



**City of Kingston
Report to Planning Committee
Report Number PC-16-072**

To: Chair and Members of Planning Committee
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: August 4, 2016
Subject: Comprehensive Report
File Number: D14-130-2015
Address: 241 University Avenue
Application Type: Zoning By-Law Amendment
Owner: Raymond Mak
Applicant: FoTenn Consultants Inc.

Executive Summary:

The following is a comprehensive report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by FoTenn Consultants Inc., on behalf of Raymond Mak, with respect to the subject site located at 241 University Avenue.

The applicant is requesting permission to demolish the existing building and construct a new multi-unit residential building. The proposed development includes a three storey residential building with four (4) dwelling units, fourteen (14) bedrooms, three (3) parking spaces, four (4) bicycle parking spaces and 169.9 square metres of amenity space. Three, four-bedroom dwelling units are proposed to be dispersed among the first, second and third floors with a total of 12 bedrooms along with a two-bedroom unit located in the basement. An amendment to the zoning by-law is requested to accommodate the increased density and lot coverage, reduced yard setbacks, front yard projection, reduced parking and amenity area, and no play space.

The requested zoning by-law amendment is appropriate as it is consistent with the Provincial Policy Statement and the policies of the City of Kingston Official Plan. The proposed built form appears consistent with that of the surrounding neighbourhood and should not result in significant impacts or changes to the neighbourhood. There are no concerns from external agencies or internal departments with respect to the zoning by-law amendment application.

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Recommendation:

That the following recommendation be approved and forwarded to Council on August 9, 2016 for consideration:

That it be recommended to Council that the application for a zoning by-law amendment (File Number D14-130-2015) submitted by FoTenn Consultants Inc., on behalf of Raymond Mak, for the property municipally known as 241 University Avenue, be approved; and

That 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, be further amended, as per Exhibit A (Draft By-Law and Schedule A to amend Zoning By-Law Number 8499) to Report Number PC-16-072; and

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

That the amending by-law be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Denis Leger, Commissioner, Corporate & Emergency Services Not required

Jim Keech, President and CEO, Utilities Kingston Not required

Desiree Kennedy, Chief Financial Officer & City Treasurer Not required

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Options/Discussion:**Background and Decision Date**

In accordance with By-Law Number 2007-43, this application was subject to a pre-application meeting held on May 27, 2014 with the Planning Division and various other departments and agencies. Following this, a formal submission was made by the applicant on June 22, 2015 and on July 14, 2015, this application was deemed complete in accordance with the *Planning Act*.

In accordance with Section 34(11) of the *Planning Act*, this application was subject to a decision by Council on or before January 1, 2016 which was 120 days after it was deemed complete. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Municipal Board (OMB). In this particular instance, the applicant has been working with staff through technical comments to refine the design of the proposed building on the subject property.

Application and Submission

The applicant is requesting permission to demolish the existing five-bedroom, single-family dwelling and construct a new multi-unit residential building. The proposed development includes a three storey residential building with four (4) dwelling units, fourteen (14) bedrooms, three (3) parking spaces, four (4) bicycle parking spaces and 169.9 square metres of amenity space.

The applicant is requesting an amendment to Zoning By-Law Number 8499 to permit a multiple family dwelling. As well, the applicant is seeking relief for parking, amenity area, play space, density, yards, front yard projections, and lot coverage and floor space index. An application for Site Plan Control for the proposed development is also being processed concurrently (File Number D11-114-2015).

In support of the application, the applicant has submitted the following:

- Planning Justification
- Parking Assessment
- Servicing and Stormwater Management Report
- Site Plan
- Floor Plans and Architectural Elevations
- Archaeological Assessment – Stage 1 and 2
- Heritage Impact Statement
- Addendum to Heritage Impact Statement
- Servicing and Grading Plan

All development applications are submitted and processed online via the Development and Service Hub – DASH. All supporting studies and information specific to this application is available through the DASH public portal: <https://www.cityofkingston.ca/business/dash>.

Site Characteristics

The subject property is located at 241 University Avenue within the University District and is surrounded by residential properties (Exhibit E). The subject property has an area of approximately 350 square metres with 10 metres of frontage on University Avenue. Currently, the subject property contains a two storey single detached dwelling (circa 1873) that contains

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one residential unit with five bedrooms. The subject property is not listed or designated under Part IV of the *Heritage Act*; however, 234, 236, 238, 240 and 242 University Avenue are designated.

Provincial Policy Statement

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

The proposed redevelopment of the subject property is a form of intensification within a settlement area which represents efficient development. This type of development helps to sustain the financial well-being of the municipality over the long term by promoting the efficient use of land and promoting cost-effective development that uses existing municipal services (Sections 1.1.1.a; 1.1.1.d - e; 0 1.1.3.2.a)1. – 1.1.3.2.a)5.).

Upon completion of the project, the site will accommodate an appropriate range of residential units including three, self-contained four bedroom residential dwelling units and one, self-contained two-bedroom residential dwelling unit (Section 1.1.1.b).

The application being considered is site specific to accommodate a specific proposal and does not involve any major policy issues. The proposed development is for intensification within a settlement area. It is anticipated that the proposed additional residential units and unit compositions for the site will contribute to an appropriate range of housing types. Section 2.4.5 of the Official Plan identifies the City's intent to increase the urban residential density by a minimum of 9% by 2026. The proposed development will contribute to achieving the City's goal in this regard. The provision of additional dwelling units will make use of existing infrastructure and public service facilities. The site is in close proximity to public transit routes and major employment uses including Queen's University and Kingston General Hospital, and supports other modes of transportation, including active transportation.

In summary, the application conforms to and is consistent with the applicable policies of the Provincial Policy Statement.

Official Plan Considerations

The subject property is designated as 'Residential' in the City of Kingston Official Plan (Exhibit C). The predominant use within the 'Residential' designation is residential dwellings, including detached, semi-detached or duplex dwellings, townhouses and apartments. In addition to the various forms of housing, community facilities such as schools and places of worship are also permitted. Small-scale, convenience commercial uses which support residential neighbourhoods and are compatible with the residential setting may also be permitted in the designation.

The Official Plan identifies that it is the intent of the City to increase urban residential density and that residential intensification targets are to be achieved through larger scale development; the expansion or conversion of existing buildings; the redevelopment of vacant, underutilized or brownfield sites; and infill developments (Section 2.4.5). Intensification is defined in the Official Plan as "the development of a property, site or area at a higher density than currently exists through; (a) redevelopment, including the reuse of brownfield sites; (b) the development of vacant and/or underutilized lots within previously developed areas; (c) infill development; and (d) the expansion or conversion of existing buildings".

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The subject property is located in a Housing District which are generally planned to remain stable but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and development that integrate compatibility with the prevailing built form including height, density and amenity that are generally found in the neighbourhood (Section 2.2.5).

Section 2.7.6 outlines mitigation measures between sites with different land uses or between sites of different density. This proposal has been evaluated with respect to the following criteria:

- a. Ensuring adequate setbacks and minimum yard requirements:
 - The building setbacks and yards are designed to be consistent with the established character of the neighbourhood.
- b. Establishing appropriate transition in building heights, coverage and massing:
 - The building heights will be similar to the existing building heights in the neighbourhood. The proposed lot coverage is consistent with the existing development in the surrounding neighbourhood.
- c. Requiring fencing, walls or berming to create a visual screen:
 - A right-of-way is located at the south side of the proposed dwelling which provides vehicular access to the parking proposed in the rear yard. A right-of-way access for the property directly north of the subject property (243 University Avenue) is located adjacent to the property building. Both vehicular right-of-ways provide separation distance between the proposed building and adjacent structures. Fencing is proposed in the rear yard.
- d. Designing the building in a way that minimizes adverse effects:
 - The building is designed with a reduced front yard setback and projection in the front yard along University Avenue to maintain the existing built form and streetscape. The proposed building is consistent with the interior side yard setbacks (0.34 metres and 3.03 metres) to that of the existing building on the subject property.
- e. Maintaining mature vegetation and/or additional new landscaping requirements:
 - Mature vegetation does not exist on the subject property. The applicant has proposed grass landscaping in the front, interior side yard (north) and rear yards of the subject property. Specific details will be addressed through Site Plan Control.
- f. Controlling access locations, driveways, service areas and activity areas:
 - One driveway is proposed on the south side of the building, in the same location as the existing access. This driveway provides vehicular access from University Avenue to the proposed parking spaces in the rear yard.
- g. Regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage:
 - Accessory uses and structures are regulated through the existing provisions in Zoning By-Law Number 8499 which will remain unchanged.

The property is located in a predominantly residential area. The area is comprised of a mix of single-unit, two-unit and multiple-unit residential buildings. The property is within close proximity

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to a major transportation route (Johnson and Brock Street), Victoria and City Park and a sports field at Queen's University. The site is also in close proximity to major employment uses including Queen's University and Kingston General Hospital, and is located within a 20 minute walk to the downtown.

The proposed development is subject to the Land Use Compatibility Principles of the Plan under Section 2.7. Section 2.7.3 identifies a listing of potential adverse effects that can be created by one land use on another or by one building on others. Below is a listing of the adverse effects from Section 2.7.3 and a response in terms of their applicability to the proposed development.

- **Shadowing:** The proposed building is to be 11.2 metres (three storeys) in height. Both buildings located on the adjacent properties (to the north and south) are two stories in height, as such the shadowing impacts on neighbouring properties are anticipated to be minimal and not out of character of the neighbourhood.
- **Loss of privacy due to intrusive overlook:** The only windows proposed on the south side of the structure are relatively small in size and located within the bedrooms. There are no windows proposed on the north side of the building. The rooftop terrace amenity space proposed on the building will be screened from adjacent property owners (north and south) by a 1.14 metre parapet along the perimeter of the terrace. Loss of privacy due to intrusive overlook is not anticipated.
- **Increased levels of noise, dust, odor or vibration:** The proposed residential use should not pose concerns regarding noise, dust, odor or vibration.
- **Increased and uncomfortable wind speeds:** The proposed residential use will not result in increased and uncomfortable wind speeds.
- **Increased level of traffic that can disrupt the intended function or amenity of a use or area:** The property will accommodate three parking spaces on-site. The parking area is accessed via a driveway immediately south of the proposed building. The development is in close proximity to transit and located in a walkable area near Queen's University, Kingston General Hospital and the downtown.
- **Environmental damage or degradation:** There are no environmental impacts associated with the proposed residential development.
- **Diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded:** A Site Servicing and Stormwater Management Report prepared in support of this application indicates existing municipal water and sanitary service connections and local municipal water and sanitary infrastructure fronting the subject property can adequately support the proposed development. There have been no concerns identified with respect to the ability of the local transportation network to accommodate this development.
- **Reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, historic quality or setting:** The proposed development is in keeping with the character of the adjacent properties and surrounding neighbourhood. Each residential unit will comprise a self-contained unit with a kitchen, bathroom, living area and either four or two bedrooms. The applicant is proposing a rooftop terrace that will function as amenity space. Staff will continue to work with the applicant to refine details of the development through the Site Plan Control process.
- **Visual intrusion that disrupts the streetscape, building or cultural heritage resource:** In support of the application, the applicant has submitted a Heritage Impact Study and an

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Addendum to the Heritage Impact Study which assess the building from a streetscape perspective and cultural heritage resource. Through setbacks and building materials, the design of the structure will enhance the streetscape and update the property for the enjoyment of its residents and neighbours. Staff will continue to work with the applicant to refine details of the development through the Site Plan Control process to ensure compatibility in terms of the decorative elements, building colours and specific materials applicable with the cultural heritage resources.

- Architectural incompatibility in terms of scale, style, massing and colour: The proposal is consistent with the Heritage Impact Study and Addendum to the Heritage Impact Study along with the built form within the surrounding neighbourhood.
- The loss or impairment of significant views of cultural heritage resources and natural features and areas to residents: None of these impacts are anticipated because of the proposed development.

In addition to satisfying the Land Use Compatibility criteria of Section 2.7, new high density residential projects must also address and satisfy the urban design policies of Section 8 of the Official Plan. Section 8 provides policies to ensure that developments are designed to provide safe and secure access, create pedestrian-oriented streetscapes and design buildings that fit into the context of the neighbourhood.

The proposed building is similar to the scale and height of the residential buildings in the area. The additional storey and massing of the proposed building is not anticipated to detract from the existing streetscape along University Avenue.

The proposed density for the lands subject to the rezoning exceeds 75 units per net hectare, which the Official Plan constitutes as a high density residential use under Section 3.3.C.1. Section 3.3.C.4 specifies the following criteria for the approval of zoning by-law amendments requesting the approval of a high density residential use.

- The provision of adequate municipal servicing: A Servicing Assessment prepared in support of this application indicates existing municipal water and sanitary service connections and local municipal water and sanitary infrastructure fronting the subject property can adequately support the proposed development. There have been no concerns identified with respect to the ability of the local transportation network to accommodate this development.
- The provision of outdoor amenity areas, which will include a children's play area, common areas and private areas to the satisfaction of the City: A recommendation from the Amenity Area Review Study, completed by Dillon Consulting Ltd., was that the amenity area requirement of 18.5 square metres applies per dwelling unit. Therefore, using this standard, a total of 74 square metres of amenity space would be required for the proposed structure, while the applicant is proposing 169.9 square metres. The proposed amenity space is located within the rear yard and on the roof of the proposed multi-unit structure, which is well screened, private and highly functional space for the residents. The subject property is located within walking distance to several public parks, specifically Victoria and City Park. As well, each unit will include a private interior common space (living area). The proposed development will be subject to Site Plan Control. Staff will continue to work with the applicant to refine details of the proposed outdoor amenity area through the Site Plan Control process.

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- The provision of adequate on-site parking for each residential unit and for visitors, primarily using above or below grade parking structures, as the City deems appropriate: A Parking Assessment was prepared in support of this development by Forefront Engineering. The property will accommodate three parking spaces, which is one less than the number of required parking spaces. The report concludes that an exemption from the City related to parking requirements is appropriate considering the location; additional private parking available in the area; transit, pedestrian and cycling facilities available in the area; and the observed parking characteristics of area residents and tenants. The site is in close proximity to transit and is located in a walkable area near Queen's University, Kingston General Hospital and the downtown.
- A design that encourages pedestrian activity, streetscape interest and does not impact negatively on neighbouring uses: As the subject property is located adjacent to properties designated under Part IV of the *Heritage Act*, a Heritage Impact Statement and Addendum to the Heritage Impact Statement were submitted in support of the application. Multiple iterations of the proposed design and built form have reflected the intent of the Heritage Impact Study and Addendum to the Heritage Impact Study to incorporate a height and massing that appears consistent with the surrounding neighbourhood and streetscape. The proposed development is subject to Site Plan Control. Staff will continue to work with the applicant to refine decorative elements, building colours and specific materials applicable for adaptive reuse. The subject property is in close proximity to transit and is located in a walkable area near Queen's University, Kingston General Hospital and the downtown.

Section 3.3.C.2 of the Plan addresses the locational criteria of high density residential projects:

- On the periphery of a low or medium density residential neighbourhood;
- Adjacent to, or in proximity to, commercial areas;
- On an arterial or collector road designed for public transit, and
- In proximity to parkland or open space.

The proposed zoning by-law amendment complies with the general intent of the City of Kingston Official Plan. No Official Plan amendment is required.

Zoning By-Law Considerations

The subject property is zoned Special Education and Medical Uses Zone 'E' in Zoning By-Law Number 8499, as amended (Exhibit D). The uses permitted in the Special Education and Medical Uses Zone 'E' include one-family dwellings and two-family dwellings subject to the provisions of the 'A' Zone, buildings used for residential purposes only and owned, rented or managed by members of the Science '44 Co-operative Incorporated or the Alma Mater Society subject to the provisions of the 'B' Zone, university and colleges, hospitals, public or private parking structures, community homes, churches, boarding houses, crisis care shelters, residential care facilities, community support house, detoxification centre and day care centre.

A zone change to a site-specific Special Education and Medical Uses Zone 'E' is proposed. A site-specific zone is requested to facilitate the development of a three storey residential building containing four (4) dwelling units and fourteen (14) bedrooms on the subject property.

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The broader policy planning framework of the Province and the City (Provincial Policy Statement and Official Plan) supports residential intensification. As discussed in the previous section, the redevelopment of the subject property resulting in a higher density is not anticipated to result in adverse effects.

The proposed building is compatible with the surrounding structures in terms of height massing and setbacks. The building will be three (3) storeys and approximately 11.2 metres in height. The majority of the buildings in the surrounding area are two to two and a half storeys with peaked roofs (Exhibit H). Although the existing building is not designated as a heritage structure, it is surrounded by designated buildings. Therefore, the proposed development seeks to mimic the existing development within the vicinity with a design which compliments the surrounding neighbourhood and supporting Heritage Impact Addendum (Exhibit H). The building is tied into the surrounding neighbourhood through the use of colours and materials. The applicant provided a Heritage Impact Statement Addendum with respect to the proposed development which concluded:

“While preservation of the original structure’s main massing remains the most desired option, the present structure has been carefully designed to minimize any negative effect on the heritage value of the surrounding streetscape. Moreover, features have been adopted to preserve a sense of continuity with the existing structure, while at the same time supporting, in a tastefully measured manner, the heritage character of surrounding streetscape. The proposed design is acceptable”.

The proposed development will provide a total of 169.9 square metres in common amenity space. The proposed development provides high quality amenity space. 86.4 square metres of amenity space is provided in the form of outdoor rooftop/balcony amenity space, 59 square metres of landscaped open space in located in the interior side yard and rear yard. Internally, 24.5 square metres of amenity area is proposed in a common recreation room.

The application requests a reduction in the required amenity space from 260 square metres to 169.9 square metres and requests to remove the requirement for play space on the subject property. The recently completed “City of Kingston Amenity Area Review Study Final Report” dated January 2015 recommends that 18.5 square metres of amenity area be required per dwelling unit. If this standard was used for this application, a total of 74 square metres of amenity space would be required. The Amenity Area Review Study also recommends that separate play space requirement be eliminated in multi-unit developments. The structure to be constructed proposes both high quality indoor and outdoor amenity space with a total aggregate area of 169.9 square metres. Specific details of the proposed amenity area will be refined at the Site Plan Control stage. As well, each unit will include a private interior common space (living area). In consideration of these factors, the requested reduction in amenity area and the removal of play space requirements are considered appropriate for this proposal.

As previously discussed, the applicant has requested a reduction in the required parking from four spaces to three spaces. Based on the conclusions of the Parking Assessment and the location of the property, the proposed reduction is considered appropriate.

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Other Applications

In accordance with By-Law Number 2010-217, Site Plan Control is required for the proposed development. An application for Site Plan Control has been submitted by the applicant (File Number D11-114-2015).

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding technical issues with this application remain at this time.

Public Comments

A Public Meeting was held on September 3, 2015 with respect to this application. The following is a summary of the public input received to-date.

- Question: Could staff speak to the City's Heritage Master List, and the importance of the existing building?

Response: The subject property is not listed or designated under Part IV of the *Heritage Act*. The subject property is included on the City's Master List of properties of potential cultural heritage value and interest. The City's Master List is an internal document used by staff which has no status under the *Heritage Act* and contains approximately 800 properties across the City. The subject property was placed on the City's Master List primarily due to its proximity to adjacent designated properties. To review the impact of the proposed development on adjacent designated properties, the applicant has completed two Heritage Impact Studies in support of the proposal. The proposal has been reviewed as part of the technical review, which has modified the original design to accommodate a revised design that respects the traditional built form and is in keeping with the surrounding neighbourhood.

As referenced on page 10 of this report, the supporting Heritage Impact Statement Addendum concludes; "While preservation of the original structure's main massing remains the most desired option, the present structure has been carefully designed to minimize any negative effect on the heritage value of the surrounding streetscape. Moreover, features have been adopted to preserve a sense of continuity with the existing structure, while at the same time supporting, in a tastefully measured manner, the heritage character of surrounding streetscape. The proposed design is acceptable".

- Question: Please understand housing dynamic, in that the existing dwelling provides housing opportunities for Queen's University students in the form of a house and not a sea of large apartment buildings.

Response: The development proposal requests permission to redevelop the subject property to accommodate the construction of a three storey, four dwelling unit residential structure. The proposal is not out of character in terms of scale and massing of the adjacent residential properties. The proposed development is supported by two Heritage Impact Studies and maintains the heritage attributes of the existing and surrounding built form.

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Conclusion

As a result of a review of the application within the context of the supporting studies, overall technical review, municipal and provincial planning documents and legislation and input from members of the public, it is concluded that the proposed zoning by-law amendment is desirable and constitutes good land use planning.

In conclusion, staff recommends approval of the application for this zoning by-law amendment for the property located at 241 University Avenue. Any specific concerns that were raised by external or internal agencies with respect to the zoning by-law amendment have been addressed through the technical review process. The application conforms to and is consistent with the applicable policies in the Provincial Policy Statement and complies with the general intent of the City of Kingston Official Plan.

Existing Policy/By-Law:

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

Provincial*Planning Act*

Provincial Policy Statement, 2014

Municipal

City of Kingston Official Plan

Zoning By-Law Number 8499

Notice Provisions:

A Public Meeting was held respecting this application on September 3, 2015. Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 20 days in advance of the Public Meeting. In addition, notices were sent by mail to 154 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property and a courtesy notice was placed in *The Kingston Whig-Standard*.

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

At the time of the writing of this report, zero pieces of correspondence have been received. Any correspondence received after the publishing of this report will be included as an addendum to the Planning Committee Agenda.

Accessibility Considerations:

Not applicable

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Financial Considerations:

Not applicable

Contacts:

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Stacey Forfar, Manager, Development Approvals 613-546-4291 extension 3253

Jason Sands, Intermediate Planner 613-546-4291 extension 3277

Other City of Kingston Staff Consulted:

The application was circulated to the relevant internal departments and external agencies for review and comment. The responses to the technical circulation have been addressed in the technical review and included within this comprehensive report.

Exhibits Attached:

Exhibit A Draft By-Law and Schedule A to amend Zoning By-Law Number 8499

Exhibit B Key Map

Exhibit C Official Plan, Land Use

Exhibit D Zoning By-Law Number 8499, Map 30

Exhibit E Neighbourhood Context (2015)

Exhibit F Public Notice Notification Map

Exhibit G Proposed Site Plan

Exhibit H Proposed Floor Plan and Elevations

Exhibit I Site Photographs

By-Law Number 2016-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 ‘E’ to ‘E.501’, 241 University Avenue)

Passed: Meeting date, 2016

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 30 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘E’ to ‘E.501, as shown on Schedule “A” attached to and forming part of By-Law Number 2016-_____.
 - 1.2. By **Adding** the following section 501 in Part VIII – Exceptions To Various Zone Classifications as follows:

“(501) 241 University Avenue

Notwithstanding the provisions of Section 5 and Section 17 hereof to the contrary, the lands designated ‘E.501’ on Schedule ‘A’ hereto, the following regulations shall apply:

- (a) In addition to the provisions of Section 17(2), the following uses shall also be permitted:
 - (i) A building containing: 4 residential dwelling units;

(b) Bedroom Limitations:

(i) **Definition:**

Bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the *Ontario Building Code*, and which for greater certainty does not include:

- (a) Common areas open to all occupants of the unit;
- (b) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and
- (c) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.

Notwithstanding the foregoing, for the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom.

- (ii) No more than fourteen (14) bedrooms shall be permitted within the building.

(c) Zone Provisions:

- (i) Minimum Front Yard: 1.5 metres
- (ii) Minimum front yard for porch with roof: 0.4 metres
- (iii) Side Yard (minimum): 0.3 metres
- (iv) Aggregate Side Yard (minimum): 3.3 metres
- (v) Maximum percentage of lot coverage: 33%
- (vi) Amenity Space (minimum): 109 square metres
- (vii) Play space requirement: 0.0 square metres
- (viii) Height (maximum) 11.3 metres

Notwithstanding this section, an additional 3.0 metres in height may be permitted for a stair tower.

(d) Parking:

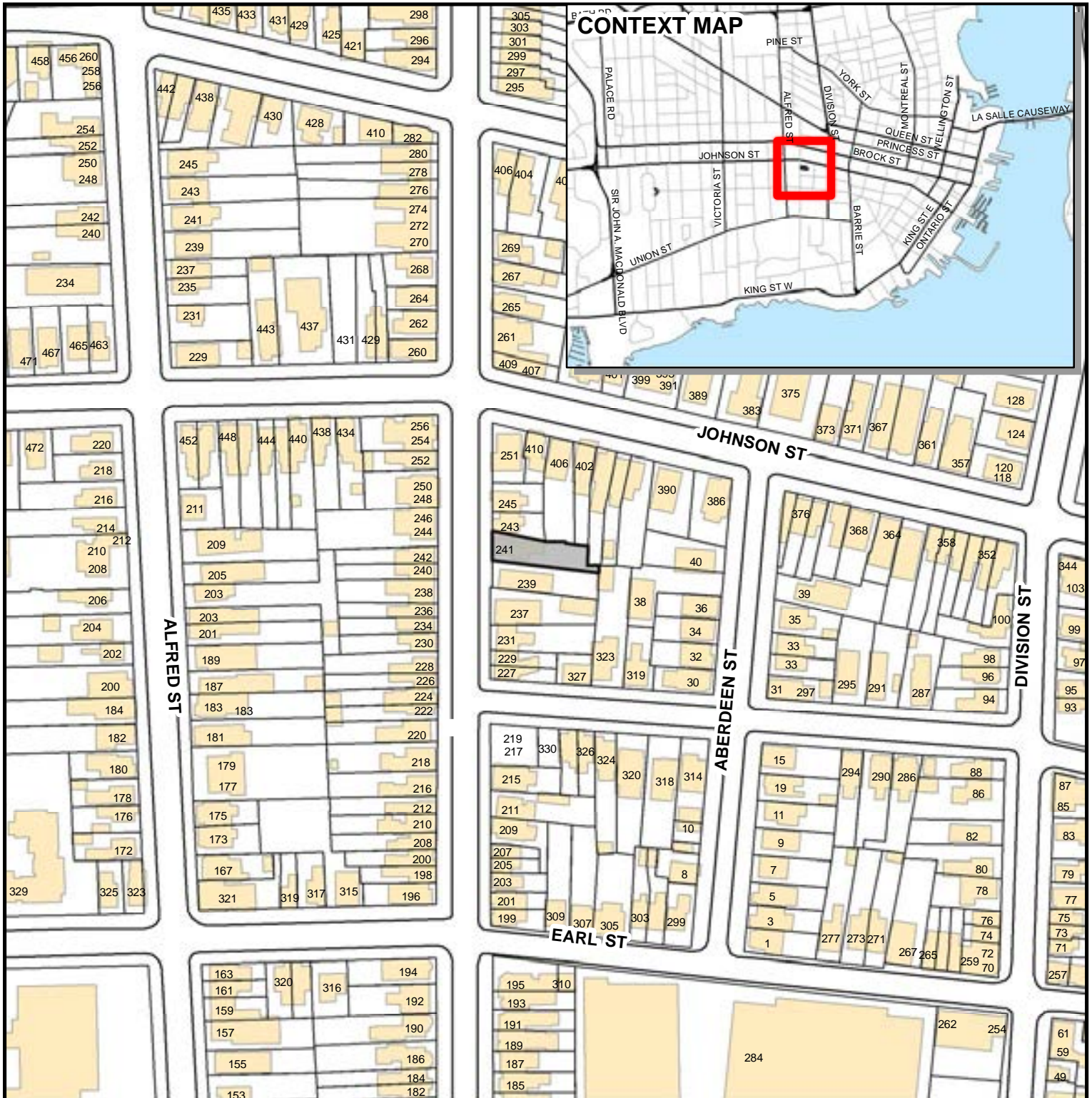
- (i) Minimum Number of Parking Spaces: 3 parking spaces;
- (ii) Minimum Number of Barrier Free Parking Spaces: 0 parking spaces;

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, 2016

John Bolognone
City Clerk

Bryan Paterson
Mayor



Planning, Building & Licensing Services
a department of Community Services

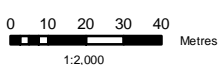
PLANNING COMMITTEE
KEY MAP

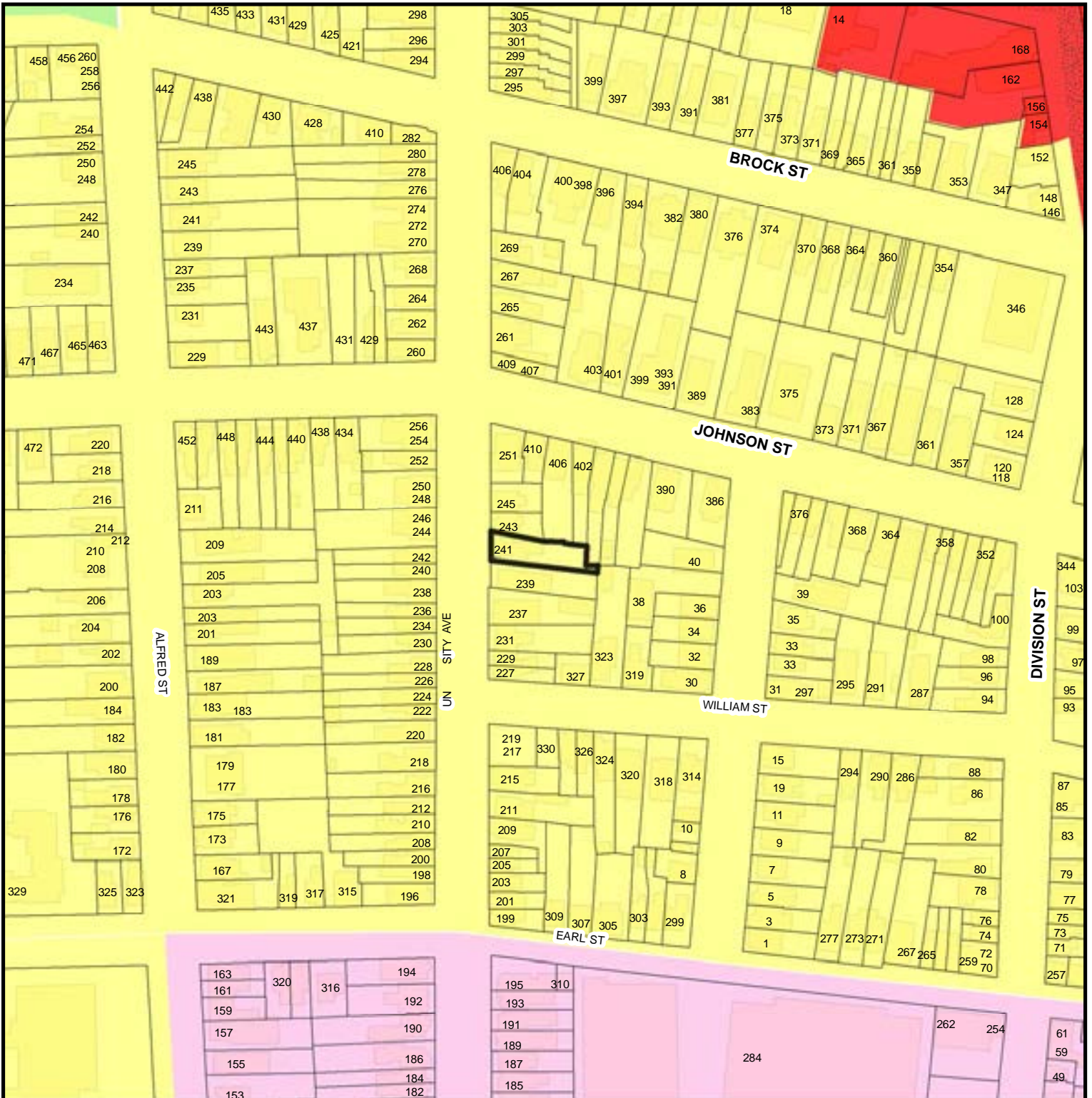
Applicant: FoTenn Consultants Inc
Owner: Raymond Mak
File Number: D14-130-2015
Address: 241 University Avenue



LEGEND

- Subject Property
- Property Boundaries

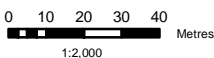




Planning, Building & Licensing Services
a department of
Community Services

PLANNING COMMITTEE
OFFICIAL PLAN, Land Use

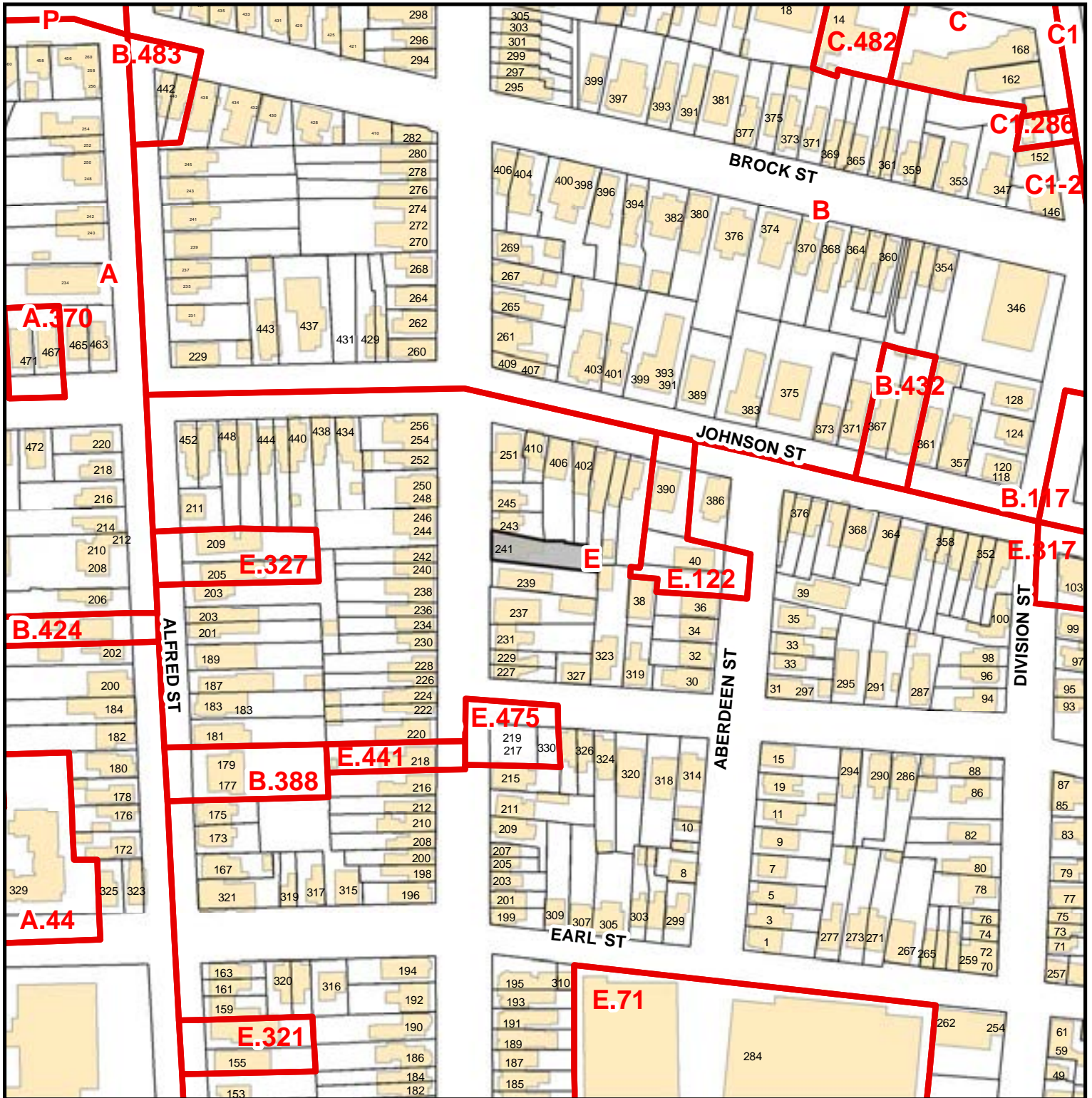
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LEGEND

- Subject Property
- Residential
- Central Business District
- Main Street Commercial
- Institution
- Open Space



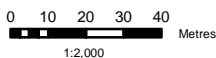


PLANNING COMMITTEE
ZONING BY-LAW 8499, Map 30

Applicant: FoTenn Consultants Inc
 Owner: Raymond Mak
 File Number: D14-130-2015
 Address: 241 University Avenue

LEGEND

- Consolidated Zoning
- Subject Property
- Property Boundaries





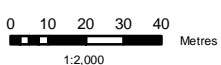
Planning, Building & Licensing Services
a department of Community Services

PLANNING COMMITTEE
NEIGHBOURHOOD CONTEXT (2015)

Applicant: FoTenn Consultants Inc
Owner: Raymond Mak
File Number: D14-130-2015
Address: 241 University Avenue

LEGEND

- Subject Property
- Property Boundaries









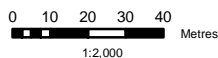
Planning, Building & Licensing Services
 a department of
 Community Services

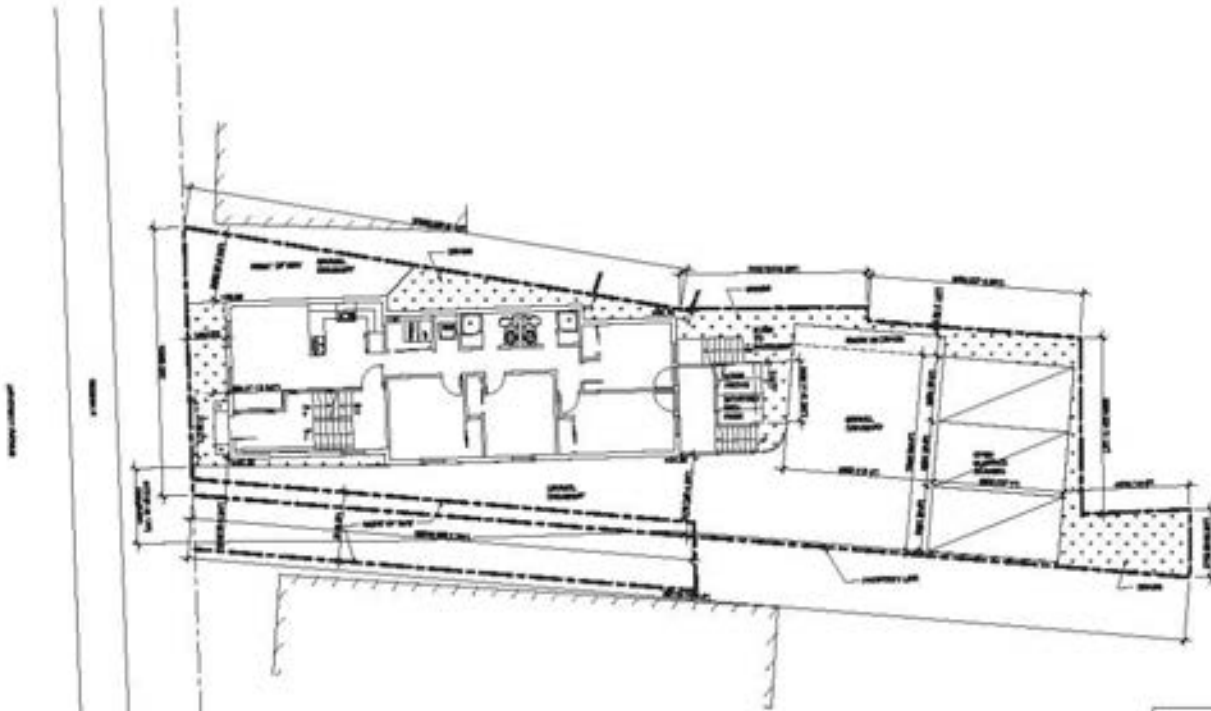
PLANNING COMMITTEE
PUBLIC NOTICE NOTIFICATION MAP

Applicant: FoTenn Consultants Inc
 Owner: Raymond Mak
 File Number: D14-130-2015
 Address: 241 University Avenue

LEGEND

-  Subject Property
-  120m Public Notice Boundary
-  Property Boundaries
-  154 Properties in Receipt of Notice





LEGAL PROPERTY DESCRIPTION:
 000 ACRES/FT SITES, IN
 0000 00000000 000000 0000000000 000000 000000
 00000000 000000
 CITY OF KINGSTON
 SUBJECT TO 00000000

SITE SPECIFICS

Zone	S. A.	J. M.
# OF PARCELS	1	0
# OF LOTS	1	0
SEWER & GAS SERVICE	None	None
SEWER TREATMENT	None	None
# OF STORIES	0	0

**NUMBER 2 SPACES @ 241/204 EAST
 000000 000000 000000 @ 0000 0000 0000**

CITY OF KINGSTON BYLAWS

DESCRIPTION	REQUIRED	PROPOSED (MTC 02)
LOT AREA	2277.00	2277.00
SUBJECT AREA	2277.00	2277.00
REQUIRED AREA	171.00	171.00
UNDEVELOPED AREA	0.00	0.00
REAR YARD COMPLETION	0.00	0.00
REAR YARD AREA	0.00	0.00
TOTAL YARDYARD AREA	0.00	0.00
REAR YARD SETBACK	0.00	0.00
REAR YARD SETBACK	0.00	0.00
REAR YARD SETBACK	0.00	0.00
REAR YARD SETBACK	0.00	0.00

No.	Number/Name	Rev

RAYMOND MAK
 16 ELVA COURT,
 RICHMOND HILL, ON,
 L4C 7Y2

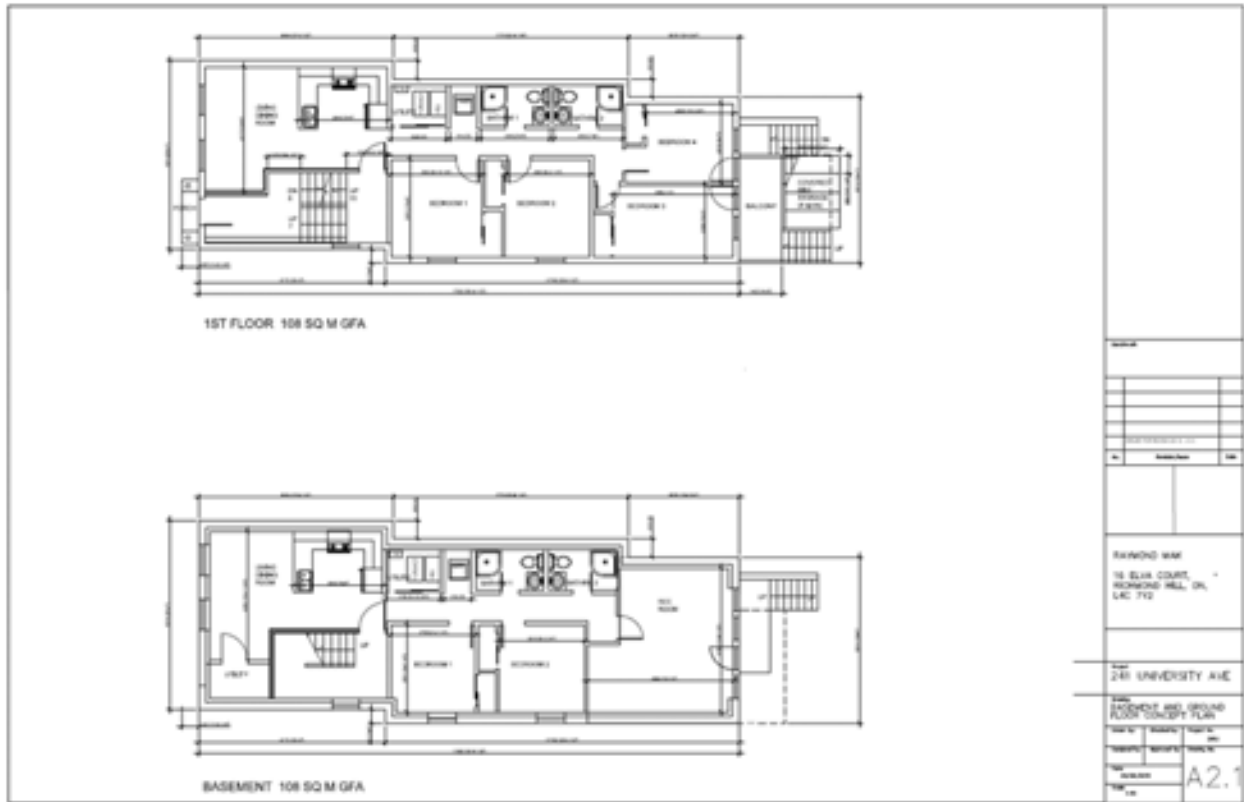
241 UNIVERSITY AVE

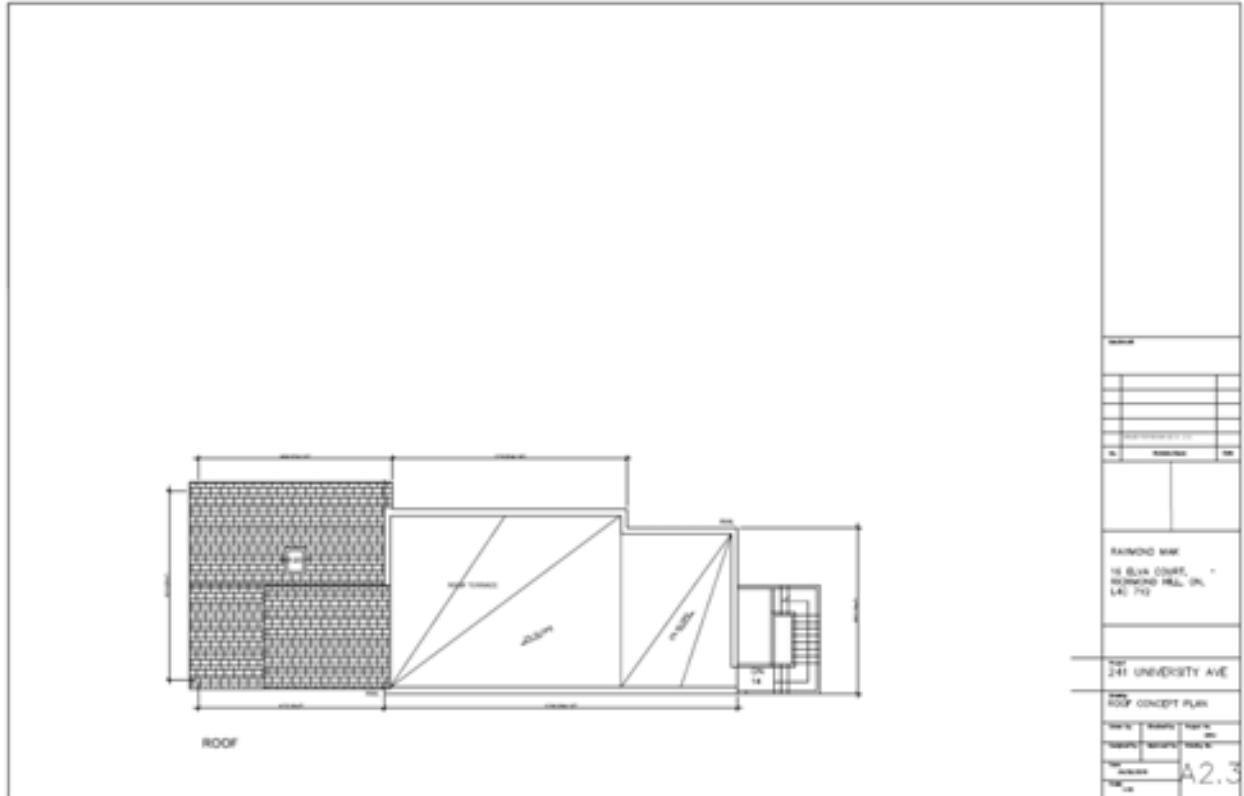
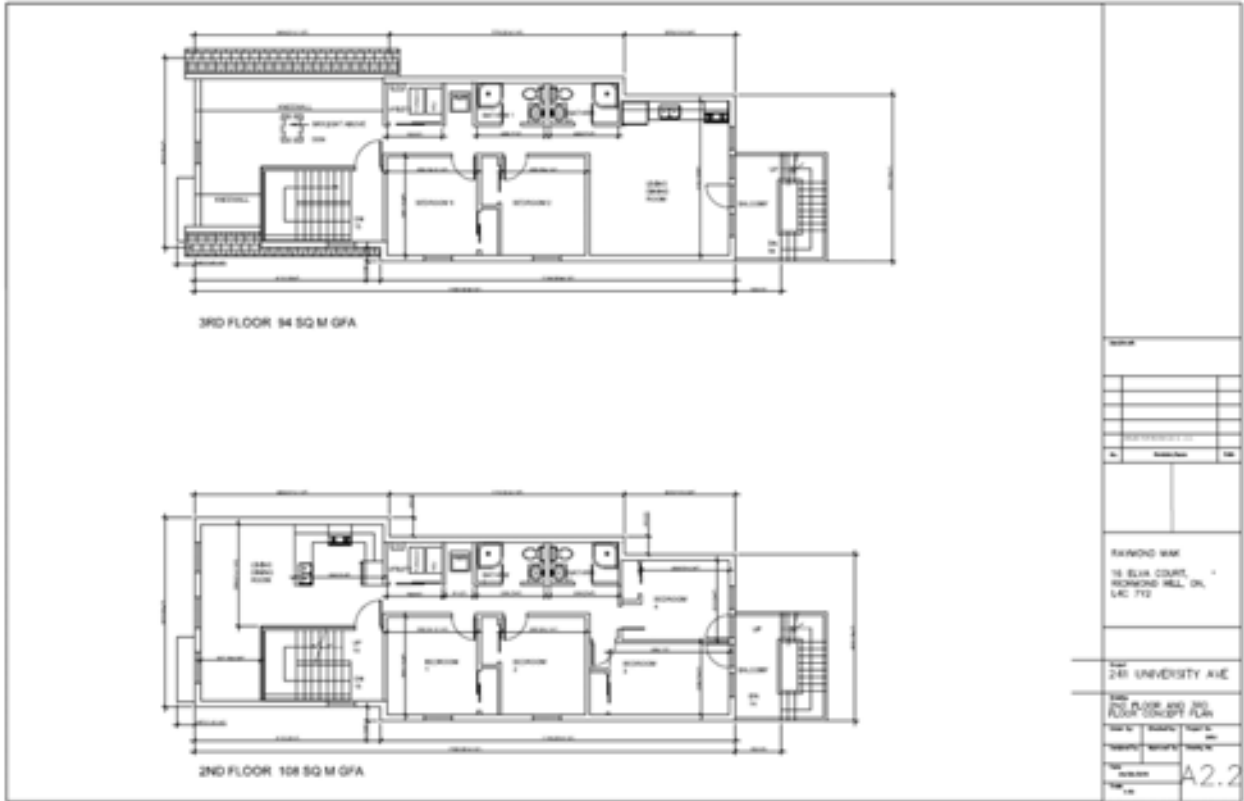
SITE PLAN

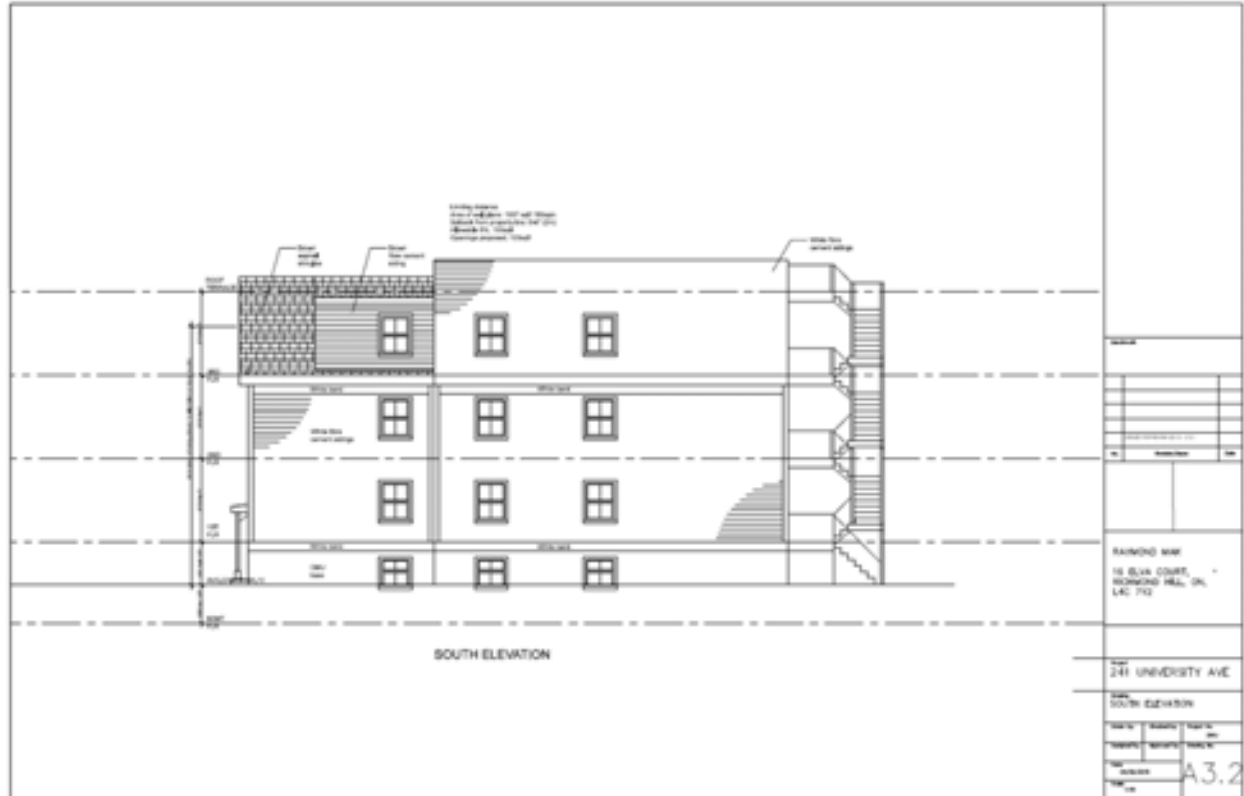
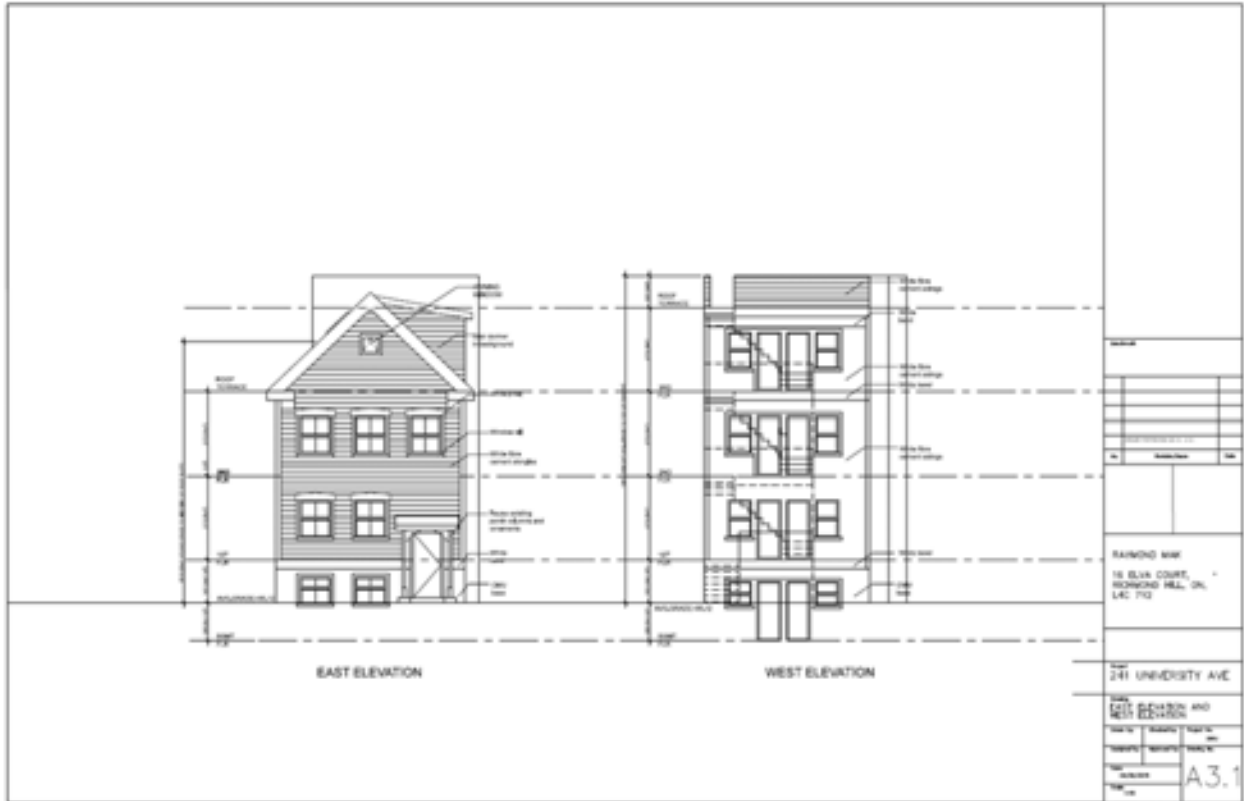
Drawn by:	Checked by:	Project No.:

A1.1

Floor Plans and Elevations







Site Photographs



