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 ‘A’ Zone to ‘A.396’ Zone, 105 Colborne Street)

PASSED: month day, year-not bold

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 19 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘A’ to ‘A.396’, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-___.

1.2. By Adding a new subsection 396 thereto as follows:

“396. 105 Colborne Street

Notwithstanding the provisions of Section 5.23 or Section 6 hereof to the contrary, the lands zoned ‘A.396’ on Schedule ‘A’ hereto, the following regulations shall apply:

a) The minimum lot area for a two family dwelling shall be 560 square metres.

b) The permitted two family dwelling may contain a maximum of 210 square metres of gross floor area. For the purposes of this section the area contained in the basement is excluded from the gross floor area calculation.

c) The total number of bedrooms shall not exceed 6 bedrooms for the entire property.

d) The maximum area of the back yard that may be used for uncovered vehicle parking shall be limited to 40 square 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 month day, year-not bold

CITY CLERK

MAYOR
Schedule 'A' to By-law No.

Applicant: Brian Matthey
File No.: D14-189-2010
Address: 105 Colborne Street
Legal Desc: PLAN OS PT LOT 407, 408, B190
Roll No.: 101103006004800

Date: August 17, 2010
Prepared By: A. Dowker

Legend:
- Subject Lands
- Rezoned from 'A' to 'A.396'

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

Mayor
Clerk

August 17, 2010
Council Meeting 22 October 5, 2010
1.0 Introduction

The City will be requesting proposals from qualified consultants to undertake the Williamsville Main Street Study. The study will provide direction on the revitalization and redevelopment of a specific section of the Princess Street Corridor in the City. Consultant teams should include expertise in land use planning, heritage planning, urban design, architecture, engineering, and transportation engineering.

The following sections are intended to guide the preparation of proposals for the Williamsville Main Street Study for the City of Kingston. This document has been prepared by the City of Kingston under the guidance of the Director of the Planning and Development Department.

2.0 Background of the Project

2.1 Study Area

The Williamsville Main Street is the portion of the Princess Street Corridor that extends between Division Street in the east and the Bath Road/Concession Street intersection in the west. The Central Business District (CBD) of Downtown Kingston lies to the east of the study area, further down Princess Street, while the Kingston Shopping Centre and Novelis/Innovation Park lands lie to the west of it. This portion of Princess Street is the main commercial area in the Williamsville District, and is approximately 1.7 km in length.

The study area includes those lands that front onto Princess Street (refer to the map in Appendix ‘A’). The boundaries of the study area are preliminary in nature, and may be refined further through the course of the study. It should be noted that existing residential properties, open spaces, institutions, and businesses that lie within a one block radius of the study area should be examined as well, as they have the greatest potential of being directly impacted by future development plans.

2.2 History of Williamsville

In the mid-nineteenth century, Williamsville was a small hamlet located at the western edge of the Town of Kingston. Over time, Kingston expanded its boundaries to include the hamlet and surrounding lands. The road through Williamsville became an important travel route, both locally for farm vendors heading to the Kingston market, and regionally for those traveling to and from Prince Edward County or York (now Toronto).

The buildings along the main street of Williamsville appear originally to have been mostly two storey structures of either brick or limestone, similar to many of the older areas of the City surrounding Downtown Kingston. Over time, as the importance of the automobile grew, and the area began to serve the travelling public more, many original structures and vacant lands were used for the construction of restaurants, hotels and motels, gas stations, and automobile sales lots and repair garages. Many of the buildings associated with these uses were one storey in height, and there was often a large proportion of surface parking on the lots to accommodate vehicles.
More recently, as the City has experienced a great deal of growth in its suburban areas, many of the auto-centred services that were originally located along this portion of Princess Street have relocated to larger properties in Kingston West.

Prior to the amalgamation of the City of Kingston with the adjacent Townships of Kingston and Pittsburgh in 1998, the study area was often referred to as Upper Princess Street or Midtown. More recently, with the creation of the City’s new Official Plan, the area has been identified as the “Williamsville Main Street”. This name recognizes both the historic hamlet that originated in the area, as well as the name of the current municipal electoral district.

2.3 Land Use and Built Form

Existing land uses along the Williamsville portion of the Princess Street Corridor are mainly commercial, with an emphasis on auto-related businesses such as used car sales and automobile service shops. There are a number of professional offices in the study area, with a concentration of medical offices and health care related services between Macdonnell Street and Tower Street. The area also includes a number of social service providers, including the CNIB, Kingston Literacy, HIV/AIDS Regional Services, the Salvation Army Harbour Light Centre, Martha’s Table, and Frontenac Community Mental Health Services. The commercial properties along this portion of Princess Street tend not to be very deep, and most of them abut residential uses.

There are a variety of building heights along the Williamsville Main Street, ranging from two to six storeys. Most of the buildings fronting onto Princess Street are two storey commercial units. The majority of the buildings have ground floor commercial uses, with some residential apartments or offices in the upper floors.

Since the area has historically served the travelling public, there are large tracts of land that were used for auto-related uses, especially car sales lots. With all of the large auto companies now having sales lots in other areas of the City, some of these properties along the Williamsville Main Street have been re-purposed as independent used car sales lots or for use by car rental agencies. However, many of these properties lie vacant and/or underutilized.

Beyond the primary study area along Princess Street into the adjacent residential areas, the built form consists mostly of lower density residential dwellings, with most homes ranging from one-and-a-half to two-and-a-half storeys in height. Housing tenure in this area is very mixed between rental and ownership, as is shown in the statistics in Section 2.4.

2.4 Demographics

In order to provide a statistical profile of the study area, a summary of information from the City’s Neighbourhood Profiles has been included below. The boundaries of the neighbourhoods in the Neighbourhood Profiles correspond to the 2006 Census dissemination areas. To capture the whole study area, it is necessary to review the following three profiles:
(1) Area 22 – Williamsville: north of Princess Street and bounded by Concession Street to the north and Division Street to the east;
(2) Area 33 – Sunnyside: south of Princess Street and bounded by Palace Road to the west, Union Street to the south, and Albert Street to the east; and,
(3) Area 35 – Queen’s: south of Princess Street, bounded by Albert Street to the west, Lake Ontario to the south, and Barrie Street to the east.

These three Neighbourhood Profile areas are illustrated in the map in Appendix ‘B’. Although they are not identical to the study area boundary shown in Appendix ‘A’, they offer a reasonable statistical profile of the residential areas surrounding this portion of the Princess Street Corridor. Table 1 provides some basic Census data regarding each of the three Neighbourhood Profile areas, illustrating the diversity of the residents, based on income, household size, and home ownership, which live within proximity to the study area.

Table 1 – 2006 Census Data

<table>
<thead>
<tr>
<th></th>
<th>Area 22 Williamsville</th>
<th>Area 33 Sunnyside</th>
<th>Area 35 Queen’s*</th>
<th>City of Kingston</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>2478</td>
<td>5580</td>
<td>1255</td>
<td>117,207</td>
</tr>
<tr>
<td>Ave. Family Income</td>
<td>$53,761</td>
<td>$94,001</td>
<td>$76,210</td>
<td>$83,163</td>
</tr>
<tr>
<td>Ave. Household Size</td>
<td>1.9</td>
<td>2.0</td>
<td>2.0</td>
<td>2.3</td>
</tr>
<tr>
<td>% Homeownership</td>
<td>30.0%</td>
<td>52.0%</td>
<td>9.7%</td>
<td>62.2%</td>
</tr>
</tbody>
</table>

* Note: The Census is taken at a time of year when most university students are not in the City.

2.5 Municipal Documents

a) Official Plan

The City of Kingston Official Plan (2010) identifies Princess Street, from Ontario Street to Midland Avenue, as a Corridor. The Williamsville Main Street is a component of this Corridor. The intent is that the Princess Street Corridor will be a priority transit route and will be the focus of intensification involving higher building heights and densities, as well as mixed land uses. Section 2 of the Official Plan (Strategic Policy Direction) indicates that the Princess Street Corridor will continue to evolve as a mixed use development area with buildings containing residential, employment and retail uses.

It is intended that major development and an increase in net urban residential density will be directed to the compact, mixed land use development areas along the Princess Street Corridor, as well as in Centres identified in the Official Plan. The target for new residential development involves mixed uses along the Princess Street Corridor with a minimum density of 75 residential units per net hectare. This will provide support for transit, infrastructure, and increased levels of economic activity in a pedestrian-oriented setting.

The properties that front onto Princess Street within the Williamsville Main Street study area are designated as “Main Street Commercial”. Permitted uses in the Main Street Commercial designation
include retail, service, and office uses suitable for a pedestrian-oriented main street, which are intended to provide services to the surrounding neighbourhoods. Within the Williamsville Main Street of Princess Street, the ground floor of buildings must contain commercial uses. Residential uses are permitted in the upper storeys of buildings.

The Official Plan also outlines four criteria to guide development within the Williamsville Main Street area:

1. Building orientation should be parallel to Princess Street, preferably near the street edge, and a continuous building façade should be maintained;

2. Building heights should be a minimum of 2 storeys and a maximum of 6 storeys. Buildings above 6 storeys may be permitted subject to an approved urban design analysis and rezoning;

3. Vehicular access along Princess Street should minimize disruption to pedestrian movement and be designed to minimize the impact on surrounding residential properties; and,

4. Parking should be located underground or in a structure where feasible, and buffered or screened from surrounding residential properties.

b) Zoning By-Law

Zoning By-Law No. 8499 of the former City of Kingston applies to the study area. The majority of properties in the study area that front onto Princess Street are zoned Commercial (‘C’ Zone). Permitted uses in the ‘C’ Zone include a wide range of services, including retail stores, offices, restaurants, hotels, automotive service and repair, and multi-unit residential dwellings.

Maximum building heights in the ‘C’ Zone are based on the distance from the centreline of the street to the face of the main wall of a building, but an angular plane can be utilized to determine the height of upper storeys.

In the adjacent residential neighbourhoods, the predominant zoning is for residential dwellings. There are three applicable zones: ‘A’ Zone (one and two-unit dwellings), ‘B’ Zone (three to six unit dwellings), and ‘B3’ Zone (multiple unit dwellings). Additional permitted uses include community halls and churches (‘A’ and ‘B’ Zones), senior citizen apartments (‘B’ and ‘B3’ Zones), and residential care facilities (‘B’ and ‘B3’ Zones).

2.6 Project Rationale and Context

The Williamsville Main Street is an area in the process of land use transition. Many of the auto-centred services have moved to other areas of the City, and there are a number of vacant and underutilized properties. Given the area’s location within the Princess Street Corridor and the policies in the new Official Plan, there is an opportunity for intensification and the creation of additional residential units and commercial spaces. However, intensification projects will have to take into
consideration compatibility issues with adjacent land uses, which will affect the scale, height, and massing of future development along the main street, as well as the capacity of the municipal infrastructure to support increased densities.

The purpose of the study is to examine existing land uses and redevelopment potential, create a concept plan and design guidelines for future development, and provide recommendations regarding infrastructure servicing and the revitalization of the area. The goal is to create a vibrant main street that is pedestrian-friendly and transit-supportive, and that provides services to the surrounding neighbourhoods.

### 3.0 Objectives and Study Approach

#### 3.1 Objectives

The main objectives of the Williamsville Main Street Study are as follows:

a) To produce a concept plan and vision for the future development of the area;

b) To develop design guidelines to enhance both the public realm and private properties, and provide direction for future development and redevelopment;

c) To develop a servicing infrastructure plan for the study area that maximizes the use of existing infrastructure and minimizes costly capital infrastructure improvements, and will include the development of flow, consumption and discharge characteristics for proposed development scenarios that can be modelled for infrastructure impacts.

d) To provide additional recommendations regarding the revitalization of the area, including, but not limited to, economic development mechanisms, potential planning tools, heritage conservation tools, community organizations and partnerships, and public services and facilities;

e) To support the Official Plan policies of intensification for the area, and ensure that densities along the Princess Street Corridor are supportive of a priority transit route;

f) To encourage a built environment that is supportive of pedestrians and promotes active transportation;

g) To ensure that new development is appropriately integrated in a way that respects the character and scale of the existing adjacent neighbourhoods;

h) To identify, protect, and promote cultural heritage resources and ensure that additions or modifications to built heritage resources or cultural heritage landscapes are appropriate and complementary;
i) To encourage the development of additional housing units that offer variety, quality, accessibility, and affordability;

j) To encourage the development of commercial uses that are oriented to the street and intended to serve the surrounding neighbourhoods;

k) To encourage the retention of existing businesses and the attraction of new businesses to the area;

l) To support improvements that increase transit ridership, accommodate cyclists, and provide adequate and appropriate parking and vehicular circulation in the area; and,

m) To ensure that any recommendations of the study regarding future redevelopment of the area incorporate environmental innovation and sustainability by using “green” technology and design principles.

3.2 Study Approach

The study is anticipated to progress through the following major steps.

a) Background Review

The initial stage of the project will involve a meeting with staff to review and finalize the work program. There will also be an opportunity for site visits to the study area to familiarize the consultant with the area, and to provide additional opportunities to discuss relevant project issues. This stage will also involve research and data collection, and a review of municipal documents and studies.

b) Development of a Draft Servicing Infrastructure Plan

A servicing plan is required for the study area that must address, at a minimum, the following components covering sanitary sewers, storm sewers, water, gas and electricity:

- The level and condition of existing services in the study area;
- The off-site impacts, upstream and downstream, of changing the servicing in the study area;
- An assessment of necessary upgrades and/or expansions related to each system’s current capacity and availability;
- The requirements for stormwater management that has considered future planning requirements within the watershed or sub-watershed, and the protection of both the quality and quantity of water and groundwater resources;
- The location, timing and costs of both on-site and off-site servicing necessary to support redevelopment at a higher density in the study area;
- Confirmation by telecommunication and other utility providers that services can be provided to support the proposed redevelopment;
c) Development of Draft Design Guidelines and Recommendations

Draft design guidelines should be developed that address existing uses and future redevelopment potential, as well as both the public realm and private properties. Recommendations regarding the future revitalization of the study area should also be provided, including, but not limited to, economic development mechanisms, potential planning tools, heritage conservation tools, community organizations and partnerships, and the provision of public services and facilities.

d) Final Recommendations and Presentation

The servicing infrastructure plan, guidelines and recommendations should be finalized and presented to Planning Committee.

3.3 Implementation of the Study

The consultant must identify appropriate ways to implement the recommendations of the study. Consideration must be given to the implications of implementation for staff, Committees, Council, and existing City programs. As well, the recommendations should offer a range of options, from short to long term, including minor changes, such as painting existing buildings or installing new street furniture, to significant changes, such as the construction of new buildings and the redevelopment of municipal infrastructure.

3.4 Public Consultation

This study will have an impact on existing neighbourhoods and businesses in Kingston. As a result, there must be public consultation and stakeholder meetings included within the study design. Although the study process for this project does not yet include a clearly delineated public consultation framework, the consultant will be required to conduct a minimum of two public open houses/workshops. The first workshop should occur early in the project as part of the identification of issues, with a second workshop to be held following the release of a draft document. It is also expected that the consultant will make a final presentation of the conclusions and recommendations to Planning Committee.

As part of this function, a Technical Steering Committee will be established that will be comprised of City department representatives that deal with the study area and would be impacted by the recommendations of this study. Its purpose will be to provide the consultant team with technical assistance and access to needed information and resources. The Technical Steering Committee will also serve as a forum to review and discuss proposed recommendations.
4.0 Project Deliverables

4.1 Timing

It is the intention of the City to commence the study in the winter of 2010/2011. The entire study will be approximately six (6) to eight (8) months in duration. Any anticipated deviations from this timing should be noted.

4.2 Study Products

The Williamsville Main Street Study will be a written document supported by illustrations, photographs, and mapping. At a minimum, it shall include:

a) a detailed record of the study, including the purpose, rationale, process, components, approach analysis, considerations, and consultation program (including public consultation). This record shall include a detailed inventory of all documents, files, models, reports, and studies considered through the course of the study;

b) maps showing the study area and any distinct sub-areas;

c) a Servicing Infrastructure Plan, as described in Section 3.2 (included as a separate appendix to the main report);

d) an Implementation Plan, as described in Section 3.3;

e) documentation of feedback from the public and other stakeholders; and,

f) conclusions and recommendations.
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 Special Restricted General Industrial ‘M6-2’ Zone to Special Business Park ‘BP-3’ Zone, 631 Fortune Crescent)

PASSED: month day, year- not bold

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 3 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘M6-2’ to ‘BP-3’, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-__.

1.2. By Adding a new Section 30A subsection (3)(c) thereto as follows:

“(c) ‘BP-3’, 631 Fortune Crescent

Notwithstanding the provisions of Section 5 and 30A hereof to the contrary, the lands designated ‘BP-3’ on Schedule ‘A’ hereto, the following regulations shall apply:

i) Uses Permitted:
   a) Residential uses are prohibited
   b) Non-Residential Uses:

<table>
<thead>
<tr>
<th>Permitted within 90 Metres of Gardiners Road</th>
<th>Restricted to Eastern Portion of Property (beyond 90 metres setback from Gardiners Road)</th>
<th>Uses permitted on Entire Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bank or financial institution</td>
<td>Assembly Plant</td>
<td>Business Office</td>
</tr>
<tr>
<td>Clinic</td>
<td>Bakery – manufacturing scale</td>
<td>Professional Office</td>
</tr>
</tbody>
</table>
Service Shop, Personal | Manufacturing Plant | Restaurant and Patio
---|---|---
Packaging Plant | Restaurant, Freestanding
Processing Plant | Restaurant, Take-Out
Warehouse | Commercial School
Wholesale Establishment | Dry cleaning and Related Services

Data Processing and related services
Film or Recording Studio
Laboratory
Printing Establishment
Club, Private
Club, Commercial
Public Use
Research and Development Facility
Technical Training Facility
Veterinary Clinic

**c) Retail Type Uses:**
1. Uses such as restaurants, banks, clinics and personal service shops shall be limited to a combined maximum gross floor area of 2,322 square metres;
2. Maximum number of freestanding restaurants is two (2).

**d) Accessory Uses:**
1. Accessory uses are permitted in accordance with the General Provisions unless otherwise specified;
2. Accessory retail uses associated with the sale of products assembled and manufactured on the site and any permitted non-residential use shall be restricted to a maximum 25% of the built gross floor area for any single tenant or business.

**ii) Open Storage:**
Open storage use shall be located beyond the 90 metre setback from Gardiners Road and located in accordance with the following provisions:
1. Every open storage use shall be accessory to the main use of the lot.
2. Every open storage use shall comply with the yard setback provisions established herein in Section 30A(3)b(v-viii);
3. Notwithstanding paragraph (2) above, no open storage shall be located in a front yard or exterior side yard;
4. Every open storage use shall be enclosed by a wall or fence which is not less than 1.8 metres in height, which is constructed of uniform materials, which is maintained in good condition and which is not located within any required yard. Where such open storage use is to be situated in a location such that it will be visible from a public street, the portion of such open storage use which would otherwise be visible from the public street shall be appropriately screened from view by a buffering device of suitable composition and height.
iii) Lot Area (minimum) 550 square metres;
iv) Frontage (minimum) 25.0 metres;

v) Front Yard Depth (minimum) 3.0 metres;
vi) Exterior Side Yard Width (minimum) 3.0 metres;

vii) Interior Side Yard Width (minimum) 0.0 metres;
viii) Rear Yard Depth (minimum) 3.0 metres;
ix) Lot Coverage (maximum) 30%;
x) Landscape Open Space (minimum)
   • 20% within 90 metres of Gardiners Road
   • 10% beyond 90 metres of Gardiners Road;

xi) Building Height (maximum) 21 metres;

xii) Notwithstanding any provisions to the contrary the parking ratio shall be 3.4 spaces per
     100 square metres of gross floor area;

xiii) Notwithstanding any provisions to the contrary parking shall be permitted in all yards;
xiv) All loading spaces shall be appropriately screened with uniform building materials and
     maintained;

xv) Notwithstanding any provisions to the contrary all parcels shall be considered a single
     parcel for the purpose of interpretation of the ‘BP-3’ Zone.”

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- not bold

CITY CLERK

MAYOR
The Corporation of the City of Kingston

Schedule 'A'
to By-law No.

Applicant: Four Corners Development Inc.
File No.: D14-185-2010
Address: 631 Fortune Cres.
Plan No.: 13R16018; PART 1
Lot/Conc.: CON 3 PT LOTS 10 & 11
Roll No.: 101108019013295

Scale: This map is not to be used for precise scaling.
Metric

Legend:
- Subject Lands
- Rezoned from M6-2 to BP-3

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

Date: May 20, 2010
Prepared by: M. Poddar

Mayor ___________________________ Clerk ___________________________