BY-LAW NO. 2010-__


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. 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. That Zoning Schedule “A”, Map 3 of Zoning By-Law No. 76-26, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘D, M5, M6, and M6-14’ to ‘EPA, OS, OS-13, BP-2, M1-12’ as shown on Schedule “A” attached hereto and forming part of amending By-Law No. 2010-__.

2. That the following be added as Section 4 (31C) of the By-Law:
   “COMPLEMENTARY USE means a separate and independent use which is different from the permitted class of uses but is in keeping with the context of the overall mix of uses and, in a mutually beneficial fashion with the primary permitted uses, provides support and services to meet the needs of the primary permitted uses without interfering with the intended function of its surrounding area. A complementary use may only be permitted once a primary permitted use is established. The maximum gross floor area of all complementary uses cannot exceed 25% of the total gross floor area of all primary permitted uses.”

3. That the following be added as Section 8 (3)(m) of the By-Law:
   “(m) Notwithstanding any provisions of Section 8 (1) hereof to the contrary, for the lands zoned ‘OS-13’ on Schedule “A” hereto, no building or structure shall be erected or altered on the property.”

4. That the following be added as Section 24 (3)(l) of the By-Law:
“(l) Notwithstanding any provisions of Section 24 (1) hereof to the contrary, the lands zoned ‘M1-12’ on Schedule “A” hereto, may be used in accordance with the provisions of Section 24 for the ‘M1’ zone except that:

(i) ONLY PERMITTED USES:
- Manufacturing, assembling, fabricating, and processing operations;
- Construction and transportation activities and facility;
- Storage, warehousing and wholesale trade activities;
- Communications and utilities facility;
- Institutional uses with General Industrial characteristics, such as a trade school; and,
- Public use in accordance with Section 5(18) of By-Law No. 76-26.

(ii) ONLY COMPLEMENTARY PERMITTED USES:
- Office and business services such as printing and equipment repair intended to serve the General Industrial area;
- Restaurant;
- Financial institution;
- Personal services and convenience commercial;
- Automotive, heavy equipment or truck repair facility;
- Public and private parks and recreation facilities; and,
- Parking lots and structure.

(iii) MINIMUM FRONT YARD DEPTH : 10 metres

(iv) MINIMUM EXTERIOR SIDE YARD WIDTH : 10 metres

(v) MINIMUM INTERIOR SIDE YARD WIDTH: 3 metres

(vi) MINIMUM REAR YARD DEPTH : 7.6 metres

(vii) MAXIMUM BUILDING HEIGHT: 20 metres"

5. That the following be added as Section 30A (3)(b) of the By-Law:

“(b) Notwithstanding any provisions of Section 30A (1) hereof to the contrary, the lands zoned ‘BP-2’ on Schedule “A” hereto, may be used in accordance with the provisions of Section 30A for the ‘BP’ zone except that:

(i) ONLY PERMITTED USES:
- Corporate administrative office;
- Research and development facility carried out within enclosed buildings;
- Data processing and related services, including call centre;
- Administrative, professional and technical services supporting a permitted use; and,
- Public use in accordance with Section 5(18) of By-Law No. 76-26.

(ii) ONLY COMPLEMENTARY PERMITTED USES:
- Office and business services such as printing and equipment repair intended to serve the Business Park Industrial area;
- Restaurant;
- Financial institution;
- Personal services and convenience commercial;
- Public and private parks and recreation facilities; and,
- Parking lots and structure.
(iii) MINIMUM FRONT YARD DEPTH: 10 metres
(iv) MINIMUM EXTERIOR SIDE YARD WIDTH: 10 metres
(v) MAXIMUM LOT COVERAGE: 60%
(vi) MAXIMUM BUILDING HEIGHT: 20 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 ______, 2010

CITY CLERK

MAYOR