

**By-Law Number 2016-XXX**

**A By-Law to Amend The Official Plan for The City of Kingston Planning Area  
(Amendment Number 48, 23 Soccer Lane)**

**Passed:** June 6, 2016

**Whereas** a public meeting was held regarding this amendment on December 5, 2013;

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

1. The Official Plan for the City of Kingston is hereby amended by the following map changes which shall constitute Amendment Number 48 to the Official Plan for the City of Kingston.
  - (a) **Amend** 'Schedule 3-A, Land Use', of the City of Kingston Official Plan, to designate the lands located at 23 Soccer Lane, as shown on Schedule 'A' to By-Law Number 2016- [REDACTED] from 'Arterial Commercial' to 'Regional Commercial'.
  - (b) **Amend** 'Schedule 3-D, Site Specific Policies', of the City of Kingston Official Plan to add the lands located north of Weller Avenue, east of Division Street, south of Benson Street, and known as 23 Soccer Lane, as shown on Schedule 'B' to By-Law Number 2016- [REDACTED] as Site Specific Policy Area Number 56;
  - (c) **Add** the following new Site Specific Policy as Section 3.18.56:  
"23 Soccer Lane  
Schedule 3-D,  
SSP Number 56  
On the lands located north of Weller Avenue, east of Division Street, south of Benson Street, and known as 23 Soccer Lane, as shown on Schedule 3-D, a Regional Commercial site shall be permitted with a land area of approximately 8 hectares and a maximum gross floor area of 20,000 square metres"; and
2. This By-Law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this By-Law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

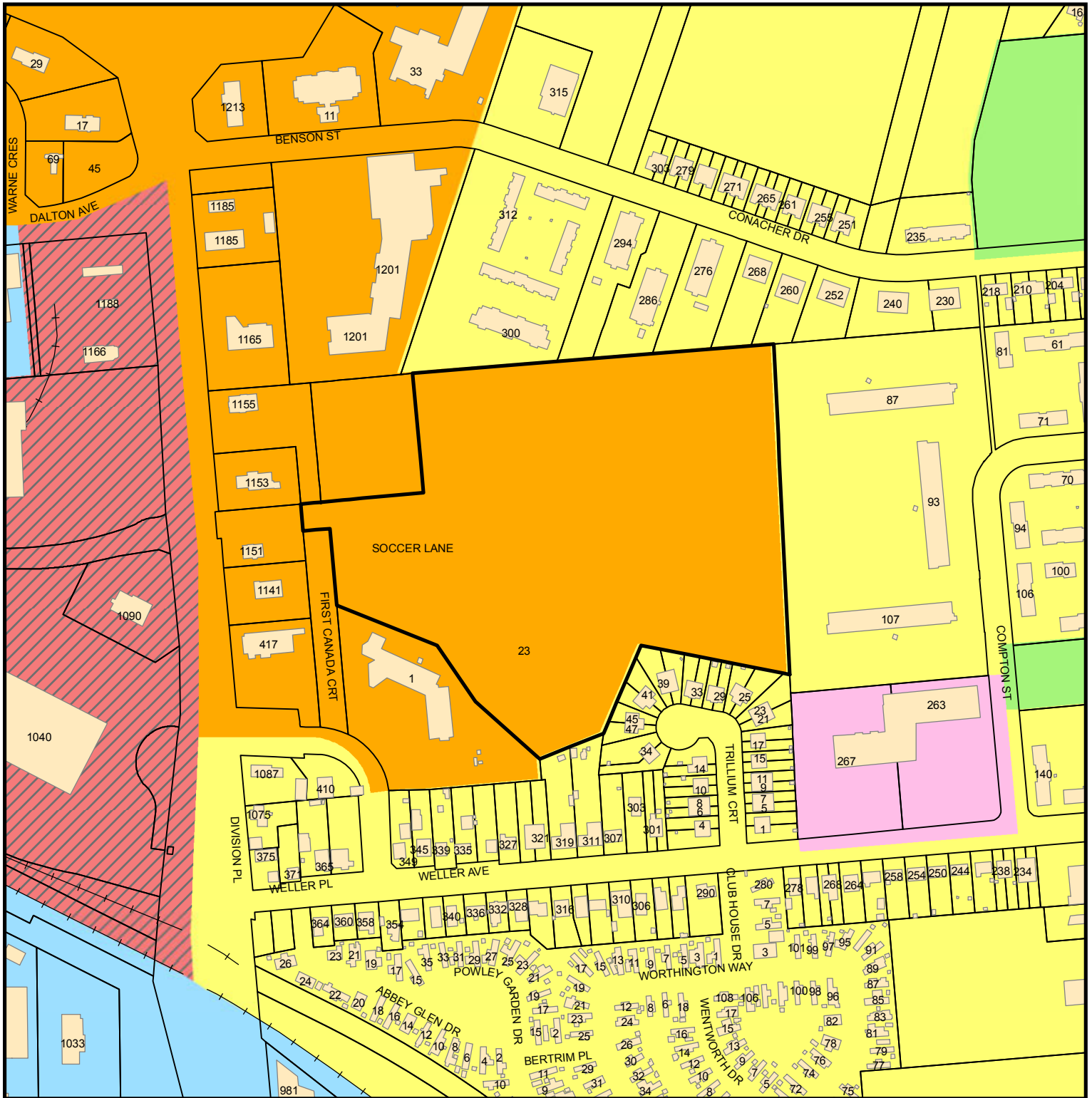
Given All Three Readings and Passed June 6, 2016

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**John Bolognone**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**




Planning, Building  
& Licensing Services  
a department of  
Community  
Services

## SCHEDULE 'A' TO BY-LAW Official Plan Amendment Number 48

Applicant: ABNA Investments  
File Number: D09-008-2013  
Address: 23 Soccer Lane  
Legal Description: PLAN 68 PT LOT 1 B 581 RP  
;13R6937 PARTS 1 & 4

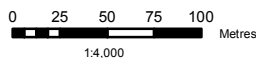
### LEGEND

 Lands Subject to change from Arterial Commercial to Regional Commercial

### Certificate of Authentication

This is Schedule 'A' to By-Law Number \_\_\_\_\_  
passed this \_\_\_\_\_ day of \_\_\_\_\_ 2016

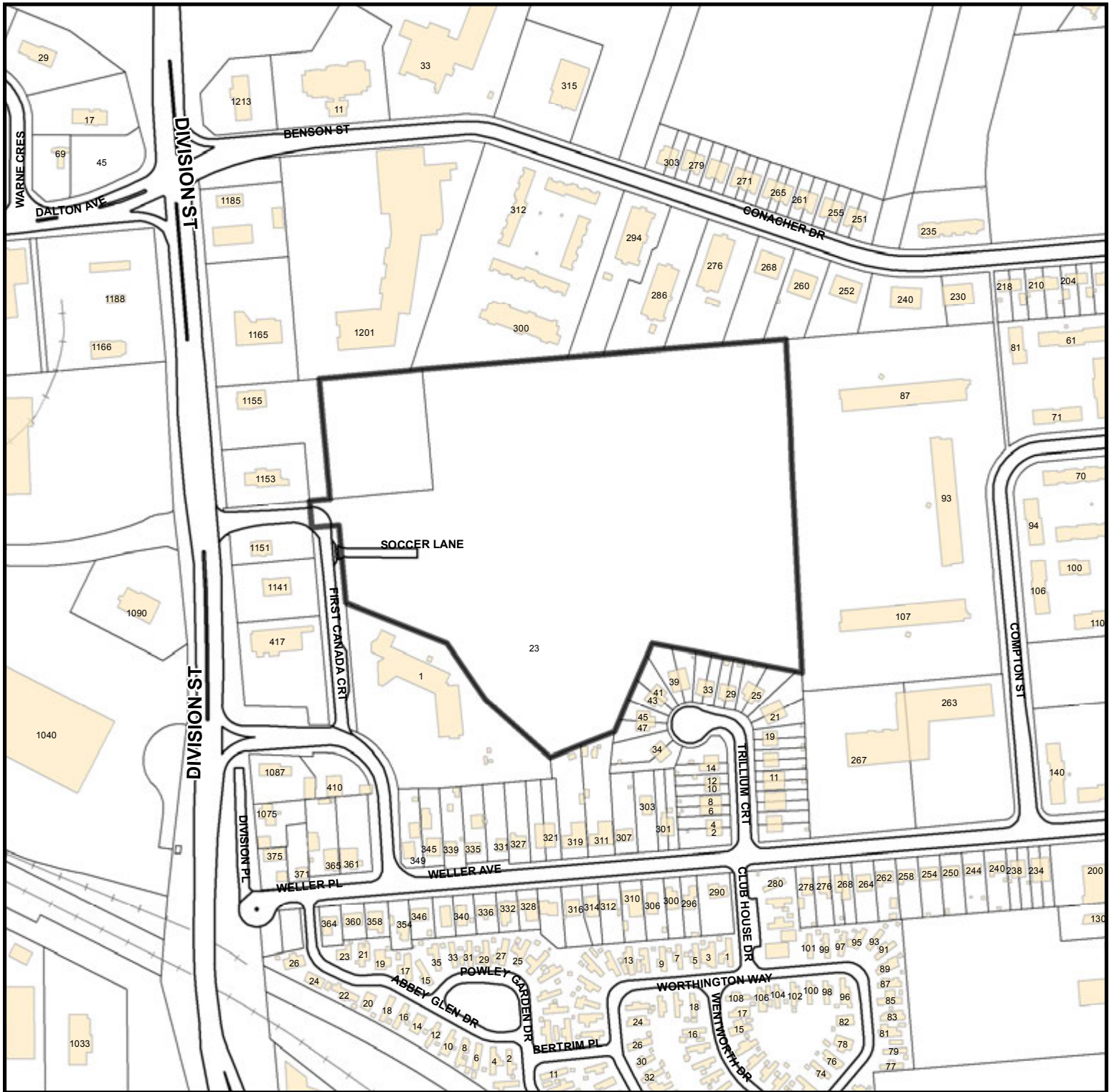
PREPARED BY: J. Partridge  
DATE: 1/29/2016



Council Meeting 16 June 7, 2016

Mayor \_\_\_\_\_

100 Clerk



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a department of  
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**SCHEDULE 'B' TO BY-LAW \_\_\_\_\_**  
**Official Plan Amendment Number 48**

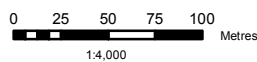
Applicant: ABNA Investments LTD/DREAM  
File Numbers: D09-008-2013  
Address: 23 Soccer Lane  
Legal Description: PLAN 68 PT LOT 1 B 581 RP  
;13R6937 PARTS 1 & 4/PLAN 68 PT LOT 1 RP  
13R10036;PARTS 1,2,3

**Legend:**  
**Official Plan Schedule 3-D, Site  
Specific Policies, City of Kingston**

 Lands Subject to Site-specific Policy Area 56

**Certificate of Authentication**

This is Schedule 'B' to By-Law Number \_\_\_\_\_,  
passed this \_\_\_\_\_ day of \_\_\_\_\_ 2016.



PREPARED BY: J. Partridge  
DATE: 2/1/2016

Council Meeting 16 June 7, 2016

101

By-Law Number 2016-XX

**A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston” (Zone Change from Site Specific Arterial Commercial ‘C2.101’ Zone to Site Specific Arterial Commercial ‘C2.491-H’ Zone, 23 Soccer Lane)**

**Passed:** June 7, 2016

**Whereas** by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 8499, as amended, of the former City of Kingston;

**Therefore be it resolved that** the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
  - 1.1. Map 3 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from Site Specific Arterial Commercial ‘C2.101’ zone to Site Specific Arterial Commercial ‘C2.491-H’ zone, as shown on Schedule “A” attached to and forming part of By-Law Number 2016-XX.
  - 1.2. By **Adding** the following section 491 in Part VIII – Exceptions To Various Zone Classifications as follows:

**“491. 23 Soccer Lane**

Notwithstanding the provisions of Sections 4, 5 and 22 hereof to the contrary, the lands zoned ‘C2.491-H’ on Schedule ‘A’ hereto, the following regulations shall apply:

(a) Definitions:

For the purpose of the ‘C2.491’ zone, the following definition shall apply:



**Department Store** shall mean a retail store where a wide range of merchandise is sold, including but not limited to the following:

restaurant including without limitation fast food restaurant and/or coffee shop; fast-food restaurant with drive-through; optical facility and optical services; vision services; medical and medical office use; walk-in medical clinic; dental and dental office use; general office use; hearing aid services; telephone and communication services; pharmacy; sale and installation of automotive parts; sale of off-road vehicles, snowmobiles and personal watercraft; vending machines; lottery sales; outdoor garden centre; sale of cut flowers, plants and floral supplies; financial services, including without limitation, provision of services pertaining to RESPs, RRSPs, cheque cashing and moneygrams; income tax and accounting services; sale of insurance related products; mortgage services; real estate services; one hour photo service; photography studio; sale of all food and beverage products; sale of pet food and pet supplies; children's amusement centre; travel sales; dry cleaner; hair salon; printer cartridge refill and toner services; sale of beer, wine and alcohol products; repair of jewelry; nail or beauty salon; and bank, including automated teller machine.

(b) Permitted Uses:

In addition to the uses permitted in Section 22.2 hereof, the following uses shall also be permitted:

- (i) department store
- (ii) restaurant

(c) The entire lands zoned C2.491 shall be treated as one site for the purpose of zoning.

(d) A department store use in the C2.491 zone shall have a maximum gross floor area of 12,000 square metres.

(e) The maximum combined gross leasable area of all permitted uses on the lands zoned C2.491 shall be 20,000 square metres:

- (i) A maximum of 15,000 square metres of gross floor area is permitted for Phase I;
- (ii) An additional 5,000 will be permitted as future development, subject to a holding symbol, the provisions of which as detailed in Section (m) of the C2.491 zone.

(f) Minimum Front Yard: 3 metres

- (g) Wherever a C2.491 zone abuts a residential zone, a yard of not less than 6 metres wide shall be provided within the zone.
- (h) Notwithstanding the provisions of Section 5.3 hereof, the minimum parking ratio requirement shall be 4.8 spaces per 100 square metres of gross floor area.
- (i) Parking for the C2.491 zone may be located on a lot not more than 100 metres from the C2.491 zone, subject to an agreement registered on title.
- (j) Notwithstanding the provisions of Section 5.4 hereof, the following provisions shall apply to loading spaces:
  - (i) For a building or structure with a gross leasable floor area up to and including 2,300 square metres, no loading spaces shall be required.
  - (ii) For a building or structure with a gross leasable area over 2,300 square metres but not exceeding 3,700 square metres, one loading space shall be required.
  - (iii) For a building or structure with a gross leasable area over 3,700 square metres, two loading spaces shall be provided.
- (k) Notwithstanding the provisions of this by-law to the contrary, a seasonal outdoor display and sales centre with a maximum area of 950 square metres is permitted as an area set aside outside of and adjacent to a building or structure within the C2.491 zone, used in conjunction with a business located on the same lot, and subject to the following provisions:
  - (i) The seasonal outdoor display and sales centre is seasonal in nature and does not include a permanent retailing area;
  - (ii) The seasonal outdoor display and sales centre is not located within a fire lane, a parking area or loading space required to fulfill the provisions of the Zoning By-Law; and
  - (iii) Open storage shall be permitted within the seasonal outdoor display and sales centre, consisting of a garden centre and pallet storage areas.”
- (l) Notwithstanding the provisions of Section 5.39 of this By-Law:
  - (i) The ‘H’ Holding symbol applies to the following use:
    - (a) day care centre

(ii) The 'H' Holding symbol may be removed for the above use at such time as a Phase 1 Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition for the entire site is prepared by a qualified person as defined by the Municipality and is completed to the satisfaction of the Municipality, with adherence to all municipal and provincial requirements.

(m) Notwithstanding the provisions of Section 5.39 of this By-Law :

(i) The "H" Holding symbol applies to a maximum additional 5,000 square metres of gross floor area as future development beyond the initial maximum of 15,000 square metres of gross floor area for Phase I; and

(ii) The 'H' Holding symbol may be removed for the additional gross floor area of up to 5,000 square metres, subject to a Traffic Impact Study prepared by a qualified person as defined by the Municipality to the satisfaction of the Municipality and the Ontario Ministry of Transportation."

2. This By-Law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P. 13 as amended from time to time.

Given all Three Readings and Passed: June 7, 2016

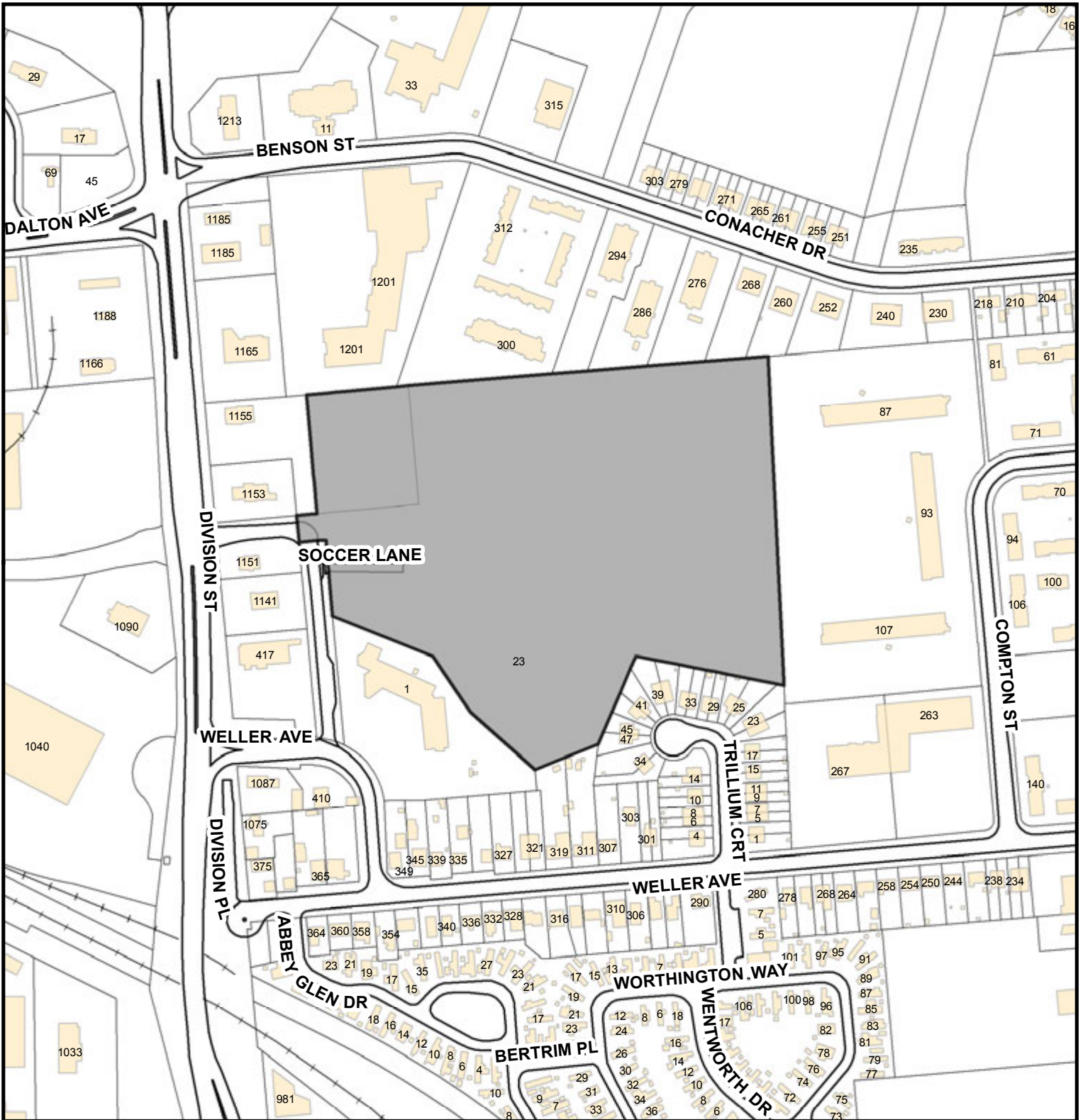
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**John Bolognone**  
City Clerk

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**Bryan Paterson**  
Mayor





**SCHEDULE 'A'  
TO BY-LAW NUMBER**

Applicant: ABNA Investments  
 File Number: D14-045-2013  
 Address: 23 Soccer Lane  
 Legal Description: PLAN 68 PT LOT 1 B 581 RP ;13R6937 PARTS 1 & 4

**LEGEND**

**Reference By-Law 8499, Map 3**

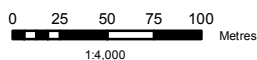
 Rezoned from C2.101 to C2.491-H

**Certificate of Authentication**

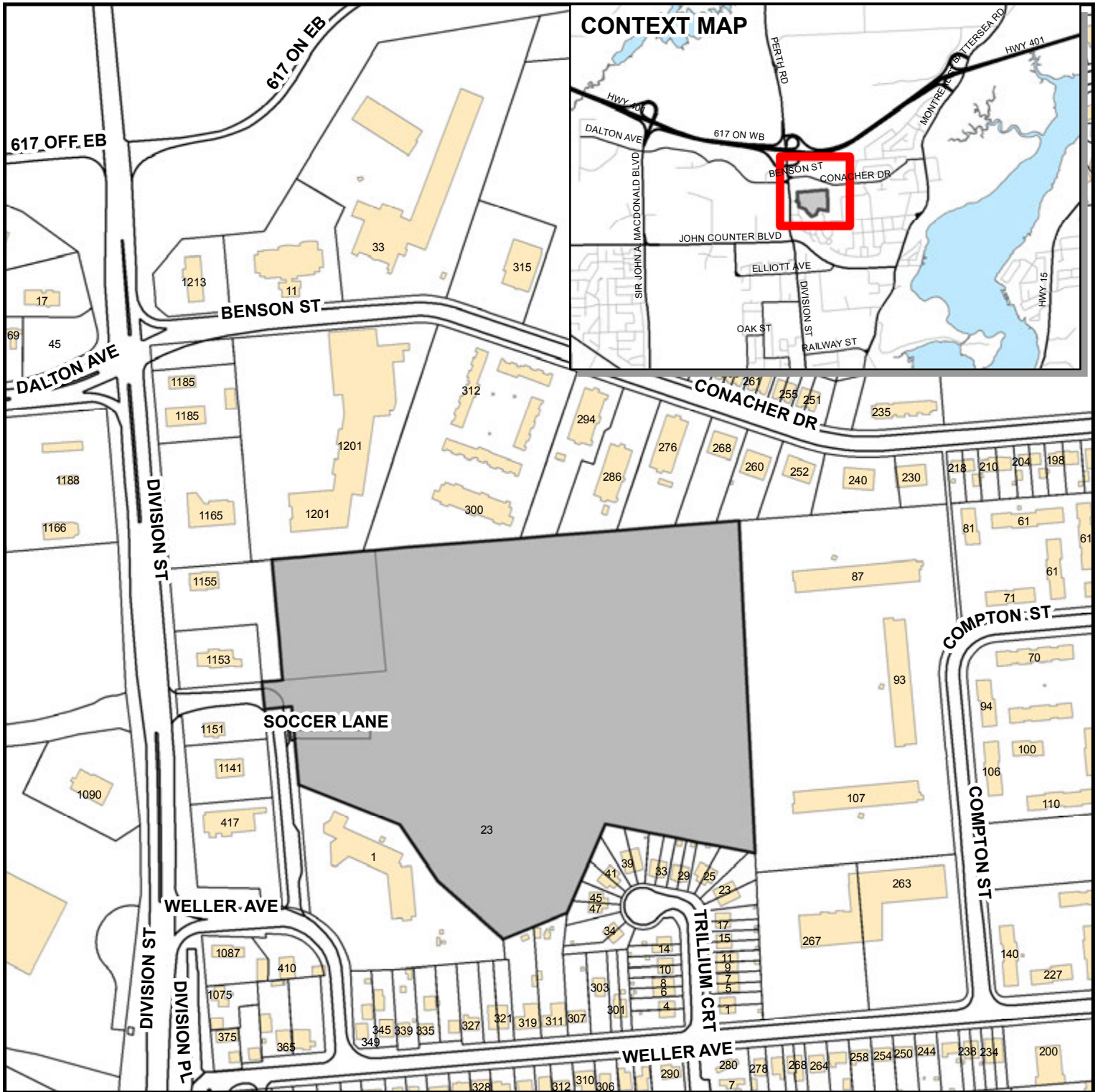
This is Schedule 'A' to By-Law Number \_\_\_\_\_,  
 passed this \_\_\_\_\_ day of \_\_\_\_\_ 2016.



Planning, Building  
& Licensing Services  
 a department of  
Community  
Services



PREPARED BY: J.Partridge  
 DATE: 2/3/2016

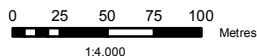


Planning, Building & Licensing Services

a department of  
Community Services

PLANNING COMMITTEE  
**KEY MAP**

Applicant: ABNA Investments LTD/DREAM  
File Numbers: D09-008-2013/D14-045-2013  
Address: 23 Soccer Lane  
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;13R6937 PARTS 1 & 4/PLAN 68 PT LOT 1 RP  
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**LEGEND**

- Subject Properties
- Property Boundaries

