ORDERS OF THE DAY

Roll Call .............................................................................................................3
Committee of the Whole “In Camera” ...............................................................3
Disclosure of Pecuniary Interest ........................................................................3
Presentations.......................................................................................................3
Delegations.........................................................................................................3
Petitions..............................................................................................................3
Motions of Congratulations/Condolence/Speedy Recovery.........................4
Report No. 80 of the CAO (Consent) ............................................................... 4-10
   a) Garbage Bag Limits – By-Law Amendments (04-376), schedule pages 1-4
   b) Temporary Conversion of Metered Parking to Disabled Permit Parking – George Street (04-377), schedule pages 5-8
   c) Temporary Street Closure – United Way Government Day Barbeque (04-374), schedule pages 9-12
   d) Temporary Street Closure – Chilifest (04-365), schedule pages 13-16
   e) Temporary Street Closure – Easter Seal Beach Volleyball Tournament (04-364), schedule pages 17-20
   f) Temporary Street Closure – Queen’s Alma Mater Society Outdoor Homecoming Event (04-363), schedule pages 21-24
   g) Counter Street/Elliott Avenue Renaming (04-362), schedule pages 25-30
   h) Household Hazardous Waste Contract Extensions (04-369), schedule pages 31-32
   i) Agreement with Kincore Holdings Ltd. – Parking Space at Angrove Lot (04-373), schedule pages 33-34
   l) Joint Emergency Preparedness Program (JEPP) Funding Application (04-375), schedule pages 40-41
   m) Emerald Adult Community Association – Temporary Access Road – King’s Landing Subdivision (04-367), schedule pages 42-48
   n) Request for Proposal CORP-FIN-2004-8 – Supply of Furnace Oil (04-341), schedule pages 49-51
   o) Amendment to Lease Agreement – Central Airways Corp. (04-379), schedule pages 52-54
ORDERS OF THE DAY

Report No. 81 of the Chief Administrative Officer (Recommend) ..................11
1) Assessment Review Contract (04-359), schedule pages 55-57
2) Equipment Requirements for 911 PERS (04-380), schedule pages 58-60

Report No. 82 of the Planning Committee ................................................ 12-29

Report No. 83 of the Kingston Municipal Heritage Committee ............. 30-31

Report No. 84 of the Municipal Accessibility Advisory Committee ........ 32

Information Reports .......................................................................................33

Miscellaneous Business ..................................................................................33

Motions ...........................................................................................................33

Notices of Motion ..........................................................................................33

Minutes ............................................................................................................33

Tabling of Documents ...................................................................................34

Communications ............................................................................................34-35

By-Laws .........................................................................................................36-39

Adjournment ..................................................................................................39
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

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

DISCLOSURE OF PECUNIARY INTEREST

PRESENTATIONS

(1) Don Coulter will speak to Council concerning the Acquisition and Development of the Former K&P trailway as a linear park.
   (File No. CSU-C13-000-2004)

DELEGATIONS

(X) Richard Bourdreau, Chair of the Municipal Accessibility Advisory Committee, will present the 2004 Accessibility Year 2 Plan.
   (File No. CSU-C13-000-2004)
   (See Clause (1), Report No. 84)

PETITIONS
MOTIONS OF CONGRATULATIONS/CONDOLENCE/SPEEDY RECOVERY

Motions of Congratulations, Sympathy, Condolences and Speedy Recovery are presented in order of category as one group and voted on as one motion.

(1) Motions of Condolence

(a) Moved by Councillor Beavis
Seconded by Councillor Stoparczyk

THAT the condolences of Kingston City Council be extended to Silas McDonald, Underground Construction Personnel with Utilities Kingston, and family on the death of his mother, the late Norma Andrews.

(b) Moved by Mayor Rosen
Seconded by Councillor Stoparczyk

THAT the condolences of Kingston City Council be extended to Charmaine Burrows, Executive Assistant to the Chief Administrative Officer, and family; and Wayne Freeman, Supervisor, Parks & Greenspace, and family on the death of their mother, the late Inez Freeman
(File No. CSU-M11-000-2004)

REPORTS

REPORT NO. 80 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 80

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) THAT by-laws be presented to City Council for three readings to amend By-Law No. 181 “A By-Law To Provide For The Collection, Removal And Disposal Of Garbage, Ashes And Other Refuse” and By-Law No. 95-55 “A By-Law To Regulate The Collection, Removal And Disposal Of Garbage And To Prohibit The Throwing, Placing, Or Depositing Of Garbage On Property Within The Township Of Kingston” as they pertain to bag limits for garbage collection.
(File No. CSU-E07-000-2004)
(See By-Law No. (1), 2004-298; By-Law No. (2), 2004-299)
(The Report of the Commissioner of Operations (04-376) is attached as Schedule Pages 1-4)
REPORTS
REPORT NO. 80 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(b) THAT a by-law be presented to amend By-Law No. 495 “A By-Law To Provide For A Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters”; By-Law No. 81-218 “A By-Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying A Disabled Person From The Provisions Of By-Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston”; and By-Law No. 24, Section 19(2) “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act” to provide for the removal of metered parking spaces on the east side of George Street and establishing them as disabled permit parking, as follows:

**By-Law No. 495, Schedule 1(A) – Meters:**

Delete:
- George Street East Side from Stuart Street southerly 122.3 metres

Add:
- George Street East Side from 6 metres north of O’Kill Street northerly 24.0 metres
- George Street East side from 39.5 metres north of O’Kill Street northerly 18.0 metres
- George Street East side from Stuart Street southerly 52.7 metres

Notwithstanding By-Law No. 495, Schedule 1(A), as amended, parking is reserved for Cancer Research Institute patients with a disabled permit on George Street as listed in By-Law No. 81-218, as amended.

**By-Law No. 81-218, Schedule A, Section 2(b) – Disabled Parking:**

Add:
- George Street East side from 6 metres north of O’Kill Street northerly 24.0 metres
- George Street East side from 39.5 metres north of O’Kill Street northerly 18.0 metres

for the period of time when signage is in place.

**By-Law No. 24, Section 19(2) – Queen’s Permit Parking:**

Add:
- George Street East side from 6 metres north of O’Kill Street northerly 24.0 metres
- George Street East side from 39.5 metres north of O’Kill Street northerly 18.0 metres

for the period of time when signage is in place.

(File No. CSU-T02-000-2004)

(See By-Law No. (3), 2004-300; By-Law No. (4), 2004-301; By-Law No. (5), 2004-302)

(The Report of the Commissioner of Operations (04-377) is attached as Schedule Pages 5-8)
REPORTS

REPORT NO. 80 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(c) THAT a by-law be presented to City Council for three readings to authorize the temporary closing of a portion of Ontario Street between Brock Street and Market Street on Wednesday, October 6, 2004, from 10:00 am to 1:30 pm for community purposes (United Way Government Day Barbeque), on the understanding that:

- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- The applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage.

(File No. CSU-T08-000-2004)
(See By-Law No. (6), 2004-303)
(The Report of the Acting Commissioner of Planning & Development (04-374) is attached as Schedule Pages 9-12)

(d) THAT a by-law be presented to City Council for three readings to authorize the temporary closing of a portion of Ontario Street between Brock Street and Market Street on Saturday, October 2, 2004, from 8:00 am to 6:00 pm; and a portion of Clarence Street from Ontario Street easterly to the end on Saturday, October 2, 2004 from 8:00 am to 6:00 pm for community purposes (Chilifest), on the understanding that:

- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- The applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage.
- The applicant agrees to take out sufficient public liability property damage insurance in the amount of $2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston, and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.

(File No. CSU-T08-000-2004)
(See By-Law No. (7), 2004-304)
(The Report of the Acting Commissioner of Planning & Development (04-365) is attached as Schedule Pages 13-16)
REPORTS

REPORT NO. 80 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(e) THAT a by-law be presented to City Council for **three readings** to provide for the temporary closure of Ontario Street from Brock Street to Market Street on Sunday, October 3, 2004 from 7:00 am to 10:00 pm for community purposes (Easter Seal Beach Volleyball Tournament), subject to the following conditions:

- That the applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- That the applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage.
- That the applicant agrees to take out sufficient public liability property damage insurance in the amount of $2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston, and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as an additional insured on the policy and the applicant shall provide the City of Kingston with an insurance certificate as proof of coverage.

(File No. CSU-T08-000-2004)
(See By-Law No. (8), 2004-305)
(The Report of the Acting Commissioner of Planning & Development (04-364) is attached as Schedule Pages 17-20)

(f) THAT a by-law be presented to grant permission to the Alma Mater Society of Queen’s University to temporarily close a portion of University Avenue from Union Street to Clergy Street, Saturday, October 23, 2004, from 8:00 am to Sunday October 24 at 9:00 am, for community purposes (Queen’s Alma Mater Society Outdoor Homecoming Event), on the understanding:

- That the applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- That the applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage.
- That the applicant agrees to take out sufficient public liability property damage insurance in the amount of $2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston, and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.

(File No. CSU-T08-000-2004)
(See By-Law No. (9), 2004-306)
(The Report of the Acting Commissioner of Planning & Development (04-363) is attached as Schedule Pages 21-24)
REPORT NO. 80 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(g) WHEREAS Council approved a renaming of a portion of Elliott Avenue and Counter Street to John Counter Boulevard; and

WHEREAS it is also necessary for the numbering to coincide with the municipal civic addressing by-law and as instructed by Council at its meeting of August 17, 2004;

THEREFORE BE IT RESOLVED that Council approve and give final reading to the renaming of that portion of Elliott Avenue and Counter Street to John Counter Boulevard;

–and further–

BE IT RESOLVED THAT the civic addressing ranges be endorsed by Council for John Counter Boulevard from the west bank of the Great Cataraqui River to the Division Street intersection, and that each of the civic numbers on what is currently known as Counter Street have the number 1000 added to them, as shown in the attached schedule A to Report No. 04-362.

(File No. CSU-D20-000-2004)

(See By-Law No. (21), 2004-244)

(The Report of the Acting Commissioner of Planning & Development (04-362) is attached as Schedule Pages 25-30)

(h) THAT the contract with Brendar Environmental Inc. for provision of operations services at the Household Hazardous Waste facility be extended through 2005 with a 3% increase and include an extension for 2006 with a 0% increase at the sole option of the City, and;

THAT the contract with Buckham Transport Ltd. for provision of waste disposal services for the Household Hazardous Waste facility be extended through 2005 with a 2% increase and include an extension for 2006 with a 0% increase at the sole option of the City;

–and further–

THAT both be subject to the satisfaction of the Director of Legal Services.

(File No. CSU-L04-000-2004)

(The Report of the Commissioner of Operations (04-369) is attached as Schedule Pages 31-32)

(i) THAT Council authorize staff to renew the agreement with Kincore Holdings Ltd., satisfactory to the City Solicitor, for the lease of the parking space at the Angrove Parking Lot at the entrance to Kincore’s building at 80 Queen St. The lease amount is that charged for monthly pass holders in the Angrove Parking Lot.

(File No. CSU-L04-000-2004)

(The Report of the Commissioner of Operations (04-373) is attached as Schedule Pages 33-34)
REPORT NO. 80 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(j) THAT the tender of Dibblee Construction Limited for Contract 2004-20W CNR Crossing Upgrades at Various Locations, in the amount of $511,000.00, be accepted, it being the lowest tender received. This contract consists of upgrades to CNR crossings in various locations including:
- Road reconstruction of Collins Bay Road from Bath Road to Edwin Street
- Construction of a multi-use asphalt walkway across CN track at 1792 Bath Road (across from Frontenac Secondary School)
- CN crossing upgrades at Best Chase Road

(File No. CSU-F18-003-2004)
(The Report of the Acting Commissioner of Planning & Development (04-370) is attached as Schedule Pages 35-36)

(k) WHEREAS a blanket easement was registered over Part 1, 13R-11516 for the purpose of maintaining a drainage outlet adjacent to Plan 13M-23, and;
WHEREAS the blanket easement is no longer required;
THEREFORE BE IT RESOLVED THAT Council authorize the Director of Legal Services to release and abandon the blanket easement registered as instrument #LT024508, covering all of Part 1 on 13R-11516, save and except Registered Plan 1975, Plan 13M-5, and the lands of this subdivision, which is described as 13M-23. All other easements associated with this instrument number are to remain in effect.
(File No. CSU-D15-000-2004)
(The Report of the Acting Commissioner of Planning & Development (04-366) is attached as Schedule Pages 37-39)

(l) WHEREAS the Emergency Management Act (2003) requires all municipalities to conduct an annual emergency exercise, and;
WHEREAS applications can be made to the federal/provincial Joint Emergency Preparedness Program (JEPP) to apply for cost-sharing consideration for the costs of designing and administering an emergency tabletop exercise, and;
WHEREAS staff recommends that a 2005/2006 Joint Emergency Preparedness Program (JEPP) funding application be prepared requesting reimbursement consideration (up to $5,000 maximum) for approved costs towards the City of Kingston’s 2005 emergency exercise;
THEREFORE IT BE RESOLVED THAT Council authorize the Mayor and Clerk to sign the 2005/2006 Joint Emergency Preparedness Program (JEPP) funding application in a form satisfactory to the City Solicitor, as recommended by the Commissioner of Community Services, in a report dated September 21, 2004 (04-375).
(File No. CSU-P03-000-2004)
(The Report of the Commissioner of Community Services (04-375) is attached as Schedule Pages 40-41)
REPORT NO. 80 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(m)  **WHEREAS** the Emerald Adult Community Association submitted a petition to Council on August 17, 2004, and;

**WHEREAS** Council directed staff to investigate the closure of the access road from Centennial Drive to Emerald Street as described as Block 102 on plan 13M-18 and report back at the September 21, 2004 Council meeting, and;

**WHEREAS** the temporary access must remain in place to provide emergency vehicle access to the residents of King’s Landing Subdivision Phase 1, 13M-18;

**THEREFORE BE IT RESOLVED THAT** Council direct staff to construct removable barricades or chains at each end of the temporary access road over Block 102 on Plan 13M-18 to allow access for pedestrians, cyclists and emergency vehicles only. The barricades will be removed each winter season from December 1 to March 31 to allow access for City snow ploughs.

(File No. CSU-T05-000-2004)

(The Report of the Acting Commissioner of Planning & Development Services (04-367) is attached as Schedule Pages 42-48)

(n)  **THAT** Request for Proposal (RFP), CORP-FIN-2004-8, for the supply of furnace oil be awarded to Triheat Anglin Energy Supply Company, having submitted the highest scoring proposal based on the evaluation criteria provided.

(File No. CSU-F18-000-2004)

(The Report of the Commissioner of Corporate Services (04-341) is attached as Schedule Pages 49-51)

(o)  **THAT** Council approve a lease amendment to Clause 1 in the Lease Agreement dated the 1st day of December, 1993, between The Corporation of the City of Kingston and Central Airways Corp., for the use of Rooms 109 and 128, plus Counter and Queuing Areas in the Air Terminal Building, at the Kingston (Norman Rogers) Airport as follows:

(1)  The City hereby leases to the Company certain space in the City’s Air Terminal Building. The City hereby allows the Company to occupy, rent free, in the Terminal Building:

   (a)  A check-in counter; (with an area of 8.95m² for passenger service and 1.84m² for cargo service) queuing areas; (with an area of 4.75m² for passenger service and 0.98m² for cargo service).

   (b)  A single (Room 109) office; (with an area of 9.76m²) plus a storage (Room 128) area (with an area of 4.24m²).

   (c)  The use of one-half (14.46m²) of the area of the Baggage Room 107 and one-half (4.35m²) of the Cargo Room 108; it being understood that rent for all areas will be negotiated upon right of renewal as per Clause 3.

   to permit the Company to operate as an airline handling agent, using, on a non-exclusive basis, the facilities and areas to be provided for passenger, freight, and baggage processing;

   –and further–

   **THAT** the terms of the lease amendment shall be in a form satisfactory to City Solicitor;

   –and further–

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

(File No. CSU-L04-000-2004)

(The Report of the Commissioner of Operations (04-379) is attached as Schedule Pages 52-54)
REPORTS (CONTINUED)

REPORT NO. 81 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

Report No. 81

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) THAT Council authorize the appointment of Greenall Ventures Inc. to undertake a review of the property tax classifications returned on the 2004 assessment roll and that staff negotiate a satisfactory compensation rate, stated as a percentage of resulting incremental municipal taxation revenues;

–and further–

THAT the Mayor and City Clerk be authorize to sign an agreement with Greenall Ventures Inc. on behalf of the corporation, in a form satisfactory to the Director of Legal Services.

(File No. CSU-F22-000-2004; CSU-L04-000-2004)

(The Report of the Commissioner of Corporate Services (04-359) is attached as Schedule Pages 55-57)

(2) WHEREAS Council has endorsed the implementation of the 9-1-1 PERS system for the City and all of its residents, and;

WHEREAS staff has been working with Bell Canada to accomplish the work necessary for the enhancement to our 9-1-1 system, and;

WHEREAS it has come to the attention of staff that additional equipment is required at the Fire and Rescue Services building to accommodate a backup system and that the current capital budget allocation would be insufficient to allow to proceed with the purchase;

THEREFORE BE IT RESOLVED THAT Council authorize an additional capital expenditure of $70,000.00 to purchase, program and install the necessary equipment, with financing to be from the Municipal Capital Reserve Fund;

–and further–

BE IT RESOLVED THAT the Mitel system and related implementation costs be purchased from and provided by Southeastern Telecommunications, the City’s current provider of telecommunications equipment and support, as a single source provider under the terms of the City’s Purchasing By-Law.

(File No. CSU-A12-000-2004)

(The Report of the Acting Commissioner of Planning & Development Services (04-380) is attached as Schedule Pages 58-60)
REPORTS (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

City Council Meeting No. 24-2004
Agenda
September 21, 2004

REPORTS (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

Report No. 82

To the Mayor and Members of Council:
The Planning Committee reports and recommends as follows:

1. WHEREAS an application has been submitted by McKercher Holdings Inc. with respect to the property located at 2722-2754 Princess Street, in the former Township of Kingston, requesting that the existing Special General Commercial “C2-24” Zone and Holding Special General Commercial “C2-24-H” Zone be changed to a Special General Commercial “C2-60” Zone, and;

WHEREAS public meetings were held on May 13, 2004 and September 9, 2004;

THEREFORE BE IT RESOLVED THAT the application for Zoning By-Law Amendment (Our File no. D14-010-2004) submitted by McKercher Holdings Inc. for the property located at 2722-2754 Princess Street, BE APPROVED.

–and further–

BE IT RESOLVED THAT the former Township of Kingston Zoning By-Law No. 76-26 be amended as follows:

– Amend Zone Map No. 3 of Schedule “A” to Zoning By-Law No. 76-26, as amended, by changing the zone symbol of the subject site from “C2-24” and “C2-24-H” to “C2-60”.

– Add the following new Section 19(3)(bh) immediately after Section 19(3)(bg):

“(bh) C2-60
Notwithstanding the provisions of Section 5 (16)(a) to the contrary, the lands designated “C2-60” shall have a minimum parking space requirement for “Department Store” use of 1.7 parking spaces per 100 square metres of Gross Leaseable Area.”

–and further–

BE IT RESOLVED THAT the by-law be presented for three readings.
(See By-Law No. (10), 2004-307)

2. WHEREAS an application has been submitted by W. & H. Treleaven with respect to the property located at 273 Main Street (Marks House) in the former Township of Pittsburgh, to amend the Zoning By-Law for the former Township of Pittsburgh (By-Law No. 32-74), as it affects a 0.4 hectare parcel of land occupied by a heritage dwelling, from a “R1” Zone to a “R1-46” and a “R1-47” Zone in order to permit the creation of two new lots, construct two new single-detached houses and retain a heritage building, and;

WHEREAS a Public Meeting was held respecting this application on July 8, 2004, pursuant to the requirements of the Planning Act;

THEREFORE BE IT RESOLVED THAT the application for Zoning By-Law Amendment (Our File No. D14-158-02) submitted by W. & H. Treleaven for the property located at 273 Main Street (Marks House), BE APPROVED;

–and further–

BE IT RESOLVED THAT Zoning By-Law No. 32-74 of the former Township of Pittsburgh be amended so as to:

(1) Amend Zoning Schedule “A” of Zoning By-Law No. 32-74, by changing the zone symbol to “R1-46-H” of the lands shown as “Zone Change from “R1 to R1-46-H”; in addition to the provisions of Section 5(24)(iii) regarding the removal of the “-H” symbol, an archaeological assessment shall be submitted and implemented to the satisfaction of the City prior to the removal of the “-H” symbol.
(2) Amend Zoning Schedule “A” of Zoning By-Law No. 32-74, is hereby further amended by changing the zone symbol to “R1-47-H: of the lands shown as “Zone Change from “R1 to R1-47-H”; in addition to the provisions of Section 5(24)(iii) regarding the removal of the “-H” symbol, an archaeological assessment shall be submitted and implemented to the satisfaction of the City prior to the removal of the “-H” symbol.

(3) Add the following clause (tt) to Section 9(3), following clause (ss):

“(tt) Special Requirements (R1-46) Pt. Lot "B", Barriefield:

Notwithstanding any provisions of Sections 9(1)(a) and 9(2) hereof to the contrary, the lands designated “R1-46” shall be used for no purpose other than a single-family dwelling house, in accordance with the following provisions:

(a) Lot Area (minimum) 670 square metres
(b) Lot Frontage (minimum) 30 metres
(c) Front Yard Depth (minimum) 1.2 metres
(d) Exterior Side Yard Width (minimum) 1.2 metres
(e) Interior Side Yard Width (minima):
   (i) In the case of only one such yard 3.9 metres
   (ii) In the case of more than one such yard 1.2 metres on one side and 3.9 metres on any other side provided that on that side where there is an attached private garage with no living space above, below, in front or behind, the minimum interior side yard width may be reduced from 3.9 metres to 1.2 metres.
(f) Rear Yard Depth (minimum) 10.0 metres
(g) Water Setback (minimum) 15.0 metres
(h) Setback (minimum) 6.0 metres plus the minimum required front yard depth.
(i) Yards for accessory buildings and structures/location of accessory buildings and structures:
   (i) No accessory building or structure shall be located:
      (a) Within 30 metres of the high water mark
      (b) Within 1.2 metres of any interior side lot line
      (c) Within 1.2 metres of any exterior side lot line
      (d) Within any front yard
   (ii) No detached accessory building or structure shall be located closer than 1.2 metres to a main building.
REPORTS (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

(j) The provisions of Section 5(1)(c)(iv) shall not apply.

(k) Lot Coverage:
   (i) Exclusive of accessory buildings and structures, with or without dwelling space below or above, steps, unenclosed porches, verandas, balconies, decks, and patios (maximum) – 400 square metres.
   (ii) Accessory buildings and structures, (maximum) – 28 square metres
   (iii) Steps; unenclosed porches; verandas; balconies; and decks and patios more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum) – in rear yard (maximum) – 22.5 square metres
   (iv) Decks and patios less than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum) – 45 square metres

(l) Height of Buildings (maximum): 10 metres
For the purposes of this zone, "height" shall mean highest point of any structure exclusive of any accessory roof construction such as a chimney.

(m) Dwelling Houses per Lot (maximum) 1 only

(n) Location of Driveway:
Nothing shall prevent the location of a driveway within a required interior side yard, provided that no driveway is located within 0.5 metres of a side lot line. No driveway shall be located within a required exterior side yard or a required rear yard. A driveway within a front yard shall be located not less than 1.2 metres from an exterior side lot line and not less than 0.5 metres form an interior side lot line.

(o) Access/Width of Driveway (maximum) 3.0 metres

(p) Number of driveways 1 only

(q) Number of parking spaces per dwelling unit (minimum) 2

(r) Width of Parking Space (minimum) 3.0 metres

(s) Length of Parking Space (minimum) 6.0 metres

(t) Area of Parking Space (minimum) 18.0 square metres

(u) Location of Parking Spaces:
All yards, except a required rear yard or required front yard, provided that no part of any parking area is located closer than 1.2 metres to an interior side lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.

(v) Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.
(REPORTS (CONTINUED))

(REPORT NO. 82 OF THE PLANNING COMMITTEE)

(w) Yard Encroachments:
The provisions of Section 5(23)(b) shall not apply, except that steps may project into any required rear yard a maximum distance of 1.5 metres and into any other required yard a maximum distance of 0.5 metres. The provisions of Section 5(23)(c) shall not apply, except that a deck or patio with no roof structure not more than 0.6 metres above the lowest ground level adjacent to the deck or patio and covering not more than 18 square metres of a required rear yard may project into a required rear yard not more than 5.5 metres.

(x) Minimum Elevation:
No dwelling house shall be erected with a floor elevation below 76.6 metres (Canadian Geodetic Datum)."

(4) Add the following clause (uu) to Section 9(3), following clause (tt):

"(uu) Special Requirements (‘R1-47’) Pt. Lot "B", Barriefield:
Notwithstanding any provisions of Sections 9(1)(a) and 9(2) hereof to the contrary, the lands designated “R1-47” shall be used for no purpose other than a single-family dwelling house, in accordance with the following provisions:

(a) Lot Area (minimum) 670 square metres
(b) Lot Frontage (minimum) 9 metres
(c) Front Yard Depth (minimum) 30.5 metres
(d) Exterior Side Yard Width (minimum) 1.2 metres
(e) Interior Side Yard Width (minima):
   (i) In the case of only 1 such yard 3.9 metres
   (ii) In the case of more than 1 such yard 1.2 metres on one side and 3.9 metres on any other side provided that on that side where there is an attached private garage with no living space above, below, in front or behind, the minimum interior side yard width may be reduced from 3.9 metres to 1.2 metres.
(f) Rear Yard Depth (minimum) 10.0 metres
(g) Water Setback (minimum) 15.0 metres
(h) Setback (minimum) 6.0 metres plus the minimum required front yard depth.
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

(i) Yards for Accessory Buildings and Structures/Location of accessory buildings and Structures:
   (i) No accessory building or structure shall be located
       (a) Within 30 metres of the high water mark
       (b) Within 1.2 metres of any interior side lot line
       (c) Within 1.2 metres of any exterior side lot line
       (d) Within in any front yard
   (ii) No accessory building or structure shall be located
   (iii) No detached accessory building or structure shall be located closer than 1.2 metres to a main building.

(j) The provisions of Section 5(1)(c)(iv) shall not apply.

(k) Lot Coverage:
   (i) Exclusive of accessory buildings and structures, with or without dwelling space below or above, steps, unenclosed porches, verandas, balconies, decks, and patios (maximum) – 400 square metres
   (ii) Accessory buildings and structures (maximum) – 28 square metres
   (iii) Steps; unenclosed porches; verandas; balconies; and decks and patios more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum) total – 45 square metres
       • in rear yard (maximum) – 22.5 square metres
       • in front yard (maximum) – 22.5 square metres
   (iv) Decks and patios less than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum) – 45 square metres

(l) Height of Buildings (maximum) 95 metres (Canadian Geodetic Datum, this is the absolute elevation not the height above grade).

For the purposes of this zone, "height" shall mean highest point of any structure exclusive of any accessory roof construction such as a chimney.

(m) Dwelling Houses per Lot (maximum) 1 only

(n) Location of Driveway:
   No part of any driveway shall be located within 5 metres of any zone other than a “R1-47” zone. Nothing shall prevent the location of a driveway within an interior side yard that abuts a “R1-47” zone. Abutting driveways are permitted.

(o) Access/Width of Driveway (maximum) 3.0 metres

(p) Number of Driveways 1 only

(q) Number of Parking Spaces per Dwelling Unit (minimum) 2

(r) Width of Parking Space (minimum) 3.0 metres
REPORTS (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

(s) Length of Parking Space (minimum) 6.0 metres

(t) Area of Parking Space (minimum) 18.0 square metres

(u) Location of Parking Spaces:
All yards, except a required rear yard or required front yard, provided that no part of any parking area is located closer than 1.2 metres to an interior side lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.

(v) Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.

(w) Yard Encroachments:
The provisions of Section 5(23)(b) shall not apply, except that steps may project into any required rear yard a maximum distance of 1.5 metres and into any other required yard a maximum distance of 0.5 metres. The provisions of Section 5(23)(c) shall not apply, except that a deck or patio with no roof structure not more than 0.6 metres above the lowest ground level adjacent to the deck or patio and covering not more than 18 square metres of a required rear yard may project into a required rear yard not more than 5.5 metres.

(x) Minimum Elevation:
No dwelling house shall be erected with a floor elevation below 76.6 metres (Canadian Geodetic Datum).”

–and further–

BE IT RESOLVED THAT the by-law be presented for three readings.
(See By-Law No. (11), 2004-308)

3. WHEREAS an application was submitted on March 4, 2004 by Sean Schuk, Alexander Wilson Architect Inc, on behalf of Dave Mayhew of the Boat Warehouse, with respect to the lands known as 3667-3669 Princess Street, Kingston West, requesting that the existing General Industrial “M1” Zone be amended to a site specific Highway Commercial “C3-16” Zone on the northern portion of the lands to permit a boat sales establishment, a travel trailer and/or mobile home sales establishment, a vehicle sales or rental establishment, warehouse and showroom uses, and the existing one-storey dwelling unit on the subject site and to recognize the Environmental Protection Area (“EPA”) Zone on the southern portion of the site, and;

WHEREAS statutory Public Hearings were held on May 13, 2004 and September 9, 2004;

THEREFORE BE IT RESOLVED that the application for Zoning By-Law Amendment (Our File No. D14-006-2004) submitted by The Boat Warehouse (Dave Mayhew), for the property located at 3667-3669 Princess Street, Kingston West, requesting rezoning and site specific amendments to the Zoning By-Law to permit a boat sales establishment, a travel trailer and/or mobile home sales establishment, a vehicle sales or rental establishment and to recognize the one-storey dwelling unit, the showroom and the warehouse use on the subject site, BE APPROVED;

–and further–

BE IT RESOLVED THAT the former Township of Kingston Zoning By-Law No. 76-26, as amended, be further amended as follows:
REPORTS (CONTINUED)

(REPORT NO. 82 OF THE PLANNING COMMITTEE)

- Amend Map 2 of Schedule “A” to By-Law No. 76-26, as amended, to rezone the lands at 3667-3669 Princess Street from General Industrial “M1” Zone to the site specific Highway Commercial “C3-16” Zone, and to the Environmental Protection Area “EPA” Zone.

- Add the following new Section 20(3)(p) immediately after Section 20(3)(o):

“(p) C3-16

Notwithstanding the provisions of Section 20 of this By-Law to the contrary, the lands designated “C3-16” may be used and developed in accordance with the following regulations:

(i) **Permitted Uses:**

The following uses shall be permitted:

(a) **Residential Uses**

   - A single-detached dwelling house

(b) **Non-Residential Uses**

   - A boat sales establishment and accessory office, warehouse and showroom
   - A travel trailer and/or mobile home sales establishment
   - A vehicles sales or rental establishment

(c) **Non-Residential Uses On The Southern Portion Of The Site Within The Fill Line**

   The subject lands lying between the fill line along Westbrook Creek (as determined by the Cataraqui Region Conservation Authority) and the existing chain link security fence will be permitted the following uses:

   (1) Outdoor storage;
   (2) Boat storage building.

(ii) **Rear Yard Depth (minimum)**

   10 feet from the existing chain link fence located south of the fill line.

(iii) **Setbacks For Existing Buildings**

   Existing buildings are hereby deemed to be in compliance with the minimum setbacks. Any new buildings or additions to existing buildings shall be built in accordance with the setback regulations of this By-Law.

(iv) **Use Of The Accessory Showroom**

   The permitted showroom use shall be associated with the boat, travel trailer, mobile homes and vehicles sales or rental establishment only and shall be attached to the northeast side of the existing one storey garage, located on the property known municipally as 3667-3669 Princess Street. The maximum floor area permitted for a showroom shall not exceed 272 square meters.

(v) **Accessory Office Use**

   The permitted office use shall only be associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment and shall be located within the existing one storey office building on the property known municipally as 3667-3669 Princess Street.
REPORTS (CONTINUED)

(REPORT NO. 82 OF THE PLANNING COMMITTEE)

(vi) **Accessory Warehouse**
The warehouse use associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment shall be located to the south of the gas pipeline easement and be located within the one-storey Quonset structures. The warehouse use shall only be permitted in conjunction with the permitted boat, travel trailer, mobile home, and vehicles sales or rental establishment located at 3667-3669 Princess Street. The warehouse structures will be permitted to encroach into the rear portion of the “C3-16” Zone, south of the fill line extending to the perimeter fence located to the north of the Westbrook Creek. The warehouse will not be permitted to extend beyond the perimeter fence into the Westbrook Creek.

(vii) **Open Storage**
No open storage of goods or materials shall be permitted except in accordance with the following provisions:
(a) Every open storage use shall be accessory to the use of the main building on the lot.
(b) An open storage use shall only be permitted in a rear yard.
(c) Notwithstanding paragraph (b) above, in the case of a boat, travel trailer, mobile homes sales, vehicle sales or rental establishment, an open storage use shall be permitted in all yards provided that no such use is located closer to a street than the minimum front yard setback.
(d) Every open storage use shall be enclosed within a fence consisting of at least an eight-wire farm fence which is maintained in good condition.

(viii) **Outdoor Seasonal Display And Sales Area**
Nothing in this by-law shall prevent an area set aside outside of a building or structure within a commercial zone, which is used in conjunction with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment located within the building or structure and located on the same lot, to be used for the display or retail sales of seasonal produce or new merchandise, provided such area:
(a) Is seasonal in nature and does not include a permanent retailing area; and,
(b) Is not located within a fire lane, a parking area or a loading space required to fulfill the provisions of the Zoning By-Law, or a driveway or passageway which provides an access route for vehicular traffic across the lot or to an improved street which abuts said lot.

(ix) **Parking Spaces (Minimum)**
A minimum of 25 off-street parking spaces shall be provided to accommodate all uses on the site.

(x) **Loading Space Regulations (Minimum)**
One required loading space as per the requirements of Section 5(12).

(xi) **Advertising**
All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.*

--and further--

BE IT RESOLVED THAT the amending by-law be presented to Council for three readings.
(See By-Law No. (12), 2004-309)
REPORTS (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

4. **THAT** the *City of Kingston Waterfront Strategy Terms of Reference*, dated August 2004, attached as Appendix 1 to Report No. PC096 of the Planning Committee, be adopted by Council, and;
   
   **THAT** Council direct staff to proceed with the Waterfront Strategy, and;
   
   **THAT** the Waterfront Strategy be directed through Planning Committee and that such Committee host the public consultation program.
   
   *(A copy of Report No. PC096 and Appendix 1 is being distributed separately from the agenda)*

5. **THAT** Council receive the information provided in Report No. PC098 – Provincial Planning Reform Initiatives, gained from the Regional Workshop on Provincial Planning Reform Initiatives; and
   
   **THAT** Council express its support in principle for the Planning Reform initiatives proposed by the Provincial government; and
   
   **THAT** Report No. PC098 – Provincial Planning Reform Initiatives be forwarded to the Ministry of Municipal Affairs and Housing as requested.
   
   *(A copy of Report No. PC098 is being distributed separately from the agenda)*

6. **WHEREAS** an application has been submitted by Neal Ritchie on behalf of 976653 Ontario Inc. (Virgil Marques) with respect to property located at 1259 Gardiners Road, in Kingston West, requesting approval for a Zoning By-Law Amendment to expand the list of permitted uses to include a business office and/or training facilities related to industry and commerce, a custom workshop, an industrial supply operation, an institutional use, a transportation depot, a warehouse and/or wholesale establishment, and an accessory showroom, display area, and/or retail space which shall not exceed 25% of the gross floor area or 280 square metres of an individual tenant’s unit of the building to be used for the advertising and sale of goods processed in the primary use only, and;
   
   **WHEREAS** the statutory Public Hearing was held on July 8, 2004;
   
   **THEREFORE BE IT RESOLVED THAT** the application for Zoning By-Law Amendment (Planning File D14-016-2004) submitted by Neal Ritchie for lands located at 1259 Gardiners Road, **BE APPROVED**.
   
   –and further–
   
   **BE IT RESOLVED THAT** the following changes be incorporated into Zoning By-Law No. 76-26:
   
   - **Map Changes**
   
      Amend Schedule “A”, Zone Map No. 3, of Zoning By-Law No. 76-26, as amended, by changing to “M6-17” Modified Restricted General Industrial Zone the zone symbol for the approximately 1.6 hectares (4.05 acres) parcel of land located at 1259 Gardiners Road, and shown as “Zone Change from M6 to M6-17”.

   *(A copy of Report No. PC098 is being distributed separately from the agenda)*
REPORTS (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

Text Changes
Add the following new Section 28A(3)(q) immediately following Section 28A(3)(p):

“(q) M6-17
Notwithstanding any provisions of Section 28A (1) to the contrary, the lands designated “M6-17” on Schedule “A” distributed with the Planning agenda may also be used for the following additional uses:

(i) A business office and/or training facilities related to industry and commerce
(ii) A custom workshop
(iii) An industrial supply operation
(iv) An institutional use
(v) A transportation depot (to be located within the General Industrial Designation 90-120 metres from the front property line)
(vi) A warehouse and/or wholesale establishment
(vii) Maximum Floor Area

The maximum floor area which may be devoted to an accessory showroom, display area and/or retail space shall be the lesser of the following:

(a) 25% of the gross floor area of an individual tenant’s unit of the building, or
(b) 280 square metres of the individual tenant’s unit of the building.

—and further—

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

(See By-Law No. (13), 2004-310)

7. WHEREAS applications have been submitted by Tamarack Waterloo Corporation with respect to lands located on the south side of Taylor Kidd Boulevard, east of Gardiners Road, and located in Parts of Lots 12, 13 and 14, Concession 2, Kingston West, requesting approval of amended conditions of Draft Plan of Subdivision in order to divide the lands into approximately 209 residential lots, 8 residential/parkland lots, 2 blocks for commercial uses, 4 open space blocks, 2 blocks for storm water management, and 6 new roadways, and approval of concurrent Official Plan and Zoning By-Law Amendments in order to permit the proposed development on the subject lands, and;

WHEREAS the statutory Public Hearings were held on April 8, 2004, and July 8, 2004;

THEREFORE BE IT RESOLVED THAT the application for Amended Conditions of Draft Plan of Subdivision (Planning File D12-005-2004) submitted by Tamarack Waterloo Corporation with respect to Parts of Lots 12, 13 and 14, Concession 2, Kingston West, BE APPROVED subject to the following conditions:

- Conditions of Draft Plan of Subdivision Approval, Waterloo Village Phase 4

(1) That this approval applies to the Draft Plan of Subdivision, prepared by Grange W. Elliott Ltd., Dated May 31, 2004 and Revised August 23, 2004, respecting Parts of Lots 12, 13 and 14, Concession 2, in the City of Kingston, said lands comprising Lots 1-217 inclusive, Blocks 218 - 225 inclusive, and Streets A, B, C and D, Swanfield Street, Wheathill Street, and Part of Centennial Drive as shown on the Draft Plan of Subdivision prepared by M. Peter Allen, O.L.S. of Grange W. Elliot Ltd., said Revised Draft Plan showing the proposed subdivision of the approximately 27 hectare (66.7 acre) parcel of land located south of Taylor Kidd Boulevard in the Waterloo Village Neighbourhood, and comprised of the following:
REPORTS (CONTINUED)

(REPORT NO. 82 OF THE PLANNING COMMITTEE)

- Two Hundred Seventeen Lots for single detached dwellings (Lots 1-217 inclusive)
- Six Blocks for Open Space (Blocks 219 – 224 inclusive)
- Two Blocks for Commercial Development (Blocks 218 and 225 inclusive)
- Seven Streets (Swanfield Street, Wheathill Street, southerly extension of Centennial Drive from Taylor Kidd Boulevard, Streets A, B, C and D).

(2) 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 June 5, 1991 respecting Ministry File No. 10T-90005.

(3) 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 (1) 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 1/2") 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 Taylor Kidd Boulevard and Centennial 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, a storm water management report and implementing plans for this development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality and Cataraqui Region Conservation Authority. Such plans shall be appended to the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.

(vi) That prior to Final Approval, Blocks 223 and 224 shall be deeded to the Municipality for Storm water Management purposes. The design of the pond’s open space shall be subject to approval by the Municipality.
REPORTS (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

(vii)  The Municipality shall require the use of “-H” Holding Provisions in accordance with Section 36 of the Planning Act. The terms for the removal of the “-H” Holding Symbol shall require the following:
(a)   Confirmation of sufficient servicing capacity in the former Township of Kingston’s sewage treatment plant in accordance with Council’s approved Sewage Capacity Management Plan;
(b)   All necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner; and
(c)   A further application has been approved by the Municipality to remove the ‘-H’ Holding Symbol.

(viii) 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.

(ix)   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.

(x)    The Owner shall agree in the Subdivision Agreement that the municipality shall have the option to purchase lots 67-69, 103-105 and 193 and 194 for park land purposes.

(xi)   That prior to Final Approval of the Plan of Subdivision the Owner shall obtain written approval from Ontario Hydro with respect to any proposed roadways or future road extensions being located on or crossing lands owned by Ontario Hydro.

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

(xiii) That prior to Final Approval the developer shall provide a traffic study to the Municipality.

(xiv)  That prior to Final Approval the developer shall provide a parking plan to the Municipality which identifies where on street parking will be provided within the subdivision and the number of on street parking spaces to be provided.

(xv)   That prior to final approval the Owner shall provide a building plan to the satisfaction of the Municipality showing the location of driveways and street furniture to ensure that the driveway locations on the cul de sac lots do not intersect.

(xvi)  That prior to final subdivision approval the Owner shall provide detailed drawings of any noise mitigation measures including fencing, berming or planting for approval by the Municipality.

(xvii) That prior to final subdivision approval the Owner shall provide drawings of entrance features to the subdivision.

(xviii) The Owner shall agree in the Subdivision Agreement to provide a pedestrian access from Swanfield Street to Centennial Drive.
REPORTS (CONTINUED)

(REPORT NO. 82 OF THE PLANNING COMMITTEE)

(xix) Bell Canada

(a) The Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decision. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

(b) The Owner shall be required to enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed the owner shall advise the municipality of the agreement made for such servicing.

(c) Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

(d) Walk in cabinet (WIC) to provide service for new development.

(xx) That the Owner shall agree in the Subdivision Agreement to enter into a cost sharing agreement with the municipality whereby the Owner agrees to pay the cost of all services installed by the Municipality to service Phase 4 of the Waterloo Village Subdivision.

(xxi) That the Owner shall agree in the Subdivision Agreement to enter into an agreement of purchase and sale to convey the lands necessary for the Centennial Drive Right of Way to the Municipality.

(xxii) That the Owner shall maintain a potential future road link between the subdivision and the adjacent lands to the west to provide access from the extension of Centennial Drive to Gardiner’s Road.

(xxiii) That prior to final approval, the Owner shall submit for approval, engineering drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer designed pursuant to the Municipality’s Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the subdivision agreement.

(xxiv) That the Zoning By-Law shall require a minimum dwelling setback from the railway right-of-way of 30 metres, in conjunction with a 2.5 metre high safety berm.

(xxv) That the Owner is required to engage a consultant to undertake an analysis of noise and vibration in order to recommend abatement measures necessary to achieve the maximum level limits set by the Ministry of Environment and the Canadian National Railway. Upon review and approval of the noise and vibration reports, all recommendations provided should be included in the Subdivision Agreement.

(xxvi) That the Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Canadian National Railway to the following:

(a) The Owner shall construct and maintain an earthen berm a minimum of 2.5 metres above grade at the property line, having side slopes not steeper than 2.5 to 1, adjoining and parallel to the railway right-of-way with returns at the ends.

(b) The Owner shall construct and maintain an acoustic barrier along the top of the berm of a minimum combined height of 5.5 metres above top-of-rail. The acoustic fence to be constructed without openings and of a durable material weighing not less than 20kg. per square metre of surface area. The Canadian National Railway may consider other measures, subject to review of the noise report.

(c) The Owner shall install and maintain a chain link fence of a minimum 1.83 metre height along the mutual property line.
REPORTS (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

(d) The Owner shall agree that any proposed alterations to the existing drainage pattern affecting Railway property must receive prior approval from the Canadian National Railway and be supported by a drainage report to the satisfaction of the Canadian National Railway.

(xxvii) That the following warning clause shall be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit. Provisions must be included in the Subdivision Agreement to ensure that the warning clause survives the release of the Owner’s obligations under the Subdivision Agreement and remains on title.

"Warning: The Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land subject to this agreement. There may be alterations to or expansions of the rail facilities on the right-of-way in the future including the possibility that the railway or its assigns or successors may expand its operations which may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuation measures in the design of the development and individual dwellings. The Canadian National Railway will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the right-of-way.

(xxviii) That the Owner shall, through restrictive covenants to be registered on title and all agreements of purchase and sale or lease, provide notice to the public that the safety berm, fencing and vibration isolation measures are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of the Canadian National Railway.

(xxix) That the Owner shall enter into an agreement with the Canadian National Railway stipulating how the Canadian National Railway’s concerns will be resolved and will pay the Canadian National Railway’s reasonable costs in preparing and negotiating the agreement.

(.xxx) That the Owner shall grant the Canadian National Railway an environmental easement for operational noise and vibration emissions, registered on title against the subject lands in favour of the Canadian National Railway.

(.xxxi) That prior to final subdivision approval the Owner shall be required to submit a demonstration that soil and groundwater quality is compatible with the proposed residential land use. If actual industrial or commercial operations have been present on the property in the past, the Municipality will require that a Record of Site Condition (RSC) be prepared prior to final subdivision approval.

(Phase I and II Environmental Site Assessments greater than 5 years old may need updating if other activities have occurred on-site in the interim)

--and further--

BE IT RESOLVED THAT the applications for Official Plan Amendment (Planning File Nos. D09-004-2004 and D09-007-2004) and Zone Change (Planning File Nos. D14-003-2004 and D14-019-2004) submitted by Tamarack Waterloo Corporation respecting the 27 hectare (66.7 acre) parcel of land on the south side of Taylor Kidd Boulevard, west of Gardiners Road and north of the CN rail line and located in Part of Lots 12, 13 and 14, Concession 2, requesting amendments to the Official Plan policies to permit a commercial development on block 218 and to permit 63 residential lots on lots 116 to 179 and Zoning By-Law regulations to provide for the development of the commercial block and single and semi-detached dwellings, BE APPROVED;

--and further--

BE IT RESOLVED THAT the Official Plan for the Township of Kingston Planning Area be amended as follows:
REPORTS (CONTINUED)

(REPORT NO. 82 OF THE PLANNING COMMITTEE)

- Map Changes:
  (a) Amend the Official Plan, Former Township of Kingston, Schedule “A” as amended, further by changing
      the designation symbol to “Commercial” of the lands shown as “Official Plan Amendment Change from
      “Medium Density Residential” to “Commercial”.

  (b) Amend the Official Plan, Former Township of Kingston, Schedule “A” as amended, further by changing
      the designation symbol to “Medium Density Residential” of the lands shown as “Official Plan
      Amendment Change from ‘Light Industrial’ to ‘Medium Density Residential’”;

     –and further–

THAT Zoning By-Law No. 76-26, Zoning By-Law of the former Township of Kingston be amended as follows:
     (a) Amend Zoning Map 5, Schedule ‘A’ of By-Law No. 76-26, as amended, further by changing to “R2-28-H”
         Modified Residential Type 2 Holding Zone, and “C2-28-H” Modified General Commercial Holding Zone the
         zone symbols of the approximately 27 hectare (66.7 acs.) subject property located on Parts of Lots 12, 13 and
         14, Concession 2, and shown as “Zone Change from M2-H and R4-21-H to R2-28-H” and, “Zone Change from
         R4-25-H to C2-28-H”.

     –and further–

BE IT RESOLVED THAT the amending by-laws be presented for three readings.
     (See By-Law No. (14), 2004-311; By-Law No. (15), 2004-312)

8. WHEREAS an application has been submitted by William J. Henderson with respect to a portion of the property
   located in Part of the Mile Square Block, Concession 2 in Kingston West, requesting to amend the zoning of the
   subject lands from “D” Development Zone to the “R1” Residential Type 1 Zone, which is the same zoning as the
   property to which the subject lands are being added (1745 Woodbine Road), and;

WHEREAS the application for zone amendment is a condition of consent application (File No. D10-067-2004) for a
lot addition that was approved by the Committee of Adjustment, and;

WHEREAS a Public Meeting was held with respect to this matter on August 12, 2004;

THEREFORE BE IT RESOLVED THAT the Application for Zoning By-Law Amendment (Our File No. D14-022-2004)
submitted by William J. Henderson for a portion of the property located in part of Mile Square Block, Concession 2, to
be added to the property located at 1745 Woodbine Road in Kingston West, BE APPROVED;

     –and further–

BE IT RESOLVED THAT the Township of Kingston Zoning By-Law No. 76-26 be amended as follows:
   – Amend Map 4 of Schedule “A” to Zoning By-Law No. 76-26 of the former Township so as to rezone
     the area of the subject land (approximately 1.39 hectares) identified as part of the Mile Square Block,
     Concession 2, to be added to the property known municipally as 1745 Woodbine Road, from the existing “D”
     Development Zone to the “R1” Zone.

     –and further–

BE IT RESOLVED THAT the amending by-law be presented for three readings.
     (See By-Law No. (16), 2004-313)
RE Breed (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

9. WHEREAS Section 50(4) of the Planning Act RSO 1990, Chapter 13, as amended, provides that the Council of a Municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, as deemed not to be a registered Plan of Subdivision for the subdivision control provisions of Section 50(3) of the Act, and;

WHEREAS Registered Plan 1709 was registered in the Land Registry Office of the Registry Division of Frontenac on January 24, 1978, and an application has been submitted by Jamie Wyld requesting that a part of the plan of subdivision be deemed not to be a registered plan of subdivision, and;

WHEREAS the Council of the Corporation of the City of Kingston considers it to be in the best interests of the Corporation and its residents for the proper development of the lands in Registered Plan 1709 that Lots 169 and 170 be so deemed;

THEREFORE BE IT RESOLVED THAT a by-law be passed to deem Lots 169 and 170 of Registered Plan 1709, more particularly described in Schedule “A” to the by-law, not to be a Registered Plan of Subdivision for the purposes of Subsection 3 of Section 50 of the Planning Act, RSO 1990 c.P. 13, as amended;

–and further–

BE IT RESOLVED THAT the Clerk of the Municipality shall lodge a certified copy of the Deeming By-Law in the office of the Minister of Municipal Affairs and Housing;

–and further–

BE IT RESOLVED THAT the Clerk of the Municipality shall register a certified copy of the Deeming By-Law against the title to the lands described in Schedule “A” of the by-law, and this by-law shall not take effect until this requirement is satisfied;

–and further–

BE IT RESOLVED THAT notice of the passing of the Deeming By-Law shall be given within thirty days of the date of passing to each person appearing on the last revised assessment roll to be the owner of any of the land described in Schedule “A” of the by-law, which Notice shall be sent to the last known address of each such person.

–and further–

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

(See By-Law No. (17), 2004-314)

10. WHEREAS applications have been submitted by Mill and Ross Architects Inc. with respect to lands located on the north side of Dalton Avenue, west of Warne Crescent and shown as Lot 6 of Registered Plan 1921, requesting approval of concurrent Official Plan and Zoning By-Law amendments to permit the proposed commercial development on the subject lands, and;

WHEREAS the statutory Public Hearing was held on May 13, 2004;

THEREFORE BE IT RESOLVED THAT the applications for Official Plan Amendment (Planning File No. D09-006-2004) and Zone Change (Planning File No. D14-005-2004) submitted by Mill and Ross Architects Inc. respecting the 5.3 hectare (13 acre) parcel of land on the north side of Dalton Avenue, west of Warne Crescent and shown as Lot 6 of Registered Plan 1921, requesting site specific amendments to the Official Plan policies to implement commercial policies on the site and Zoning By-Law regulations to provide for the development of the property in accordance with the “C2.342” Modified Arterial Commercial zone provisions, BE APPROVED;

–and further–
REPORTS (CONTINUED)

(REPORT NO. 82 OF THE PLANNING COMMITTEE)

BE IT RESOLVED THAT the Official Plan for the City of Kingston Planning Area be amended as follows:

Map Changes:
- Amend Schedule “B” - Land Use so as to designate the property located north of Dalton Avenue, west of Warne Crescent and shown as Lot 6 of Registered Plan 1921 as “Arterial Commercial”
- Amend Schedule “C” - Site and Area Specific Policies so as to designate the property located north of Dalton Avenue, west of Warne Crescent and shown as Lot 6 of Registered Plan 1921 as Site Specific Policy Area No. 28.

Text Changes:
- Delete Section 4.16.6.1(c) (v) in its entirety.
- Add the following new Site Specific policy as Section 4.12.8(b), immediately following 4.12.8(a):

“(b) Dalton Avenue/Warne Crescent, Lot 6, Registered Plan 1921
The lands located on the north side of Dalton Avenue, west of Warne Crescent and south of Highway No. 401 are identified on Schedule “C” as Site Specific Policy Area No. 28.

The lands are designated Arterial Commercial and Environmental Protection Area on Schedule ‘B’. The development of these lands is subject to the General Principles of Part III as well as the Arterial Commercial and Environmental Protection Area Land Use policies of Part IV of this Plan. This site is considered an extension of the arterial commercial uses which have evolved along Division Street, and is visible and easily assessable to Division Street and Highway No. 401.

It is recognized that the 5.3 hectare (13 acre) lot is located within an area of transition between commercial development to the east and industrial uses to the west. Given the mix of existing uses in the vicinity, the site’s visibility and easy access to Highway No. 401 and residential areas, commercial development is appropriate and compatible with the surrounding area. As the site is located in an area which is considered a gateway to the City from Highway No. 401, this site can contribute significantly to the City’s presentation. This site specific policy has been provided to guide development based on the following principles:

(i) Urban Setting and Site Attributes
It is recognized that the subject property is located between commercial development to the east and industrial uses to the west and provides an area of transition. It is also in close proximity to both Division Street and Highway No. 401, providing for highway commercial uses. This site may also service the residential neighbourhoods to the east of the site as well as the wider Kingston community.

It shall be the policy of this Plan that any development of this property shall consider all on-site and adjacent land development issues as a whole, including but not limited to the following:

(a) In view of the opportunities created by the highly visible site, any proposed building design elements shall be considered in relation to the Highway No. 401 profile and view and shall provide for an appropriate building massing, façade treatment, signage, placement of loading spaces and garbage receptacles, and service lanes. A high degree of building and site design shall be provided.

(b) Landscaping and land use buffering provisions for the site shall be particularly important in relation to the property boundaries adjacent to Highway No. 401. Landscaping and tree plantings shall also be provided to ‘break-up’ large parking areas.
REPORTS (CONTINUED)
(REPORT NO. 82 OF THE PLANNING COMMITTEE)

(c) Traffic flows into and out of the site, as well as automobile, transit, and pedestrian movement through the property shall be provided.

(d) The area within the Environmental Protection Area designation is the East Branch of the Little Cataraqui Creek. Works in this vicinity shall be subject to all necessary Cataraqui Region Conservation Authority (CRCA) approvals, including approvals in relation to a potential crossing to provide access to the site. This area shall be maintained in a natural state, as much as feasible, and subject to review by the CRCA.

(ii) Permitted Uses

Within the site specific designation, the permitted uses may include hotels, motels, banquet halls, restaurants, fast food restaurants, take-out food outlets, accessory outdoor patio restaurants, recreation and entertainment uses, food stores, building supplies and hardware stores, furniture and home furnishing and decorating stores, retail warehouses, specialty retail stores, personal service shops and banks.

(iii) Implementation

It shall be the intent of this Plan that the policies of this Section be implemented by way of a site specific Modified Arterial Commercial Zone through a Zoning By-Law Amendment, with the exception of lands zoned Environmental Protection Area.'

THAT Zoning By-Law No. 8499, Zoning By-Law of the former City of Kingston be amended as follows:

Map Change:

(a) Amend Zoning Maps 2 and 3, Schedule “A” of By-Law No. 8499, as amended, further by changing to “C2.342” Modified Arterial Commercial Zone the zone symbol of the approximately 5.3 hectare (13 acs.) subject property located on Lot 6 of Plan 1921 and shown as “Zone Change from C2.187 to C2.342”

Text Change:

(b) Add to Part VIII, Section 342 immediately following Section 341:

342. On the approximately 5.3 hectare (13 acre) parcel of land on the north side of Dalton Avenue, west of Warne Crescent and south of Highway No. 401 and designated as “C2.342” on Zoning Maps 2 and 3, the permitted uses shall be the following and subject to the development requirements of Section 22:

(i) Retail stores (including retail stores selling general services), lunch counters, restaurants and accessory outdoor patios

(ii) Retail warehouses

(iii) Food stores

(iv) Banks

(v) Drive-in restaurants

(vi) Motels, hotels and banquet halls

(vii) Shopping centres

(viii) Bowling alleys, theatres, auditoriums

(ix) Accessory buildings to any use permitted in the C2.342 zone’

–and further–

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

(See By-Law No. (18), 2004-315; By-Law No. (19), 2004-316)
REPORTS (CONTINUED)

REPORT NO. 83 OF KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

Report No. 83

To the Mayor and Members of Council:

The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

1. **THAT** Application P18-495-20-04 for property located at 225 Green Bay Road, requesting approval for the installation of an in-ground swimming pool, pool equipment, and required fencing to include wooden fencing along the south property line and the remainder to be black vinyl chain link fencing, **BE APPROVED** in accordance with the drawing dated August 27, 2004, with the understanding that:
   - There will likely be an extension of the stone retaining wall along the south boundary of the lot to effect grade transition.
   - The south fence is a wooden fence along the boundary.
   - The other 2 fences are either black chain link with landscaping to conceal the fence system, or a more robust sectional extruded metal fence system to the height specified in the application.
   - Plantings such as shrubbery or vines be sufficient to obscure chain link fence.
   
   **THAT** this information, including a planting plan if a chain link fence is used, and section showing grading be submitted for review by the sub-committee.

2. **THAT** Application P18-400-24-04 for property located at 55 West Street, requesting approval for the replacement of a porch **BE APPROVED** in accordance with drawings dated September 14, 2004 and further described by the agent of the applicant to include:
   - Post bottoms to be constructed as per drawings indicating no panelled base
   - Reduction of the stair width to less than 5’ thereby exposing the base portion of the porch column or construction of a wider stair with the understanding that a pipe handrail rail only would be installed in the centre of the steps to meet Building Code requirements.
   - Columns will be ½ columns at the walls

   **THAT** the porch attachment to the masonry shall be with fasteners into shields set into the masonry joints and not into the units. Epoxy is not to be applied to the masonry units.

   **THAT** documentation of the details of construction including all dimensions and materials will be submitted to the Committee for review.

3. **THAT** Application P18-341-28-04 for property located at 34 Richard Street, requesting approval for the construction of new dormers, a new portico, a gas meter to be located at the front of the building, the demolition of a back addition, the construction of an extension, gable alterations and board and batten siding on the addition **BE APPROVED** in accordance with drawings dated September 1, 2004, with the understanding that the dormers across the front be modified to include:
   - Detailing on the dormer include lining the outside edge of the dormers with the outside edge of the windows below substituting a double vertical hung for the single units indicated with a 3-inch central post. Detailing should reflect the simplicity of the building and not have ornamentation.
   - Moving the frame wall closer to the inside of the stone wall to expose more roof in front of the dormer.
REPORTS (CONTINUED)

REPORT NO. 83 OF KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

- Shingles or vertical v-joint on the cheeks of the dormers with a preferred option of shingles to match the roof shingles in colour and texture to diminish the dormer size
  - and further -
  THAT either Option One or Option Two for the design of the rear addition is acceptable, with the understanding that approval of the addition will not prejudice in any way the discussions or decision of the Committee of Adjustment.

4. THAT Application P18-258-09-04 for property located at 225 Mowat Avenue, requesting approval for a 2-foot extension on the addition, further to an approval June 7, 2004, BE APPROVED in accordance with drawings dated July 29, 2004 and revisions dated August 24, 2004 and September 3, 2004.

5. THAT Application P18-401-29-04 for property located at 63 West Street, requesting approval for the an upper storey window BE DENIED as presented, as it is understood that the existing glazing is in line with the painted railing and the new window would be in this same location;
   - and further -
   “Where the Council refuses the application, the owner may, within thirty days after receipt of the notice under Subsection (4) of Section 33 of the Ontario Heritage Act, apply to the Council for a hearing before the Review Board, and;
   That applications requesting a hearing before the Conservation Review Board may be filed with the office of the Clerk of the City of Kingston, 216 Ontario Street, Kingston, ON K7L 2Z3 within 30 days of the receipt of this notice.”

6. THAT Application P18-201-30-04 for property located at 225 King Street East, requesting approval to alter two windows facing the existing playground to French doors, and to raise the roof 20 inches at the front of the existing day care, BE APPROVED in accordance with sketches dated September 7, 2004 and a drawing of the door dated September 13, 2004.

7. THAT Application P18-427-26–04 for property located at 249 Main Street, requesting approval for patio work, BE APPROVED in accordance a description and drawing dated September 6, 2004.

8. THAT, in regard to a proposal to reinstate the Hotel Dieu Hospital front porch at 223 Sydenham Street by Hughes Downey Architects, the dismantling and cataloguing of the stone wing walls of that entrance in preparation for the reconstruction of a 3-storey porch BE APPROVED, with the understanding that the dismantling and cataloguing of the stone will take place this fall and documentation will be submitted for consideration prior to construction and that this construction will proceed in the spring of 2005.
REPORTS (CONTINUED)
REPORT NO. 84 OF MUNICIPAL ACCESSIBILITY ADVISORY COMMITTEE

Report No. 84

To the Mayor and Members of Council:
The Municipal Accessibility Advisory Committee reports and recommends as follows:

1. **WHEREAS** provincial and municipal governments and key broader public sector organizations are required by the *Ontarians with Disabilities Act, 2001* (ODA) to review their policies, programs and services and to develop an annual accessibility plan and to make this plan public, and;

   **WHEREAS** the Municipal Accessibility Advisory Committee and city staff have worked throughout the last ten months to implement key recommendations from the Year 1 Accessibility Plan and to identify barriers, and;

   **WHEREAS** the Municipal Accessibility Advisory Committee through a process of internal and external consultation has ratified a final version of the City of Kingston’s Year 2 Plan for submission to the Province of Ontario by September 30, 2004;

   **THEREFORE BE IT RESOLVED THAT** Council approve “in principle” the City of Kingston’s “Year Two Accessibility Plan: Doors Are Opening” and refer it back to staff to bring forward a 2005 work plan during budget deliberations.
   (File No. CSU-S14-000-2004)
   (See Delegation No. 1)
INFORMATION REPORTS

MISCELLANEOUS BUSINESS

(1) THAT, as requested by Anne Heath, Public Relations Coordinator for the Kingston Humane Society, Council proclaim September 19-25, 2004 as National Dog Week.
   (File No. CSU-M10-000-2004)
   (See Communication No. 24-447)

(2) At Council Meeting No. 21, held August 17, 2004, Council approved the first 3 parts of the following Committee of the Whole resolution and deferred Part 4 to a future meeting of Council. Council direction is required for Part 4 only.

   Part 1 THAT Council approve all of the recommended suggestions in Appendix “A” attached to Report No. 04-302 and direct departments to proceed with their implementation and further feasibility analysis if required, and;

   Part 2 THAT Council request that departments continue to review the other suggestions for consideration in the Fall during final budget approval, and;

   Part 3 THAT Council direct staff to plan for a final 2005 Municipal and Utilities Operating and Capital budget review in October with approval at the latest by the end of November 2004, and;

   CARRIED

   Part 4 THAT Council consider the submissions from the Agencies & Boards and give direction for final submission in the Fall.
   (File No. CSU-F05-000-2004)
   (The submissions are being redistributed separately from the agenda)

MOTIONS

NOTICE OF MOTIONS

MINUTES
TABLING OF DOCUMENTS

2004-82  Frontenac Heritage Foundation  
Foundations – Volume 31, Number 3 - 2004  
(File No. CSU-M04-000-2004)

2004-83  The Cataraqui Region Conservation Authority  
Cat Tales – Fall 2004  
(File No. CSU-M04-000-2004)

2004-84  Sumac Publishing  
Employers’ Human Rights & Equity Report – Volume 15, Number 4, June 2004  
(File No. CSU-M04-000-2004)

2004-85  The Cataraqui Region Conservation Authority  
Minutes – Full Authority Meeting – August 25, 2004  
(File No. CSU-C06-000-2004)

COMMUNICATIONS

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

Filed

24-440  From Jim Vanden Hoek, Mayor of the Township of Frontenac Islands, two letters and an article concerning recent developments surrounding wind power on Wolfe Island.  
(File No. CSU-A16-000-2004)  
(Copied to all Members of Council on September 16, 2004)

24-441  From the Ministry of Public Infrastructure Renewal, acknowledging receipt of a letter concerning the Ravensview Water Pollution Control Plant Upgrade project.  
(File No. CSU-A16-000-2004)

24-442  From the Association of Municipalities of Ontario, informing Council of amendments to Bill 124, the Building Code Statute Law Amendment Act, 2002, to repeal provisions that would have allowed builders to hire their own Registered Code Agencies (RCAs).  
(File No. CSU-A01-004-2004)  
(Copied to all Members of Council on September 16, 2004)

24-443  From the Ontario Municipal Board, a memorandum of the decision rendered concerning the appeal by Loblaws Properties Ltd. of the decision of the Committee of Adjustment on an application for minor variance from the provisions of By-Law No. 8499 respecting 1096 Princess Street.  
(File No. CSU-L01-001-2004)
Referred to Members of Council

24-444 From the Director of the International Making Cities Liveable Conferences, inviting Council to attend the
41st International Making Cities Liveable Conference in Carmel, California, February 17-21, 2005; or the
42nd International Making Cities Liveable Conference in Charleston, South Carolina, March 6-10, 2005.
(File No. CSU-A04-000-2004)
(Copied to all Members of Council on September 16, 2004)

24-445 From Stan Body, President of Beautyrock Inc., requesting Council’s support of a petition to the federal
government against the establishment of a national “do not call” list.
(File No. CSU-M04-000-2004)
(Copied to all Members of Council on September 16, 2004)

24-446 From the Committee of Adjustment, a Notice of Decision concerning the following application:
CONSENT – WILLIAM HUDSON – in respect of an application for a consent to sever an approximately
1.73 hectare parcel of land at 1307 Butternut Creek Road for the purpose of creating a new single-family
residential building BE PROVISIONALLY APPROVED, subject to conditions. The final date of appeal is
(File No. CSU-D19-00-2003)

24-447 From Anne Heath, Public Relations Coordinator for the Kingston Humane Society, requesting that Council
proclaim September 19-25, 2004 as National Dog Week.
(File No. CSU-M10-000-2004)
(See Miscellaneous Business Item No. (1)

Referred to the Commissioner of Planning & Development Services

24-448 From the Ontario Municipal Board, informing Council that the appeal filed by Wendy Erickson-Gray against
Zoning By-Law No. 2004-243 has been withdrawn.
(File No. CSU-L01-001-2004)

Referred to the Commissioner of Community Services

24-449 From Peter Gower, Warden of St. George’s Cathedral, requesting Council’s permission to initiate the
process of installing a columbarium for the ashes of congregation members through the Ministry of
Consumer & Business Services and the Cemeteries Regulation Services.
(File No. CSU-M04-000-2004)
BY-LAWS

(A) That By-Laws (1) through (20) 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) through (2) and (6) through (8) three readings.

(C) That By-Laws (1) through (2), (6) through (8) and (10) through (25) be given their third reading.

1. A By-Law To Amend By-Law No. 95-55 “A By-Law To Regulate The Collection, Removal And Disposal Of Garbage And To Prohibit The Throwing, Placing, Or Depositing Of Garbage On Property Within The Township Of Kingston” (Two Bag Limit For Residential Properties).
   THREE READINGS
   (Clause (a), Report No. 80)
   PROPOSED NO. 2004-298

2. A By-Law To Amend By-Law No. 181 “A By-Law To Provide For The Collection, Removal, And Disposal Of Garbage, Ashes And Other Refuse” ( Twelve Bag Limit For Industrial, Commercial, And Institutional Properties; Two Bag Limit For Residential Properties – Former City of Kingston).
   THREE READINGS
   (Clause (a), Report No. 80)
   PROPOSED NO. 2004-299

3. A By-Law To Amend By-Law No. 495 “A By-Law To Provide For A Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters (Removal Of Metered Parking Spaces On East Side Of George Street And Establishment Of Disabled Permit Parking).
   FIRST AND SECOND READING
   (Clause (b), Report No. 80)
   PROPOSED NO. 2004-300

   FIRST AND SECOND READING
   (Clause (b), Report No. 80)
   PROPOSED NO. 2004-301

   FIRST AND SECOND READING
   (Clause (b), Report No. 80)
   PROPOSED NO. 2004-302
(6) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Wednesday, October 6, 2004 From 10:00 AM To 1:30 PM (Community Purposes – United Way Government Day Barbeque)  
THREE READINGS  
(Clause (c), Report No. 80) PROPOSED NO. 2004-303

(7) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Saturday, October 2, 2004 From 8:00 AM To 6:00 PM; And Clarence Street From Ontario Street To The Water On Saturday, October 2, 2004 From 8:00 AM To 6:00 PM (Community Purposes – Chilifest).  
THREE READINGS  
(Clause (d), Report No. 80) PROPOSED NO. 2004-304

(8) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Sunday, October 3, 2004 From 7:00 AM To 10:00 PM (Community Purposes – Easter Seal Beach Volleyball Tournament).  
THREE READINGS  
(Clause (e), Report No. 80) PROPOSED NO. 2004-305

(9) A By-Law To Provide For The Temporary Closure Of University Avenue From Union Street To Clergy Street From Saturday, October 23, 2004 At 8:00 AM To Sunday, October 24, 2004 At 9:00 AM (Community Purposes – Queen's Alma Mater Society Outdoor Homecoming Event).  
FIRST AND SECOND READING  
(Clause (f), Report No. 80) PROPOSED NO. 2004-306

(10) A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Site Specific Zoning – Special General Commercial “C2-60” Zone, 2722-2754 Princess Street, Kingston West).  
THREE READINGS  
(Clause (1), Report No. 82) PROPOSED NO. 2004-307

(11) A By-Law To Amend By-Law No. 32-74 “Zoning By-Law” Of The Former Township Of Pittsburgh (Change The Zone On Approximately 0.48 Hectares Of Land From Residential Type One “R1” Zone To Site Specific “R1-46” And “R1-47” Zones).  
THREE READINGS  
(Clause (2), Report No. 82) PROPOSED NO. 2004-308

(12) A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Zone Change From The General Industrial “M1” Zone To A Special Highway Commercial “C3-16” Zone And “EPA” Environmental Protection Area Zone – 3667-3669 Princess Street).  
THREE READINGS  
(Clause (3), Report No. 82) PROPOSED NO. 2004-309
BY-LAWS

(13) A By-Law To Amend By-Law No. 76-26 “The Former Kingston Township Zoning By-Law” (Site Specific – 1259 Gardiners Road – Rezone To Modified Restricted General Industrial Zone “M6-17” To Permit A Range Of Additional Uses).

THREE READINGS
(Clause (6), Report No. 82)

PROPOSED NO. 2004-312

(14) A By-Law To Amend The Official Plan Of The Township Of Kingston Planning Area (Amendment No. 12, Part Of Lots 12, 13, And 14, Concession 2, Waterloo Village Subdivision Phase 4).

THREE READINGS
(Clause (7), Report No. 82)

PROPOSED NO. 2004-313

(15) A By-Law To Amend By-Law No. 76-26 “Zoning By-Law Of The Township Of Kingston" (Site Specific Zoning – Waterloo Village Phase 4 – Rezone To “R2-26-H” Modified Residential Type 2 Holding, “C2-28-H” Modified General Commercial Holding, To Permit The Development Of Single, Semi Detached And Row House Dwellings And An Automobile Service Station – Part Lots 12, 13 & 14, Concession 2).

THREE READINGS
(Clause (7), Report No. 82)

PROPOSED NO. 2004-314

(16) A By-Law To Amend By-Law No. 76-26 Of The Former Township Of Kingston (1745 Woodbine Road, Part Of Mile Square Block, Concession 2, Kingston West, Rezoning From “D” Development To Residential Type 1 “R1” Zone – 1745 Woodbine Road).

THREE READINGS
(Clause (8), Report No. 82)

PROPOSED NO. 2004-315

(17) A By-Law To Deem A Part Of A Subdivision Not To Be Registered – Lots 169 And 170 Inclusive, Registered Plan No. 1709.

THREE READINGS
(Clause (9), Report No. 82)

PROPOSED NO. 2004-316

(18) A By-Law To Amend The Official Plan Of The City Of Kingston Planning Area 9 Amendment No. 27 (Maps And Text Change-Site Specific Policies, Lot 6, Registered Plan 1921, Dalton Avenue/Warne Crescent).

THREE READINGS
(Clause (10), Report No. 82)

PROPOSED NO. 2004-317

(19) A By-Law To Amend By-Law No. 8499 “Zoning By-Law Of The City Of Kingston” (Site Specific Zoning – Lot 6, Registered Plan 1921, Dalton Avenue/Warne Crescent – Rezone To “C2.342” Modified Arterial Commercial, To Permit The Development Of Commercial Uses).

THREE READINGS
(Clause (10), Report No. 82)

PROPOSED NO. 2004-318
BY-LAWS

THREE READINGS

(City Council Meeting No. 24-2004)

PROPOSED NO. 2004-319

(21) A By-Law To Approve The Renaming Of Elliott Avenue, From The Great Cataraqui River (Rideau Canal System) To The New Intersection At Division Street, As John Counter Boulevard, And That Counter Street Be Renamed As John Counter Boulevard.
THIRD READING

(Clause (1), Report No. 72) (Clause (h), Report No. 80)

PROPOSED NO. 2004-244

THIRD READING

(Clause (b), Report No. 76)

PROPOSED NO. 2004-272

(23) A By-Law To Amend By-Law No. 2001-127 “A By-Law To Delegate The Authority For The Processing And Approval Of Temporary Highway Closures Pursuant To Section 207(43) Ontario Municipal Act” To Allow For Closure Of Portions Of Division Street For Sewer, Water Main And Road Reconstruction (Division Street From Fraser Street To Railway Street; Division Street From Barbara Avenue To Kirkpatrick Street).
THIRD READING

(Clause (c), Report No. 76)

PROPOSED NO. 2004-273

(24) A By-Law To Provide For The Temporary Closure Of Ontario Street Between Brock Street To Market Street On Friday, December 3, 2004 From 5:00 PM To 8:30 PM, And Ontario Street From Clarence Street To West Street Up To King Street On Friday, December 3, 2004 From 6:15 PM To 8:00 PM (Community Purposes – The Jingle Bell Walk).
THIRD READING

(Clause (d), Report No. 76)

PROPOSED NO. 2004-274

(25) A By-Law To Declare Hanger No. 3 And Hanger No. 5 At The Kingston (Norman Rogers) Airport Surplus To Municipal Need.
THIRD READING

 Claudes (1), Report No. 77)

PROPOSED NO. 2004-278

ADJOURNMENT