BY-LAW NO. 2010-___

A BY-LAW TO AMEND BY-LAW NO. 8499, “RESTRICTED AREA (ZONING) BY-LAW OF THE CORPORATION OF THE CITY OF KINGSTON” (Zone Change from Industrial ‘M7’ Zone to Multiple Family Dwelling ‘B1.390’ Zone, 771 Montreal Street)

PASSED: March ___, 2010

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

AND WHEREAS the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law No. 8499, as amended, of the former City of Kingston;

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

1. By-Law No. 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:

1.1. Map 15 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from Industrial ‘M7’ Zone to Special Multiple Family Dwelling ‘B1.390’ Zone, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-___.

1.2. By Adding a new subsection 390 thereto as follows:

“771 Montreal Street

Notwithstanding the provisions of Section 14 hereof to the contrary, the lands zoned ‘B1.390’ on Schedule ‘A’ hereto, the following regulations shall apply:

1) Additional Permitted Uses: office use, transitional house, training and counseling centre

2) Definition:
   a) Transitional House:
      Is a residential building containing a maximum of 9 dwelling units or habitation units within a facility where the individual is participating in assistance or counseling programs in a training and counseling centre located on the subject property. The residential building is subject to 24 hour supervision. The maximum length of stay for an individual in a transitional house shall be one year less a day. A transitional House does not include a community home, recovery home or boarding house as defined in Zoning By-Law No. 8499.

   b) Training and counseling centre:
      Is a place where an individual can obtain assistance through the application of mental health, psychological or human development principles, through cognitive, affective, behavioural or...
systematic intervention strategies that address wellness, personal growth or career development and includes programs that are designed to bring an individual to an agreed standard of proficiency in a prescribed skill or trade.

3) That the aggregate parking for a combined office, transitional house units, and training and counseling centre shall be 13 parking spaces. For all other permitted uses the regulations of Section 5.3 shall apply.

4) Notwithstanding any regulations to the contrary a loading bay is not required for a combined office, transitional house units, and training and counseling centre. For all other permitted uses the regulations of Section 5.4 shall apply.

5) Notwithstanding any regulations to the contrary play space is not required for a combined office, transitional house units, and training and counseling centre. For all other permitted uses the regulations of Section 5.27 shall apply.

6) Notwithstanding any regulations to the contrary the minimum area for a transitional house unit shall be 18.5 square metres.

7) Notwithstanding any regulations to the contrary the minimum rear yard shall be 4.7 metres.

8) Notwithstanding any regulations to the contrary front yard parking is permitted.”

2. This By-Law shall come into force and take effect on its passing, provided no Notice of Appeal is filed to this By-Law, all in accordance with the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13 apply and the By-Law shall be deemed to have come into force and take effect on the day it was passed.

GIVEN ALL THREE READINGS AND PASSED month day, year

CITY CLERK

MAYOR
The Corporation of the City of Kingston

Schedule 'A'
to By-law No.

Applicant: John Howard Society
File No.: D14-165-2009
Address: 771 Montreal Street
Plan No.: PWGCR PT LOT F 4 RP 13R3967;
          PARTS 2 TO 5 B58
Roll No.: 101104001004700
Scale: 10,000

Legend:
- Subject Lands
- Rezoned from M7 to M7'

Certificate of Authentication
This is Schedule 'A' to By-law No._______,
passed this ______ day of ________ 20____.

Date: November 23, 2009
Prepared by: M. Podder

Mayor

Clerk