

BY-LAW NO. 2012-__

A BY-LAW TO AMEND BY-LAW NO. 76-26, "A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWNSHIP OF KINGSTON" (Zone Modification to the Holding Special Residential Type 3 'R3-29-H' Zone, 2939 Creekford Road)

PASSED: July __, 2012

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

AND WHEREAS the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law No. 76-26, as amended, of the former Township of Kingston;

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

1. By-Law No. 76-26 of The Corporation of the City of Kingston, entitled "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston", as amended, is hereby further amended as follows:

1.1. By **Adding** a new subsection 3(cc) thereto as follows:

"(cc) **2939 Creekford Road**

Notwithstanding the provisions of Sections 4 and 14 hereof to the contrary, for the lands designated 'R3-29' on Schedule 'A' hereto, the following regulations shall apply:

Permitted Uses

Single Detached Dwelling House
Semi Detached Dwelling House
Three or Four Unit Row Dwelling House

Lot Area (Minimum)

Single Detached Dwelling House 292 square metres
Semi-Detached Dwelling House 464 square metres
Semi-Detached Dwelling Unit 232 square metres
Row Dwelling Unit 170 square metres

Lot Frontage Defined

That for the purposes of this By-Law lot frontage for semi-detached dwelling lots shall be measured along a line, which is parallel to the front lot line and a distance of 7.2 metres from the front lot line.

Lot Frontage (Minimum)

Single Detached Dwelling House 9.75 metres
Semi-Detached Dwelling House 15 metres
Semi-Detached Dwelling Unit 7.5 metres
Row Dwelling Unit 6.1 metres

Corner Lot Frontage (Minimum)

Single Detached Dwelling House 12.75 metres
Semi-Detached Dwelling House 18.5 metres
Semi-Detached Dwelling Unit 10.5 metres
Row Dwelling Unit 9.2 metres

Front Yard Setback (Minimum)

To House 4.5 metres
To Garage 6.0 metres

Interior Side Yard Setback (Minimum)

Single Detached Dwelling House 1.2 metres
Semi Detached Dwelling House 1.2 metres
Row Dwelling House 1.2 metres
For all lots, dwellings constructed without an attached garage shall have a minimum interior side yard width of 3.0 metres on one side and 1.2 metres on the other.

Exterior Side Yard Setback (Minimum) 3.0 m on local roads and 6.0 metres on all other road classifications

Rear Yard Setback (Minimum)

Single Detached Dwelling House 6.0 metres
Semi-Detached Dwelling House 6.0 metres
Row Dwelling House 6.0 metres
Lots backing onto Cataraqui Wood Drive 8.5 metres

Lot Coverage (Maximum)

Single Detached Dwelling House 50%
Semi-Detached Dwelling House 50%
Semi-Detached Dwelling Unit 50%
Row Dwelling House 50%

Interior Garage Width:

For lots less than 12 metres wide, interior one-car garage dimensions shall be a minimum 3.0 metres wide by 6.0 metres deep. A maximum width of 5.0 metres may be applied to permit a one-car garage with storage.

Driveway Width (Maximum)

Single Detached Dwelling House 6.0 metres or 50% of the lot frontage, whichever is the lesser

Semi Detached Dwelling Unit 6.0 metres or 50% of the lot frontage, whichever is the lesser, but not less than 4.0 metres

Row Dwelling Unit 4 metres

Front Yard Parking is prohibited except on a driveway leading to a garage or parking area in the interior side yard or rear yard. The minimum parking surface provided shall be 4.0 metres wide by 6.0 metres deep.

Landscaped Open Space 30%

Maximum Height 10.5 metres

SIGHT TRIANGLES

Notwithstanding any regulations to the contrary:

i) **USES PROHIBITED:**

Within any area defined as a sight triangle, the following uses shall be prohibited:

- a) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- b) a fence or tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metre in height above the elevation of the centreline of the adjacent street;
- c) an uncovered surface parking area;
- d) a finished grade which exceeds the elevation of the centreline of the adjacent street by more than 1.0 metre.

ii) 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."

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."

2. This By-Law shall come into force and take effect on its passing, provided no Notice of Appeal is filed to this By-Law, all in accordance with the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13 apply and the By-Law shall be deemed to have come into force and take effect on the day it was passed.

GIVEN ALL THREE READINGS AND PASSED July __, 2012

CITY CLERK

MAYOR

DRAFT