



City of Kingston
Planning Committee
Agenda

16-2024

Thursday, September 5, 2024

6:00 p.m.

Council Chamber

Committee Composition

Councillor Cinanni; Chair

Councillor Chaves

Councillor Glenn

Councillor McLaren

Councillor Oosterhof

Councillor Osanic

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

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

1. Introduction by the Chair

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

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

The first portion of tonight's meeting is to present planning applications in a public forum as detailed in the community meeting report. This report does not contain a staff recommendation and therefore no decisions will be made this evening. Each application in the community meeting report will be presented individually and following each presentation by the applicant, the meeting will be opened to the public for comments and questions.

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

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

2. Community Meeting items

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

The Report of the Commissioner of Growth & Development Services (PC-24-049) is attached.

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

Exhibit A

File Number: D14-009-2024

181-183 Union Street

Exhibit B

File Number: D35-003-2024

1519 Shira Drive Northwest Corner of Cataraqui Woods Drive and Bayridge Drive

Exhibit C

File Number: D14-011-2024

73 Sydenham Street

3. Call to Order

4. Approval of the Agenda

5. Confirmation of Minutes

That the minutes of Planning Committee Meeting Number 15-2024, held Thursday, July 18, 2024, be approved.

6. Disclosure of Pecuniary Interest

7. Delegations

8. Briefings

9. Business

1. Recommendation Report - 1739 Westbrook Road

File Number: D35-004-2024

District: District 1 - Countryside

Address: 1739 Westbrook Road

Application Type: Official Plan & Zoning By-Law Amendment

Owner: Propane Levac Propane Inc.

Applicant: Asterisk Engineering Corp

The Report of the Commissioner of Growth & Development Services (PC-24-047) is attached.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan and zoning by-law amendments (File Number D35-004-2024) submitted by Asterisk Engineering Corp, on behalf of Propane Levac Propane Inc, for the property municipally known as 1739 Westbrook Road, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, amendment number 97, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-047; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A & B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-047; 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.

10. Motions

11. Notices of Motion

12. Other Business

13. Correspondence

- 1. Correspondence received from August 21 - August 26, 2024, regarding 73 Sydenham Street**

14. Date of Next Meeting

The next meeting of the Planning Committee is scheduled for Thursday, September 19, 2024 at 6:00 p.m.

15. Adjournment



**City of Kingston
Report to Planning Committee
Report Number PC-24-049**

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: September 5, 2024
Subject: Community Meeting Report
File Numbers: D35-003-2024, D14-009-2024 & D14-011-2024

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

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

- Address: 181-183 Union Street (File Number D14-009-2024, Application Type: zoning by-law amendment)
- Address: 1519 Shira Drive & Northwest Corner of Cataraqui Woods Drive and Bayridge Drive (File Number D35-003-2024, Application Type: Official Plan and zoning by-law amendments)
- Address: 73 Sydenham Street (File Number D14-011-2024, Application Type: zoning by-law amendment)

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

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

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Options/Discussion:

Community Meeting

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

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

- 181-183 Union Street, File Number D14-009-2024 (Exhibit A)
- 1519 Shira Drive 1519 Shira Drive & Northwest Corner of Cataraqui Woods Drive and Bayridge Drive, File Number D35-003-2024 (Exhibit B)
- 73 Sydenham Street, File Number D14-011-2024 (Exhibit C)

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.

The Planning Committee will consider a recommendation from Planning Services, respecting the subject application, at a future meeting. The public is provided an additional opportunity to make oral submissions on the matter at the time the Committee considers the recommendation report from staff. The Committee will make its recommendation to City Council at the future meeting.

All persons who made oral or written submissions, or have requested notification in writing, will be given written notice of the future meeting(s) of the Planning Committee at which time the subject application will be considered. Anyone wishing to be notified of Council’s decision on the subject application must submit a written request to:

181-183 Union Street, File Number D14-009-2024

Niki Van Vugt, Intermediate Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3253
nvanvugt@cityofkingston.ca

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1519 Shira Drive & Northwest Corner of Cataraqui Woods Drive and Bayridge Drive, File Number D35-003-2024

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

73 Sydenham Street, File Number D14-011-2024

Amy Didrikson, Senior Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3296
adidrikson@cityofkingston.ca

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.

Existing Policy/By-Law:

Planning Act

Provincial Policy Statement, 2020

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

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

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Notice Provisions:

Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by mail to all property owners (according to the latest Assessment Rolls) within 120 metres of the subject properties and a notice sign was posted on the subject properties. A courtesy notice was also placed in The Kingston Whig-Standard on September 2, 2024.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Niki Van Vugt, Intermediate Planner, 613-546-4291 extension 3253

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

Amy Didrikson, Senior Planner, 613-546-4291 extension 3296

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Community Meeting Form, Application Materials and Map Package for 181-183 Union Street (File Number D14-009-2024)

- Exhibit B Community Meeting Form, Application Materials and Map Package for 1519 Shira Drive 1519 Shira Drive & Northwest Corner of Cataraqui Woods Drive and Bayridge Drive (File Number D35-003-2024)

- Exhibit C Community Meeting Form, Application Materials and Map Package for 73 Sydenham Street (File Number D14-011-2024)



City of Kingston Community Meeting Form

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

Owner/Application Information

Owner: Top Point Development Inc.

Applicant (if Owner is not the Applicant): Arcadis

Site Characteristics

Site address: 181-183 Union Street

Site area: 1779 square metres

Description of existing use and buildings on site (height, floor area, units, bedrooms, parking spaces, setbacks, etc): The subject lands are currently developed with a two-and-a-half-storey converted dwelling that spans both properties and contains a total of 7 units. Four units are located at 181 Union Street and three units are located at 183 Union Street accommodating a total of 20 bedrooms. The unit mix of the existing dwellings are as follows: one (1) one-bedroom unit, three (3) two-bedroom units, two (2) four-bedroom units and one (1) five-bedroom unit. The rear yard of 183 Union Street also contains a small shed and a garage abutting the municipally owned laneway to the west, which is accessed via Collingwood Street.

Official Plan designation: Residential

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

Schedule 1: Urban Residential Zone 5 (UR5)

Schedule 2: Parking Area 3

Schedule B: Intake Protection Zone

Schedule D1 (Second Residential Unit Holding Overlay): Sewer Surcharging (Combined Storm and Sewer)

Schedule D2 (Third Residential Unit Holding Overlay): Sewer Surcharging (Combined Storm and Sewer)

Existing number of trees: 13

Number of existing trees to be retained: To be determined

Description of heritage status (not a heritage building, listed, designated or located in a heritage conservation district): No heritage status

Description of Surrounding Uses and Buildings

East: Low-rise residential, commercial, and institutional (Queen's University)

West: Low-rise residential

North: Low-rise residential

South: Low-rise residential

Description of Proposal

Summary description of the proposal (use, height, floor area, setbacks, units, bedrooms, condominium, rental, affordability level, parking and bike spaces, will existing building or any existing features be retained/renovated/demolished etc.):

The proposed development consists of a one-and-a-half-storey, four-unit dwelling to be built in the rear yard of the existing converted dwelling. The proposed building is situated such that two units are located on the 181 Union Street property and two units are located on the 183 Union Street property, with each unit having its own external entrance. From a Building Code perspective, it will function as a semi-detached dwelling with two units in each "side" of the dwelling. This would result in a total of six units on the property at 181 Union Street and five units at 183 Union Street for a combined total of 11 units. Each new unit is proposed to contain four bedrooms, for a total of 16 bedrooms added to the site and a resulting total of 36 bedrooms across the two properties after development.

The existing shed and garage at 183 Union Street are proposed to be demolished and replaced with a surface parking lot that spans both properties. The proposed parking lot will provide 11 parking spaces including one Type A accessible space and one visitor space. The parking lot will be accessed from the City-owned laneway that connects to Collingwood Street. Eleven bicycle parking spaces are also proposed, including four long-term spaces. A total of 281 square metres of outdoor communal amenity space is proposed across both properties. A wood privacy fence is proposed along all interior lot lines and rear lot lines adjacent to the rear yard, except where it would inhibit access to the parking lot.

Type of Application: Zoning By-law Amendment (ZBA)

Proposed use: Residential

Proposed number and type of residential units and bedrooms (if residential): Four units are proposed to be added to the site, each containing four bedrooms.

Proposed gross floor area (of each use): 107 square metres (1152 square feet) per unit

Proposed height: 6.58 metres / one-and-a-half storeys

Proposed setbacks:

Front: Approximately 60 metres

Interior: 2 metres

Exterior: N/A

Rear: 7.5 metres

Proposed number of vehicular parking spaces (include breakdown of occupant, visitor, car-share, accessible, etc): 11 parking spaces: 9 standard occupant spaces, one Type A accessible space, and one visitor space

Proposed number of bicycle parking spaces: 11 bicycle parking spaces including 4 long-term spaces

Proposed landscaped open space: 889 square metres / 50%

Proposed amenity area (if residential): 281 square metres

Proposed number of trees to be planted: To be determined

Description of how the application conforms with the Official Plan:

The subject site is designated 'Residential' on Schedule 3A of the Official Plan. This designation permits the proposed residential infill development (3.3.7), which represents

a continuation of the existing medium density residential use of the site and is supported by adequate parking and amenity area as well as close proximity to services, open space amenities, educational centres, commercial amenities, public transit access, and adjacent residential areas (3.3.B.2). Further, the proposed development meets the compatibility criteria of Section 2.7 including, but not limited to, shadowing, overlook, traffic, and architectural compatibility.

While not technically an “Additional Residential Unit” (ARU) given the number of units already on-site, the proposed detached dwelling located in the rear yard is consistent with the principle of rear yard development established by ADU’s and meets the policy tests for this form of development (3.3.11) aside from the maximum number of units. The proposed dwelling is smaller in height and massing than the existing dwelling, is suitable for the size of the combined parcel, and is in line with other detached additional residential units on the block.

Overall, the proposed Zoning By-law Amendment maintains the intent of the Official Plan as it is aligned with achieving the sustainability and residential growth goals outlined by the City of Kingston and is consistent with the intent of the overall direction for growth and development within the City. More specifically, the proposed development is located in an intensifying residential area within the urban boundary, will utilize planned municipal infrastructure and service facilities, and will efficiently develop an underutilized parcel of land within the urban area of the City.

A detailed review of the application against the applicable policies is included in the Planning Justification Report submitted with the application, which is accessible on DASH.

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

Section 5 of the Official Plan aims to manage natural and human-made hazards in a manner that protects human life and health. A Noise Study was required in light of the site’s proximity to an arterial road. The Noise Study concluded that, given the noise levels due to the available traffic data from the City of Kingston, the noise levels calculated at the on-site sensitive receiver locations are below the daytime and nighttime exclusion limit criteria outlined in NPC-300. Based on these results, MECPs guidelines do not indicate the need for controls to be provided for the proposed development.

The subject lands are located in an area of highly vulnerable aquifer described in Section 5.A.5 but the proposed use does not constitute a drinking water threat and as such the proposed development does not pose a risk to source water.

Section 6.1 of the OP identifies the importance of protecting natural heritage features in the municipality, which are identified on Schedules 7 and 8 in the OP. There are no natural heritage features on or adjacent to the subject lands, and as such, no natural heritage features will be impacted by the proposed development.

Section 7 speaks to the significance of the heritage and archaeological resources that can be found in the City of Kingston. There are no cultural heritage features on or directly adjacent to the subject lands, although there are two Part IV designated heritage properties on the same block, to the east (169 Union Street and 218 Albert Street). The proposed development is not anticipated to have any impact on the existing heritage properties given its location in the rear yard of the existing building and one-and-a-half-storey height. It will therefore not be visible from the street. A Stage 1 & 2 Archaeological Assessment was completed in support of the proposed development and it was determined that the subject lands do not contain any significant archaeological resources.

Description of amendment(s) required to the Zoning By-law:

The subject property is currently zoned 'UR5' Urban Residential Zone 5 in Zoning By-Law Number 2022-62. The UR5 Zone does not permit the proposed form of development, and as such, it is required that the subject lands be rezoned. The subject application proposes to rezone the site to a 'URM3' Urban Multi-Residential Zone 3 with a site-specific Exception Overlay, which would introduce specific performance standards related to the proposed development. It is noted that while there are two distinct properties involved, the lands have been viewed as one lot for zoning purposes and have been assessed against provisions for an "apartment building" given the atypical site layout. Proposed site-specific amendments are as follows:

Section	Provision	Requirement of the URM3 Zone	Proposed
Table 12.1.2	Permitted Uses	Apartment building, duplex, single detached house, triplex, community centre, day care centre, elementary school, library, museum, place of worship, secondary school	Converted dwelling containing seven units (existing) Detached four-unit dwelling
Table 12.4.1 – 10.	Maximum number of principal buildings per lot	(a) residential buildings: 1	2

Section	Provision	Requirement of the URM3 Zone	Proposed
Table 12.4.1 – 11.	Maximum Building Depth	(a) residential buildings: 18 m (c) Despite (a), the rear wall of the principal building must not be closer than 7.5 metres to the rear lot line	Existing seven-unit residential building: as existing Proposed four-unit residential building: maximum building depth does not apply, building is not closer than 7.5 metres to the rear lot line
Table 12.4.1 – 12.	Maximum number of principal dwelling units per lot	6 units	181 Union: 6 units 183 Union: 5 units Total: 11 units
Table 7.1.1. – 1.(a)(ii)	Minimum parking requirement – car-share spaces	0.05 per dwelling unit = 1 space	0 spaces
Table 7.1.1. – 1.(a)(iii)	Minimum parking requirement – visitor spaces	0.15 per dwelling unit = 2 spaces	1 space

Other information that would be valuable for a Community Meeting: Please refer to the Planning Justification Report submitted with this application for additional images of the site and proposed development, a summary of all supporting studies, a detailed review of the application against Provincial Policy Statement and Kingston Official Plan policies, a zoning table illustrating all proposed amendments, and detailed justification for each amendment.

List of Drawings/Studies Submitted

- Conceptual Site Plan
- Floor Plans

- Architectural Elevations
- Planning Justification Report
- Servicing Report
- Stormwater Management Report
- Tree Inventory Study
- Noise Study
- Stage 1 & 2 Archeological Assessment

Community Meeting Form Prepared by: Arcadis

Date: July 24, 2024



Planning Services

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

Addresses: 181-183 Union Street
File Number: D14-009-2024

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

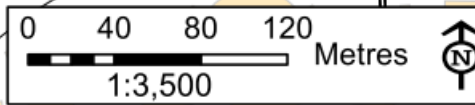
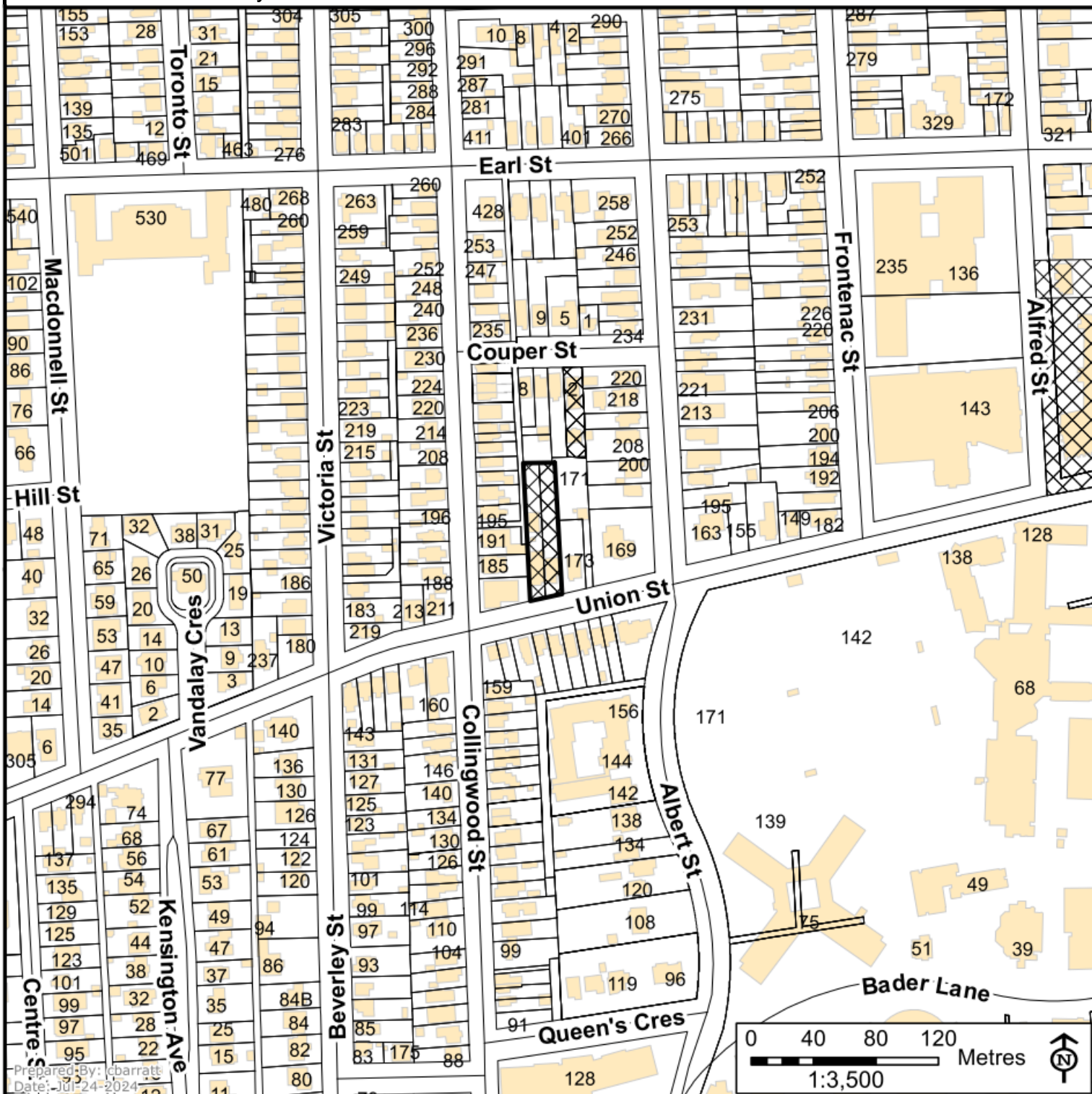
☒ Lands to be added as EXXX

Certificate of Authentication

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

Mayor

Clerk



Prepared By: cbarratt
Date: Jul 24-2024

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By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Zone Change from ‘UR5’ to ‘URM3’ Zone and Introduction of Exception EXXX (181-183 Union Street))

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 ‘URM3’, 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 ‘EXXX’, as shown on Schedule “B” attached to and forming part of this By-Law;
 - 1.3. By adding the following Exception Number EXXX in Section 21 – Exceptions, as follows:

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

 - (a) The lands subject to this Exception are deemed to be one **lot** for the purposes of interpreting zoning provisions;
 - (b) A maximum of two **residential buildings** in the form of a four unit building and a seven unit **building**, is permitted;
 - (c) The maximum number of **dwelling units** per **lot** is 11;
 - (d) The minimum **separation distance** between the **main walls** of the **residential building** is 30 metres;

- (e) The maximum **building depth** of the seven unit **residential building** shall be as existing on the day of the passing of this by-law. The maximum **building depth** shall not apply to the four unit **residential building**; and,
- (f) Minimum required number of **Visitor** and **Car-Share Spaces**:
 - (i) 0 **car-share spaces**;
 - (ii) 1 **visitor space.**”

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

Planning Committee

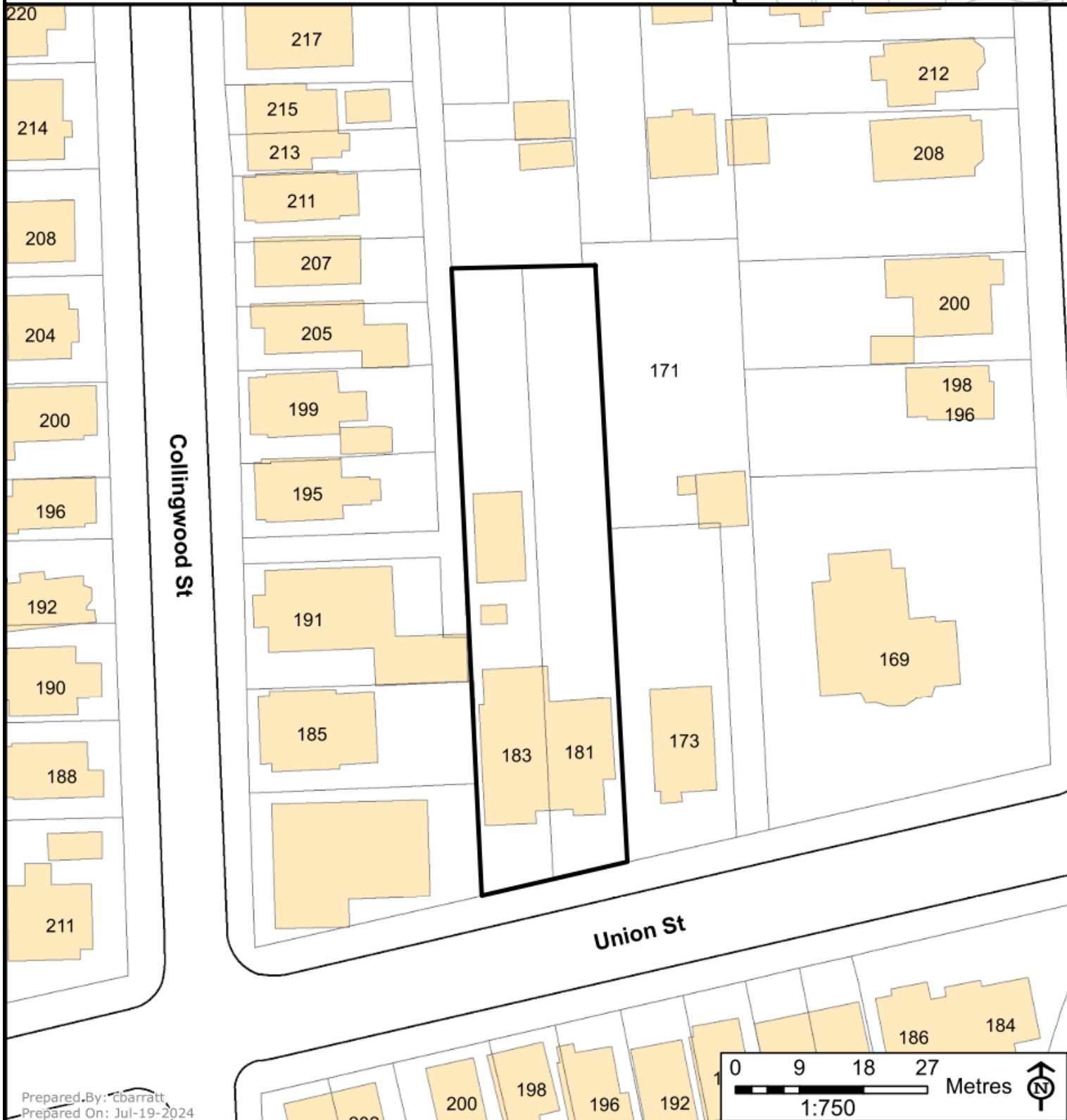
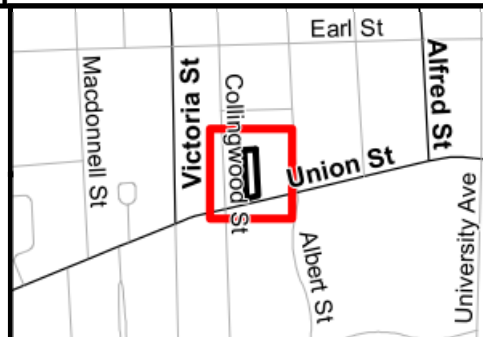
Key Map

Address: 181-183 Union Street

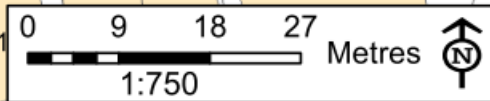
File Number: D14-009-2024

Prepared On: Jul-19-2024

Subject Lands



Prepared By: Cbarratt
Prepared On: Jul-19-2024

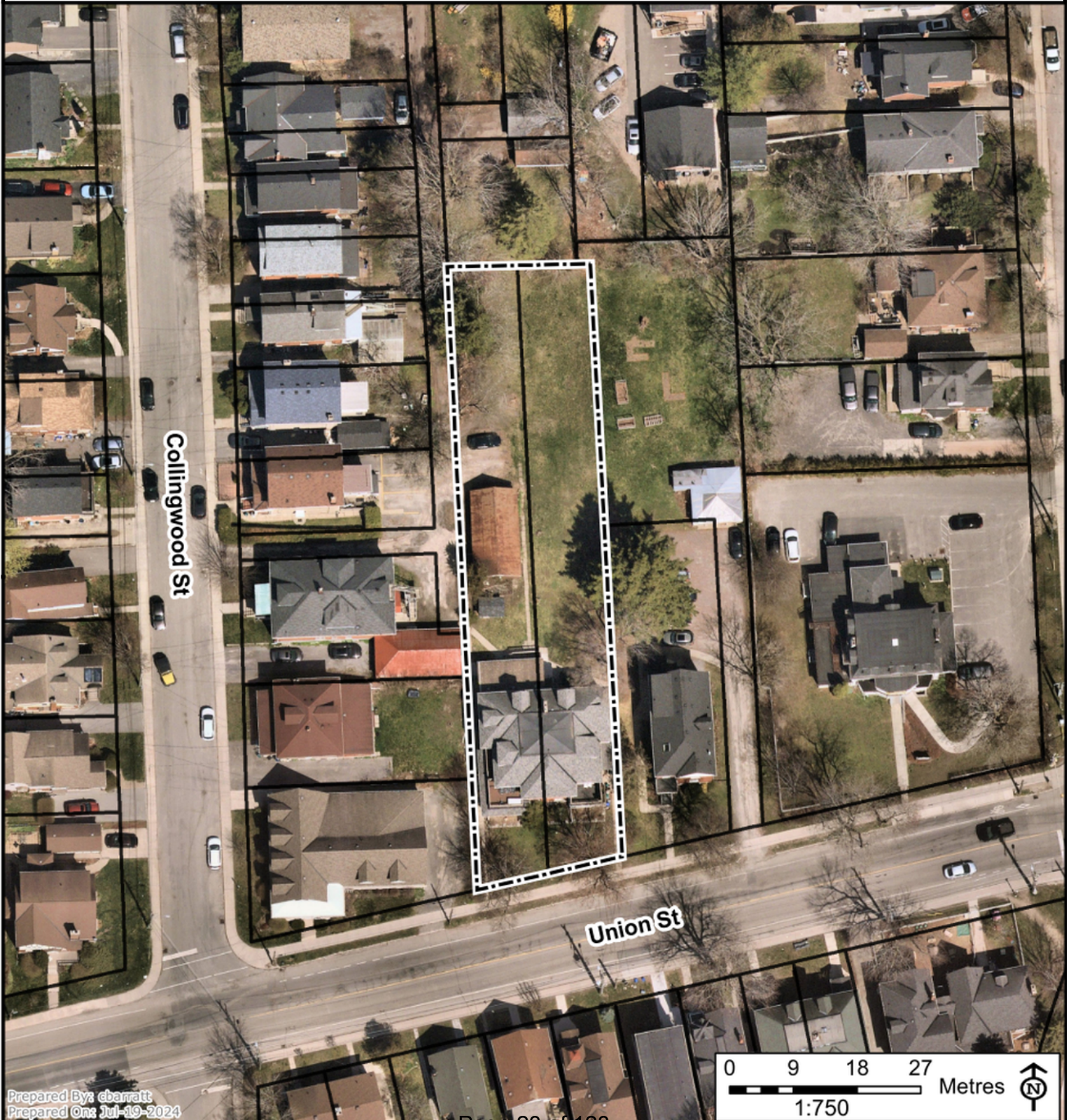




Planning Committee
Neighbourhood Context

Address: 181 & 183 Union Street
File Number: D14-009-2024
Prepared On: Jul-19-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ebaratt
Prepared On: Jul-19-2024

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Planning Services

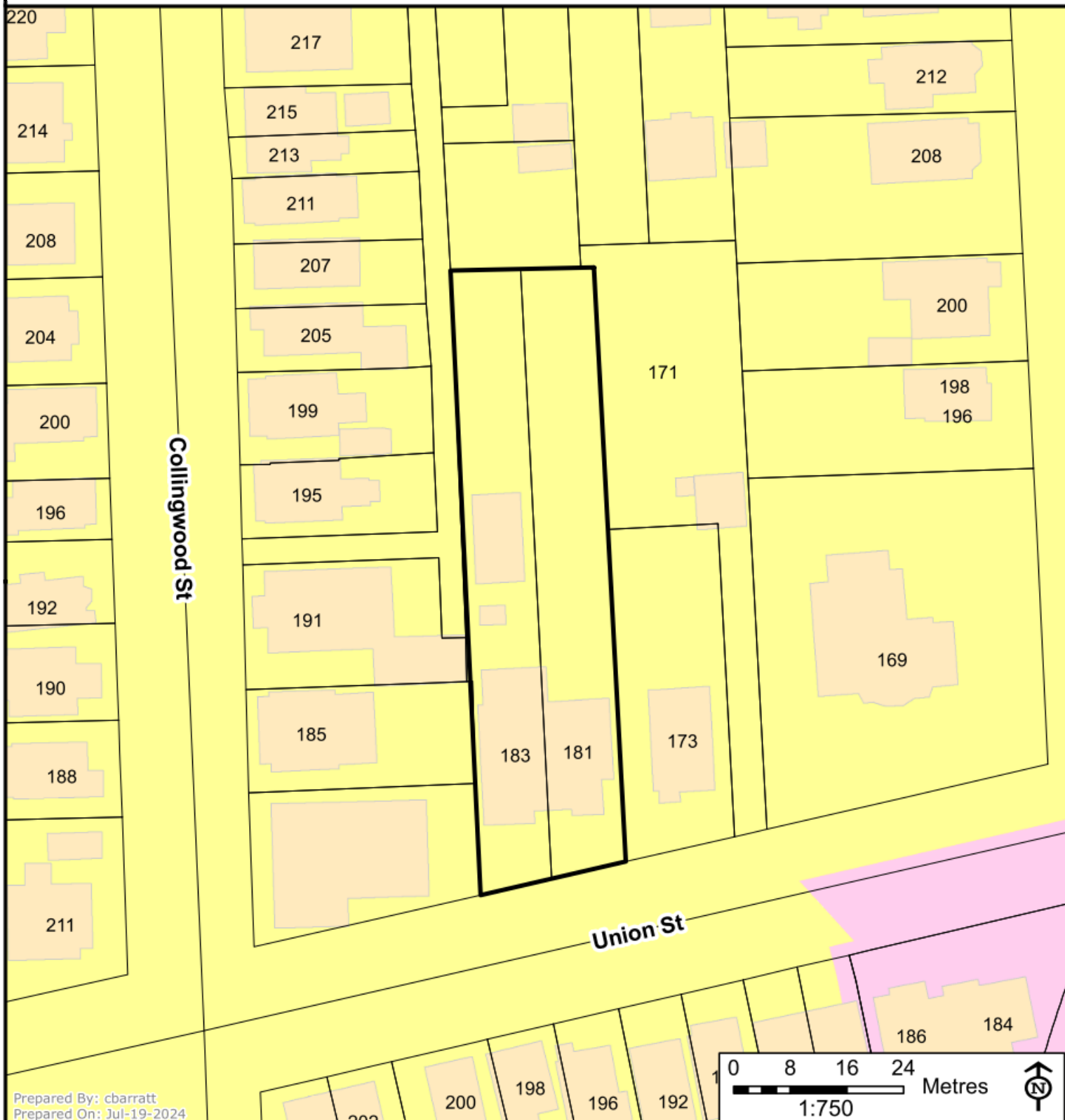
Planning Committee Official Plan, Existing Land Use

Address: 181 & 183 Union Street

File Number: D14-009-2024

Prepared On: Jul-19-2024

-  Subject Lands
-  INSTITUTIONAL
-  RESIDENTIAL



Prepared By: cbarratt
Prepared On: Jul-19-2024

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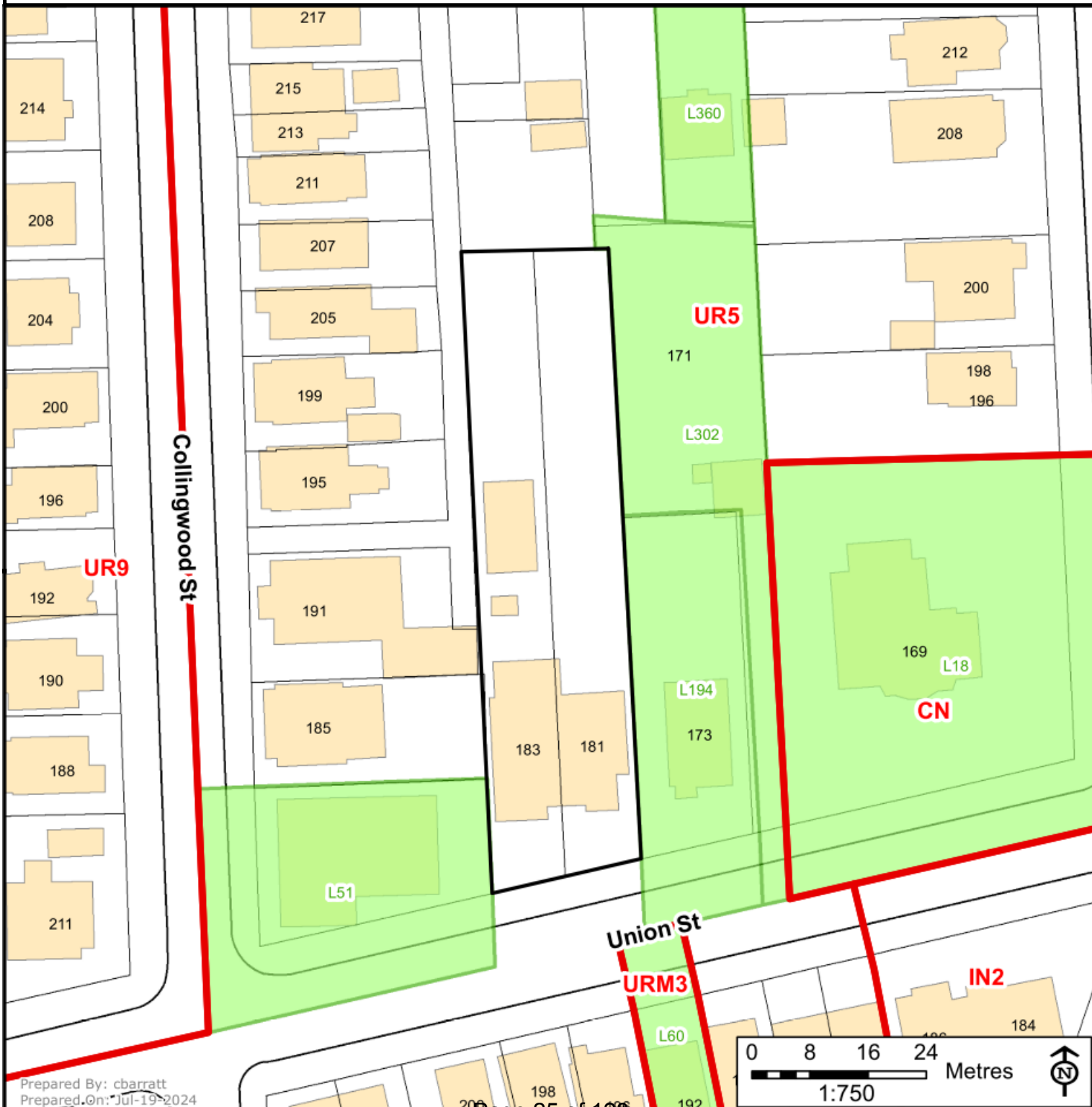
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 181 & 183 Union Street
File Number: D14-009-2024
Prepared On: Jul-19-2024

Subject Lands
Schedule 1 Zoning Map
 Zone

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



Prepared By: cbarratt
Prepared On: Jul-19-2024

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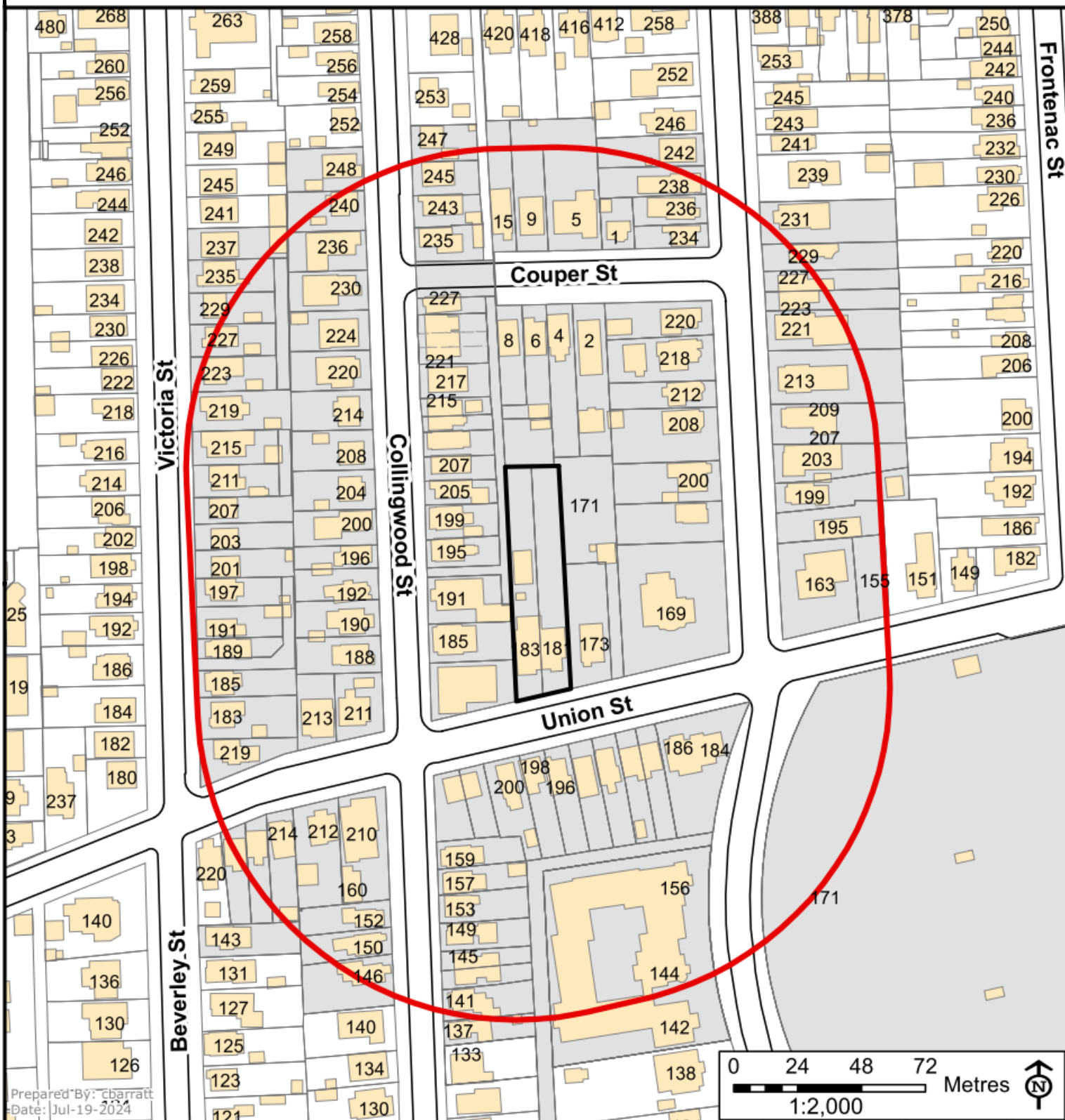


Planning
Services

Planning Committee Public Notice Notification Map

Address: 181 & 183 Union Street
File Number: D14-009-2024
Prepared On: Jul-19-2024

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



Prepared By: cbarratt
Date: Jul-19-2024

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ARCADIS Professional Services (Canada) Inc.
 1000
 1000
 1000

NOT FOR CONSTRUCTION

DATE: 2024-08-01
 SCALE: 1:150

PROJECT CONSULTANT
ARCADIS
 50 Regent Court, Suite 9
 Kingston, ON K7K 7K7 Canada
 www.arcadis.com

PROJECT
 101 & 103 LINCOLN ST
 101 & 103 LINCOLN, KINGSTON, ON

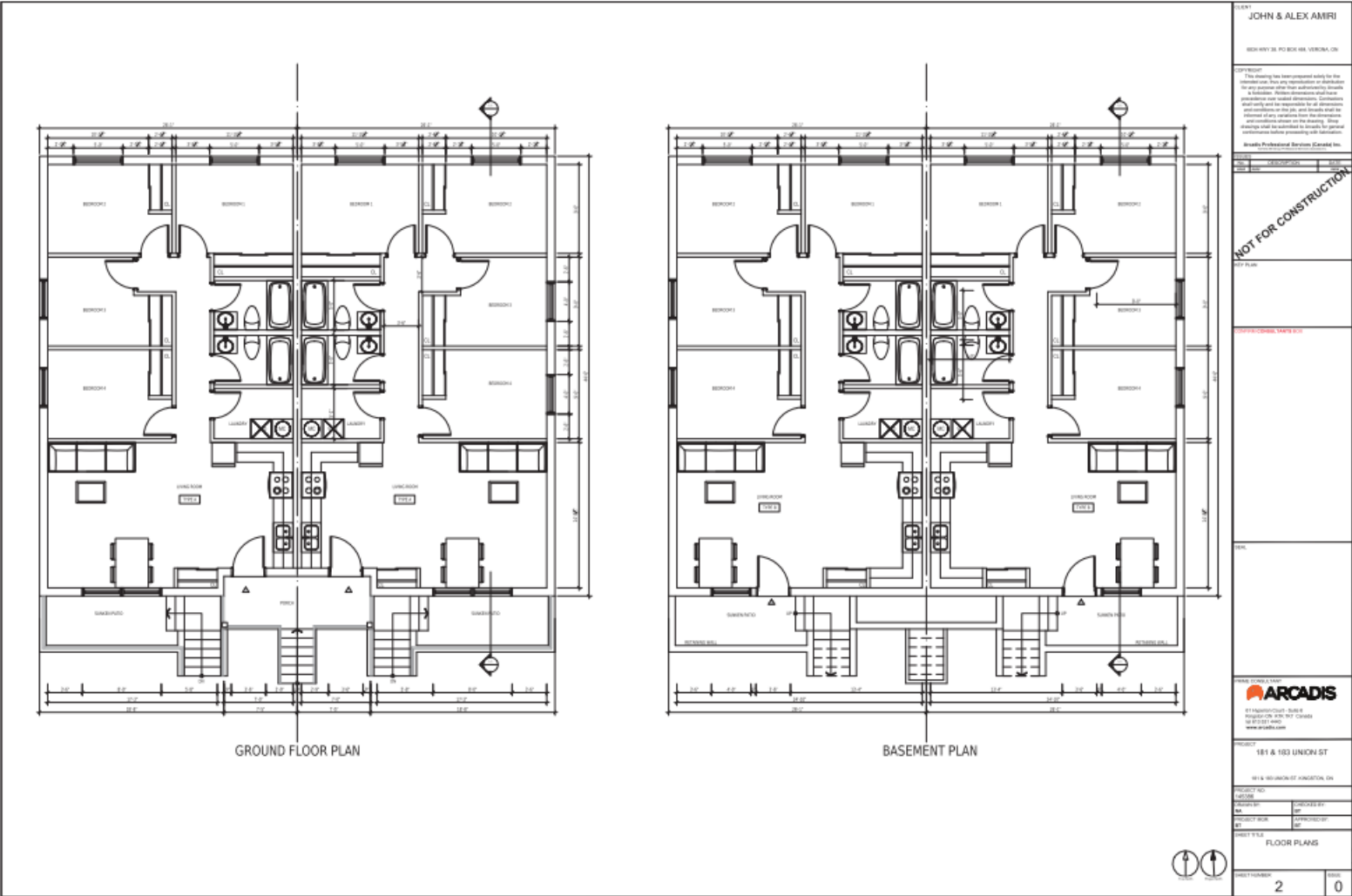
PROJECT NO.
 1-2024-049

PROJECT DATE
 2024

PROJECT FILE NO.
 24-049

PROJECT TITLE
 SITE PLAN

PROJECT NUMBER
 1 0



CLIENT
JOHN & ALEX AMIRI

RESIDENTIAL PROJECT NO. VERONA, ON

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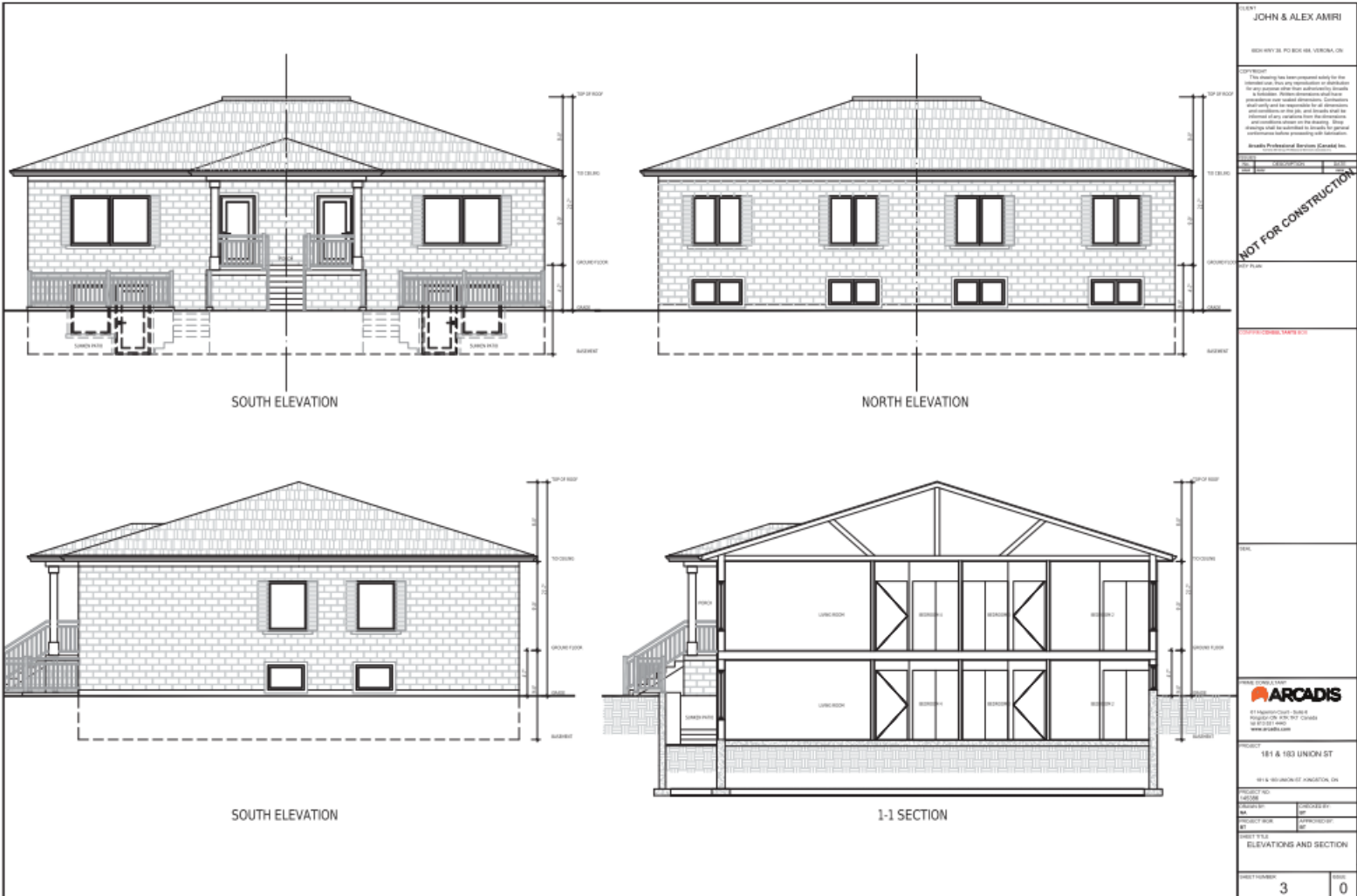
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ARCADIS

181 & 183 UNION ST

FLOOR PLANS

2 0



CLIENT		JOHN & ALEX AMIRI
ADDRESS		181 & 183 UNION ST.
CITY/STATE		ARCADIS
PROJECT NO.		181 & 183 UNION ST
PROJECT NAME		181 & 183 UNION ST
SHEET TITLE		ELEVATIONS AND SECTION
SHEET NUMBER		3
TOTAL SHEETS		0

NOT FOR CONSTRUCTION

ARCADIS

181 & 183 UNION ST



City of Kingston Community Meeting Form

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

Owner/Application Information

Owner: Tamarack (Cataraqui West 2) Corp.

Applicant (if Owner is not the Applicant): Tamarack (Cataraqui West 2) Corp.

Site Characteristics

Site address:

Site 1: 1519 Shira Drive

Site 2: No civic address

Site area:

Site 1: 0.5 hectares

Site 2: 0.65 hectares

Description of existing use and buildings on site (height, floor area, units, bedrooms, parking spaces, setbacks, etc):

Site 1: Undeveloped but serviced

Site 2: Undeveloped

Official Plan designation:

Site 1: District Commercial

Site 2: Low Density Residential

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

Site 1: Development Reserve (DR) and Legacy Exception L228

Site 2: Urban Residential Type 3.B (UR3.B)

Existing number of trees:

Site 1: No trees present

Site 2: To be confirmed through future development

Number of existing trees to be retained:

Site 1: No trees present

Site 2: All trees to remain for now, will assess when subdivision application is brought forward.

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

Site 1: N/A

Site 2: N/A

Description of Surrounding Uses and Buildings

Site 1:

East: Residential

West: Residential

North: Residential

South: Cataraqui Woods Drive and Residential

Site 2:

East: Undeveloped and Bayridge Drive

West: Undeveloped and Residential

North: Undeveloped

South: Cataraqui Woods Drive and Residential

Description of Proposal

Summary description of the proposal (use, height, floor area, setbacks, units, bedrooms, condominium, rental, affordability level, parking and bike spaces, will existing building or any existing features be retained/renovated/demolished etc.):

Applications for official plan amendment and zoning by-law amendment to move the commercial designation and zoning from Site 1 to Site 2. The applicant is proposing to rezone Site 1 from Development Reserve (DR) and Legacy Exception L288 to Urban Residential Zone Type 3.B (UR3.B), and to rezone Site 2 from Urban Residential Zone Type 3.B (UR3.B) to District Commercial (CD) and to apply a new Exception Overlay that is generally consistent with the L288 Legacy Exception.

The purpose of these applications is to relocate the commercial designation in Cataraqui West to an alternative location, allowing Site 1 to be developed with 11 residential lots. The official plan allows this site to be developed as residential lots in the future, once 2,000 units have been developed in Cataraqui West. The applicant has previously installed services to allow Site 1 to be developed with 11 residential lots. These applications are necessary to allow these lots to be developed prior to the 2,000-unit threshold being met. The designation and zone are proposed to be moved to retain the planned commercial block within Cataraqui West.

Type of Application: Official plan amendment, zoning by-law amendment.

Proposed use:

Site 1: Residential

Site 2: Commercial

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

Site 1: 11 single detached dwellings

Site 2: Zoned to permit upper floor residential, no specific proposal at this time

Proposed gross floor area (of each use): N/A

Proposed height: N/A

Proposed setbacks:

Site 1:

Front: 3.0 metres

Interior: 1.2 metres on one side, 0.6 metres on the other side

Exterior: 2.4 metres

Rear: 6.0 metres

Site 2:

Front: 3.0 metres

Interior: 9.1 metres or 0 metres when abutting commercial

Exterior: 3.0 metres

Rear: 15.2 metres

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

Site 1: 2 spaces per lot, minimum

Site 2: To be determined through future development

Proposed number of bicycle parking spaces:

Site 1: As per zoning by-law (1 per unit)

Site 2: As per zoning by-law

Proposed landscaped open space:

Site 1: 30%

Site 2: 10%

Proposed amenity area (if residential): N/A

Proposed number of trees to be planted:

Site 1: 1 tree per lot

Site 2: To be determined through future development

Description of how the application conforms with the Official Plan:

An official plan amendment is required to redesignate Site 1 from District Commercial to Medium Density Residential to reflect the change in use from a district commercial centre to the proposed residential uses. Similarly, Site 2 will be redesignated from Low Density Residential to District Commercial. The proposed uses at each site will conform to the OP.

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

Description of amendment(s) required to the Zoning By-law:

A zoning by-law amendment is required to rezone the underlying zoning for Site 1 from Development Reserve (DR) to Urban Residential Zone 3 (UR3.B) to reflect the residential zone established in the Woodhaven subdivision and to remove the Legacy Overlay. Site 2 will be rezoned from Urban Residential Type 3.B (UR3.B) to District Commercial (CD) Zone to permit a broad range of commercial uses and to apply a new Exception Overlay (EXX) which is largely consistent with the Legacy Overlay that currently applies to Site 1.

Other information that would be valuable for a Community Meeting:

The applicant is seeking to develop Site 1 with eleven single-detached residential units through the relocation of the commercial block to a future phase of the subdivision, represented by Site 2. To facilitate the proposed development, applications for an official plan amendment and zoning by-law amendment are required. Site 1 represents the rounding out of Phase 4 of the Woodhaven subdivision. The proposal will result in sufficient commercial uses to meet the needs of residents and visitors, while allowing 11 serviced residential lots to be developed sooner than would otherwise be possible.

List of Drawings/Studies Submitted

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

Community Meeting Form Prepared by: Fotenn Planning + Design

Date: August 2, 2024

By-Law Number 2024-XXX

**A By-Law To Amend The City Of Kingston Official Plan (Amendment Number ___,
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 ___ 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 'Medium Density 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

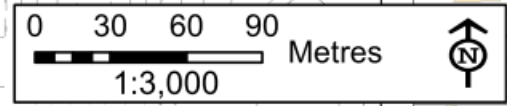
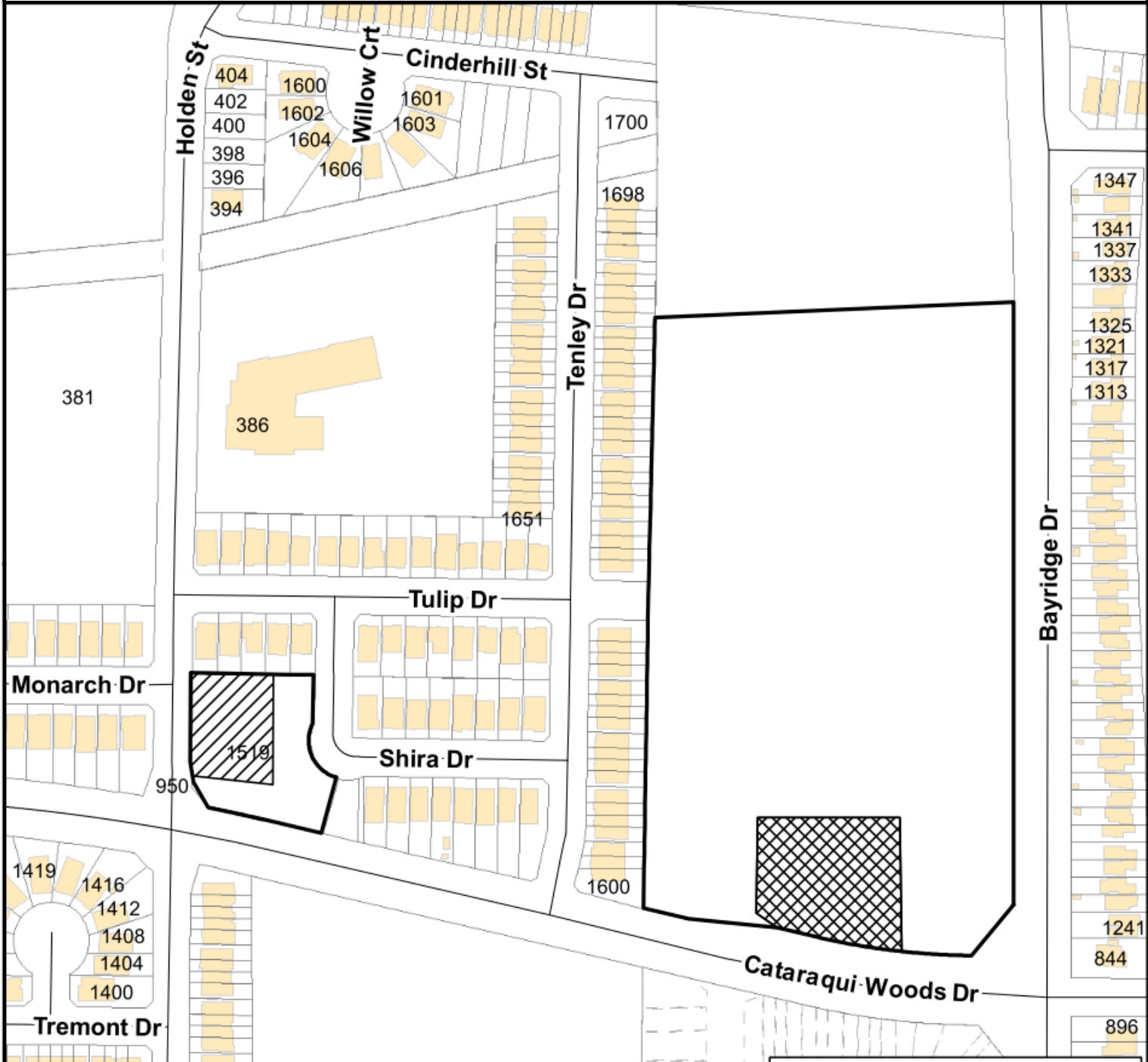
-  Lands to be Redesignated from District Commercial to Medium Density Residential
-  Lands to be Redesignated from Low Density Residential to District Commercial

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” (Change to UR3.B and CD, Removal of Exception ‘E21’, and Introduction of Exception Number ‘Exxx’ (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.B’ and, from ‘UR3.B’ to ‘CD’ as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. Schedule E – Exception Overlay is amended to remove Exception Number 21 (E21) and to add Exception Number xxx (Exxx), as shown on Schedule “B” attached to and forming part of this By-law;
 - 1.3. By adding the following Exception Number Exxx in Section 21 – Exceptions, as follows:

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

 - (a) Residential **uses** are permitted in accordance with the provisions of the UR3.B Zone;
 - (b) Prohibited uses are:
 - (i) an auditorium;
 - (ii) a department store;
 - (iii) a gasoline retail facility;

- (iv) a retail nursery;
 - (v) a taxi stand or bus station;
 - (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** is as follows:
 - (i) **Mixed use building**: the lesser of 6 storeys or 20 metres;
 - (ii) **Apartment building**: the lesser of 6 storeys or 20 metres;
 - (iii) **Non-residential building**: 11 metres or one storey;
 - (iv) Other uses: 10.7 metres;
 - (g) The maximum **gross leasable floor area** is 2,000 square metres for all **non-residential uses**;
 - (h) The maximum **retail gross floor area** is 300 square metres for any individual use;
 - (i) A 3.0-metre-wide **planting strip** is required along all lot lines adjoining residential-zoned lots.”
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: 1519 Shira Drive
File Number: D35-003-2024

**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.B

Certificate of Authentication

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

Mayor

Clerk



Prepared By: cbarratt
Prepared On: Jul-05-2024



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

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

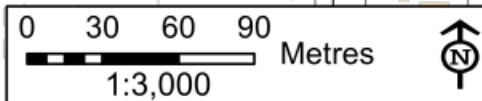
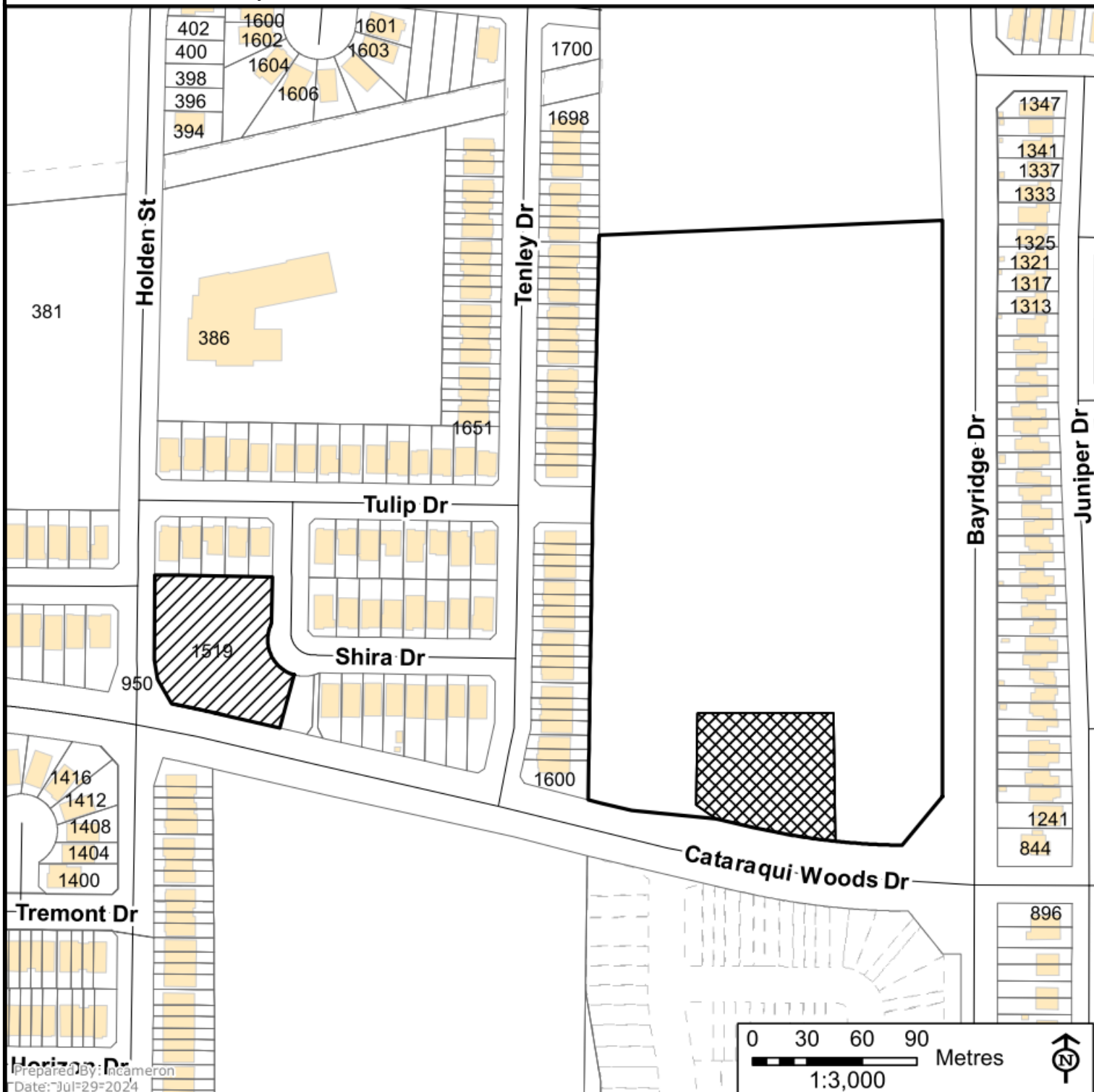
**Kingston Zoning By-Law 2022-62
Schedule E - Exception Overlay**

-  Lands to added as EXX
-  Lands to be removed from E21

Certificate of Authentication

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

Mayor Clerk



Prepared By: mcameron
Date: Jul 29 2024



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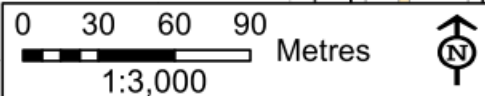
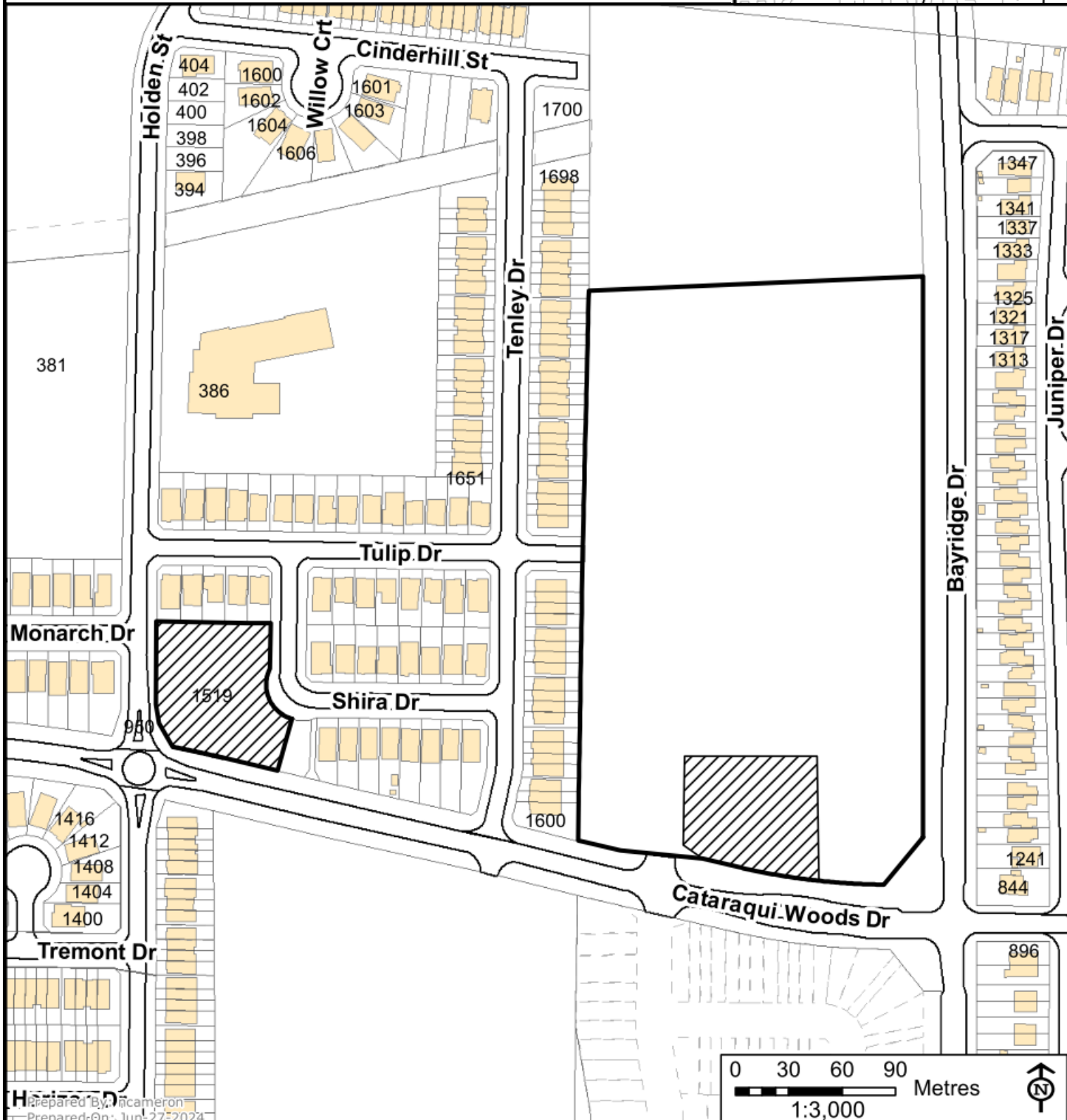
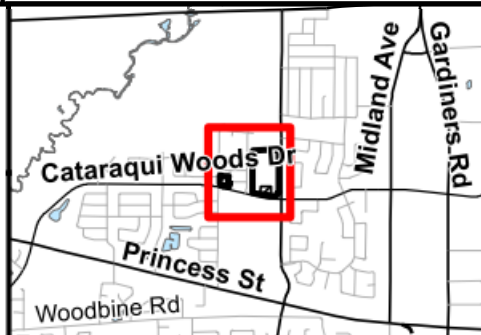


Planning Committee

Key Map

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

-  Subject Lands
-  Area Subject to Re-Designation



Prepared By: mcameron
Prepared On: Jun-27-2024

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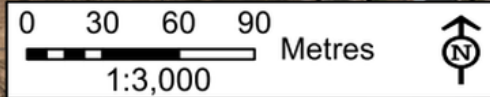
Planning Committee Neighbourhood Context

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

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: incameron
Prepared On: Jun-27-2024



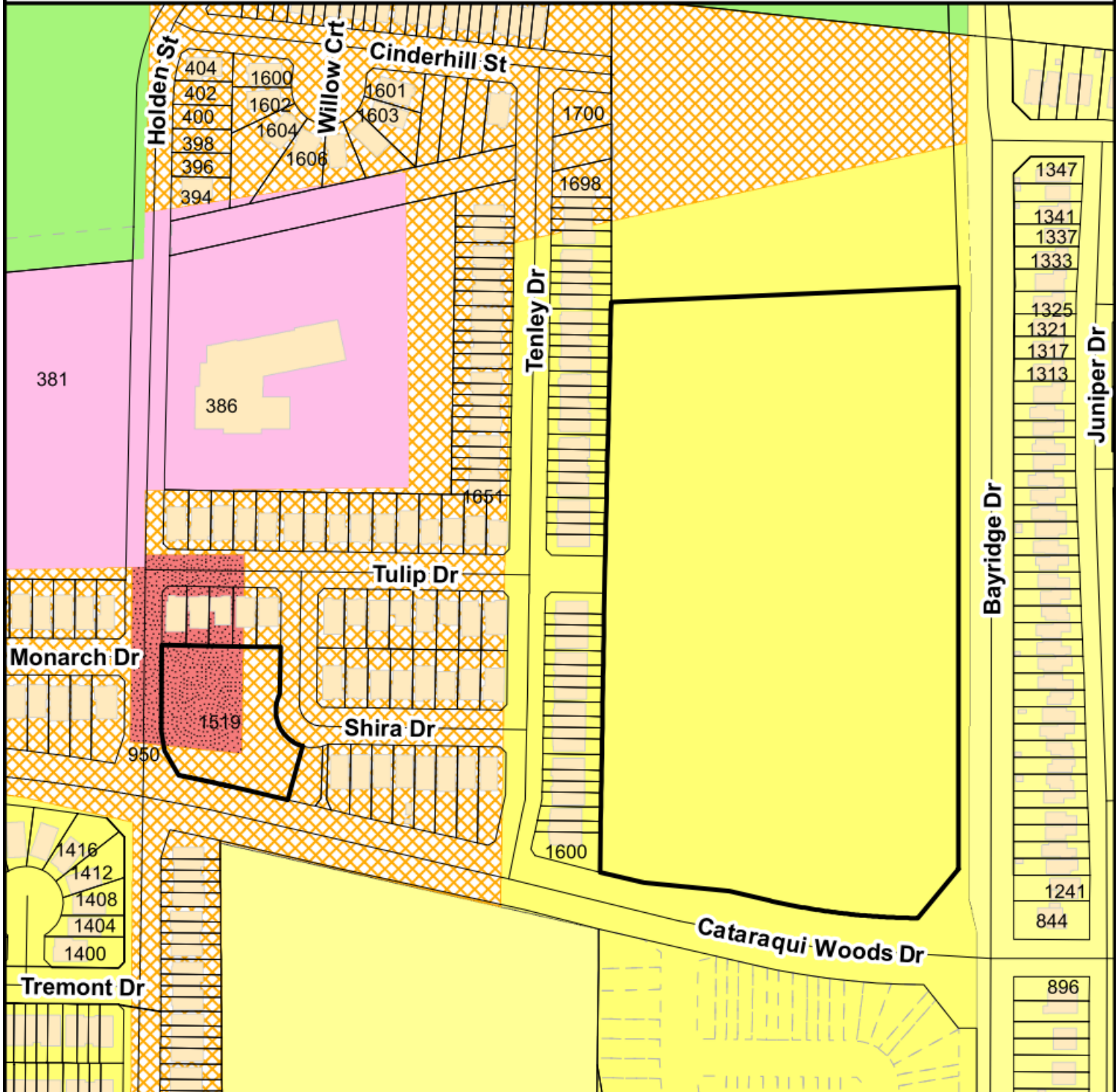
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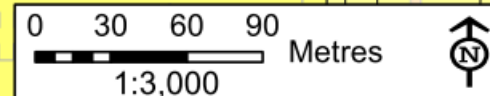
Planning Committee Official Plan, Existing Land Use

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

- Subject Lands
- RESIDENTIAL
- SECONDARY PLAN AREA
- DISTRICT COMMERCIAL
- INSTITUTION
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- OPEN SPACE



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



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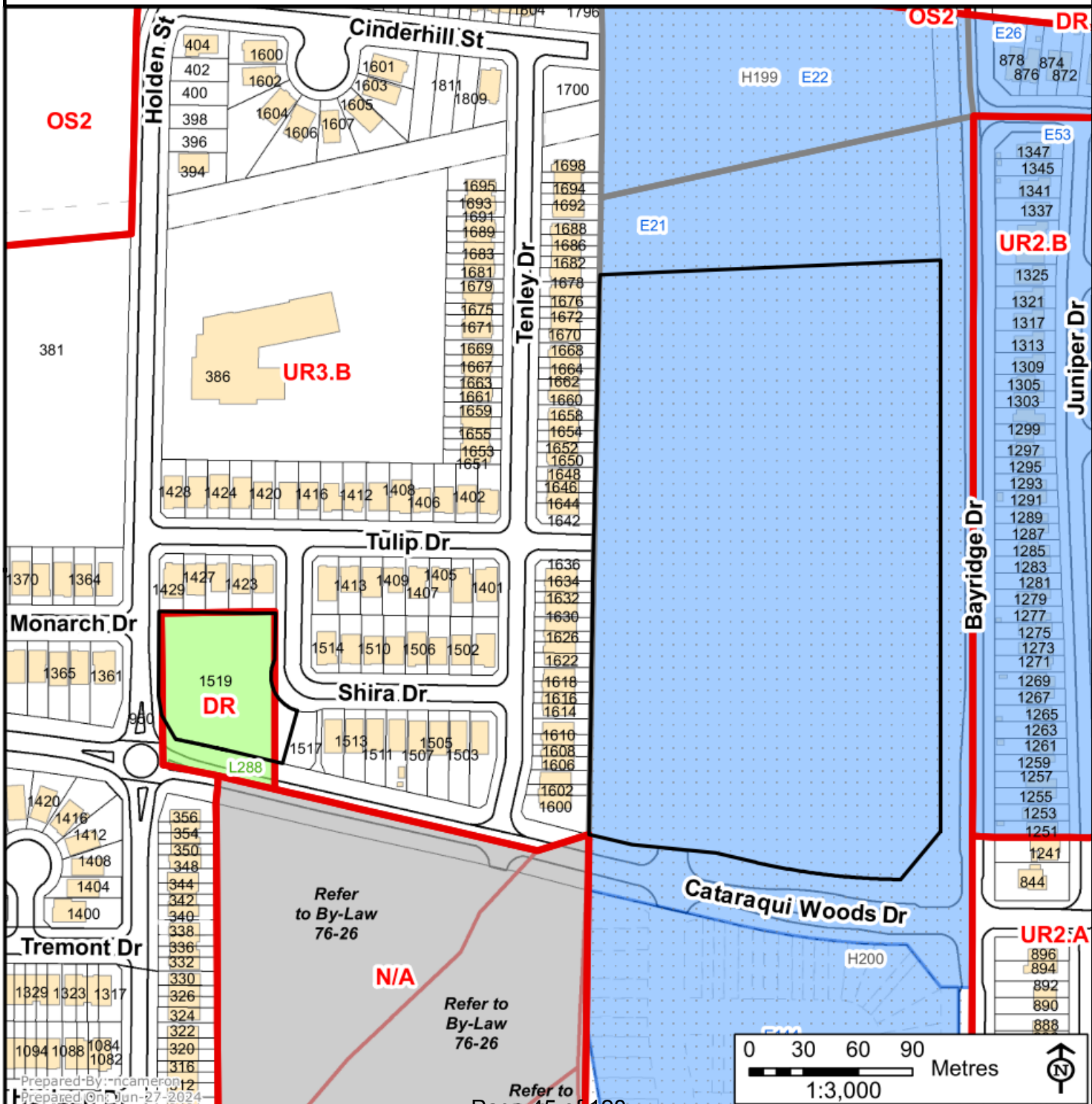


Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

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
- HoldingOverlay (HXXX)








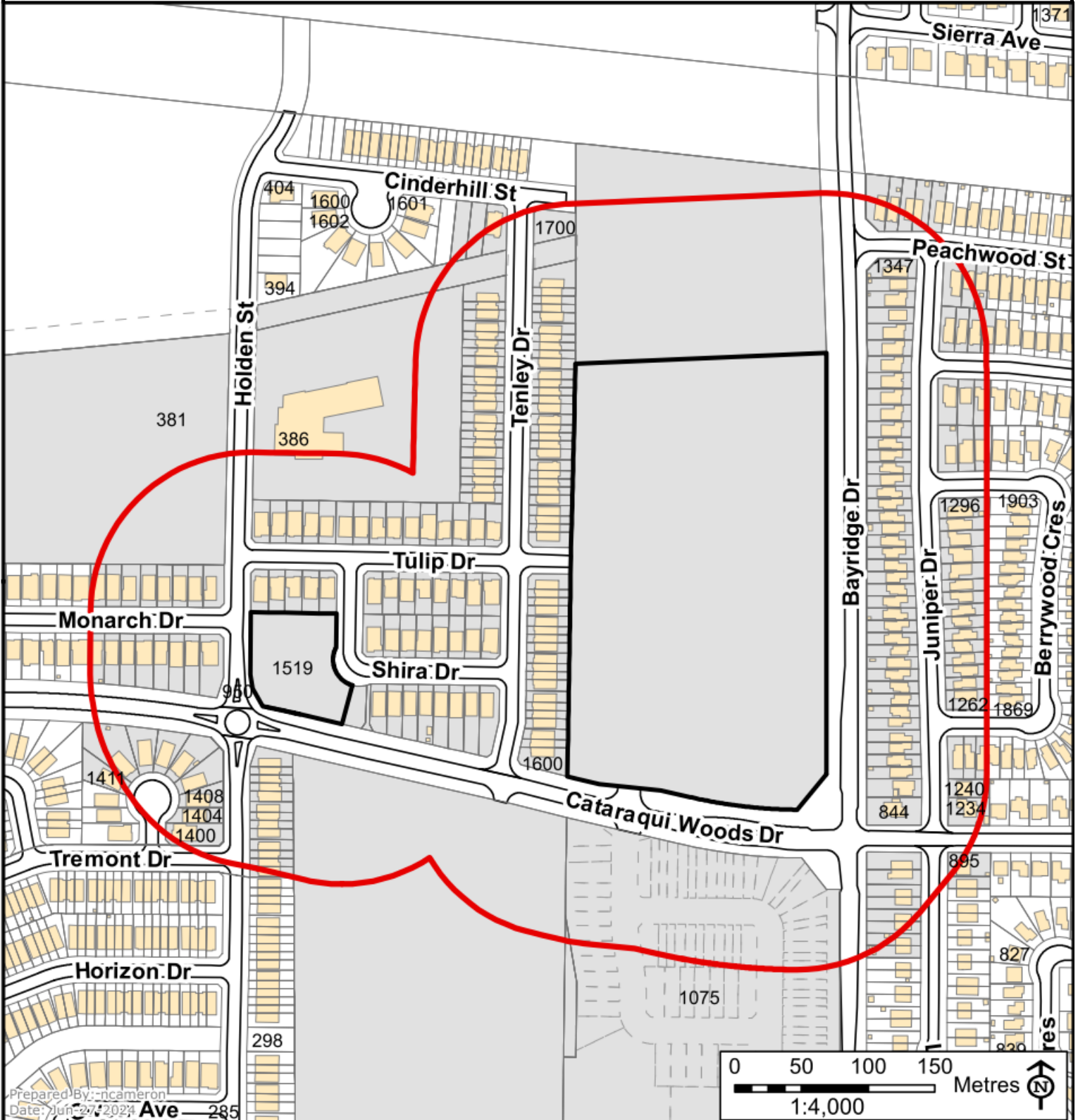
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Planning Committee Public Notice Notification Map

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

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City of Kingston Community Meeting Form

Owner/Application Information

Owner: Jason O'Brien

Applicant (if Owner is not the Applicant): Fotenn Planning + Design

Site Characteristics

Site address: 73 Sydenham Street

Site area: 490 square metres

Description of existing use and buildings on site (height, floor area, units, bedrooms, parking spaces, setbacks, etc): The property is developed with a three-storey building that operates as the Secret Garden Inn Bed & Breakfast, a legal non-conforming use, which has been in operation since 1996. The converted dwelling, built in 1888 by John McKay, is designated under Part IV and Part V of the *Ontario Heritage Act* and is located within the Old Sydenham Heritage Conservation District. The Secret Garden Inn contains eight (8) rooms for temporary lodging, a staff office, kitchen, dining room, two sitting rooms, porch, and outdoor courtyard. The property includes landscape open space in the front and exterior side yard as well as three mature trees. The property incorporates privacy fences along the north and east property lines. Primary vehicular access is provided from Sydenham Street with four on-site parking spaces provided, while additional vehicular access is provided from William Street to one additional parking space. Pedestrian access to the site is provided from both street frontages.

Official Plan designation: Residential on Schedule 3-A Land Use

Zoning by-law (zone and other relevant schedules and overlays): Heritage Zone 3 – Old Sydenham (HCD3) in Kingston By-law 2022-62

Existing number of trees: 3

Number of existing trees to be retained: 3

Description of heritage status (not a heritage building, listed, designated or located in a heritage conservation district): The building is designated under Part IV and Part V of the *Ontario Heritage Act* and the property is located within the Old Sydenham Heritage Conservation District.

Description of Surrounding Uses and Buildings

East: Residential (two-and-a-half-storey semi-detached dwelling)

West: Institutional (three to six storey Sydenham Street United Church)

North: Residential (two-storey single detached dwelling)

South: Residential (five-storey multi-unit building)

Description of Proposal

Summary description of the proposal (use, height, floor area, setbacks, units, bedrooms, condominium, rental, affordability level, parking and bike spaces, will existing building or any existing features be retained/renovated/demolished etc.):

The applicant is seeking a minor zoning by-law amendment to recognize the long-standing legal non-conforming bed and breakfast use and allow a complementary restaurant use within the existing building. The property was zoned Three to Six Family Dwelling (B) Zone in former Zoning By-law 8499 which allowed the existing Bed and Breakfast Use under the permitted “Boarding Houses and Rooming Houses” use. The definition of Boarding House restricts meals to be provided to only those providing compensation for a room, meaning only guests can be served meals. Through the comprehensive zoning by-law update, the property was rezoned to Heritage Zone 3 – Old Sydenham (HCD3) in the new Zoning By-law 2022-62. The current HCD3 Zone does not permit Boarding Houses and Rooming Houses, a Hotel, or other similar overnight lodging uses, therefore the existing use of the property is Legal Non-Conforming. The bed and breakfast has an existing kitchen and restaurant which serves guests.

The intent of the proposed minor zoning by-law amendment is to allow a Hotel as a permitted use to recognize the existing, legal non-conforming bed and breakfast and allow a complementary restaurant use in order for the existing kitchen to serve both guests and non-guests.

No new development or exterior modifications are proposed as a result of the proposed application.

Type of Application: Minor Zoning By-law Amendment

Proposed use: Hotel (to recognize the existing, legal non-conforming bed and breakfast use and allow a new complementary restaurant which will use the existing kitchen to serve both guests and non-guests)

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

Proposed gross floor area (of each use): No change (660 square metres)

Proposed height: No change (3 storeys)

Proposed setbacks:

Front: No change (2.6 metres)

Interior: No change (0 metres)

Exterior: No change (3.5 metres)

Rear: No change (1.4 metres)

Proposed number of vehicular parking spaces (include breakdown of occupant, visitor, car-share, accessible, etc): No change (5 existing spaces)

Proposed number of bicycle parking spaces: No change (0 spaces)

Proposed landscaped open space: No change

Proposed amenity area (if residential): N/A

Proposed number of trees to be planted: 0 (no change to existing trees or landscaping to occur)

Description of how the application conforms with the Official Plan: The proposed minor zoning by-law amendment seeking to recognize the existing bed and breakfast and allow a complementary restaurant which serves both guests and the public conforms with the intent of the Official Plan. The proposal aligns with the Residential and Centre designation policies.

Per Section 3.3.2 of the Residential designation policies, "*Where appropriate and compatible, small-scale convenience commercial uses are allowed by zoning within apartment buildings or on a site specific basis on a low or medium density residential site*". The property has successfully operated as a standalone bed and breakfast since 1996 in an appropriate and compatible manner with the surrounding residential area. The existing built form is appropriate for continuation and use as a complementary restaurant within the Residential designation.

Per the Neighbourhood Commercial policies of Section 3.4.F., the long-standing small scale neighbourhood commercial use is appropriately located in the Sydenham neighbourhood within walking distance of residential uses, community facilities and

open space. As no exterior changes are proposed and the operation of the property will remain largely unchanged, the proposal will maintain a compatible relationship with the surrounding neighbourhood and provide additional services within walking distance of the downtown. The property incorporates existing setbacks and privacy fences which provide buffering to abutting residential uses to the east and north. No change to on-site operations are proposed as a result of the application, therefore the existing setbacks and fences are anticipated to remain sufficient as a means to mitigate potential compatibility considerations with the existing residential uses abutting the property. The proposal represents a logical extension of the existing commercial operation provided by the bed and breakfast.

As well, the property is located within the Centre designation and within the Central Business District, an area intended for a diversity of uses and intensification.

It is our professional planning opinion that the proposed minor zoning by-law amendment is appropriate and conforms to the policies of the Official Plan.

If located in an area that is subject to Official Plan policies related to source water, natural heritage system, natural heritage features and areas, hazards, cultural heritage resources, areas of archaeological potential, or areas of archaeological significance, description of how the proposal will conform with the policies: The subject property is designated under Part IV and Part V of the *Ontario Heritage Act*, is adjacent to numerous built heritage resources, and is located within the Old Sydenham Heritage Conservation District. The proposed development conforms with the policies of Section 7 Cultural Heritage and Archaeology as the proposed minor zoning by-law amendment will not result in any exterior changes to the property or building therefore no impacts to on-site or nearby heritage resources will occur.

Description of amendment(s) required to the Zoning By-law: Previously, the property was zoned Three to Six Family Dwelling (B) Zone in former Zoning By-law 8499 which permitted the existing bed and breakfast use as a “Boarding House and Rooming House”. The definition of Boarding House restricts meals to be provided to only those providing compensation for a room, meaning only guests can be served meals. Through the comprehensive zoning by-law update, the property was rezoned to Heritage Zone 3 – Old Sydenham (HCD3) in the new Zoning By-law 2022-62.

Currently, the subject site is regulated by the City of Kingston Zoning By-law 2022-62 and is zoned Heritage Zone 3 – Old Sydenham (HCD3) in Kingston Zoning By-law 2022-62. The HCD3 Zone permits a variety of residential and non-residential uses, but does not permit a bed and breakfast or other similar overnight lodging use, resulting in a legal non-confirming use.

A minor zoning by-law amendment is proposed to recognize the existing bed and breakfast use and allow a complementary restaurant use. Kingston Zoning By-law 2022-62 broadly defines overnight accommodation uses as a “hotel” which also allow restaurants as accessory uses. The minor zoning by-law amendment seeks to add an

exemption overlay (E.XX) to the property to permit a hotel and recognize existing performance standards associated with the existing building, including setbacks, dormers, location of parking, planting strips, projections in yards, and outdoor patios.

Other information that would be valuable for a Community Meeting: Please refer to the Planning Justification Report submitted with this application for images of the property and existing conditions plan, a detailed review of the application against the Provincial Policy Statement and Kingston Official Plan policies, and a zoning table that provides a review of the development against the HCD3 zone and general provisions of Kingston Zoning By-law 2022-62.

List of Drawings/Studies Submitted

- Existing Conditions Plan, Fotenn, Jul-3-2024
- Existing Ground Floor Plan, Shoalts & Zaback Architects, Dec-1-2020
- Planning Justification Report, Fotenn, Jul-11-2024

Community Meeting Form Prepared by: Fotenn Planning + Design

Date: July 31, 2024

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Exception EXXX (73 Sydenham Street))

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

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

 - a) A **hotel** is a permitted use;
 - b) Minimum **rear setback** is 1.4 metres;
 - c) Minimum **interior setback** is 0 metres;
 - d) The front wall of an existing **dormer** may be **setback** 0 metres from the **main wall**;
 - e) The side wall of an existing **dormer** may be **setback** 0 metres from the edge of the roof on which it is located;
 - f) Maximum cumulative length of all existing **dormers** on the same portion of a sloped roof may exceed 50% of the length of the roof on which it is located;
 - g) Parking shall be permitted in the **front yard**;
 - h) A **planting strip** is not required where an **interior lot line** or **rear lot line** of a **lot** used for a **non-residential use** abuts a **residential use** in the HCD3 Zone;

- i) Fire escapes may be **setback** 0 metres from the **interior lot line**;
- j) **Outdoor patios** associated with a commercial **use** may have a **separation distance** of 0 metres from a **lot** in the HCD3 Zone; and
- k) **Outdoor patios** associated with a commercial **use** may have a privacy **fence** with a minimum height 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: 73 Sydenham Street
File Number: D14-011-2024

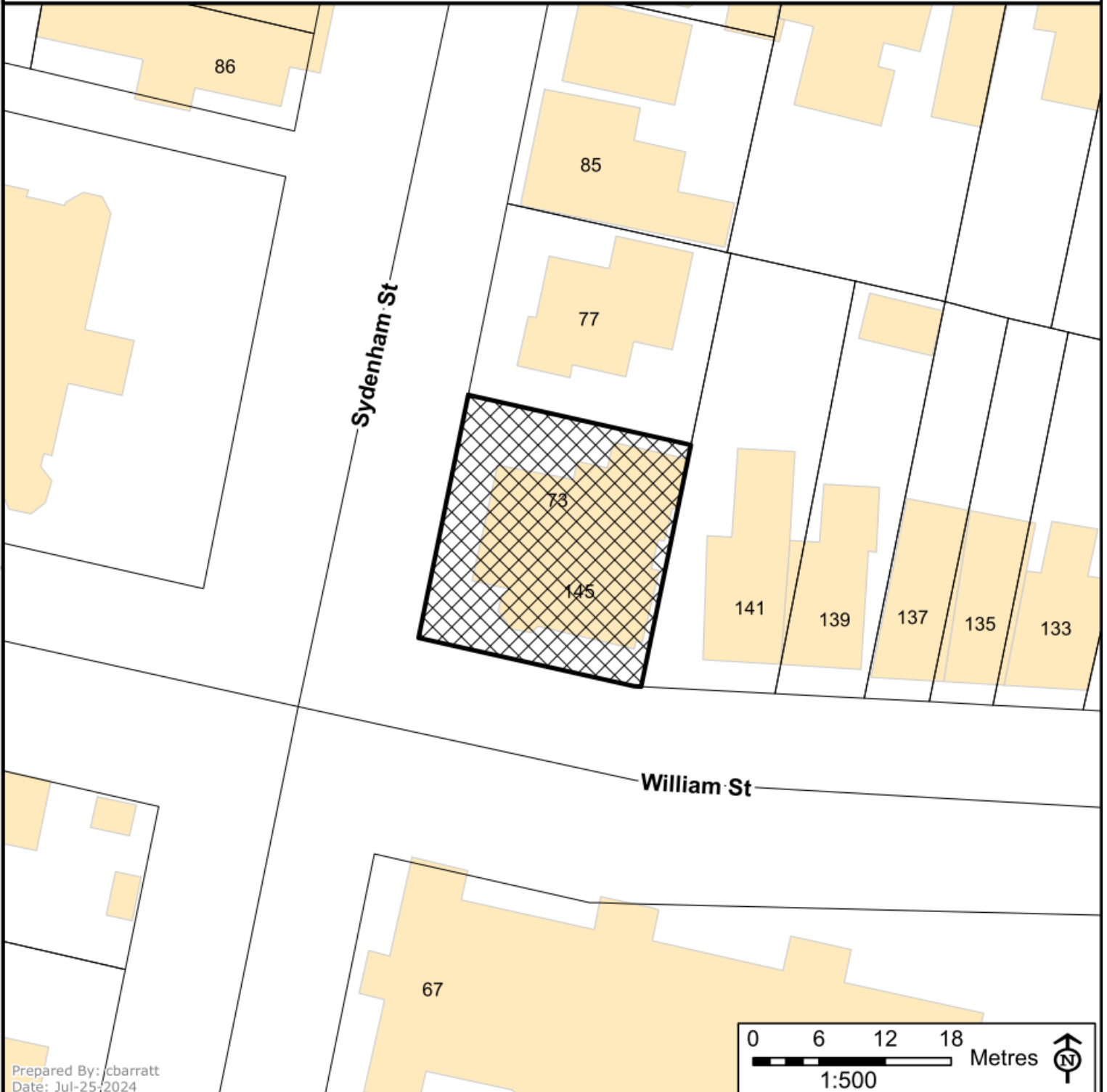
Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

☒ Lands to be added as EXX

Certificate of Authentication

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

Mayor Clerk



Prepared By: cbarratt
Date: Jul-25-2024

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Planning
Services

Planning Committee

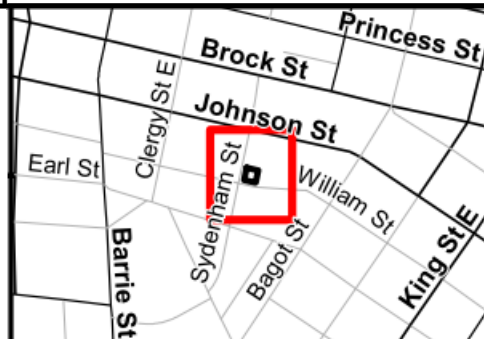
Key Map

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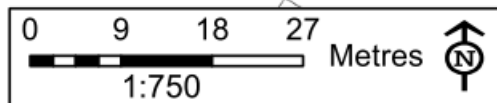
File Number: D14-011-2024

Prepared On: Jul-24-2024

 Subject Lands



Prepared By: cbarratt
Prepared On: Jul-24-2024





Planning Committee
Neighbourhood Context

Address: 73 Sydenham Street
File Number: D14-011-2024
Prepared On: Jul-24-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: ebarratt
Prepared On: Jul-24-2024

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Planning Services

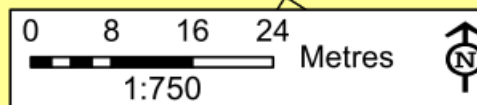
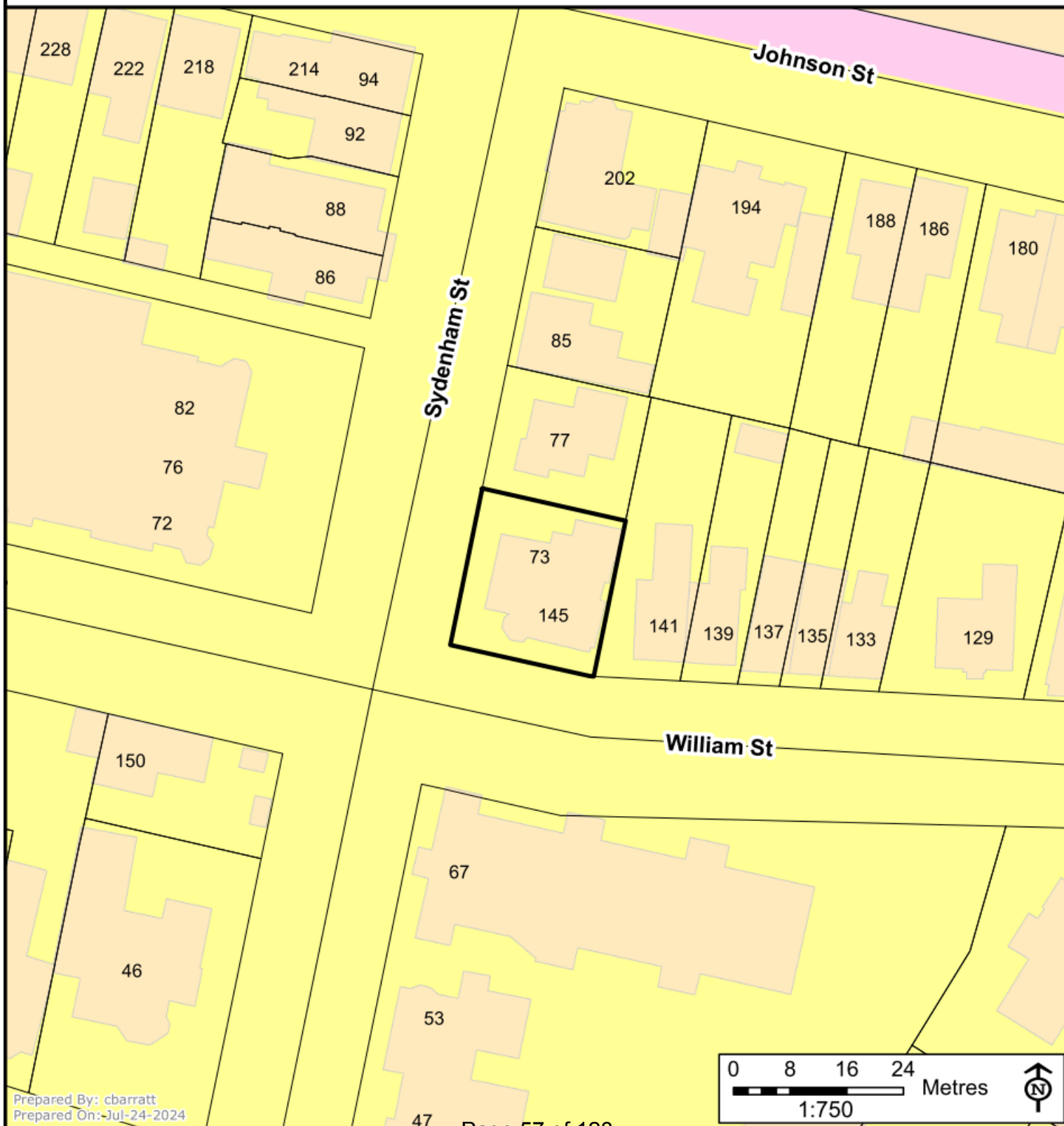
Planning Committee Official Plan, Existing Land Use

Address: 73 Sydenham Street

File Number: D14-011-2024

Prepared On: Jul-24-2024

-  Subject Lands
-  INSTITUTIONAL
-  RESIDENTIAL





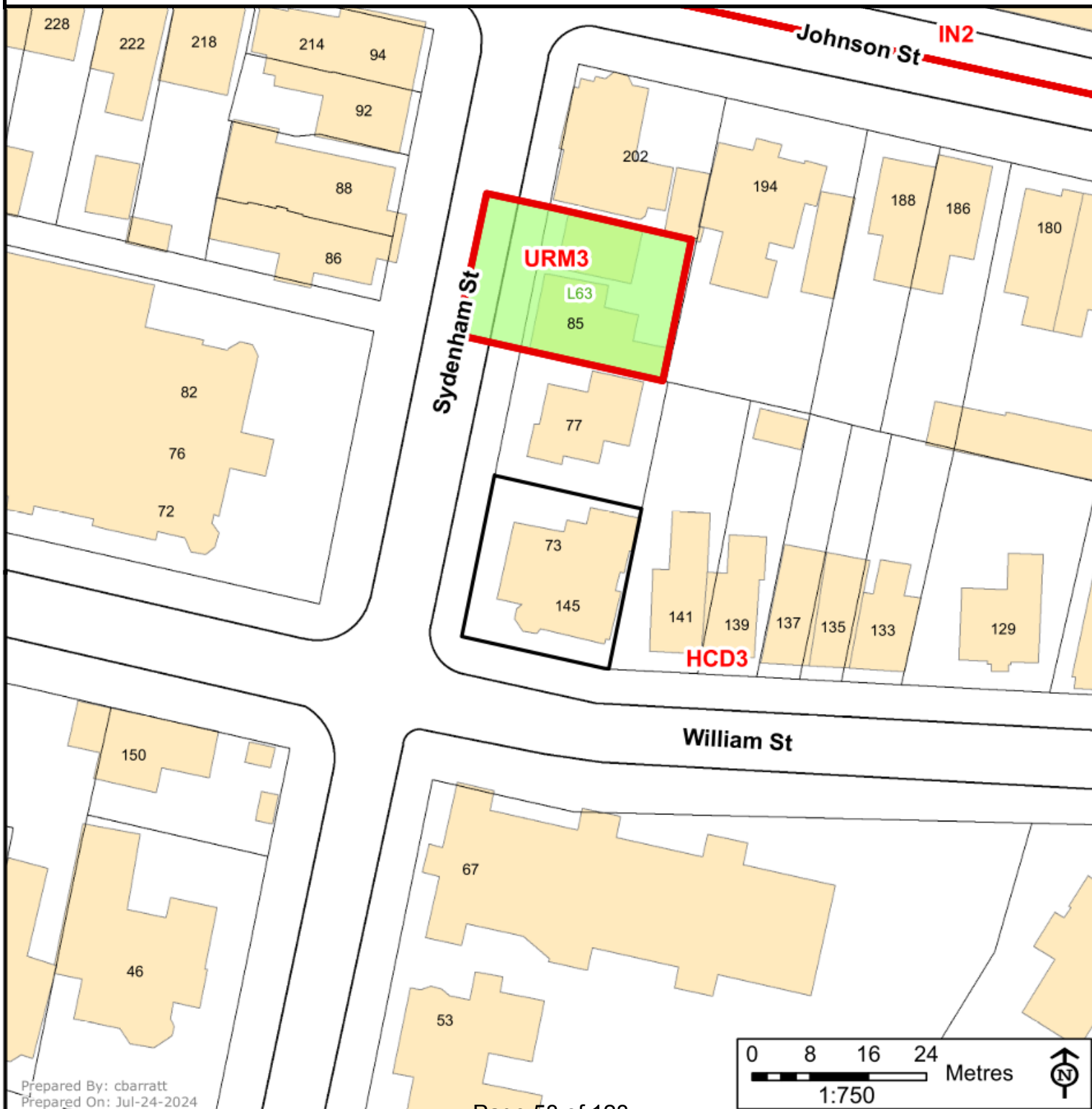
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 73 Sydenham Street
File Number: D14-011-2024
Prepared On: Jul-24-2024

Subject Lands
Schedule 1 Zoning Map
Zone

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





**City of Kingston
Report to Planning Committee
Report Number PC-24-047**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: September 5, 2024
Subject: Recommendation Report
File Number: D35-004-2024
Address: 1739 Westbrook Road
District: District 1 - Countryside
Application Type: Official Plan & Zoning By-Law Amendment
Owner: Propane Levac Propane Inc
Applicant: Asterisk Engineering Corp

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

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

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding applications for Official Plan and zoning by-law amendments submitted by Asterisk Engineering Corp, on behalf of Propane Levac Propane Inc, with respect to the subject site located at 1739 Westbrook Road.

The subject lands measure approximately 6.8 hectares and are located at the southeast corner of Westbrook Road and Drake Road. The property has approximately 250 metres of frontage along Drake Road before the road terminates shortly after a crossing of a tributary to Glenvale Creek

September 5, 2024

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which traverses across the northwest corner of the lot. Along the east end of the property the lot has approximately 180 metres of frontage on Westbrook Road.

The subject property is largely undeveloped except for a gravel parking area located in the interior of the site while vegetation consisting primarily of deciduous and cultural thickets occupied much of the remainder of the lands. The surrounding area consists of commercial, light industrial, mineral extraction and agricultural land uses.

The property is designated Rural in the City of Kingston Official Plan apart from a small tract of lands designated Environmental Protection Area which coincides with the tributary watercourse which traverses across the northwest corner of the lot. The subject lands are currently zoned 'M1-4' in the former Kingston Township Zoning By-Law Number 76-26 which can generally be described as only allowing for a cartage or transport yard. The applicant seeks to redesignate the lands to the Rural Industrial designation with a site-specific provision requiring a 30-metre setback from the tributary watercourse. The applicant also proposes to incorporate the subject lands into the Kingston Zoning By-Law Number 2022-62 by zoning the lands Rural Heavy Industrial Zone (RM2) subject to an Exception Overlay allowing for the supply depot and propane transfer facility subject to certain provisions.

The proposed propane supply depot and propane transfer facility would represent an appropriate form of development given the surrounding industrial and extractive land uses which exist in the area. The proposed development represents good land use planning, is consistent with the Provincial Policy Statement and the overall intent of the City's Official Plan.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan and zoning by-law amendments (File Number D35-004-2024) submitted by Asterisk Engineering Corp, on behalf of Propane Levac Propane Inc, for the property municipally known as 1739 Westbrook Road, be approved ; and

That the City of Kingston Official Plan, as amended, be further amended, amendment number 97, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-047; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A & B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-047; and

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

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

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

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

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Options/Discussion:

Statutory Public Meeting

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

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

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

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

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 pre-application. A Community Meeting was held at Planning Committee on May 30, 2024. 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 18, 2024.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before November 15, 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).

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Site Characteristics

The subject property is located at the southeast corner of Westbrook Road and Drake Road and measures approximately 6.8 hectares in area with approximately 183 metres of frontage on Westbrook Road and 253 metres of frontage on Drake Road. Drake Road terminates with a turn-around area approximately two-thirds down the length of the subject property's north lot line with an unopened road allowance continuing along the remainder of the property's north lot line and beyond.

Immediately north of the subject property is a solar project, consisting of several acres of ground mounted solar panels, and one residential dwelling. To the south of the subject property is a waste transfer station, followed by additional rural commercial and rural industrial uses serviced further south. East of the subject property, on the east side of Westbrook Road is an active quarry and asphalt plant while the lands to the west of the subject property are vacant and agricultural land. Beyond the immediate area, the surrounding uses also include rural residential uses.

Proposed Application and Submission

The application intends to permit the establishment of a propane supply depot and propane transfer facility consisting of an office building and various propane tanks and outdoor storage and loading areas (Exhibit I – Proposed Site Plan). Access to the property is by way of two driveways directly connecting the site to Westbrook Road at the site's east end. Parking is proposed to be located adjacent to the office building while commercial vehicle parking is situated along the north portion of the proposed development area. A small cylinder propane storage area and an area accommodating two larger 60,000-gallon (227,124 litres) tanks are proposed to be located approximately 150 metres and 100 metres south of Drake Road respectively with both facilities maintaining a setback of approximately 125 metres from Westbrook Road.

The proposed development is constrained to those portions of the subject lands located east of a tributary watercourse which traverses across the property, with all site alteration maintaining a 30-metre undisturbed buffer from this watercourse. The site achieves a setback of 20 metres between the south lot line and the outdoor storage of propane tanks. To the north, the site achieves a setback of approximately 80 metres between the office building and the north lot line with only parking and limited storage areas occurring in the area between these features.

Previous development of the property has established an internal network of drive aisles and informal storage areas which would be generally cleared and formalized in accordance with the proposed site plan. To achieve the desired development the eastern portion of the site would be predominantly cleared of vegetation. A Tree Inventory and Preservation Report together with a subsequent addendum was submitted in support of the application which assessed the trees in the area of development and adjacent to the watercourse. The report identified a total of 728 trees with a diameter at breast height (DBH) greater than 15 centimeters while noting an additional 128 trees in this area were confirmed to be dead but not inventoried. Only one tree of the 728 assessed was of 'good' quality with the majority (642) being assessed as 'fair' while the remainder (85) were assessed as 'poor'. Of note, the majority of the trees inventoried are situated within the 30-metre

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undisturbed setback from the watercourse where no development or site alteration is taking place. The development is anticipated to result in the clearing of approximately 262 trees which would be regulated through the City's Tree By-Law while remaining 466 (65%) of the trees inventoried would remain undisturbed, as well as those trees in the western portion of the site which were not inventoried. Pursuant to the City's Tree By-Law, compensation for tree removal would be provided as either replacement trees planted on-site or through financial compensation which would assist in the City's tree planting initiatives off-site.

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

- Concept site plan;
- Floor plans;
- Architectural elevations;
- Grading Plan;
- Planning Rationale Report;
- Stormwater Management Report;
- Tree Inventory and Preservation Report;
- Traffic Impact Study;
- Hydrogeological Study;
- Environmental Impact Study; and
- Noise 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 Policy Statement

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

The subject property is located within a Rural Area as defined by the Provincial Policy Statement. Rural Areas include a system of lands including settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. The PPS promotes healthy, integrated and viable rural areas and directs municipalities to leverage rural assets and amenities, to protect the environment, and to promote a diversified economic base.

The proposed development is consistent with the Provincial Policy Statement (2020). The development will contribute to a diversified rural economy by introducing a compatible industrial use given the similar uses in the surrounding area and would support additional employment opportunities within the Rural Area and one that provides services to rural residents. The proposed development can be sustained by the rural service levels as demonstrated by the

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applicant's Hydrogeological Study and the fact that no additional municipal services are required in connection with the development.

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

Official Plan Considerations

The entirety of the subject lands are within the City's Rural Areas, with the majority of the subject lands being designated Rural in the Official Plan with the exception of a tract of land coinciding with the tributary watercourse which is designated Environmental Protection Area (Exhibit F – Official Plan, Land Use).

The proposed propane supply depot and propane transfer facility are not permitted uses in the 'Rural' designation. These types of more intensive industrial uses are contemplated to occur within the City's 'Rural Industrial' designation and, as such, an Official Plan amendment is required to redesignate the lands to permit the proposed use.

The 'Rural Industrial' designation is intended to permit larger scale industrial uses that do not require municipal water or sewer services, or that may be incompatible with other uses in the urban area. The proposed propane supply depot and propane transfer facility is considered a permitted use under the 'Rural Industrial' designation as it allows for warehousing, processing, manufacturing, assembling, and outdoor storage along with accessory retail and office as contemplated in the proposed development.

The proposed development meets the criteria for redesignation to Rural Industrial set out in the Official Plan as the location of the proposed development will not have hinder existing agricultural operations and occupies the least productive lands, given that the site accommodates a shallow soil overburden while the soils are categorized as 'Class 5' by the Ministry of Agriculture, Food and Rural Affairs. Soils in Class 5 Category are described as having very severe limitations that restrict their capability in producing perennial forage crops.

The development makes use of an existing lot of record which is larger than one hectare with the development area taking place entirely to the east of the tributary watercourse which traverses across the land. The site's access has been reviewed to the satisfaction of the City's Transportation Services Department and would be finalized through the future Site Plan Control application. Adequate buffering is provided along Drake Road to the north through the provision of a 15-metre vegetative buffer, while to the east, the majority of the frontage along Westbrook Road will remain in its original vegetative state while limited landscaping features are proposed between the two driveway entrances.

The applicant has submitted a noise impact study and a Hydrogeological Study, a Noise Study, and a Traffic Impact Study which have demonstrated that the proposed development can proceed without undue adverse impacts to the surrounding area.

Portions of the subject property are located within areas identified as being 'Contributory Woodlands' in Schedule 8 of the Official Plan. In order to confirm the development would not

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have a negative impact on this feature, the applicant submitted an Environmental Impact Study which identified that the potential impacts to the natural heritage features were primarily associated with a small loss of contributory forest habitat and that the potential impacts to significant wildlife habitat are anticipated to be negligible given the minimal loss of habitat and availability of habitat in immediate surrounding area. An Addendum to the Tree Survey confirmed that the Butternut tree previously identified on the site was dead and therefore of no natural heritage value, while an apple tree was similarly misidentified in the first report as being an American chestnut tree. A 30-metre vegetative buffer would be maintained to ensure the integrity of the watercourse and provide an animal movement corridor while also helping to protect the 467 trees east of the watercourse which will remain in place.

The proposed development is consistent with the policies of the Kingston Official Plan by providing an appropriate form of development within the City’s Rural Areas that does not have an adverse impact on the surrounding land uses and can be sustained existing services. The development will not result in adverse impacts to the City’s Natural Heritage Features through proper implementation of a 30-metre undisturbed vegetative buffer along the path of the watercourse.

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

Zoning By-Law Discussion

The subject property is zoned ‘M1-4’ in the former Kingston Township Zoning By-Law Number 76-26. The ‘M1-4’ zone allows the site to be used for either a cartage or transport yard subject to specific criteria regarding lot area and setbacks. The applicant also proposes to incorporate the subject lands into the Kingston Zoning By-Law Number 2022-62 by zoning the lands Rural Heavy Industrial Zone (RM2) subject to an Exception Overlay allowing to permit the Supply Depot and Propane Transfer Facility and ancillary activities. Specific provisions implement the recommendations of the Environmental Impact Study aimed at enhancing the protection of the watercourse which traverses across the site.

A draft Zoning By-Law, as submitted by the applicant, is included as Exhibit B. The table below provides a review of the proposed RM2 zoning provisions for the property and the provisions of the Exception overlay

Provision	RM2 Zone	Proposed E171	Relief requested from the RM2 Zone
Uses Permitted	Permitted Uses: <ul style="list-style-type: none"> • heavy equipment or truck repair shop • heavy industrial uses • light industrial use 	Despite the uses permitted by the applicable Zone, the following uses are the only permitted uses:	Yes, new uses of a Supply Depot And Propane Transfer

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Provision	RM2 Zone	Proposed E171	Relief requested from the RM2 Zone
	<ul style="list-style-type: none"> • outdoor storage • repair shop • salvage yard • transformer station • transportation depot • warehouse • water supply plant 	<ul style="list-style-type: none"> • supply depot; • propane transfer facility; • outdoor storage; • transportation depot; • warehouse; • light industrial use; and • heavy equipment or truck repair shop. 	Facility, including definitions for each. Prohibition on certain Rural Heavy Industrial uses.
Vegetative Buffer		A 30.0 metres undisturbed vegetated buffer must be provided and maintained adjacent to a waterbody.	Yes, requirement for vegetative buffer.

Permitted Uses

The proposal contemplates allowing for the propane supply depot and transfer facility together with the outdoor storage of various components used in the propane business which would fit unobtrusively within the context of the surrounding industrial and extractive uses which have evolved within this area. The amending by-law would prevent more intensive uses otherwise allowed in the Rural Heavy Industrial (RM2) zoning such as a salvage yard and heavy industrial uses, while still permitting the development as contemplated and flexibility for future evolution of the site.

Vegetative Buffer

The site-specific exception to require an “undisturbed vegetated buffer” enhances the Kingston Zoning By-Law provisions regarding a separation distance from waterbodies by preventing not only the establishment of buildings in this area, but also requiring native vegetation. This provision implements the recommendation of the Environmental Impact Study and provides a natural linkage path along the watercourse to serve as an animal movement corridor as well as protecting the integrity of the water quality by preventing sediment and erosion from entering the watercourse.

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Other Applications

Subject to approval of the Official Plan and zoning by-law amendment, the proposed development will be subject to Site Plan Control. Propane handling and distribution is regulated by the Technical Standards and Safety Authority (TSSA).

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

To date no comments from the public have been received.

Conclusion

The proposed development of a propane supply depot and propane transfer facility at the property located at 1739 Westbrook Road is an appropriate use of the site given its marginal quality soils and the surrounding industrial and extractive uses. It is appropriate development within the City’s Rural Areas as it requires no further extension of existing services and provides adequate protection of the natural environment.

The proposed Official Plan and Zoning By-Law amendments necessary to enable this development were supported by several studies submitted by qualified professionals. These studies were reviewed and accepted by City staff. This proposal meets the intent of the Provincial Policy Statement, the Kingston Official Plan, and represents responsible planning for new growth. It is therefore recommended that the application be approved.

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

September 5, 2024

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Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to nine 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 September 2, 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 written correspondence has been received from the public and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

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

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- Exhibit G Conformity with the Official Plan
- Exhibit H Zoning By-Law Number 2022-62, Schedule 1 (excerpt)
- Exhibit I Proposed Site Plan
- Exhibit J Site Photographs
- Exhibit K Public Notice Notification Map

By-Law Number 2024-XXX

A By-Law To Amend The City Of Kingston Official Plan (Amendment Number 97, 1739 Westbrook Road)

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 97 to the Official Plan for the City of Kingston.
 - (a) **Amend** Schedule ‘3-B’, ‘Land Use’, of the City of Kingston Official Plan, so as to change the designation of the property located at 1739 Westbrook Road, as shown on Schedule ‘A’ to By-Law Number 2024-____, from ‘Rural’ and ‘Environmental Protection Area’ to ‘Rural Industrial’ and ‘Environmental Protection Area’.
 - (b) **Amend** Schedule ‘3-D’, ‘Site Specific Policies’, of the City of Kingston Official Plan, so as to designate the property located at 1739 Westbrook Road, as shown on Schedule ‘B’ to By-law Number 2024-____, as ‘Site Specific Policy Number 79’.
2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site-Specific Policy as Section 3.17.79:
 - (a) **Amend** Section 3.17 by adding a new Subsection 3.17.79, as follows:
 “1739 Westbrook Road, Schedule 3-D, SSP Number 79
 3.17.79 The lands located at 1739 Westbrook Road, shown on Schedule 3-D as Area 79, may be used as a propane transfer facility and supply depot in addition to those uses permitted within the Rural Industrial designation. Development of the property must maintain a minimum 30 metre setback from the Glenvale Creek tributary and, in all other respects, must comply with the policies of Section 3.15 of this Plan.”
3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of

Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Schedule 'A' to By-Law Number _____

Address: 1739 Westbrook Road
File Number: D35-004-2024
Prepared On: Aug-08-2024

Certificate of Authentication

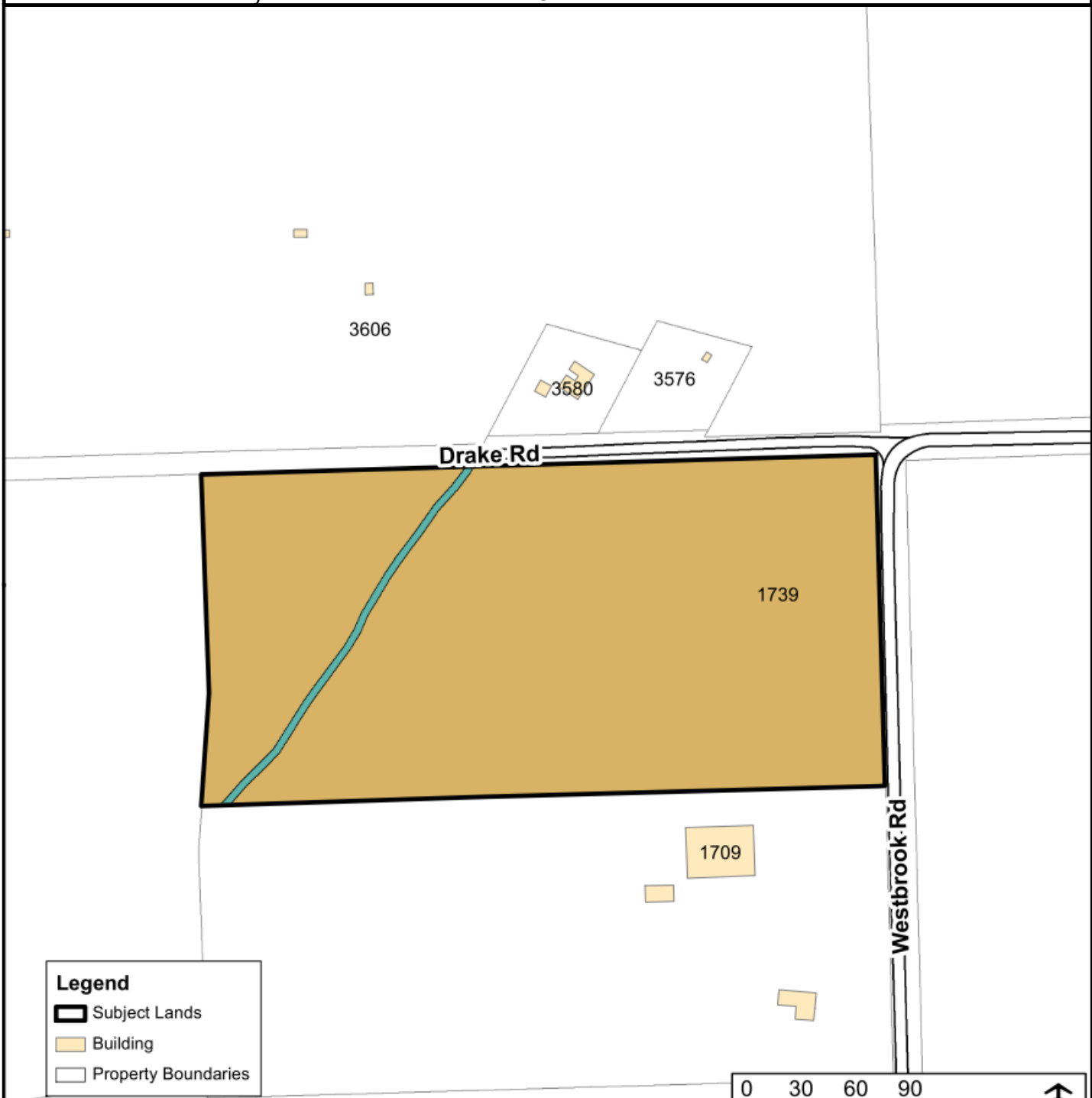
This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor

Clerk

Official Plan Schedule 3B - Land Use

- Lands to Remain Designated as EPA
- Lands to be Designated Rural Industrial



Prepared By: cbarratt
Date: Aug-08-2024

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

Address: 1739 Westbrook Road
File Number: D35-004-2024
Prepared On: Apr-29-2024

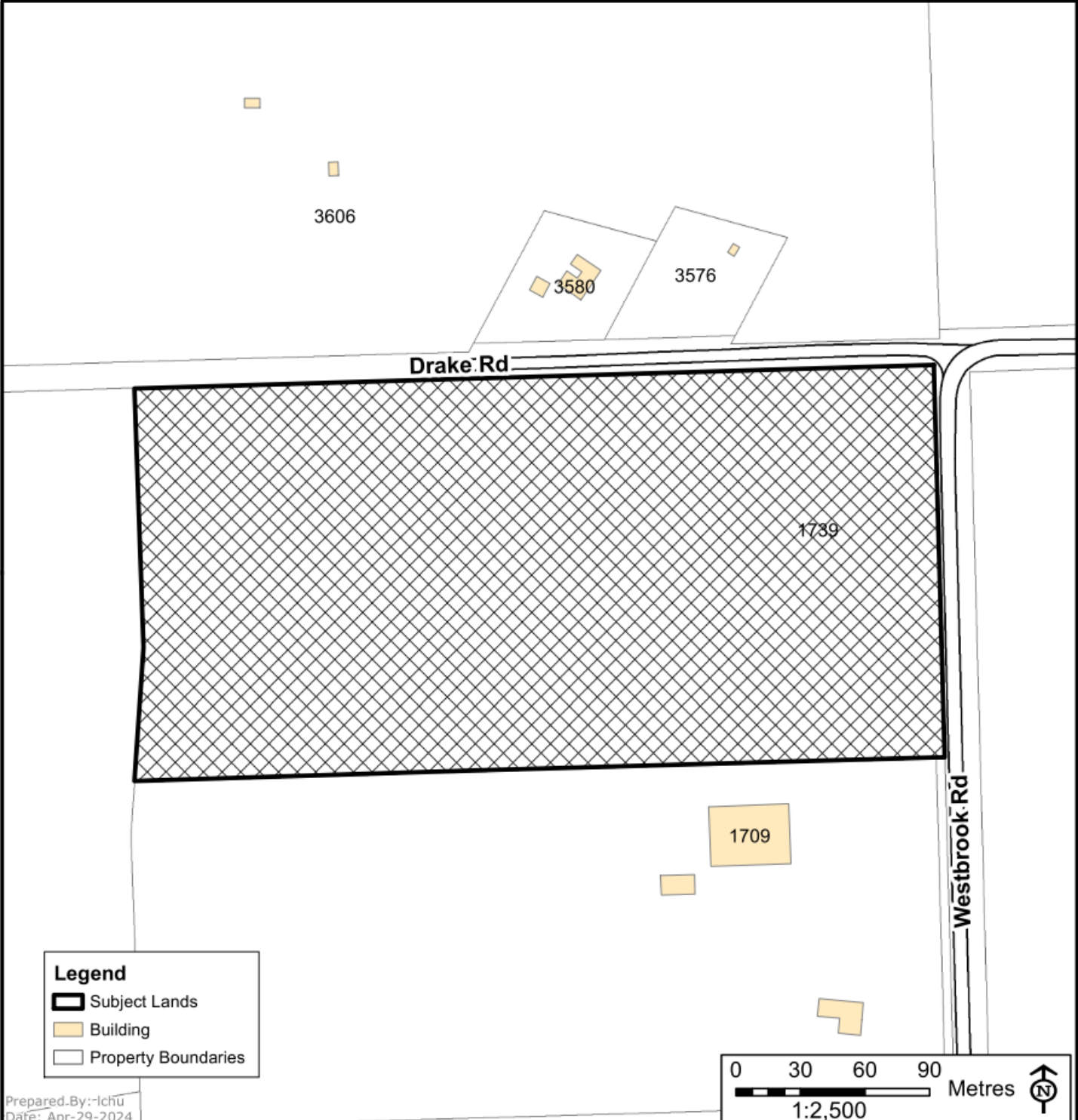
Certificate of Authentication

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

**Official Plan
Schedule 3D - Site Specific Policies**

 Lands to be added as
Site Specific Policy Area 79

Mayor Clerk



Prepared By: Ichū
Date: Apr-29-2024

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By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Transfer of Lands into the Kingston Zoning By-law and Introduction of Exception Number E171 (1739 Westbrook Road))

Passed:

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

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 removing reference to “Not Subject to this By-law”, and by adding the zone symbol ‘RM2’, 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 ‘E171’, as shown on Schedule “B” attached to and forming part of this By-Law; and
 - 1.3. By adding the following Exception Number E171 in Section 21 – Exceptions, as follows:

“**E171.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) Despite the **uses** permitted by the applicable Zone, the following **uses** are the only permitted **uses**:
 - (i) **supply depot**;
 - (ii) **propane transfer facility**;
 - (iii) **outdoor storage**;
 - (iv) **transportation depot**;
 - (v) **warehouse**;

- (vi) **light industrial use**; and
 - (vii) **heavy equipment or truck repair shop.**
- (b) A minimum 30.0 metre wide undisturbed vegetated buffer must be maintained adjacent to a **waterbody**;
- (c) The following definitions apply for the purpose of this Exception:
- (i) **Supply Depot**: means the **use** of any **lot** or **building** for wholesale, commercial purposes or bulk storage and distribution of gasoline, propane, diesel fuel, aviation fuel, heating oil, motor oil or other fuels.
 - (ii) **Propane Transfer Facility**: means the **use** of any **lot** or **building**, pursuant to the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16, for the filling of compressed gas cylinders and vehicles, the sale of propane to end users, or transferring propane in bulk.”
2. The lands shown on Schedule “A” to and forming part of this By-Law are incorporated into the Kingston Zoning By-law and the provisions of City of Kingston By-Law Number 76-26, entitled “Township of Kingston Restricted Area By-Law”, as amended, no longer apply to the lands.
3. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



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

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

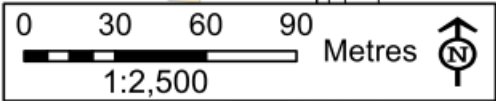
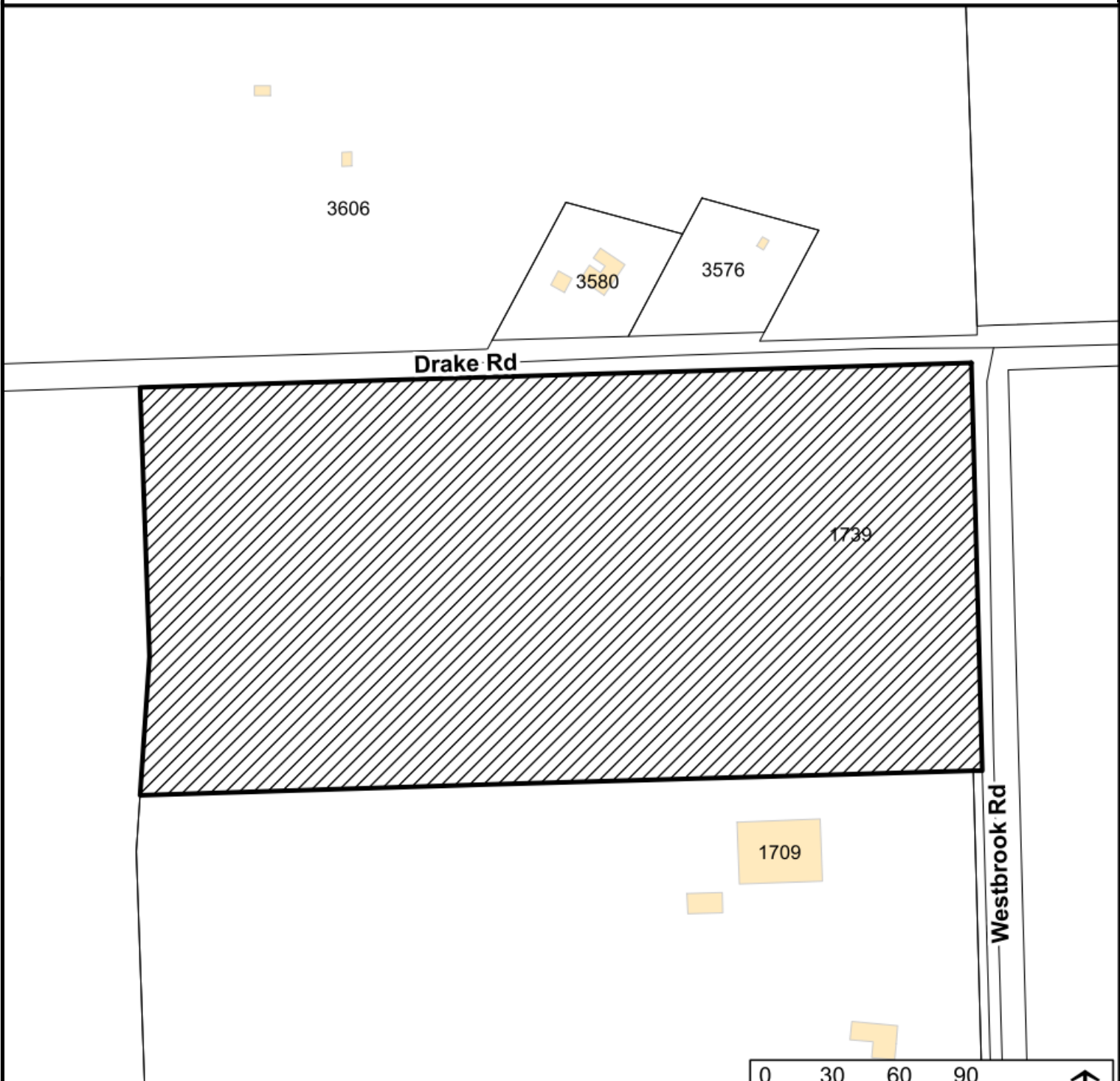
Address: 1739 Westbrook Road
File Number: D35-004-2024
Prepared On: Apr-29-2024

- Subject Lands
- Lands to be Rezoned from N/A to RM2

Certificate of Authentication

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

Mayor Clerk






Planning Services

Schedule 'B' to By-Law Number

Address: 1739 Westbrook Road
File Number: D35-004-2024
Prepared On: Apr-29-2024

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

 Subject Lands

 Lands to be added as E171

Certificate of Authentication

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

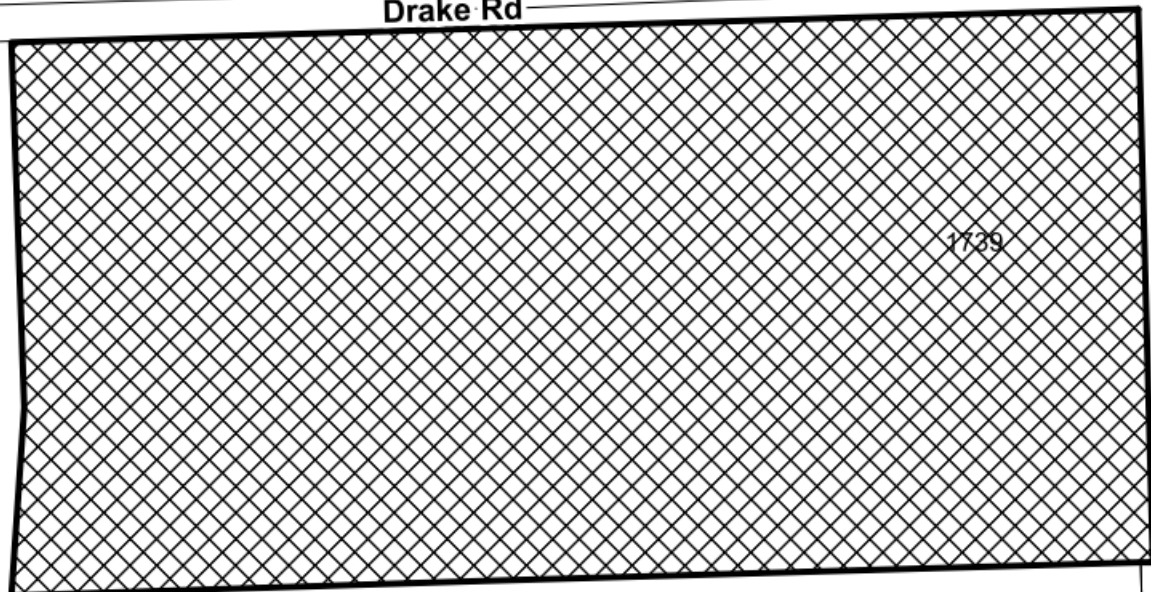
Mayor Clerk

3606

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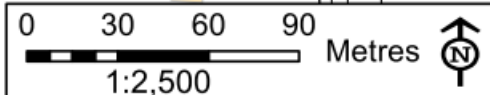
Drake Rd



1739

1709

Westbrook Rd





Kingston
Planning
Services

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

Address: 1739 Westbrook Road
File Number: D35-004-2024
Prepared On: Apr-29-2024

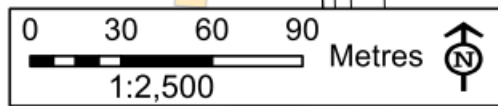
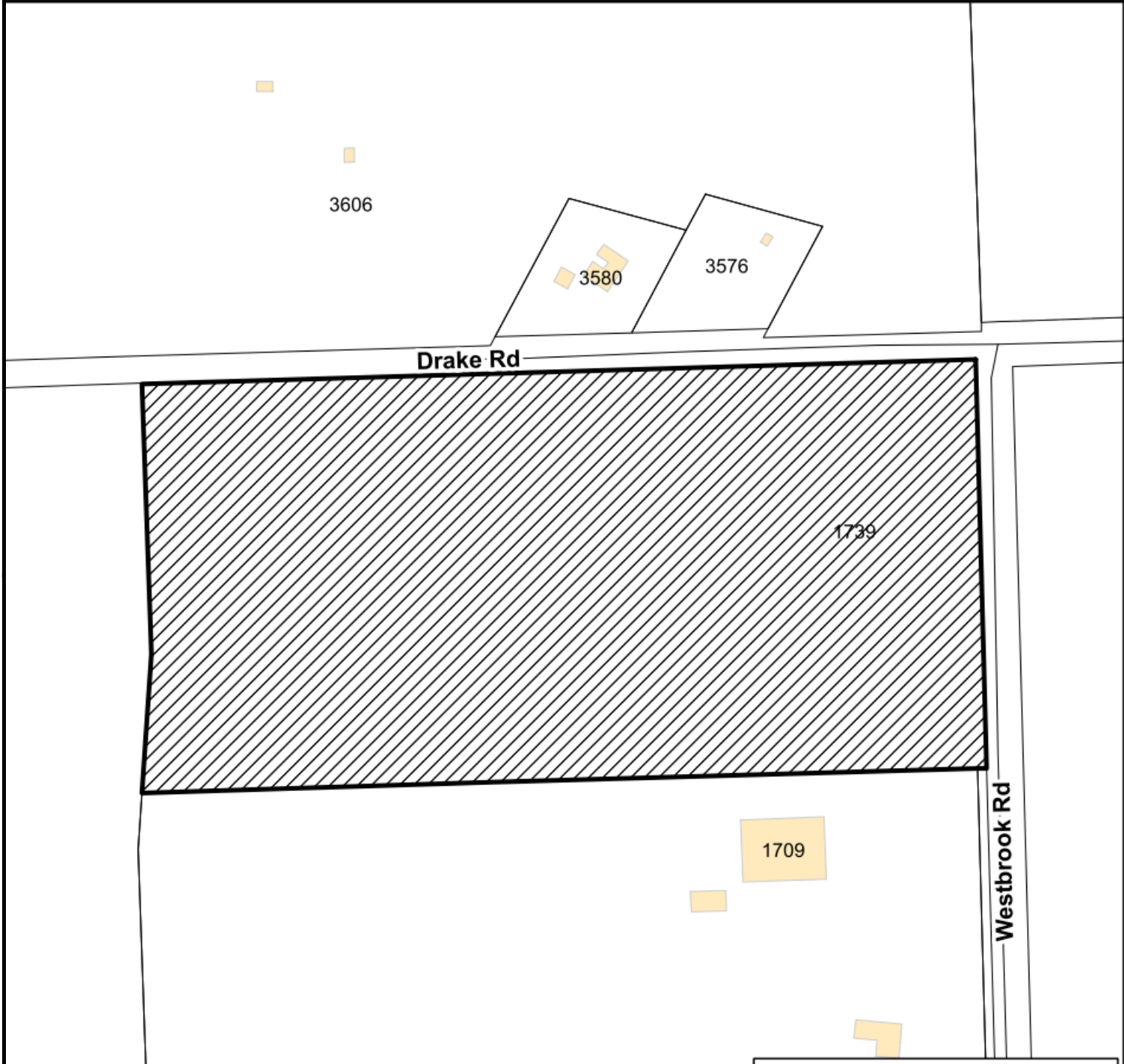
**Kingston Zoning By-Law 2022-62
Schedule 1 - Zoning Map**

- Subject Lands
- Lands to be Rezoned from N/A to RM2


Certificate of Authentication

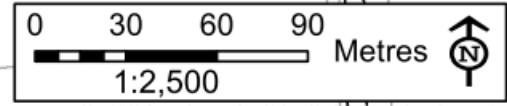
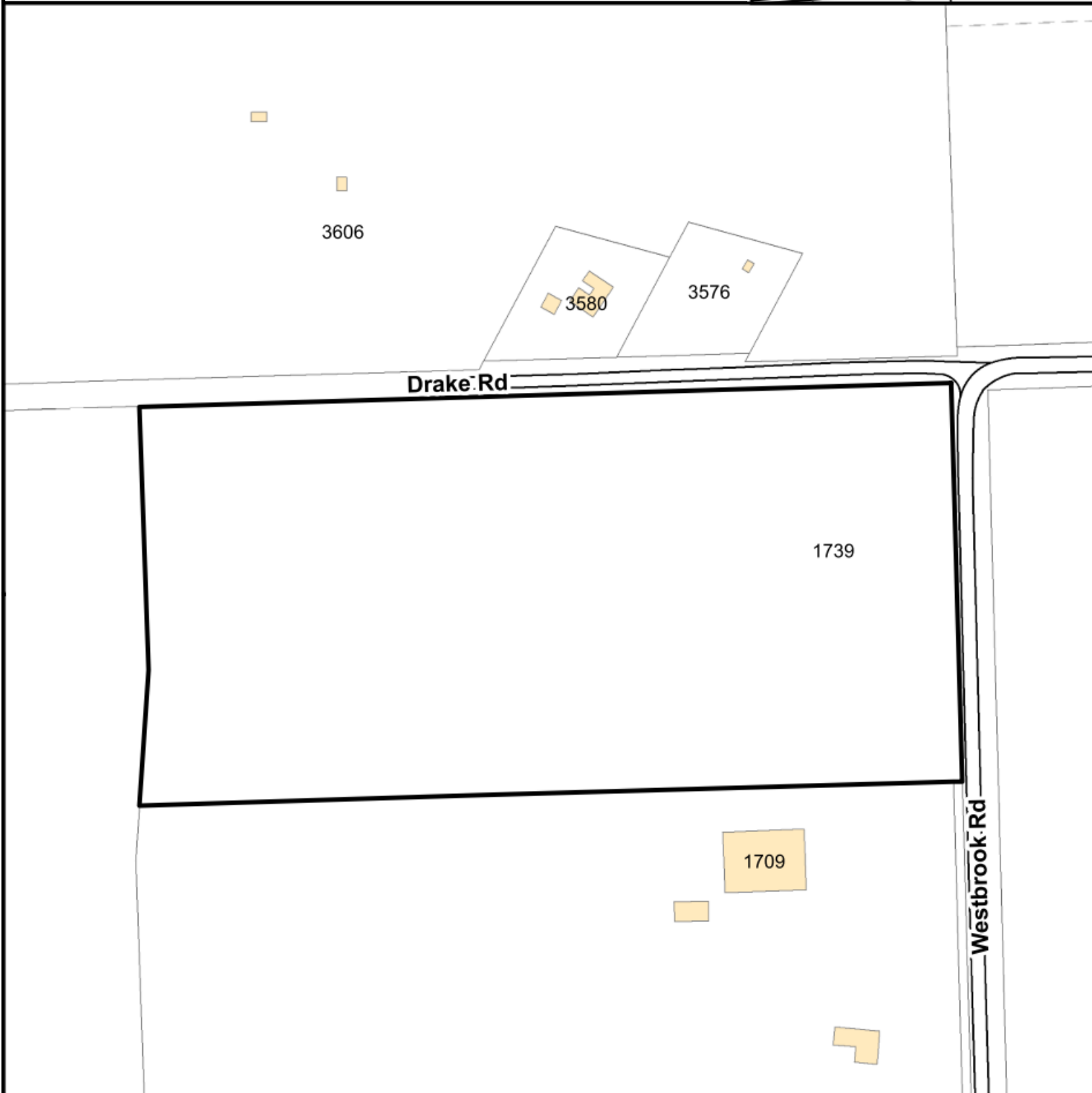
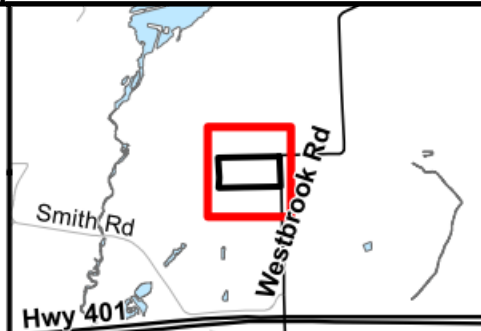
This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor Clerk





City of Kingston
Key Map
Address: 1739 Westbrook Road
File Number: D35-004-2024
Prepared On: Apr-05-2024
 Subject Lands





City of Kingston
Neighbourhood Context
Address: 1739 Westbrook Road
File Number: D35-004-2024
Prepared On: Apr-05-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



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

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>Healthy, livable and safe communities are sustained by:</p> <ul style="list-style-type: none"> a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve 	<p>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<ul style="list-style-type: none"> a) The proposed propane supply depot and propane transfer facility are located within the Rural Areas and makes efficient use of land resources by directing rural development to lands associated with lesser productive capability. As the proposed use does not require intensive servicing (e.g., water and wastewater) expensive linear services are available for more appropriate development elsewhere. b) The anticipated job creation will assist with housing affordability. c) The site makes use of a partially developed site. d) The site is located north of the City's Urban Area. The presence of the proposed use would not have an impact on the future expansion of any settlement area. e) Please see the response provided in 1.1.1(a) and (c) f) The site does not raise any accessibility issues for consideration at the land use planning stage. g) The Traffic Impact Study has confirmed the adequacy of site access and the capacity of

Policy Number	Policy	Category	Consistency with the Policy
	<p>cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and preparing for the regional and local impacts of a changing climate.</p>		<p>Westbrook Road as the development is expected to generate 24 trips in the AM peak hour and 27 trips in the PM peak hour. Servicing on site is by means of private services.</p> <p>h) Biodiversity is conserved by the preservation of a 30 metre undisturbed vegetative buffer along the tributary watercourse.</p>
1.1.4.1	<p>Healthy, integrated and viable rural areas should be supported by:</p> <p>a) building upon rural character, and leveraging rural amenities and assets;</p> <p>b) promoting regeneration, including the redevelopment of brownfield sites;</p> <p>c) accommodating an appropriate range and mix of housing in rural settlement areas;</p> <p>d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;</p> <p>e) using rural infrastructure and public service facilities efficiently;</p>	Rural Areas in Municipalities	<p>a) The additional Rural Industrial use will add to the economic base and contribute to the rural character of the area.</p> <p>b) The site makes use of an under-utilized property.</p> <p>c) Not applicable.</p> <p>d) Not applicable.</p> <p>e) The site makes use of an under-utilized property with existing road frontage, no extension of services are required as a result of the development.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<ul style="list-style-type: none"> f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets; h) conserving biodiversity and considering the ecological benefits provided by nature; and i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3. 		<ul style="list-style-type: none"> f) The proposed use will add to the economic base and promote a more diversified economy. g) Not applicable h) Please see the response provided in 1.1.1(h) i) Not applicable.
1.1.4.2	In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.	Rural Areas in Municipalities	The proposed propane supply depot and propane transfer facility is located outside of the City's rural settlement areas and will provide a more diversified rural economy to support the vitality and regeneration of these areas by introducing a new land intensive light industrial use to the area making the development more compatible than the site's existing location within the urban area.
1.1.4.4	Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area.	Rural Areas in Municipalities	Please see the response provided in 1.1.5.1 through 1.1.5.8 below.

Policy Number	Policy	Category	Consistency with the Policy
1.1.5.1	When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.	Rural Lands in Municipalities	As set out in the descriptions regarding PPS consistency throughout, the proposed use meets the policy requirements of Sections 1 through 3.
1.1.5.2	On rural lands located in municipalities, permitted uses are: a) the management or use of resources; b) resource-based recreational uses (including recreational dwellings); c) residential development, including lot creation, that is locally appropriate; d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards; e) home occupations and home industries; f) cemeteries; and g) other rural land uses.	Rural Lands in Municipalities	The proposed industrial development is appropriate for locating outside of a serviced settlement area representative of other rural land uses which cannot be located and are not appropriate in non-rural areas.
1.1.5.3	Recreational, tourism and other economic opportunities should be promoted.	Rural Lands in Municipalities	The proposal constitutes a new economic opportunity in the rural area and will provide additional jobs to the rural market.
1.1.5.4	Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.	Rural Lands in Municipalities	The proposal is compatible with the surrounding rural landscape, which is comprised largely of rural industrial and extractive uses. The site will be privately serviced in terms of water and wastewater and can be otherwise sustained by the

Policy Number	Policy	Category	Consistency with the Policy
			existing rural service levels without the need for expansion.
1.1.5.5	Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.	Rural Lands in Municipalities	The site will be privately serviced in terms of water and wastewater and can be otherwise sustained by the existing rural service levels without the need for expansion. A hydrogeological study has confirmed the adequacy of the site to provide water in sufficient quality and quantity.
1.1.5.7	Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.	Rural Lands in Municipalities	The light industrial use would create a more diversified rural economy and is directed to an area where there will be no impact on the agricultural or other resource-based uses
1.1.5.8	New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.	Rural Lands in Municipalities	The proposed use is considered a Type A land use and as such would comply with separation criteria established by the Provincial MDS calculations.
1.2.6.1	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	Land Use Compatibility	The proposed use would not be associated with any anticipated adverse effects from odour, noise or other contaminants; and would not have an impact on public health and safety.

Policy Number	Policy	Category	Consistency with the Policy
1.3.1	<p>Planning authorities shall promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; e) ensuring the necessary infrastructure is provided to support current and projected needs. 	Employment	<ul style="list-style-type: none"> a) The proposed use adds to the variety of employment uses within the rural areas and accommodates the expanding needs of an existing industry within the City of Kingston e) The proposed development would not have any off site impacts on the demands of City infrastructure. The property is serviced with existing roads and there is no extension of services required.
1.6.6.4	<p>Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.</p>	Sewage, Water and Stormwater	<p>The subject property is outside of a settlement area and is capable of on-site sewage and water services commensurate with the intended use. The Hydrogeological study found that the site can provide the anticipated water demanded and that the quality of water meets provincial standards for drinking water, though treatment through reverse osmosis is an option to address elevated sodium levels.</p>
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; 	Sewage, Water and Stormwater	<p>Stormwater management is handled privately on-site. A stormwater management report demonstrating quantity control through on-site storage for the 2, 5, and 100-year events while quality control is provided to normal levels of protection consisting of 70% removal of total</p>

Policy Number	Policy	Category	Consistency with the Policy
	<ul style="list-style-type: none"> c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development. 		<p>suspended solids from discharged runoffs by way of enhanced swales and retention ponds. An erosion and sediment control plan has also been prepared to control water quality during construction.</p>
1.7.1	<p>Long-term economic prosperity should be supported by:</p> <ul style="list-style-type: none"> a) promoting opportunities for economic development and community investment-readiness; c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities; 	Long Term Economic Prosperity	<ul style="list-style-type: none"> a) The proposed development responds to the expansion needs of an existing business and would represent an opportunity for economic development. c) The location of this development within the rural areas optimizes land resources and infrastructure by not taking valuable serviced lands out of stock for an intended use which does not have a need for such services.
1.8.1	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and</p>	Energy Conservation, Air Quality	<ul style="list-style-type: none"> d) The proposed development will have a nominal impact on the road network and the applicant has provided a

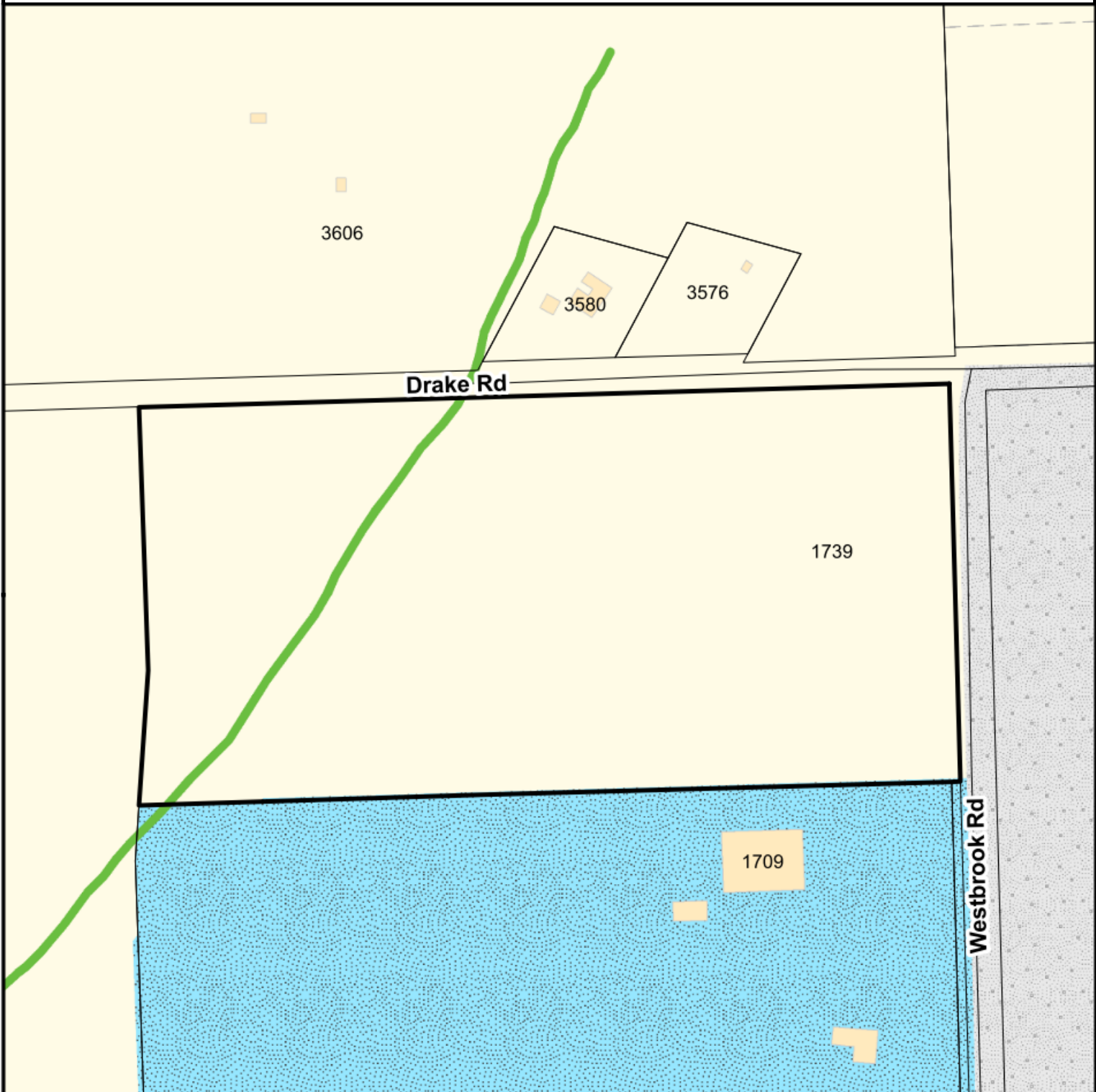
Policy Number	Policy	Category	Consistency with the Policy
	<p>preparing for the impacts of a changing climate through land use and development patterns which:</p> <ul style="list-style-type: none"> d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities; f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; 	and Climate Change	<p>Traffic Impact Study demonstrating that the road network can adequately handle the traffic volumes.</p> <ul style="list-style-type: none"> f) The applicant will be providing landscaping and tree compensation as part of the Site Plan Control application.
2.1.1	Natural features and areas shall be protected for the long term.	Natural Heritage	Through the preservation of a 30 metre buffer from the watercourse, natural features will be protected for the long term.
2.2.1	<p>Planning authorities shall protect, improve or restore the quality and quantity of water by:</p> <ul style="list-style-type: none"> f) implementing necessary restrictions on development and site alteration to: <ul style="list-style-type: none"> 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and 	Water	<ul style="list-style-type: none"> f) The subject property is located within an area identified as a highly vulnerable aquifer pursuant to the Cataraqui Source Protection Plan (CSPP). Highly vulnerable aquifers cover more than 90 per cent of the CSPP and exist in situations when there is not enough natural protection above the underlying aquifer. The proposed use is not associated with any activities which would pose a significant drinking water threat as set out in the Clean Water Act. g) Please see the response provided in 1.6.6.4.

Policy Number	Policy	Category	Consistency with the Policy
	i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.		i) Please see the response provided in 1.6.6.7.
2.5.1	Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.	Mineral Aggregate Resources	There is an existing active quarry operating to the east of the subject property; the proposal will not impact the viability of this quarry. The introduction of the use on the subject property would not preclude future potential for expansion if this was pursued and supported by the Province.
2.6.2	Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.	Cultural Heritage and Archaeology	The applicant has submitted an Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries

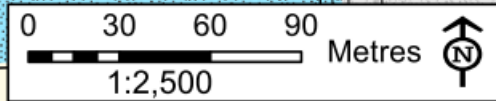


City of Kingston
Official Plan, Existing Land Use
Address: 1739 Westbrook Road
File Number: D35-004-2024
Prepared On: Apr-05-2024

- Subject Lands
- ENVIRONMENTAL PROTECTION AREA
- MINERAL RESOURCE
- RURAL
- WASTE MANAGEMENT AREA



Prepared-By: Ichu
Prepared On: Apr-05-2024



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Demonstration of How the Proposal Conforms to the Official Plan

Policy Number	Policy	Category	Conformity with the Policy
2.1.2	<p>Within Rural Areas, as shown on Schedule 2, growth will be limited and the natural assets, functions, and occupations that contribute to the general sustainability of the City as a whole will be supported through:</p> <ul style="list-style-type: none"> a. the protection of groundwater sources; b. an ecosystem approach to protecting the natural heritage system; c. the protection of surface water features, including inland lakes and rivers, Lake Ontario and the St. Lawrence River; d. the extraction of mineral resources and the rehabilitation of depleted mineral mining operation sites, which must occur in a manner that is sensitive to the existing uses in the general area and in accordance with appropriate provincial legislation; 	Sustainable Development - Rural Areas	<p>The proposal represents appropriate growth within the rural area.</p> <ul style="list-style-type: none"> a. Groundwater source protection has been reviewed and further details are provided in the table below. b. The site is located within 120 metres of natural heritage features including contributory woodlands. The applicant has provided an Environmental Impact Study which has demonstrated that the site can be developed without adverse impact and has recommended mitigation measures which include a 30 metre vegetative buffer adjacent to the watercourse. CRCA has no concerns related to natural heritage features. c. Protection of drinking water and environmental health is a key consideration in the review of all applications, and especially applications in the Rural Area. The applicant submitted Hydrogeological Assessment, Stormwater Management Report, and other supporting material. The applicant will continue to work with City staff and external agencies through the Site Plan Control Application to satisfy any concerns and revisions required. d. The subject property is adjacent to an existing quarry and the site's development will not impact its operations.

Policy Number	Policy	Category	Conformity with the Policy
	<ul style="list-style-type: none"> e. limiting the types of permitted development to those that support and are compatible with a resource based local economy and sustainable practices; and f. promotion of agricultural opportunities, practices, and alliances that enhance agricultural employment as well as local food production, distribution, and consumption as an integral part of the local economy and the City’s sustainability goals. 		<ul style="list-style-type: none"> e. As described further throughout this table, the proposed use is compatible with surrounding land uses. f. The site is located in an area with Class 5 soils and has a shallow soil overburden which is not well suited for agriculture.
2.2.14	Rural Areas are comprised of a mix of land uses that support a diversification of the economic base, housing, and employment opportunities. These areas are comprised of lands protected for agricultural uses and agricultural-related uses, being designated Prime Agricultural Area or Rural Lands, as appropriate. Rural Areas also contain natural heritage	City Structure – Rural Areas	The subject property is currently designated Rural and is proposed to be redesignated Rural Industrial. There are limited natural heritage features on the site, and they are not identified as Prime Agricultural lands. As described throughout this table, the proposed use is appropriate for the property and will support the goals for the Rural Area.

Policy Number	Policy	Category	Conformity with the Policy
	<p>features, many of which fall within the Environmental Protection Area and Open Space designations, as well as natural resources, designated Mineral Resource Area. The protection of the area's natural features will help to conserve biodiversity while maintaining water quality and the ecological benefits provided by nature. Lands designated Rural Commercial and Rural Industrial also support the rural economy within Rural Areas. These lands are distinct from rural settlement areas, designated Hamlets, which accommodate a mix of land uses that also support the rural community. The Estate Residential designation captures limited areas of residential land use in Rural Areas.</p>		
2.3.12	<p>The planning for the lands shown as Rural Areas on Schedule 2 of this Plan must balance the resource protection objectives for agriculture, aggregates and minerals with the environmental objectives of</p>	<p>Principles of Growth – Rural Areas</p>	<p>Please see the responses provided in 2.1.2.b, 2.1.2.c, 2.1.2.d, and 2.1.2.f</p>

Policy Number	Policy	Category	Conformity with the Policy
	the natural heritage features and areas and watershed management and the social objectives of protecting rural communities and the rural way of life.		
2.3.13	Rural Areas may accommodate land uses that require extensive land areas such as water management structures, solid waste disposal sites, recreational areas and industrial uses not suited to compact industrial parks. Planning for these types of uses requires the identification of the natural, agricultural and mineral resources that may be present in the area, the existing residential areas and Hamlets, and the policies of this Plan regarding land use change and the limits on creating lots in Rural Areas.	Principles of Growth – Extensive Land Area Uses in Rural Areas	The application proposes a new rural industrial use, which is an appropriate use of an existing large rural lot. The existing lot is compatible with the lot fabric along Westbrook Road; no new lot creation is proposed. The use is compatible with surrounding land uses.
2.3.14	Areas of known minerals and mineral aggregate resources and areas of mineral and aggregate potential will be protected for future extraction under the Aggregate Resources	Principles of Growth – Mineral Resources	Please see the response provided in 2.1.2.d

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	Act and the Mining Act. It is the City's intent that the land area will be rehabilitated once the resource is depleted.		
2.3.18	Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports and promotes opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted. The City also encourages owners of private properties with public access to do the same.	Principles of Growth – Accessibility	The proposed development will be required to comply with AODA and Ontario Building Code standards related to accessibility.
2.7.3	The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to: <ul style="list-style-type: none"> a. shadowing; b. loss of privacy due to intrusive overlook; c. increased levels of light pollution, noise, odour, dust or vibration; 	Land Use Compatibility Principles – Land Use Compatibility Matters	<ul style="list-style-type: none"> a. The proposed office would be a single storey and not impact shadowing. b. Vegetative buffers and relatively larger setbacks from property lines in a rural industrial setting will prevent any loss of privacy which could arise. c. The applicant has submitted a noise study in support of the proposed development which has confirmed that there are no adverse impacts anticipated as a result of the truck movements or mechanical equipment associated with the use. d. No impacts to wind speed are anticipated as the lot will remain largely open storage and will

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	<ul style="list-style-type: none"> d. increased and uncomfortable wind speed; e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit; f. environmental damage or degradation; g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded; h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting; i. visual intrusion that disrupts the streetscape or buildings; j. degradation of cultural heritage resources; 		<ul style="list-style-type: none"> contain only one building with a relatively small footprint. e. The applicants have indicated that they anticipate approximately 6 truck trips per day will be generated. City Transportation Staff have reviewed the Traffic Impact Study application and have no concerns in terms of increased traffic levels or the suitability of the existing road to accommodate the use. f. Please see the responses provided in 2.1.2.b and 2.1.2.c. g. The property will have private water and sewage services. No upgrades to municipal service, such as electrical provision or road maintenance will be required as a result of the application. The site takes advantage of its proximity to the 401 and the services provided therein. h. The proposal will not impact the amenity of the surrounding area as the uses are similar in nature, if not less intrusive, and typical for a rural industrial area. i. Landscaping along the Westbrook Road entrance together with large setbacks which will be predominantly left in their vegetated state will prevent visual intrusions or disruptions in the rural streetscape. j. An archaeological assessment has confirmed that there is unlikely to be any cultural heritage assets on the property.

Policy Number	Policy	Category	Conformity with the Policy
	<ul style="list-style-type: none"> k. architectural incompatibility in terms of scale, style, massing and colour; or, l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents. 		<ul style="list-style-type: none"> k. The proposed building is a single-storey industrial building that is compatible with the proposed use and the surrounding land uses. l. Natural heritage features identified on the subject property will be retained and protected through the implementation of a 30 metre undisturbed buffer which will remain in its native state.
2.7.6	<p>Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <ul style="list-style-type: none"> a. suitable scale, massing and density in relation to existing built fabric; b. appropriate landscaping that meets or improves the characteristic green space amenity of the site 	Land Use Compatibility Principles – Functional Needs	<ul style="list-style-type: none"> a. The proposed accessory building only occupies small portion of the site and will comply to zoning provisions including setbacks and height restriction. b. Please see the response provided in 2.7.3.i. c. The application proposes a new rural industrial use which is an appropriate use of the existing lot within an area which already accommodates similar uses. d. No expansion of municipal services is required. e. Please see the response provided in 2.7.3.g. f. All access is proposed to be off Westbrook Road and provides appropriate infill development of the area. Additional functional details will be discussed and finalized at the Site Plan Control stage.

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	<p>and surroundings and enhances the City’s tree planting program;</p> <ul style="list-style-type: none"> c. adequate land area and appropriate site configuration or provision for land assembly, as required; d. efficient use of municipal services, including transit; e. appropriate infill of vacant or under-utilized land; and, f. clearly defined and safe: site access; pedestrian access to the building and parking spaces; building entry. 		
2.7.8	<p>Issues of compatibility are critical in Rural Areas, as the long-term protection of normal farm practices is a priority. This is reflected in the mutual separation of livestock operations and sensitive uses but also in addressing unique rural issues such as allowing the transport of farm machinery, tillage of land, and regular livestock husbandry techniques.</p>	<p>Land Use Compatibility Principles – Land Use Compatibility in Rural Areas</p>	<p>The subject is in an area of low productivity soils and would not impact agricultural operations.</p>

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2.8.1	<p>The City recognizes that the ecological functions of the natural heritage system and the biodiversity of its components are inter-related and function together to contribute to sustaining human health and economic welfare, as well as providing habitat for plant and animal communities. The City, in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, and Fisheries and Oceans Canada, as appropriate, intends to protect significant elements of the natural heritage system, as more specifically discussed in Sections 3.10 and 6 of this Plan, and illustrated on Schedules 3, 7 and 8 and the secondary plans included in Section 10 of this Plan. It is the intent of the City to support and participate in stewardship programs in partnership with conservation organizations.</p>	<p>Protection of Resources – Natural Heritage System</p>	<p>Please see the response provided in 2.7.3.b</p>

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2.8.4	Water is a resource that must be protected. In order to maintain the quality and quantity of water, the City will restrict development and site alteration near sensitive surface water or groundwater features and in areas of medium to very high groundwater sensitivity and will implement the policies of the Cataraqui Source Protection Plan as required.	Protection of Resources – Water Quality & Quantity	Please see the response provided in 2.1.2.c.
2.8.5	Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the natural heritage system. Its quantity will be required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer infrastructure exists in the City.	Protection of Resources – Stormwater Management	Please see responses provided in 2.1.2.c and 2.7.3.g.
2.8.7	Areas containing identified mineral deposits and mineral aggregate resources will be protected for their present or future use, and efforts will be taken to avoid any land use	Protection of Resources – Mineral Resource Areas	Please see the response provided in 2.1.2.d.

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	conflicts arising from mining or quarry operation.		
3.12.1	The City recognizes the role of Rural Lands in contributing to agricultural production, forestry and mineral resources, natural areas and wildlife habitat, providing opportunities for rural economic development, outdoor	Rural Lands - Function	The subject property is currently designated Rural and is proposed to be redesignated Rural Industrial.
3.12.2	Permitted uses in Rural Lands include all agricultural uses, agriculture related uses, and on-farm diversified uses as permitted in the Prime Agricultural Area designation, sports and outdoor recreation activities in accordance with Section 3.12.4, and detached dwellings in accordance with Section 3.12.10 and that are compatible with adjacent land uses. Limited non-farm growth is permitted in Rural Lands if it does not limit or interfere with agricultural use, agriculture-related uses, on-farm diversified uses or a broader range of rural uses, and if it meets the	Rural Lands – Permitted Uses	The proposed steel lay yard and its ancillary uses are not permitted within Rural Lands. Therefore, applicant is proposing the subject property to be redesignated Rural Industrial.

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	environmental objectives of this Plan.		
3.15.1	Small scale industrial uses in the Rural Lands designation are permitted under the policies of Section 3.12.19 of this Plan. Existing larger scale rural industrial uses are designated as Rural Industrial on Schedule 3 of this Plan. Any new larger scale industrial use proposed outside of the Urban Boundary will be subject to an amendment to this Plan as a Rural Industrial designation, as set out in the following policies.	Rural Industrial – Rural Industrial Use	The subject site is located outside of the Urban Boundary and the proposed use represents a new larger scale industrial use on site. Therefore, this application is subject to an Official Plan Amendment.
3.15.2	The Rural Industrial designation is intended for larger scale industrial uses that are the primary use of the property, or that may have impacts on adjacent land uses through noise, vibration, reduction of privacy, increase in traffic, or other impact or hazard.	Rural Industrial – Rural Industrial Designation	The proposed industrial use will be the primary use of the property. The subject site is sufficient in size to accommodate proposed uses and there are number of similar industrial uses in the surrounding area. A Noise Study and Traffic Impact Study has been submitted by the applicant which has been reviewed by City staff through the technical review process and there were no concerns. Please see responses provided in 2.7.3.c and 2.7.3.e.
3.15.3	The Rural Industrial designation is intended to permit larger scale industrial uses that do not require municipal water or sewer	Rural Industrial – Rural Industrial Permitted Uses	Please see the response provided in 2.7.3.g.

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	services, or that may be incompatible with other uses in the urban area. Permitted uses may include warehousing, processing, manufacturing, assembling, and outdoor storage. Retail and office uses that are clearly an accessory use to the primary rural industrial uses are also permitted.		
3.15.6	Proposals for new rural industrial uses, if approved, will be placed in an appropriate Rural Industrial designation and zoning category, or may be limited to a site-specific zoning provision.	Rural Industrial – Designation and Zoning	The proposal is subject to both Official Plan and Zoning By-Law amendments to redesignate the property to Rural Industrial in the Official Plan and to rezone the site to a Rural Heavy Industrial (RM2) Zone with an overlay implementing specific development criteria.
3.15.7	Provisions for suitable setbacks, areas of landscaped open space, adequate parking and loading areas, regulation of outside storage locations and materials, and other matters as appropriate, are to be established in the zoning by-law.	Rural Industrial – Zoning	Site details will be finalized through Site Plan Control process in accordance with the provisions of the Kingston Zoning By-law.
3.15.9	Any proposal for a new or expanded Rural Industrial designation will be assessed	Rural Industrial – Criteria for New Proposals	a. The site has a shallow soil overburden and within an area of Class 5 soils which makes the site unsuitable for agriculture while also being

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	<p>subject to the following considerations and provisions:</p> <ul style="list-style-type: none"> a. the location, wherever possible, must be on the least productive agricultural lands and on sites that will not hinder agricultural operations; b. a minimum lot size of one hectare must be provided, permitting adequate access, off-street parking, loading, individual on-site water and sewage services, setbacks, and buffering; c. the location and use must have no negative impact on natural heritage features and areas, as proven through an environmental impact assessment, described in Section 6; and, d. a residential unit as an accessory use may be permitted on the same lot, provided that no severance is created and such residential use 		<ul style="list-style-type: none"> within an area that already supports a number of similar industrial uses. Accordingly, the development is not anticipated to impact agricultural viability within the City's rural area. b. The site is larger than the 1 hectare minimum and can fully accommodate the proposed scale of development as demonstrated in the site plans provided. c. Please see the response provided in 2.1.2.b. d. There will be no residential uses on the subject property and no severance is proposed.

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	meets the minimum distance separation formulae and the Ministry of the Environment and Climate Change requirements for sensitive uses (D-6 Guideline).		
4.2.10	Permitted development beyond the Urban Boundary and outside the Future Development Areas may generally proceed by means of individual on-site water and sewage services subject to Section 4.4 of this Plan.	Municipal Water and Sewage	Please see the response provided in 2.7.3.g.
4.3.3	<p>The City requires that stormwater management be adequately studied and appropriately addressed in any development proposal in order to:</p> <ul style="list-style-type: none"> a. ensure flood elevation or velocities upstream or downstream to the receiving waterbody are not increased, or are properly mitigated; b. maintain base flow in receiving watercourses; 	Stormwater Management	The applicants have submitted a stormwater management design in support of the application which has demonstrated pre development flows can be maintained. Please see the response provided in 2.1.2.c.

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	<ul style="list-style-type: none"> c. ensure erosion is not increased and sediment is not increased in the water column or the bed of the receiving waterbody during and after construction; d. meet water quantity flow targets and water quality sediment, nutrient, bacterial, chemical and temperature targets, where identified; e. ensure fish habitat, wetlands or other environmental features are not degraded; and, f. increase, where possible, groundwater recharge in a manner that will not contaminate the resource. 		
4.4.1	A Groundwater Supply Assessment in accordance with Ministry of the Environment and Climate Change guidelines and the City's standards for Hydrogeological Assessments will be required for any development that is proposed	Individual On-Site Services – Groundwater Supply Assessment	A Hydrogeological Report has been submitted with the application which has been reviewed by City's Environment Department. Water quantity and quality is sufficient however the applicant may choose to utilize reverse osmosis to address sodium concentrations in the water.

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	for an area without municipal services.		
4.4.2	Broad areas outside the Urban Boundary have constraints to development on individual on-site water and sewage services, due to issues including limited well yields, high mineral levels and susceptibility to groundwater contamination. Groundwater constraint mapping is shown in Schedule 11- A, Schedule 11-B, and Appendix B. Development may be limited in areas shown on Schedule 11-A, Schedule 11-B, and Appendix B with moderate to very high sensitivity for groundwater, pending the results of applicable studies.	Individual On-Site Services – Groundwater Constraints	The subject property is identified as an area with Ground Water Sensitivity however as propane is a gas (except under extremely high pressure), the storage and handling is not considered a drinking water threat. Please see the responses provided in 2.1.2.c and 4.4.1.
4.4.3	The City may request that a hydrogeological study be undertaken in any location and will provide guidance on the scope of the study. The hydrogeological study must be submitted to the City for approval and must satisfy provincial regulations, guidelines and municipal policies, as	Individual On-Site Services – Hydrogeological Study Required	Please see the response provided in 4.4.1.

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	amended. Where a property has been identified with more than one level of constraint due to groundwater sensitivity, the more stringent level must apply.		
5.21	The City of Kingston recognizes the importance of noise management. Any proposed development that has a sensitive use within the potential influence area as described in the Province's D-6 Guideline or between the 25 to 30 NEF contours requires a detailed noise study to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines or any such further guidance or requirement implemented by the City, as applicable, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria.	Protection of Health & Safety – Noise Study	Please see the response provided in 2.7.3.c.
5.A.5	Within the Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas	Source Water Protection – Highly Vulnerable	Please see the responses provided in 2.1.2.c and 4.1.4.

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	<p>shown on Schedule 11-B, proposals for new development, or the expansion of existing development for land uses that constitute a drinking water threat may be required to incorporate measures to adequately mitigate and manage any risk to source water posed by the proposed development, to the satisfaction of the City in consultation with the Cataraqui Source Protection Authority.</p>	<p>Aquifers and Significant Groundwater Recharge Areas</p>	
<p>5.A.7</p>	<p>Applicable study requirements: a. New development and/or expansions to existing development associated with non-residential planning applications located within vulnerable areas identified on Schedule 11-B may be subject to Site Plan Control. Requirements may include a 'Risk Reduction Plan' to identify measures to be incorporated into the development for land uses that involve the</p>	<p>Source Water Protection – Application and Development Process</p>	<p>a. Please see the responses provided in 2.1.2.c and 4.1.4. b. Please see the response provided in 4.1.4.</p>

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	<p>storage or manufacture of potential contaminants where it would constitute a drinking water threat. The Risk Reduction Plan must be completed to the satisfaction of the City.</p> <p>b. The 'Risk Reduction Plan' requirement in a. may be waived for a Schedule 11-B property if a Hydrogeological Sensitivity Study prepared by a qualified professional geoscientist or engineer and provided to the satisfaction of the City demonstrates that the subject lands do not exhibit the characteristics of a highly vulnerable aquifer or a significant groundwater recharge area.</p>		
6.1.8	<p>The Province of Ontario's "Natural Heritage Reference Manual," as amended from time to time, specifies the adjacent lands for each category of natural heritage features and</p>	<p>Natural Heritage System – Adjacent Lands</p>	<p>d. Please see the response provided in 2.1.2.b.</p>

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	<p>areas. Development and site alteration are not permitted on adjacent lands to Natural Heritage “A” or “B” features shown on Schedules 7 and 8 respectively, unless it has been demonstrated that there will be no negative impacts on the natural heritage features and areas or on their ecological functions. In the review of any development or site alteration, an environmental impact assessment will be required as follows, unless otherwise directed by the City in consultation with the Cataraqui Region Conservation Authority:</p> <p>d. within 120 metres of significant woodlands;</p>		
6.1.9	<p>Any decision considered by the City for any development application with respect to land within, or immediately adjacent to, the natural heritage system will be made in consultation with the appropriate authorities, in accordance with the policies of this Plan, using the best</p>	<p>Natural Heritage System – Consultation with Authorities</p>	<p>Please see the response provided in 2.1.2.b.</p>

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	available information at that time.		
7.4.2	The City will permit development and site alteration on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved.	Archaeological Resource Conservation – Conservation of Archaeological Resources	Phase 1 and 2 of the archeological assessment was submitted as part of the application.
8.4	<p>Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:</p> <ul style="list-style-type: none"> 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; 	Urban Design – Accessibility and Safety	The proposed development will comply with ADOA and Ontario Building Code standards, as required. The subject application will be further reviewed through a site plan control application.

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	<ul style="list-style-type: none"> 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; 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; d. arranging public uses and amenities within a convenient walking distance; 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, 		

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	<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>		
8.6	<p>The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <p>a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access,</p>	Urban Design – New Developments	<p>a. Please see the responses provided in 2.7.3.a, 2.7.3.i, and 3.15.9.a. Detailed design will be finalized through the Site Plan Control process.</p> <p>b. Please see the response provided in 2.1.2.b.</p> <p>c. The subject application will be further reviewed through a site plan control application.</p> <p>d. The subject application will be further reviewed through a site plan control application.</p> <p>e. The subject application will be further reviewed through a site plan control application.</p>

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	<p>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</p>		

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	<p>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>		
9.3.2	<p>Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:</p> <p>a. the conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the vision and planning principles, including sustainability, stability and compatibility outlined in Section 2, and consistency with provincial policy;</p> <p>b. the availability and suitability of land already designated for the proposed use, and the need for (or market</p>	Official Plan Amendments – Criteria	<p>a. As described through this report and its exhibits, the proposal is consistent with the Provincial Policy Statement and conforms to the general intent and purpose of the Official Plan.</p> <p>b. The location is appropriate for the proposal as it will cluster similar uses as there are number of existing rural industrial uses within the area. Additionally, the subject property while vacant previously accommodated a parking and storage area and the proposed development will return the site to an economically productive use which is not located in a prime agricultural area.</p> <p>c. The proposed use of the site is compatible with the surrounding land uses. Natural heritage features identified on the subject property will be retained and there are no cultural heritage features identified on the subject property. Please see the response provided in 2.1.2.b for natural heritage features on the subject property.</p> <p>d. While the expansion of the Rural Industrial designation would represent a change, it is important to acknowledge that the Rural</p>

Policy Number	Policy	Category	Conformity with the Policy
	<p>feasibility of) the proposed use;</p> <ul style="list-style-type: none"> c. the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses, including cultural heritage resources and natural heritage features and areas; d. the potential of the proposal to cause instability within an area intended to remain stable; e. the ability of the City's infrastructure to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure improvements in other areas of the City; f. the financial implications (both costs and revenues) to the City; g. the degree to which approval of the 		<p>Industrial designated exists within the surrounding area and the site will be zoned to accommodate similar industrial uses which predominate the area. As such, the Rural Industrial designation of the subject property would not introduce land use permissions that are inconsistent with the permissions already in place in the area.</p> <ul style="list-style-type: none"> e. No expansions to municipal services or roads are required to support the development. f. There are no anticipated financial implications to the City related to approval of the proposal. The proposal would introduce a new economic use on a currently abandoned site. g. The proposal does not set a precedent, as it conforms to the intent and purpose of the Official Plan. Future applications would be reviewed on an individual basis based on their own merits. h. As described throughout this report and its exhibits, the proposal is consistent with the Provincial Policy Statement, and aligns with the Province's MDS Formulae and D-6 Guidelines. Further design details will be finalized through the Site Plan Control process.

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	<p>amendment would establish an undesirable precedent; and,</p> <p>h. consistency with the Provincial Policy Statement and provincial legislation and guidelines.</p>		
9.5.9	<p>When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <ul style="list-style-type: none"> a. conformity of the proposal with the intent of the Official Plan policies and schedules; b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan; c. compatibility of proposed buildings or structures with existing buildings and structures, with 	By-Laws – Planning Committee/Council Considerations	<ul style="list-style-type: none"> a. As described through this report and its exhibits, the proposal conforms to the general intent and purpose of the Official Plan and its schedules. b. Please see the response provided in 9.3.2.b. The proposal will comply with the amended site-specific zoning of the site. Detail of the proposal will be finalized through the Site Plan Control process. c. The proposed use and development is compatible with surrounding industrial land uses. Please see the responses provided in 2.7.3.a and 2.7.3.k for more details. d. Please see the response provided in 9.3.2.d. e. The plans provided have illustrated functional street access to the site sufficient to accommodate fire access, with the interior of the site accommodating interior parking and storage areas for the intended use. Supporting studies have demonstrated the site can function without adverse impact. f. The proposal would introduce an active use back onto the site, which is currently sitting

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	<p>zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p> <p>d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p>		<p>abandoned. No dwelling or habitation units are proposed.</p> <p>g. No expansions to municipal services or roads are required to support the development. Please see the responses provided in 2.7.3. e and 2.7.3.g for details about servicing and traffic impact of the proposal.</p> <p>h. No comments or concerns have been raised by the public at the time of writing. The applicant will continue to work with City staff and external agencies through the Site Plan Control, however; no issues remain outstanding regarding the proposed change of use.</p> <p>i. The proposal does not set a precedent, as it conforms to the intent and purpose of the Official Plan. Future applications would be reviewed on an individual basis based on their own merits.</p>

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	<ul style="list-style-type: none">g. the impact on municipal infrastructure, services and traffic;h. comments and submissions of staff, agencies and the public; and,i. the degree to which the proposal creates a precedent.		

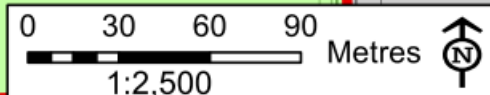
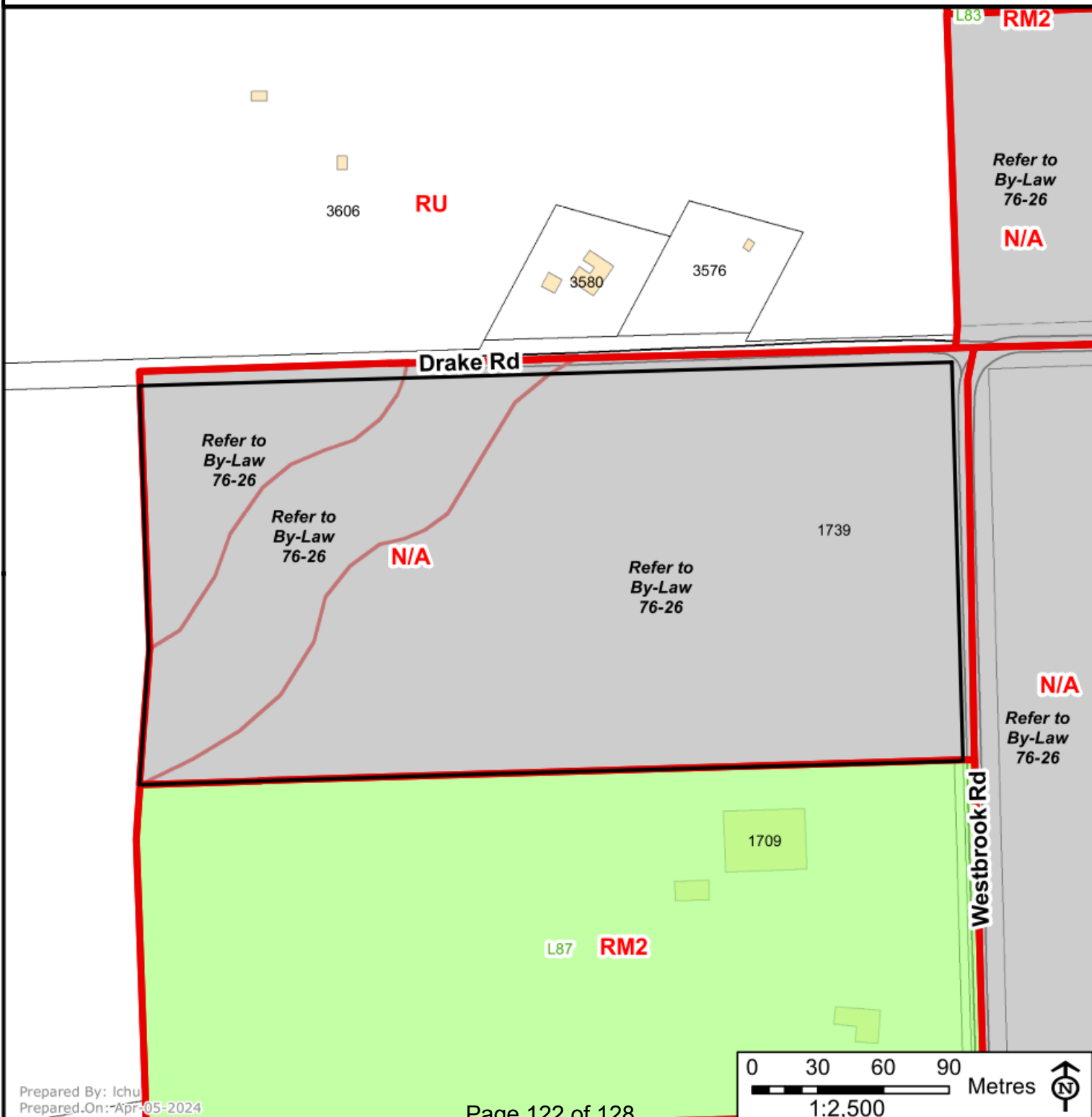


Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

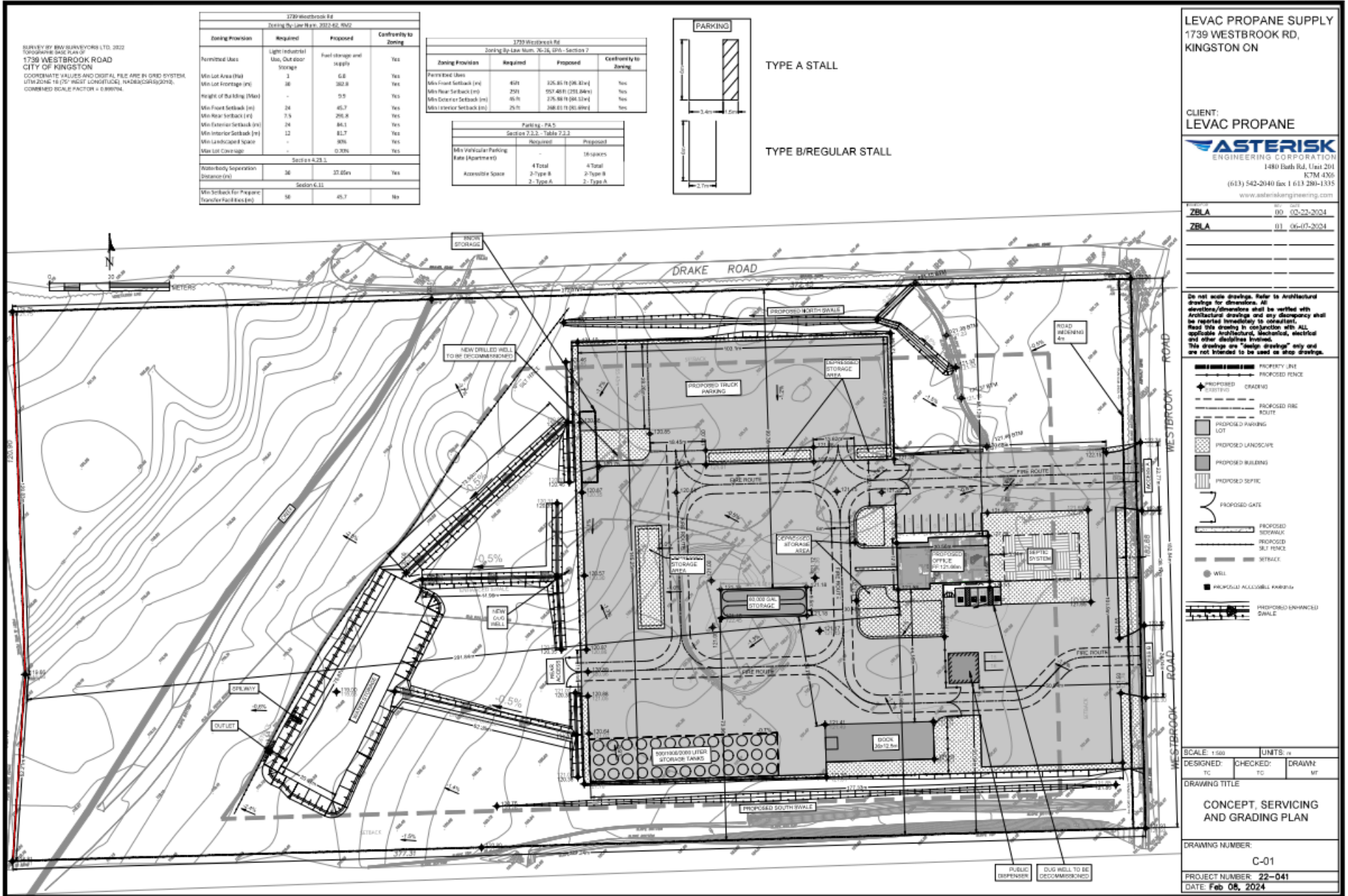
Planning Services

Address: 1739 Westbrook Road
File Number: D35-004-2024
Prepared On: Apr-05-2024

- 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)

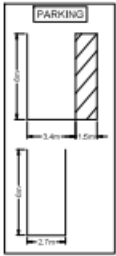


Disclaimer: This document is subject to approval and may vary from the final version. The City of Kingston assumes no responsibility for any errors or omissions in this document. The City of Kingston does not warrant the accuracy or completeness of the information contained in this document.



1739 Westbrook Rd Zoning By-Law No. 2012-85 (M2)			
Zoning Provision	Required	Proposed	Conforms to Zoning
Permitted Uses	Light Industrial Use, Out door Storage		Yes
Min Lot Area (ha)	1	6.6	Yes
Min Lot Frontage (m)	36	382.8	Yes
Height of Building (Met)	-	9.5	Yes
Min Front Setback (m)	24	46.7	Yes
Min Rear Setback (m)	7.5	26.8	Yes
Min Exterior Setback (m)	24	46.1	Yes
Min Interior Setback (m)	12	81.7	Yes
Min Landscaped Space	-	90%	Yes
Max Lot Coverage	-	0.30%	Yes
Section 4.23.1			
Neighborhood Separation Distance (m)	36	37.85m	Yes
Section 6.11			
Min Setback for Proposed Transfer Backfill (m)	36	46.7	No

1739 Westbrook Rd Zoning By-Law No. 20-16, LPA - Section 7			
Zoning Provision	Required	Proposed	Conforms to Zoning
Permitted Uses			
Min Front Setback (m)	45ft	325.85 ft (99.33m)	Yes
Min Rear Setback (m)	20ft	192.40ft (58.64m)	Yes
Min Corner Setback (m)	40 ft	235.58 ft (71.81m)	Yes
Min Interior Setback (m)	25ft	248.63 ft (75.80m)	Yes
Part 5, PA 5 Section 2.2.2 - Table 2.3.3			
Min Vehicular Parking Rate (Apartment)	-	18-spaces	
Accessible Space	4 Total 2-Type B 2-Type A	4 Total 2-Type B 2-Type A	



LEVAC PROPANE SUPPLY
1739 WESTBROOK RD,
KINGSTON ON

CLIENT:
LEVAC PROPANE

ASTERISK
ENGINEERING CORPORATION
1480 Bath Rd, Unit 201
K7M 4X6
(613) 542-2040 fax 1 613 280-1335
www.asteriskengineering.com

ZBLA 00 02-22-2024
ZBLA 01 06-07-2024

Do not scale drawings. Refer to Architectural drawings for dimensions. All elevations/dimensions shall be verified with architectural drawings and any discrepancy shall be reported immediately to consultant. Read this drawing in conjunction with ALL applicable architectural, mechanical, electrical and other disciplines drawings. This drawing is "single discipline" only and are not intended to be used as shop drawings.

SCALE: 1:500 UNITS: m
DESIGNED: TC CHECKED: TC DRAWN: MT
DRAWING TITLE: **CONCEPT, SERVICING AND GRADING PLAN**
DRAWING NUMBER: **C-01**
PROJECT NUMBER: **22-041**
DATE: **Feb 08, 2024**

Site Photos



Looking North toward subject lands (eastern end of subject lands)








Looking east toward subject lands (northeast corner of subject lands)

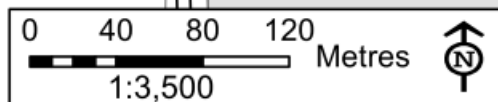
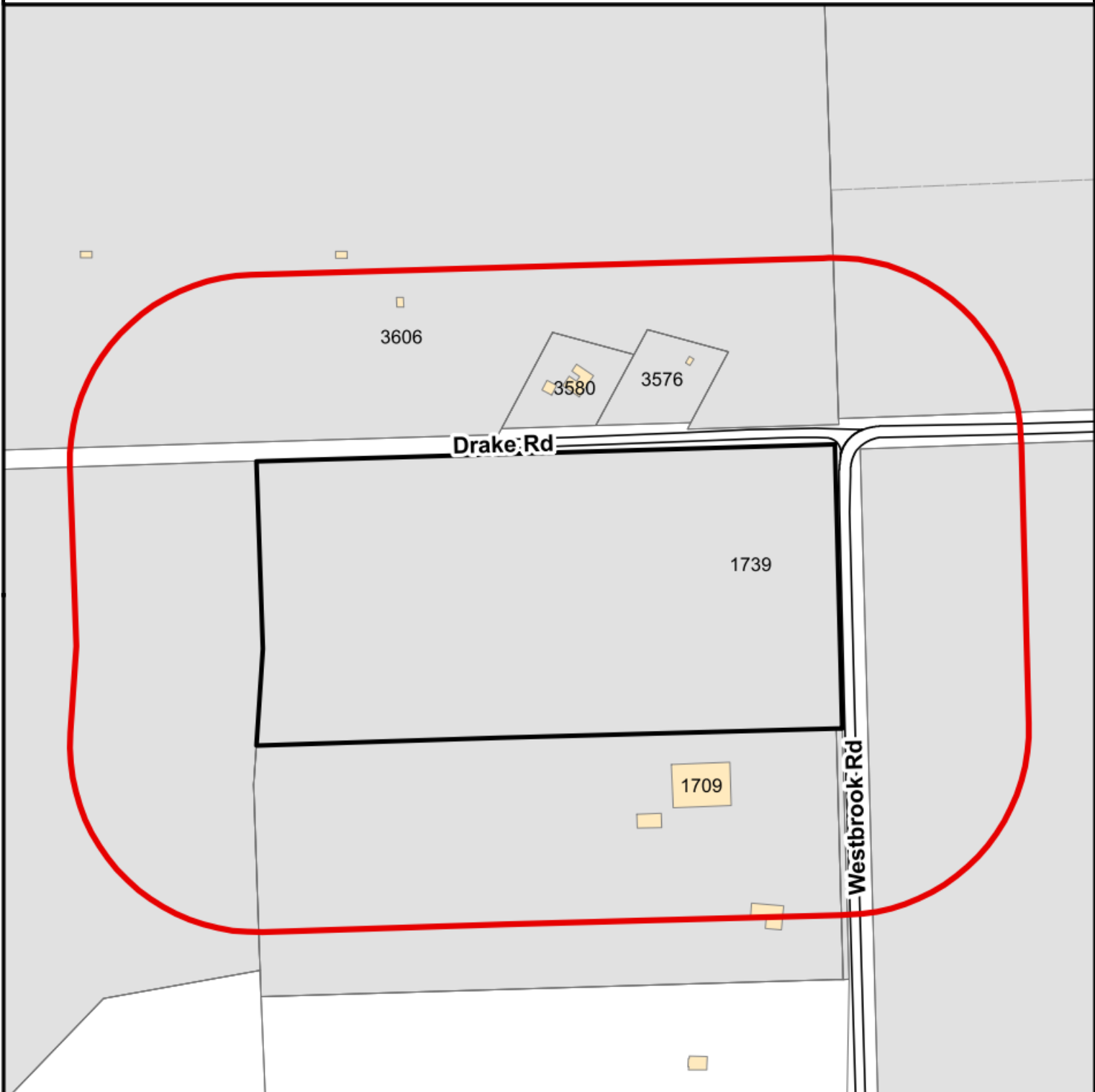


Looking south (midsection at north end of subject lands)



City of Kingston
Public Notice Notification Map
Address: 1739 Westbrook Road
File Number: D35-004-2024 Prepared
On: Apr-05-2024

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



From: [David Gordon](#)
To: [Didrikson, Amy](#)
Subject: Proposed Zoning Amendment 73 Sydenham Street, File D-14-011-2024
Date: August 21, 2024 9:15:50 AM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Colleagues:

We own an apartment and live in the [REDACTED] Apartments at [REDACTED] Sydenham Street, immediately across the street from the subject property.

We write to support the amendment to the Zoning Bylaw to recognize the Secret Garden as an existing non-conforming use with a restaurant and outdoor patio.

The Secret Garden is a great bed and breakfast and an excellent use for a large historic house in our neighbourhood, the Old Sydenham Ward Heritage Conservation District. It joins with the Rosemount Inn and Hochelaga Inn to add to the charm of the immediate area.

Another restaurant with an outdoor patio simply adds to the quality of life in the neighbourhood. The patio added to the Curry Original restaurant, one block away has added much enjoyment, and no difficulties, over the past few years.

We are not concerned about additional parking demand – the neighbourhood regularly hosts concerts with 900 people at the Spire, directly across the street, without severe difficulty.

Please approve this amendment to the zoning bylaw.

Sincerely

David L.A. Gordon and Katherine Rudder

[REDACTED]
Kingston ON

Canada [REDACTED]

Dr. David L.A. Gordon, FCIP RPP AICP P.Eng.
Professor
[School of Urban and Regional Planning](#)
[Department of Geography and Planning](#)
Queen's University

From: [Wayne Myles](#)
To: [Didrikson, Amy](#)
Subject: Application of Zoning Amendment for the Secret Garden
Date: August 26, 2024 4:10:57 PM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms Didrikson (City of Kingston):

We are writing in support of the application by the Secret Garden for a Zoning Amendment in order to establish a commercial dining option.

We are pleased that the Secret Garden has become part of our community as they have been remarkably good stewards by beautifying their grounds, renovating their historic property and supporting local events. The establishment of a dining venue within their current capacity will offer the local community a new option in addition to their specialized B and B services.

As residents of the Annandale we are neighbours of the Secret Garden and we would like to see them prosper.

We consider this application to be both positive and constructive for the community.

Sincerely

Wayne Myles and Johanne Mednick Myles