



CITY OF KINGSTON
REPORT TO PLANNING COMMITTEE

Report No.: PC-10-030

TO: Chair and Members of Planning Committee
FROM: Cynthia Beach, Commissioner, Sustainability and Growth
RESOURCE STAFF: George Wallace, Director, Planning and Development Department
DATE OF MEETING: 2010-03-04
SUBJECT: Comprehensive Report
Zoning By-Law Amendment, N. and T. Dearsley
1368 Highway No. 15
File No. D14-133-2008

EXECUTIVE SUMMARY:

On November 3rd, 2009 a complete application was filed by the property owners, N. and T. Dearsley. They submitted the application for the purpose of permitting bed and breakfast operation in the existing house. No additions to the house or the site are proposed with the application. The house is located on a 0.38 hectare (0.94 acre) parcel of land on Highway No. 15, opposite the St. Lawrence Business Park. The effect of the zoning by-law amendment is to allow a house with a Bed and Breakfast of up to four (4) guest rooms.

The Planning and Development Department is recommending that the Zoning By-Law Amendment be approved. The proposal is consistent with the Official Plan policies, specifically the "Rideau Community" as identified on Schedule "RC-1". The Rideau Community Policies were transferred and adopted into the new Official Plan without major changes. The site is designated for Low Density Residential development in the Official Plan.

A Statutory Public Hearing was held on January 7th, 2010.

RECOMMENDATION:

WHEREAS an application for Zoning By-Law Amendment has been submitted by N. and T. Dearsley, for the lands known municipally as 1368 Highway No. 15 to amend the zoning on 0.38 hectares (0.94 acres) of land from Residential Type 1 to Residential Type 1 Special Requirement (R1-49) Zone under Zoning By-Law No. 32-74 to allow a Bed and Breakfast operation of 4 bedrooms; and,

WHEREAS a Statutory Public Hearing was held on January 7th, 2010;

THAT it be recommended to Council that the Application for Zoning By-Law Amendment (Our File No. D14-133-2008) submitted by N. and T. Dearsley for 0.39 hectares (0.94 acres) of property located in Lot 5 of Plan 628 formerly Township of Pittsburgh, now the City of Kingston, municipally known as 1368 Highway No. 15, **BE APPROVED**.

AND FURTHER THAT it be recommended to Council that the Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

- 1. By-Law No. 32-74 of The Corporation of the City of Kingston, entitled “Zoning By-Law Township of Pittsburgh”, as amended, is hereby further amended as follows:
 - 1.1. Map 4 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from R1 to R1-49, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-____.
 - 1.2. By Adding a new subsection 9(3)(vv) thereto as follows:
 - “(vv) 1368 Highway No. 15 (R1-49 Zone)

Notwithstanding the provisions of Section 9(2)(b) hereof to the contrary, the lands zoned “R1-49” on Schedule ‘A’ hereto, may also be used for a “BED and BREAKFAST” in accordance with the following provisions:

- (i) For the purpose of this section a “BED and BREAKFAST” shall be defined as a dwelling occupied by the owner and in which a maximum of four (4) rooms are provided with or without meals, for hire or pay, for the travelling or vacationing public.
- (ii) Five (5) parking spaces shall be provided.
- (iii) A sign identifying the “BED and BREAKFAST” is permitted on the property; the sign shall be less than 5 square metres in area.”

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented to City Council for all three readings.

AUTHORIZING SIGNATURES:

<p>ORIGINAL SIGNED BY COMMISSIONER</p> <hr style="width: 30%; margin-left: 0;"/> <p>Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth</p>
<p>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</p> <hr style="width: 30%; margin-left: 0;"/> <p>Gerard Hunt, Chief Administrative Officer</p>

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Acting Commissioner Willing, <i>Community Development Services</i>	N/R
Commissioner Leger, <i>Corporate Services</i>	N/R
Jim Keech, President, <i>Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

Background:

On November 3rd 2009, a complete application was submitted for the purpose of permitting a “Bed and Breakfast” use to be operated out of the existing house. The original application was filed in August of 2008 for an operation with four (4) bedrooms; however, processing was deferred while alternative proposals were considered by the applicant. The final proposal for the application was established on November 3rd, 2009 which is the subject of this report. The subject property is designated Low Density Residential in the recently approved Official Plan and the former Pittsburgh Township Official Plan. The site is zoned “Residential Type 1 Zone (R1)” in Zoning By-Law No. 32-74.

The subject property is approximately 0.38 hectares (0.94 acres) in size and is located in Lot 5, of Registered Plan No. 628 in Kingston East and is known municipally as 1368 Highway No. 15 (Refer to attached Key Map). The subject property has frontage on Highway No. 15, an arterial road. The subject property is presently occupied by house with a gross floor area of 343 square metres (3692 square feet). It is used for a single detached dwelling including a Bed and Breakfast business operating under the existing zone provisions which allows up to three roomers or boarders.

The following land uses surround the subject site:

- North – vacant land designated for low density residential development;
- East – the St. Lawrence Business Park across Highway No. 15;
- South – four houses along Highway No. 15 and the River’s Edge Subdivision; and
- West – vacant land designated for low density residential development

A site plan of the existing house, prepared by the Owner was submitted with the application. No new additions are proposed with this application. The house was built in 1870 and is a 3 storey building, built of brick. It is not a designated building under the Heritage Act.

In support of the application, a Permit regarding the septic system from the KFL & A Public Health was submitted. This Permit indicated that the sanitary septic system was adequate for the house as proposed by this application. The Permit was issued in 2008.

Analysis:

Provincial Policy Statement

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy issues.

The proposal is consistent with the Provincial Policy Statement with respect to the following:

- Promote cost-effective development standards to minimize land consumption and servicing costs (Section 1.1.1.e);
- Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. (Section 1.1.3.1);
- Promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock and area and the availability of suitable existing or planned infrastructure and public service facilities (Section 1.1.3.3);
- Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintain the appropriate levels of public health and safety. (Section 1.1.3.4)

Official Plan

This proposal is consistent with both the City's new Official Plan approved on January 27th, 2010 and the former Official Plan of the Township of Pittsburgh. The proposal is located in the Secondary Plan area of the Rideau Community. The existing Rideau Community Policies were included in approved Official Plan in Section 10B.

The site is located in the Rideau Community Planning Area and designated as "Low Density Residential" (LDR). Section 10.B.2 contains general objectives for residential uses. This proposal is consistent with these objectives because it is essentially a single detached dwelling on a large lot, which is allowed as a form of LDR development. The proposal does not increase the number of bedrooms, it only allows them to be hired out. The intensity of the use remains the same. Therefore, the intensity of use will remain compatible with the surrounding uses. There are no changes to the proposed site. It is well landscaped and there are substantial yards separating the building from other properties. Adequate parking is already located on the lot. The LDR policies also include provisions for new development such a plan of subdivision; some of those polices such as a maximum height limit of two storeys are not applicable to an existing building.

The adopted Official Plan contains specific policies regarding Bed and Breakfast operations. Section 3.3.D.9 contains the following policies:

Bed and breakfast operations are permitted in single detached or semi-detached units in the City in accordance with the regulations of the applicable zoning by-law provided that:

- a. the owner and operator resides in the building;
- b. the property has access from a public road;
- c. the zoning by-law limits the number of guest rooms and sets standards for parking, landscaping and buffering;
- d. no other commercial operation, such as a restaurant, is permitted, and food preparation is for guests only;
- e. within the *Urban Boundary*, the operation must be on full municipal services;
- f. outside the *Urban Boundary*, proposals must meet the above-noted criteria, and must also provide adequate *individual on site water and sewage services* including proper surface drainage without impact on neighbouring uses or planned future *development* to the satisfaction of the City, Public Health, and the Ministry of Environment; and,
- g. signage for all *bed and breakfast operations* will meet the requirements of the Sign By-law.

The proposal is consistent with these policies. The site is located within the Urban Boundary yet full municipal services are not yet available. This issue would be addressed at such time that there are municipal services available to the property and there is any redevelopment or if the private services fail. In the interim a permit has been issued by the KLF&A Public Health Unit for the septic system. The permit confirms that the septic system is adequate for the existing building which includes all the bedrooms.

Zoning

The subject property is currently zoned in a R1 Zone. This is a basic single detached dwelling zone. The draft by-law allows the dwelling to be used for a Bed and Breakfast with up to four rooms for hire. The current limit is three persons.

As is consistent with the Bed and Breakfast policies of the new Official Plan the number of rooms is limited and parking restrictions are specified. The landscaping and buffering provisions are contained in the main R1 Zone provisions which specify minimum yard and open space requirements (30%). The current site plan far exceeds these provisions. A sign provision has been included. A previously identified a servicing requirement has been included.

Conclusion:

The proposed amendment to the Zoning By-Law is appropriate, desirable and constitutes good planning. The zone change conforms to the applicable 'Low Density Residential' land use designation policies of the Rideau Community contained in the approved Official Plan and the former Township of Pittsburgh Official Plan. Therefore, it is recommended that the proposed Draft Plan of Subdivision and amendment to the Zoning By-Law **BE APPROVED**.

EXISTING POLICY/BY LAW:

Provincial Policy Statement:

- Section 1.1.1.e - Cost-effective development standards to minimize land consumption and servicing costs;
- Section 1.1.3.1 - Vitality and regeneration of settlement areas;
- Section 1.1.3.3 - Intensification and redevelopment taking into account existing building stock;
- Section 1.1.3.4 - Appropriate Development Standards for intensification and public health and safety.

Approved Official Plan:

- Section 3.3.D.9 - Bed and Breakfast;
- Section 10B - Rideau Community Secondary Plan;

Former Official Plan:

- Section 3B - Rideau Community Secondary Plan;

Zoning By-Law No. 32-74:

- Section 9 - Residential Zone

NOTICE PROVISIONS:

A public meeting was held respecting this application on Thursday, January 7th, 2010. Pursuant to the requirements of the Planning Act, a notice of the statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject site 20 days in advance of the Public Meeting. In addition, prepaid first class mail was sent to all property owners (according to the latest Assessment Rolls 6 properties) within 120 metres (400 ft.) of the subject property and a courtesy notice was placed in the Whig Standard. If the applications are approved, a Notice of Passing (Zone By-Law) will be circulated in accordance with the provisions of the Planning Act.

ACCESSIBILITY CONSIDERATIONS:

There are no accessibility concerns relating to the requested Zoning By-Law Amendment.

FINANCIAL CONSIDERATIONS:

N/A

CONTACTS:

- Steven Chew, Senior Planner, Development Approvals (546-4291, extension 3273);
- Marnie Venditti, Manager, Development Approvals (546-4291, extension 3256); and,
- George T. Wallace, Director, Planning and Development Department (546-4291, ext. 3252)

PUBLIC COMMENTS:

There were no public comments received in response to the Public Notice or at the Public Meeting.

OTHER CITY OF KINGSTON STAFF CONSULTED:

A number of external and internal agencies were circulated for review and comments, including: Building and Licensing Division; Engineering Division; Utilities Kingston; Cultural Services; Environment, and, Fire and Rescue. The agencies which replied to the technical circulation did not object to the proposed zone change.

EXHIBITS ATTACHED:

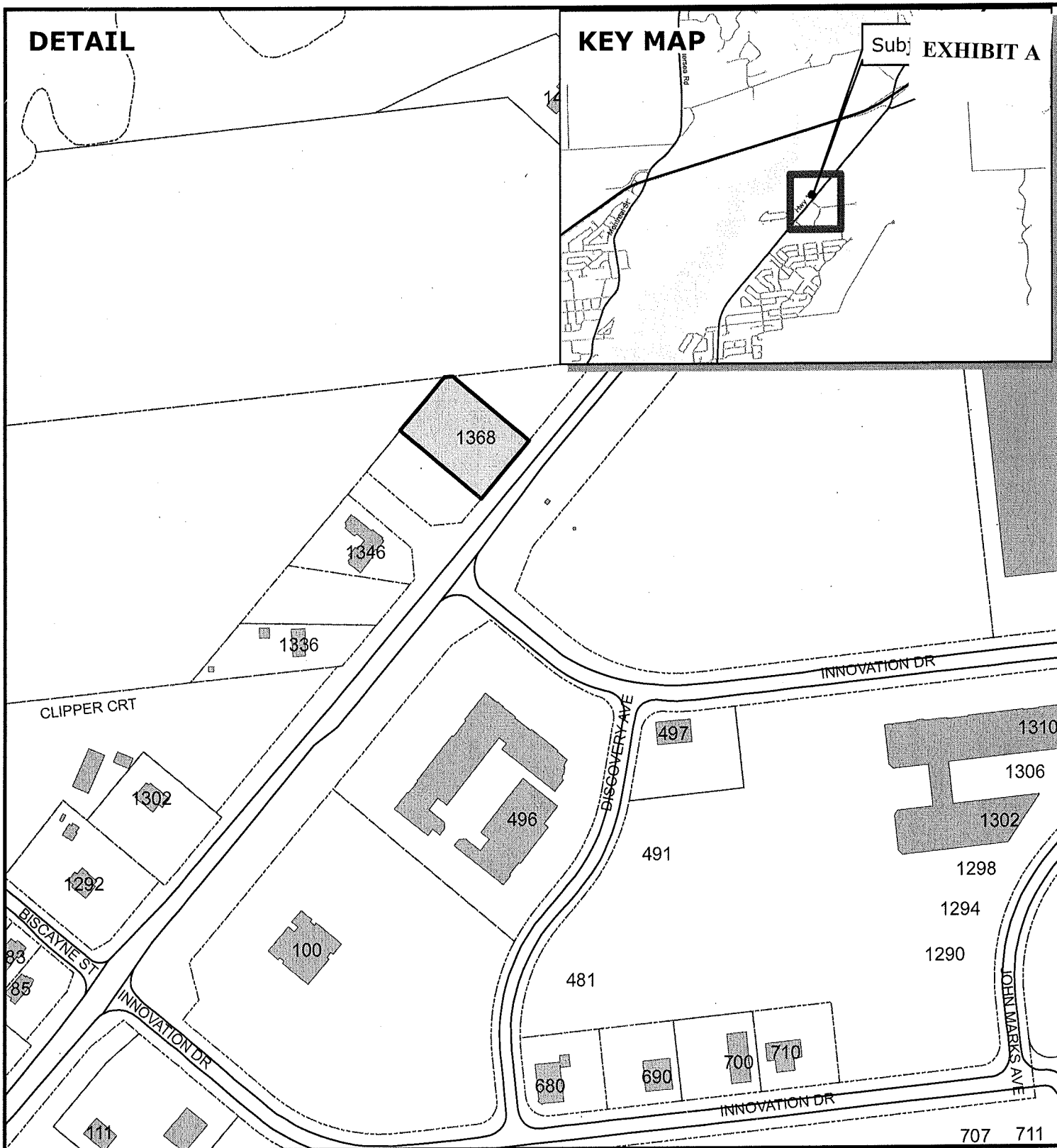
Exhibit A - Key Map

Exhibit B - Draft Zoning By-Law and Schedule

DETAIL

KEY MAP

Subj EXHIBIT A



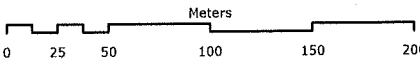
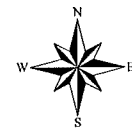
THE CORPORATION OF THE CITY OF KINGSTON
 PLANNING & DEVELOPMENT DEPARTMENT

KEY MAP

Applicant: Nigel and Tessa Dearsley
 File Number: D14-133-2008
 Address: 1368 Highway 15
 Lot/Con: PT CON EAST OF CAT RIVER LOT 3
 Legal Description: PLAN 628 LOT 5
 ARN: 101109005001610

Legend

 Subject Property



Disclaimer: This document is subject to copyright and may only be used for your personal, non-commercial use provided you keep intact the copyright notice. The City of Kingston assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The City of Kingston does not make any representation or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this document.
 © 2006 The Corporation of the City of Kingston.

BY-LAW NO. 2010-___

A BY-LAW TO AMEND BY-LAW NO. 32-74, "A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWNSHIP OF PITTSBURGH" (Zone Change from R1 to R1-49, 1368 Highway No. 15)

PASSED: February ____, 2010

WHEREAS by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister's Order, any by-laws of the former municipality passed under the Planning Act continue as the by-laws covering the area of the former municipality now forming part of the new City;

AND WHEREAS the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law No. 32-74, as amended, of the former Township of Pittsburgh;

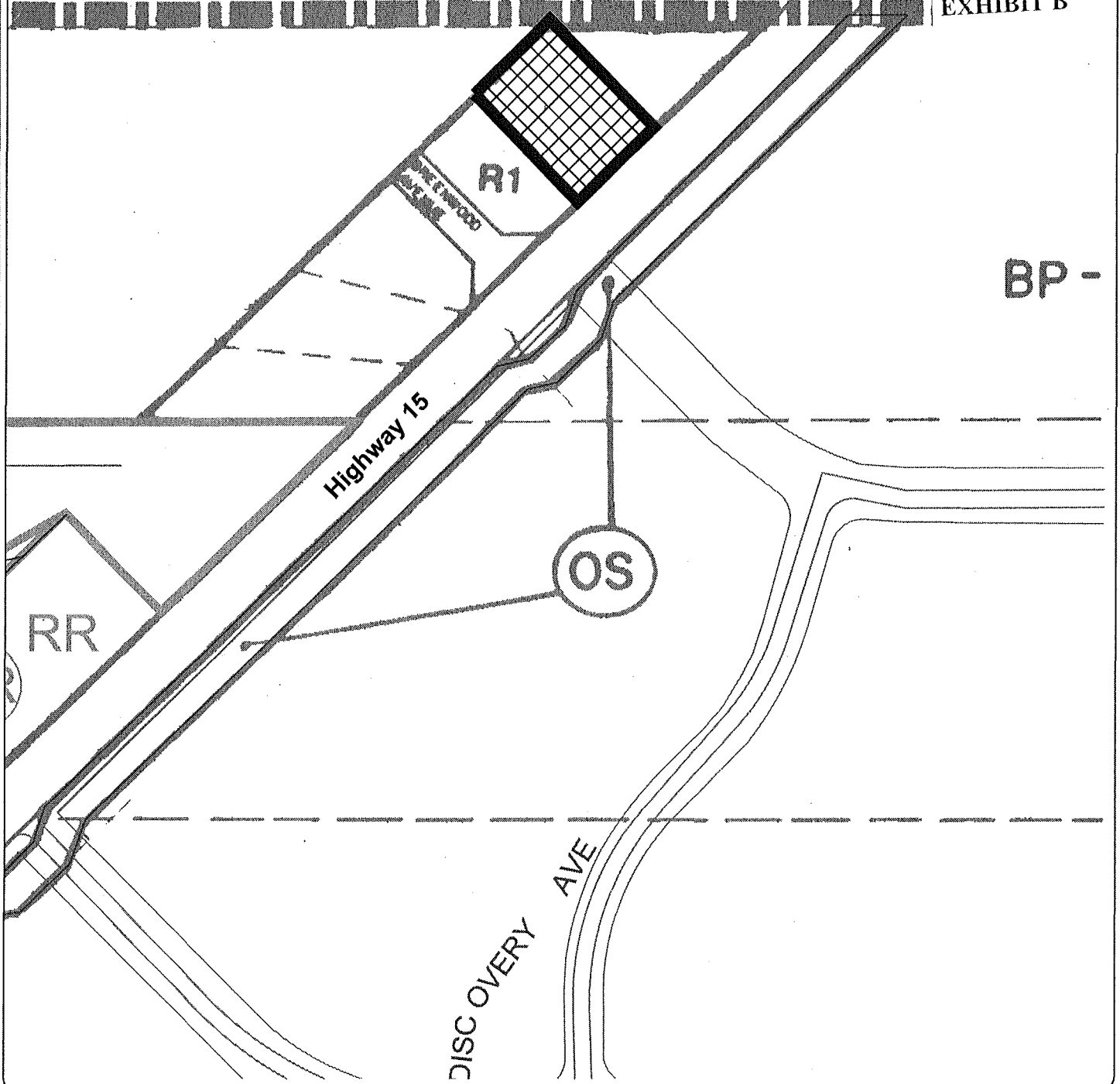
NOW THEREFORE the Council of The Corporation of the City of Kingston hereby **ENACTS** as follows.

1. By-Law No. 32-74 of The Corporation of the City of Kingston, entitled "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh", as amended, is hereby further amended as follows:
 - 1.1. Map 4 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from R1 to R1-49, as shown on Schedule "A" attached to and forming part of By-Law No. 2010-___.
 - 1.2. By **Adding** a new subsection 9(3)(v) thereto as follows:

"(vv) **1368 Highway No. 15 (R1-49 Zone)**

Notwithstanding the provisions of Section 9(2)(b) hereof to the contrary, the lands designated "R1-49" on Schedule 'A' hereto, may also be used for a "BED and BREAKFAST" in accordance with the following provisions:

- (i) For the purpose of this section a "BED and BREAKFAST" shall be defined as a dwelling occupied by the owner and in which a maximum of four (4) rooms are provided with or without meals, for hire or pay, for the travelling or vacationing public.
- (ii) Five (5) parking spaces shall be provided.
- (iii) A sign identifying the "BED and BREAKFAST" is permitted on the property; the sign shall be less than 5 square metres in area."



The Corporation of the City of Kingston

Schedule 'A' to By-law No.

Applicant: Nigel and Tessa Dearsley
 File No.: D14-133-2008
 Address: 1368 Highway 15
 Plan No.: PLAN 628 LOT 5
 Lot/Conc.: PT CON EAST OF CAT RIVER LOT 3
 Roll No.: 101109005001610

Scale:
 Metric

This map is not to be used for precise scaling.

Date: January 5, 2009
 Prepared by: C. Chan

K:D14\2007\D14-133-2008SchA

Legend:



Subject Lands
 Rezoned from R1 to R1-49



Certificate of Authentication

This is Schedule 'A' to By-law No. _____,
 passed this _____ day of February 2010 .

Mayor

Clerk