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 ‘M1’ to ‘M9.392’, 817 Division Street)

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. 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 Zoning Schedule “A”, Map 15 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol to ‘M9.392’ of the lands shown as “Subject Lands Rezoned from M1 to M9.392” on Schedule “A” attached hereto and forming part of amending 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:

   “392. 817 Division Street
   Notwithstanding any provisions of Section 31B.1 hereof to the contrary, on the lands zoned ‘M9.392’ on Schedule “A” attached hereto, the following provisions shall apply:

   a) PERMITTED USES:
      i) corporate administrative office
      ii) day care centre, accessory to a corporate administrative office

   b) MINIMUM YARDS:
      (i) north property line - 10.0 metres
      (ii) east property line – 7.5 metres
      (iii) south property line - 6.0 metres
      (iv) west property line - 7.5 metres

   c) MINIMUM LOT OCCUPANCY: 12%
d) MINIMUM OFF-STREET PARKING:
   i) corporate administrative office: 2.96 parking spaces per 100 m² of gross floor area
   ii) day care centre: 0.85 parking spaces per 100 m² of gross floor area

e) MINIMUM OFF-STREET LOADING FACILITIES:
   i) 1 off-street loading space.
   ii) Loading facilities shall be located at the rear or interior side of a building only.

f) LANDSCAPING AREA:
   i) adjacent to existing or proposed street, not less than 7.5 metre of landscaped area, excluding driveway;”

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
The Corporation of the City of Kingston

Schedule 'A'
to By-law No.

Applicant: Frontenac Children's Aid Society
File No.: D14-157-2009
Address: 817 Division Street
Plan No.: PLAN 19 LPT FARM 6 B 543 PT;
RDAL BTN LT 4 & 5 RP 13R4957;
PART 1 & 2 RP 13R11593 PARTS 1 & 2
Roll No.: 101104011011600
Scale: 1010

Legend:

Subject Lands
Rezoned from M1 to M9.392

Certificate of Authentication

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

Mayor
Clerk

Date: Aug 4, 2009
Prepared by: A. Jowel

Reference By-law No. 8499, Map 15

Council Meeting 13 May 4, 2010 87
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” (143 Union Street)

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. 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 Section 276 to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS of the By-Law be deleted and replaced in its entirety, with the following:

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276.
143 Union Street
Notwithstanding any provisions of Section 17 hereof to the contrary, on the lands zoned ‘E.276’ on Schedule “A” attached hereto, the following provisions shall apply:

(i) Minimum number of off-street parking spaces shall be 83;
(ii) The existing Victoria School building shall be deemed to be in conformity with the minimum front, side and rear yard requirements of the By-Law.
(iii) The minimum setback requirements for any proposed additions to the existing building shall be as follows:

From Union Street  20.0 metres
From Alfred Street 2.7 metres
From Frontenac Street 2.2 metres
Rear Yard:  0.9 metres
(iv) Minimum number of off-street loading spaces shall be 1.
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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
BY-LAW NO. 2010-XXX

A BY-LAW TO AMEND BY-LAW NO. 2006-132 “A BY-LAW TO ESTABLISH A LEGAL DEPOSIT FOR ARCHEAEOLOGICAL ASSESSMENTS CARRIED OUT WITHIN THE CITY OF KINGSTON” (As Amended)

PASSED:

WHEREAS the City of Kingston values its cultural heritage;

AND WHEREAS the Provincial Policy Statement, 2005 and the Ontario Heritage Act, R.S.O. 1990, c. O.18 necessitates the protection of recognized or potential archaeological resources;

AND WHEREAS the Planning and Development Department, to make diligent decisions concerning archaeological resources, requires a mechanism to develop a comprehensive database of all known existing archaeological sites;

AND WHEREAS new archaeological sites, including find spots and negative results, are not always registered with the Province of Ontario;

AND WHEREAS a ‘Legal Deposit’ is an internationally recognized means of building a collection of important written materials;

AND WHEREAS this legal mechanism has been introduced in several other Ontario municipalities to facilitate the creation of archaeological databases;

AND WHEREAS, it is necessary that Planning and Development Department Staff be made aware of all archaeological results, including find spots and negative results to ensure that planning decisions are consistent with the Provincial Policy Statement, 2005 and the requirements of the Ontario Heritage Act;

AND WHEREAS, the existing by-law does not have any mechanism for enforcement to ensure compliance;

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

1. That the City of Kingston amends By-Law 2006-132 to include the following Clause 6:

6. Failure to comply with this by-law will result in the offending firm becoming ineligible for any City of Kingston Purchase Order, Request for Proposal, or Tender until such time as all required archaeological assessments are received by the City.

GIVEN THREE READINGS AND FINALLY PASSED

CITY CLERK

MAYOR

Council Meeting 13   May 4, 2010
BY-LAW NO. 2010-__

A BY-LAW TO AMEND THE OFFICIAL PLAN FOR THE CITY OF KINGSTON PLANNING AREA (AMENDMENT NO. 2, known municipally as 1371 Spooner Road)

PASSED:

WHEREAS a public meeting was held regarding this amendment on December 03, 2009;

NOW THEREFORE the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the Planning Act, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The Official Plan for the City of Kingston is hereby amended by the following map change which shall constitute Amendment No. 2 to the Official Plan for the City of Kingston.

   (a) AMEND Schedule ‘3-D, Site Specific Policies’ of the Official Plan for the City of Kingston, so as to designate 1371 Spooner Road, as shown on Schedule ‘A’ to By-Law No. 2010-___, as ‘Rural Site Specific Policy No. 41’.

2. That the Official Plan for the City of Kingston is hereby amended by adding the following new Site Specific Policy as 3.18.41:

   "1371 Spooner Road  |  3.18.41. Rural Site Specific Policy Area

<table>
<thead>
<tr>
<th>SSP No. 41</th>
<th>The lands located at 1371 Spooner Road are limited to a Single Detached Dwelling house use in accordance with the following policies:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a) That the introduction of non-native plant species be discouraged due to the property's proximity to a provincially significant wetland, Collins Lake;</td>
</tr>
<tr>
<td></td>
<td>b) That the construction of the single detached dwelling be located closer to the northwest portion of the subject property to minimize any potential impact on the adjacent Environmental Protection Area designation;</td>
</tr>
<tr>
<td></td>
<td>c) That existing vegetation be preserved within the Site Specific Policy area to buffer and compliment the vegetation on the abutting Environmental Protection Area designation; and</td>
</tr>
<tr>
<td></td>
<td>d) Access is to be provided by means of an unopened road allowance and the owner enter into an access agreement with the municipality.</td>
</tr>
</tbody>
</table>

3. This By-Law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the Planning Act, provided that no Notice of Appeal is filed to this By-Law in accordance with the provisions of Section 17, Subsection 24 of the Planning Act, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

GIVEN ALL THREE READINGS AND PASSED

CITY CLERK                           MAYOR

Council Meeting 13   May 4, 2010  91
Schedule 'A' to By-law Official Plan Amendment No. 2

Applicant: James Roettger
File Number: D09-049-2009 & D14-163-2009
Address: 1371 Spooner Road East
Legal Description: CON 6 PT LOT 26 RP 13R10645; PARTS 1 & 2
ARN: 101108026004200

Scale: 0 5 10 20 30

Legend

- RESIDENTIAL
- ESTATE RESIDENTIAL
- COMMERCIAL
- CENTRAL BUSINESS DISTRICT
- REGIONAL COMMERCIAL
- MAIN STREET COMMERCIAL
- DISTRICT COMMERCIAL
- ARTERIAL COMMERCIAL
- EMPLOYMENT
- BUSINESS PARK INDUSTRIAL
- GENERAL INDUSTRIAL
- WASTE MANAGEMENT INDUSTRIAL
- AIRPORT
- RURAL
- RURAL AREA
- PRIME AGRICULTURAL AREA
- RURAL COMMERCIAL
- RURAL INDUSTRIAL
- MINERAL RESOURCE AREA
- OTHER
- INSTITUTIONAL
- DEFERRED AREA
- OPEN SPACE
- ENVIRONMENTAL PROTECTION AREA

THE CORPORATION OF THE CITY OF KINGSTON

Township of South Frontenac

Subject Property: 1371 Spooner Rd. E. Site Specific Rural OPA 3.18.41 Designated Lands

Legend

- Lands subject to change from EPA to Site Specific Rural OPA 3.18.41

Certificate of Authentication
This is Schedule 'A' to By-law No._____, passed this _____ day of __________ of 20___.

PREPARED BY: M. Poddar
DATE: September 10, 2009

Council Meeting 13 May 4, 2010
Mayor
Chck
BY-LAW NO. 2010-___

A BY-LAW TO AMEND BY-LAW NO. 76-26, “A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWNSHIP OF KINGSTON” (Zone Change from Environmental Protection Area ‘EPA’ Zone to Special General Agricultural ‘A2-9’ Zone, 1371 Spooner Road)

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. 76-26, 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. 76-26 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 Kingston”, as amended, is hereby further amended as follows:

1.1. Map 1 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘EPA’ to ‘A2-9’, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-___.

1.2. By Adding a new Section 10, subsection 3(i) thereto as follows:

“(i) **A2-9, 1371 Spooner Road**

Notwithstanding the provisions of Section 5 and 10 hereof to the contrary, the lands designated ‘A2-9’ on Schedule ‘A’ hereto, the following regulations shall apply:

a) Permitted Use:
   A Single Family Dwelling House

b) Minimum Lot Area:
   928 square metres

c) Front Yard Depth:
   6.0 metres
d) West Interior Side Setback Minimum:
   1.2 metres

e) All Other Yard Setbacks Minimum:
   The main building or structure shall not be located less than 10.0 metres from an ‘EPA’ Zone.

f) The Minimum Setback for a septic system from an ‘EPA’ zone shall be 0.0 metres.

g) The minimum setback for the parking of any vehicle, recreational vehicle or trailer is 10.0 metres from an ‘EPA’ Zone

2. This By-Law shall come into force and take effect on its passing, provided that Official Plan Amendment No. 2 is approved and no Notice of Appeal is filed to this By-Law, and where one or more appeals have been filed within the time period specified, at the conclusion of which, Section 34, Subsection 30 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, applies 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
Schedule 'A' to By-law No.

Applicant: James Roettger

File Number: D09-049-2009 & D14-163-2009
Address: 1371 Spooner Road East
Legal Description: CON 6 PT LOT 26 RP 13R10645; PARTS 1 & 2
ARN: 101108026004200

Scale: 0 5 10 20 25 30

THE CORPORATION OF THE CITY OF KINGSTON

Subject Property: 1371 Spooner Rd. E. 
Lands rezoned to A2-9

Subject Property: 1371 Spooner Rd. E. 
Lands to remain EPA

Legend

\[\text{Subject Lands} \quad \text{Rezoned from EPA to A2-9}\]

Certificate of Authentication

This is Schedule 'A' to By-law No._____________, passed this ____ day of ____________ of 20___.

Mayor                               Clerk

Spooner Rd E