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 A1 to C2.391, 1305 Princess Street)

PASSED: April, 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. That Zone Map No. 12 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘A1 to ‘C2.391’ as shown on Schedule ‘A’ attached hereto and forming part of By-Law No. 2010-.

1.2. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

“391. Notwithstanding the provisions of Section 22 hereof to the contrary, on the approximately 0.078 hectare parcel of land known municipally as 1305 Princess Street, and zoned ‘C2.391’ on Zoning Map No. 12 attached to and forming part of amending By-Law No. 2010- , the following provisions shall also apply:

   a) Minimum Front Yard: 9.61 metres
      Minimum Side Yard when abutting an open space zone, residential zone, or a street: 7.43 metres.”

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 April, 2010

CITY CLERK

MAYOR
BY-LAW NO. 2010-___

A BY-LAW TO AMEND BY-LAW NO. 97-102, “CATARAQUI NORTH ZONING BY-LAW” (Zone Change from Medium Density Residential (MDR*1) to Medium Density Residential(MDR*4), Lots 167 to 195, Registered Plan 13M-58 (1191 to 1235 Crossfield Avenue and 686 to 700 Augusta Drive))

PASSED: ____, 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. 97-102, as amended, of the former Township of Kingston;

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

1. By-Law No. 97-102 of The Corporation of the City of Kingston, entitled “Cataraqui North Zoning By-Law”, as amended, is hereby further amended as follows:

1.1 That the Zone Map of Zoning By-Law No. 97-102, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘MDR*1’ to ‘MDR*4’ as shown on Schedule ‘A’ attached hereto and forming part of By-Law No. 2010-___.

1.2 That the following be added as Section 7.11 of the By-Law:

“7.11 MDR*4 (Geertsma Homes Ltd.), Lots 167 to 195, Registered Plan 13M-58

Notwithstanding any provisions of this By-Law to the contrary, the lands designated ‘MDR*4’ shall be used and developed in accordance with the following provisions:

(i) In addition to the uses permitted in the ‘MDR’ Zone, the permitted uses shall include single detached dwellings on lots accessed by a rear lane only.

(ii) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.

(iii) The minimum front yard depth for a single detached dwelling on a lot accessed by a rear lane shall be 3 metres.

(iv) At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. However for Lots 181, 182, 183, 187, 188 and 189 only, at least 70% of the front wall of the first storey of the main building shall be located within 4.0 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
(v) Single family dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.

(vi) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres.

(vii) The minimum required interior side yard for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.

(viii) The minimum required exterior side yard setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.

(ix) The minimum required rear yard setback shall be 14.5 metres. However, at the transition between the enclosed walkway and the rear of the main dwelling, the dwelling may project a maximum of 1.2 metres from the rear wall of the main dwelling.

(x) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.

(xi) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.

(xii) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.

(xiii) No air conditioner may be located within 1.2 metres of a rear lot line or required front yard. An air conditioner is permitted within the 1.2 metres of a side yard in a location between the midpoint of the dwelling and the rear of the dwelling only.

(xiv) Enclosed walkways shall be not wider than 2.75 metres with the width being measured from the exterior faces of the exterior walls. However, at the transition between the enclosed walkway and the rear of the main dwelling a width of up to 3.95 metres is permitted for a maximum of 1.2 metres from the rear wall of the main dwelling.

1.3 That Section 5.3.1.8(2)b) of the By-Law shall be deleted and replaced with the following:

b) If the enclosed walkway is located on a corner lot, no portion of the wall facing the exterior side lot line shall be located closer than 4.5 metres to the exterior side lot line.

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 ______, ____., 2010

CITY CLERK MAYOR