwithstanding the provisions of Section 21 hereof to the contrary, the lands designated 'C4-1' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>(i) Definitions: For the purpose of the 'C4-1' zone, the following definition shall apply:</p>	CW

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Veterinary Clinic shall mean a building or part thereof used by a veterinarian(s) and their associated staff and services for the purpose of consultation, diagnosis, grooming, treatment, and necessary boarding of animals.</p> <p>(ii) Additional Permitted Use: Veterinary Clinic.</p>	
C5-1	<p>Notwithstanding the provisions of Section 22(1) and Section 22(2) hereof to the contrary, the lands designated 'C5-1' on Map Number 5 to Schedule "A" hereto shall be subject to the following provisions:</p> <p>(i) The permitted uses shall also include:</p> <ul style="list-style-type: none"> • public garages, and • wholesale businesses and warehouses; <p>(ii) The existing building on the westerly portion of the property shall be deemed to be conforming with respect to the minimum rear yard, maximum lot coverage and minimum landscaped area provisions of this By-law, provided there is no enlargement or expansion of the existing building.</p>	CD
C5-4	<p>Notwithstanding any provisions of this By-Law to the contrary, the lands designated C5-4 on Schedule 'A' may be used for the following uses in accordance with Section 22(2) herein:</p> <p>(a) uses existing as of July 14th, 2004;</p> <p>(b) an accessory dwelling unit (manager's residence) which shall be accessory to the indoor climate controlled self-service storage use;</p> <p>(c) apartment dwelling houses to a total on-site maximum of 360 dwelling units, in accordance with the 'R5-1' (Modified Residential Type 5) Zone requirements;</p> <p>(d) a park, in accordance with the 'OS' (General Open Space) Zone requirements.</p> <p>(2) Parking Spaces (minimum) Off street parking shall be in accordance with the regulations of Section 5(16) of this By-Law</p> <p>(3) The '-H' Holding Symbol applicable to this property shall be used and removed in accordance with the following:</p> <p>(a) provisions of Section 6(6) of By-Law Number 76-26; and</p> <p>(b) a Noise Study and proposed noise mitigation methods shall be provided to the satisfaction of the City of Kingston.</p>	CA
C5-5	<p>Notwithstanding any provisions of Section 22(2) hereof to the contrary, the maximum gross floor area of all buildings and structures permitted within the C5 5 Zone shall not exceed 5250 square metres (56,500 square feet).</p>	CD

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
C5-6	Notwithstanding the provisions of Sections 22(2) hereof to the contrary, the maximum gross leasable area of all buildings and structures permitted within the C5 6 Zone shall not exceed 10,000 square metres.	CD
C5-8	Notwithstanding any provisions of this By law to the contrary, the maximum gross leasable floor area of all buildings and structures permitted within the C5 8 Zone shall not exceed 2,445 square metres.	CD
C5-9	<p>Notwithstanding the provisions of Clauses (37) and (127) of Section 4, and Subsection (1) of Section 22 hereof to the contrary, the lands designated C5-9 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Uses Permitted: a shopping centre which contains one or more of the following uses:</p> <ul style="list-style-type: none"> . an art gallery; . an auditorium; . a bank; . a banquet hall; . a beverage room; . a business or professional office; . a clinic; . a commercial club; . a commercial school; . a dry cleaning or laundry outlet; . a florist shop; . a gasoline retail facility; . a home improvement store; . a laundromat; . a library; . a personal service shop; . a pet store; . a public use, in accordance with the provisions of Section 5(18) hereof ; . a recreational establishment; . a restaurant; . a restaurant; take out; . a retail nursery; . a retail store; . a taxi stand or bus stop <p>(ii) Definitions: For the purpose of the C5-9 zone the following definitions shall apply:</p>	CR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(a) Retail Store means a building or part of a building, where a single user occupies a minimum gross leasable area of 5,000 square feet, and shall not exceed a maximum gross leasable area of 80,000 square feet, and where the principal use is the sale at retail of goods, wares, merchandise, substances, articles or things, but does not include a Department Store, supermarket or any other establishment otherwise defined or specifically named elsewhere in Zoning By-law 76-26.</p> <p>Notwithstanding the foregoing, the aforesaid minimum gross leasable area shall not apply to Retail Stores devoted primarily to selling, displaying or storing food, food products, tobacco, periodicals, household products and merchandise ancillary or accessory thereto. The maximum gross leasable area of any retail store other than a supermarket devoted primarily to selling food, food products, tobacco, periodicals, household products and merchandise ancillary or accessory thereto shall be 3,000 square feet. The portion of any other Retail Store other than a supermarket devoted to the sale, display and storage of food or food products shall not exceed a gross leasable area of 3,000 square feet.</p> <p>(b) "Department Store" means a building occupied by a store primarily engaged in general merchandising at retail of a wide range of commodities organized into a number of individual departments within such building.</p> <p>(c) "Department Store Type Merchandise (DSTM)" means a category of retail sales which covers goods typically found in Canadian department stores, as well as those sold in specialty stores which focus on only one, or a few, of the merchandise lines found in department stores, including but not limited to general merchandise, apparel/accessories, household furnishings (hardware, furniture, appliances, electronics, lighting), drugs/cosmetics, books, stationary, cards, jewellery, sporting goods, luggage, pets/pet supply, art and garden centre but excluding food stores, eating/drinking establishments, liquor/beer/wine stores, automotive related stores, home improvement/ building supply centres and personal service facilities such as barber shops, beauty salons, dry cleaners and shoe repair outlets.</p> <p>(d) "Non-Department Store Dstm" means Department Store Type Merchandise (DSTM) found in a Retail Store, other than a Department Store.</p> <p>(e) "Home Improvement Store" means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto supply stores,</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>home centres and building supply stores, including the sale of nursery and landscaping plants, equipment and supplies and including retail outside storage.</p> <p>(iii) Gross Leasable Area (maxima):</p> <p>(a) Home Improvement Store: 137,000 square feet</p> <p>(b) Sale of Food and Food Products other than a supermarket: 18,000 square feet</p> <p>(c) Non-department store DSTM uses: 330,000 square feet</p> <p>(iv) Retail Store Uses:</p> <p>Notwithstanding the provisions of Section 22(3)(i)(ii)(a) hereof to the contrary, a maximum of 24,100 square feet of the total non-department store DSTM space permitted may be occupied by Retail Stores with a gross leasable area of less than 5000 square feet.</p> <p>(v) Phasing</p> <p>(a) Notwithstanding the provisions of Section 22(3)(i)(iii) hereof to the contrary, the following phasing provisions shall apply to the development of the permitted uses:</p> <p>(i) Phase 1 A Home Improvement Store: A maximum of 150,000 square feet . Gross Leasable Area of non-department store DSTM uses food and food product uses</p> <p>Other uses</p> <p>(ii) Phase 2 A maximum 91,000 square feet Gross Leasable Area of non-department store DSTM uses</p> <p>(iii) Phase 2 shall not proceed until:</p> <p>(a) all applicable municipal requirements have been complied with, including satisfactory demonstration that introduction of the additional non-department store DSTM space into the community will not result in significant and demonstrable levels of impact in the form of urban blight and/or service reductions that are clearly harmful to the planned functions of existing commercial areas in the Township.</p> <p>(b) All necessary agreements, including the site plan agreement between the Township and the owner/developer, have been executed.</p> <p>(c) After conditions (a) and (b) above have been fulfilled to the satisfaction of the Township, development of the balance of the permitted Gross Leasable Area shall be allowed.</p> <p>(vi) More Than One Lot In The Zone</p> <p>For the purpose of interpreting the provisions of this zone, the lands zoned C5-9 on Schedule “A” hereto, shall be considered to be one lot, and the provisions of this zone shall apply to the C5-9 zone as a whole.</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
C5-10	<p>Notwithstanding any provision of this By-Law to the contrary the lands zoned 'C5-10' on Schedule 'A', shall be used in accordance with the permitted uses set out in Section 22(1) and may include an automobile centre as defined in this section. Development shall be in accordance with the provisions of Section 22(2) and the following special provisions:</p> <p>(i) Notwithstanding Section 22(2)(h), the maximum combined Gross Leasable Area of all permitted uses on the site shall be 23,000 square metres.</p> <p>(ii) Any supermarket shall have a maximum gross leasable floor area of 5600 square metres.</p> <p>(iii) Rear yard (minimum) 3.0 metres</p> <p>(iv) Parking Spaces (minimum) 5.0 parking spaces per 100 square metres of Gross Leasable Area</p> <p>(v) Parking Module Size</p> <p>Notwithstanding any provisions to the contrary, where the parking angle is 90 degrees, the stall length shall be a minimum of 6.0 metres, the aisle width shall be a minimum of 6.0 metres, the centre to centre width of a double row with an aisle in between be a minimum of 18.0 meters and shall permit 2-way movement.</p> <p>(vi) Access</p> <p>Notwithstanding Section 5(16)(d)(i)(b), for driveways used for combined ingress and egress, the minimum width shall be 16 metres, measured 6 metres from the property line.</p> <p>(vii) Minimum Setback along Major Arterials</p> <p>Notwithstanding Section 5(20), the minimum building or structure setback along Gardiner's Road and Taylor Kidd Boulevard shall be 50 feet plus the required front or exterior side yard.</p> <p>(viii) Automobile Centre</p> <p>a) For the purposes of this section only, an automobile centre shall be defined as an establishment for the minor servicing of vehicles such as oil changing facilities and related operations. The retail sales of products related thereto shall be permitted. Vehicle bodywork and painting establishments, commercial garages, muffler shops, tire shops and similar uses shall not be permitted.</p> <p>b) Any automobile centre operation shall be within a wholly enclosed</p> <p>c) building.</p> <p>(ix) Service Bay Doors</p> <p>Any service bay doors associated with a permitted use shall not be oriented to directly abut a public street.</p>	CR
C5-11	Notwithstanding Section 22 and Section 5(16) of this By-Law 76-26 to the contrary, the lands designated 'C5-11' to Schedule 'A' hereto	CR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>shall be subject to the following provisions:</p> <ul style="list-style-type: none"> (i) In addition to the permitted uses in Section 22(1) the following use shall be permitted: automotive service and repair (ii) Maximum Lot Coverage shall be 29% (iii) Maximum Aggregate Gross Leasable Floor Area shall be 17,873 square metres (iv) Minimum Rear Yard Setback: 5.4 metres (v) One freestanding commercial building may be constructed for the purpose of facilitating a permitted use within the 'C5' Zone (vi) The minimum parking ratio requirement shall be 4.38 spaces per 100 square metres of gross floor area. (vi) Notwithstanding any provisions of Subsection 5(16)(l) Parking Space Dimensions, Schedule 'C' to the contrary, the following dimensions shall apply: <ul style="list-style-type: none"> (a) A parking stall with a 90 degree Parking Angle shall have a minimum stall length (dimension 'C') of 6.1 metres; (b) An Aisle Width (dimension 'D') shall be a minimum of 6.1 metres on which two-way traffic shall be allowed. (vii) Notwithstanding any regulations in Zoning By-Law Number 76-26 to the contrary a Seasonal Outdoor Display and Sales Area shall be permitted from April 01 to November 30 with a maximum area of 670 square metres; (viii) Open storage shall be permitted with the following provisions applied: <ul style="list-style-type: none"> a) maximum aggregate area of 325 square metres b) open storage area shall consist of the garden centre and pallet storage areas (ix) A Loading Door and/or Garage Door shall not face front lot line unless fully screened in accordance with a Site Plan approved by the City of Kingston. Loading Door is defined as a door to allow the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials; and a Garage Door is defined as a door for the primary function of allowing automobiles into a building. 	
C7-1	<p>Notwithstanding the provisions of Section 23A(1)(b) and Section 5(16)(a) hereof to the contrary, the lands designated C7 1 on Schedule "A" hereto may be used for a Physical Fitness and Racquet Sports Centre provided that such use is developed in accordance with the following provision:</p> <ul style="list-style-type: none"> (i) Parking Requirements (minima): <ul style="list-style-type: none"> Racquet Sports Court 5 parking spaces per court Employee Parking 1 parking space per employee Exercise Room 1 parking space per 1.5 persons design capacity 	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
C7-3	<p>Notwithstanding the provisions of Sections 5(16)(d), 23A(1)(b) and 23A(2)(j) hereof to the contrary, the lands designated C7 3 on Schedule "A" hereto may also be used for an automobile service station, a gasoline retail facility, a retail store, an automatic car wash facility and a warehouse accessory to a permitted retail store; provided that the lands are developed in accordance with the following provisions:</p> <p>(i) Gross Leasable Area (maximum) The maximum gross leasable area of all buildings and structures permitted within the C7-3 Zone shall not exceed 13,100 square metres.</p> <p>(ii) Access Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways used for combined ingress and egress at least 12 metres but not more than 15 metres in width measured along and at the streetline and within the property for the lesser of a distance of 20 feet beyond the landscaped strip or the initial row of parking spaces.</p> <p>(iii) Open Storage Open storage of goods and materials accessory to a permitted retail garden centre use shall be permitted in the yard adjacent to the garden centre use only.</p>	CR
C7-4	<p>Notwithstanding the provisions of Sections 23A(1) and 23A(2) hereof to the contrary, the lands designated C7-4 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Uses Permitted: a bank; a trust company; a business or professional office; a clinic; a day nursery; a hotel; a place of entertainment; a freestanding restaurant; a take out restaurant; an institutional use; a cinema; a personal service shop; a private club; a dry cleaning or laundry outlet; a public use in accordance with the provisions of Section 5(18) hereof; a speciality food store; a home improvement store; a home furnishing outlet; a toy/hobby store; a general merchandise store, excluding department stores or junior department stores; a liquor/beer/wine store; a drug store; a convenience store; a nursery/garden centre; a speciality retail store; an apparel store provided such apparel store contains a minimum gross floor area of 5,000 square feet</p> <p>(ii) Lot Area (minimum): 5.6 hectares</p> <p>(iii) Front Yard Depth (minimum): 13.7 metres</p> <p>(iv) Exterior Side Yard Width (minimum): 13.7 metres</p> <p>(v) Rear Yard Depth (minimum): 13.7 metres</p>	CR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(vi) Lot Coverage (maximum): 25%</p> <p>(vii) Height of Building (maximum): 6 storeys</p> <p>(viii) Gross Leasable Floor Area (maximum): 14,680 square metres For the purposes of this provision, "gross leasable floor area" shall include those components of the proposal intended for retail or personal service commercial development but shall not include those components of the proposal intended for institutional and office uses.</p> <p>(ix) Landscaped Open Space (minimum) 10%, of lot area; such landscaped open space being provided on a pro rata basis with the construction of the gross leasable area.</p> <p>(x) Open Storage No open storage of goods or materials shall be permitted, save and except in conjunction with and for the sole purpose of a nursery/garden centre.</p> <p>(xi) Parking Area Location: Notwithstanding the provisions of Section 5(16)(j) hereof to the contrary, the required parking area shall not form part of any street, lane or required loading space but may be provided on a lot other than the lot occupied by the building, structure or use for which the said parking area is required. The required parking area shall also be located either in the same zone as the lot occupied by the building, structure or use for which the said parking area is required or within an abutting zone which permits a parking lot.</p>	
C7-5	<p>Notwithstanding the provisions of Subsections (1) and (2) and Clauses (i), (ii), (v) and (viii) of Subsection (3)(d) of Section 23A hereof to the contrary, the lands designated C7-5 on Schedule "A" hereto shall be used and developed in accordance with the provisions of the C7-4 zone except that the following provisions shall apply to the lands zoned C7-5:</p> <p>(i) Uses Permitted: a supermarket, in addition to the uses permitted in the C7-4 zone.</p> <p>(ii) Lot Area (minimum): 3 hectares</p> <p>(iii) Rear Yard Depth (minimum): 7.5 metres</p> <p>(iv) Gross Leaseable Floor Area (maximum): 8,400 metres For the purposes of this provision, "gross leasable floor area" shall include those components of the proposal intended for retail or personal service commercial development but shall not include those components of the proposal intended for institutional and office uses.</p>	CR
C7-6	<p>Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 23A for the 'C7' Zone shall apply to the 'C7-6' Zone except that:</p>	CR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(a) Notwithstanding the provisions of the Section 23A(1)(b) hereof to the contrary, the lands designated 'C7-6' on Schedule "A" hereto may also be used for a retail store.</p> <p>(b) Rear Yard Depth (minimum): no rear yard is required.</p> <p>(c) Notwithstanding the provisions of Section 5(16)(e), a minimum of 34 off-street parking spaces shall be provided.</p>	
D	Not Applicable	DR
D-5	Notwithstanding the provisions of Section 29 hereof to the contrary, the lands designated 'D-5' on Schedule 'A' hereto, shall only be used for access to a use permitted in the 'C2-73' Zone.	DR
EPA	Not Applicable	EPA
EPA-4	<p>Notwithstanding the provisions of Sections 5(6)(c) and 7(1) hereof to the contrary, the lands designated EPA-4 on Schedule "A" hereto also may be used and developed for the purposes of one single family dwelling house in accordance with the following special provisions:</p> <p>(i) No portion of any buildings or structures shall be permitted below an elevation of 88.71 metres (291.04 feet) geodetic.</p> <p>(ii) Lot Area (minimum): 10 hectares (25 acres)</p>	EPA
EPA-6	<p>Notwithstanding the provisions of Section 7(1) hereof to the contrary, the lands designated EPA-6 on Schedule "A" hereto may also be used for the purposes of a golf course.</p> <p>Development of a golf course on the lands zoned as EPA-6-H shall not be permitted until such time as:</p> <p>(a) The following environmental and engineering investigations have been completed and demonstrate to the satisfaction of Township Council and all pertinent regulatory agencies that the golf course proposal will not have adverse environmental impacts:</p> <p>(i) Hydrology and hydraulic modelling to determine the extent of the 1:100 year flood plain associated with Little Cataraqui Creek.</p> <p>(ii) Determination as to what portion of golf course developments/infrastructure can be permitted in flood susceptible areas based on applicable policy and guidelines.</p> <p>(iii) Confirmation of the extent of wetlands; identify and assess impacts on wetland function and wetland area, and detail actions necessary to prevent or mitigate any impacts from development.</p> <p>(iv) A turf management plan and a determination of impacts on storm water quality due to use of chemicals.</p> <p>(v) A storm water quality plan detailing appropriate measures to ensure that storm water quality will not adversely impact or alter the wetland aquatic habitat, or ground water.</p> <p>(vi) A storm water quantity plan detailing anticipated increases in run off and measures to deal with such impacts.</p>	EPA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(vii) A water taking plan to address the irrigation of a golf course in a manner which will not adversely affect ground water supply and quality, and base flow in Little Cataraqui Creek.</p> <p>(viii) Ensuring the retention of natural vegetation along the creek banks with a minimum 15 metre buffer strip; a minimum 30 metre strip is required adjacent to the wetland areas.</p> <p>(ix) Development of detailed plans for any creek crossings in a manner which will not impede the flow of flood water.</p> <p>(x) A comprehensive erosion and sediment control plan for before, during and after development and construction phases.</p> <p>(xi) The identification, assessment and proposed management of the Cataraqui Clay Ridges, a feature of natural and scientific interest on the subject lands.</p> <p>(xii) An on-site waste and sewage disposal plan.</p> <p>(xiii) The identification and assessment of impacts of the golf course on the recreational facilities at the Little Cataraqui Creek Conservation area.</p> <p>(b) A permit under the Fill, Construction and Alteration to Waterways Regulation has been issued by the Conservation Authority.</p> <p>(c) A cultural heritage resource assessment prior to any earth disturbance has been prepared; said assessment to be conducted by an archaeological consultant licensed pursuant to the Ontario Heritage Act in accordance with the Archaeological Assessment Draft Technical Guidelines, and completed to the satisfaction of the Ministry of Culture, Tourism and Recreation.</p> <p>(d) Council has approved a golf course development plan showing the location of all buildings and structures to be erected and showing location of all facilities and works to be provided in conjunction therewith. Township Council may require the owner of the land to provide to the satisfaction of, and at no expense to the municipality, any or all of the following:</p> <p>(i) Facilities to provide access to and from the lands.</p> <p>(ii) Vehicular loading and parking facilities, access driveways, and the surfacing of such areas and driveways.</p> <p>(iii) Walkways and other means of pedestrian access.</p> <p>(iv) Lighting, including flood lighting of the land or of any buildings or structures thereon.</p> <p>(v) Walls, fences, hedges, trees, shrubs or other ground cover or facilities for landscaping of the lands or the protection of adjoining lands.</p> <p>(vi) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>material.</p> <p>(vii) Easements for the construction, maintenance or improvement of water courses, ditches, land drainage or sanitary sewage facilities and other public utilities of the municipality.</p> <p>(viii) Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water.</p> <p>(e) All applicable municipal and agency requirements related to (a), (b), (c) and (d) above have been complied with.</p> <p>(f) Any agreements required by the Township have been registered on title.</p> <p>(g) The " H" symbol has been removed and the related provisions repealed by amendment to this by-law.</p>	
EPA-9	<p>Notwithstanding any of the provisions of this by-law hereof to the contrary, the lands designated EPA-9 on Schedule "A" may also be used for the purpose of a miniature golf course provided that the said use is developed and operated in accordance with the following special provisions:</p> <p>(i) that no buildings be permitted;</p> <p>(ii) that structures and parking areas be at a minimum elevation of 85.2 metres geodetic;</p> <p>(iii) that a 15 metre wide vegetative buffer is maintained between any development of these lands and the adjoining wetlands.</p>	EPA
I	Not Applicable	EPA
I-2	<p>Notwithstanding the provisions of Sections 13(2) and 5(22) hereof to the contrary, the lands designated I-2 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Lot Frontage (minimum): 23 metres</p> <p>(ii) Interior Side Yard Width (minimum): 1 metre</p> <p>(iii) Water Setback (minimum): 1 metre</p>	UR2
I-3	<p>Notwithstanding the provisions of Section 5(14)(a) and Section 13(1) hereof to the contrary, the lands designated as I-3 on Schedule "A" hereto shall be used for no purpose other than a nursing home in accordance with the following provision:</p> <p>(i) Parking Requirements (minimum): 1.5 parking spaces per 4 beds or fraction thereof.</p>	UR2
I-4	<p>Notwithstanding any provisions of this By-law to the contrary, the lands designated as I-4 on Schedule "A" hereto shall be used for no other purpose other than a church in accordance with the following provisions:</p> <p>(i) Front Lot line: For the purposes of the I-4 Zone, the western boundary of the zone shall be deemed to be a front lot line.</p> <p>(ii) Interior Side Yard Width (minimum): 9 metres</p>	UR2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(iii) Rear Yard Depth (minimum): 10.5 metres</p> <p>(iv) Planting Strips: As part of any required yard, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip.</p> <p>(v) Parking: (a) No parking shall be located within any required planting strip. (b) All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required. (c) All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.</p>	
I-5	<p>Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as I-5 on Schedule "A" hereto shall be used for no purpose other than a church and an accessory dwelling unit and development on these lands shall be subject to the following provision:</p> <p>(i) The planting of any shrubs or trees within 6.1 metres of the right-of way of Taylor Kidd Boulevard shall be prohibited.</p>	UR2
I-6	<p>Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as I-6 on Schedule "A" hereto may be used for a single family dwelling house accessory to a church, provided that such use is developed in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 6,272 square metres (67,518 square feet)</p> <p>(ii) Dwelling Unit Area (minimum): (a) Single family dwelling house 92 square metres (1000 square feet)</p>	UR2
I-7	<p>Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as I-7 on Schedule "A" hereto shall only be used and developed in accordance with the following special provisions:</p> <p>(i) Permitted Uses: a Commercial School offering elementary education to children in kindergarten through Grade 8; a public use in accordance with the provisions of Section 5(18) hereof.</p> <p>(ii) Lot Area (minimum): 0.9 hectares</p> <p>(iii) Lot Frontage (minimum): 121 metres. For the purposes of this Section only, the Woodbine Road frontage shall be considered as the Lot Frontage.</p> <p>(iv) That any addition to the existing building located on the lands</p>	UR2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	Zoned '1-7' shall be constructed in accordance with the requirements of Section 17 (2) of this By-law.	
I-8	Notwithstanding the provisions of Subsection (1) of Section 17 hereof to the contrary, the lands designated as "I-8" on Schedule "A" hereto shall be used for no purpose other than a church, a community centre, a nursery school, a nursing home, and a public use.	- 1477 Sydenham Road: HAM - 1028 Unity Road: RU
I-9	Notwithstanding any provisions of this By-law to the contrary, the lands designated I-9 on Schedule "A" hereto shall be used for no purposes other than municipal fire and policing services and development on these lands shall be in accordance with the following special provision: (i) Driveway width (maximum) 21.34 metres (70 feet)	RU
I-11	Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as 'I-11' on Schedule "A" hereto shall be developed in accordance with the following special provisions: (i) That notwithstanding the provisions of Section 17(1) (b), the uses on the site shall also include a Call-Centre and General Office Uses. (ii) That notwithstanding the provisions of Section 5(16)(d)(i), the current shared driveway with Centre 70 shall be the permitted access into Call-Centre.	OS2
I-12	Subject to the removal of the '-H' Symbol pursuant to the Planning Act, and notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 17 for the 'I' Zone shall apply to the 'I-12' Zone except that: (a) Uses Permitted: Institute Nursing home Associated row dwelling house Accessory uses to be located within and related to the institute or nursing home to service only the residents, employees or visitors to the institute, nursing home and associated row dwelling houses including a day nursery, a medical clinic, personal service shop, a business or professional office, pharmacy, banking facility, convenience store, coffee shop, recreational uses, chapel and dining facilities. (b) Height of Building (maximum): 16 metres (c) Dwelling Units Per Lot (maximum): 23 2. The '-H' Symbol shall only be removed once the following conditions have been complied with: (i) Archaeological Assessment and Environmental Site Assessment	URM2

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	<p>to the satisfaction of the City;</p> <p>(ii) All applicable Municipal and Agency requirements have been complied with;</p> <p>(iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,</p> <p>(iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the Planning Act.</p>	
M1-1	<p>Notwithstanding any provisions to this By-law hereof to the contrary, the lands designated as M1-1 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Uses Permitted:</p> <p>Uses which are or may become obnoxious or offensive by reason of emission of odour, smoke, dust, noise, gas, fumes, cinders, vibration, refuse matter or water carried waste or which are or may become explosive, are specifically excluded. Subject to this qualification, the following uses are permitted:</p> <ul style="list-style-type: none"> - an accessory dwelling unit - a bakery - a business office - an equipment rental establishment - a factory outlet - a farm equipment sales establishment - a garden centre - an industrial mall - a manufacturing plant - a merchandise service shop - a personal service shop - a photographic establishment - a printing establishment - a public use - a recreational vehicle sales establishment - a showroom - a veterinary establishment - a warehouse <p>(ii) Number of Buildings per Lot:</p> <p>(a) No more than one building shall be located on a lot unless the Corporation has approved plans showing all existing buildings, access, parking facilities, and other site features located on the lot and the proposed alterations and improvements of such features that will ensure that the additional building(s) will not detrimentally affect vehicular access, vehicular circulation, and will be properly integrated with other building(s) on the lot.</p> <p>(b) Where additional building(s) are proposed, all buildings shall</p>	M5

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>conform to the provisions of the By-law and the distance between buildings shall be equal to the average height of the buildings concerned, but in no case shall the distance between buildings be less than 7.5 metres.</p> <p>(iii) Open Storage:</p> <p>(a) No person shall use any lot or part thereof for outside storage, sales, rental or display unless an area which has been specifically designed and set aside for such purpose and is fully integrated with the main use of that lot has been approved by the Corporation pursuant to Section 40 of the Planning Act, R.S.O. 1983.</p> <p>(b) Open storage shall not exceed forty percent (40%) of the lot area.</p> <p>(c) No open storage area shall be located within any required yard which abuts a residential use or residential zone boundary.</p> <p>(d) No open storage shall be located within six (6) metres of a street line.</p> <p>(iv) Planting Strips:</p> <p>(a) As part of any required yard, three (3) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip.</p> <p>(b) Notwithstanding subparagraph (a) above, as part of any required yard, five (5) metres adjacent to any lot line shall be used for a sight obscuring buffer in the form of a planting strip where a lot or any portion thereof abuts Highway No. 15 or a Special Restricted Rural (A1-14) Zone.</p> <p>(c) Notwithstanding subparagraphs (a) and (b) above, a planting strip is not required in an interior side yard which abuts an Industrial Zone.</p> <p>(v) Illumination:</p> <p>(a) No strings of lights shall be permitted.</p> <p>(b) Illumination shall not cause direct or indirect glare on a street that may interfere with pedestrian or traffic safety nor cause direct or indirect glare on land or buildings in a residential zone or used for residential purposes.</p> <p>(c) Illumination, except that required for the operation of a business or for security reasons, shall cease no later than 10:00 p.m. daily except in the case of a business remaining open later, in which case, illumination shall cease when the business closes to the public.</p> <p>(vi) Parking:</p> <p>(a) One row of visitor or executive parking, and an aisle providing ingress and egress thereto, shall be permitted in a front yard provided the row does not extend beyond the extremities of the</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>front wall of the building or each building, if more than one, and provided that no parking or aisle shall be located closer than 6 metres from the front line.</p> <p>(b) No parking shall be located within any required yard which abuts a residential use or a residential zone boundary.</p> <p>(c) All parking areas, aisles, and driveways providing ingress and egress shall be paved with an asphaltic or concrete surface.</p> <p>(d) Buffer planting shall be used to conceal parking areas in the front yard; and, plantings and/or fence and planting combinations may be used in side and rear yards. Where appropriate such buffering may form part of the required planting strip.</p> <p>(e) All parking areas shall be provided on the lot occupied by the building(s), structure(s) or use(s) for which the said parking area is required.</p> <p>(f) Parking Requirements (minimum): Type of Use Number of Parking Spaces Bakery 2.7 per 100 square metres of gross floor area Equipment Rental Establishment 5.4 per 100 square metres of gross floor area Factory Outlet 5.4 per 100 square metres of gross floor area Farm Equipment Sales 2.7 per 100 square metres of gross floor area Garden Centre 5.4 per 100 square metres of gross floor area Industrial Mall 5.0 per 100 square metres of gross floor area Manufacturing Plant 2.7 per 100 square metres of gross floor area Photographic Establishment 4.0 per 100 square metres of gross floor area Printing Establishment 4.0 per 100 square metres of gross floor area Recreational Vehicle Sales 2.7 per 100 square metres of gross floor area Showroom 5.4 per 100 square metres of gross floor area Veterinary Establishment 8.5 per 100 square metres of gross floor area Warehouse 2.7 per 100 square metres of gross floor area</p> <p>(vii) Special Provision: For the purposes of the M1-1 Zone a "Manufacturing Plant" means an establishment primarily engaged in the processing, altering, finishing, refinishing or assembly or similar production of various articles, commodities or things.</p>	
M1-3	Notwithstanding the provisions of Section 24(1)(b) hereof to the contrary, the lands designated M1-3 on Schedule "A" hereto shall be used for no purpose other than: a manufacturing plant, a	RM1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	fabricating plant; a retail outlet, a wholesale outlet or a business office accessory to a permitted use listed in this clause.	
M1-4	<p>Notwithstanding the provisions of Sections 24(1) and 24(2) hereof to the contrary, the lands designated M1-4 on Schedule "A" hereto shall be used for no purpose other than a cartage or transport yard, or a public use, and such uses shall be developed in accordance with the following special provisions:</p> <p>(i) Lot Area (minimum): 6 hectares (15 acres)</p> <p>(ii) Required Yards (minima): 61 metres (200 feet), except that where a lot abuts an Industrial zone the minimum required yard requirements shall be in accordance with the provisions of Section 24(2)(c)(ii) hereof.</p> <p>(iii) Restrictions Adjacent to Creek: No building or structure shall be erected or altered within 15.24 metres (50 feet) of the centre line of the tributary of Glenvale Creek, except with the approval of the local Conservation Authority.</p>	RM1
M1-7	<p>Notwithstanding the provisions of Article (13)(a) of Section 5 and Article (1)(b) of Section 24 hereof to the contrary, the lands designated M1-7 on Schedule "A" hereto shall be used for no purpose other than: a cartage or transport yard; a commercial garage; a parking lot; a public garage; a public use in accordance with the provisions of Section 5(18) hereof; a retail outlet, a wholesale outlet or a business office accessory to a permitted use; a service shop; manufacturing plant; assembly plant, and a warehouse. Such lands shall be used in accordance with the following provision:</p> <p>(i) Access To Improved Street: No person shall erect any building or structure unless the lot, upon which such building or structure is proposed to be located, is provided with access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, from such lot to an improved street.</p>	CA
M1-8	<p>Notwithstanding the provisions of Section 24(1) to the contrary, the lands designated 'M1-8' on Map 1 of Schedule "A" hereto may be used in accordance with the following special provisions:</p> <p>(i) Notwithstanding the provisions of Sections 24(1) and 24(2), the lands designated as M1-8 on Schedule 'A' shall be used only for the following uses:</p> <ul style="list-style-type: none"> • a cartage and transport yard; • a contractor's yard; • an open storage use; • topsoil screening; and • a public use 	RM1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(ii) Lot Area (minimum): 6 hectares (15 acres) (iii) Required yard (minimum): 61 metres (200 feet) Except that where the lot abuts an Industrial Zone the minimum required yard shall be in accordance with the provisions of 24(2) (c) of the By-law.</p>	
M1-9	<p>The lands designated as 'M1-9' located on the south side of McAdoo's Lane and known municipally as 1351 McAdoo's Lane shall be developed in accordance with the following provisions:</p> <p>(a) Uses Permitted: No person shall within the 'M1-9' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses as set out in Section 24(1) of this By-Law. All uses as set out in Section 24(1) shall be permitted while the '-H' Holding Symbol is in place.</p> <p>(b) Zone Provisions: No person shall within the 'M1-9' Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions of Section 24(2) of this By-Law and sub-section (c) below.</p> <p>(c) Holding Provision: The lands designated as 'M1-9' shall be subject to a '-H' Holding provision. The use and removal of the '-H' Symbol shall be in accordance with the provisions of Section 6(6) of this By-Law. Notwithstanding the provisions of Sections 24(1) and 24(2) of this By-Law, any existing or proposed industrial use on the lands zoned 'M1-9-H' shall not be permitted to draw ground water for the said use until such time as the '-H' Holding Symbol has been removed. The '-H' Symbol shall not be removed until such time as a detailed hydro-geologic study has been completed to demonstrate that ground water quality and quantity is sufficient to meet the needs of the uses on the subject lands and adjacent properties.</p>	RM1
M1-10	<p>Notwithstanding the provisions of Section 24(1) to the contrary, the lands designated 'M1-10' on Map 1 of Schedule "A" hereto shall only be used in accordance with the following special provisions:</p> <p>(ii) In addition to the uses permitted by Section 24(1) of this By-law, the following uses shall also be permitted: Self-Service Storage Facility; and Open Storage – Self Service Storage Facility;</p> <p>(iii) For the purposes of this Section, the following definitions shall apply: i. Self-Service Storage Facility: means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual</p>	RM1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles. Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.</p> <p>ii. Open Storage – Self-Service Storage Facility: No open storage of goods or materials shall be permitted in a self-storage facility, except in accordance with the following provisions:</p> <ol style="list-style-type: none"> 1. Every open storage use shall be accessory to the main use of the Self-Service Storage Facility use and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles. 2. Every open storage use shall comply with the yard setback provisions of Section 5(20) and Section 24(2)(c)(ii) hereof as if such open storage use were a building or structure provided, however that such use complies with paragraph (i) above. 3. Every open storage use shall be limited to an area approved through the Site Plan Control process. 4. Notwithstanding (ii) above, no open storage use shall be located in a front yard, interior side yard or rear yard which abuts a Residential Zone or a Development ‘D’ Zone. 5. Every open storage use shall be enclosed within a fence consisting of at least eight-wire farm fence which is maintained in good condition. <p>iii. Recreational Vehicle: means any vehicle, or portable structure designed to be towed or carried by a vehicle, which is used for temporary recreational travel and/or accommodation and shall include motor homes, camper trailers, converted buses, boats and boat trailers or similar equipment.</p>	
M2-2	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-2 on Schedule "A" hereto may be used for a public garage.	M2
M2-4	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-4 on Schedule "A" hereto may be used for an equipment rental establishment.	M2
M2-7	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-7 on Schedule "A" hereto may be used for a body shop.	M2
M2-8	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-8 on Schedule "A" hereto may be used for an animal hospital.	M2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
M2-9	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-9 on Schedule "A" hereto may be used for a restaurant.	M2
M2-10	Notwithstanding the provisions of Section 25(1)(b) hereof to the contrary, the lands designated M2-10 on Schedule "A" hereto may be used for a commercial garage.	M2
M2-15	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-15 on Schedule "A" hereto may be used for a recreational establishment, a commercial club, a restaurant accessory to the recreational uses, and notwithstanding the generality of the foregoing may also be used for a roller rink, discotheque, an arcade, a games room and a tennis court.	M2
M2-16	Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-16 on Schedule "A" hereto may be used for an existing business office and an existing professional office.	M2
M2-17	<p>Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-17 on Schedule "A" hereto may be used for: (80 26)</p> <ul style="list-style-type: none"> an open air market for the sale of fruits, vegetables, meat, fish, plants, flowers, antiques, crafts, artwork and other related items; a recreational establishment; a commercial club; a restaurant accessory to a permitted use listed in this special M2-17 Zone. <p>Notwithstanding the generality of the foregoing, the lands designated M2-17 on Schedule "A" may be used for a roller rink, discotheque, an arcade, a games room and a tennis court except that the sale or serving of alcoholic beverages shall be prohibited.</p>	M2
M2-21	<p>Notwithstanding the provisions of Section 25(1)(b) or Section 5(6)(b) of this By-Law to the contrary, the lands designated M2-21 on Schedule "A" hereto shall be used and developed in accordance with the following special provisions:</p> <p>(i) Permitted Uses:</p> <ul style="list-style-type: none"> a business or professional office; a private club; an assembly plant; a fabricating plant; a manufacturing plant; a processing plant; a public use, in accordance with the provisions of Section 5(18) hereof; a retail outlet, a wholesale outlet or a business office accessory to 	M2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>a permitted use; a service shop; a warehouse.</p> <p>(ii) Restrictions Adjacent To Flood Plains: (a) All exterior openings of all buildings shall be located above the minimum elevation of 85.1 metres geodetic surveys of Canada. (b) No building or structure shall be erected or altered within 6.5 metres (21.3 feet) of a flood plain except with the approval of the local Conservation Authority. No open storage shall be permitted on the property.</p>	
M2-22	<p>In addition to the uses permitted in Section 25(1)(b) and notwithstanding the provisions of Section 5(6)(b) of this By-Law to the contrary, the lands zoned M2-22 on Schedule "A" hereto may also be used for a business or professional office, a union hall, a free-standing restaurant, a church, a commercial school, an animal hospital, a clinic, a health club and such uses shall be developed in accordance with the following special provision: (i) Restrictions Adjacent To Flood Plains: No building or structure shall be erected or altered within 60 metres (200 feet) of a floodplain except with the approval of the local Conservation Authority.</p>	M2
M2-23	<p>Notwithstanding any provision of this By law to the contrary, the lands designated M2-23 on Schedule "A" hereto also may be used for a business or professional office and a clinic, and such lands shall be used in accordance with the following special provision: (i) Parking Requirements (minimum): Clinic, The greater of: (a) 8 parking spaces per full time practitioner, or (b) 1 parking space per 16.7 square metres (180 square feet) of gross floor area. (ii) Restrictions Adjacent To Flood Plains: No building or structure shall be erected or altered within 60 metres (200 feet) of a flood plain except with the approval of the local Conservation Authority.</p>	M2
M2-24	<p>Notwithstanding the provisions of Subsection (1) of Section 25 hereof to the contrary, the lands designated M2-24 on Schedule "A" hereto also may be used for the purpose of a Commercial Club for health, fitness and training and accessory uses thereto, which accessory uses may include, but not necessarily be limited to, an indoor swimming pool, facilities for serving light refreshments, professional offices and personal service shops.</p>	M2
M2-25	<p>Notwithstanding the provisions of Subsections (1) and (2) of Section 25 hereof to the contrary, the lands designated M2-25 on</p>	CA

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	Schedule "A" hereto also may be used for the purpose of a health club provided that no portion of a health club use shall be located within 50 metres of the railway right of way, except with the written approval of Canadian National.	
M2-26	Notwithstanding the provisions of Subsections (1) and (2) of Section 25 hereof to the contrary, the lands designated M2-26 on Schedule "A" hereto also may be used for the purpose of a health club, and a food catering business and associated freestanding restaurant, in accordance with the following special provision: (i) Gross Floor Area (maximum): The gross floor area of the freestanding restaurant shall not exceed 185.8 square metres (2,000 square feet).	M2
M2-27	Notwithstanding any provisions of Section 25(1) hereof to the contrary, the lands designated M2-27 on Schedule "A" hereto also may be used for a commercial garage and an automobile body shop.	M2
M2-28	Notwithstanding the provisions of clause (b) of Section 25(1), and clause (c) of Section 25(2) hereof to the contrary, the lands designated M2-28 on Schedule "A" hereto may also be used for a business or professional office, a restaurant, a freestanding restaurant, and a take-out restaurant, provided that the aforementioned uses are developed and operated in accordance with the following special provisions: (i) Front Yard Depth (minimum): 20 feet (ii) Exterior Side Yard Width (minimum): 20 feet	M2
M2-29	Notwithstanding the provisions of Sections 25 (1) to the contrary, the lands designated 'M2-29' on Map 5 of schedule "A" hereto may also be used in accordance with the following special provisions: (i) The permitted uses set out in Section 25 (1) (b) shall also include the following uses: (a) a warehouse, in which goods, wares, merchandise, substances, articles or things are stored and displayed in a warehouse format and offered for sale, at wholesale or retail, to other dealers, retail outlets, collectors and the general public, but shall not include a retail store as defined elsewhere in this By-Law. The retail sales shall not exceed forty-nine per cent (49%) of the total value of sales on the property; (b) a lunch counter, intended to serve primarily the customers of the uses permitted on the property, provided such lunch counter does not occupy a floor area in excess of 45 square metres and is located within the walls of the building in existence on the day of the passing of this By-Law; (c) a seasonal outdoor market for fruits, vegetables, antiques and	M2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>crafts. (ii) Notwithstanding the provisions of Section 5 (16) (c) of this By-Law, a maximum of two (2) on-site parking spaces may be located within 25 feet of the street line.</p>	
M2-30	<p>Notwithstanding any provisions of Section 25 (1) hereof to the contrary, the lands zoned 'M2-30' on Schedule "A" hereto, may also be used for a medical clinic.</p>	M2
M3-1	<p>Notwithstanding the provisions of Section 26(1) and Section 26(2)(c)(ii) of this By-law to the contrary, the lands designated as "M3-1" on Schedule "A" attached hereto shall only be used for the following uses: a contractor's or a tradesman shop; a workshop; an accessory sales outlet, provided that such items for sale are manufactured on the property where the sales outlet is located, a public use in accordance with the provisions of Section 5(18) hereof; development shall be in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) Maximum Building Coverage: 5000 square feet (ii) Maximum Open Storage Coverage: 2000 square feet (iii) Front yard <ul style="list-style-type: none"> (a) abutting an industrial or agricultural zone: 25 feet (b) abutting any other zone: 80 feet (iv) Side yard <ul style="list-style-type: none"> (a) abutting an industrial or agricultural zone: 20 feet (b) abutting any other zone: 40 feet (v) Rear yard <ul style="list-style-type: none"> (a) abutting an industrial or agricultural zone: 25 feet (b) abutting any other zone: 50 feet 	RM1
M3-2	<p>Notwithstanding the provisions of Section 26(1) to the contrary, the lands designated M3-2 on Map 5 of Schedule "A" attached hereto shall be used in accordance with the following special provisions:</p> <ul style="list-style-type: none"> (i) In addition to the provisions of Section 19(1)(b) hereof to the contrary, the lands designated M3-2 on Schedule 'A' attached hereto may be used for one or more of the following: <ul style="list-style-type: none"> - a commercial club - a private club - a recreational establishment 	CA
M3-3	<p>Notwithstanding the provisions of Section 26(2) to the contrary, the lands designated 'M3-3' on Map 3 of Schedule "A" hereto may be used in accordance with the following special provisions:</p> <ul style="list-style-type: none"> (i) Lot Frontage (minimum): 100 feet (ii) Accessory Dwelling house front yard depth (minimum): 15 feet (iii) Interior side yard width for industrial garage along southern interior lot line abutting M3 zone (minimum): 17 feet 	RM1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
M4-1	<p>Notwithstanding the provisions of Section (27)(1) hereof to the contrary, the lands designated M4-1 on Schedule "A" hereto may also be used for a lumber yard, a cartage or transport yard, a waste processing site and a waste transfer station provided that said uses are developed and operated in accordance with the following definitions and provisions:</p> <p>(i) "Waste Processing Site" means a site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.</p> <p>(ii) "Waste Transfer Station" means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.</p> <p>(iii) The provisions of Section 27(2) hereof shall apply.</p>	RM2
M4-3	<p>Notwithstanding the provisions of Section 27(1), the lands designated M4-3 on Schedule "A" attached hereto may be used for a waste processing site and waste transfer station provided the uses are developed and operated in accordance with the following definitions and provisions:</p> <p>(i) "Waste Processing Site" means a site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.</p> <p>(ii) "Waste Transfer Station" means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.</p> <p>b) Notwithstanding the provisions of Section 27(1), the lands designated M4-3 on Schedule "A" attached hereto the following uses are prohibited: an automobile wrecking yard, a salvage yard and a sanitary landfill site.</p> <p>c) Notwithstanding the provision of Section 27(2), the lands designated Special Disposal Industrial 'M4-3' Zone on Schedule "A" attached hereto, shall be used in accordance with the Zone</p>	M5

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Provisions of the Restricted General Industrial 'M6' Zone, Section 28A(2).</p> <p>d) Notwithstanding any provisions to the contrary the maximum amount of waste to be received at lands designated 'M4-3' is limited to the following:</p> <ul style="list-style-type: none"> • Liquid industrial waste, including hazardous liquid waste: 125,000 litres per day • Non-hazardous solid waste: 100 tonnes <p>e) Notwithstanding any provisions to the contrary PCB, radioactive, pathological and putrescible waste is prohibited and shall not be accepted on lands designated 'M4-3'.</p> <p>f) Notwithstanding any provisions to the contrary the maximum amount of waste that may be stored at lands designated 'M4-3', at any time is limited to:</p> <ul style="list-style-type: none"> • 125,000 litres of non-hazardous industrial waste and hazardous liquid waste; • 6 tonnes of solid waste consisting of residual waste and hazardous liquid waste; • 94 tonnes of non-hazardous or hazardous solid waste. <p>g) Notwithstanding any provisions to the contrary the storage of waste is further limited to the following:</p> <ul style="list-style-type: none"> • ninety six (96) 205 litre drums and/or twenty four (24) 1,000 litre totes and/or twenty four (24) 1,000 litre skids for transfer/temporary storage and/or processing of non-flammable liquids stored inside the processing building; • ninety-six (96) 205 litre drums for transfer and temporary storage of flammable liquids stored outside of the processing building and in accordance with the Ontario Fire Code and National Fire Code of Canada. • Four (4) tanks located within the beamed area of the processing building for transfer/processing and temporary storage of oily wastes, oils and concentrates from the evaporator and having the following storage capacities: <ul style="list-style-type: none"> a) Tank 1: 35,000 litres; b) Tank 2: 35,000 litres; c) Tank 3: 35,000 litres and d) Tank 4: 13,000 litres • Solid waste shall be stored within the confines of the processing building. 	
M5	Not Applicable	EPA
M5-1	Notwithstanding the provisions of Section 28(1)(b) hereof to the contrary, the lands designated M5-1 on Schedule "A" hereto may be used for an aggregate screening operation, an asphalt plant, a	MX1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	concrete batching plant, a crushing plant or any combination of the foregoing uses.	
M6-4	Notwithstanding any provisions of this By law to the contrary, the lands designated M6-4 on Schedule "A" hereto may be used as a contractor's or tradesman's shop or yard or as an establishment for the sale, service and rental of construction equipment in accordance with the following provisions: (i) Lot Area (minimum): 2,000 square metres (ii) Lot Frontage (minimum): 30.5 metres.	M2
M6-5	Notwithstanding any provisions of this By law to the contrary, the lands designated M6-5 on Schedule "A" hereto may be served by a public water system and a private sewer system and may be used for one or more of the following uses: a transportation depot a vehicle rental establishment.	M1
M6-6	Notwithstanding Section 28A(1)(b) hereof to the contrary, the lands designated M6-6 on Schedule "A" hereto may be used for the following purposes: a bank or financial institution a factory retail outlet accessory to any manufacturing establishment a bottling, food packaging or processing plant an apparel or finished textile plant a manufacturing plant a processing plant an assembling plant a newspaper or printing and binding plant an industrial supply operation business offices and/or training facilities related to industry and commerce to a maximum of 25% of the gross mall area an ambulance dispatch facility a warehousing and/or wholesale establishment a restaurant offices ancillary to the use of the individual tenant's portion of the building an ancillary retail use, including showrooms and display provided that such use is limited to a maximum of 30% of the total area of the individual tenant's portion of the building; a public use in accordance with the provisions of Section 5(18) hereof including a fire hall and post office.	M1
M6-7	Notwithstanding any provisions of this By law to the contrary, the lands designated M6-7 on Schedule "A" hereto may be used as a contractor's or tradesmen's shop or yard in accordance with the	M2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	following provisions: (i) Lot Area (minimum): 2,000 square metres (ii) Lot Frontage (minimum): 30.5 metres (iii) Front Yard Depth (minimum): 2.8 metres	
M6-8	Notwithstanding the provisions of Sections 28A(1) and 28A(2) hereof to the contrary, the lands designated M6-8 on Schedule "A" hereto may be served by a public water system and a private sewerage system, and may be used for a transportation depot, a vehicle rental establishment, and a Truck Stop in accordance with the following provisions: (i) Gross Floor Area Of Truck Stop (a) the maximum gross floor area of a Truck Stop permitted within the M6-8 Zone shall not exceed 3,450 square metres; and, (b) the total gross floor area of all accessory retail uses permitted within a Truck Stop shall not exceed 180 square metres.	M1
M6-9	Notwithstanding the provisions of Sections 28A(1) and 28A(2) hereof to the contrary, the lands designated M6-9 on Schedule "A" hereto may be used for a Freestanding Restaurant in accordance with the following provision: (i) Gross Floor Area (maximum): 25 square metres	M2
M6-10	Notwithstanding the provisions of Section 28(A) hereof to the contrary, the lands designated M6-10 on Schedule "A" hereto may also be used and developed in accordance with the following provisions: (i) Non-Residential Uses a. a bottling, food packaging or processing plant; b. an apparel or finished textiles plant; c. a bonded warehouse or custom brokers; d. a newspaper or printing and binding plant; e. a wholesale establishment; and f. a self-service storage facility (ii) Minimum Lot Area 0.9 acres (iii) Minimum Lot Frontage 110 feet (iv) Minimum Front Yard: a) self-storage facility: 295 feet b) all other uses: 50 feet (v) Minimum Interior Side Yard (along common side yard line between 1240/1250 Gardiners Road and 1234 Gardiners Road only): 5 feet (vi) Self-Service Storage Facility: for the purposes of this Section, a self-service storage facility shall mean a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual	M1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.</p> <p>(vii) Any development on 1240/1250 Gardiners Road or 1234 Gardiners Road requiring a Site Plan Agreement or a Modified Site Plan Agreement shall require the said Agreement to be between the City of Kingston, the Owner(s) of 1240/1250 Gardiners Road and the Owner(s) 1234 Gardiners Road.</p>	
M6-13	<p>Notwithstanding the provisions of Subsection (1) of Section 28A hereof to the contrary, the lands designated M6-13 on Schedule "A" hereto shall be permitted an accessory retail use in accordance with the following provision:</p> <p>(i) Maximum permitted accessory retail space: 360 square feet</p>	M1
M6-14	<p>Notwithstanding any provisions of Section 28 hereof to the contrary, the lands designated as M6-14 on Schedule "A" hereto shall be developed in accordance with the following special provisions:</p> <p>i) That notwithstanding the provisions of Section 28A(1) hereof to the contrary, the lands designated 'M6-14' on Schedule "A" hereto may also be used for the following purposes:</p> <p>(a) A transportation depot (b) A retail outlet, wholesale outlet or a business office accessory to a permitted use (c) A cartage or transport yard</p> <p>(ii) That notwithstanding the provisions of 28A(1) and 28A(2) to the contrary, the use of the lands designated 'M6-14" on Schedule "A" hereto shall also be restricted as follows:</p> <p>(a) There shall be no underground fuel or chemical storage; (b) There shall be no outside storage of any material which may leach contaminants to the surface water if exposed to precipitation; (c) There shall be no outside storage, washing or maintenance of vehicles or equipment without paved surfaces and oil/water interception; (d) All runoff from paved traffic surfaces must be directed to storm sewers and not allowed to infiltrate into the ground.</p>	M1
M6-15	<p>Notwithstanding any provisions of Section 28A(1) to the contrary, the lands designated 'M6-15' on Schedule 'A' attached hereto, may also be used in accordance with the following:</p> <p>(i) a transportation depot;</p>	M1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(ii) a vehicle rental establishment;</p> <p>(iii) an accessory showroom, display area, and/or retail space associated with the following uses:</p> <p>a) an assembly plant, a fabricating plant, a manufacturing plant, or a processing plant for the advertising and sale of goods produced on-site within the primary use; or</p> <p>b) a warehouse.</p> <p>(iv) Maximum Floor Area The maximum floor area which may be devoted to an accessory showroom, display area and/or retail space shall be the lesser of the following:</p> <p>a) 25% of the gross floor area of an individual tenant's unit of the building, or</p> <p>b) 190 square metres of the individual tenant's unit of the building.</p>	
M6-17	<p>Notwithstanding any provisions of Section 28A(1) to the contrary, the lands designated 'M6-17' on Schedule 'A' attached hereto, may also be used for the following additional uses:</p> <p>i) a business office and/or training facilities related to industry and commerce;</p> <p>ii) a custom workshop;</p> <p>iii) an industrial supply operation;</p> <p>iv) an institutional use;</p> <p>v) a transportation depot (to be located within the General Industrial Designation 90-120 metres from the front property line)</p> <p>v) a warehouse and/or wholesale establishment; and</p> <p>vii) Maximum Floor Area The maximum floor area which may be devoted to an accessory showroom, display area and/or retail space shall be the lesser of the following:</p> <p>a) 25% of the gross floor area of an individual tenant's unit of the building, or</p> <p>b) 280 square metres of the individual tenant's unit of the building.</p>	M1
M6-18	<p>Notwithstanding the provisions of Section 28(1) to the contrary, the lands designated 'M6-18' on Map 3 of Schedule "A" hereto shall only be used in accordance with the following special provisions:</p> <p>(iv) In addition to the uses permitted by Section 28(1) of this By-law, the following uses shall also be permitted: transportation depot; and vehicle and automotive repair.</p> <p>(v) Prohibited Uses: retail sale of automotive parts, fluids and accessories.</p> <p>(vi) For the purposes of this Section only, the following definition shall apply:</p>	M2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>vehicle and automotive repair establishment: shall mean minor repairs, incidental replacement of parts and motor service to vehicles, automobiles and trucks.</p> <p>(vii) Notwithstanding any provisions of this By-law to the contrary, the vehicle and automotive repair use shall be restricted to 25% of the gross floor area permitted on the subject site.</p>	
M6-19	<p>Notwithstanding the provisions of Section 28A hereof to the contrary, on the lands designated 'M6-19' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>i) Permitted Uses: In addition to the provisions of Section 28A(1), the permitted uses shall also include:</p> <p>a. Accessory Wholesale Establishment; and b. Accessory Retail Use.</p> <p>ii) Maximum Gross Floor Area: The maximum combined gross floor area which may be devoted to an accessory wholesale use and/or accessory retail outlet use shall be equal to or lesser than the following:</p> <p>a) 25% of the gross floor area of an individual tenant's unit within the building.</p> <p>iii) Prohibited Uses: a. Accessory Dwelling Unit</p> <p>iv) Lot Area (minimum): 0.5 acres v) Lot Frontage (minimum): 100 feet Parking: In accordance with the provisions of Section 5(16) hereof.</p>	<p>- 1020 Gardiners Rd, 630 Fortune Cres: M1 - 505 O'Connor Dr, 607 Norris Crt, 590-598 Cataraqui Woods Dr, 620-626 Cataraqui Woods Dr: M2</p>
M6-20	<p>Notwithstanding the provisions of Section 28A(1) to the contrary, the lands Zoned 'M6-20' on Map 1 of Schedule "A" hereto shall only be used in accordance with the following special provisions:</p> <p>(i) Prohibited Uses: Accessory Dwelling Unit Dry-Cleaning, Laundry Plant</p> <p>(ii) Maximum Lot Coverage: 10%</p> <p>(iii) Notwithstanding Section 28A(1)(iii) to the contrary, open storage shall be permitted in the front yard with a minimum setback of 15 metres from the property line abutting a public road. The open storage shall be screened with a continuous vegetated berm along the west property line and portion of the north property line abutting the residential use. The screening shall be in conformity with the regulations of the Restricted General Industrial 'M6' Zone.</p>	RM1
M6-21	<p>Notwithstanding any provisions to the contrary, the lands zoned 'M6-21' on Map 3 of Schedule 'A' to By-Law Number 2006-107 may also be used in accordance with the following special regulations:</p> <p>(i) In addition to the uses permitted in Section 28A(1) and 28A(3)(b)</p>	M1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>of By-Law Number 76-26, the following uses shall also be permitted: Recreational uses, including an arena; Free-standing restaurant; and Accessory uses to the recreational uses including but not limited to a medical clinic, an office, meeting rooms, pro-shop, restaurant and coffee shop, provided such uses are ancillary to the main recreational use of the site. (ii) For the purposes of this Section, a recreational use shall be defined as a building, structure or lot used for such uses as an arena, outdoor playing fields (including such uses as, but not limited to, soccer fields, tennis courts, or skateboard park), field house, indoor or outdoor pool, or fitness facility. (iii) Recreational uses may be located in more than one main building on the site. (iv) Parking for any recreational use and accessory use to a recreational use shall be at a rate of 1 space for each 30 m² of gross floor area.</p>	
M6-22	<p>Notwithstanding the provisions of Section 28A hereof to the contrary, on the lands designated 'M6-22' on Schedule 'A' hereto, the following regulations shall apply: vi) Permitted Uses: In addition to the provisions of Section 28A(1), the permitted uses shall also include: a. Accessory Wholesale Establishment; and b. Accessory Retail Use, for the purpose of selling motor homes and travel trailers only. vii) Prohibited Uses: a. Accessory Dwelling Unit; and b. Automotive Centre.</p>	M1
OS-2	<p>Notwithstanding the provisions of Section 8(1)(b) hereof to the contrary, the lands designated OS-2 on Schedule "A" hereto may be used for a rifle and pistol club, including a firing range.</p>	RM2
OS-3	<p>Notwithstanding the provisions of Section 8(1) hereof to the contrary, the lands designated OS-3 on Schedule "A" hereto shall be used for no purpose other than a public park or a public use in accordance with the provisions of Section 5(18) hereof. (For accurate reference please consult By-Law Numbers 77-20, 77-22 and 77-24).</p>	OS2
OS-9	<p>Notwithstanding any of the provisions of this by-law hereof to the contrary, the lands designated OS-9 on Schedule "A" are above the 85.5 metre geodetic elevation and also may be used for the purpose of an aquatic golf driving range provided that the said use</p>	OS2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>is developed and operated on the subject lands with the following special provision that.</p> <p>(a) A 15 metre wide vegetative buffer is maintained between any development of these lands and the adjoining wetlands.</p>	
OS-10	<p>Notwithstanding the provisions of Section 22(1)(a), Section 22(1)(b), Section 22(2)(d), Section 22(2)(e), Section 22(2)(f), and Section 22(2)(j) hereof to the contrary, the lands designated as "OS-10" on Schedule "A" attached hereto shall be used for no other purpose than a single family dwelling or a home occupation in accordance with the following provisions:</p> <p>(i) No building, structure or use shall be located closer than 30 metres to the boundaries of Block 42, R.P. 1844.</p> <p>(ii) Height of Building (minimum): 9 metres</p> <p>(iii) One dwelling house only shall be permitted within the OS-10 Zone.</p>	OS2
OS-11	<p>Notwithstanding the provisions of Section 8(1) to the contrary, the lands designated 'OS-11' on Map 2 of Schedule "A" hereto may be used in accordance with the following special provisions:</p> <p>(i) Notwithstanding the provisions of Sections 8(1)(b), the lands designated as 'OS-11' on Schedule "A" may also be used for the following uses:</p> <ul style="list-style-type: none"> • basketball courts; • a bicycle and skateboard park; • seasonal camping sites; • a miniature golf course; • mobile restaurant; • paintball • picnic areas; • playground; • parking areas; • sport equipment rentals; and • volleyball courts. <p>(ii) Notwithstanding the provisions of Section 8(1)(b), the lands designated as 'OS-11' on Schedule "A" may be used for the following uses subject to the removal of the '-H' Holding Provision from the property;</p> <ul style="list-style-type: none"> • commercial club; • convenience store accessory to a permitted non-residential use specified herein; • a recreational establishment; and • a restaurant. <p>(iii) For the purposes of the 'OS-11' Zone a Mobile Restaurant shall be defined as follows:</p>	OS2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Mobile Restaurant: means a vehicle or trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and such items are offered directly for consumption to the general public, and includes a chip wagon, a mobile canteen and other refreshment vehicles.</p> <p>(iv) Notwithstanding the provisions of Section 5(16)(a), on the lands designated as 'OS-11' on Schedule "A" the following parking requirements shall apply:</p> <p>a. Campsites: 1 parking space per campsite;</p> <p>b. There shall be a minimum of 150 parking spaces located on the property zoned 'OS-11' including the required parking for each campsite as set out in subsection a. above.</p>	
R1-7	<p>Notwithstanding any provisions of Section 12(2)(b) or Section 12(2)(e) hereof to the contrary, the lands designated R1-7 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Lot Frontage (minimum): 114 metres</p> <p>(ii) Interior Side Yard Width (minimum): 15 metres</p>	RU
R1-11	<p>Notwithstanding the provisions of Section 12(2)(b)(i)(b) hereof to the contrary, the lands designated R1-11 on Schedule "A" hereto shall be developed in accordance with the following provision:</p> <p>(i) Lot Frontage (minimum): 30 metres</p>	UR2
R1-12	<p>Notwithstanding the provisions of Section 12(2)(a)(ii) and Section 12(2)(b)(i)(b) hereof to the contrary, the lands described as part of Lot 3, Registered Plan Number 448, Part of Lot 6, Concession III and designated R1-12 on Schedule "A" hereto, shall be developed in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 929.0 square metres (10,000 square feet)</p> <p>(ii) Lot Frontage (minimum): 22.800 metres (75.10 feet)</p>	UR2
R1-15	<p>Notwithstanding any provision of Section 12(1), Section 12(2)(b)(i)(c), Section 5(1)(e)(i), Section 5(16)(a) and Section 5(16)(h) hereof to the contrary, the lands designated R1-15 on Schedule "A" hereto, may be used for the purposes set out below provided that such uses are developed in accordance with the following provisions:</p> <p>(i) Uses Permitted:</p> <p>(a) Residential Uses: one single family dwelling house.</p> <p>(b) Non-Residential Uses: a catering business including one or more of the following uses:</p> <p>a kitchen facility;</p> <p>a garage for storing stock, loading catering trucks, making minor repairs to and cleaning catering trucks and overnight storage of</p>	RUR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>catering trucks; and an office accessory to the catering business.</p> <p>(ii) Zone Provisions:</p> <p>(a) Lot Frontage (minimum): 30.48 metres (100 feet)</p> <p>(b) Location of Catering Business on Lot:</p> <p>(i) The operation of the catering business shall be restricted to the catering building except that nothing shall prevent the maintenance of an existing office within the permitted single-family dwelling house.</p> <p>(ii) The catering building shall be located no closer than 4.26 metres (14 feet) to any side or rear lot line or closer than 15.24 metres (50 feet) to the permitted single family dwelling house.</p> <p>(c) Gross Floor Area of Catering Building (maximum): 167.22 square metres (1,800 square feet).</p> <p>(d) Parking Requirements: Residential Use: 1 parking space per dwelling unit Catering Business: 1 parking space per 37.16 square metres (400 square feet) of gross floor area devoted to the catering business to be located in the rear or side yard only.</p> <p>(e) Parking Restrictions: All commercial vehicles devoted to the accessory catering business use shall be parked or stored overnight within an enclosed building or structure.</p>	
R1-19	<p>Notwithstanding any provision of Section 12(2)(a)(iii) of this by-law to the contrary, the lands designated R1-19 on Schedule "A" hereto shall be used in accordance with the following:</p> <p>(i) Lot Area (minimum): 1,675 square metres</p>	RUR
R1-20	<p>Notwithstanding any provision of Section 12 hereof to the contrary, the lands designated R1 20 on Schedule "A" hereto may be used for the purpose of a retail store together with an accessory dwelling unit provided that such uses are developed in accordance with the following provisions:</p> <p>(i) such retail store shall be confined to the ground floor of the existing residential building;</p> <p>(ii) such accessory dwelling unit shall be confined to the existing residential building; and</p> <p>(iii) no parking area, other than an access driveway, shall be located within 3 metres of any street line or 1 metre of any lot line.</p>	RUR
R1-26	<p>Notwithstanding the provisions of Section 12(2) hereof to the contrary, the lands designated R1-26 on Schedule "A" hereto shall be used in accordance with the following provisions:</p> <p>(i) Lot Area (minimum): 2,217 square metres</p> <p>(ii) Lot Frontage (minimum): 33 metres.</p>	HAM

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
R1-33	Notwithstanding the provisions of Section 12(2)(a) hereof to the contrary, the lands designated R1-33 on Schedule "A" hereto shall be developed in accordance with the following provision: (i) Lot Area (minimum): 0.4 hectares (1 acre)	HAM
R1-34	Notwithstanding the provisions of Sections 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-34 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Lot Area (minimum): 0.6 hectares (1.5 acres) (ii) Lot Frontage (minimum): 61 metres (200 feet)	HAM
R1-37	Notwithstanding the provisions of Section 12(2) hereof to the contrary, the lands designated as R1-37 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Lot Area (minimum): (a) Lot served by only a public water system: 0.6 hectares (ii) Lot Frontage (minimum): (a) Lot served by only a public water system: 60.0 metres	UR2
R1-38	Notwithstanding the provisions of Clause (b) of Section 12(1) and Clause (i) of Section 12(2) hereof to the contrary, the lands designated R1-38 on Schedule "A" hereto also may be used for a self-service storage facility provided said use is developed and used in accordance with the following provisions: (i) Self-Service Storage Facility means a facility as defined in Clause (ap)(i) of Section (19)(3) hereof. (ii) Open Storage – Self-Service Storage Facility: No open storage of goods or materials shall be permitted, except in accordance with the following provisions: (a) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers). (b) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and clauses (e) and (f) of Section 12(2) hereof as if such open storage use were a building or structure provided, however, that such use complies with paragraph (a) above. (c) Notwithstanding (b) above, no open storage use shall be located in a front yard, or an interior side yard or rear yard which abuts a residential or Development (D) Zone.	CA
R1-40	Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-40" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Front Yard Depth (minimum): 62 metres	UR2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
R1-41	Notwithstanding the provisions of Section 9(2)(c) to the contrary, the lands designated "R1-41" on Schedule "A" attached hereto, shall be developed in accordance with the following provision: (i) Front Yard Depth (minimum): 80 metres	RUR
R1-42	Notwithstanding the provisions of Section 9(1), 9(2)(a) and 9(2)(b) to the contrary, the lands designated as "R1-42" on Schedule 'A' attached shall be used for no other purposes than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: (i) Lot Area (minimum): 2 hectares (ii) Lot Frontage (minimum): 60 metres	RUR
R1-46	Notwithstanding the provisions of Section 5(9)(e) hereof to the contrary, on the lands designated 'R1-46' on Schedule "A" hereto, a home occupation may include the sale of cleaned and / or repaired antique glass, china and porcelain not produced on the premises provided such items do not exceed 50 per cent of any goods displayed for sale, and the balance of the goods displayed for sale must be arts and crafts that are produced on the premises.	UR2
R1-48	Notwithstanding the provisions of Section 9(1), 9(2)(b)(ii) and 9(3)(e) of this By-law to the contrary, the lands designated R1-48 on Schedule 'A' hereto shall be used for no other purpose than a detached single family dwelling house, home occupation or a public use in accordance with the following provisions: (i) Lot Area (minimum): 2,000 square metres (ii) Lot Frontage (minimum): 17 metres For the purposes of the R1-48 zone, 'Lot frontage' means the horizontal distance between the side lot lines and measured along the common property line with the public right-of-way.	UR2
R1-50	Notwithstanding the provision of Section 12 (3) hereof to the contrary, the lands designated 'R1-50' on Schedule "A" attached hereto, shall be used in accordance with the following regulations: (a) The following uses only shall be permitted: (i) a single family dwelling house; (ii) a converted dwelling house; (iii) a photo studio – does not include any form of photo processing; (iv) a home occupation; (v) a public use in accordance with the provisions of Section 5 (18) hereof. (b) Lot Frontage (minimum): 27.4 metres (89.8 feet).	UR2
R1-52	Notwithstanding the provisions of Section 12(2) to the contrary, on the lands designated 'R1-52' on Map 3 of Schedule "A" hereto may	RUR

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>be used in accordance with the following special provisions: (i) Lot Frontage (minimum): 130 feet.</p>	
R1-54	<p>Notwithstanding the provisions of Section 12(1), 12(2), and 5(9) and 5(16) to the contrary, the lands designated 'R1-54' on Map 2 of Schedule "A" hereto may be used in accordance with the following special provisions: (i) The maximum floor area of the business office and associated storage for the household cleaning operation shall not exceed 70 square metres. (ii) The owner of the household cleaning operation shall reside on the premises. (iii) No more than 20 people, other than a member of the family shall be employed by the business associated with the household cleaning operation and the office staff shall not exceed 2 persons. (iv) There shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the dwelling house is being used for a purpose other than residential. (v) There shall be no goods, wares or merchandise, offered or exposed for sale or rent on the premises. (vi) The household cleaning operation shall not create or become a public nuisance, particularly in regard to noise, vibration, glare, fumes, odours or electrical interference in excess of that normally experienced in a residential neighbourhood. (vii) The household cleaning operation shall not interfere with television or radio reception. (viii) The household cleaning operation shall be restricted to the dwelling house. (ix) Stacked parking shall be permitted. The maximum employee/business vehicles at one time shall not exceed eight (8) vehicles. (x) Lot Area (Minimum): 1323.38 square metres. (xi) That the hook up to a municipal sewer line shall take place within a six (6) month period.</p>	UR2
R1-55	<p>Notwithstanding the provisions of Section 12(1), 12(2)(a) and 12(2)(b) to the contrary, the lands designated as "R1-55" on Schedule "A" attached shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions: i) Lot Area (minimum): 10,000 square feet ii) Lot Frontage (minimum): 100 feet</p>	RUR
R1-56	<p>Notwithstanding the provisions of Section 12 of this by-law to the contrary, the lands designated 'R1-56' on Map 1 of Schedule "A"</p>	RU

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>hereto may be developed in accordance with the following regulations:</p> <p>(i) Permitted Uses: The only permitted uses shall be:</p> <p>(a) Residential Uses: a single-family dwelling house; a converted dwelling house.</p> <p>(b) Non-Residential Uses: a home occupation; a public use in accordance with the provisions of Section 5(18) hereof; and the sale of antiques in an accessory building.</p> <p>(ii) Maximum Gross Floor Area of the Accessory Building for the Sale of Antiques: The maximum gross floor area of the antique business shall not exceed 72 square metres and shall be located within the walls of the existing accessory dwelling located on the property at 1775 Highway 38.</p> <p>(iii) Use of the Accessory Building: The use associated with the antique business shall only be located within the accessory building on the property known municipally as 1775 Highway 38. The maximum floor area permitted shall be in accordance with Clause (ii) above and the business shall not be permitted to expand and will remain unserviced.</p> <p>(iv) Office Use: The office use associated with the antiques sales shall be located within the existing residential building on the property known municipally as 1775 Highway 38. The office use shall only be permitted in conjunction with the permitted sales of antiques in the accessory building located at 1775 Highway 38.</p> <p>(v) Parking Spaces (minimum): Off street parking shall be in accordance with the regulations of Section 5(16) of this by-law.</p> <p>(vi) Advertising: All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.</p>	
R1-57	<p>Notwithstanding the provisions of Section 4, Section 5(16), and Section 12 of this by-law to the contrary, the lands designated 'R1-57' on Map 1 of Schedule "A" hereto may be used for a self-service storage facility, provided said uses are developed and used in accordance with the following regulations:</p> <p>(i) Permitted Uses: The only permitted uses shall be:</p>	HAM

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(a) Residential Uses: an existing two unit dwelling;</p> <p>(b) Non-Residential Uses: a self-service storage facility; a home occupation a public use in accordance with the provisions of Section 5(18) hereto</p> <p>(c) Front Yard Depth (minimum): (i) Two-unit dwelling: 10 feet (ii) Self-service storage facility: 30 feet (iii) Existing buildings are deemed to be in accordance with the site specific zone. Any new buildings will be built in accordance with the site specific provisions.</p> <p>(d) Interior Side Yard Width (minimum): (i) Self-service storage facility: 30 feet (ii) Self-Service Storage Facility – means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited. (iii) Open Storage – Self-Service Storage Facility: No open storage of goods or materials shall be permitted, except in accordance with the following provisions: (a) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers) (b) No open storage use shall be located in a front yard, or an interior side yard or rear yard which abuts a residential zone.</p> <p>(iv) Office Use: The office use associated with the self-service storage facility shall be located within the existing residential building on the property known municipally as 1414 Audrey Street. The office use shall only be permitted in conjunction with the permitted self-service storage facility located at 1414 Audrey Street.</p> <p>(v) Parking Spaces (minimum): Off street parking shall be in accordance with the regulations of Section 5(16) of this by-law.</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(vi) Buffer Strip That a landscaped buffer strip of a minimum 6.0 metres in width, shall be required between any abutting residential use and the proposed self-service storage units.</p>	
R1-60	<p>Notwithstanding the provisions of Section 12 of this by-law to the contrary, the lands designated 'R1-60' on Zoning Map Number 1 of Schedule "A" to this By-Law may be developed in accordance with the following provisions: (i) minimum required lot frontage: 30 metres.</p>	RUR
R1-66	<p>Notwithstanding the provisions of Section 12(2)(a), Section 12(2)(b)(i)(a), Section 12(2)(c), and Section 12(2)(e)(ii) hereof to the contrary, on the lands designated 'R-66' on Schedule "A" hereto, the following regulations shall apply: i) Lot Area (minimum): 350 square meters ii) Lot Frontage (minimum): 10.5 metres iii) Lot Yard Depth (minimum): 10 metres iv) Interior Side Yard (minimum where property line is shared with Part 2 of Reference Plan 377, known as 1616 Anne Street): 2.3 metres</p>	UR2
R1-67	<p>Notwithstanding the provisions of Sections 12(1) and 12(2) of this by-law, the lands zoned 'R1-67' on Schedule "A" to this by-law, may be used in accordance with the following provisions: (i) Permitted Uses: The only permitted uses shall be: (a) Residential Use: an existing semi-detached dwelling. (b) Non-Residential Uses: a home occupation; a public use in accordance with the provisions of Section 5(18) hereof. (ii) The existing semi-detached dwelling is required to be served by public water and sanitary sewer systems. (iii) For the purpose of lot area, lot frontage and side yard regulations, the existing dwelling with common party walls shall be considered as one building occupying one lot. (iv) Lot Area (minimum): 766 square metres (8,245 square feet) (v) Lot Frontage (minimum): 22.8 metres (75 feet) (vi) Interior Side Yard Width (minimum): 2.72 metres (8.9 feet) (vii) Dwelling Unit Area (minimum): 164 square metres (1,765.3 square feet)</p>	UR2
R2-1	<p>Notwithstanding any provision of Section 13(1)(a) hereof to the contrary, the</p>	UR2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	lands designated R2-1 on Schedule "A" hereto shall be used for no purpose other than: a single-family dwelling house; a semi-detached dwelling house; or a duplex dwelling house.	
R2-8	<p>Notwithstanding the provisions of Sections 4(117), 5(18), 13(1)(a) and 13(2) hereof to the contrary, the lands designated R2-8 on Schedule "A" hereto shall be limited to a single family dwelling house and a semi detached dwelling house and such lands shall be used in accordance with the following provisions:</p> <p>(i) Lot Area (minimum):</p> <p>(a) Semi-detached dwelling house: 550 square metres</p> <p>(ii) Lot Frontage (minimum): Corner Lot Other Lot</p> <p>(a) Single-family dwelling house 18 metres 12 metres</p> <p>(iii) Dwelling Unit Area (minimum):</p> <p>(a) Single-family dwelling house: 83.5 square metres</p> <p>(iv) Public Use:</p> <p>For the purposes of the R2-8 Zone, the term Public Use as defined in Section 4(117) hereof shall be deemed to include a storm water management facility which has been approved by the Corporation; it being understood that once such a facility no longer is required, it shall be removed and the lands may be developed for residential purposes in accordance with this by-law.</p>	UR2
R2-14	<p>Notwithstanding the provisions of Section 13(1)(a) hereof to the contrary, the lands designated R2-14 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) Residential Uses:</p> <ul style="list-style-type: none"> • a single-family dwelling house; • a semi-detached dwelling house; • a community residence <p>(ii) Single-family dwelling houses and semi-detached dwelling houses shall be developed in accordance with the provisions of the R2-9 Zone, being Section 13(3)(i) hereof.</p> <p>(iii) The whole of a single-family dwelling house or semi-detached dwelling house, permitted herein, may be used for the purpose of a community residence.</p>	UR3
R2-29	<p>Notwithstanding the provisions of Section 5(16)(d)(iv) and Section 13 to the contrary, the lands designated 'R2-29' on Map 5 of Schedule "A" hereto may be used in accordance with the uses and provisions of the "R2-27" Zone with the following special provisions:</p> <p>(a) A maximum width of 2.5 metres of the driveway shall be</p>	UR3

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>permitted to be located within the sight triangle. There shall be no parking permitted within the required sight triangle at any time.</p> <p>(b) Any dwelling constructed on this property shall be required to be set back an additional 2.25 metres from the front lot line to provide parking on the lot in accordance with the provisions of the By-Law and outside of the sight triangle.</p> <p>(c) Exterior Side Yard (minimum): 4.5 metres</p>	
R2-30	<p>Notwithstanding the provisions of Section 13 to the contrary, the lands designated 'R2-30' on Map 5 of Schedule "A" hereto may be used in accordance with the uses and provisions of the "R2-27" Zone with the following special provisions:</p> <p>(a) Exterior Side Yard (minimum): 4.5 metres</p>	UR3
R3-13	<p>Notwithstanding the provisions of Section 14(1), Section 14(2) or Section 5(16) hereof to the contrary, the lands designated R3 13 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:</p> <p>(i) (a) Residential Uses: a semi detached dwelling house</p> <p>(b) Non Residential Uses: a home occupation; a parking area consisting of no more than five (5) parking spaces; a public use in accordance with the provisions of Section 5(18) hereof.</p> <p>(ii) Lot Area (minimum): (a) Semi detached dwelling house: 560 square metres.</p>	UR2
R4-1	<p>Notwithstanding the provisions of Section 15(1) and 15(2) hereof to the contrary, the lands designated R4-1 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Height of Building (maximum): 18.3 metres, provided that the total number of storeys in any such building shall not exceed 6.</p> <p>(ii) Dwelling Units Per Lot (maximum): 74 units, provided that the total number of units in the R4-1 Zone shall not exceed 464.</p> <p>(iii) Rear Yard Depth (minimum): Notwithstanding any provision of this By law to the contrary, the minimum required rear yard depth for any lot which abuts the Cataraqi Cemetery shall be 30.5 metres to the easterly most property boundary of the Cataraqi Cemetery. (Note: The following provisions apply to those lands in Auden Park which are zoned R4 1, Lot 6, Concession I: Auden Park R4 1 Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-1 on Schedule "A" hereto</p>	URM2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>shall be developed in accordance with the following provision: (iv) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 275 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table: Dwelling Unit Type Number of Persons Generated per Unit Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom The following is an example only and does not form part of this By law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate, 20 x 1.5 = 30 14 x 2.5 = 35 65 persons</p>	
R4-2	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4 2 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (i) Dwelling Units Per Lot (maximum): 43 units, provided that the total number of units in the R4-2 Zone shall not exceed 77.</p>	URM2
R4-3	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-3 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (i) Dwelling Units Per Lot (maximum): 29 units</p>	URM2
R4-4	<p>Notwithstanding any provisions of Section 15(2)(b) hereof to the contrary, the lands designated R4-4 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Lot Frontage (minimum): 66 feet.</p>	URM2
R4-7	<p>Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-7 on Schedule "A" hereto shall be developed in accordance with the following provision: (i) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 240 persons. The total number of persons generated by any development proposal shall</p>	URM2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <p>Dwelling Unit Type Generated per Unit Number of Persons</p> <p>Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom</p> <p>The following is an example only and does not form part of this By law: an apartment proposal containing 9 bachelor units, 32 one bedroom units and 72 two bedroom units would generate,</p> <p>9 x 1.0 = 9 32 x 1.5 = 48 72 x 2.5 = 180 237 persons</p>	
R4-8	<p>Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-8 on Schedule "A" hereto shall be developed in accordance with the following provision:</p> <p>(i) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 290 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <p>(i) Dwelling Unit Type Generated per Unit Number of Persons</p> <p>Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom.</p>	URM1
R4-9	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated as R4-9 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 550 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <p>Dwelling Unit Type Generated per Unit Number of Persons</p> <p>Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom</p> <p>The following is an example only and does not form part this By law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,</p> <p>20 x 1.5 = 30 14 x 2.5 = 35 65 persons</p>	
R4-10	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-10 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Dwelling Units Per Block (maximum): 128 units, on each block shown on a registered plan of subdivision provided that the total number of units in the R4-10 Zone shall not exceed 376, and</p> <p>(ii) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 940 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <p>Dwelling Unit Type Generated per Unit Number of Persons</p> <p>Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom</p> <p>The following is an example only and does not form part of this By law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,</p> <p>20 x 1.5 = 30 14 x 2.5 = 35 65 persons</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone										
R4-11	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated as R4-11 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted shall not exceed a number that would generate more than 1,743 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:</p> <table border="0"> <tr> <td>Dwelling Unit Type</td> <td>Generated per Unit Number of Persons</td> </tr> <tr> <td>Bachelor</td> <td>1.0</td> </tr> <tr> <td>1 bedroom</td> <td>1.5</td> </tr> <tr> <td>2 bedroom</td> <td>2.5</td> </tr> <tr> <td>3 bedroom or greater</td> <td>3.5 plus 1.0 for each additional bedroom</td> </tr> </table> <p>The following is an example only and does not form part of this By-law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,</p> <p>20 x 1.5 = 30 14 x 2.5 = 35 65 persons</p>	Dwelling Unit Type	Generated per Unit Number of Persons	Bachelor	1.0	1 bedroom	1.5	2 bedroom	2.5	3 bedroom or greater	3.5 plus 1.0 for each additional bedroom	URM2
Dwelling Unit Type	Generated per Unit Number of Persons											
Bachelor	1.0											
1 bedroom	1.5											
2 bedroom	2.5											
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom											
R4-12	<p>Notwithstanding the provisions of Section 15(1) and 15(2) hereof to the contrary, the lands designated R4-12 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Height of Building (maximum): 18.3 metres, provided that the total number of storeys in any such building shall not exceed 6.</p> <p>(ii) Dwelling Units Per Lot (maximum): 65 units</p> <p>(iii) Rear Yard Depth (minimum): Notwithstanding any provision of this By law to the contrary, the minimum required rear yard depth for any lot which abuts the Cataraqui Cemetery shall be 22.8 metres so that no main building wall is located closer than 22.8 metres to the easterly most property boundary of the Cataraqui Cemetery.</p>	URM2										

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
R4-14	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-14 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply:</p> <p>(i) Dwelling Units Per Lot (maximum): 29 units (ii) Rear Yard Depth (minimum)</p> <p>Notwithstanding any provision of this By law to the contrary, the minimum required rear yard depth for any lot which abuts the Cataraqui Cemetery shall be 22.8 metres so that no main building wall is located closer than 22.8 metres to the easterly most property boundary of the Cataraqui Cemetery.</p>	URM2
R4-15	<p>Notwithstanding the '-H' Symbol applied pursuant to the Planning Act, the lands zoned 'R4-15-H' may be used in accordance with the uses and buildings existing on the date of the passing of Amending By-Law Number 2006-103 and permitted 'R4' uses.</p> <p>2. Removal of '-H' Holding Symbol</p> <p>The '-H' Symbol shall only be removed once the conditions of Section 6(6) of By-Law Number 76-26 have been complied with.</p> <p>3. Subject to the removal of the '-H' Symbol pursuant to the Planning Act, on the approximately 3.9 hectare parcel of land located at 920 Gardiners Road and zoned 'R4-15-H' on Zoning Map 5, the provisions of Section 15, 'R4' Zone shall apply to the 'R4-15' Zone except that the following regulations shall apply notwithstanding any provisions of the By-Law to the contrary:</p> <p>(i) The following uses only shall be permitted: an apartment dwelling house; bank; a business or professional office; a clinic; a convenience store; a dry cleaning or laundry outlet; a florist shop; a Laundromat; a restaurant; a take-out restaurant; a retail store; and a public use in accordance with Section 5(18) hereof.</p> <p>(ii) More than One Main Building</p> <p>More than one main building may be developed on the subject property subject to compliance with all other regulations.</p> <p>(iii) Commercial and Non-commercial Development</p> <p>Where permitted commercial and non-commercial uses are located in the same building, the commercial uses shall be located on the</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>ground floor of the building. (iv) Front Yard Depth (minimum): 6.1 metres. (v) Interior Side Yard Depth (minimum): 8 metres. (vi) Rear Yard Depth (minimum): 7.5 metres from top of fill. (vii) Flood Plain Regulation: 7.5 metres from top of fill. (viii) Density (maximum): 175 dwelling units per hectare. (ix) Height of Building (maximum:) 39.6 metres. (x) Parking Requirement Subject to Section 5(16). (xi) Loading Requirement Subject to Section 5(12). (xii) Minimum Setback along Major Arterials Notwithstanding Section 5(20), the minimum building or structure setback along Gardiners Road shall be 50 feet plus the required front yard.</p>	
R4-17	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated R4-17 on Schedule "A" hereto shall be developed in accordance with the following provisions: (i) Number of Dwelling Units (maximum): The maximum number of dwelling units permitted in the R4-17 Zone shall not exceed a number that would generate more than 538 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table: Dwelling Unit Type Generated per Unit Number of Persons Bachelor 1.0 1 bedroom 1.5 2 bedroom 2.5 3 bedroom or greater 3.5 plus 1.0 for each additional bedroom The following is an example only and does not form part of this By law: an apartment proposal containing 9 bachelor units, 32 one bedroom units and 72 two bedroom units would generate, $9 \times 1.0 = 9$ $32 \times 1.5 = 48$ $72 \times 2.5 = 180$ 237 persons (ii) The density of development proposed for any single ownership within the R4-17 Zone shall not exceed 200 persons per hectare. A single ownership may involve more than one lot.</p>	URM2
R4-23	<p>Notwithstanding the provisions of Sections 15(1)(a) and 15(2) hereof to the contrary, the lands designated R4-23 on Schedule "A" hereto shall be used for no purposes other than a nursing home</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>and a senior citizens' apartment dwelling house, and such uses shall be developed in accordance with the following special provision:</p> <p>(i) Yard Depth Adjacent To Western Property Boundary (minimum) nursing home 4.0 metres.</p>	
R4-28	<p>Notwithstanding the '-H' applied pursuant to the Planning Act, the lands designated 'R4-28-H' may be used in accordance with the permitted uses and regulations contained in Section 29 of this By-Law for Zone 'D' Development.</p> <p>2. Subject to the removal of the '-H' Symbol pursuant to the Planning Act, the lands shall be used in accordance with the permitted uses and regulations contained in Section 15 of this By-Law for the 'R4' Residential Zone, and with any modifications thereto as specified below or elsewhere in this By-Law.</p> <p>3. Subject to the removal of the '-H' Symbol pursuant to the Planning Act, and notwithstanding the provisions of Subsection (16)(c) of Section 5 and Subsections (1) and (2) of Section 15 hereof to the contrary, the lands located at the southeast corner of Coverdale Drive and Bayridge Drive, and designated 'R4-28-H' on the Zoning Schedule attached to and forming part of By-Law Number 99-66 as Schedule "A", shall be used in accordance with the following regulations:</p> <p>(i) Permitted Uses:</p> <p>(a) Residential Uses:</p> <p>(i) The residential uses permitted by the R4 Zone;</p> <p>(ii) A senior citizens' apartment dwelling house;</p> <p>(iii) A nursing home, which for the purposes of this Section shall include a rest home, retirement home or convalescent home.</p> <p>(b) Non-Residential Uses:</p> <p>(i) A medical clinic, pharmacy and groceries provided such uses are located within a building containing a senior citizens' apartment dwelling house or nursing home and provided such uses are designed to serve only the residents or employees of the senior citizens' apartment dwelling house or nursing home in which they are located;</p> <p>(ii) A home occupation;</p> <p>(iii) A public use in accordance with the provisions of Section 5 (18) hereof.</p> <p>ii) Number of Permitted Dwelling Units / Beds (maximum): For any senior citizen apartment dwelling house or nursing home, or where a combined nursing home / senior citizens' apartment dwelling house is proposed, the maximum number of dwelling units / beds permitted shall not exceed a combined number that would</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>generate more than 220 persons on the lands Zoned 'R4-28'. The total number of persons generated by any such development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of beds / units by the number of persons in accordance with the following table:</p> <p>Number of Persons Dwelling Unit Type Generated Nursing Home Bed 1.0 Bachelor Unit 1.0 1 Bedroom 1.5 2 Bedroom 2.5 3 Bedroom or greater 3.5 plus 1.0 for each additional bedroom (iii) Lot Coverage (maxima) Notwithstanding the provisions of Section 15(2) Subsection (k) of this By-Law, the maximum percentage of lot coverage for any nursing home use shall be 50%.</p> <p>4. The '-H' Symbol shall only be removed once the following conditions have been complied with:</p> <p>(i) Confirmation that sufficient servicing capacity is available in the former Township of Kingston's sewage treatment plant; (ii) All applicable Municipal and Agency requirements have been complied with; (iii) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the Planning Act.</p>	
R4-29	<p>Notwithstanding any provisions this By-Law to the contrary, the lands designated as "R4-29" on Schedule "A" attached hereto shall be used in accordance with Section 15(3)(x) or may be used as a parking lot for the abutting funeral home in accordance with the following provisions:</p> <p>i) Maximum number of parking spaces: 54 spaces ii) No parking space or parking area shall be located closer than 1 metres from the lot line of lot 4L or Registered Plan 13M-2 iii) No access to parking spaces or parking areas shall be provided directly from a public street iv) Use or development shall not be permitted until such time as the City of Kingston has approved a site development plan; such a plan shall include but not be limited to landscaping, buffering, grading and drainage v) In no way shall any part of the lands zoned R4-29 be used to calculate any Zoning requirement for the abutting C2-29 Zoning on the funeral home lands</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
R4-30	<p>Notwithstanding the provisions of Section 15(1) hereof to the contrary, the lands located at the west end of Vanguard Court and designated 'R4-30-H' on Schedule "A" hereto, shall be developed in accordance with the following provisions:</p> <p>(i) In addition to the uses permitted in the 'R4' Zone, as set out in Section 15(1) of this By-Law, a Nursing /Retirement Home and accessory medical and commercial uses related to a Nursing/Retirement Home shall be permitted. The permitted accessory commercial uses may include, but not necessarily be limited to, a medical clinic, a pharmacy, a beauty salon/barber shop, or a groceteria, provided that any such accessory commercial uses are located within the Nursing/Retirement home and are designed to serve only the residents or employees of the home.</p> <p>(ii) The '-H' Holding Symbol applicable to this property shall be used and removed in accordance with the provisions of Section 6(6) of By-Law Number 76-26.</p>	URM2
R4-31	<p>Notwithstanding the provisions of Sections 15(1) and 15(2) of this By-Law, the lands designated as 'R4-31' on Schedule 'A' hereto shall be used for no purpose other than open space or amenity area in association with the adjacent institutional zone, or a semi detached dwelling in accordance with following provisions:</p> <p>(i) Lot Area (minimum) Semi-detached dwelling house: 7685 square feet Semi-detached dwelling unit: 3445 square feet</p> <p>(ii) Lot Frontage (minimum) Semi-detached dwelling house: 55 feet Semi-detached dwelling unit: 25 feet</p> <p>(iii) Exterior Side Yard Width (minimum) Semi-detached dwelling unit: 9 feet</p>	UR2
R4-33	<p>On the approximately 2.23 hectare parcel of land located at 2487-2491 Princess Street and zoned 'R4-33' on Zoning Map 5, attached to and forming part of By-Law Number 2006-102 as Schedule "A", the provisions of Section 5 (General Provisions) and Section 15, for the 'R4' Residential Type 4 Zone shall apply to the 'R4-33' Zone except that the following regulations shall apply notwithstanding any provisions of the By-Law to the contrary:</p> <p>(i) Notwithstanding the provisions of Section 15(1) of this By-Law, the following uses only shall be permitted:</p> <p>(a) senior citizen's apartment dwelling house, the maximum number of dwelling units shall not exceed 170; and</p> <p>(b) accessory uses to be located within and related to the senior citizen's apartment dwelling house, including but not limited to such</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>uses as a medical clinic, personal service shop, an office, pharmacy, banking facility, groceries, coffee shop, recreational uses, chapel and dining facilities, provided such uses are designed to serve only the residents, employees or visitors of the house.</p> <p>(ii) Interior Side Yard (minimum): 7.5 metres (iii) Rear Yard (minimum): 8.0 metres (iv) Dwelling Unit Area (minima) Bachelor dwelling unit: 400 square feet Dwelling unit containing 1 bedroom: 500 square feet Dwelling unit containing 2 bedrooms: 700 square feet (v) Lot Coverage (maximum): 35% (vi) Building Height (maximum): 27.5 metres (vii) Privacy Yard, Ground floor living room window and habitable room window (minimum): 1.2 metres (4 feet) (viii) Children’s Play Area: Not required (ix) Flood Plain Requirements (minimum setback): 7.5 metres (x) Yards Where Parking Permitted: Required parking is permitted within the front yard (xi) Notwithstanding Section 5(25)(a), encroachment of Ornamental Structures may project into any required yard to a maximum distance of 1 metre (3.3 feet) (xii) Notwithstanding Section 5(25)(b), an unenclosed porch, balcony or step may project into any required yard a maximum distance of 2 metres (6.56 feet) (xiii) For the purposes of the this Section, the privacy yard shall be clear and unobstructed by any parking area, may be reduced to 1.2 metres, and may contain joint pedestrian access.</p>	
R5-1	<p>Notwithstanding any provisions of Section 15A(2)(k) hereof to the contrary, the lands designated R5-1 on Schedule "A" hereto shall be developed in accordance with the following provision:</p> <p>(i) Height of Building (maximum): apartment dwelling house: 40 metres</p>	URM2
R5-2	<p>Notwithstanding any provisions of this By law to the contrary, the lands designated as R5-2 on Schedule "A" hereto shall be used in accordance with the following provisions:</p> <p>(i) Uses Permitted an apartment dwelling house for the housing of the elderly; a church; a penal institution; a public use in accordance with the provisions of Section 5(18) hereof. (ii) Lot Frontage (minimum): 20.0 metres. (iii) Yard Depth Adjacent To All Property Lines (minima) 9.0 metres</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(iv) Height of Building (maximum): 18.3 metres, provided that the total number of storeys shall not exceed six (6).</p> <p>(v) Dwelling Units Permitted (maximum): 100</p> <p>(vi) Dwelling Unit Area (minimum): 42 square metres.</p> <p>(vii) Parking Requirements (minimum): 0.25 parking spaces per dwelling unit.</p> <p>(viii) Parking Area Location: No parking space shall be located closer than 2.0 metres to any lot line.</p> <p>(ix) Building Location And Buffering Required: Appropriate buffering techniques including building design, building orientation, lighting orientation and plantings shall be employed in the design of any project to both minimize any potential adverse impact of the housing project on adjacent lands and adequately protect the project site from any potential adverse impact of adjacent uses.</p> <p>(x) Deleted</p>	
R5-3	<p>Notwithstanding any provisions of Sections 15A(1) and 15A(2) hereof to the contrary, the lands designated R5-3 on Schedule "A" hereto shall be used for no purpose other than a housing project designed and developed solely for the purpose of housing the elderly, in accordance with the following provisions:</p> <p>(i) Rear Yard Depth (minimum): 8.5 metres</p> <p>(ii) Height of Building (maximum): 12.2 metres</p> <p>(iii) Dwelling Units Permitted (maximum): 50</p>	URM2
R5-4	<p>Notwithstanding the provisions of Sentence (16)(c) of Section 5 and Sentence (2)(k) of Section 15A hereof to the contrary, the lands designated R5-4 on Schedule "A" hereto shall be developed in accordance with the following provisions:</p> <p>(i) Parking-Yards Where Permitted: All yards provided that no part of any parking area, other than a driveway, is located closer than 25 feet to any street line or flood plain.</p> <p>(ii) Height of Building (maximum) Apartment Dwelling House: 47 feet</p>	URM2
R5-5	<p>Notwithstanding any provisions of Section 15A(1) and 15A(2) hereof to the contrary, the lands designated R5-5 on Schedule "A" hereto shall be used in accordance with the following provisions:</p> <p>(i) Uses Permitted A retirement home A nursing home Accessory medical and commercial uses related to a retirement home or nursing home</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	(ii) Interior Side Yard Width (minimum) ½ the height of the building or 9.5 metres whichever is greater	
R5-6	<p>Notwithstanding the provisions of Section 15A to the contrary, the lands designated ‘R5-6’ on Map 5 of Schedule “A” hereto may be used in accordance with the following special provisions:</p> <p>(i) For the purposes of defining yards the front yard of the property for zoning purposes shall be the property line abutting Princess Street.</p> <p>(ii) Uses Permitted A maximum of two apartment buildings shall be permitted with a combined maximum total of 235 apartment units.</p> <p>(ii) Interior Side Yard Depth A minimum interior side yard of 19.8 metres is required abutting the adjacent ‘R4’ and ‘C2-24’ property lines.</p> <p>(iii) Rear Yard Depth A minimum rear yard depth of 22.6 metres from Norwest Road is required.</p> <p>(iv) Maximum Building Height The maximum permitted height of the west tower shall be 39.6 metres The maximum permitted height of the east tower shall be 39.9 metres</p> <p>(v) Required Parking Spaces A minimum of 294 parking spaces shall be provided on the property; this total shall include the required number of barrier free parking stalls.</p> <p>(vi) Landscaped Open Space (minimum): 30% Children’s Play Area There shall be no requirement for a children’s play area on this site.</p> <p>(vii) Children’s Play Area There shall be no requirement for a children’s play area on this site.</p>	URM2
R5-7	<p>Notwithstanding any provisions of Sections 5(1), 5(6), 15A(1) and 15A(2) to the contrary, the lands designated R5-7 on Schedule ‘A’ shall be used in accordance with the following provisions:</p> <p>(i) Minimum Interior Side Yard: 3.0 metres</p> <p>(ii) Minimum Rear Yard: 9.0 metres</p> <p>(iii) Minimum Lot Area per Unit: 69 square metres</p> <p>(iv) Notwithstanding Section 5(16) to the contrary, a Maximum of 12 parking spaces shall be permitted in the exterior side yard</p> <p>(v) Notwithstanding Section 5(1) to the contrary, accessory uses are permitted in all yards provided the use is a minimum setback of 1.0 metre from the front lot line and 3.0 metres from any other lot line.</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>(vi) For the east and north exterior walls the minimum privacy yards in front of a habitable window shall be 3.0 metres. No driveways or pedestrian walkways are permitted within the privacy yard.</p> <p>(vii) Notwithstanding Section 15A(2)(n), Children’s Play Area to the contrary, a minimum of 4% of the lot area shall be used for passive recreation, which may be included in the calculation for required open space. The following provisions shall apply:</p> <p>a) The passive recreational space shall be located a minimum setback of 8 metres from any ground floor habitable window and a minimum setback of 15 metres from any street line.</p> <p>b) A 3.0 metre strip of land along the abutting property lines shall be used for no purpose other than a planting strip. The planting strip shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder; the remainder of the strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof.</p>	
R5-8	<p>Notwithstanding the provisions of Section 15A hereof to the contrary, the lands zoned ‘R5-8-H’ on Schedule ‘A’ hereto, the following regulations shall apply:</p> <p>i) Minimum Lot Frontage: 31 metres</p> <p>ii) Dwelling Unit Area (minimum): 1 bedroom dwelling unit – 53 square metres</p> <p>iii) Notwithstanding any provisions to the contrary, within the privacy yard, an area unobstructed by a public or joint pedestrian access surface shall be provided extending 1.09 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2.5 metres above the adjacent exterior ground level.</p> <p>iv) Notwithstanding Section 5(16)(c) to the contrary the following provision shall apply in the yard in which required parking area permitted for a residential-apartment dwelling house: Rear and interior side yard only, except for visitor parking, provided that no part of any parking area, other than a driveway, is located closer than 7.62 metres to any street line and no closer than 3.0 metres to any side lot line or rear lot line where it abuts a residential zone.</p> <p>v) In addition to the Conditions for Removal of an –H Symbol in Section 6(6) hereof, a sidewalk shall be constructed on Blackburn Mews as part of the required offsite works from 810 Blackburn</p>	URM2

Former Township of Kingston Zoning By-law Number 76-26

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-law Zone
	<p>Mews to Taylor-Kidd Boulevard.</p> <p>vi) Notwithstanding any provisions to the contrary a children's play area is not required.</p> <p>vii) Notwithstanding any provisions to the contrary the required parking ratio shall be 1.08 parking spaces per dwelling unit.</p> <p>viii) Notwithstanding any provisions to the contrary, the minimum privacy yard for a ground floor habitable room window for an apartment dwelling house of more than 10 dwelling units shall be 2.8 metres on the southwest corner of the main structure and 4.6 metres on the northwest corner of the main structure.</p>	

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 96-259, “Downtown and Harbour Zoning By-Law of The Corporation of The City of Kingston”

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 96-259, as amended, of the former City of Kingston;

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

1. By-Law Number 96-259 of The Corporation of the City of Kingston, entitled “Downtown and Harbour Zoning By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Delete the entire text and replace with the text shown in Schedule “A”, attached to and forming part of By-Law Number 2024-XX.
2. That 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

Certificate of Authentication

This is Schedule 'A' to By-law Number _____, passed this ____ day of _____ 2024.

Mayor

Clerk

Schedule 'A' to By-law Number 2024-XX

Former Downtown and Harbour Zoning By-law Number 96-259

A By-law to regulate the use of lands and the size and location of buildings on select properties within the Downtown and Harbour Area of the former City of Kingston.

1. Any references to "this By-law" mean the Former Downtown and Harbour Zoning By-law Number 96-259.
2. The provisions of this By-law apply to the lands identified on Schedule "A" of this By-law, as amended.
3. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule "A".
4. Table 1 includes a list of all of Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule "A" of this By-law.
5. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-law, in accordance with the "Kingston Zoning By-law Zone" identified in Table 1 for the Zone applicable to the property.
6. Despite 3, 4 and 5, where the Official Plan designates lands as an Environmental Protection Area, the applicable "Kingston Zoning By-law Zone" is the EPA Zone.
7. Despite 3, 4 and 5, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
8. Where a Holding Symbol ("-H") applies to a property on Schedule "A" of this By-law or on Schedule F of the Kingston Zoning By-law, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:
 - a. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:

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- i. The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- ii. All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- iii. All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Transition Provisions

9. Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW], if the development or use complies, or the building permit application is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].
10. Where a complete application was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW] for the development or use of a lot or one or more buildings, approval may be granted in accordance with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW], for one or more of the following applications where they are consistent with the intent of the complete application:
 - a. Any application under Section 45 of the *Planning Act*;
 - b. Site plan control approval pursuant to Section 41 of the *Planning Act* and/or an enhanced site plan control pre-application (D02);
 - c. Consent pursuant to Section 53 of the *Planning Act*;
 - d. Draft plan of subdivision pursuant to Section 51 of the *Planning Act* or a description under the *Condominium Act*; and
 - e. A part lot control exemption pursuant to Section 50 of the *Planning Act*.
11. Where the development or use of a lot or one or more buildings qualifies under Clause 10, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].

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12. Nothing in this By-law applies so as to continue the exemption provided by Clauses 9, 10 and 11 beyond the issuance of the final building permit upon which the exemptions are founded.
13. A building permit may be issued in the context of this By-law as it read immediately prior to **[INSERT DATE OF PASSING OF BY-LAW]** for any development subject to one or more approved minor variances under the provisions of this By-law prior to **[INSERT DATE OF PASSING OF BY-LAW]** or in accordance with Clause 10.
14. Where a lot is developed in a manner that is consistent with the applicable Red Exception, minor variances may be granted by the Committee of Adjustment in accordance with Section 45 of the *Planning Act* to the provisions of this By-law as it read immediately prior to **[INSERT DATE OF PASSING OF BY-LAW]**.

Table 1 – Zones and Red Exceptions Subject to this By-Law

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
C1	Not Applicable	DT1
C1-2	Notwithstanding the provisions of Section 18(1)(b) hereof to the contrary, the lands designated as C1-2 on Schedule "A" hereto, shall not be used for a convenience store.	DT1
C1-4	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the C1-4 Zone:</p> <p>1. Permitted Uses The only permitted uses shall be:</p> <p>(a) Commercial Uses Commercial Establishment; Specialty Retail Store Offices; Community or Recreation Centres; Club; Bank; Restaurant; Commercial Entertainment Establishment; Commercial Recreation Facility; Dry Cleaning Outlet Bake Shop; Amusement Arcade, provided the Amusement Arcade shall not be located closer to any school property than 300.0 metres.</p>	DT1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>(b) Non-Commerical Uses Apartment Dwelling; Senior Citizen Apartment Dwelling.</p> <p>2. Regulations</p> <p>(a) Maximum Density twithstanding Table 7.2, the maximum permitted density shall be 271.0 residential units per net hectare;</p> <p>(b) Number of Units e maximum number of permitted residential units shall be 126;</p> <p>(c) Amenity Areas / Equipped Children's Play Areas twithstanding Section 5.5, the minimum amount of amenity area/equipped children's play area shall be a combined total of 4202 square metres;</p> <p>(d) Maximum Building and Structure Height twithstanding Table 7.2 and Section 5.19, the maximum building and structure height, including the mechanical penthouse shall be 117.5 metres geodetic;</p> <p>(e) Angular Plane Height twithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.</p> <p>(f) Off-Street Parking twithstanding Table 7.2 and Section 5.22, the minimum number of off-street parking spaces shall be 248;</p> <p>(g) Maximum Gross Floor Area e maximum gross floor area of the commercial component of the building shall be 7000 square metres.</p>	
C1-5	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-5 zone:</p> <p>1. Regulations</p> <p>The regulations shall be as follows:</p> <p>(a) Maximum Building and Structure Height Notwithstanding Section 7 and Table 7.2, to contrary, the maximum building shall not exceed 23.3 metres.</p> <p>(b) Angular Plane Height Notwithstanding the Angular Plane provisions of Table 5.6, Section 7, Table 7.2 and Section 7.2.3 to the contrary the Angular</p>	DT2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>Plane provisions shall not apply.</p> <p>(c) Maximum Gross Floor Area The maximum gross floor area shall be 6,800 square metres.</p> <p>(d) Landscaped Open Space The minimum landscaped open space shall be 0.0 square metres.</p> <p>(e) Yard Setbacks Notwithstanding Section 7 and Table 7.2, to the contrary, no yard setback requirements shall apply.</p>	
C1-6	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the C1-6 Zone:</p> <p>1. Permitted Uses The permitted uses shall also include a Senior Citizen Apartment Dwelling.</p> <p>2. Regulations The regulations shall be as follows:</p> <p>(a) Number of Units The maximum number of residential units shall be eighty (80).</p> <p>(b) Maximum Density Notwithstanding Table 7.2 of this By-Law, the maximum density shall be 326 residential units per net hectare.</p> <p>(c) Off-Street Parking Notwithstanding Table 7.2 and Section 5.22 of this By-Law, the minimum number of off-street parking spaces shall be fourteen (14).</p>	DT1
C1-7	<p>(a) Maximum Building Height Notwithstanding Table 7.2 of this By-Law, the maximum building height shall be five (5) storeys not to exceed 19.2 metres.</p> <p>(b) Angular Plane Height Notwithstanding the Angular Plane provisions of Table 7.2, Section 5.6 and Section 7.2.3 shall not apply.</p>	DT2
C1-8	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-8 Zone:</p> <p>1. Regulations The regulations shall be as follows:</p> <p>(a) Maximum Building Height Notwithstanding Table 7.2 and Section 5.19 of this By-Law, the</p>	DT1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>maximum building height shall be nine (9) storeys not to exceed 29.5 metres.</p> <p>(b) Angular Plane The provisions of Section 5.6 and Section 7.2.3, of this By-Law shall not apply.</p> <p>(c) Fourth Storey Setback Commencing at the building height of 12.7 metres, the building setback shall be 3.7 metres along the King Street block face, and 4.0 metres along the Clarence Street block face.</p> <p>(d) Permitted Height Exception Notwithstanding Section 5.10(i), an elevator shaft and a heating and cooling systems mechanical penthouse, with a gross floor area of 190 square metres, and a maximum height of 8.66 metres shall be permitted above the ninth storey.</p> <p>(e) Maximum Gross Floor Area Maximum gross floor area shall be 13,985 square metres.</p> <p>(f) Off-Street Parking Notwithstanding Table 7.2 of this By-Law, the minimum number of off-street parking spaces shall be 227.</p>	
C1-9	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses shall apply to the C1-9 Zone:</p> <p>1. Permitted Uses The permitted uses shall also include a Nursing Home.</p>	DT2
C1-10	<p>Notwithstanding the provisions of Section 18(1) to the contrary, the lands zoned 'C1-10' on Map 3 of Schedule "A" attached hereto shall only be used for a single detached dwelling or a business or professional office.</p> <p>Any non-residential uses shall be developed in accordance with the following provisions:</p> <p>(i) Gross Floor Area (maximum) Maximum permitted gross floor area shall be 120 square metres and contained within the existing building at the date of the passing of this by-law.</p> <p>(ii) Buffering (minimum) A solid fence 1.8 metres in height or a buffering strip of 2 metres in width shall be provided on the property where a non-residential</p>	DT1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>use abuts a residential use.</p> <p>(iii) Parking Parking shall be in conformance with Section 5(16), Parking Area Regulations, of this By-Law.</p> <p>(iv) Deemed Compliant Notwithstanding the provisions of Section 18(2) to the contrary, the existing building shall be deemed to comply with the minimum setback requirements.</p>	
C1-11	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-11 Zone:</p> <p>1. Regulations</p> <p>(a) Off-Street Parking Notwithstanding Table 7.2 of this By-Law, the minimum number of off-street parking spaces shall be 227.</p> <p>(b) Maximum Density Notwithstanding Table 7.2 of this By-Law, the maximum density shall be 234.0 residential units per net hectare.</p>	DT2
C1-12	<p>Notwithstanding any provisions of this By-Law to the contrary, the following shall apply to the C1-12 Zone:</p> <p>1. Permitted Use The permitted use shall be limited to the residential usage existing as of the date of passing of this By-Law.</p> <p>2. Regulations The main building on any lot shall be limited to the height, size and volume existing as of the date of passing of this By-Law.</p>	DT2
C1-13	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-13 Zone:</p> <p>1. Regulations</p> <p>The regulations shall be as follows:</p> <p>(a) Maximum Building Height Notwithstanding Table 7.2 and Section 5.19 of this By-Law, the maximum building height shall be five (5) storeys not to exceed 21 metres;</p> <p>(b) Angular Plane The provisions of Section 5.6 and Section 7.2.3 of this By-Law shall not apply to the existing building or to the rebuilding or</p>	DT2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>renovation of the existing building in accordance with Section 5.23.3 of this By-Law.</p> <p>(c) Fifth Storey Setback Commencing at the building height of not more than 17 metres from the western most portion of the building along Princess Street, the building setback shall be 3 metres along the Princess Street blockface and along the King Street blockface for the existing building or if the existing building is rebuilt or renovated in accordance with Section 5.23.3 of this By-Law.</p> <p>(d) Permitted Height Exception Notwithstanding Section 5.19(i) an elevator shaft and a heating and cooling system mechanical penthouse, with a gross floor area of 241 square metres, and a maximum height of 8 metres shall be permitted above the fifth storey.</p> <p>(e) Maximum Gross Floor Area The maximum gross floor area shall be 7,821 square metres excluding the underground garage and roof top mechanical equipment area.</p>	
C1-14	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-14 Zone:</p> <p>1. Regulations</p> <p>(a) Maximum Building Height Notwithstanding Table 7.2 of this By-Law, the minimum building height for any buildings in existence as of the date of the passing of this By-Law shall be one (1) storey. Any new buildings constructed within the C1-14 Zone shall comply with the Minimum Building Height regulations set out in Table 7.2 of this By-Law.</p> <p>(b) Minimum Lot Coverage Notwithstanding Table 7.2 of this By-Law, the minimum lot coverage shall be 28%.</p>	DT1
C1-17	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-17 Zone:</p> <p>1. Regulations The regulations shall be as follows:</p> <p>(a) Maximum Building Height Notwithstanding the provisions of Section 7.2.2.1 of this By-Law,</p>	DT2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>the maximum building height for buildings or structures shall be as follows: Height at Build-to-Plane 5 storeys, not to exceed 17 metres. Maximum Building Height 7 storeys, not to exceed 23.16 metres.</p>	
C1-18	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-18 Zone:</p> <p>1. Regulations</p> <p>(a) Maximum Building Height Notwithstanding Table 7.2, Section 5.19 and Section 7.2.2.1 of this By-Law, the maximum height for buildings or structures shall be as follows: Height at Build-to-Plane 8 storeys, not to exceed 28.5 metres. Maximum Building Height 8 storeys, not to exceed 28.5 metres.</p> <p>(b) Permitted Height Exception Notwithstanding Section 5.19 (i) of this By-Law, an elevator shaft and a heating, cooling and ventilating mechanical penthouse, with a gross floor areas of 645 square metres and a maximum height of 5.45 metres shall be permitted above the eighth storey.</p> <p>(c) Build-To-Plane Notwithstanding the provisions of Table 7.2 and Section 7.2.1 of this By-Law, the build-to-plane shall be measured from the adjacent street rights-of-way as follows: Ontario Street 4.0 metres. William Street 4.0 metres.</p> <p>(d) Angular Plane The provisions of Table 7.2, Section 5.6, Section 5.19 and Section 7.2.3 of this By-Law, with respect to angular plane, shall not apply to any building constructed within the 'C1-18' Zone.</p> <p>(e) Minimum Front Yard Notwithstanding the provisions of Table 7.2 of this By-Law, the minimum front yard (Ontario Street) for any building or structure shall be prescribed by the build-to-plane requirements of Subsection (c) above.</p> <p>(f) Minimum Exterior Side Yard Notwithstanding the provisions of Table 7.2 of this By-Law, the minimum exterior side yard (William Street) for any building or structure shall be prescribed by the build-to-plane requirements of Subsection (c) above.</p>	DT1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
C1-19	<p>Notwithstanding any provisions of this By-Law to the contrary, the following regulations shall apply to the C1-19 Zone:</p> <p>1. Regulations The regulations shall be as follows:</p> <p>(a) Minimum Front Yard Notwithstanding Table 7.2, hereof to the contrary, the front yard shall be measured at right angles from the front lot line to the nearest wall of a main building.</p> <p>(b) Minimum side Yard Notwithstanding Table 7.2 and Section 7.2.5 hereof to the contrary, the minimum interior side yard for the extension as part of a building addition of the wall of the building existing on the date of the passing of this by-law and located at the south corner of the lot (known municipally as 258 King Street East, the “Architect’s House”) abutting a Residential zone shall be nil.</p> <p>(c) Maximum Building Height Notwithstanding Section 7.2.2.1 hereof to the contrary, the maximum building height for buildings, or structures shall be as follows: Height at Build-to-Plane 4 storeys, not to exceed 17 metres. Maximum Building Height 4 storeys, not to exceed 17 metres.</p> <p>(d) Minimum Lot Coverage Notwithstanding Table 7.2 hereof to the contrary, the minimum lot coverage shall be 35%.</p> <p>(e) Build-To-Plane Notwithstanding Section 7.2.1 hereof to the contrary, the build-to-plane shall not apply to a building addition to the “Architect’s House”.</p>	DT2
C1-20	<p>1. Purpose and Requirement For Removal of Holding Symbol</p> <p>The use and removal of the ‘(H)’ Holding Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law. To ensure the safe development of the subject site, given the previous geotechnical findings of the nearby properties, development will not proceed until the following have been completed with respect to 300 Wellington Street and submitted to the satisfaction of the City of Kingston:</p>	DT1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<ul style="list-style-type: none"> • A report addressing the potential presence of chlorinated hydrocarbons; • Additional information with respect to beryllium in the groundwater including a technical opinion of the nature of the risk to residents; and • An acceptable Remedial Action Plan is provided and carried out and that a Record of Site Condition is filed with the Ministry of the Environment. <p>2. Permitted Interim Uses Existing C1 uses.</p> <p>3. Zone Regulations When Holding Symbol is Removed Notwithstanding any provisions of the By-Law to the contrary, the following regulations shall apply to the C1-20 zone:</p> <p>(a) Permitted Uses The only permitted uses shall be the following: Art Gallery Office Florist Medical Office Photo or artist studio Townhouse dwelling to a maximum of 4 dwelling units Home occupations, subject to Section 5.20 of the Zoning By-Law.</p> <p>(b) Regulations Maximum Residential Density 155 residential units per net hectare Maximum Amenity Area 2 square metres per dwelling unit Maximum Building Height 3 storeys, to a maximum of 12.2 metres</p> <p>(c) Groundwater Wells The installation and use of groundwater wells for any purpose other than environmental monitoring, remediation or geotechnical investigation will be prohibited.</p>	
C1-21	<p>Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-21' Zone.</p> <p>1. Permitted Uses The only permitted uses shall be the following: Office Medical Office Photo or artist studio</p>	DT2

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>Semi-detached dwelling Home occupations, subject to Section 5.20 of the Zoning By-Law.</p> <p>2. Regulations Minimum Building Height 2 storeys, minimum 8.0 metres Minimum Amenity Area total of 45 square metres, with no dwelling unit having less than 19 square metres.</p> <p>3. Expansion or enlargement of the external walls and roof of the existing building shall be permitted for the conversion to contain two dwelling units.</p>	
C1-22	<p>1. (H) Holding Symbol The use and removal of the 'H' Holding Symbol shall be in accordance with the provisions of Section 6.3 of this By-Law. The 'H' Holding Symbol shall not be removed until such time as:</p> <p style="padding-left: 40px;">(i) All site servicing issues have been addressed to the satisfaction of the Municipality; (ii) A Record of Site Condition has been registered in accordance with Provincial regulations.</p> <p>2. Permitted Interim Uses Existing 'C1' uses.</p> <p>3. Zone Regulations When "H" (Holding Symbol Is Removed) Notwithstanding any provision of the By-Law to the contrary, the following uses and regulations shall apply to the C1-22 Zone:</p> <p>(a) Permitted Uses Permitted uses shall be as set out in Section 7.1 of this By-Law, with the exception of the Prohibited Uses listed in Section 7.3.22.3 (b) hereafter.</p> <p>(b) Prohibited Uses Notwithstanding Section 7.1, Automotive Gas Bar, Automotive Sales Establishment, Automobile Service Station and Automobile Specialty Repair Shop shall be prohibited.</p> <p>(c) Maximum Building Height Notwithstanding Section 7.2.2.1 hereof to the contrary, the maximum building height for buildings or structures shall be as follows:</p> <ul style="list-style-type: none"> • Height at Build-to-Plane, not to exceed 17 metres (storey limit deleted) • Maximum Along Angular Plane, not to exceed 25.5 metres 	DT1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>(storey limit deleted)</p> <p>(d) Parking Structures Notwithstanding Section 7.2.9 of this By-Law, any parking structure constructed within the 'C1-22' Zone shall comply with the minimum and maximum building height requirements, the minimum lot coverage requirements and the build-to and angular plane requirements as set out in Table 7.2 and Sections 7.2.1, 7.2.2 and 7.2.3 of this By-Law.</p> <p>(An explanatory sketch from the Study may be added for explanatory purposes, but which will not form part of the Zoning By-law)"</p>	
C1-24	<p>Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-24' Zone.</p> <p>1. Permitted Uses The only permitted uses shall be the following: Art Gallery Office, Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only; Triplex dwelling; and, Home occupations, subject to Section 5.20 of the Zoning By Law.</p> <p>2. Regulations Minimum Side Yard 0.93 metres on west side and 1.3 metres on east side Minimum Lot Coverage 20%</p>	DT1
C1-25	<p>Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-25' Zone.</p> <p>1. Permitted Uses The only permitted uses shall be the following: Art Gallery, Office, Florist, Medical Office, Photo or artist studio provided that the forgoing uses are located on the ground floor only; Single detached dwelling; and,</p>	DT1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>Home occupations, subject to Section 5.20 of the Zoning By-Law.</p> <p>2. Regulations Minimum Side Yard 0.27 metres on east side Minimum Lot Coverage 20%</p>	
C1-26	<p>Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-26' zone.</p> <p>1. Permitted Uses The only permitted uses shall be the following: Art Gallery, Office; Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only; Semi-detached dwelling; and, Home occupations, subject to Section 5.20 of the Zoning By-Law</p> <p>2. Regulations Minimum Side Yard 0.6 metres on west side of 140 Colborne Street Minimum Lot Coverage 37% Minimum Amenity Area total of 70 square metres.</p>	DT1
C1-27	<p>Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 7 for the 'C1' Zone shall apply to the 'C1-27' Zone except that:</p> <p>1. Regulations The regulations shall be as follows: (a) Maximum Density Notwithstanding Table 7.2, the maximum permitted density shall be 258 residential units per net hectare; (b) Number of Units The maximum number of permitted residential units shall be 12; and, (c) Off-Street Parking Notwithstanding Section 5.22, the minimum number of off-street parking spaces shall be 7.</p>	DT1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
C1-28	<p>1. Regulations</p> <p>Notwithstanding any provisions of the By-Law to the contrary, the following shall only apply to the 'C1-28' Zone:</p> <p>Conversion of Commercial Buildings for Residential Use Residential Uses may be permitted on the ground floor.</p>	DT1
C1-47	<p>Notwithstanding the provisions of this By-law to the contrary, for the lands designated 'C1-47' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>1. Definitions</p> <p>"Mixed Commercial/Residential Development" shall mean a building or structure which is used for a mixture of commercial and residential uses, with associated residential amenities and commercial uses permitted on a portion of the ground floor. No residential dwelling units are permitted on the ground floor.</p> <p>"Podium" shall mean all areas of the building outside of the Tower, shown as Areas 'B', 'C' 'D' and 'E' on Schedule 'B'.</p> <p>"Street Wall" shall mean all facades of a building adjacent to a lot line that abuts a public street.</p> <p>"Tower" shall mean the building area shown as Area "E" on Schedule 'B', floors 6 through 19 of the building.</p> <p>"Tower Floorplate" shall mean the gross floor area of each storey within a Tower, exclusive of inset and projecting balconies.</p> <p>2. Regulations</p> <p>(a) Building Height</p> <p>(i) The maximum building height at build to plane provisions shall not apply.</p> <p>(ii) The maximum angular plan provisions shall not apply.</p> <p>(iii) No part of the building shall exceed the height limits in metres as shown on Schedule 'B', attached hereto and forming part of this By-Law, subject to the provisions of this zone allowing for variations in the building footprint and articulation from that shown on Schedule 'B'.</p> <p>(iv) Building Height (exception)</p> <p>The height limits identified in (a) shall not apply to prevent that erection of decorative, functional, or mechanical elements approved under the Site Plan Agreement or required for the normal operations of the building and permitted uses, including but not limited to the following (whether singular or plural):</p>	DT1

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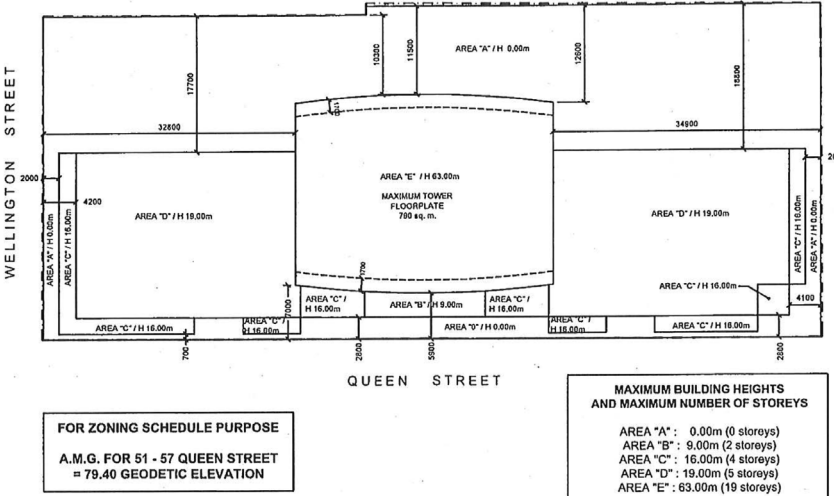
Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, mechanical equipment and/or mechanical penthouse, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor amenity areas, wind mitigation features, chimney stack, exhaust flues, garbage chute overrun, elevator overrun, antennae, mast and public art elements.</p> <p>(b) Tower Setbacks (i) The Tower shall be setback as shown on Schedule 'B', attached hereto and forming part of this By-Law. (ii) Notwithstanding subsection (a) and (b)(i) for the Tower portion of the building, a variance of up to 2 metres in the setbacks of the Tower as shown on Schedule 'B' will be permitted, provided that the setback of the Tower from the Queen Street frontage is no less than 5.0 metres and all other provisions of this by-law are satisfied;</p> <p>(c) Tower Floorplate The maximum permitted Tower Floorplate for 'Area E' as shown in Schedule 'B' for floors 6 through 19 shall be 790 square metres</p> <p>(d) Tower Balconies (i) Balconies are permitted to project a maximum of 2.5 metres from the eastern facade of the Tower (King Street East facade) to a maximum length of 18.0 m. All inset balconies in the Tower shall be contained within Area 'E', as shown on Schedule 'B', subject to the provisions of subsection (b)(ii). (ii) All rooftop areas are permitted to be used for terraces.</p> <p>(e) Tower Facades (i) A minimum of 25% of the north and south facades shall be inset a minimum of 1.7 metres from the outermost face of the Tower facade, this shall include inset balconies; (ii) A minimum of 10% of the west façade shall be inset a minimum of 1.7 metres from the outermost face of the Tower façade, this shall include inset balconies;</p> <p>(f) Podium Setbacks (i) The Podium shall be setback as shown on Schedule 'B', attached hereto and forming part of this By-Law. (ii) Notwithstanding subsection (f)(i), at grade setbacks are</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>permitted to vary from the setbacks shown on Schedule 'B', attached hereto and forming part of this By-law, to permit additional outdoor active space along the street frontages of the site, to accommodate varied entrance configurations, vehicular ingress and egress to the building and site, and site servicing;</p> <p>(iii) Notwithstanding subsection (f)(i), for the Podium, a variance of up to 0.5 metres in the setbacks shown on Schedule 'B' will be permitted.</p> <p>(g) Podium Façade</p> <p>(i) Notwithstanding subsections (a)(iii) and (f)(i), for the portion of the Podium extending from the intersection of Queen Street and Wellington Street to the western limit of the Tower, the Street Wall of the Podium adjacent to Queen Street shall contain a minimum 6 metre wide independent vertical break with a minimum depth of 2.1 metres measured from the face of the Podium.</p> <p>(ii) Notwithstanding subsections (a)(iii) and (f)(i), for the portion of the Podium extending from the intersection of Queen Street and King Street to the eastern limit of the Tower, the Street Wall of the Podium adjacent to Queen Street shall contain a minimum 6 metre wide independent vertical break with a minimum depth of 2.1 metres measured from the face of the Podium.</p> <p>(h) Podium Balconies</p> <p>(i) On levels 2 through 5, balconies are permitted to project a maximum of 2.5 metres beyond the setback established in Schedule 'B' but shall not extend beyond the outermost Podium wall/Street Wall.</p> <p>(ii) All other balconies shall be inset within the setbacks established on Schedule 'B' of this By-Law.</p> <p>(ii) All rooftop areas are permitted to be used for terraces.</p> <p>(i) Lot Coverage The lot coverage provisions shall not apply.</p> <p>(j) Density (maximum) There shall be no maximum density.</p> <p>(k) Ground Floor Requirements</p> <p>(i) The minimum ground floor height of all building spaces fronting on a public street shall be 4.5 metres, as measured from floor to floor.</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>(ii) A minimum of 487 square metres of commercial uses in accordance with the 'C-1' zone shall be provided at the corner of King Street and Queen Street.</p> <p>(iii) Residential amenities and building support uses such as lobbies, common areas and mechanical uses are permitted at grade.</p> <p>(l) Art Gallery Space</p> <p>(i) A minimum of 241 square metres of space shall be provided at the corner of Wellington Street and Queen Street for the purpose of a Municipal Art Gallery, the terms and conditions to be established through the Section 37 Agreement, for a term of 10 years.</p> <p>(ii) In the event the Section 37 Agreement expires, the 241 square metre space may be used for amenity uses or commercial uses in accordance with the 'C1-47' zone.</p> <p>(m) Loading</p> <p>(i) The minimum number of loading spaces shall be 1.</p> <p>(ii) Loading spaces shall be accessed by an unobstructed access aisle of minimum 6.0 metres in width, minimum vertical clearance of 4.2 metres and provide sufficient space to permit the maneuvering of vehicles on site.</p> <p>(n) Off-Street Parking</p> <p>(i) All required parking spaces shall have a minimum dimensions of 2.6 metres wide by 5.2 metres long.</p> <p>(o) Off-Street Accessible Parking</p> <p>(i) Type A spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long</p> <p>(ii) Type B spaces shall have minimum dimensions of 2.4 metres wide by 5.2 metres long.</p> <p>(iii) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long and marked with high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B spaces.</p> <p>(iv) The minimum required vertical clearance of the required accessible spaces shall be 2.1 metres.</p> <p>(p) Off-Street Bicycle Parking</p> <p>(i) A minimum of 1 bicycle parking space shall be provided per residential dwelling unit.</p>	

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>(ii) Up to a maximum of 25 percent of required on-site bicycle parking stalls are permitted to be securely located outdoors and exposed to the elements.</p> <p>(iii) Bicycle parking stalls shall have a minimum width of 0.3 metres and minimum length of 1.8 metres with a vertical clearance of 2.1 metres.</p> <p>(iv) Required bicycle parking may be accommodated within a storage area within a dwelling unit.</p> <p>(q) Holding Zone Provisions The use and removal of the Holding (-H) Symbol shall be in accordance with the provisions of Section 6.3 of this By-law. Removal of Holding Symbol The Holding (-H) Symbol shall not be removed until such time as the following requirements have been met to the satisfaction of the municipality:</p> <p>(i) Record of Site Condition prepared and registered by a qualified person as defined by the municipality and is completed to the satisfaction of the municipality with demonstrated adherence to all municipal and provincial requirements.</p> <p>Schedule 'B' to Exception C1-47</p>  <p>FOR ZONING SCHEDULE PURPOSE A.M.G. FOR 51 - 57 QUEEN STREET = 79.40 GEODETIC ELEVATION</p> <p>MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STOREYS</p> <ul style="list-style-type: none"> AREA "A": 0.00m (0 storeys) AREA "B": 9.00m (2 storeys) AREA "C": 16.00m (4 storeys) AREA "D": 19.00m (5 storeys) AREA "E": 63.00m (19 storeys) 	
C1-48	<p>Notwithstanding the provisions of this By-law to the contrary, for the lands designated 'C1-48' on Schedule 'A' hereto, the following regulations shall apply:</p> <p>1. Definitions "Mixed Commercial/Residential Development" shall mean a</p>	DT1

Former Downtown and Harbour Zoning By-law Number 96-259

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>building or structure which is used for a mixture of commercial and residential uses, with associated residential amenities and commercial uses permitted on a portion of the ground floor. No residential dwelling units are permitted on the ground floor.</p> <p>"Podium" shall mean all areas of the building outside of the Tower, shown as Areas 'B', 'C', 'D' 'E' and 'F' on Schedule C.</p> <p>"Street Wall" shall mean all facades of a building adjacent to a lot line that abuts a public street.</p> <p>"Tower" shall mean the building area shown as Area "F" on Schedule 'C' floors 8 through 23.</p> <p>"Tower Floorplate" shall mean the gross floor area of each storey within a Tower, exclusive of inset and projecting balconies.</p> <p>2. Regulations</p> <p>(a) Building Height</p> <p>(i) The maximum building height at build to plane provisions shall not apply.</p> <p>(ii) The maximum angular plane provisions shall not apply.</p> <p>(iii) No part of the building shall exceed the height limits in metres as shown on Schedule 'C', attached hereto and forming part of this By-law, subject to the provisions of this zone allowing for variations in the building footprint and articulation from that shown on Schedule 'C'.</p> <p>(iv) Building Height (exemption)</p> <p>The height limits identified in (a) shall not apply to prevent the erection of decorative, functional, or mechanical elements approved under the Site Plan Agreement or required for the normal operations of the building and permitted uses, including but not limited to the following (whether singular or plural):</p> <ul style="list-style-type: none"> Window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, 	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>railings, stairs, stair enclosures, wheel chair ramps, vents, mechanical equipment and/or mechanical penthouse, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor amenity areas, wind mitigation features, chimney stack, exhaust flues, garbage chute overrun, elevator overrun, antennae, mast and public art elements.</p> <p>(b) Tower Setbacks (i) The Tower shall be setback as shown on Schedule 'C', attached hereto and forming part of this By-Law. (ii) Notwithstanding subsection (a) and (b)(i), for the Tower portion of the building, a variance of up to 2 metres in the setbacks of the Tower shown on Schedule 'C' will be permitted, provided that the setback of the Tower from the Queen Street frontage is no less than 5.0 metres and all other provisions of this by-law are satisfied;</p> <p>(c) Tower Floorplate The maximum permitted Tower Floorplate for 'Area F' as shown in Schedule 'C' shall be 790 square metres for floors 8 through 23.</p> <p>(d) Tower Balconies (i) East and West Facade Balconies are permitted to project a maximum of 2.5 metres from the east and west facades of the Tower to a maximum of 30% of the building face. (ii) North and South facade Balconies are permitted to project a maximum of 2.5 metres from the north and south facade of the Tower to a maximum of 40% of the building face. (iii) Corner Balconies In addition to subsections (d)(i) and (d)(ii), that portion of a</p>	

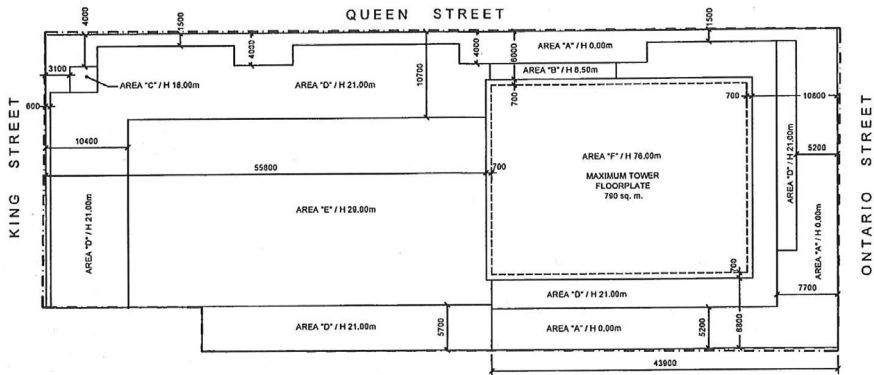
Former Downtown and Harbour Zoning By-law Number 96-259

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>corner balcony that is outside of a projected building face shall be permitted.</p> <p>(iv) All rooftop areas are permitted to be used for terraces.</p> <p>(e) Tower Facades</p> <p>(i) A minimum of 40% of the north and south facades shall be inset a minimum of 0.7 metres from the outermost face of the Tower facade, this shall include inset balconies;</p> <p>(ii) A minimum of 10% of the east and west facade shall be inset a minimum of 0.7 metres from the outermost face of the Tower facade, this shall include inset balconies;</p> <p>(f) Podium Setbacks</p> <p>(i) The Podium shall be setback as shown on Schedule 'C', attached hereto and forming part of this By-law.</p> <p>(ii) Notwithstanding subsection (f)(i), at grade setbacks are permitted to vary from the setbacks shown on Schedule 'C', attached hereto and forming part of this By-law, to permit additional outdoor active space along the street frontages of the site, to accommodate varied entrance configurations, vehicular ingress and egress to the building and site, and site servicing;</p> <p>(iii) Notwithstanding subsection (f)(i), for the Podium, a variance of up to 0.5 metres in the setbacks shown on Schedule 'C' will be permitted.</p> <p>(g) Podium Façade</p> <p>(i) Notwithstanding (f)(i), for the portion of the Podium extending from the intersection of Queen Street and King Street to the western limit of the Tower the Street Wall of the Podium adjacent to Queen Street shall contain a minimum 6 metre wide independent vertical break with a minimum depth of 2.1 metres.</p> <p>(h) Podium Balconies</p> <p>(i) On levels 2 through 7 balconies are permitted to project a maximum of 2.5 metres beyond the setback established on Schedule "C" on the facades of the Podium, and shall not extend beyond the outermost Podium wall/Street Wall.</p> <p>(ii) All other balconies shall be inset within the setbacks established on Schedule "C" of this By-law</p> <p>(iii) All rooftop areas are permitted to be used for terraces.</p> <p>(i) Lot Coverage The lot coverage provisions shall not apply.</p> <p>(j) Density (maximum)</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>There shall be no maximum density.</p> <p>(k) Ground Floor Requirements</p> <p>(i) The minimum ground floor height of all building spaces fronting on a public street shall be 4.5 metres, as measured from floor to floor.</p> <p>(ii) A minimum of 413 square metres of commercial uses in accordance with the 'C-1' zone shall be provided at the corner of King Street and Queen Street.</p> <p>(iii) A minimum of 115 square metres of commercial uses in accordance with the 'C-1' zone shall be provided at the corner of Ontario Street and Queen Street.</p> <p>(iv) The yard adjacent to Ontario Street abutting 100 percent of the street frontage, not including areas required to accommodate entrance configurations, vehicular ingress and egress to the site, and site servicing, shall be programmed with active at grade uses including a patio or a use that is complementary to the commercial and/or amenity space.</p> <p>(v) Residential amenities and building support uses such as lobbies, common areas and mechanical uses are permitted at grade.</p> <p>(l) Loading</p> <p>(i) The minimum number of loading spaces shall be 1.</p> <p>(ii) Loading spaces shall be accessed by an unobstructed access aisle of minimum 6.0 metres in width, minimum vertical clearance of 4.2 metres and provide sufficient space to permit the maneuvering of vehicles on site.</p> <p>(m) Off-Street Parking</p> <p>(i) All required parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.</p> <p>(n) Off-Street Accessible Parking</p> <p>(i) Type A spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.</p> <p>(ii) Type B spaces shall have minimum dimensions of 2.4 metres wide by 5.2 metres long.</p> <p>(iii) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long and marked with high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B spaces.</p> <p>(iv) The minimum required vertical clearance of the required</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>accessible spaces shall be 2.1 metres.</p> <p>(o) Off-Street Bicycle Parking</p> <p>(i) A minimum of 1 bicycle parking space shall be provided per residential dwelling unit.</p> <p>(ii) Up to a maximum of 25 percent of required on-site bicycle parking stalls are permitted to be securely located outdoors and exposed to the elements.</p> <p>(iii) Bicycle parking stalls shall have a minimum width of 0.3 metres and minimum length of 1.8 metres with a vertical clearance of 2.1 metres.</p> <p>(iv) Required bicycle parking may be accommodated within a storage area within a dwelling unit.</p> <p>(p) Holding Zone Provisions</p> <p>The use and removal of the Holding (-H) Symbol shall be in accordance with the provisions of Section 6.3 of this By-law.</p> <p>Removal of Holding Symbol</p> <p>The Holding (-H) Symbol shall not be removed until such time as the following requirements have been met to the satisfaction of the municipality:</p> <p>(i) Record of Site Condition prepared and registered by a qualified person as defined by the municipality and is completed to the satisfaction of the municipality with demonstrated adherence to all municipal and provincial requirements.</p> <p>Schedule 'C' to Exception C1-48:</p>  <p>FOR ZONING SCHEDULE PURPOSE A.M.G. FOR 18 QUEEN & 282 ONTARIO STREET = 78.20 GEODETIC ELEVATION</p> <p>MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STOREYS</p> <ul style="list-style-type: none"> AREA "A" : 0.00m (0 storeys) AREA "B" : 8.50m (2 storeys) AREA "C" : 18.00m (4 storeys) AREA "D" : 21.00m (5 storeys) AREA "E" : 29.00m (7 storeys) AREA "F" : 76.00m (23 storeys) 	

Former Downtown and Harbour Zoning By-law Number 96-259

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
CMS-1	<p>Notwithstanding any of the provisions of this By-Law to the contrary, the following regulations shall apply to the CMS-1 Zone.</p> <p>1. Regulations</p> <p>(a) Maximum Building Height Notwithstanding Section 8.2, the maximum permissible height for any building or structure shall be four (4) storeys not to exceed 16.46 metres.</p>	HCD2
HR-2	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-2 Zone:</p> <p>1. Permitted Uses</p> <p>The following uses only shall be permitted in the (H)-HR-2 Zone:</p> <p>(a) Permitted Interim Uses Notwithstanding the (H) symbol applied pursuant to Section 36 of the Planning Act, R.S.O. 1990, the following uses shall be permitted:</p> <ul style="list-style-type: none"> (i) existing uses; (ii) outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; and (iii) a waterfront pathway. <p>(b) Permitted Uses When Holding Symbol is Removed Subject to the removal of the (H) symbol pursuant to Section 36 of the Planning Act, R.S.O. 1990 and the provisions of Section 9.3.2.3 of this By-Law, the following uses shall be permitted:</p> <ul style="list-style-type: none"> (i) A hotel and optional meeting rooms, including accessory support commercial uses. Maximum gross floor area of the hotel shall be 10,400 square metres. The hotel shall have a maximum of 144 suites. A suite shall not constitute a residential unit as defined in this By-Law. Maximum gross floor area of the optional meeting rooms shall be 540 square metres. (ii) An office / residential building. Maximum gross floor area of the office / residential building shall be 15,960 square metres. The residential portion of the building shall contain a maximum of 100 dwelling units; (iii) Notwithstanding Section 5.26 of this By-Law, outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; (iv) Waterfront Pathway <p>2. Regulations</p>	DT1

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>The regulations for the above uses shall be as follows:</p> <p>(a) Maximum Building Height Notwithstanding Table 9.2 of this By-Law:</p> <p>(i) All heights, except for the office / residential building, shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street being established at 78.1 metres geodetic datum. The height for the office / residential building shall be measured vertically from the centre line at the intersection of Ontario Street and William Street being established at 79.58 metres geodetic datum;</p> <p>(ii) The maximum height of the hotel shall be 32.0 metres;</p> <p>(iii) The maximum height of the meeting rooms shall be 9.2 metres;</p> <p>(iv) The maximum height of the office / residential building shall be 46.0 metres;</p> <p>(v) Within the boundaries of Earl Street, as extended to the water, the maximum height shall be 1.5 metres above geodetic datum;</p> <p>(vi) For all other areas not otherwise covered by structures permitted in this By-Law, the maximum height shall be 1.5 metres above 78.1 metres geodetic datum.</p> <p>(b) Minimum Yards Notwithstanding Section 9.2 of this By-Law:</p> <p>(i) Minimum setback from any street shall be thirteen (13) metres</p> <p>(ii) Minimum setback from waterfront walkway shall be at least ten (10) metres over 50% of the walkway, which shall be totally accessible to the public.</p> <p>(c) Off-Street Parking Notwithstanding Table 9.2 and Section 5.22.5 of this By-Law:</p> <p>(i) Within the 'HR-2 ' Zone, a minimum of 292 parking spaces shall be provided on the following basis for the permitted uses:</p> <ul style="list-style-type: none"> • residential uses — 1.0 parking space for each dwelling unit; • non-residential uses — parking for the office, hotel and meeting room uses shall be administratively and physically structured to provide for sharing of parking during alternate peak use periods; • occasional uses described in Section 9.3.2.1(b)(iii) — no parking requirements. 	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>(ii) Required parking shall comply with the “Parking Design” regulations of Section 5.22.4 of this By-Law and may be a combination of surface / underground parking and for the purposes of this provision “underground” is deemed to be at or below 1.5 metres above 78.1 metres geodetic datum.</p> <p>(iii) Surface parking may be provided in the ‘HR-2’ Zone to a total maximum of 125 spaces.</p> <p>(iv) Additional parking for the optional meeting rooms permitted in the ‘HR-2’ Zone, in excess of the total minimum number of spaces required in subsection i) above, may be located within the ‘HR-3’ Zone.</p> <p>(v) Special Vehicle Parking shall be provided in accordance with the provisions of Section 5.22.6 of this By-Law.</p> <p>(d) Loading Areas Notwithstanding Table 9.2 of this By-Law, Loading Areas shall be provided in accordance with Section 5.21 of this By-Law.</p> <p>(e) Landscaping Open Space A minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in Subsection (c) of Section 9.3.2.1 of this By-Law, and which shall be physically accessible to members of the public, and which may include space provided as a result of any yard requirement of this By-Law and which may include any area designated for vehicle parking or access.</p> <p>(f) Amenity Area The minimum amenity area requirements for each residential unit shall be in accordance with Section 5.5 of this By-Law.</p> <p>(g) Water’s Edge Floodproofing and Erosion Control Water’s Edge Floodproofing And Erosion Control In accordance with Section 5.37 of this By-Law.</p> <p>(h) Accessory Buildings or Structures In accordance with Section 5.1 of this By-Law. 9.3.2.3 Requirements For Removal Of Holding Symbol The (H) symbol shall be used and removed in accordance with the provisions of Section 6.3 “Holding Zones” of this By-Law and subject to the following specific requirements:</p> <p>(a) Confirmation of adequate sewage capacity has been provided by Utilities Kingston;</p> <p>(b) A Remedial Action Plan for addressing site contamination</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	has been submitted and approved by the City of Kingston.	
HR-3	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-3 Zone:</p> <p>1. Permitted Uses</p> <p>The following uses shall be permitted in (H)-HR-3 Zone:</p> <p>(a) Permitted Interim Uses</p> <p>(b) Permitted Uses When Holding Symbol is Required</p> <p>(i) Office uses to a maximum of 930 square metres of gross floor area located within the first two storeys of the residential building fronting onto Ontario Street;</p> <p>(ii) Neighbourhood convenience commercial uses, including cafes, shops and boutiques, provided such uses are restricted to the ground floor area of the buildings and no one use exceeds a gross floor area of 250 square metres;</p> <p>(iii) Residential uses, subject to the provisions of the 'B3' Zone of By-Law No. 8499 and the following provisions. Maximum gross floor area of the residential buildings, including any permitted office / commercial uses, shall be 42,915 square metres. The residential buildings shall contain a maximum of 325 dwelling units;</p> <p>(iv) Notwithstanding Section 5.26 of this By-Law, outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses;</p> <p>(v) Waterfront Pathway.</p> <p>2. Regulations</p> <p>The following regulations shall apply to the above uses:</p> <p>(a) Maximum Building Height</p> <p>Notwithstanding Table 9.2 of this By-Law:</p> <p>(i) All heights shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street being established at 78.1 metres geodetic datum;</p> <p>(ii) The maximum permitted building height shall be 52 metres;</p> <p>(iii) Within the boundaries of Earl Street, as extended to the water, the maximum height shall be 1.5 metres above 78.1 metres geodetic datum;</p> <p>(iv) For all other areas not otherwise covered by structures permitted in this By-Law, the maximum height shall be 1.5 metres above 78.1 metres geodetic datum.</p>	URM6

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>(b) Minimum Yards Notwithstanding Section 9.2 of this By-Law and any other provisions to the contrary:</p> <ul style="list-style-type: none"> (i) Minimum setback from any street shall be thirteen (13) metres; (ii) Minimum setback from waterfront walkway shall be at least ten (10) metres over 50% of the walkway, which shall be totally accessible to the public. <p>(c) Off-Street Parking</p> <ul style="list-style-type: none"> (i) Notwithstanding any other provisions to the contrary, parking shall be provided for the uses permitted within the 'HR-3' Zone in accordance with the provisions of Section 5.22 of this By-Law, except that for the occasional uses described in Section 9.3.3.1(b) iv) there shall be no parking requirements; (ii) Required parking shall comply with the "Parking Design" regulations of Section 5.22.4 of this By-Law and may be a combination of surface / underground parking and for the purposes of this provision "underground" is deemed to be at or below 1.5 metres above 78.1 metres geodetic datum.; (iii) Surface parking may be provided in the 'HR-3' Zone to a total maximum of 80 spaces; (iv) Additional parking for the optional meeting rooms permitted in the 'HR-2' Zone, in excess of the total minimum number of spaces required in Section 9.3.2.2 (c) i), may be located within the 'HR-3' Zone. <p>(d) Loading Areas Notwithstanding Table 9.2 of this By-Law and any other provisions to the contrary, Loading Areas shall be provided in accordance with Section 5.21 of this By-Law.</p> <p>(e) Landscaped Open Space Notwithstanding any other provisions to the contrary, a minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in Subsection (b) iv) of Section 9.3.3.1 of this By-Law, and which shall be physically accessible to members of the public, and which may include space provided as a result of any yard requirement of this By-Law and which may include any area designed for vehicle parking or access.</p> <p>(f) Amenity Area The minimum amenity area requirements for each residential unit</p>	

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>shall be in accordance with Section 5.5 of this By-Law.</p> <p>(g) Water's Edge Floodproofing and Erosion Control Water's Edge Floodproofing And Erosion Control In accordance with Section 5.37 of this By-Law.</p> <p>(h) Accessory Buildings or Structures In accordance with Section 5.1 of this By-Law.</p> <p>9.3.3.3 Requirements For Removal Of Holding Symbol The (H) symbol shall be used and removed in accordance with the provisions of Section 6.3 "Holding Zones" of this By-Law and subject to the following specific requirements:</p> <ul style="list-style-type: none"> (a) Confirmation of adequate sewage capacity has been provided by Utilities Kingston; (b) A Remedial Action Plan for addressing site contamination has been submitted and approved by the City of Kingston. 	
HR-4	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-4 Zone:</p> <p>1. Permitted Uses The permitted uses shall be limited to a Mixed Commercial/ Residential Development and accessory parking structures.</p> <p>2. Regulations The regulations shall be as follows:</p> <ul style="list-style-type: none"> (a) Number of Units The maximum number of residential units shall be eighteen (18). (b) Maximum Building Height Notwithstanding Table 9.2 of this By-Law, the maximum building height shall be 6 storeys not to exceed 27 metres. (c) Maximum Commercial Gross Floor Area The maximum commercial gross floor area shall be contained within the ground floor of the building and shall not exceed 661 square metres. (d) Off-Street Parking Notwithstanding Table 9.2 of this By-Law, the minimum number of off-street parking spaces shall be thirty-five (35). (e) Amenity Area The minimum required Amenity Area/Children's Play Area shall be 1442 square metres. (f) Expansion 	HB

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Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	There shall be no further expansion of the existing building or structures.	
HR-5	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses shall apply to the HR-5 Zone:</p> <p>1. Permitted Uses The permitted uses shall also include a Data Processing Establishment and a Computer Programming Establishment.</p>	HB
HR-6	<p>Notwithstanding any provisions of this By-Law to the contrary, the following uses and regulations shall apply to the HR-6 Zone:</p> <p>1. Permitted Uses The permitted uses shall also include a Bed and Breakfast Establishment provided such use is confined within the permanently docked ship known as the Alexander Henry.</p> <p>2. Regulations The regulations for the above use shall be as follows:</p> <p>(a) Definition Notwithstanding Sections 4 and 5.7 of this By-Law, and for the purposes of this Section only, Bed and Breakfast Establishment means the provision of guest rooms, with or without meals, for the temporary accommodation of the travelling or vacationing public and shall not include a “Restaurant”, “Hotel”, “Motel”, “Lodging House” or “Nursing Home” as defined herein, or any home licensed, approved or supervised under any general or special Act.</p> <p>(b) Off-Street Parking Notwithstanding Table 9.2, Section 5.7 and Section 5.22 of this By-Law, off-street parking for the guest rooms may be provided on site or on a lot not more than 60.0 metres from the lot upon which the Alexander Henry is located.</p>	HB

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 97-102, “The Cataraqui North Zoning By-Law”

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 97-102, as amended, of the former Township of Kingston;

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

1. By-Law Number 97-102 of The Corporation of the City of Kingston, entitled “The Cataraqui North Zoning By-Law”, as amended, is hereby further amended as follows:
 - 1.1. Delete the entire text and replace with the text shown in Schedule “A”, attached to and forming part of By-Law Number 2024-XX.
2. That 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

Certificate of Authentication

This is Schedule 'A' to By-law Number _____, passed this ____ day of _____ 2024.

Mayor

Clerk

Schedule 'A' to By-law Number 2024-XX

Former Cataraqui North Zoning By-law Number 97-102

A By-law to regulate the use of lands and the size and location of buildings on select properties within the Cataraqui North Area of the former Township of Kingston.

1. Any references to "this By-law" mean the Former Cataraqui North Zoning By-law Number 97-102.
2. The provisions of this By-law apply to the lands identified on Schedule 'A' of this By-law, as amended.
3. This By-law establishes Zones and Red Exceptions listed in Table 1 and places all lands subject to this By-law in one or more of the Zones and/or Red Exceptions in accordance with Schedule 'A'.
4. Table 1 includes a list of all of Zones and Red Exceptions that are still in effect in this By-law, as identified on Schedule 'A' of this By-law.
5. All properties subject to this By-law must comply with the provisions of the Kingston Zoning By-law Number 2022-62 as though they are subject to the Kingston Zoning By-law, in accordance with the "Kingston Zoning By-law Zone" identified in Table 1 for the Zone applicable to the property.
6. Despite 3, 4 and 5, where the Official Plan designates lands as an Environmental Protection Area, the applicable "Kingston Zoning By-law Zone" is the EPA Zone.
7. Despite 3, 4 and 5, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.
8. Where a Holding Symbol ("-H") applies to a property on Schedule 'A' of this By-law or on Schedule F of the Kingston Zoning By-law, Subsection 5.6. of the Kingston Zoning By-law applies. Where holding conditions are identified within the text of the Red Exception in Table 1, those conditions must be satisfied prior to the removal of the Holding Symbol. Where no conditions are specified within the text of the Red Exception, the following conditions must be satisfied prior to the removal of the Holding Symbol:
 - a. Prior to the removal of the Holding Symbol, the following conditions must be addressed to the satisfaction of the City:

Former Cataraqui North Zoning By-Law Number 97-102

- i. The City is satisfied that there is adequate servicing capacity (i.e., water, wastewater, natural gas, and electrical) for the proposed development;
- ii. All necessary studies, as determined by the City, have been completed and accepted by the City. Required studies may include but are not limited to studies related to servicing capacity, transportation impact, traffic, parking, soil, noise, natural heritage features, archaeological assessments, heritage impact assessments, environmental constraints or a Record of Site Condition; and
- iii. All agreements required by the City, including site plan control, have been executed and registered on title, as appropriate.

Transition Provisions

9. Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW], if the development or use complies, or the building permit application is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].
10. Where a complete application was received by the City on or before [INSERT DATE OF PASSING OF BY-LAW] for the development or use of a lot or one or more buildings, approval may be granted in accordance with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW], for one or more of the following applications where they are consistent with the intent of the complete application:
 - a. Any application under Section 45 of the *Planning Act*;
 - b. Site plan control approval pursuant to Section 41 of the *Planning Act* and/or an enhanced site plan control pre-application (D02);
 - c. Consent pursuant to Section 53 of the *Planning Act*;
 - d. Draft plan of subdivision pursuant to Section 51 of the *Planning Act* or a description under the *Condominium Act*; and
 - e. A part lot control exemption pursuant to Section 50 of the *Planning Act*.
11. Where the development or use of a lot or one or more buildings qualifies under Clause 10, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].

Former Cataraqui North Zoning By-Law Number 97-102

12. Nothing in this By-law applies so as to continue the exemption provided by Clauses 9, 10 and 11 beyond the issuance of the final building permit upon which the exemptions are founded.
13. A building permit may be issued in the context of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW] for any development subject to one or more approved minor variances under the provisions of this By-law prior to [INSERT DATE OF PASSING OF BY-LAW] or in accordance with Clause 10.
14. Where a lot is developed in a manner that is consistent with the applicable Red Exception, minor variances may be granted by the Committee of Adjustment in accordance with Section 45 of the *Planning Act* to the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF BY-LAW].

Table 1 – Zones and Red Exceptions Subject to this By-Law

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
LDR1*1	<p>Notwithstanding the provisions and permitted uses of the 'LDR1' Zone, within the 'LDR1*1' Zone the following regulations shall apply:</p> <ul style="list-style-type: none"> (a) The permitted uses shall include a "private club" as defined in the Zoning By-Law, subject to the following special provisions; (b) Maximum Gross Floor Area: 70 square metres; (c) Required Parking spaces, not stacked: 2, one (1) of which must be for the disabled; (d) Permitted driveway width: 7 metres 	UR3
MDR*7	<p>Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR*7' shall be used and developed in accordance with the following provisions:</p> <ul style="list-style-type: none"> (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include single detached dwellings on lots accessed by a rear lane only. (ii) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres. (iii) The minimum front yard depth for a single detached dwelling on a lot accessed by a rear lane shall be 4 metres. At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard. 	UR3

Former Cataraqui North Zoning By-Law Number 97-102

Zone	Applicable Provisions of Red Exception	Kingston Zoning By-Law Zone
	<p>(iv) Single family dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 10 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.</p> <p>(v) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres.</p> <p>(vi) The minimum required interior side yard for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.</p> <p>(vii) The minimum required exterior side yard setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.</p> <p>(viii) The minimum required rear yard setback shall be 14.5 metres.</p> <p>(ix) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.</p> <p>(x) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.</p> <p>(xi) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.</p>	

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2006-75, “A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority”, as Amended

Passed: Meeting date (Month day, year)

Whereas pursuant to By-Law Number 2006-75, “A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority”, as amended (the “Delegated Authority By-Law”), Council of The Corporation of the City of Kingston (the “City”) has delegated approval authority to staff for routine and minor types of development applications, such as Removal of Holding Symbols, Lifting Part Lot Control, Consents, Final Plans of Subdivision, as well as other matters of an administrative nature in order to support ongoing efforts to streamline the overall development approvals process; and

Whereas Section 39.2 of the *Planning Act*, R.S.O. 1990, c. P.13 permits the council of a municipality to delegate the authority to pass by-laws under Section 34 of the *Planning Act* that are minor in nature, provided there is an official plan in effect in the local municipality that specifies the types of by-laws in respect of which there may be a delegation of authority; and

Whereas the City of Kingston Official Plan contains policies specifying the types of by-laws under Section 34 of the *Planning Act* in respect of which there may be a delegation of authority; and

Whereas the Council of the City considers it necessary and desirable to amend the Delegated Authority 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 2006-75, “A By-Law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority”, as amended, is hereby further amended as follows:
 - 1.1 Subsection 4 (Applications to Remove Holding Symbols) is deleted and replaced with the following:

“4. Applications To Remove Holding Symbols:

- (i) Council’s power and authority with respect to the approval of uncontested applications to Remove ‘H’ Holding Symbols is hereby delegated as a minor zoning by-law amendment to the Director of Planning Services or, in the absence of the Director, the Commissioner or the Acting Director or his / her Designate subject to and in accordance with the requirements of the *Planning Act* that apply to delegated minor zoning by-law amendments.
- (ii) Notwithstanding the provisions of Clause 4. (i) of this By-Law, City Council shall retain all powers and authority with respect to the approval of an application to Remove a ‘H’ Holding Symbol where the applicant or other party contests the staff position on the application as to whether or not the conditions for removal of the ‘H’ Symbol have been satisfied.
- (iii) That the Director of Planning Services or, in the absence of the Director, the Commissioner or the Acting Director or his / her Designate are hereby authorized to prepare any required agreement(s) and By-Law(s) implementing any such approval, in consultation with the Legal Services Department, and the Legal Services Department is hereby authorized to register such agreement(s) and By-Law(s).”

1.2 Subsections 13(a)i. and 13(a)ii. (Minor Zoning By-law Amendments) are deleted and replaced with the following:

- “i. approve zoning by-law amendments to amend Schedules D1, D2, D3, F, G and J of the Kingston Zoning By-Law in a manner that removes an area from Holding Overlay, where the municipality is satisfied that there are no longer constraints or technical requirements that need to be satisfied;
- ii. approve zoning by-law amendments to amend Schedules D1, D2, D3, F, G and J of the Kingston Zoning By-law in a manner that adds an area to a Holding Overlay, where a new constraint or technical requirement has been identified;”

2. This By-Law will come into force and take effect on the date of its passing.

Given all Three Readings and Passed: Meeting date (Month day, year)

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston

Passed: Date

Whereas pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, Council of The Corporation of the City of Kingston (the “City”) enacted By-Law Number 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston, as amended (the “Fees and Charges By-Law”); and

Whereas the Council of the City considers it necessary and desirable to amend the Fees and Charges By-Law;

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

1. Schedule “M” of By-Law Number 2005-10, A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston, as amended, is hereby further amended as follows:
 - a) The Zoning By-law Amendment table is deleted and replaced with the following:

“Zoning By-law Amendment

Fee Description	Unit	Fee
Minor Application (plus PN or PMN)	Application	\$4,023.55
Basic Fee (plus PN or PMN)	Request	\$8,165.35
Developments in excess of 3,000-metre square of floor area or 50 dwelling units (plus PN or PMN)	Application	\$13,331.65
Application submitted concurrently with an Official Plan (OP) Amendment (plus PN or PMN)	Application	\$4,023.55
Removal of ‘H’ Holding Overlay for residential buildings with up to 4 dwelling units on 1 property	Application	\$500.00

Removal of 'H' Holding Overlay for all other applications	Request	\$2,485.25
New Complete Application after Application is Withdrawn	Application	\$1,030.00

2. This By-Law will come into force and take effect on the date of its passing.

Given First and Second Readings: [Meeting Date]

Given Third Reading and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Summary of Changes & Planning Rationale

City of Kingston - Proposed Housing and Administrative Amendments
D35-002-2024

This document provides a rationale and summarizes the proposed changes to the Official Plan, zoning by-laws (By-law Numbers 2022-62, 8499, 76-26, 32-74, 96-259, 97-102), the Delegated Authority / Planning By-law (By-law Number 2006-75) and the Fees & Charges By-law (By-law Number 2005-10) to implement administrative updates and to better support the construction of more housing through various initiatives. This document has been updated since the initial release connected with the community meeting (D01-002-2024) – newly proposed changes are **highlighted in yellow**. This summary is provided for convenience and public consultation purposes only.

THEME 1: Align Documents with Bill 23 and Allow 4 Units

Official Plan Amendments

- 1. Summary of Proposed Change:** Delete the “Stable Areas” policies and replace with Locational Criteria for Low-Rise, Mid-Rise and High-Rise Residential (move existing Low Density, Medium Density and High Density policies out of the Residential Land use designation section (3.3.A, 3.3.B and 3.3.C) into 2.6, remove density ranges, remove conversion policies and amend building types). Cross references to stable areas and locational criteria updated throughout. Terminology related to low-rise, mid-rise and high-rise residential updated throughout.

Policies Affected: 2.6, Former 3.3.A, 3.3.B and 3.3.C, Schedules CW1, KPC-1 and RC-1

Rationale: The existing Stable Areas policies in Section 2.6 of the Official Plan are fundamentally intended to prevent “stable” neighbourhoods from changing. The policies establish a framework for assessing when a neighbourhood is stable by looking at, among other matters, density and types of uses, architectural character, land ownership and limited new development applications altering land assembly/built form. The policies do not allow for new forms of development that are different from the “prevailing pattern of development in terms of density, activity level, built form or type of use”.

The existing Stable Areas policies are contrary to the changes that were made by Bill 23 to the “additional residential unit” framework (which automatically supersede contrary policies in the Official Plan), as described in [Report Number 23-020](#). The Bill 23 permissions are in effect and not only allow change, but direct new residential units and change in prevailing building types and density in all stable neighbourhoods.

Similarly, the existing framework in the Official Plan that establishes different residential building types through policies 3.3.A, 3.3.B and 3.3.C (low density, medium density and high density) is fundamentally at odds with the permissions of Bill 23 described above. The existing low, medium and high density residential policies confuse the assessment by connecting residential building type with a numerical density (based on number of units against the area of the property). Fundamentally, the two concepts (density versus building type) are separate considerations, and the policies are written in a manner that is primarily connected to the building type, not the numerical density.

With the existing approach, many “low density” building types are actually considered “medium density” or “high density” when looking at the numerical density range established in each category. So, these “low density” building types are now automatically permitted by Bill 23, yet do not meet locational criteria established by the existing framework for “medium density” or “high density” proposals. Additionally, the existing policies are embedded in the “Residential” land use designation but are referenced in a variety of land use designations that permit residential buildings.

The proposed changes focus the definition of building types on built form by changing the terminology to “low-rise”, “mid-rise” and “high-rise” and completely disconnect the conversation from a density range since density is reliant on lot area and number of units, which are not indicative of the building type or built form. The changes move the whole policy framework into Section 2.6, out of the Residential land use designation policies to reflect the fact that these policies apply anywhere residential building types are proposed, not just in the residential land use designation. The proposed changes maintain the existing locational criteria for mid-rise and high-rise residential building types, just relocate it out of 3.3.B. and 3.3.C. into 2.6.

2. **Summary of Proposed Change:** In the rural area, rename “additional residential units” to “additional rural units” and move policy framework out of the Residential Land use designation section (3.3) into the Specific Use section (3.2), and amend policies to reflect the rural focus.

Policies Affected: Definitions, Former 3.3.11 (Now 3.2.17)

Rationale: With the changes made to the *Planning Act* as a result of Bill 23, the changes identified above to the former stable neighbourhood policies and the addition of fourth residential units in the urban area, the Official Plan needs to distinguish between additional units in an urban context versus those in the rural area. Our current policies permit 3 residential units on residential lands in the rural area and the proposed amendments maintain this permission with necessary “rural” terminology changes to reflect other amendments proposed through this work.

3. **Summary of Proposed Change:** Update References to Site Plan Control throughout the OP to align with Bill 23 updates.

Policies Affected: Throughout OP

Rationale: As described in [Report Number 23-020](#), Bill 23 made changes to the types and forms of development that are subject to site plan control and the matters that can be secured. Changes are proposed throughout the OP to better align with the changes to Bill 23.

4. **Summary of Proposed Change:** Update text to reflect changes to the role of conservation authorities by Bill 23 and associated regulations through the removal of reference to Cataraqui Region Conservation Authority in policies outside of natural hazards and source water protection.

Policies Affected: Throughout OP

Rationale: As described in [Report Number 23-020](#), Bill 23 made changes to the role of conservation authorities, focusing their municipal role on their core mandate: natural hazards. Amendments are proposed throughout the text of the Official Plan to remove reference to the Cataraqui Region Conservation Authority where the language speaks to natural heritage or other matters that are not their core mandate.

5. **Summary of Proposed Change:** New policies 9.6.27 and 9.6.28 have been introduced to address the land lease community permissions introduced through Bill 23 and allow for stratified consent applications.

Policies Affected: New 9.6.27 and 9.6.28.

Rationale: Bill 23 introduced changes to permit land lease communities to proceed through site plan control. In addition, with the changes to the low-rise residential forms that are now permitted in the majority of urban residential neighbourhoods, the proposed amendments recognize the potential to allow for stratified consent applications to establish private ownership of a variety of housing forms. The proposed changes will better support new home ownership options through streamlined processes where they otherwise would have required more costly land division applications in order to meet the criteria of the Official Plan.

Zoning By-Law Amendments

6. **Summary of Proposed Change:** All urban residential properties with a house, semi-detached house and townhouse are permitted to be developed with 3 residential units. This permission was introduced through the passage of the new Kingston Zoning By-law in April of 2022, then subsequently expanded with the Province's Bill 23 changes coming into effect.

Through these amendments, a further expansion beyond the Bill 23 permissions is proposed to allow for the construction of 4 residential units on these same properties in the urban area, which could take the form of a house with up to 4 units, or a house with up to 3 units plus 1 detached accessory house. All Zones that are impacted by this change have a new row added to the performance standard table to identify the maximum number of dwelling units that are permitted per lot (four).

In connection with the expanded fourth unit permission, amendments are also included to:

- i. Create a new Holding Overlay map (Schedule D3) to ensure that an application to lift the Holiday Overlay is required to demonstrate there is appropriate capacity to support the construction of a fourth unit. A note has been added to this section to ensure property owners are aware that there are limitations in the number of plumbing fixtures that are permitted under the Ontario Building Code that are dependent on the size of the water service to a property. Many areas of the City have a water service size that will limit the number of plumbing fixtures. Applicants are encouraged to contact the City early in the design process to determine the number of plumbing fixtures that will be permitted.
- ii. Change bedroom maximum from 8 to 12 bedrooms where the Holding Overlay has been lifted for the fourth unit.

In response to the public interest at the Community Meeting focused on the 4 unit permissions, to help facilitate Council's consideration of this topic, staff have separated the amendments connected to the 4 unit permissions into a separate zoning by-law amendment (to be included as Exhibit C to the recommendation report).

Provisions Affected: New 4.28.2., 5.4.5., Tables 11.2.1., 11.3.1., 11.4.1., 11.5.1., 11.6.1., 11.7.1., 11.8.1., 11.9.1., 11.10.2., 12.2.1., 12.4.1., 12.5.1., 12.6.1., 13.2.2., 13.4.1., 14.3.2.

Rationale: Existing low-density urban properties on full municipal services have been the focus of Provincial/Federal discussion to ensure municipalities are supporting as much infill housing possible to help address the current housing crisis. Constructing new residential units on existing properties that are already provided with the full suite of municipal services (water, wastewater, hydro, snow removal, waste removal etc.) is a cost-effective way to help address the housing crisis and helps to increase residential density while alleviating the need to expand costly municipal services for lower density housing forms. Through requests that have been received by

the Canada Mortgage and Housing Corporation (CMHC) in connection with the City's Housing Accelerator Fund (HAF) application, City Council passed a motion on November 21, 2023 directing staff to include fourth units in the HAF application and subsequently consult on the proposed amendments to bring this into effect. Details about the City's HAF application are provide in [Report Number 23-172](#), with further initiatives identified in the Council Motion moved on November 21, 2023, as amended – refer to pages 857 to 860 of the [Meeting Minutes](#).

As described in [Report Number PC-21-042](#), the City's approach to allowing "additional residential units" (second units, then third units) has been evolving over the last number of years along-side the changing external forces that impact the availability and cost of housing. As detailed in [Report Number 23-020](#), Bill 23 made further changes which automatically supersede those in the Kingston Zoning By-law and currently permit:

- i. A maximum of two residential units in the main residential building when there is a maximum of one residential unit in a detached accessory building; or
- ii. A maximum of three residential units in the main residential building when there are no residential units in a detached accessory building.

The proposed amendments align with the request from CMHC, and the Council directed amendments to the City's HAF application and will allow existing low density properties on full municipal services to be developed in a manner that increases the number of residential units in a cost-effective and climate-conscious manner. Increasing the assessed value of existing serviced properties benefits all property owners in the City by contributing to a greater City-wide property assessment value without requiring a greater amount of municipal services, thereby helping to alleviate the extent of City-wide property tax increases. The existing performance standards are largely maintained, with the exception of the maximum number of bedrooms, which is proposed to increase to 12 bedrooms per lot only where a fourth unit is constructed to ensure that the bedroom permissions support and align with the expanded unit count.

The proposed Holding Overlay for the fourth unit will ensure that all technical and functional elements are satisfied including any servicing, transportation or heritage elements that may be identified on any individual property.

- 7. Summary of Proposed Change:** The foundation of the low-rise residential buildings has fundamentally changed as a result of the Bill 23 amendments that automatically permit 3-unit buildings on virtually all unconstrained urban residential properties and the proposed amendments described above to increase the permission to 4 units as-of-right on these same properties.

The proposed amendments delete the individual definitions of single detached houses, duplexes and triplexes and replace them with one simplified definition of "house". The definitions of "semi-detached house" and "townhouse" have been updated to focus on the land division element that is inherent to the Bill 23 changes, with new language recognizing the potential for semi-detached houses and townhouses to be converted in a manner that increases the number of residential units up to 4 per lot. **Since the Community Meeting, the definition of "townhouse" has been amended for clarity to include back-to-back townhouses, which are one of the most affordable forms of low-rise residential buildings, with a new Subsection added to permit a 0 metre rear setback for back-to-back townhouses where multiple lots are developed at one time with back-to-back townhouses.**

In conjunction with the changed definitions noted above, the definition of apartment building has been expanded to cover a larger variety of buildings and has added more flexibility to the layout of potential units/access to those units.

The former Additional Residential Unit (ARU) permissions have been separated out to better regulate the urban versus rural areas. In the rural area, the existing 3-unit permissions are proposed to be maintained, with slight terminology differences changing the language to “additional rural units”, “second rural unit” and “third rural unit”. The performance standards for additional rural units have been moved out of the Overlay section (formerly 5.4) and into a new general provision in 4.30. The previous gross floor area restriction has been removed to allow more flexibility with the configuration and size of additional rural units.

In the urban area, however, the former ARU framework is unnecessarily complicated by Bill 23 and the additional permission to add a fourth unit. Rather than considering second, third or fourth units within the principal building as “accessory” units and continuing to track that information in perpetuity (for the purposes of zoning), they are now considered to be principal units since that is how they function on the property. The former ARU framework that applied to ARUs in a detached accessory building has been translated over to new “accessory house” permissions in the general provisions as new section 4.29. The previous gross floor area restriction has been removed to allow more flexibility with the configuration and size of accessory houses.

The former Additional Residential Unit Overlay section (5.4) has been updated to reflect the new Bill 23 terminology related to houses, additional rural units and accessory houses and has focused the overlay section specifically on housing constraints rather than providing performance standards for those uses. Schedule D1 and D2 have been updated to remove the Westbrook sewer capacity constraint area (as the constraint no longer exists) and to add a sewer capacity constraint area in a portion of the area bounded by Princess Street, Sir John A MacDonald Boulevard, Bath Road and Portsmouth Avenue (this constraint is identified in the former by-laws, however was missed in the mapping of the original Kingston Zoning By-law). Schedules D1 and D2 have also been updated to align with the text-based changes described above and a new schedule D3 has been added to require an application to remove the Holding Overlay before a fourth unit is permitted.

The restriction on basement units in urban areas has been expanded to include basement storeys. Language has been added to clarify that the restriction on basement dwelling units within the sewer surcharging areas applies only to situations where the entire floor area of a dwelling unit is in the basement. It does not restrict habitable floor area of a dwelling unit from being in a basement where a portion of the floor area of such dwelling unit is located at or above the first storey.

In both the urban and rural areas, new language has been added to continue to permit additional residential units in places of worship (as established through the approval of the Kingston Zoning By-law).

Provisions Affected: New 3.1.3.A., 3.1.4., 3.1.15., New 3.3.27.A., New 3.3.27.B., Former 3.4.12., New 3.8.14., 3.18.10., 3.18.11., 3.19.2., 3.19.5., Former 3.19.13., 3.20.2., 3.20.7., Former 3.20.13., 4.27.4., 4.29., 4.30., 5.4., 5.5.5., 6.4.2., Section 11, Section 12, Section 13, Table 14.1.2., Table 14.3.2., Schedule D1 and Schedule D2, new Schedule D3

Rationale: Similar to the changes that are proposed to the low-rise residential framework and additional rural unit framework, changes are proposed to the zoning by-law that would convert the

existing “additional residential unit” (ARU) into an “additional rural unit” framework to maintain the same permissions.

With this change, the remainder of the existing ARU framework is now unnecessarily complicated and requires simplification for the long-term administration of the By-law. The proposed changes allow for the simplification of low-rise residential building types and allow the zoning provisions to focus only on the elements that are necessary to be regulated for built form, infrastructure capacity, functionality and land use compatibility matters.

- 8. Summary of Proposed Change:** In conjunction with the changes noted above, the Urban Residential Zones (UR Zones) have been refined, consolidated and simplified. Previously there were 13 separate UR Zones plus an additional 6 subzones, which were largely necessary to reflect the different low-rise building types that were permitted by the former zoning by-laws pre-Bill 23. As a result of Bill 23 and the proposed 4th unit permission, the text and mapping is proposed to be amended to consolidate a number of similar UR Zones and subzones since all of the low-rise building types are now permitted in all zones, while also updating the performance standard tables to recognize land division elements that are inherent with Bill 23 for semi-detached houses and townhouses (lot area, lot frontage, interior setbacks and aggregate of interior setbacks).

The following summarizes the proposed consolidation of the UR Zones and Subzones:

- i. Former UR1, UR2, UR3 – Now UR1
- ii. Former UR1.A, UR2.A, UR3.A – Now UR2
- iii. Former UR1.B, UR2.B, UR3.B – Now UR3
- iv. Former UR4 – Remains UR4
- v. Former UR5 – Remains UR5
- vi. Former UR9, UR10, UR12, UR13 – Now UR6
- vii. Former UR6, UR7 – Now UR7
- viii. Former UR8 – Remains UR8
- ix. Former UR11 – Now UR9

Similar changes are reflected throughout the URM, HCD, DR and IN2 Zones where the low-rise residential buildings are referenced.

Provisions Affected: Schedule 1, Sections 11, 12 and 13, Subsections 14.3 and 18.4

Rationale: The proposed changes simplify the approach to classifying and regulating low density residential zones in a manner that continues to reflect the prevailing built form and performance standards in each low-rise residential neighbourhood in the City while allowing for the construction of new infill residential units in different configurations and building types. The introduction of new performance standards for semi-detached houses and townhouses proactively plans for future consent applications and ensures the land division principles in the Official Plan are maintained.

- 9. Summary of Proposed Change:** A new interpretation clause has been added to allow for existing garages to be converted into a residential unit without requiring relief from the zoning by-law for the existing location/size. **In response to public feedback, this provision has been amended to apply to rural lands zoned RU, RUR and LSR.**

Provisions Affected: New 4.29.4.7.

Rationale: The proposed language provides opportunities for existing homeowners to easily convert existing garages into second, third or fourth units by recognizing the existing setbacks, height and other zoning provisions that regulate the size and location of a building on a property.

The intent is to better support existing structures being retrofitted into residential units, which would allow for much needed infill housing to be constructed in a more cost-effective and environmentally friendly manner within buildings that already exist in residential neighbourhoods.

- 10. Summary of Proposed Change:** In conjunction with the Bill 23 changes to the low-rise residential buildings, performance standards related to amenity area, parking, and bike parking have been refined to suit the intent of the changes. Further changes are proposed to the amount of amenity area required in PA1 to PA3.

Provisions Affected: 4.3.1., 4.3.2., Table 7.1.1., 7.3.3., 7.3.13., Table 7.3.1., 7.4.8.

Rationale: The proposed changes refine the low-rise residential standards in a manner that ensures each dwelling unit is livable, functional and supported by necessary infrastructure. With the proposed parking changes, property owners are still expected to provide the number of parking spaces that are necessary to support the future users of their properties. The City will not supply on-street parking to offset private parking deficiencies and the City will continue to manage its right-of-way in a manner that aligns with strategic priorities of the City.

- 11. Summary of Proposed Change:** In conjunction with Bill 23 removing site plan control for developments with up to 10 residential units, a new requirement has been added for developments with between 5 and 10 units to provide dedicated waste and recycling storage areas.

Provisions Affected: 4.25.4.

Rationale: The zoning by-law and site plan approval process work together to ensure specific elements are provided for the functionality of a property given the nature of the use, density and level of intensity. Requiring the provision of dedicated waste and recycling areas through zoning will ensure this functional need is planned for and met on residential properties with between 5 and 10 dwelling units where they are no longer subject to site plan control. **Since the Community Meeting, this requirement has been refined to simply require a 5 square metre area, rather than a specific dimension per dwelling unit to simplify the implementation of this provision and allow for flexibility in how it is fulfilled.**

- 12. Summary of Proposed Change:** In conjunction with the Bill 23 changes to the low-rise residential buildings and the proposed changes to the definition of house, a new performance standard has been introduced in the RUR, LSR, RC and HAM Zones to regulate the maximum number of principal dwelling units that are permitted per lot to maintain the existing permissions in the Rural Area.

Provisions Affected: Tables 8.4.1., 8.5.1., 8.6.1., 8.7.1.

Rationale: This proposed change aligns with the changes identified earlier and recognizes that a maximum number of dwelling units is a performance standard that is necessary to be introduced in these zones given the changed “house” definition.

THEME 2: Support Affordable Housing

Official Plan Amendments

- 13. Summary of Proposed Change:** Update existing definitions related to affordable housing for consistency with Provincial definitions contained in the updated *Development Charges Act* and to provide a more consistent basis for referencing the various terms connected to affordable

housing developments (Affordable Housing Development, Attainable Unit, Affordable Ownership Unit, Affordable Rental Unit, Affordable Housing, Market Unit, Mixed Market Housing Development).

Policies Affected: Definitions

Rationale: With the changes to the *Development Charges Act*, it is important that municipal definitions align with provincial definitions of affordable ownership units and affordable rental units to ensure that required housing data reporting is based on consistent definitions. New terms have been created to ensure that the policies speaking to affordable housing are interpreted in a consistent manner.

14. **Summary of Proposed Change:** A new policy has been added to permit affordable housing developments in all land use designations except those that are constrained or inappropriate for residential uses (such as Employment, Environmental Protection, Prime Agricultural, Rural Industrial and Mineral Resource Areas). Since the Community Meeting, language has been added to clarify that mixed market housing developments, when owned and operated by a non-profit housing provider, benefit from this new policy as well.

Policies Affected: New 3.2.18.

Rationale: The construction of new affordable housing is one of the highest priority matters of public interest. At present, it is treated as an equal to all other housing and only permitted in limited land use designations. The proposed language allows new affordable housing developments more broadly in the Official Plan, where an application to amend the zoning by-law or an application for minor variances would only need to focus on the compatibility, infrastructure and other constraints of the Official Plan, rather than requiring those applications to demonstrate that the use is appropriate. The intent is to help streamline the development application process to better support the construction of affordable units.

Zoning By-Law Amendments

15. **Summary of Proposed Change:** Update “affordable unit” definition and add new “arm’s length” definition for consistency with Provincial definitions contained in the updated *Development Charges Act* and the changes described above to the Official Plan.

Policies Affected: Definitions (3.1.5. and New 3.1.16.)

Rationale: Same rationale as above.

THEME 3: Support Housing Innovation and Upzone Areas for New Housing Construction (Campus Expansion Area)

Official Plan Amendments

16. **Summary of Proposed Change:** Within the Regional Commercial, District Commercial and Arterial Commercial designations, residential use permissions have been updated to better align with expected forms of mid-rise and high-rise residential developments and remove existing requirements related to adjacency and linkages to residentially designated lands.

Policies Affected: 3.4.B.8.

Rationale: The Regional Commercial, District Commercial and Arterial Commercial designations apply in locations across the City that are desirable to support mid-rise and high-rise residential

development. The existing residential policies in each of these designations are proposed to be refined to better reflect the suitability of new housing construction without having to address policies related to adjacency/linkages to residentially designated lands.

- 17. Summary of Proposed Change:** Removed prohibition on mobile homes and added policies to better support alternative housing options such as tiny house communities and modular construction.

Policies Affected: Former 3.3.D.6 and 3.3.D.7, new 3.2.24.

Rationale: Through the consultation that was done during Kingston Zoning By-law 2022-62 on the additional residential unit provisions, staff received feedback from members of the public requesting that the existing prohibition on mobile homes be removed from the Official Plan to better support housing diversity and equity in the City. The proposed changes remove the existing prohibition, allowing for mobile homes to simply be considered a house and permitted where other houses are permitted. The City has no control over the look or architecture of a house – right now, if someone wanted to build a house on a permanent foundation that is identical to a mobile home in every other way, they can do that (as long as it meets the zoning standards). The removal of this prohibition opens up new opportunities to support a more affordable form of housing with little change when considering the existing rights for houses on permanent foundations.

The new proposed policies better reflect newer and emerging housing trends by giving direction to appropriate locations for tiny house communities, while also recognizing the need to better support modular construction by considering the constraints of the built form when considering future development applications.

Zoning By-Law Amendments

- 18. Summary of Proposed Change:** Proposed changes amend the definition of a building and the specific use permissions in 6.1. to recognize tiny houses, mobile homes, modular homes and other similar innovative housing technologies as a house.

Provisions Affected: 3.2.13., 3.13.9., 3.20.3., 4.6.4., 4.12.1.11., 6.1.1. and 6.1.2.

Rationale: This change aligns with the amendments in the OP to remove the prohibition on mobile homes and better support alternative housing options such as tiny house communities, and modular construction.

- 19. Summary of Proposed Change:** Four of the blocks in the Campus Expansion Area (bounded by Johnson Street to the north, University Avenue to the west, Earl Street to the south and Division Street to the east, bisected by Aberdeen Street and William Street) are proposed to be upzoned to accommodate residential or mixed-use buildings up to 6-storeys in height. The proposed amendments apply the existing URM8 zone across the entirety of these 4 blocks (currently only the properties located along Johnson Street are within the URM8 zone), while excluding properties from the upzoned URM8 zone that have been identified as potentially having heritage value. The proposed amendments also establish a new Exception that exempts developments in this area from providing parking spaces and reduces specific standards to better support the construction of new residential units in this key location in the City. In addition, a new Holding Overlay is proposed to be created which would require applicants to submit specific technical studies prior to the development of these lands (such as those related to servicing, transportation, heritage, etc.). **Since the Community Meeting, the maps have been amended to include the 1 Aberdeen Street property within the upzoned area as it is not subject to a Heritage Easement Agreement.**

Provisions Affected: Sections 21 & 22, Schedules 1, E & F

Rationale: The Campus Expansion Area has long been envisioned as an area that has potential to support residential intensification in a location that is highly desirable. While a portion of the lands were recently upzoned to the URM8 zone through the work of the Central Kingston Growth Strategy (CKGS), this is an area of the City that is still serviced by combined sewers, so the CKGS did not identify this area for immediate redevelopment to allow time for infrastructure upgrades to occur. Through the public consultation process on the CKGS, this area was identified as an area that can support residential intensification.

With the recent development pressures in this area, the combined sewer system is anticipated to be upgraded through a sewer separation project which may eventually create new servicing capacity that would support intensification of these existing properties. While the proposed amendments will establish the zoning framework as-of-right, a “hold” is proposed to be placed to ensure that any future development will be required to submit necessary technical studies such as a servicing report, transportation impact study, heritage impact assessment, etc.

THEME 4: Implement Changes to Streamline the Development Review Process

Official Plan Amendments

- 20. Summary of Proposed Change:** Amendments have been made to the list of materials required for a complete application to align with staff’s recommended changes to the development review process.

Provisions Affected: 9.12.3.

Rationale: A number of changes were recently made to the development review process in response to fee refund sections of the *Planning Act* (detailed in [Report Number 11-132](#), Bill 109, the *More Homes for Everyone Act, 2022*). The changes are intended to streamline the development review process while maintaining the ability for the public to meaningfully participate and comment on proposed applications before recommendations are made for Council’s consideration. The proposed changes to the list of complete application requirements aligns with the process changes.

- 21. Summary of Proposed Change:** Alternative measures for informing and obtaining the views of the public (notices and public meetings) have been identified in new policies 9.12.6 to 9.12.9 to allow enhanced notice requirements through the creation of a dedicated planning notices website and planning email list rather than the use of newspaper notices.

Provisions Affected: New 9.12.6 to 9.12.9

Rationale: In connection with the process changes described above, changes are proposed to establish alternative notice and public meeting requirements for specific types of applications. The changes would allow for staff to use a dedicated City website for planning notices and would require staff to send emailed notices to people who have signed up for a planning notices listserv. These changes are intended to ensure better notification processes for the affected application types.

In addition, with Bill 23 removing the statutory public meeting requirement for draft plan of subdivision applications, the changes propose a framework where a commenting period would be

established for written comments. Where no written comments are received during the commenting period, no public meeting will be held. If public comments are received, a public meeting will be scheduled. This change is intended to streamline the process in accordance with the *Planning Act* where no public concerns are raised while maintaining the public meeting requirement for applications subject to the interest of residents. The proposed change would be consistent with the City's current approach to processing delegated authority consent applications, where a public meeting is only held if comments are provided during the commenting period.

Similarly, for minor zoning by-law applications that are already delegated to the Director of Planning Services, the proposed changes would establish a similar commenting period to receive feedback. If there are no written comments received, no public meeting will be held before a decision is made.

Delegated Authority By-Law (Planning) Amendments

- 22. Summary of Proposed Change:** Amend By-law 2006-75 "A By-law to Delegate Various Planning Approvals to Staff and to Adopt Certain Procedures for the Processing of Planning Applications Subject to Delegated Authority" to fully delegate the passing of a Holding Symbol removal to the Director of Planning as a minor zoning by-law amendment. Update minor zoning by-law amendment permissions to allow for removal of constraint areas where there is no longer a constraint or the creation of a new constraint area where there is a new identified constraint.

Provisions Affected: 4(i), 13(a).

Rationale: When combined with the proposed changes to the Official Plan that would allow for a streamlined public meeting process where there are no objections on a minor zoning by-law amendment, the proposed amendments to the delegated authority by-law would allow staff to more efficiently process applications that are truly minor or technical in nature.

Fees And Charges By-Law Amendments

- 23. Summary of Proposed Change:** In conjunction with the changes to the delegated authority provisions noted above, amendments are proposed to the Fees and Charges By-law to reduce the planning application fees for applications to remove the Holding Overlay connected with low-rise residential buildings up to 4 dwelling units on one property (\$500 rather than \$2,485.25).

Provisions Affected: Schedule M, Zoning Table

Rationale: The proposed reduction in fees associated with Holding Overlay removals for low-rise residential buildings is intended to better support the construction of additional residential units within existing neighbourhoods through lesser planning application fees, with anticipated cost reductions associated with a more streamlined delegated authority process.

THEME 5: Allow Conversion of Existing Non-Residential Buildings into Residential

Official Plan Amendments

- 24. Summary of Proposed Change:** A new policy has been added to allow for the conversion of existing non-residential buildings in select locations identified within the Kingston Zoning By-law into either residential or mixed use buildings, despite any policies establishing the permitted uses

in an underlying land use designation or policies establishing required densities. Corresponding amendments are proposed to Schedule DH-3 to remove portions of the mandatory commercial frontage.

Policies Affected: 3.2.27., Schedule DH-3

Rationale: This proposed policy aligns with the new proposed framework within the Kingston Zoning By-law that would enable the conversion of existing buildings along key transit corridors in the City to residential uses. The proposed framework is intended to support owners of existing underutilized properties to convert non-residential buildings into residential or mixed use buildings with zoning language that recognizes the size and location of existing buildings.

Zoning By-Law Amendments

25. Summary of Proposed Change: In conjunction with the language added to the Official Plan, a new Non-Residential Conversion Overlay has been added to Subsection 5.7 of the Kingston Zoning By-law to permit the construction of existing non-residential buildings at specific locations (identified on a new Schedule G) to be converted into residential or mixed-use buildings. Corresponding amendments are proposed to Schedule 3 to remove required ground floor commercial.

Provisions Affected: New 5.7 and New Schedule G, Schedule 3

Rationale: The proposed conversion permissions are intended to support the construction of new residential units in locations close to transit in a manner that allows for easy conversion of existing, underutilized buildings. The proposed language includes a Holding Overlay requiring technical matters such as servicing, noise, heritage and transportation to be addressed through a site-specific application to lift the Holding Overlay where required.

THEME 6: Streamline Approval Process for Multi-Unit Buildings along Express Transit Routes

Official Plan Amendments

26. Summary of Proposed Change: New policies have been created to streamline the residential or mixed use development process along specific Express Transit Routes in the City by allowing them to proceed through a minor variance process. The proposed policies are connected directly to mapping that is proposed in the Kingston Zoning By-law, which identifies specific heights along the Express Transit Routes, and creates new technical criteria that must be addressed through the minor variance application. The policies also create expanded notice requirements to ensure that public notice for this type of minor variance would be equivalent to the public notice that is provided for site specific amendments to the zoning by-law.

Policies Affected: 3.2.28. to 3.2.32.

Rationale: The proposed streamlined application process is intended to recognize that the Official Plan already focuses residential intensification to the primary nodes and corridors across the City, which align with the areas serviced by Express Transit. The policy does not apply to areas that have already been upzoned in the past, have sensitive heritage elements or are otherwise not appropriate locations to include in this initiative (such as the Williamsville Main Street, the upzoned areas of the CKGS, Downtown, etc.).

The policy still requires applicants to provide all necessary technical studies to support the development proposal and proceed through a full technical review and public consultation process with expanded notice requirements. The framework is intended to provide more certainty with respect to the expected built form while streamlining the length of time it takes to proceed through the application and lessening costs to an applicant.

Zoning By-Law Amendments

- 27. Summary of Proposed Change:** In conjunction with the new streamlined minor variance framework policies that are proposed in the Official Plan along the Express Transit Routes, amendments are proposed to the Kingston Zoning By-law which would create a new Express Transit Area Overlay in Section 5.8. and a new Schedule H. The intent of the new framework is to identify the locations that would be subject to the streamlined minor variance process and to identify performance standards that are expected to be implemented through the minor variance process including height and certain standards such as stepbacks from the streetwall, lot coverage, etc.

Minor updates have been made to the Express Transit Area Overlay since the initial draft was released as a result of revisions contained within the North Kings Town Secondary Plan work. Specifically, 891 to 901 Montreal Street has increased from 6 to 12 storeys, the height has been removed from the Outer Station property as a result of the findings of the Cultural Heritage Study and, for the 575 to 606 Montreal Street property, the 15 storey portion has been pulled back to provide more space to 610 Montreal Street. A 6 storey height maximum is applied along the frontage south of 610 Montreal Street and across the former Duff Street road allowance and 15 storeys is applied between the former Duff and Fraser road allowances.

An amendment has also been made to the amenity area provisions in Clause 4.3.2. to apply the 10 square metre per unit amenity space ratio to lands developed in accordance with the Express Transit Area Overlay framework.

Provisions Affected: 4.3.2., New 5.8 and New Schedule H

Rationale: The proposed framework aligns with the streamlined minor variance process created through the Official Plan and ensures that an appropriate expectation is set through the Kingston Zoning By-law to guide these site specific applications. While some standards (such as setbacks) are expected to be established through the minor variance process to recognize the diversity of properties and locations, the framework provides some guiding performance standards and ensures that all applicable general provisions (such as parking, bike parking, amenity area, etc.) will apply to the review of the application.

THEME 7: Allow Employers and Institutions to Build Workforce and Institutional Housing

Official Plan Amendments

- 28. Summary of Proposed Change:** A new definition of “workforce and institutional housing” is included to recognize residential units or co-living units that are owned/leased by an employer or institution directly to persons who are either employed by such employer or persons who attend an institution on a full-time basis (such as a student or equivalent). The proposed OPA will create a new general policy that allows workforce and institutional housing in any land use designation (except areas that are inappropriate for housing such as Environmental Protection, Prime

Agricultural or Employment Areas). The policy clearly states that it is expected that the employer/institution will retain ownership of the development, or the City will rezone it to remove the residential permissions. The policy also prohibits future land division other than land lease communities.

Policies Affected: 3.2.24.

Rationale: Through various conversations with employers and institutions across the City, the housing crisis has been identified as a significant barrier to the growth and success of their organizations, with current labour shortages causing significant impacts across the region, province and country. The proposed policy is intended to support employers and institutions in helping to solve the housing crisis for people directly connected to their organizations (as employees, students or an equivalent), which may open up housing opportunities for new populations of people (workforce, students, etc.) who plan to move to Kingston. The proposed OPA would require each housing proposal to individually proceed through a site-specific zoning by-law amendment in the future to ensure that all necessary technical and functional elements are satisfied, however, enabling this policy in the OP opens up many opportunities across the City (including the rural area) to expand the intensity and type of residential units in a way that will help employers and institutions find housing solutions for persons directly connected and integral to the success of their organizations, which will in turn help to relieve pressure on the overall demand for housing.

THEME 8: Implement Administrative Amendments

Official Plan Amendments

29. **Summary of Proposed Change:** Remove language directing specific types of uses from being subject to site plan control and language stating performance standards that will be regulated through zoning.

Policies Affected: Throughout OP

Rationale: The OP is not required to identify specific types of uses that are subject to site plan control or provide general language about types of zoning standards that will be used. These policies do not add value to the Official Plan and give rise to inconsistencies between policies and the implementing by-laws. The proposed changes reduce overlap, redundancies and unnecessary administrative amendments as implementing by-laws change over time.

30. **Summary of Proposed Change:** Remove reference to specific Provincial ministries throughout OP and replace with “Province”.

Policies Affected: Throughout OP

Rationale: We are experiencing a time of significant change from a legislative, regulatory and ministerial perspective in the Province. The Official Plan currently references specific provincial Ministries that are responsible for administering various processes in many locations. With changing names of ministries and changing responsibilities, the administration of this detail in the Official Plan has become an unnecessary burden, where a formal Official Plan Amendment is necessary to reflect every provincial change. In the end, there is no added benefit to this level of specificity since the Province is not bound by municipal Official Plan policies and those Provincial requirements apply regardless of whether the Official Plan identifies them. The proposed changes

reduce unnecessary administrative amendments that may be required in the future connected to the quickly changing Provincial landscape.

- 31. Summary of Proposed Change:** Delete unnecessary definitions that are not used in the text of the Official Plan or are unnecessary to specifically define (kilovolt, megawatt, nameplate generating capacity, run-of-river system, solar energy, volt, watt, wind energy).

Policies Affected: Definitions

Rationale: Definitions should only be identified in the Official Plan where there is a need to define a term differently than the standard, ordinary meaning or where there is no standard meaning. There is no need to define terms that are (A) not used in the Official Plan and (B) not different than a standard, ordinary meaning of the term.

- 32. Summary of Proposed Change:** Section 3.2 has been refocused to include a variety of policies for specific uses that are permitted across a variety of land use designations. Previously this section focused on Community Facilities only, however, a number of specific uses better fit into this section including bed and breakfast operations, on and off-campus housing, rooming and boarding houses, the updated additional rural unit policies, the new workforce and institutional housing policies, other affordable housing policies and policies related to tiny houses and modular homes.

Since the Community Meeting, additional changes are proposed to policy 3.2.3. which would have the effect of allowing day care centres in all commercial, institutional and hamlet designations. At present, day cares are permitted as accessory uses to other uses within these designations, however, through staff's experience administering this policy, very few businesses include day cares as accessory uses and expanding these permissions to more broadly support standalone day care centres will allow for the establishment of new day care uses in areas that are appropriate and in demand for these services.

Policies Affected: New 3.2.

Rationale: Like the existing policies related to low, medium and high density residential being located in the incorrect section of the Official Plan (embedded within the Residential land use designation), there are other specific uses that were improperly embedded in this designation in 3.3.D., despite the policies intending to apply in other land use designations. The proposed changes relocate and update these policies by refocusing Section 3.2. to a variety of "specific uses" rather than just "community facilities". This ensures that these policies apply anywhere these uses are permitted, rather than just within the Residential land use designation.

- 33. Summary of Proposed Change:** Policies related to demolition control have been moved from 3.3. to Section 9. Redundant policies related to condominium conversion, housing stock, property standards by-law have been removed from 3.3 in favour of the existing Section 9 policies.

Policies Affected: Former 3.3.13., new 9.5.33.

Rationale: The existing language of the Official Plan is redundant in many ways. All policies of the Plan apply equally, unless there is specific direction otherwise. The proposed changes remove some of the redundant policies and relocate some of the 3.3.D. policies into Section 9 where they are better suited.

- 34. Summary of Proposed Change:** The height and density bonus provisions have been deleted from 9.5.25. to 9.5.30. and are proposed to be replaced with a new Community Benefits Charges strategy through a separate by-law.

Policies Affected: Former 9.5.25. to 9.5.30.

Rationale: As described on Pages 5 and 6 of [Report Number 23-093](#), the Province replaced the former height and density bonusing provisions of the *Planning Act* with a new Community Benefits Charges By-law framework. The existing policies are no longer applicable and are proposed to be deleted.

35. **Summary of Proposed Change:** A new definition of “Provincial Policy” has been added to replace specific reference to “Provincial Policy Statement” and the “PPS” throughout the Official Plan and references to specific provincial policy numbers have been removed.

Policies Affected: Definitions

Rationale: In spring of 2023, the provincial government released a draft “Provincial Planning Statement” for public comment. It is anticipated that the new Provincial Planning Statement will be issued by the provincial government in the near future to replace the existing Provincial Policy Statement, 2020. In anticipation of the terminology change and any future terminology changes, the proposed definition of “Provincial Policy” allows for the Official Plan to be more flexible and recognize successor policy statements issued under section 3 of the *Planning Act*.

36. **Summary of Proposed Change:** References to “Heritage Kingston” have been replaced with “Kingston Heritage Properties Committee”.

Policies Affected: Throughout

Rationale: Kingston Heritage Properties Committee is the successor committee to Heritage Kingston. The mandate and activities of the Kingston Heritage Properties Committee addresses the broad array of issues, opportunities and projects related to the planning and property-based aspects of Kingston’s cultural heritage.

37. **Summary of Proposed Change:** The reference to “Heritage Impact Statement” has been replaced throughout the document with “Heritage Impact Assessment”, which is the commonly used terminology in the majority of other municipalities.

Policies Affected: Throughout

Rationale: The proposed language reflects the common terminology used across Ontario and is more reflective of the need to complete a fulsome assessment of the cultural heritage elements of a proposal.

38. **Summary of Proposed Change:** The policy speaking to the future construction of the Third Crossing has been deleted.

Policies Affected: Former 2.5.12.

Rationale: The construction of the Third Crossing (named the Waaban Crossing) is complete, and this policy is no longer required.

39. **Summary of Proposed Change:** The terminology throughout the OP has been amended to refer to Holding Overlay rather than Holding symbol.

Policies Affected: Throughout

Rationale: The Kingston Zoning By-law changed the approach to holding provisions by creating a separate Holding Overlay, rather than embedding a “-H” symbol directly in the zoning maps. This has added functionality with the interactive zoning maps and is an easier dataset to administer and maintain. The proposed language reflects this change.

40. **Summary of Proposed Change:** Language has been added to the combined sewer policy in the Official Plan to recognize that there are limitations to the amount of new development that can occur in areas affected by combined sewers.

Provisions Affected: 4.2.4.

Rationale: The proposed amendment recognizes existing capacity limitations and will ensure that property owners contact Utilities Kingston early in the process to determine if there are limitations to the amount of new development that can be supported on a property.

41. **Summary of Proposed Change:** New criteria has been added to condominium conversion policies for existing buildings to ensure that properties that obtain financial grants through a Community Improvement Plan tied to the condition that they remain as rental units are not permitted to be converted during the time period established in an agreement registered on title.

Provisions Affected: 9.6.25.

Rationale: Since the initial release of the draft amendments, Council approved a new Rental Housing Community Improvement Plan which requires any qualifying properties to remain as rental units for a period of 15 years. The proposed policy ensures that this 15 year requirement is added to the condominium conversion policies of the Official Plan.

42. **Summary of Proposed Change:** A new policy has been added to enable the City to pass a future Servicing Allocation Policy (as described in [Report Number 24-142](#)) and, confirms that where a Servicing Allocation Policy is in effect, the timing of reviewing and allocating servicing capacity is determined by the Servicing Allocation Policy. Where the timing conflicts with an Official Plan policy, the Servicing Allocation Policy prevails.

Provisions Affected: 4.2.17.

Rationale: The proposed policy would enable Council to pass a Servicing Allocation Policy under the *Municipal Act* in the future without requiring amendments to the Official Plan. The language of the proposed policy would only apply after the adoption of a Servicing Allocation Policy and will ensure that any nuanced servicing allocation timing elements articulated in a Servicing Allocation Policy do not conflict with the Official Plan.

Zoning By-Law Amendments

43. **Summary of Proposed Change:** The legal non-conformity provisions have been updated to consolidate the permissions for legally existing lots in the urban and rural areas into one simple permission by deleting Clause 1.8.7. and amending Clauses 1.8.5. and 1.8.6. New language has been added in Clause 1.8.6. that would allow for retained agricultural parcels through severance applications to be used for agricultural purposes even if they do not meet the minimum 40 hectare lot area requirement.

Provisions Affected: 1.8.5. and 1.8.6. and former 1.8.7.

Rationale: This proposed change provides added flexibility for lots in the rural area and supports the establishment of smaller scale agricultural uses or other permitted uses where the underlying zoning already permits the use.

44. **Summary of Proposed Change:** Zone names have been added to the Sections in the Table of Contents.

Provisions Affected: Table of Contents

Rationale: This change is proposed to support members of the public who are not familiar with the relationship between individual Zones and the Zone Categories.

45. **Summary of Proposed Change:** Amendments have been made to the text to clarify the intent of the ZBL and correct terminology (lands under waterbodies, **automobile sales establishment definition, front yard definition**, lot frontage definition, private sewage system definition, separation distance definition, setback definition, walking distance definition, waterbody definition, minimum height of an accessory building, exterior stairs, planting strips for non-residential uses, decks & porches, walkways, exception overlay, off-site parking spaces, etc.)

Provisions Affected: 2.5.7., 3.1.11., **3.1.19.**, 3.12.16., **3.6.19.**, 3.16.22., 3.19.7., 3.19.8., 3.23.1., 3.23.9., 4.1.1.2., 4.1.2.6., 4.16.1., 4.19.3., 4.20.2., Table 4.20.4., 4.27.1., 5.5.1., 5.5.3., 6.3.2.3., 7.1.12., 7.2.3., Table 16.5.1.

Rationale: These proposed changes better clarify the intent of the ZBL.

46. **Summary of Proposed Change:** To better regulate accessory buildings on waterfront lots, a new permission has been added allowing a detached private garage to be located in the front yard.

Provisions Affected: 4.1.2.7.

Rationale: This proposed change aligns with existing built form and ensures that private garages and driveways are located along the roadside of a property, rather than bringing them closer to the waterfront (requiring longer driveways, less permeable surfaces and potentially increasing the risk of contaminants in more environmentally sensitive areas).

47. **Summary of Proposed Change:** Amendments are proposed to the regulation of private sewage systems to recognize that they are not necessarily located below existing grade when the septic bed is established.

Provisions Affected: 4.13.2., 4.13.3., 4.13.4.

Rationale: This technical change continues to exempt septic systems from specific requirements in a manner that recognizes the typical design and construction techniques of the whole system.

48. **Summary of Proposed Change:** The minimum width of a walkway for residential uses has been reduced from 1.2 metres to 1.1 metres.

Provisions Affected: 4.27.1.1.

Rationale: The proposed reduction in minimum width aligns with the requirements of the Ontario Building Code.

49. **Summary of Proposed Change:** A new provision has been added to the walkway standards to allow for minor localized protrusions to project into the walkway.

Provisions Affected: 4.27.1.5. (a) and (b).

Rationale: The introduction of permitted projections allows added flexibility based on staff's experiences administering this section of the zoning by-law, while ensuring that the intent of a functional walkway is maintained.

50. **Summary of Proposed Change:** Amendments are proposed to the driveway width provisions to allow for all driveways on residential properties to be widened to 9 metres within the front and exterior yards to accommodate one additional parking space, regardless of the lot frontage, while maintaining the maximum width of the driveway at the point it intersects with the street line.

Provisions Affected: 7.4.8.2. (former), 7.4.8.5. and 7.4.8.6.

Rationale: The proposed amendments remove the prohibition of parking spaces parallel to the street and will allow for more flexibility to accommodate additional parking spaces on residential properties, opening up the ability to provide extra parking in support of additional residential units and infill residential developments.

51. **Summary of Proposed Change:** Amendments are proposed to the walkway requirements to allow for walkways and driveways to overlap on existing residential properties, subject to certain requirements.

Provisions Affected: 4.27.5.

Rationale: Existing developed properties were laid out before the zoning by-law introduced the requirement to provide a walkway for residential uses. While many of these properties are constrained in terms of providing the necessary walkway and driveway due to existing building locations, they are appropriate for further residential development contemplated by Bill 23 and the proposed introduction of fourth units. The proposed change allows for new dwelling units to be added and recognizes the ability for the walkway and driveway provisions to overlap in certain areas on the lot in a manner that prioritizes the safety of pedestrians while providing flexibility that supports the construction of appropriate new houses.

52. **Summary of Proposed Change:** Amendments are proposed to the minimum driveway width to reduce it from 3.0 metres to 2.6 metres to better align with parking space dimensions. Changes are proposed to recognize parallel parking spaces being accessed from either a one-way or two-way drive aisle. A change is also proposed to the perpendicular drive aisle space to provide a dimension for internal roads in a parking lot that are not used for accessing parking spaces (6.0 metres).

Provisions Affected: Table 7.4.1., 7.4.8.5.

Rationale: The proposed changes align the minimum driveway width with the minimum parking space width and support the reduction in paved surfaces on properties across the City. The other proposed changes are technical in nature and provide clarity for the proper implementation of the By-law.

53. **Summary of Proposed Change:** The maximum driveway width in the rural area has been increased to 9 metres.

Provisions Affected: 7.4.1.

Rationale: The proposed change aligns with non-residential uses in the urban area and provides added flexibility in the layout and functionality of driveways that is appropriate in the rural area.

54. **Summary of Proposed Change:** The term “gas station” has been changed to “service station” and updated to include oil change facilities in the description of the principal use. The terminology has been updated throughout the By-law.

Provisions Affected: Former 3.7.4., new 3.19.7.A.

Rationale: This technical change reflects the broader nature of the use.

55. **Summary of Proposed Change:** Banquet halls have been removed from the list of permitted uses in the RU Zone.

Provisions Affected: Table 8.1.2.

Rationale: The RU Zone generally aligns with the Rural Lands designation in the Official Plan, which permits agricultural uses, some recreational uses and houses. This change better aligns the zoning by-law with the intent of the Rural Lands designation.

- 56. Summary of Proposed Change:** The minimum lot frontage for a house in the RU Zone has been reduced from 90 to 60 metres.

Provisions Affected: Table 8.3.1.

Rationale: This proposed change better aligns the Kingston Zoning By-law with the lot frontage requirements of the former zoning by-law.

- 57. Summary of Proposed Change:** A number of the UR, URM and HCD Zones, as well as the IN2 Zone, which were introduced through the Central Kingston Growth Strategy include front setback and exterior setback performance standards that were intended to recognize the existing front setback and exterior setbacks as legal where they are less than the zoning standard. Language is proposed in all instances to clarify that this legalization applies to the existing building plus any further development that enlarges or alters the building to allow for additions/renovations where they otherwise comply with the By-law.

Provisions Affected: Tables 11.6.1., 11.7.1., 11.8.1., 11.9.1., 12.4.1., 13.2.2., 13.4.1. and 14.3.2.

Rationale: This proposed change continues to maintain the intent of the standards that were introduced through the CKGS, while adding flexibility to accommodate new construction and development on the properties in a manner that is consistent with and complementary to the existing built form.

- 58. Summary of Proposed Change:** The table of permitted uses in the Commercial Zones has been updated to remove uses that are not permitted in any of the zones.

Provisions Affected: Table 15.1.2.

Rationale: This is a technical change with no impact on zoning interpretation or permissions.

- 59. Summary of Proposed Change:** The language in the M1 Zone requiring planting strips has been updated to better align with the language regulating planting strips in the general provisions (4.16.)

Provisions Affected: Former 16.2.2.3., now 16.2.2.3. and 16.2.2.4.

Rationale: This technical change better clarifies the intent of the zoning by-law and aligns it with the general provisions.

- 60. Summary of Proposed Change:** New accessory building provisions have been added for rural residential lots to confirm that the performance standards of the parent zone apply except for existing undersized lots. Where a lot existed as of the date of passing of the by-law that is smaller than the required minimum lot size, a new provision has been added to permit an additional 5% of lot coverage to accommodate accessory buildings.

Provisions Affected: 4.1.2.3.

Rationale: A number of rural residential lots are smaller than the minimum lot area requirement. In these instances, a new permission is required to allow for additional lot coverage for accessory buildings.

- 61. Summary of Proposed Change:** Clarification has been added to the school portable provisions to confirm that only setbacks apply to the siting of a portable on a school property and no additional bike spaces, accessible spaces, etc. are required to be provided.

Provisions Affected: 6.15.1.

Rationale: With the temporary nature of a school portable and the timing of placing a portable a school property years after the completion of site works including parking areas, loading areas, bike parking areas, etc., the proposed amendments will ensure that setbacks apply while exempting portables from standards that might not be feasible given the existing build-out of the property.

- 62. Summary of Proposed Change:** For decks and porches under 1.2 metres in height, clarification language has been added to the required front and exterior setbacks to ensure the requirement applies as the lesser of the required front setback by the Zone, or the 3.5 metres stipulated in the table.

Provisions Affected: Table 4.20.4.

Rationale: In some instances, the required front setback and exterior setback for the principal building on the lot is less than 3.5 metres, so the proposed language ensures that porches and decks are permitted to be built to the same setback as the principal building.

- 63. Summary of Proposed Change:** The definition of lot frontage has been simplified as a linear measurement between the two side lot lines at the point where they intersect with the front lot line.

Provisions Affected: 3.12.16.

Rationale: With the existing definition measuring lot frontage at the required front setback between a line connecting the mid point of the front and rear lot lines, the measurement varies greatly across all areas of the City and is overly complicated (especially where front setback is dependent on setback of adjacent properties). The proposed definition is intended to simplify the calculation of lot frontage and apply it consistently across the City without relying on other complex performance standards.

- 64. Summary of Proposed Change:** An exception has been added for RUR and LSR lots to allow accessory buildings in the front yard, with an increased accessory building height permission for the RUR Zone.

Provisions Affected: 4.1.2.1. and 4.1.2.4.

Rationale: The proposed amendments are reflective of historical permissions, the layout of existing RUR/LSR lots and the character of RUR/LSR areas. The proposed amendment will allow for the flexible placement and size of detached garages and other accessory structures on RUR and LSR lots.

- 65. Summary of Proposed Change:** The maximum height projection of mechanical and other building components on a rooftop has increased to 5 metres (from 3.5 metres), with the maximum area increasing to 30% (from 10%).

Provisions Affected: 4.18.2.

Rationale: The proposed amendment reflects staff's experiences working on development applications and is more reflective of the construction needs of multi-unit residential buildings.

The proposed amendment is more consistent with previous permissions in the former zoning by-laws.

- 66. Summary of Proposed Change:** Additional language has been added to clarify that bike spaces and active transportation installations that are required by the By-law are exempt from setbacks and other performance standards in Subsection 4.12.

Provisions Affected: 4.12.1.18.

Rationale: The proposed amendment is consistent with the original intent of the by-law and is added for clarity.

- 67. Summary of Proposed Change:** The maximum horizontal length of each face of a building occupied by balconies has increased from 30% to 45%.

Provisions Affected: 4.20.1.2.

Rationale: The proposed amendment is consistent with staff’s experiences administering this new section of the By-law through development applications and will allow for additional flexibility and outdoor living area to be provided for future residents in multi-unit buildings.

- 68. Summary of Proposed Change:** Clarification language has been added to confirm that the barrier free building component exemption only applies where setbacks are more restrictive in the applicable Zone.

Provisions Affected: 4.21.1.

Rationale: This proposed amendment is consistent with the original intent of the By-law and is added for clarity.

- 69. Summary of Proposed Change:** Urban Multi-Residential Zone has been added to the list of zones where waste and recycling facilities are required to be screened from adjoining properties.

Provisions Affected: 4.25.2.

Rationale: The proposed amendment is consistent with the original intent of the By-law and is added to address an oversight in identifying the URM Zones in the list.

- 70. Summary of Proposed Change:** Commercial waste and recycling bins were previously required to comply with the requirements applicable to a principal building. The proposed amendments limit them to an interior, exterior or rear yard and requires a setback of 1.2 metres from a lot line.

Provisions Affected: 4.25.3.

Rationale: The existing requirement is onerous and creates challenges with site circulation and truck movements. The proposed amendments are more reflective of the actual impact a commercial waste and recycling bins have and ensure that site functionality can be optimized without creating adverse impacts on adjacent properties.

- 71. Summary of Proposed Change:** The interpretation clause speaking to the use of the terminology “the site specific by-law” in a Legacy Exception has been amended to also include new Exceptions created under this By-law.

Provisions Affected: 5.5.4.

Rationale: The proposed amendment to this interpretation clause will allow staff to continue to establish the date that the legal permissions come into effect for new Exceptions, not just Legacy Exceptions under the former by-laws.

- 72. Summary of Proposed Change:** The additional car-share parking spaces required to allow more than the maximum spaces has been removed, while retaining the requirement that all spaces above the maximum are EV Ready.

Provisions Affected: 7.1.15.

Rationale: Based on staff’s experience administering this section of the by-law on development applications, it has been observed that the car-share parking space requirements are resulting in an over-supply of parking that will not realistically be used for car-share in the future at this scale. In order to maintain the fundamental goal of the Power of Parking, which is to reduce the overall supply of parking (especially unused parking), staff are proposing amendments to ensure that the Kingston Zoning By-law does not contribute to the real parking problem (too much parking).

- 73. Summary of Proposed Change:** In the parking, bike parking and loading space sections, the “addition or change of use” of existing buildings has been amended to remove “change of use” and just focus this interpretation provision on net new construction, rather than retrofits of existing developed properties.

Provisions Affected: 7.1.19., 7.3.16.

Rationale: Based on staff’s experience administering this section of the by-law on development applications, it has been observed that the requirement to retrofit existing, and often constrained, sites that have already been fully developed when a change of use is occurring to accommodate more parking, bike parking, or loading is not a realistic or achievable objective. The proposed amendments ensure that new requirements apply to new construction and will allow for existing developed sites to continue to be used even if a change of use occurs.

- 74. Summary of Proposed Change:** The minimum number of car-share and visitor spaces has been reduced and a new requirement to provide a short-term delivery parking space has been added for multi-unit residential buildings.

Provisions Affected: Table 7.1.1.

Rationale: Based on staff’s experience administering this section of the by-law on development applications, it has been observed that the minimum number of car-share and visitor parking spaces are too high, resulting in an over-supply of parking that will likely not be used to full capacity based on the number of spaces being provided. In order to maintain the fundamental goal of the Power of Parking, which is to reduce the overall supply of parking (especially unused parking), staff are proposing amendments to ensure that the Kingston Zoning By-law does not contribute to the real parking problem (too much parking).

Further, staff have observed a need and public interest in securing dedicated spaces for short-term delivery vehicles (food delivery, online purchase deliveries, etc.). A new requirement has been added to reflect this, which speaks to confirming the location and signage associated with such short-term delivery parking space through the site plan review process.

- 75. Summary of Proposed Change:** New language has been added to provide more clarity for bike parking facilities associated with non-residential buildings that are occupied by multiple tenants (separate units), and new interpretation language has been added to clarify location requirements where spaces are provided in one central bike facility.

Provisions Affected: 7.3.2. and 7.3.9.3.

Rationale: The proposed amendments clarify that the By-law requires a new building to comply with the bike requirements when it is being constructed based on the uses anticipated. The language allows for flexibility for tenanted buildings by providing the option to provide one central bike facility or spread the bike infrastructure proportionately across the separate units.

- 76. Summary of Proposed Change:** The proportion of horizontal, vertical and stacked bike spaces has been simplified to simply state a maximum of 75% of the spaces are permitted as vertical spaces. The remainder can be provided as horizontal or stacked, which would allow for the lower level of the stacked bike spaces to be provided in lieu of the dedicated horizontal spaces.

Provisions Affected: 7.3.7.4.

Rationale: The proposed amendments align with staff's experience administering this section of the by-law and will allow for a more flexible use of bike parking facilities while still ensuring that the overall supply and functionality of bike facilities meets the intent of the Power of Parking.

- 77. Summary of Proposed Change:** The long-term bike parking space requirements for low density forms of housing such as houses, semi-detached houses, townhouses and accessory houses has been simplified to provide more flexibility while ensuring that secure bike facilities are provided.

Provisions Affected: 7.3.8.1.

Rationale: Based on staff's experience reviewing building permit and development applications, more flexibility is required to better reflect space constraints and the security of bike spaces on lower density housing forms. The proposed amendments will continue to ensure that secure bike spaces are provided while also providing more flexibility with how those are implemented on an individual basis.

- 78. Summary of Proposed Change:** A number of minor amendments are proposed to the horizontal, vertical and stacked bike space requirements to be more consistent and apply standards equally across all bike parking types. Further, amendments are proposed to only require the formal access aisle where 4 or more bikes are provided in a common area.

Provisions Affected: 7.3.10., 7.3.11. and 7.3.12.

Rationale: The proposed amendments align the horizontal bike space requirements (access aisle width) with the other two types of bike spaces (vertical and stacked) and will ensure proper functionality while simplifying the technical requirements in bike storage areas. The proposed change to the access aisle, only requiring it in bike storage areas where 4 or more bikes are parked will ensure that larger facilities are supported and will provide more flexibility for smaller bike rooms to be accommodated in smaller forms of development.

- 79. Summary of Proposed Change:** The minimum percentage of enhanced bike parking facilities has been adjusted from 10% to 5%.

Provisions Affected: 7.3.13.

Rationale: The proposed amendments reduce the number of enhanced facilities based on staff's experience and observations administering this section of the By-law, while still ensuring every development provides secure enhanced bike parking spaces.

- 80. Summary of Proposed Change:** The approach to regulating the number of required bike parking spaces has been simplified to apply ratios primarily based on the Zone in which a property is located, with a number of specific ratios for uses that require a specialized approach. This

replaces a use-specific ratio for every use in the by-law, allowing for tenants and uses to change within an existing building without impacting the approach to bike parking facilities.

Provisions Affected: Tables 7.3.1. and 7.3.2.

Rationale: The proposed amendments are a simpler approach to regulating bike parking, ensuring that the predominant regulation is a common standard across a whole zone.

- 81. Summary of Proposed Change:** The requirement for a loading space to be provided with a visual screen has been removed.

Provisions Affected: Former 7.5.7.

Rationale: This requirement is more appropriately reviewed on a site specific basis through site plan approval and may take many forms while serving other technical needs beyond visual screening (such as noise mitigation).

- 82. Summary of Proposed Change:** The visual screen requirement for outdoor storage in the RM1 Zone has been amended to require a minimum 1.8 metre height.

Provisions Affected: 9.2.2.1.(c)

Rationale: The proposed amendment is consistent with the visual screen requirement of the M1, M2 and M3 zones for outdoor storage.

- 83. Summary of Proposed Change:** Approximately 1200 properties are still subject to the former zoning by-laws as ‘red exceptions’ as detailed in Report Number [PC-23-037](#) and [21-267](#). These red exceptions are subject to old site-specific zoning exceptions that were approved prior to the current Official Plan. When Council approved the Kingston Zoning By-law on April 26, 2022, the red exceptions were identified as “Not Applicable” on the Zoning Map, which means that they are not subject to the new Kingston Zoning By-law and are still subject to the applicable former zoning by-law (Kingston Township By-law 76-26, Pittsburgh Township By-law 32-74, City of Kingston By-law 8499, Cataraqui North By-law 97-102 or the Downtown and Harbour By-law 96-259).

The proposed amendments to all five former zoning by-laws would have the effect of deleting the existing text of those by-laws and replacing it with new text that will require the red exceptions to comply with the Kingston Zoning By-law, even though they are technically still part of the former by-laws. The proposed amendments identify the zones and red exceptions that are still in effect in the former zoning by-laws, with a column identifying an “Applicable Zone” from the Kingston Zoning By-law. Interpretation provisions are included that would require future development on the red exception properties to comply with the Kingston Zoning By-law as though it were subject to the Kingston Zoning By-law, with specific interpretation provisions for how the text of the red exception will be reviewed (consistent with the approach to interpreting Legacy Exceptions under the Kingston Zoning By-law).

Since the Community Meeting, amendments have been made to the text of each former zoning by-law to ensure that existing building permit and development applications can proceed in accordance with the provisions as they existed in the zoning by-law at the time of the application. A new clause has been added to allow for minor variances to the former zoning by-laws, as they existed immediately prior to the passing of the by-law, if the proposed development is consistent with an applicable Red Exception. Language has been added to the holding provision clauses to ensure that holding overlays on Schedule F of the Kingston Zoning By-law apply. This is necessary to ensure that, where a new hold was introduced through the Kingston Zoning By-law associated

with expanded use permissions such as the HAM Zone, those holding conditions must be complied with before the red exceptions can benefit from the expanded use permissions.

Provisions Affected: Entirety of the former zoning by-laws (Kingston Township By-law 76-26, Pittsburgh Township By-law 32-74, City of Kingston By-law 8499, Cataraqui North By-law 97-102 and Downtown and Harbour By-law 96-259)

Rationale: The former by-laws do not benefit from many of the innovative or progressive provisions introduced through the initial passing of the Kingston Zoning By-law in April of 2022 (as described in detail in [Report Number PC-22-018](#)), or any of the forward-thinking amendments that are being proposed to the Kingston Zoning By-law through the work described in this document. The former zoning by-laws have outdated general provisions, such as outdated approaches to the protection of natural heritage, parking or setbacks from hazards like floodplains or railways.

While staff could dedicate a significant amount of time individually reviewing the red exceptions for conformity with the current Official Plan, the proposed amendments to the former zoning by-laws allow staff to “translate” the former zoning by-laws so all red exceptions can be reviewed as though they are part of the Kingston Zoning By-law (but without having to review them for conformity with the Official Plan since they are still part of the former by-laws).

With the upcoming new Official Plan project commencing in summer of 2024, staff’s finite time is better spent working on the Official Plan project, especially when it is known that the policies of the Official Plan will be changing (so efforts may be completed wasted reviewing zoning provisions against existing policies). Following the completion of the Official Plan project, red exceptions will be dealt with to ensure that all properties can formally be brought into the Kingston Zoning By-law.

The proposed approach will ensure that all properties in the City will immediately benefit from the forward-thinking and housing-supportive provisions of the Kingston Zoning By-law, while also ensuring that all properties across the City are required to comply with current approaches to the protection of the natural heritage system, parking and hazards.

84. **596 MacDonnell Street:** Through Ontario Land Tribunal decision OLT-22-002394, amendments to the former Zoning By-law Number 8499 were approved that allow the construction of a triplex on the subject property. Due to the timing of the appeal and OLT decision following Council’s approval of the Kingston Zoning By-law, the triplex permissions granted by the OLT are not currently reflected in the Kingston Zoning By-law. Amendments are proposed to the Kingston Zoning By-law to reflect the OLT decision by creating a new exception E81 in Section 21 and on Schedule E.
85. **170 Colborne Street:** This property was left in former City of Kingston Zoning By-law 8499 even though it did not have a red exception. Amendments are proposed to bring this property into the Kingston Zoning By-law by removing it from By-law 8499 and amending Schedule 1 of the Kingston Zoning By-law to identify dual WM1 and WM2 zones (aligning with the two different height permissions granted by the underlying Williamsville Main Street permissions contained in Schedule PS-1 of the Official Plan).
86. **1653 and 1663 Venture Drive:** The properties are designated “General Industrial” in the Official Plan; however, they were included in the OS1 Zone in the Kingston Zoning By-law in connection with the adjacent open space area for stormwater management. Amendments are proposed to Schedule 1 of the Kingston Zoning By-law to rezone the entirety of these two properties in the M2 Zone, consistent with the underlying Official Plan designation.

- 87. 623-631 and 638 Fortune Crescent, 614 Norris Court, 615-621 Norris Court:** The subject properties are dual designated in the Official Plan, with the westerly portions designed “Business Park Industrial” and the easterly portions designated “General Industrial”. Through the passage of the Kingston Zoning By-law, the same boundary was carried forward resulting in two different zones applying to the subject properties. In the interest of simplifying the administration of the zoning on these properties, amendments are proposed to Schedule 1 of the Kingston Zoning By-law to bring the entirety of the 623-631 Fortune Crescent property into the M4 Zone, the entirety of the 638 Fortune Crescent property into the M2 Zone and the entirety of the 614, 615-621 Norris Court properties into the M1 Zone, which is supported by the land use boundary interpretation policy (9.2.4.) of the Official Plan.
- 88. 1104, 1122, 1125, 1128, 1134, 1139, 1140 and 1146 Westbrook Road:** The boundary of the RUR Zone in this area does not follow property lines. Amendments are proposed to Schedule 1 of the Kingston Zoning By-law to zone the entirety of the properties identified above as RUR for the proper administration of the Kingston Zoning By-law.
- 89. Joyceville Hamlet:** The Joyceville Hamlet was mislabelled in the AG Zone on Schedule 1 of the Kingston Zoning By-law, rather than being labelled in the HAM Zone. Amendments are proposed to correct Schedule 1 by rezoning all lands within the Joyceville Hamlet (designated Hamlet in the Official Plan) to the HAM Zone and applying the hamlet hold (H219) in this area.
- 90. 3110 Princess Street:** The property is designated “Residential” in the Official Plan; however, it was included in the CA Zone in the Kingston Zoning By-law in connection with the adjacent property at 3100 Princess Street. Amendments are proposed to Schedule 1 of the Kingston Zoning By-law to rezone the entirety of this property in the UR2 Zone, consistent with the underlying Official Plan designation and the existing residential use of the property.
- 91. 4050 Howes Road:** A portion of the property is zoned RM1 on Schedule 1 of the Kingston Zoning By-law due to the zone that formerly applied to this area. Amendments are proposed to rezone the portion of this property so that the entire property is zoned RU on Schedule 1, aligning with the Official Plan designation and the existing use of the property.
- 92. 1610 Highway 15:** Policy 10.B.8.1. of the Official Plan permits an electrical contractor’s yard on the property. Amendments are proposed to Section 21 and Schedule E to create a new exception E148 to permit electrical contractor's yard.
- 93. 275 Sydenham Street:** In order to support the adaptive reuse of the existing designated heritage building on the site and the construction of new affordable housing units, amendments are proposed to create a new site specific policy and rezone the property to allow for up to 200 residential units to be developed, a portion of which are proposed to be affordable units. The property is currently designated “Institutional” in the Official Plan and the language of the proposed site specific exception will introduce new residential and neighbourhood commercial permissions, as long as a portion of the residential units are affordable. The proposed zoning amendment will bring the property into the Kingston Zoning By-law as an IN1 zone, with a site-specific exception that allows for residential and neighbourhood commercial uses in the existing building.
- 94. 655 Graceland Avenue:** The property was rezoned to permit a residential subdivision under the former zoning by-law. When translating these permissions into the Kingston Zoning By-law, the text of the exception was accurately carried forward into Schedule E and Section 20 as legacy exception L297, however, the underlying zone on Schedule 1 of the Kingston Zoning By-law is

identified as the DR Zone (reflecting the zone that applied to the property before the subdivision was approved). Amendments are proposed to Schedule 1 of the Kingston Zoning By-law to bring the entirety of this property into the UR2 Zone to align with the approved subdivision permissions contained in L297.

95. **36 Joseph Street:** The property is designated Residential in the Official Plan but carried forward industrial permissions in an M2 Zone on Schedule 1 of the Kingston Zoning By-law. Amendments are proposed to rezone the property to the DR Zone to ensure future development will be reviewed against the policies of the Official Plan.
96. **Northwest Corner of Perth Road and Highway 401:** Portions of the lands located in the northwest corner of Perth Road and Highway 401 are designated Open Space and Rural Lands in the Official Plan, however, they were included in the EPA Zone on Schedule 1 of the Kingston Zoning By-law. Amendments are proposed to Schedule 1 to align with the Official Plan designation in this area by rezoning the lands to OS2 or RU (in a manner that is consistent with the underlying Official Plan designation).
97. **61 Yonge Street:** To recognize the existing ground floor office use of the designated heritage property located at 61 Yonge Street and the zoning that applied to the property prior to the passage of the Kingston Zoning By-law, a new site specific exception E162 has been introduced to allow for the existing building to be used as an office, with a maximum of one dwelling unit permitted to allow for the upper floor to be converted into a residential unit. The property is within the Open Space designation in the Official Plan due to its proximity to the Portsmouth Olympic Harbour property, which allows for the adaptive reuse of existing heritage buildings within the designation. The proposed amendment will allow for the continued use of this heritage resource in a manner that is consistent with the use today and will allow for the introduction of a legal dwelling unit in a location that is well suited to residential uses.
98. The MZO that previously applied to the Clogg's Road Business Park has been revoked by the Minister of Municipal Affairs and Housing ([ERO number 019-7979](#)). Consequently, site specific exception E78, which currently refers to the MZO, is no longer needed. In reviewing the M1 Zone standards that now apply across the Clogg's Road Business Park with the removal of the MZO, amendments are proposed to the northeastern portion of the business park to allow for a greater height than currently permitted across the broader M1 Zone (increase from 15 metres to 40 metres). This proposed height increase would only apply to the portion of the business park that is well separated from Creekford Road and nearby sensitive uses to the southwest, which will help to ensure that there are no adverse impacts on surrounding properties by locating taller buildings closer to the Highway 401 corridor. The proposed amendment reuses the E78 exception by replacing the language of E78, and updating the area covered by the exception to focus it to the northeastern portion of the business park.

The proposed height increase is intended to better align the City's important business park lands with economic development pressures and the evolving nature of the manufacturing community, particularly those industries associated with electric vehicles. In 2022, Canada established itself as a leading global player in the electric vehicle (EV) revolution with plans to build out an end-to-end EV battery supply chain. Ontario and Quebec have both witnessed a substantial influx of Foreign Direct Investment, with significant investments in the EV battery supply chain.

Kingston is uniquely positioned in this sector with the long history of expertise in chemistry and metallurgy, existing research and development capabilities in addition to the geographic location centred between investments in Ontario and Quebec. This is in addition to the potential supply

chain opportunities supporting Umicore. The Clogg's Road Business Park is the largest contiguous parcel of industrial land available in Kingston. Staff have come to understand that the processing elements of EV battery supply chain operations require much taller building heights than what was anticipated when the initial zoning framework for this business park was created and are proposing amendments to the zoning framework to ensure that the full potential of these lands can be realized by attracting high quality employment and economic growth to the City.

99. Summary of Proposed Change: A new general provision has been added requiring a minimum 14 metre separation distance from Highway 401.

Provisions Affected: New Subsection 4.31.

Rationale: This is a standard requirement that is applied by the Ministry of Transportation from a compatibility perspective for lands in close proximity to the Highway 401 corridor. For transparency and public visibility of this technical requirement, amendments are proposed to identify this requirement in the zoning by-law.

100. Summary of Proposed Change: Changes that were previously proposed to the definition of amenity area and Clause 7.2.1. regulating the provision of accessible parking spaces have been removed.

Provisions Affected: Existing 3.1.11. and 7.2.1.

Rationale: In response to public feedback and in further review of the proposed changes, the existing language better reflects the intent of the existing by-law, and no clarification is required.

101. Summary of Proposed Change: An effective ratio for the purpose of calculating required accessible parking spaces has been added for special needs facilities.

Provisions Affected: Table 7.2.2.

Rationale: All uses should have an identified effective ratio; however, a special needs facility was missed through the passage of Kingston Zoning By-law. The proposed amendments will ensure that special needs facilities have an appropriate number of accessible parking spaces to support the use.

102. Summary of Proposed Change: A new Clause has been added that exempts development from Holding Overlays associated with known servicing constraints if a lot has an existing connection to the City's lateral and no changes are proposed to the existing lateral connection.

Provisions Affected: New 4.4.5.

Rationale: Where an existing lot contains an existing lateral connection to the City's infrastructure, the maximum demands associated with that connection were calculated at the time of the initial building permit application supporting the connection to the City's system. When a lot is redeveloped in a manner that does not increase the size of an existing lateral connection, no further study is required through the Building Permit process.

103. Summary of Proposed Change: A new Clause has been added that allows for smaller accessory buildings (less than 2.4 metres in height and 15 square metres in area) to be located closer to lot lines (0.6 metres rather than 1.2 metres).

Provisions Affected: New 4.1.2.8.

Rationale: On many small urban lots, a 1.2 metre setback to a small accessory building is onerous. The proposed amendment would allow for small accessory buildings like sheds to be

located closer to property lines and thereby allowing for a more efficient use of land without any adverse impact on neighbours.

104. Summary of Proposed Change: At present, the boundary of N/A zones (properties that are identified as “Not Subject to this By-law” on Schedule 1) is interpreted as a lot line for zoning interpretation purposes. Amendments are proposed to delete this interpretation clause and allow for the standard interpretation to apply in these scenarios (zone boundaries are not treated as lot lines).

Provisions Affected: Existing Clause 2.5.4.

Rationale: With the proposed amendments to the former zoning by-laws proposing to treat many Red Exception properties as though they are subject to the Kingston Zoning By-law, this amendment will allow for the better integration of Red Exceptions and treat them like all other properties subject to the Kingston Zoning By-law.

105. Summary of Proposed Change: In conjunction with the changes to the Official Plan related to the new Servicing Allocation Policy permissions from the Province (added to the Official Plan as policy 4.2.17., as described above), a new Servicing Allocation Policy Overlay framework has been added to Subsection 5.9. and Schedule J, which sets the stage for a future Servicing Allocation Policy to be passed under the *Municipal Act* (as described in [Report Number 24-142](#)). The proposed framework would only apply if and when a Servicing Allocation Policy comes into effect and would have the effect of creating a new Holding Overlay with conditions that need to be addressed before a partial hold removal can happen for 920 specified forms of development if they receive servicing allocation under a future Servicing Allocation Policy.

Provisions Affected: New Subsection 5.9 and Schedule J

Rationale: The proposed policy would enable Council to pass a Servicing Allocation Policy under the *Municipal Act* in the future without requiring amendments to the Zoning By-law. Since the language of the relevant section in Bill 185 would only permit the City to apply a Servicing Allocation Policy to developments that receive approvals under the *Planning Act*, the implementation of a Holding Overlay to give effect to a future Servicing Allocation Policy will enable the City to utilize this new tool with the best results possible, while still allowing the City to proactively pre-zone and up-zone areas without concern that certain forms of development are not subject to a *Planning Act* approval for the purpose of a Servicing Allocation Policy.

106. Summary of Proposed Change: In conjunction with the changes to the Official Plan allowing day cares as a permitted use (rather than just an accessory use) in commercial, institutional and hamlet zones, amendments are proposed to the commercial and institutional use tables to permit these as principal uses rather than just as accessory uses.

Provisions Affected: Tables 14.1.2. and 15.1.2.

Rationale: Through staff’s experience processing development applications and fielding inquiries from new businesses and community services, very few businesses include day cares as accessory uses and these requests typically come in as a standalone day care facility. The proposed amendments would more broadly support standalone day care centres in areas that are appropriate and in demand for these services.

107. Summary of Proposed Change: The amendment to former zoning by-law 8499 has been updated to identify WM1 as the Kingston Zoning By-law zone for the C.74 exception.

Provisions Affected: Former Zoning By-law 8499 Amendment

Rationale: 920 Princess Street is included in the Williamsville Main Street policies on PS-1 subject to the 6 storey (20 metre) height limit. As such, the appropriate zone from the Kingston Zoning By-law to apply to this property is the WM1 zone.

Flaherty, Laura

From: Kelsey Jones
Sent: April 19, 2024 3:29 PM
To: Flaherty, Laura; Agarwal, Sukriti
Subject: RE: Comments related to D01-002-2024

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Hi Laura,

That's great, thank you. I appreciate you getting back to me so quickly.

Have a nice weekend.

Thanks,
Kelsey

Kelsey Jones, MCIP RPP

Senior Planner
T

From: Flaherty, Laura <lflaherty@cityofkingston.ca>
Sent: Friday, April 19, 2024 3:25 PM
To: Kelsey Jones <>; Agarwal, Sukriti <sagarwal@cityofkingston.ca>
Subject: RE: Comments related to D01-002-2024

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Hey Kelsey,

Thanks very much for pointing this out. It appears that this I-8 zone (76-26) somehow got lumped into the I-8 zone for 32-74. I'll correct that when we move the amendments forward so that the existing exception language is identified in the right by-law.

Thanks,
Laura

From: Kelsey Jones <>
Sent: Friday, April 19, 2024 3:15 PM
To: Flaherty, Laura <lflaherty@cityofkingston.ca>; Agarwal, Sukriti <sagarwal@cityofkingston.ca>
Subject: Comments related to D01-002-2024

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Good afternoon Laura and Sukriti,

I am working with the Islamic Centre of Kingston on an application for site plan control to allow for an expansion to their existing building.

In reviewing the draft Housing and Administrative Amendments, I've noticed that the property, 1477 Sydenham Road, is proposed to be rezoned to the HAM zone in 2022-62 with the uses limited to a school and public use.

The property's existing site-specific I-8 zoning in ZBL 76-26 permits a church, a community centre, a nursery school, a nursing home, and a public use on the property. In my opinion, the current draft Housing and Administrative Amendments would result in the existing place of worship and community centre becoming a legal non-conforming use.

I would request this amendment be reconsidered, or at a minimum, include Community Centre and Place of Worship as permitted uses under the 2022-62 Exception. Alternatively, if the property can be rezoned to the HAM zone without an Exception, all applicable uses would be permitted.

The Islamic Centre of Kingston is a long-standing use on the property, and as I've noted is looking to expand their facility as of right.

I look forward to hearing from you. Please let me know if you'd like to discuss further.

Thank you,
Kelsey

Kelsey Jones, MCIP RPP
Senior Planner

FOTENN
The Woolen Mill
4 Cataraqui St, Suite 315
Kingston, ON K7K 1Z7

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Flaherty, Laura

From: Kelsey Jones >
Sent: April 10, 2024 10:21 AM
To: Flaherty, Laura
Cc: Youko Leclerc-Desjardins; 'Kirk Mawhinney'; ; Agarwal, Sukriti; Bar, James
Subject: RE: Comments related to D01-002-2024

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Thank you, Laura.

Best,
Kelsey

Kelsey Jones, MCIP RPP
Senior Planner

From: Flaherty, Laura <lflaherty@cityofkingston.ca>
Sent: Wednesday, April 10, 2024 8:53 AM
To: Kelsey Jones <
Cc: Youko Leclerc-Desjardins < >; 'Kirk Mawhinney' < >;
< >; Agarwal, Sukriti <sagarwal@cityofkingston.ca>; Bar, James <jbar@cityofkingston.ca>
Subject: RE: Comments related to D01-002-2024

CAUTION: This email is from an external sender. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Kelsey,

Confirming receipt of your letter on behalf of 950 Centennial Drive.

In response to questions 1 and 2, yes your understanding is correct. The proposed amendments to the former by-law are not intended to have any impact on the current interpretation of the legacy exceptions, as we refer back to the language in the zoning by-law that was in effect as of April 26, 2022 (the date of passing of Kingston Zoning By-law 2022-62 as per Clause 5.5.2.).

In response to the feedback on the proposed Express Transit framework identified as numbers 3 to 5, thank you for your detailed comments. We will consider these as we implement revisions to the proposed amendments before initiating the formal applications.

Regards,
Laura



**Laura Flaherty (MacCormick), MCIP RPP
(she/her/hers)**

Project Manager, Planning Services

City of Kingston
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3157

lflaherty@cityofkingston.ca



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

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From: Kelsey Jones
Sent: Tuesday, April 9, 2024 4:33 PM
To: Flaherty,Laura <lflaherty@cityofkingston.ca>; Agarwal,Sukriti <sagarwal@cityofkingston.ca>
Cc: Youko Leclerc-Desjardins <>; 'Kirk Mawhinney' <>
Subject: RE: Comments related to D01-002-2024

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Hi Laura and Sukriti,

I am following up on this submission. Can you please confirm receipt?

Thank you,
Kelsey

Kelsey Jones, MCIP RPP
Senior Planner

From: Kelsey Jones
Sent: Thursday, April 4, 2024 5:20 PM
To: Flaherty,Laura <lflaherty@cityofkingston.ca>; Sukriti Agarwal (<sagarwal@cityofkingston.ca>
<sagarwal@cityofkingston.ca>
Cc: Youko Leclerc-Desjardins <>; 'Kirk Mawhinney' <>
Subject: Comments related to D01-002-2024

Good afternoon Laura and Sukriti,

Attached please find our comment letter related to the Housing and Administrative Amendments presented in pre-application D01-002-2024 submitted on behalf of our client, Princess Street Facility Inc.

Can you please confirm receipt of this letter?

We look forward to receiving your response.

Thank you,
Kelsey

Kelsey Jones, MCIP RPP
Senior Planner

FOTENN
The Woolen Mill
4 Cataraqi St, Suite 315
Kingston, ON K7K 1Z7

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COMMENT LETTER

D01-002-2024

Ms. Laura Flaherty

Project Manager, Planning Division, City of Kingston
1211 John Counter Blvd Kingston, ON K7K 6C7

Via Email: lflaherty@cityofkingston.ca

**RE: Comments on Pre-Application File Number D01-002-2024
Princess Street Facility Inc.**

Dear Ms. Flaherty,

Fotenn Planning + Design has been retained by Princess Street Facility Inc. to review the proposed Housing and Administrative Amendments presented in pre-application D01-002-2024. These City-initiated amendments are proposed to the City of Kingston Official Plan (OP), the zoning by-laws, the Delegated Authority/Planning By-law (By-law Number 2006-75), and the Fees & Charges By-law (By-law Number 2005-10).

The purpose of this letter is to express our comments to staff and Planning Committee regarding the proposed amendments to Kingston's current and former zoning by-laws. Our comments are provided through the lens of how these proposed amendments will affect 950 Centennial Drive, which our client owns, has developed in part and intends to continue developing.

Our client, Princess Street Facility Inc., has been actively pursuing development of 950 Centennial Drive with seniors' housing since 2015. The first phase of the development was completed in 2020 following applications for zoning by-law amendment, minor variance, and site plan control. Another application for minor variance (D14-068-2021) was approved in 2022 for Phase 2 of the development. Due to a significant and unforeseen increase in development costs, Phase 2 has been on hold while the owner explores options to arrive at an economically viable outcome.

Staff Report PC-24-018 groups the proposed Housing and Administrative Amendments into eight themes, and further numbers the individual sets of amendments. Our comments in this letter specifically pertain to items 27 and 81 in the list, found on pages 15 and 24 of the report.

This property was previously subject to a site-specific zone under the Township of Kingston Zoning By-law 76-26 (ZBL 76-26), the C5-7 zone, which was approved by Council in 2007 and has since been modified as recently as September 2017. This zone grants site-specific performance standards to the property and defaults to the Special General Shopping Centre (C5) Zone and the general provisions of that by-law for any performance standard that was not amended in the site-specific zone. Under the Kingston Zoning By-law 2022-62 (ZBL 2022-62), the site has been rezoned to the District Commercial (CD) Zone and is subject to Legacy Exception L39. The by-law provides great flexibility for Legacy Exceptions in that less restrictive clauses from the previous zoning by-law continue to apply, ensuring that the original intent of a site-specific rezoning is maintained.

As currently drafted, the Housing and Administrative Amendments propose to delete the general and parent zone provisions from the old zoning by-laws and assign a parent zone under the new zoning by-law to red exceptions, while also applying sections 3 through 7 of ZBL 2022-62 to these red exceptions to replace the general provisions of the old zoning by-laws.

Having discussed this specific amendment with staff, it is our understanding that although the text of the old zoning by-laws will largely be deleted, site-specific zones will be unaffected as the text of the parent zoning that was in effect on the day that the site-specific zoning went into effect will continue to apply, therefore the zoning will be protected. Additionally, we understand that the intent of these changes is to allow these historically zoned properties to benefit from more favourable and modernized provisions in the new zoning by-law, where they exist.

We therefore ask staff to:

1. Confirm our understanding as provided above is correct; and
2. Confirm that the existing site-specific provisions applicable to 950 Centennial Drive and established through previous zoning by-law amendments and minor variance applications will be protected and will continue to apply for future phases of development, should the Housing and Administrative Amendments be approved.

The owners are interested in working with staff and Council to ensure the changes arising from the Housing and Administrative Amendments protect existing permissions and support the creation of new housing. In this instance, we are seeking formal confirmation that the existing permissions and development rights on the property will remain.

Additionally, we note that a new framework is proposed to streamline the residential or mixed use development process along Express Transit Routes in the city, which is referred to as the Express Transit Area Overlay. The stated intent of this overlay is to promote residential and mixed use development. We are supportive of this approach in principle, however we expect that certain provisions as drafted will not achieve the desired effect. We therefore request the following changes, which we expect will support the intended outcome:

3. The draft by-law proposes a 20-metre setback for buildings with a height of 7 storeys or more when abutting a lot in a UR Zone. We are proposing a minimum 15-metre setback instead. This is consistent with the current site-specific zoning of 950 Centennial Drive, which was reviewed and determined by Council to be appropriate and compatible for a 7-storey building at this location.
4. The draft by-law does not permit parking and loading in a front or exterior yard. We are requesting that parking in a front or exterior yard be permitted as this is often necessary, especially with mixed use buildings or buildings with seniors' housing where parking in proximity to a principal entrance is necessary. Alternative methods of screening exist to reduce potential visual impact of front and exterior yard parking from roadways.
5. The draft by-law requires that for every 30 metres of linear wall length, a building must be articulated to a depth of at least 2 metres. This provision will significantly increase building costs as it introduces a major inefficiency in building construction. Urban design best practices often seek to see some articulation at the 70-80 metre mark for linear wall length, but even these expectations can sometimes be addressed through other building design strategies. We note further that there are certain areas in the city where building articulation of this nature is appropriate to improve compatibility and streetscape conditions, however in those areas, the land economics are typically more conducive to the higher construction costs that result from this type of building design.

The owner intends to construct additional seniors housing on the property to contribute to the overall supply of rental housing, and seniors' housing in particular. The proposed revisions noted above would support the owner's ability to advance development of this site as intended.

We would be pleased to meet with City staff to further discuss our comments. Please notify us of any updates to this pre-application and of the subsequent planning applications. Should you have any questions or comments, please do not hesitate to contact the undersigned at

Respectfully submitted,



Youko Leclerc-Desjardins, MCIP RPP
Associate
Fotenn Planning + Design



Kelsey Jones, MCIP RPP
Senior Planner
Fotenn Planning + Design

cc: Kirk Mawhinney, Reichmann Seniors Housing Development Corporation
Victoria Lucas, Reichmann Seniors Housing Development Corporation

Flaherty, Laura

From: Agarwal, Sukriti
Sent: January 19, 2024 5:31 PM
To: 'Jacob Welsh'
Cc: Agnew, Paige; Beharry, Troy; Daniel Welsh
Subject: RE: City of Kingston - HAF Funding

Hi Jacob,

Thank you so much for the positive feedback; greatly appreciated. I have shared it with Laura Flaherty, Project Manager who has spearheaded all of these amendments.

You too have a great weekend!

Sukriti

From: Jacob Welsh <>
Sent: Friday, January 19, 2024 5:21 PM
To: Agarwal, Sukriti <sagarwal@cityofkingston.ca>
Cc: Agnew, Paige <pagnew@cityofkingston.ca>; Beharry, Troy <tbeharry@cityofkingston.ca>; Daniel Welsh
Subject: Re: City of Kingston - HAF Funding

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Hi Sukriti,

Thank you for the update. I have just spent the last few hours working through the documentation and I want to express my gratitude for the detailed updates to the zoning bylaw and official plan. The updated definitions and clarifications throughout are greatly appreciated.

In particular, I would like to draw your attention to sections that will not receive as much coverage from the community or news. Your team's work on "*THEME 8: Implement Administrative Amendments*" will make a large impact on development within the City of Kingston. I was happy to see updates to the definition of lot frontage, allowances for roof top mechanical, and reductions in required widths of dedicated walkways. These items have been challenging on projects we are actively developing in Kingston and the changes better reflect the practical constraints inherent in building and developing housing.

As I work with the bylaw daily, I appreciate the continued effort by the city to provide clarification, clean up areas that have resulted in unintended consequences, and have overall slowed the speed between project ideation and construction start. As a developer in the Kingston area, I believe these changes will accelerate the creation of housing in the community.

Have a great weekend! And thank you for listening to feedback from developers, builders, and community members when creating the proposed housekeeping bylaw. I am very excited to say that I feel heard. Wanted to share my

congratulations on your team receiving the housing accelerator fund dollars and I look forward to continuing to work with the city in the coming years to address Kingston's housing shortage.

Regards,



Jacob Welsh
Amber Peak Developments Inc.
Development Manager

From: Agarwal,Sukriti <sagarwal@cityofkingston.ca>
Date: Friday, January 19, 2024 at 11:56 AM
To: Jacob Welsh < >
Cc: Agnew,Paige <pagnew@cityofkingston.ca>, Beharry,Troy <tbeharry@cityofkingston.ca>
Subject: RE: City of Kingston - HAF Funding

Hi Jacob,

Thanks for your email.

The initiatives include everything that was included in Report Number 23-172 and the Council motion from November 21, 2023. Most of the items listed in the Council motion were considered to be enhancements to the initial initiatives and were collapsed into those, while some were considered to be new initiatives, hence the total 9 initiatives.

I also wanted to let you know that information regarding Official Plan and zoning by-law amendments related to the planning initiatives will be going out today. We'll make sure that you receive that email as well.

Regards,

Sukriti

From: Jacob Welsh
Sent: Friday, January 19, 2024 11:49 AM
To: Agarwal,Sukriti <sagarwal@cityofkingston.ca>
Cc: Agnew,Paige <pagnew@cityofkingston.ca>; Beharry,Troy <tbeharry@cityofkingston.ca>
Subject: Re: City of Kingston - HAF Funding

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Hi Sukriti,

Thank you for the quick response. First off, I would like to thank you and your team for helping access the CMHC funding

for the Kingston community. Glad to see that the Planning Department is representing Kingstonians interests on the national stage.

I was able to find both Report Number 23-172 and the follow up bolstering of the application. However, the CMHC announcement suggested that the final agreement outline **nine initiatives** that the city agreed to with CMHC. With the announcement referencing nine agreed upon initiatives and the two documents outlining a total of 15 potential initiatives I was wondering what items were ultimately included in the final agreement.

After reviewing Report Number 23-172 for the initial application, I see the following initiatives.

Report Number 23-172

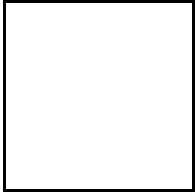
1. Approval of Kingston Zoning By-Law Number 2022-62
2. Streamlining of Development Review Process
3. Support for Housing Innovation and Alternative Construction Methods
4. Permit Conversion of Non-Residential Buildings to Residential Use
5. Servicing Allocation Program
6. Community Improvement Plan
7. Tiny Home and Additional Residential Unit Initiatives

From the November 21, 2023 meeting when the application was bolstered I see the following initiatives added to the application.

1. Upzone the Campus Expansion Area around Aberdeen Street to allow for multi-unit residential development up to 6-storeys in height, while conserving built heritage resources in the area;
2. Delegate more applications as “minor” zoning by-law amendments, including all H-Lift applications and City-initiated amendments to remove entire holding areas when there is no longer a constraint;
3. Encourage the construction of workforce and institutional housing by allowing employers and institutions to construct it almost everywhere through the Official Plan (except for areas where housing should not be constructed such as employment, prime agricultural and environmental protection areas);
4. To better support the non-residential conversion initiative, remove some streets from the requirement to provide mandatory ground floor commercial where existing buildings are not appropriate for commercial uses and are not integral to the commercial vibrancy of the downtown;
5. Allow 4 units in all residential zones across the City (the City currently allow 3, as per Bill 23). To implement this initiative, amendments should also be considered to increase the maximum number of bedrooms (current maximum is 8, should likely increase to 12 or beyond) and reduce parking requirements (remove required parking for second unit and allow for wider driveways in front yards);
6. Create a new streamlined approval framework in both the Official Plan and Zoning By-Law along the Express Transit Routes that would allow increased permissions for new apartment and mixed-use buildings between 6 and 12 storeys in height (depending on location) to go through a minor variance application;
7. New City-private partnerships to integrate a new modular housing form on city land (Brauer Homes concept);
8. Implementation of strategies to incent the use of underused public and private land for housing development, as well the creation of a land bank; and

Thanks again for all the hard work on the HAF file, I think the HAF funding is a large step in alleviating the housing supply constrain in the City of Kingston. I look forward to better understanding the upcoming planning changes.

Regards,



Jacob Welsh
Amber Peak Developments Inc.
Development Manager

From: Agarwal,Sukriti <sagarwal@cityofkingston.ca>
Date: Friday, January 19, 2024 at 8:48 AM
To: Jacob Welsh <>
Cc: Agnew,Paige <pagnew@cityofkingston.ca>, Beharry,Troy <tbeharry@cityofkingston.ca>
Subject: RE: City of Kingston - HAF Funding

Hello Jacob,

CMHC shared your email below with us.

Details about the City's HAF application are provided in [Report Number 23-172](#), with further initiatives identified in the Council Motion moved on November 21, 2023, as amended – please refer to pages 857 to 860 of the [Meeting Minutes](#).

If you have any questions, please do not hesitate to contact me.

Thanks,

Sukriti



Sukriti Agarwal, MCIP, RPP, AICP (she/her/hers)

Manager, Policy Planning
Planning Services

City of Kingston
Located at: 1211 John Counter Boulevard
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3217
sagarwal@cityofkingston.ca



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

From: Jacob Welsh <>
Sent: January-18-24 2:00 PM
To: Media <>
Subject: City of Kingston - HAF Funding

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Hi Media Relations,

I am looking to get an understanding of the recent HAF funding granted to the City of Kingston. From the news release it was unclear what initiatives were agreed upon between CMHC and the City of Kingston.

Can you direct me to where I can find the 9 initiatives that the new release mentions.

Regards,



Jacob Welsh
Amber Peak Developments Inc.
Development Manager

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Flaherty, Laura

From: Youko Leclerc-Desjardins
Sent: February 15, 2024 3:14 PM
To: Flaherty, Laura
Cc: Agarwal, Sukriti; Holly Newitt; Terri Buller; O'Connor, Christine; Sullivan, Iain
Subject: D01-002-2024 Comment letter, Damelea Corp re 177-179 Alfred St
Attachments: Damelea Corp. Comment Letter, Fotenn, Feb-15-2024.pdf

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Good afternoon Laura,

Please find attached our comment letter regarding pre-application D01-002-2024 on behalf of Damelea Corp.

We would be pleased to meet with you and Sukriti to discuss our comments.

Best,
Youko

Youko Leclerc-Desjardins, MCIP RPP
Associate

FOTENN
The Woolen Mill
4 Cataraqui Street, Suite 315
Kingston, ON K7K 1Z7

COMMENT LETTER

D01-002-2024

Ms. Laura Flaherty

Project Manager, Planning Division
City of Kingston
1211 John Counter Blvd
Kingston, ON K7K 6C7

Via Email: lflaherty@cityofkingston.ca

**RE: Comments on Pre-Application File Number D01-002-2024
Damelea Corp.**

Dear Ms. Flaherty,

Fotenn Planning + Design has been retained by Damelea Corporation to review the proposed Housing and Administrative Amendments presented in pre-application D01-002-2024. These City-initiated amendments are proposed to the City of Kingston Official Plan (OP), the zoning by-laws, the Delegated Authority/Planning By-law (By-law Number 2006-75), and the Fees & Charges By-law (By-law Number 2005-10). The purpose of this letter is to express our comments to staff and Planning Committee specifically regarding the proposed amendments to Kingston's former zoning by-laws. Our comments are provided through the lens of how these proposed amendments will affect a six-unit housing development that our client is currently pursuing on a property, 177-179 Alfred Street, that was excluded from the new zoning by-law because it is subject to a site-specific zoning by-law amendment that preceded the current OP.

The overall purpose and intent of the current pre-application is in alignment with the strategic objectives of supporting housing affordability and promoting the increased supply and affordability of housing. Many of the proposed amendments also appear to align with this objective, as intended.

Upon review of the draft amendments, it is our opinion that a small number of the proposed amendments would not achieve the desired effect. The proposed amendments to the former zoning by-laws, as they relate to residential properties in particular, are an example where the proposed changes would unintentionally conflict with their stated intent.

Staff Report PC-24-018 groups the proposed amendments into eight themes, and further numbers the individual sets of amendments. Our comments in this letter specifically pertain to item 81 in the list, found on page 24 of the report.

The stated intent of the proposed amendments in item 81 is to apply the forward-thinking and housing-supportive provisions of Kingston Zoning By-law 2022-62 (ZBL 2022-62) to properties subject to the old zoning by-laws, otherwise referred to as red exceptions. The method proposed in pre-application D01-002-2024, however, is to delete the general and parent zone provisions from the old zoning by-laws and assign a parent zone under the new zoning by-law to the red exceptions, while also applying sections 3 through 7 of ZBL 2022-62 to these red exceptions to replace the general provisions of the old zoning by-laws.

This approach is not consistent with the previous Council direction on the red exceptions, as well as the approach that was broadly communicated when ZBL 2022-62 was enacted. In 2021, staff sought and received Council direction on the approach toward red exceptions, being to leave these as "holes" in the new zoning by-law so that they could be individually reviewed and gradually brought into the new ZBL over time. To the broader community, the messaging at the time was that these red exceptions would remain and owners would be consulted when it came time for their properties to be reviewed and brought in to the new zoning by-law. This was a measured and

considered approach and one that we supported, as it would allow an opportunity to review specific provisions to ensure that the intent of previous Council-approved zoning by-law amendments was not lost.

The performance standards of the multi-unit residential zones from the former zoning by-laws such as the “B” zones in City of Kingston Zoning By-law 8499 for example, were not reviewed and updated to contemporary standards in ZBL 2022-62. The multi-unit residential zones in ZBL 2022-62 are found in the URM class of zones. Of these, a few are subject to contemporary zone standards, specifically the zones that apply to Williamsville and the lands within the Central Kingston Growth Strategy area, however the balance of the URM zones represent a blend of the multi-unit zone provisions from the old zoning by-laws, which were mostly left unchanged, except for some adjustments that appear to have been intended to consolidate and reduce the number of multi-unit residential zones.

This is a significant change in the approach toward red exceptions which, in some cases, will result in critical changes to parent provisions. We provide the example of 177-179 Alfred Street below, as it is of immediate relevance to our client.

This property is subject to a site-specific zone under ZBL 8499, the B.388 zone, which was approved by Council in December 2009. This zone grants site-specific performance standards to the property, and defaults to the Three-to-Six Family “B” zone and the general provisions of that by-law for any performance standard that was not amended in the site-specific zone. In the draft amendment from D01-002-2024, the underlying zone on this property is proposed to change from “B” in ZBL 8499, to the URM3 zone in ZBL 2022-62.

The “B” zone from ZBL 8499 has a maximum building height of 12.0 metres and does not have a maximum building depth provision. The URM3 zone in ZBL 2022-62 has a maximum height of 9.0 metres for a flat roof, or 10.7 metres for any other roof, and a maximum building depth of 18.0 metres. These two key differences significantly impact the ability to develop the proposed six-unit building on the property. There is also no URM zone that matches the performance standards of the old “B” zone, therefore we are unable to even recommend a different parent zone in ZBL 2022-62.

The owner is actively preparing building permit drawings and intends to apply for a permit this spring, however this process will require several months of coordination between the architect and subconsultants such as mechanical and structural engineers. The owner’s intent is to construct a new, six-unit building in the built form that was approved by Council as being compatible with the surrounding uses. The drawings are being developed in accordance with the current site-specific zoning, however, the proposed amendments in D01-002-2024 would change the performance standards on the site such that a minor variance application would be required to develop the building as it was originally approved by Council.

On our client’s behalf, we therefore request the following:

1. That the text of the former zoning by-laws be retained as they are currently written and that they not be deleted.
2. That the old parent zone (the “B” zone, in the case of 177-179 Alfred Street) continue to apply to this site along with the site-specific B.388 zone. We have no objection to applying a parent zone from the new zoning by-law as well, similar to what has been done to Legacy Exceptions, so long as our comments 1 and 3 are also implemented.
3. That a clause be added to the old zoning by-laws similar to the Exception Overlay clause in section 5.5 of ZBL 2022-62. This clause provides a measure of protection for properties that have previously undergone a zoning by-law amendment. Specifically, section 5.5.2 states that for any provision not amended through the site-specific exception, the provisions of ZBL 2022-62 will apply except where they are more restrictive than the provisions of the old zoning by-law, in which case those less restrictive provisions apply. This means that where a provision was introduced in ZBL 2022-62 that did not exist in the old zoning by-law, the new provision does not apply. And where a parent zone provision in the old

zoning by-law is less restrictive than a parent zone provision in the new zoning by-law, that old less restrictive provision will continue to apply.

These changes would also remain consistent with the intent of treating red exceptions in the same way as Legacy Exceptions, which we understand to be the underlying intent of item 81 in D01-002-2024. This approach would also allow the forward-thinking and housing-supportive provisions of ZBL 2022-62 to apply, for example in relation to parking provisions, etc. It would also, however, ensure that the underlying zoning framework in place at the time that a red exception was approved by Council would continue to apply.

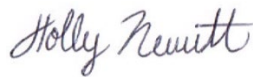
In the case of 177-179 Alfred Street, the changes above would ensure that the owner could proceed to building permit application without the risk of a change to the zoning before they can submit the application.

We would be pleased to meet with City staff to further discuss our comments. Please notify us of any updates to this pre-application and of the subsequent planning applications. We would also be pleased to meet with City staff to discuss our comments in greater detail, with the objective of arriving at a mutually agreeable solution. Should you have any questions or comments, please do not hesitate to contact the undersigned at _____ or _____

Respectfully submitted,



Youko Leclerc-Desjardins, MCIP RPP
Associate
Fotenn Planning + Design



Holly Newitt, M.Pl.
Planner
Fotenn Planning + Design

APPENDIX A ZONING MATRIX

The following table demonstrates key differences between the current zoning, B.388 in ZBL 8499, against the proposed change to apply the URM3 parent zone in ZBL 2022-62.

Provision	Existing B.388	New Parent = URM3	Difference?
Permitted Uses	Three to six family dwellings	Apartment building Duplex Single-detached Triplex	Yes – updated language
Minimum lot area	-	370 square metres	Yes – provision added, but the site complies
Minimum lot frontage	-	10 metres	Yes – provision added, but the site complies
Maximum height	12 metres	Flat roof: 9 metres or 3 storeys All Other: 10.7 metres or 3 storeys	Yes – decreased, and now conflicts with intent of original site-specific zone
Minimum front setback	6 metres – if adjacent one to two family dwelling setback is greater, 1.5 metres greater than adjacent	Lesser of 4.5 metres or the average setback of adjacent buildings	Yes – decreased depending on adjacent built form
Minimum rear setback	The greater of the height of the rear wall of the main building or 25% lot depth to a max of 7.5 metres	-	No - see maximum building depth below
Maximum building depth	-	18 metres Must not be closer than 7.5 metres to rear lot line	Yes – decreased, and now conflicts with intent of original site-specific zone
Minimum interior setback	2.5 metres (B.388)	2.5 metres (B.388)	No – Exception provision applies
Minimum Aggregate Interior Setback	Height of the main building	3.6 metres	Yes – decreased
Landscaped Open Space	-	30%	Yes – provision added
Lot Coverage	37.5% (B.388)	37.5% (B.388)	No – Exception provision applies
Maximum Density	6 units (B.388)	6 units (B.388)	No
Maximum number of dwelling units	Shall have a total of 6 dwelling units (B.388)	6.0 (B.388)	No – Exception provision
Maximum number of principal buildings per lot	-	1.0	Yes – Provision added
Minimum Amenity Area	467 square metres (B.388)	467 square metres (B.388)	No – Exception provision
Minimum driveway width	2.5 metres (B.388)	2.5 metres (B.388)	No – Exception provision
Additional Provisions	A single vehicle ingress and egress shall be permitted. (SS)	A single vehicle ingress and egress shall be permitted. (LE)	No – Exception provision

Provision	Existing B.388	New Parent = URM3	Difference?
Parking Provision	1 parking space per dwelling unit	Apartment, stacked townhouse, common element townhouse: min 0.6, max 1.0 space per dwelling unit + 0.05 car share spaces per dwelling unit + 0.15 visitor spaces per dwelling unit All other res uses: 0.6 spaces per dwelling unit	Yes – Reduced requirement
Bicycle Parking	1 space per dwelling unit within bicycle parking area	0.9 long-term spaces per dwelling unit 0.1 short-term spaces per dwelling unit	Yes – varying space requirements
Bicycle Parking Area	Bicycle Parking Area, Residential is defined as an area on or in which a bicycle may be parked and which has access directly, or by way of an aisle, sidewalk or ramp, to a public or private lane or to a street without the necessity of moving any other vehicle and which is secured and covered from weather elements (e.g. by way of building or roof overhangs, awnings, lockers or bicycle storage spaces within buildings) and each space within the parking area shall not be less than 1.8 m (6 feet) by 0.6 m (2 feet), and overhead clearance in covered spaces shall be a minimum of 2.1 m (7 feet).	The long-term bike spaces required by Clause 7.3.1.: 1. Must be provided in a secure, weather-proof enclosure with controlled access where a bicycle may be parked and secured for the long-term in a stable position with at least one point of contact with the frame of the bicycle; 2. Are not permitted in a dwelling unit or on the balcony of a dwelling unit; 3. Must be provided in a location that has access directly to a street line by way of a continuous pathway consisting of: (a) A hallway, aisle, sidewalk or walkway; (b) An elevator that permits bikes to the satisfaction of the City; (c) A ramp, which may be provided as a wheel ramp along the side of a set of stairs if such ramp is a minimum of 0.15 metres wide and does not cut into the stair tread; and/or (d) A drive aisle or driveway.	Yes – Access requirements added

Flaherty, Laura

From: Elysia Ackroyd
Sent: April 16, 2024 10:43 AM
To: Flaherty, Laura
Cc: Gabi Scollon; Sean Brophy
Subject: RE: D01-002-2024 Comments - 61 Yonge Street

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Hi Laura,

Thanks very much. All sounds good. We will keep tabs on the documents as they can go forward.

Best of luck with all of the implementation upcoming,
Elysia

Elysia Ackroyd, MCIP RPP (*she/her*)
Senior Planner

FOTENN
The Woolen Mill
4 Cataraqui Street, Suite 315
Kingston, ON K7K 1Z7

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From: Flaherty, Laura <lflaherty@cityofkingston.ca>
Sent: Tuesday, April 16, 2024 10:34 AM
To: Elysia Ackroyd
Cc: Gabi Scollon < >; Sean Brophy < >
Subject: RE: D01-002-2024 Comments - 61 Yonge Street

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Good morning,

Thanks for confirming Elysia, nothing further to do on your end, we will implement the amendments in the draft documents.

You're already on the project email list, so you will receive notice when we initiate the applications and schedule the stat PM. We are hoping to do that in the near future as we juggle high priority items connected to provincial policy and legislative changes, and the various housing focused initiatives connected to the City's HAF funding.

Regards,
Laura

From: Elysia Ackroyd < >
Sent: Monday, April 15, 2024 4:40 PM
To: Flaherty, Laura <lflaherty@cityofkingston.ca>
Cc: Gabi Scollon < >; Sean Brophy < >
Subject: RE: D01-002-2024 Comments - 61 Yonge Street

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Hi Laura,

No problem at all, I'm positive that the City is very busy these days!

Thanks for your response. The property owner is very pleased to hear the City is able to propose a site-specific zone on the property which would permit both the office use, and a residential dwelling. The context for not requiring the change in designation is understood – thank you for confirming that these uses would be permitted with the existing Official Plan designation.

We agree that there is seemingly no need to meet and discuss further, and are in favour of the proposed ZBA text. Thanks for the opportunity to review.

Please let us know if there is anything else required on our end to move forward.

Thanks,
Elysia

Elysia Ackroyd, MCIP RPP *(she/her)*
Senior Planner

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From: Flaherty, Laura <lflaherty@cityofkingston.ca>
Sent: Thursday, April 11, 2024 10:44 AM
To: Elysia Ackroyd < >
Cc: Gabi Scollon < >
Subject: RE: D01-002-2024 Comments - 61 Yonge Street

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Good morning Elysia,

Apologies that I haven't responded, as you can imagine, things have been quite busy for us over the last few weeks.

Thank you for your letter on behalf of 61 Yonge Street. We've had an opportunity to review your requests and the unique history on this property and offer the following feedback:

1. We are not prepared to support a site specific Official Plan Amendment via this city-initiated application. This would be a more appropriate request to make during the upcoming Official Plan project so it can be reviewed holistically with all OP changes across the City.
2. The Open Space designation allows for the adaptive reuse of existing built heritage resources existing within an Open Space designation. Given the unique history, staff are willing to support the creation of a site specific exception (as per attached draft map) through the upcoming OPA/ZBA to establish the following permissions on the property:
E162. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
(a) In addition to the uses permitted by the applicable Zone, the following **uses** are permitted in the **building** existing on the date of passing of the site specific by-law:
 - (i) **Office**; and
 - (ii) A maximum of one **dwelling unit**.
3. You can also apply for an Official Plan Amendment and Zoning By-law amendment to consider re-designating and rezoning the lands for commercial and residential uses. A formal pre-application would be required as a first step in this process.

We do not feel a meeting is necessary to discuss. Please confirm your agreement with the language proposed above so that it can be included in the upcoming amendment that will be initiated by the City.

Regards,
Laura



**Laura Flaherty (MacCormick), MCIP RPP
(she/her/hers)**

Project Manager, Planning Services

City of Kingston
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3157

lflaherty@cityofkingston.ca



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

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From: Elysia Ackroyd >
Sent: Thursday, April 11, 2024 10:21 AM
To: Flaherty,Laura <lflaherty@cityofkingston.ca>
Cc: Gabi Scollon >
Subject: RE: D01-002-2024 Comments - 61 Yonge Street

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Hi Laura,

I hope you're well (despite the legislative changes that dropped yesterday!).

I just wanted to circle back to this to see if staff have had a chance to review our letter, and if you had a meeting date in mind to discuss the requests within.

Looking forward to hearing back from you soon.

Thanks,
Elysia

Elysia Ackroyd, MCIP RPP (she/her)
Senior Planner

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From: Flaherty, Laura <lflaherty@cityofkingston.ca>
Sent: Thursday, March 28, 2024 1:49 PM
To: Elysia Ackroyd < >
Cc: Gabi Scollon < >
Subject: RE: D01-002-2024 Comments - 61 Yonge Street

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Hi Elysia,

Thanks for your letter on behalf of 61 Yonge Street. We are reviewing your suggestions internally and will reach out after we've had an opportunity to discuss your suggested modifications.

Regards,
Laura

From: Elysia Ackroyd
Sent: Tuesday, March 26, 2024 1:56 PM
To: Flaherty, Laura <lflaherty@cityofkingston.ca>
Cc: Gabi Scollon
Subject: D01-002-2024 Comments - 61 Yonge Street

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Hi Laura,

I hope you're doing well.

I'm emailing you this afternoon on behalf of our client, Spaces Storage Group, who is seeking to make comment on the administrative amendments to the City's Official Plan and Kingston Zoning By-law 2022-62.

We would like to meet with City staff to discuss the requests outlined in the letter attached. We are available during the following dates/times:

- Thursday March 28th between 9 am – 12 pm
- Tuesday April 2nd between 11 am – 4 pm
- Friday April 5th from 9 am – 10:30 am

Please let me know if any of those times work for staff.

Thanks, and have a great day.
Elysia

Elysia Ackroyd, MCIP RPP *(she/her)*
Senior Planner

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Kingston, ON K7K 1Z7

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D01-002-2024 Comment Letter

61 Yonge Street, Kingston

March 26, 2024

Laura Flaherty, MCIP RPP
Project Manager – Planning Services
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Via Email: lflaherty@cityofkingston.ca

**RE: D01-002-2024 Comment Letter
61 Yonge Street, Kingston**

Dear Ms. Flaherty,

Fotenn Planning + Design has been retained on behalf of Spaces Storage Group (the “owner”), to consult with the City of Kingston (“the City”) regarding the permitted uses at 61 Yonge Street (the “site”). The site is 318.5 square metres in area and is developed with a two-storey stone building with a fenced-in rear yard, and onsite parking. The ground floor of the building operates as an office, while the upper floor is configured as a dwelling unit, though it is not currently being used or rented as a dwelling unit. The office use was permitted on the site when the owner purchased the property, and this use was lost through the passing of Kingston Zoning By-law 2022-62. This letter provides a request to:

- / Reinstatement the previously permitted office use as primary and/or standalone use through the City-initiated administrative amendment to the City of Kingston Official Plan (OP) and Kingston Zoning By-law 2022-62 to bring the ground floor use into compliance; and,
- / Permit a dwelling unit in the second storey of the existing structure.

The site is zoned General Open Space (OS2) and is within the identified floodplain in Zoning By-law 2022-62 (Figure 1). The site is also designated Open Space in the OP (Figure 2). This zoning and designation apply to the entirety of the Portsmouth Olympic Harbour Marina lands. The OS2 zone intends to provide community amenities and landscaped open spaces such as parks and marinas, providing space for the public to engage with their community. The OS2 zone permits private open space uses on privately owned parcels that may not necessarily allow public access. The OP intends Open Space areas to fulfil residents’ recreational and leisure needs while protecting significant environmental areas. Section 3.8.6 of the OP states that it is not intended for privately owned lands that are designated Open Space to be accessible to the general public. The removal of the privately owned 318.5 square metre site from the OS2 zone and Open Space designation, which is not currently being used for such purpose, is not anticipated to affect the function of surrounding open space. The existing parkland present in Portsmouth Village provides sufficient open space in the form of landscaped parks, a marina, and a waterfront trail. The removal of this site from the Open Space designation and OS2 Zone will not impact the existing parkland. The 2021 Parks Master Plan also does not recognize the site as part of the greater Portsmouth Olympic Harbour park area. The rezoning and redesignation of the site to a zone and designation which reflect the intended and previously permitted use of the site is appropriate to include in the administrative amendments to the zoning by-law and OP.

The building on the site is designated under Part IV of the Ontario Heritage Act. The Kingston Heritage Register notes this site is of historical significance, being a stone house built in 1850 associated with the steam sawmill which operated during the shipbuilding era in Portsmouth Village. Prior to the current ownership of the site, the building was utilized by two personal training gyms, a diving supply store and diving instruction or charter service, and briefly as a small private school.

The applicant is requesting that the City reinstate the previous zoning permission for an office use. Permitting this existing use requires no physical changes to the site. Through this process, the owner is also seeking permission to develop a

residential dwelling unit in the second storey of the existing building as an accessory use. The addition of one dwelling unit provides gentle intensification in an area primarily developed with residential uses.

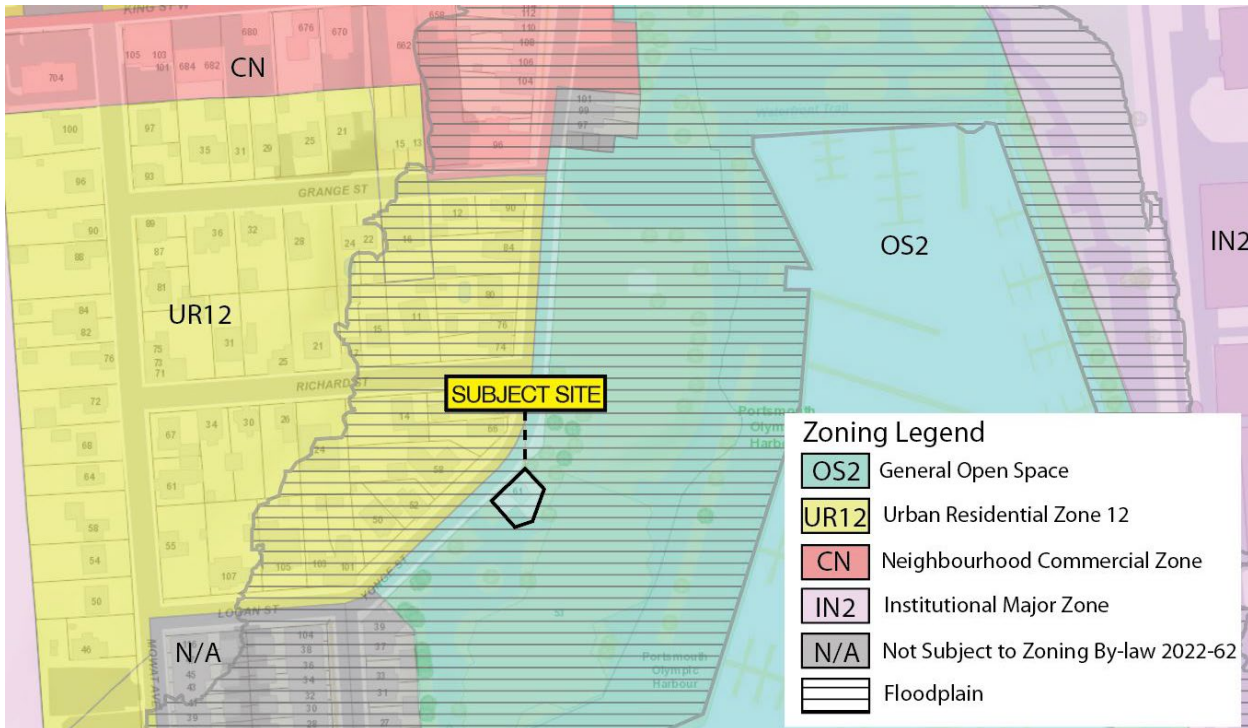


Figure 1: Zoning By-law 2022-62 (Source: KMaps, annotated by Fotenn Planning + Design)

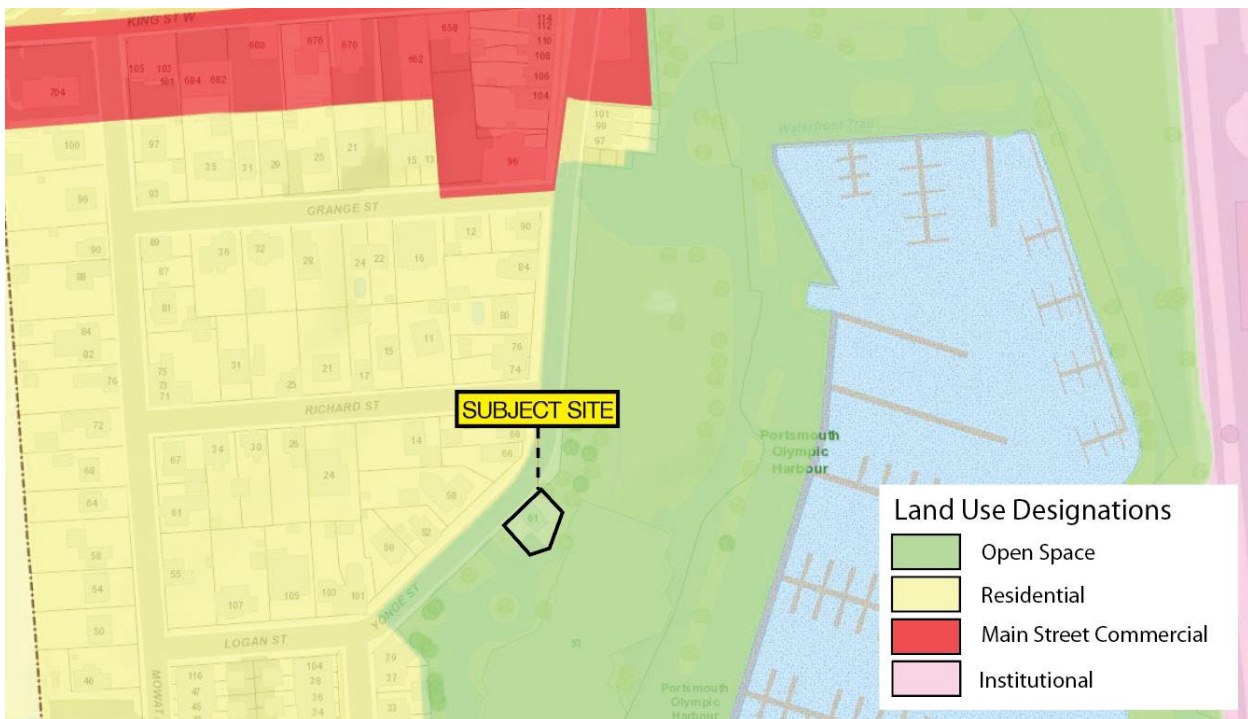


Figure 2: OP Schedule 3 – Land Use (Source: Kmaps, annotated by Fotenn Planning + Design)

Prior to the introduction of Zoning By-law 2022-62, the site was zoned P.131 (General Recreation Park Modified) under Zoning By-law 8499. This zone permitted a range of community-oriented uses as well as offices for or in connection with a business, profession or government service. The site-specific permissions provided by the P.131 zone, including for office use as a primary use, were not integrated into the new zoning through the implementation of Zoning By-law 2022-62. It is our understanding that the introduction of the OS2 zoning was intended to modernize the P.131 Zone, without eliminating historically permitted uses. However, the resulting zone change has rendered the long-standing commercial use legal non-conforming. A comparison of the permitted uses under Zoning By-laws 2022-62 and 8499 are as follows:

Provisions	Current Zoning (per by-law 2022-62) General Open Space (OS2)	Previous Zoning (per by-law 8499) General Recreation Modified (P.131)
Permitted Uses	<ul style="list-style-type: none"> / Campground / Cemetery / Club / Community centre / Elementary school / Fitness centre / Forestry use / Golf course / Library / Marina / Museum / Office (as an accessory use) / Park / Recreation facility / Secondary school 	<ul style="list-style-type: none"> / Ornamental parks / Scenic parks / Leisure parks / Arboretums, / Botanical gardens / Aviaries / Statues, ornamental sculptures or works of art, / Historic monuments / Wading pools / Swimming pools / Swimming beaches / Playlots / Playgrounds / Playing fields / Athletic fields / Skating rinks (outdoor) / Tennis courts / Playing court / Bowling green / Picnic areas / Hiking trails / Nature walks / Bicycle trails / Outdoor or tent theatres / Bandstands / Shelters / Golf courses / Launching ramps / Mooring slips / Docks for pleasure craft / Publicly-owned marinas / Tourist information offices / Craft display centres / Parking areas accessory to park uses, / Accessory buildings, including food concessions or restaurants / The Murney Tower Museum / Uses similar to the permitted uses.

Provisions	Current Zoning (per by-law 2022-62) General Open Space (OS2)	Previous Zoning (per by-law 8499) General Recreation Modified (P.131)
Permitted Site Specific Uses	N/A	<p>(a) offices for or in connection with a business, profession or government service; (b) retail sales of marine supplies, excluding foodstuffs and drug sundries; (c) ship chandlers; (d) community schools, and educational classes or courses given under the jurisdiction of a university community college or board of education; (e) social or recreational clubs or groups; (f) the total floor area to be occupied by a), b), and c) above shall not exceed a total of 929.0m² to be confined within the Olympic Harbour building.</p>

The 1959 predecessor to Zoning By-law 8499, Zoning By-law 3077, zoned the entire Yonge Street frontage along the marina as R2 Residential, which was intended to permit low density residential built forms. This zoning captured the site, along with the three-unit townhouses present at 97 – 101 Yonge Street, north of the site (which were also built in the 1850s). The introduction of Zoning By-law 8499 then rezoned these R2 lands to Zone P. A site-specific rezoning in 1977, approved by the OMB in 1978 with the rest of the by-law, changed the zoning to P.131. The historic zoning of the site demonstrates that both commercial and residential uses were previously contemplated on this site.

Commercial and mixed-use lots along the south side of King Street West, being north of the site and wrapping the corner of King Street West and Yonge Street, are all zoned Neighbourhood Commercial (CN) Zone under Zoning By-law 2022-62. The zone permits a range of small-scale commercial activities to provide easy-to-access amenities and services directly within neighbourhoods such as Portsmouth Village. Notably, the CN Zone permits office use and a dwelling unit in a mixed-use building. The CN Zone is an appropriate zone for this site, as the continued provision of an office use, and the intention to provide a dwelling unit in the upper storey of the building in which the office operates, meets the intent of the CN zone, and would be compatible with the existing context of Portsmouth Village and mixed-use CN zoned properties north of the site.

Section 2.4.4 of the OP requires a minimum density of 22 dwelling units per net hectare for new infill residential development. The creation of one dwelling unit in the second storey of the existing dwelling would provide 31.4 units per net hectare, based on the small lot size. The proposed amendments to Section 2.6 of the OP also discusses housing development, with Section 2.6.1 referencing suitable low-rise residential built forms. The proposed density and existing ground-oriented built form is compatible with the character of the surrounding low-density residential uses. The creation of a residential unit above the commercial use contributes to a mix and range of housing types desired across the City.

Section 7.3.D.3 of the OP outlines the City’s commitment to conserving the cultural heritage value of Portsmouth Village. Policy (a) specifically speaks to conserving and maintaining the cultural heritage value of the built heritage resources and encouraging their adaptive re-use. The site has previously operated with various commercial enterprises on the ground floor. The upper floor of the building is already configured as a dwelling unit, though it is not currently being use as such. The applicant seeks to maintain the original intent of the building as supporting both commercial and residential uses, providing culturally sensitive redevelopment in a heritage character area.

The site is within walking distance of significant areas of public open space and commercial uses along King Street West inclusive of a pharmacy, post office, restaurants, and a bakery. The site is conveniently located between Queen’s University West Campus and St. Lawrence College. Car dependency of the site is reduced by the presence of regular and Express transit routes along King Street West and Union Street, in addition to sidewalks throughout the surrounding neighbourhood and the site’s proximity to the Waterfront Trail.

A large portion of Portsmouth Village, inclusive of the site, is in the identified floodplain and wave uprush area of Lake Ontario. As no new development to the site is proposed and the client is requesting to bring an existing non-conforming office use into conformity, while introducing a similarly compatible, historical, residential use, the hazard overlay and policies of Section 5.1 of the Zoning By-law should not preclude the site from being rezoned and redesignated as proposed.

The 2021 Parks and Recreation Master Plan provides an inventory of the City's parks and open spaces, as shown in dark green in Figure 3. The entirety of the Portsmouth Olympic Harbour Marina is designated City Park and Open Space, while 61 Yonge Street is notably not designated as a park or open space of any kind. The Master Plan reflects an accurate depiction of the site, while the current zoning and OP designation do not. As there is no clear intention of utilizing the site for any park or open space uses, it appears that the designation and zoning of the site with open space uses does not align with its understood historical and current uses as a private office.



Figure 3: Excerpt from Parks and Recreation Master Plan (Source: City of Kingston)

On behalf of the owner, we request that the City amend the land use designation and zoning as part of the upcoming administrative amendments to the OP and zoning by-law. The Neighbourhood Commercial (CN) Zone and Residential designation align with the historic, current, and intended uses of the site, as well as the context of Portsmouth Village. As the site has heritage status as a house, has continuously operated as an office space for many years, and is not a park or open space nor conducive to the provision of such use, this is an appropriate site to be updated through the administrative amendments to reflect a more accurate zoning and land use designation.

Fotenn would like to schedule a meeting with City staff to further this discussion. We will be reaching out to staff to coordinate this meeting prior to the recommendation for approval for the housekeeping amendments to the Planning Committee. We look forward to working through this unique circumstance together. If you have any questions or concerns, please contact the undersigned at [redacted]. We look forward to speaking with staff soon.

Respectfully,

Elysia Ackroyd, MCIP RPP
Senior Planner

Gabi Scollon, M.PL
Planner

Flaherty, Laura

From: Flaherty, Laura
Sent: February 14, 2024 8:58 AM
To: 'Latoya Powder'
Subject: RE: D01-002-2024- Transit Express areas

Thanks for your feedback Latoya. We'll consider it internally as we prepare the proposed amendments to be included in our formal *Planning Act* applications.

Regards,
Laura

From: Latoya Powder
Sent: Tuesday, February 6, 2024 11:40 AM
To: Flaherty, Laura <lflaherty@cityofkingston.ca>
Subject: Re: D01-002-2024- Transit Express areas

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Morning Laura

I totally appreciate the opportunity to provide feedback. My thoughts were that if a proposal is within 400m (5mins walk) away from an express transit stop then it could qualify for reduced parking minimums/ no parking minimums.. This would help differentiate Express Transit Areas from other PA3 and PA4.

Thank you,
Latoya

On Thu, Feb 1, 2024 at 11:10 AM Flaherty, Laura <lflaherty@cityofkingston.ca> wrote:

Hi Latoya,

Thanks for reaching out - great question. As you know, within the Kingston Zoning By-law, the parking standards were created based on their proximity to transit service (PA3 and PA4 are within walking distance of bus routes with 15 minute or greater service). At present, the draft Express Transit Areas framework does not reduce the standards, but I am happy to receive your feedback and will discuss it with my colleagues.

Thanks again,
Laura

From: Latoya Powder
Sent: Wednesday, January 31, 2024 5:15 PM
To: Flaherty, Laura <lflaherty@cityofkingston.ca>
Subject: D01-002-2024- Transit Express areas

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Hi Laura,

Hope you are well, I had a question regarding the Transit Express Area. Will properties that fall into this area have reduced parking requirements? I've read of municipalities that are eliminating parking requirements for new developments that are within close proximity to transit.

I was wondering if staff are considering reduction or elimination of parking minimums properties that fall into the Transit Express Areas?

Thank you
Latoya

Flaherty, Laura

From: Flaherty, Laura
Sent: February 9, 2024 8:47 AM
To: 'Elysia Ackroyd'; Agarwal, Sukriti
Cc: Van Vugt, Niki; Robidoux, Meghan; 'Michael Keene'
Subject: RE: Housekeeping Amendment + 920 Princess St

Good morning Elysia,

Thank you for reaching out on behalf of the Springer Group of Companies on the proposed amendments to the former by-laws that still apply to the red exceptions.

Part E of the amendments includes the proposed text that is intended to replace the existing text of Zoning By-law 8499. Where the Summary + Rationale document states that the red exceptions will be treated similarly to the Legacy Exceptions, that aligns with the following clause of the proposed text in Part E:

8. Despite 4, 5 and 6, Red Exception provisions identified in Table 1 are interpreted in the same manner as Legacy Exceptions as per Subsection 5.5. of the Kingston Zoning By-law.

In response to your question about how parent zones are intended to interact with the red exceptions, yes, the intent is to interpret it in the same manner as the interaction between parent zones and Legacy Exceptions in the Kingston Zoning By-law.

Thank you for your feedback regarding the applicable zone for the C.74 portion of the 920 Princess St property – the table will be updated when the City formally initiates the applications to reference the WM1 zone to be consistent with Schedule PS-1 of the OP.

Finally, we've had some internal discussions about the need to include transition provisions in the proposed text of the Former Zoning By-laws in a similar manner to the provisions included in the Kingston Zoning By-law to ensure that ongoing applications can continue without impact. The current draft text of the transition provisions is provided below – the intent is to include this text in the draft amendments to the Former Zoning By-laws when the City formally initiates these applications:

Transition Provisions

Complete Applications

10. Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City on or before [INSERT DATE OF PASSING OF AMENDING BY-LAW], if the development or use complies, or the building permit application is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW].
11. Where a complete application was received by the City on or before [INSERT DATE OF PASSING OF AMENDING BY-LAW] for the development or use of a lot or one or more buildings, approval may be granted in accordance with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW], for one or

more of the following applications where they are consistent with the intent of the complete application:
 1. Any application under Section 45 of the *Planning Act*;
 2. Site plan control approval pursuant to Section 41 of the *Planning Act*;
 3. Consent pursuant to Section 53 of the *Planning Act*;
 4. Draft plan of subdivision pursuant to Section 51 of the *Planning Act* or a description under the Condominium Act, 1998, S.O. 1998, c.19; and
 6. A part lot control exemption pursuant to Section 50 of the *Planning Act*.
12. Where the development or use of a lot or one or more buildings qualifies under Clause 11, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW].
13. Nothing in this By-law applies so as to continue the exemption provided by Clauses 10, 11 and 12 beyond the issuance of the final building permit upon which the exemptions are founded.

Continuation of Approved Variances

14. A building permit may be issued in the context of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW] for any development subject to one or more approved minor variances under the provisions of this By-law prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW] or in accordance with Clause 11.

I'm happy to arrange a virtual meeting to discuss this and any other questions or feedback you have on the proposed amendments.

Regards,
Laura



**Laura Flaherty (MacCormick), MCIP RPP
(she/her/hers)**

Project Manager, Planning Services

City of Kingston
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3157
lflaherty@cityofkingston.ca



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From: Elysia Ackroyd
Sent: Thursday, February 8, 2024 3:11 PM
To: Flaherty,Laura <lflaherty@cityofkingston.ca>; Agarwal,Sukriti <sagarwal@cityofkingston.ca>
Cc: Van Vugt,Niki <nvanvugt@cityofkingston.ca>; Robidoux,Meghan <mrobidoux@cityofkingston.ca>; Michael Keene
Subject: Housekeeping Amendment + 920 Princess St

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Hi everyone,

I'm emailing today with questions that apply to both the new housekeeping zoning by-law amendment, and to an ongoing application that is currently underway.

The Springer Group of Companies owns many NA-identified lands in the City with zoning that date back to previous by-laws. We have been retained by the Springers to provide some guidance on what the housekeeping amendments means for their landholdings, especially those "NA" properties.

I'm hoping that you can please provide some further information on the plan moving forward for those properties identified as NA. I note that the Summary and Rationale document says that the new approach will function similarly to the Legacy zoning framework. Can you please elaborate on these similarities?

One of the NA Springer-owned properties in question is 920 Princess Street, for which a minor variance application has recently been submitted. We are wondering how the housekeeping amendment will impact the permissions that currently apply to this site, and how the zoning on the site will function in the future, in the context of the minor

variance application (in this circumstance, assuming it is approved)? We also note that in Part E of the housekeeping documents, that the proposed parent zone to apply to this site is CG. We propose that the WM1 Zone may be a more appropriate parent zone on this site, given the site's designation in Schedule PS-1 and Schedule 3, and the adjacent zoning. On this note, we are wondering how the proposed parent zones will impact those NA zones? Will it be similar to how parent zones currently interface with Legacy zones?

We are trying to advise our client of implications to their landholdings ASAP, being prior to next week's meeting. Thank you in advance for your response.

Best,
Elysia

Elysia Ackroyd, MCIP RPP *(she/her)*
Planner

FOTENN

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Flaherty, Laura

From: O'Connor, Christine
Sent: February 15, 2024 2:42 PM
To: Flaherty, Laura
Subject: Fw: OP & ZB Housing and Administration policy rewrite

Hi Laura,

I have already sent this out via the addendum as it was submitted before 2 p.m., but I wanted to forward to you as well for your awareness.

Thank you,



Christine O'Connor (she/her/hers)

Committee Clerk
Office of the City Clerk

City of Kingston
City Hall,
216 Ontario Street Kingston, ON K7L 2Z3
(613) 546-4291 ext. 1219
cloconnor@cityofkingston.ca



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

From: Donald Mitchell
Sent: Thursday, February 15, 2024 1:09 PM
To: Glenn, Conny <cglenn@cityofkingston.ca>; O'Connor, Christine <cloconnor@cityofkingston.ca>
Cc: Osanic, Lisa <losanic@cityofkingston.ca>; McLaren, Jeff <jmclaren@cityofkingston.ca>; Oosterhof, Gary <goosterhof@cityofkingston.ca>; Cinanni, Vincent <vcinanni@cityofkingston.ca>; Chaves, Paul <pchaves@cityofkingston.ca>
Subject: OP & ZB Housing and Administration policy rewrite

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Dear Planning Committee:

In advance of sending City Staff more detailed feedback, I would like to request committee members are mindful of three aspects tonight regarding the public meeting for the subject file.

I'm hopeful committee members look beyond the "ink" to address the "blank" page of *community* building. What are the aspects that are missing that will support and ease the impacts of many of these changes? Keeping in mind that many of these changes are about to make as-of-right what residents have been raising as concerns in their feedback over the past decade or longer when

engaging development applications. Where is the comprehensive vision that will sustain exponential population growth in core areas?

Please ensure that a more authentic effort is made by the City to prioritize the public becoming aware and understanding of how these changes will affect their lives/homes.

Barrier free: Aging in place with access to housing and the fullest of amenities & open space in reasonable distance within low-rise areas. Please ensure we don't deliver a predominantly ableist form and function in our city.

Thanks for your time and consideration of these thoughts. I'm unable to make the meeting, as are others, but I recognize this is really important and impactful change.

Cheers, Don.

Donald Mitchell, resident 43 Gibson Avenue.

Flaherty, Laura

From: Shirley Bailey
Sent: February 14, 2024 3:14 PM
To: O'Connor, Christine; Flaherty, Laura
Subject: Planning Committee Feb. 15, 2024
Attachments: L_Flaherty PC_24_018 Feb 2024.pdf

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Hello

Could you please add the attachment to correspondence for the Planning Committee meeting tomorrow evening?

Many thanks, Shirley

--

*Shirley Bailey, President
Frontenac Heritage Foundation
PO Box 27
Kingston, ON K7L 4V6*

Check out our website at: www.frontenacheritage.ca

FHF is a registered charity: 11923 4250 RR0001





PO BOX 27, Kingston,
Ontario, Canada K7L4V6

Feb. 14, 2024

Ms. Laura Flaherty
Planning Services
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Re: Report PC-24-018, Planning Committee: 'Community Meeting Report – Proposed Housing and Administrative Amendments'

Dear Laura,

The Frontenac Heritage Foundation is a not-for-profit charitable organization dedicated to the preservation of structures and sites of cultural and historical interest across the Kingston region. Founded in 1972, the Foundation has provided input on many proposals and development applications over time.

Digesting a staff report of 534 pages in just a few days is a monumental task, and this is a report which fundamentally changes the City's Official Plan, and provides a plethora of administrative amendments to the new Zoning By-law dating from early 2023. Changes to the Official Plan are being made to keep the money flowing from the upper tiers of government. It reminds one of days long past when the Province would write a zoning by-law for a municipality – maybe the Province would like to take those tasks back again instead of leaving municipalities using scarce staff resources to keep re-shaping their planning documents to suit the ever-changing policy regime.

Exhibit A No. 1 and Exhibit B: The fundamental shift in terminology from density ranges to the use of low-rise, mid-rise and high-rise tells a reader simply that density ranges don't matter, with the apparent assumption that the more density, the better. There is a great deal of skepticism in the community, that should any developer come forward with an amendment for greater height, for example mid-rise to high-rise (with NO upper limit set) it will be happily accommodated by the current City Council.

The removal of all references to the term 'stable' is concerning. The term 'stable' in our view, never meant 'static' or 'permanent'. The many OP policies being deleted are now being replaced by policies requiring that new development will be required to be

compatible, and those of us in the community who have argued this matter in Tribunal hearings know how flexible those parameters are (and therefore fairly useless). In particular, the removal of the term 'stable' in the context of the Old Sydenham Heritage Conservation District is a particular concern, where about 550 buildings are heritage protected, and where densities are already fairly high (in a low-rise building context).

Exhibit A, No. 6 Zoning By-law Amendments, ii) The Foundation does not support the change from 8 to 12 bedrooms but do appreciate that most of the performance standards are being kept.

Exhibit C – With all the proposed amendments, this is effectively an entirely new zoning by-law for the City of Kingston.

S. 3.8.14, P. 201 A mobile home is included in the definition of house. Does this mean that a mobile home can be used as an additional residential unit on a property?

Table 5.8.2, P. 227– Express Transit Area Performance Standards includes “To be determined through a minor variance application”. This sounds like conditional zoning – what is the legislative authority for setting these conditions of approval?

Clause 13.2.4 refers to a heritage building, and a heritage lot. This seems to ignore the fact that designation under the OHA designates the entire lot, including the building. Could this perhaps be stated in a less convoluted fashion?

Exhibit E - P. 490 – For the many clauses added to the Zoning By-law, is it possible to include a civic address so one does not need to go to a map to see where the zone is, and in the cases where zoning is approved via an OLT hearing, the number of the file, so that people in the future who want to understand the background on a specific development proposal, are more easily able to do so?

Exhibit G Comments

P. 519 – In terms of the consolidation of UR Zones, we would express concern on behalf of a lot of residents who took the time to understand the Zoning By-law process barely a year ago, and now the zones are being consolidated.

P. 520-1 – This is a **very** large area that is being up-zoned, and the Foundation expresses the concern that this process is not adequate in terms of giving proper notice to the landowners in the area.

P. 522 – This clause appears to rezone a property (Providence Manor) for an adaptive re-use. While the proposal before the city may well be worthwhile, this appears to be a shortcut to approval. Some of these changes in this staff report are not administrative but seem to be intended to forego the regular process of approval.

P. 526 – Reference is made to a new D3 Schedule. Why has this schedule not been included?

Exhibit A No. 25 (p. 15): With respect to the Downtown and Harbour Area, we note with concern the following proposed changes:

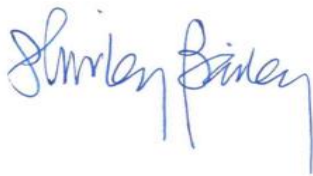
P. 526-7 - New Schedule G which applies a “Non-Residential Conversion Overlay covers the area on both sides of Princess Street extending from Division St. to Lake Ontario. There have been longstanding Official Plan policies encouraging residential development on upper storeys of commercial buildings, so it is not clear why this new Schedule G is needed. This entire area is shown as the Lower Princess Street Heritage Character Area where many properties are either listed, designated or worthy of designation. As noted in the text, heritage approval is indeed necessary.

P. 527-8 - Piecemeal changes to Schedule DH-3 setting out longstanding ground floor commercial requirements. It is not clear why this is being undertaken. In previous times, such changes would have required a detailed study of commercial needs in the historic core.

No doubt there are a multitude of changes which have been missed in this cursory review. Given the short period of time to review and comment on this large package, I cannot say that I speak on behalf of the FHF board because there has simply NOT been sufficient time for us to review the proposed changes and have them reviewed by the rest of the FHF board.

Thank you for this opportunity to comment on this proposal. Should you wish to discuss these comments, I would be pleased to do so.

Sincerely,



Shirley Bailey, President
Frontenac Heritage Foundation

cc. Planning Committee Members

Flaherty, Laura

From: Flaherty, Laura
Sent: April 17, 2024 3:53 PM
To: Gilchrist, Tess
Cc: Touw, Mark; Wartman, Nancy; Crawford, Holly
Subject: RE: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

Hey Tess,

Thanks for flagging this one. We've discussed this one internally and will be removing these proposed amendments, leaving the existing language as-is when we initiate the applications.

Regards,
Laura

From: Gilchrist, Tess
Sent: Thursday, March 28, 2024 2:52 PM
To: Flaherty, Laura <lflaherty@cityofkingston.ca>
Cc: Touw, Mark ; Wartman, Nancy ; Crawford, Holly

Subject: RE: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

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Hi Laura,

We were looking at the proposed amendments again and notice the proposed change to Section 7.2.3 with respect to the number of required accessible spaces.

Number of Required Accessible Spaces

7.2.3. In addition to the parking spaces required by Subsection 7.1., ~~The~~ the minimum number of accessible spaces required by the following Subclauses must be provided on the same lot as the use or building:

1. Where the number of parking spaces in Clause 7.2.2. is between 1 and 12 parking spaces, one ~~parking space must be a~~ Type A accessible space; is required;

Is the intent of this amendment to require accessible spaces be calculated above the standard, visitor and car-share parking requirements? As opposed to being provided as a portion of the standard spaces?

Thanks and have a great weekend,

Tess Gilchrist MCIP RPP
Associate, Senior Planner

From: Wartman, Nancy
Sent: Friday, March 15, 2024 2:57 PM
To: lflaherty@cityofkingston.ca
Cc: Touw, Mark ; Gilchrist, Tess
Subject: RE: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

Hi Laura,

Hope you are doing well. In reviewing some of the changes proposed to the by-law, I just wanted to provide the following comments:

- Apartment Building Definition – If this definition also includes “multiple townhouses or stacked townhouses when they are located on one lot” – will the provisions for townhouses or apartment buildings apply to the townhouses where there is more than one set located on the lot. This came up in relation to our discussion on the zoning for Bayview Farms and it was unclear.
- Amenity Area Definition – Is the intention that balconies are no longer allowed to count as amenity area? Balconies would not be common to and accessible by all dwelling units.

Thanks,

Nancy

Nancy Wartman (she/her/hers) MCIP, RPP
Senior Planner
Arcadis Professional Services (Canada) Inc.

From: Flaherty, Laura <lflaherty@cityofkingston.ca>
Sent: Friday, January 19, 2024 1:57 PM
To: Flaherty, Laura <lflaherty@cityofkingston.ca>
Subject: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

Some people who received this message don't often get email from lflaherty@cityofkingston.ca. [Learn why this is important](#)

Good afternoon,

The City of Kingston is proposing various amendments to the Official Plan, zoning by-laws, the Delegated Authority/Planning By-law (By-law Number 2006-75) and the Fees & Charges By-law (By-law Number 2005-10) to implement administrative updates and to better support the construction of more housing through various initiatives including, but not limited to, new permissions for 4 units per lot in low-rise residential areas, upzoning a portion of the Campus Expansion Area for 6-storey multi-unit residential buildings, allowing affordable housing in most areas of the City, supporting housing innovation, delegating more applications as minor zoning by-law amendments to the Director of Planning Services and reducing certain planning application fees, streamlining the approval process for multi-unit residential buildings along certain express transit routes, allowing the conversion of some existing non-residential buildings into residential, and allowing employers and institutions to build workforce and institutional housing.

All pre-application materials are available online through the Development and Services Hub (DASH) at the following link: [D01-002-2024](#). Within this record window on DASH, choose “Supporting Information” from the “Record Info” drop-down menu to access the pre-application materials.

A **community meeting** on these proposed amendments will be held on **February 15, 2024 at 6 p.m.** at Planning Committee. This will be a hybrid meeting. Attendees can participate in-person at Council Chambers, City Hall, 216 Ontario Street, or virtually. Details around how to view and participate in the meeting are available on the City’s website at [//CityofKingston.ca/PlanningCommittee](http://CityofKingston.ca/PlanningCommittee).

If you require assistance accessing the pre-application materials, or if you have comments or questions on the proposed amendments, please do not hesitate to reach out to me.

Regards,
Laura



Laura Flaherty (MacCormick), MCIP RPP
(she/her/hers)

Project Manager, Planning Services

City of Kingston
216 Ontario Street Kingston, ON K7L 2Z3
(613) 546-4291 extension 3157

lflaherty@cityofkingston.ca



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Flaherty, Laura

From: Peter Splinter
Sent: January 22, 2024 12:00 PM
To: Flaherty, Laura
Cc: Alex Splinter
Subject: Re: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

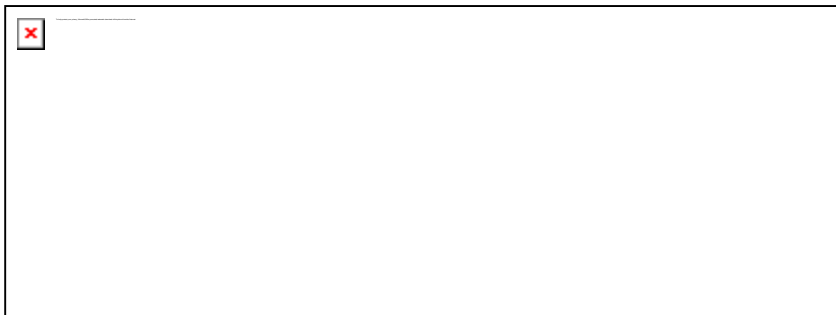
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Laura,

I am not appealing bill 23. I want to appeal the forced changes to my lands, trying to be forward-thinking.

Would tomorrow afternoon be good for you for our virtual meeting?

Peter



On Mon, Jan 22, 2024 at 11:43 AM Flaherty, Laura <lflaherty@cityofkingston.ca> wrote:

Hi Peter,

At a high level, since Bill 23, there have been no Provincial changes to appeal rights under the *Planning Act* for an Official Plan Amendment or zoning by-law amendment. However, you should reach out to your own legal team for advice related to appeal rights and how to ensure you retain the right to appeal.

If you have specific concerns or comments on the proposed amendments, I am happy to meet virtually or over the phone to discuss.

Regards,
Laura

Laura Flaherty (MacCormick), MCIP RPP

(she/her/hers)

Project Manager, Planning Services

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 extension 3157

lflaherty@cityofkingston.ca



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From: Peter Splinter

Sent: Monday, January 22, 2024 11:24 AM

To: Flaherty, Laura <lflaherty@cityofkingston.ca>

Cc: Alex Splinter

Subject: Re: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

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Laura,

Braebury hopes we still have the right to appeal the changes to our properties. Have the laws changed in Ontario that remove that right?

Peter



Flaherty, Laura

From: O'Connor, Christine
Sent: February 20, 2024 11:53 AM
To: Flaherty, Laura
Subject: Fw: Proposed Housing and Administrative Amendments

Hi Laura,

Just forwarding this correspondence I received from a member of the public today re: Proposed Housing and Administrative Amendments.

Thank you,



Christine O'Connor (she/her/hers)

Committee Clerk
Office of the City Clerk

City of Kingston
City Hall,
216 Ontario Street Kingston, ON K7L 2Z3
(613) 546-4291 ext. 1219
cloconnor@cityofkingston.ca



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From: Colin B
Sent: Tuesday, February 20, 2024 11:02 AM
To: O'Connor, Christine <cloconnor@cityofkingston.ca>
Subject: Proposed Housing and Administrative Amendments

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

I watched the public meeting from February 15th and had a few comments on the Proposed Housing and Administrative Amendments.

Overall, these changes seem good. Though "themes" 4 and 8 I have not strong opinions about one way or the other. The only exception I noticed was the changes related to Conservation Authorities, though my understanding is that this is forced by the new provincial law.

The changes I think are particularly good are:

-The elimination of the stable area policies. Though I am unclear why that needs to be replaced with anything rather than just completely deleted as it was a problematic policy.

-Allowing 4 units throughout the city. I am glad to see this not extended to the rural areas. We should be making it as easy as possible to add more housing within the city, but this does not extend to the rural areas as this would just encourage sprawl.

-Allowing garages to be converted to units, we should look at ways of incentivizing this rather than just allowing it.

-Permit affordable housing developments in all land use designations.

-Removing the prohibition on mobile homes and the and better supporting tiny homes. As a side note we need to be doing more to encourage small (but not "tiny") houses of the type that are rare now.

-The un zoning in the Campus Expansion Area, and particularly the exception to parking requirements (I would hope to see these sorts of exceptions more widely implemented). I do agree with some concerns I have heard regarding heritage preservation. However this should never be used to restrict the type of building that can be built where a new one is being permitted. Preserving historic buildings is important. We should never be restricting density or height based on "heritage".

Thank you for your time.

Colin Burt

33 Ontario st

Flaherty, Laura

From: Bill Jennings
Sent: February 1, 2024 3:56 PM
To: Flaherty, Laura
Subject: Re: Proposed? Changes?

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Thank you for this clarification Laura. I will assume that 12 bedrooms is the maximum for a lot not 4X12 = 48. No need to respond unless I got it wrong. Thanks Bill

On Feb 1, 2024, at 2:27 PM, Flaherty, Laura <lflaherty@cityofkingston.ca> wrote:

Good afternoon,

Thanks very much for your detailed comments and perspectives on the 4th unit permission. Unfortunately, within the rigid *Planning Act* framework created by the Province, there is no mechanism that the City can use to facilitate the type of direct consultation you've identified. It is either permitted by the zoning by-law or not, and where it is not permitted an owner would have to go through the standard zoning amendment or minor variance application process (which is also dictated by the *Planning Act*).

While the proposed amendments would allow for up to 4 units on a lot as-of-right in the zoning by-law, subject to a maximum of 12 bedrooms, there are limitations to the size/scale of the building - 4 unit houses will still be required to meet all of the built form requirements that apply to all other houses in that zone (setbacks, lot coverage, height, landscaped open space etc).

Regards,
Laura

From: Bill Jennings
Sent: Monday, January 22, 2024 11:57 AM
To: Flaherty, Laura <lflaherty@cityofkingston.ca>
Subject: Re: Proposed? Changes?

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Laura:

Thank you for this addition information which is useful. As I wrote, I support all of these but am concerned about the limits to the "new permissions allowing four units per lot in low rise residential areas". This seems to take the "additional residential

units" regulations already approved even further. I do realize that this has been 'imposed' by other levels of government to qualify for additional funding but what must be done to achieve the best results for this community?

Over 30 years ago I was involved in an 'epic' battle (to me anyway) with the City to enforce its own zoning bylaws when a neighbour wanted to add an additional 15 bedrooms to his property. After years of conflict, hearings in both the Supreme and Appeal Courts at great expense to all involved, the government of the day was forced to change law so that the word 'family' (i.e. relationship) could not be used for zoning purposes because it was 'discriminatory' in an illegal way. The landlord won and our 'single family dwelling' which was the last house (and #5 on our short street) became #15.

That is the history behind my concern and a battle no one now wants. So much depends on context in terms of time and place. Then our home (for a family of 4) was close to the university but most who lived on the street were also the owners. The area was truly a mixed neighbourhood in the best sense (eg. demographically) of the word. Now it is most definitely a 'student area' without the schools and other 'mixes'.

Now, (30 years later) my wife and I live in an 1100sq. foot bungalow in Strathcona Park. My next-door neighbour, who had lived there since the house was built (@1954), has sold to someone who is in the business of fixing and reselling. This is 2024 and many real estate sales are now done for investment purposes to resell or rent and this can be a good thing (more housing) or not if the effect on the existing neighbour in lifestyle or property value is negative... which it needn't be.

I believe the best way to gain the benefits of 'densification' in existing urban areas is to make in as clear and transparent way as possible to both those already living in the area or investors who might like to put another (residence or three on a property) exactly what the rules are, who made them (often not the City) and why. The recent consolidation of the zoning bylaws was made more difficult by the lack of transparency caused in part by Covid which, particularly in the last stage, led to a dependence on outside consultation and the almost exclusive input from developers at the expense of a wider community feedback. That feedback came angrily at the last moment when there was no time for real change.

I think the only way to prevent such discord and waste of resources is to make perfectly clear to everyone, the degree to which any additional units must also respect the existing neighbourhood environment those owning properties close by. Require direct consultation between the parties involved because something better might come out of it. This will not be easy but may help reduce the animosity towards those in the private sector who are trying to respond to the need for housing and those who are already housed.

Thanks again for your responses.

Bill

On Jan 22, 2024, at 7:51 AM, Flaherty,Laura
<lflaherty@cityofkingston.ca> wrote:

Good morning Mr. Jennings,

There are some important distinctions to be made. Some of the permissions you've identified are proposed to be added as Official Plan policies, while some are proposed to be included in the zoning by-law as an as-of-right permission. The Official Plan policies alone are not "as-of-right", they just establish the underlying policy which would then require a development application (zoning amendment or minor variance) to determine the appropriate details (providing limits for what can be built).

Proposed Official Plan policies

- Allowing affordable housing in most areas of the City.
- Allowing employers and institutions to build workforce and institutional housing.
- Streamlining the approval process for multi-unit residential buildings along certain express transit routes.

Proposed As-of-Right Zoning

- New permissions allowing four units per lot in low-rise residential areas.
- Allowing the conversion of some existing non-residential buildings into residential

I'm happy to meet virtually or over the phone to discuss the details with you if that would be helpful.

Regards,
Laura

[<image001.png>](#)

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#)

**Laura Flaherty (MacCormick), MCIP
RPP**

(she/her/hers)

Project Manager, Planning Services
City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3157

lflaherty@cityofkingston.ca

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From: Bill Jennings

Sent: Friday, January 19, 2024 3:24 PM

To: Flaherty,Laura <lflaherty@cityofkingston.ca>

Subject: Re: Proposed? Changes?

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Thanks for the clarification. I see the value in these proposals (affordable should be allowed everywhere even required in new developments). But if these become possible 'as of right', what limits what can be built? Bill
Sent from my iPad

On Jan 19, 2024, at 3:13 PM, Flaherty, Laura
<lflaherty@cityofkingston.ca> wrote:

Good afternoon,
Thanks for your question. In short, no, none of the items you've identified are currently permitted by the Kingston Zoning By-law or Bill 23. These are all identified as proposed new permissions because they do not currently exist.
Regards,
Laura

[<image001.png>](#)

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#)

**Laura Flaherty (MacCormick), MCIP
RPP
(she/her/hers)**

Project Manager, Planning Services
City of Kingston
216 Ontario Street Kingston, ON K7L 2Z3
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From: Bill Jennings
Sent: Friday, January 19, 2024 2:53 PM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: Proposed? Changes?

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Were not the following items passed in the Zoning Bylaw changes April 2022 or required by Bill 23? If so, the City is enforcing what already legally exists not 'proposing' a change.

1. New permissions allowing four units per lot in low-rise residential areas.
2. Allowing affordable housing in most areas of the City.
3. Streamlining the approval process for multi-unit residential buildings along certain express transit routes.
4. Allowing the conversion of some existing non-residential buildings into residential
5. Allowing employers and institutions to build workforce and institutional housing.

Flaherty, Laura

From: Gilchrist, Tess
Sent: March 26, 2024 3:49 PM
To: Flaherty, Laura
Cc: Clendening, Ian; Crawford, Holly
Subject: RE: Recent MV to ZBL 8499 - Question

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Thanks, Laura – much appreciated!

Tess Gilchrist MCIP RPP
Associate, Senior Planner

From: Flaherty, Laura <lflaherty@cityofkingston.ca>
Sent: Tuesday, March 26, 2024 1:45 PM
To: Gilchrist, Tess
Cc: Clendening, Ian <iclendening@cityofkingston.ca>; Crawford, Holly
Subject: RE: Recent MV to ZBL 8499 - Question

Hi Tess,

Thanks for reaching out. We've had internal discussions about the need to include transition provisions in the proposed text of the Former Zoning By-laws in a similar manner to the provisions included in the Kingston Zoning By-law to ensure that ongoing applications can continue without impact. The current draft text of the transition provisions is provided below – the intent is to include this text in the draft amendments to the Former Zoning By-laws when the City formally initiates these applications:

Transition Provisions

Complete Applications

10. Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City on or before [INSERT DATE OF PASSING OF AMENDING BY-LAW], if the development or use complies, or the building permit application is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW].
11. Where a complete application was received by the City on or before [INSERT DATE OF PASSING OF AMENDING BY-LAW] for the development or use of a lot or one or more buildings, approval may be granted in accordance with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW], for one or
-
- more of the following applications where they are consistent with the intent of the complete application:
1. Any application under Section 45 of the *Planning Act*;
 2. Site plan control approval pursuant to Section 41 of the *Planning Act*;
 3. Consent pursuant to Section 53 of the *Planning Act*;
 4. Draft plan of subdivision pursuant to Section 51 of the *Planning Act* or a description under the Condominium Act, 1998, S.O. 1998, c.19; and
 6. A part lot control exemption pursuant to Section 50 of the *Planning Act*.
12. Where the development or use of a lot or one or more buildings qualifies under Clause 11, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW].
13. Nothing in this By-law applies so as to continue the exemption provided by Clauses 10, 11 and 12 beyond the issuance of the final building permit upon which the exemptions are founded.

Continuation of Approved Variances

14. A building permit may be issued in the context of this By-law as it read immediately prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW] for any development subject to one or more approved minor variances under the provisions of this By-law prior to [INSERT DATE OF PASSING OF AMENDING BY-LAW] or in accordance with Clause 11.

Based on the proposed transition provisions, the intent is to allow the issuance of building permits for minor variances under the former text of the former by-laws (just like we did when the Kingston Zoning By-law was passed), so there should not be any impact on the current approvals for 283 Rideau Street.

Please do not hesitate to contact me should you have further comments.

Thanks,
Laura



**Laura Flaherty (MacCormick), MCIP RPP
(she/her/hers)**

Project Manager, Planning Services

City of Kingston
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3157

lflaherty@cityofkingston.ca



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From: Gilchrist, Tess
Sent: Monday, March 25, 2024 3:32 PM
To: Flaherty,Laura <lflaherty@cityofkingston.ca>
Cc: Clendening,Ian <iclendening@cityofkingston.ca>; Crawford, Holly
Subject: Recent MV to ZBL 8499 - Question

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Hello Laura – I was hoping you could clarify something for me.

A Minor Variance was approved on March 18, 2024 for 283 Rideau Street (as detailed in the attached documents) to ZBL 8499 for an ARU in the rear yard of a single detached dwelling with two parking spaces.

We intentionally sought relief to be in line with the proposed amendments to KZBL 2022-62 regarding driveways/walkways/parking for a detached ARU in the rear yard, as well as to increase lot coverage from 10% to 15% for the ARU.

I see that the B1.207 zone in 8499 is proposed to be brought into KZBL 2022-62 through the proposed amendments, but I am unsure what this means for the recent Minor Variance approval (assuming no appeals):

B1.207	On those parcels of land, located east of Rideau Street between Bay Street and River Street, designated as B1.207 on a copy of Zoning Map Number 18 attached to and forming part of By-Law Number 85-110 as Schedule "B", the following regulations shall apply: (i) Notwithstanding the provisions of Section 14.2 of this by-law, the only permitted uses shall be: (a) multiple family dwellings; (b) group dwellings, row dwellings; (c) senior citizen apartments; (d) group homes; (e) community halls; (f) bachelor apartments;	URM4, except: - 175, 205 Rideau St: IN2 - 1 Bay St: OS2
--------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------

How long will the owners have to get a Building Permit? Do the provisions of Section 1.7 of KZBL 2022-62 prevail, being April 26, 2025?

Thanks,

Tess Gilchrist MCIP RPP
Associate, Senior Planner

From: Gregory, Katharine <kgregory@cityofkingston.ca>
Sent: Thursday, March 21, 2024 3:13 PM
To: Gilchrist, Tess
Cc: Sthamann, Lindsay <lsthmann@cityofkingston.ca>; Clendening, Ian <iclendening@cityofkingston.ca>
Subject: Application D13-007-2024 - 283 Rideau Street - Notice of Decision

The Notice of Decision for **Application D13-007-2024 – 283 Rideau Street** and correspondence relating to it, can be viewed at www.cityofkingston.ca/DASH

Please let us know if you have any questions.

Kathy

Kathy Gregory (she/her/hers)
Clerk/Secretary
Planning Services
Growth & Development Services Group

City of Kingston
Located at 1211 John Counter Blvd.
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 3184
kgregory@cityofkingston.ca

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Flaherty, Laura

From: O'Connor, Christine
Sent: February 15, 2024 2:44 PM
To: Flaherty, Laura
Subject: Fw: Slides and submission for tonight's planning meeting.
Attachments: SDA _ Laura Knap.pptx; Planning Meeting 02_15_24.pdf

FYI - submitted after 2:00 p.m. so this won't be added to the addendum but as she said she plans to read the submission at Committee anyway.

Thank you,



Christine O'Connor (she/her/hers)

Committee Clerk
Office of the City Clerk

City of Kingston
City Hall,
216 Ontario Street Kingston, ON K7L 2Z3
(613) 546-4291 ext. 1219
cloconnor@cityofkingston.ca



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From: Laura Knap <lauraknap@gmail.com>
Sent: Thursday, February 15, 2024 2:21 PM
To: O'Connor, Christine <cloconnor@cityofkingston.ca>
Subject: Slides and submission for tonight's planning meeting.

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Christine,

Please find attached my submission for tonight's public meeting re: proposed amendments to the OP and ZBL. I plan to read this tonight (perhaps with help from a colleague), but wanted to send along my questions in advance in case it's helpful.

I have put the photos into a PPT presentation I'd like to bring up tonight to illustrate the last question.

Many thanks.

Laura

We are here to discuss these amendments because we see our city and our whole country in a housing crisis. The federal government has promised us 27.6 million dollars over 5 years to go ahead with a sweeping 511 page package of amendments to our Official Plan and Zoning Bylaw. The amendments document is almost as long as our whole Official Plan document, but instead of the 2 or 3 years usually taken to review and rewrite the OP, we have only a few months to process these changes. Having engaged in the previous Zoning bylaw and OP rewrites, I understand why it's usually a long process. The fact that this is being given a fraction of that time for consideration is troubling. The SDA has concerns about the ability to achieve an adequate public process in this time, and for us as a City to fully apprehend the effects of the changes.

There is no question that we have a moral obligation to provide housing, but we also have an obligation to carefully consider how it is going to be built so that we make successful communities. The spectre of the CMHC's competitive funding process however - which, to date, has doubled its requests for "initiatives" and halved the monies on offer - has created a climate of apprehension about questioning the City's proposed initiatives, for fear that funding might further be threatened. In the community, feelings of resignation and alienation have been expressed to me, with some who have deeply engaged planning processes in the past refusing to participate.

Questions:

1. While the HAF funds can be deployed in many ways to support housing creation, I'd like to get a sense of scale by considering the possible impact on affordable housing. Can staff estimate how many affordable housing units we can create for 27.6 million over 5 years? I'm not sure if "affordable" is the right word - I'm not talking about housing that is guaranteed at 80% of market rate for 10 years, but permanent and more deeply affordable housing, such as would be accessible to people living on ODSP.
2. I understand that the City anticipates that the HAF will stimulate approximately an extra 1700 units of housing over the 3 year program period - notably these will not largely occur due to direct funding, but to increased permissions. Cities are also required by the CMHC to forecast the number of units to be achieved within a 10 year timeframe. What is this number? Do we know what the 10 year estimate would be without the HAF monies and increased permissions?
3. What are the estimated costs to the City of participating in this program?
4. The idea of allowing employers and institutions to build housing on most any land zoning, with a few exceptions, is a promising idea. Can you help us to imagine what this might look like? For example, what sort of residences could be built on Queen's University land such as the St Mary's site, Main Campus, or on University-owned land throughout the community in the residential fabric. Would there be any public process? What sort of form and scale guidelines would it be subject to?

5. Intensification of housing via additional units in neighbourhoods and increased housing along express transit corridors are both attempts to promote growth in a way that is more climate-friendly by reducing reliance on cars. Both models limit the number of parking spaces associated with new housing units - a necessary and best-practices strategy.

However, existing examples of concentrated housing or high-tenancy sites around Queen's University and the downtown illustrate that parking limitations tend to drive extra cars into rear yards. Landlords allow entire rear yards to become parking because a) tenants request the spots b) they can be rented as income generators in their own right to other residents or commuters who require parking and c) gravel and mudflats are lower-maintenance than grass or gardens. The result is a lack of green space, lack of trees and urban habitats, compaction of surfaces that should be permeable, and a lack of outdoor amenity space for tenants - which should constitute a minimum 30% of the lot area.

This is an existing problem - and as we contemplate further intensification in and around neighbourhoods it is bound to get worse. What tools do we have to combat this or what tools could we develop?

Respectfully submitted,

Laura Knap
79 William St.
Sydenham District Association Representative



Flaherty, Laura

From: Flaherty, Laura
Sent: May 24, 2024 8:13 AM
To: 'Wartman, Nancy'
Cc: 'Touw, Mark'
Subject: RE: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

Good morning,

Circling back on this as we are in the final stages of finalizing the complete application materials. In response to question 1 – the apartment building provisions would apply where there are multiple townhouses or stacked townhouses on one lot. The refined townhouse definition is focused on the lot severance component connected to the broad townhouse permissions in the UR zones.

In response to question 2, we are reverting back to the existing amenity area language and are no longer proposing changes to that section.

Regards,
Laura

From: Flaherty, Laura
Sent: Tuesday, March 19, 2024 8:52 AM
To: Wartman, Nancy
Cc: Touw, Mark ; Gilchrist, Tess
Subject: RE: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

Good morning Nancy,

Thanks for your comments – we will review internally as we prepare the formal applications in the next few weeks and will get back to you.

Thanks,
Laura

From: Wartman, Nancy <nancy.wartman@arcadis.com>
Sent: Friday, March 15, 2024 2:57 PM
To: Flaherty, Laura <lflaherty@cityofkingston.ca>
Cc: Touw, Mark ; Gilchrist, Tess
Subject: RE: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

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Hi Laura,

Hope you are doing well. In reviewing some of the changes proposed to the by-law, I just wanted to provide the following comments:

- Apartment Building Definition – If this definition also includes “multiple townhouses or stacked townhouses when they are located on one lot” – will the provisions for townhouses or apartment buildings apply to the townhouses where there is more than one set located on the lot. This came up in relation to our discussion on the zoning for Bayview Farms and it was unclear.
- Amenity Area Definition – Is the intention that balconies are no longer allowed to count as amenity area? Balconies would not be common to and accessible by all dwelling units.

Thanks,

Nancy

Nancy Wartman (she/her/hers) MCIP, RPP
Senior Planner
Arcadis Professional Services (Canada) Inc.

From: Flaherty, Laura <lflaherty@cityofkingston.ca>

Sent: Friday, January 19, 2024 1:57 PM

To: Flaherty, Laura <lflaherty@cityofkingston.ca>

Subject: Proposed City-initiated Housing and Administrative Amendments – D01-002-2024

Some people who received this message don't often get email from lflaherty@cityofkingston.ca. [Learn why this is important](#)

Good afternoon,

The City of Kingston is proposing various amendments to the Official Plan, zoning by-laws, the Delegated Authority/Planning By-law (By-law Number 2006-75) and the Fees & Charges By-law (By-law Number 2005-10) to implement administrative updates and to better support the construction of more housing through various initiatives including, but not limited to, new permissions for 4 units per lot in low-rise residential areas, upzoning a portion of the Campus Expansion Area for 6-storey multi-unit residential buildings, allowing affordable housing in most areas of the City, supporting housing innovation, delegating more applications as minor zoning by-law amendments to the Director of Planning Services and reducing certain planning application fees, streamlining the approval process for multi-unit residential buildings along certain express transit routes, allowing the conversion of some existing non-residential buildings into residential, and allowing employers and institutions to build workforce and institutional housing.

All pre-application materials are available online through the Development and Services Hub (DASH) at the following link: [D01-002-2024](#). Within this record window on DASH, choose “Supporting Information” from the “Record Info” drop-down menu to access the pre-application materials.

A **community meeting** on these proposed amendments will be held on **February 15, 2024 at 6 p.m.** at Planning Committee. This will be a hybrid meeting. Attendees can participate in-person at Council Chambers, City Hall, 216 Ontario Street, or virtually. Details around how to view and participate in the meeting are available on the City’s website at [//CityofKingston.ca/PlanningCommittee](https://CityofKingston.ca/PlanningCommittee).

If you require assistance accessing the pre-application materials, or if you have comments or questions on the proposed amendments, please do not hesitate to reach out to me.

Regards,
Laura



Laura Flaherty (MacCormick), MCIP RPP
(she/her/hers)

Project Manager, Planning Services

City of Kingston
216 Ontario Street Kingston, ON K7L 2Z3
(613) 546-4291 extension 3157

lflaherty@cityofkingston.ca



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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 Highway 2
- D11-004-2023 – 1752 Bath Road
- D11-046-2020 – 870 Centennial Drive
- D11-016-2022 – 1533 McAdoos Lane
- D11-005-2023 – 44 Barbara Avenue
- D11-020-2021 – 151 Bath Road
- D11-031-2021 – 1200 Princess Street

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.
2. 51 Alwington Avenue – OLT-24-000416 – Minor Variance – Appeal record submitted to the Tribunal. Awaiting hearing date.
3. 4085 Bath Road – OLT-24-000551 – OPA/ZBA – Case management Conference set for 10:00 a.m. on July 25, 2024.



To: Flaherty,Laura

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Fri 6/21/2024 9:31 AM



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Hi Laura,

Last night's meeting was quite interesting. I can see why we need support for these amendments. I can see why there is a housing crisis in Ontario.

After reflecting on the discussion, I'm more convinced than ever that Kingston desperately needs to implement 4 units per lot.

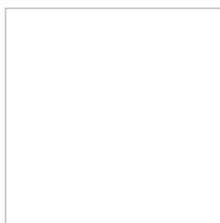
Here are five compelling reasons why:

1. **Critical Housing Shortage:** Kingston's vacancy rate has been at crisis levels for years. In 2018, it hit a record low of 0.6%, the lowest in Ontario. Even with a slight improvement to 1.9% in 2019, it's still well below the 3-5% considered healthy. Four units per lot would rapidly boost supply, addressing this dire shortage head-on.
2. **Affordability Crisis:** Kingston's average rent for a one-bedroom apartment jumped 7.9% in 2019 alone. With a 10-year average vacancy rate of just 1.6% (compared to Ontario's 2.4%), rents have skyrocketed. Increasing density through 4 units per lot would create much-needed competition, helping to stabilize and potentially lower rents.
3. **Crushing Municipal Debt:** Kingston's average consumer non-mortgage debt is \$3,344.16 per capita, significantly higher than Ontario's average. The city ranks in the top 10 for cities in debt in Ontario. Four units per lot would increase the tax base without expanding infrastructure, helping address this debt crisis.
4. **\$27.6 Million CMHC Funding:** Kingston has committed to CMHC's Housing Accelerator Fund, which could bring in \$27.6 million for infrastructure improvements. Implementing 4 units per lot aligns perfectly with this program's goals, helping secure this crucial funding and demonstrating Kingston's commitment to innovative housing solutions.
5. **Smart Growth Imperative:** Lastly, expanding to 4 units per lot would further support efficient public transit, reduce urban sprawl, and create more vibrant, walkable neighborhoods. This aligns with Kingston's climate action goals and supports local businesses.

Kingston, the time for half-measures is over. We're facing a perfect storm of housing scarcity, affordability crisis, and municipal debt. Four units per lot isn't just a good idea - it's an absolute necessity for our city's future. Let's make it happen and build the Kingston we need: affordable, sustainable, and thriving.

Please pass on my thoughts to our councilors.

Thank you,



René Masse
Real Estate Agent

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