CITY COUNCIL MEETING NO. 16-2004

May 18, 2004 at 6:45 pm in the Council Chambers at City Hall
Council will resolve into the Committee of the Whole “In Camera”
and will reconvene as regular Council at 7:30 pm.

ORDERS OF THE DAY

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b) Lease Agreement between City of Kingston & Imperial Oil (04-171), schedule pages 5-7
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d) Award of Tender – Contract 2004-01W – Reconstruction of Sidewalks & Sidewalk Ramps (04-180),
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ROLL CALL

THE COMMITTEE OF THE WHOLE “IN CAMERA”

1. THAT Council resolve itself into the Committee of the Whole “In Camera” to consider the following item(s):
   
   (a) Legal Matter
   
   (b) Solicitor-Client Privilege

2. THAT Council rise from the Committee of the Whole “In Camera” without reporting.

DISCLOSURE OF PECUNIARY INTEREST

PRESENTATIONS

(1) Lieutenant-Colonel McQuillan and Chief Warrant Officer Patterson, 2 Combat Engineer Regiment with the Canadian Forces Base Petawawa, will speak to Council concerning an upcoming regimental exercise - Exercise Galloping Sapper. – on June 5-11, 2004. In addition, they will be requesting a temporary exemption from the City of Kingston Noise By-Law, permission to use the Douglas R. H. Fluhrer Park parking lot, and permission to camp in Grass Creek Park.

(File No. CSU-C13-000-2004)

DELEGATIONS

PETITIONS
REPORT NO. 51 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

All items listed on the Consent Report shall be the subject of one motion and that motion shall be neither debatable nor amendable. However, any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the consent report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

THAT Council consent to the approval of the following routine items:

(a) WHEREAS the Ministry of Transportation has requested an exemption to the City of Kingston’s Noise Control By-Law No. 2004-52 “A By-Law To Regulate Noise”, Schedule “B” to permit Highway 401 Widening and Median Tall Wall construction, and;

WHEREAS the applicant has requested that the exemption cover operations between the hours of 7:00 pm and 7:00 am, the applicant will be prohibited from the operations of rock removal by Hoe ramming, installation of culverts by pipe ramming and removal of concrete by chip hammers during the hours of 11:00 pm and 6:00 am, and;

WHEREAS the applicant anticipates that this contract will require construction materials to be provided from pits, quarries, asphalt plants and concrete plants within the City of Kingston, and;

WHEREAS the public has been notified and consulted regarding this event and there are no unresolved objections;

THEREFORE BE IT RESOLVED THAT the Ministry of Transportation be allowed an exemption from the normal 19:00 (7:00 pm) to 07:00 (7:00 am) restriction under the City of Kingston Noise Control By-Law No. 2004-52 Schedule “B” in order to allow for Highway 401 Widening and Median Tall Wall to be constructed between the east and west bound lanes west of County Road 38 to Sydenham Road, and placement of Temporary Concrete Barrier in the median from Sydenham Road to Montreal Street and the Highway 401 corridor from 4 km west of County Road 38 to Sydenham Road from Monday, June 28, 2004 and continuing from Monday to Friday until December 15, 2006 but not on any weekend or Statutory Holiday

(File No. CSU-P01-002-2004)
(The Report of the Commissioner of Planning & Development Services (04-156) is attached as Schedule Pages 1-4)

(b) THAAT Council approve a lease between the Corporation of the City of Kingston and Imperial Oil, a Partnership of Imperial Oil Limited and McColl Frontenac Petroleum Inc., for the rental of 396 m² of land at the Kingston (Norman Rogers) Airport for a ten year term commencing July 1, 2003 and expiring June 20, 2013, with the tenant having an option to renew for a further period of five years, provided that the terms of the lease are in a form satisfactory to the City Solicitor;

–and further–

THAT the Mayor and City Clerk be authorized to sign the said lease.

(File No. CSU-L04-000-2004; CSU-L15-000-2004)
(The Report of the Commissioner of Operations (04-171) is attached as Schedule Pages 5-7)
THAT Council receive the Capital Budget Status Report for the first quarter ending March 31, 2004;

–and further–

THAT Council approve the financing of unfinanced capital projects or (return of funds), as outlined in Appendix “A” – 2001 Budget Year, Appendix “B” – 2002 Budget Year, and Appendix “C” – 2003 Budget Year of this report, as follows:

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>Appendix A</th>
<th>Appendix B</th>
<th>Appendix C</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Capital Reserve Fund</td>
<td>($1,216.00)</td>
<td>$31,317.00</td>
<td>$91,038.00</td>
<td>$121,139.00</td>
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<tr>
<td>Development Charges Reserve Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facility Repair Reserve Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Capital Reserve Fund</td>
<td>($314.00)</td>
<td>($125.00)</td>
<td>($439.00)</td>
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</tr>
<tr>
<td>Municipal Equipment Reserve Fund</td>
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<td></td>
<td></td>
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<tr>
<td>Utilities Equipment Reserve Fund</td>
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<td></td>
</tr>
<tr>
<td>Rideaucrest Facility Reserve Fund</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$83,923.00</td>
<td>$65,899.00</td>
<td>$149,822.00</td>
<td></td>
</tr>
</tbody>
</table>

–and further–

THAT Council approve the reduction of approved debenture financing with reference to specific projects as outlined in Appendix “A”, “B”, “C”, “D” and “E” of this report, as follows:

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>Appendix A</th>
<th>Appendix B</th>
<th>Appendix C</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debenture (reduction)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding from:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipal Capital Reserve Fund</td>
<td>($5,168.00)</td>
<td>($188,388.00)</td>
<td>($193,556.00)</td>
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</tr>
<tr>
<td>Fire Capital Reserve Fund</td>
<td></td>
<td>($421.00)</td>
<td>($421.00)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

–and further–

THAT, as identified in Appendix “B”, additional financing be approved in the amount of $123,985.00 for the Centennial Drive Project – “Costco to Crossfield”, funded from the Development Charges Reserve Fund in the amount of $114,066.00 and from the Municipal Capital Reserve Fund in the amount of $9,919.00;

–and further–

THAT, as identified in Appendix “H”, the source of funding in the amount of $20,000.00 for the project “Replace Info 2000 Software” be changed from the Development Charges Reserve Fund to the Municipal Capital Reserve Fund.

(File No. CSU-F05-000-2004)

(The Report of the Commissioner of Corporate Services (04-143) is attached as Schedule Pages 8-12)

(Note: Appendices A – H are being distributed separately from the agenda.)
REPORT NO. 51 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(d) THAT the tender of Sousa Ready Mix for Contract 2004-01W – Reconstruction of Sidewalks & Sidewalk Ramps, in the amount of $258,121.50, be accepted, it being the lowest tender received.
(File No. CSU-F18-003-2004)
(The Report of the Commissioner of Planning & Development Services (04-180) is attached as Schedule Pages 13-14)

(e) THAT the tender of Dibblee Construction Limited for Contract 2004-06W – Asphalt Overlay on Bath Road at Various Intersections, in the amount of $322,222.00, be accepted, it being the lowest tender received. This contract consists of asphalt overlay on Bath Road on the various intersections:

Bath Road - from Palace Road to Princess Street
Bath Road - at Portsmouth Avenue Intersection.
(File No. CSU-F18-003-2004)
(The Report of the Commissioner of Planning & Development Services (04-181) is attached as Schedule Pages 15-16)

(f) THAT Council authorize the Mayor and Clerk to sign a Construction and Future Maintenance Agreement with Canadian National Railway Company, to the satisfaction of Legal Services, so that the City may construct the Centennial Drive CN Rail overpass structure.
(File No. CSU-L04-000-2004)
(The Report of the Commissioner of Planning & Development Services (04-187) is attached as Schedule Pages 17-21)

(g) WHEREAS in accordance with the Municipal Act 2001, c. 25, s.34(1) and By-Law No. 2003-15 “A By-Law to Provide for Notice Provisions as Required Under The Municipal Act, 2001”, notice has been given of Council’s intention to stop up and close the above-noted unopened road allowance, and;

WHEREAS, as of May 14, 2004, no requests to be heard have been received by the City as provided for in the notice;

THEREFORE BE IT RESOLVED THAT City Council pass a by-law to declare surplus to municipal need the unopened road allowance between Lots 17 and 18, Concession 5, City of Kingston, Geographic Township of Kingston, designated as Part 2 on Reference Plan 13R-17314;

–and further–

THAT Council pass a by-law to authorize the stop up and closure of the said unopened road allowance and to transfer the title therein to Judith Pearse, Robert Charles Wolsey and James Arthur Wolsey;

–and further–

THAT the Mayor and Clerk be authorized and directed to sign the necessary agreements to give effect thereto;

–and further–

THAT the rules of By-Law No. 98-1 “Council Procedural By-Law” be waived to allow the by-law to receive three readings.
(File No. CSU-L19-000-2004)
(See By-Law No. (1), 2004-115; By-Law No. (2), 2004-116)
(The Report of the Commissioner of Operations (04-175) is attached as Schedule Pages 22-24)
REPORT NO. 51 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(h) WHEREAS, in accordance with the Municipal Act 2001, c. 25, s.34(1) and By-Law No. 2003-15 “A By-Law to Provide for Notice Provisions as Required Under The Municipal Act, 2001”, notice has been given of Council’s intention to stop up and close the above-noted unopened road allowance, and;

WHEREAS, as of May 14, 2004, no requests to be heard have been received by the City as provided for in the notice;

THEREFORE BE IT RESOLVED THAT Council pass a by-law to declare surplus to municipal need the unopened road allowance between Lots 17 and 18, Concession 5, City of Kingston, Geographic Township of Kingston, designated as Part 2 on Reference Plan 13R-5754;

–and further–

THAT City Council pass a by-law to authorize the stop up and closure of the said unopened road allowance and to transfer the title therein to Sharon Mae Shibley;

–and further–

THAT the Mayor and Clerk be authorized and directed to sign the necessary agreements to give effect thereto;

–and further–

THAT the rules of By-Law No. 98-1 “Council Procedural By-Law” be waived to allow the by-law to receive three readings.

(File No. CSU-L19-000-2004)

(See By-Law No. (3), 2004-117; By-Law No. (4), 2004-118)

(The Report of the Commissioner of Operations (04-176) is attached as Schedule Pages 25-27)

(i) WHEREAS Bajus Consulting Inc. has submitted an application requesting that the “-H” Holding Symbol be lifted from 300 Wellington Street located on Parts of Lots 1, 13, 14 and air rights above Part 9 of Reference Plan 13R-8115; and

WHEREAS the “-H” Holding provisions were to remain in place until all applicable municipal and agency requirements have been complied with and all necessary Agreements have been executed; and

WHEREAS the Owner has complied with the conditions for the removal of the “-H” Holding Symbol as follows:

- All necessary environmental studies and an acceptable remedial action plan is provided and carried out.
- The Owner has submitted, for the Municipality’s consideration, the appropriate application for an amendment to the Zoning By-Law to remove the “-H” Holding Symbol.

THEREFORE BE IT RESOLVED THAT Zoning Map Schedule “A” of By-Law No. 96-259 Downtown and Harbour Zoning By-Law, as amended, be further amended by removing the “-H” Symbol for the lands located at 300 Wellington Street so as to rezone the subject land from “(H)C1-20” Modified Central Business System – Holding to “C1-20” Modified Central Business System;

–and further–

BE IT RESOLVED THAT the amending by-law be presented for three readings.

(File No. CSU-D28-000-2004)

(See By-Law No. (5), 2004-119)

(The Report of the Commissioner of Planning & Development Services (04-191) is attached as Schedule Pages 28-35)
REPORT NO. 51 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(j) WHEREAS Dacon Corporation Limited has submitted an application requesting that the “-H” Holding Symbol be lifted from Walnut Grove, Phase 3A and 3B located on Blocks 4 and 5, and Part of Blocks 6 and 13, Plan 13M-39; and

WHEREAS the “-H” Holding provisions were to remain in place until all applicable Municipal and agency requirements have been complied with and all necessary Agreements have been executed; and

WHEREAS the Owner has complied with the conditions for the removal of the “-H” Holding Symbol as follows:

- All necessary Agency clearance letters have been submitted to the Municipality.
- Confirmation of adequate sewage capacity to service the proposed subdivision has been received from Utilities Kingston.
- All Municipal requirements are contained within the Subdivision Agreement and are shown on the approved engineering plans.
- The Subdivision Agreement has been executed by the Owner and registered on title.
- The Owner executed the Site Plan Control Agreement and registration will occur in the near future.
- The Owner has submitted, for the Municipality’s consideration, the appropriate application for an amendment to the Zoning By-Law to remove the “-H” Holding Symbol.

THEREFORE BE IT RESOLVED THAT Schedule “A” to Zoning By-Law 97-102, The Cataraqui North Zoning By-Law, as amended, be further amended by removing the “-H” Symbol for the lands described as Blocks 4 and 5, and Part of Blocks 6 and 13, Plan 13M-39, located at 28-43 Ellesmeer Avenue, 1176-1181 Richwood Court and 1166-1176 Anderson Drive, so as to rezone Stages 3A and 3B of the Walnut Grove Subdivision from “LDR*1-H” Special Low-Density Residential Holding Zone to Zone “LDR*1” Special Low Density Residential;

–and further–

BE IT RESOLVED THAT the amending by-law be presented for three readings.
(File No. CSU-D28-000-2004)
(See By-Law No. (6), 2004-120)
(The Report of the Commissioner of Planning & Development Services (04-190) is attached as Schedule Pages 36-44)

(k) THAT a by-law to provide for the levying and collecting of 2004 final taxes be presented and given three readings and passed in order to provide the necessary time required to calculate and prepare tax bills.
(File No. CSU-F22-000-2004)
(See By-Law No. (7), 2004-121)
(The Report of the Commissioner of Corporate Services (04-163) is attached as Schedule Pages 45-59)
REPORT NO. 52 OF THE PLANNING COMMITTEE

Report No. 52

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

1. **WHEREAS** Revised Draft Interim Report No. 2, Evaluating the Growth Alternatives, City of Kingston, Urban Growth Strategy dated April 2003, prepared by J.L. Richards, identified that Growth Alternative No. 1 lands, committed infill development, are considered the first priority for development and since it has insufficient lands to accommodate the growth projections to 2026 that Growth Alternative No. 2 was preferred over the other alternatives;

   **WHEREAS** Council, through Report No. 03-266, expanded the Urban Growth Strategy project to include an additional growth alternative (Growth Alternative No. 1A), to undertake a more comprehensive financial analysis of the infrastructure costs of the growth alternatives and to include additional public consultation, and;

   **WHEREAS** the new information, which is to be made available to the public prior to and at an upcoming public open house in June, reaffirms the general direction of the Revised Draft Interim Report No. 2, Evaluating the Growth Alternatives, City of Kingston, Urban Growth Strategy dated April 2003, prepared by J. L. Richards, and;

   **WHEREAS** Information Report No. 04-126, dated April 6, 2004 to Council, identified that one of the next steps was to seek authorization from Council to approve, in principle, the Study’s general direction as well as to make the draft reports available for public review and comment, and;

   **WHEREAS** the Urban Growth Strategy products will be presented to Council for their consideration following an additional public consultation process and the due consideration of comments received;

   **THEREFORE BE IT RESOLVED THAT** the Planning Committee recommends:

   (i) The approval, in principle, of the general direction of the Revised Draft Interim Report No. 2, Evaluating the Growth Alternatives, City of Kingston, Urban Growth Strategy dated April 2003, prepared by J.L. Richards, which identified that Growth Alternative No. 1 lands, committed infill development, are considered the first priority for development and since it has insufficient lands to accommodate the growth projections to 2026 that Growth Alternative No. 2 was preferred over the other alternatives; and

   (ii) That the new information and the draft documents be made available to the public prior to the open house for their consideration and comment.

2. **WHEREAS** Section 69 of the Planning Act provides that local Councils may pass By-Laws establishing a tariff of fees for the processing of applications made in respect of planning matters, and;

   **WHEREAS** Council passed By-Law No. 98-36 on March 13, 1998 to establish a Tariff of Fees for planning applications in the City of Kingston, and;

   **WHEREAS** Planning Division undertook a review of its current fee structure for development applications by comparing it to twenty-one other Ontario municipalities, and;

   **WHEREAS** it has been determined from this review that the fees currently being charged are generally satisfactory and equal with the average fees charged in other municipalities;
REPORT NO. 52 OF THE PLANNING COMMITTEE

THEREFORE BE IT RESOLVED THAT the current fees for planning applications as set out in the Tariff of Fees By-Law No. 98-36, as amended, be maintained at the current levels through 2005, with the inflation rate of 2.3% per annum, and that a further review be conducted in 2006;  

–and further–

BE IT RESOLVED THAT By-Law No. 98-36 be further amended so as to add the following additional Civic Address Change Fee:

"Where a civic address change is requested, and the change is not a result of municipal initiatives, a fee of $150 shall be paid by the applicant."

–and further–

BE IT RESOLVED THAT By-Law No. 98-36 be further amended so as to add the following File Closure and Fees for Reactivation Policy:

"Dormant files that have remained inactive for 3 years for Committee of Adjustment Applications and 5 years for all other planning applications will be deemed closed. In the event that a request is made to reactivate a closed file, the applicant shall pay the full existing fee for planning services regardless of any fees paid in the past."

–and further–

BE IT RESOLVED THAT Clause (j) of By-Law No. 98-36 be amended so as to add the following Site Plan Control fee for above ground infrastructure with less than 300 m² of floor area:

"Where site plan control is required for applications regarding above ground utilities infrastructure containing less than 300 m² of floor area, a fee of $750 shall be paid by the applicant."

–and further–

BE IT RESOLVED THAT Clause (j) of By-Law No. 98-36 be further amended so as to change the definition of Minor Application to the following:

"A minor site plan control application shall include applications regarding 1 & 2 family homes, group homes, and applications with less than 300 m² of floor area that result from an approval of a rezoning request."

–and further–

BE IT RESOLVED that By-Law 98-36 be further amended to include the following Miscellaneous Fees section:

"Where photocopying of studies, reports, files, maps, or other planning documents is requested by a member of the public, a fee of $0.21 plus GST per page shall apply. Where an electronic file transfer is requested, a fee of $5.00 per PDF file shall apply. Electronic copies of the Zoning By-Law and Official Plans shall be the same price as a paper copy. Where an information search is requested by a member of the public, there will be no charge for the first hour of staff time. An hourly rate of $31.50 plus GST shall apply thereafter."

(See By-Law No. (8), 2004-122)

3. WHEREAS an application was submitted on August 2, 2002 by Doug Thompson, acting on behalf of Pine Grove Free Methodist Church, with respect to 3604 Pine Grove Road, Kingston East, requesting that the northern portion of the property zoned General Rural 'A2' Zone be amended to the Institutional 'I' Zone to permit the construction of the new Pine Grove Free Methodist Church behind the existing church which is to be demolished, and;

WHEREAS the statutory Public Hearing was held on April 17, 2003;

THEREFORE BE IT RESOLVED THAT the application for Zoning By-Law Amendment (Our File No. D14-180-02) submitted by Doug Thompson, acting on behalf of Pine Grove Free Methodist Church, for the property located at 3604 Pine Grove Road, Kingston West, BE APPROVED.

–and further–
REPORT NO. 52 OF THE PLANNING COMMITTEE

BE IT RESOLVED THAT the former Pittsburgh Township Zoning By-Law No. 32-74, as amended, be further amended as follows:

– Amend Map 2 of Schedule “A” to By-Law No. 32-74, as amended, to rezone the northern portion of the lands at 3604 Pine Grove Road from the General Rural Zone “A2” to the Institutional “I” Zone.

–and further–

BE IT RESOLVED THAT the amending by-law be presented for three readings.

(See By-Law No. (9), 2004-123)

4. WHEREAS an application has been submitted by Development Drive Properties (Fred Jespersen) with respect to the property located in Part of Lot 9, Concession 2, municipally known as 680 Development Drive, in Kingston West, requesting approval for a Zoning By-Law Amendment to MODIFY the existing Holding Special Local Commercial ‘C1-6-H’ Zone to permit an automobile service station use, and;

WHEREAS a Public Meeting was held with respect to this matter on November 13, 2003;

THEREFORE BE IT RESOLVED THAT the Application for Zoning By-Law Amendment (Our File No. D14-219-03) submitted by Development Drive Properties for the property located at 680 Development Drive, Kingston West, be approved;

–and further–

BE IT RESOLVED THAT Zoning By-Law No. 76-26, former Township of Kingston, be amended by deleting the existing Section 18(3)(e) and replacing it with the following new Section 18(3)(e):

“(e) C1-6
Notwithstanding any provision of this by-law to the contrary, the lands designated “C1-6” on Schedule “A” hereto shall be used and developed in accordance with the following provisions:

(i) Permitted Uses:
(a) A use authorized by Section 18(3)(c)(i) of this By-Law;
(b) An automobile service station;

(ii) Gross Floor Area (maximum)
The combined total gross floor area of all permitted uses shall not exceed 2000 square metres.

(iii) Holding Symbol “-H”
That a Holding Symbol “-H” shall be applied to the “C1-6” Zone. In addition to the provisions of Section 6(6) of this by-law respecting the use and removal of “-H” Symbols, the following shall be provided prior to the removal of the “-H” Symbol:

• an approved site plan for the subject lands addressing ingress and egress to the property and traffic flows along Gardiners Road and Development Drive; and
• an executed Site Plan Control Agreement.”

–and further–

BE IT RESOLVED that the amending by-law be presented for three readings.

(See By-Law No. (10), 2004-124)
REPORTS (CONTINUED)

REPORT NO. 52 OF THE PLANNING COMMITTEE

5. **WHEREAS** an application has been submitted by Lorelei Jones & Associates, on behalf of J. A. Pye (Ontario) Limited (Owner), for revisions to the approved Draft Plan of Subdivision for Phase 4 of the “Lyndenwood Subdivision”, which comprises a total of 10.99 ha of vacant land, located in the Cataraqui North Neighbourhood in Kingston West; together with a request for a Zoning By-Law Amendment to By-Law No. 97-102, to rezone a parcel defined as Block 254 on the draft approved plan of subdivision (10T-95004) from Holding Medium Density Residential “MDR-H” Zone to a Special Holding Medium Density Residential “MDR*1-H” Zone to permit single detached dwellings on lots accessed by a rear lane only and the Holding Medium Density Residential ‘MDR-H’ Zone to a Holding Low Density Residential “LDR-H” Zone, and;

**WHEREAS** the Ministry of Municipal Affairs and Housing (“the Ministry”) previously issued Draft Plan Approval on January 30, 1998 for a 68.9 hectare (170 acre) site, which approval provided for 216 single detached dwellings, 889 low-density residential units (single-detached, semi-detached, three unit, four unit and townhouse dwellings), 152 medium density residential units (semi-detached, row, apartment dwellings), 6 commercial blocks, 1 institutional block, 5 open space blocks, 11 future low-density residential blocks, 2 future medium-density residential blocks and the associated network of streets, lanes and reserves, and;

**WHEREAS** the approval authority for this Plan of Subdivision has now been delegated to the Municipality, and;

**WHEREAS** the request for changes to the Conditions of Draft Plan Approval was circulated to the City’s technical staff and outside agencies for review and any additional requirements have been incorporated into the revised conditions of Draft Plan Approval, and;

**WHEREAS** a Public Meeting was held with respect to this matter on March 11, 2004;

**THEREFORE BE IT RESOLVED THAT** the request for approval of a Revised Draft Plan of Subdivision and Amendments to the Conditions of Draft Plan Approval and the requested Zoning By-Law Amendment respecting the portion of the lands identified as Block 254 on the Draft Plan of Subdivision from Holding Medium Density Residential “MDR-H” Zone to a Special Holding Medium Density Residential ‘MDR*1-H’ Zone to permit single detached dwellings on lots accessed by a rear lane only and to a Holding Low Density Residential ‘LDR-H’ Zone (Our File Nos. D12-84M-03 and D14-235-03), submitted by Lorelei Jones & Associates, on behalf of J. A. Pye (Ontario) Limited (Owner), for Phase 4 of the “Lyndenwood” Subdivision, located in the Cataraqui North Neighbourhood, **BE APPROVED**;

–and further–

**BE IT RESOLVED THAT** the Conditions of Draft Plan Approval dated January 30, 1998, be amended for Phase 4 of the “Lyndenwood” Subdivision as follows:

(a) That Condition No. 1. be amended to include the following Revised Draft Plan of Subdivision respecting Parts of Lots 14 and 15, Concession 3, in the City of Kingston, said lands comprising Blocks 245, 246, 247, 248, 254, 256, 257, 258 and 264 inclusive, and parts of Blocks 231, 236, 259, 261 and 265 and Parts of Streets “A”, “B”, “F”, “H”, “I”, “M”, “P” and “Q” as shown on the Draft Plan of Subdivision prepared by M. Peter Allen, O.L.S. of Grange W. Elliot Ltd., dated June 9, 1997 and revised December 12, 1997:

“1A. That this revised approval applies to the Draft Plan of Subdivision, prepared by D.R. Barker & Associates Ltd., Consulting Engineers, Dated December 04, 2003, showing the proposed subdivision of the 10.99 hectare parcel of land located north of Seale Court in the Cataraqui North Neighbourhood, and comprised of the following:

- One hundred and twelve Lots for single detached dwellings (Lots 1-112 inclusive);
- Eighteen Blocks for residential development (Blocks 113-131 inclusive);
- One Block for an 8.0 metre wide rear lane (Block 132);
- One Block for a potential school site (Block 133);
- One Block for a 0.3 metre reserve (Block 134); and
REPORT NO. 52 OF THE PLANNING COMMITTEE

- Six Streets (northerly extensions of Augusta Drive and Anderson Drive, easterly extensions of Crossfield Avenue and Atkinson Street, all of Baldwin Court and Farmstead Street).

(b) That this Revised Draft Plan shall be subject to the Conditions set out in the Draft Plan Approval issued by the Minister of Municipal Affairs and Housing, dated January 30, 1998, respecting Ministry File No. 10-T-95004.

(c) That in addition to the Minister’s Conditions of Draft Plan Approval, the following additional conditions shall apply to the Revised Draft Plan set out in Clause 1A. above:

(i) That prior to Final Approval of the Plan of Subdivision, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots by the Municipality’s Planning Division. The Draft M-Plan shall be submitted to the Planning Division in an AutoCAD readable format on either three and one-half inch (3 ½”) diskette or compact disc (CD), together with two (2) paper prints.

(ii) That prior to Final Approval of the Subdivision, a Noise Study shall be prepared and certified by a Professional Engineer, to the Municipality’s satisfaction, to specifically address the impacts of the proposed roads, specifically Augusta Drive and Andersen Drive on the residential lots. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement any noise attenuation measures required by the Study, to the satisfaction of the Municipality.

(iii) That prior to Final Approval of the Plan of Subdivision, the Owner shall submit a Surveyor’s Certificate to the City which confirms that the Lots and Blocks within the Subdivision conform to the applicable minimum lot area, lot frontage and setback requirements of the Zoning By-Law.

(iv) That prior to Final Approval of the Plan of Subdivision, the Owner shall submit a Geotechnical Report, prepared and certified by a Professional Engineer, for approval by the Municipality. The recommendations of the Report shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Report recommendations, to the satisfaction of the Municipality.

(v) That prior to Final Approval of the Plan of Subdivision, the Owner shall submit a Stormwater Management Report, prepared and certified by a Professional Engineer, for approval by the Municipality and the Cataraqui Region Conservation Authority (CRCA). The recommendations of the Report shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Report recommendations, to the satisfaction of the Municipality.

(vi) That prior to Final Approval of the Plan of Subdivision, the Owner shall enter into an Agreement with the Municipality to construct the required services.

(vii) That prior to Final Approval of the Plan of Subdivision, the Owner shall submit a Tree Preservation Plan for review and approval by the Municipality.

(viii) That Conditions 6 and 25 – 30 inclusive are hereby amended to reflect the Municipality as the Approval Authority rather than the “Ministry”, and that any required Clearance Letters are to be forwarded to the Municipality and not the Ministry.

(ix) That temporary turning circles may be required at the end of August Drive and Andersen Drive. Prior to Final Approval of the Plan of Subdivision, the Owner shall submit written permission from the adjacent land owners for any works to be constructed outside the boundaries of this Draft Plan of Subdivision.

(x) That Blocks 113 to 121 inclusive shall not be developed until such time as they have been transferred to and combined with the lots / blocks to the north.
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(xi) That Blocks 122 to 131 inclusive shall not be developed until such time as they have been transferred to and combined with the Blocks to the south.

(xii) That any proposed construction phasing / staging shall be approved by the Municipality and set out in the Subdivision Agreement.

(xiii) That driveway access will be restricted for certain lots along Augusta Drive and Crossfield Avenue.

(xiv) That Block 132 shall be designated as a rear lane and shall not be owned or maintained by the Municipality. A notice to future purchasers and land owners in regard to rear lane ownership shall be included in the Subdivision Agreement.

(xv) That the naming of the rear lanes shall be to the Municipality’s satisfaction in accordance with the adopted Street Naming Conventions.

(xvi) That prior to Final Approval the developer shall provide an updated traffic study to the Municipality. The updated traffic study shall be used to determine the owner’s contribution to a future left turn lane on Andersen Drive at Princess Street. The contribution shall be determined on the basis of the percentage of traffic generated by the “Lyndenwood” Subdivision as a percentage of the total anticipated traffic on Andersen Drive.

(xvii) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the plan of subdivision to the Municipality for park or other public recreational purposes. Where the subdivision exceeds 15 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units. Alternatively, the Municipality may require cash-in-lieu for all or a portion of the conveyance.

(d) That in addition to the Notes to the Minister’s Conditions of Draft Plan Approval, the following amended or new Notes shall apply to the Revised Draft Plan set out in Clause 1A. above:

(i) That Note 1. to the Minister’s Draft Plan Approval of January 30, 1998 shall be deleted in its entirety and be replaced with the following new Note 1.:

“*It is the applicant’s responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning Division, Planning and Development Services, of the City of Kingston.*”

(ii) That Note 11. to the Minister’s Draft Plan Approval of January 30, 1998 shall be deleted in its entirety and be replaced with the following new Note 11.:

“11. *The Final Plan approved by the City must be registered within thirty (30) days or the City may, under Subsection 51(59) of the Planning Act, withdraw its approval.*”

(iii) That the following shall be added as Note 12.:

“12. *When requesting Final Approval, the Applicant shall submit a detailed account of how each Condition of Draft Approval has been satisfied along with the appropriate clearance letter from the Agency, Ministry or body requesting the condition.*”

(iv) That the following shall be added as Note 13.:

“13. *Prior to Final Plan Approval, the Applicant shall submit to the City of Kingston for review four (4) draft copies of all Reference Plans and Survey Plans and three (3) draft copies of the Final M-Plan.*”
REPORTS (CONTINUED)

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(v) That the following shall be added as Note 14.:

“14. When requesting Final Approval, such a request must be directed to the Planning Division and be accompanied with:

- Eight mylars and four paper prints of the completed Final M-Plan;
- Four copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
- A Surveyor's Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.”

(vi) That the following shall be added as Note 15.:

“15. Ontario Hydro Services advises that an electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating “DANGER – Overhead Electrical Wires” in all locations where personnel and construction vehicles might come in close proximity to the conductors.”

--and further--

BE IT RESOLVED that Zoning By-Law No. 97-102, as amended, be further amended as follows:

(a) Amend Schedule “A” to By-Law No. 97-102, as amended, by changing the zoning from Zone “MDR-H” Medium Density Residential to “MDR*1-H” Modified Medium Density Residential, for the lands shown as “Zone Change from MDR-H to MDR*1-H”.

(b) Amend Schedule “A” to By-Law No. 97-102, as amended, by changing the zoning from Zone “MDR-H” Medium Density Residential to “LDR-H” Low Density Residential, for the lands shown as “Zone Change from MDR-H to LDR-H”.

--and further--

BE IT RESOLVED THAT the amending by-law be presented for all three readings.

(See By-Law No. (11), 2004-125)

6. WHEREAS an application has been submitted by Lorelei Jones and Associates, on behalf of A.J. Pye (Ontario) Ltd. with respect to a common elements condominium consisting of an 8.0 metre rear lane being constructed within the Lyndenwood Subdivision, Phases 2, 3 and 4, requesting approval of a Draft Plan of Condominium, and;

WHEREAS the proposed common elements condominium conforms to the policies of the Official Plan and requirements of the Zoning By-Law regulations and will be subject to a registered Plans of Subdivision and Subdivision Agreements, and as such meets the Common Elements Review Criteria of the Condominium Act;
REPORTS (CONTINUED)

REPORT NO. 52 OF THE PLANNING COMMITTEE

THEREFORE BE IT RESOLVED THAT the application for Draft Plan of Condominium (Our File No. D07-03-03) submitted by Lorelei Jones and Associates, on behalf of A.J. Pye (Ontario) Ltd. with respect to a common elements condominium consisting of an 8.0 metre rear lane being constructed within the Lyndenwood Subdivision, Phases 2, 3 and 4 be approved subject to the following conditions:

1) The Owner shall enter into a Condominium Agreement with the City and register it on title for the provision of facilities and services on the lands, if such a provision has not already been addressed as a condition of a related consent, subdivision or site plan approval. The agreement shall contain requirements for providing adequate security to the satisfaction of the City for the provision of essential facilities and services to the parcels of tied land.

2) Related planning approvals must be completed prior to final condominium approval, including the registration of a plan of subdivision, and the coming into force and effect of a Zoning By-Law Amendment.

3) To minimize the negative impacts on future condominium owners and the City from the creation of small, landlocked or fragmented condominiums on a temporary or permanent basis, the following will apply:
   (a) the condominium corporation registered must contain a minimum of 10 units to ensure it can operate independently if no additional phases are built or registered, or if the remainder of the development is registered as one or more separate condominium corporations. Smaller initial registrations may be considered on the individual merits of the development proposal, including the distribution and size of residential blocks, or the overall number of units within the development;
   (b) the condominium plan registered must have frontage on and access to an open public road; and
   (c) easements to the benefit of the remnant lands will be created in conjunction with the initial registration. Joint use and maintenance agreements may also be required.

4) The registration shall not divide existing or proposed buildings.

5) Consistent with the requirements of the Condominium Act:
   (i) all services and facilities required for the registration are to be completed prior to final approval of the condominium plan; and
   (ii) the Owner/Developer’s professional engineer shall provide certification to the City that the facilities and services have been installed and provide sufficiently to ensure the independent operation of the condominium corporation. Alternatively, if any facilities or services have not been installed such that the condominium corporation can operate independently, then the Owner/Developer will be required to engage the services of a qualified quantity surveyor or professional engineer to provide a calculated amount of the required security for one hundred percent (100%) of the required works. The security shall be provided in a form satisfactory to the City, in the amount of one hundred – twenty-five percent (125%) of the calculated cost of the required works.

6) If the land is included in the unit description, provision for the common services and facilities located on that unit to be maintained, repaired and replaced by the condominium corporation may be required, to ensure that future owners do not bear the full cost of maintaining and repairing common facilities and services.

7) Certain requirements of the subdivision agreement are to be completed prior to final approval, such as, but not limited to, grading, the construction and installation of fire routes and fire route signs, and the completion of special studies.
(8) The draft approval will lapse 9 years from the original draft approval date to provide the Owner/Developer and the City an opportunity to determine the future of any phases that will not be registered within the 10 year time period set out in the Condominium Act.
REPORT NO. 53 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

Report No. 53

To the Mayor and Members of Council:
The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

1. **THAT** revisions to Application P18-14-03 for property located at 248 Main Street, Barriefield, further to approval on August 11, 2003 for the construction of a single dwelling and free-standing car port, **BE APPROVED** to eliminate the projection of an oriel window in accordance with revised drawings and a description dated April 29, 2004;**--and further--**

   1. **THAT** the erection of a roofed loggia over the balcony be postponed to a later phase of construction.

2. **THAT** Application P18-452-05-04 for property located at 248 James Street, Barriefield, to request approval to remove vinyl on the dormer and replace with board and batten, replace porch roof support posts, remove loose stucco and replace as necessary, add a new roof and restore windows **BE APPROVED**, with the understanding that the south and east gable ends be completely finished in stucco and any exposure of the stone, if desired by the Owner be at the rear elevation.

3. **THAT** revisions to Application P18-67-00, The Kingston Yacht Club, 19 Maitland Street further to an approval granted in June 2000, **BE APPROVED** to allow the replacement of windows on the north elevation and lower windows on the west elevation in accordance with a description dated April 29, 2004.

4. **THAT** Application P18-11-03 for a designated property located at 250 Main Street, Barriefield, requesting approval for the construction of a new dwelling and detached garage, **BE APPROVED**, in accordance with revised drawings and a colour sketch, with the understanding that:
   - the chimney will be an interior construction
   - streetscape drawings will be supplied
   - shingles, detailing for columns and veranda sketches will be submitted
   - brick will be smooth faced Ontario-sized brick
   - a site plan will reflect the scale siting of the garage
   - the façade of the garage will be straight across and siding will be applied to all sides

5. **THAT** Application P18-343-07-04 for property located at 8 Rideau Street to install a sign **BE APPROVED**, in accordance with a submission dated May 3, 2004, with the understanding that the sign be located above the front door and affixed to the mortar joints.
6. THAT Application P18-343-07-04 for J.E. Horton Public School located at 411 Wellington Street, Barriefield, to install fencing, BE APPROVED, in accordance with a submission dated April 26, 2004 with the understanding that new chain link fencing is replacing an existing chain link fence that is obscured at the rear of the property by brush;

   –and further–

   THAT the new wooden fencing stain colour will match the existing stain colour;

   –and further–

   THAT consideration be given to providing a gateway through the fencing along the back side of the property, facing the street if it is the School Board’s intention to accommodate an existing neighbourhood path.
INFORMATION REPORTS
Schedule Pages 60-63

1. **Tax Arrears Status Report – 1st Quarter Ending March 31, 2004 (04-142)**
   The purpose of this report is to update Council on the status of taxes receivable and the collection of tax arrears in accordance with governing legislation, up to March 31, 2004.
   (File No. CSU-F22-000-2004)
   (The Report of the Commissioner of Corporate Services is attached as Schedule Pages 60-62)

2. **Gas Rate Adjustment (04-178)**
   The purpose of this report is to inform Council that, effective May 1, 2004, the rate for the commodity component of the natural gas charges changed from $0.2795 to $0.2250 per cubic metre.
   (File No. CSU-E06-000-2004)
   (The Report of the President & CEO of Utilities Kingston is attached as Schedule Page 63)

MISCELLANEOUS BUSINESS

MOTIONS

(1) Moved by Councillor Garrison
   Seconded by Councillor Meers
   THAT staff be directed to provide Council with funding scenarios and other creative solutions, as part of the 2005 budget process, that would allow all city-owned outdoor rinks that have been closed to be reopened.
   (File No. CSU-R05-000-2004)

NOTICES OF MOTION

MINUTES

TABLING OF DOCUMENTS

2004-52 The Downtown Kingston! BIA Contact – April 2004
   (File No. CSU-A01-001-2004)
TABLING OF DOCUMENTS

2004-53  The Cataraqui Region Conservation Authority
         Minutes – Full Authority Meeting – April 28, 2004
         (File No. CSU-C06-000-2004)

2004-54  The Downtown Kingston! BIA
         Agenda – Board of Management – May 12, 2004
         Strategic Plan
         Minutes – Meeting No. 4-2004, April 14, 2004
         Minutes – Executive Committee Meeting – May 4, 2004
         Large Venue Entertainment Centre Task Force Presentation – Handout – February 20, 2004
         Board of Directors Board Meeting – Marketing Report – May 12, 2004
         Projects Manager – Development Report
         (File No. CSU-A01-001-2004)

2004-55  The Kingston Economic Development Corporation
         Minutes – Board of Directors’ & Members’ Meeting 04-04 – April 19, 2004
         Minutes – Board of Directors’ & Members’ Meeting 04-05 – April 19, 2004
         (File No. CSU-C06-000-2004)

2004-56  The Kingston Frontenac Public Library Board
         Minutes – Regular Meeting No. 2004-03 – March 24, 2004
         (File No. CSU-C06-000-2004)

COMMUNICATIONS

That Council consent to the disposition of Communications in the following manner:

Filed

16-259  From Road Watch Huron, inviting Council to the Road Watch Conference on September 19-20, 2004 at the
         Oakwood Inn in Grand Bend, Ontario.
         (File No. CSU-A04-000-2004)

16-260  From the Association of Municipalities of Ontario, informing Council of Letters of Intent related to
         investment in infrastructure signed by federal and provincial Cabinet Members and the Association of
         Municipalities of Ontario President Ann Mulvale.
         (File No. CSU-A01-004-2004)

16-261  From the Association of Municipalities of Ontario, informing Council of the introduction of Bill 60, the
         Ontario Heritage Amendment Act.
         (File No. CSU-A01-004-2004)

16-262  From the Federation of Canadian Municipalities, congratulating Council on its interest in the Federation of
         Canadian Municipalities’ Municipal Partnership Program and its work on the Greater Kingston Trade Winds
         Project.
         (File No. CSU-A01-002-2004)
COMMUNICATIONS

16-263 From the Association of Municipalities of Ontario, informing Council of the release of a discussion paper in January on hours-of-work and the proposed introduction of Bill 63, the Employment Standards Amendment Act (Hours of Work & Other Matters), 2004. (File No. CSU-A01-004-2004)

16-264 From the Municipality of Carleton, acknowledging receipt of Council’s resolution concerning the downloading of the Rent Supplement Program and the Rent Bank Program and informing Council that the resolution was supported by the Carleton Municipal Council at its meeting on April 26, 2004. (File No. CSU-S17-000-2004)

16-265 From the Ontario Municipal Board, informing Council that the appeal by the Township of Frontenac Islands was withdrawn by letter on April 20, 2004 and, as there are no outstanding appeals in this matter, the file has been closed. (File No. CSU-L01-001-2004)

16-266 From the Association of Municipalities of Ontario, informing Council of a Letter of Intent, signed by the Citizenship & Immigration Canada Minister and the Ontario Minister of Citizenship & Immigration, for a Canada-Ontario Immigration Agreement. (File No. CSU-A01-004-2004)

16-272 From the Association of Municipalities of Ontario, informing Council of an announcement by the Minister of the Environment of a delay on Parts of Regulation 170/03 (the Drinking Water System Regulation) and a commitment to alleviate concerns raised by municipalities and system operators on provincial drinking water standards. (File No. CSU-A01-004-2004)

Referred to All Members of Council

16-267 From Loyalist Township, requesting Council’s support of a resolution to petition the provincial government for financial relief to smaller municipalities facing increases in costs for water and sewer services. (File No. CSU-C10-000-2004) *(Copied to all Members of Council on May 7, 2004)*

16-268 From the Township of Alfred & Plantagenet, requesting Council’s support of a resolution to petition the Minister of Municipal Affairs concerning errors on the list of electors prepared by the Municipal Property Assessment Corporation (MPAC). (File No. CSU-C10-000-2004) *(Copied to all Members of Council on May 7, 2004)*

16-269 From the Ottawa-Carleton Wildlife Centre, requesting Council’s support of motions to petition the Ministry of Natural Resources to reconsider their handling of wildlife issues. (File No. CSU-C10-000-2004) *(Copied to all Members of Council on May 7, 2004)*
COMMUNICATIONS

16-270 From the Regional Municipality of Niagara, requesting Council’s support of a resolution to petition the Provincial government to adopt legislation to support municipalities implement integrated waste management systems that would maximize diversion of waste from landfills. (File No. CSU-C10-000-2004) *(Copied to all Members of Council on May 7, 2004)*

16-271 From the Brick Campaign Organization of John XXIII Catholic School, requesting Council’s support of a fundraising project to raise money for playground enhancement on the school grounds. (File No. CSU-M04-000-2004) *(Copied to all Members of Council on May 7, 2004)*

**Referred to the Planning Committee**

16-273 From Fogler, Rubinoff, Barristers & Solicitors, considering an application by Wal-Mart Canada Corporation for an Official Plan Amendment and Zoning By-Law Amendment. (File No. CSU-D09-000-2004)

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**BY-LAWS**

(A) That By-Laws (1) through (12) be given their first and second reading.

(B) That Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (1) to (7) three readings.

(C) That By-Law (18) be given its third reading.

(D) That By-Laws (1) through (7), (9) through (18) and (20) be given their third reading.

(1) A By-Law To Stop Up And Close The Unopened Road Allowance Between Lots 17 And 18, Concession 5, Part 2 On Reference Plan 13R-17314, Former Township Of Kingston. THREE READINGS (Clause (g), Report No. 51) PROPOSED NO. 2004-115

(2) A By-Law To Declare Surplus To Municipal Need The Unopened Road Allowance Between Lots 17 And 18, Concession 5, Part 2 On Reference Plan 13R-17314, Former Township Of Kingston. THREE READINGS (Clause (g), Report No. 51) PROPOSED NO. 2004-116

(3) A By-Law To Stop Up And Close The Unopened Road Allowance Between Lots 17 And 18, Concession 5, Part 2 Of Reference Plan 13R-5754, Former Township Of Kingston. THREE READINGS (Clause (h), Report No. 51) PROPOSED NO. 2004-117
## BY-LAWS

(4) A By-Law To Declare Surplus To Municipal Need The Unopened Road Allowance Between Lots 17 And 18, Concession 5, Part 2 Of Reference Plan 13R-5754, Former Township Of Kingston.

**THREE READINGS**

*(Clause (h), Report No. 51)*

**PROPOSED NO. 2004-118**

(5) A By-Law To Amend By-Law No. 96-259, Downtown And Harbour Zoning By-Law, To Remove The “-H” Holding Symbol Related To The "(H)C1-20” Zone (Bajus Consulting Ltd.), 300 Wellington Street.

**THREE READINGS**

*(Clause (i), Report No. 51)*

**PROPOSED NO. 2004-119**

(6) A By-Law To Amend By-Law No. 97-102, Cataraqui North Zoning By-Law, As Amended By By-Law Nos. 2001-93 And 2001-94, To Remove The “-H” Holding Symbol Related To The “LDR*1-H” Zone (Walnut Grove Subdivision, Stages 3A And 3B – Blocks 4 And 5, Part Of Blocks 6 And 13, Plan 13M-39 – 28-43 Ellesmeer Avenue, 1176-1181 Richwood Court, And 1166-1176 Anderson Drive, In The Former Township Of Kingston).

**THREE READINGS**

*(Clause (j), Report No. 51)*

**PROPOSED NO. 2004-120**

(7) A By-Law To Establish General Municipal, Fire, And Garbage Tax Rates And To Provide For A Final Tax Levy; To Provide For Penalty And Interest Of 1.25% On Tax Arrears; And To Provide For Payment Of Taxes By Instalment.

**THREE READINGS**

*(Clause (k), Report No. 51)*

**PROPOSED NO. 2004-121**

(8) A By-Law To Amend By-Law No. 98-36 “A By-Law To Establish A Tariff Of Fees For The Processing Of Applications Made In Respect Of Planning Matters” (Various Amendments Of Administration Fees)

**FIRST AND SECOND READINGS**

*(Clause (2), Report No. 52)*

**PROPOSED NO. 2004-122**

(9) A By-Law To Amend By-Law No. 32-74 Of Former Pittsburgh Township Of Kingston (Zone Change from General Rural “A2” Zone to the Institutional “I” Zone – 3604 Pine Grove Road)

**THREE READINGS**

*(Clause (3), Report No. 52)*

**PROPOSED NO. 2004-123**

(10) A By-Law To Amend By-Law No. 76-26 Of The Former Township Of Kingston, (Zone Modification To The Holding Special Local Commercial “C1-6-H” Zone To Add Automobile Service Station, Retail Store, Clinic And Restaurant Uses At 680 Development Drive)

**THREE READINGS**

*(Clause (4), Report No. 52)*

**PROPOSED NO. 2004-124**
(Clause (5), Report No. 52)

(City Council Meeting No. 16-2004)

(13) A By-Law To Amend By-Law No. 2003-185 “A By-Law To Authorize Certain Capital Works Of The Corporation Of The City Of Kingston; To Authorize Submitting An Application To The Ontario Municipal Economic Infrastructure Financing Authority (OMEIFA) For Financing Such Capital Works; To Authorize Temporary Borrowing To Meet Expenditures In Connection With Such Works; And To Authorize Long Term Borrowing For Such Works Through The Issue Of Debentures” (Replace Clause (1) In Its Entirety; Amend Schedule “A”). THIRD READING PROPOSED NO. 2004-106
(Clause (1), Report No. 49)

(14) A By-Law To Protect The City’s Highways From Unauthorized Encroachments. THIRD READING PROPOSED NO. 2004-107
(Clause (a), The Committee of the Whole, Meeting No. 15)

(Clause (a), The Committee of the Whole, Meeting No. 15)

(Clause (a), The Committee of the Whole, Meeting No. 15)

(17) A By-Law To Repeal By-Law No. 4624 “A By-Law To Authorize And Regulate Encroachments On Streets (Former City Of Kingston)”. THIRD READING PROPOSED NO. 2004-110
(Clause (a), The Committee of the Whole, Meeting No. 15)
BY-LAWS

(18) A By-Law To Repeal By-Law No. 85-33 “Being A By-Law To Authorize A Certain Encroachment Of A Parking Lot On Bayridge Drive On An Untravelled Part Of The Road Allowance In The Township Of Kingston And To Grant A License Of Occupation Therefore To Dr. R. Gresik Pursuant To Section 310, Paragraph 1 Of The Municipal Act, RSO 1980 (Former Township Of Kingston).”
THIRD READING
(Clause (a), The Committee of the Whole, Meeting No. 15)

PROPOSED NO. 2004-111

(19) A By-Law To Establish The 2004 Tax Ratios.
THIRD READING
(Clause (b), The Committee of the Whole, Meeting No. 15)

PROPOSED NO. 2004-112

(20) A By-Law To Amend By-Law No. 99-166 “A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board” (Appoint Brian Philpott, Rock Garneau, Craig Myers – St. Lawrence College & Eric Leclair – Kingston Norman Rogers Airport; Delete Jacqueline Cormier – St. Lawrence College).
THIRD READING
(Communication No. 15-258)

PROPOSED NO. 2004-113

ADJOURNMENT