A By-Law To Establish Criteria For Deciding Applications For Exemption From The Parking Requirements Of The Downtown And Harbour Zoning By-Law No. 96-259 (‘C1’ Central Business System Commercial Zone And ‘CMS’ Market Square Commercial Zone) (Former City Of Kingston)

PASSED: March 21, 1989

As Amended By:

By-Law No. 92-31 - January 7, 1992
By-Law No. 98-271 - October 20, 1998

(Office Consolidation)
City of Kingston By-law No. 88-270

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The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. The following criteria for considering applications for exemption from the parking requirements of the Downtown and Harbour Zoning By-Law No. 96-259 pursuant to Section 40 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, are hereby adopted:

   (1) The requirement for parking spaces shall be the result of a proposal to convert or renovate an existing structure for use as a residential dwelling within Zone C1 Central Business System Commercial of By-Law No. 96-259 East of Division Street and Zone ‘CMS’ Market Square Commercial of the By-law No. 96-259.

   (By-Law No. 98-271 – 1998)

   (2) The location and size of the existing structure is such that it would not be possible to meet the requirements for parking spaces which are set out under the Downtown and Harbour Zoning By-Law No. 96-259.

   (By-Law No. 98-271 – 1998)

   (3) The structure is located in the C1 Central Business System Commercial Zone of By-Law No. 96-259 East of Division Street and the ‘CMS’ Market Square Commercial Zone of By-law No. 96-259.

   (By-Law No. 88-270 – 1988
   By-Law No. 98-271 – 1998)
1. (cont’d)
   (4) The exemption shall be by site specific agreement between the owner and the City, which shall provide among other matters for a parking levy in the amount of THREE THOUSAND ($3,000.00) DOLLARS for each parking space below the number which would have been required by By-Law No. 96-259 had not the exemption been granted.


   (5) The amount referred to in Paragraph (4) above shall be reviewed by the Director of Transportation on an annual basis to ensure it remains appropriate.

   (By-Law No. 98-271 – 1998)

   (6) Applications for parking exemption shall be considered by the Planning and Development Committee which shall recommend to City Council.

   (By-Law No. 98-271 – 1998)

   (7) When applications for minor variance which would have the effect of reducing residential parking spaces within the C.B.D. are considered, that the Committee of Adjustment consider whether or not they should more appropriately be considered by Council pursuant to Section 40 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

   (By-Law No. 98-271 – 1998)

   (8) Exemptions under these criteria shall be by agreement pursuant to Section 40 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

   (By-Law No. 88-270 - 1989; By-Law No. 98-271 – 1998)

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

   (By-Law No. 88-270 - 1989)

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