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 Light Industrial ‘M2’ Zone to Special Light Industrial ‘M2-31’ Zone, 700 Gardiners 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 5 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘M2’ to ‘M2-31’, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-___.

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

“(ad) M2-31 – 700 Gardiners Road

Notwithstanding the provisions of Section 25 hereof to the contrary, the lands designated ‘M2-31’ on Schedule ‘A’ hereto, the following regulations shall apply:

i. **Prohibited Use:** an accessory dwelling unit

ii. **Additional Permitted Uses:**
   - A renewable and/or alternative energy sources use;
   - Trade show use;
   - Recreational Use, maximum gross floor area of 7,700 square metres;

iii. **Additional Permitted Accessory Commercial Uses:**
   - Professional and business office, excluding medical offices;
   - A daycare or day nursery;
   - Restaurant;
Financial institution;
Personal service establishment;
Convenience commercial (limited to 500 square metres); and
A retail use, part of and accessory to a permitted use.

iv. Notwithstanding any provisions to the contrary an accessory retail use shall not exceed 25% of the gross floor area of a unit.

v. Notwithstanding any provisions to the contrary the aggregate gross floor area for all complimentary and accessory uses shall not exceed 25% of the total gross floor area.

vi. A trade show use shall not include any permanent display of goods and/or services. Any use accessory to a trade show use shall not exceed 25% of the gross floor area of the trade show.

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
BY-LAW NO. 2010-xxx

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 D to R1 – 4153 Mangan Boulevard, OS to R1 – 4157 Mangan Boulevard and C-7-H to R1-33 – 5216 Dundon Drive)

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. That Zone Map No. 2 of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zone symbol of 4153 Mangan Boulevard from ‘D’ to ‘R1’, 4157 Mangan Boulevard from ‘OS’ to ‘R1’ and 5216 Dundon Drive from ‘C-7-H’ to ‘R1-33’, as shown on Schedule ‘A’ attached hereto and forming part of By-Law No. 2010-.

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

Council Meeting 24 November 16, 2010

33 33

Exhibit D
THE CORPORATION OF THE CITY OF KINGSTON

BY-LAW NO. 2010- _____

A BY-LAW TO AMEND THE CITY OF KINGSTON OFFICIAL PLAN – TO CHANGE THE DESIGNATION ON APPROXIMATELY 11.75 HECTARES (29 acres) OF LAND FROM “RURAL” TO SITE SPECIFIC POLICY No. 43 “PART LOT 4, CONCESSION 4, Geographic Township of Pittsburgh Now in the City of Kingston FOR DUFFE LAND COTTAGE ASSOCIATION”

PASSED: November _____rd, 2010

WHEREAS the Council of the Corporation of the City of Kingston deems it advisable to amend the City of Kingston Official Plan by changing the designation symbol on approximately 9.8 hectares of land from “RURAL” to Site Specific Policy No. 38 “PART LOT 4, CONCESSION 4, Geographic Township of Pittsburgh Now in the City of Kingston FOR DUFFE LAND COTTAGE ASSOCIATION” as requested by the Duffy Lane Cottage Association to recognize the exiting development and to allow conversion of seasonal cottage to regular dwellings;

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. P. 13, hereby enacts as follows:

That the City of Kingston Official Plan, as amended, is hereby further amended as follows:

1. That the City of Kingston Official Plan, SCHEDULE 3-D, SITE SPECIFIC POLICIES, as amended be further amended by adding the symbol to “SITE SPECIFIC POLICY NO. 43” to the lands shown on Schedule “A” attached hereto;

2. That the City of Kingston Official Plan, as amended be further amended by adding the following Section 3.18.43 as follows:

3.18.43. Lands shown on Schedule 3-D as Area 43 may be developed in accordance with the following policies:

a. the lands may be used for a vacant land condominium containing a maximum of 14 detached dwellings. No severances of individual lots are permitted.

b. all servicing is provided by individual on-site water and sewage services on each condominium unit. Only one residential unit is permitted per condominium unit.

c. communal water wells and communal sanitary septic systems are prohibited.

d. for flood protection purposes, no development, including the erecting of any dwelling, other structure, or any shoreline alteration, is permitted within 30 metres of the floodplain elevation of 88.92 metres Geodetic Survey of Canada Datum (GSC). Building openings and laneway access should be appropriately located.
where land is available. It is intended that existing buildings and structures located below the minimum elevation be removed or relocated if the site is redeveloped.

e. no floor or exterior building opening, including floor drains, shall be located lower than 89.22 metres GSC.

f. all construction must protect the shoreline, shoreline vegetation and fish habitat from damage or silting. Silt protection measures such as straw bales or fences are encouraged.

g. no in-water construction may occur during the period of March 15 to June 30 of any year, in order to protect the spawning fish habitat.

h. prior to changes to the existing dwellings, the owners must demonstrate that the individual on-site water and sewage services meet current standards.

i. the site is part of the Rideau Canal World Heritage Site, National Historic Site and Canadian Heritage River and any development shall be consistent with the purpose of these designations.

j. prior to changes to the existing dwellings or redevelopment, the owners must demonstrate that the proposal has undergone a Heritage Impact Assessment and that the proposal is consistent with it.

k. prior to changes to the existing dwellings or redevelopment, the owners must demonstrate that the proposal is consistent with the recommendations of “An Archaeological Assessment (Stage 1) of the proposed severances Part Lot 4 Concession 4, Geographic Township of Pittsburgh CITY OF KINGSTON, County of Frontenac, Ontario” prepared by Nicolas R. Adams, CIF# P003-172-2007, dated February 12, 2008.”

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
THE CORPORATION OF THE CITY OF KINGSTON

BY-LAW NO. 2010-____

A BY-LAW TO AMEND BY-LAW NO. 32-74 “ZONING BY-LAW” OF THE FORMER TOWNSHIP OF PITTSBURGH – TO CHANGE THE ZONE ON APPROXIMATELY 9.8 HECTARES (24.2 acres) OF LAND FROM “RESTRICTED RURAL ZONE (A1) TO “SPECIAL REQUIREMENT (RR-11-H) ZONE” – PART LOT 4, CONCESSION 4, Geographic Township of Pittsburgh Now in the City of Kingston FOR DUFFE LAND COTTAGE ASSOCIATION

PASSED: November _____RD, 2010

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

AND WHEREAS the Council of the Corporation of the City of Kingston has adopted an Official Plan Amendment to enact “SITE SPECIFIC POLICY NO. 43” to change the designation of the subject lands; and,

AND WHEREAS the Council of the Corporation of the City of Kingston deems it advisable to place a Holding ( -H) symbol on the zone;

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

That Zoning By-Law No. 32-74, as amended, is hereby further amended as follows:

1. That Zoning Schedule “A” of Zoning By-Law No. 32-74, is hereby further amended by changing the zone symbol to ‘RR-11’ of the lands shown as ‘Zone Change from ‘RR to RR-11-H’” on Schedule “A” attached hereto;

2. That the following clause (k) be added to Section 8(3) following clause (j):

“(k) Special Requirement (RR-11) Duffe Lane Condominium.
Notwithstanding Section 8(1) and Section 8(2) of By-Law No. 32-74 to the contrary, the lands designated ‘RR-11’ on Schedule ‘A’ hereto shall be developed as a vacant land condominium with up to 14 Condominium Units, subject to the following provisions:

1) Dwellings per Condominium Unit (maximum) - 1 only

2) Bedrooms per Condominium Unit (maximum) - 3

3) Minimum Setback from the floodplain (elevation of 88.92 metres GSC) for any building, structures, including septic systems - 30 metres

4) Minimum Setback of any building from a Condominium Unit Boundary that abuts an access lane - 5 metres

5) Minimum Setback of any building from a Condominium Unit Boundary - 1.5 metres
6) Lot Coverage (maximum) - the lesser of 25% or 200 square metres

7) Building Height (maximum) - 8 metres

8) A vehicle parking area may be located no closer than 10.5 metres to a public street, (Isle of Man Road).

9) Accessory Uses are to be in accordance with Section 5 of the Zoning By-Law.

10) No finished floor of a building shall be located in an area below the 89.22 metres elevation Geodetic Survey of Canada.

11) No building opening, such as a window, vent or floor drain, shall be located below 89.22 metres elevation Geodetic Survey of Canada.

12) No new additions to existing buildings or structures, such as interior floor area, decks, porches, roofed structures or septic system, shall be located within 30 metres of the flood plain elevation of 88.92 metres GSC.

13) Notwithstanding Section 5(24)(i) Holding Zone Provisions to the contrary no building permits shall be issued for the alteration or renovation of a building or structure, until the “-H” symbol is removed; unless an existing building or structure requires a building permit for safety reasons or repair for maintenance.

14) Notwithstanding Section 5(24)(iii) Holding Zone Provisions to the contrary an (-H) symbol may be removed from any part of the zone if the owner provides confirmation from a qualified professional that the development site (condominium unit) complies with the following:
   a. That the setback and area requirements for water wells and sanitary septic systems comply with current standards;
   b. That the well has been installed by a licensed well driller in accordance with Ontario Regulation 903 or its replacement and in accordance with the “Hydrogeological Assessment Proposed Duffe Lane Lavan Land Condominium – Part Lot 4 Con. IV, City of Kingston (Pittsburgh), Ontario” report by Concord Engineering, dated June 10, 2010;
   c. That the water well complies with the current standards for potable water;
   d. That the sanitary septic system complies with current standards;
   e. That the development proposal has completed a Heritage Impact Assessment in accordance with City requirements and prepared to the satisfaction of the City to address the impacts of new development on the adjacent heritage property;
   f. That the development location has completed a Stage Two Archaeological Assessment (under the terms recommended by ‘An Archaeological Assessment (Stage 1) of the proposed severances Part Lot 4 Concession 4, Geographic Township of Pittsburgh CITY OF KINGSTON, County of Frontenac, Ontario’ prepared by Nicolas R. Adams, CIF# P003-172-2007, dated February 12, 2008) to the satisfaction of the City and the Ministry of Culture, including the completion and acceptance of any further archaeological assessments deemed necessary by the licensed archaeologist/City/Ministry of Culture’

3. 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 ON THE _____ DAY OF November __, 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 Low Density Residential (LDR-H) to Low Density Residential (LDR*15-H), Part of Lot 14, Concession 3)

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 ‘LDR-H’ to ‘LDR*15-H’ as shown on Schedule ‘A’ attached hereto and forming part of By-Law No. 2010-___.

1.2 That the following be added as Section 7.15 of the By-Law:

“7.15. Part of Lot 14, Concession 3
Notwithstanding any provisions of this By-Law to the contrary, the provisions of Table B1 for the ‘LDR’ Zone shall apply to the ‘LDR*15’ zone except that:
(i) The maximum driveway width shall be 3.5 metres for interior and interior end townhouse units.
(ii) The maximum driveway width shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser, for exterior (corner) units.
(iii) The maximum garage width shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser, for all townhouse units.”

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-___

A BY-LAW TO AMEND THE OFFICIAL PLAN FOR THE CITY OF KINGSTON PLANNING AREA (AMENDMENT NO. 8, 722, 730 & 766 John Counter Boulevard)

PASSED: ____, 2010

WHEREAS a public meeting was held regarding this amendment on October 7, 2010;

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. 8 to the Official Plan for the City of Kingston.

   (a) AMEND Schedule ‘3-D’, ‘Site Specific Policies’, of the City of Kingston Official Plan, so as to designate the property located at 722, 730 & 766 John Counter Boulevard, as shown on Schedule ‘A’ to By-Law No. 2010-___, as ‘Site Specific Policy Area No. 44’.

2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 3.18.44:

   3.18.44 The property located at 722, 730 & 766 John Counter Boulevard is within the Residential designation, as shown on Schedule 3-A. It is the intent of this Plan to permit the existing limestone building, known as 730 John Counter Boulevard, to be used for a commercial school, in addition to the uses permitted within the Residential designation. Use of the existing building as a commercial school is subject to the following site specific policies:

   a. operations associated with the commercial school shall not emit any noise, vibration, glare, fumes, odours, etc. which cause a nuisance or inconvenience within or outside of the premise and must be compatible with the surrounding residential buildings;

   b. the commercial school will generate minimal traffic; and,

   c. prior to reuse of the building from a commercial school to a residential dwelling, day care or other sensitive land use, the owner must file a Record of Site Condition to demonstrate that the change in use is appropriate and in accordance with provincial legislation.

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 _____, ____, 2010

CITY CLERK

MAYOR
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. 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 ‘B1.225-H’ of the lands shown as “Subject Lands Rezoned from B1.225 to B1.225-H” on Schedule “A” attached hereto and forming part of amending By-Law No. 2010-__.

   1.2 That Section 225 to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS of the By-Law be replaced in its entirety, with the following:

   “225. 722, 730 & 766 John Counter Boulevard

   Notwithstanding any provisions of Section 14 hereof to the contrary, on the lands zoned ‘B1.225-H’ on Schedule “A” attached hereto, the following provisions shall apply to the entire area zoned ‘B1.225-H’:

   a) MAXIMUM NUMBER OF RESIDENTIAL UNITS: 214

   b) The limestone building as it exists on the date of the passing of this By-Law and known municipally as 730 John Counter Boulevard may only be used as a commercial school, provided that no such operation shall emit any noise, vibration, glare, fumes, odours, etc. which cause a nuisance or inconvenience within or outside of the premise. Subject to the removal of the holding provision, the existing limestone building may only be used as a single family dwelling or a day nursery but
not a commercial school. This single family dwelling unit shall be included as part of the maximum number of permitted residential units.

c) MINIMUM OFF-STREET PARKING FOR COMMERCIAL SCHOOL USE: 15 spaces

d) MINIMUM SETBACK FROM THE ADJACENT RAIL LINE: 30 metres.

e) The metal clad accessory building existing on the southwest corner of the site as of the date of the passing of this By-Law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that this existing accessory building is removed, any new accessory building or structure shall be subject to the regulations of Section 5 of this By-Law.

f) Parking shall be no closer to any street line than the nearest wall of the building to the street. The existing parking, as of the date of the passing of this By-Law, along Maple Street shall be deemed to comply with the regulations of this Zoning By-Law.

g) The ‘-H’ Symbol shall only be removed once the following conditions have been complied with:
   (i) Submission of a Record of Site Condition to the satisfaction of the City is required for any conversion of a commercial school to a residential or day nursery use;
   (ii) All applicable Municipal and Agency requirements have been complied with;
   (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
   (iv) City Council has passed a further amendment to the Zoning By-Law to remove the ‘-H’ Symbol pursuant to the Planning Act.”

2. By-Law shall come into force and take effect on its passing, provided that Official Plan Amendment No. 8 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 _____, ____, 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 Commercial Uses ‘C’ Zone to Special Commercial Uses ‘C.397’ Zone, 630 Princess 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 ‘C’ to ‘C.397’, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-___.

1.2 By Adding a new subsection Part VII, 397 thereto as follows:

“(397) C.397, 630 Princess Street

Notwithstanding the provisions of Sections 5 and 20 hereof to the contrary, the lands designated ‘C.397’ on Schedule ‘A’ hereto, the following regulations shall apply:

i) Additional Permitted Uses:
   Mixed commercial/residential use;

ii) Prohibited Uses:
   A hotel;
   Marinas;
   Sales room or yards for motor vehicles; including automotive service facilities; and
   Automotive repair shops that install and service previously manufactured parts.

The following provisions shall apply to a mixed commercial/residential use only:

i) Maximum residential density shall be 191 Units per Hectare;

ii) Minimum Front Yard Setback: 0.0 metres;
iii) Minimum Interior Side Yard Setback: 3.07 metres;
iv) Maximum Building Height: 25 metres;
v) Maximum Number of Storeys: 6;
vi) Minimum Number of Residential Parking Spaces: 16 spaces;
vii) Minimum Number of Commercial Parking Spaces: 4 spaces;
viii) a loading bay is not required;
ix) a play space is not required;
x) the minimum vertical clearance for a barrier free parking height shall be 2.3 metres;
x) there shall be no common or shared access for the commercial and residential uses; and
xii) no portion of the building, including but not limited to footings, weeping system, eaves and
downspouts shall encroach into the City’s right-of-way.

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

CITY CLERK

MAYOR
BY-LAW NO. 2010-__

A BY-LAW TO AMEND BY-LAW NO. 2005-10, “A BY-LAW TO ESTABLISH RATES AND FEES TO BE COLLECTED BY THE CORPORATION OF THE CITY OF KINGSTON”, AS AMENDED

PASSED:

WHEREAS The Corporation of the City of Kingston passed By-Law No. 2005-10, “A By-Law To Establish Rates And Fees To Be Collected By The Corporation Of The City Of Kingston” on December 14, 2004 in order to consolidate and update the fees and charges to be collected by the various departments of the City; and

WHEREAS on January 6, 2009 Council approved a 22% increase for 2009 for Planning and Development fees and a 9.5% increase for 2009 for Engineering fees as part of Clause 1 of Report No. 14:

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

1. That the Planning & Engineering Fees for the Committee of Adjustment listed in Schedule A to By-Law No. 2005-10, as amended, shall be further Amended as noted below.

PLANNING

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<th>TYPE OF FEE</th>
<th>2010 FEES</th>
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<td>$60.00</td>
<td>$62.00</td>
</tr>
</tbody>
</table>

2. This By-Law shall come into force and take effect on the date of its passing.

GIVEN ALL THREE READINGS AND FINALLY PASSED, 2010.

CITY CLERK

MAYOR