

By-Law Number 2015-XX

A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston” (Zone Change from ‘A2’ to ‘A2.468’, 432 Union St.)

Passed: XXX, 2015

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

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

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

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:

1.1. Map 29 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘A2’ to ‘A2.468’, as shown on Schedule “A” attached to and forming part of By-Law Number 2015-____.

1.2. By **Adding** the following section 468 in Part VIII – Exceptions To Various Zone Classifications as follows:

“468. **432 Union Street**

Notwithstanding the provisions of Section 8 and Section 5 hereof to the contrary, the lands designated ‘A2.468’ on Schedule ‘A’ hereto, the following provisions shall apply:

(a) Definitions:

- (i) "Principal Residential Unit" means the main/core structure intended for human habitation, on a lot.
 - (ii) "Second Residential Unit" means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.
- (b) Additional Permitted Uses:
- A Second Residential Unit
- (c) Prohibited Uses:
- Garden Suite;
Boarding House;
Lodging House;
Rooming House.
- (d) Minimum Side Yard Width:
- (i) a side yard shall be provided on either side of the main building;
 - (ii) the minimum aggregate side yard width shall be no less than 3.6 metres;
 - (iii) each side yard shall not, at any point in its length, be a lesser width than 0.9 metres;
 - (iv) main buildings other than dwellings or accessory building if 4.6 metres or less high, each side 3.0 metres, and for each additional 0.6 metres in height in excess of 4.6 metres (each side) 0.3 metres.
- (e) Second Residential Unit:
- (i) Second Residential Unit Area:
A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:

- (a) floor area occupied by mechanical, service, and electrical equipment that serve the building;
 - (b) an open porch or balcony; and
 - (c) areas internal to the building that are intended for the storage of vehicles.
- (ii) Second Residential Units Per Dwelling House
(maximum): 1 only

(iii) Access:

The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.1 metre wide unobstructed walkway from the front of the building to the access is provided.

(iv) Parking and Driveway:

- (a) Second Residential Unit: 1 parking space
- (b) The required parking may be provided through a tandem or stacked parking arrangement on a driveway located in the front yard, provided that the width of such driveway does not exceed the width of the garage walls.
- (c) An additional driveway shall not be permitted for a second residential unit."

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

Given all Three Readings and Passed: Meeting date, 2015

John Bolognone
City Clerk

Bryan Paterson
Mayor



THE CORPORATION OF THE CITY OF KINGSTON

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

Applicant: Karey Barr & Brent Greer Barr

File Number: D14-110-2015


Address: 432 Union Street

Legal Description: PLAN 54 PT LOT 17 RP;
13R19838 PARTS 1 2 AND 6

ARN: 1011070070122100000

Legend:

Reference By-Law 8499 Map 29

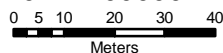
 Subject Lands Rezoned from A2 to A2.468

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____,
passed this _____ day of _____ 2015.

Planning, Building
& Licensing Services
a department of
Community
Services

PREPARED BY: A. Dowker
DATE: 3/23/2015



Mayor

Clerk

By-Law Number 2015-XX**A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston” (Zone Change from ‘M1’ Industrial Zone to Site-Specific ‘M9.469-H’ Industrial Zone and Site-Specific Arterial Commercial ‘C2.471’ Zone, 1122 John Counter Boulevard)****Passed:** XX, 2015

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

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

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

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Map 8 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘M1’ Industrial Zone to Site-Specific ‘M9.469-H and Site-Specific Arterial Commercial ‘C2.471-H, as shown on Schedule “A” attached to and forming part of By-Law Number 2015-____.
 - 1.2. By **Adding** the following section 469 in Part VIII – Exceptions To Various Zone Classifications as follows:

“469. 1122 John Counter Boulevard

Notwithstanding the provisions of this By-Law to the contrary, the lands designated ‘M9.469-H’ on Schedule ‘A’ hereto, the following regulations shall apply and only the following uses shall be permitted:

a) Permitted Uses are limited to:

(i) Residential uses are prohibited.

(ii) Non-residential uses are limited to:

(a) Industrial or Business Uses

(i) corporate administrative offices,

(ii) business and professional offices,

(iii) commercial school,

(iv) education centre,

(iv) education facility,

(vi) day care centre,

(vii) data processing and related services (including call centres),

(viii) film or recording studio,

(ix) laboratory,

(x) research and development facilities,

(xi) Technologically advanced manufacturing, fabricating and assembling operations for the production high value products (non-noxious),

(xii) Office and business services, such as printing and equipment repair.

(b) Commercial uses:

(i) bank or financial institutions,

(ii) clinic,

(iii) retail stores,

(iv) restaurants, and

(v) personal service shop.

- b) Commercial uses shall be limited to a maximum of 25% of the built gross floor area.
- c) Maximum number of freestanding restaurants shall be two (2).
- d) Accessory uses:
 - (i) Accessory uses are permitted in accordance with the General Provisions unless otherwise specified;
 - (ii) A maximum of 25% of the total floor area for any single tenant or business may be used for the purposes of the display and retail sale of products manufactured, processed, fabricated or assembled on the premises.
- e) Open storage is prohibited.
- f) Minimum Front Yard Depth: 3 metres
- g) Minimum Side Yard Depth: 3 metres
- h) Landscaped Open Space: 3 metres along an arterial road
- i) A loading zone shall be provided for each building.
- j) Parking
 - (i) No parking space shall be located closer than 10 metres from a residential zone.
 - (ii) The required minimum parking ratio shall be 3.0 parking spaces per 100 square metres of gross floor area
 - (iii) The design standards of a regular parking stall shall be 2.6 metres wide by 5.2 metres long
 - (iv) The design standards of a barrier free parking stall shall be 3.7 metres wide by 5.2 metres long.
- k) 'H' Holding Zone Provisions:
 - (i) The 'H' Holding provision applies to the following uses separately or in combination:
 - (a) day care centre

- (b) public use as per Section 5.1 (a), (b) and (c)
- (c) education centre
- (d) education facility

(ii) The 'H' Holding provision may be removed for any one of the above listed uses or any combination of the above uses at such time as a Phase 1 Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition is prepared by a qualified person as defined by the City of Kingston and is completed to the satisfaction of the City of Kingston and adherence to all municipal and provincial requirements.

(iii) The 'H' Holding Zone provision will only be removed for the specified use(s) for which the Phase I Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition is applicable. All other listed uses will remain subject to the holding provision. Separate assessment(s) and a record of Site Condition and associated clearances must be submitted for all subsequent requests to remove the holding provision to permit additional listed uses.

1.3. By **Adding** the following section 471 in Part VIII – Exceptions To Various Zone Classifications as follows:

"471. 1122 John Counter Boulevard

Notwithstanding the provisions of this By-Law to the contrary, the lands designated 'C2.471-H' on Schedule 'A' hereto, the following regulations shall apply and only the following uses shall be permitted:

- a) Permitted uses are limited to:
 - (i) accessory building to any use permitted in the C2.384 zone,
 - (ii) bank or financial institutions,

- (iii) car wash,
- (iv) clinic,
- (v) dry cleaning and related services,
- (vi) gas station including a car wash,
- (vii) neighbourhood stores,
- (viii) personal service shop,
- (ix) restaurant, including a drive-through facility, and
- (x) retail stores.

b) Minimum Front Yard Depth: 3 metres

c) Minimum Side Yard Depth: 3 metres

d) A loading zone shall be provided for each building.

e) Parking

- (i) The required minimum parking ratio shall be 3.0 parking spaces per 100 square metres of gross floor area
- (ii) The design standards of a regular parking stall shall be 2.6 metres wide by 5.2 metres long
- (iii) The design standards of a barrier free parking stall shall be 3.7 metres wide by 5.2 metres long.

f) 'H' Holding Zone Provisions:

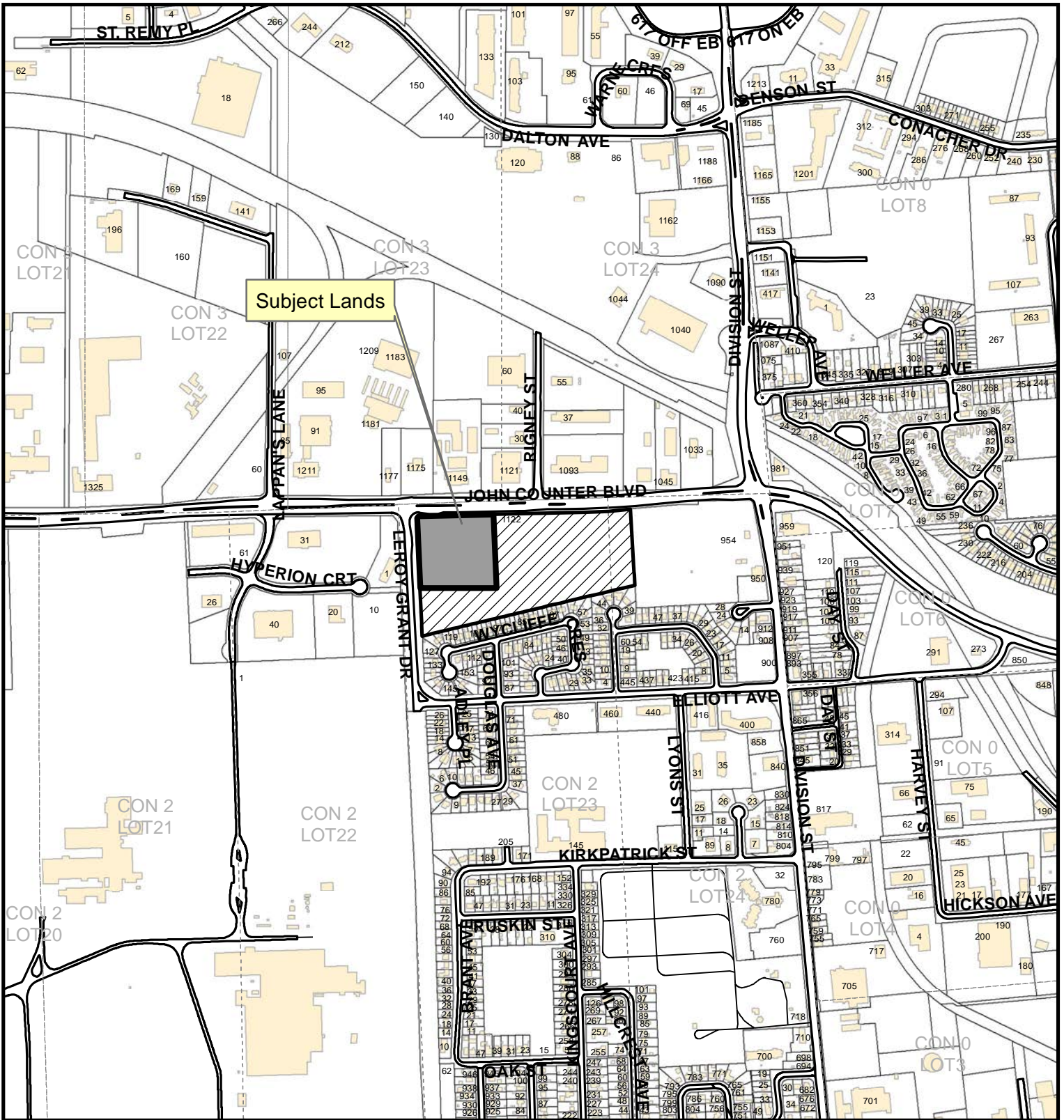
- (i) The 'H' Holding provision applies to the following use:
Public use as per Section 5.1 (a), (b) and (c)
- (ii) The 'H' Holding provision may be removed for the above listed use at such time as a Phase 1 Environmental Site Assessment and any subsequent assessments as necessary, including a Record of Site Condition is prepared by a qualified person as defined by the City of Kingston and is completed to the satisfaction of the City of Kingston and adherence to all municipal and provincial requirements.

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

Given all Three Readings and Passed: Meeting date, 2015

John Bolognone
City Clerk

Bryan Paterson
Mayor



THE CORPORATION OF THE CITY OF KINGSTON

SCHEDULE 'A' TO BY-LAW NUMBER _____

Applicant: Fort Henry Investments Inc.
 File Number: D14-093-2014
 Address: 1122 John Counter Blvd
 Legal Description: CON 2 PT 22 23 RP 13R13163;
 PARTS 1 2 3 4
 ARN: 1011050140144000000

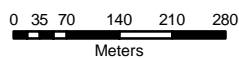
Legend:

Reference By-Law 8499 Map 9

- Subject Lands Rezoned from M1 to C2.471-H
- Subject Lands Rezoned from M1 to M9.469-H

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____,
 passed this _____ day of _____ 2015.



Mayor

Clerk