



City of Kingston  
Planning Committee  
Agenda

18-2024

Thursday, October 10, 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](mailto: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 meeting being held is a public meeting 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.

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. Call to Order**

**3. Approval of the Agenda**

**4. Confirmation of Minutes**

That the minutes of Planning Committee Meeting Number 17-2024, held Thursday, September 19, 2024, be approved.

**5. Disclosure of Pecuniary Interest**

**6. Delegations**

**7. Briefings**

**8. Business**

**1. Recommendation Report - 234-242 University Avenue**

File Number: D14-010-2024

Address: 234-242 University Avenue

District: District 10 - Sydenham



Application Type: Zoning By-Law Amendment

Owner: 234-242 University Ave. ULC

Applicant: The Boulevard Group

The Report of the Commissioner of Growth & Development Services (PC-24-050) is attached.

Recommendation:

**That** the Planning Committee recommends to Council on October 15, 2024:

**That** the application for a zoning by-law amendment (File Number D14-010-2024) submitted by The Boulevard Group, on behalf of 234-242 University Ave. ULC, for the property municipally known as 234-242 University Avenue, be approved; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedules A and B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-050; 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 - 1519 Shira Drive**

78

File Number: D35-003-2024 and D12-004-2024

Address: 1519 Shira Drive (Site 1) and property at northwest corner of Bayridge Drive and Cataraqi Woods Drive (Site 2)

District: District 2 - Loyalist-Cataraqi

Application Type: Official Plan, Zoning By-Law Amendment, and Amending Subdivision Agreement

Owner: Tamarack (Cataraqi West 2) Corporation

Applicant: Fotenn Constultants Inc.

The Report of the Commissioner of Growth and Development Services (PC-24-054) is attached.

Recommendation:

**That** the Planning Committee recommends to Council on October 15, 2024:

**That** the applications for Official Plan and zoning by-law amendments (File Number D35-003-2024 and D12-004-2024) submitted by Fotenn Consultants Inc., on behalf of Tamarack (Cataraqui West 2) Corporation, for the property municipally known as 1519 Shira Drive and the property at the northwest corner of Bayridge Drive and Cataraqui Woods Drive, be approved; and

**That** the City of Kingston Official Plan, as amended, be further amended, amendment number 98, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-054; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-054; 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** Council approve the Amending Subdivision Agreement (File Number D35-003-2024 and D12-004-2024) submitted by Fotenn Consultants Inc., on behalf of Tamarack (Cataraqui West 2) Corporation, for Block 181 of Plan 13M-127 municipally known as 1519 Shira Drive; and

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

**9. Motions**

**10. Notices of Motion**

**11. Other Business**

**12. Correspondence**

**13. Date of Next Meeting**

The next meeting of the Planning Committee is scheduled for Thursday, October 24, 2024.

**14. Adjournment**

## Planning Committee Updates

### Approved Site Plan Items

- D11-002-2024 – 156 Duff Street
- D11-017-2023 – 1580 Rockwell Drive
- D11-014-2023 – 290 Queen Street
- D11-024-2021 – 705 Development Drive
- D11-046-2020 – 870 Centennial Drive
- D11-029-2021 – 2702 2 Highway
- D11-004-2023 – 1752 Bath Road
- D11-046-2020 – 870 Centennial Road
- D11-016-2022 – 1533 McAdoo's Lane
- D11-005-2023 – 44 Barbara Avenue

### 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. 4085 Bath Road – OPA/ZBA – Next case management conference to be held in late October or late November.

### Links to Land Use Planning Documents

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

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

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

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



**City of Kingston  
Report to Planning Committee  
Report Number PC-24-050**

---

**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:** October 10, 2024  
**Subject:** Recommendation Report  
**File Number:** D14-010-2024  
**Address:** 234-242 University Avenue  
**District:** District 10 - Sydenham  
**Application Type:** Zoning By-Law Amendment  
**Owner:** 234-242 University Ave. ULC  
**Applicant:** The Boulevard Group

---

**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.2 Promote increase in purpose-built rental housing.

**Executive Summary:**

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by The Boulevard Group, on behalf of 234-242 University Ave. ULC, with respect to the subject site located at 234-242 University Avenue.

The subject properties are located on the west side of University Avenue between Earl Street and Johnson Street, just north of Queen's University. They are currently developed with a row of five townhouses over five separately conveyable parcels. The properties have a combined area of 0.1188 hectares and approximately 32 metres of street frontage.

October 10, 2024

Page 2 of 15

The properties are currently designated Residential land use in the City of Kingston Official Plan and zoned Urban Residential Zone 5 (UR5) in the Kingston Zoning By-Law. All the properties are designated under Part IV of the *Ontario Heritage Act*.

Approval of this application will facilitate the construction of two standalone two-and-a-half storey semi-detached houses (four new homes) behind the existing townhouses. This application proposes to rezone the subject properties from the Urban Residential Zone 5 (UR5) to the Urban Multi-Residential Zone 1 (URM1) to permit the existing and proposed housing types. It also proposes an Exception Overlay to permit the construction of the new semi-detached houses behind the existing townhouses and formalize non-complying aspects of the townhouses.

The development will provide four new homes within an established residential neighbourhood while maintaining the existing five homes resulting in a total of nine residential units. Each residential unit will have between three and six bedrooms resulting in a total of 46 bedrooms. Further, as part of this work the heritage townhouses will be restored and rehabilitated.

This infill housing proposal has been designed to be compatible with the surrounding built form and the cultural heritage value of the townhouses. The new low-rise semi-detached houses have been positioned behind the townhouses in a traditional courtyard style configuration to create a central common open space and maintain the prominence of the heritage buildings. As proposed, the new semi-detached houses will be a discrete intervention.

The proposed development aligns with the Council's stated priorities in the 2023-2026 Strategic Plan to increase the overall housing supply of all forms and tenure by 4,800 residential units over the Council term. The Mayor's Taskforce on Housing's report "A Foundation for the Public Good – Recommendations to Increase Kingston's Housing Supply for All" (2019) encourages the creation of low-rise accessible multi-unit dwellings (also known as 'missing middle' housing) in established neighborhoods as a way to increase the housing supply in already developed areas. This gentle intensification project will introduce four new homes in a compatible low-rise form in a central location within the city.

Staff have reviewed all planning, urban design and technical studies submitted in support of the application and are satisfied that the proposed zoning by-law amendment meets all policy tests and represents a technically sound proposal in the public interest.

As this submission was received in advance of the recent amendments to the Official Plan and Kingston Zoning By-Law, has been reviewed with respect to the former versions of these documents.

The applicant has kindly requested the recommendation is considered by Council's at the October 15, 2024 meeting to allow for adequate time to prepare for construction in 2025.

**Recommendation:**

**That** the Planning Committee recommends to Council on October 15, 2024:

October 10, 2024

Page 3 of 15

**That** the application for a zoning by-law amendment (File Number D14-010-2024) submitted by The Boulevard Group, on behalf of 234-242 University Ave. ULC, for the property municipally known as 234-242 University Avenue, be approved; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedules A and B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-050; 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.

October 10, 2024

Page 4 of 15

**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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

**p.p.**

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	<input checked="" type="checkbox"/>
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Special Projects	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

October 10, 2024

Page 5 of 15

**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:

Lindsay Reid, Senior Planner – Urban Designer  
The Corporation of the City of Kingston  
Planning Services  
216 Ontario Street  
Kingston, ON K7L 2Z3  
613-546-4291 extension 3277  
lcreid@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 December 21, 2023. 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 July 4, 2024.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before October 2, 2024, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).



October 10, 2024

Page 6 of 15

The applicant has been working with staff to address technical comments taking the application beyond the 90 days after a complete application was received. Staff have reviewed the revised information and have no further technical concerns with preparing this report to advance a recommendation for consideration by the Planning Committee and Council.

### **Site Characteristics**

The subject properties form part of the Sydenham neighbourhood and are located directly north of the Queen's University (Exhibit C - Neighbourhood Context (2024)). The Sydenham District is primarily a low-rise residential area bound by the Williamsville to the north, King's Town (downtown) to the east, Lake Ontario to the south and Portsmouth to the west. At the center of the District is the main campus of Queen's University.

The subject properties are located on the west side of University Avenue between Earl Street and Johnson Street (Exhibit B – Key Map). The five properties have a combined area of 0.1188 hectares and approximately 32 metres of street frontage. They are currently developed with a row of five townhouses, containing 22 bedrooms, over five separately conveyable parcels. The townhouses form a continuous streetwall along University Avenue with a carriageway at 238 University Avenue providing access to the collective backyards (Exhibit J – Site Photographs). The backyard is currently used for vehicular parking and has a gravel surface.

The properties at 234-242 University Avenue are individually designated through By-Law Number 87-119 under Part IV of the *Ontario Heritage Act* under By-Law Number 87-179. The submission material recognizes that the properties have associative, design and contextual significance and identifies the heritage attributes of the townhouses.

This block of University Avenue is primarily made up of two and two-and-a-half storey residences (single-detached and townhouses) dating from the late 1800s with the exception of the new three-storey mixed-use building, Tabor Hall, at the southeast corner of William Street and University Avenue. This pattern of development is consistent with the surrounding area. South of Earl Street is the Queen's University main campus which displays a mix of low- and mid-rise institutional buildings.

### **Proposed Application and Submission**

Through this application, the Owner proposes to merge the existing separately conveyable parcels to facilitate low-rise infill housing to the rear of the existing townhouses. The development proposal seeks to construct two new standalone two-and-a-half storey semi-detached houses (four new homes) behind the existing townhouses. The development also includes for the restoration and renovation of the five heritage townhouses. In total the development includes for nine residential units; each residential unit will have between three and six bedrooms resulting in a total of 46 bedrooms. The proposal includes a common outdoor amenity space, ten bike parking spaces and zero vehicular parking spaces; no parking spaces are required for heritage properties.

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

October 10, 2024

Page 7 of 15

- Site Plan;
- Architectural drawings (building plans and elevations);
- Architectural renderings;
- Stage 1 Archaeological Assessment (and letter from Ministry regarding registration of report);
- Servicing Plan;
- Grading Plan;
- Heritage Impact Statement;
- Property History;
- Noise Impact Study;
- Planning Justification and Urban Design Report;
- Servicing Report;
- Solar Study;
- Stormwater Management Report;
- Tree Inventory and Preservation Plan; and,
- Tree Preservation Plan.

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 within a settlement area as defined by the Provincial Policy Statement. These areas are to be the focus of growth and are to be developed with a mix and range of land uses. The proposed development will provide additional residential units on underutilized fully serviced lands within the City’s defined settlement area. Costs associated to connect the development to municipal services will be borne by the developer, and no uneconomical expansion is required as demonstrated through the submitted servicing and stormwater reports. The lands do not contain natural or human-made hazards and are safe for habitation.

The property contains identified cultural heritage features as defined by the Provincial Policy Statement as the property is designated under Part V of the *Ontario Heritage Act*. The submitted Heritage Impact Statement demonstrates that the proposed development will maintain the cultural heritage value and heritage attributes associated with the properties.

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

October 10, 2024

Page 8 of 15

## Official Plan Considerations

Through the submission materials, the applicant has demonstrated that the application conforms with the intent of the Official Plan as the proposed development is compatible with surrounding land uses, is feasible from a functional servicing perspective, and will provide sufficient functional amenity spaces for future users. In addition, the proposal satisfies the cultural heritage considerations related the heritage status of the subject properties.

The property is designated Residential in the Official Plan as shown on Schedule 3-A – Land Use (Exhibit E – Official Plan, Land Use). The goal of the residential land use designation is to respond to the housing needs of the City’s citizens by retaining and augmenting a broad range of housing at all levels of affordability within a safe, convenient and stable setting, organized primarily into neighbourhoods. The proposed development would be considered infill, as described in the Official Plan, as it seeks to encourage intensification and sustainability by developing a currently underused lot.

The subject property is located within the Urban Boundary as shown in Schedule 2 of the Official Plan, which is where future growth is desired. Intensification which results in an increased residential density is desirable provided that the proposed development can demonstrate compatibility with existing land uses in the area. At 75.72 dwelling units per hectare, the proposed development qualifies as a high-density development. The Official Plan generally directs high density developments to Centres and Corridors as these areas are appropriate for the typical built form (apartments or mixed-use buildings) and intensity of use. This proposal for high density infill is appropriate for this location given that, in contrast to the typical high-density development, it takes the form of low-rise buildings that are in keeping with the scale, massing and height of the surrounding area and generally satisfies the locational criteria. The subject property is located within the Campus Expansion Area which anticipates future residential development, is within walking distance to commercial uses, park space and community facilities and less than a block from Johnson Street (an arterial road).

The proposed infill development meets the land use compatibility criteria of the Official Plan. The new buildings have been designed to fit in with the scale, massing and height of the surrounding area and, as such, it is not anticipated that there will be any shadowing or loss of privacy. Further, no traffic impact or environmental damage is anticipated from the introduction of the new semi-detached houses. The functional needs of residents will be satisfied by the proposed development, which includes an over 2-metre-wide delineated pedestrian walkway to each main entrance, a common outdoor amenity area and bike parking within bike shelters.

The application included a Heritage Impact Statement (HIS) by a qualified heritage professional. The heritage report determined that this proposal to provide new low-rise housing in a ‘garden court’ configuration and conserve the protected townhouses to be a thoughtful design for low-rise residential infill in this heritage context. It concluded that this project will preserve the heritage attributes and cultural heritage value of the site. A Heritage Permit for this project has been obtained (Report Number HP-24-026 [P18-047-2024](#)).

October 10, 2024

Page 9 of 15

The submission complies with all criteria for a zoning by-law amendment by demonstrating that the proposed development is a compatible new use, density and build out on these underutilized properties within the Sydenham District. Further, this development can be accommodated within existing municipal infrastructure and services. It does not represent an undesirable precedent because it represents a fine example of complementary infill on heritage properties.

The proposed development conforms to the policies of the City of Kingston Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

**Zoning By-Law Discussion**

The properties are in the Urban Residential 5 (UR5) Zone in the Kingston Zoning By-Law (Exhibit G - Zoning By-Law Number 2022-62, Map). The UR5 Zone permits a single-detached house or a duplex. The existing townhouses are currently permitted as existing non-complying buildings.

The recommended zoning by-law amendment places the properties in the Urban Multi-Residential 1 (URM1) Zone. The URM1 Zone is a multi-unit residential zone which is intended to regulate various residential forms and includes semi-detached houses and townhouses as permitted uses. This zoning category provides a good basis from which to ensure the site layout with multiple buildings arranged around a central outdoor amenity area function well and is compatible with the surrounding area.

The areas of relief from the URM1 zone will be addressed through the recommended by-law by applying a new exception number to the property. This exception to introduce supplemental provisions is intended to closely implement the proposed build out as reviewed and supported through technical review. The purpose of the exception is to:

- allow for the construction of ‘gentle infill’ in the rear yard in the form of two new standalone two-and-a-half storey semi-detached houses (four new homes) while maintaining the heritage townhouses in situ; and
- recognize non-complying aspects of the existing townhouses (front setback, interior setback, porches).

The following table provides a review of the URM1 Zone as compared to the application.

**Table 1 – Requested relief from URM1 Zone**

Provision	URM1 Zone (semi-detached house, townhouse)	Proposed E172
Minimum lot area (square metres)	Table 12.2.1 180.0 per dwelling unit	125.0 per dwelling unit

October 10, 2024

Page 10 of 15

Minimum front setback (metres)	Table 12.2.1 The lesser of (a) 6.0 metres (b) average of the existing front setbacks of the adjacent buildings, to a minimum of 3.0m metres.	Townhouses: 1.2 metres
Minimum rear setback (metres)	Table 12.2.1 The greater of: (a) 7.5 metres (b) 25% of the lot depth	Semi-detached houses: 3.0 metres
Minimum interior setback (metres)	Table 12.2.1 (a) 1.8 metres (b) Where a common party wall is located on a lot line: 0 metres	Townhouses: 0 metres Semi-detached houses: 3.0 metres
Maximum lot coverage	Table 12.2.1 45%	48%
Maximum number of principal buildings per lot	Table 12.2.1 1	3
Decks and porches, front setback (height greater than 0.6 metres up to 1.2 metres)	Table 4.20.4 3.5 metres	0 metres

Minimum lot area, maximum lot coverage and maximum number of buildings:

The intent of the lot area, lot coverage and number of buildings per lot requirements for a lot in the urban residential area are to ensure that there is sufficient space to accommodate all the components of a well functioning residential parcel. These typically include a house, a driveway and vehicle parking space(s), a walkway, landscaped open space, amenity space arranged in a way that results in a cohesive visual appearance with the surrounding neighbourhood.

There are no concerns with the changes to these requirements given the atypical site conditions and that the submission material clearly demonstrates that this infill proposal results in a well functioning site:

October 10, 2024

Page 11 of 15

- These properties do not meet the standard requirements for a typical residential lot. The heritage status of the properties means that no parking spaces, visitor spaces or car-share spaces (or driveways) are required under the Kingston Zoning By-Law. The existing build out of the development site means that pedestrian access to the backyard and the semi-detached houses is provided through the carriageway.
- The proposed 'garden court' style site layout where the buildings arranged around a central open space provides sufficient space to accommodate the houses, walkways, amenity area, bike parking and landscaped open space required for a well functioning housing development.
- The location of the new infill buildings behind the existing townhouses means that there is very limited impact on the visual appearance of the street. The heritage buildings maintain their visual prominence on the street and the new buildings are screened from the street view.
- There are no concerns about the three percent increase to the maximum lot coverage as it serves to accommodate any minor changes to the area of the new buildings and additions as this application proceeds to Building Permit. The lot coverage calculation relates to buildings as well as decks / porches with a perimeter foundation.

The proposed intensification to add two standalone semi-detached houses on lots with a reduced minimum lot area and minimum lot coverage will not impact the existing character of the neighbourhood.

#### Minimum setbacks:

The intent of the minimum front setback for a house or porch attached to the house is to ensure that there is sufficient spatial separation between the dwelling and the front lot line to provide vehicle parking, ensure similar setbacks to adjacent properties to limit land use compatibility issues, allow sufficient space for utility related infrastructure, and to reinforce the residential character of the neighbourhood.

There are no concerns with the reduced front setbacks for the townhouses and their porch as this exception serves to recognize the existing non-complying-built form.

The intent of the minimum interior and rear setbacks for a residential development is to ensure that there is sufficient space for an amenity area, provide access to the backyard from the street, undertake building maintenance, manage stormwater on site, and to ensure similar setbacks to adjacent properties to limit land use compatibility issues.

There are no concerns with the reduced interior setback for the townhouses as this change is intended to reflect the existing conditions. There are also no concerns with the reduced interior and rear setbacks for the new semi-detached houses as the 3.0 metre setback provides an adequate separation distance from the adjacent properties, allows for building maintenance and stormwater management, and an amenity area is provided at the center of the development. With respect to privacy, the application includes a 1.8-metre-tall privacy fence along the interior

October 10, 2024

Page 12 of 15

and rear lot lines and the applicant has indicated future landscaping will be undertaken in these areas.

The following summarizes the provisions included in the recommended by-law that extend beyond those addressed through the parent URM1 zone:

- The provisions setting out the maximum number of dwelling units and bedrooms are intended to maintain a well-functioning site. This high-density infill development proposal has demonstrated that the physical build out can be accommodated on the merged property and that there is sufficient municipal servicing available.
- The addition of bike parking requirements (nine long-term bike spaces, one short-term bike space and bike shelters) serves to promote the use of active transportation in this downtown location close to the amenities and requirements of day-to-day life. The number of bike spaces in this by-law align with the requirements for a multi-unit residential building such as an apartment or stacked townhouse. Given the compactness of the development, bike shelters are adequate to provide secure and protected bike parking facilities.
- The window well provision is intended to limit the projection of this building feature of the semi-detached buildings into the interior setback. Window wells are not specifically addressed in the Kingston Zoning By-Law, and this is an important requirement for bedrooms in the basement. Window wells are required under the Ontario Building Code to provide natural light to and exiting from the basement level bedrooms. This provision also ensures that there is adequate space remaining in the interior yards to move around the buildings and for future landscaping.

### Other Applications

The applicant has obtained a Heritage Permit to undertake the proposed scope of work (Report [P18-047-2024](#)). The approved scope of work includes repairs and alterations to the existing townhouses, the removal and replacement of the rear additions to the townhouses, the new infill buildings and landscaping.

### Technical Analysis

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

### Public Comments

The following is a summary of the public input received to date, including a summary of the feedback received at the Community Meeting on December 21, 2023.

- Question: Has heritage staff been consulted on this development?

October 10, 2024

Page 13 of 15

Response: The applicant has undertaken heritage pre-consultation with heritage staff in relation to this proposal. Since this question at the Community Meeting the applicant has obtained a Heritage Permit for the work proposed through this development application.

- Question: Why is there no vehicular parking provided?

Response: The Kingston Zoning By-Law does not require parking space, visitor spaces or car share spaces for heritage buildings. This provision is informed by The Power of Parking discussion paper completed in 2021 which recognized that the protection of heritage buildings is a point of public interest and that the provision of parking can conflict with existing heritage buildings and long-term viability of the site. On this site parking is currently provided in the backyard and accessed through the 2.77-metre-wide carriageway as the townhouses span the full lot frontage. There is also a shallow front yard (approximately 1.5 metres). The location and footprint of the heritage buildings limit the opportunities to provide new parking. This development encourages active transportation through the provision of 10 bike spaces. It is located in a walkable area with direct access to transit lines and roads with bike lanes.

- Question: Are there opportunities to plant new trees?

Response: While there is no requirement for new trees to be planted, the owner does intend to undertake landscaping and tree planting in the backyard. Details about this are to be developed as this application proceeds to building permit.

- Question: Are the original structures being renovated or is it a completely new build?

Response: The existing heritage townhouses are to be restored and renovated. The new construction includes new additions to the rear of the townhouses and the two standalone semi-detached buildings.

- Question: Will this provide a precedent for new density in backyards?

Response: This is a unique situation due to the opportunity to consolidate five properties and the depth of the lots. This approach is consistent with the provision of accessory houses and other forms of gentle intensification or 'missing middle' housing forms in the urban area.

- Question: Is there an opportunity to provide a short-term delivery space at the existing driveway that leads to the carriageway?

Response: Given that access to the new buildings in the backyard is provided through the carriageway, the existing driveway and carriageway need to be clear of obstructions to allow for access by emergency services.



October 10, 2024

Page 14 of 15

**Effect of Public Input on Draft By-Law**

The applicant has obtained a Heritage Permit for the work proposed through this development application.

**Conclusion**

The requested zoning by-law amendment will allow for compatible residential intensification on serviced lands within the urban boundary, and in a location that generally meets the Official Plan criteria for high density development. The application proposes the construction of two new standalone two-and-a-half storey semi-detached houses (four new homes) which will add to the local housing stock. The proposal, as revised through technical review, is consistent with the Provincial Policy Statement, conforms to the Official Plan, and represents good land use planning. This application is recommended for approval.

**Existing Policy/By-Law:**

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

**Provincial**

*Planning Act*

Provincial Policy Statement, 2020

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 2022-62

**Notice Provisions:**

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 135 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 October 1, 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.

October 10, 2024

Page 15 of 15

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

Lindsay Reid, Senior Planner – Urban Designer, 613-546-4291 extension 3277

**Other City of Kingston Staff Consulted:**

Joel Conrad, Manager, Heritage Services, 289-925-6499

**Exhibits Attached:**

- Exhibit A Draft By-Law and Schedules A and B to Amend Zoning By-Law Number 2022-62
- Exhibit B Key Map
- Exhibit C Neighbourhood Context (2024)
- 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 Proposed Site Plan
- Exhibit I Renderings
- Exhibit J Site Photographs
- Exhibit K 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” (Zone Change from ‘UR5’ to ‘URM1’ Zone, and Introduction of Exception E172 (234-242 University Avenue))**

**Passed:**

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

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

**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 ‘UR5’ to ‘URM1’, 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 ‘E172’, as shown on Schedule “B” attached to and forming part of this By-Law;
  - 1.3. By adding the following Exception Number E172 in Section 21 – Exceptions, as follows:

“**E172.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

    - (a) The maximum number of **principal buildings** per lot is 3;
    - (b) The maximum number of **dwelling units** is 9;
    - (c) The maximum number of **bedrooms** is 46;
    - (d) The minimum **lot area** per **dwelling unit** is 125 square metres;
    - (e) The minimum **front setback** for **townhouses** is 1.2 metres;

- (f) The minimum **interior setback** for **townhouses** is 0 metres;
- (g) Despite (e), a **porch** may project from the **main wall** to the **front lot line**;
- (h) The minimum **rear setback** for **semi-detached houses** is 3.0 metres;
- (i) The minimum **interior setback** for **semi-detached houses** is 3.0 metres;
- (j) The maximum **lot coverage** is 48%;
- (k) The minimum number of **long-term bike spaces** is 9;
- (l) The minimum number of **short-term bike spaces** is 1;
- (m) **Bike spaces** must be provided within a bike shelter or similar weather protected structure; and
- (n) A window well may project into the **interior setback** a maximum of 1.2 metres.”

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

Given all Three Readings and Passed: [Meeting Date]

---

**Janet Jaynes**  
City Clerk

---

**Bryan Paterson**  
Mayor



**Schedule 'A'  
to By-Law Number**  
Address: 234-242 University Ave  
File Number: D14-010-2024

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

Lands to be Rezoned from UR5 to URM1

**Certificate of Authentication**

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

\_\_\_\_\_  
Mayor Clerk



Prepared By: Jchu  
Prepared On: Sep-04-2024

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



### Schedule 'B' to By-Law Number

Address: 234-242 University Avenue  
File Number: D14-010-2024

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

Lands to be added as E172

### Certificate of Authentication

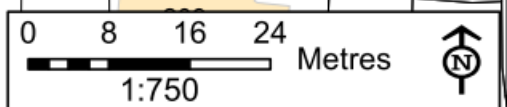
This is Schedule 'B' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 202\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



Prepared By: Ichu  
Date: Sep-04-2024



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep it confidential. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

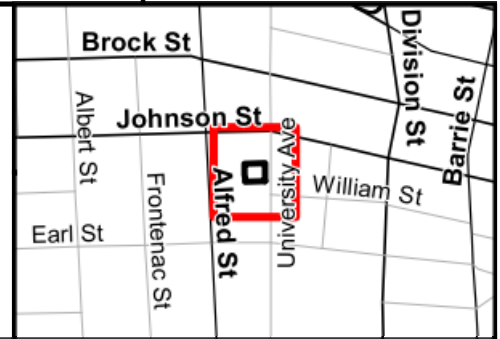


# Planning Committee

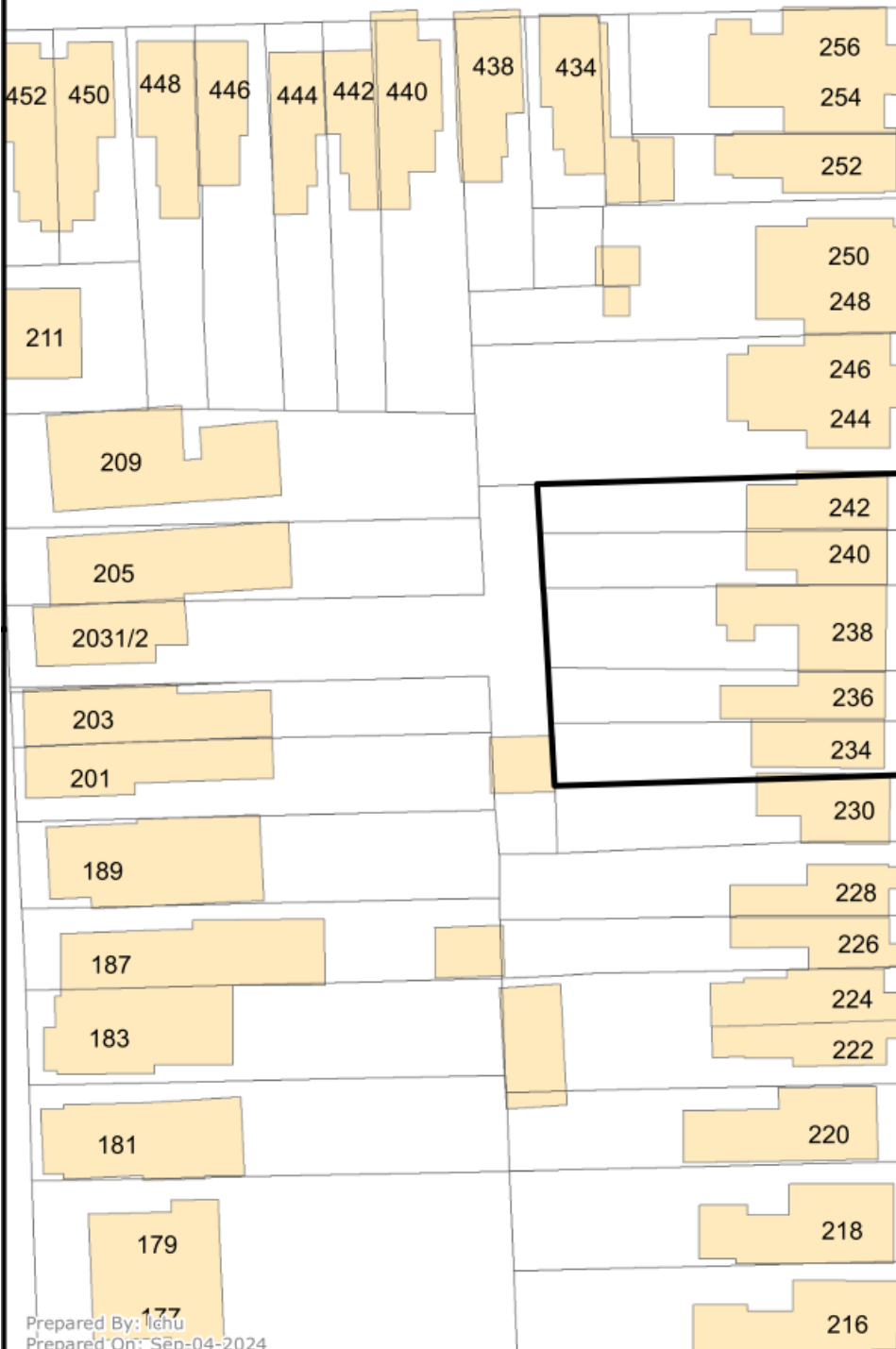
## Key Map

Address: 234-242 University Avenue  
File Number: D14-010-2024  
Prepared On: Sep-04-2024

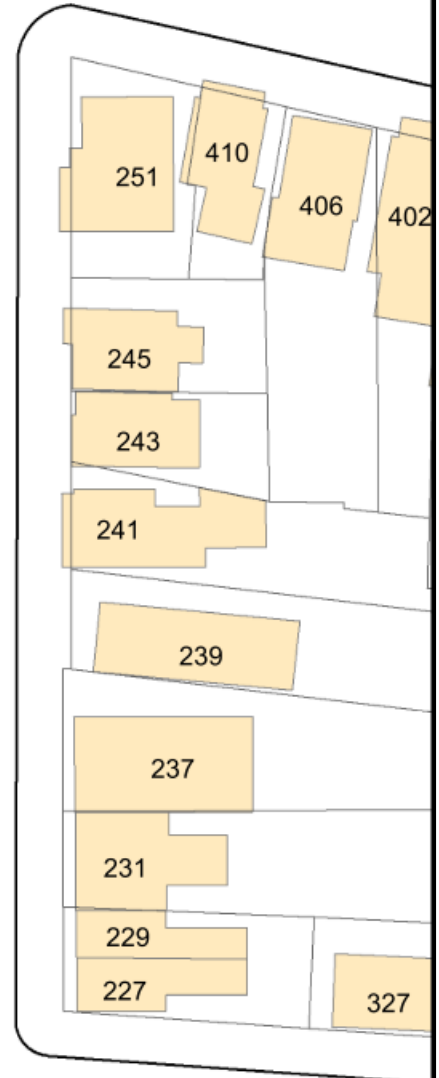
 Subject Lands



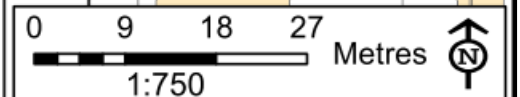
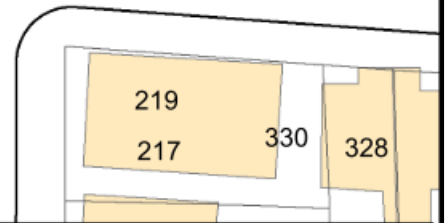
### Johnson St



### University Ave



### William St






Prepared By: 177  
Prepared On: Sep-04-2024





# Planning Committee Neighbourhood Context

Address: 234-242 University Avenue  
File Number: D14-010-2024  
Prepared On: Sep-04-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Prepared By: Ichu  
Prepared On: Sep-04-2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep any information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.



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

<b>Policy</b>	<b>Commentary</b>
<b>1.0 Building Strong Healthy Communities</b>	
<p><b>1.1.1</b> Healthy, livable and safe communities are sustained by:</p> <p><b>a)</b> 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>b)</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><b>c)</b> avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p><b>d)</b> Avoid 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><b>e)</b> promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p>	<p>The application proposes an infill development in an established neighbourhood within the urban boundary and on fully serviced lands. The proposal includes adding four new homes and conserving the five homes within the existing heritage townhouses. This compact housing form is an efficient use of land.</p> <p>The proposed new semi-detached houses contribute to the mix of housing types in the area. The residential units found within the new buildings and existing townhouses reflect a variety of home sizes with a bedroom count ranging from three to six bedrooms per unit.</p> <p>There are no environmental concerns related to residential development as the subject lands have historically accommodated residential land uses. On site demolition will be undertaken in accordance with provincial legislation.</p> <p>The subject property is located centrally within the City’s urban boundary and will not impact future expansion of the settlement area.</p> <p>The provision of new homes within this existing residential area efficiently utilizes existing services and infrastructure and minimizes land consumption. Located directly north of the Queen’s University Campus, the subject lands are in a walkable area that is serviced by transit, public open spaces, institutions and proximate to Williamsville Main Street and the Central Business District. This is a cost-effective development pattern that will make use of existing servicing infrastructure and roads and will support active transportation and transit facilities with no major servicing upgrades or extensions required.</p>

<b>Policy</b>	<b>Commentary</b>
<p><b>f)</b> improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p><b>g)</b> ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p><b>h)</b> promoting development and land use patterns that conserve biodiversity; and</p> <p><b>i)</b> preparing for the regional and local impacts of a changing climate.</p>	<p>The proposed redevelopment will be constructed in accordance with the Ontario Building Code (OBC) which sets out minimum accessibility standards for all new or retrofitted buildings.</p> <p>The subject lands are proximate to public service facilities (Salvation Army, Kingston Youth Services Hub, Williamsville Medical Clinic) as well as Queen’s University which contains services for its membership.</p> <p>The proposed development will increase density within the main built-up area of the City and encourage alternative modes of transportation for residents. The site redevelopment also seeks to reduce the stormwater demands of the lands on City infrastructure.</p>
<p><b>1.1.3.1</b> Settlement areas shall be the focus of growth and development.</p>	<p>The subject lands are in a settlement area as defined by the Provincial Policy Statement (PPS). The proposal represents appropriate intensification on an underutilized site within the City’s main existing built-up area.</p>
<p><b>1.1.3.2</b> Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p><b>a)</b> efficiently use land and resources;</p> <p><b>b)</b> are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</p> <p><b>c)</b> minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p><b>d)</b> prepare for the impacts of a changing climate;</p> <p><b>e)</b> support active transportation;</p>	<p>The intensification of these underutilized lands in the urban boundary is an efficient use of land. The addition of four new residential homes paired with the renovation of the existing five heritage townhomes provides an appropriate mix of uses in a compatible built form that is supported by amenity spaces, and municipal (water, sanitary, storm and roads) services.</p> <p>Servicing reports indicate that sufficient capacity exists to service the development without the need for expansion. The property location provides access to a range of public service facilities and amenities. Future residents will also have access to a range of commercial retail stores to meet their daily needs.</p> <p>Approaches to address climate change include the rehabilitation of the existing heritage townhouses, intensification within an</p>

<b>Policy</b>	<b>Commentary</b>
<p><b>f)</b> are transit-supportive, where transit is planned, exists or may be developed;</p> <p><b>g)</b> are freight-supportive.</p>	<p>already built-up area, and adequate stormwater management practices. The development also encourages active transportation as it is located along several transit routes, is within walking distance to community amenities, shopping and open space uses, and accommodates bike parking.</p>
<p><b>1.1.3.3</b> Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.</p>	<p>The introduction of four new homes on the site will result in additional density within an existing residential neighborhood.</p> <p>The site is sufficiently serviced to accommodate the proposed intensification.</p>
<p><b>1.1.3.4</b> Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The City's Official Plan contains policies that direct growth and intensification with a range and mix of housing types and uses to meet the needs of current and future residents in a compact urban form.</p> <p>The proposal provides additional density on the site while ensuring sufficient functional needs of occupants are met in accordance with municipal standards.</p>
<p><b>1.1.3.6</b> New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	<p>The subject lands are located within a built-up residential area near downtown and close to supporting commercial, institutional and open space uses. As noted above, the proposed residential infill represents an efficient use of land and existing infrastructure.</p>
<p><b>1.4.3</b> Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current</p>	<p>The recent Council-endorsed growth scenario outlined in Report Number 24-016 anticipates that the city will grow from 154,100 people in 2021 to 220,900 people by 2051. This represents 66,800 new residents, 29,300 new</p>

<b>Policy</b>	<b>Commentary</b>
<p>and future residents of the regional market area by:</p> <p><b>b)</b> permitting and facilitating:</p> <p><b>1.</b> all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and</p> <p><b>2.</b> all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;</p> <p><b>c)</b> directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;</p> <p><b>d)</b> promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p> <p><b>e)</b> requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and</p> <p><b>f)</b> establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while</p>	<p>houses and 33,400 new jobs over the next 27 years. The current Official Plan anticipated a population of 141,500 people by 2036 (which the city has already exceeded) and the CMHC recently reported that the vacancy rate for the purpose-built rental housing market in the Kingston Census Metropolitan Area (CMA) is at 0.8%.</p> <p>Council’s Strategic Plan includes a target to increase the overall housing supply of all forms of and tenure of new housing forms by 4,800 residential homes over the Council term. In 2023, the province requested that the City demonstrate its commitment to accelerating housing supply by developing a Municipal Housing Pledge to identify the tools and strategies the City intends to use to support and facilitate the construction of 8,000 new homes by 2031.</p> <p>The Mayor’s Taskforce on Housing’s report “A Foundation for the Public Good – Recommendations to Increase Kingston’s Housing Supply for All” (2019) encourages the creation of low-rise accessible multi-unit dwellings also known as ‘missing middle’ housing in established neighborhoods as a way to increase the housing supply in already developed areas.</p> <p>The proposed development, which will provide four new semi-detached houses and renovate five existing townhouses each with three to six bedroom units, will support Council’s goals for housing supply in a form and location that aligns with market demand for housing needs.</p> <p>This centrally located high-density development efficiently utilizes existing infrastructure investments made by the City, including water and wastewater servicing, the transportation network including sidewalks, public pathways, and express and local transit services, as well as public service facilities and public parks.</p>

<b>Policy</b>	<b>Commentary</b>
maintaining appropriate levels of public health and safety.	
<p><b>1.6.6.2</b> Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	<p>A servicing report was prepared by a qualified person as part of the submission and confirms that the proposal can be adequately serviced.</p> <p>Of note, when the properties are merged into a single parcel the applicant will be required to replace and consolidate the water and sanitary service connections. The City of Kingston water use and sewer use by-laws restrict connections to the municipal system to one per property.</p>
<p><b>1.6.6.7</b> Planning for stormwater management shall:</p> <ul style="list-style-type: none"> <li><b>a)</b> be integrated with planning for sewage and water services and ensure that systems are optimized, feasible, and financially viable over the long term;</li> <li><b>b)</b> minimize, or, where possible, prevent increases in contaminant loads;</li> <li><b>c)</b> 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;</li> <li><b>d)</b> mitigate risks to human health, safety, property, and the environment;</li> <li><b>e)</b> maximize the extent and function of vegetative and pervious surfaces;</li> <li><b>f)</b> promote stormwater management best practice, including stormwater attenuation and re-use, water conservation, and low impact development.</li> </ul>	<p>A stormwater management report was completed by a qualified person in support of the application and provides confirmation that the proposal can adequately manage stormwater in accordance with city requirements. No upgrades to municipal stormwater infrastructure are required to support the development.</p>

<b>Policy</b>	<b>Commentary</b>
<p><b>1.6.7.4</b> A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>The subject lands are centrally located between Queen’s University, Williamsville Main Street and the Central Business District of Kingston, which is made up of a mix of commercial, institutional, and residential land uses.</p> <p>As the subject lands are designated under Part IV of the Ontario Heritage Act no vehicular parking is required under the zoning by-law. The proposal does include 10 bike parking spaces.</p> <p>The site is well serviced by transit and active transportation facilities. There are several transit routes that run along University Avenue and Johnson Street. There are also bike lanes on these roads.</p> <p>The small lot sizes, the proximity to a mix of land uses as well as the transit and active transportation options provide opportunity for residents to live a compact urban lifestyle.</p>
<p><b>1.7.1</b> Long-term economic prosperity should be supported by:</p> <p><b>b)</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><b>c)</b> optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;</p> <p><b>e)</b> 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>The application proposes a highly efficient site layout that will provide a total of nine rental homes (four new, five existing) within three low-rise buildings on a site within a highly walkable area supported by transit and active transportation facilities. The new homes will increase the housing stock in the downtown area in an infill form. The density and proposed unit make-up respond to current market and population needs.</p> <p>The development has been reviewed through a Heritage Impact Statement which confirmed that the development conserves the cultural heritage value and heritage attributes of the properties. The townhouses are to be rehabilitated and restored as part of this development. The two new buildings were found to be a compatible addition to this heritage site. They will have a very limited visual impact on the streetscape as they are low-rise (two-and-a-half storey) and located behind the heritage townhouses.</p>

<b>Policy</b>	<b>Commentary</b>
<p><b>1.8.1</b> Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <p><b>a)</b> promote compact form and a structure of nodes and corridors;</p> <p><b>b)</b> promote the use of active transportation and transit in and between residential employment (including commercial and industrial) and institutional uses and other areas;</p> <p><b>e)</b> encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;</p> <p><b>g)</b> maximize vegetation with settlement areas, where feasible.</p>	<p>The proposed residential development represents an efficient and compact use of the lands while maintaining compatibility with surrounding uses. Through the merger of these properties, the shared and underutilized backyard presents an opportunity for new infill and increased density in a low-rise built form that is consistent with the subject lands and the surrounding areas.</p> <p>The development encourages active transportation through pedestrian and bicycle access and facilities on site. There are walkways from the street to each residence; the two new standalone semi-detached houses in the backyard are accessed via a walkway through the existing carriageway. Also included in the application are ten bike parking spaces within two bike shelters. Residents have immediate access to active transportation routes and public transit.</p> <p>A Tree Inventory and Preservation Plan determined that there are no mature trees on the subject lands. Trees within the City right-of-way that are in good condition are to be maintained and protected.</p>
<b>2.0 Wise Use and Management of Resources</b>	
<p><b>2.6.1</b> Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</p>	<p>A Heritage Impact Statement prepared by a heritage professional evaluated the potential impact of the new development on cultural heritage value and heritage attributes of these heritage properties. Historically referred to as “Snowden Terrace”, the subject lands are designated under Part IV of the Ontario Heritage Act. The proposed infill development also includes the preservation and rehabilitation of the heritage townhouses. There is a Heritage Permit (P18-047-2024) for the heritage scope of work. The supportive heritage report found this the proposal to replace the backyard – a rough gravel parking area - with new low-rise housing in a ‘garden court’ configuration and conserve the townhouses to be a thoughtful design for low-</p>

<b>Policy</b>	<b>Commentary</b>
	rise residential development in a heritage context that will preserve and enhance the heritage property.
<b>2.6.2</b> 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.	The property has been cleared of archaeological potential. A Stage 1-2 Archaeological Assessment of the properties found no features of materials of archaeological significance and determined that no further work is required within the study area.
<b>2.6.3</b> 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.	There are no heritage properties adjacent to the subject lands.

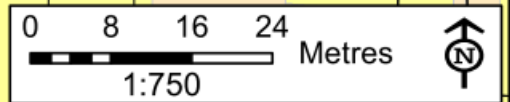
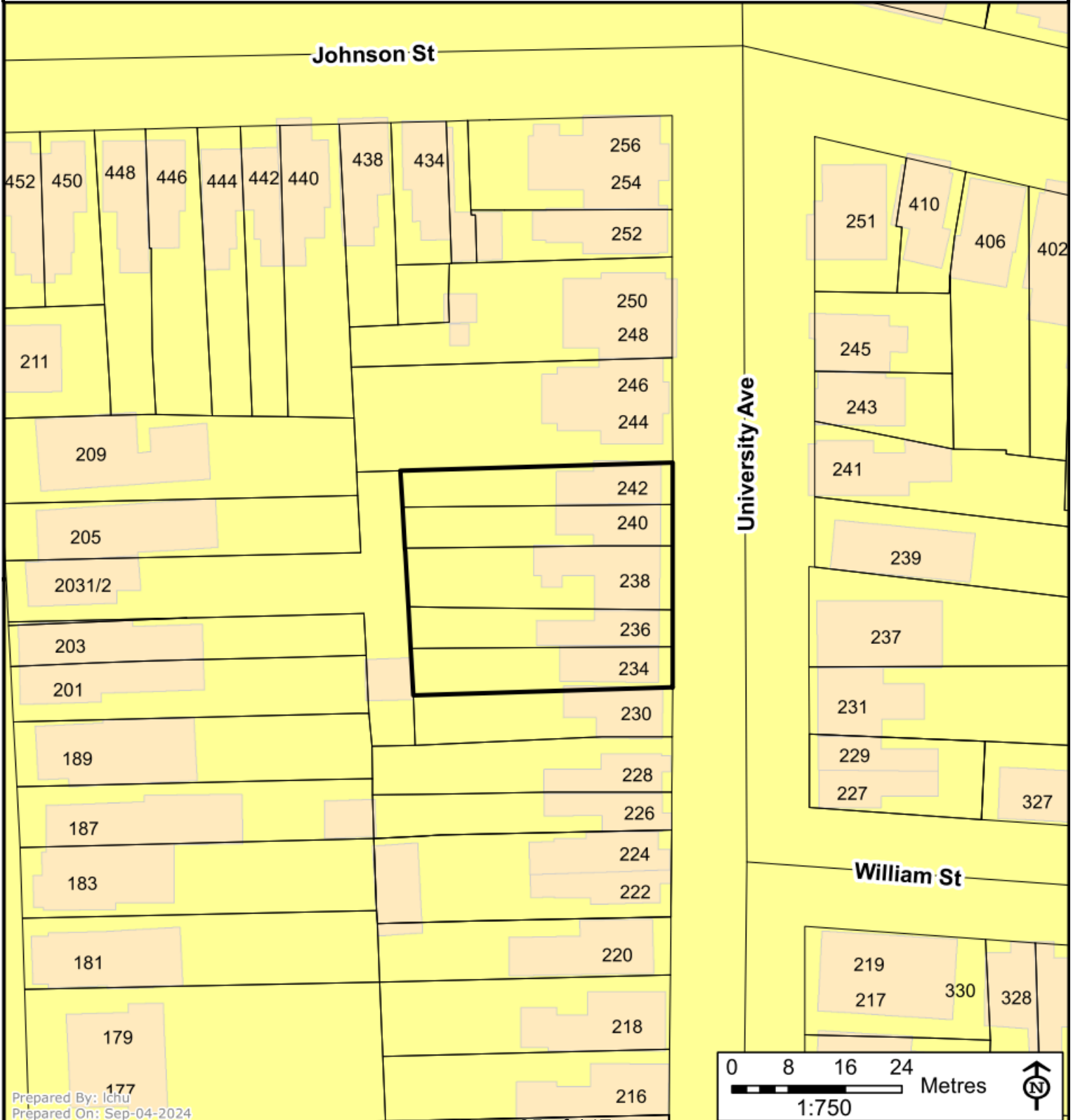




Planning Committee  
Official Plan, Existing Land Use

Address: 234-242 University Avenue  
File Number: D14-010-2024  
Prepared On: Sep-04-2024

Subject Lands  
 RESIDENTIAL



Prepared By: lchu  
Prepared On: Sep-04-2024

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

**Demonstration of Conformity to the Official Plan**

<b>Policy</b>	<b>Category</b>	<b>Review</b>
<p><b>2.1.1.</b> 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"> <li>a. appropriate (minimum) densities;</li> <li>b. land use patterns that foster transit and active transportation;</li> <li>c. enhanced access to public amenities and spaces for all residents, visitors and workers;</li> <li>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;</li> <li>e. direction of new development and key land uses to areas where they can best result in sustainable practices;</li> <li>f. promotion of employment opportunities and alliances that enhance local skills, educational resources and the use of local products, including food;</li> <li>g. maximized use of investments in</li> </ul>	<p>Strategic Policy Direction, Focus of Growth - Urban Areas</p>	<p>The subject lands are located within the City’s defined urban boundary where additional density is needed and desirable.</p> <p>The application proposes a high-density residential development in a location that meets the criteria of the Official Plan and will increase the overall urban density as a result.</p> <p>The development encourages active transportation as there are several transit routes along University Avenue and Johnson Street, it accommodates bike parking and there are bike lanes along University Avenue and Johnson Street. The site is also within walking distance to Victoria Park, community amenities, and shopping. Finally, an outdoor common amenity space is central to the development.</p> <p>The development will utilize existing municipal servicing infrastructure. The use of these underutilized backyards for new housing will contribute to the local neighbourhood in a compatible manner.</p> <p>There are no mature trees on the subject lands, however, trees within the City right-of-way that are in good condition are to be maintained and protected. The applicant has indicated that trees and landscaping will be provided within the courtyard and around the new semi-detached houses.</p>

Policy	Category	Review
<p>infrastructure and public amenities;</p> <p>h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use;</p> <p>i. parks that are planned to be accessed by urban residents within a ten minute walk and situated in locations that lessen the need for pedestrians to cross an arterial road or major highway;</p> <p>j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects;</p> <p>k. climate positive development;</p> <p>l. promotion of green infrastructure to complement infrastructure;</p> <p>m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7; and,</p> <p>n. an ecosystem approach to protecting the natural heritage system.</p>		

<b>Policy</b>	<b>Category</b>	<b>Review</b>
<p><b>2.2.4.</b> 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>	<p>City Structure - Urban Boundary</p>	<p>The properties are within the City's defined urban boundary and are fully serviced. The application will provide four new residential units within an existing built-up residential area.</p>
<p><b>2.2.5.</b> Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor development (i.e., that which can integrate compatibility within the prevailing built form standards of height, density</p>	<p>City Structure - Housing Districts</p>	<p>The proposed infill development, which includes for the construction of four new homes, has been designed to integrate well into the surrounding neighbourhood as demonstrated through the submission material and the review of Section 2.7.3.</p>

Policy	Category	Review
<p>and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses.</p>		
<p><b>2.3.1.</b> 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>Principles of Growth - Growth Focus</p>	<p>As noted, the property is within the City's defined urban boundary and is fully serviced. No expansion of water or sewer services are required to support the development.</p>
<p><b>2.3.2.</b> 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>Principles of Growth - Intensification</p>	<p>The proposal will provide four new homes in the subject lands' backyard (currently a gravel parking area) and contribute to the Urban Boundary's residential density.</p>

<b>Policy</b>	<b>Category</b>	<b>Review</b>
<p><b>2.3.8.</b> 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>Principles of Growth – Cultural Heritage</p>	<p>The proposal includes for the conservation of the cultural heritage value and heritage attributes of the properties as demonstrated through the supporting Heritage Impact Statement.</p>
<p><b>2.3.17.</b> The City supports the City of Kingston and County of Frontenac Municipal Housing Strategy (2011) and the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013) in order to increase affordable housing in the City, and for it to be located primarily within the Urban Boundary in accordance with the directions of the Municipal Housing Strategy Locational Analysis Study (2012).</p>	<p>Principles of Growth – Affordable Housing</p>	<p>The application does not propose affordable units as defined by the Plan. The proposal introduces new residential units into a low-vacancy market. The CMHC recently reported that the vacancy rate for the purpose-built rental housing market in the Kingston Census Metropolitan Area (CMA) is at 0.8%.</p>
<p><b>2.4.1</b> - 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"> <li>a. reduce infrastructure and public facility costs;</li> <li>b. reduce energy consumption and greenhouse gas emissions;</li> <li>c. support active transportation and viable public transit;</li> </ul>	<p>Phasing of Growth - Residential Density</p>	<p>The proposed infill development represents the efficient use of these lands near the downtown for new housing. The development will be serviced by existing municipal infrastructure, is proximate to active transportation and transit routes, and is in a walkable area with local shopping, public open space, public services and institutions thereby reducing the need for private vehicles to meet the needs of daily living.</p>

<b>Policy</b>	<b>Category</b>	<b>Review</b>
<p>d. conserve agriculture and natural resources within the City; and e. reduce reliance on private vehicles.</p>		
<p><b>2.4.3.</b> It is the intent of this Plan to achieve an increase in the City's net urban residential densities through promoting intensification and requiring minimum densities for residential development.</p>	<p>Phasing of Growth - Residential Density</p>	<p>The proposal will contribute to an increase in the City's net urban residential density and exceeds the minimum density established by the Plan.</p>
<p><b>2.4.4.</b> New residential development and new secondary plans are subject to the following policies and minimum densities:</p> <p>a. for the existing built-up residential areas, a net urban residential density of 22 dwelling units per net hectare is established as the overall minimum density, except where specifically increased in subsections (b), (c), and (d) below;</p> <p>d. a moderate increase in density will be permitted adjacent to Centres and Corridors so as to accommodate a transition in density from areas intended to support high density residential to those supporting low and medium densities, provided the proposal demonstrates conformity</p>	<p>Phasing of Growth - Minimum Residential Density</p>	<p>At 75.72 dwelling units per hectare, the proposal exceeds the minimum density requirements for new residential development within the existing built-up residential area. This additional density is appropriate given the proximity to the Williamsville Main Street corridor and the City Centre and conformance with the policies of Sections 2.6 and 2.7.</p>

<b>Policy</b>	<b>Category</b>	<b>Review</b>
to the policies of Section 2.6 and 2.7 of this Plan.		
<p><b>2.4.5.a</b> The City has established the following minimum targets for intensification to occur within the Urban Boundary.</p> <p>a. It is the intent of the City that 40 percent (%) of new residential development occur through intensification.</p>	Phasing of Growth - Intensification Targets	The proposal represents intensification of the lands within the urban boundary.
<p><b>2.4.6.a</b> Urban development within the City will proceed in a planned and orderly manner. The Order of Development will be as follows:</p> <p>a. lands located within the Urban Boundary that have servicing capacity currently in place, including infill opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development;</p>	Phasing of Growth - Order of Development	The subject property is within the urban boundary with available servicing capacity and as such should be prioritized for infill development.
<p><b>2.5.8</b> Where intensification is encouraged, increased densities will only be approved when it has been determined by the City that servicing capacity exists or that capacity expansions are imminent to accommodate additional development.</p>	Phasing of Municipal Infrastructure - Servicing Capacity	A Servicing Report has been provided in support of the proposal. It confirms that there is adequate capacity within the existing municipal servicing infrastructure to accommodate the proposed infill development.
<p><b>2.6.1.</b> It is the intent of this Plan to promote development in areas where change is desired while protecting stable</p>	Protecting Stable Areas – Stable Areas	The subject lands within the urban boundary are a desirable place for new infill and intensification as supported by this policy review above. The proposed low-rise



Policy	Category	Review
<p>areas from incompatible development or types of development and rates of change that may be destabilizing.</p>		<p>development is compatible with the surrounding neighbourhood, as demonstrated in the review of Section 2.7.3.</p>
<p><b>2.6.2.</b> Stable areas are those which are fulfilling their intended function and generally have the following neighbourhood characteristics:</p> <ul style="list-style-type: none"> <li>a. a well-established land use pattern in terms of density, type of use(s) and activity level;</li> <li>b. a common or cohesive architectural and streetscape character, in terms of massing and built form, architectural expression, age of building stock, and street cross-section;</li> <li>c. a stable pattern of land ownership or tenure;</li> <li>d. a consistent standard of property maintenance with relatively little vacancy in land or building occupancy;</li> <li>e. a limited number of applications for development that would alter the established pattern of land assembly and built form; and,</li> <li>f. a sufficient base of social and physical infrastructure to support existing and planned development.</li> </ul>	<p>Protecting Stable Areas – Stable Areas</p>	<p>The subject lands form part of a stable residential neighbourhood as described in Section 2.6.2. The proposed infill development serves to replace an underutilized backyard or ‘hole’ with new low-rise housing stock that is generally consistent with surrounding residential area.</p> <p>The retention and restoration of the townhouses along University Avenue will maintain the streetscape character and the two new semi-detached buildings will be largely screened from view by the townhouses – they will only be glimpsed through the carriageway. In keeping with heritage best practice, the new buildings reflect a contemporary design that makes them distinct from and subservient to the heritage buildings.</p> <p>While these properties will be merged to facilitate this development, the build out will maintain the finer grained rhythm of the buildings on the street as established by the townhouses.</p>
<p><b>2.6.3.</b> Stable areas will be protected from development that is not</p>	<p>Protecting Stable Areas</p>	<p>The proposed development provides a site build out compatible with the heritage resources on site</p>

<b>Policy</b>	<b>Category</b>	<b>Review</b>
<p>intended by this Plan and is not compatible with built heritage resources or with the prevailing pattern of development in terms of density, activity level, built form or type of use. The following types of intensification are generally considered appropriate within stable areas:</p> <ul style="list-style-type: none"> <li>a. infill development that is limited and designed to complement the area's existing built form, architectural and streetscape character, and level of activity;</li> <li>b. on lands designated Residential, intensification through the development of additional residential units that is undertaken in accordance with Section 3.3.11 is considered to be compatible with stable areas;</li> <li>c. on lands designated Residential, intensification through conversion within the existing building envelope provided it is demonstrated the conversion is compatible with existing development taking into account the policies of Section 2.7; and</li> <li>d. intensification that requires a zoning by-law amendment or minor variance in support of</li> </ul>		<p>and in keeping with the scale and character of the surrounding residential neighbourhood.</p> <p>The applicant has obtained a Heritage Permit (P18-047-2024) for the heritage scope of work. The supportive heritage report found this the proposal to replace the backyard – a rough gravel parking area - with new low-rise housing in a 'garden court' configuration and conserve the townhouses to be a thoughtful design for low-rise residential development in a heritage context that will preserve and enhance the heritage property.</p> <p>The development is appropriate as: it is contributing to the housing stock in this residential area; it adds in new buildings of a height and scale comparable to the surrounding area; it is located is a highly walkable area with direct access to several transit lines; and it encourages bike usage through the provision of bike parking in an area with bike lanes.</p>

Policy	Category	Review
<p>factors that may affect the intensity of use (e.g., density, building height, reduction in parking and/or amenity areas, etc.) provided it can be demonstrated that the proposal will: complement existing uses in the area; support a transition in density and built form; support active transportation and public transit; and be compatible with existing development taking into account the policies of Section 2.7 of this Plan.</p>		
<p><b>2.7.3.</b> 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"> <li>a. shadowing;</li> <li>b. loss of privacy due to intrusive overlook;</li> <li>c. increased levels of light pollution, noise, odour, dust or vibration;</li> <li>d. increased and uncomfortable wind speed;</li> <li>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;</li> <li>f. environmental damage or degradation;</li> <li>g. diminished service levels because social or physical infrastructure</li> </ul>	<p>Land Use Compatibility Principles - Land Use Compatibility Matters</p>	<p>In support of this application for infill housing in the back yard solar study analysis that demonstrates that the shadows are largely contained within the site and shadows cast on neighbouring properties to the west and north are limited and move quickly. The shadowing is generally limited to the driveway and parking area.</p> <p>Given the location, height, scale and massing of the new buildings, loss of privacy due to intrusive overlook nor changes to wind speed are not anticipated.</p> <p>Given that there is no vehicular parking being provided, no changes to local traffic systems are anticipated.</p> <p>No environmental impact is anticipated as the site is maintaining its residential use.</p> <p>As demonstrated by the submission material, the proposed development</p>

Policy	Category	Review
<p>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>can be supported by existing service levels.</p> <p>The proposed development will not impact the ability of surrounding land uses to continue to function in an enjoyable and safe manner.</p> <p>The proposed development maintains the character of the streetscape, conserves the heritage buildings on site and is architecturally compatible with the heritage townhouses and the immediate area. The zone provisions serve to provide a new built form that is compatible with that of the surrounding neighbourhood.</p>
<p><b>2.7.4.</b> 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>Land Use Compatibility Principles - Mitigation Measures</p>	<p>The site-specific zone provisions serve to the new semi-detached buildings have rear and interior setbacks that provide a spatial buffer between the buildings and adjacent properties, allow for movement around the buildings and allow for future landscaping.</p> <p>The new buildings do not exceed the height of the existing heritage townhouses and are of a compatible massing. The new buildings and additions result in a lot coverage in keeping with the maximum allowable, with a minor addition requested to allow for small changes as the project proceeds to Building Permit.</p>

Policy	Category	Review
<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 accessory uses 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>A 1.8 metre privacy fence is to be provided along the interior and rear lot lines to provide a visual screen from adjacent properties.</p> <p>The site has been designed in a garden court configuration that promotes site activation within and visibility to the common outdoor amenity area at its centre.</p> <p>There are no mature trees on the subject lands, however, trees within the City right-of-way that are in good condition are to be maintained and protected. The applicant has indicated that landscaping will be provided within the courtyard and around the new semi-detached houses.</p> <p>Access to the backyard is through the existing carriageway. As these new homes will function as individual units (rather than a multi-unit residence) garbage and storage will be managed internally.</p>
<p><b>2.7.6.</b> Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p>	<p>Land Use Compatibility Principles - Functional Needs</p>	<p>The proposed zoning performance standards have been prepared to be compatible with the surrounding neighbourhood. As described in this report, the proposed development will provide semi-detached houses of a scale, form and massing that is compatible with the surrounding residential neighbourhood.</p> <p>At the core of the development is an outdoor amenity space and there is open space between and around the buildings. The applicant has indicated these areas will be landscaped in the future. Existing city trees will be preserved.</p>

Policy	Category	Review
<ul style="list-style-type: none"> <li>a. suitable scale, massing and density in relation to existing built fabric;</li> <li>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;</li> <li>c. adequate land area and appropriate site configuration or provision for land assembly, as required;</li> <li>d. efficient use of municipal services, including transit;</li> <li>e. appropriate infill of vacant or under-utilized land; and,</li> <li>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.</li> </ul>		<p>The property size is adequate for the proposed use and density as the submission material demonstrates the site can function well despite the reduction to the minimum lot size per dwelling unit and minor increase to lot coverage.</p> <p>This infill development is well located to utilize existing municipal services. Residents will have access to local transit routes along University Avenue and Johnson Street.</p> <p>As noted in this report, this proposal provides for the appropriate infill of this vacant and under-utilized property.</p> <p>The proposed site layout provides a safe residential complex. Access to the townhouse is provided directly off University Avenue whereas the semi-detached buildings are accessed via the generous walkway through the carriageway and outdoor amenity area. Bike parking will be provided in shelters at the end of the new semi-detached buildings and off the walkway.</p>
<p><b>2.8.5.</b> 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</p>	<p>Protection of Resources - Stormwater Management</p>	<p>A Stormwater Management Report by Josselyn Engineering Inc. was submitted in support of the application and provides confirmation that the proposal can adequately manage stormwater in accordance with city requirements. No upgrades to municipal stormwater infrastructure are required to support the development.</p> <p>The proposed development will continue to drain to the University Avenue storm sewer line. The lands will be graded to contain water on</p>

Policy	Category	Review
<p>infrastructure exists in the City.</p>		<p>site, and the new flat-roof buildings will have controlled flow-roof drains and rooftop storage. There will be new storm inlets within the courtyard that will link to the University Avenue line via a new storm sewer connection through the carriageway.</p> <p>In accordance with City requirements, post-development is to be controlled to pre-development levels and reduced by 20% where feasible. A normal level of quality control is required, providing a 70% removal of total suspended solids (TSS).</p>
<p><b>2.8.8.</b> 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 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>Protection of Resources – Cultural Heritage</p>	<p>A Heritage Impact Statement was submitted in support of the application. It concluded that the development will conserve the cultural heritage value and heritage attributes of the subject heritage properties. See Section 7.1.7.</p>
<p><b>3.3.1.</b> The predominant use of land in a Residential designation will be for various forms of housing. Community facilities are</p>	<p>Land Use Designation and Policy – Permitted Uses</p>	<p>The property is designated Residential by Schedule 3. The development will provide an additional four new homes within this built-up neighbourhood.</p>

<b>Policy</b>	<b>Category</b>	<b>Review</b>
permitted in accordance with Section 3.2.		
<b>3.3.6.</b> Existing Housing Districts as shown on Schedule 2 are considered stable, unless otherwise identified by this Plan. Only minor changes in the predominant pattern of housing type, height or density, are permitted in accordance with Section 2.6.	Land Use Designation and Policy – Existing Residential Areas Stable	The proposed zoning amendment provides for new housing that is in keeping with the housing types and height of the surrounding area. While this is a high-density housing proposal, it will function in a manner consistent with the makeup of the surrounding neighbourhood.
<b>3.3.7.</b> Within existing stable residential areas, applications for infill must be located and organized to fit with neighbouring properties, including cultural heritage resources, and must satisfactorily address the following criteria: a. confirmation that adequate municipal services can be provided; b. demonstrated suitability of dwelling type, lot size, building height and massing, building materials, and exterior design; and c. demonstrated ability to achieve compatible use and development of the property taking into account the policies of Section 2.7.	Land Use Designation and Policy – Infill	See Section 2.7.6.
<b>3.3.8</b> Within the Urban Boundary, intensification through moderate increases in building height or density may be	Land Use Designation and Policy – Intensification	The increased density is supportable given that the site is adjacent to transit lines along University Avenue and proximate to



Policy	Category	Review
<p>considered at the edge of neighbourhoods, provided that the development is adjacent to one or more of the following: transit routes, community facilities, areas of open space, or mixed use Centres or Corridors, as identified on Schedule 2.</p>		<p>transit lines along Johnson Street, Victoria Park, and community facilities such as Salvation Army, Kingston Youth Services Hub, Williamsville Medical Clinic as well as those offered to members at Queen's University.</p>
<p><b>3.3.C.1.</b> High density residential land uses primarily include apartments and mixed use buildings with commercial on the ground floor and a residential density of 75 units per net hectare or more, unless an approved secondary plan establishes other provisions.</p>	<p>High Density Residential Policies - Density</p>	<p>While this is often the case, with this proposal the density is a reflection in a low-rise built form organized in a pleasing yet compact site layout.</p>
<p><b>3.3.C.2.</b> The density of a residential use is a function of the number of units per net hectare and is not always indicative of built form. Proposals for new high density residential that are not in keeping with the established built form of adjacent development must demonstrate compatibility with regard to both land use and built form considerations in accordance with the policies of Section 2.7 and Section 8.</p>	<p>High Density Residential Policies – Built Form</p>	<p>See Sections 2.7, 8.3 and 8.6.</p>
<p><b>3.3.C.3.</b> Proposals for new high density residential use which require a zoning by-law amendment or minor variance in support of factors that affect built form and the intensity of use</p>	<p>High Density Residential Policies – Locational Criteria</p>	<p>While this site does not specifically satisfy these locational criteria, it is an appropriate location for new infill given that it is located close to Williamsville and the downtown, it is within the Campus Expansion Area which anticipates future residential</p>

Policy	Category	Review
<p>shall generally satisfy the following locational criteria:</p> <p>a. The subject property is located:</p> <ul style="list-style-type: none"> <li>• within a Centre or Corridor;</li> <li>• within an area subject to a Secondary Plan or a Specific Policy Area Plan provided such Plan permits high density residential use; or</li> <li>• on the periphery of a low or medium density residential neighbourhood provided the proposal demonstrates conformity to the policies of Sections 2.6 and 2.7 of this Plan, where applicable;</li> </ul> <p>b. the property is within walking distance of areas designated for commercial use (i.e., any of the uses within the Commercial Hierarchy except for Neighbourhood Commercial);</p> <p>c. the property is within walking distance of parkland, open space or community facilities; and</p> <p>d. the property is located on an existing arterial or collector road.</p>		<p>development, it is located on a road with transit and bike lanes (characteristics typical of a road along an edge condition). The site is within walking distance of commercial uses, park space and community facilities and less than a block from Johnson Street (an arterial road). Finally, it satisfies the policies set out in Sections 2.6 and 2.7</p>

<b>Policy</b>	<b>Category</b>	<b>Review</b>
<p><b>3.3.C.4.</b> Proposals for new high density residential use must be justified by a site-specific urban design study that demonstrates compatibility in accordance with the policies of Section 2.7, and conformity to the urban design policies of Section 8. The Study must consider, amongst other matters, architectural compatibility in terms of scale, style, massing and colour.</p>	<p>High Density Residential Policies – Urban Design Study</p>	<p>A Planning Justification and Urban Design Report by The Boulevard Group was submitted supporting this application. It considered the land-use compatibility and urban design policies set out in the Official Plan.</p>
<p><b>3.3.C.6.</b> New high density residential development must be designed to ensure a transition in density and built form, particularly along the periphery of Centres and Corridors, and areas for which a Secondary Plan or Specific Policy Area Plan has been established.</p>	<p>High Density Residential Policies – Transition in Density &amp; Built Form</p>	<p>The infill development follows the height, massing and scale typical of the surrounding area.</p>
<p><b>3.5.A.7.</b> The City may study the Campus Expansion Area as a possible location to accommodate residential intensification, in consultation with Queen’s University and the public. Notwithstanding, it is the intent of this Plan that any future expansion of the Main Campus be directed to the Campus Expansion Area shown on Schedule 13, subject to the following policies:</p> <p>e. that residential development be permitted within the area subject to the</p>	<p>Queen’s University – Northerly Expansion of the Main Campus</p>	<p>Queen’s University has been circulated on this application and no comments have been received by Planning Staff.</p>

Policy	Category	Review
<p>Residential policies and Compatibility policies of this Plan and a rezoning for medium and high density residential proposals and site plan control review, where applicable, (low density residential may occur without rezoning);</p> <p>f. that any applications for residential development approval be circulated to the University for consideration for acquisition as part of any campus expansion program;</p>		
<p><b>4.1.1.</b> 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 and Transportation – New Development</p>	<p>Studies regarding the feasible capacity of existing municipal systems were conducted as part of the submission and any concerns identified by technical departments have been resolved.</p>
<p><b>4.3.1.</b> 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</p>	<p>Infrastructure and Transportation – Stormwater Management</p>	<p>See Section 2.8.5.</p>

Policy	Category	Review
<p>water bodies. This is to minimize the negative impacts of development on the downstream receiving water bodies, the aquatic environment, and fish habitat.</p>		
<p><b>4.3.4.</b> For urban infill development projects, the City will require the preparation of a stormwater management report to address the impacts of additional lot coverage or new uses of the site on the quality and quantity of water. Proponents must endeavour to improve the management of stormwater from the existing development areas.</p>	<p>Infrastructure and Transportation – Stormwater Management, Quality and Quantity of Water</p>	<p>See Section 2.8.5.</p>
<p><b>7.1.7.</b> 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</p>	<p>Built Heritage Resources – Heritage Impact Statement</p>	<p>The subject properties, historically referred to as “Snowden Terrace” are designated under Part IV of the Ontario Heritage Act. There are no adjacent heritage properties.</p> <p>A Heritage Impact Statement authored by local heritage professional Andre Scheinman formed part of the submission. The supportive heritage report found this the proposal to provide new low-rise housing in a ‘garden court’ configuration and conserve the townhouses to be a thoughtful design for low-rise residential infill in this heritage context. It concluded that this project will preserve the heritage attributes and enhance the heritage value of the site.</p> <p>The applicant obtained a heritage permit for this work in June of 2024 (P18-047-2024).</p>

Policy	Category	Review
<p>impact statement may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district or heritage area is proposed. The City may also require a heritage impact statement for any requests to de-designate a protected heritage property; such statements must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.</p>		
<p><b>7.4.10.</b> Upon receiving information that lands proposed for <i>development</i> may include <i>archaeological resources</i> or constitute an <i>area of archaeological potential</i>, Council will not take any action to approve the <i>development</i>, and the owner of such land will be requested to have studies carried out at the owner's expense by <i>qualified persons</i> to:</p> <ol style="list-style-type: none"> <li>a. survey and assess the property;</li> <li>b. assess the impact of the proposed <i>development</i></li> <li>c. indicate methods to mitigate any adverse impact of the proposed <i>development</i> on any <i>archaeological resources</i>, including</li> </ol>	<p>Archaeological Resource Conservation – Required Studies</p>	<p>The property has been cleared of archaeological potential. A Stage 1-2 Archaeological Assessment prepared by Abacus Archaeological Services found no features or materials of archaeological significance on the subject lands and determined that no further work is required within the study area.</p> <p>The submission includes a letter from the Province acknowledging this report and entering it into the Ontario Public Register of Archaeological Reports.</p>

Policy	Category	Review
<p>methods of recovery and preservation;</p> <p>d. comply with current Ministry of Culture standards and guidelines for consulting archaeologists; and,</p> <p>e. provide a compliance letter issued by the Province for any completed archaeological study.</p>		
<p><b>8.3.</b> The Design Guidelines for Residential Lots establish the following guiding principles that should be used to ensure new residential development is integrated into the existing built fabric, and is conducive to active transportation:</p> <p>a. protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);</p> <p>b. foster developments that are context appropriate;</p> <p>c. foster attractive developments which add to the existing sense of place;</p> <p>d. provide a variety of housing types;</p> <p>e. ensure compact, accessible mixed-use development;</p> <p>f. encourage environmentally sustainable development; and,</p>	<p>Urban Design - Guiding Principles for Development of Residential Lots</p>	<p>The proposed development will provide new housing in a manner that is compatible with the heritage properties and the surrounding neighbourhood.</p> <p>This proposal for new residential infill preserves the existing heritage townhouses while incorporating two new standalone two-and-a-half storey semi-detached buildings in the backyard.</p> <p>Arranged in a 'garden court' format with the buildings set around a shared interior courtyard/amenity space, this thoughtful design approach is meaningfully integrated into this established downtown neighbourhood.</p>

Policy	Category	Review
g. integrate and highlight cultural heritage resources.		
<p>8.4. Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:</p> <ul style="list-style-type: none"> <li>a. providing for age-friendly needs and the requirements of people with disabilities, and others requiring access supports through improved amenities such as parking, benches, and washrooms, clear signage, visual or auditory indicators, and other means as appropriate;</li> <li>b. improving public security through enhanced lighting, visibility of public areas, provision of entrance locations in well-traveled areas, and ease of access for emergency personnel or vehicles;</li> <li>c. clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity;</li> <li>d. arranging public uses and amenities within a</li> </ul>	<p>Urban Design, Accessibility and Safety</p>	<p>This project will need to meet all requirements of the Accessibility for Ontarians with Disabilities Act (AODA), and the Ontario Building Code.</p> <p>The townhouses have direct entry off University Avenue while the semi-detached buildings in the backyard will be accessed from the street through the carriageway of the existing townhouses. The site plan shows a generous walkway that leads from the street, through the carriageway and the open outdoor amenity area to the front entrances of the semi-detached homes and the rear entries to the townhouses.</p> <p>The shared central open space will have passive public security as it will be activated through pedestrian traffic, enjoyment of the amenity space and general overview by residents.</p>



Policy	Category	Review
<p>convenient walking distance;</p> <p>e. providing adequate walkway widths, visually permeable materials and structures, and landscaping elements that do not obstruct sightlines in the design of streetscapes, transportation facilities, or public buildings and places; and,</p> <p>f. promoting safe environments by applying Crime Prevention Through Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites.</p>		
<p><b>8.6.</b> 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,</p>	<p>Urban Design, New Development</p>	<p>The proposed development provides for a compatible new residential development and is thoughtfully woven into the existing fabric and built form of the Sydenham neighbourhood.</p> <p>As shown in the drawings and renderings provided, the new infill is in keeping with the scale, massing, setbacks, access, and general look and feel of this established residential neighbourhood. The new low-rise homes display an architectural style that is contemporary yet compatible with the heritage townhouses.</p> <p>A Heritage Permit has been obtained for this development.</p>

Policy	Category	Review
<p>massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features;</p> <p>b. protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development;</p> <p>c. promoting innovation in building design to create an interesting and varied built environment, to increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility;</p> <p>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,</p> <p>e. encourage spaces, services and facilities that highlight arts and culture in a manner that generates and sustains cultural vitality.</p>		

Policy	Category	Review
<p><b>9.5.9.</b> When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <ul style="list-style-type: none"> <li>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading,</li> </ul>	<p>Administration and Implementation – Zoning By-Law Amendments, Planning Committee/Council Considerations</p>	<p>The zoning by-law amendment conforms to the policies and schedules of the Official Plan as demonstrated through this report. No Official Plan amendment is required.</p> <p>As demonstrated through the review of applicable sections of the Plan, the proposal provides for compatible infill and intensification of the subject lands. The recommended zoning by-law implements the use and relief required for the proposed build out of the subject lands.</p> <p>The proposal will not adversely impact natural heritage or cultural heritage resources. The development is supported by an urban design review and aligns with applicable urban design guidelines.</p> <p>The proposed infill – a form of gentle intensification - provides new housing units within the Sydenham neighbourhood.</p> <p>The Servicing Report and Stormwater Management Report concluded that the development can be supported by the existing infrastructure.</p> <p>Comments received through technical review and the public have been considered through the review process.</p>

Policy	Category	Review
<p>parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		
<p><b>9.5.25.</b> The City may approve a by-law authorizing an increase in height or density beyond that allowed in the zoning by-law pursuant to the <i>Planning Act</i>, in return for facilities, services or matters benefiting the public, including the following:</p> <p>a. providing a wide range of clearly specified and designed housing types, including affordable housing and housing for seniors and individuals with special needs;</p> <p>b. providing parkland dedication beyond what is already required by this Plan</p>		<p>The Planning Act no longer allows the City to provide height and density bonusing under Section 37. Community benefits charges do not apply given the small scale of the development; it provides less than ten residential units.</p>

Policy	Category	Review
<p>c. protecting features of the natural heritage system, such as woodlands, beyond the parkland dedication requirements of the Planning Act;</p> <p>d. improving access to public transit facilities;</p> <p>e. providing public areas, pathways, and connections to external public pathways/trail systems;</p> <p>f. providing public and/or underground parking;</p> <p>g. providing community and open space facilities such as small parks, day care centres, community centres, recreation facilities, cultural facilities;</p> <p>h. conserving cultural heritage resources;</p> <p>i. protecting or enhancing significant views;</p> <p>j. providing public art;</p> <p>k. providing green technology and sustainable architecture and alternative construction methods such as “green roofs” and LEEDR certified buildings;</p> <p>l. providing streetscape improvements in accordance with Council-endorsed documents such as the Downtown Action Plan; and,</p> <p>m. including local improvements identified</p>		

Policy	Category	Review
in community design plans, community improvement plans, secondary plans, capital budgets or other implementing plans or studies.		

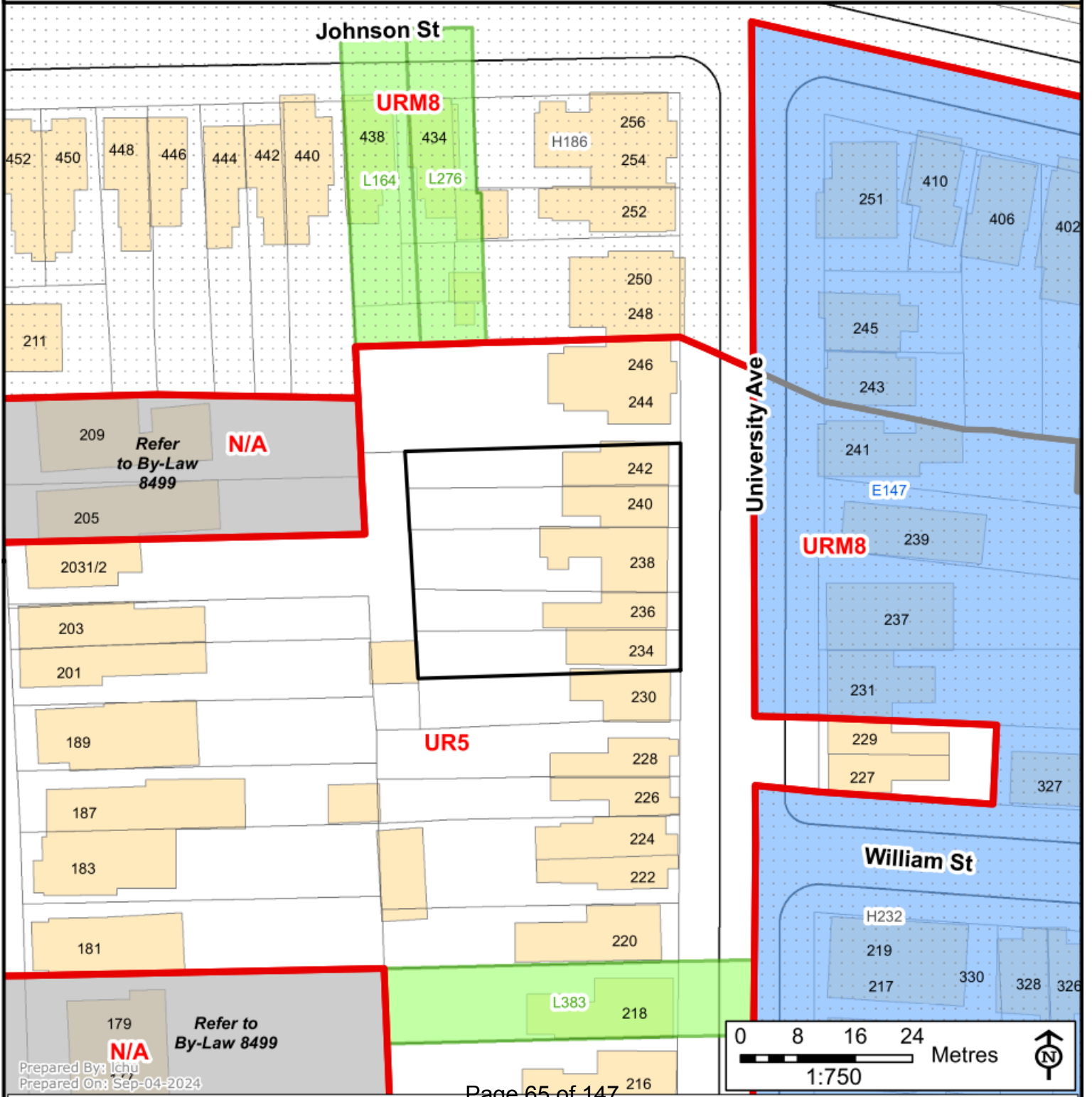


# Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

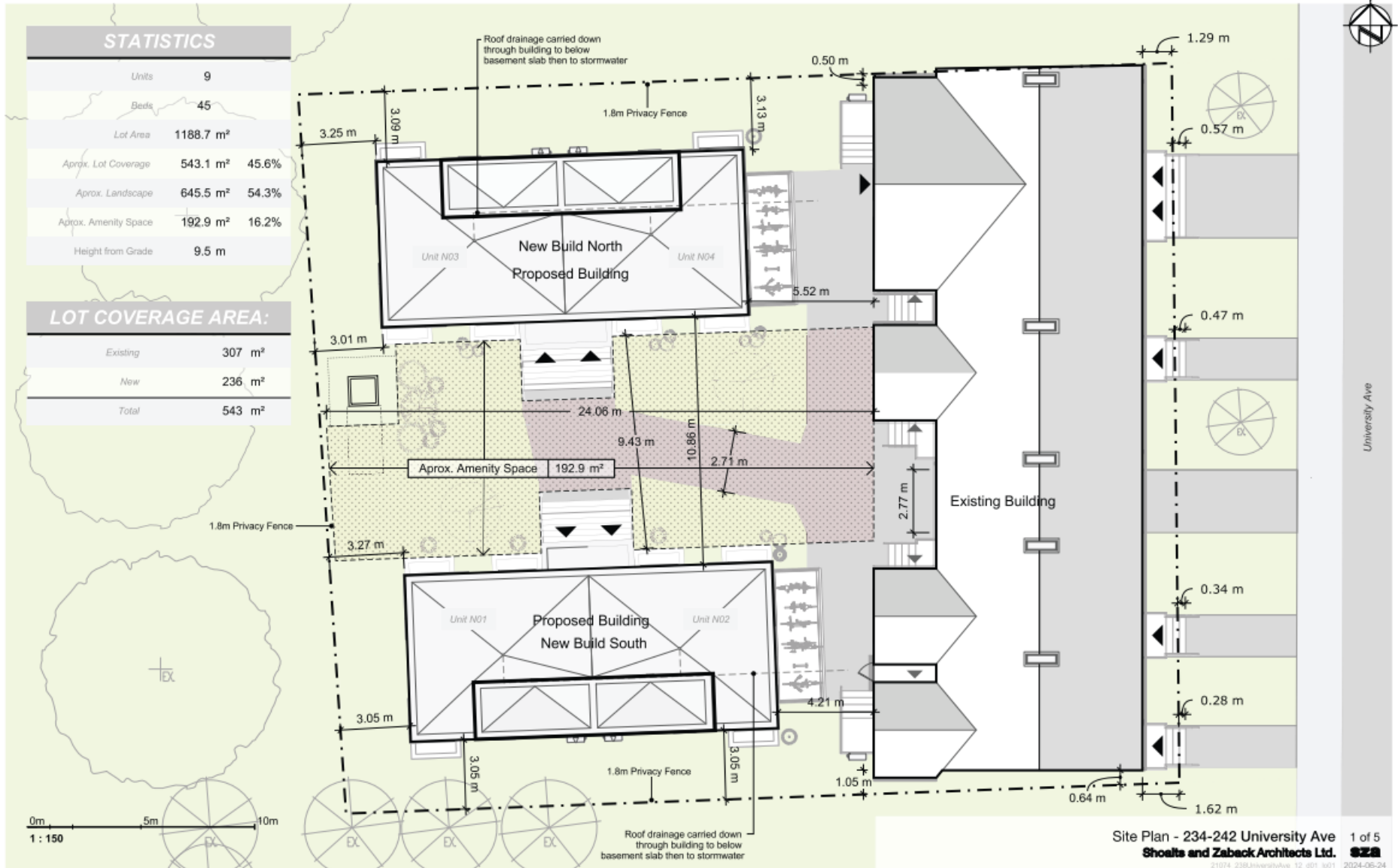
Planning Services

Address: 234-242 University Avenue  
File Number: D14-010-2024  
Prepared On: Sep-04-2024

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



Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep intact the copyright notice and do not assume any responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.







Bird's eye view 01  
234 - 242 University Avenue - Renderings





Bird's eye view 02  
234 - 242 University Avenue - Renderings



View from University Street  
234 - 242 University Avenue - Renderings





South New Build  
234 - 242 University Avenue - Renderings



North New Build 01  
234 - 242 University Avenue - Renderings





North New Build 02  
234 - 242 University Avenue - Renderings



Courtyard View  
234 - 242 University Avenue - Renderings



Site Photographs – November 20, 2023



Figure 1: Front elevation of heritage townhouses at 234-242 University Avenue.



Figure 2: View through carriage way to backyard.





**Figure 3:** Backyard and rear elevation of existing townhouse.



**Figure 4:** View looking north across backyard.





**Figure 5:** View looking west across backyard.








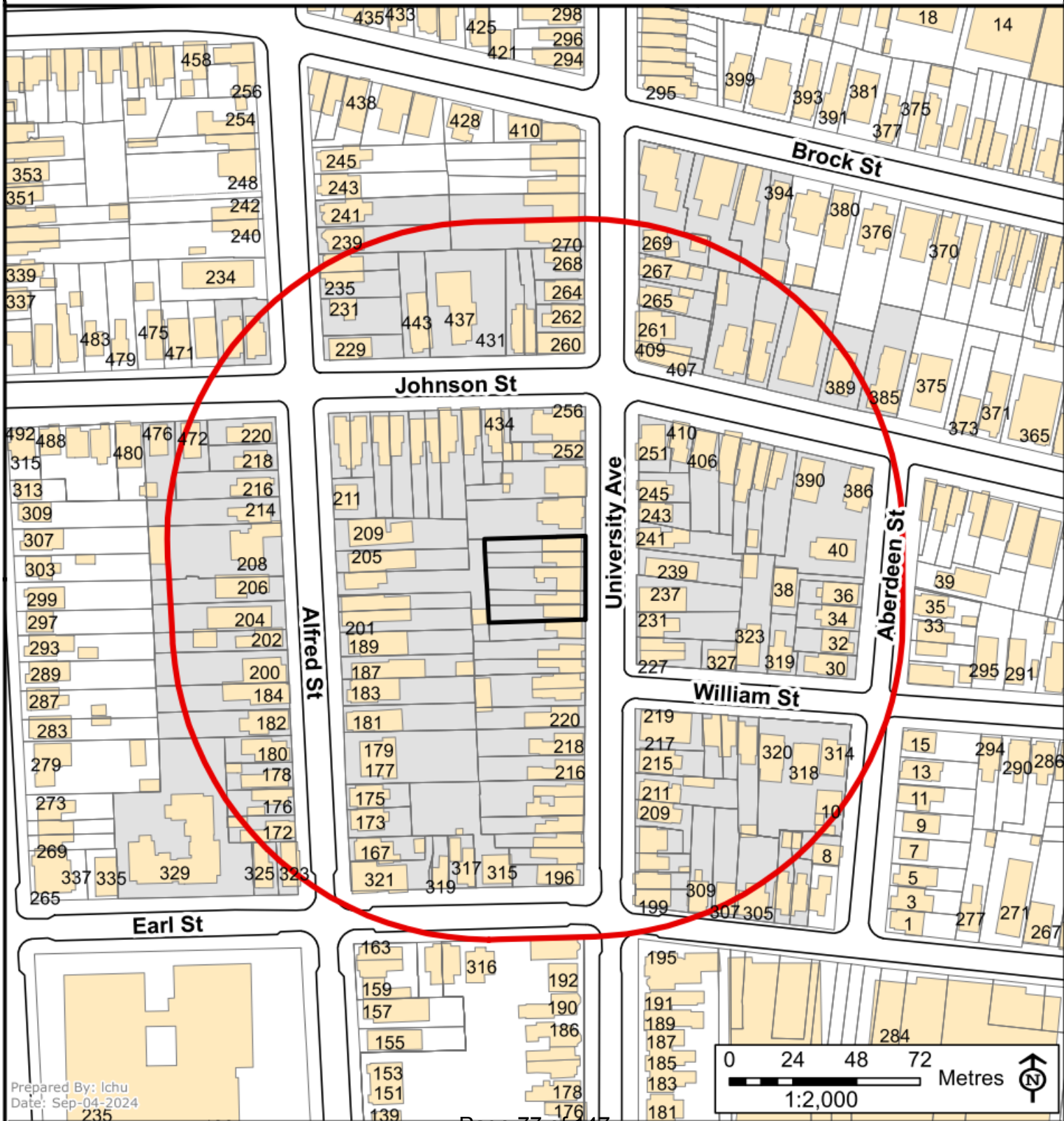
**Figure 5:** View looking south across backyard.



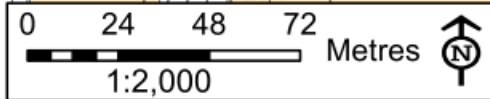


Planning Committee  
**Public Notice Notification Map**  
Address: 234-242 University Avenue  
File Number: D14-010-2024  
Prepared On: Sep-04-2024

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



Prepared By: Ichu  
Date: Sep-04-2024



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



**City of Kingston  
Report to Planning Committee  
Report Number PC-24-054**

---

**To:** Chair and Members of the Planning Committee  
**From:** Paige Agnew, Commissioner, Growth & Development  
**Resource Staff:** Tim Park, Director, Planning Services  
**Date of Meeting:** October 10, 2024  
**Subject:** Recommendation Report  
**File Number:** D35-003-2024 and D12-004-2024  
**Address:** 1519 Shira Drive (Site 1) and property at northwest corner of Bayridge Drive and Cataraqui Woods Drive (Site 2)  
**District:** Loyalist-Cataraqui  
**Application Type:** Official Plan, Zoning By-Law Amendment, and Amending Subdivision Agreement  
**Owner:** Tamarack (Cataraqui West 2) Corporation  
**Applicant:** Fotenn Consultants Inc.

---

**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: See above

**Executive Summary:**

The following is a report recommending approval to the Planning Committee regarding applications for an Official Plan, zoning by-law amendment, and amending Subdivision Agreement submitted by Fotenn Consultants Inc., on behalf of Tamarack (Cataraqui West 2) Corporation, with respect to the two properties subject to this application which consists of the properties located at 1519 Shira Drive and the property at the northwest corner of Bayridge Drive and Cataraqui Woods Drive.

October 10, 2024

Page 2 of 14

The proposed redesignation would facilitate the development of 11 residential lots on the property located at 1519 Shira Drive (Site 1) which measures 0.5 hectares in size and is situated at the northeast corner of Holden Street and Shira Drive. Site 1 is currently designated a combination of District Commercial and Mid-Rise Residential and is proposed to be redesignated to Mid-Rise Residential. In concert with the redesignation of Site 1, the application seeks to allow a future commercial development upon a 0.6-hectare portion of the property located at the northwest corner of Bayridge Drive and Cataraqui Woods Drive (Site 2), located some 230 metres east of Site 1, by redesignating Site 2 from its current Low-Rise Residential designation to the District Commercial designation.

In addition to the proposed Official Plan amendment, the applicant also seeks Zoning By-Law amendments to zone Site 1 as Urban Residential 3 (UR3) and Site 2 as District Commercial (CD) with site-specific provisions applying to Site 2 which generally carry over the site-specific provisions which relate to Site 1.

With regards to the development of the 11 residential lots at Site 1, which was initially created through registered plan of subdivision 13M-127 as Block 181, the use of Part Lot Control is intended to further subdivide the existing commercial block. In order to ensure that the development proceeds in an orderly manner and that future residents are aware of their obligations, the applicant has also submitted an application to amend the existing Subdivision Agreement registered on title of the property. The amended Subdivision Agreement would only apply to Site 1 and would address issues related to grading and drainage and implement the recommendations of the Noise Impact Study.

The proposed Official Plan and zoning by-law amendments will allow for the repositioning of the commercial space within the Cataraqui West Secondary Plan area and provide compatible residential development on serviced lands within the urban boundary. The amending Subdivision Agreement will ensure appropriate measures are taken during the development of the residential lots planned for Site 1. The relocated commercial and residential locations are compatible with the surrounding uses and will fulfill the intent of the Secondary Plan area to create a sustainable, healthy, attractive, connected and vibrant residential neighbourhood that meets the needs of its residents. Additional commercial opportunities can also be explored with the relocation as the subdivision has not built up around the area where the District Commercial lands are being relocated. The proposal, is consistent with the Provincial Planning Statement, conforms to the Official Plan, and represents good land use planning.

**Recommendation:**

**That** the Planning Committee recommends to Council on October 15, 2024:

**That** the applications for Official Plan and zoning by-law amendments (File Number D35-003-2024 and D12-004-2024) submitted by Fotenn Consultants Inc., on behalf of Tamarack (Cataraqui West 2) Corporation, for the property municipally known as 1519 Shira Drive and the property at the northwest corner of Bayridge Drive and Cataraqui Woods Drive, be approved; and

October 10, 2024

Page 3 of 14

**That** the City of Kingston Official Plan, as amended, be further amended, amendment number 98, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-054; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-054; 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** Council approve the Amending Subdivision Agreement (File Number D35-003-2024 and D12-004-2024) submitted by Fotenn Consultants Inc., on behalf of Tamarack (Catarqui West 2) Corporation, for Block 181 of Plan 13M-127 municipally known as 1519 Shira Drive; and

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

October 10, 2024

Page 4 of 14

**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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

**p.p.**

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, Special Projects	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

October 10, 2024

Page 5 of 14

**Options/Discussion:**

**Statutory Public Meeting**

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

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

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

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

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

**Background and Decision Date**

In accordance with By-Law Number 2007-43, these applications were subject to a pre-application. A complete application was submitted by the applicant and was deemed to be complete as of June 10, 2024. A Community Meeting was held at Planning Committee on September 5, 2024. A summary of the feedback received at the Community Meeting is provided in the Public Comments section of this Report.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before October 8, 2024, which is 120 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT). The applicant has been working with staff to address technical comments taking the application beyond the 120 days after a complete application was received. Staff have reviewed the revised information and have no further technical



October 10, 2024

Page 6 of 14

concerns with preparing this report to advance a recommendation for consideration by the Planning Committee and Council.

**Site Characteristics**

The amendments relate to two properties within the Cataraqui West neighbourhood both of which front onto the north side of Cataraqui Woods Drive with Site 1 situated some 400 metres west of Bayridge Drive while Site 2 is situated approximately 60 metres east of Bayridge Drive (Exhibit C). Site 1, which is located at 1519 Shira Drive is currently vacant has a lot area of approximately 0.5 hectares with approximately 69 metres of frontage along Holden Street, 71 metres along Shira Drive and 67 metres along Cataraqui Woods Drive. Site 2 forms an approximately 0.6 hectare portion of the vacant lands located at the northwest corner of Bayridge Drive and Cataraqui Woods Drive.

Both properties are located within the Cataraqui West Secondary Plan Area of the Kingston Official Plan with Site 1 forming a part of the Woodhaven Phase 4 subdivision while Site 2 is planned for a future phase of development.

The surrounding area of both sites can be described as predominantly comprising of residential uses characterized by a mix single-detached, semi-detached and townhouse dwellings. To the north of Site 1 is the Kingston West Catholic Elementary School, while to the south of the site exists a self-storage facility which occupies a property extending the distance between Site 1 and the western limit of the property associated with Site 2. In addition to the institutional facilities in the immediate area, the sites fronting onto Kingston Transit route 19 and within walking distance of various existing and planned public parks. Existing commercial offerings which exist along the Princess Street corridor are located approximately 700 metres south of either site. Both sites directly front upon a multi-use pathway which traverses along Cataraqui Woods Drive and south along Bayridge Drive.

Site 1 is currently designated a primarily District Commercial with a small section designated Mid-Rise Residential which appears to represent a carry over of a previous mapping error. The property is zoned Development Reserve (DR) with a Legacy Exception (L288) which allows both a variety of commercial uses as well as the residential uses of the Urban Residential 3 (UR3) zone. Site 2 is currently designated Low-Rise Residential which is reflected in the site’s current Urban Residential 3 (UR3) zone.

**Proposed Application and Submission**

The proposed redesignation effectively switches the location of the commercial block within the Woodhaven community and would facilitate the development of 11 residential lots on the property located at 1519 Shira Drive (Site 1).

Site 1 is currently designated a combination of District Commercial and Mid-Rise Residential and is proposed to be redesignated to Mid-Rise Residential. At the same time, the application seeks to redesignate Site 2 from its current Low-Rise Residential designation to the District Commercial designation.

October 10, 2024

Page 7 of 14

In addition to the propose Official Plan amendment, the applicant also seeks Zoning By-Law amendments to zone Site 1 Urban Residential 3 (UR3) and Site 2 as District Commercial (CD) with an Exception Overlay generally carrying over the existing site-specific provisions from Site 1.

With regards to the development of the 11 residential lots at Site 1, the use of Part-lot Control is intended to further subdivide the existing commercial block. In order to ensure that the development proceeds in an orderly manner and that future residents are aware of their obligations, the applicant has also submitted an application to amend the existing Subdivision Agreement registered on title of the property. The amended Subdivision Agreement (Exhibit L) would only apply to Site 1 and would address issues related to grading and drainage and implement the recommendations of the Noise Impact Study.

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

- Planning Justification Report
- Conceptual Site Plan
- Servicing Report
- Noise Impact Feasibility Study

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 Planning Statement**

The Provincial Planning Statement (2024) 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 Kingston’s settlement area which are intended to be the focus of growth and development. Within settlement areas, land use patterns are intended to be based on a density and mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure, and support active transportation. Both of the properties subject to the application are either fully serviced, or will be through the typical process of subdivision development. The relocated commercial block is within closer proximity to a greater number of existing homes and continues to be located on the Kingston Transit #19 bus route as well as a multi-use trail helping to support active transportation. The homes on Shira Drive and Holden Street would provide additional housing near the schools and transportation stations.

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

### **Official Plan Considerations**

Site 1 is designated a combination of District Commercial and Mid-Rise Residential, and Site 2 is designated Low-Rise Residential within the Cataraqui West Secondary Plan of the Official

October 10, 2024

Page 8 of 14

Plan. The application would redesignate Site 1 as Mid-Rise Residential and Site 2 as District Commercial.

The proposed development maintains the general intent and philosophy of the Official Plan, and specifically that of the Cataraqui West Secondary Plan by relocating the commercial block to a location more conducive to its future success and potential expansion to a larger commercial offering. The relocated commercial block is of marginally larger size (i.e., 0.1 hectares) and located in closer proximity to an Arterial Road helping to facilitate a larger customer base. The measures taken to support the marketability and ultimate viability of the commercial block will assist in fulfilling underlying objectives of the area to create a sustainable, healthy, attractive, connected and vibrant residential neighbourhood that meets the needs of its residents.

Both the proposed residential block at Site 1 and the commercial block at Site 2 are compatible with their surrounding areas as Site 1 is already surrounded by similar residential development, while Site 2 is currently vacant and being developed for low rise residential development which would ultimately benefit from this type of medium-scale commercial amenity. At the time of ultimate development of the commercial block, site plan control will be used to implement measures to ensure no adverse impacts such as lighting, noise, and other potential issues.

Based on the proposed 11 lots at Site 1 the overall net density of the block would be 22 units per hectare which would be marginally less than the range of 25 to 75 units per net hectare planned for the Mid-Rise Residential designation. Notwithstanding this marginal disparity, the lower density can be justified as the site makes use of an irregular, 'L-shaped', corner lot, and when viewed in the context of the initial Woodhaven Phase 4 subdivision which created 231 residential lots at a density of 30 units per net hectare. Given that the proposal does not substantively increase or decrease the amount of land for the residential or commercial uses overall, there is no anticipated impact on the land supply for each use and the change in use does not justify a market feasibility study.

As infrastructure already exists in the area of Site 1 where 11 homes are proposed, there is no anticipated financial implications associated with the proposed change in use. Similarly, at such time as the property containing Site 2 is subdivided, the development of services will form a part of the Subdivision Agreement and subsequent development.

The proposed relocation of the commercial block would not create an undesirable precedent, as the proposed development is consistent with the Provincial Planning Statement, and the overall intent of the Official Plan, and will achieve the more immediate development of residential housing and facilitate a more desirable commercial block.

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

### **Zoning By-Law Discussion**

Site 1 is zoned Development Reserve (DR), and Site 2 is zoned Urban Residential 3 (UR3). Site 1 is also subject to an Overlay Exception (L288) which allows for the uses permitted in the UR3 Zone and an assortment of commercial uses subject to various regulations. It is the intention of

October 10, 2024

Page 9 of 14

the Zoning By-Law amendment to generally carry over the existing uses and regulations which relate to Site 1 over to Site 2, and vice versa.

**Table 1 – Zoning Comparison Table: Existing Commercial and Proposed Commercial Site**

Zone Provision	Site 1 - Existing Exception L288	Site 2 - Proposed District Commercial (CD) Zone	Site 2 - Proposed Exception (E173)
Permitted Uses	<p>(i) Uses permitted in the UR3 Zone in accordance with the provisions of the UR3 Zone.</p> <p>(i) Uses permitted in former Section 22(1)(b) of former zoning by-law 76-26:</p> <ul style="list-style-type: none"> <li>• an art gallery;</li> <li>• an auditorium;</li> <li>• a bank;</li> <li>• a banquet hall;</li> <li>• a beverage room;</li> <li>• a business or professional office;</li> <li>• a clinic;</li> <li>• a commercial club;</li> <li>• a commercial school;</li> <li>• a department store;</li> <li>• a dry-cleaning or laundry outlet;</li> <li>• a florist shop;</li> <li>• a gasoline retail facility;</li> <li>• a laundromat;</li> <li>• a library;</li> <li>• a personal service shop;</li> <li>• a pet shop;</li> <li>• a public use, in accordance with the provisions of Section 5(18) hereof;</li> <li>• a recreational establishment;</li> <li>• a restaurant;</li> <li>• a retail nursery;</li> <li>• a retail store;</li> </ul>	<ul style="list-style-type: none"> <li>• animal care</li> <li>• banquet hall</li> <li>• club</li> <li>• commercial parking lot</li> <li>• community centre</li> <li>• creativity centre</li> <li>• day care centre</li> <li>• department store</li> <li>• entertainment establishment</li> <li>• financial institution</li> <li>• fitness centre</li> <li>• garden centre</li> <li>• service station</li> <li>• grocery store</li> <li>• laundry store</li> <li>• library</li> <li>• museum</li> <li>• office</li> <li>• personal service shop</li> <li>• place of worship</li> <li>• recreation facility</li> <li>• restaurant</li> <li>• retail store</li> <li>• special needs facility</li> <li>• training facility</li> <li>• wellness clinic</li> </ul>	<p>Additional permitted uses:</p> <ul style="list-style-type: none"> <li>(i) mixed use building;</li> <li>(ii) apartment building;</li> <li>(iii) house developed in accordance with the UR3 Zone provisions</li> <li>(iv) semi-detached house developed in accordance with the UR3 Zone provisions</li> <li>(v) townhouse developed in accordance with the UR3 Zone provisions</li> </ul>

October 10, 2024

Page 10 of 14

Zone Provision	Site 1 - Existing Exception L288	Site 2 - Proposed District Commercial (CD) Zone	Site 2 - Proposed Exception (E173)
	<ul style="list-style-type: none"> <li>• a supermarket;</li> <li>• a taxi stand or bus station;</li> <li>• a day nursery.</li> </ul> <p>(ii) A mixed commercial/residential development; and</p> <p>(iii) A place of worship.</p>		
Prohibited Uses	<p>(i) an auditorium</p> <p>(ii) a department store</p> <p>(iii) a gasoline retail facility</p> <p>(iv) a retail nursery</p> <p>(v) a taxi stand or bus station</p>		<p>(i) auditorium;</p> <p>(ii) department store;</p> <p>(iii) service station;</p> <p>(iv) garden centre;</p> <p>(v) transportation depot;</p>
Building Height	<p>Height of Building (maximum):</p> <p>(i) Mixed commercial/residential building 6 storeys or 20 metres, whichever is less;</p> <p>(ii) Apartment dwelling house 6 storeys or 20 metres, whichever is less;</p> <p>(iii) Commercial building 11 metres or one storey; and</p> <p>(iv) Other uses 10.7 metres</p>		<p>The maximum building height is as follows:</p> <p>(i) Mixed use building: the lesser of 6 storeys or 20 metres;</p> <p>(ii) Apartment building: the lesser of 6 storeys or 20 metres;</p> <p>(iii) Non-residential building: 11 metres or one storey;</p>
Size Restrictions	<p>Gross Leasable Floor Area (maximum): 2,000 square metres for all non-residential uses</p> <p>Retail Gross Floor Area (maximum): 300 square metres for any individual use.</p>		<p>The maximum gross floor area is 2,000 square metres for all non-residential uses;</p> <p>The maximum gross floor area is 300 square metres for any defined use engaged in a retail capacity;</p>

October 10, 2024

Page 11 of 14

Zone Provision	Site 1 - Existing Exception L288	Site 2 - Proposed District Commercial (CD) Zone	Site 2 - Proposed Exception (E173)
Planting Strip	Planting Strip Adjoining Residential Zoned Lands: 3.0 metres.	<p>General Provisions: Where any lot is used for a non-residential use and the interior lot line or rear lot line abuts a residential use or undeveloped land in an Urban Residential Zone, Urban Multi-Unit Residential Zone, HCD1 Zone, HCD3 Zone, RUR Zone, LSR Zone or DR Zone, then:</p> <ol style="list-style-type: none"> <li>1. A minimum 3.0 metre wide planting strip must be provided along the portion of the lot line that abuts such use or lot;</li> <li>2. 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</li> <li>3. Driveways, walkways and similar features are permitted to cut across a planting strip perpendicularly.</li> </ol>	

October 10, 2024

Page 12 of 14

Permitted uses

The change in the regulations for permitted uses and the size restrictions for non-residential development continue to implement the Official Plan policies while the language has been crafted to ensure a more simplified and consistent use of terminology used throughout the Kingston Zoning By-Law.

Planting Strip

Similar to the above noted efforts to simplify the wording of the exception, the specific requirement for a Planting strip has been removed in favour of the more detailed and nuanced provisions contained in the general provisions of the Kingston Zoning By-Law.

**Other Applications**

Subject to approval, the Site 1 property would be divided through the use of part-lot control.

With respect to Site 2, an application for Draft Plan of Subdivision must be approved by Council in order to create the lots, including the commercial lot. The Draft Plan of Subdivision must comply with the policies of the Official Plan and the layout and placement of the commercial block would be reviewed to ensure that the subdivision design meet the requirement of the Cataraqui West Secondary Plan Area. Given the anticipated size of the commercial development, the Site 2 property would be subject to Site Plan Control.

**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**

At the time of writing no correspondence from the public had been received.

**Effect of Public Input on Draft By-Law**

No comments were received which would require changes to the draft by-law.

**Conclusion**

The proposed Official Plan and zoning by-law amendments will allow for the future development of a commercial space within the Cataraqui West Secondary Plan area and provide compatible residential development on serviced lands within the urban boundary. The amending Subdivision Agreement will ensure appropriate measures are taken during the development of the residential lots planned for Site 1. The relocated commercial and residential locations are compatible with the surrounding uses and will fulfill the intent of the Secondary Plan area to create a sustainable, healthy, attractive, connected and vibrant residential neighbourhood that meets the needs of its

October 10, 2024

Page 13 of 14

residents. It also allows for future considerations for a larger commercial block to provide a greater array of services to the nearby public. The proposal, is consistent with the Provincial Planning Statement, conforms to the Official Plan, and represents good land use planning and is therefore 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 Planning Statement, 2024

**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 259 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 October 7, 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



October 10, 2024

Page 14 of 14

**Contacts:**

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

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

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Draft By-Law and Schedule A to Amend the Official Plan
- Exhibit B Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62
- Exhibit C Key Map
- Exhibit D Neighbourhood Context
- Exhibit E Consistency with the Provincial Planning Statement
- Exhibit F Official Plan, Land Use
- Exhibit G Conformity with the Official Plan
- Exhibit H Zoning By-Law Number 2022-62
- Exhibit I Proposed Site Plan
- Exhibit J Site Photographs
- Exhibit K Public Notice Notification Map
- Exhibit L Amending Subdivision Agreement

**By-Law Number 2024-XXX**

**A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 98, 1519 Shira Drive & Northwest Corner of Cataraqui Woods Drive and Bayridge Drive)**

**Passed:** [Meeting Date]

**Whereas** a Public Meeting was held regarding this amendment on September 5, 2024;

**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 98 to the Official Plan for the City of Kingston.
  - (a) **Amend** Schedule 'CW-1', 'Cataraqui West Secondary Plan', of the City of Kingston Official Plan, so as to designate the property located at 1519 Shira Drive and portions of the property located at the northwest Corner of Cataraqui Woods Drive and Bayridge Drive, as shown on Schedule 'A' to By-law Number 2024-\_\_\_, as 'Mid-Rise Residential' and 'District Commercial' respectively.
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**

---

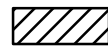
**Bryan Paterson**  
**Mayor**



### Schedule 'A' to By-Law Number

Address: 1519 Shira Drive  
File Number: D35-003-2024

### Official Plan - Schedule CW-1 Cataraqui West Secondary Plan



Lands to be Redesignated from District Commercial to Mid-Rise Residential



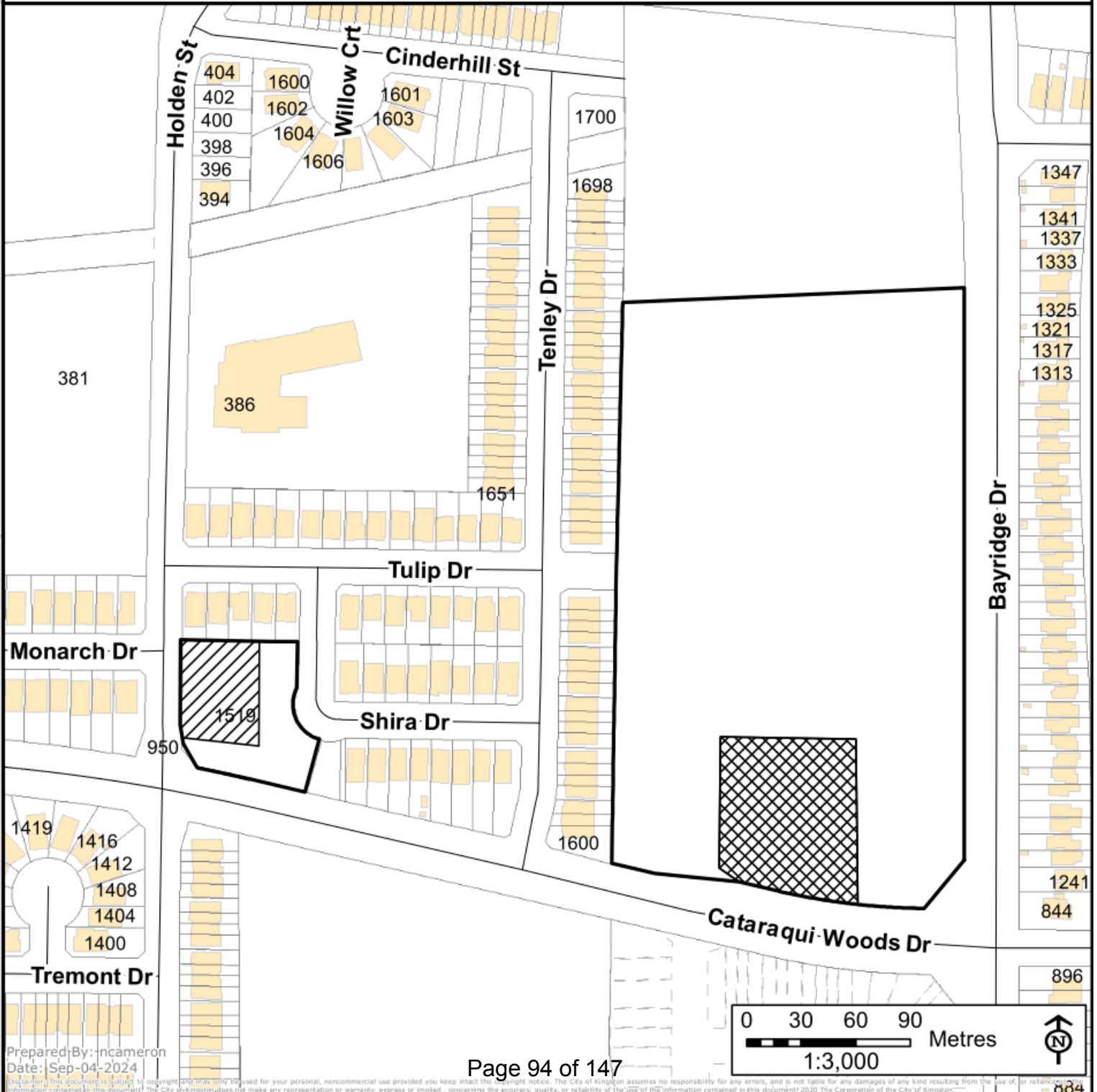
Lands to be Redesignated from Low-Rise Residential to District Commercial

### Certificate of Authentication

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**By-Law Number 2024-XX**

**A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Zone Change to ‘UR3’ and ‘CD’, Removal of Exception ‘E21’, Removal of Legacy Exception ‘L288’, and Introduction of Exception Number ‘E173’ (1519 Shira Drive & Northwest Corner of Cataraqui Woods Drive and Bayridge Drive))**

**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 1 – Zoning Map is amended by changing the zone symbol from ‘DR’ to ‘UR3’ and from ‘UR3’ to ‘CD’ as shown on Schedule “A” attached to and forming part of this By-Law;
  - 1.2. Schedule E – Exception Overlay is amended by removing Exception E21 and Legacy Exception L288, and by adding Exception E173, as shown on Schedule “B” attached to and forming part of this By-Law;
  - 1.3. By adding the following Exception Number E173 in Section 21 – Exceptions, as follows:

“**E173.** 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) **Mixed-use building**;
      - (ii) **apartment building**; and
      - (iii) **house, semi-detached house**, and **townhouse**, developed in accordance with the UR3 Zone provisions.

- (b) The following **uses** are prohibited:
    - (i) auditorium;
    - (ii) **department store**;
    - (iii) **service station**;
    - (iv) **garden centre**; and
    - (v) **transportation depot**.
  - (c) The minimum **lot area** provisions do not apply.
  - (d) The minimum **lot frontage** provisions do not apply.
  - (e) The maximum **lot coverage** is 30%.
  - (f) The maximum **building height** for:
    - (i) a **mixed-use building** is the lesser of 6 storeys or 20 metres;
    - (ii) an **apartment building** is the lesser of 6 storeys or 20 metres;  
and
    - (iii) a **non-residential building** is 11 metres or 1 storey.
  - (g) The maximum **gross floor area** for all **non-residential uses** is 2,000 square metres.
  - (h) The maximum **gross floor area** for each individual **non-residential use** is 300 square 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



Planning Services

### Schedule 'A' to By-Law Number



Address: 1519 Shira Drive  
File Number: D35-003-2024

### Certificate of Authentication

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

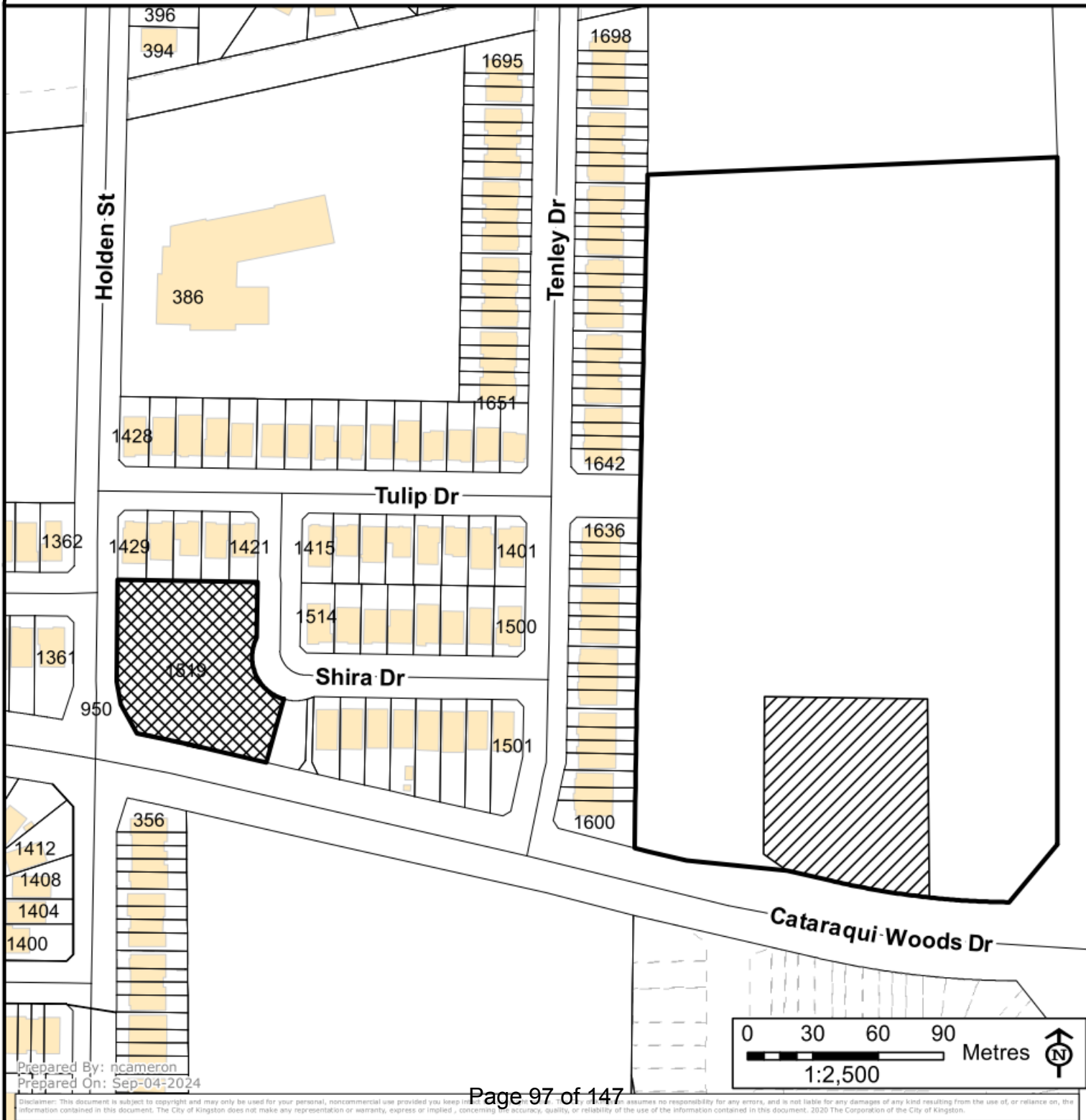
### Kingston Zoning By-Law 2022-62 Schedule 1 - Zoning Map

#### Sch 1 New Zone

-  Lands to be Rezoned as CD
-  Lands to be Rezoned as UR3

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk







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

Address: 1519 Shira Drive  
File Number: D35-003-2024

**Certificate of Authentication**

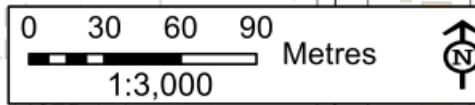
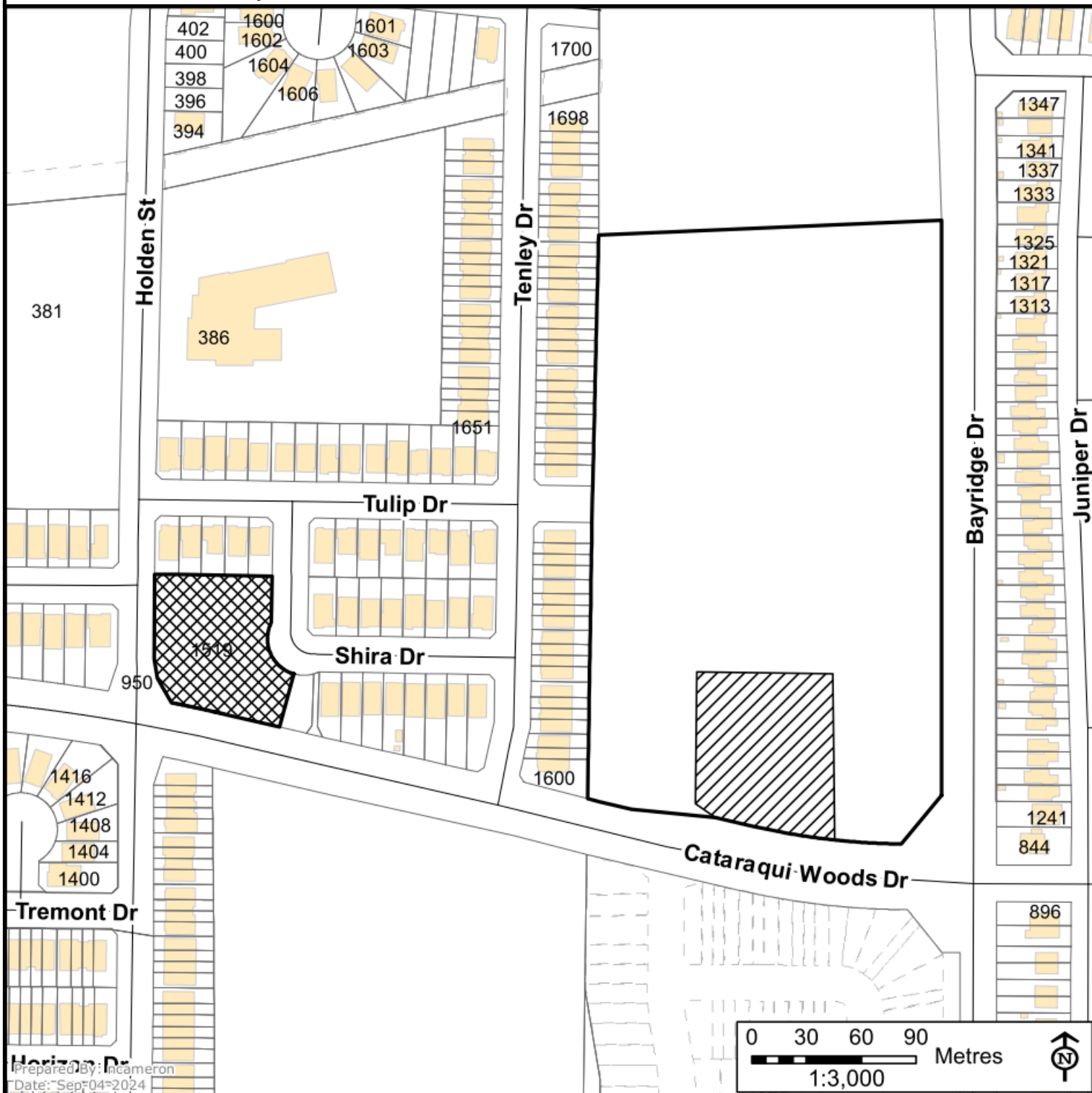
This is Schedule 'B' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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

-  Lands to be removed from L288
-  Lands to be removed from E21 and added as E173

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



Prepared By: mcameron  
Date: Sep-04-2024





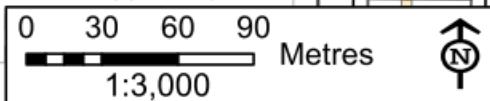
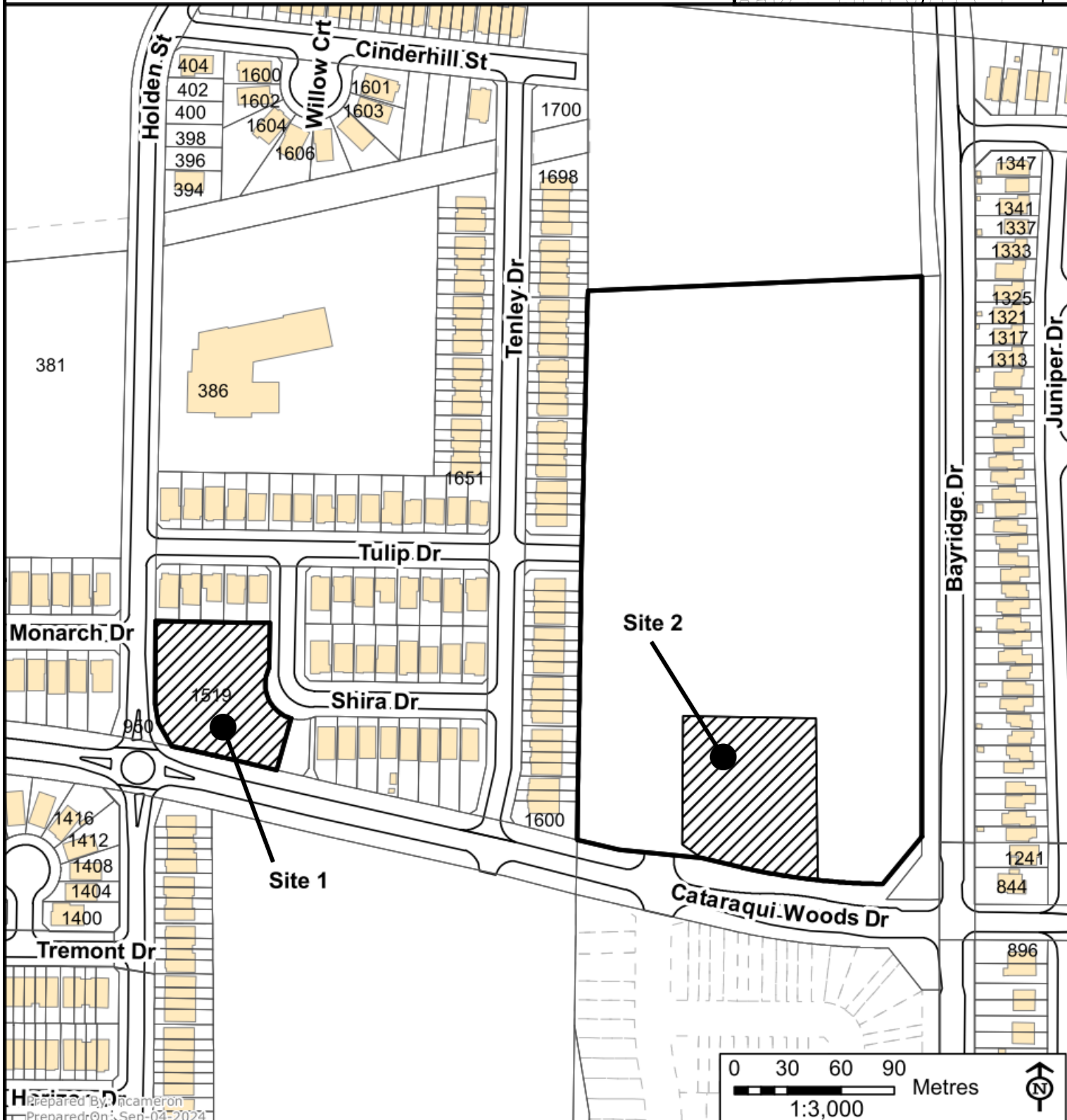
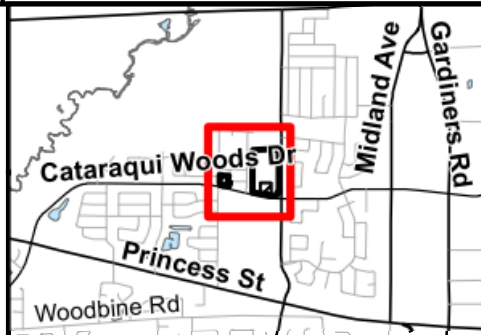
# Planning Committee

## Key Map

Address: 1519 Shira Drive  
File Number: D35-003-2024  
Prepared On: Sep-04-2024

Subject Lands

Area Subject to Re-Designation & Re-zoning



Prepared By: Cameron  
Prepared On: Sep-04-2024

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

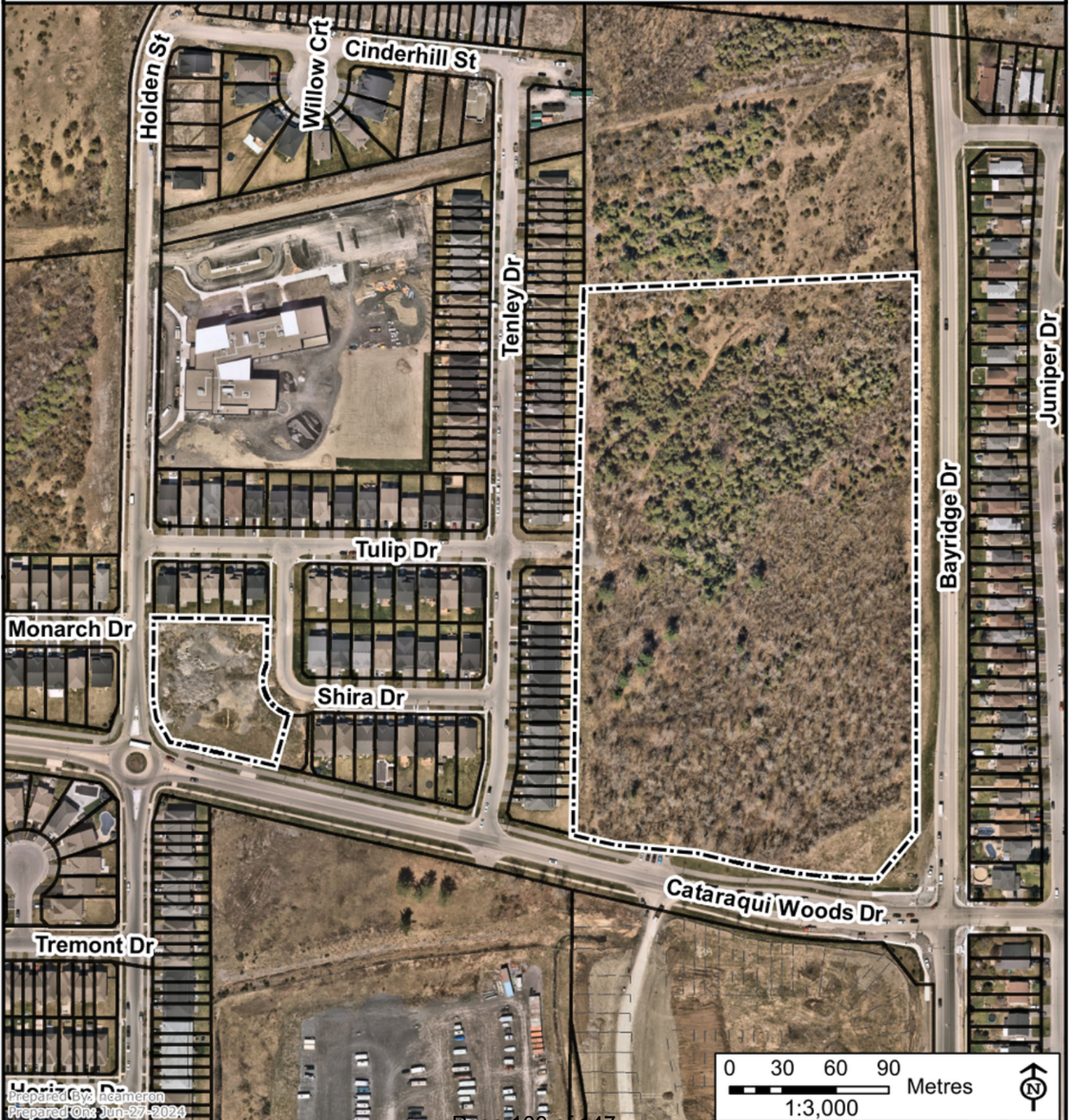




Planning Committee  
**Neighbourhood Context**

Address: 1519 Shira Drive  
File Number: D35-003-2024  
Prepared On: Jun-27-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels





**Demonstration of How the Proposal is Consistent with the Provincial Planning Statement (2024)**

Policy	Commentary
<b>2.2 Housing</b>	
<p>2.2.1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:</p> <ul style="list-style-type: none"> <li>b) permitting and facilitating:               <ul style="list-style-type: none"> <li>2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;</li> </ul> </li> <li>c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and</li> <li>d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.</li> </ul>	<p>The proposed relocation of the commercial block would facilitate the early construction of an additional range of housing, in the form of single-detached dwellings, within the existing Woodhaven Phase 4 subdivision which already accommodates a range of single- and semi-detached dwellings and townhomes. The residential development (Site 1) makes use of an undeveloped commercial site which will be relocated to a slightly larger area of land closer to an Arterial Road.</p> <p>The residential density of the commercial block proposed for redesignation is 22 units per hectare which makes effective use of the irregular, 'L-shaped', corner lot. Within the context of the broader subdivision, the conversion of the commercial block to allow for 11 residential lots would have no impact on the overall density of 30 units per hectare. Based on the existing and surrounding density, and the fact that services already exist at Site 1, the development makes efficient use of land and infrastructure.</p> <p>At a later date, Site 2 would be developed in accordance with the prevailing Cataraqui West Secondary Plan policies and standard subdivision conditions at which point densities would be implemented to ensure the efficient use of land.</p> <p>Both sites are located on an existing transit route as well as a multi-use trail providing active transportation opportunities.</p> <p>As the commercial block has continued in an un-developed state, the intensification of this block would be consistent with the direction of the PPS.</p>

<b>Policy</b>	<b>Commentary</b>
<b>2.8 Employment</b>	
<p>2.8.1.1. Planning authorities shall promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> <li>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</li> <li>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</li> <li>d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities;</li> </ul>	<p>The proposed amendments would allow for a slightly larger commercial block located at a more ideal location, in proximity to an Arterial Street. The commercial block is intended to provide for area residents and the more viable location would facilitate this.</p> <p>The proposed amendments would allow for a suite of uses which would provide a greater opportunity for employment.</p> <p>The commercial block continues to allow for a wide range of uses and allows for mixed-use developments to facilitate the development of complete communities.</p>
<b>2.9 Energy Conservation, Air Quality and Climate Change</b>	
<p>2.9.1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:</p> <ul style="list-style-type: none"> <li>a) support the achievement of compact, transit-supportive, and complete communities;</li> <li>b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;</li> <li>c) support energy conservation and efficiency;</li> </ul>	<p>See Section 2.2.1.</p> <p>Lot grading and drainage plans of the residential lots would be implemented through the amended subdivision agreement. Detailed design of the commercial block would be addressed through the standard subdivision process which would account for stormwater management and low impact development.</p>

Policy	Commentary
<p>d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and</p> <p>e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.</p>	
<p><b>3.5 Land Use Compatibility</b></p>	
<p>3.5.1. Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</p>	<p>The applicant has submitted a Noise Impact Study which established mitigation strategies for the sensitive (i.e., residential) land use to ensure compliance with provincial guidance set out in NPC-300. The recommendations will form a part of the amending subdivision agreement.</p>
<p>3.5.2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.</p>	<p>See 3.5.1.</p>

Policy	Commentary
<b>3.6 Sewage, Water and Stormwater</b>	
<p>3.6.2. 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. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.</p>	<p>Site 1 has immediate access to municipal services while Site 2 is located adjacent to core infrastructure which the future subdivision would connect into.</p>
<p>3.6.8. Planning for stormwater management shall:</p> <ul style="list-style-type: none"> <li>a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;</li> <li>b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;</li> <li>c) minimize erosion and changes in water balance including through the use of green infrastructure;</li> <li>d) mitigate risks to human health, safety, property and the environment;</li> <li>e) maximize the extent and function of vegetative and pervious surfaces;</li> <li>f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and</li> <li>g) align with any comprehensive municipal plans for stormwater management that consider</li> </ul>	<p>Stormwater has been addressed for Site 1 through an update lot grading and drainage plan which will be implemented through the amending subdivision agreement. At a later date Site 2 will be developed in accordance with the City's standard subdivision design guidelines which will require appropriate stormwater management controls.</p>

Policy	Commentary
cumulative impacts of stormwater from development on a watershed scale.	
<b>3.9 Public Spaces, Recreation, Parks, Trails and Open Space</b>	
<p>3.9.1. Healthy, active, and inclusive communities should be promoted by:</p> <ul style="list-style-type: none"> <li>a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;</li> <li>b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;</li> <li>c) providing opportunities for public access to shorelines; and</li> <li>d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.</li> </ul>	See Section 2.2.1.
<b>4.1 Natural Heritage</b>	
4.1.1. Natural features and areas shall be protected for the long term.	Site 1 is not occupied by any natural heritage features. Any natural heritage features associated with Site 2 would be appropriately protected through the standard development control processes.
<b>4.6 Cultural Heritage and Archaeology</b>	
4.6.1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.	Site 1 is has been fully cleared of Archaeology. Any archaeological features associated with Site 2 would be appropriately protected through the standard development control processes.

Policy	Commentary
4.6.2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.	See Section 4.6.1.
4.6.3. Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.	See Section 4.6.1

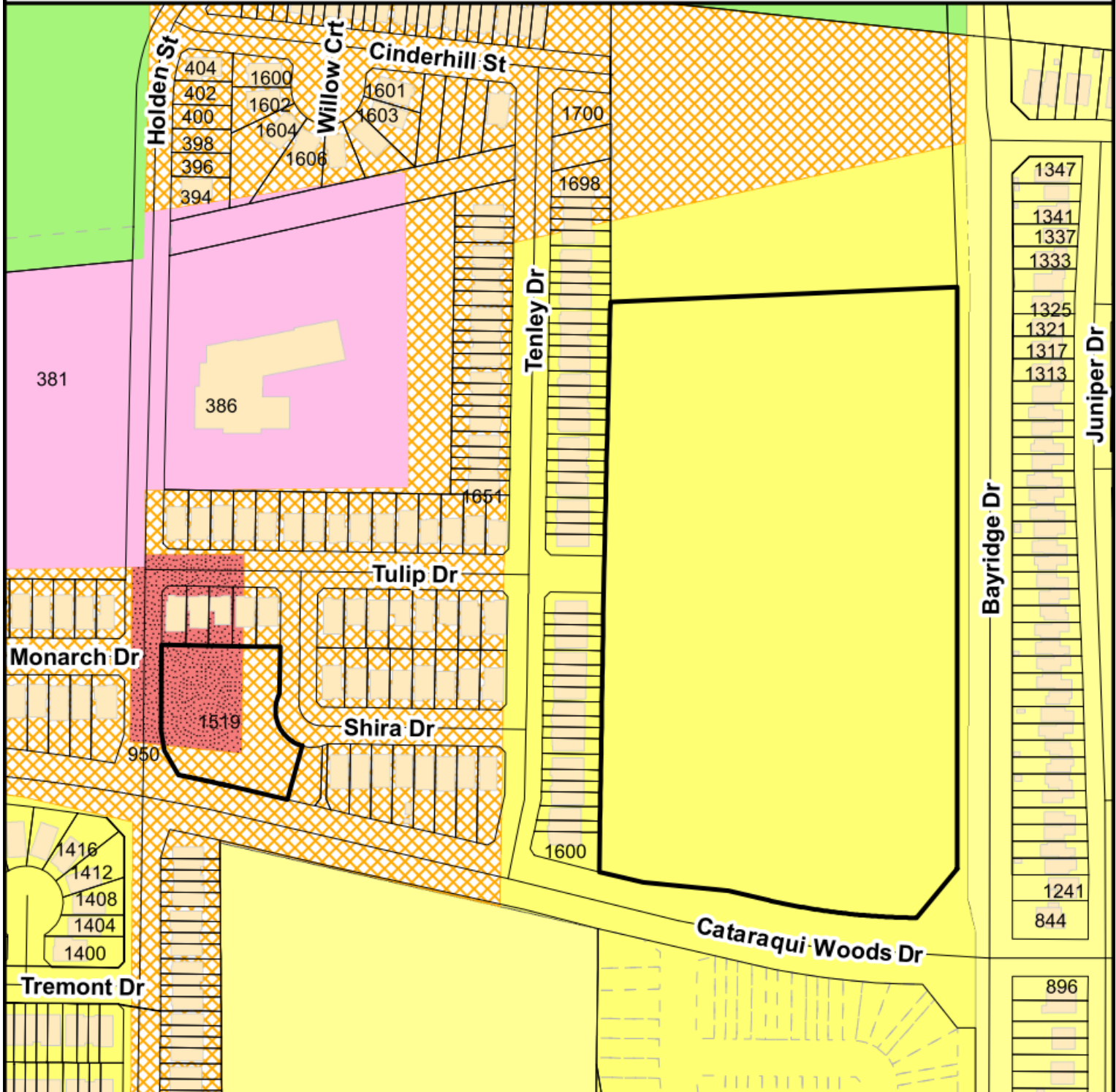




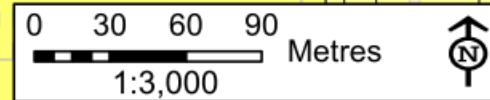
# Planning Committee Official Plan, Existing Land Use

Address: 1519 Shira Drive  
File Number: D35-003-2024  
Prepared On: Jun-27-2024

- Subject Lands
- RESIDENTIAL
- SECONDARY PLAN AREA
- DISTRICT COMMERCIAL
- INSTITUTION
- LOW-RISE RESIDENTIAL
- MID-RISE RESIDENTIAL
- OPEN SPACE



Prepared By: R. Cameron  
Prepared On: Jun-27-2024



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

**Demonstration of How the Proposal Conforms to the Official Plan**

<b>Policy</b>	<b>Conformity with the Policy</b>
<b>Secondary Plan Objectives</b>	
<b>10D.1.2.a.</b> create a safe, livable and healthy neighbourhood that has a sense of neighbourhood identity;	<p>The proposed relocation of the commercial block approximately 230 metres east of its current location where the site will be in close proximity to the intersection of a collector road (Cataraqi Woods Drive) and an arterial road (Bayridge Drive) is intended to increase the viability of the commercial block.</p> <p>The commercial block has proven challenging to develop at its current location, including at its former location at the southwest corner of Cataraqi Woods Drive and Holden Street, and measures taken to increase the viability of its future development will help ensure a community that provides the commercial amenities necessary to sustain a safe, livable and healthy neighbourhood that has a sense of neighbourhood identity.</p>
<b>10D.1.2.b.</b> create a neighbourhood that has a clear and cohesive physical structure that is harmonious and integrated with the existing adjacent neighbourhood;	<p>The proposed residential block (Site 1) is surrounded by similar residential uses and its development for this use would reinforce this structure in a harmonious manner. The relocated commercial block to Site 2 would bring the commercial development closer to an arterial street where this type of amenity forms a part of the typically expected form of development.</p>
<b>10D.1.2.c.</b> encourage the development of a neighbourhood centre that serves as a focus for neighbourhood activities. This may include a major park, community park, a neighbourhood centre, and educational institutions;	<p>See response in 10D.1.2.a</p>
<b>10D.1.2.d.</b> proceed with development in an environmentally sound and sustainable manner;	<p>Both sites are located on a Kingston Transit route and immediately front upon a multi-use pathway. The relocation of the commercial block will continue to reinforce the environmental sustainability of the development.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>10D.1.2.e.</b> encourage a neighbourhood development that takes advantage of the unique natural characteristics and features within and adjacent to it;</p>	<p>The relocated commercial block takes advantage of the arterial road while the residential block is located in closer proximity to the Kingston West Catholic Elementary School which is situated approximately 100 metres north of Site 1.</p>
<p><b>10D.1.2.f.</b> encourage a variety of ground oriented housing forms and tenures which meet the needs of the population and which can respond to changes in the marketplace;</p>	<p>The 11 detached residential units will compliment existing suite of building typologies which exist within the Woodhaven Phase 4 subdivision which this block was initially a part of and consisted of single- and semi-detached homes and townhouse homes. The residential lots have the right to be developed with second, and third, additional residential units which would further increase the form and tenure within the subdivision including the ability to accommodate a wider range of housing affordability.</p>
<p><b>10D.1.2.g.</b> Promote innovation in housing design, architecture, and site planning to foster a welcoming, people-friendly neighbourhood;</p>	<p>See response in 10D.1.2.f.</p>
<p><b>10D.1.2.h.</b> encourage the development of a neighbourhood that is based on a high standard of urban barrier-free design on both public and private lands;</p>	<p>See response in 10D.1.2.d.</p>
<p><b>10D.1.2.i.</b> preserve significant cultural heritage resources;</p>	<p>There are no significant cultural heritage resources associated with this site.</p>
<p><b>10D.1.2.j.</b> encourage tree preservation practices so as to enhance the existing natural environment and the aesthetics of the built environment;</p>	<p>Site 1 does not have any substantive vegetation while Site 2 forms part of a larger block which will be cleared and graded to accommodate a future phase of the Woodhaven Master Planned community. The native vegetation at Site 2 will be replaced and/or compensated for with input from the City's forestry department.</p>
<p><b>10D.1.2.l.</b> provide for the recreational needs of the neighbourhood and enhance the environment;</p>	<p>The site includes a 1.3 hectare area which accommodates a 0.46 hectare park and a 0.83 hectare open space storm water pond which will provide for active and passive recreation space</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<b>10D.1.2.m.</b> provide safe and integrated active transportation systems;	See response in 10D.1.2.d.
<b>10D.1.2.n.</b> provide for a balanced transportation system consisting of a hierarchy of roads, transit facilities, walkways and paths to accommodate efficient movement within the neighbourhood and beyond;	See response in 10D.1.2.d.
<b>10D.1.2.o.</b> encourage an urban form that is orderly, efficient and cost effective for servicing, stormwater management, transportation and public transit systems; and	<p>The proposed development of 11 homes on Site 1 will make better use of the existing commercial block which has failed to be developed into the City's commercial inventory. As existing infrastructure already services this block, the development of the residential lots will support an orderly and cost effective built form.</p> <p>The lands at Site 2 will be subdivided by way of the standard subdivision control processes in order to ensure that the layout and design of the subdivision will create an orderly and efficient built form.</p>
<b>10D.1.2.p.</b> encourage energy conservation through appropriate and efficient subdivision design and encourage the use of new technologies and best management practices.	The lands at Site 2 will be subdivided by way of the standard subdivision control processes.
<b>10D.3 Residential Policies</b>	
<b>10D.3.2.a.</b> variety in housing types and therefore ownership opportunities are encouraged in order to accommodate people's different and changing housing needs;	See response in 10D.1.2.f.
<b>10D.3.2.b.</b> innovation in housing design is encouraged in order to create an interesting and varied neighbourhood and where energy efficiency and barrier-free accessibility are integrated as an important element in house design;	See response in 10D.1.2.f.

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>10D.3.2.c.</b> a minimum 25 percent of the total number of dwelling units in the Cataraqui West neighbourhood must qualify as affordable housing of this Plan, and be distributed throughout the Cataraqui West neighbourhood;</p>	<p>See response in 10D.1.2.f.</p>
<p><b>10D.3.2.d.</b> the provision of barrier-free pathways, sidewalks and bicycle paths must be designed to facilitate pedestrian connectivity throughout the residential areas, to schools, parks, and other focal points. Where cul-de-sacs are proposed, walkways and greenways are to be incorporated to ensure active transportation connectivity;</p>	<p>See response in 10D.1.2.h.</p>
<p><b>10D.3.2.e.</b> variety in mix of housing types and density of development is encouraged. Densities are to be calculated on a “net area basis”. Net area is calculated as an area of one or more lots, blocks or parcels of land, the principal use of which is for residential purposes. Lands for other uses that complement basic residential uses are not included in the net area calculation;</p>	<p>See response in 10D.1.2.f.</p>
<p><b>10.D.3.5.</b> Within the Mid-Rise Residential designation:  <b>a.</b> all housing types that conform to the density and building heights outlined herein are permitted;  <b>b.</b> the overall density of development within the Mid-Rise Residential designation is to range from 25 to 75 dwelling units per net hectare of land irrespective of housing types;  <b>c.</b> maximum building height is six storeys. Variation in height in a manner which is sensitive to existing and proposed housing forms on adjoining lands is encouraged; and</p>	<p>The residential development of Site 1 would result in a density of 22 units per hectare which is marginally less than the 25 units per hectare minimum, but makes use of an irregular, ‘L-shaped’, corner lot. When viewed in the context of the initial Woodhaven Phase 4 subdivision which created this block, as well as 231 other residential lots, the development achieved a density of 30 units per net hectare which is well within the range set out in the Official Plan.</p> <p>The dwellings will be oriented towards Holden Street and Shira Drive ensuring a prominent building presence along the street.</p> <p>See also response in 10D.1.2.f.</p>

Policy	Conformity with the Policy
<p><b>d.</b> buildings should be oriented to the street in order to create a prominent building presence along the street in a manner compatible with adjacent Low-Rise Residential areas.</p>	
<p><b>Commercial Policies</b></p>	
<p><b>10D.4.1.</b> The District Commercial designation is centrally located at the intersection of Cataraqui Woods Drive, a collector, and Holden Street. The District Commercial designation is intended to provide for the commercial service needs of the neighbourhood.</p>	<p>In order to achieve the overall development goals of the Cataraqui West Secondary Plan of a sustainable, healthy, attractive, connected and vibrant residential neighbourhood that meets the needs of its residents the commercial block is being moved 230 metres east of the Holden Street intersection to better facilitate a viable commercial space.</p> <p>See also response in 10D.1.2.a</p>
<p>Principles to be considered in the zoning and <i>development</i> of land in the District Commercial designation are:</p> <ul style="list-style-type: none"> <li><b>a.</b> uses such as a grocery store, convenience store, post office, bank, retail store, dry cleaner, restaurant, day care centre, place of worship and other minor institutional uses are encouraged;</li> <li><b>b.</b> no outdoor storage is allowed;</li> <li><b>c.</b> residential uses are permitted on floors above the ground (first) floor;</li> <li><b>d.</b> buildings are to be oriented towards the street;</li> <li><b>e.</b> it is the intent that the majority of parking is located at the rear or sides of buildings;</li> <li><b>f.</b> the combined maximum gross floor area for all non-residential uses within the District Commercial area must not exceed 2,000 square metres;</li> <li><b>g.</b> the retail gross floor area of any individual use should not exceed 300 square metres;</li> <li><b>h.</b> maximum building height is six storeys; and</li> </ul>	<p>The relocated commercial block does not fundamentally change the uses permitted or the maximum size of commercial uses, but rather updates several of the definitions to be consistent with that of the Kingston Zoning By-law.</p>

Policy	Conformity with the Policy
<p>i. should commercial service uses not be proposed for the District Commercial area following the commencement of construction of two thousand (2,000) <i>residential units</i> within the Cataraqui West neighbourhood, the lands may then be developed in accordance with the Medium Density Residential designation without the need to amend this Plan.</p>	
<b>Urban Areas – Focus of Growth</b>	
<p><b>2.1.1.</b> 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"> <li><b>a.</b> appropriate (minimum) densities;</li> <li><b>b.</b> land use patterns that foster transit and active transportation;</li> <li><b>e.</b> direction of new development and key land uses to areas where they can best result in sustainable practices;</li> <li><b>g.</b> maximized use of investments in infrastructure and public amenities;</li> <li><b>h.</b> strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use;</li> <li><b>k.</b> climate positive development;</li> </ul>	<p>The proposed development is located within the Urban Boundary and represents an appropriate density.</p> <p>Both of the sites abut existing transit routes as well as a multi-use pathway which will help foster transit and active transportation.</p> <p>The relocated commercial block is intended to address ongoing issues related to the site’s viability and would address the needs of the community only if the site is economically viable.</p> <p>Site 1 is already connected to municipal services, while the development at Site 2 will connect to existing City services as part of the planned servicing for the future phase of the subdivision. This will help to maximize City investments.</p> <p>See also response in 10D.1.2.o</p>
<p><b>2.1.4.</b> In reviewing development applications, the City will promote sustainability through:</p> <ul style="list-style-type: none"> <li><b>a.</b> encouragement of green building design to reduce greenhouse gases by adopting: <ul style="list-style-type: none"> <li>• energy efficient construction;</li> <li>• renewable sources of energy for lighting and heating;</li> <li>• natural lighting;</li> <li>• design that reduces water consumption;</li> </ul> </li> </ul>	<p>The proposed development represents the buildout and intensification of lands within the Urban Boundary. As such, the proposed development will improve the efficient use of available land within the urban boundary, as well as the efficient use of existing municipal servicing capacity and transportation infrastructure and services.</p> <p>The lot grading and drainage plans have been designed to accommodate the necessary storm water management controls. At such time as Site 2 is developed, the plan of subdivision</p>



Policy	Conformity with the Policy
<ul style="list-style-type: none"> <li>• design which minimizes discharge into the sanitary sewers; and</li> <li>• design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design and stormwater re-use.</li> <li><b>b.</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;</li> <li><b>d.</b> construction and operational practices that minimize waste and maximize re-use of resources;</li> <li><b>e.</b> practices that conserve or recycle materials, energy, or other resources;</li> <li><b>f.</b> design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</li> <li><b>i.</b> design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</li> <li><b>k.</b> development that suits the demographic and/or socio-economic needs of the community.</li> </ul>	<p>would include a street tree planting plan to compensate for any loss in tree coverage.</p>
<b>Urban Boundary</b>	
<p><b>2.2.4.</b> 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</p>	<p>See response in Section 2.1.1.</p>

Policy	Conformity with the Policy
<p>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>	
<b>Growth Focus</b>	
<p><b>2.3.1.</b> 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>See response in Section 2.1.1.</p>
<b>Transportation</b>	
<p><b>2.3.11.</b> In order to implement the Strategic Direction of the Kingston Transportation Master Plan, active transportation will be aggressively promoted with greater emphasis on pedestrians, cyclists and transit, and accessibility for all residents and visitors.</p>	<p>See response in 10D.1.2.d.</p>
<b>Phasing of Growth - Vision</b>	
<p><b>2.4.1.</b> 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"> <li><b>a.</b> reduce infrastructure and public facility costs;</li> <li><b>b.</b> reduce energy consumption and greenhouse gas emissions;</li> <li><b>c.</b> support active transportation and viable public transit;</li> <li><b>d.</b> conserve agriculture and natural resources within the City; and</li> </ul>	<p>See response in Section 2.1.1.</p>

Policy	Conformity with the Policy
e. reduce reliance on private vehicles.	
<p><b>2.4.2.</b> It is the intent of this Plan to be consistent with <i>Provincial Policy</i>. <i>Provincial Policy</i> supports residential intensification, infill development, and an appropriate range of housing types and densities needed to meet the projected requirements of current and future residents. It is the intent of the City to maintain, at all times, the ability to accommodate residential growth for a minimum of 10 years with lands that are designated and available for residential development. It is also the intent of this Plan to maintain lands with servicing capacity to provide at least a three year supply of residential units available through lands suitably zoned and lands that are draft-approved or registered plans of subdivision. This Plan will ensure sufficient land is made available to accommodate an appropriate range and mix of land uses to meet projected need for a time horizon of up to 20 years.</p>	<p>A review of the development proposal concludes that it is in conformity with the Provincial Planning Statement. For a detailed examination of the applicable policies, please see Exhibit E.</p>
<p><b>2.4.3.</b> It is the intent of this Plan to achieve an increase in the City’s net urban residential densities through promoting intensification and requiring minimum densities for residential development.</p>	<p>See Section 2.3.2.</p>
<p><b>2.4.6.</b> 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>The subject site is located within the urban boundary. See Section 2.1.1.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<b>Phasing of Municipal Infrastructure and Transportation</b>	
<b>2.5.8.</b> Where intensification is encouraged, increased densities will only be approved when it has been determined by the City that servicing capacity exists or that capacity expansions are imminent to accommodate additional development.	The proposal was circulated to all relevant departments and agencies and it was confirmed that there is sufficient service capacity to accommodate the proposed development.
<b>2.5.10.</b> In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity and improve environmental conditions	See Section 2.3.11.
<b>2.5.11.</b> The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites.	The site is serviced with existing nearby transit opportunities.
<b>Locational Criteria for Residential Development</b>	
<b>2.6.4.</b> New low-rise residential buildings are appropriate in existing low-rise residential areas and in greenfield areas that have been	The detached dwellings proposed for Site 1 constitute a low rise form of development within an area where similar low-rise development already exist.

<b>Policy</b>	<b>Conformity with the Policy</b>
planned for low-rise residential through the policies of this Plan.	
<p><b>2.6.5.</b> New mid-rise residential buildings should generally be located:</p> <ul style="list-style-type: none"> <li><b>a.</b> on a site that is appropriate given the context of surrounding land uses;</li> <li><b>b.</b> adjacent to, or within walking distance of, commercial areas;</li> <li><b>c.</b> in an area that has access to public transit; and,</li> <li><b>d.</b> within walking distance of parkland, open space or community facilities.</li> </ul>	Both sites meet the locational criteria for mid-rise development. Site 2 would allow for an apartment building or mixed-use building of up to six-storeys in addition to the commercial uses allowed on what is currently Site 1.
<b>Land Use Compatibility Principles</b>	
<b>2.7.1.</b> Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.	See Section 2.7.3.
<b>2.7.2.</b> 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.	See Section 2.7.3.
<p><b>2.7.3.</b> 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"> <li><b>a.</b> shadowing;</li> <li><b>b.</b> loss of privacy due to intrusive overlook;</li> </ul>	The proposed zoning of Site 1 is consistent with that of the surrounding area and will not result in any undue shadowing, privacy concerns, or other adverse impacts. The relocated commercial block is on the north side of Cataraqui Woods Drive within an as-yet-to-be developed plan of subdivision which will factor in

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>c.</b> increased levels of light pollution, noise, odour, dust or vibration;  <b>e.</b> 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;  <b>f.</b> environmental damage or degradation;  <b>g.</b> diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;  <b>h.</b> reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;  <b>i.</b> visual intrusion that disrupts the streetscape or buildings;  <b>j.</b> degradation of cultural heritage resources;  <b>k.</b> architectural incompatibility in terms of scale, style, massing and colour;  <b>l.</b> the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents; or  <b>m.</b> adverse effects on neighbouring properties related to stormwater management or drainage.</p>	<p>compatibility considerations. As a result of the location of Site 2 being on the north side of Cataracqui Woods Drive shadowing or privacy concerns related to the subdivision of lands currently being developed on the lands south of the site are minimized.</p> <p>See also response in Section 2.1.4.</p>
<p><b>2.7.4.</b> Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:  <b>a.</b> ensuring adequate setbacks and minimum yard requirements;  <b>b.</b> establishing appropriate transition in building heights, coverage, and massing;</p>	<p>The recommended measures and designs set out in the lot grading and drainage plans and the noise impact study prepared for Site 1 would be incorporated into the Amending Subdivision Agreement.</p> <p>To the extent any mitigation measures are necessary through the development of Site 2, these items would be addressed at either the Subdivision process or the Site Plan Control</p>

Policy	Conformity with the Policy
<p><b>d.</b> designing the building in a way that minimizes adverse effects;</p> <p><b>e.</b> maintaining mature vegetation and/or additional new landscaping requirements;</p> <p><b>f.</b> controlling access locations, driveways, service areas and activity areas; and,</p> <p><b>g.</b> regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.</p>	<p>process when development is proposed for the site.</p>
<p><b>2.7.6.</b> Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <p><b>a.</b> suitable scale, massing and density in relation to existing built fabric;</p> <p><b>b.</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><b>c.</b> adequate land area and appropriate site configuration or provision for land assembly, as required;</p> <p><b>d.</b> efficient use of municipal services, including transit;</p> <p><b>e.</b> appropriate infill of vacant or under-utilized land; and,</p> <p><b>f.</b> clearly defined and safe: site access; pedestrian access to the building and parking spaces; amenity areas; building entry; and parking and</p>	<p>The proposed development amounts to the relocation of existing, planned, commercial and residential development.</p> <p>See response in Section 10D.1.2.a. and 10D.1.2.o.</p>



<b>Policy</b>	<b>Conformity with the Policy</b>
secure and appropriate bicycle facilities.	
<b>Residential Uses</b>	
<p><b>3.3.7.</b> Within existing stable residential areas, applications for infill must be located and organized to fit with neighbouring properties, including cultural heritage resources, and must satisfactorily address the following criteria:</p> <ul style="list-style-type: none"> <li><b>a.</b> confirmation that adequate municipal services can be provided;</li> <li><b>b.</b> demonstrated suitability of dwelling type, lot size, building height and massing, building materials, and exterior design; and</li> <li><b>c.</b> demonstrated ability to achieve compatible use and development of the property taking into account the policies of Section 2.7.</li> </ul>	<p>See Section 2.5.8. See Section 2.7.4. See Section 2.7.3.</p>
<p><b>3.3.8</b> Within the urban boundary, intensification through moderate increases in building height or density, and gradual transition to more intense forms of housing may be approved at the edge of neighbourhoods, adjacent to transit routes, community facilities, significant areas of open space or adjacent to mixed-use Centres and Corridors.</p>	<p>See Section 2.1.1.</p>
<b>Commercial Uses</b>	
<p><b>3.4.2.</b> Within Commercial designations shown on Land Use Schedule 3, a wide range of retail goods and services, offices, entertainment, and major recreation uses, and in some cases residential uses, are permitted, subject to the policies of this Plan. Uses will also be further specified in each type of designation, and further regulated in</p>	<p>The zoning for the relocated commercial block has been drafted to maintain the same type of uses as currently exist but using consistent language used within the Kingston Zoning By-law</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
the implementing zoning by-law.	
<p><b>3.4.3.</b> Small-scale, local commercial uses such as a convenience shop, coffee shop, hairdresser or barber may be permitted within Residential designations, in accordance with Sections 3.3.2 and 3.4.F of this Plan, or as an accessory use in other designations. Such small-scale activities are not shown on Schedule 3.</p>	See section 3.4.2.
<p><b>3.4.4.</b> Residential uses permitted will vary according to the policies of the individual designations.</p>	See section 3.4.2.
<p><b>3.4.5.</b> Prohibited uses in a Commercial designation generally include single detached or semi-detached dwellings, long term outdoor storage, collision repair or towing yards, and industrial uses.</p>	See section 3.4.2.
<p><b>3.4.6.</b> In order to maintain the significance and vitality of the Central Business District, the City may limit the size or extent of uses necessary to support the CBD, such as offices and entertainment uses, in other locations in the City. The City will monitor the proportion of new office development locating in Employment Areas relative to the Central Business District and may, subject to the results of a detailed study, set thresholds on the amount of office development in Employment Areas if the study has determined that office development in Employment Areas may be undermining the vitality of existing office space or the development of new office space in the Central Business District.</p>	The relocated commercial block is of marginally larger size (i.e., 0.6 hectares versus 0.5 hectares) which is not anticipated to have an impact on the commercial hierarchy which exists through the City.

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>3.4.9.</b> The City will require a proponent to conduct a commercial inventory assessment to the satisfaction of the City when proposing to convert lands from a Business Park Industrial or General Industrial designation to a Commercial designation. Additional studies will also be required when proposing to re-designate employment land, as per the policies of Section 3.6 of this Plan. The City may also require a proponent to conduct a commercial inventory assessment to the satisfaction of the City when proposing to convert lands from any other designation to a new Commercial designation and a demonstration of why the proposed use cannot be accommodated on an existing commercially designated property.</p>	<p>See Section 3.4.6.</p>
<p><b>3.4.10.</b> Outside of the Central Business District, proponents of any new or expanded Commercial designation that proposes commercial development greater than 5,000 square metres in floor area, including an expansion of a Commercial designation or a proposal requiring a zoning by-law amendment to increase the floor area within a current Commercial designation by 5,000 square metres or more, must submit a market justification study and impact assessment, site plan, a transportation study undertaken to the satisfaction of Council, and other studies that the City deems necessary as outlined in Section 9.12.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>3.4.11.</b> The market justification study and impact assessment must demonstrate to Council's satisfaction that:</p> <ul style="list-style-type: none"> <li><b>a.</b> the type and size of the proposed facilities are warranted;</li> <li><b>b.</b> there will be no negative impact on the Central Business District and that its market opportunity and value to the community as a commercial core will not be seriously impaired;</li> <li><b>c.</b> the planned function of existing or approved sites in the retail hierarchy within the relevant trade area will not be undermined; and,</li> <li><b>d.</b> the geographic distribution of commercial functions and facilities will continue to provide convenient service to all residents of the relevant trade area.</li> </ul>	<p>At this time a market justification study and impact assessment is not required.</p> <p>See also Section 3.4.2 and Section 3.4.6.</p>
<b>District Commercial</b>	
<p><b>3.4.D.2.</b> In order to provide locally convenient service to the public, it is desirable to maintain the function of District Commercial designations in dispersed locations throughout the City. It is the policy of this Plan to provide for additional floor space primarily through the expansion or <i>development</i> of existing District Commercial sites as shown on Schedule 3, or as part of a future community, through designation in a secondary plan.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>
<p><b>3.4.D.3.</b> A District Commercial designation is generally between 2 and 12 hectares in size with a leasable area between 5,000 square metres and 30,000 square metres. While some existing centres in the City are smaller, the Kingston Centre exceeds these provisions. District</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>

Policy	Conformity with the Policy
<p>Commercial designations may be in the form of a plaza with linked units or other format that meets the requirements of Sections 3.4.9, 3.4.10 and 3.4.11 to the satisfaction of the City.</p>	
<p><b>3.4.D.5.</b> Any new District Commercial development or expansion will be required to:</p> <ul style="list-style-type: none"> <li><b>a.</b> locate adjacent to an arterial or collector road that is in proximity to medium and high density residential uses;</li> <li><b>b.</b> develop on a single site that is planned in a comprehensive manner;</li> <li><b>c.</b> limit the individual use and total development size to one that is in keeping with the local service needs of the area and the intended function of a District Commercial designation;</li> <li><b>d.</b> limit traffic infiltration impact on local roads in the surrounding area;</li> <li><b>e.</b> meet the site plan control requirements of Section 3.4.18 to the satisfaction of the City; and,</li> <li><b>f.</b> prepare other studies that the City determines are needed to support the proposal as required by Section 9.12 of this Plan.</li> </ul>	<p>See Section 3.4.2 and Section 3.4.6.</p>
<b>Neighbourhood Commercial</b>	
<p><b>3.4.F.2.</b> The neighbourhood commercial land use is intended to provide small-scale convenience goods and services catering to residents in the immediate area who are generally within walking distance, and for this reason, such uses are not shown on Schedule 3 of this Plan.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>3.4.F.3.</b> Neighbourhood commercial uses are typically small plazas or free-standing establishments. In older areas of the City, neighbourhood commercial uses are also found in mixed-use buildings containing one or more residential units above the commercial floor space. A cluster of neighbourhood commercial uses will include no more than four individual uses on independent sites.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>
<p><b>3.4.F.4.</b> The number of locations and size of neighbourhood commercial establishments that are permitted will be strictly limited and will be sufficient only for the convenience needs of the local area. Neighbourhood commercial uses are not intended to be used to expand any other Commercial designation of this Plan.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>
<p><b>3.4.F.5.</b> Neighbourhood commercial uses will generally be located on the corner of a collector street. The residential amenity of the surrounding neighbourhood will be maintained or enhanced through design, accessibility, limited size of uses, siting of parking or service areas, landscaping, lighting, and access locations. Such matters will be regulated through site plan control review.</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>
<p><b>3.4.F.6.</b> Any proposal for a new neighbourhood commercial use in a Residential designation shall be assessed subject to the following considerations:</p> <p><b>a.</b> the proposed commercial use must demonstrate compatibility with adjacent residential uses as outlined in Section 2.7 of this Plan;</p>	<p>See Section 3.4.2 and Section 3.4.6.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p><b>b.</b> buffering may be required between a proposed neighbourhood commercial use and abutting residential uses;</p> <p><b>c.</b> advertising and associated signs and exterior lighting must be designed and situated on the site so as to be compatible with adjoining residential uses;</p> <p><b>d.</b> the placement of all signage must be in accordance with the City’s Sign By-law;</p> <p><b>e.</b> outdoor storage of goods and materials is not permitted;</p> <p><b>f.</b> parking is encouraged to be located at the rear or side of buildings;</p> <p><b>g.</b> the principal entrance must be oriented to the street;</p> <p><b>h.</b> building and site design must complement and contribute to a safe and desirable neighbourhood character; and</p> <p><b>i.</b> a convenient, accessible and appealing streetscape is encouraged between the front of the building and the street curb.</p>	
<b>Open Space</b>	
<p><b>3.8.13.</b> In accordance with the Planning Act and the policies of this Plan, the City requires as a condition of development, a land dedication to be conveyed to the municipality for park or other public recreational purposes. This can amount to up to 2 percent of the total land area in the case of land proposed for industrial or commercial development, and an amount of up to 5 percent in the case of land proposed for residential development. These provisions apply</p>	<p>Parkland will be secured through the standard processes under the Planning Act and the City’s Parkland Dedication By-law</p>



Policy	Conformity with the Policy
<p>unless an alternative cash-in-lieu contribution is approved by the City, or a higher dedication is required for more intensive residential development, as required under Section 3.8.15.</p>	
<p><b>3.8.16.</b> The City may request cash-in-lieu for all or part of any required land dedication under the Planning Act under the following circumstances:</p> <ul style="list-style-type: none"> <li><b>a.</b> where the parcel of land is either too small or poorly located to meet parkland needs;</li> <li><b>b.</b> in an area that has excess parklands;</li> <li><b>c.</b> where the condition of the land is unsuitable for park purposes;</li> <li><b>d.</b> where no opportunity exists to enlarge existing neighbourhood parks;</li> <li><b>e.</b> where there is no opportunity to obtain useful waterfront land;</li> <li><b>f.</b> where a large development project is within reasonable walking distance to an existing park, provided that the trip does not involve crossing an arterial road; and,</li> <li><b>g.</b> where the provision of cash-in-lieu from a large project would not result in an overload to the existing park(s)</li> </ul>	<p>See Section 3.8.13.</p>
<p><b>General Policies</b></p>	
<p><b>4.1.1.</b> 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>See Section 2.5.8.</p>

Policy	Conformity with the Policy
<b>Stormwater Management</b>	
<b>4.3.4.</b> For urban infill development projects, the City will require the preparation of a stormwater management report to address the impacts of additional lot coverage or new uses of the site on the quality and quantity of water. Proponents must endeavour to improve the management of stormwater from the existing development areas.	See response in Section 2.1.1.
<b>Transportation</b>	
<b>4.6.1.</b> As described in Section 2.5.11 of this Plan, the City intends to foster sustainability within the community and to reduce reliance on the automobile by satisfying travel demand through the efficient use of the existing infrastructure, and by providing the facilities and services to encourage walking, cycling and transit as priority universally accessed modes of travel, before expanding the City's road infrastructure.	See Section 2.3.11.
<b>4.6.10.</b> Improving connections between active transportation and transit will be required through such means as improved pedestrian amenities, connected on and off street cycling routes, bicycle storage, improved transit routing and amenities, and such site plan control matters as locating building entrances near sidewalks and transit stops, and providing weather protection for people using all modes of travel including transit users.	There are sidewalks along both Catarauqui Woods Drive and Bayridge Drive as well as a multi-use pathway.
<b>4.6.28.</b> The City will augment its program of landscaping and street tree planting and replacement in many parts of the City to enhance the	Street tree planting plans will be required through the final plan of subdivision application at such time as the Site 2 lands are developed.

<b>Policy</b>	<b>Conformity with the Policy</b>
streetscape, particularly within the Urban Boundary.	
<b>4.6.38.</b> Specific means of encouraging transit use include, but are not limited to: a. the careful location, design and site planning of high intensity uses;	The additional infill of the site will potentially help to increase the ridership of the proposed transit line in the near proximity to the site.
<b>4.6.47.</b> It is the intention of this Plan to encourage a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage or active transportation.	Parking in accordance with the Zoning By-law is accommodated on site.
<b>4.6.48.</b> Parking areas will be provided for any land use in the City as specified by the zoning by-law. Special provisions to accommodate those with disabilities will be provided in all zones.	Accessible parking will be provided on the individual driveways as necessary.
<b>4.6.61.</b> The zoning by-law will be used to regulate the supply of accessible parking as required by provincial legislation. The location of accessible parking spaces shall provide enhanced accessibility through a consideration of factors including, but not limited to, the distance between parking spaces and accessible building entrances, security of the parking area, lighting of the area, protection from the weather, and ease of maintenance.	There are no dedicated accessible parking spaces within the proposed development which is consistent with other ground-oriented developments in Kingston that have the benefit of a driveway.
<b>Noise Study</b>	
<b>5.21.</b> 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	A noise study for Site 1 was submitted with the application and deemed acceptable by the City Engineering Department.

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>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>	
<b>Energy Conservation and Production</b>	
<p><b>6.2.2.</b> The City promotes landscaping and tree planting programs that help to moderate summer and winter micro-climatic conditions.</p>	<p>See Section 4.6.28.</p>
<p><b>6.2.13.</b> The City promotes intensification based on principles of minimizing energy consumption through attention to building design and the design and installation of infrastructure, and densities that support active transportation and transit.</p>	<p>See Section 2.1.1.</p>
<b>Guiding Principles for Development of Residential Lots</b>	
<p><b>8.3.</b> The Design Guidelines for Residential Lots establish the following guiding principles that should be used to ensure new residential development is integrated into the existing built fabric, and is conducive to active transportation:</p> <ul style="list-style-type: none"> <li><b>a.</b> protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);</li> <li><b>b.</b> foster developments that are context appropriate;</li> <li><b>c.</b> foster attractive developments which add to the existing sense of place;</li> <li><b>d.</b> provide a variety of housing types;</li> </ul>	<p>See Section 2.6.3. and 10.D.3.4.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>e. ensure compact, accessible mixed-use development;</p> <p>f. encourage environmentally sustainable development; and,</p> <p>g. integrate and highlight cultural heritage resources.</p>	
<b>Accessibility and Safety</b>	
<p><b>8.4.</b> Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:</p> <p>a. providing for age-friendly needs and the requirements of people with disabilities, and others requiring access supports through improved amenities such as parking, benches, and washrooms, clear signage, visual or auditory indicators, and other means as appropriate;</p> <p>c. clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity;</p> <p>e. providing adequate walkway widths, visually permeable materials and structures, and landscaping elements that do not obstruct sightlines in the design of streetscapes, transportation facilities, or public buildings and places;</p> <p>f. promoting safe environments by applying Crime Prevention Through Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites.</p>	<p>The development is for ground-oriented residential uses. The sidewalk throughout the site are 1.2 metres in width which meets AODA standards.</p> <p>Building entrances are clearly defined through garages and front doors.</p> <p>Adequate walkway widths are provided throughout the site.</p> <p>See also 10D.1.2.a.</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<b>New Development</b>	
<p><b>8.6.</b> 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><b>a.</b> 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>b.</b> protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development;</p>	<p>The design of the development is consistent with surround ground-oriented residential uses. The massing, scale, setbacks, etc. are compatible with the development of surrounding lands. Additional design elements will be considered through the final plan of subdivision and condominium.</p> <p>The site does not contain any significant natural or cultural heritage features.</p>
<b>By-Laws</b>	
<p><b>9.5.9.</b> When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <p><b>a.</b> conformity of the proposal with the intent of the Official Plan policies and schedules;</p> <p><b>b.</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><b>c.</b> compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future</p>	<p>The proposal is for the relocation of the existing commercial block to a more viable location closer to an arterial street which is generally more conducive to commercial development; no substantive changes to the uses permitted are proposed and the relocation is consistent with the overall policies of the Official Plan.</p> <p>The surrounding area of Site 1 already accommodates similar residential development and there are no compatibility concerns. Site 2 is currently vacant and to the north of an subdivision currently being developed and there are no issues with incompatibility that cannot be accommodated through the standard subdivision and site plan control processes.</p> <p>As the sites relocate existing and planned development, the uses have already been</p>

<b>Policy</b>	<b>Conformity with the Policy</b>
<p>planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p> <p><b>d.</b> 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><b>e.</b> 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><b>f.</b> 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><b>g.</b> the impact on municipal infrastructure, services and traffic;</p> <p><b>h.</b> comments and submissions of staff, agencies and the public; and,</p> <p><b>i.</b> the degree to which the proposal creates a precedent.</p>	<p>warranted and justified, with the sites only being relocated.</p> <p>The development will not create a precedent given that the site is designated for residential use.</p>
<b>Land Division</b>	
<p><b>9.6.4.</b> Plans of subdivision must conform to the policies of this Plan, and to Provincial Policy, as amended, and other requirements of senior levels of government. Council must be satisfied that:</p> <p><b>a.</b> the proposed subdivision can be adequately supplied with municipal infrastructure and services in an economic manner if located within the Urban Boundary, or if located outside any settlement areas, the proposal is adequately supplied with individual on-site water and sewage services;</p> <p><b>b.</b> the proposed subdivision has been designed to integrate compatibly with transit and the broader transportation</p>	<p>The development is located within the urban boundary and will have adequate access to Municipal infrastructure and services. The sites have access to transit opportunities and a multi-use pathway.</p> <p>The development will not negatively impact any natural heritage features and natural hazards will be avoided. The development addresses issues of energy conservation and sustainability by developing a compact built form preventing further outward expansion of the Urban Boundary.</p>

Policy	Conformity with the Policy
<p>system, adjacent existing and planned land uses, and both the natural heritage system, and cultural heritage resources;</p> <p><b>c.</b> the plan of subdivision has been designed so there are no negative impacts on the natural heritage features or areas and designed to avoid natural and human-made hazards;</p> <p><b>d.</b> the proposed development addresses issues of energy conservation and sustainability;</p>	



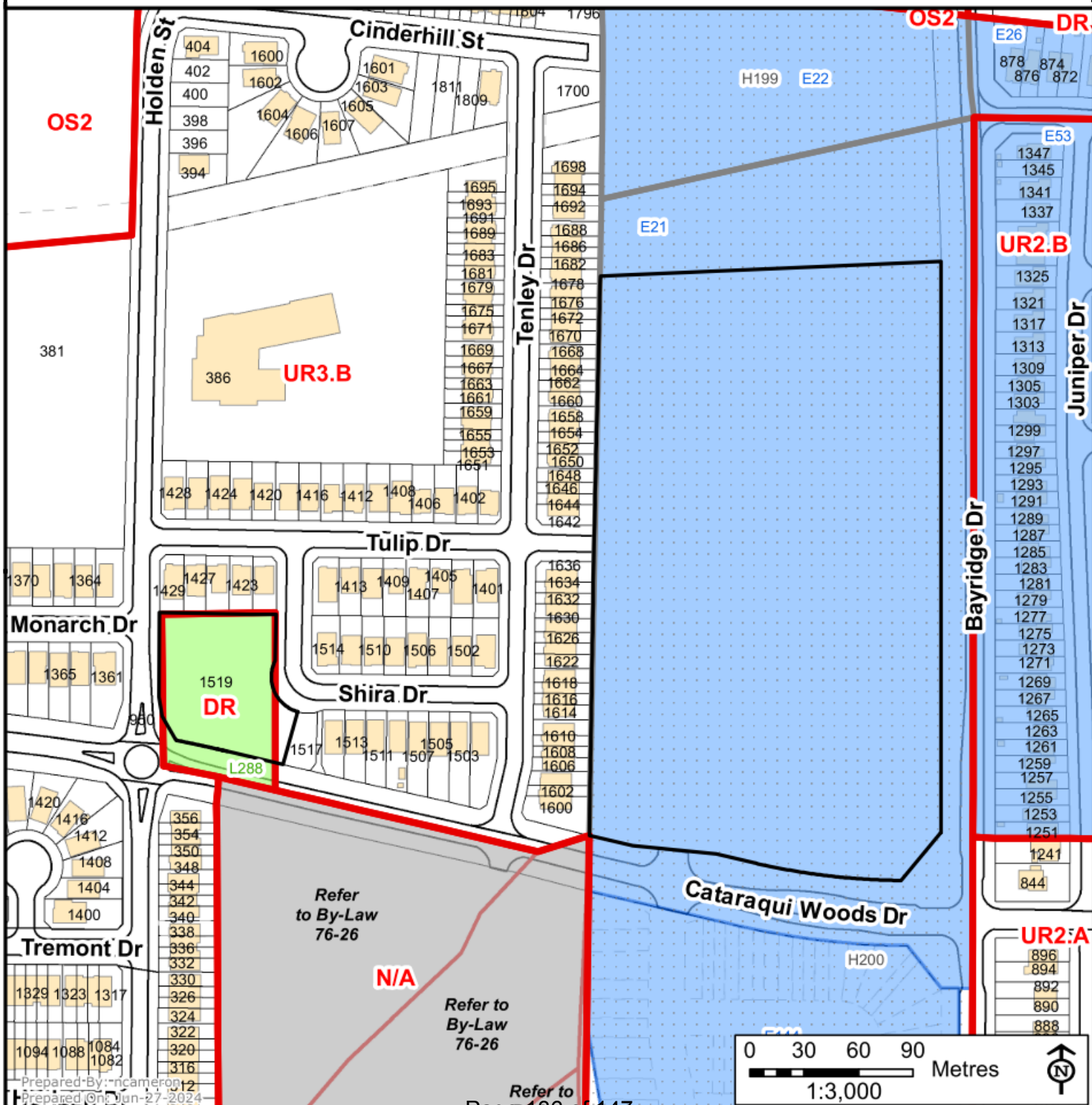


Planning Committee  
**Existing Zoning**  
**Kingston Zoning By-Law 2022-62**

**Planning Services**

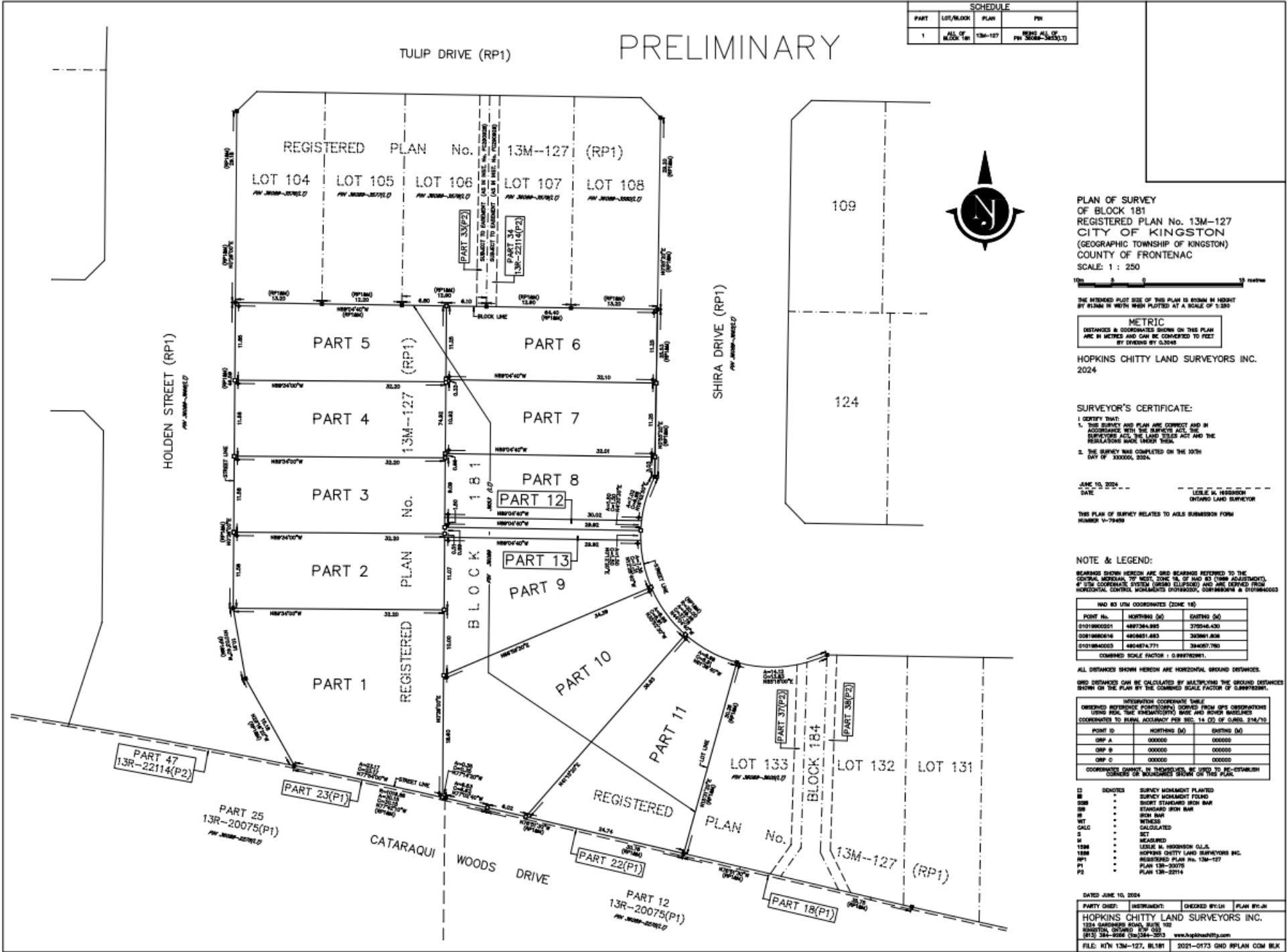
Address: 1519 Shira Drive  
File Number: D35-003-2024  
Prepared On: Jun-27-2024

- 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)



PRELIMINARY

SCHEDULE			
PART	LOT/BLOCK	PLAN	FW
1	ALL OF BLOCK 181	13M-127	REVIS ALL OF FW 30266-30251,0



PLAN OF SURVEY  
OF BLOCK 181  
REGISTERED PLAN No. 13M-127  
CITY OF KINGSTON  
(GEOGRAPHIC TOWNSHIP OF KINGSTON)  
COUNTY OF FRONTENAC  
SCALE: 1 : 250



THE INTENDED PLOT SIZE OF THIS PLAN IS 80MM IN HEIGHT BY 61MM IN WIDTH WHEN PLOTTED AT A SCALE OF 1:250

METRIC  
DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

HOPKINS CHITTY LAND SURVEYORS INC.  
2024

SURVEYOR'S CERTIFICATE:  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TILES ACT AND THE REGULATIONS MADE THEREUNDER.  
2. THE SURVEY WAS COMPLETED ON THE 10TH DAY OF JUNE 2024.

JUNE 10, 2024  
DATE  
LESLIE M. HOODS  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO ADSL SUBMISSION FORM NUMBER V-79499

NOTE & LEGEND:  
BEARINGS SHOWN HEREIN ARE GRID BEARINGS REFERRED TO THE CENTRAL MERIDIAN OF WEST ZONE 18 OF NAD 83 (USNS ADJUSTMENT), & THE COORDINATE SYSTEM (USNS ELLIPSOID) AND ARE CORRECT FROM HORIZONTAL CONTROL POINTS 020190200, 020190400 & 02019040000

NAD 83 UTM COORDINATES (ZONE 18)		
POINT ID	NORTHING (N)	EASTING (E)
02019020001	4887264.895	370566.430
02019040014	4888651.683	323661.804
02019040003	4884874.771	334067.780

COMBINED SCALE FACTOR: 0.999782061

ALL DISTANCES SHOWN HEREIN ARE HORIZONTAL GROUND DISTANCES. GRID DISTANCES CAN BE CALCULATED BY MULTIPLYING THE GROUND DISTANCES SHOWN ON THE PLAN BY THE COMBINED SCALE FACTOR OF 0.999782061.

INFORMATION COORDINATE SHEET		
OBSERVED REFERENCE POINT(S) DERIVED FROM GPS OBSERVATIONS 15MM FROM THE DEMARCATION BOUNDARY AND BOUND MARKERS COORDINATED TO HORIZONTAL ACCURACY PER SEC. 14 (2) OF O.L.S. 216/73		
POINT ID	NORTHING (N)	EASTING (E)
GRP A	000000	000000
GRP B	000000	000000
GRP C	000000	000000

COORDINATE SYSTEM IS TRANSFORMED BY GRID TO RE-ESTABLISH CORNER OF THIS PLAN.

SYMBOL	INDICATES	SURVEY MONUMENT PLANTED
SM	•	SURVEY MONUMENT FOUND
SB	•	SHORT STAGNATED IRON BAR
SB	•	STANDARD IRON BAR
SB	•	IRON BAR
WT	•	WITNESS
CALC	•	CALCULATED
S	•	SET
M	•	MEASURED
13M	•	LESLIE M. HOODS O.L.S.
13M	•	HOPKINS CHITTY LAND SURVEYORS INC.
RP1	•	REGISTERED PLAN No. 13M-127
P1	•	PLAN 13R-20075
P2	•	PLAN 13R-22114

DATED JUNE 10, 2024  
PARTY SHEET: [ ] INSTRUMENT: [ ] CHECKED BY: [ ] PLAN BY: [ ]  
HOPKINS CHITTY LAND SURVEYORS INC.  
1224 SANDHURST BOULEVARD, SUITE 100  
KINGSTON, ONTARIO K7M 5G5  
P.O. BOX 2006 KINGSTON, ONTARIO K7M 5G5  
www.hopkinschitty.com  
FILE: KTN 13M-127, BL181 2021-0173 GND RPLAN COM BLK

**Site Photos**

**Site 1 – View from Holden Street looking Northeast toward subject lands**



**Site 1 – View from Holden Street looking North toward subject lands**





**Site 2 – View from future Shadybrooke Street (Woodhaven Phase 5-1) looking  
Northeast toward subject lands**

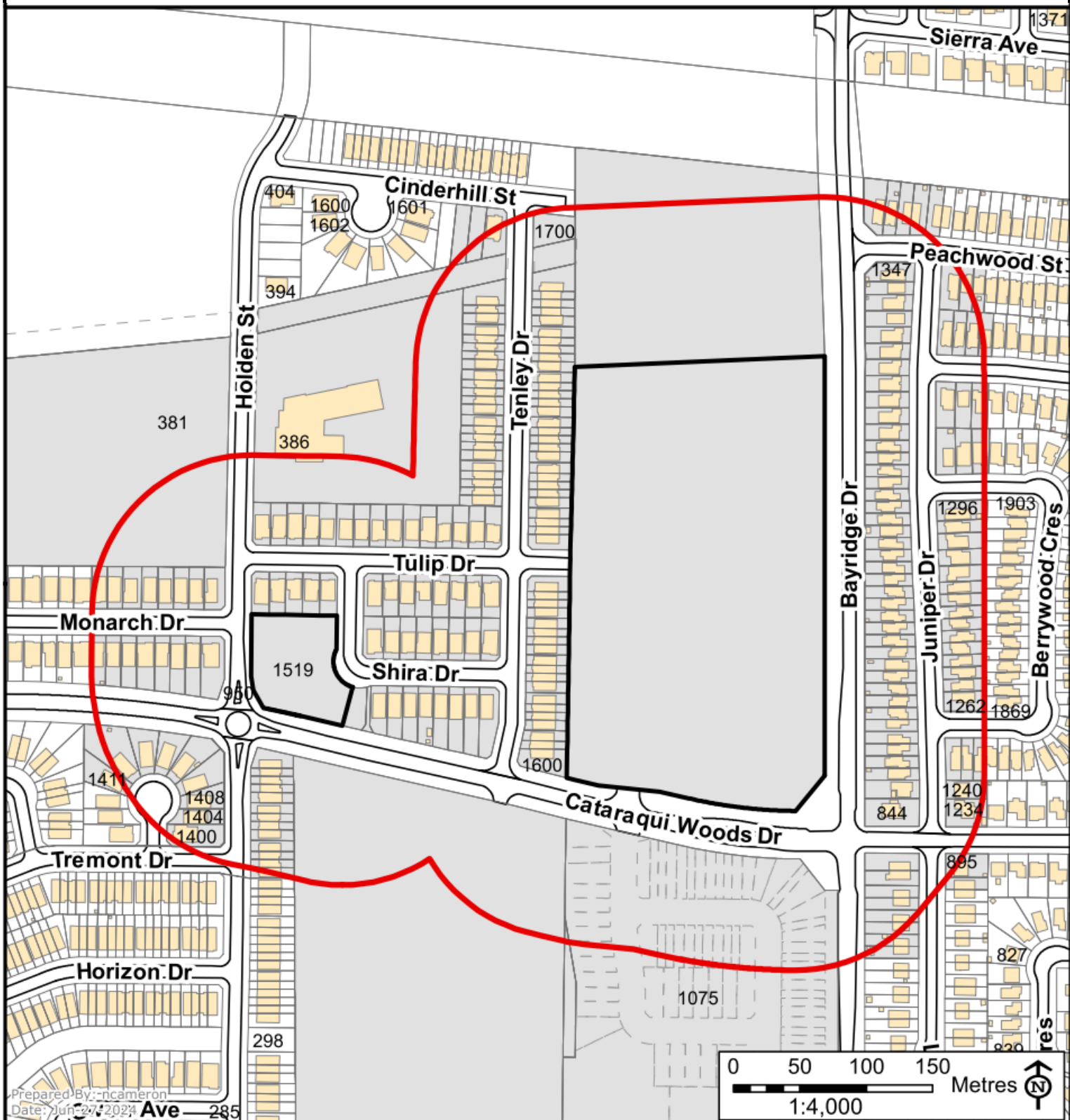




Planning Committee  
**Public Notice Notification Map**

Address: 1519 Shira Drive  
File Number: D35-003-2024

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



Prepared By: ncameron  
Date: Jun 27 2024

Disclaimer: This document is subject to copyright and may only be used for your personal, noncommercial use provided you keep the City of Kingston logo and name visible. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, or reliability of the use of the information contained in this document. 2020 The Corporation of the City of Kingston.

## Amending Subdivision Agreement

This Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Between:

**The Corporation Of The City Of Kingston**  
Hereinafter referred to as the "Municipality"

**Of The First Part**

- and -

**Tamarack (Cataraqui West 2) Corporation**  
Hereinafter referred to as the "Owner"

**Of The Second Part**

**Whereas** the Owner is the registered owner of those lands and premises located in the City of Kingston as more particularly described in Schedule "A" to this Agreement (the "Owner's Lands");

**And Whereas** the Owner's Lands are subject to a Subdivision Agreement dated October 4, 2019, and registered against the title to the Owner's Lands on October 15, 2019, as Instrument Number FC290926 (the "Original Subdivision Agreement");

**And Whereas** the Owner has applied to the Municipality to amend the Original Subdivision Agreement and approved engineering plans to provide for the development of Block 181 on Registered Plan 13M-127 (designated in the Original Subdivision Agreement as a commercial block) as a residential block in accordance with the terms of this Agreement;

**And Whereas** the Municipality and the Owner have agreed to amend the Original Subdivision Agreement as it relates specifically to the Owner's Lands;

**Now Therefore Witnesseth** that in consideration of the mutual covenants and agreements herein contained and good and other valuable consideration, the parties agree with each other as follows:

1. The Original Subdivision Agreement is hereby amended in accordance with those amendments more particularly described in Schedule "B" to this Agreement.
2. All covenants herein shall be construed as being joint and several and that, when the context so requires or permits, the singular number shall be read as if the plural were expressed, and the masculine gender as if the feminine or neutral gender, as the case may be, were expressed.
4. In all other respects, the terms of the Original Subdivision Agreement are confirmed and shall be complied with by the respective parties.
5. This Agreement and everything contained herein shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
6. The Owner agrees that if any section, clause or provision of this Agreement, is for any reason declared by a court of competent jurisdiction to be invalid the same shall not affect the validity of the Agreement as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions

of this Agreement shall remain in full force and effect, notwithstanding that one or more provisions thereof shall be declared to be invalid.

7. The Owner hereby consents to the registration by the Municipality of this Agreement against the title to the Owner's Lands and, in accordance with s. 51(26) of the *Planning Act*, R.S.O. 1990, c. P.13 all of the terms and conditions of this Agreement may be enforced against the Owner and any and all subsequent owners of the Owner's Lands. Such registration shall be at the instance of the Municipality and its sole discretion.
8. The Owner agrees to pay all costs incurred by the Municipality to register this Agreement on title.

**In Witness Whereof** the parties hereto have affixed their Corporate Seals, under the hands of their proper signing officers, duly authorized in that behalf.

<b>Signed, Sealed And Delivered</b>	) <b>Tamarack (Cataraqui West 2)</b>
	) <b>Corporation</b>
in the presence of	)
	)
	)
I have the authority to	) _____
bind the Corporation	) Barry Smith, President
	)
	)
	)
	) <b>The Corporation Of The City Of</b>
	) <b>Kingston</b>
	)
	)
We have the authority to	) _____
bind the Corporation	) Bryan Paterson, Mayor
	)
	)
	)
	) _____
	) Janet Jaynes, City Clerk
	)
	)

**Schedule "A" Of Amending Subdivision Agreement**

**Woodhaven Phase 4, Block 181 13m-127**

**(City of Kingston File Numbers: D12-002-2018 & D12-004-2024)**

**Owner's Lands**

**Legal Description:** Block 181, Plan 13m127; Together With An Easement Over Part Lot 6 Concession 3 Kingston Part 4 13r20813 As In Fr246925; City Of Kingston

**PIN:** 36089-3653 (LT)



## Schedule "B" Of Amending Subdivision Agreement

### Woodhaven Phase 4, Block 181 13m-127

(City of Kingston File Numbers: D12-002-2018 & D12-004-2024)

#### The Amendments

The Original Subdivision Agreement is hereby amended as follows:

1. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. G2 - General Plan, Scale: 1:750 Revision 12, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario" with the following drawing:**

Drawing No. G2 - General Plan  
Scale: 1:750  
Revision 15, dated September 11, 2024  
Prepared by Josselyn Engineering Inc., Kingston, Ontario

2. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. LG3 - Grading Plan, Scale: 1:400 Revision 12, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario" with the following drawing:**

Drawing No. LG3 - Grading Plan  
Scale: 1:400  
Revision 17, dated September 11, 2024  
Prepared by Josselyn Engineering Inc., Kingston, Ontario

3. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. U2 - Utility Plan, Scale: 1:500 Revision 16, dated September 16, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario" with the following drawing:**

Drawing No. U2 - Utility Plan  
Scale: 1:500  
Revision 18, dated September 11, 2024  
Prepared by Josselyn Engineering Inc., Kingston, Ontario

4. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. U3 - Utility Plan, Scale: 1:500 Revision 18, dated September 16, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario" with the following drawing:**

Drawing No. U3 - Utility Plan  
Scale: 1:500  
Revision 20, dated September 11, 2024  
Prepared by Josselyn Engineering Inc., Kingston, Ontario

5. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. NF2 - Noise Attenuation and Fencing Plan, Scale: 1:500 Revision 8, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario" with the following drawing:**

Drawing No. NF2 - Noise Attenuation and Fencing Plan  
Scale: 1:500  
Revision 9, dated September 11, 2024  
Prepared by Josselyn Engineering Inc., Kingston, Ontario

6. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. 8 - Monarch Drive, Sta: 1+400 to 1+560, Scale: v1:50, h1:500 Revision 7, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario" with the following drawing:**

Drawing No. 8 - Monarch Drive, Sta: 1+400 to 1+560  
Scale: v1:50, h1:500  
Revision 9, dated September 11, 2024  
Prepared by Josselyn Engineering Inc., Kingston, Ontario

7. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. 14 - Shira Drive, Sta: 5+000 to 5+100, Scale: v1:50, h1:500 Revision 9, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario Drawing No. 15 - Shira Drive, Sta: 5+080 to 5+200" with the following drawing:**

Drawing No. 14 - Shira Drive, Sta: 5+000 to 5+100  
Scale: v1:50, h1:500  
Revision 11, dated September 11, 2024  
Prepared by Josselyn Engineering Inc., Kingston, Ontario

8. **Schedule "D", Approved Plans For Works To Be Constructed, as it applies to the Owner's Lands, is hereby amended by replacing "Drawing No. 15 - Shira Drive, Sta: 5+080 to 5+200, Scale: v1:50, h 1:500 Revision 8, dated August 28, 2019, and prepared by Josselyn Engineering Inc., Kingston, Ontario Drawing No. 16 - Details" with the following drawing:**

Drawing No. 15 - Shira Drive, Sta: 5+080 to 5+200  
Scale: v1:50, h1:500  
Revision 10, dated September 11, 2024  
Prepared by Josselyn Engineering Inc., Kingston, Ontario

9. **Schedule "G", Special Conditions, is hereby amended by adding the following:**

**"3.(p) Noise Report Requirements for Block 181**

The lots closest to Cataraqui Woods Drive and/or Holden Street, Lots 1 to 5, inclusive, 10 and 11, as shown in the "Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A" prepared by J.E. Coulter Associates Limited and dated June 6, 2024, will require forced air heating with the provision for the future addition of central air conditioning. The following warning clauses shall be incorporated into every Agreement of Purchase and Sale or Lease for the foregoing lots:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Park's noise criteria."

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation and Park's noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

**10. Schedule "G", Special Conditions, is hereby amended by adding the following:**

**"22. Noise Report Requirements For Block 181**

The Owner shall implement noise control measures for the Owner's Lands in accordance with the plans as described in Schedule "D" and the recommendations of the "Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A" prepared by J.E. Coulter Associates Limited and dated June 6, 2024, as described below:

- (a) At Lots 1, 10 and 11, as shown in the Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A prepared by J.E. Coulter Associates Limited and dated June 6, 2024, a 2.0-metre-high acoustic fence extending along the rear yards adjacent to Cataraqi Woods Drive is recommended. The sound levels in the rear yard will be 55 dB Leq daytime or less, meeting the Ministry of the Environment, Conservation and Parks' noise criteria. The acoustic fence at Lot 11 is to dove-tail with the existing 2.0-metre-high acoustic fence at Lot 133 on Plan 13M-127. The extent of the acoustic fence is shown in Appendix A, Figure 3.
- (b) All acoustical barriers (fence and/or earth berming) must be solid. Any gaps at the base of the acoustic fence must be minimized and localized so as not to significantly affect the acoustical performance of the fence. As required by the Ministry of the Environment, Conservation and Parks, the fence must have a minimum surface density of 20 kg/m<sup>2</sup>.

**11. Schedule "H", Notice To Subsequent Purchasers, is hereby amended by adding the following text immediately after "Warning Clauses":**

**"Noise Report Requirements For Block 181:**

The Owner shall implement noise control measures for the Owner's Lands in accordance with the plans as described in Schedule "D" and the recommendations of the "Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A" prepared by J.E. Coulter Associates Limited and dated June 6, 2024, as described below:

- (a) At Lots 1, 10 and 11, as shown in the Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A prepared by J.E. Coulter Associates Limited and dated June 6, 2024, a 2.0-metre-high acoustic fence extending along the rear yards adjacent to Cataraqi Woods Drive is recommended. The sound levels in the rear yard will be 55 dB Leq daytime or less, meeting MECP's noise criteria. The acoustic fence at Lot 11 is to dove-tail with the existing 2.0-metre-high acoustic fence at Lot 133 on Plan 13M-127. The extent of the acoustic fence is shown in Appendix A, Figure 3.
- (b) All acoustical barriers (fence and/or earth berming) must be solid. Any gaps at the base of the acoustic fence must be minimized and localized so as not to significantly affect the acoustical performance of the fence. As required by the Ministry of the Environment, Conservation and Parks, the fence must have a minimum surface density of 20 kg/m<sup>2</sup>.
- (c) The lots closest to Cataraqi Woods Drive and/or Holden Street, Lots 1 to 5, inclusive, 10 and 11, as shown in the "Noise Impact Feasibility Study Woodhaven – Phase 4 11 Residential Lots & Commercial Block A" prepared by J.E. Coulter Associates Limited and dated June 6, 2024, will require forced air heating with provision for the future addition of central air

conditioning. The following warning clauses shall be incorporated into every Agreement of Purchase and Sale or Lease for the foregoing lots:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Park's noise criteria."

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation and Park's noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"