



CITY COUNCIL MEETING NO. 2012-07

Tuesday, February 21, 2012 at 6:15 pm
in the Council Chamber at City Hall.

Council will resolve into the Committee of the Whole “Closed Meeting”
and will reconvene as regular Council at 7:30 pm.

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(Council Chamber)

CALL MEETING TO ORDER



ROLL CALL



THE COMMITTEE OF THE WHOLE “CLOSED MEETING”

- (1) **THAT** Council resolve itself into the Committee of the Whole “Closed Meeting” to consider the following item(s):
 - (a) Personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations - Oakwood Preschool Program;
 - (b) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Kingston Inner Harbour;
 - (c) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – K-Rock Centre;
- (2) **THAT** Council rise from the Committee of the Whole “Closed Meeting” without reporting.



APPROVAL OF ADDEDS



DISCLOSURE OF POTENTIAL PECUNIARY INTEREST



PRESENTATIONS



DELEGATIONS

- (1) Mr. John Wright will speak to Council regarding Report No. (32), Options for Honouring the Tragically Hip.



BRIEFINGS



PETITIONS



MOTIONS OF CONGRATULATIONS, RECOGNITION, SYMPATHY, CONDOLENCES AND SPEEDY RECOVERY

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery are presented in order of category as one group and voted on as one motion.

Motions of Congratulations

- 1) Moved by Councillor Berg
Seconded by Councillor Hector

THAT the congratulations of Kingston City Council be extended to Ms. Linda Patterson who received the Queen Elizabeth II Diamond Jubilee Medal for her devotion to the wellbeing of family, community and the country. Ms. Patterson has spent the last 25 years improving safety for children and seniors via the Block Parent Program of Canada. Her work with the Block Parent program was heavily influenced by her time in Kingston where she volunteered and attended Kingscourt Public School and QECVI. Congratulations Ms. Patterson!



DEFERRED MOTIONS



REPORTS

REPORT NO. 30: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 30

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

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

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

(a) Special Olympics Ontario – Spring Games 2012 (May 31–June 2, 2012) Request for Complimentary Transit Service

THAT athletes, families, and other delegates with Special Olympics Ontario – Spring Games 2012 credentials be permitted to use Kingston Transit at no charge for the period of May 31 to June 2, 2012; and

THAT Kingston Transit staff collect ridership information for future fare policy development.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-087) is attached as Schedule Pages 1-4)

(File No. CSU-T03-000-2012)

(b) The Zoning Issues and Strategy Study Consultant Selection and Award of RFP-F31-SG-PD-2011-02 File No. PLA-F31-002-2011

THAT the MMM Group consulting team in association with Lehman & Associates and Ecoplans Limited be retained to undertake the Phase 1, Zoning Issues and Strategy Study which was recommended to Planning Committee in Report No. PC-11-047 dated August 4, 2011 and was accepted by City Council at its meeting of August 16, 2011; and

THAT the cost of the study be established at \$199,645.58 including all consulting fees and disbursements (and including HST); and

THAT the Mayor and City Clerk be authorized to enter into an agreement, to the satisfaction of the Director of Legal Services, for the purpose of engaging the MMM Group to undertake the preparation of the Zoning Issues and Strategy Study.

(The Report of the Commissioner of Sustainability and Growth (12-081) is attached as Schedule Pages 5-11)

(File No. CSU-F31-000-2012), (File No. CSU-D14-000-2012)

REPORTS (CONTINUED)

REPORT NO. 30: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(c) Commemorative Integrity Statement for Frontenac County Court House, National Historic Site of Canada

WHEREAS Parks Canada requires that prior to its approval of a Commemorative Integrity Statement (CIS) that the document be endorsed through the signature(s) of the property owner(s); and

WHEREAS Council has previously approved a Commemorative Integrity Statement for the Frontenac County Courthouse on July 19, 2011 (Report 76, Clause 1); and

WHEREAS the document has been provisionally approved by Parks Canada's National Office;

THEREFORE BE IT RESOLVED THAT in order to meet the requirements of Parks Canada, Mayor and City Clerk be authorized to endorse the Frontenac County Court House Commemorative Integrity Statement, dated April 2011; and

THAT following the completion of the municipal signatures, that Frontenac County Court House Commemorative Integrity Statement be forwarded to Parks Canada for signatures and final approval by Parks Canada's representatives.

(The Report of the Commissioner of Sustainability and Growth (12-090) is attached as Schedule Pages 12-15)

(File No. CSU-R01-000-2012)

(d) Authorized Requester Agreement with Ministry of Transportation for Human Resources

THAT Council authorizes the Mayor and Clerk to sign the Authorized Requester Agreement with the Ministry of Transportation, in a form satisfactory to the Director of Legal Services, to enable the City to obtain driver information from the Ontario Ministry of Transportation to ensure employees of the City of Kingston who are required to operate vehicles and equipment owned, leased, or rented by the City hold a valid and appropriate class of driver's license.

(The Report of the City Treasurer (12-091) is attached as Schedule Pages 16-19)

(File No. CSU-H11-000-2012)



REPORTS (CONTINUED)

**REPORT NO. 31: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(RECOMMEND)**

Report No. 31

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) Renewable Energy Projects – Municipal Consultation and Review Process

THAT Council direct staff to implement the municipal consultation and review process for renewable energy projects, as outlined in Report No. 12-078; and

THAT Council direct staff to determine the costs incurred by the City for the review of renewable energy projects and the completion of Municipal Consultation Forms, and to bring forward an amendment to the City's Fees and Charges By-Law (By-Law No. 2005-10) so that these costs can be recovered from the developer.

(The Report of the Commissioner of Sustainability and Growth (12-078) is attached as Schedule Pages 20-42)

(File No. CSU-E11-000-2012)

(2) Working Group for Grass Creek Park Master Plan, Phase One – Guiding Principles & Public Visioning

THAT Council appoint two (2) members of Council, being the Councillor from Pittsburgh District and a member of the Arts, Recreation and Community Policies Committee to the Grass Creek Park Visioning Working Group; and

THAT Council appoint two (2) alternate members of Council to the Grass Creek Park Visioning Working Group should the principal appointees not be able to fulfill their roles.

(The Report of the Commissioner of Community Services (12-083) is attached as Schedule Pages 43-50)

(File No. CSU-R04-000-2012)

(See Miscellaneous Motion No. (1))

(3) Update on the Kingston Inner Harbour Sediment Remediation Initiative

THAT Council recognizes the strategic importance of Kingston's Inner Harbour and its adjacent lands to the sustainable development and quality of life of our community, and

THAT Council authorize City staff to continue working with the Cataraqui River Stakeholders Group to delineate environmental conditions within Kingston's Inner Harbour and seek management solutions where required, and

REPORTS (CONTINUED)

**REPORT NO. 31: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(RECOMMEND)**

THAT Council approve \$60,000 to be funded from the Environment Reserve Fund for the completion of further environmental analysis.

(The Report of the Commissioner of Sustainability and Growth (12-093) is attached as Schedule Pages 51-55)

(File No. CSU-E05-000-2012)



REPORTS (CONTINUED)

REPORT NO. 32 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSIDER)

Report No. 32

To the Mayor and Members of Council:

The Chief Administrative Officer reports and requests that Council consider the following:

Note: A motion of Council is required to provide direction to staff.

(1) Options for Honouring the Tragically Hip

THAT Council provide direction to staff as to the manner in which they would like to publicly honour The Tragically Hip as important citizens who have made significant contributions to the Kingston community, considering the following:

Option: Rename a portion of Barrack Street to Tragically Hip Way

THAT Council rename a portion of Barrack Street to Tragically Hip Way, Council would have to pass the street renaming by-law attached as Exhibit 'D' and request that the City Clerk advertise the 'Notice of Intention to Pass the By-law' between second and third reading of the By-law, fully recognizing that the partial renaming of the street does not fall within the terms of the civic addressing by-law; and

THAT staff prepare a Cultural Heritage Interpretive Program, including signage, to recognize the historical significance of the original Barrack Street name; and

THAT costs for the name change and signage be funded from the Municipal Capital Reserve Fund; and

THAT Council approves the road renaming by-law attached as Exhibit D to this report; and

THAT the City Clerk be requested to advertise Notice of Intention to Pass the by-law between the second and third readings of the by-law.

Option 2: Retain the Barrack Street name but post an honorary name sign for The Tragically Hip

THAT Council consider the option that the portion of Barrack Street between King Street and Ontario Street (shown as Exhibit 'B') be posted as Tragically Hip Way with the use of honorary signage to be designed and installed by the City as soon as possible;

REPORTS (CONTINUED)

REPORT NO. 32 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSIDER)

Option 3 - Walk of Fame

THAT City staff be requested to work with City stakeholders to bring forward a concept for the Walk of Fame that recognizes The Tragically Hip;

Option 4 – Naming of a Public Asset in the North Block

THAT City staff provide options to the name a public asset in the future North Block development (park, laneway, building, public place) during the redevelopment phasing of the North Block;

Option 5 – Public Art

THAT City staff provide a framework and budget for the development of a piece of public art (monument, sculpture, mural, montage) to honour The Tragically Hip;

Option 6 – Heritage Interpretation Program

THAT the Heritage Interpretation Program incorporate aspects to honour The Tragically Hip interpretive information to be provided within the entertainment area of the K-Rock Centre.

(The Report of the Commissioner of Sustainability and Growth (12-089) is attached as Schedule Pages 56-94)

(File No. CSU-R00-000-2012)



REPORTS (CONTINUED)

REPORT NO. 33: RECEIVED FROM THE PLANNING COMMITTEE

Report No. 33

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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

1) Williamsville Main Street Study, - Study Completion – Implementation

THAT the Williamsville Main Street Study – Urban Design Guidelines be received in fulfillment of the terms of reference and the selected Proposal for this project; and

THAT City and Utilities Kingston staff further evaluate availability of sanitary servicing within the Study Area, and determine timing of development and funding through the budget preparation process; and

THAT Kingston Hydro be requested to evaluate availability of electrical servicing within the Study Area, and determine timing of development and funding through the budget preparation process; and

THAT the Williamsville Urban Design Guidelines be used to evaluate development proposals and that appropriate development controls be used to ensure that capacity exists prior to development proceeding; and

THAT the Planning and Development Department be requested to amend the Official Plan and Zoning By-law No. 8499 as needed to implement the Williamsville Main Street Study, and

THAT the Planning and Development Department be requested to prepare a Community Improvement Plan to address clean-up of the brownfields sites within the Study Area.

2) Application for Zoning By-Law Amendment, 471 Cataraqui Woods Drive

THAT the Application for Zoning By-Law Amendment (Our File No. D14-229-2011) submitted by 4434668 Canada Inc. for the property municipally known as 471 Cataraqui Woods Drive, **BE APPROVED**; and

THAT the Cataraqui North Zoning By-Law No. 97-102, as amended, be further amended as follows:

1. That the following Section 7.4, MU1*1, 471 Cataraqui Woods Drive be amended as follows:

Notwithstanding any provisions of this By-Law to the contrary, that in addition to the existing MU1*1 Zone provisions, that the lands designated 'MU1*1' shall be used and developed in accordance with the following additional provisions:

- i) **Maximum Gross Leasable Retail Area:**
the maximum gross leasable retail area shall be 2,999 square metres.
- ii) **Permitted Uses:**
That in addition to the uses permitted in the Special Mixed Use 'MU1*1' Zone a retirement home use and accessory personal service shop, retail use and recreational use to be utilized exclusively by the retirement home residents and staff are permitted;
- iii) That for the purposes of zone interpretation all parcels within the 'MU1*1' Zone shall be treated as a single parcel;
- iv) **Maximum Building Height:**
a maximum building height of 26 metres for a retirement home use
- v) **Parking:**
That for the purposes of a retirement home use the minimum of 0.60 parking spaces per dwelling unit shall be provided.
- vi) the maximum residential density shall be 150 dwelling units per hectare;
- vii) permit a dwelling unit equivalency ratio of 2 retirement home suites, as defined herein, to one dwelling unit (2:1 units) is permitted for a retirement home use; and
- viii) **Retirement Home Suite:**
Shall be defined as a habitable space designed for living and sleeping consisting of studios, one or two bedrooms, private bathroom and separate entrance from a common hall, and a kitchenette which may include convenience facilities such as a bar fridge and a microwave oven, but without full cooking facilities; and

THAT the Amending By-Law be presented to City Council for all three readings.

(See By-Law No. (1), 2012-50)

**3) Application for Zoning By-Law Amendment, Hydro Corridor abutting 566
Catarauqui Woods Drive**

THAT the application for Zoning By-Law Amendment (Our File No. D14-228-2011) submitted by Infrastructure Ontario, for the site abutting the property located at 566 Catarauqui Woods Drive, **BE APPROVED**; and

THAT the former Township of Kingston Zoning By-Law No. 76-26, as amended, be further amended as follows:

1. That Zone Map No. 3 of Zoning By-Law No. 76-26, as amended, is hereby further amended by changing the zone symbol of a portion of the subject site from 'M6-1' to 'M6-18' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2012-51; and

THAT the By-Law be presented to City Council for all three readings.

(See By-Law No. (2), 2012-51)

**4) Application for Official Plan Amendment, Zoning By-Law Amendment and Draft
Plan of Subdivision, 3480 Princess Street**

THAT the application for Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Subdivision (Our Files No. D09-051-2010 and D14-182-2010 and D12-055-2010) submitted by IBI Group, on behalf of 1278804 Ontario Corporation, for the property municipally known as 3480 Princess Street, **BE APPROVED**; and

THAT the City of Kingston Official Plan be amended as follows:

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

1. The Official Plan for the City of Kingston is hereby amended by the following map change which shall constitute Amendment No. 12 to the Official Plan for the City of Kingston.
 - (a) **AMEND** Schedule '3-A, Land Use of the Official Plan for the City of Kingston, so as to designate 3480 Princess Street, as shown on Schedule 'A' to By-Law No. 2012-52, as 'Residential' and 'District Commercial'; and

THAT the Official Plan Amendment By-Law be presented to City Council for all three readings; and

THAT it be recommended to Council that the former City of Kingston Zoning By-Law No. 76-26, as amended, be further amended as follows:

1.1. Map 2 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from 'D-3' to 'R4-37-H' and D-3 to 'C2-67-H', as shown on Schedule "A" attached to and forming part of By-Law No. 2012-____.

1.2. By **Adding** a new Section 15(3)(jj) thereto as follows:

"(jj) **'R4-37-H' – 3480 Princess Street**

Notwithstanding the provisions of Section 15 hereof to the contrary, the lands Zoned 'R4-37' on Schedule 'A' hereto, the following regulations shall apply:

- 1) Permitted use: Row Dwelling House
- 2) Lot Area Minimum: 190 square metres
- 3) Lot Frontage Minimum: 6.0 metres and 12.0 metres for corner lots
- 4) Exterior Side Yard Minimum: 3.0 metres
- 5) Interior Side Yard Minimum: 1.2 metres for end units
- 6) Landscaped Open Space Minimum: 30%
- 7) Lot Coverage Maximum: 50%
- 8) Building Height Maximum: 11 metres
- 9) Notwithstanding any regulations to the contrary the maximum number of dwelling units per row dwelling house shall be 4 dwelling units
- 10) Minimum Rear Yard Setback: 7.62 metres."

1.3. By **Adding** a new subsection 19 (bo) thereto as follows:

"(bo) **'C2-67-H' - 3480 Princess Street**

Notwithstanding the provisions of Section 20 hereof to the contrary, the lands Zoned 'C2-67' on Schedule 'A' hereto, the following regulations shall apply:

- 1) Permitted uses, limited to: a retail use; a restaurant, except a drive through restaurant; a clinic, a veterinary clinic, a commercial club, a personal service shop, a day nursery, a public use, in accordance with the provisions of Section 5(18) hereof; a professional and business office use; a commercial school, a financial institution; a mixed commercial/residential use
- 2) Prohibited uses: automobile and vehicle sales and service establishment, a gasoline retail facility; boat sales and rental establishment, ground floor residential use, a drive through facility accessory to a permitted use
- 3) Lot Area Minimum: 3,700 square metres
- 4) Lot Frontage Minimum: 23 metres
- 5) Exterior Side Yard Minimum: 9.0 metres
- 6) Interior Side Yard Minimum: 9.0 metres for end units
- 7) Landscaped Open Space Minimum: 15%
- 8) Lot Coverage Maximum: 60%

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- 9) Building Height Maximum: 15 metres
 - 10) The minimum height of ground floor commercial in a mixed commercial/residential building shall be 4.0 metres.
 - 11) Maximum Floor Area per Professional and/or Business Office Use: 200 square metres
 - 12) Maximum aggregate floor area of Professional and/or Business Office Uses: 600 square metres
 - 13) For the purposes of this Zone a Mixed Commercial/Residential use shall be defined as, "a building or structure which is used for a mixture of commercial and residential uses, where the entire ground floor of such building or structure shall be used for commercial purposes"; and,

THAT the Zoning By-Law Amendment By-Law be presented to City Council for all three readings; and

THAT it be recommended to Council that the application for Draft Plan of Subdivision (File No. D12-055-2010) submitted by 1278804 Ontario Corporation for the property municipally known as 3480 Princess Street **BE APPROVED**, subject to the following conditions:

STANDARD CONDITIONS OF DRAFT PLAN APPROVAL

1. Approved Draft Plan:

That this approval applies to the Draft Plan of Subdivision, prepared by IBI Group, dated 07/10/2011 which shows the following:

- 5 residential blocks (Blocks 1- 5);
- 1 block for open space (Block 9);
- 1 block for road widening purposes (Block 8);
- 1 block for private road (Block 7); and
- 1 block for commercial block (Block 6).

2. Streets and Civic Addressing:

- (a) That the road allowances included in this Plan shall be shown and dedicated as public highways.
- (b) That the road allowances within the Plan shall be designed in accordance with the Municipality's engineering standards and shall be dedicated to the Municipality free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (c) That Prior to Final Approval, the Owner shall submit proposed street names for approval by the Planning and Development Department and shall be included on the first submission of the engineering drawings. The Streets

within this Plan shall be named to the satisfaction of the City, in consultation with the Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-law.

- (d) That Prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the City's Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the final plan is registered and the final lot layout has been confirmed.
- (e) For lots with more than one road frontage, the lots will be addressed on the road frontage on which primary vehicular access is situated. Prior to applying for a building permit the Owner shall confirm with the Planning and Development Department the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City's Civic Addressing and Road Naming By-Law and emergency response requirements.
- (f) That the Owner shall agree that the location and design of any **construction access** shall be approved by the Municipality and/or the appropriate authority.

3. Reserves and Easements:

- (a) That any dead ends and open sides of the road allowances created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality. A 0.3 metre reserve shall be applied to the east property boundary north of the private lane access and extending to the intersection of the north and east property lines.
- (b) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

4. Financial Requirements:

- (a) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services but not limited to including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit for the Municipality's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and

stamped by a professional engineer. The cost estimate shall be submitted in the Municipality's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.

- (c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the Municipality.
- (d) That the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

5. Subdivision Agreement:

- (a) That the Owner shall enter into the Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.
- (b) The Subdivision Agreement between the Owner and the Municipality be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

6. Holding Provisions:

That the Municipality shall require the use of '-H' Holding Provisions in accordance with Section 36 of the *Planning Act*. The terms for the removal of the Holding '-H' Holding Symbol shall be in accordance with Section 6(6) of Zoning By-Law No. 76-26 and shall require the following:

- confirmation of sufficient servicing capacity for the development;
- that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner; and
- that a Zone Change Application has been approved by the Municipality to remove the '-H' Holding Symbol.

7. Engineering Drawings:

- (a) **That Prior to Final Plan Approval**, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and

services for on-site and off-site, prepared and certified by a Professional Engineer and designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.

- (b) **That Prior to Final Plan Approval**, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality's standard format for incorporation into the Pre-Servicing and Subdivision Agreement.
- (c) That the applicant will be responsible for the design of a sidewalk along Princess Street from Baxter Avenue to Westbrook Road. The applicant will not be responsible for the construction of the sidewalk but will be required to provide cash in lieu for the construction of the sidewalk by the City at a future date.

8. Revisions to Draft Plan:

- (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the Municipality.
- (b) **That Prior to Final Plan Approval** of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
- (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

9. Phasing:

- (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the Municipality, subject to all applicable fees.
- (b) That the **phasing** of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.
- (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
- (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required

clearances may relate to lands not located within the phase sought to be registered.

10. Zoning By-Law Compliance:

- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the Planning Act.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

11. Required Studies:

- (a) **That Prior to Final Plan Approval**, the Owner shall submit a **Geotechnical Study**, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (b) **That Prior to Final Plan Approval**, the Owner shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, rev. 1997). The acceptable method for this demonstration would be a **Phase I Environmental Site Assessment (ESA)** performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) or remediation. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality. Should site remediation be required to meet the applicable soil and ground water criteria set out in applicable guidelines, the Owner shall submit to the Municipality **Prior to Final Plan Approval**, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.
The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the Municipality, meet the applicable soil and ground water criteria.
- (c) **That Prior to Final Plan Approval** all recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the

Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

- (d) **That Prior to Final Plan Approval, a Stormwater Management Report** and implementing plans for the development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality and Cataraqui Region Conservation Authority. Such plans shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.
- (e) **That Prior to Final Plan Approval**, the Owner shall submit a detailed **Noise Impact Study** prepared to the satisfaction of the Municipality and the Ministry of Environment. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

12. Archaeological Assessment:

- (a) That the Owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource requirements.
- (b) **That Prior to Final Plan Approval and Prior to Commencement of any Works** on any site identified as being archaeologically significant, the Owner shall carry out archaeological excavations of such sites to the satisfaction of the Ministry of Culture and the Municipality; the Owner shall agree to take protective measures required by the Municipality for such sites.
- (c) Should archaeological resources be found on the property during construction activities, the *Ministry of Culture* must be notified immediately.
- (d) In the event that human remains are encountered during construction, the proponent must immediately contact both the *Ministry of Culture* and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the *Ministry of Government Services*. (1-800-268-1142).

13. Stormwater Management:

- (a) **That Prior to Final Plan Approval**, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a

qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.

- (b) **Prior to Final Plan Approval and Prior to any Works Commencing on the Site**, the Owner shall submit for approval by the Municipality and the Cataraqui Region Conservation Authority (CRCA), a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
- i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
 - ii) the location and description of all outlets and other facilities;
 - iii) storm water management techniques which may be required to control minor and major flows;
 - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
 - v) overall grading plans for the subject lands; and
 - vi) stormwater management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- (c) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.
- (d) **That Prior to Final Plan Approval**, text shall be included in the Subdivision Agreement between the Owner and Municipality, to the satisfaction of the Cataraqui Region Conservation Authority, to advise the Owner of the requirement to obtain a permit under Ontario Regulation 148/06: Development Interference with Wetlands and Alterations to Shorelines and Watercourses from the Cataraqui Region Conservation Authority, prior to the placement or re-grading of fill on the site, and to advise the purchasers of Lots / Blocks 1-5, inclusive and Blocks 6 & 7 that a permit from the Conservation Authority may be required prior to the issuance of a building permit by the Municipality.

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

- (a) That the owner shall provide cash-in-lieu of parkland in the amount of up to 5% residential and up to 2% commercial land shown in the plan of subdivision to the Municipality for park or other public recreational purposes based on the value of the land the day before draft plan approval. Where the subdivision exceeds 15 units per residential hectare of land, the rate for cash-in-lieu of parkland shall be required at one hectare (2.5 acres) for each 300 dwelling units.
- (b) That Prior to Final Plan Approval, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.
- (c) That prior to any grubbing/clearing or construction on parcel(s) of land, a tree preservation plan is approved and/or a permit requested under the Tree By-Law.

15. Tree Inventory / Street Trees:

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

16. Community Mailboxes:

- (a) **That Prior to Final Plan Approval**, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mailboxes within the Plan, and shall identify such locations on drawings for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the Subdivision.
- (b) **That Prior to Final Plan Approval**, the Owner shall, in consultation with and to the satisfaction of the Municipality, provide detailed design plans for the community mailboxes including a landscape plan showing street furniture and complimentary architectural features.
- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).

17. Bell Canada Requirements:

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

- i. that the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,
- ii. that the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.
- iii. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

18. Hydro One Requirements:

- (a) **That Prior to Final Plan Approval**, the Owner/Subdivider shall submit to Hydro One the lot grading and drainage plan, showing existing and final grades, for review and approval. Drainage must be controlled and directed away from the Hydro One corridor.
- (b) That the Hydro One corridor is not to be used without the express written permission of Hydro One Networks Inc. During construction, there shall be no storage of materials or mounding of earth or other debris on the right-of-way. The Owner shall be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.
- (c) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.

19. Utilities Requirements:

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

20. Fire and Rescue:

- (a) The proposed private roadway shall have a 6 metre paved surface for two way vehicular traffic and serve as an unobstructed fire route. Parking will not be permitted on the 6 metre paved surface. The private roadway is to be designed to the satisfaction of the City.
- (b) Design of the right in access to the fire route from Princess Street is required to provide a minimum 12m centre line turning radius for fire department vehicle access.

21. Warning Clauses:

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

(a) within the entire subdivision plan:

- “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants.”
- “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet Municipality of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions”.
- “Purchasers and/or tenants are advised that the planting of trees on Municipality boulevards in front of residential units is a requirement of the Municipality and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the Municipality reserves the right to relocate or delete any boulevard tree without further notice.”
- “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”

(b) abutting a potential transit route:

- “Purchasers and/or tenants are advised that the following streets may be used as transit routes in the future: Princess Street, Westbrook Road and Baxter Avenue.

22. Model Homes:

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

23. General Conditions:

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- (a) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality's Tariff of Fees By-Law.
 - (b) That when requesting Final Approval from the Municipality, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area to the requirements of the Zoning By-Law.
 - (c) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
 - (d) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the municipality.
 - (e) **That Prior to Final Plan Approval**, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
 - (f) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality.
 - (g) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.
 - (h) That an existing shed located at 1437 Avondale Crescent appears to encroach onto the property. Depending on the size of this structure; if it is to be relocated or demolished, a demolition permit may be required.
 - (i) The owner shall convey the lands shown as Block 8 on the draft survey plan prepared by IBI Group, dated 07/10/2011 to the Municipality as a road widening.
 - (j) The owner agrees that at such time as the lands shown as Block 6 on the draft survey prepared by Hopkins & Cormier Surveying Limited, dated 07/10/2011 are developed the owner shall provide a Traffic Impact Study prepared by a professional engineer to the satisfaction of the City of Kingston to indicate any possible impacts and/or improvements required to the existing roads as a result of this development.

- (k) At final plan of subdivision the private road shall be created by way of easements over the lands to be subdivided. Copies of the reference plan and registered easements shall be submitted to the City of Kingston as part of the final plan of subdivision process.

24. Clearance Letters:

- (a) **That Prior to Final Plan Approval**, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- (b) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 11(d) and 13 have been satisfied.
- (c) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by Ontario Hydro the method by which Conditions 18 have been satisfied.

25. Lapsing Provisions:

- (a) That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of **three (3) years from the date of issuance of Draft Plan Approval** if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

NOTES TO DRAFT PLAN APPROVAL:

1. It is the Applicant's responsibility to fulfill the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning and Development Department of the City of Kingston.
2. When requesting Final Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied along with the appropriate clearance letter from the Agency, Ministry or body requesting the condition.

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3. **Prior to Final Plan Approval**, the Applicant shall submit to the Municipality of Kingston for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
 4. When requesting final approval, such a request must be directed to the Planning and Development Department and be accompanied with:
 - four (4) mylars and four (4) paper prints of the completed Final M-Plan,
 - four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
 - a Surveyor's Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.
 5. All measurements in subdivision final plans must be presented in metric units.
 6. Hydro One advises that an electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER – Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
 7. The Final Plan approved by the Municipality must be registered within thirty (30) days or the Municipality may, under Subsection 51(59) of the Planning Act, withdraw its approval.

(See By-Law No. (3), 2012-52)

(See By-Law No. (4), 2012-53)

5) **Applications for Official Plan Amendment and Zoning By-Law Amendment Eastern portion of 725 Highway 15 (Residential portion of application)**

THAT the applications for Official Plan Amendment and Zoning By-Law Amendment (Our File No. D09-061-2011 and D14-221-2011) submitted by Homestead Land Holdings Limited, for the property located on the eastern portion of the lands at 725 Highway 15), **BE APPROVED**; and

THAT the City of Kingston Official Plan be amended as follows:

1. The City of Kingston Official Plan, as amended, is hereby further amended by the following map and text change which shall constitute **Amendment No. 13** to the City of Kingston Official Plan:

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- a) **AMEND** Schedule 'RC-1', 'Rideau Community', of the City of Kingston Official Plan, so as to re-designate a portion of the property located on the east side of Highway 15, north of Barrett Court, as shown on Schedule 'A' to By-Law No. 2012-54, from 'Highway Commercial' to 'High Density Residential (RC-1-3)'.
2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 10B.14.3:

**"725 Highway
15
SSP No. RC-1-3**

10B.14.3 On the lands located on the rear portion of 725 Highway 15 and designated as High Density Residential, the following policies apply:

- a. the maximum number of dwelling units shall be 180;
- b. the maximum permitted density is 160 dwelling units/net ha; and,
- c. no lot frontage is required on the condition that access is provided by way of a shared right-of-way registered on title."

THAT the Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

1. That Zoning Schedule "A", Map 4 of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zone symbol to 'R3-13' for the lands shown as "Subject Lands Rezoned from CH-10 to R3-13" on Schedule "A" attached hereto and forming part of amending By-Law No. 2012-55.
2. That the following be **added** as Section 11 (3)(m) of the By-Law:

"(m) 725 Highway 15

Notwithstanding any provisions of Section 5 or Section 11 hereof to the contrary, on the lands zoned 'R3-13' on Schedule "A" attached hereto, the following provisions shall apply:

- a) LOT AREA (minimum):
 - (i) Apartment dwelling house: 62.8 square metres per dwelling unit
- b) LOT FRONTAGE (minimum): There shall be no minimum lot frontage requirement
- c) SETBACKS FROM ZONE LINE:
 - a. West zone line: 10.8 metres
 - b. North, east and south zone lines: 15.5 metres

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- d) SETBACKS FROM ZONE LINE FOR UNDERGROUND PARKING GARAGE: 0.25 metres
 - e) DWELLING UNIT AREA (minimum):
 - a. Dwelling unit containing 1 bedroom: 55 square metres
 - b. Dwelling unit containing 2 bedrooms: 73 square metres
 - f) MAXIMUM NUMBER OF DWELLING UNITS: 180
 - g) MAXIMUM BUILDING HEIGHT: 44 metres
 - h) YARD WHERE PARKING AREA PERMITTED: All yards”

THAT the Amending By-Laws be presented to City Council for all three readings.

(See By-Law No. (5), 2012-54)

(See By-Law No. (6), 2012-55)

Note: Exhibits of Report No. 30, Received from the Planning Committee are attached as Schedule Pages 95-106



REPORTS (CONTINUED)

REPORT NO. 34: RECEIVED FROM THE KINGSTON MUNICIPAL HERITAGE COMMITTEE

Report No. 34

To the Mayor and Members of Council:

The Kingston Municipal Heritage Committee reports and recommends as follows:

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

Note: There are no clauses (below) which must be dealt with this evening in order to meet the requirements of the Ontario Heritage Act.

- 1) **Approval of alterations at 623 King Street West also known as Portsmouth Town Hall for replacement of main roofing material, restoration of the cupola and roof, repair/replacement of elements of the flashing and flagpole, replacement of soffit, fascia and gutters, masonry repairs, some stone replacement, repairs to chimney masonry, replacement of chimney flashing and installation of a chimney cap, and installation of a furnace vent.**

THAT Council consent to the approval of alterations to the designated property located at 623 King Street West also known as Portsmouth Town Hall in accordance with the details described in Application P18-233-009-2012 and the submission dated January 17th, 2012 that was deemed complete by the Planning and Development Department on January 26th, 2012, said alterations requesting approval for a restoration project involving replacement of main roofing material with a wood shingle system, restoration of the cupola including replacing the wood structure of the roof associated with the cupola, replacement of cupola roof with a terne coated stainless steel shingle, repair/replacement of elements of the flashing and flagpole, replacement of soffit, fascia and gutters on an in-kind basis, masonry repairs, some stone replacement to match existing, repairs to chimney masonry, replacement of chimney flashing and installation of a chimney cap, installation of a furnace vent through a rear facade windowpane subject to the following terms and conditions:

1. Roofing material may be altered to metal roofing;
2. Shingle detail at the eave be adjusted for more direct water flow into the gutter;
3. Further information regarding door replacement be submitted to the Kingston Municipal Heritage Committee together with brow detail over the door;
4. A paint scheme for the project will be submitted to the committee;

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5. A Building Permit Application is required for any structural repairs, replacement, and alterations;
 6. The masonry repairs are encouraged to be completed in accordance with the Heritage Masonry Guidelines;
 7. The approval does not include the aspect of the submission pertaining to the reinstatement of a portico, as this project requires more detailed information that should be filed with heritage staff for consideration at a future meeting.

2) Approval of alterations at 262 Main Street, Barriefield Village for a garage extension with two fixed skylights.

THAT Council consent to the approval of alterations to the designated property located at 262 Main Street, Barriefield Village in accordance with the details described in Application P18-487-006-2012 and the submission dated January 12th, 2012 that was deemed complete by the Planning and Development Department on January 26th, 2012, said alterations requesting approval to add a 6' x 12' extension to the attached garage, with two fixed skylights, shingles and vinyl siding to match existing garage/house subject to the following terms and conditions:

1. Windows could be aluminum clad or fibreglass;
2. A building permit application is required for the proposed scope of work;
3. In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7123) and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted;
4. In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8494), the Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7123), and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted.

3) Approval of alterations at 137 Queen Street for the restoration of the Stuart Monument in the Lower Burial Ground involving repointing and several areas of stone rebuilding and restoration.

THAT Council consent to the approval of alterations to the designated property located at 137 Queen Street in accordance with the details described in Application P18-308-007-2012 and the submission dated January 13th, 2012 that was deemed complete by the Planning and Development Department on January 26th, 2012, said alterations requesting approval for the restoration of the Stuart Monument in the Lower Burial

Ground involving repointing on the inside and out and several areas of stone rebuilding and restoration subject to the following terms and conditions:

1. In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7123) and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted;
2. In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8494), the Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7123), and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted;
3. The applicant is encouraged to complete the project in accordance with the Heritage Masonry Guidelines;
4. Should any of the repair activities i.e. scaffolding, dumpsters etc., require use of the City Right Of Way, an encroachment permit will be required. The encroachment permit can be obtained from Brad Morton of the City's Engineering Department. He can be reached at bmorton@cityofkingston.ca or telephone at 613-546-4291 ext. 3147. The encroachment permit application can be found on the City website at http://cityofkingston.ca/pdf/engineering/app_encroachment.pdf.

4) Approval of alterations at 320-322 King Street East for the installation of new signage in the form of 8 individual 'letter cans' with LED back lit lighting for the last three letters.

THAT Council consent to the approval of alterations to the designated property located at 320-322 King Street East in accordance with the details described in Application P18-696-010-2012 and the submission dated January 19th, 2012 that was deemed complete by the Planning and Development Department on January 26th, 2012 said alterations requesting approval for the installation of 100" wide new signage in the form of 8 individual 'letter cans', 12" x 12" and 6" deep with LED back lit lighting for the last three letters subject to the following terms and conditions:

1. A Sign Permit Application is required;
2. The applicant is encouraged to ensure that the signage is installed in accordance with the Heritage Masonry Guidelines with all fasteners set in mortar, any holes drilled from the outside in and electrical wiring to be of a dimension sized to pass through the masonry joint;
3. The proposed sign will require an encroachment permit. The sign must meet the minimum height requirement to satisfy municipal by-law;

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4. Should any of the repair activities i.e. scaffolding, dumpsters etc., require use of the City Right Of Way, an encroachment permit will be required. The encroachment permit can be obtained from Brad Morton of the City's Engineering Department. He can be reached at bmorton@cityofkingston.ca or telephone at 613-546-4291 ext. 3147. The encroachment permit application can be found on the City website at http://cityofkingston.ca/pdf/engineering/app_encroachment.pdf.

5) Approval of alterations at 76 Mowat Avenue for the demolition of a detached shed, the construction of a detached shed with asphalt shingles, and revised details for a previously approved screened in porch to install a double in-swing terrace door and construct a solid roof with a skylight.

[Note: A pecuniary interest was declared by Member, Mr. Mac Gervan as he is acting as agent for the owner.]

THAT Council consent to the approval of alterations to the designated property located at 76 Mowat Avenue in accordance with the details described in Application P18-257-012-2012 and the submission dated January 24th, 2012 that was deemed complete by the Planning and Development Department on January 26th, 2012 said alterations requesting approval for the demolition of a detached shed and the construction of a detached board and batten sided shed with asphalt shingles that is slightly larger 16' x 12' with overhangs on the south and north sides. Details have also been revised for a screened in porch (P18-257-001-2009 previously approved in February 2009) to install a double inswing terrace door and construct a solid roof with a skylight instead of a roof with removable screens subject to the following terms and conditions:

1. Required details of the work will be forwarded to City staff prior to the issuance of a building permit, and the details will not alter the exterior appearance of the building as proposed with the exception of a slight reduction in the overhang of the shed;
2. In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7123) and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted;
3. In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8494), the Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7123), and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted.

6) Request regarding Heritage Staffing

WHEREAS the City of Kingston has had one less Heritage Planner on staff since April 2010; and

WHEREAS we anticipate absenteeism from Heritage staff in a few weeks time; and

WHEREAS there are legal obligations regarding the time period in which an application must be dealt with; and

WHEREAS the City wants to serve its citizens in as expeditious manner as possible; and

WHEREAS the busy season for Heritage property applications is about to start;

THEREFORE BE IT RESOLVED THAT the Kingston Municipal Heritage Committee recommends to Council that Council ask the Chief Administrative Officer (CAO) to fill these positions with individuals familiar and experienced in matters related to historic properties as quickly and efficiently as possible, so that Heritage applications may be dealt with in a timely manner.



COMMITTEE OF THE WHOLE

INFORMATION REPORTS

(1) 2012 Priority Matrix

In 2011, Council approved the Corporate Work Plan as included in Kingston's Strategic Plan. In order to ensure that the priorities of Council are achieved through compliance with this work plan, the 2012 Priority Matrix reporting document has been updated to reflect the Work Plan and the priorities.

(The Report of the Chief Administrative Officer (12-068) is attached as Schedule Pages 107-120)

(File No. CSU-C08-000-2012)

(2) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of December 2011

This information report is to:

1. Advise Council of tenders/RFPs approved and contracts awarded greater than \$50,000 that meet the established criteria of delegated authority for the month of December 2011.
2. Report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of December 2011.

(The Report of the City Treasurer (12-059) is attached as Schedule Pages 121-126)

(File No. CSU-F18-000-2012)

MISCELLANEOUS BUSINESS

Motions of Council are required:

- (1) **THAT** Council appoint Councillor Reitzel from the Pittsburgh District, and Councillor _____, a member of the Arts, Recreation and Community Policies Committee to the Grass Creek Park Visioning Working Group; and

THAT Council appoint Councillor _____ and Councillor _____ to the Grass Creek Park Visioning Working Group should the principal appointees not be able to fulfill their roles.

(See Clause No. 2, Report No. 31)

- (2) **THAT** as requested by the St. Lawrence Parks Commission, Council designate the "Father's Day Beer Festival", being held Sunday, June 17, 2012, from noon to 8pm, at

Fort Henry, as an event of municipal significance, to which Special Occasion Permits may be issued by the Alcohol and Gaming Commissioner of Ontario.

(See Communication No. 07-092)



NEW MOTIONS

- 1) Moved Councillor Glover
Seconded Councillor Schell

WHEREAS in 1970 the rate of provincial payments in lieu of taxes for universities was arbitrarily set at \$25 per full time student; and

WHEREAS in 1973 that was doubled to \$50 per student and the payment was expanded to include hospitals and provincial correctional institutions; and

WHEREAS in 1987 that rate was increased by 50%, still without apparent justification, to \$75 per student and bed; and

WHEREAS that rate has remained constant since that time despite the fact that inflation would in 2012 require an almost doubling the payment (\$146); and

WHEREAS at least sixty-five communities have called for an increase in payments; and

WHEREAS heads of universities are supporting that call; and

WHEREAS Premier McGuinty has looked to the municipalities of the province to be the economic engine of Ontario; and

WHEREAS the payments in lieu of taxes do not meet the actual costs of municipalities to provide the necessary services for the various institutions, thus placing an unfair tax burden on their property tax payers, thereby jeopardizing a municipality's ability to meet infrastructure demands, and consequently weakening their ability to act as economic engines;

THEREFORE BE IT RESOLVED THAT the City of Kingston calls on the government of the Province of Ontario to include in the budget now being prepared an increase to the payments in lieu of taxes; and

THAT the City of Kingston calls on the Province of Ontario to meet with the host municipalities for the purpose of reviewing the basis for payments in lieu of taxes, and determining a stable foundation going forward for those payments that meets associated costs prior to the 2013 budget cycle; and

THAT copies of this motion be sent to: the Premier Dalton McGuinty; the Honourable Dwight Duncan, Minister of Finance; the Honourable John Gerretsen, MPP for Kingston and Islands; all Ontario municipalities with any of hospitals, post secondary institutions or provincial correctional institutions; the Large Urban Mayors Caucus of Ontario (LUMCO); the Eastern Ontario Mayors Committee (EOMC), and the Association of Municipalities of Ontario (AMO).



NOTICES OF MOTION




MINUTES

THAT the Minutes of City Council Meeting No. 2012-06, held Tuesday, February 7, 2012 be confirmed.

(Distributed to all Members of Council on Friday, February 17, 2012)



TABLING OF DOCUMENTS

- 2012-23 Downtown Kingston BIA! Board of Management
Minutes – January 11, 2012
(File No. CSU-A01-001-2012)
- 2012-24 Kingston Police Services Board
Agenda – February 16, 2012
(File No. CSU-P17-000-2012)
- 2012-25 Kingston Police Services Board
Minutes – January 26, 2012
(File No. CSU-P17-000-2012)
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COMMUNICATIONS

That Council consent to the disposition of Communications in the following manner:

Filed

- 07-086 From the Municipality of Tweed, advising that the Municipality of Tweed's Council passed a resolution in support of that of the City of Kingston's resolution regarding Healthy Food Supplement.
(File No. CSU-S04-000-2012)
- 07-090 From the Township of South Dundas, advising that the Township of South Dundas' Council passed a resolution in support of that of the City of Kingston's resolution regarding Healthy Food Supplement for adults on social assistance.
(File No. CSU-S04-000-2012)

Referred to Commissioner of Sustainability and Growth

- 07-083 From Clair Bostwick, expressing concerns regarding Homestead's Development Plans for former Hyland's Motel Property.
(File No. CSU-D22-000-2012)
(Distributed to all Members of Council on February 9, 2012)
(See Report No. 33)

Referred to All Members of Council

- 07-084 From Andrew Jackson, expressing concerns regarding the Williamsville Mainstreet Study.
(File No. CSU-D18-000-2012)
(Distributed to all Members of Council on February 9, 2012)
- 07-085 From Jeff Fisher, expressing concerns regarding the Williamsville Mainstreet Study.
(File No. CSU-D18-000-2012)
(Distributed to all Members of Council on February 9, 2012)
- 07-088 From AMO, providing breaking news regarding MOE's direction to Waste Diversion Ontario.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on February 10, 2012)
- 07-089 From Stantec Consulting Ltd., providing information on Widlectric Inc's proposed Amherst Island Wind Energy Project and a Notice of Draft Site Plan.
(File No. CSU-E05-000-2012)
(Distributed to all Members of Council on February 10, 2012)
- 07-091 From Ian MacDonald Gemmill, MD with KFL&A Public Health, regarding amendments to the City of Kingston Smoking By-Law #2002-231, and requesting an invitation to speak at the March 6, 2012 Council meeting.
(File No. CSU-S08-001-2012)
(Distributed to all Members of Council on February 14, 2012)
- 07-092 From Will Baird, Special Events, Promotions, and Sponsorship Coordinator with St. Lawrence Parks Commission, an application for a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario for the "Father's Day Beer Festival" located at Fort Henry June 17, 2012.
(File No. CSU-P09-000-2012) (File No. CSU-M02-000-2012)
(Distributed to all Members of Council on February 14, 2012)
(See Miscellaneous Business Item No. (2))
- 07-093 From the Honourable Kathleen Wynne, Minister of Municipal Affairs and Housing, regarding the Long-Standing Service Program.
(File No. CSU-C00-000-2012)

(Distributed to all Members of Council on February 15, 2012)

07-093 From AMO, regarding new information/education sessions about current LAS/AMO programs and services.

(File No. CSU-A01-004-2012)

(Distributed to all Members of Council on February 15, 2012)

Referred to the City Clerk

07-087 From the Kingston General Hospital, asking that Council proclaim May 7 to May 13, 2012 as "Nursing Week" in the City of Kingston.

(File No. CSU-M10-000-2012)

(Distributed to all Members of Council on February 10, 2012)



OTHER BUSINESS



BY-LAWS

(A) **THAT** By-Laws (1) through (7) be given their first and second reading.

(B) **THAT** By-Laws (1) through (10) be given their third reading.



(1) A By-Law to Amend By-Law No. 97-102, "Cataraqui North Zoning By-Law" (Modify the Existing MU1*1 Zone, 471 Cataraqui Woods Drive)
THREE READINGS PROPOSED NO. 2012-50
(See Clause (2), Report No. 33)

(2) A By-Law to Amend By-Law No. 76-26, "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston" (Modify site-specific "Restricted General Industrial" – 'M6-1', Hydro corridor lands abutting 566 Cataraqui Woods Drive)
THREE READINGS PROPOSED NO. 2012-51
(See Clause (3), Report No. 33)


(3) A By-Law to Amend the Official Plan for the City of Kingston Planning Area (Amendment No. 12, known municipally as 3480 Princess Street)
THREE READINGS PROPOSED NO. 2012-52
(See Clause (4), Report No. 33)

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- (4) A By-Law to Amend By-Law No. 76-26, "A By-Law to Regulate the Use of Lands and the Character, Location, and Use of Buildings and Structures in the Township of Kingston"
(Zone Change from Special Development 'D-3' Zone to Special Residential Type 4 'R4-37' Zone and Highway Commercial 'C2-67' Zone, 3480 Princess Street)
THREE READINGS PROPOSED NO. 2012-53
(See Clause (4), Report No. 33)
- (5) A By-Law to Amend the Official Plan for the City of Kingston Planning Area (Amendment No. 13, 725 Highway 15)
THREE READINGS PROPOSED NO. 2012-54
(See Clause (5), Report No. 33)
- (6) A By-Law to Amend By-Law No. 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"
(Zone Change from 'CH-10' to 'R3-13', 725 Highway 15)
THREE READINGS PROPOSED NO. 2012-55
(See Clause (5), Report No. 33)
- (7) A By-Law to Amend By-Law No. 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" to Remove the '-H' Holding Symbol Related to the 'LSR-H' Limited Service Residential Zone (62 Riverside Drive, Concession 1, Part Lot 4 St. Lawrence River)
THREE READINGS PROPOSED NO. 2012-56
(Delegated Authority)
- (8) A By-Law to Amend By-Law No. 2003-88 "A By-Law to Authorize the Establishment of a Social Housing Capital Reserve Fund (Purpose – Create a Sustainable Source of Funding for Capital Projects for Local Not-for-Profit Housing Providers)"
THIRD READING PROPOSED NO. 2012-48
(See Clause (5), Report No. 27)
- (9) A By-law To Stop Up, Close and Declare Surplus the Portion of Resource Road Highway Described as Part 1 on Draft Reference Plan 13R-20332.
THIRD READING PROPOSED NO. 2012-41
(See Clause (g), Report No. 20)
- (10) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, February 21, 2012
THREE READINGS PROPOSED NO. 2012-57
(City Council Meeting No. 2012-07)
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ADJOURNMENT