

Proposed City-Initiated Official Plan Amendment

File Numbers: D09-004-2021 and D09-005-2021

New City-Wide Zoning By-law and Central Kingston Growth Strategy

The City of Kingston has initiated Official Plan amendments to better enable the New City-Wide Zoning By-law (to be titled Kingston Zoning By-law) to implement the intent of the existing Official Plan policies and to implement the final policy recommendations from the Central Kingston Growth Strategy with respect to identified intensification areas.

This document provides a general summary of the amendments, their consistency with the Provincial Policy Statement (2020) and their conformity to the general intent of the existing Official Plan. For further details on the proposed amendments, please review Schedule 'A' of the draft By-law, which provides an itemized list of the amendments.

Proposed Official Plan Amendment related to the new Kingston Zoning By-law

The new Kingston Zoning By-law project has identified several areas where amendments to the Official Plan are required to better implement the existing policy intent. The amendments can be summarized into the following seven (7) themes and generally explained as follows:

1. Additional Residential Units / Tiny Houses

Amendments to the Official Plan are proposed to reflect recent *Planning Act* changes that replace 'second residential units' with 'additional residential units', which would enable one additional residential unit within a principal dwelling or place of worship and one additional residential detached from the principal dwelling unit or place of worship. Similarly, the Official Plan will replace the term 'Garden Suite' with the more modern term 'Tiny House'. Schedule 11-C 'Servicing Constraints' will be removed as a similar overlay will be included within the new Kingston Zoning By-law.

2. Places of Worship / Schools

Amendments to the Official Plan are proposed to establish complementary uses for places of worship, which would enable a broader array of services to be provided to the community. Additionally, amendments to the Official Plan are proposed to remove funding distinctions between schools to enable the new Kingston Zoning By-law to regulate the land use based on the use of the facility, rather than the users.

3. Environmental Protection Areas

Amendments are proposed to the Official Plan that would transition the method 'riparian corridors', being lands within 30 metres of a waterbody, are protected by the Official Plan.

4. On-Farm Diversified Uses / Agriculture-Related Uses

Amendments are proposed to the Official Plan to provide greater clarity on the process to establish on-farm diversified uses and agriculture-related uses, including amendments to the existing review criteria.

5. Complementary Uses and Outdoor Storage within Employment Areas

Amendments are proposed to the Official Plan to provide greater clarity on the process to establish a complementary use within an employment area designation, including the introduction of review criteria. Amendments are also proposed to clarify the appropriate locations for outdoor storage within an employment area designation.

6. Delegated Authority

Amendments are proposed to the Official Plan to enable Council to delegate its authority to make decisions on various technical amendments to the zoning by-law, in accordance with the *Planning Act*.

7. Housekeeping

Various technical amendments are proposed to the Official Plan to update section numbering, references to review agencies and to provide clarity to existing policies where the amendments do not alter the existing interpretation.

Proposed Official Plan Amendment related to the Central Kingston Growth Strategy

The City initiated the Central Kingston Growth Strategy (CKGS) in 2017 to provide a policy and regulatory framework to guide infill and intensification in the central area of the city. The CKGS recommends establishing three new intensification areas which are intended to accommodate most growth within the central area of the municipality and thereby reduce development pressures on the areas less suited for intensive development. An Official Plan amendment is proposed to implement the final CKGS policy recommendations, which focus on providing greater clarity on compatible intensification and providing specific policy direction for the future intensification areas.

The proposed intensification areas and the height maximums are as follows:

- Johnson Street and Brock Street Corridor – maximum height of 6 storeys,
- Portsmouth Avenue Corridor – maximum height of 4 storeys, and
- Sir John A. Macdonald Boulevard and Bath Road area – maximum height of 12 storeys along the Sir John A. Macdonald Boulevard and Bath Road frontages and 6 storeys along the Wright Crescent frontage.

A summary of the proposed CKGS Official Plan amendments is provided below:

- Section 2.3.6 of the Official Plan which refers to the City undertaking an intensification study for the near campus neighbourhoods is proposed to be deleted as the Central Kingston Growth Strategy is now complete.
- An amendment is proposed to Section 2.4.3 of the Official Plan to indicate that it is the intent of the City that intensification be achieved within Centres and Corridors, as well as in Secondary Plans and Specific Policy Areas, where permitted. The purpose of this amendment is to reinforce that the increase in net residential density be achieved in appropriate locations.
- A new Section 10G Central Kingston Specific Policy Area is proposed to be added to the Official Plan to provide policy guidance with respect to future development in the proposed intensification areas identified through the Central Kingston Growth Strategy. This section includes policies related to permitted uses, urban and sustainable design, building and site design, parking, vehicular access, parkettes, etc. and also specific policies which apply to each of the intensification areas.
- An amendment is proposed to Schedule 13 Detailed Planning Areas by deleting Planning Area 13 and replacing it with a new Specific Policy Area 13 called “Central Kingston Specific Policy Area”.
- A new Schedule CK-1 Central Kingston Specific Policy Area is proposed to be added to show the boundaries of the proposed intensification areas.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS)(2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests. The following discussion demonstrates that the proposed amendments to the Official Plan are consistent with the PPS.

Proposed Official Plan Amendment related to the new Kingston Zoning By-law

1. Additional Residential Units / Tiny Houses

Section 1.1.1 of the PPS indicates that healthy, liveable and safe communities are sustained, in part, by the provision of an appropriate affordable and market-based range and mix of residential types, including additional residential units. Section 1.4.3 provides further guidance to permit and facilitate “all housing options required to meet the social, health, economic and well-being requirements of current and future residents”, where the definition of housing options includes additional residential units and tiny houses. The proposed amendment would transition the existing second residential unit policies to apply to additional residential units and clarify the process of establishing a tiny house within the municipality. The proposed amendments enable gentle intensification and increased housing options within the municipality.

2. Places of Worship / Schools

Section 1.1.1 of the PPS indicates that places of worship are an important component within healthy, liveable and safe communities and Section 3.1.5 indicates the schools are prohibited within hazardous lands and hazardous sites, but otherwise the PPS does not provide specific policy direction on these land uses.

The proposed amendment seeks to establish various complementary uses for places of worship to acknowledge the breadth of services that can be provided by these facilities to support the community. With respect to schools, the proposed amendment would remove the funding distinction between public and private schools and would not permit schools within hazardous lands.

3. Environmental Protection Areas

Section 2.1 of the PPS directs that natural features and areas shall be protected for the long-term and identifies the natural heritage features and their adjacent lands that are of provincial interest. Development is not permitted within these areas, unless, in certain instances, it has been demonstrated that there will be no negative impacts on the features or their ecological functions. Section 2.2 provides various directions to planning authorities to protect, improve or restore the quality and quantity of water at a watershed scale. In particular, planning authorities are directed to identify water resource systems, including natural heritage features and surface water features, which are necessary for the ecological and hydrological integrity of the watershed. Development and site alteration are directed away from sensitive surface water features such that their hydrologic functions are protected, improved, or restored.

The proposed amendment would adjust the method by which the Official Plan protects riparian corridors, being the lands within 30 metres of a waterbody, while maintaining the existing level of protection. Riparian corridors would be removed from the list of features that comprise the Environmental Protection Area designation, in favour of protecting the features through Natural Heritage 'B' policies and amendments to the 'Ribbon of Life' policies. The proposed amendments would maintain protection for these environmentally sensitive lands.

4. On-Farm Diversified Uses / Agriculture-Related Uses

Sections 1.1.5.2 and 2.3.3 of the PPS indicate that on-farm diversified uses and agriculture-related uses are permitted uses within the rural lands and prime agricultural areas within municipalities, provided the uses are compatible with and do not hinder surrounding agricultural operations. The PPS further indicates that these uses will be regulated in accordance with provincial guidelines, or municipal guidelines that maintain similar objectives. The proposed amendment seeks to protect agricultural uses from incompatible development by requiring on-farm diversified uses and agriculture-related uses to be established through a minor variance application. The proposed amendment would revise the review criteria to establish these uses and makes reference to applicable provincial guidance documents.

5. Complementary Uses and Outdoor Storage within Employment Areas

Section 1.3.1 of the PPS directs municipalities to provide a mix and range of employment and broader mixed uses to meet long-term needs and to maintain a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. Section 1.3.2 provides specific direction for employment areas and directs municipalities to protect and preserve employment areas for current and future uses and to provide the infrastructure

necessary to support current and projected needs. The proposed amendment seeks to maintain the existing intent of the Official Plan to allow complementary uses in appropriate quantities and locations to serve and support employment areas, while protecting the key employment uses of these lands. The proposed amendment would clarify the process to establish a complementary use within an employment area designation. The amendment includes the introduction of review criteria to establish a complementary use, which includes various provisions to protect the employment uses. Section 1.3.2.2 directs municipalities to provide appropriate separation or mitigation between employment and sensitive uses. The proposed amendment would clarify appropriate locations for outdoor storage within employment designations, while protecting sensitive uses.

6. Delegated Authority

Section 1 of the PPS broadly describes the importance of promoting efficient land use and development patterns that sustain the financial well-being of the Province and municipalities. The proposed amendment seeks to enable Council to delegate its authority to make decisions on various technical amendments to the zoning by-law. The proposed amendment would enable technical amendments to the zoning by-law to be implemented more efficiently and ensure appropriate regulation of development.

7. Housekeeping

The housekeeping amendments are technical in nature and do not alter the interpretation of existing policies and are consistent with the Provincial Policy Statement.

Proposed Official Plan Amendment related to the Central Kingston Growth Strategy

Various policies within Sections 1.1.3, 1.4, 1.6, and 1.8 of the PPS direct municipalities to support residential intensification and redevelopment opportunities within their settlement areas to provide an appropriate range and mix of housing options, make efficient use of infrastructure, support active transportation and transit, and promote energy efficient and compact built form. The proposed Official Plan amendment to implement the CKGS recommendations would establish specific policy direction for three new intensification areas within the central portion of the City. The intensification areas are intended to focus development pressures to appropriate locations, being those with: frontage on major corridors along edges of neighbourhoods; access to transit and active transportation networks; clusters of existing higher density development; infrastructure capacity; and proximity to amenities, services and institutional uses.

Allowing for intensification on strategically located sites will contribute to the City's overall density, sustainability and affordability goals and take advantage of existing public infrastructure investments. Although infrastructure servicing capacity limitations prevent the immediate enactment of permissions in the zoning by-law, once holding symbols proposed through the zoning by-law can be removed, the intensification anticipated for these areas would be able to be realized.

The proposed policy changes support the City's goals relative to climate change by encouraging sustainable design elements and permitting high-density residential uses along existing transit and active transportation routes in Central Kingston.

The proposed policies include feasible development standards to facilitate intensification and promote a compact built form, while respecting the existing character of surrounding neighbourhoods.

The proposed policies will contribute to the City's ability to accommodate residential growth at a time of prolonged low vacancy rates.

Official Plan Considerations

Proposed Official Plan Amendment related to the new Kingston Zoning By-law

1. Additional Residential Units / Tiny Houses

Section 3.3.11 provides primary policy direction to establish a second residential unit, with additional sections of the Official Plan providing supplementary policy. The proposed amendment seeks to replace the term 'second residential unit' with the term 'additional residential unit'. The amended policies would enable a maximum of one additional residential unit to be located attached or internal to a principal dwelling unit or place of worship and a maximum of one additional residential unit to be detached from the principal dwelling unit or place of worship, which is consistent with recent changes to the *Planning Act* and the PPS. Section 3.3.D.7 provides primary policy direction on Garden Suites, which the Official Plan defines as "a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable". The proposed amendment seeks to replace the term "Garden Suite" with the more modern term of "Tiny House", which is the terminology that will be used within the new Kingston Zoning By-law, and revise the policies to focus on the land use rather than the users.

2. Places of Worship / Schools

Sections 3.2.1 and 3.2.2 of the Official Plan provide policy direction on elementary and secondary schools, respectively, and currently differentiate between publicly- and privately funded schools despite these uses being similar in function and operation. The proposed amendment would remove the distinction between public and private schools to enable the new Kingston Zoning By-law to regulate the land use based on the use of the facility, rather than the users.

Section 3.2.4 provides the designations where places of worship will be permitted by the Official Plan, subject to various constraints. Places of worship have traditionally provided space for religious services but have transitioned over time to function as important community gathering places by providing meeting space for clubs and organizations during off-peak hours. Places of worship are distributed throughout the municipality and often include a variety of features to support large gatherings, such as cooking facilities, offices and gymnasiums. The proposed amendment seeks to acknowledge the complementary uses that places of worship commonly provide within the community, such as educational uses, daycare centres

and catering kitchens. The proposed amendment would enable the new Kingston Zoning By-law to better regulate places of worship and facilitate these complementary uses as of right.

3. Environmental Protection Areas

'Riparian Corridors' are identified as a Natural Heritage 'A' feature within Section 6.1 of the Official Plan and are shown as a 30 metre buffer from waterbodies on Schedule 7 of the Official Plan. Section 3.10 indicates that the Environmental Protection Area (EPA) designation is composed of Natural Heritage 'A' features. Development is generally prohibited from lands designated EPA, with the exception of riparian corridors; Section 3.10.2.1 allows development within the EPA designation on existing lots of record, provided the designation relates solely to a riparian corridor. The new Kingston Zoning By-law cannot effectively implement the conditionality associated with this existing Official Plan policy. Without an Official Plan amendment, the new Kingston Zoning By-law would be required to place all lands within 30 metres of a waterbody in a zone that prohibits development, which is not the existing intention of the Official Plan.

Amendments to Section 6.1 and Schedules 7 and 8 are proposed to transition 'riparian corridors' from a Natural Heritage 'A' feature to a Natural Heritage 'B' feature. Development is prohibited within a Natural Heritage 'B' feature, unless and Environmental Impact Assessment has confirmed no negative impacts. Further amendments are proposed to Section 3.9.2 to clarify that 'riparian corridors' and 'Ribbon of Life' generally refer to the same lands within 30 metres of a waterbody and that the intent of Section 3.9.2 is to a text-based policy and that waterbodies do not need to be shown on a schedule of the Official Plan in order to receive protection from development. Section 3.9.6 identifies existing exemptions for development within 30 metres of a waterbody for existing lots of record. Amendments to Section 3.10 are proposed to reflect the transition of riparian corridors to a Natural Heritage 'B' feature. The proposed amendments alter the method the Official Plan would use to protect lands within 30 metres of a waterbody from development while maintaining the existing level of protection.

4. On-Farm Diversified Uses / Agriculture-Related Uses

Sections 3.11.4 and 3.11.5 provide the primary policy direction for agriculture-related uses and on-farm diversified uses within Prime Agricultural Areas, with Sections 3.12.2 and 3.12.3 permitting the uses within the Rural Lands in accordance with the above noted policies. The intent of the existing policies was to protect agricultural uses while allowing on-farm diversified uses or agriculture-related uses that were compatible. The proposed amendment continues the existing intent to protect agricultural uses by introducing the requirement for on-farm diversified or agriculture-related uses to be established through a minor variance application and by revising the existing review criteria. This site-specific approach ensures that each application will satisfy the revised compatibility criteria.

5. Complementary Uses and Outdoor Storage within Employment Areas

Section 3.6 indicates that complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees by having

personal services and amenities in close proximity to employment uses. Sections 3.6.12 and 3.6.14 provide guidance on appropriate locations and size limitations for complementary, whereas Section 3.6.16 requires complementary uses to be established and regulated by separate zoning categories. The proposed amendment maintains the existing intent of the policies while providing greater clarity on the process to establish a complementary use, including the introduction of review criteria to ensure land use compatibility and protection for the employment lands. Further, the proposed amendment seeks to ensure the employment areas are appropriately supported by broadening the potential for complementary uses to all lands designated Business Park Industrial or General Industrial. The proposed amendment would broaden where outdoor storage would be permitted within the Business Park Industrial designation, while still protecting existing residential uses and residential zones. Further the proposed amendment would clarify how outdoor storage within the General Industrial designation will be regulated in the zoning by-law.

6. Delegated Authority

Section 9.4 provides direction on how Council may delegate their approval or advisory functions in accordance with enabling legislation, such as the *Planning Act*. The *Planning Act* was recently amended to enable municipal Councils to delegate approval for various forms of zoning by-law amendments to help streamline planning decisions. The proposed amendment would enable Council to delegate technical zoning by-law amendments, such as: updates to constraint mapping for additional residential units; updates to floodplain mapping as new information becomes available; amendments related to surplus farm dwellings; and amendments related to incorporating site specific zones into the new Kingston Zoning By-law.

7. Housekeeping

Various technical amendments are proposed to the Official Plan to update section numbering, references to review agencies, terminology and to provide clarity to existing policies where the amendments do not alter the existing interpretation.

Proposed Official Plan Amendment related to the Central Kingston Growth Strategy

The implementation of the intensification areas identified through the Central Kingston Growth Strategy are intended to satisfy the requirements of Section 2.3.6 which speaks to the City undertaking an intensification study for the near campus neighbourhoods to identify appropriate locations for medium or high density residential development.

Sections 3.3.B and 3.3.C of the Official Plan provide direction for medium- and high-density residential development, respectively. These sections provide general guidance on locational criteria, urban design considerations, built form compatibility and appropriate transitions. The proposed amendment would create a new Central Kingston Specific Policy Area in Section 10G This will include new intensification policies that build upon the existing general policies to provide detailed direction to shape future intensification within each of the three intensification areas. This Section of the Official Plan will establish policies related to suitable built form, expected height limits, and transition from existing

development in order to appropriately integrate new higher density development within the proposed intensification areas and also establish pedestrian-oriented streetscapes in these areas.

The following strategies are proposed to provide a transition between the intensification areas and the adjacent existing development:

- Building separation through rear setback and side setback requirements that provide transition between mid-rise/tall buildings and low-rise building forms;
- The use of stepbacks on upper floors of buildings taller than 4 storeys;
- Combination of a minimum rear setback and a landscaped buffer that provides visual screening and aesthetic enhancement; and
- Intervening streets that are utilized as a form of separation between buildings.

A Holding symbol is proposed to be added to the intensification areas in the Zoning By-law. The Holding symbol is directly related to the availability of servicing in the proposed intensification areas, and for the requirement to complete a more detailed transportation analysis.

Conclusion

The proposed amendments are consistent with the Provincial Policy Statement (2020) and conform to the general intent of the City of Kingston Official Plan.