BY-LAW NO. 2010-___

A BY-LAW TO AMEND BY-LAW NO. 32-74, “A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWNSHIP OF PITTSBURGH” (Zone Change to modify the existing Holding Special Residential ‘R1-47-H’ Zone and to change from Holding Special Residential ‘R1-47-H’ Zone to Residential ‘R1’ Zone, 271 Main Street)

PASSED:

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

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

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

1. By-Law No. 32-74 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh”, as amended, is hereby further amended as follows:

1.1. Map 3 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site to change from Holding Special Residential ‘R1-47-H’ Zone to Residential ‘R1’ Zone, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-___.

1.2. By Modifying Section 9 (uu), R1-47-H thereto as follows:

“Notwithstanding any provisions of Sections 9(1)(a) and 9(2) hereof to the contrary, the lands zoned ‘R1-47’ on Schedule “A” hereto shall be used for no purpose other than a single family dwelling house, in accordance with the following provisions:

(a) Lot Area (minimum): 630 square metres

(b) Lot Frontage (minimum): 7 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.

(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 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, verandahs, balconies, decks, and
       patios (maximum): 400 square metres
   (ii) accessory buildings and structures, (maximum): 28 square metres
   (iii) steps; unenclosed porches; verandahs; 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 3.5 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

(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)."
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

CITY CLERK

MAYOR
The Corporation of the City of Kingston

Schedule 'A' to By-law No.

Applicant: Nigel and Tessa Deansley
File No.: D14-133-2008
Address: 1368 Highway 15
Plan No.: PLAN 828 LOT 5
Lot/Conc.: PT CON EAST OF CAT RIVER LOT 3
Roll No.: 101109005001810

Scale: 1:1500

Legend:

- Subject Lands
- Razed from R1 to R1-40

Certificate of Authentication

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

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

Mayor

Clark
BY-LAW NO. 2010-___

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

PASSED: February ____, 2010

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

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

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

1. By-Law No. 32-74 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh”, as amended, is hereby further amended as follows:

1.1. Map 4 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from R1 to R1-49, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-___.

1.2. By Adding a new subsection 9(3)(v) thereto as follows:

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

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

(i) For the purpose of this section a “BED and BREAKFAST” shall be defined as a dwelling occupied by the owner and in which a maximum of four (4) rooms are provided with or without meals, for hire or pay, for the travelling or vacationing public.

(ii) Five (5) parking spaces shall be provided.

(iii) A sign identifying the “BED and BREAKFAST” is permitted on the property; the sign shall be less than 5 square metres in area.”
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 February ______, 2010

CITY CLERK

MAYOR
Schedule 'A' to By-law No.

Applicant: Nigel and Tessa Dearsley
File No.: D14-133-2008
Address: 1368 Highway 15
Plan No.: PLAN 828 LOT 5
Lot/Conc.: PT CON EAST OF CAT RIVER LOT 3
RL No.: 101109005001010

Scale: 1" = 100 ft

Legend:
- Subject Lands
- R1 to R1-40

Certificate of Authentication
This is Schedule 'A' to By-law No. ____________,
passed this ____________ day of ____________ 2010.

Date: January 6, 2008
Prepared by: C. Chen

Mayor

Clark