TO: Bert Meunier, Chief Administrative Officer

FROM: Denis Leger, Commissioner of Corporate Services

SUBMITTED BY: Gerard Hunt, Manager of Finance
Pat Carrol, Manager of Taxation and Revenue

DATE OF MEETING: 2004-06-01

SUBJECT: 2004 SPECIAL AREA LEVIES AND TAX RATES

RECOMMENDATION TO COUNCIL:

That a by-law to establish the 2004 Special Area Levies and Tax Rates, as follows, be presented and be given three readings.

a) That the 2004 tax rates to raise $736,400 for the 2004 operating budget requirement for the Downtown Kingston Business Improvement Area, be established as follows:

<table>
<thead>
<tr>
<th>Property Class</th>
<th>Assessment</th>
<th>Tax Rate</th>
<th>Amount to be Raised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial (includes Large Office, Shopping Centre, Parking Lot classes)</td>
<td>223,858,865</td>
<td>0.0032171</td>
<td>$ 720,169</td>
</tr>
<tr>
<td>Commercial Excess Land and Commercial Vacant Land</td>
<td>6,578,000</td>
<td>0.0022519</td>
<td>14,813</td>
</tr>
<tr>
<td>Industrial</td>
<td>256,770</td>
<td>0.0055216</td>
<td>1,418</td>
</tr>
<tr>
<td>TOTAL</td>
<td>230,693,635</td>
<td></td>
<td>$ 736,400</td>
</tr>
</tbody>
</table>

b) That the 2004 tax rates to raise $104,509 for the 2004 Capital requirement for the Downtown Redevelopment Area of the Kingston Business Improvement Area, be established as follows:

<table>
<thead>
<tr>
<th>Property Class</th>
<th>Assessed Value</th>
<th>Tax Rate</th>
<th>Amount to be Raised</th>
</tr>
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<tbody>
<tr>
<td>Maximum $5,000 Levy (per B/L 84-101A) 3 properties @ max.</td>
<td>25,253,000</td>
<td>n/a</td>
<td>15,000</td>
</tr>
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<td>Commercial (includes Large Office, Shopping Centre, Parking Lot classes)</td>
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<td>0.0006498</td>
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<td>1,454,000</td>
<td>0.0004549</td>
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<td>Industrial</td>
<td>79,000</td>
<td>0.0011153</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>163,373,915</td>
<td></td>
<td>104,509</td>
</tr>
</tbody>
</table>
c) That a special tax rate for 2004, to defray the costs of diversion to be levied on exempt institutional properties within the City of Kingston, be established as follows:

<table>
<thead>
<tr>
<th>Property Class</th>
<th>Assessed Value</th>
<th>Tax Rate</th>
<th>Amount to be Raised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exempt – Institutional</td>
<td>927,258,175</td>
<td>0.0006492</td>
<td>601,976</td>
</tr>
</tbody>
</table>

**ORIGIN/PURPOSE:**

Pursuant to Section 315 of the Municipal Act, 2001, as amended, municipalities must pass a by-law levying a separate tax rate for special local municipality levies. The City of Kingston has three special area levies requiring separate tax rates, which are in addition to the general municipal levy: Downtown Kingston Business Improvement Area levy for 2004 operating budget, Downtown Redevelopment Levy for certain properties with the Business Improvement Area, and the Exempt Property Special levy for Diversion Costs. These levies will be included in the tax billing for capped classes (commercial, industrial and multi-residential), which is due June 30, 2004. Due to the fact that there is not another Council meeting before the billing deadline, the by-law will require three readings at this time.

**OPTIONS/DISCUSSION:**

**Downtown Kingston Business Improvement Area Levy**

The current BIA was established in 1987 by by-law no. 87-315, which amended previous BIA boundaries, resulting in an enlarged area. The by-law also provided for the levy as a special charge in each year upon the person assessed to pay the operating costs of the improvement, beautification, maintenance and promotion of the area as a business or shopping area.

The Board of Management for the Downtown Kingston Business Improvement Area approved its 2004 budget and submitted its request to the Finance Division for a levy of $736,394. This amount was included in the City of Kingston 2004 Budget, report no. 04-127, which Council approved in April, 2004.

Further, a special redevelopment area was established in 1984, by by-law no. 84-101A, authorizing borrowing of $1,500,000 to be levied as a capital levy, in addition to the operating levy, on certain properties within the BIA. The amount required to be levied for 2004 is $104,509.

**Special Tax Rate for Exempt Properties**

The Solid Waste Task force recommended a number of changes to the solid waste program, which were adopted by Council on December 17, 2002 in report no. C385. Council also approved by-law no. 2003-023 with respect to levying of special rates for the waste management system. Included in the by-law is the provision to impose a special rate sufficient to recover in full the costs for diversion on all property, including institutional property assessed as exempt, within the municipality. Diversion costs under this by-law are not subject to the garbage rebate program. Despite this, the diversion special levy will represent approximately the same net cost that institutions paid under the former levy and rebate programs.
EXISTING POLICY/BY-LAW:

Municipal Act, 2001, as amended
City of Kingston By-law nos. 87-315; 84-101A; 2003-023

LINK TO STRATEGIC PLAN:

No linkage to strategic plan

FINANCIAL CONSIDERATIONS:

The Board of Management of the BIA is responsible for presenting its budget estimates to Council for approval. There is no impact to their budget.

CONTACTS:

Pat Carrol                 Manager of Taxation and Revenue  546-4291 2468
Gerard Hunt               Manager of Finance             546-4291 2205
Doug Ritchie              Director, Downtown Kingston!  542-8677

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Not Applicable

NOTICE PROVISIONS:

Not Applicable

APPENDICES:

Draft by-law – 2004 Special Area Levies and Tax Rates

Denis Leger
Commissioner of Corporate Services

Bert Meunier (Acting)
Chief Administrative Officer
BY-LAW NO. 2004-

A BY-LAW TO ESTABLISH THE 2004 SPECIAL AREA LEVIES AND TAX RATES FOR THE DOWNTOWN KINGSTON BUSINESS IMPROVEMENT AREA LEVY, DOWNTOWN REDEVELOPMENT AREA LEVY AND DIVERSION LEVY

PASSED

WHEREAS By-law No. 87-315 of The Corporation of the City of Kingston, passed December 15, 1987, established a Business Improvement Area in the City of Kingston;

AND WHEREAS By-law No. 83-164 of The Corporation of the City of Kingston, passed June 27, 1983, established a Downtown Redevelopment Area within the Business Improvement Area in the City of Kingston;

AND WHEREAS By-law No. 84-101A of the Corporation of the City of Kingston, passed December 4, 1984, authorized the levy of a special charge of $1,500,000.00, upon persons in the Downtown Redevelopment Area of the City of Kingston;

AND WHEREAS By-law No. 2003-023 of the Corporation of the City of Kingston, passed December 17, 2002, authorized the levy of a special rate to be imposed each year on all property to recover in full the City’s estimated costs of diversion for the year;

AND WHEREAS pursuant to Section 312 (4) of the Municipal Act, 2001 the sums required to be levied by taxation for special local municipality levies are to be levied by separate tax rates on all or part of the assessment in each property class in the local municipality rateable for local municipality purposes;

AND WHEREAS pursuant to Section 312 (6) of the Municipal Act, 2001 the rates must be set so that when they are levied on the applicable assessment rateable for local municipality purposes, an amount equal to the general local municipality or special local municipality levy is raised and that the rates on the different classes of property must be in the same proportion to each other as the tax ratios established under City of Kingston By-law no. 2004-112.

NOW THEREFORE the Council of the Corporation of the City of Kingston enacts as follows:

1. There shall be levied and collected upon the assessable land within the area defined as the Business Improvement Area within the City of Kingston, the sum of $736,400:

<table>
<thead>
<tr>
<th>Property Class</th>
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<td></td>
<td>$ 736,400</td>
</tr>
</tbody>
</table>
2. The sum required to be raised by the levy of special rates upon the assessed value of the land, which rate shall be in addition to other rates for which the same land is and shall be liable, subject to maximum levy of $5,000.00 per property, as prescribed pursuant to By-law No. 84-101A, within the Downtown Redevelopment Area of the Business Improvement area of the Corporation of the City of Kingston, the sum of $104,509 as follows:

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<td>163,373,915</td>
<td></td>
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</table>

3. Whereas the calculated special rate to raise the levy for the costs of waste diversion, which is included in the general municipal levy, for the commercial property class is 0.0006492; this rate shall be applied to the exempt assessment for institutional properties in the City of Kingston to produce a levy of $601,976 as follows:

<table>
<thead>
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<td>$ 601,976</td>
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4. Taxes levied for special area charges as authorized herein shall be levied together with the municipal taxes levied for Commercial, Industrial and Multi-residential property classes for the year 2004, pursuant to City of Kingston By-law No. 2004-121 and shall be collected in a like manner as realty taxes.

5. This By-Law shall come into force and take effect on the date of its passing.

GIVEN ALL THREE READINGS AND PASSED

CITY CLERK  

MAYOR
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: George Wallace, Supervisor - Development Approvals
DATE OF MEETING: June 1, 2004
SUBJECT: Application To Lift Holding ‘-H’ Symbol
Conservatory Pond Subdivision, Phase 2 – Braebury Homes Corporation
Our File No. D28-003-2004

RECOMMENDATION TO COUNCIL:

WHEREAS Braebury Homes Corporation has submitted an application requesting that the ‘-H’ Holding Symbol be lifted from Phase 2 of the “Conservatory Pond” Subdivision located on Part of Lot 5, Concession 1 in Kingston West; 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 returned to the Municipality for registration together with the required final plans and financial security; and
- 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:
RECOMMENDATION TO COUNCIL (Cont’d):

THEREFORE BE IT RESOLVED that it be recommended to the Council of The Corporation of the City of Kingston as follows:

1. That Map 5 of Schedule “A” to Zoning By-Law No. 76-26 of the former Township of Kingston, as amended, be further amended by removing the ‘-H’ Symbol for the lands described as Part of Lot 5, Concession 1, located on the east side of Bayridge Drive, south of Coverdale Drive, so as to rezone the subject lands from the Special Holding Residential Type 3 ‘R3-15-H’ Zone, the Special Holding Residential Type 4 ‘R4-27-H’ Zone, the Special Holding Residential Type 4 ‘R4-28-H’ Zone and the Special Holding General Commercial ‘C2-50-H’ Zone to the Special Residential Type 3 ‘R3-15’ Zone, the Special Residential Type 4 ‘R4-27’ Zone, the Special Residential Type 4 ‘R4-28’ Zone and the Special General Commercial ‘C2-50’ Zone, which lands are shown as “Lands Subject to ‘-H’ Removal” on Schedule “A” attached hereto.

[A Draft of the Amending Zoning By-Law is appended to this report for Council’s review and consideration (Appendix No. 1)].

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

ORIGIN/PURPOSE:

This matter originates in an application submitted by Braebury Homes Corporation for removal of an ‘-H’ Holding Symbol from Phase 2 of the “Conservatory Pond” Subdivision located in Part of Lot 5, Concession 1 in Kingston West. The purpose of this report is to assess the merits of the request and to make a recommendation to Council respecting removal of the ‘-H’ Holding Symbol.

OPTIONS / DISCUSSION:

(a) Site Location and Description:
Phase 2 of the “Conservatory Pond” Subdivision (Braebury Homes Corporation – Owner) is located on the east side of Bayridge Drive, south of Coverdale Drive in Kingston West (See copy of Key Map attached hereto). The subject property comprises a total of approximately 16.4 hectares (40.5 acres) of vacant land. The Owner is proposing to develop these lands as a residential subdivision containing 151 single detached lots, one (1) commercial block (Block 154), one (1) block for a seniors / retirement home (Block 153), two (2) public parkland / walkway blocks, and three (3) private open space blocks.

The lands to the south comprise Phase 1 of the “Conservatory Pond” Subdivision (Registered Plan 13M-22) which is under construction. A Site Plan Control Application has been submitted for Block 153 (Alert Care Residence). Block 154 (commercial site) will also require Site Plan Control Approval prior to development proceeding on that Block.
OPTIONS / DISCUSSION (Cont'd):

(a) Site Location and Description (Cont'd):

Surrounding land uses are as follows:
- to the east is low density residential development and vacant commercial lands;
- to the south is low density residential development and Norman Rogers Airport;
- to the west is low density residential development; and
- to the north is commercial development, the main line of Canadian National Railway and low density residential development.

(b) Background:

The City of Kingston issued Draft Plan Approval for the entire “Conservatory Pond” Subdivision (Our File No. D12-17-98), subject to conditions, on March 9, 1999. The Draft Plan Approval was subject to a total of 25 conditions.

An application for amendments to Zoning By-Law No. 76-26 to implement the approved Draft Plan of Subdivision was approved by City Council on February 9, 1999. Amending Zoning By-Law No. 99-66 was given all three readings on that date.

Final Approval for Phase 1 of the “Conservatory Pond” Subdivision was issued by City Council on February 22, 2000. The Plan was Registered as Plan 13M-22 and the Subdivision Agreement was registered on title May 31, 2000 as Instrument No. LT024707.

On March 19, 2002, the City of Kingston issued a Notice of Change to the Conditions of Draft Plan Approval. The approved changes revised the March 9, 1999 Draft Plan Conditions and introduced 12 new Conditions and 6 Notes to Draft Plan Approval. The key changes to the draft plan were the retention of the quarry pond as private open space and the replacement of two proposed apartment blocks with an additional street and lots for single detached dwellings.

Final approval for this subdivision was granted by the Manager of the Planning Division on May 21, 2004. As part of the Final Approval process, it has been confirmed that all conditions of Draft Plan Approval have been fulfilled. The Plan and Subdivision Agreement have been executed by the applicant and have been forwarded to the Legal Division for execution by the City and registration. A Site Plan Control Agreement is pending for Block 153 (Alert Care) and Site Plan Control Approval will also be required for Block 154 (commercial lands) prior to development proceeding. The Site Plan Control approval process for Blocks 153 and 154 will provide an additional opportunity for detailed review of the development plans to ensure that all Municipal requirements have been or will be addressed.

(c) Procedural Information:

Zoning By-Laws to remove ‘-H’ Holding Symbols are typically technical in nature as the planning issues related to the use of the ‘-H’ Symbol and the conditions for its removal have been established as part of the initial rezoning process. Also, any technical issues and required clearance letters are generally addressed through the review and approval of the
OPTIONS/DISCUSSION (Cont’d):

(c) **Procedural Information (Cont’d):**

final engineering plans and the conditions established by Council and contained within the Subdivision Agreement. Pursuant to Council’s adopted procedures (Clause 5, Report No. 7, Meeting No. 2, held on 1998-12-5), reports dealing with applications for removal of an ‘-H’ Symbol are referred directly to City Council by Staff. This process was instituted as a customer service initiative to reduce the processing time for applications and in recognition of the fact that the conditions for such removal have already been clearly established by the Planning Committee and Council. This direct process was determined to be more efficient given the fact that such applications are generally submitted towards the end of the planning process when timing may be critical to the developer.

(d) **Analysis:**

The Owner is requesting that the ‘-H’ Holding Symbol be removed from Phase 2 of the “Conservatory Pond” Subdivision located on Part of Lot 5, Concession 1 to permit the development of 151 lots for single detached dwellings, one block for a seniors/retirement complex and one commercial block.

The conditions for removal of the ‘-H’ Holding Symbol have been fulfilled by the Owner as follows:

1. All necessary Agency and/or Municipal clearance letters for the subdivision have been received.

2. Confirmation has been received from Utilities Kingston that there is sufficient sewage capacity to service the proposed Subdivision.

3. The Subdivision Agreement has been executed by the Owner and returned to the Municipality for registration at the same time as the Final Subdivision Plan. The Owner has submitted the necessary financial securities, certificate of insurance and Final Plans required by the Subdivision Agreement. All Municipal and Agency requirements are contained within the conditions comprising the Subdivision Agreement or are detailed on the approved engineering plans appended to the Agreement.

4. The Owner has submitted the appropriate application to amend By-Law No. 8499 so as to remove the ‘-H’ Symbol for the subject lands. This amendment has been processed in accordance with the Notice Regulations of the Planning Act.

(e) **Conclusion:**

The intent of the ‘-H’ Holding Symbol on the subject property was to restrict development until such time as all necessary Municipal and agency requirements have been fulfilled and all necessary agreements had been registered on title. Based on the foregoing analysis, it would appear that the Owner is now in a position to fulfill the requirements for the removal of the ‘-H’ Holding Symbol. Therefore, it would now be appropriate that it be recommended to City Council that the Zoning By-Law be amended to remove the ‘-H’ Holding Symbol for Phase 2 of the “Conservatory Pond” Subdivision.
EXISTING POLICY/BY-LAW:
The proposed use for the property complies with the policies of both the Official Plan and the requirements of the Zoning By-Law.

LINK TO STRATEGIC PLAN:
The Strategic Plan supports and promotes responsible new development that can better the lives of the citizens of Kingston.

FINANCIAL CONSIDERATIONS:
None

CONTACTS:
Further information with respect to this application and the contents of this Report can be obtained by contacting:

- George T. Wallace, Supervisor, Development Approvals (384-1770, extension 3252); or
- Bianca Bielski, Manager, Planning Division (384-1770, extension 3250).

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
The request for removal of the ‘-H’ Symbol was circulated to the following Departments, all of which confirmed no objection to the approval of the Application:

- Utilities Kingston (Erika Sorensen / Sarah Jarvis);
- Engineering Division (Peter Huigenbos);
- Fire and Rescue (Robb Kidd);
- Building Division (Jeff Gurnsey); and
- Cataraqui Region Conservation Authority (Rob McRae, Resource Planner).

NOTICE PROVISIONS:
This amendment has been processed in accordance with the Notice Regulations of the Planning Act. These regulations require that a Notice of Council’s intent to pass an amending By-Law to remove an ‘-H’ Symbol be provided by an advertisement in a newspaper with sufficient general circulation or by first class mail to the Owner and any person or agency specifically requesting such notice. In this instance, Notice was provided by first class mail to the Owner.

APPENDICES:
The following appendices are attached to and form part of this Report:

Appendix No. 1  – Draft Amending Zoning By-Law.
<table>
<thead>
<tr>
<th>Terry Willing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acting Commissioner, Planning and Development Services</td>
</tr>
<tr>
<td>Bert Meunier</td>
</tr>
<tr>
<td>Chief Administrative Officer</td>
</tr>
</tbody>
</table>

K:\D28_Holdings Removal\003-2004_Bayridge Drive & Coverdale Drive\Council Report 04-217_Conservatory Pond Subdivision.doc
THE CORPORATION
OF THE
CITY OF KINGSTON

DRAFT ZONING BY-LAW TO
AMEND BY-LAW NO. 76-26 ("H' REMOVAL)
IN THE FORMER TOWNSHIP OF KINGSTON

Braebury Homes Corporation
Part of Lot 5, Concession 1
"Conservatory Pond" Subdivision, Phase 2

File No. D28-003-2004
Drafted: May, 2004

The Corporation of the City of Kingston
Planning and Development Services
Planning Division
216 Ontario Street,
Kingston, Ontario
K7L 2Z3

PASSED: ,2004

WHEREAS By-Law No. 76-26 for the former Township of Kingston established Holding (‘-H’) provisions related to the ‘R3-15-H’, ‘R4-27-H’, ‘R4-28-H’ and ‘C2-50-H’ Zones, so that development would not be allowed to proceed until such time as all necessary Municipal and Agency requirements had been fulfilled and all necessary Agreements had been executed; and

WHEREAS the applicant (Braebury Homes Corporation) is now requesting that the ‘-H’ Holding Symbol be lifted, and has submitted an application to amend By-Law No. 76-26 so as to remove the ‘-H’ Holding Symbol; and

WHEREAS the Owner has complied with the conditions for the removal of the ‘-H’ Symbol as follows:

- all necessary Agency clearance letters for the subdivision have been submitted to the Municipality;
- confirmation has been received of adequate sewage capacity to service the proposed Subdivision;
- all Municipal requirements are contained within the Subdivision Agreement and / or Site Plan Control Agreement and are shown on the approved engineering plans;
- the Subdivision Agreement has been executed by the Owner and returned to the Municipality for registration together with the required financial security; and
- the Owner has submitted, for the Municipality’s consideration, the appropriate application for an amendment to the Zoning By-Law to remove the ‘H’ Symbol; and

WHEREAS the Council of The Corporation of the City of Kingston now deems it advisable to amend Zoning By-Law No. 76-26, so as to remove the said ‘-H’ Holding Symbol from the property located on Part of Lot 5, Concession 1, and allow the development of Phase 2 of the “Conservatory Pond” Subdivision to proceed:

NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of the City of Kingston hereby ENACTS as follows:

1. That the lands described as “Lands Subject to ‘H’ Removal” and shown on Schedule “A” attached hereto are the lands affected by this By-Law.
2. That Map 5 to Schedule "A" to Zoning By-Law No. 76-26 of the former Township of Kingston, as amended, be further amended by removing the '-H' Symbol for the lands described as Part of Lot 5, Concession 1, located on the east side of Bayridge Drive south of Coverdale Drive, so as to rezone the subject lands from the Special Holding Residential Type 3 'R3-15-H' Zone, the Special Holding Residential Type 4 'R4-27-H' Zone, the Special Holding Residential Type 4 'R4-28-H' Zone and the Special Holding General Commercial 'C2-50-H' Zone to the Special Residential Type 3 'R3-15' Zone, the Special Residential Type 4 'R4-27' Zone, the Special Residential Type 4 'R4-28' Zone and the Special General Commercial 'C2-50' Zone, which lands are shown as “Lands Subject to H Removal” on Schedule “A” attached hereto.

3. This By-Law shall come into force and take effect on the date of its passing.

GIVEN ALL THREE READINGS AND FINALLY PASSED ON THE ___ day of __________, 2004.

_________________________  _________________________
Mayor, Harvey Rosen        City Clerk, Carolyn Downs
Schedule 'A' to By-law No.

Applicant: Braebury Homes Corporation
File No.: D28-003-2004
Address: Bayridge Drive and Coverdale Drive
Plan No.: RP 13R15215 PT PART 1
Lot/Conc.: CON 1 PT LOT 5
Roll No.: 101108004016000

Scale:

Legend:
- Zone Change - Lands Subject to H Removal

This map is not to be used for precise scaling.

Certificate of Authentication

This is Schedule 'A' to By-law No.__________
passed this _______ day of ____________ 20__

Mayor
Clerk

Date: April 29, 2004
Prepared by: L. Fillce