City of Kingston
Report to Planning Committee
Report Number PC-19-028

To: Chair and Members of Planning Committee
From: Lanie Hurdle, Acting Chief Administrative Officer
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: June 6, 2019
Subject: Public Meeting & Comprehensive Report
File Number: D35-003-2018
Address: City-wide
Application Type: Official Plan Amendment & Zoning By-Law Amendment
Applicant: The Corporation of the City of Kingston

Executive Summary:

The following is a Public Meeting and comprehensive report recommending approval to the Planning Committee regarding City-initiated applications for Official Plan and zoning by-law amendments. The purpose of the proposed amendments are to implement Provincial legislation and policies through broadening second residential unit permissions across the City and to introduce policies that will ensure new residential units in specific areas of potential or known servicing constraints are evaluated on the basis of the City’s overall ability to support such units while protecting the public interest. The proposed amendments apply to second residential units located within a principal dwelling or within an accessory structure that occupies the same lot as a principal dwelling.

The first Public Meeting was held on July 5, 2018. Since the Public Meeting, staff have made revisions to the City-initiated amendments to the Official Plan and the zoning by-laws in response to Public Meeting comments, technical review comments and feedback received through an online survey held from June 27 to July 13, 2018. Staff also consulted with the Planning Advisory Working Group on June 4, 2018. An additional technical review process and online public commenting period to receive public feedback and questions on the revised amendments occurred from January 21, 2019 to February 4, 2019. Staff have since made additional revisions based on the recent comments received. This report describes the revised
City-initiated applications and includes an overview of the relevant policies and regulations that apply to the applications. The proposal is consistent with the applicable policies of the Provincial Policy Statement and complies with the general intent of the City of Kingston Official Plan.

Recommendation:

That it be recommended to Council that the applications for Official Plan and zoning by-law amendment (File Number D35-003-2018) submitted by The Corporation of the City of Kingston, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, amendment number 65, as per Exhibit E (Draft By-Law and Schedule A to Amend the Official Plan for the City of Kingston Planning Area) to Report Number PC-19-028; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit F (Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499) to Report Number PC-19-028; and

That By-Law Number 96-259, entitled “Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston”, as amended, be further amended, as per Exhibit G (Draft By-Law to Amend Zoning By-Law Number 96-259) to Report Number PC-19-028; and

That By-Law Number 76-26, entitled “Township of Kingston Restricted Area By-Law”, as amended, be further amended as per Exhibit H (Draft By-Law to Amend Zoning By-Law Number 76-26) to Report Number PC-19-028; and

That By-Law Number 97-102, entitled “The Cataraqui North Zoning By-Law”, as amended, be further amended, as per Exhibit I (Draft By-Law to Amend Zoning By-Law Number 97-102) to Report Number PC-19-028; and

That By-Law Number 32-74, Entitled “Township of Pittsburgh Zoning By-Law”, as amended, be further amended, as per Exhibit J (Draft By-Law to Amend Zoning By-Law Number 32-74) to Report Number PC-19-028; and

That By-Law Number 3077, entitled “A Restricted Area (Zoning) By-Law for the City of Kingston”, as amended, be further amended, as per Exhibit K (Draft By-Law to Amend Zoning By-Law Number 3077) to Report Number PC-19-028; and

That By-Law Number 8402, entitled “A By-Law to Amend By-Law Number 3078 ’Zoning By-Law for the 1930, 1931 and 1952 Annexation Areas”, be further amended, as per Exhibit L (Draft By-Law to Amend Zoning By-Law Number 8402) to Report Number PC-19-028; and

That Council determines that in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the by-law; and

That the amending by-laws be presented to Council for all three readings.
Consultation with the following Members of the Corporate Management Team:

Gary Dyke, Commissioner, Corporate & Emergency Services  Not required
Peter Huigenbos, Acting Commissioner, Community Services  Not required
Jim Keech, President & CEO, Utilities Kingston  Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer  Not required
Sheila Kidd, Commissioner, Transportation & Public Works  Not required
Options/Discussion:

Public Meeting & Comprehensive Report
A Public Meeting on the proposed applications occurred on July 5, 2018. As a result of additional technical comments and public feedback, revisions to the original applications were substantial enough to require an additional Public Meeting. The Planning Division is recommending that this additional Public Meeting and comprehensive report are heard concurrently based on the following:

- The proposal is compatible with the Provincial Policy Statement (2014) and the Kingston Official Plan;
- On-line consultation has been held in addition to the hosting of a Statutory Public Meeting to solicit feedback from the public regarding the proposed amendments and revisions presented thereto;
- Combining the Public Meeting and the comprehensive report facilitates the streamlining of the development approval process, thereby decreasing application processing time; and
- If supported, the broadening of second unit permissions has the potential to accommodate an increased supply of rental housing and the need to address, with some expediency, low rental vacancy rates within the City of Kingston.

Anyone who attends the Planning Committee Public Meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

In accordance with Section 17(24.1) and Section 34(19.1) of the Planning Act, Official Plan policies that implement the second residential unit requirements of the Planning Act and any by-laws that give effect to these policies may only be appealed by the Minister. However, any accompanying amendments to these applications that are not solely applicable to second residential units would not be exempt from appeal to the Local Planning Appeal Tribunal (LPAT).

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the LPAT but the person or public body does not make oral submissions at a Public Meeting or make written submissions to the City of Kingston before the by-laws are passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a Public Meeting, or make written submissions to the City of Kingston before the by-laws are passed, the person or public body may not be added as a party to the hearing of an appeal before the LPAT unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The Planning Committee will consider this comprehensive report and recommendation from the Planning Division, respecting the subject applications following the Public Meeting. The public is provided an additional opportunity to make oral submissions on the matter at the time the Committee considers the comprehensive report from staff. The Committee will make its recommendation to City Council at this meeting.
Anyone wishing to be notified of Council’s decision on the subject application must submit a written request to:

Andrea Furniss, Senior Planner  
The Corporation of the City of Kingston  
Planning, Building & Licensing Services  
216 Ontario Street  
Kingston, ON K7L 2Z3  
613-546-4291 extension 3219  
afurniss@cityofkingston.ca

**Background**

In accordance with By-Law Number 2007-43, this application was subject to a pre-application meeting held on October 3, 2017 with various departments and agencies.

Second residential units are an important tool in contributing to the supply of affordable housing, and as a result, the Ministry of Municipal Affairs and Housing (MMAH) has been working with municipalities across Ontario to ensure that “as-of-right” permissions to establish second residential units are created. The MMAH refers to “as-of-right” permissions as the ability to apply for a Building Permit without having to make a development application (i.e. an Official Plan or zoning by-law amendment, a minor variance or a site plan, etc.). It has also been relayed to municipalities that homeowners generally should not need to produce any type of study to demonstrate that they conform to any policy or zoning provisions. However, the MMAH has acknowledged that there may be circumstances where second residential units may not be appropriate given other planning considerations and policies, particularly relating to health and safety or the natural environment.

The MMAH has been actively promoting the benefits of second residential units, including the following:

- Increasing the stock of affordable rental accommodation in an area;
- Providing homeowners with an opportunity to earn additional income to help meet the costs of home ownership;
- Support changing demographics by providing more housing options for extended families or elderly parents, or for a live-in caregiver;
- Maximize densities and help to create income-integrated communities, which support and enhance public transit, local businesses and the local labour markets, as well as make more efficient use of infrastructure; and
- Create jobs in the construction/renovation industry.

In 2011, the Provincial government adopted legislation under the *Strong Communities through Affordable Housing Act, 2011* (Bill 140), which amended the *Planning Act* to regulate that municipalities authorize second residential units in their Official Plans and zoning by-laws. More specifically, the amendments to the *Planning Act* included:
a) Requiring municipalities to establish Official Plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures;

b) Removing the ability to appeal the establishment of these Official Plan policies and zoning by-law provisions except where such Official Plan policies are included in five-year updates of municipal Official Plans; and

c) Providing authority for the Minister of Municipal Affairs and Housing to make regulations authorizing the use of, and prescribing standards for, second residential units.

In 2012, the City-initiated amendments to the Official Plan and to Zoning By-Law Numbers 97-102, 76-26 and 32-74 in order to comply with the above noted changes to the Planning Act. In 2013, Official Plan policies were implemented that permitted second residential units within single-detached dwellings, semi-detached dwellings, linked and row houses subject to a number of criteria. Zoning by-law amendments also came into effect to permit second residential units as a pilot project in defined areas within single, semi-detached and row house dwellings in Zoning By-Law Numbers 97-102, 76-26 and 32-74. For lands situated outside the urban boundary, a Holding ‘H’ Symbol was applied. The ‘H’ Symbol was utilized to ensure that:

- Those items identified as a provincial interest in Section 2 of the Planning Act are satisfied;
- Appropriate studies are obtained to address any identified issues or concerns, such as water quantity, quality and impact on abutting properties;
- Ensure adequate private sewage capacity; and
- Ensure the second residential unit is not in a floodplain.

The lands included in the current pilot project area that permit second residential units with and without an ‘H’ symbol are included as Exhibit A.

On July 1, 2016, changes to the Planning Act were put into place through The Smart Growth for our Communities Act, 2015 (Bill 73). These changes removed the ability for appeals of second unit Official Plan policies that are included in five-year updates to the Official Plan, with the exception of the Minister. An exemption was also put in place to provide clarity that the corresponding zoning by-law amendment brought into place by Council also cannot be appealed by the public. The removal of appeal rights was intended to provide municipalities with increased ability to establish second residential units and to support municipalities in their affordable housing initiatives by providing increased municipal control over second unit policies and standards. Further encouragement of second residential units from the Province stemmed from the Promoting Affordable Housing Act, 2016, which proposed to amend the Development Charges Act, 1997 to exempt second residential units in new dwellings from development charges in the same manner as second residential units in existing dwellings.

It should also be noted that the Province posted notice of a proposed regulation under Section 35.1(2)(b) of the Planning Act in April 2017, to set out requirements and standards with respect to second residential units referred to in Section 16(3) of the Planning Act. The purpose of the
regulation is to further facilitate the implementation and creation of second residential units. The proposed regulations are as follows:

- A maximum of one parking space would be required for a second residential unit, where second residential units are permitted, which includes tandem parking, which would be defined as a parking space that is only accessed by passing through another parking space from a street, lane or driveway;
- A second residential unit, where permitted in the zoning by-law, may be occupied by any person in accordance with Section 35(2) of the Planning Act, and, for greater clarity, regardless of whether the primary unit is occupied by the owner of the property; and
- A second residential unit, where permitted in the zoning by-law, would be permitted without regard to the date of construction of the primary building.

The proposed regulations would prevent municipalities from requiring more than one parking space for a second residential unit and when one parking space is required, it may be provided in front of another parking space. Municipalities are also prevented from establishing any zone provisions that would require the owner of the principal dwelling to live in either the principal unit or the second unit. The regulations would also require municipalities to permit second residential units on lots that contain an existing dwelling and on lots with proposed new dwellings.

On May 2, 2019, the Province introduced Bill 108, More Homes, More Choice Act, 2019. One component of the proposed Act includes changes to the Development Charges Act that include providing authority to exempt second residential units in newly built homes or in ancillary structures. In addition, amendments are also proposed to the Planning Act that will require Official Plans to contain policies that permit the use of additional residential units by authorizing the use of two residential units in a detached, semi-detached or row house, as well as in a building or structure ancillary to a detached house, semi-detached house or row house. Currently, the Planning Act only requires permitting a second residential unit within a dwelling when there is no ancillary building containing a second residential unit and vice-versa.

City staff will be monitoring the proposed legislative changes as it may require more detailed review and future amendments to the Official Plan and zoning by-laws in order to permit an additional second residential unit on lots zoned for single-detached, semi-detached and row-housing dwellings.

On August 29, 2017, the City’s Comprehensive Update to the Official Plan (Official Plan Amendment Number 50) came into effect, with the exception of matters appealed to the Ontario Municipal Board (now the LPAT). Second residential unit policies were updated in the Official Plan to authorize the use of second residential units within ancillary structures and to remove a number of the restrictive policies surrounding second residential units.

The City’s five principal zoning by-laws are currently not in conformity with the updated Official Plan policies as Zoning By-Law Number 8499 and 96-259 do not permit second residential units within dwellings or in accessory structures. Second residential units are permitted in Zoning By-Law Numbers 97-102, 76-26 and 32-74. However, they are only permitted in select areas within dwellings and utilize size restrictions that are not supported by the Province. The City also contains
by-laws for particular areas in the City, including By-Law Numbers 3077 and 8402, which are areas in the former City of Kingston that contain single and semi-detached dwellings and are zoned for such. As second residential units are intended to be permitted in those areas zoned for single and semi-detached dwellings, By-Law Numbers 3077 and 8402 are also proposed to be amended to address second residential units.

During a review of other municipal best practices and the City’s current provisions, it was determined that amendments to the Official Plan were also required to provide clarification with respect to where second residential units are permitted and to address front yard parking and servicing constraints.

In terms of consultation, staff have had several discussions with the MMAH and the Ministry of Environment, Conservation and Parks (MECP) in regards to the creation of the proposed amendments, as well as all applicable City departments and Utilities Kingston. Staff also presented the initial proposed amendments to the Planning Advisory Working Group on June 4, 2018 to receive input. A project website and survey were also developed to obtain public feedback. Revisions were made to the proposed amendments in response to this feedback and a further commenting period was also made available on the City’s Get Involved platform to receive input and questions on the applications. All comments received through the public consultation and technical review process were considered prior to bringing forth this comprehensive report to the Planning Committee.

Application Submission
This report provides information on the proposed Official Plan amendment and amendments to Zoning By-Law Numbers 8499, 96-259, 97-102, 76-26, 32-74, 3077 and 8402.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, DASH, using “Look-up a Specific Address”. The address in DASH is shown as City Hall, 216 Ontario Street. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics
The zoning by-law amendment and Official Plan amendment are to be applied City-wide. As such, a key map is not provided with this report.

Proposed Amendment to the Zoning By-Laws
The proposed amendment affects Zoning By-Law Numbers 8499, 96-259, 97-102, 76-26, 32-74, 3077 and 8402. The following table provides a summary of the proposed zone provisions with an accompanying rationale.

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<tr>
<th>Number</th>
<th>Recommended Zone Provision</th>
<th>Rationale</th>
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<tbody>
<tr>
<td>1</td>
<td>Definition</td>
<td>Included definition to provide clarity as to what constitutes a second residential unit.</td>
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<td>Second Residential Unit: means a dwelling unit which is ancillary to a principal dwelling unit, and is</td>
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| 2      | **Definition**  
Definitions for single-detached dwellings, semi-detached dwellings, row houses and linked houses in all zoning by-laws will incorporate the following sentence:  
The addition of a second residential unit to a single-detached/semi-detached/row house/linked dwelling house does not change a single-detached/semi-detached/row house/linked dwelling into any other type of residential building. | This clarification is to be included in the applicable housing type definitions to ensure that the housing type is not considered to be a “duplex” or any other type of residential building that may contain different zone provisions.                                                                                                                                 |
| 3      | **Definition**  
Tandem Parking Space: means a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.  

Included definition to provide clarity as to what constitutes a tandem parking space.                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                |
| 4      | Parking  
Second residential unit – 1 parking space.                                                                                                                                                                                                                                                                                                                  | To ensure there is adequate off-street parking in all zones to accommodate a second residential unit in order to avoid any negative impacts to on-street parking.                                                                                                                                                                      |
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| 6      | Permitted Zones A second residential unit shall only be permitted in association with the following permitted principal uses in any zone:  
  i. Single-Detached Dwelling Unit  
  ii. Semi-Detached Dwelling Unit  
  iii. Linked Dwelling Unit  
  iv. Row-Housing Dwelling Unit | Section 35.1(1) and 16(3) of the Planning Act requires municipalities to authorize second residential units in their Official Plans and zoning by-laws. This provision is also consistent with 3.3.11(a) in the Official Plan. |
| 7      | Permitted Zones The lands identified in Schedule X, of this by-law as having a Holding ‘H’ Symbol for the purposes of introducing a second residential unit shall be required to satisfy conditions to address the applicable servicing constraint and remove the ‘H’ symbol prior to obtaining a Building Permit. The conditions to be satisfied are as follows: ‘Water Supply/Water Quantity’ (a) the following condition applies to a second residential unit that is contained or attached to the principal dwelling:  
  A letter of opinion signed by an independent, qualified professional holding a valid license to practice in Ontario as either an engineer (P.Eng) or geoscientist (P.Geo) shall be submitted to the City confirming that the private water supply is sufficient to support the second residential unit in combination with the normal operation of the | This provision is intended to implement Official Plan policy Section 3.3.11 that requires adequate servicing to be demonstrated for second residential units proposed on lands identified as having a known or potential servicing constraint.  
  In consultation with the Cataraqui Region Conservation Authority (CRCA), KFL& A Health Unit, MECP and the City’s Environment Division, it is now being proposed to apply the holding provision to the rural area as a whole in order to sufficiently address water quality and quantity. The lands subject to this constraint area are displayed in Exhibit B.  
  Second units that are developed within or attached to the principal dwelling will be able to remove the “H” symbol upon confirmation from a qualified professional that the water quantity is sufficient for the principal dwelling and second residential unit while ensuring that neighbouring wells are not impacted. As a protective measure to occupants, the Qualified Professional must also review any treatment systems and confirm they are functioning properly at the time of review.  
  It will need to be determined for all second residential units whether or not the existing septic system has sufficient capacity to |
Number | Recommended Zone Provision | Rationale
--- | --- | ---
 | principal dwelling unit on the lot. The letter must be in a form satisfactory to the City’s Environment Director (or designate) and must adequately demonstrate how the supply well will support the increased demand required by the second residential unit while ensuring that neighbouring wells are not adversely impacted. In addition, the letter must include a statement confirming that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed second residential unit in combination with the existing principal dwelling unit. Approval of the septic system must be obtained from KFL&A Public Health. Notwithstanding the foregoing, the Hamlet of Sunnyside and the St. Lawrence community do not require confirmation of water supply in order to remove the holding provision.

(b) the following condition applies to a detached second residential unit:

(i) A Hydrogeological Study is to be completed to the satisfaction of the City’s Environment Director (or designate) from an independent qualified professional engineer (P.Eng.) or geoscientist (P.Geo) to determine that the groundwater quality and accommodate the needs of a second residential unit, in accordance with the requirements set out by the KFL&A Health Unit. Approval of the septic system must be obtained by the KFL&A Health Unit.

The submission of a more detailed hydrogeological study is required for a detached second residential unit to ensure sufficient water quality and quantity, as well as to consider septic system impacts to wells and surface water.

The Cana subdivision has been placed in a Holding Zone in order to ensure sufficient servicing capacity. The subdivision is on communal services and the development of second residential units in these areas may result in capacity issues.
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<td>quantity is sufficient for the second residential unit and will not adversely impact the</td>
<td>a) the area of development is not hydrogeologically sensitive; and [\text{(b) the sewage system is isolated from the receiving aquifer, or the impact of the primary dwelling plus the secondary unit is less than 10 milligrams per litre nitrate-nitrogen at the property boundary.}]</td>
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<td>water supply of adjacent lots and the principal dwelling unit. In addition, the hydrogeological study must assess the potential for sewage system impact and demonstrate that:</td>
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<tr>
<td></td>
<td>a) the area of development is not hydrogeologically sensitive; and</td>
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<td></td>
<td>(b) the sewage system is isolated from the receiving aquifer, or the impact of the primary dwelling plus the secondary unit is less than 10 milligrams per litre nitrate-nitrogen at the property boundary.</td>
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<td>The hydrogeological study shall be completed in accordance with the City’s Standard for Hydrogeological Assessments. The City’s Environment Director (or designate) may, in its sole discretion, modify the requirements of a full hydrogeological study, if warranted.</td>
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<td>Approval of the septic system must be obtained from KFL&amp;A Public Health.</td>
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<td>Notwithstanding the foregoing, the Hydrogeological Study</td>
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required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above.

Septic system approval must be obtained from the KFL&A Health Unit. The Hamlet of Sunnyside and St. Lawrence community shall only be required to demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above.

‘Servicing Capacity - Cana Subdivision’ – a letter of opinion to the satisfaction of Utilities Kingston from a qualified professional confirming the nature of the proposal is such that water and/or wastewater capacity issues will not be experienced.

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<td>8</td>
<td>Permitted Zones</td>
<td>Some of the dwellings identified in these constraint areas are known to have experienced sewer surcharging issues that result in an increased risk of basement flooding. In order to protect public health and safety, it would not be appropriate to risk displacement of residents, who may occupy a second unit within the basement, due to the incidences of flooding. This mapped area is expected to be reduced over time as infrastructure improvements are implemented.</td>
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<tr>
<td>9</td>
<td>Permitted Zones</td>
<td>The areas identified as Sewer Capacity</td>
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### Number 10
**Recommended Zone Provision:** A second residential unit shall not be permitted on the lands identified as ‘Sewer Capacity Limitations.’

**Rationale:** Limitations contain known sewage capacity limitations. The sewage capacity is currently not available to support second residential units in these areas. This mapped area is expected to be reduced over time as infrastructure improvements are implemented.

**Permitted Zoned**

A second residential unit shall not be permitted on the lands identified as ‘Sewer Capacity Limitations.’

The area identified as Loughborough Lake (at-capacity lake) consist of the West Basin of Loughborough Lake, which is classified as an at-capacity lake trout lake by the Ministry of Natural Resources and Forestry and the MECP. The MECP has recommended that second residential dwelling units not be permitted on any at-capacity lakes (Loughborough Lake) as they would likely result in further water quality impairment. The constraint lands include a 300 metre buffer surrounding the lake.

### Number 11
**Permitted Zones**

A second residential unit shall not be permitted on a lot containing two or more dwelling units, a garden suite, boarding house or lodging house.

**Rationale:** Allowing multiple residential uses on a single lot could result in issues affecting parking, compatibility, amenity space and servicing constraints. An Official Plan and zoning by-law amendment would be required to permit a second residential unit on a lot containing two dwelling units, a garden suite, boarding house or lodging house.

### Number 12
**Permitted Zones**

A second residential unit shall only be permitted if it is connected to municipal services or private water and sewerage systems approved by the authority having jurisdiction.

**Rationale:** Provision is to ensure adequate servicing of second residential units.

### Number 13
**Permitted Zones**

A second residential unit shall not be permitted on lands subject to natural hazards or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.

**Rationale:** This provision is intended to prohibit second residential units in areas of natural hazards where there is unacceptable risk to public health or safety or of property damage. The Provincial Policy Statement and Official Plan also require development to be directed away from natural hazards.

A new zoning schedule has been incorporated...
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| 14     | Permitted Zones  
The establishment of a second residential unit shall not be limited by any special zone provisions that establish a maximum number of dwelling units.                                                                 | Including this restriction would prevent numerous residential properties from establishing a second residential unit. The accompanying zone provisions are sufficient to address any issues that would have required any initial site-specific limitations on the number of dwelling units permitted. |
| 15     | Density  
A maximum of one Second Residential Unit shall be permitted per lot.                                                                                                                                                      | Complies with Section 35.1(1) and 16(3) of the Planning Act.  
This provision is intended to limit the potential impact of introducing second units within existing and planned (not yet built) communities. Allowing more than one second unit within an existing dwelling would result in the building becoming a “multiple family dwelling” for which additional parking and amenity space would be required, and activity levels may be expected to increase.  
Granting limited permissions for second units will support modest levels of intensification in established areas while introducing a housing option that supports increased affordability. |
| 16     | Density  
Where this by-law calculates density as a measure of dwelling units per net hectare, a Second Residential Unit shall be exempt from this calculation.                                                                           | Provision included to encourage intensification. If included in a density calculation, second residential units may not be permitted if they exceed the density calculation. Given the scale of a second residential unit they are to be excluded from density calculations. |
| 17     | Density  
Second residential units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.                                                                                                       | Provision included to encourage intensification and not restrict a residential unit from being established in those zones that contain restrictive lot area requirements. Given the scale of a second residential unit they are to be excluded from these lot area requirements. |
| 18     | Density  
A second residential unit shall comply with the maximum Floor                                                                                                                                                           | Provision included as FSI assists in preventing the over densification of a site which otherwise could result in negative impacts to |
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<tr>
<td>19</td>
<td>A second residential unit shall comply with the required minimum landscaped open space where such requirement has been established for the Zone in which it is located.</td>
<td>Provision included to ensure outdoor amenity space is preserved.</td>
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| 20     | Access  
Where a second residential unit is attached to the principal dwelling unit, the second residential unit must have a separate exterior entrance located at the side, rear or front of the principal dwelling unit. A separate entrance may also be provided through a joint front entrance vestibule within the principal dwelling unit. | Provision included to provide opportunities for those lots that may not be able to accommodate a separate entrance at the side or rear of the property. The Province has advised that requirements for entrances or means of egress for second units are set by the Ontario Building Code and Ontario Fire Code (which need to be referred to for specific standards). In general, second units can provide a separate front entrance or share a joint entrance with the primary unit, subject to having a fire separation with appropriate fire resistance rating, emergency/exit lighting and at least two means of egress (exit) that may include windows of any appropriate size. The standard proposed will ensure alignment with associated permissions granted within the Ontario Building Code and Ontario Fire Code. |
| 21     | Access  
The exterior entrance to a second residential unit that is within a principal dwelling (i.e. not a detached second residential unit) and is located at the side or rear of the principal dwelling, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the principal dwelling unit building or the front lot line. For the purposes of this Section, a pathway is defined as a hard surface treated | A required pathway is proposed to provide adequate access for emergency services and residents to access a second residential unit within a dwelling. Kingston Fire and Rescue confirmed that a 1.2 metre width is sufficient for emergency services. The Building Code requires a 2.3 metre ceiling height, which would be a reasonable height for a person to walk through. As a result, any protrusions not on the ground would only be considered obstructions if they are below 2.3 metres. |

**Space Index (FSI)** where such requirement has been established for the Zone in which it is located. neighborhood character and amenity space.
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<th>Number</th>
<th>Recommended Zone Provision</th>
<th>Rationale</th>
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<tr>
<td>22</td>
<td><strong>Access</strong>&lt;br&gt;The use of a separate driveway to provide unobstructed access to a detached second residential unit may be provided where the driveway and parking space requirements of this by-law are met.</td>
<td>Provision included to acknowledge that a driveway can be used to access a detached second residential unit when driveway and parking space provisions can be satisfied.</td>
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<td>23</td>
<td><strong>Access</strong>&lt;br&gt;Access to a detached second residential unit shall be in accordance with the Ontario Building Code.</td>
<td>The Building Code requires access for fire department equipment to be provided to each building by means of a street, private roadway or yard, and the design and location of such roadway or yard shall take into account connection with public thoroughfares, weight of firefighting equipment, width of roadway, radius of curves, overhead clearance, location of fire hydrants, location of fire department connections and vehicular parking. The proposed zone provision makes reference to the Building Code as there are a number of factors that need to be considered when establishing access to a detached second residential unit. Additional regulations for access to a detached unit are not proposed in the zoning by-law amendment as the Building Code will sufficiently address this.</td>
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<td>24</td>
<td><strong>Access</strong>&lt;br&gt;No person may park a vehicle on any part of a pathway under this subsection.</td>
<td>The purpose of the pathway is to provide adequate access for emergency services. If obstructed by a parked vehicle, for example, emergency services may not be able to reach the second residential unit in the case of an emergency.</td>
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<td>25</td>
<td><strong>Floor Area Requirements</strong></td>
<td>The intent of this provision is to reduce restrictions associated with minimum area requirements (current provisions in By-Law Numbers 97-102, 76-26 and 32-74, and all require the second residential unit to be 40% of the gross floor area of the principal dwelling) as it is understood that the size of a second unit should be primarily regulated by the Ontario Building Code. The Province has provided direction that municipal by-laws should not seek to impose size or other standards that are regulated by the Ontario Building Code. The <em>Development Charges Act</em>, 1997 states that in order for second residential units in existing homes to be exempt from development charges, they must be less than or equal to the size of the primary dwelling. The Province has advised that this is the only potential size standard a municipality should contemplate including in a by-law. “Equal to” has been added to address the Province’s recommendation and will also serve to not prevent a second residential unit from occupying the whole of a basement or cellar in a bungalow.</td>
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<tr>
<td>26</td>
<td><strong>Detached Second Residential Units</strong></td>
<td>This complies with Section 3.3.11 of the Official Plan by allowing second residential units to be established in accessory buildings. Previous iterations of the proposed amendments contemplated a 3 metre rear yard setback and 1.2 metre side yard setback. Upon further review and consultation, staff were considering the second residential unit to comply with the same setbacks of the primary home to further address compatibility. During consultation with the MMAH, it was advised that the City consider a 1.2 metre rear and side yard setback when no entrance or window is facing the lot line. Staff expressed concern with restricting natural light and the potential difficulties that may occur in implementing these provisions. As</td>
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<td>height applicable to the principal dwelling unit in the Zone in which such use is located;</td>
<td>a result, it is now proposed that a 1.8 metre privacy fence be required along the lot line when a lesser setback is being sought. In addition, at such lesser setback, the maximum height of an accessory structure would also apply. The MMAH has indicated no concerns with this approach, which will assist in protecting privacy and minimize shadowing and overlook on neighbouring properties, being land use matters recognized in Section 2.7.3 of the Official Plan.</td>
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<td>(ii) A detached second residential unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the unit does not exceed the maximum accessory structure height in the applicable by-law (4.5 metres, 4.6 metres or 5 metres) and further provided that a solid privacy fence with a minimum height of 1.8 metres is established in accordance with the following provisions:</td>
<td>Any lot coverage requirement identified in the applicable zoning by-law for accessory structures is also proposed to apply to a detached second residential unit in order to maintain amenity space and ensure the second residential unit remains accessory to the principal dwelling unit.</td>
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<td>a. When the detached second residential unit is situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard (i.e. along the side and rear lot lines as applicable);</td>
<td>Prohibiting the detached second residential unit in the front yard and exterior side yard will assist in maintaining the streetscape.</td>
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<td>b. When the detached second residential unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached second residential unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the primary dwelling unit measured to the front lot</td>
<td>A provision has been included to clarify that the minimum distance separation formulae applies to a detached second residential unit to control adequate separation from livestock facilities.</td>
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<td>residential unit is situated</td>
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<td>within a rear yard and a side</td>
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<td>yard, fencing shall be</td>
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<td>(iii)</td>
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<td>residential unit shall</td>
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<td>the applicable zoning by-law.</td>
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<td>(iv)</td>
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<td>residential unit shall</td>
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<td>not be located in the front</td>
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<td>yard or exterior side yard.</td>
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<td>(v)</td>
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Additional definitions, such as for Linked Dwelling and Principal Dwelling Unit, have also been included in various by-laws in order to ensure consistency across all the zoning by-laws.

Zoning By-Law Number 8499 (City of Kingston Zoning By-Law) currently prohibits the use of a cellar as a dwelling unit or as a habitation unit unless otherwise indicated in the by-law. The subject zoning by-law amendment application is proposing to remove this provision to increase opportunities for second residential units and to be consistent with other City zoning by-laws (Numbers 97-102, 76-26 and 32-74) that do permit this. Any proposed habitable space proposed in a cellar must comply with the Ontario Building Code. The exemption from enabling occupancy of a cellar would not preclude an applicant from meeting all other applicable provisions of the amended zoning by-law, including potential area limitations due to know servicing constraint (i.e. occurrences of basement flooding).

**Proposed Amendment to the Official Plan**

The current Official Plan policies were intended to permit second residential units within dwellings and in accessory structures across the City; however, the policies in the Rural Lands, Prime Agricultural Area and Hamlet sections of the Official Plan do not currently reflect this. A
new sentence is proposed to be added in the introduction of Section 3.3 Residential Uses to specifically identify that second residential units are permitted in these land use designations.

Section 3.12.15 of the Official Plan states that where the appropriate environmental approvals for individual on-site water and sewage services are obtained, a residential unit as an ancillary use within an existing single-detached dwelling is permitted in Rural Lands, subject to the applicable zoning by-law, or a garden suite is permitted in Rural Lands, subject to the policies of Section 3.3.D.7 and Section 9.5.20 of this Plan.

In order to apply the intent of permitted second residential units in all zones that permit single, semi-detached, linked and row houses within dwellings or in accessory structures, section 3.12.15 is proposed to be amended to read as follows:

“3.12.15 – Where individual on-site water and sewage services can be accommodated to the satisfaction of the City of Kingston and KFL&A Public Health, a second residential unit is permitted in Rural Lands, subject to the second residential unit policies in Section 3.3.11 of this Plan, or a garden suite is permitted in Rural Lands, subject to the policies of Section 3.3.D.7 and Section 9.5.20 of this Plan.”

Section 3.13 addresses policies related to Hamlets. Section 3.13.3 states that where appropriate environmental approvals for individual on-site water and sewage services are obtained, a residential unit as an accessory use or a garden suite may be permitted in a Hamlet, subject to an amendment to the zoning by-law. This policy is proposed to be amended to read as follows:

“Section 3.13.3 – Where individual on-site water and sewage services can be accommodated to the satisfaction of the City of Kingston and KFL&A Public Health, a second residential unit is permitted in a Hamlet designation subject to the second residential unit policies in Section 3.3.11 of this Plan or a garden suite may be permitted in a Hamlet subject to the policies of 3.3.D.7 and Section 9.5.20.”

A new policy is also proposed to be included in Section 3.11 Prime Agricultural Area to read as follows:

“Section 3.11 – Where individual on-site water and sewage services can be accommodated to the satisfaction of the City and KFL&A Public Health, a second residential unit is permitted in the Prime Agricultural Area subject to the second residential unit policies contained in Section 3.3.11 of this Plan.”

In order to adequately address detached second residential units, servicing and parking, a number of policies are proposed to be added within Section 3.3.11 of the Official Plan, which specifically addresses second residential units.

More specifically, a new policy is proposed to be included in the second residential unit policies in Section 3.3.11 that is proposed to read as follows:
“Section 3.3.11(f) – A detached second residential unit may not be severed from the lot containing the principal dwelling.”

The addition of this policy will ensure that the intent of providing an affordable housing opportunity to permit a second residential unit in an accessory structure is maintained. The policy will also support the protection of agricultural land and help to maintain the rural character of Rural Lands.

Schedule 11-C Servicing Constraints (Exhibit D) identifies areas in the municipality with known or potential servicing constraints. Section 3.3.11(b) of the Official Plan states that notwithstanding subsection 3.3.11.a. above, in areas shown as “Known Servicing Constraint” and “Potential Servicing Constraint” on Schedule 11-C to this Plan, second residential units may only be permitted where it has been demonstrated that there is adequate water and wastewater to support the second residential unit. The Schedule is also proposed to be amended to identify water quality and water quantity constraints in the rural area, as well as to identify Loughborough Lake (and a 300 metre buffer from the shoreline) as an at-capacity lake.

In order to provide a more comprehensive understanding of the servicing constraint areas, Schedule 11-C is proposed to be amended to specifically identify the known and potential servicing constraints (Exhibit D). The amended Schedule would indicate whether a particular area is constrained due to sewer surcharging, combined sanitary and storm sewers (i.e. lack of capacity and potential sewer surcharging) or other capacity limitations. Identifying the constraints within the Schedule will provide the information required to understand what may be needed to demonstrate the adequacy of water and wastewater capacity in specific, mapped geographic areas of the City, so as to support the creation of second residential units while ensuring the protection of public health and safety.

The amendment will also identify the technical documentation required to lift the Holding ‘H’ Symbol applied in the zoning by-laws for second residential units. More specifically, to remove the Holding Zone in the rural areas for second residential units contained or attached to the principal dwelling and that utilize existing service connections, a letter of opinion would be required from an independent qualified professional to the satisfaction of the City’s Environment Director to confirm that the private water supply and any water quality treatment systems are sufficient to support the second residential unit in combination with the normal operation of the primary unit. In addition, the letter must demonstrate how the supply well will support the increased demand required by the second resident unit while ensuring that neighbouring wells are not adversely impacted. Detached second residential units shall demonstrate through a Hydrogeological Study that there shall be no negative water quality and quantity impacts. In addition, septic system impacts to wells and surface water must also be evaluated as part of the study.

In the Cana subdivision, a letter of opinion from a qualified professional would be required to the satisfaction of Utilities Kingston to confirm that the second unit will not result in capacity issues. The potential service constraint areas that include a Holding “H” Symbol in the zoning by-law are proposed to be identified in Schedule 11-C.
Furthermore, the current Official Plan only addresses Schedule 11-C Servicing Constraints with respect to second residential units; however, these constraints may be applicable to other forms of residential development. As a result, a new policy is proposed to be included in Section 4.2 Municipal Water and Sewage to read as follows:

“Planning Act applications for a new residential unit(s) on municipal water and/or wastewater that are located in a “Known Servicing Constraint” or a “Potential Servicing Constraint” as identified on Schedule 11-C, must demonstrate to the satisfaction of the City of Kingston and Utilities Kingston, the adequacy of water and wastewater servicing capacity, and the suitability of the property or configuration of development to ensure the protection of public health and safety.”

The demonstration of adequate servicing currently occurs during the review of Planning Act applications; however, the intent of this proposed policy is to now provide a specific reference to those areas subject to constraints. Those areas subject to sewer surcharging have been identified in Schedule 11-C to identify where the protection of public health and safety will need to be maintained.

In order to avoid restricting a number of properties from accommodating a parking space for the second residential unit, tandem parking is proposed to be permitted in the accompanying zoning by-laws, which allows for one vehicle to be parked in front of the other. Tandem parking is currently permitted for second residential units in Zoning By-Law Numbers 97-102, 76-26 and 32-74. In addition, a new Official Plan policy is being proposed in Section 3.3.11 to permit parking for a second residential unit in the front yard when located in a permitted driveway. The policy will also state that tandem parking spaces shall be permitted to facilitate a second residential unit.

Providing one parking space for the second residential unit is a proposed requirement in the zoning by-law amendment and in order to effectively address minor variance applications that may be received in terms of parking relief, the following policy is recommended to provide specific criteria to be reviewed when evaluating applications for parking relief:

“3.3.11(g) Applications that seek parking relief in support of a second residential unit shall satisfy all of the following locational criteria:

(i) the property is within walking distance of an express transit bus route;

(ii) the property is within walking distance of commercial uses; and

(iii) the property is within walking distance of parkland, open space or community facilities.

For the purposes of this subsection, walking distance shall be measured using the actual path of travel, such as along a road network (i.e. sidewalk, cycle lane, etc.) or other publically-accessible space.”
The above noted criteria is intended to consider relief from parking in those areas where vehicle reliance is not necessary due to being in proximity to transit, services and amenities.

Minor technical amendments are also proposed in order to provide additional clarification in Section 3.3.11 to specifically state that the second residential policies apply to areas with or without municipal water and wastewater services. The definition of second residential units is also proposed to be amended to be consistent with the dwelling unit definition included in the zoning by-law.

**Provincial Policy Statement**

The Provincial Policy Statement (2014) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

Policy 1.1.1 (a) and (b) of the Provincial Policy Statement (2014) promotes efficient development and land use patterns and speaks to accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) to meet long-term needs. Section 1.4.3 (b) (2) also requires planning authorities to permit and facilitate all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable and existing or planned infrastructure and public service facilities required to accommodate projected needs.

The proposed amendments will result in broader permissions for second residential units with the intent to encourage the supply of these units. An increased supply will provide for an increased affordable housing alternative that will make efficient use of existing land and infrastructure in the municipality.

Section 1.1.1 (c) addresses the avoidance of development and land use patterns which may cause environmental or public health and safety concerns. Section 3.1.1 also directs development to areas outside of hazardous lands.

The proposed amendments are intended to implement this policy direction through establishing zone regulations that address emergency service access, flooding hazards, sewer surcharging and water supply/quality constraints.

Policy 1.1.4.1 states that healthy, integrated and viable rural areas should be supported by accommodating an appropriate range and mix of housing in the rural settlement areas and encouraging the conservation and redevelopment of the existing rural housing stock. Policy 1.1.5.4 states that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
The above noted policies were considered in the preparation of amendments that would be applicable to Rural Areas in the municipality. More specifically, the amendments are intended to preserve rural character and protect prime agricultural land by preventing a detached second residential unit from being severed from the lot containing the principal dwelling. The minimum distance separation formulae to control adequate separation from livestock facilities and detached second residential units would apply in accordance with the zoning by-law and the minimum distance separation guidelines. In addition, the amendments require the availability of adequate private services to support a second residential unit and a Holding "H" Symbol is being utilized in the rural areas to demonstrate no negative impacts to water serving the principal dwelling, the second residential unit and neighbouring properties.

Policy 1.4.3 c) directs the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

Second residential units are proposed to be permitted within the urban boundary, which will make use of existing infrastructure. The amendments propose to not permit second residential units in areas with sewage capacity constraints. Areas on private individual water and sewage services will need to demonstrate adequate services are available to accommodate the second residential unit.

Policy 1.4.3 e) requires the establishment of development standards for residential intensification and redevelopment and new residential development which minimizes the cost of housing and facilitates compact form, while maintaining appropriate levels of public health and safety.

The proposed zoning amendments include appropriate regulations to facilitate compact form by not requiring any density calculation that measures units by net hectare. Due to the scale of a second residential unit and in the attempt to encourage intensification, staff are of the opinion that a second residential unit should not be included in this calculation. A proposed regulation has also been included to ensure only one second residential unit is permitted per lot. Public health and safety are being addressed through preventing a second residential unit from being developed on lands subject to natural hazards and restricting second residential units from being established in basements within those areas that have an increased risk of sewer surcharging which can result in basement flooding.

Policies 1.6.6.1 and 1.6.6.4 address planning for sewage and water services and more specifically speak to ensuring these systems are provided in a manner than can be sustained by the water resources which services rely, is feasible, financially viable and complies with all regulatory requirements and protects human health and the natural environment. Section 1.6.6.4 requires individual on-site sewage and water services to have suitable site conditions for the long-term provision of such services with no negative impacts.

The proposed amendments are specifically addressing servicing constraints in the municipality to ensure proposed second residential units can be supported through adequate individual or municipal water and wastewater services while also protecting public health and safety.
Policy 2.3.6 permits limited residential development in agricultural lands.

Second residential units may only be permitted where it is associated with a principal dwelling. A proposed policy has also been established to prevent a detached second residential unit from being severed from the lot containing the principal dwelling. As previously noted, the minimum distance separation formulae would apply to a detached second residential unit.

Policy 3.1.1 states that development shall generally be directed to areas outside of hazardous lands adjacent to rivers, streams and small inland lakes systems which are impacted by flooding hazards and/or erosion hazards.

The Official Plan and zoning by-law amendments both prohibit the establishment of a second residential unit in areas subject to natural hazards. A proposed new zone schedule is also included to identify natural hazard areas.

The proposed amendments are consistent with the Provincial Policy Statement.

**Official Plan Considerations**

Section 3.3.11 of the Official Plan permits second residential units within single-detached dwellings, semi-detached dwellings, linked and row houses. Section 3.3.11 also guides the development of second residential units through the following policies:

3.3.11. Second residential units are permitted within single-detached dwellings, semi-detached dwellings, linked and row houses, as well as accessory buildings where a second residential unit does not already exist in the primary detached, semi-detached, linked or row house dwelling, provided they are in accordance with the zoning by-law and subject to the following criteria:

a. The zoning by-law shall identify locations where second residential units are permitted, being all areas that permit single-detached dwellings, semi-detached dwellings, and linked and row houses;

b. Notwithstanding subsection 3.3.11.a. above, in areas shown as “Known Servicing Constraint” and “Potential Servicing Constraint” on Schedule 11-C to this Plan, second residential units may only be permitted where it has been demonstrated that there is adequate water and wastewater to support the second residential unit.

The City will evaluate opportunities to reduce or remove known or potential servicing constraint areas on Schedule 11-C, based upon a review of servicing capacities and other applicable land use planning matters. Changes to Schedule 11-C which have the effect of reducing or removing servicing constraint areas will not require an amendment to this Plan;

c. Second residential units shall not be limited by density control requirements, as defined in an implementing zoning by-law;
d. Second dwelling residential units may be a prohibited use on a residential dwelling lot containing a garden suite, boarding house or lodging house, as defined in an implementing zoning by-law; and

e. Second residential units shall not be permitted in a residential dwelling unit situated within areas identified as natural hazards.

Affordable housing is one of the Principles of Growth specified in Section 2.3 of the Official Plan. Section 2.3.17 states that the City supports the City of Kingston and County of Frontenac Municipal Housing Strategy (2011) and the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013) in order to increase affordable housing in the City, and for it to be located primarily within the Urban Boundary in accordance with the directions of the Municipal Housing Strategy Locational Analysis Study (2012).

The City of Kingston and County of Frontenac Municipal Housing Strategy (2011) directs the City to create a complementary regulatory framework by supporting second residential units as an affordable rental housing alternative, such as by developing and implementing as-of-right zoning provisions in applicable residential zones. In addition, one of the goals identified in the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013) is that the City and Council continue their support for second residential units as an affordable rental housing alternative by undertaking a study to assess the potential to broaden the pilot project area to include as-of-right permissions within additional areas of the City where servicing concerns are addressed. In accordance with applicable legislation, the study should also evaluate and recommend zoning provisions for accommodating secondary suites within accessory buildings (i.e. above detached garage, within a separate building on a residential lot occupied by a primary dwelling). The recommendations and appropriate zone provisions were recommended to be implemented through the New City-wide Zoning By-Law (New ZBL). The proposed amendments are being advanced prior to the New ZBL to avoid delays in providing an important affordable housing alternative and rental supply opportunity in the municipality.

The City’s zoning by-laws do not currently comply with the existing City Official Plan policies related to second residential units as the by-laws only permit them in select areas of the City and do not permit them in detached second residential units. The intent of the amendments is to bring the zoning by-laws into compliance with the above noted policies and to expand policies in order to clarify certain policies and sections of the Plan.

As previously noted, City staff have conducted a detailed review of municipal approaches to regulating second residential units by way of specific Official Plan policies and zone provisions. Staff have also consulted with the MMAH, MECP, CRCA, the Planning Advisory Working Group and applicable City departments. Discussions were also held with other municipalities that contain as-of-right zone provisions for second units within accessory structures in order to assist in forming appropriate as-of-right permissions in the City of Kingston.

In developing the proposed zoning by-law and Official Plan amendments, a number of Official Plan policies were considered, including the following:
Section 2.3.12 outlines the Principles of Growth for the City. This section states that the City will continue to support compatible forms of intensification so as to efficiently use infrastructure, minimize land consumption, support the use of public transit, reduce air and other forms of pollution, and thus foster sustainable growth in the City.

Second residential units will support compatible forms of intensification within the urban boundary as they will make efficient use of the existing housing stock and residential zoned lots. Appropriate zone provisions have been established to ensure compatibility through regulating the size, access, parking and the location of a detached second residential unit.

The growth principles for the Rural Areas are to balance the resource protection objectives for agriculture, aggregates and minerals with the environmental objectives of the natural heritage features and areas and watershed management and the social objectives of protecting rural communities and the rural way of life.

Second residential units will ensure rural compatibility through preventing the severance of a detached second residential unit and by regulating them to be accessory to the principal dwelling. It will also need to be demonstrated that the individual services can accommodate the second residential unit and can continue to support the principal dwelling while also ensuring there are no negative impacts on neighbouring properties in terms of water supply. In addition, detached second residential units will be required to submit a Hydrogeological Study to demonstrate that the septic system will not have negative off-site impacts to wells or the environment.

Section 2.7 of the Official Plan addresses land use compatibility principles with the goal to provide new opportunities for growth and investment within Kingston in a manner that ensures compatible development and land use.

Section 2.7.2 states that the demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.

The land use compatibility matters to be considered under Section 2.7.2, include, but are not limited to:

a. Shadowing; and

b. Loss of privacy due to intrusive overlook:

The proposed amendments minimize the potential for shadowing and privacy due to intrusive overlook as second units will in many situations be located within the existing dwelling and any proposed addition to accommodate a second residential unit will be required to comply with the setback and height provisions of the zone that would apply to the principal dwelling. Detached second residential units are also required to comply with the provisions of the
applicable zone and reduced setbacks are only contemplated for a detached second residential unit when a 1.8 metre privacy fence is established along the lot line. In addition, a reduced height to that of a typical accessory structure is being proposed when reduced rear and/or side yard setbacks are sought in support of a detached second unit. The above regulations will minimize shadowing impacts and ensure the privacy of neighbouring properties.

c. Increased levels of light pollution, noise, odour, dust or vibration:

Due to the accessory nature of a second residential unit, there is not an anticipated negative impact in terms of light pollution, noise, odour, dust or vibration.

d. Increased and uncomfortable wind speed:

As a second residential unit will be located within the principal dwelling unit or in a detached unit with limitations in terms of size, setbacks and height, there is not expected to be a creation of increased and uncomfortable wind speed.

e. Increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit:

The establishment of a second residential unit must be able to accommodate an additional parking space on-site. Specific criteria have been included in the Official Plan amendment that will need to be satisfied when a planning application is made for parking relief. In addition, an Official Plan policy is proposed to further accommodate on-site parking by permitting front yard parking in a driveway with the option of the parking spot being in tandem formation. Regulations are also proposed to limit the amount of second residential units by only permitting one per lot and not permitting a second residential unit on a lot that already contains two dwelling units, a garden suite, boarding house or lodging house.

f. Environmental damage or degradation:

The second residential unit amendments would not result in environmental damage or degradation as they will be located within the principal dwelling unit. Any detached second residential unit would only be permitted in a zone permitting a residential use and could not be established in an environmental protection zone. Furthermore, second residential units are also proposed to be restricted within 300 metres of Loughborough Lake, which is identified as an at-capacity lake to prevent further water quality impairment.

g. Diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded:

City staff have consulted with Utilities Kingston in order to prepare appropriate zone provisions for areas of the City affected by known servicing constraints. As a result, restrictions have been put in place by not permitting a second residential unit where there is an existence of sewage capacity limitations. The Cana Subdivision which is on communal
services has been included in a Holding “H” Zone in order to require confirmation that servicing capacity would be available to accommodate the second residential unit. Second units are proposed to be restricted from being established in a basement in those areas that are more prone to sewer surcharging, particularly in areas of the City that have combined storm and sewer systems. Once the amendments are implemented staff will be monitoring the uptake of second residential units and will review in consultation with Utilities Kingston whether any of the existing identified servicing constraints can be removed due to infrastructure upgrades or where new servicing constraints may need to be identified.

In terms of areas on private individual water and sewer systems, approval of a septic system through the KFL&A Health Unit would be required to ensure it is capable of servicing the principal dwelling and second residential unit. The rural area is proposed to be located in a Holding “H” Zone in order prevent negative water quality and/or water quantity impacts to the principal dwelling, second residential unit and neighbouring properties. In addition, detached second residential will have to demonstrate that the septic system will not result in off-site impacts to wells and the environment.

A zone provision has also been established to only permit the establishment of a second residential unit if it is connected to municipal services or private services approved by the authority having jurisdiction.

h. Reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting:

Safety and access have been addressed through requiring appropriate pathway provisions to ensure that there is adequate access for emergency services and residents to access the second residential unit. A provision has also been included to not permit the parking of a vehicle on the pathway. In addition, existing zone regulations pertaining to minimum landscaped open space, safety, lot coverage and maximum FSI would also apply.

i. Visual intrusion that disrupts the streetscape or buildings:

Second residential units located within dwellings provide an opportunity to increase density without creating significant changes to the appearance of buildings or streetscapes. Detached second residential units are proposed to be regulated by a zone provision that would not permit their establishment in a front or exterior side yard to avoid impacts on the streetscape.

j. Degradation of cultural heritage resources:

The establishment of a second residential unit on a designated heritage property would require a Heritage Permit to ensure protection of the heritage resource.

k. Architectural incompatibility in terms of scale, style, massing and colour; or
Architectural incompatibility is not anticipated due to the scale of second residential units. Detached second residential units are also not permitted in the front and exterior side yard to minimize impacts on the streetscape. In addition, second residential units shall comply with any required maximum FSI calculation for the purposes of controlling the ratio of building to the lot area.

I. The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents:

Second residential units are only permitted on lots zoned for residential uses and would not be permitted in any open space or environmental protected areas. Due to the scale of a second residential unit, there are not any anticipated impacts on significant views of cultural heritage resources.

Section 2.7.4 lists a number of mitigation measures that may be used to achieve development and land compatibility; including:

a. ensuring adequate setbacks and minimum yard requirements;
b. establishing appropriate transition in building heights, coverage and massing;
c. requiring fencing, walls or berming to create a visual screen;
d. designing the building in a way that minimizes adverse effects;
e. maintaining mature vegetation and/or additional new landscaping requirements;
f. controlling access locations, driveways, service areas and activity areas; and
g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.

Planning Act tools including zoning by-law standards, Site Plan Control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.

The proposed zoning by-law standards were specifically developed in order to mitigate any potential impacts in establishing as-of-right second residential unit permissions. Sufficient setbacks are being required as a second residential unit located within the dwelling must meet the setback requirements of the applicable zone. Detached second residential units are proposed to have reduced setbacks only in the situation where a privacy fence is established along the lot line to maintain privacy to adjacent neighbours. A reduced height is also proposed when a detached second residential unit is located at a lesser setback. The amendments also propose one additional parking space that can be located in a driveway in the front yard with the option of being in tandem formation to accommodate on-site parking. Existing zone requirements shall also apply to require the maintenance of a minimum 30% landscaped open space requirement as well as any applicable maximum lot coverage and maximum FSI restrictions will also apply to ensure compatibility with the neighbourhood.

Section 2.7.6 outlines a number of functional needs of the occupants or users that are required to be demonstrated, including the following:
a. suitable scale, massing and density in relation to the existing built fabric;
b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City’s tree planting program;
c. adequate land area and appropriate site configuration or provision for land assembly, as required;
d. efficient use of municipal services, including transit;
e. appropriate infill of vacant or under-utilized land;
f. clearly defined and safe:
   • site access;
   • pedestrian access to the building and parking spaces;
   • amenity areas;
   • building entry; and
   • parking and secure and appropriate bicycle facilities.

Second residential units allow for small scale intensification that can make more efficient use of the existing residential housing stock. The established zone provisions have addressed placement and size of the second residential unit, maintaining existing landscaped open space, and FSI requirements and have ensured the requirement of an additional parking spot on-site as well as safe pedestrian and emergency service access to the second residential unit.

Section 3.3.10 provides policies with respect to affordable housing. This section states that affordable housing initiatives are designed to provide a full range of housing in terms of tenure, affordability, accessibility and locations in different urban residential neighbourhoods, to increase choice for low and moderate income households. One such initiative is identified in Section 3.3.10(k), which is to promote the use of second residential units as affordable housing.

Second residential units are an alternative housing option and that allow for housing choice in lower density neighbourhoods. Second units are proposed to be permitted in established neighbourhoods that may offer improved access to public transportation, education, jobs and other community services. Homeowners are also provided with the opportunity to accommodate aging parents or adult children in separate but close living arrangements.

Second residential units contribute to affordable housing as they assist in increasing the supply of rental housing in the municipality. It can also provide an opportunity for seniors living on fixed incomes who want to age in place or young new homebuyers who need the rental income to assist them in purchasing a home they could otherwise not afford. This is not only applicable to the urban serviced area but also provides opportunities for those residing or wanting to reside outside the urban area.

Section 4.4 is applicable to the Rural Area and addresses individual on-site services. This section states that development beyond the urban boundary and outside the future development areas will be primarily based on private wells and private septic systems, referred to as individual on-site water and sewage services, and will only be permitted if conditions are adequate to support such systems for the long-term with no negative impacts. This section proceeds to address groundwater constraints and outlines that the City may request that a hydrogeological study be undertaken in any location.
Section 2.8.4. also states that in order to maintain the quality and quantity of water, the City will restrict development and site alteration near sensitive surface water or groundwater features and in areas of medium to very high groundwater sensitivity and will implement the policies of the Cataraqui Source Protection Plan as required.

In consultation with the MECP, as well as the CRCA, it is being recommended that a Holding Symbol be utilized in the rural area to ensure water supply and water quality is not negatively impacted.

Section 5 addresses the Protection of Health and Safety with a goal to manage natural and human-made hazards in a manner that protects human life and health, avoids adverse effects on living areas and sensitive uses, and avoids, minimizes or buffers sources of pollution so that the quality of life in Kingston will be improved and sustained over the long-term. Natural hazard policies were also considered, specifically Section 5.5, which states that new development and site alteration in the regulatory floodplain is prohibited, except those uses that by their nature must be located within the regulatory floodplain.

The proposed amendments prohibit the establishment of a second residential unit in any natural hazard area. A proposed zone map has also been incorporated into the amendment to identify where the natural hazards are located.

Zoning By-Law Discussion
There are five principal zoning by-laws and a further five site-specific older remnant zoning by-laws in effect in the City. The proposed second residential unit amendments are proposed to apply to the five principal zoning by-laws, as well as two of the older site-specific by-laws that permit single and semi-detached dwellings.

A summary of existing provisions related to second residential units in the five principal zoning by-laws and two site-specific by-laws are outlined below.

Zoning By-Law Number 32-74 (former Township of Pittsburgh), Zoning By-Law Number 76-26 (former Township of Kingston) and Zoning By-Law Number 97-102 (Cataraqui North)
Zoning By-Law Number 32-74 covers the former Township of Pittsburgh, Zoning By-Law Number 76-26 covers the former Township of Kingston and Zoning By-Law Number 97-102 cover the Cataraqui North community. The above noted by-laws currently contain a definition and section dedicated to second residential units. However, the by-laws only permit second residential units within dwellings and limits the gross floor area of the second residential unit to not exceed 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. In addition, the existing permissions only apply to select areas within By-Law Number 32-74 and By-Law Number 76-26. Specific requirements for a second driveway to accommodate a second residential unit are also included in By-Law Number 32-74 while By-Law Number 76-26 and By-Law Number 97-102 contain a provision to prohibit a second driveway for a second residential. A holding zone is also utilized in the rural area for the development of a second residential unit.
As previously described, the majority of these restrictions are proposed to be removed with new requirements to require the second unit to be less than or equal in size to the principal dwelling. The driveway restrictions are proposed to be removed as a second driveway should not be related to a second residential unit. The subject lands, built form and ability to accommodate should remain the key considerations for a second driveway. The holding zone will continue to apply in the rural area in order to sufficiently address potential water quality and quantity impacts.

Zoning By-Law Number 96-259 (Downtown and Harbour)
The Downtown and Harbour Zoning By-Law currently does not permit second residential units. Although there are limited residential zones within this by-law, the proposed second residential unit permissions are proposed to be included in this by-law to provide those residential properties the ability to establish a second residential unit.

Zoning By-Law Number 8499 (former City of Kingston)
Zoning By-Law Number 8499, which encompasses the former City of Kingston, does not currently permit second residential units. The proposed permissions and associated regulations as previously identified are recommended to be incorporated into Zoning By-Law Number 8499. This by-law does, however, contain a restrictive zone provision that would prevent a second residential unit from being established in a basement or cellar. Section 5.2 of the by-law prohibits the use of a cellar as a dwelling unit or as a habitation unit. As part of the amendments, this existing regulation is proposed to be removed, which would result in the lessening of constraints to establishing occupancy space within the basement or cellar, applicable to second units and all other residential use types. This will be consistent with the other zoning by-laws that had previously removed this provision as part of the second unit amendments completed in 2013. The amendment is justified as the zone provision causes conflict with a matter that can be adequately regulated through the applicable regulations of the Ontario Building Code.

Zoning By-Law Number 3077 (former City of Kingston)
Zoning By-Law Number 3077 is an older remnant by-law from 1959 that includes 8 residential properties on Maitland Street. As the intent of the amendments is to permit second residential units on properties containing zoning for single-detached, this by-law is also proposed to be amended to include the second residential unit permissions.

Zoning By-Law Number 8402 (former City of Kingston)
Zoning By-Law Number 8402 is an older remnant by-law from 1975 that includes a number of semi-detached residences located on Glenarden Place. As the intent of the amendments is to permit second residential units on properties that are zoned to permit semi-detached dwellings, this by-law is also proposed to be amended to include the second residential unit permissions.

Other Applications
Not applicable
Technical Analysis
This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with these applications remain at this time.

Public Comments
A Public Meeting was held on July 5, 2018 with respect to these applications. There were 7 oral submissions at the Public Meeting. At the time of writing this report, 13 pieces of written correspondence have been received from members of the public (Exhibit M). Several comments were also received during the online survey which occurred from June 27, 2018 to July 30, 2018. An online commenting period was also held on the City’s Get Involved platform from January 21, 2019 to February 4, 2019, where 50 questions and comments were received. The comments and questions raised by the Planning Committee and/or members of the public, along with corresponding responses are summarized below. The comments have been condensed and grouped by general theme and are not provided verbatim.

By-Law Enforcement and Property Standards
- Concerns were raised that the creation of more second residential units will result in an increase of by-law violations related to noise, garbage and property maintenance. This was emphasised particularly in neighbourhoods that house students from post-secondary schools.
- Questions whether parking and property standards by-laws would be able to be enforced if the restrictions on second units were eased when the original design plans did not account for the additional cars, parking, people, etc.
- Easing of restrictions on secondary suites would put further stress on the limited ability of City staff to enforce property standards and parking by-laws.
- Are there by-law enforcement strategies or other resources to deal with unkempt yards, litter, parking and substandard property maintenance?
- Need to ensure that landlords maintain their green spaces and yards and store garbage bins neatly.
- Many owners of second units do not live in the area and do not maintain the properties.
- There should be strict punishment for by-law violations.
- Second units can result in several pets in small areas with some owners who do not pick up after their dogs.
- Does the City maintain a log of complaints and follow up/outcomes by neighbourhood?
- The City is already not enforcing existing by-laws.
- Enforcement of parking is aided by residents to report local parking infractions, which is an ongoing issue.
- By-law enforcement only occurs in certain parts of the City.
- The City requires more by-law enforcement officers to address concerns from neighbours if rules are broken.

The City has a Property Standards By-Law and Yards By-Law which set out the minimum standards for building and property maintenance within the City. Standards prescribed in these by-laws are intended to outline the reasonable maintenance and upkeep of yards, buildings and
properties. The City responds to by-law enforcement complaints and will continue to address complaints as they are received. The City does have a proactive enforcement strategy with respect to the City’s yards and solid waste by-laws. By-law enforcement officers actively patrol areas throughout the City and complaints are also acted upon when received. There are no plans for increased parking enforcement support in the residential areas that these secondary unit regulations will apply to. The City will monitor and respond to specific complaints according to existing service standards.

In terms of the noise concerns raised, night noise enforcement staff will now be within the Licensing and Enforcement Division. Enforcement staff shifts will continue on Thursday, Friday and Saturdays from 8:00 p.m. until 3:00 a.m. Any after hour noise complaints are to be directed to the Kingston Policy non-emergency number at (613) 549-4660.

In regards to parking, the City logs all parking complaints received, which are typically referenced at a street or address level. All licensing and by-law enforcement work is captured within the City’s municipal software system.

For matters relating to property standards, residents are advised to contact the Property Standards Officer for their area. More information is available the following link: Property Standards. The second residential unit permissions are accompanied with proposed zone regulations to ensure neighbourhood compatibility principles are maintained. If the proposed amendments are approved, City staff have the ability to monitor parking and property standards by-laws as well as the number of units being established and how the proposed amendments are working to ensure the intent of the regulations are being met. This monitoring could include a review of the frequency of enforcement-related complaints and the capacity of the City to adequately respond to such complaints.

Following the amendment process, City staff will be hosting information sessions and establishing communications material to help residents understand what is required to establish a second residential unit (including compliance with the requirements of the Ontario Building Code and municipal by-laws).

**Neighbourhood Character**

- The addition of second residential units to traditionally single-family neighbourhoods could have an impact on the character of the neighbourhood. It was noted that this change could increase density levels beyond what was expected when residents purchased their home.
- Second residential units need to be governed by aesthetic restrictions.
- What plans are in place to ensure neighbourhood character is maintained?
- Some areas of the City should not allow second residential units.
- Residential units in higher density areas should be approved on a case by case basis. Otherwise, landlords will build into backyards and front yards ruining the use and look of neighbourhoods.
- Second units are the best way to add housing units to a neighbourhood without significantly impacting its built character.
This will be taken advantage of by developers and landlords who are not concerned about preserving the neighbourhoods and are more driven by profit. This initiative has the potential to work with large lots and if used for family members but this will be abused by landlords and developers who frequently get around by-laws and zoning.

International developers will take advantage of this and ruin neighbourhoods.

Coach houses will affect the enjoyment of the property when being surrounded by buildings, particularly in the rear yard.

Uphold the Official Plan and zoning for the neighbourhood unlike in Polson Park where a second residential unit was allowed despite neighbours complaining that it violated the zoning by-law.

The City should look to high rises along the Williamsville corridor to tackle low income housing – so many neighbourhoods and heritage homes have been destroyed already.

Having a neighbour summarily being able to create new living spaces could negatively impact the enjoyment of the property.

Support second units along corridors where this makes sense such as on Princess Street, Brock Street and Sir. John A. McDonald. We do not support structures that are built and overtake a yard in a family home as many of them do now and change the feel of that neighbourhood. A separate coach house will exacerbate this issue.

A one-size first all policy may seem simple but may result in more conflicts. Take the time to figure out what would be best in which neighbourhoods.

Should not be encouraged in primarily family neighbourhoods in the downtown which is already experiencing pressure from urban intensification policies.

There should be a limit as to how many of these units can be established, otherwise the character of a neighbourhood will be threatened.

New units should be sympathetic to the architecture of the area they are being built in so they do not become a detraction.

Will result in the owner not living on the property and renters who have no interest in being part of the community. The inevitable is that families will not want to live here.

It is ruining the downtown neighbourhoods such as the streets bordering the ghetto.

I fear this will lead to more out-buildings being built in the university district. I can see the appeal for this in the suburbs, but not in the downtown neighbourhoods.

The integrity of our neighbourhood should not be compromised to account for insufficient medium or high-density housing.

Coach houses in the downtown core should have to be constructed in accordance with the neighbourhood’s character.

Additions for second units can be unsightly and do not fit in with the neighbourhood.

Property sizes are already too small and crowded in many parts of the City and this will ruin these already dense neighbourhoods.

Key factor for many in purchasing a home is yard spaces and distance from neighbours.

Only allow coach houses in multi-family zones.

This should not be permitted in the Polson Park neighbourhood.

Coach houses should be confined to laneway housing like in Vancouver, unless they are part of a new development that builds them into their plans.
• These units destroy the neighbourhoods they are created in and bring a lack of
neighbourhood values in the area and results in police being present, fights, etc.
• If an area was built and zoned as single-family it should stay that way. Second units should
be in areas zoned for it or obtain new zoning to build it.
• The approval process could take into consideration the design of the house and the
neighbourhood to ensure that the probability of maintaining the neighbourhood
characteristics remains. Is it possible that the approvals process can include specific
neighbourhood characteristics in the consideration?
• Neighbour has rented upper storey and basement apartment and maintenance on the
exterior is limited. An ugly walkway was placed in the space between our two dwellings for
the basement tenant’s access and egress without consultation. This results in property
values declining but taxes are not. Strongly object to these units, particularly in Reddendale.

In regards to comments pertaining to permitting second units in single-family neighbourhoods, it
is important to note that Planning Act legislation requires municipalities to permit second units in
single-detached, semi-detached and row house dwellings, which are found in low-density
neighbourhoods. Second units are a smaller scale form of intensification that can be
incorporated into neighbourhoods without impacting neighbourhood character as they are
intended to be ancillary to the principal dwelling and in many cases not readily visible from the
street.

It is understood that neighbourhoods across the City contain different characteristics. In
developing the accompanying zone regulations, staff scenario tested various regulations
throughout a variety of neighbourhoods. This resulted in a proposed zoning framework that took
into account neighbourhood considerations such as lot configurations, property sizes and
parking availability.

The associated zone regulations are intended to ensure neighbourhood character is maintained
through regulating setbacks, height, parking, size and limiting one second residential unit per lot
as well as maintaining existing zone provisions for landscaped open space, maximum lot
coverage and maximum FSI. The Provincial Policy Statement also promotes appropriate
development standards to facilitate intensification, redevelopment and compact form, while
avoiding or mitigating risks to public health and safety. The proposed amendments have been
developed to facilitate this form of intensification while also including appropriate zone
regulations to ensure neighbourhood compatibility and the protection of health and safety.

In terms of aesthetics, specific architectural requirements are not required; however, the
proposed zoning framework is intended to ensure compatibility through maintaining FSI
requirements in those zones that contain this requirement in order to control the ratio of land to
building, which results in compatible massing. Detached second residential units are also
prohibited from being located in the front yard and exterior side yard to ensure the principal
residential unit continues to appear as such and to avoid impacts on the streetscape. Second
units located within the principal dwelling tend to not have an impact on the built form as they
are contained within the existing structure and are often not visible from the street.
Comments regarding developers, landlords and occupants are unable to be addressed in the amendments as these are not land use planning matters.

Parking and Traffic

- Students in the Polson Park neighbourhood have multiple vehicles and are parked on the street the majority of the time. This is a safety issue and affects the snow plowing.
- Concerns with the ability to have tandem parking as people get tired of moving their cars around and end up parking on the street. There is no room on the street for visitors to park.
- The amount of spaces needed should depend on the size of the second residential unit.
- Parking spaces should be determined by the number of bedrooms. This will direct development to account for bedrooms and lead to more efficient medium and high-density forms that appear to generate more effective open space and green space and land usage with fewer adverse impacts on existing structures and people. Clear directive policy supports are needed from licensing to control impacts and until this occurs, the City should be looking at higher density forms and street density at reasonable limits in terms of parking and density rather than overcrowding single unit housing.
- An extra parking space should be provided for guests.
- Only permit along busy bus routes.
- Need to clarify whether 1 parking space is required in addition to the principal unit parking space.
- Coach houses should not be provided with a mandatory street side parking space in the downtown.
- Parking requirements are too strict in the core area. Bike requirements would be great.
- There should not be required parking. People who do not own cars should be able to live without paying for a spot to park a car they do not have.
- The extra parking requirement could be a barrier for those without a large renovation budget.
- One additional parking space does not help when the tenants have two vehicles.
- On-street parking can obstruct views.
- The number of vehicles on any property should not exceed the number of available parking spots.
- Existing on-street parking issues are already present in Cataraqui Woods, Woodhaven and in areas that surround post-secondary institutions.
- Parking enforcement is already stretched thin, how are the City parking enforcement staff going to monitor even more houses after conversion of houses to two units instead of the one unit the house was originally built for?
- The City should be building second units into new homes and not into the basements of older, modest City homes with insufficient parking in the driveways for the vehicles belonging to 2 units. These driveways simply do not have the parking required for 2 units in most cases.
- Existing parking limitations have resulted in people parking on lawns or parking long-term on the street, blocking sidewalks and pedestrians, restricting access for emergency vehicles and creating narrow streets Second units may increase property values and provide for the City but will be taxing the physical limitations of the street.
Traffic could be impacted and the ability for others to park on the street, particularly if there is more than one occupant or more than one car associated with the second residential unit.

The parking recommendation should include a more robust on-street permit parking program, similar in nature to Toronto.

If a parking space for a second residential unit may be located in a driveway that is within a front yard and leads to a garage, carport or other permitted parking space, will there not still be parking impacts on an area where the vehicle located in the driveway will need to be removed to the street in order to allow the second vehicle to exit the driveway? Will this culturally lead to parking on the street anyway especially in areas that do not have permit parking restrictions?

Are there instances where side by side parking might be preferable? Are there instances where rear yard parking or garages would be preferable? If so, will this amendment deter other options?

Is there an instance where an intentionally efficient shared driveway and walkway plane might provide enough continuous hard surface to allowing by default the ability to park side by side in a front or side yard?

Existing homes that include rental units need to be forced to provide adequate parking for all tenants.

Can an additional driveway for the tenant of a second residential unit be permitted?

Given the City’s preferences for the use of public transit and/or active transportation and, given the increasing availability of ride sharing and, understanding that the cost of creating a parking space per residential unit is counterproductive to the objective of creating affordable housing, requiring a second parking space for every residential unit is somewhat outdated and also undesirable. Allowing units with no parking will attract residents that have already embraced the choices listed above.

The City needs to start thinking about the big picture of how to reduce cars on the road or better manage the congestion.

Many working class cannot afford a vehicle and use transit so I do not see parking/traffic being an issue.

Most residential streets cannot be parked on unless you have a permit.

Parking requirements should not apply to urban areas where tenants are mainly students without vehicles.

The by-law needs to include a maximum number of vehicles that the primary and secondary unit can have.

Allow two cars in a driveway where there is only a one car driveway.

Off street parking should only be allowed for owners and tenants.

Need to be flexible – some areas may require parking and others not.

Street parking should be more affordable.

Requiring a parking space in the urban areas places a greater restriction on those individuals to establish second residential units when compared to suburban areas. Not requiring a parking space in the urban areas should not lead to issues with parking as the permit system ensures all residents observe parking regulations.

In the case where a second parking spot is needed, restrictions on front yard parking need to be loosened to allow a couple more feet of width for side by side parking.
Limit street parking to one side when the road width allows.

It would benefit the City and homeowner to support the addition of more winter parking where there are second units or have specific ball parks plowed during the winter for overnight parking where the tenant of the secondary suite could register in the City to park there.

As part of the proposed amendments, one on-site parking space is to be required to accommodate a second residential unit, which would be in addition to the one required parking space for the principal dwelling. This space can be provided in tandem formation and in the driveway in order to further encourage on-site parking. The amendments are not preventing the establishment of a second driveway for a second residential unit provided that driveway provisions of the applicable zoning by-law can be met.

In regards to parking on the street overnight in the winter, this is managed through enforcement by the Transportation Services Department. Any parking or paving of the front lawn that does not comply with the zoning by-law is not permitted and when brought to the attention of City staff will be enforced as a zoning by-law infraction.

A number of comments received make recommendations on various parking strategies the City could undertake. The intent of the amendments is to permit second residential units across the municipality, and in doing so, staff have considered potential impacts such as ensuring on-site parking can be accommodated. In areas that the on-street permit parking program is in place there would be options for residential parking. Increase demand for on-street parking permits in these areas can be accommodated in the short-term and commuter parking permit supply will be reduced to accommodate additional residential parking permit requests if needed. The on-street residential permit does not provide for overnight parking but can assist in addressing concerns related to the viability of tandem parking.

Other City-wide parking recommendations such as permitting on-street parking in the winter, permit parking areas and limiting parking to one side of the street would need to be considered as part of a larger neighbourhood parking policy review, which is not planned at this time. Over time, the increased parking requirements may trigger the need for additional on-street permit parking areas to manage the use of on-street supply. These policy reviews are not planned at this time and require 18-24 months to implement along with additional resources.

It is important to note that a number of comments have also been received that have indicated opposition to requiring an additional parking space. In creating the parking regulations for second residential units, staff have attempted to balance parking requirements through a proposed Official Plan amendment and accompanying zone regulation to encourage the parking of vehicles on-site. Criteria has also been incorporated into the Official Plan to evaluate Planning Act applications for parking relief to acknowledge that a parking spot may not be necessary when in a location that is in proximity to amenities, commercial uses and transit. As the second unit amendments are implemented, staff have the ability to review the effectiveness of the regulations and whether the parking requirements have been effective in terms of maintaining on-site parking and whether there are areas that may not require parking due to location. Once this review occurs, it can be
determined whether areas may be more appropriate to require bike parking accommodation as opposed to vehicle parking.

Size
- Concerned with the proposed changes to the previous floor area requirement as this would obscure the differences between a second suite and a duplex.
- Minimum lot size should be a requirement for a coach house.
- Agreement with the existing restrictions on the floor space for basement secondary suites, stating that the restriction provides space for furnace or utility rooms accessible to all tenants.
- If there are two units of identical area, or the intended secondary unit is larger than the principal, is there a consequence to one being the principal or the secondary?
- There should be a maximize size for a coach house.
- The size of a coach house would be better tied to the size of the lot than the size of the footprint of the principal dwelling.
- There needs to be a special emphasis on lot sizes.
- The second unit should be built to the same regulations as regular households, except smaller in square footage. It should have the same standards as a single storey dwelling.
- The amendments need to clarify how floor area requirements are to be calculated (i.e. through the gross floor area of the entire residential structure or the gross floor area of the principal dwelling unit).
- Need a maximum floor area ratio.
- Second units should be allowed to have the same square footage as the main floor residence.
- Coach houses built on existing detached garages could be grandfathered and permitted while new construction must meet this requirement.
- There should be a minimum size for coach houses.
- What distinguishes the second unit from the main unit, particularly with respect to distinctions in yard setbacks if it is to be just 1% smaller?
- Footprint of coach house should be based on lot size and size of principal dwelling.
- The permitted size of the second residential unit is unclear – is it 50 square metres or 90 square metres?
- Why is the proposed by-law to have a minimum 50 square metres? The Ontario Building Code has a different requirement. A minimum size so large may disqualify a lot of properties from secondary dwellings for reasons of intrusive overlook, or shadowing, or visual intrusion, or architectural incompatibility in terms of scale. Neighbourhoods like Kingscourt and Inner Harbour are well connected to public transit and close to amenities (important assets for intensification) and it is important to not disqualify them from second units.
- The 40% footprint restriction will be limiting when the lot has a large detached garage and a small secondary suite in it.
- 40% size restriction will not work for small houses on large lots. Should be 70% and permit approximately 1,250 square feet.
- Should be based on footprint and height of primary dwelling.
- How does a second residential unit affect the definition of duplex?
- Should require a minimum size of backyard for a coach house.
- Limit the number of bedrooms.
- Size should be less than or equal to the main dwelling in order to allow basement in a bungalow to be used for a second residential unit.
- Set a minimum lot size, such as one acre, for a coach house.

Staff had originally proposed a requirement that a detached second residential unit may not exceed 40% of the footprint of the principal dwelling as well as having a minimum square footage. The Province has advised that the only potential size standard a municipality should contemplate including in a by-law is the second unit being smaller or equal to the size of the principal dwelling. In order to regulate the size of a detached second unit, staff have relied on the existing accessory structure lot coverage requirements in the various zones, which in a number of zones is 10%. On a small urban lot, a 10% accessory lot coverage would have the effect of limiting the size of a detached second residential unit. For those residential zones that contain a FSI requirement that applies to the principal dwelling, staff are proposing to have this apply to second detached units. All residential zones require a minimum 30% landscaped open space, which is also proposed to apply to detached second residential units and will assist in controlling size and ensuring the majority of a yard is not occupied by a detached unit. Minimum floor space would be based on the Ontario Building Code requirements.

In terms of recognizing existing garages that do not comply with the regulations, staff are not proposing to recognize these existing setbacks and permit a detached second residential unit “as-of-right”. As the regulations for current accessory structures did not anticipate habitable space, the current location may not be appropriate for a residential unit due to a number of compatibility issues as previously noted.

In order to ensure that a second residential unit is not interpreted to be a duplex, a proposed amendment to all the definitions in the zoning by-laws for the various dwelling types will contain a statement to indicate that the establishment of a second residential unit does not change the initial housing type as identified in the by-law.

**Setbacks**

- Do detached second residential units have to comply with the existing setbacks of the principal dwelling or the setbacks identified in the zoning by-law for the principal dwelling?
- Regarding rear and side yard setbacks, would a full zoning by-law amendment or minor variance be required?
- People need space. People without space get hostile.
- Rear and exterior side yard should require a 1.2 metre setback and should entertain different limiting criteria for detached second units with different rules.
- Setbacks should be similar to the main house as coach houses are not sheds. Accessory structures did not consider people impacts of noise and overlook.
- The detached unit should be closer to lot lines. It may be most feasible to add second residential units to existing detached garages as is often the case in other cities. Many of these structures are built within the distances to lot lines.
- Need to ensure setbacks are being followed for coach houses.
• There would be less concern with this type of development if setbacks, amenity space, parking and open space were consistently observed, however, developers and their consultants push through variances and rewrite zoning permissions to allow more and more. Variances should not consistently be used to permit larger development on constrained sites. Variances should be small site-specific work-arounds to protect rather than inflict. Tree canopy, green space and setbacks will deliver a more aesthetic and naturally cooler environment than unfolding a City of hard surfaces and air conditioners. How about no variances for coach houses?

• Proposing tight setbacks in rear yards to accommodate coach houses while requiring larger setbacks in exterior side yards. Should allow reduced setbacks in the exterior side yard.

• Proposed 3 metre rear yard setback is intended for privacy but privacy is not achieved now.

• Second units should not encroach on property lines or closer to the lot line than normal.

The proposed zoning framework regulates setbacks for detached second residential units. The MMAH has advised that setbacks for detached second residential units should require the same setbacks that have been established for accessory structures. As the existing accessory structure setback regulations were established without anticipating habitable space, staff are proposing an interior side yard and rear setback of up to 1.2 metres when a 1.8 metre privacy fence is established to ensure land use compatibility matters such as privacy with neighbouring properties is maintained. In this scenario, the existing accessory structure maximum height regulation would be applied, which is 5 metres in Zoning By-Law Number 32-74 and 4.5 or 4.6 metres in all other zoning by-laws. Detached second units are also not permitted in a front yard or exterior side yard in order to maintain the established streetscape. Those detached units that do not provide a privacy fence would be required to comply with the zone regulations and height requirements that apply to the principal dwelling or seek relief through a Planning Act application.

Compliance with setbacks is determined during the Building Permit process. Those that cannot comply with the established setbacks would require a minor variance or zoning by-law amendment application. The amount and types of relief sought would determine the appropriate application process, which would need to be reviewed and determined on a site-specific basis.

**Height**

• Need exact height requirements and builders held to them with no exception.

• Should not be taller than the usual garden/maintenance shed.

• Why is there a 5 metre height restriction on detached second residential units? What about rooms above a garage?

• The height restrictions should not correspond to the existing requirements for an accessory building but rather should allow for 2-storeys since the footprint of the building will be by necessity small and a second floor or loft may be required to provide adequate floor space for the occupants. Laneway houses in Toronto are a good example.

• Limit to one-storey or base it on height of neighbouring properties.

• The height of a coach house should not be higher than the main dwelling.

• Do not support height of a coach house.

• How is height going to be measured when they are different in each by-law?
A 4.6 metre height limit for a detached unit may preclude the ability to put a unit above a garage.

A higher maximum height could be supported if restrictions on the floor area ratio were put in place. This may allow for more varied designs to accommodate unique site-specific considerations.

Conversion of garage to a coach house should be permitted, which is why the height restrictions should be relaxed.

No higher than two standard storeys.

Would like to see the parameters for the secondary dwelling to be raised to the same height as the current restrictions (i.e. 9 metres to give builders options to make the City of Kingston aesthetically interesting). There is an opportunity to turn old carriage houses into second units and they are typically on properties that are as high or higher than the primary unit. A 5 metre height restriction would mean that people could only have a 7.5 foot ceiling height. A higher ceiling gives more volume for fresh air to circulate and helps to provide ample light to enter the space.

Height restrictions are based on the current height requirements in the applicable zoning by-laws. A maximum 5 metre height restriction is included in By-Law Number 32-74 (former Pittsburgh Township By-Law) for accessory structures and 4.5 or 4.6 metres in all other by-laws. However, the accessory structure height requirements will only be required when a detached residential unit does not comply with the setback requirements that apply to the principal dwelling. If the detached second residential unit can comply with the setback requirements that apply to the principal dwelling, the same height requirements that apply to the principal dwelling can also apply to the detached second residential unit. When these setbacks can be met, the ability to create a second unit above a detached garage could be feasible. In order to prevent land use compatibility impacts on such matters as privacy and shadowing, it is not recommended that increased height permissions for second residential units be established in close proximity to property lines.

Access

Why is it necessary to specify that there be access via a walkway from the front of the house? When there is parking at the back of the house that a tenant can use for parking and can access their entrance at the rear of the house, this would provide more than the 1.2 metres required for emergency services. Shouldn’t this be sufficient?

We are looking to turn the front part of the house into the second unit as the addition put on the back of the home is larger. The principal residence would be accessed from the back. The proposed regulation does not account for this scenario and I strongly suggest the wording be altered to allow for such a development.

It would be worth considering the idea of having both units accessible from the front of the property, so they can each individually have their own entrance. Aesthetic and structural design would have to be considered so that the integrity and value of the main property would not be compromised. This would be a more financially viable option for homeowners who are looking to do a secondary suite, thereby increasing the number of rental units available to the public.
1.2 metre walkway requirement should allow for appropriate obstructions (i.e. vents, hydro metres).

Should open up closed rear lanes.

Entrance should be from the street only, not down alleys.

The lots are too small in Polson Park to provide appropriate access even if the rear lots are large enough.

Open up closed rear lanes.

Access to the second unit must be available only through the property of the main house. There should be no treading onto neighbours’ properties in any way to access the units or entrances.

There should not be two front doors at the front; one should be at the side.

Is the City going to allow the trend of putting a paved walkway running parallel to the driveway? Does this mean there will be a surge in these walkways that are parked on?

The proposed by-law requires the 1.2 metre walkway provided from the front of the principal dwelling unit building. This would prevent access being provided on a through lot from a front yard to the second unit if the front of the principal dwelling unit does not face this yard. The by-law should include allowances to permit access to the second residential unit from either street frontage. This comment was specifically referenced in terms of Zoning By-Law Number 8499.

661 King Street contains frontage on two public streets and adequate lot area to accommodate a driveway and walkway. The access requirements should provide an exception to allow a property that has frontage on multiple streets to provide access from either street frontage.

A required pathway is proposed due to vehicles often being parked in driveways. The intent is to ensure adequate access for emergency services and residents to access the second residential unit. To prevent vehicles from parking over the pathway, a zone provision is proposed that indicates that no vehicle shall park on the walkway. The proposed regulations permit access to the second residential unit from the rear, side or front of the principal dwelling. A shared entrance through a joint front entrance vestibule with the principal dwelling unit is also permitted. The pathway would be required when a second residential unit is located within a dwelling and contains an entrance at the side or rear of the principal dwelling. The proposed amendments now require the pathway to be provided from the front of the principal dwelling unit building or from the front lot line. A through lot in Zoning By-Law Number 8499 would contain two front lot lines and as a result the access could be provided from either front lot line.

In order to provide options in establishing a second residential unit, the zoning amendments propose a pathway to be established from the principal dwelling unit or the front lot line, which does not limit where the second unit can be established in the house. For those properties that are smaller in size and do not have the ability to accommodate a 1.2 metre pathway, then a second residential unit would not be permitted, unless the entrance can be accommodated at the front of the principal dwelling.
In regards to obstructions, a new provision has been established to permit obstructions over the pathway when they are greater than 2.3 metres in height as this would not impact the ability for emergency services to access the pathway.

In consultation with Kingston Fire and Rescue, it was determined that it would not be appropriate to permit detached second residential units on closed rear lanes as there were concerns regarding access for emergency services.

**Density**

- Lots are too small for two families at every house.
- People make decisions on where to live and have expectations based on the zoning. If there is a demand for this, then create new development areas that allow for such zoning.
- Considering the house prices in Kingston, a higher density should not be imposed on people who work hard to live in areas free of such chaos.
- Why is this necessary? Kingston’s growth rate is much slower than anticipated and many apartments are being built. If downtown intensification is a priority, why are we encouraging people to move out of the downtown core?
- Why would a second residential unit be exempt from by-law density calculations as a measure of dwelling units per net hectare? Will this not compound issues in areas where low-density built form is already transitioned towards medium density (in context of number of bedrooms) and another unit would be allowed that would not be calculated? Are there not instances where some heavily developed sites (high number of bedrooms) should not entertain another unit in an area while other sites might be far more deserving of approval for an additional unit and density?
- This is a great way to increase housing availability and housing density without relying entirely on apartment buildings.
- This a good concept as we have a lot of capacity to absorb more occupants within existing structures.
- There are zoning regulations in place already to allow duplexing of existing homes in the older part of the City. The City wants increased density downtown but how will this happen with our slow growth rate if you spread out the people throughout the City. The Provincial Policy Statement seeks a minimum 3-year supply of land with servicing capacity for residential units and ability to accommodate residential growth for a minimum of 10 years. According to the City, these targets are satisfied. We have a 19-year life span of housing based on all pending and committed residential units.
- The City needs more apartment housing and encouraging units within the City and especially downtown or centrally is a much better solution for our City than giant out of human scale high rises.
- Allow in a single-detached dwelling but other housing types are dense enough.
- Is the intent of a “second residential unit is not permitted within a site-specific zone that establishes a maximum number of dwelling units” intended for areas such as gated communities or retirement housing complexes where the zoning might specify a maximum? If so, why would these units be exempt if secondary units could be made out of basements or additional storeys potentially providing additional social assisted housing or seniors housing?
Limit the number of bedrooms to 3 and a property maximum of 8. Anything more than 8 should be a classified apartment due to its density increase. This will ensure a second unit will be available to a diverse demographic including marginalized populations. There is an imbalanced demand for postsecondary institutions housing and the institutions fail in providing high density options which will not provide enough options for the aging population and affordable housing in the next 30 years. It will also provide a mechanism to ensure units are implemented in a fashion that respects existing area planning considerations and neighbourhood quality of life. This will spread the density throughout the City thereby more efficiently using infrastructure and employment/commercial opportunities in all areas. Limiting bedrooms will give the City the ability to distribute supply more evenly and allow higher density developments using vertical structures which will deliver a higher level of accessibility.

This should not be implemented without an updated zoning by-law and a comprehensive plan to deliver affordable housing that is inclusionary of all demographics for all areas of the City, otherwise it is not planning but reacting. The implementation should take into consideration the full range of housing needs using a quantitative approach with open data and measurement process on what is trying to be achieved and provides arguments that this policy will deliver it. Need to understand through a consultation process what the priorities are (i.e. do senior’s want to live in a basement? How do we provide for those who have access challenges)? The City should enact policy that will encourage purpose-built affordable housing and not just use a path of least resistance to lower pricing of rents to increased supply of bedrooms. Strategic location of affordable housing, critically medium/high density supply needs to be considered and will support a diminished vehicular usage and sustainable culture.

Due to the scale of second residential units, they are not proposed to be included in density calculations. This zone provision is implementing a current Official Plan policy that requires second residential units to not be included in density calculations and was a policy supported by the MMAH through the Official Plan five-year review. The Provincial Policy Statement also encourages intensification through providing second residential units and the Planning Act legislation requires this form of intensification to be established City-wide where zoning permits single-detached, semi-detached and row house dwelling units and not to limit any of these housing types or restrict the establishment of these units to specific residential areas.

Staff were initially proposing restrictions in site-specific zones that established a maximum number of dwelling units; however, upon further review, this limitation has been removed. Including this restriction would restrict numerous residential properties, including particular subdivisions that contain a site-specific zone for an entire subdivision on the total number of units. As the intent of the amendments is to permit second residential units across the municipality, it is appropriate to have the amendments apply to all zones where single-detached, semi-detached, row house and linked dwellings are permitted. The accompanying zone provisions are sufficient to address any issues that would have required any initial site-specific limitations on the number of dwelling units permitted, such as regulations to restrict areas with servicing constraints and requiring only one second residential unit per lot.
The MMAH has advised municipalities that the size of second residential units and minimum room sizes should solely be regulated by the Ontario Building Code. The Ontario Building Code establishes health and safety standards for second residential units and as a result, municipal by-laws should not seek to impose size or other standards that are regulated by the Ontario Building Code.

Drainage
- Ensure green space and trees remain as water needs to drain.
- Roofs and drainage should not infringe on neighbouring properties. There are no by-laws to stop construction that is too close to a neighbour’s house, which can impact their drainage.

The proposed zone amendments require a minimum 30% landscaped open space on the property, to ensure green space is preserved. Any construction that alters grading, which is not in compliance with an established grading plan for the neighbourhood is not permitted and can be investigated when municipal staff are made aware of this type of occurrence. The City’s Engineering Department also works with applicants to assist in providing design solutions when there is the potential for a drainage pattern to be compromised.

Affordability
- Support for the removal of restrictions on second residential units in rural areas as this would increase affordable housing opportunities, including those who wish to reside in rural areas.
- Second units can bring home ownership within the means of more people.
- With the high cost of housing ownership, extremely high City taxes, the need for intensification and an aging population that may want to live independently but close to family members, second units make sense.
- Support for the applications in that secondary suites are an effective manner for increasing the housing supply and improving affordability.
- Second units are not being used as an entry to the property ladder for new home owners as the original plan. They are being used as money grabbing for absentee landlords.
- There is not enough detail in the Public Meeting report as to how secondary suites would impact affordable housing and how additional affordable housing could be delivered.
- Affordable housing is at a crises level in Kingston. There is little room to build new. I suggest the option of putting second storeys on single storey homes as well.
- This will help create affordable housing which is so desperately needed in this City.
- Limiting the size of detached second residential units to 40% of the primary residence will only benefit a small portion of the population. The City lacks affordable housing for families and larger detached units should be permitted, where land permits, to create more affordable housing options.
- Any new apartments created under these revisions, need to be geared to income or capped at appropriate rents. The current rents are gauging and leave next to nothing for individuals or even dual couples to exist on monthly. It leaves little for eating properly.
- Are there any grants, loans or other measures in place at the municipal, provincial or federal level of government to offset construction costs?
Second units should serve the people who need it – low income rentals for low income families but this is more about developers creating second units to service high paying students.

If this policy is to address affordability, how exactly is that goal met by doing this, especially as-of-right and if units are actually bedrooms.

This will greatly reduce the excessive lack of affordable housing in this City. This initiative should be teamed up with affordable housing initiatives.

Accessory dwelling units are the single best tool for adding affordable market-rate housing in cities.

This could turn areas like Calvin Park and Polson Park into a student ghetto whilst reducing the return older people will get on their homes as they move out. Seniors' housing options are accessible apartments but so far, most apartments and all retirement homes are too expensive for most seniors. We need more apartment buildings and condos in the west and north ends, further from the expensive downtown area.

Wealthy people without mortgages can afford to house someone in their basement, but they usually do not want the hassle. It will be up to landlords who do not follow the rules to provide these units.

This is a wonderful plan to provide affordable housing to the working class of Kingston. This plan could potentially save the City a lot of money down the road in subsidy programs due to the affordability rate. Overall this program will significantly improve the quality of living for most Kingstonians.

Make second units cheap and easy to obtain.

What protections will be put in place to ensure the housing is both safe and affordable?

The associated regulations in terms of access, servicing constraints, natural hazards and compliance with the Ontario Building Code and Ontario Fire Code have been established to ensure the protection of health and safety.

The City is unable to set rent prices for second residential units created on private property. One of the intents of the amendments is to create more affordable housing by providing an opportunity for homeowners to obtain an additional income to assist with their mortgage. Second units can also assist fixed income home owners that would benefit from additional support with costs, as well as provide opportunities for families wanting to provide housing assistance to adult children or relatives in need. Broadening permissions for second residential units will also contribute to increasing the supply of the rental housing stock.

The City of Kingston provides municipal planning fee rebates and capital funding assistance to create a new, or legalizing an existing second residential unit. Additional information can be found on the program webpage at Secondary Suites.

Safety

Second units must comply with the Building and Fire Code and mandatory checks are needed when the renovations are completed.

Can the requirements for entrances or means of egress for second units that are set by the Ontario Building Code and Ontario Fire Code be crossed-referenced in the amendments?
Concerns regarding the safety of second residential units, particularly if built in a basement prone to flooding or if they are constructed without Building Permits and fire approvals.

Any homeowner who violates the Building Code should be fined and forced to rebuild or remove unsafe units.

The idea is good in principle but without proper regulations some will build and operate these without registering their status as landlords, or without fully understanding their rights and responsibilities as landlords. This needs to be carefully managed.

How will emergency services access the second unit?

Concerned that cellar habitation by-laws were being broken, and that safety issues with cellar habitation were not being managed.

How will legal non-conforming secondary suites be handled and how will compliance with fire safety provisions for secondary suites be ensured?

Concern with overcrowding in homes due to secondary suites.

There are illegal apartments that are not fit for human habitation. The City must be able to enforce or remove second units for not complying.

Need to ensure that a 1.2 metre walkway would always be required for reasonable access to the second unit. If there is not an existing 1.2 metre walkway past the primary residence would a rear yard accessed basement still be permitted?

Will all secondary units be inspected and be required to have egresses and doors opening outward for fire safety?

Will second units be inspected at least yearly to ensure units are held and kept in compliance?

No basement units in parts of the City where the water table is high.

Need a higher due diligence for Building Code and Fire Code provisions. Should be a higher standard to ensure safety with multiple egress using doors and not windows, especially if cellars and basements are to be utilized to a greater extent, these permissions should not be compartmentalized in the decision process in the various silos as usual practice. The City falls short with respect to the urgency to create units and bedrooms instead of strong communities with quality conscious design.

Proper plumbing and common space are needed for occupants of second residential units.

All primary and secondary units must have two doors on opposing sides of the structures.

The rules implemented by the Building Department result in too many barriers and make it so difficult and expensive to retrofit for a second residential unit.

The establishment of a second residential unit is required to comply with the Ontario Building Code and the Ontario Fire Code. Compliance is ensured through the Building Permit process and inspections occur during and after construction. A detached second residential unit will be subject to provisions for a single-family dwelling under the Ontario Building Code. The City does not conduct yearly inspections on second residential units; however, property owners are required to comply with all applicable by-laws such as the Property Standards By-Law and Yards By-Law. City staff will also respond to any complaints made with respect to a second residential unit not being in compliance with the Fire Code or Ontario Building Code.
Non-conforming units currently in existence are brought to staff’s attention on a complaint basis, as well as via Kingston Fire & Rescue. In the situation that the unit has permitted non-conforming status, they are able to remain but will require updating the unit to the Ontario Building Code and Ontario Fire Code. Different requirements are imposed depending on the year the second unit has been in existence. In regards to illegal units that do not have a permitted non-conforming status, the property would be required to legalize the unit and if this is not possible due to zoning considerations, the unit would need to be removed.

Reference has been made to the Ontario Building Code in the zone provisions in terms of access to a detached second residential unit. Continuous references to comply with the Ontario Building Code has not been included in the zone provisions as this is required regardless of whether it is noted in the by-laws. However, as part of the implementation process, staff will be updating the second unit residential guides for residents that will include commentary on the Ontario Building Code and Ontario Fire Code. In addition, information sessions will also be planned to raise awareness and educate the public on second residential units and the City’s requirements.

Areas that are at increased risk of basement flooding due to servicing constraints are restricted from establishing a second residential unit in the basement or cellar in order to protect public health and safety and prevent displacing a tenant in the situation of a flood.

Specific provisions have been incorporated into the zoning by-law to address emergency service access. When a second residential unit is located within a dwelling and access is located on the rear or side of the principal dwelling, a 1.2 metre unobstructed walkway must be provided to the second unit. If the property does not provide for this, the proposed unit would not comply with the zoning by-law and would not be permitted. In addition, the Ontario Building Code contains requirements for habitable structures that do not face the street, particularly in regards to providing access for fire department equipment. While a proposed detached second unit may be able to comply with the zone regulations, it may not be able to comply with Code requirements to ensure fire department access to buildings, such as the width of the roadway, radius of curves, location of fire hydrants, connection with public thoroughfares, weight of firefighting equipment, overhead clearance, locations of fire department connections and vehicular parking.

With regards to overcrowding concerns, the Ontario Building Code regulates minimum room sizes and establishes health and life safety standards for second units.

Privacy
- Sight lights and privacy are a concern.
- Fences are needed for coach houses.
- Limit heights so it is not looking down into neighbours’ yards.
- If near water or a park it should not obstruct neighbour’s views.
- Cannot impede sunshine and shade on neighbouring properties.
Many individuals build monster homes that invade their neighbour’s privacy. I do not see a difference between allowing second residential units attached or detached. Discrimination must not be the underlying motive for allowing one type of development over another.

Traffic (foot and car) to and from the coach house should be kept away from my backyard.

A coach house in a neighbour’s yard will destroy the benefits of having a backyard garden and some privacy.

Need height and setbacks so cannot see coach house from neighbouring yards.

Proposed zone provisions have specifically contemplated privacy concerns through requiring a privacy fence when a lesser setback is being sought as well as through reducing the maximum height of a second residential unit when it does not comply with the setback requirements that apply to the principal dwelling.

**Amenity Space**

- Concern with the provisions for coach houses, stating that in the Reddendale neighbourhood the large backyards effectively provide additional green space, and that coach houses would detract from the green space.
- Coach houses should require separate yard space.
- Concerned about loss of green space.
- Trees need to remain on the lots.

The proposed zone amendments require second residential units to comply with any accessory structure lot coverage requirements and also requires a 30% minimum landscaped open space to be maintained on the property in order to ensure amenity and green space is preserved.

**Short-Term Accommodations**

- I am hopeful that the increasing short-term rental (commercial) operations and related adverse impacts within housing districts will be addressed in another policy. If not, then I have a concern that some secondary units will generate instability due to unwanted impacts on adjacent properties.
- Will the potential new rules limiting rental units and Airbnb affect this?
- Will there be any regulation on these regarding short-term rentals, such as Airbnb?
- Second residential units will lead to an upsurge in Airbnb.

The duration of the use is not proposed to be addressed within the second residential unit amendments. From a zoning perspective, second residential units are treated as a residential use. However, City Council has approved the establishment of a licensing program for short-term rentals. The short-term duration will be captured in the licensing program. City staff will be reporting back to Council with a short-term rental licensing by-law in 2019.

**Occupants**

- Concern with single-family homes being purchased by absentee landlords and rented out by single bedrooms to students.
- The owner of the principal dwelling should reside on-site.
• Students should have their housing in the ghetto or along the Williamsville corridor. Second units should only be permitted in those areas.
• Only the owner of the existing residential unit can build and rent the second residential unit.
• Family neighbourhoods around Queen’s are being taken over by students. Build multi-residential units along Brock and Johnson instead of cramming 12 students into houses along Winston Churchill School.
• They should not be used to generate profit. Should be restricted to the use of the individual who owns the property.
• This is just going to make the student slums worse.
• Apartments being created in existing homes can create a sort of transient population with minimal stake in the quality of the neighbourhood as well as maintenance and upkeep.
• Does the secondary residence requirement mean that the owner of the principal residence has to actually live in the building?
• Limit the number of occupants.
• This would open the door to developers building new structures in backyards of student homes that would greatly increase the number of students in our family neighbourhood. We have seen the creation of intrusive duplex additions in the areas around Queen’s, which have forced families to move further out.
• Can an owner have more than one principal residence? This is very worrisome around Queen’s University where whole blocks of housing are essentially rented out to students.
• Concerns about the disintegration of stable family neighbourhoods such as Calvin Park and Polson Park, where there is continuing pressure to accommodate post-secondary students. People walk on the streets in these neighbourhoods as there are no sidewalks. It is one of the few places where young families can afford to buy a house. This exercise does not increase affordable housing for permanent Kingston residents.

The proposed amendments do not require the property owner to reside in the principal residence or the second residential unit. The Planning Act does not allow for the establishment of zoning provisions that would result in distinguishing on the basis of this relationship. The MMAH has also indicated that zoning by-laws should permit occupancy of the principal residence or second residential unit regardless of whether or not the owner of the home is a resident of either unit. The principal residence is considered to be the primary home on the property and the second residential unit is accessory to that use. If a property owner owns more than one residential property, they could also own more than one principal residence.

Accessibility
• Concerned that inclusive accessibility is not being adequately served by the Ontario Building Code and the Ontario Fire Code where the threshold for Accessibility for Ontarians with Disabilities Act (AODA) compliance is extremely low. This appears to be a Provincial oversight at the intersection of multiple legislations where even customer service standards would require delivery of a service/product (rental housing) in an AODA compliance manner. I don’t believe this is appropriate. There remains an available option to ensure some minimal standard of accessibility, such as ensuring 1.2 metres is sufficient not only for minimal access aisle; but also turning access for walker or other assistive devices where the device might not be required for interior housing needs. As one of the intentions of
secondary units is to benefit aging populations it would seem wise to consider access more broadly than the very unlikely event of emergency service needs. It may be 1.2 metres is sufficient provided it is not obstructed by gas vents or other protrusions from the primary residence. This application of terminology “pedestrian access” in the Official Plan, would mean accessible, is that the intent when using that terminology here? If so, does it need to meet any accessibility compliance standards?

- Disappointed with the Official Plan terminology of “walking distance.” More inclusive language could have been found to address the intent of distance any person can travel reasonably. Does “walking distance” need to be stated in the amendments?
- There should be access to all portions of any lot that has a 1.5 metres standard – if good enough for affordable housing should meet Design of Public Standard of 1.5 metres.
- I have considered a coach house for my disabled daughter and building restrictions limit mobility.

As noted in the above comments, accessibility requirements for private pathways leading to a second residential unit are not required in the Ontario Building Code or Ontario Fire Code. Current regulations in the City’s Zoning By-Laws often require a minimum 1.2 metre minimum side yard. The 1.2 metre pathway has been confirmed as sufficient in terms of emergency services access; however, due to the existing setbacks in the majority of neighbourhoods, requiring a pathway larger than 1.2 metres would prevent a significant number of residential properties from meeting this requirement and therefore being unable to establish a second residential unit. Staff have proposed additional options in terms of access to a second residential unit that would not require the use of a pathway, such as providing a separate entrance from the front of the principal dwelling or sharing a joint entrance through a common vestibule with the principal dwelling.

In terms of “walking distance”, this term has been carried over into the second residential unit amendments as it is currently a defined term in the City’s Official Plan. Staff have however, changed the term “walkway” to “pathway” to use more inclusive terminology.

Registry and Monitoring

- Details need to be tracked/registered.
- There needs to be a sufficient penalty for not properly registering a second unit.
- Should only be permitted if the second residential units are monitored every 3 to 4 months.
- Neighbours should be able to report illegal units or units that do not comply with the by-laws.
- Potential home buyers should be able to access the number of units on a street or next door to the house being purchased. Potential buyers should be made aware if the house being purchased is in an area where a second unit is not legal.
- The City should have a registration system so that it knows where the suites are and how many people they house.
- Concerns about the proposed licensing policy for 3 or less rental suites and how that will drive up rents for small scale landlords who are considering adding a rental suite like a secondary suite.
- Inspect all rental units for minimum standards not just second residential units.
The proposed amendments are being initiated to comply with Planning Act legislation and current Official Plan policies to permit second residential units across the municipality and do not address rental units in general. The establishment of a second residential unit requires a Building Permit, which are all recorded in the City’s municipal software system. In addition, the City’s DASH system displays all active Building Permits in the municipality, which can be viewed in a map. Residents have the ability to access DASH and view active Building Permits in their neighbourhoods, including Building Permits for second residential units.

Property Values and Taxes
- This was brought up through comments in general and was also noted to devalue a property in the Reddendale neighbourhood due to being surrounded by second residential units.
- Concern over the devaluation of properties as many properties are being treated as rooming houses even though tenants are under a single lease.
- It should be ensured that property values are not negatively impacted by an increase in the number of secondary suites.
- Will this increase the property tax of the owner of the first residential unit?
- My insurance should not be affected.
- Second residential units should be appropriately taxed.
- How will a detached secondary residence be taxed?
- This exercise does not contribute to fair taxation of residents for City services.
- Taxes should be adjusted for two dwellings on one lot.
- Should have a reduction in taxes for homeowners that are directly impacted by this.

All structures on a property that are used or occupied for residential purposes are assessed and taxed at the residential rate. Impacts on property values are not a land use planning matter and as such no response can be provided.

Water Supply in Rural Areas
- Second residential units may deplete water supply in rural areas.
- In rural areas, ensure adequate studies are conducted to confirm adequate water resources and septic management.
- City has allowed lots to redevelop to accommodate very large homes that have compromised septic systems and wells by the added demands on the existing systems. This will happen under these amendments.

Potential negative impacts to water supply in the rural areas of the municipality was considered in the preparation of the amendments. A proposed Holding “H” Symbol is being utilized in the rural area to ensure water quantity and quality is not impacted to the principal dwelling, second residential unit or neighbouring properties. A more detailed Hydrogeological Study to evaluate water quality and quantity is required for a detached second residential unit. In addition, the study must also demonstrate that the septic system will not negatively impact adjacent wells (i.e. nitrate) or the environment (i.e. surface water). The use of the Holding “H” Symbol and the hydrogeological study required to support its removal was determined in consultation with the
MECP. Second residential units are also only permitted if it is connected to private water and sewerage systems approved by the authority having jurisdiction.

Environment
- Apartments being created can create environmental concerns.

Second residential units are only permitted in residential zones. A second residential unit cannot be established in any area that contains environmental protection zoning.

Infrastructure
- Overloading of municipal infrastructure due to intensification.
- Before more residential units are built, the roads for these areas should be improved; patching can only do so much.
- The servicing restrictions proposed in the Riverview subdivision should be removed.
- Clarity requested on the areas of Kingston in which secondary suites would be restricted and as to how those areas would have their restricted capacity dealt with in the future.
- Will water and sewer capacities be taken into consideration prior to “approving” additional units or suites on properties in Kingston? Unlike previous blanket approvals, I think the Public Utilities should be consulted prior to approving additional units in neighbourhoods that are close to capacity to avoid sewer backups and low water pressures.
- Would like to see more information included about which areas of Kingston are best and worst suited for basement second units.
- Concerns with proposed servicing constraints. Limiting second units in these areas will likely drive up costs.
- Should be exploring engineering options to allow second units in the basement. At a minimum, should utilize a Holding Symbol and once criteria for engineering solutions is met, the hold can be lifted.
- In secondary suite areas with servicing constraints, typically this is a peak demand type issue for both water and sewage. Internal plumbing for an additional residential unit can easily utilize storage under both scenarios to reduce peak flood demands in line with a single family residential unit.
- Will there be enough water pressure available?
- Inquired about the manner in which utility services would be provided for second residential units and the respective costs for installation.
- Experiences have shown that basement flooding can occur in areas outside of the combined storm and sewer constraint areas. Scientific measurement should be provided. Additional standards may need to be in place. The insurance perspective should also be considered.
- Is Kingston’s infrastructure that sound that it can support additional draws on the water/sewage/road systems? Constraint Area 4 should not be subject to a zoning amendment process. Need to explore other options to enable permissions, as-of-right, in servicing constraint areas because the timing to address the constraints are unknown.
- Would compensation be provided to second unit owners for utility connections?
- Regarding areas with servicing constraints, will there be an expectation from the Province for the City to upgrade infrastructure in order for those restrictions to be lifted?
For those within constraint area 2 – servicing capacity, who is considered to be a “qualified professional” in providing a letter of opinion regarding water and wastewater capacity?

There is potential for underground utilities to be compromised being that they were originally designed on the basis of allowable population densities established many years ago.

In the sewage capacity restricted areas, does this mean a second residential unit could be allowed if you address the sewage capacity?

There are issues with water flow at 26 Grey Street and in order to have a second unit we would need to upgrade the existing water line. Due to the costs, is it possible to provide some financial assistance for homeowners to help them with this project? Otherwise the City will potentially have second units that do not have enough water for both their units.

Second residential units are not permitted in two identified servicing constraint areas due to a lack of sewage capacity. The zoning by-law will not permit second residential units in these areas until such time as infrastructure upgrades are made and Utilities Kingston is satisfied there is no longer a sewage capacity constraint.

In regards to servicing constraints, staff worked with Utilities Kingston to determine areas with known issues of sewer discharging and capacity limitation. As a result, areas with an increased risk of sewer surcharging are proposed to not permit a second residential unit in the basement or cellar. Areas at risk of sewer surcharging were identified based on those areas that contain combined sewer and storm sewers and where infrastructure upgrades are required such as the Days Road Pumping Station. Utilities Kingston is also aware of where basement flooding occurs in many situations as residents often report this. In addition, a Holding Symbol is proposed to be utilized in the Cana Subdivision in order to require confirmation that the proposed unit will not result in water and/or wastewater capacity issues. The Province is in support of these restrictions in order to protect residents’ health and safety, and the Province is in favour of lifting restrictions once servicing constraints are no longer present.

Comments have recommended not restricting the establishment of a second residential unit in the basement when different technologies can be used to address the issue. In consultation with Utilities Kingston, staff are continuing to propose this restriction. As there are technologies such as backflow preventers that can be utilized in areas prone to basement flooding, they are not guaranteed and depend on them being properly maintained. Internal plumbing changes can also be made in the basement to place backwater valves on each fixture. However, the risk of basement flooding will not be eliminated as they are also dependent on proper maintenance. A policy is included in the City’s Official Plan stating that the City will evaluate opportunities to reduce or remove known or potential servicing constraint areas on the servicing constraint schedule, based on a review of servicing capacities and other applicable land use planning matters. Changes to this Schedule which have the effect of reducing or removing servicing constraint areas will not require an amendment to the Official Plan. When this occurs, the City will initiate an amendment to the zoning by-laws to remove the servicing constraint areas from the constraint schedule and their associated restrictive regulations. Amendments would also be undertaken in the situation that new servicing constraints are identified.
As only one service line is permitted per lot, the second residential unit will be required to be served through the principal dwelling. Servicing costs are dependent on a variety of factors, including the size of existing service lines, and as a result would need to be determined on a site-specific basis.

A licensed professional engineer would be considered to be a qualified professional.

Utilities Kingston does not contain any funding programs to assist with the costs of servicing a property for private development. The size of the water service in relation to the number of fixtures in the dwelling is determined through the Ontario Building Code. Appropriate size of water service will need to be confirmed as part of the Building Permit process.

**Public Process**

- Neighbours should sign off on approvals for all second unit plans.
- Neighbours need to be consulted before a coach house can be built.
- Should not be as-of-right, there should be a zoning process.
- Only allow second units as-of-right if a planning study is completed in advance for a designated area.
- There must be community support and there must be approval process by the City and the neighbourhood.
- Will residents have access to see which properties are requesting to add a coach house or second unit?
- Should have as-of-right in the rural area and urban areas zoned for single-detached housing. Minor variances should be needed for the remaining urban area.

The MMAH has advised that “as-of-right” permissions should be provided for second residential units, and would not be supportive of all second residential units undergoing a planning process to permit one. The MMAH is supportive however, of establishing appropriate zone regulations, including the recognition of infrastructure constraints to ensure land use planning considerations and health and safety are taken into account. Proposed second residential units that cannot comply with the proposed zone regulations will require a zoning by-law amendment or minor variance to seek relief. These applications would initiate a public planning process where input can be provided from neighbours.

In preparing the proposed second unit amendments, a public process was initiated through providing two Public Meetings, a survey and online commenting period. All comments have been considered in the preparation of the amendments and several changes as identified throughout this report have been made in direct response to public comments.

**Additional Questions/Comments**

- It may be of interest to change the grey holding colour on the map to a different colour. Much of the map looks grey and it was brought to my attention that this appears grey due to density and not that it is being held.

The colour has been changed in the “Cana Subdivision” in the servicing constraint mapping to ensure clarification on the holding areas is adequately displayed.
• Second residential units provide solutions for extended families wanting to live together.

The proposed amendments are intended to create affordable housing as they give homeowners who create them an income to assist with their mortgages and also increase supply in the rental market. Aside from creating affordable housing opportunities, there are a number of other benefits to permitting second residential units. This includes providing more housing options for residents as well as making more efficient use of existing infrastructure and the existing housing stock.

• Where do second residential units stand with regards to the Reddendale neighbourhood?

Second residential units would be permitted in all areas of the City, including the Reddendale neighbourhood, that are zoned to permit single-detached, semi-detached, row and linked dwellings, save and except for specifically identified areas that contain servicing constraints.

• Is this entirely a servicing specific amendment and are the below grade permissions leaning towards a potential for a dual-unit approval to become a three-unit because of new below grade permissions?

The amendments related to servicing constraints are only one component of the proposed Official Plan and zoning by-law amendment applications. Only one second residential unit is permitted per lot. The removal of the habitation and cellar provision in Zoning By-Law Number 8499 would not permit the establishment of a third unit under the second residential unit regulations.

• What is the difference between habitation in a cellar and a basement? Will the restrictions on habitation in cellars be lifted by the application?

Zoning By-Law Number 8499, being the zoning by-law for the former City of Kingston defines a basement as the portion of a building between two floor levels which is partly underground but which has more than 50 per cent of its height from finished floor to finished ceiling above the average adjacent exterior finished grade level. A cellar is defined as having less than 50 per cent of its height from finished floor to finished ceiling. The proposed amendments remove the current restriction on habitation in cellars and basements.

• Where are the hamlets located in Kingston?

The City’s Hamlets are identified as Elginburg, Glenburnie, Sunnyside, Kingston Mills, Joyceville and Brewer’s Mill.

• Will they be permitted in stacked town homes?

In accordance with the Official Plan, second residential units will only be permitted in single-detached, semi-detached, linked and row-house dwellings, as well as in ancillary structures.

• Must be built with earth-friendly, heating/cooling, appliances, solar panels, etc.
Building construction is regulated by the Building Code and additional construction requirements above what is being required under the Building Code are not being proposed.

- Provisions should be made for the possibility that lots be divided in two so that the accessory dwelling could become an independent property.

Second residential units are intended to be accessory to the principal dwelling. An Official Plan policy is proposed to prohibit the severance of a detached second residential unit as it would no longer be an accessory unit if this were to occur.

- Will result in more congestion in the schools.

The school boards have been circulated the applications and have not indicated any concerns.

- Need to enhance Official Plan policies with goals and intentions as it relates to second residential units. Should have clear criteria in Official Plan for minor variances.

Staff are proposing specific criteria for minor variances related to parking relief. The Official Plan’s current land use compatibility policies are sufficient to address any other potential relief that may be sought through minor variances, such as a reduction in setbacks.

- Ensure any renters of the said units are protected under the Landlord Tenants Act.

The proposed amendments have no impact on the Landlord Tenants Act.

- A blanket policy that allows them everywhere could create unnecessary conflicts. Some nuance is needed.

A number of amendments are being proposed to the Official Plan and zoning by-laws in order to prevent negative impacts.

- The secondary units are not rent controlled and lack proper inspection. The City should be encouraging long-term ownership not short-term rental solutions to people’s housing needs.

As previously noted, enforcement is acted upon when staff are made aware of a second residential unit that does not comply with the Ontario Building Code or Fire Code. While second residential units are not rent controlled, there are other ways they can contribute to affordability such as providing assistance for those on fixed incomes and increasing opportunities for first time home buyers.

- Limit number of second units per street.
- The Planning Act requires second units to be permitted in all zones that permit single-detached, semi-detached and row housing dwelling units. Appropriate regulations are being proposed to ensure land use compatibility. A restriction of one second residential unit per lot is also being proposed.
Cataraqui West does not have a landscaped open space limitation. How is the size of a coach house limited?

Minimum landscaped open space provisions are included in the residential zones in Zoning By-Law Number 76-26.

- What allowances have been made to accommodate structures such as an above garage unit to comply with both size restrictions and parking requirements?
- Regulations have been created to provide flexibility in terms of size and setbacks when land use compatibility considerations can be complied with.
- Should not require a second unit to be in the interior side yard or rear yard as it makes an assumption about the shape of the property. Why can't the second unit be in the buildable area or in the front or exterior side yard?

Restricting a second residential unit from being developed in the front and exterior side yard is intended to protect the existing streetscape and to ensure that the unit appears accessory in relation to the principal dwelling unit.

- Do the requirements of a secondary unit apply to instances where the suite is being developed for a family member?

The amendments will apply for the establishment of all second residential units regardless of who the tenant is. The Planning Act also does not permit the establishment of zoning provisions that would result in distinguishing on the basis of relationship.

- Once it is approved, could there be occasional information sessions so prospective homeowners and lenders get to know the regulations? Can a pamphlet be prepared explaining the pros (and cons) of the new regulations?

Following implementation, City staff will be arranging information sessions for residents. The City currently has guides available that provide information on current zoning requirements and building code requirements. These documents will be updated to inform residents of the new regulations.

- How the removal of conversion provisions that was approved in 2018 would be impacted by the application?

The previous conversion provisions are no longer in effect. The proposed amendments would be utilized for the establishment of a second residential unit.

- Restrictions need to be loosened so that more housing is available sooner.

Permitting second residential units across the municipality is one way to assist in increasing the supply of rental stock. Staff are recommending the associated zone regulations to ensure that the increase in housing supply does not result in unintended consequences in terms of parking, land use compatibility and health and safety.
Applying an as-of-right second unit policy across the City significantly impacts what was supposed to be put on hold while the Growth Study and future zoning were underway. An overall prescribed approach mandated by the Province simply does not make sense when applied across cities without context. The impact of this could be significant particularly in the already challenged Sydenham District and university area.

As previously noted, the Planning Act requires permissions for second residential units in residential zones. This is further supported in the City’s Official Plan. The Province has also been encouraging municipalities to adopt these permissions to increase affordable housing opportunities. In addition, the City of Kingston’s 10-Year Municipal Housing and Homelessness Plan (2013) had also recommended that the City support second residential units. Due to this and given the City’s current vacancy rate, it is being recommended to implement these permissions in advance of the zoning by-law review.

Are second residential units only currently legal in the former Kingston and Pittsburgh Townships? Does that mean that most units in downtown Kingston are illegal? How many have approvals or are grandfathered?

The zoning by-laws for the former Kingston Township, Pittsburgh Township and Cataraqui North contain current permissions for second residential units. However, there are a number of second units in the downtown that have received zoning by-law amendments to permit these units and as noted a number contain permitted non-conforming status due the time they were built. An accurate estimate of the amount of grandfathered units is not known.

Concerns with the survey approach due to being released during the first few weeks of summer where people are away. It did not appear impartial as in the background there was implied support for the adoption of second residential units. The current municipal government appears to give undue attention to those who increase the revenues in the budget and there was no mention of property taxes for these units.

City staff support increasing permissions related to second residential units as it is required under the Planning Act and in the City’s Official Plan. The intent of the survey was to receive feedback on how to regulate their development. In addition to the survey, an online commenting period on the proposed amendments also occurred from January 21, 2019 to February 4, 2019. A Public Meeting was also held on July 5, 2018 and an additional Public Meeting is to be held on June 6, 2019.

What is the different between a garden suite and a detached second residential unit?

A garden suite is a separate, self-contained dwelling unit that is ancillary to a principal residential unit, designed to be portable, and occupied by a family member needing support from relatives living in the principal dwelling. They differ from a second residential unit in a detached structure in that they are temporary structures to be used while assistance is needed. A zoning by-law amendment is required to allow their temporary use and an agreement is required with the municipality with respect to such matters as installation, maintenance, remove and occupancy.
Greedy landlords from Toronto will capitalize at our expense without any controls to stop them. Property owners will be the ones who suffer.

As this is not a land use planning matter, no response can be provided.

- Only support if it is to restore historic buildings.

The proposed amendments are intended to increase permissions for second residential units in zones that permit single-detached, semi-detached, linked and row house dwellings. Staff are not recommending second units only be permitted when restoring historic buildings as this would eliminate the opportunity for the majority of residents to establish a second residential unit and would not meet the intent of the Planning Act or City’s Official Plan.

- Would there be a restriction on the number of units within a second unit?

Only one second residential unit is permitted per lot. A second residential unit is also not permitted on a lot that contains two or more dwelling units, garden suite, boarding house or lodging house.

- Where in the City are secondary suites permitted now?

Exhibit A displays the locations where second residential units are currently permitted.

- Clarity requested on the Provincial Policy Statement direction regarding second units.

Page 25 of this report outlines the specific Provincial Policy Statement policies that are applicable to second residential units.

- Many municipalities are including tiny homes on wheels in their by-laws for allowed secondary units on residential properties. They are typically built and owned by very environmentally and conscientious individuals. What will Kingston be doing in the future to help accommodate these homes?

The size of a detached second residential unit is regulated by the Ontario Building Code. Tiny homes on wheels are a different form of a mobile home that is not being contemplated as part of these amendments.

- Special measures should be taken to promote building of second residential units in downtown areas to promote density. Perhaps short-term property tax breaks, or some other small rebate program may promote development of these units.

The proposed amendments are intended to provide the regulatory framework to broaden permissions for second residential units and new incentives have not been established as part of this work. However, the Mayor’s Task Force on Housing will be providing Council with evidence-informed and action-oriented recommendations to increase the supply of a diverse range of housing.

Additional comments received in support of second residential units are as follows:
Kingston contains all income levels, a growing student population, and efforts to bring more business and employees, we do not have enough housing available especially close to the downtown and this will assist with providing it.

- Support in the rural areas.
- Second units can increase walkability.
- If done thoughtfully it could be a successful way to make the City more livable.
- Happy to see second residential units allowed in order to reduce sprawl and provide more housing options given the low vacancy rate. It would also be good for multi-generational families, particularly those with seniors who want a measure of independence in their living arrangements but still like or need to be close to other family neighbours.
- Having more second units as a whole and coach houses might help with some of the boom in just nearly all boarding houses that we have far too many of now.
- Citizens should be allowed to do whatever they want inside their own homes, this includes creating a second unit.
- Provincial law requires permitting second units. Municipal laws should not restrict them.
- Potential tenants have advised that the demand for 1 bedroom units is very high, so expanding the areas of allowable suites is a good idea to keep up with the demand.

Several comments were also received that specified whether they were in favour of second residential units or not. The majority of comments received in terms of not being in favour were largely tied to permitting detached second residential units. Additional correspondence has also been received from property owners who have discussed their properties with staff and how the proposed regulations can affect their ability to establish a second residential unit.

**Effect of Public Input on Draft By-Law**

Since the applications were submitted, staff prepared revised proposed amendments, which reflected comments received through the survey, public meeting and official correspondence. The revised amendments were posted online for an additional commenting period from January 21, 2019 to February 4, 2019 and further revisions were made to the by-laws based on the input received. The above public input summary notes where amendments were made to the by-laws in direct response to the comments received and a rationale was included in situations where an amendment was not made.

**Conformity of Existing Zoning with Official Plan**

The Official Plan is the document in which the City of Kingston sets out its land use planning goals and policies that guide physical development, the protection of natural and cultural heritage resources, resource management and necessary supporting infrastructure. The Official Plan manages and directs change with high level policies that are meant to be implemented through other, more detailed and specific municipal by-laws, such as a zoning by-law. The zoning by-law is a separate document that is an implementation tool to put the Official Plan's general policies into specific requirements that can be measured and applied to individual properties across the City. Zoning by-laws must conform with the policies of the Official Plan; however, due to the nature of the Official Plan policies, it is important to note that there is more than one way for a zoning by-law to conform with the policies. The existing zoning by-laws do not conform with the policies of the Official Plan as the current Official Plan requires the zoning
by-laws to permit second residential units within dwellings and in ancillary structures in those zones that allow single-detached, semi-detached, row and linked dwelling houses.

**Conclusion**

In summary, the requested Official Plan and zoning by-law amendment applications are consistent with the Provincial Policy Statement and meet the general intent of the City’s Official Plan. Second residential units are an appropriate form of intensification that provide an alternative housing option and important affordable housing opportunity in the municipality.

**Existing Policy/By-Law:**

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province’s and the City’s vision of development. The following documents were assessed:

**Provincial**

*Planning Act*

Provincial Policy Statement, 2014

**Municipal**

City of Kingston Official Plan

Zoning By-Law Numbers 8499, 76-26, 32-74, 97-102, 96-259, 3077, 8402

**Notice Provisions:**

A Public Meeting was held on July 5, 2018. Pursuant to the requirements of the *Planning Act*, a notice of Complete Application and Statutory Public Meeting was provided in The Kingston Whig-Standard on June 12, 2018. In addition, notices were sent to all required public agencies and to 18 property owners who have requested to be notified of future amendments with respect to second residential units. A courtesy notice was also placed in The Kingston Whig-Standard on June 24, 2018.

A Public Meeting is being held concurrent with the Comprehensive Report submission with respect to these applications on June 6, 2019. Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided in The Kingston Whig-Standard on April 23, 2019. In addition, notices were sent to all required public agencies and to those who requested notification on May 17, 2019. A courtesy notice was also placed in The Kingston Whig-Standard on May 28, 2019.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of the writing of this report, 13 official pieces of public correspondence (Exhibit M) have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.
Accessibility Considerations:
Not applicable

Financial Considerations:
Not applicable

Contacts:
Greg Newman, Manager, Policy Planning 613-546-4291 extension 3289
Andrea Furniss, Senior Planner 613-546-4291 extension 3219

Other City of Kingston Staff Consulted:
Not applicable

Exhibits Attached:
Exhibit A Existing Pilot Project Area
Exhibit B Proposed Zone Schedule – Second Residential Units Servicing Constraints Overlay
Exhibit C Proposed Zone Schedule – Second Residential Units Natural Hazards Overlay
Exhibit D Proposed Official Plan Schedule – 11-C Servicing Constraints
Exhibit E Draft By-Law to Amend the Official Plan for the City of Kingston Planning Area
Exhibit F Draft By-Law to Amend Zoning By-Law Number 8499
Exhibit G Draft By-Law to Amend Zoning By-Law Number 96-259
Exhibit H Draft By-Law to Amend Zoning By-Law Number 76-26
Exhibit I Draft By-Law to Amend Zoning By-Law Number 97-102
Exhibit J Draft By-Law to Amend Zoning By-Law Number 32-74
Exhibit K Draft By-Law to Amend Zoning By-Law Number 3077
Exhibit L Draft By-Law to Amend Zoning By-Law Number 8402
Exhibit M Public Comments
Second Residential Units - Constraint Overlay
Zoning By-Laws 3077, 32-74, 76-26, 8499 and 96-259

Legend
- Zoning By-Law Boundary
- Constraint Area (Subject to Holding Symbol)
  - Water Supply/Water Quality
  - Servicing Capacity (Cana Subdivision)
- Constraint Area (Not Subject to Holding Symbol)
  - Sewer Surcharging
  - Sewer Surcharging (Combined Storm and Sewer Systems)
  - Sewer Capacity Limitations
  - Loughborough Lake (at-capacity lake)

Note: Coordinate System
UTM NAD83 ZONE 18, Rotated 24°

 scale: 1:100,000

Draft - May 1, 2019

Corporation of the City of Kingston
Planning, Building & Licensing Services

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2018 The Corporation of the City of Kingston.
Second Residential Units - Natural Hazards Overlay
Zoning By-Laws 3077, 32-74, 76-26, 8499, 96-259 and 97-102

Legend
- Zoning By-Law Boundary
- Natural Hazards Area

Note: Coordinate System
UTM NAD83 ZONE 18, Rotated 24°

Draft - April 1, 2019
By-Law Number 2019-XXX

A By-Law to Amend the Official Plan for the City of Kingston Planning Area
(Amendment Number 65, City-wide)

Passed: [Meeting Date]

Whereas public meetings were held regarding this amendment on July 5, 2018 and June 6, 2019.

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 changes, which shall constitute Amendment Number 65 to the Official Plan for the City of Kingston:

   (a) Amend Section 1.4 (Definitions) to add a definition for “Principal Residential Unit”, as follows:

   “Principal Residential Unit

   The main/core structure intended for human habitation on a lot.”

   (b) Amend Section 1.4 to replace the definition of “Second Residential Unit” with the following:

   “Second Residential Unit(s)

   A dwelling unit that is ancillary to a principal residential unit and is located on the same lot therewith.”

   (c) Amend Section 1.4 to add a definition for “Tandem Parking Space”, as follows:

   “Tandem Parking Space(s)

   A parking space that is only accessible by passing through another parking space from a street, lane, drive aisle or driveway.”

   (d) Amend Section 3.3 (Residential Uses) to add the following sentence after the words “housing needs.”: “Proposed second residential units to be located in areas with or without municipal water and wastewater services are also included in this Section.”
(e) Amend the first paragraph of Section 3.3.11 (Second Residential Units) as follows:

(i) by adding the following sentence at the beginning thereof: “Second residential units are permitted in the Residential, Hamlet, Rural Lands and Prime Agricultural Area land use designations.”; and

(ii) by deleting the words “Second residential units are permitted within” and replacing them with the words “Second residential units shall be located within”.

(f) Amend Section 3.3.11(b) by adding the following after the second paragraph:

“A holding provision will be established in the zoning by-law and applied to the lands referenced in each of the subsections below in recognition of known or potential servicing constraints. The holding provision will not be removed until the following are provided to the satisfaction of the City:

(i) in the Cana Subdivision, a letter of opinion from an independent, qualified engineer (P.Eng.), in a form satisfactory to Utilities Kingston, confirming that the establishment of a second residential unit will not cause water and/or wastewater capacity issues;

(ii) in the potential Water Supply/Water Quality constraint area identified in Schedule 11-C:

(a) if the second residential unit is contained in or attached to the principal residential unit, a letter of opinion signed by an independent, qualified professional holding a valid licence to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo) confirming that the private water supply is sufficient to support the second residential unit in combination with the normal operation of the principal residential unit on the lot. The letter must be in a form satisfactory to the City’s Environment Director (or designate) and must adequately demonstrate how the supply well will support the increased demand required by the second residential unit, while ensuring that neighbouring wells are not adversely impacted. In addition, the letter must include a statement confirming that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed second residential unit in combination with the existing principal residential unit. Approval of the septic system must be obtained from KFL&A Public Health. Notwithstanding the foregoing, the Hamlet of Sunnyside and the St. Lawrence community do not require confirmation of water supply in order to remove the holding provision;

(b) if the second residential unit is detached, a hydrogeological study, completed to the satisfaction of the City’s Environment Director (or designate) by an independent qualified professional (P.Eng.) or
geoscientist (P.Geo), confirming that the groundwater quality and quantity are sufficient for the second residential unit and will not adversely impact the water supply of adjacent lots and the principal residential unit. In addition, the hydrogeological study must assess the potential for sewage system impact and demonstrate that:

- the area of development is not hydrogeologically sensitive; and
- the sewage system is isolated from the receiving aquifer, or the impact of the principal residential unit plus the second residential unit is less than 10mg/L nitrate-nitrogen at the property boundary.

The hydrogeological study shall be completed in accordance with the City’s Standard for Hydrogeological Assessments. The City’s Environment Director (or designate) may, in its sole discretion, modify the requirements of a full hydrogeological study, if warranted.

Approval of the septic system must be obtained from KFL&A Public Health.

Notwithstanding the foregoing, the Hydrogeological Study required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above.

(g) **Amend** Section 3.3.11 to add a new subsection (f), as follows:

“f. A detached second residential unit shall not be severed from the lot containing the principal residential unit.”

(h) **Amend** Section 3.3.11 to add a new subsection (g), as follows:

“g. Applications seeking parking relief in support of a second residential unit must satisfy all of the following locational criteria:

(i) the residential dwelling lot is within walking distance of an express Kingston Transit bus route;

(ii) the residential dwelling lot is within walking distance of commercial uses; and

(iii) the residential dwelling lot is within walking distance of parkland, open space or community facilities.

For the purposes of this subsection, walking distance shall be measured using the actual path of travel, such as along a road network (e.g., sidewalk, cycle lane, etc.) or other publicly accessible space.”

(i) **Amend** Section 3.3.11 to add a new subsection (h), as follows:
“h. A parking space for a second residential unit may be located in a permitted driveway that is within a front yard. Tandem parking spaces shall be permitted to facilitate a second residential unit.”

(j) **Amend** Section 3.11 by adding a new Section 3.11.8 under the heading “Second Residential Unit” to read “Where individual on-site water and sewage services can be accommodated to the satisfaction of and KFL & A Public Health, a second residential unit is permitted in the Prime Agricultural Area subject to the second residential unit policies contained in Section 3.3.11 of this Plan.”

(k) **Amend** Section 3.11 to renumber former 3.11.8 to 3.11.9 and renumber from this point forward.

(l) **Amend** Section 3.3.A.2 (Maximum Density) by adding the following at the end thereof: “Second residential units shall not be limited by this maximum density requirement.”

(m) **Amend** Section 3.12.15 (Dwelling Unit Accessory Use) as follows:

(i) by replacing the subheading “Dwelling Unit Accessory Use” with “Second Residential Units and Garden Suites”; and

(ii) by deleting the words “Where the appropriate environmental approvals for individual on-site water and sewage services are obtained, a residential unit as an accessory use within an existing single detached dwelling is permitted in Rural Lands, subject to the applicable zoning by-law” and replacing them with the words “Where individual on-site water and sewage services can be accommodated to the satisfaction of the City and KFL&A Public Health, a second residential unit is permitted in Rural Lands, subject to the second residential unit policies in Section 3.3.11 of this Plan,“.

(n) **Delete** Section 3.13.3 (Accessory Residential Units) and replace it with the following:

“Second Residential Units and Garden Suites”

3.13.3. Where individual-on site water and sewage services can be accommodated to the satisfaction of the City and KFL&A Public Health, a second residential unit is permitted in a Hamlet designation, subject to the second residential unit policies in Section 3.3.11 of this Plan, or a garden suite may be permitted in a Hamlet designation subject to the policies of 3.3.D.7 and Section 9.5.20.”

(o) **Amend** Section 4.2 (Municipal Water and Sewage) by adding a new subsection 4.2.16, as follows:
“Servicing Constraints

4.2.16. Planning Act applications for a new residential unit(s) on municipal water and/or wastewater that are located in a “Known Servicing Constraint” or a “Potential Servicing Constraint”, as identified on Schedule 11-C, must demonstrate, to the satisfaction of the City and Utilities Kingston, the adequacy of water and wastewater servicing capacity, and the suitability of the property or configuration of the development to ensure the protection of public health and safety.”

(p) Delete Schedule 11-C (Servicing Constraints) and replace it with the Servicing Constraints plan attached to By-Law Number ____ as Schedule ‘A’.

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: [Meeting date]

_____________________________
John Bolognone
City Clerk

_____________________________
Bryan Paterson
Mayor
By-Law Number 2019-XX

A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston” (Second Residential Units)

Passed: [Meeting Date]

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 Section 4 (Definitions) is amended as follows:

(a) the definition of “Dwelling, One-Family” in subsection 4.26 is amended by adding the following at the end thereof: “The addition of a Second Residential Unit to a Dwelling, One-Family does not change a Dwelling, One-Family into another type of Dwelling.”;

(b) by adding a new definition for “Dwelling, Linked”, as follows:

“4.29A Dwelling, Linked means one of a pair of attached single dwellings which have no apparent structural connection above grade, but which are connected at some point below ground level by a common wall. The addition of a Second Residential Unit to a Dwelling, Linked does not change a Dwelling, Linked into another type of Dwelling.”;

(c) the definition of “Dwelling, Row” in subsection 4.30 is amended by adding the following at the end thereof: “The addition of a Second Residential Unit to a Dwelling, Row does not change a Dwelling, Row into another type of Dwelling.”;
(d) the definition of “Dwelling, Semi-Detached” in subsection 4.31 is amended by adding the following at the end thereof: “The addition of a Second Residential Unit to a Dwelling, Semi-Detached does not change a Dwelling, Semi-Detached into another type of Dwelling.”;

(e) by adding a new definition for “Principal Dwelling Unit” as subsection 4.61A (and renumbering subsection 4.61A (Recovery Home) accordingly), as follows:

“4.61A Principal Dwelling Unit means the main/core structure intended for human habitation on a lot.”;

(f) by adding a new definition for “Second Residential Unit”, as follows:

“4.64B Second Residential Unit means a dwelling unit which is ancillary to a Principal Dwelling Unit, and is located on the same lot therewith.”; and

(g) by adding a new definition for “Tandem Parking Space” as subsection 4.70A (and renumbering the balance of subsection 4.70 accordingly), as follows:

“4.70A Tandem Parking Space means a parking space that is only accessed by passing through another parking space from a Street, lane, drive aisle or driveway.”

1.2 Section 5.2 (Prohibited Uses) is amended by deleting subsection (b) in its entirety and marking subsection (b) as “intentionally deleted”.

1.3 Section 5.3 (Off-Street Vehicle Parking Facilities) is amended by adding the following as subsection (A)(a)(v):

“v. Second Residential Units (in all zones): 1 parking space per Second Residential Unit”.

1.4 By adding a new subsection 5.45 as follows:

“5.45 Second Residential Units

Notwithstanding any other provision of this by-law, where a Second Residential Unit is permitted hereunder, the following provisions shall apply:

(i) A Second Residential Unit shall only be permitted in association with the following permitted principal uses in any zone:

(a) Dwelling, One-Family

(b) Dwelling, Semi-Detached
(c) Dwelling, Row
(d) Dwelling, Linked

(ii) The lands identified in Schedule “M” of this by-law as having a Holding ‘H’ symbol for the purposes of introducing a Second Residential Unit shall be required to satisfy the following conditions to address the applicable servicing constraint, prior to the ‘H’ symbol being removed and a building permit being issued:

Constraint Area – Water Supply/Water Quality:

(a) a Second Residential Unit that is contained or attached to the Principal Dwelling Unit: a letter of opinion signed by an independent, qualified professional holding a valid licence to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo) shall be submitted to the City confirming that the private water supply is sufficient to support the Second Residential Unit in combination with the normal operation of the Principal Dwelling Unit on the lot. The letter must be in a form satisfactory to the City’s Environment Director (or designate) and must adequately demonstrate how the supply well will support the increased demand required by the Second Residential Unit, while ensuring that neighbouring wells are not adversely impacted. In addition, the letter must include a statement confirming that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed Second Residential Unit in combination with the existing Principal Dwelling Unit. Approval of the septic system must be obtained from KFL&A Public Health. Notwithstanding the foregoing, the Hamlet of Sunnyside and the St. Lawrence community do not require confirmation of water supply in order to remove the holding provision;

(b) a detached Second Residential Unit: a hydrogeological study shall be completed to the satisfaction of the City’s Environment Director (or designate) by an independent qualified professional (P.Eng.) or geoscientist (P.Geo), confirming that the groundwater quality and quantity are sufficient for the Second Residential Unit and will not adversely impact the water supply of adjacent lots and the Principal Dwelling Unit. In addition, the
hydrogeological study must assess the potential for sewage system impact and demonstrate that:

- the area of Development is not hydrogeologically sensitive; and
- the sewage system is isolated from the receiving aquifer, or the impact of the Principal Dwelling Unit plus the Second Residential Unit is less than 10mg/L nitrate-nitrogen at the property boundary.

The hydrogeological study shall be completed in accordance with the City’s Standard for Hydrogeological Assessments. The City’s Environment Director (or designate) may, in its sole discretion, modify the requirements of a full hydrogeological study, if warranted.

Approval of the septic system must be obtained from KFL&A Public Health.

Notwithstanding the foregoing, the Hydrogeological Study required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above.

(iii) A Second Residential Unit shall not be permitted in a Cellar or Basement within the lands identified as Constraint Area – Sewer Surcharging in Schedule “M” of this by-law.

(iv) A Second Residential Unit shall not be permitted in a Cellar or Basement within the lands identified as Constraint Area – Sewer Surcharging (Combined Storm and Sewer Systems) in Schedule “M” of this by-law.

(v) A Second Residential Unit shall only be permitted if it is connected to municipal services or private water and sewerage systems approved by the authority having jurisdiction.

(vi) A Second Residential Unit shall not be permitted on a lot containing two or more Dwelling Units, a garden suite, a Boarding House, or a Lodging House.

(vii) A Second Residential Unit shall not be permitted on the lands identified as Natural Hazards Area in Schedule “N” of this by-law, or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.
(viii) The establishment of a Second Residential Unit shall not be limited by any special zone provisions that establish the maximum number of Dwelling Units.

(ix) A maximum of one Second Residential Unit shall be permitted per lot.

(x) Where this by-law calculates density as a measure of Dwelling Units per net hectare, a Second Residential Unit shall be exempt from this calculation.

(xi) Second Residential Units shall be exempt from any minimum lot area requirement established per Dwelling Unit on a lot.

(xii) A Second Residential Unit shall comply with the maximum floor space index (FSI), where such requirement has been established for the zone in which the Second Residential Unit is located.

(xiii) A Second Residential Unit shall comply with the required minimum Landscaped Open Space, where such requirement has been established for the zone in which the Second Residential Unit is located.

(xiv) A Tandem Parking Space shall be permitted to facilitate a Second Residential Unit. A parking space for a Second Residential Unit may be located in a permitted driveway that is within a front yard. The parking space for the Second Residential Unit shall meet all other applicable provisions of this by-law.

(xv) Where a Second Residential Unit is attached to the Principal Dwelling Unit, the Second Residential Unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the Principal Dwelling Unit. A separate entrance may also be provided through a joint front entrance vestibule with the Principal Dwelling Unit.

(xvi) The exterior entrance to a Second Residential Unit that is within a Principal Dwelling Unit (i.e. not a detached second residential unit), and is located at the side or rear of the Principal Dwelling Unit, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the Principal Dwelling Unit building or the front lot line. For the purposes of this subsection, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.
(xvii) No person may park a vehicle on any part of a pathway, as defined in subsection (xvi) above.

(xviii) The use of a separate driveway to provide unobstructed access to a detached Second Residential Unit may be provided where the driveway and parking space requirements of this by-law are met.

(xix) Access to a detached second residential unit shall be in accordance with the Ontario Building Code.

(xx) The gross floor area of the Second Residential Unit shall be equal to or less than the gross floor area of the Principal Dwelling Unit. For the purposes of this provision, “gross floor area” shall mean the total area of each floor, whether located above, at, or below grade, including finished attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding:

(a) an open porch or balcony; and
(b) areas internal to the building that are intended for storage of vehicles.

(xx) A Second Residential Unit in a detached building is not subject to the accessory building regulations contained in Section 5.17 of this by-law unless otherwise indicated below, and will be permitted in accordance with the provisions of subsections (i) to (xx) above and the following additional provisions:

(a) a detached Second Residential Unit shall comply with the minimum yard setbacks and maximum height applicable to the Principal Dwelling Unit in the zone in which such use is located;

(b) a detached Second Residential Unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the Second Residential Unit does not exceed 4.6 metres in height, and further provided that a solid privacy fence with a minimum height of 1.8 metres is established in accordance with the following provisions:

I. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard (i.e., along the side and rear lot lines as applicable);
II. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached Second Residential Unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the Primary Dwelling Unit measured to the front lot line; or

III. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with provisions set out in both subsections (I) and (II) above;

(c) a detached Second Residential Unit shall comply with the maximum lot coverage requirements in the applicable zone for accessory buildings, as identified in Section 5.17 of this by-law;

(d) a detached Second Residential Unit shall not be located in the front yard; and

(e) a detached Second Residential Unit shall comply with the minimum distance separation formulae.

1.5 By adding a new Schedule “M”, “Second Residential Units Constraint Overlay”, as shown on Schedule “A” attached to and forming part of By-Law Number 2019-X.

1.6 By adding a new Schedule “N”, “Second Residential Units Natural Hazards Overlay”, as shown on Schedule “B” attached to and forming part of By-Law Number 2019-X.

2. This by-law shall come into force in accordance with the provisions of the Planning Act.

Given all Three Readings and Passed: [Meeting Date]

________________________
John Bolognone
City Clerk
Bryan Paterson
Mayor
SCHEDULE 'A'
TO BY-LAW NUMBER

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 8499

LEGEND
Add Schedule 'M' to By-law 8499, 'Second Residential Units Constraint Overlay' as shown:
- By-Law 8499 Boundary
- Constraint Area (Subject to Holding Symbol)
- Water Supply
- Constraint Area (Not Subject to Holding Symbol)
- Sewer Surcharging
- Sewer Surcharging (Combined Storm and Sewer Systems)

Certificate of Authentication
This is Schedule 'A' to By-Law Number ____, passed this _____ day of ___________ 2019.

_________________     _____________________
Mayor                                       Clerk
SCHEDULE 'B'
TO BY-LAW NUMBER

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 8499

LEGEND

Add Schedule 'N' to By-law 8499
'Second Residential Units Natural Hazards Overlay', as shown:

- By-Law 8499 Boundary
- Natural Hazards Area

Certificate of Authentication
This is Schedule 'B' to By-Law Number ____, passed this ____ day of ____________ 2019.

_________________     _____________________
Mayor                                       Clerk
By-Law Number 2019-XX

A By-Law to Amend By-Law Number 96-259, “Downtown and Harbour Zoning By-Law of The Corporation of The City of Kingston” (Second Residential Units)

Passed: [Meeting Date]

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 96-259, 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 96-259 of The Corporation of the City of Kingston, entitled “Downtown and Harbour Zoning By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:

1.1 By adding a new definition for “Principal Residential Unit” in Section 4 (Definitions), as follows:

“Principal Residential Unit” means the main/core structure intended for human habitation on a lot.”

1.2 By adding a new definition for “Second Residential Unit” in Section 4, as follows:

“Second Residential Unit” means a residential unit which is ancillary to a Principal Residential Unit and is located on the same lot therewith.”

1.3 The definition of “Dwelling, Single Detached” in Section 4 is amended by adding the following at the end thereof: “The addition of a Second Residential Unit to a Dwelling, Single Detached does not change a Dwelling, Single Detached into another type of Dwelling.”

1.4 The definition of “Dwelling, Semi Detached” in Section 4 is amended by adding the following at the end thereof: “The addition of a Second Residential Unit to a Dwelling, Semi Detached does not change a Dwelling, Semi Detached into another type of Dwelling.”
1.5 The definition of “Dwelling, Link” in Section 4 is amended by adding the following at the end thereof: “The addition of a Second Residential Unit to a Dwelling, Link does not change a Dwelling, Link into another type of Dwelling.”

1.6 The definition of “Dwelling, Townhouse” in Section 4 is amended by adding the following at the end thereof: “The addition of a Second Residential Unit to a Dwelling, Townhouse does not change a Dwelling, Townhouse into another type of Dwelling.”

1.7 Subsection 5.22.5.2 (Residential Parking Ratios) is amended by adding the following new row between “Lodging House” and “Semi-detached/duplex”:

| “Second Residential Unit” | 1 per unit |

1.8 By adding a new subsection 5.38, as follows:

“5.38 Second Residential Units

Notwithstanding any other provision of this by-law, where a Second Residential Unit is permitted hereunder, the following provisions shall apply:

(a) A Second Residential Unit shall be permitted in association with the following permitted principal uses in any zone:

(i) Dwelling, Single Detached
    (ii) Dwelling, Semi-Detached
    (iii) Dwelling, Townhouse
    (iv) Dwelling, Link

(b) A Second Residential Unit shall not be permitted in any Cellar or Basement within the lands identified as Constraint Area – Sewer Surcharging (Combined Storm and Sewer Systems) in Schedule “B” of this by-law.

(c) A Second Residential Unit shall only be permitted if it is connected to municipal services approved by the authority having jurisdiction.

(d) A Second Residential Unit shall not be permitted on a lot containing two or more residential units; a Dwelling, Garden Suite; a boarding house; or a Lodging House.

(e) A Second Residential Unit shall not be permitted on the lands identified as Natural Hazards Area in Schedule “C” of this by-law, or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.
(f) The establishment of a Second Residential Unit shall not be limited by any provisions of a specific zone that establishes a maximum number of Dwelling Units.

(g) A maximum of one Second Residential Unit is permitted per lot.

(h) Where this by-law calculates density as a measure of Dwelling Units per net hectare, a Second Residential Unit shall be exempt from this calculation. Second Residential Units shall also be exempt from any minimum lot area requirement established per Dwelling Unit.

(i) A Second Residential Unit shall comply with any provisions in the applicable zone that require a maximum floor space index (FSI), where such requirement has been established for the zone in which the Second Residential Unit is located.

(j) A Second Residential Unit shall comply with the required minimum Landscaped Open Space where such requirement has been established for the zone in which the Second Residential Unit is located.

(k) A Tandem Parking Space shall be permitted to facilitate a Second Residential Unit. For the purposes of this subsection, “tandem parking space” means a parking space that is only accessed by passing through another parking space from a Street, Lane, drive aisle or Driveway. A parking space for a Second Residential Unit may be located in a permitted Driveway that is within a front yard. The parking space for the Second Residential Unit shall meet all other applicable provisions of this by-law.

(l) Where a Second Residential Unit is attached to the Principal Residential Unit, the Second Residential Unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the Principal Residential Unit. A separate entrance may also be provided through a joint front entrance vestibule within the Principal Residential Unit.

(m) The exterior entrance to a Second Residential Unit that is within a Principal Residential Unit (i.e. not a detached second residential unit), and is located at the side or rear of the Principal Residential Unit, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the Principal Residential Unit building or the front lot line. For the purposes of this Section, a “pathway” is defined as a hard surface treated path that is separately delineated from the Driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.
(n) No person may park a vehicle on any part of a pathway, as defined in subsection (m) above.

(o) The use of a separate Driveway to provide unobstructed access to a detached Second Residential Unit may be provided where the Driveway and parking space requirements of this by-law are met.

(p) Access to a detached Second Residential Unit shall be in accordance with the Ontario Building Code.

(q) The gross floor area of the Second Residential Unit must be equal to or less than the gross floor area of the Principal Residential Unit. For the purposes of this provision, "gross floor area" shall mean the total area of each floor, whether located above, at, or below grade, including finished Attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding:

(i) an open porch or balcony; and
(ii) areas internal to the building that are intended for storage of vehicles.

(r) A detached Second Residential Unit is not subject to the accessory building or structure regulations in Section 5.1 of this by-law unless otherwise indicated below, and will be permitted in accordance with the provisions of subsections (a) to (q) above and the following additional provisions:

(i) a detached Second Residential Unit shall comply with the minimum yard setbacks and maximum height applicable to the Principal Residential Unit in the zone in which such use is located;

(ii) a detached Second Residential Unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the Second Residential Unit does not exceed 4.6 metres in height, and further provided that a solid privacy fence with a minimum height of 1.8 metres is established in accordance with the following provisions:

a. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard (i.e., along the side and rear lot lines as applicable);
b. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached Second Residential Unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the Primary Residential Unit measured to the front lot line; or

c. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with provisions set out in both subsections (a) and (b) above.

(iii) a detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 5.1.4 of this by-law; and

(iv) a detached Second Residential Unit shall not be located in the front or exterior side yard.

1.9 By adding a new Schedule “B”, “Second Residential Units Constraint Overlay”, as shown on Schedule “A” attached to and forming part of By-Law Number 2019-X.

1.10 By adding a new Schedule “C”, “Second Residential Units Natural Hazards Overlay”, as shown on Schedule “B” attached to and forming part of By-Law Number 2019-X.

2. That this by-law shall come into force in accordance with the provisions of the Planning Act.

Given all Three Readings and Passed: [Meeting Date]

__________________________
John Bolognone
City Clerk

__________________________
Bryan Paterson
Mayor
SCHEDULE 'A' TO BY-LAW NUMBER

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 96-259

LEGEND
Add Schedule 'B' to By-law 96-259, 'Second Residential Units Constraint Overlay' as shown:

- By-Law 96-259 Boundary
- Constraint Area (Not Subject to Holding Symbol)
  - Sewer Surcharging (Combined Storm and Sewer Systems)

Certificate of Authentication
This is Schedule 'A' to By-Law Number ____, passed this _____ day of ____________ 2019.

_________________     _____________________
Mayor                                       Clerk
SCHEDULE 'B'
TO BY-LAW NUMBER

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 96-259

LEGEND

Add Schedule 'C' to By-law 96-259
'Second Residential Units Natural Hazards Overlay', as shown:
- By-Law 96-259 Boundary
- Natural Hazards Area

Certificate of Authentication
This is Schedule 'B' to By-Law Number _____,
passed this ____ day of ___________ 2019.

_________________     _____________________
Mayor                                       Clerk

PREPARED BY: A. Dowker
DATE: 2019-04-09

1/10,553

0  60  120  180  240 Metres
By-Law Number 2019-XX

A By-Law to Amend By-Law Number 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” (Second Residential Units)

Passed: [Meeting Date]

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 76-26, as amended, of the former Township 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 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 replacing Schedule “D”, “Secondary Suites”, with a new Schedule “D”, “Second Residential Units Constraint Overlay”, as shown on Schedule “A” attached to and forming part of By-Law Number 2019-xx

1.2 By adding a new Schedule “E”, “Second Residential Units Natural Hazards Overlay”, as shown on Schedule “B” attached to and forming part of By-Law Number 2019-X.

1.3 By adding the following to the list of schedules in Section 3 (Schedules to By-Law):

“Schedule “C” - Geometric Design Standard for Parking – Township of Kingston

Schedule “D” - Second Residential Units Constraint Overlay

Schedule “E” - Second Residential Units Natural Hazards Overlay”.”
1.4 By adding a definition of “Tandem Parking Space” in Section 4 (Definitions), as follows:

“(155A) “Tandem Parking Space” means a Parking Space that is only accessed by passing through another Parking Space from a Street, Lane, drive aisle or driveway.”

1.5 The definition of “Single-Family Dwelling House” in Section 4(44)(b) is amended by adding the following at the end thereof: “The addition of a Second Residential Unit to a Single-Family Dwelling House does not change a Single-Family Dwelling House into another type of Dwelling House.”

1.6 The definition of “Semi-Detached Dwelling House” in Section 4(44)(b) is amended by adding the following at the end thereof: “The addition of a Second-Residential Unit to a Semi-Detached Dwelling House does not change a Semi-Detached Dwelling House into another type of Dwelling House.”

1.7 The definition of “Row Dwelling House” in Section 4(44)(i) is amended by adding the following at the end thereof: “The addition of a Second Residential Unit to a Row Dwelling House does not change a Row Dwelling House into another type of Dwelling House.”

1.8 By deleting the definition of “Principal Residential Unit” in Section 4(112B) and replacing it with the following:

“(112B) “Principal Dwelling Unit” means the main/core structure intended for human habitation on a lot.”

1.9 By deleting the definition of “Second Residential Unit” in Section 4(113A) and replacing it with the following:

“(113A) “Second Residential Unit” means a dwelling unit which is ancillary to a Principal Dwelling Unit, and is located on the same lot therewith.”

1.10 The table contained in Subsection 5(16)(a), “Parking Area Regulations”, is amended by adding the following new row under “Row Dwelling House”:

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Second Residential Unit</th>
<th>1 parking space per Second Residential Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1.11 By deleting subsection 5(30) “Second Residential Units” in its entirety and replacing it with the following:

“(30) Second Residential Units
Notwithstanding any other provision of this by-law, where a Second Residential Unit is permitted hereunder, the following provisions shall apply:

(a) A Second Residential Unit shall only be permitted in association with the following permitted principal uses in any zone:

   (i) Single-Family Dwelling House

   (ii) Semi-Detached Dwelling House

   (iii) Row Dwelling House

(b) The lands identified in Schedule "D" of this by-law as having a Holding ‘H’ symbol for the purposes of introducing a Second Residential Unit shall be required to satisfy the following conditions to address the applicable servicing constraint, prior to the ‘H’ symbol being removed and a building permit being issued:

   Constraint Area – Water Supply/Water Quality:

   (i) a Second Residential Unit that is contained or attached to the Principal Dwelling Unit: a letter of opinion signed by an independent, qualified professional holding a valid licence to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo) shall be submitted to the City confirming that the private water supply is sufficient to support the Second Residential Unit in combination with the normal operation of the Principal Dwelling Unit on the lot. The letter must be in a form satisfactory to the City’s Environment Director (or designate) and must adequately demonstrate how the supply well will support the increased demand required by the Second Residential Unit, while ensuring that neighbouring wells are not adversely impacted. In addition, the letter must include a statement confirming that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed Second Residential Unit in combination with the existing Principal Dwelling Unit. Approval of the septic system must be obtained from KFL&A Public Health. Notwithstanding the foregoing, the Hamlet of Sunnyside and the St. Lawrence community do not require confirmation of water supply in order to remove the holding provision;
(ii) a detached Second Residential Unit: a hydrogeological study shall be completed to the satisfaction of the City’s Environment Director (or designate) by an independent qualified professional (P.Eng.) or geoscientist (P.Geo), confirming that the groundwater quality and quantity are sufficient for the Second Residential Unit and will not adversely impact the water supply of adjacent lots and the Principal Dwelling Unit. In addition, the hydrogeological study must assess the potential for sewage system impact and demonstrate that:

- the area of development is not hydrogeologically sensitive; and
- the sewage system is isolated from the receiving aquifer, or the impact of the Principal Dwelling Unit plus the Second Residential Unit is less than 10mg/L nitrate-nitrogen at the property boundary.

The hydrogeological study shall be completed in accordance with the City’s Standard for Hydrogeological Assessments. The City’s Environment Director (or designate) may, in its sole discretion, modify the requirements of a full hydrogeological study, if warranted.

Approval of the septic system must be obtained from KFL&A Public Health.

Notwithstanding the foregoing, the Hydrogeological Study required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above.

(c) A Second Residential Unit shall not be permitted in any cellar or basement within the lands identified as Constraint Area – Sewer Surcharging in Schedule “D” of this by-law.

(d) A Second Residential Unit shall not be permitted on the lands identified as Constraint Area – Sewer Capacity Limitations in Schedule “D” of this by-law.

(e) A Second Residential Unit shall not be permitted on the lands identified as Constraint Area – Loughborough Lake in Schedule “D” of this by-law.

(f) A Second Residential Unit shall only be permitted if it is connected to municipal services or private water and sewerage systems approved by the authority having jurisdiction.
(g) A Second Residential Unit shall not be permitted on a lot containing two or more dwelling units, a garden suite, boarding house, or lodging house.

(h) A Second Residential Unit shall not be permitted on the lands identified as Natural Hazards Area in Schedule "E" of this by-law, or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.

(i) The establishment of a Second Residential Unit shall not be limited by any special zone provision that establishes the maximum number of dwelling units.

(j) A maximum of one Second Residential Unit shall be permitted per lot.

(k) Where this by-law calculates density as a measure of dwelling units per net hectare, a Second Residential Unit shall be exempt from this calculation.

(l) Second Residential Units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.

(m) A Second Residential Unit shall comply with the maximum floor space index (FSI), where such requirement has been established for the zone in which the Second Residential Unit is located.

(n) A Second Residential Unit shall comply with the required minimum Landscaped Open Space, where such requirement has been established for the zone in which the Second Residential Unit is located.

(o) A Tandem Parking Space shall be permitted to facilitate a Second Residential Unit. A Parking Space for a Second Residential Unit may be located in a permitted driveway that is within a front yard. The parking space for the Second Residential Unit shall meet all other applicable provisions of this by-law.

(p) Where a Second Residential Unit is attached to the Principal Dwelling Unit, the Second Residential Unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the Principal Dwelling Unit. A separate entrance may also be provided through a joint front entrance vestibule within the Principal Dwelling Unit.

(q) The exterior entrance to a Second Residential Unit that is within a Principal Dwelling Unit (i.e. not a detached second residential unit) and is located at the side or rear of the Principal Dwelling Unit, shall be
accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the Principal Dwelling Unit building or the front lot line. For the purposes of this Section, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.

(r) No person may park a vehicle on any part of a pathway, as defined in subsection (q) above.

(s) The use of a separate driveway to provide unobstructed access to a detached Second Residential Unit may be provided where the driveway and Parking Space requirements of this by-law are met.

(t) Access to a detached Second Residential Unit shall be in accordance with the Ontario Building Code.

(u) The gross floor area of the Second Residential Unit shall be equal to or less than the gross floor area of the Principal Dwelling Unit. For the purposes of this provision, “gross floor area” shall mean the total area of each floor, whether located above, at, or below grade, including finished attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding:

(i) an open porch or balcony; and
(ii) areas internal to the building that are intended for storage of vehicles.

(v) A detached Second Residential Unit is not subject to the accessory use regulations in Section 5(1) of this by-law unless otherwise indicated below, and will be permitted in accordance with the provisions of subsections (a) to (u) above and the following additional provisions:

(i) a detached Second Residential Unit shall comply with the minimum yard setbacks and maximum height applicable to the Principal Dwelling Unit in the zone in which such use is located;

(ii) a detached Second Residential Unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the second residential unit does not exceed 4.6 metres in height, and further provided that a solid privacy fence with a minimum height of 1.8 metres is established in accordance with the following provisions:
a. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard (i.e., along the side and rear lot lines as applicable);

b. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached second residential unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the Primary Dwelling Unit measured to the front lot line; or

c. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with provisions set out in both subsections (a) and (b) above.

(iii) A detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 5(1)(b) of this by-law;

(iv) A detached Second Residential Unit shall not be located in the front yard or exterior side yard; and

(v) A detached Second Residential Unit shall comply with the minimum distance separation formulae.

2. That this by-law shall come into force in accordance with the provisions of the Planning Act.

Given all Three Readings and Passed: [Meeting Date]

______________________________
John Bolognone
City Clerk

______________________________
Bryan Paterson
Mayor
SCHEDULE 'A'
TO BY-LAW NUMBER

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 76-26

LEGEND

Replace Schedule 'D', By-law 76-26 with 'Second Residential Units Constraint Overlay' as shown:

- By-Law 76-26 Boundary
- Constraint Area (Subject to Holding Symbol)
  - Water Supply/Water Quality
- Constraint Area (Not Subject to Holding Symbol)
  - Sewer Surcharging
  - Sewer Capacity Limitations
  - Loughborough Lake (at-capacity lake)

Certificate of Authentication
This is Schedule 'A' to By-Law Number ____, passed this ____ day of ________ 2019.

Mayor

Clerk
SCHEDULE 'B'
TO BY-LAW NUMBER

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 76-26

LEGEND
Add Schedule 'E' to By-law 76-26
'Second Residential Units Natural Hazards Overlay', as shown:

- By-Law 76-26 Boundary
- Natural Hazards Area

Certificate of Authentication
This is Schedule 'B' to By-Law Number ____, passed this ____ day of ________ 2019.

Mayor                                  Clerk
By-Law Number 2019-XX

A By-Law to Amend By-Law Number 97-102, “Cataraqui North Zoning By-Law”
(Second Residential Units)

Passed: [Meeting Date]

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 97-102, as amended, of the former Township 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 97-102 of The Corporation of the City of Kingston, entitled “Cataraqui North Zoning By-Law”, as amended, is hereby further amended as follows:

1.1 By replacing Schedule “B”, “Secondary Suites Pilot Area”, with a new Schedule “B”, Second Residential Units “Natural Hazards Overlay”, as shown on Schedule “A” attached to and forming part of By-law 2019-X.

1.2 By amending subsection 1.2 Zoning Schedules in Section 1 Administration by replacing the second sentence with the following:

While, Schedule ‘B’ attached to this By-law shows the areas subject to natural hazards within the lands covered by this By-law.

1.3 By adding a definition of “Tandem Parking Space” in Section 6 (Definitions) where it belongs alphabetically as follows:

“Tandem Parking Space

Means a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.”

1.4 The definition of “Dwelling, Single Detached” in Section 6 Definitions is amended by adding the following at the end thereof: “The addition of a second residential
unit to a single detached dwelling does not change a single detached dwelling into another type of residential building."

1.5 The definition of “Dwelling, Semi-Detached” in Section 6 Definitions is amended by adding the following at the end thereof: “The addition of a second-residential unit to a semi-detached dwelling does not change a semi-detached dwelling into another type of residential building.”

1.6 The definition of “Dwelling, Townhouse” in Section 6 Definitions is amended by adding the following at the end thereof: “The addition of a second-residential unit to a townhouse dwelling does not change a townhouse dwelling into another type of residential building.”

1.7 By deleting the definition of “Second Residential Unit” in Section 6 Definitions and replacing it with the following:

“Second Residential Unit

Means a dwelling unit which is ancillary to a principal residential unit, and is located on the same lot therewith.”

1.8 By deleting subsection 5.29 “Second Residential Units” in Section 5 General Provisions in its entirety and replacing it with the following:

“5.29 Second Residential Units

Notwithstanding any other provision of this by-law, where a second residential unit is permitted hereunder, the following provisions shall apply:

(a) A second residential unit shall only be permitted in association with the following permitted principal uses in any zone:

(i) Single Detached Dwelling

(ii) Semi-Detached Dwelling

(iii) Townhouse Dwelling

(b) A second residential unit shall only be permitted if it is connected to municipal services approved by the authority having jurisdiction.

(c) A second residential unit shall not be permitted on a lot containing two or more dwelling units, a garden suite, boarding house, or lodging house.

(d) A second residential unit shall not be permitted on the lands identified as Natural Hazards Area in Schedule “B” of this by-law, or on any
lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.

(e) The establishment of a second residential unit shall not be limited by any special provisions that establish the maximum number of dwelling units.

(f) A maximum of one second residential unit shall be permitted per lot.

(g) Where this by-law calculates density as a measure of dwelling units per net hectare, a second residential unit shall be exempt from this calculation.

(h) A second residential unit shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.

(i) A second residential unit shall comply with the maximum floor space index (FSI), where such requirement has been established for the zone in which it is located.

(j) A second residential unit shall comply with the required minimum landscaped open space where such requirement has been established for the zone in which it is located.

(k) A tandem parking space shall be permitted to facilitate a second residential unit. A parking space for a second residential unit may be located in a permitted driveway that is within a front yard. The parking space for the second residential unit shall meet all other applicable provisions of this by-law.

(l) Where a second residential unit is attached to the principal residential unit, the second residential unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the principal residential unit. A separate entrance may also be provided through a joint front entrance vestibule within the principal residential unit.

(m) The exterior entrance to a second residential unit that is within a principal dwelling (i.e. not a detached second residential unit) and is located at the side or rear of the principal dwelling, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the principal residential unit building or the front lot line. For the purposes of this Section, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.
(n) No person may park a motor vehicle on any part of a pathway as defined in Section 5.29(m).

(o) The use of a separate driveway to provide unobstructed access to a detached second residential unit may be provided where the driveway and parking space requirements of this by-law are met.

(p) Access to a detached second residential unit shall be in accordance with the Ontario Building Code.

(q) The gross floor area of the second residential unit shall be equal to or less than the gross floor area of the principal residential unit. For the purposes of this provision, “gross floor area” shall mean the total area of each floor, whether located above, at, or below grade, including finished attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding:

(i) an open porch or balcony; and
(ii) areas internal to the building that are intended for storage of motor vehicles.

(r) Detached Second Residential Units:

A second residential unit in a detached building is not subject to the accessory building regulations in Sections 5.3 and 5.4 of this by-law unless otherwise indicated below, and will be permitted in accordance with the provisions of Section 5.29 (a) to (q) above and the following additional provisions:

(i) a detached second residential unit shall comply with the minimum yard setbacks and maximum height applicable to the principal dwelling unit in the zone in which such use is located;

(ii) a detached second residential unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the second residential unit does not exceed 4.5 metres in height, and further provided that a solid privacy fence with a minimum height of 1.8 metres is established in accordance with the following provisions:

a. when the detached second residential unit is situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard (i.e., along the side and rear lot lines as applicable);
b. when the detached second residential unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached second residential unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the primary dwelling unit measured to the front lot line; or

c. when the detached second residential unit is situated within a rear yard and a side yard, fencing shall be established in accordance with provisions set out in both subsections (a) and (b) above.

(iii) A detached second residential unit shall comply with the maximum permitted floor area requirements for accessory buildings as identified in Section 5.3.1.5 and 5.4.3 of this By-law; and

(iv) A detached second residential unit shall not be located in the front yard or exterior side yard.

2.0 That this by-law shall come into force in accordance with the provisions of the Planning Act.

Given all Three Readings and Passed: [Meeting Date]

__________________________________
John Bolognone
City Clerk

__________________________________
Bryan Paterson
Mayor
**SCHEDULE 'A'**

TO BY-LAW NUMBER

Project: Second Residential Units

File Number: D35-003-2018

Location: By-Law 97-102

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**LEGEND**

Replaces Schedule 'B' to By-law 97-102

'Second Residential Units Natural Hazards Overlay', as shown:

- By-Law 97-102  Boundary
- Natural Hazards Area

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**Certificate of Authentication**

This is Schedule 'A' to By-Law Number _____, passed this _____ day of ____________ 2019.

_________________     _____________________
Mayor                                       Clerk

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PREPARED BY: A. Dowker
DATE: 2019-05-07

1:7,821

0 50 100 150 200 Metres
By-Law Number 2019-XX

A By-Law to Amend By-Law Number 32-74, “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in The Township of Pittsburgh” (Second Residential Units)

Passed: [Meeting Date]

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 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 32-74, as amended, of the former Township of Pittsburgh;

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

1. By-Law Number 32-74 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh”, as amended, is hereby further amended as follows:

1.1 By replacing Schedule “C”, Overlay Zones Comprised of Maps 1, 2 and 3 Secondary Suites Pilot, with a new Schedule “C”, Second Residential Units Constraint Overlay, as shown on Schedule “A” attached to and forming part of By-Law Number 2019-X

1.2 By adding a new Schedule “D” Second Residential Units Natural Hazards Overlay as shown on Schedule “B” attached to and forming part of By-Law Number 2019-X.
1.3 By deleting “Schedule “C” and the associated text in Section 2 Schedule to By-Law in its entirety and replacing it with the following:

“Schedule “C” - Second Residential Units Constraint Overlay

Schedule “D” - Second Residential Units Natural Hazards Overlay”

1.4 By adding a definition of “Tandem Parking Space” in Section 4 Definitions as follows:

“(137A)  “Tandem Parking Space” means a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.”

1.5 The definition of “Single-Family Dwelling House” in Section 4(36)(l) Definitions is amended by adding the following at the end thereof: “The addition of a second residential unit to a single-family dwelling house does not change a single-family dwelling house into another type of dwelling house.”

1.6 The definition of “Semi-Detached Dwelling House” in Section 4(36)(k) Definitions is amended by adding the following at the end thereof: “The addition of a second residential unit to a semi-detached dwelling house does not change a semi-detached dwelling house into another type of dwelling house.”

1.7 The definition of “Row Dwelling House” in Section 4(36)(i) Definitions is amended by adding the following at the end thereof: “The addition of a second-residential unit to a row dwelling house does not change a row dwelling house into another type of dwelling house.”

1.8 The definition of “Linked Dwelling House” in Section 4(36)(g) Definitions is amended by adding the following at the end thereof: “The addition of a second residential unit to a linked dwelling house does not change a linked dwelling house into another type of dwelling house.”

1.9 By deleting subsection 4(114A) “Second Residential Unit” in Section 4 Definitions in its entirety and replacing it with the following:

“(114A)  “Second Residential Unit” means a dwelling unit which is ancillary to a principal dwelling unit, and is located on the same lot therewith.”

1.10 By deleting subsection 5(32) “Second Residential Units” in Section 5 General Provisions in its entirety and replacing it with the following:

“(32)  Second Residential Units

Notwithstanding any other provisions of this by-law, where a second residential unit is permitted hereunder, the following provisions shall apply:
(a) A second residential unit shall only be permitted in association with the following permitted principal uses in any zone:

(i) Single-Family Dwelling House

(ii) Semi-Detached Dwelling House

(iii) Row Dwelling House

(iv) Linked Dwelling House

(b) The lands identified in Schedule “C” of this By-law as having a Holding ‘H’ Symbol for the purposes of introducing a second residential unit shall be required to satisfy conditions to address the applicable servicing constraint, prior to the ‘H’ symbol being removed and a building permit issued:

Constraint Area – Water Supply/Water Quality:

(i) a Second Residential Unit that is contained or attached to the Principal Dwelling Unit: a letter of opinion signed by an independent, qualified professional holding a valid licence to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo) shall be submitted to the City confirming that the private water supply is sufficient to support the Second Residential Unit in combination with the normal operation of the Principal Dwelling Unit on the lot. The letter must be in a form satisfactory to the City’s Environment Director (or designate) and must adequately demonstrate how the supply well will support the increased demand required by the Second Residential Unit, while ensuring that neighbouring wells are not adversely impacted. In addition, the letter must include a statement confirming that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed Second Residential Unit in combination with the existing Principal Dwelling Unit. Approval of the septic system must be obtained from KFL&A Public Health. Notwithstanding the foregoing, the Hamlet of Sunnyside and the St. Lawrence community do not require confirmation of water supply in order to remove the holding provision;
(ii) a detached Second Residential Unit: a hydrogeological study shall be completed to the satisfaction of the City’s Environment Director (or designate) by an independent qualified professional (P.Eng.) or geoscientist (P.Geo), confirming that the groundwater quality and quantity are sufficient for the Second Residential Unit and will not adversely impact the water supply of adjacent lots and the Principal Dwelling Unit. In addition, the hydrogeological study must assess the potential for sewage system impact and demonstrate that:

- the area of development is not hydrogeologically sensitive; and
- the sewage system is isolated from the receiving aquifer, or the impact of the Principal Dwelling Unit plus the Second Residential Unit is less than 10mg/L nitrate-nitrogen at the property boundary.

The hydrogeological study shall be completed in accordance with the City’s Standard for Hydrogeological Assessments. The City’s Environment Director (or designate) may, in its sole discretion, modify the requirements of a full hydrogeological study, if warranted.

Approval of the septic system must be obtained from KFL&A Public Health.

Notwithstanding the foregoing, the Hydrogeological Study required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above.

Constraint Area – Servicing Capacity (Cana Subdivision): a letter of opinion to the satisfaction of Utilities Kingston from a qualified professional confirming that water and/or wastewater capacity issues will not be experienced on the lot as a result of the establishment of a second residential unit.

(c) A second residential unit is not permitted on the lands identified as ‘Constraint Area – Sewer Capacity Limitations’ in Schedule “C” of this by-law.

(d) A second residential unit shall only be permitted if it is connected to municipal services or private water and sewerage systems approved by the authority having jurisdiction.
(e) A second residential unit shall not be permitted on a lot containing two or more dwelling units, a garden suite, boarding house, or lodging house.

(f) A second residential unit shall not be permitted on lands identified as Natural Hazards Area in Schedule “D” of this By-law, or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.

(g) The establishment of a second residential unit shall not be limited by any special zone provision that establishes the maximum number of dwelling units.

(h) A maximum of one second residential unit shall be permitted per lot.

(i) Where this by-law calculates density as a measure of dwelling units per net hectare, a second residential unit shall be exempt from this calculation.

(j) Second residential units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.

(k) A second residential unit shall comply with the maximum floor space index (FSI) where such requirement has been established for the Zone in which it is located.

(l) A second residential unit shall comply with the required minimum landscaped open space where such requirement has been established for the Zone in which it is located.

(m) A tandem parking space shall be permitted to facilitate a second residential unit. A parking space for a second residential unit may be located in a permitted driveway that is within a front yard. The parking space for the second residential unit shall meet all other applicable provisions of this by-law.

(n) Where a second residential unit is attached to the principal dwelling unit, the second residential unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the principal dwelling unit. A separate entrance may also be provided through a joint front entrance vestibule within the principal dwelling unit.

(o) The exterior entrance to the second residential unit that is within a principal dwelling (i.e. not a detached second residential unit) and is located at the side or rear of the principal dwelling, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the
front of the principal dwelling unit building or the front lot line. For the purposes of this Section, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.

(p) No person may park a vehicle on any part of a pathway as defined in Section 5(32)(o).

(q) The use of a separate driveway to provide unobstructed access to a detached second residential unit may be provided where the driveway and parking space requirements of this by-law are met.

(r) Access to a detached second residential unit shall be in accordance with the Ontario Building Code.

(s) The gross floor area of the second residential unit shall be equal to or less than the gross floor area of the principal dwelling unit. For the purposes of this provision, “gross floor area” shall mean the total area of each floor, whether located above, at, or below grade, including finished attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding:

(i) an open porch or balcony; and
(ii) areas internal to the building that are intended for storage of vehicles

(t) Detached Second Residential Units:

A second residential unit in a detached building is not subject to the accessory use regulations in Section 5(1) of this by-law unless otherwise indicated below, and will be permitted in accordance with the provisions of Section 5(32)(a) to (s) above and the following additional provisions:

(i) A detached second residential unit shall comply with the minimum yard setbacks and maximum height applicable to the principal dwelling unit in the zone in which such use is located;

(ii) A detached second residential unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the second residential unit does not exceed 5 metres in height and further provided that a solid privacy fence with a minimum height of 1.8
metres is established in accordance with the following provisions:

a. when the detached second residential unit is situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard (i.e., along the side and rear lot lines as applicable);

b. when the detached second residential unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached second residential unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the primary dwelling unit measured to the front lot line; or

c. when the detached second residential unit is situated within a rear yard and a side yard, fencing shall be established in accordance with provisions set out in both subsections (a) and (b) above.

(iii) A detached second residential unit shall not be located in the front yard or exterior side yard; and

(iv) A detached second residential unit shall comply with the minimum distance formulae.

2. That this By-law shall into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting date]

________________________
John Bolognone
City Clerk

________________________
Bryan Paterson
Mayor
SCHEDULE 'A'
TO BY-LAW NUMBER

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 32-74

LEGEND
Replace Schedule 'C', By-law 32-74 with 'Second Residential Units Constraint Overlay' as shown:

- By-Law 32-74 Boundary
- Constraint Area (Subject to Holding Symbol)
  - Water Supply/Water Quality
  - Servicing Capacity (Cana Subdivision)
- Constraint Area (Not Subject to Holding Symbol)
  - Sewer Capacity Limitations

Certificate of Authentication
This is Schedule 'A' to By-Law Number ____, passed this _____ day of ____________ 2019.

Mayor
Clerk
SCHEDULE 'B'
TO BY-LAW NUMBER
Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 32-74

LEGEND
Add Schedule 'D' to By-law 32-74,
'Second Residential Units Natural Hazards Overlay', as shown:

- By-Law 32-74 Boundary
- Natural Hazards Area

Certificate of Authentication
This is Schedule 'B' to By-Law Number ____,
passed this _____ day of ___________ 2019.

_________________  _____________________
Mayor                                       Clerk
By-Law Number 2019-XX

A By-Law to Amend By-Law Number 3077, “A Restricted Area (Zoning) By-Law for the City of Kingston” (Second Residential Units)

Passed: [Meeting Date]

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 3077, 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 3077 of The Corporation of the City of Kingston, entitled “A Restricted Area (Zoning) By-Law for the City of Kingston”, as amended, is hereby further amended as follows:

1.1 By amending Section 1.4 – Zoning Maps by adding the words “, Appendix “B” and Appendix “C”” after the words “Appendix “A””.

1.2 By adding a new subsection 9.4.7(3) in Section 9.4.7 – Off-Street Parking, as follows:

“(3) Within the limits of the City of Kingston governed by this by-law, one parking space shall be provided for each Second Residential Unit.”

1.3 By adding a new subsection 9.4.10 in Section 9.4 – General, as follows:

“9.4.10 Second Residential Units

Notwithstanding any other provision of this by-law, where a Second Residential Unit is permitted hereunder, the following provisions shall apply:

(a) A Second Residential Unit shall only be permitted in association with the following permitted principal use in any Zone: one-family dwelling.
(b) A Second Residential Unit shall not be permitted in any cellar or basement within the lands identified as Constraint Area –Sewer Surcharging (Combined Storm and Sewer Systems) in Appendix “B” of this by-law.

(c) A Second Residential Unit shall only be permitted if it is connected to municipal services approved by the authority having jurisdiction.

(d) A Second Residential Unit shall not be permitted on a lot containing two or more dwelling units, a garden suite, boarding house, or lodging house.

(e) A Second Residential Unit shall not be permitted on the lands identified as Natural Hazards Area in Appendix “C” of this by-law, or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.

(f) A maximum of one Second Residential Unit shall be permitted per lot.

(g) Where this by-law calculates density as a measure of dwelling units per net hectare, a Second Residential Unit shall be exempt from this calculation.

(h) Second Residential Units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.

(i) A Second Residential Unit shall maintain a 30% minimum Landscaped Open Space on the subject property.

(j) A Tandem Parking Space shall be permitted to facilitate a Second Residential Unit. A parking space for a Second Residential Unit may be located in a permitted driveway that is within a front yard. The parking space for the Second Residential Unit shall meet all other applicable provisions of this by-law.

(k) Where a Second Residential Unit is attached to the Principal Dwelling Unit, the Second Residential Unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the Principal Dwelling Unit. A separate entrance may also be provided through a joint front entrance vestibule within the Principal Dwelling Unit.

(l) The exterior entrance to a Second Residential Unit that is within a Principal Dwelling Unit (i.e. not a detached second residential unit), and is located at the side or rear of the Principal Dwelling Unit, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the Principal Dwelling Unit building or the
front lot line. For the purposes of this subsection, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.

(m) No person may park a vehicle on any part of a pathway, as defined in Section 9.4.10(l).

(n) The use of a separate driveway to provide unobstructed access to a detached Second Residential Unit may be provided where the driveway and parking space requirements of this by-law are met.

(o) Access to a detached second residential unit shall be in accordance with the Ontario Building Code.

(p) The gross floor area of the Second Residential Unit shall be equal to or less than the gross floor area of the Principal Dwelling Unit. For the purposes of this provision, “gross floor area” shall mean the total area of each floor, whether located above, at, or below grade, including finished attic spaces, measured between the outside of the exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding:

(i) an open porch or balcony; and

(ii) areas internal to the building that are intended for storage of vehicles.

(q) A Second Residential Unit in a detached building is not subject to the accessory building regulations in Section 9.2.7 of this by-law unless otherwise indicated below, and will be permitted in accordance with the provisions of Section 9.4.10 (a) to (p) above and the following additional provisions:

(i) a detached Second Residential Unit shall comply with the minimum yard setback and maximum height applicable to the Principal Dwelling Unit in the Zone in which such use is located;

(ii) a detached Second Residential Unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the Second Residential Unit does not exceed 4.6 metres in height, and further provided that a solid privacy fence with a minimum height of 1.8 metres is established in accordance with the following provisions:
a. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard (i.e., along the side and rear lot lines, as applicable);

b. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached Second Residential Unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the primary dwelling unit measured to the front lot line; or

c. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with the provisions set out in both subsections (a) and (b) above;

(iii) a detached Second Residential Unit shall comply with the maximum lot coverage requirements in the applicable Zone for accessory buildings, as identified in Section 3.5 of this by-law; and

(iv) a detached Second Residential Unit shall not be located in the front yard. For the purposes of this section, “front yard” means a yard extending between the side lot lines across the front of a lot. Where this by-law does not define an exterior side yard on a corner lot, the lot shall be deemed to contain two front yards.

1.4 By adding a new definition for “Landscaped Open Space” in Section 10 – Definitions, as follows:

“10.58 Landscaped Open Space

“Landscaped Open Space” shall mean the area of a lot used or intended to be used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and other landscaping and includes any buffer strip, surfaced walk, surface patio, swimming pool or similar area, but shall not include any access driveway, ramp, parking area or loading spaces or any open space beneath, above or within any building or structure.”

1.5 By adding a new definition for “Principal Dwelling Unit” in Section 10 - Definitions, as follows:

“10.59 Principal Dwelling Unit

“Principal Dwelling Unit” shall mean the main/core building intended for human habitation on a lot.”
1.6 By adding a new definition for “Second Residential Unit” in Section 10 - Definitions, as follows:

“10.60 Second Residential Unit

“Second Residential Unit” shall mean a dwelling unit which is ancillary to a Principal Dwelling Unit and is located on the same lot therewith.”

1.7 By adding a new definition for “Tandem Parking Space” in Section 10 – Definitions, as follows:

“10.61 Tandem Parking Space

“Tandem Parking Space” shall mean a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.”

1.8 By amending the definition of “one-family dwelling” in Section 10.13 by adding the following sentence at the end thereof: “The addition of a Second Residential Unit to a one-family dwelling does not change a one-family dwelling into another type of dwelling.”

1.9 By adding a new Appendix “B”, “Second Residential Units Constraint Overlay”, as shown on Schedule “A” attached to and forming part of By-Law Number 2019-X.

1.10 By adding a new Appendix “C”, “Second Residential Units Natural Hazards Overlay”, as shown on Schedule “B” attached to and forming part of By-Law Number 2019-X.

2. That this by-law shall come into force in accordance with the provisions of the Planning Act.

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor
SCHEDULE 'A'
TO BY-LAW NUMBER

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 3077

LEGEND
Add Appendix 'B' to By-law 3077, 'Second Residential Units Constraint Overlay' as shown:

- By-Law 3077 Boundary
- Constraint Area (Not Subject to Holding Symbol)
- Sewer Surcharging (Combined Storm and Sewer Systems)

Certificate of Authentication
This is Schedule 'A' to By-Law Number ____, passed this _____ day of ___________ 2019.

_________________     _____________________
Mayor                                       Clerk
SCHEDULE 'B'
TO BY-LAW NUMBER

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 3077

LEGEND

Add Appendix 'C' to By-law 3077
'Second Residential Units Natural Hazards Overlay', as shown:

- By-Law 3077 Boundary
- Natural Hazards Area

Certificate of Authentication
This is Schedule 'B' to By-Law Number ___,
passed this _____ day of ___________ 2019.

_________________     _____________________
Mayor                                       Clerk
By-Law Number 2019-XX

A By-Law to Amend By-Law Number 8402 “A By-law to Amend By-Law No.3078, Zoning By-law for the 1930, 1931 and 1952 Annexation Areas (Zone Change from R1B Residential to R2B and R2 Residential and C1 Commercial – 33+- Acres Southwest Corner Counter Street and Sir John. A. MacDonald Boulevard)” (Second Residential Units)

Passed: [Meeting Date]

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 8402, 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 8402 of The Corporation of the City of Kingston, entitled “A By-law to Amend By-Law No.3078, Zoning By-law for the 1930, 1931 and 1952 Annexation Areas (Zone Change from R1B Residential to R2B and R2 Residential and C1 Commercial – 33+- Acres Southwest Corner Counter Street and Sir John. A. MacDonald Boulevard)”, is hereby amended as follows:

1.1 By adding a new sentence in Section (1) (c) after the word “Zone.” as follows:

“A second residential unit shall be permitted in accordance with the second residential unit zone provisions included in By-law Number 8499, Restricted Area (Zoning) By-law of the Corporation of the City of Kingston."

2. That this by-law shall come into force in accordance with the provisions of the Planning Act.

Given all Three Readings andPassed: [Meeting Date]
John Bolognone
City Clerk

Bryan Paterson
Mayor
Hi Andrea,

Further to recent discussions, we have a client who is contemplating a second residential unit in an existing row house. The subject property is located on a through lot and has frontage on two streets. Access to the second residential unit is proposed to be in the back of the building from the existing driveway.

The proposed by-law does not contemplate this type of access. Proposed ZBA No. 15 states “The exterior entrance to the second residential unit shall be accessed by a minimum 1.2 metres wide unobstructed walkway provided from the front of the principal dwelling unit building...”. Proposed ZBA No. 16 and 17 include exceptions to No. 15 but are specific to detached second units. In the case, access cannot be provided from the front of the building due to the existing built form. Where a property has frontage on multiple streets, we request that the draft bylaw include allowances to permit access to the second residential unit from either street frontage.

This allowance would be generally be appropriate for any lot with frontage on multiple streets and is not specific to our clients property. Thank you for considering this change in the provisions.

If you need any additional information or wish to discuss this further, please do not hesitate to contact us.

Sincerely,

Emma Stucke

IBI GROUP
650 Dalton Avenue
Kingston ON K7M 8N7 Canada
Hi Andrea,

Just a follow up email to our conversation regarding the water flow accessibility to our present property at 26 Grey Street. We are considering submitting an application for a secondary suite however, the water line as it current exists for the property is only 1/2 inch cooper. This barely provides enough adequate water to the existing home (the sprinkler cannot adequately water the front lawn and only rises up about 2 feet, also recently we had to replace the pump in our new washing machine) and so if we are approved for the secondary suite we would need to upgrade the existing water line.

The cost to do this is significant ($17,000-$20,000) to dig out and connect to the main water line plus the cost of replacing the line on our property ($10,000) - rough numbers. We have had a number of contractors in to give us quotes.

We wondered if it would be possible to provide some financial assistance for homeowners to help them with this project, otherwise the bigger picture looks like we (the city) will potentially have secondary suites that do not have enough water for both their units.

Is this a conversation that could be discussed between the City Of Kingston Planning Department and PUC Director Of Engineering? So that both parties are discussing the implications of these plans together?

We would very much like to do the right thing and create two beautiful homes to help increase the downtown core population/rental properties but I can see this as a viable option for residents if there is some kind of shared partnership with regards to these costs.

Sincerely,
Stephanie & John Weima
DASH DOO-172-2018
Dear Ms. Furniss,

I am expecting a notice for a Spring council meeting on the proposals for Second Residential Units. Has this been set as yet? Has discussion on the proposals been completed?

I feel I have been hoodwinked in this entire process. I watched over the past two years a secondary suite being built in my immediate neighbours' basement. Upon each moment of 'progress' I called the city for an inspection [Dan Machida was my contact] and was consistently assured that no apartment was being installed in the basement. [This despite my strong suspicion that Mr. Machida was giving guidance to the owner and contractor as to the requirements for a secondary unit installation.] That is until it was finished and then nothing. The owner has since moved out and has rented the upper story and the basement apartment. Maintenance on the exterior is limited. Plants are dying in front and in the backyard weeds have overcome the landscape to my great distress. A very ugly walkway was put in place in the narrow space [shared?] between our two dwellings for the basement tenant's access and egress and without any prior consultation with me. I just see my property value declining but my taxes are not.

I object very strongly to these units in this area and it puts a black eye onto the new proposals for this district of Reddendale.

Robert Swain
Good afternoon Andrea,

First of all, the whole City of Kingston Planning group has been very good to deal with so far.

I would like to see the parameters for the secondary dwelling to be raised to the same height as the current restrictions e.g. 9 meters to give builders options make the city of Kingston aesthetically interesting and a good blend into the community.

We have just purchased a property in Barriefield – 18 Drummond and are hopefully going to be able to refurbish an 1840’s barn on the property and make it a second unit. The whole property is a bit of an eyesore right now and we really want to bring it back to life.

Our concern is the height restriction for the second unit. If it is only 5 meters, the barn would not be eligible for conversion and we would have to level it and build something less high which would be a shame.

This restriction would mean that people could only have a 7.5 ft ceilings if it is a two story, narrow 2nd dwelling which I don’t believe is aligns with what I think of as Kingston. The concept behind vaulted ceilings, stems back hundreds of years. Let’s take a closer look at vaulted ceilings — and allows for inspiring design implementations.

Often the old carriage houses behind properties are blended in with the primary unit/s and as high or higher than the primary unit. A dwelling that may be smaller in square footage will be able to retain and airiness; a higher ceiling gives a cooling effect to the space. When the hot air rises up and escapes through the ventilation, high ceiling gives more volume for the fresh air to circulate. It also helps to provide ample of light to enter the space.
Carriage house that blends in but is likely as tall as primary residence that enhances Kingston:

I realize that these examples are not perfect, but I think that they illustrate that a secondary dwelling can be an enhancement to a property and not detract from the primary dwelling by being the same height and not infringing on the neighbour's property.

Please consider my request. I would hate to have my barn leveled. I have a passion for Kingston!

Kind regards,

Julie

Julie Murphy
Good evening Andrea;

I offer these comments and questions for your consideration regarding Second Residential Units New Permissions.

Are side yard setbacks on the second residential unit, when complying with setbacks for the primary dwelling, to be based on existing on site built form of the primary residence or the current zoning by-law dimensional requirement for (new) construction of a primary dwelling? Concern would be to ensure a 1.2 m walkway (or setback) would always be required for reasonable access to second unit. If there is not an existing 1.2 m walkway past the primary residence would a rear yard or rear yard accessed basement unit still be permitted?

If a parking space for a second residential unit may be located in a driveway that is within a front yard and leads to a garage, carport or other permitted parking space, will there not still be parking impacts on an area where the vehicle located in the driveway will need to be removed to the street in order to allow the second vehicle to exit the drive? Will this culturally lead to parking on the street anyway especially in areas that do not have permit parking restrictions? Are there instances where side by side parking might be preferable? Are there instances where rear yard parking or garages would be preferable? If so, will this amendment deter other options?

Is the intent of "a second residential unit is not permitted within a site-specific zone that establishes a maximum number of dwelling units" intended for areas such as gated communities or retirement housing complexes where the zoning might specify a maximum? If so, why would these units be exempt if secondary units could be made out of basements or additional stories potentially providing additional socially assisted housing or seniors housing?

Why would a second residential unit be exempt from by-law density calculations as a measure of dwelling units per net hectare? Will this not compound issues in areas where low-density built form is already transitioned towards medium density (in context of number of bedrooms) and another unit would be allowed that would not be calculated? Are there not instances where some heavily developed sites (high number of bedrooms) should not entertain another unit in an area while other sites might be far more deserving of approval for an additional unit and density?

Is there an instance where an intentionally efficient shared driveway and walkway plane might provide enough continuous hard surface to allowing by default the ability to park side by side in a front or side yard?

I am hopeful that the increasing short-term rental (commercial) operations and related adverse impacts within housing districts will be addressed in other policy. If not, then I've a concern some secondary units will generate instability due to unwanted impacts on adjacent properties. Can the requirements for entrances or means of egress for second units that are set by the Ontario Building Code and Ontario Fire Code be cross-referenced in the amendments?
I have a concern that inclusive accessibility is not being adequately served by these two provincial codes where the threshold for AODA compliance is extremely low. This appears a provincial oversight at the intersection of multiple legislations where even a customer service standard would require delivery of a service/product (in this case rental housing – revenue generating product) in an AODA compliant manner. I don't believe this is appropriate. While it is true something is either barrier-free or not there remains an available option to ensure some minimal standard of accessibility, such as ensuring 1.2 m is sufficient not only for minimal access aisle; but also turning access for walker or other assistive devices where the device might not be required for interior housing needs. As one of the intentions of secondary units is to benefit aging populations it would seem wise to consider access more broadly than the very unlikely event of emergency services needs. It may be 1.2 m is sufficient provided it is not obstructed by gas vents or other protrusions from the primary residence. The application of terminology "pedestrian access" in the OPA50 would mean accessible, is that the intent when using that terminology here? If so, does it need to meet any accessibility compliance standards?

I was disappointed to realize that changes late in the OPA50 process introduced a possibly ableist terminology "walking distance" in the definitions section. I suggest more inclusive language could have been found to address the intent of 'a distance any person can travel reasonably'. Does the following need to state, "walking distance"?

No person may park a vehicle on any part of a walkway under this subsection.
the property is within walking distance of an express transit bus route;
(ii) the property is within walking distance of commercial uses; and
(iii) the property is within walking distance of parkland, open space or community facilities."

Thanks for time and consideration.

Cheers Don.
Hi Andrea,

Thank you for discussing my interest in developing a secondary suite at our primary residence at 193 Phillips St. Through the discussion two things came up:

1. It may be of interest to change the grey holding colour on the map to a different colour. Much of the map looks grey and it was brought to my attention that this area appears grey due to density and not that it is being held.

2. Our house was a small bungalow and a previous owner added a large addition to the back which is bigger than the initial house. We are looking to turn the front part of the house into the secondary suite. It would be a 1 bedroom and accessed though the main front door. Our primary residence would be at the back of the house and accessed though the side door. The primary residence would be approx 1150sq.ft while the proposed new 1 bedroom unit would be about 625sq.ft. The proposed regulation does not account for this scenario and I strongly suggest the wording be altered to allow for such a development.

Thank you for your time and attention to this matter. Please put me on an email list to keep me updated with new information as it develops.

Kind Regards,

Kelly Williams
193 Phillips St, Kingston ON,
Hi Andrea,

I have been trying to add my comments to the comment box but it was flagged as possible spam! I tried again today but don’t know if you received my comments so I’m writing you directly.

My concern (among other things!) is to do with tandem parking. Here is our situation:

We have 6 students living next door to us with 4 vehicles. The driveway only will fit 2 or 3 cars, and one of the vehicles is a long truck. The problem with tandem parking is that people get sick of moving their cars around. They end up parking in the street, using the street as a de facto parking lot. The students next door have parked for more than 12 hours, sometimes up to 50 hours, on the street. Until last week, they were parking overnight on the street during our winter parking ban, every night. I finally got fed up with their flaunting the law and phoned the property management company through which they rented the house. Luckily during the snowstorm on the weekend, they were parked elsewhere. The snow plow operator stopped us to tell us that if the cars had been parked there, he would not have been able to plow our street, or would have had severe difficulty doing it.

So I have witnessed that tandem parking does not work. The other problem is that the parking authorities must be stretched thin because only a few tickets were given out to these students (we have been in constant contact with Ian Semple about the parking problems caused by these tenants). How are the city parking people going to monitor even more houses after conversion of houses to 2 units instead of the one unit the house was originally built for? Also, our street, which is a narrow winding court with a park in the middle, will be clogged with cars and likely we will lose our view of the park.

Tandem parking will be a major headache for city parking authorities and most of all to us who live here. The city should be building secondary units into new homes and not into the basements of older, modest city homes with insufficient parking in the driveways for the vehicles belonging to 2 units. These driveways simply do not have the parking required for 2 units in most cases.

Please add my comments to the database you have on this topic.

Thanks, Andrea.

Carol Porter
16 Bonnycastle Court
Polson Park
Hi Greg,

Thank you for the information. I've had time to review it, and have a question for you.

On page 21 of 23, Number 20 of Recommended Zone Provisions: Why is the proposed bylaw to have a minimum of 50 square meters? I can't say I understand the rational, most especially because the Ontario Building Code has a different minimum square meters where combined living space occurs (see below). A minimum size so large may disqualify a lot of properties from secondary dwellings, for reasons of intrusive overlook, or shadowing, or visual intrusion, or architectural incompatibility in terms of scale. I'm thinking of neighbourhoods like Kingscourt, and Inner Harbour, these neighbourhoods are well connected to public transit and close to amenities (important assets for intensification), and I think it's important not to disqualify them from secondary dwellings.

I look forward to your response.

Melodie Ballard

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Ontario Building Code

9.5.8. Combined Spaces
9.5.8.1. Combined Living, Dining, Bedroom and Kitchen Spaces
(1) Despite Subsections 9.5.4. to 9.5.7., where living, dining, bedroom and kitchen spaces are combined in a dwelling unit that contains sleeping accommodation for not more than two persons, the area of the combined spaces shall be not less than 13.5 m2.

On Fri, 2 Nov 2018 at 10:06, Furniss, Andrea <afurniss@cityofkingston.ca> wrote:

Good morning Ms. Ballard,

Notice for the next public meeting will be sent to those who are included on the interested parties list (your contact information has been added). A notice will also be placed on the City's website and in the Kingston Whig Standard at least 20 days prior to the public meeting.
Good Morning Andrea,
I am writing to express my concern regarding the movement that is currently being explored in the city, that of permitting secondary residential units on properties.

I did complete the survey; the topic certainly interested me, and I responded to it because I happen to be on the City email list. If I hadn't been included I would have had no idea that this idea was being pursued by the City. I shared this information with a number of people who would also have been interested to know that this movement is afoot. As I completed the survey I felt that, contrary to the supposedly impartial aims of the City in offering the survey, in the background there was the implied support of our government towards the adoption of secondary units. It seems to me that our current municipal government appears to give undue attention to those who can increase the revenues in the budget. At least I think this would be the bottom line for the City; interestingly, there was no mention in the survey of the notion of property taxes for these units.

My concerns regarding the survey are: Timing- the survey was made public right at the end of the school year, and into the first weeks of the summer. I think that many of Kingston's residents who may be interested and negatively affected by the ideas in the survey are homeowners with children. Offering the survey at a time when the focus of a good portion of the respondents could be elsewhere was unfortunate. I believe that reissuing the survey now, when most of the citizens are here and not perhaps on vacation, would provide different statistics.

Property Values- I object to the scenario in which a neighbour could, without any recourse by me, erect a unit closer to the lot line than normal (suggested in the survey), taller than the usual garden/maintenance shed, and ungoverned by any aesthetic or safety restrictions. Yes, this is a Not In My Backyard issue. On those streets where backyards are shallow an additional structure would be blatantly invasive. Is Kingston's infrastructure that sound that it can support additional draws on the water/sewage/road systems? In neighbourhoods that house students from post secondary schools there is the reality of noise, litter, and poorly maintained properties. Allowing secondary units is an invitation to more of the same. The proposed units may indeed increase the value of those properties and provide monies for the City, but they will also be taxing the physical limitations of the street, and ultimately devaluing my property and that of my neighbours.

Parking- This, as you know, is already a pervasive problem in areas that surround post secondary institutions. Using whole front lawns, portions of those lawns, overnight on the streets, covering over sidewalks and blocking pedestrians -- all of these exist when there is inadequate parking. Theoretically, our bylaw department is charged with looking after this. The successful enforcement of correct parking is certainly aided by the residents of the neighbourhood who have the interest and the energy to report local parking infractions. I do say 'energy' as the parking battles are ongoing issues.

Andrea, I welcome your comments to my comments.

Muriel MacLeod
Andrea:

I've read the survey results that you sent out regarding secondary units.

I would appreciate a chance to speak with you in your office about the problems that my wife and I and our neighbors are experiencing. Would you be open to meeting with myself and a couple of neighbors?

The six students living next door in a bungalow have 4 vehicles and daily park some on the street. I've spoken to them a few times and they disregard the 12 hour parking limit.

But the problem is that they have 4 vehicles and on most days and night park on the street; sometimes the driveway is empty. They show no respect for the maximum 12 hour parking bylaw, either in the day or night; and little respect or concern for the neighbours like myself.

Most of my neighbours enjoy life here because of the unique cul-de-sac park setting and it's a great place for kids to play and learn to ride bicycles. Having our street crowded with cars is a safety issue and frustrates and angers most of us. It's not just a winter snow plowing issue, although the plow can't fit to drive around the court with cars parked, so the operator is forced to leave a barrier where he has to stop and back away.

We've experienced years of problems with tenants and too many vehicles, and to my knowledge rarely are parking tickets issued.

Since late August, every night student cars are parked illegally on Bonycastle Crt.

So far I've been unable to prevent illegal student rooming houses in our single family neighbourhood.

I live at 24 Bonycastle Crt in a home that has been in my family since about 1973. I'm very angry that my quality of life in my home is deteriorating because of some investors making profits renting to students, at my expense. I'm appalled that the City isn't enforcing the existing bylaws.

Gord Binnington
Thanks Andrea,
Very interesting, what’s a garden suite?

I found a problem with the Proposed Zoning #17 Floor Area...
How can a bungalow have a basement apartment when it states "less than principal residence"???
Please follow Provincial advise of "no development charges if less than or EQUAL to..."

Also didn't see the map it refers to?

201 Belmont Ave is a bungalow=2 equal levels. Please advise.
Thanks again
Merri Corrigall
I am in favour of allowing detached secondary units. With the high cost of housing ownership, extremely high city taxes, the need for intensification and an aging population that may want to live independently but close to family members secondary units make sense. I am in favour of attached and detached secondary units. Many individuals build monster homes that invade their neighbor's privacy. I don't see a difference between allowing secondary units attached or detached. Discrimination must not be the underlying motive for allowing one type of development over another. I'm in favour of secondary units.

Marion Rubens
Good morning Andrea;

Thank you for your presentation yesterday regarding D35-003-2018 yesterday.

The key take away for me to pass along to the Sydenham District Association leadership would seem to be that permissions for secondary residential units will be returning to ZBL 8499 sometime before the end of 2019 when the comprehensive report goes to Planning and then presumably on to council.

There are fuller thoughts, from a resident’s perspective, than I gave last night that might be of some value to the project. I’d like some time to live with the information but am hopeful to either submit via email or take you up on your offer possibly to meet to discuss. When is the tentative soft or hard target date for final remarks prior to finalizing the comprehensive report going to Planning?

I’ll give you one narrative example of the rationale behind the comment I made last night regarding basements in my area in Sydenham—

I believe the City is focusing on the permission(s) only from a City street-level servicing perspective. My resident experience and perspective, as follows:

When we bought our house from my wife’s grandparents in 2010 we were required to renegotiate the insurance with Allstate. At that time they capped our basement insurance at $20,000 coverage. They would not go higher due to the area we lived in and the ‘known’ occurrence of basement flooding. Even though we had a family first-hand knowledge that the house had neither sump pump nor water issues since it was built in 1953. Neighbours on either side have sump pumps and back ups due to water; however, our house seems to be up on a shelf from the underground creek that used to run along our back fence line – that fence line incidentally the historical border of Kingston and Portsmouth and our property an old garden location of the Penitentiary.

Anyway, in July of 2011 (I believe without confirming) Kingston had a rare weather event that caused the storms/sewers to back up almost everywhere and unfortunately it backed up into our basement through a basement shower drain.

The $20,000 insurance cap left $15,000 after the emergency service call that gutted the bottom two feet of the walls of our entire basement and sucked up and dried out our basement. Some neighbours’ repair costs were 40-50 thousand dollars. And consequently, we still today have portions of our once-finished basement that still require completion. Utilities Kingston were never able to provide satisfactory answer as to why at the top of a hill and start of a run our basement was filled but frankly there was work being conducted in the area and I’m inclined to believe that it played a role in constraining the system in my area. They (UK) will also tell you we have segregated sewer and storm but 9” of water at the height of the issue flooded my basement – how?
After the event, the insurance company would not cover our basement without a backflow valve preventer and even then only for a lower amount than the previous $20,000 plus the monthly premium increase.

Each major storm, 7 years later, we still nervously check our basement – thankfully no water since. Over our years in the house I have heard yearly new stories of people living in the core suffering similar issues. Many houses on my street have sump pumps running continuously. This anecdotal information does not match UK’s confidence that cellars and basements, save a few key areas, are safe as-of-right locations for encouraging secondary residential units.

Therefore, to me, I’d want to know you’ve used some scientific measurement system that accounts the anecdotal information and builds a criteria to ensure those cellars and basements that are ‘green lighted’ are worthy. That might be using backflow preventer and sump pump data from the municipal program or a proactive policy that indicates that in order to generate units below grade these items must be in place as standard. Finally, it would be good to know from the insurance perspective that people’s homes and contents will in fact be insurable at replacement cost if living below grade in core areas of Kingston. That is a pressure the City might be able to exert on behalf of residents.

Having lived in a constrained cellar in Toronto in the Annex for three years we well-know there are enough issues in those type units let alone adding significant water issues that are ever-present in Kingston. These future units, and ideally Affordable units, should be of high quality, safe and protected.

It may be this is all too much verbosity for your needs & project but it gives example of one layperson’s perspective. If of further benefit, I could also delve into other aspects (time permitting) that might be of benefit; but I’ll let you decide if that would have any value and get back to me about further input.

I’ve great respect and trust that Greg Newman and your project would not be moving forward if it wasn’t at its core the correct approach. Good luck with it.

Cheers, Don.