The Regular Meeting of City Council was held on Tuesday, February 3, 2009, and was called to order at 7:00 pm in the Council Chamber, City Hall. Regular business commenced at 7:45 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 7:05 pm to 7:40 pm in the Councillors’ Lounge. The Committee of the Whole “In Camera” recessed at 7:40 pm and reconvened from 11:10 pm to 11:30 pm.

(Council Chamber)
ROLL CALL
Present: Mayor Rosen, Councillor Foster, Councillor Garrison (arrived at 7:05 pm), Councillor Gerretsen (arrived at 7:05 pm), Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson (arrived at 7:12 pm), Councillor Meers, Councillor Osanic, Deputy Mayor Schmolka, Councillor Smith (13)
Absent: (0)

(Councillors’ Lounge)
Administrative Staff Present:
Ms. C. Beach, Commissioner of Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mr. J. Garrah, CEO, Kingston Economic Development Corporation
Mr. G. Hunt, Chief Administrative Officer
Mr. S. Kanellos, Director, Growth and Initiatives
Mr. D. Leger, Commissioner of Corporate Services
Mr. H. Linscott, Director, Legal Services
Mr. J. Sawarna, Capital Projects, Growth & Initiatives
Mr. G. Wallace, Director, Planning and Development

COMMITTEE OF THE WHOLE “IN CAMERA”

(1) Moved by Councillor Foster
Seconded by Councillor Glover
THAT Council resolve itself into the Committee of the Whole “In Camera” to consider the following item(s):

(a) A proposed or pending acquisition or disposition of land by the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(b) A proposed or pending acquisition or disposition of land by the municipality or local board – Property on John Counter Blvd.

(c) A proposed or pending acquisition or disposition of land by the municipality or local board – Tri-Service Project

CARRIED
(See Motion to Amend Which Was Carried)

Moved by Councillor Hutchison
Seconded by Councillor Meers

THAT the motion of Councillors Foster and Glover be amended to change Item (c) to Item (a) and that it be the first item considered at the Committee of the Whole “In Camera” session.

CARRIED

***********

(Council Chamber)

Administrative Staff Present:
Ms. C. Beach, Commissioner of Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mr. S. Dubey, Chair, Kingston Economic Development Corporation
Mr. C. Empey, Contract & Fundraising Administrator, K-Rock Centre
Mr. J. Garrah, CEO, Kingston Economic Development Corporation
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Director, Project Development, Sustainability and Growth
Mr. S. Kanellos, Director, Growth and Initiatives
Ms. D. Kennedy, Director, Financial Services
Ms. S. Kidd, Director, Corporate Assets
Mr. D. Leger, Commissioner of Corporate Services
Mr. H. Linscott, Director, Legal Services
Mr. B. McCurdy, Cultural Director, Grand Theatre
Mr. A. McLeod, Senior Legal Counsel, Legal Services
Ms. S. Powley, Committee Clerk
Ms. N. Taylor, Vice President, Utilities Kingston
Mr. L. Thurston, Commissioner of Community Development Services
Mr. G. Wallace, Director, Planning and Development
Mr. K. Welsh, Firefighter

***********

REPORT OF THE COMMITTEE OF THE WHOLE “IN CAMERA”

(2) Moved by Deputy Mayor Schmolka
Seconded by Councillor Gerretsen

THAT Council rise from the Committee of the Whole “In Camera”, that the rules of By-Law No. 98-1 be waived, and the Clerk report on Item (a).

CARRIED

(A 2/3 Vote Of Council Was Received)
THAT Council approve the acquisition of a property on John Counter Boulevard as detailed in “In Camera” report # 09-060, as amended; and

THAT the Mayor and Clerk be authorized to sign an agreement of purchase and sale and any other required documents to complete the acquisition of a property on John Counter Boulevard, to the satisfaction of the Director of Legal Services.

CARRIED

(3) Moved by Deputy Mayor Schmolka
Seconded by Councillor Gerretsen

THAT the Report of the Committee of the Whole “In Camera” be received and adopted.

CARRIED

*************

DISCLOSURE OF PECUNIARY INTEREST

Councillor Osanic declared a pecuniary interest in the matter of Motion (2) regarding funding for long-term care beds as she is employed by the Ministry of Health and Long-Term Care which establishes and implements policies regarding funding to long-term care facilities.

*************

PRESENTATIONS

None

*************

DELEGATIONS

(See Clause (1), Report No. 20, Page 100)

(2) In response to a request of Council, Doug Springer, Owner of the Kingston Frontenacs, Jeff Stilwell, Marketing Director and Doug Gilmour, Head Coach, Kingston Frontenacs were present and spoke to Council about their marketing, advertising and product development plan. Ken Noakes, General Manager, K-Rock Centre who represented Arcturus/SMG, was present and spoke to Council in regard to the K-Rock Centre 2009 Operating Budget.
(See Clause (4), Report No. 20, Page 103)

Moved by Councillor Foster
Seconded by Councillor Gerretsen

THAT the rules of By-Law 98-1 be waived to allow the Kingston Frontenac representatives twenty minutes to make their delegation and further to allow Ken Noakes to appear as a briefing prior to Report 20 Clause (4).

CARRIED

(A 2/3 Vote Of Council Was Received)

*************

BRIEFINGS

*************
PETITIONS

(1) A petition bearing approximately 1027 signatures was presented by Councillor Hutchison and referred to the Chief Administrative Officer (CAO) and reads as follows:

“New Frills downtown Renewal Project, Supporting citizen involvement in the decision making process with regards to the January 2009 closure of the ‘No Frills’ on Bagot Street.
We the undersigned Citizens of Kingston, are concerned about the closure of the Bagot Street “No Frills” store and insist that our voices be heard with regards to the future of this location.
We want to ensure that we are integral to the decision making process about what happens to the current site of ‘No Frills’.”

REFERRED TO THE CHIEF ADMINISTRATIVE OFFICER

*************

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motion of Congratulations (2) and Motion of Speedy Recovery (1).

Motions of Congratulations

(1) Moved by Deputy Mayor Schmolka
    Seconded by Councillor Garrison

THAT the City of Kingston extend its congratulations to Peter Boyle on his retirement from Novelis (formerly Alcan) after a 35 year career there, including 15 years as president of local USWA 343. Mr. Boyle was also the President of the Kingston and District Labour Council for seven years and has made many important contributions to the community as a champion of worker’s rights and social justice. We wish him a fulfilling and active retirement.

(2) Moved by Councillor Matheson
    Seconded by Councillor Garrison

THAT the congratulations of Kingston City Council be extended to Doug Gilmour for being the 17th player to have his number honoured in Toronto Maple Leafs franchise history. Doug Gilmour’s No. 93 was raised to the rafters at the Air Canada Centre between Johnny Bower and Bill Barilko on Saturday January 31, 2009.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

Motions of Condolence

(1) Moved by Deputy Mayor Schmolka
    Seconded by Councillor Foster
THAT the sincere condolences of Kingston City Council be extended to Debbie McCallan and family on the death of her father, Maj (Ret'd) Alan Stanley Derrick on January 24, 2009.

(2) Moved by Deputy Mayor Schmolka
Seconded by Councillor Meers

THAT the sincere condolences of Kingston City Council be extended to Janice Rector and family on the death of her mother-in-law, Bert Rector on January 24, 2009.

Motion of Speedy Recovery

(1) Moved by Councillor MacLeod-Kane
Seconded by Councillor Meers

THAT the best wishes of Kingston City Council be extended to Anita Frankle, assistant to the Honourable John Gerretsen, former City employee, for a speedy recovery.

CARRIED

*******
REPORTS
Report No. 19 the Chief Administrative Officer (Consent)

Moved by Councillor Gerretsen
Seconded by Councillor Osanic

THAT Report No. 19 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the addition of Clause (b) and the separation of Clause (a) and (b).

Report No. 19

To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

All items listed on the Consent Report shall be the subject of one motion. Any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the consent report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

THAT Council consent to the approval of the following routine items:

(a) Amendment to Fees By-Law No. 2005-10, As Amended Increases to Planning & Development & Engineering Fees

THAT Schedule A to By-Law No. 2005-10, “A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston”, passed on December 14, 2004 and as most recently amended by By-Law No. 2009-10, be further amended to incorporate the revised Fee Schedules for Planning and Engineering as contained in Exhibit A to this report;

- and further –

THAT the amending By-Law receive all three readings.
(See By-Law No. (1), 2009-34)

(The Report of the Commissioner of Sustainability and Growth (09-059) was attached to the agenda as Schedule Pages 1-11)
(File No. CSU-F21-000-2009)

CARRIED

(b) Application to Renew Gas Marketer’s License

THAT Council authorize the Mayor and Clerk to sign and submit the 2009 and future applications to renew the municipality’s Gas Marketer’s license to the Ontario Energy Board provided that there is no change to the legislation that governs the renewal process.

(The Report of the President and CEO of Utilities Kingston (09-072) was distributed separately from the agenda)
(File No. CSU-E06-000-2009)

CARRIED

***************
REPORTS (CONTINUED)
Report No. 20 of the Chief Administrative Officer (Recommend)

Moved by Councillor Glover
Seconded by Councillor Meers

THAT Report No. 20 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Council consented to add the recommendation to Item (3).

Report No. 20

To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

1. Ontario Municipal Partnership Fund (OMPF) Funding Update

   THAT Council direct staff to prepare correspondence to the Ministry of Finance and the Ministry of Municipal Affairs outlining concerns with the recent Provincial announcement regarding changes to the OMPF funding model affecting the 2010 budget year; and

   THAT Council request transitional funding from the Ministry of Finance in the amount of $3,000,000 to address net costs to the City resulting from the elimination of the original OMPF Phase-in Strategy and the timing of reductions in OMPF funding and the up-load of Ontario Drug Benefit costs; and

   THAT, as a result of the information received in late November, Council approve a 2009 operating budget amendment to reflect an increase in OMPF funding in the amount of $790,000; and reduce the 2009 bridge financing requirement from reserves from $2,800,000 to $2,010,000 to be repaid in 2010 and onward from anticipated net savings of provincial cost uploads and/or taxation adjustments.

   (The Report of the Commissioner of Community Development Services (09-032) was attached to the agenda as Schedule Pages 12-16)
   (File No. CSU-F11-000-2009)

   CARRIED

COMMITTEE OF THE WHOLE
(A) Moved by Deputy Mayor Schmolka
Seconded by Councillor Garrison

THAT Council resolve into Committee of the Whole in order to discuss Item (2) of Report No. 20 of the Chief Administrative Officer (Recommend), Status of Funding of Capital Projects (Works in Progress).

CARRIED

2. Status and Funding of Capital Projects (Works in Progress)

THAT Council direct staff to consolidate project numbers related to a specific project into one project number as outlined in Exhibit B; and

THAT Council approve the reallocation of remaining funds in the Recreation and Leisure Capital Works in progress from projects under budget, to projects over budget, as it relates to parks and leisure projects that make up the existing capital WIP, to ensure more efficient implementation, reporting and project tracking.

(The Report of the Commissioner of Sustainability and Growth (09-046) was attached to the agenda as Schedule Pages 17-25)
(File No. CSU-F05-000-2009)

CARRIED AS AMENDED
(See Motion To Amend Which Was CARRIED)

Moved by Deputy Mayor Schmolka
Seconded by Councillor MacLeod-Kane

THAT the words “in the Recreation and Leisure Capital Works in progress” be added following the word “funds” in the second paragraph.

CARRIED

(B) Moved by Councillor Hector
Seconded by Councillor Matheson

THAT Council rise from the Committee of the Whole and the Clerk report.

CARRIED

(C) Moved by Councillor Hector
Seconded by Councillor Glover

THAT Council direct staff to consolidate project numbers related to a specific project into one project number as outlined in Exhibit B; and

THAT Council approve the reallocation of remaining funds in the Recreation and Leisure Capital Works in progress from projects under budget, to projects over budget, as it relates to parks and leisure projects that make up the existing capital WIP, to ensure more efficient implementation, reporting and project tracking.

(The Report of the Commissioner of Sustainability and Growth (09-046) was attached to the agenda as Schedule Pages 17-25)
(File No. CSU-F05-000-2009)

CARRIED

COMMITTEE OF THE WHOLE (CONTINUED)

(D) Moved by Councillor Hector
THAT the Report of the Committee of the Whole be received, approved and adopted. CARRIED

REPORTS (CONTINUED)
Report No. 20 of the Chief Administrative Officer (Recommend)

Council consented to separate paragraphs 1, 2, 3 and 4 of Clause 3.

3. Kingston & District Agricultural Society and Future Use of Memorial Centre Site

THAT City staff and Memorial Centre Revitalization Committee review the Memorial Centre site concept plan with the KDAS to better accommodate the needs of the KDAS for the near and long term, taking into consideration any future decision from the KDAS to relocate; and

CARRIED

THAT City provide staff support, as it relates to City properties, to the KDAS should it choose to relocate, understanding that there is no commitment for property and/or financial resources; and

CARRIED

THAT staff incorporate necessary funds in the 2009 capital budget to continue work already started on phase 1 of the Memorial Centre concept plan.

CARRIED

THAT staff be directed to report back through the Memorial Centre Revitalization Committee to Council in May 2009 with the results of the review.

(See Motion To Amend Which Was CARRIED)

Moved by Councillor Hutchison
Seconded by Councillor Meers

THAT Clause 3 be amended by adding a fourth paragraph that reads “THAT staff be directed to report back through the Memorial Centre Revitalization Committee in May 2009 to Council with the results of the review.

CARRIED

REPORTS (CONTINUED)
Report No. 20 of the Chief Administrative Officer (Recommend)

4 (A) Briefing: Ken Noakes, General Manager, K-Rock Centre, spoke to Council in regard to the K-Rock Centre 2009 Operating Budget.
Moved by Councillor Foster
Seconded by Councillor Hutchison

THAT Council waive the rules of By-Law No. 98-1, “Council Procedural By-Law”, in order to extend the meeting to 11:15 pm.

CARRIED
(A 2/3 Vote Of Council Was Received)

4. **K-Rock Centre 2009 Operating Budget**

   THAT Council approve the Arcturus/SMG 2009 operating budget submission reflecting net profit from operations of $1,114,024 (net of the annual capital reserve contribution of $100,000), which exceeds the $1,112,608 financial performance benchmark contained in the operator’s management agreement and which is also reflected in the City’s 2009 operating budget.

   (The Report of the Commissioner of Corporate Services (09-029) is attached as Schedule Pages 26-30)
   (File No. CSU-R05-001-2009)

   CARRIED
   (With Agreed To Amendments)

---

**REPORTS (CONTINUED)**

**Report No. 21 of the Planning Committee**

Moved by Deputy Mayor Schmolka
Seconded by Councillor Hector

THAT Report No. 21 of the Planning Committee be received and adopted.
Council consented to withdraw the Zoning By-Law Amendment, Clause (1) of Report No. 21 and refer it back to the Planning Committee for further consideration.

Report No. 21

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

All items listed on the Planning Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

January 15, 2009

1. Application for Zoning By-law Amendment to develop a subdivision of 528 single family dwelling lots and blocks for row house lots at 1135 Maria Avenue (Woodhaven Subdivision)

THAT the Application for Zoning By-Law Amendment (Our File No. D14-130-2008) submitted by Tamarack (Cataraqui West 1) Corporation for the property municipally known as 1135 Maria Avenue, BE APPROVED.

THAT the former City of Kingston Zoning By-Law No. 76-26, as amended, be further amended 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 Development ‘D’ Zone to Open Space ‘OS’ Zone, Development ‘D’ Zone to Special Residential Type 2 ‘R2-32-H’ Zone, Development ‘D’ Zone to Special Residential Type 2 ‘R2-33-H’ Zone, Development ‘D’ Zone to Special Residential Type 4 ‘R4-34-H’ Zone, Development ‘D’ Zone to Holding Special Residential Type 4 ‘R4-35-H’ Zone as shown on Schedule “A” attached to and forming part of By-Law No. 2008-___;

1.2. By Adding a new subsection 13(3)(ff) thereto as follows:

“Woodhaven Subdivision

Notwithstanding the provisions of Section 13 hereof to the contrary, the lands designated ‘R2-32-H’ on Schedule ‘A’ hereto, the following provisions shall apply:

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(a) PERMITTED USES:
   i. RESIDENTIAL USES:
      Single Detached Dwelling House;
      Semi Detached Dwelling House;
Three and Four Unit Row Dwelling House.

ii. NON-RESIDENTIAL USES:
   Home Occupation
   A public use in accordance with the provisions of Section 5(18) hereof

(b) LOT FRONTAGE (minimum)                Corner Lot  Other Lot
    Single Detached Dwelling House  12.7m  10.0 m
    Semi Detached Dwelling House  19m  15.0 m
    Semi-detached dwelling unit  11.5 m  7.5 m
    Row Dwelling House  11.5m  6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

(c) GARAGE LOCATION    The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) FRONT YARD
   i. Minimum setback from front lot line  4.5 metres
   ii. Maximum setback from front lot line  7.0 metres
   iii. Where a dwelling includes a covered front porch the front yard of the main dwelling may be set back a maximum of 9 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.

(e) EXTERIOR SIDE YARD (minimum)  4.5 metres on arterial and collector roads
                                    3.0 on local roads

(f) INTERIOR SIDE YARD (minimum)
    Single Family Dwelling House  1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
    Semi Detached Dwelling House  1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
    Row Dwelling House  1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

(g) REAR YARD (minimum)  6.75 metres;

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(h) MINIMUM LOT AREA    Not applicable

(i) DRIVEWAYS    Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
(j) PARKING
Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

(k) SIGHT TRIANGLES
Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1.3. By Adding a new subsection 13(3)(gg) thereto as follows:

"Woodhaven subdivision

Notwithstanding the provisions of Zoning By-Law No. 76-26, as amended, hereof to the contrary, the lands designated ‘R2-33-H’ on Schedule ‘A’ hereto, the following provisions shall apply:

(a) PERMITTED USES:
   a. RESIDENTIAL USES:
      Single Detached Dwelling House;
      Semi Detached Dwelling House;
      Three and Four Unit Row Dwelling House.

   b. NON-RESIDENTIAL USES:
      Home Occupation

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(b) LOT FRONTAGE (minimum)

<table>
<thead>
<tr>
<th></th>
<th>Corner Lot</th>
<th>Other Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Detached Dwelling House</td>
<td>12.7m</td>
<td>10.0 m</td>
</tr>
<tr>
<td>Semi Detached Dwelling House</td>
<td>19m</td>
<td>15.0 m</td>
</tr>
<tr>
<td>Three and Four Unit Row Dwelling House</td>
<td>11.5m</td>
<td>6.1 m</td>
</tr>
</tbody>
</table>
The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

(c) GARAGE LOCATION The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) FRONT YARD
   i. Minimum setback from front lot line  4.5 metres
   ii. Maximum setback from front lot line  7.0 metres
   iii. Where a dwelling includes a covered front porch the front yard of the main dwelling may be set back a maximum of 9 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.

(e) EXTERIOR SIDE YARD (minimum)  4.5 metres on arterial and collector roads
                                     3.0 metres on local roads

(f) INTERIOR SIDE YARD (minimum)
   Single Family Dwelling House  1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
   Semi Detached Dwelling House  1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
   Row Dwelling House  1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

(g) REAR YARD (minimum)  6.75 metres;

Those lots backing onto the buffer strip adjacent to the Collins Creek wetland shall have a minimum rear yard of 12.0 metres. No accessory uses are permitted within 12.0 metres of the rear lot line abutting the buffer strip adjacent to the Collins Creek wetland.

(h) MINIMUM LOT AREA  Not applicable

(i) MINIMUM LOT COVERAGE  Not applicable

(j) DRIVEWAYS  Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(k) PARKING  Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, parking in the front yard is prohibited except where it is a driveway leading to a permitted parking area.

(l) SIGHT TRIANGLES
Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1.4. By **Adding** a new subsection 15(3)(hh) thereto as follows:

*Woodhaven subdivision*

Notwithstanding the provisions of Zoning By-Law No. 76-26, as amended, hereof to the contrary the lands zoned ‘R4-34-H’ on Schedule “A” hereto may be used in accordance with the following provisions:

(a) **LOT FRONTAGE (minimum):**

<table>
<thead>
<tr>
<th></th>
<th>Corner Lot</th>
<th>Other Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling house</td>
<td>12.7 metres</td>
<td>10.0 metres</td>
</tr>
<tr>
<td>Semi-detached dwelling house</td>
<td>19 metres</td>
<td>15.0 metres</td>
</tr>
<tr>
<td>Row dwelling house</td>
<td>11.5 metres</td>
<td>6.1 metres</td>
</tr>
</tbody>
</table>

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the front lot line 6.0 metres.

(b) **GARAGE LOCATION** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

**REPORTS (CONTINUED)**

Report No. 21 of the Planning Committee

(c) **FRONT YARD**

   ii. Minimum setback from front lot line  **4.5 metres**

   ii. Maximum setback from front lot line  **7.0 metres**

   iii. Where a dwelling includes a covered front porch the front yard of the main dwelling may be set back a maximum of 9 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.

(d) **EXTERIOR SIDE YARD WIDTH (minimum):**  4.5 metres on arterial and collector roads
(e) **INTERIOR SIDE YARD WIDTH (minimum):**

- Single-family dwelling house: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres.
- Semi-detached dwelling house: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres.
- Row dwelling house: 1.2 metres for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres.

(f) **REAR YARD DEPTH (minimum):**

- 6.75 metres

(g) **MINIMUM LOT AREA**

- Not applicable

(h) **MINIMUM LOT COVERAGE**

- Not applicable

(i) **DRIVEWAYS**

- Maximum driveway width measured at the lot line shall be 6.0 metres or 50% of lot frontage, which is less.

(j) **PARKING**

- Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, parking in the front yard is prohibited except where it is a driveway leading to a permitted parking area.

**REPORTS (CONTINUED)**

*Report No. 21 of the Planning Committee*

(k) **SIGHT TRIANGLES**

- Two sight triangles are required on a corner lot.

  The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

  The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1.5. By Adding a new subsection 15(3)(ii) thereto as follows:

"Woodhaven Subdivision

Notwithstanding the provisions of Zoning By-Law No. 76-26, as amended, hereof to the contrary the lands designated 'R4-35-H' on Schedule "A" hereto may be used in accordance with the following provisions:

(a) PERMITTED USES: Row Dwelling House
Semi-detached dwelling house

Row Dwelling houses on the property existing as of the date of passing of this By-law are considered to be a legal complying use within this zone.

(b) LOT FRONTAGE (minima): Corner Lot Other Lot
Row dwelling house 10m metres 6.1 metres
Semi Detached Dwelling House 19m 15.0 m
Semi-detached dwelling unit 11.5 m 7.5 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the front lot line 6.0 metres.

(c) GARAGE LOCATION The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(d) FRONT YARD
i. Minimum setback from front lot line 4.5 metres
ii. Maximum setback from front lot line 7.0 metres

iii. Where a dwelling includes a covered front porch the front yard of the main dwelling may be set back a maximum of 9 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.

(e) EXTERIOR SIDE YARD WIDTH (minimum): 4.5 metres on arterial and collector roads
(f) INTERIOR SIDE YARD WIDTH (minimum):

Row dwelling house 1.2 metres for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

Semi-detached dwelling house 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

(g) REAR YARD DEPTH (minimum): 6.75 metres

(h) MINIMUM LOT AREA Not applicable

(i) MINIMUM LOT COVERAGE Not applicable

(j) DRIVEWAYS Maximum driveway width measured at the lot line shall be 6.0 metres or 50% of lot frontage, which is less.

(k) PARKING Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, parking in the front yard is prohibited except where it is a driveway leading to a permitted parking area.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(l) SIGHT TRIANGLES
Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot
line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

WITHDRAWN AND REFERRED TO THE PLANNING COMMITTEE FOR FURTHER CONSIDERATION

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

2. Application for Draft Plan of Subdivision to develop a subdivision of 528 single family dwelling lots and blocks for row house lots at 1135 Maria Avenue (Woodhaven Subdivision)

THAT the application for Draft Plan of Subdivision (File No. D12-036-2008) submitted by Tamarack (Cataraqui West 1) Corporation for the property known municipally as 1135 Maria Avenue BE APPROVED, subject to the following conditions:

STANDARD CONDITIONS OF DRAFT PLAN APPROVAL

1. Approved Draft Plan:
That this approval applies to the Draft Plan of Subdivision, prepared by Grange W. Elliott Ltd, dated December 17, 2008 which shows the following:
● 534 residential lots (Lots 1-456 & 457-535);
● 9 residential blocks (Blocks 541-545 & 551-554);
● 2 multiple family residential blocks (536 & 563)
● 1 block for parkland dedication (Block 540);
● 6 blocks for environmental protection and Open Space (Blocks 546, 547, 550, 556, 557 & 558);
● 3 block(s) for stormwater management pond (Blocks 539, 549 & 565);
● 13 new roadways (Maria Avenue, Crimson Crescent, Lexington Drive, Evergreen Drive, Escala Crescent, Iris Drive, Buckthorn Drive, Wildgrove Way, Boardwalk Drive, Cherry Cove Court, Azalea Way, Street 'A' and a portion of the Cataraqui Woods Drive Extension.

2. Streets and Civic Addressing:

(a) That the road allowances included in this Plan shall be shown and dedicated as public highways.

(b) That the Streets within this Plan shall be named to the satisfaction of the Municipality, in consultation with the Planning and Development Department, in accordance with the Municipality’s Civic Addressing and Road Naming By-Law. The proposed street names shall be submitted by the Owner for approval by the Planning and Development Department and shall be included on the first submission of the engineering drawings.

(c) That Prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the Municipality’s Planning and Development Department, in accordance with the Municipality’s Civic Addressing and Road Naming By-Law.

(d) That the road allowances within the Plan shall be designed in accordance with the Municipality’s engineering standards and shall be dedicated to the Municipality free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.

(e) That Prior to Final Plan Approval, the Owner shall deed to the Municipality all required Block(s) as daylighting triangles.

(f) Any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3 m reserve to be conveyed to the Municipality free of all charges and encumbrances.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(g) That the Owner shall agree that the location and design of any construction access shall be approved by the Municipality and/or the appropriate authority.

3. Reserves and Easements:

(a) That any dead ends and open sides of the road allowances created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality.

(b) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

4. Financial Requirements:

(a) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services including but not limited to fencing, lighting,
landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.

(b) That Prior to Final Plan Approval, the Owner shall submit for the Municipality's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the Municipality's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.

(c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the Municipality.

(d) That the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies/Reports submitted in support of the proposed Plan of Subdivision.

5. Subdivision Agreement:

(a) That the Owner shall enter into the Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.

(b) The Subdivision Agreement between the Owner and the Municipality shall be registered against the lands to which it applies once the Plan of Subdivision has been registered.

(c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

6. Holding Provisions:
That the Municipality shall require the use of ‘-H’ Holding Provisions in accordance with Section 36 of the Planning Act. The terms for the removal of the Holding ‘-H’ Holding Symbol shall be in accordance with Section 6(6) of Zoning By-Law No. 76-26 and shall require the following:
• confirmation of sufficient servicing capacity for the development;
• that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner; and
• that a Zone Change Application has been approved by the Municipality to remove the ‘-H’ Holding Symbol.

7. Engineering Drawings:

(a) That Prior to Final Plan Approval, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional
Engineer and designed pursuant to the Municipality’s Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.

(b) **That Prior to Final Plan Approval**, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality’s standard format for incorporation into the Pre-Servicing and Subdivision Agreement.

8. **Revisions to Draft Plan:**

(a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the Municipality.

(b) **That Prior to Final Plan Approval** of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.

(c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

9. **Phasing:**

(a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the Municipality, subject to all applicable fees.

(b) That the **phasing** of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.

(c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.

**REPORTS (CONTINUED)**

**Report No. 21 of the Planning Committee**

(d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

10. **Zoning By-Law Compliance:**

(a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the Planning Act.

(b) **That Prior to Final Plan Approval**, the Owner shall submit a Surveyor’s Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

11. **Required Studies:**
(a) That Prior to Final Plan Approval, the Owner shall submit a Geotechnical Study, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

(b) That Prior to Final Plan Approval, the Owner shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, rev. 1997). The acceptable method for this demonstration would be a Phase I Environmental Site Assessment (ESA) performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) or remediation for all areas of the subdivided lands intended for residential occupancy or conveyance as parkland, roadway or stormwater infrastructure. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

Should site remediation be required to meet the applicable soil and groundwater criteria set out in applicable guidelines, the Owner shall submit to the Municipality, Prior to Final Plan Approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.

The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the Municipality, meet the applicable soil and groundwater criteria.

(c) That Prior to Final Plan Approval all recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(d) That Prior to Final Plan Approval, the Owner shall submit a Traffic Impact Report, prepared by a professional engineer to the satisfaction of the Municipality. The study shall include a detailed assessment of the need for any additional traffic signals that would be required adjacent to this development. The report should review the need for and make recommendations with respect to traffic calming measures to be incorporated into the design of Cataraqui Woods Drive. The Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary by the Report’s recommendations to the satisfaction of the Municipality’s Director of Engineering.

(e) That Prior to Final Plan Approval, a Stormwater Management Report and implementing plans for the development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality and Cataraqui Region Conservation Authority. Such plans shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.

(f) That Prior to Final Plan Approval, the Owner shall submit a detailed Noise Impact Study prepared to the satisfaction of the Municipality and the Ministry of Environment. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall
contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

(g) That Prior to Final Plan Approval, The Owner shall submit a Tree Preservation Plan taking into account any trees along the boundaries of the site and those that are outside of the building envelope. During design, any re-grading/rear yard swales shall take the existing trees around the boundaries of the site into account and make every effort to preserve these trees. Once final grading is determined all trees identified for retention should be identified and reviewed and approved by the municipality.

12. Archaeological Assessment:
   (a) Should archaeological resources be found on the property during construction activities, the Ministry of Culture must be notified immediately.
   (b) In the event that human remains are encountered during construction, the proponent must immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services. (1-800-268-1142).

13. Stormwater Management:
   (a) That Prior to Final Plan Approval executed documents deeding Blocks 539, 549 and 565 to the Municipality for Stormwater Management purposes shall be provided to the Municipality. The design of the pond’s open space, including any connecting paths, shall be subject to approval by the Municipality.
   (b) That Prior to Final Plan Approval, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(c) That Prior to Final Plan Approval the owner shall submit detailed engineering drawings illustrating how interim stormwater management measures will be provided in order to convey run-off from the subdivision to Block 539.

(d) That Prior to Final Plan Approval the owner shall obtain an easement from the neighbouring property owner so that stormwater run-off can be conveyed from the southern portion of the subdivision to Block 539 in the form of an interim ditch system.

(e) Prior to Final Plan Approval and Prior to any Works Commencing on the Site, the Owner shall submit for approval by the Municipality and the Cataraqui Region Conservation Authority (CRCA), a detailed engineering report(s) that describes the storm drainage system for the proposed development. The report must follow the recommendations outlined in the following reports: “Updated Upper Highgate Drainage Plan” by Westgate Inc., dated February 2005 and the report titled “Stormwater Drainage Master Plan”, by IBI Group dated May 2007. The report shall include:
   i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
   ii) the location and description of all outlets and other facilities;
iii) storm water management techniques which may be required to control minor and major flows;

iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;

v) overall grading plans for the subject lands; and

vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.

(f) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.

(g) That Prior to Final Plan Approval, text shall be included in the Subdivision Agreement between the Owner and Municipality, to the satisfaction of the Cataraqui Region Conservation Authority, to advise the Owner of the requirement to obtain a permit under Ontario Regulation 148/06: Development Interference with Wetlands and Alterations to Shorelines and Watercourses from the Cataraqui Region Conservation Authority, prior to any development or site alteration, including the placement or regrading of fill for the Stormwater Blocks 539 and

(h) That the Owner agrees to contribute their proportionate share of the cost to construct any stormwater management facilities that have been identified in either the IBI Group report or the Weslake report (referenced in Clause (e) above), to accept runoff from the Owners lands. The developer shall pay his proportionate share as calculated in the agreement to the municipality prior to the final approval of the subdivision.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(i) That the Owner agrees to design the Storm Water Management facility on Block 549 to minimize the potential adverse impacts the storm water system may have on the significant woodlot, identified in the tree inventory and the Environmental Assessment (dated November 13, 2008), and the Collins Creek Wetland. The Applicant will maximize the setback from the wetland (50 metres recommended) with the pond being no closer than 30 metres from the edge of the wetland at any given point.

(j) That the Owner agrees that the storm water management pond will not encroach into the valleyland as defined in figures 1 and 5 of the November 13, 2008 Environmental Assessment completed by Ecological Services.

14. Parkland Conveyance / Open Space / Environmental Protection Areas:

(a) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the Plan of Subdivision to the Municipality for functional park or other public recreational purposes. Where the subdivision exceeds 15 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units. Alternatively, the Municipality may require cash-in-lieu for all or a portion of the conveyance.

(b) That the lands to be conveyed to the Municipality for park or other public recreational purposes shall be subject to the following conditions:
(i) That all lands shall be left in an untouched, natural state. All existing vegetation is to remain within the limits of the park site, including any significant trees at the property line. Existing grades/elevations are to be maintained at the property lines and within the park itself unless approval for site alteration is received in writing from the Director of Recreation and Leisure Services or designate.

(ii) That Prior to Assumption of the park, the Director of Recreation and Leisure Services shall be in receipt of a clearance memo from the Director of Strategy, Environment and Communications, indicating that the park site is environmentally clean.

(iii) That the Owner shall enter into a Site Access Agreement with the Municipality to permit City staff to access the park site to complete pre-engineering, survey and design works for the park. This Agreement shall terminate once the Municipality is deeded the land as part of Final Plan Approval. Alternatively, the municipality may agree to permit the design and construction of the Block 540 to be completed by the developer, with a potential re-imbursement of a portion of the Development Charges, subject to review and approval by the municipality.

REPORTS (CONTINUED)

Report No. 21 of the Planning Committee

(iv) That Prior to the Commencement of any Clearing, Grubbing or Construction Work within 10 metres of the park blocks defined on the Draft Plan, the Owner shall:

1. Install snow fencing around the periphery of the park site to protect the site. The Municipality will be responsible for the maintenance of the fence and its removal.

2. Post signage to Municipality specifications, on all accessible sides of each park block, which indicates:
   
   the future use of the block as a park;
   
   that no construction storage shall occur on this parcel of land nor shall any construction debris be dumped on this site; and
   
   that all trees and other vegetation must not be disturbed.

(v) That Prior to the Transfer of Deeds for the Parkland to the Municipality, the Director of Recreation and Leisure Services or designate shall inspect the park site to ensure that the park is in a clean/natural state. The conditions on the site must be satisfactory to the Director of Recreation and Leisure Services prior to transfer of title and the removal of the snow fencing. Should the park blocks be in an unsatisfactory state, the Owner shall be held responsible for restoring the site to the Municipality’s satisfaction.

(c) That the Owner shall deed the lands described as Open Space, to the Municipality, said lands being described as Blocks 547 and 550. Text shall be included in the Subdivision Agreement between the Owner and Municipality, to advise all purchasers that these public lands are intended to remain in a naturalized condition and that only risk management practices will be done on the land as required by the Municipality. No regular or periodic maintenance will be done on the subject parcel.
(d) That the Owner agrees to that Block 556, a remnant parcel, shall not be included as part of the 5% calculation or alternative parkland calculation for parkland dedication to the City of Kingston.

(e) The subdivision agreement shall contain a clause that sets out the agreed upon terms for the City to purchase the open space lands noted in clause (c) from the owner/developer.

(f) That Prior to Final Plan Approval, the Owner shall prepare a Landowner Information Package, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority, which shall be distributed to all prospective purchasers and shall be appended to their Agreements of Purchase and Sale or Lease. Text shall be included in the Subdivision Agreement between the Owner and the Municipality, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority, to require a Notice to Purchasers informing them that the Landowner Information Package has been prepared to help make them aware of the requirements for the living fence as a rear yard vegetative buffer and to make them aware of environmental best practices on their property and with respect to the proximity of the property to the provincially significant Lower Collins Creek Wetland. This package shall also contain information with respect to zoning provisions for driveway widths and locations.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

15. Tree Inventory / Street Trees:

(a) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft plan, the Owner shall receive final approval from the Municipality for a Tree Preservation plan prepared for the subject lands. The final approved tree inventory plan shall be prepared by a certified arborist (ISA approved), and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 6 inches (150 mm) or more in diameter are to be removed from the subject lands, the developer will abide by the conditions of the tree removal permit under the Tree Conservation By-Law which may, at the Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the tree is to be removed a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final approval at the discretion of the Municipality. This plan shall be reviewed and approved by the Municipality and be included as a schedule to the Subdivision Agreement. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the Municipality.

16. Street Trees, Landscaping & Entrance Features

(a) That Prior to Final Plan Approval, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.

(b) That Prior to Final Plan Approval, the Owner shall provide design plans for the community entrance features including a landscape plan showing street furniture and any complimentary architectural features to the satisfaction of the municipality. This drawing shall be listed in the approved plans for the subdivision and included in the Subdivision Agreement.
(c) That Prior to Final Plan Approval, the owner shall prepare a drawing illustrating the location and details of the living fences to be located throughout the subdivision. This drawing shall be listed in the approved plans for the subdivision and included in the Subdivision Agreement.

17. Community Mailboxes:

(a) That Prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mailboxes within the Plan, and shall identify such locations on drawings for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the Subdivision.

(b) That Prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of the Municipality, provide detailed design plans for the community mailboxes including a landscape plan showing street furniture and complimentary architectural features.

(c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

18. Bell Canada Requirements:

That the Owner shall meet the following conditions of Bell Canada:

i. that the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

ii. that the Owner shall be required to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.

iii. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

19. Trans-Northern Pipelines Requirements:

(a) That approval from Trans-Northern Pipelines shall be obtained prior to any work occurring within the easement or if work will cross the pipeline. Street crossings, associated water, sewer and service
crossings must meet Trans-Northern’s technical requirements and be specifically approved in accordance with the National Energy Board Act and the Pipeline Crossing Regulations.

(b) That prior to any excavation within 30 metres of the Trans-Northern Pipeline easement, the owner/contractor shall contact Trans-Northern Pipeline.

(c) That the owner/contractor shall contact Trans-Northern Pipelines a minimum of 3 working days prior to any work within the pipeline easement using heavy equipment.

20. Hydro One Requirements:

(a) That Prior to Final Plan Approval, the Owner/Subdivider shall submit to Hydro One the lot grading and drainage plan, showing existing and final grades, for review and approval. Drainage must be controlled and directed away from the Hydro One corridor.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(b) That the following Warning Clauses/Notices as required by Hydro One shall be included in the Subdivision Agreement:

"The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186-Proximity-of the Regulations for Construction projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV is 4.5 metres (15 feet), and for 115 kV conductors is 3 metres (10 feet). It is the Owner’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line."

(c) That temporary fencing must be installed along the edge of the right-of-way prior to the start of construction, at the Owner’s expense.

(d) That permanent fencing must be installed after construction is completed along the Hydro One corridor, at the Owner’s expense.

(e) That the Hydro One corridor is not to be used without the express written permission of Hydro One Networks Inc. During construction, there shall be no storage of materials or mounding of earth or other debris on the right-of-way. The Owner shall be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.

(f) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.

21. Utilities Requirements:

(a) Prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.
(b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the Municipality.

(c) The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

22. Cataraqui Region Conservation Authority Requirements:
That Prior to Final Plan Approval, text shall be included in the Subdivision Agreement between the Owner and Municipality, to the satisfaction of the Cataraqui Region Conservation Authority, to advise the Owner of the requirement to obtain a permit under Ontario Regulation 148/06: Development Interference with Wetlands and Alterations to Shorelines and Watercourses from the Cataraqui Region Conservation Authority, prior to the placement or re-grading of fill on Blocks 541-545, inclusive, 551-554 inclusive, Lots 64-74 inclusive and Lots 84-101 and to advise the purchasers of these Blocks/Lots that a permit from the Conservation Authority may be required prior to the issuance of a building permit by the Municipality.

23. Warning Clauses:
That the Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots / blocks within this Plan:

(a) within the entire subdivision plan:

• “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants.”

• “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions.”

• “Purchasers and/or tenants are advised that traffic calming measures may be incorporated in the road design for the neighborhood.”

• “Purchasers and/or tenants are advised that the planting of trees on Municipal boulevards in front of residential units is a requirement of the Municipality and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the Municipality reserves the right to relocate or delete any boulevard tree without further notice.”

• “Purchasers and/or tenants are advised that mail delivery will be to a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”
• “Purchasers and/or tenants are advised that any roads ending in a dead end or temporary turning circle may be extended in the future to facilitate development of adjacent lands, without further notice.”

• “Purchasers and/or tenants are advised that Living Fences have been included in the rear yards of lots throughout the subdivision. These features are located on the mutual property line and are required to be maintained by the property owner.

• “Purchasers and or Tenants are advised that the public lands described as Blocks 547 and 550 are intended to remain in a naturalized condition and that only risk management practices will be done on the land as required by the Municipality. No regular or periodic maintenance will be done on the subject parcel.”

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(b) abutting any open space, woodlot or storm water facility:

• “Purchasers and or Tenants of lots 84-101 inclusive and blocks 545, 551, 552 and 553 that the public lands described as Blocks 547 and 550 are intended to remain in a naturalized condition and that only risk management practices will be done on the land as required by the Municipality. No regular or periodic maintenance will be done on the subject parcel.”

• “Purchasers and/or tenants are advised that the adjacent open space, woodlot or storm water management facility may be left in a naturally vegetated condition and receive minimal maintenance.”

• The owner Agrees to register the following covenant on title of the lots backing onto any open space or woodlot:

• “The Transferee of any lot which has a rear yard vegetation buffer located within a twelve metre wide strip of land along the rear lot line of the transferred lot, as defined in the zoning by-law, for himself, his heirs, executors, administrators, successors and assigns, covenants and agrees that he/she will not interfere with (including, without limiting the generality of the foregoing, cut or prune) any trees, shrubs or vegetation of any kind except of a noxious variety, growing within the rear yard vegetation buffer. The transferee further covenants and agrees that he/she will not install, construct or place any permanent or moveable structures or landscaping elements (including, without limiting the generality of the foregoing, fence, garden, shed, bench, deck or pathway) within the said rear yard vegetation buffer.”

(c) abutting a park block:

• “Purchasers and/or tenants are advised that the lot abuts a “Park”, and that noise and lighting should be expected from the designed active use of the park.”

(d) abutting a potential transit route:

• “Purchasers and/or tenants are advised that the following streets may be used as transit routes in the future: Cataraqui Woods Drive, Lexington Drive.

24. Model Homes:
That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the Municipality, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

25. General Conditions:

(a) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality’s Tariff of Fees By-Law.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

(b) That when requesting Final Approval from the Municipality, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor’s certificate stating that the lots/blocks thereon conform to the frontage and area to the requirements of the Zoning By-Law.

(c) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.

(d) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the municipality.

(e) That Prior to Final Plan Approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.

(f) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality.

(g) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.

26. Fencing

(a) Privacy fencing will be required where residential lands abut commercial lands and along the rear of lots 516 and Block 536.
(b) Chain link fencing is required along lots adjacent Block 549.
(c) Acoustic Fencing may be required based on the finding of the Noise Attenuation Report.
(d) Fencing is required along the rear yards of lots abutting the Open Space and Environmental Protection Areas being Blocks 547 and 550. The fence shall be a chain link fence without any gates or openings into the Open Space Block.
(e) The developer shall install a chain link fence along all lot lines abutting the Hydro One corridor being the interior side yards of Lots 59 and 74 and the rear lot lines of lots 57, 58, 75-84 inclusive.

27. Temporary Access
The Owner agrees to provide temporary Emergency Access from Maria Avenue to Crimson Crescent, Escala Crescent to Cataraqui Woods Drive, Cataraqui Woods Drive to Wildgrove Way or Buckthorn Drive and from Buckthorn Drive to Boardwalk Drive until such time that a secondary access is constructed in these areas. The Director of Engineering for the City of Kingston at his sole discretion may deem that one or all of these accesses are no longer required.

REPORTS (CONTINUED)
Report No. 21 of the Planning Committee

28. Road Intersections

The Owner is required to design and construct in accordance with the City of Kingston specifications all road/intersection improvements, including traffic signals that may be required at the intersection of Lexington Drive/Princess Street and Maria Avenue / Princess Street. The City of Kingston agrees to make best efforts to obtain a proportionate share of the costs of these improvements from all benefitting landowners in the Cataraqui West Neighborhood. The proportionate share will be based on the contribution of traffic from each benefitting landowner as identified in the traffic impact studies.

29. Transit

Transit stops shall be located at the following locations in this plan of subdivision, Cataraqui Woods Drive and Lexington Drive, Lexington Drive and Evergreen Drive, Lexington Drive and Azalea Way, and Lexington Drive and Street “A”.

30. Hydro Corridor

That prior to Final Approval of the Plan of Subdivision the Owner shall obtain written approval from Ontario Hydro with respect to any proposed roadways or future road extensions being located on or crossing lands operated by Ontario Hydro.

31. Builder’s Plan

That prior to Final Approval of the Plan of Subdivision the Owner shall prepare a Builder’s Plan to the satisfaction of the Municipality that includes the location of all driveways, all above ground infrastructure including street tree planting, and on street parking and snow storage throughout the plan of subdivision.

32. Clearance Letters:

(a) That Prior to Final Plan Approval, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied. The Owner is required to submit a detailed written memorandum detailing how each Condition of Draft Plan of Subdivision has been completes.

(b) That Prior to Final Plan Approval, the municipality is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 13, 14 and 22 have been satisfied.

(c) That Prior to Final Plan Approval, the municipality is to be advised in writing by Hydro One the method by which Conditions 20, 26(e) and 30 have been satisfied.

(d) That Prior to Final Plan Approval, the municipality is to be advised in writing by Trans Northern Pipelines the method by which Conditions 19 have been satisfied.
33. **Lapsing Provisions:**

(a) That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of **three (3) years from the date of issuance of Draft Plan Approval** if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.

**REPORTS (CONTINUED)**

*Report No. 21 of the Planning Committee*

(b) That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

**NOTES TO DRAFT PLAN APPROVAL:**

1. It is the Applicant’s responsibility to fulfill the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning and Development Department of the City of Kingston.

2. When requesting Final Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied along with the appropriate clearance letter from the Agency, Ministry or body requesting the condition.

3. **Prior to Final Plan Approval**, the Applicant shall submit to the Municipality of Kingston for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M-Plan.

4. When requesting final approval, such a request must be directed to the Planning and Development Department and be accompanied with:
   - Four (4) mylars and four (6) paper prints of the completed Final M-Plan,
   - four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
   - a Surveyor’s Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.

5. All measurements in subdivision final plans must be presented in metric units.

6. Hydro One advises that an electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating “**DANGER – Overhead Electrical Wires**” in all locations where personnel and construction vehicles might come in close proximity to the conductors.
7. The Final Plan approved by the Municipality must be registered within thirty (30) days or the Municipality may, under Subsection 51(59) of the Planning Act, withdraw its approval.

CARRIED

**************

REPORTS (CONTINUED)
Report No. 22 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover
Seconded by Councillor Matheson

THAT Report No. 22 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Council consented to separate Clause (1).

Report No. 22

To the Mayor and Members of Council:
The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

All items listed on the Kingston Municipal Heritage Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

January 12, 2009

1. Request to the Federal Ministers of Finance and the Environment to establish Tax Incentives to Encourage Private Sector Investment in the Rehabilitation of Heritage Properties

WHEREAS according to the Heritage Canada Foundation, Canada has lost more than 10% of its pre-1920 heritage buildings to demolition over the past 30 years; and

WHEREAS the Heritage Canada Foundation has stated that urgent action is needed to stop the demolition of Canadian landmarks, to restore and re-use them, and to acknowledge their value as a reminder of our origins and cultures; and

WHEREAS heritage buildings are also a valuable economic development resource, supporting re-urbanization initiatives and tourism, stimulates adjacent development, increase property values, as well as providing environmental benefits by way of reducing landfill, preserving natural resources and promoting sustainability; and

WHEREAS there are currently no federal financial incentives to encourage private sector investment in the rehabilitation of heritage properties;

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Kingston endorse resolutions by the Heritage Canada Foundation, and the Federation of Canadian Municipalities, and request the Federal Ministers of Finance and the Environment to establish tax incentives which would encourage private sector investment in the rehabilitation of Heritage properties; and

BE IT FURTHER RESOLVED THAT this motion be forwarded to local Members of the Legislative Assembly, local Members of Parliament, and area municipalities for their support; and
BE IT FURTHER RESOLVED THAT this motion be forwarded to the Association of Municipalities of Ontario for consideration and support for the work of the Heritage Canada Foundation, and to the Federation of Canadian Municipalities to endorse this resolution at its Annual Convention.

CARRIED
(With Agreed To Amendments)

REPORTS (CONTINUED)
REPORT NO. 22 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

2. Final Approval for a Heritage Property Grant for Restoration of Existing Windows at 251 Brock Street

WHEREAS the owner of 251 Brock Street has requested final approval for Heritage Grant Application HG-002-2008, and

WHEREAS as per the requirements as per BY-Law No. 2005-258 ‘A By-Law to Establish a Heritage Grants Program’, a site visit to review the completed works was completed, and

THEREFORE BE IT RESOLVED THAT Heritage Property Grant HG-002-2008 for 251 Brock Street BE APPROVED for the restoration of existing windows;

- and further –

THAT staff be authorized to issue a cheque for $2000.00 as per the process outlined in By-Law No. 2005-258 ‘A By-Law to Establish a Heritage Grants Program’.

3. Final Approval for a Heritage Property Grant for the Repair of Three Chimneys on the Stone Portion of the Building at 218 King Street East

WHEREAS the owner of 218 King Street East has requested final approval for Heritage Grant Application HG-007-2008, and

WHEREAS as per the requirements as per BY-Law No. 2005-258 ‘A By-Law to Establish a Heritage Grants Program’, a site visit to review the completed works was completed, and

THEREFORE BE IT RESOLVED THAT Heritage Property Grant HG-007-2008 for 218 King Street East BE APPROVED for the repair of three chimneys on the stone portion of the building in accordance with either Option A or B within a submission dated March 14, 2008;

- and further -

THAT staff be authorized to issue a cheque for $2000.00 as per the process outlined in By-Law No. 2005-258 ‘A By-Law to Establish a Heritage Grants Program’.

4. Approval for the Demolition and Removal of a Rear Detached Shed at 106-108 Clergy Street East

THAT Application P18-629-004-2009 for a property located at 106-108 Clergy Street East requesting approval for the demolition and removal of a rear detached shed BE APPROVED as described within a submission filed December 16, 2008 and deemed complete by the Cultural Services Department on December 18, 2008;

- and further -

THAT should archaeological resources be found on the property during the construction activities, the Ministry of Culture and the City of Kingston’s Heritage Planner shall be notified immediately;

- and further -

THAT in the event that human remains are encountered during the construction activities, the proponent must immediately contact the City of Kingston’s Heritage Planner, the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (1-800-268-1142).
REPORTS (CONTINUED)
REPORT NO. 22 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

5. Approval for the Replacement of Existing Wooden Steps at the Front Entrance with Limestone Steps at 108 Queen Street

THAT Application P18-336-002-2009 for a property located at 108 Queen Street requesting approval for the replacement of existing wooden steps at the front entrance with limestone steps BE APPROVED as described within a submission filed on December 15th and 16th, 2008 and deemed complete by the Cultural Services Department on December 18, 2008;

- and further –

THAT it be understood that an application will be made at a future date for permission for railings;

- and further –

THAT the following comments by Engineering Services be regarded:
- the applicant will provide confirmation to Engineering Services of the distance from the back of walk to the face of the first step to ensure that the new limestone steps do not encroach any closer to the sidewalk than the previous submission,
- the City will not be responsible for any damage to the encroachment (limestone steps) as a result of municipal maintenance practices.

6. Approval for the Replacement of Existing Wooden Steps at the Front Entrance with Limestone Steps at 110 Queen Street

THAT Application P18-718-003-2009 for a property located at 110 Queen Street requesting approval for the replacement of existing wooden steps at the front entrance with limestone steps BE APPROVED as described within a submission filed on December 15th and 16th, 2008 and deemed complete by the Cultural Services Department on December 18th 2008;

- and further -

THAT it be understood that an application will be made at a future date for permission for railings;

- and further -

THAT the following comments by Engineering Services be regarded:
- the applicant will provide confirmation to Engineering Services of the distance from the back of walk to the face of the first step to ensure that the new limestone steps do not encroach any closer to the sidewalk than the previous submission,
- the City will not be responsible for any damage to the encroachment (limestone steps) as a result of municipal maintenance practices.
REPORTS (CONTINUED)
REPORT NO. 22 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

7. Approval for Repairs and/or Replacement of Siding, Trim, Windows, Shingles, Chimney and the Addition of a Side Vestibule, Screened Porch and Rear Skylights at 76 Mowat Avenue

THAT Application P18-257-001-2009 for a property located at 76 Mowat Avenue requesting approval for the replacement of exterior wood siding with prefinished “dutch lap” siding; replacement of window and door trim and front door; removal of metal storm windows and replacement with two over two new wooden storm windows with mullions to match the windows behind the storms; addition of a side vestibule (5.53m²) and a screened porch (13.28m²) to existing rear addition; replacement of asphalt roof shingles with new asphalt shingles; the alteration of two rear window openings BE APPROVED as described within a submission filed on December 15th and 16th, 2008 and deemed complete by the Cultural Services Department on December 18th, 2008;

- and further -

THAT it be understood that:

- one window will be added on the upper level of the south side of the original house in a style to match the existing windows,
- the remaining chimneys will be kept and one will be altered to accommodate the additional window,
- three skylights on the front of the house are not approved; one skylight may be added on the rear addition in accordance with the submission, and one may be located at the west side of the north end of the original house,
- the trim around the windows will match the historic trim including a wooden sill with no trim board below it and will include a base board trim as per historic documents;

- and further -

THAT revised drawings noting discussed changes will be provided to the Committee;

- and further -

THAT should archaeological resources be found on the property during the construction activities, the Ministry of Culture and the City of Kingston’s Heritage Planner shall be notified immediately;

- and further -

THAT in the event that human remains are encountered during the construction activities, the proponent must immediately contact the City of Kingston’s Heritage Planner, the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (1-800-268-1142).

CARRIED

**********
INFORMATION REPORTS

(1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of December 2008

The purpose of this report is to advise Council of tenders/RFPs approved and contracts awarded greater than $50,000 that meet the established criteria of delegated authority for the month of December 2008 and report additional information on contracts awarded by senior staff between the $20,000 and $50,000 level for the month of December 2008.

(The Report of the Director of Financial Services (09-049) was attached to the agenda as Schedule Pages 31-34)
(File No. CSU-F31-000-2009)

DEFERRED

MISCELLANEOUS BUSINESS

(1) Moved by Councillor Matheson
Seconded by Deputy Mayor Schmolka

THAT at the request of Erin Daley, Client Services Coordinator, Epilepsy Kingston, Council proclaim March 26th, 2009 “Purple Day” in the City of Kingston.

CARRIED

MOTIONS

Council consented to change the wording in Motion (1) which is shown in bold.

(1) Moved by Councillor Glover
Seconded by Councillor Foster

THAT the information report on the Administration for the 2009 Kingston Arts Fund be forwarded to the Arts Recreation and Community Policies Committee and that they be asked to host in February as part of their regular meeting or otherwise, a review of the report to receive public input on questions and concerns including but not limited to the following:

a) Should an amateur organization that has as part of its mandate or mission a focus on artistic endeavour, either creation or presentation, be eligible for funding; and

b) Should the Agnes Etherington Arts Centre, which has a special relationship with the City of Kingston that originates in the original bequest, in recognition of that relationship, be funded by the City of Kingston by means other than the Kingston Arts Fund; and

c) Should an organization that uses the arts for social purposes be eligible for funding?

THAT the Arts Recreation and Community Policies Committee be asked to report its recommendations to Council in April, 2009.

DEFERRED
MOTIONS (CONTINUED)

(2) Moved by Deputy Mayor Schmolka
    Seconded by Councillor Gerretsen

    WHEREAS Extendicare has announced that it does not plan to proceed with the construction of a 160-bed long-term care facility at St. Lawrence College as planned, and
    WHEREAS these long-term care beds are urgently needed in the community, and
    WHEREAS the provincial government has allocated funds for this 160-bed project in Kingston,

    THEREFORE BE IT RESOLVED THAT the City of Kingston ask the South East Local Health Integration Network and our member of the provincial legislature, the Honourable John Gerretsen, to do everything possible to ensure that the provincial funding for 160 new long-term care beds continues to be allocated to Kingston and that a project go forward as soon as possible.

    DEFERRED

(3) Moved by Councillor Garrison
    Seconded by Councillor Hector

    THAT Council move the date of the March 17th Council meeting to March 24th, 2009.
    (See Communication No. 05-086, Page 132)

    CARRIED

NOTICES OF MOTION

None

***************

MINUTES

Council consented to correct the wording in the Notice of Motion No. (1) of meeting No. 04-2009 held January 20, 2009. The changes are also shown in bold in Motion (1) on Page 129 of the February 3rd Council minutes.

THAT the Minutes of City Council Meeting No. 04-2009, held Tuesday, January 20, 2009 be confirmed.

    DEFERRED

***************

TABLING OF DOCUMENTS

2009-17 Cataraqui Source Protection Committee
    Agenda – January 22, 2009
    (File No. CSU-C05-000-2009)

2009-18 Cataraqui Region Conservation Authority
    Agenda – AGM of the Full Authority January 28, 2009
    (File No. CSU-C05-000-2009)

***************
COMMUNICATIONS

Council consented to the addition of Communications 05-085, 05-086, 05-087, 05-088.

Filed

05-072  From Ms. Christine McMillan, Chair, Supportive Living Pilot Project, Council on Aging, expressing her gratification together with 37 seniors who are part of the pilot supportive housing project at 237 Bath Road, to be the recipient of this one-time grant from the City of Kingston Healthy Community Fund. (File No. CSU-F25-000-2009)

05-073  From the Corporation of the City of Oshawa, acknowledging the receipt of Council’s resolution that the federal and provincial governments develop legislation requiring that all “wrapping paper” be recyclable. (File No. CSU-E07-000-2009)

05-074  From the Federation of Canadian Municipalities (FCM), Members Advisory, providing information on the Canadian municipal tsunami reconstruction efforts which are due to conclude in March 2009. (File No. CSU-P03-000-2009)

05-075  From Deputy Mayor Schmolka, providing an overview of the “Bike 2008 Summit” held in Toronto, April 25th, 2008. (File No. CSU-M02-000-2009) (Digitally distributed to all Members of Council on January 5, 2009)

05-077  From Ms. Beth Lambert, Director, Investigations, Canada Post Ombudsman, acknowledging receipt of Council’s resolution regarding the closure of the Bryan’s Pharmacy postal outlet located in the Rideau Town Centre in Kingston. (File No. CSU-D22-000-2009)

05-078  From the Premier of Ontario, Dalton McGuinty, acknowledging receipt of Council’s resolution regarding “Wrapping Paper”. (File No. CSU-E07-000-2009)

05-079  From the Town of Oakville, acknowledging receipt of Council’s resolution regarding “Christmas Wrapping Paper”. (File No. CSU-E07-000-2009)

05-080  From Draughthouse & Billiards, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 1677 Bath Road, Unit C, Kingston, Ontario. (File No. CSU-P09-000-2009)

05-081  From the City of Vaughan, acknowledging receipt of Council’s resolution regarding “Christmas Wrapping Paper”. (File No. CSU-E07-000-2009)

05-084  From the Township of Front of Yonge, asking for Council’s support of a resolution that condemns the Ministry of Transportation’s decision to close both the eastbound and westbound 401 Mallorytown Service Centres in 2009. (File No. CSU-C10-000-2009)

COMMUNICATIONS (CONTINUED)
05-085 From Ms. Janet M. Brooke, Director, Agnes Etherington Art Centre, supporting Councillor Glover’s initiative in regards to Motion No. (1), Administration for the 2009 Kingston Arts Fund and would like the opportunity to participate in discussions going forward. (Distributed to all Members of Council on January 30, 2009)

05-086 From Mr. John Bolognone, Deputy City Clerk, requesting that Council provide direction with respect to confirming the Council meeting date in March. (Distributed to all Members of Council on February 3, 2009) (See Motion (3))

05-087 From Ms. Margo Watson, Director, Planning and Development, Kingston Area, FoTenn Consultants Inc., requesting on behalf of Tamarack (Cataraqui West 1) Corporation, that the Zoning By-Law Amendment be withdrawn from the Council agenda and that it be sent back to the Planning Committee for further consideration. (Distributed to all Members of Council on February 3, 2009)

05-088 From Ms. Marcia Shannon, President, Kingston Arts Council, requesting that the discussions of amendments relate to the 2010 City of Kingston Arts Fund, in order that the implementation of the current year’s funding and the arts projects and programs are not delayed. (Distributed to all Members of Council on February 3, 2009)

Referred to All Members of Council

05-071 From Erin Daley, Client Services Coordinator, Epilepsy Kingston, asking that Council proclaim March 2009 “Epilepsy Awareness Month” and that March 26th, 2009 be declared “Purple Day” in the City of Kingston. (See Miscellaneous Business Item No. 1)

Referred to City Clerk

05-076 From Ms. Megan Coughlin, District Manager, Easter Seals Ontario, asking that Council proclaim the month of March 2009 as “March is Easter Seals Month” in the City of Kingston. (File No. CSU-M10-000-2009)

Referred to Treasurer

05-082 From Mr. Steve Knechtel, General Manager/Secretary-Treasurer, Cataraqui Region Conservation Authority, providing a draft budget for 2009 for review before it is put forward for adoption at the Conservation Authority’s meeting on February 25, 2009. (File No. CSU-F05-000-2009)

COMMUNICATIONS (CONTINUED)

Referred to the Arts, Recreation and Community Policies Committee
05-083 From Mr. Andrew Robb, neighbour to Lake Ontario Park, strongly urging Council to remove the off-leash dog area from Lake Ontario Park.  
(File No. CSU-R04-000-2009)

Referred to the Kingston Municipal Heritage Committee (LACAC)

05-070 From Mac Gervan, Mac Gervan & Associates Ltd., expressing his view on a request from Lindsay Lambert of Heritage Planning for a Historic Impact Study (HIS) for a side porch alteration that is being proposed for 86 Sydenham Street.  
(File No. CSU-R01-000-2009)

*************

BY-LAWS

(A) Moved by Councillor Smith  
Seconded by Councillor Foster

THAT By-Laws (1) and (2) be given their first and second reading.  
CARRIED

(B) Moved by Councillor Gerretsen  
Seconded by Councillor Hutchison

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (1) three readings.  
CARRIED

(C) Moved by Deputy Mayor Schmolka  
Seconded by Councillor Garrison

THAT By-Laws (1) and (2) be given their third reading.  
CARRIED

(1) A By-Law To Amend By-Law No. 2005-10, As Amended, “A By-Law To Establish Rates And Fees To Be Collected By The Corporation Of The City Of Kingston”  
THREE READINGS  
(See Clause (a), Report No. 19)  
PROPOSED NO. 2009-34

(2) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, February 3, 2009  
THREE READINGS  
(City Council Meeting No. 05-2009)  
PROPOSED NO. 2009-35

*************

COMMITTEE OF THE WHOLE “IN CAMERA”

(1) Moved by Councillor Gerretsen
Seconded by Councillor Hector

THAT Council resolve into the Committee of the Whole "In Camera" to complete the business on the agenda.  CARRIED

(2) Moved by Councillor MacLeod-Kane
Seconded by Councillor Gerretsen

THAT Council rise from the Committee of the Whole "In Camera" without reporting.  CARRIED

************

ADJOURNMENT

Moved by Councillor Gerretsen
Seconded by Councillor Matheson

THAT Council do now adjourn.  CARRIED

Council adjourned at 11:32 pm.

(Signed)  Carolyn Downs  Harvey Rosen
City Clerk  Mayor