



Kingston Zoning By-law: Second Draft Highlights

This document is provided for reference purposes only to highlight the major changes between the first and second drafts of the zoning by-law. There are many changes that have been made since the first draft was released in October of 2016 – this document is provided as a matter of convenience and is not intended to replace a fulsome review of the text and mapping of second draft.

Statutory Public Meeting

A statutory public meeting is scheduled on **October 13, 2021** at 6 p.m. at a Special Meeting of Planning Committee to receive feedback on the second draft of the new Kingston Zoning By-law. Planning Committee meetings are held virtually on the Zoom platform. If you are unable to participate on the Zoom platform, a call-in option is also available. The meetings are also live streamed on the City's YouTube Channel if you simply wish to watch, but not participate. The meeting agenda and the Zoom registration information will be published on the City's website the Friday before the meeting.

Comment and Response Matrix

Since the first draft was released, and in response to the discussion papers that have been the subject of consultation in 2021, staff have received a number of comments and suggestions to the text and mapping of the new zoning by-law. As part of the public meeting report that will be issued for the statutory public meeting, staff will include a fulsome comment and response matrix which will include responses to all of the comments and suggestions that have been received to date.

Document Style

The second draft of the document has been updated to provide a cleaner, more modern look and in a manner that aims to provide a more accessible framework for all users with less legal jargon. The word "shall" has been removed from the language and replaced with clearer requirements that are written in plain language. The second draft of the document has been revised throughout by updating the layout and format of the zoning provision tables for consistency and to remove unnecessary legal jargon wherever possible. Some of the sections have been reordered in an attempt to provide clarity and a better flowing document, resulting in changes to section numbers from the first draft to the second draft.

Residential Uses

The first draft of the new zoning by-law included a number of “special” residential use provisions, including community home, community support house, rooming house, bed and breakfast, residential care facility, housing crisis shelters and recovery homes. These special residential use provisions aligned with the provisions of the Official Plan that were in effect at the time. However, since then, the Official Plan has been revised through the Five-Year Official Plan Update, which came into force on August 29, 2017, removing a number of these distinctions.

The second draft has been amended to remove most distinctions between different types of residential units and living arrangements, aligning with the Five-Year Official Plan Update, with the intent of ensuring the residential permissions are inclusive and focused on equitable housing opportunities for all residents. The framework is intended to focus the City’s zoning rules on the fundamental land use impacts and remove distinctions between different living arrangements in an attempt to accommodate all residents and all housing needs in the community. Rather than creating a zoning framework focused on the type and term of lease or rental agreement or ownership agreement, the zoning by-law is instead focused on the residential use of the property and the built form of the residential building.

The framework provided in the second draft does not speak to the length of time someone may be staying in a dwelling unit, whether it is a short-term stay or a long-term stay. It does not include language focused on the people who live in the unit, whether they are considered to be a “household” or a “family”, and it does not stipulate anything related to the situation that caused them to reside in the building. The zoning by-law includes a definition of “dwelling unit” that is intended to replace all of the former residential uses with one comprehensive and inclusive definition, in an effort to ensure that the zoning by-law does not exclude certain types of residential uses in residential areas. The only distinctions that remain in the second draft align with the Official Plan policy distinctions related to “group homes” and “special needs facilities”. Group homes are defined as being considered a dwelling unit in the second draft, and special needs facilities are permitted in institutional, hamlet institutional, hamlet commercial and appropriate commercial zones, aligning with the criteria established for these uses in the Official Plan.

On June 1, 2021, the City’s [Short-term Rental Licensing By-law Number 2021-10](#) (the “STR By-law”) came into force and implements the bed and breakfast policies of the Official Plan. The Official Plan also includes specific provisions for rooming and boarding houses, which are regulated through the lodging house requirements of the [By-law to License, Regulate and Govern Certain Businesses \(By-law Number 2006-213\)](#) and the Ontario Building Code.

Finally, a new definition of a co-living unit has been added in the second draft for public feedback, in accordance with the recommendations of the [Mayor’s Task Force on Housing](#), with corresponding Specific Use Provisions in Section 6. The proposed approach in the second draft is to allow for co-living units to be permitted where apartment buildings are permitted. This will

allow for added flexibility for the layout and design of units within an apartment building and would allow for the creation of a new form of housing in Kingston that may result in lower rents in a manner that aligns with the Mayor's Task Force on Housing recommendation to "welcome co-living buildings where apartments share common areas and rental costs per unit are lowered".

1.5. Repeal of Existing By-laws

The second draft has added clauses to aid in the interpretation of former general zoning by-laws for legacy exceptions and minor variances. It is important that interpretation provisions are as clear and directive as possible in order to ensure a smooth transition from the existing zoning by-laws to the new zoning by-law.

1.8. Non-Conformity and Non-Compliance

The arrangement of the non-conformity and non-compliance subsection has been amended to align with the permissions granted by Section 34(9) of the *Planning Act*. The intent of this amended section is to provide equal permissions for legal non-conforming uses and legal non-complying buildings as those granted by the *Planning Act* with additional permissions provided specifically for legal non-conforming buildings, which allows further development to occur as-of-right if it does not further increase the extent of non-conformity and if it complies with all applicable provisions of the zoning by-law.

2.1.8. Intent and Rules of Interpretation

A new section has been added to identify the hierarchy of provisions to be complied with. The zoning by-law has been created in a manner that includes various maps, schedules and text. This section is important for interpretation to ensure the rules are as clear as possible.

3.2.14. Definition of Building

The definition of structure has been removed from the second draft and has been incorporated into the definition of building. Everything that is regulated by the second draft is either considered to be a use or a building. The intent of this change is to provide a clearer direction for future interpretations. In the past, there has been much confusion about whether something is considered a structure or a building, with no value added as the zoning by-laws have the same standards applied to both structures and buildings. The amendments remove the uncertainty and remove unnecessary language for a more user-friendly experience with a much clearer intent about the zoning provisions.

3.8.2. and 3.6.9. Definition of Height and Flat Roof

The definition of height has been revised to provide clearer parameters related to different roof typologies. Rather than defining different types of roof lines, the focus of the definition in the second draft is whether the roof is flat or sloped. This approach allows for different architectural designs and provides a framework that better aligns the intent of the zoning by-law with the

ultimate built form of a residential building. In the second draft, for accessory buildings, mixed-use buildings and non-residential buildings, height is measured to the highest point of the building.

A new definition of flat roof has been included in the second draft specifying that, where at least 50 percent of the roof area has a slope of 10 percent or less, the roof is considered to be flat. For residential buildings with a flat roof, building height is measured to the highest point of the building. For residential buildings with a sloped roof, building height is measured at the mid-point between the eaves and the highest point of the building.

Clarification has been added to the definition of height for steep slopes to better align with the Ontario Building Code. This clarification will help to ensure that the permitted building height is not artificially increased by modifying the roof line in a manner that doesn't meet the intent of the zoning by-law.

3.6.7. Finished Grade

The definition of finished grade has been revised to ensure the provision can be easily implemented in the review and submission of building permit plans, while maintaining the original intent of the definition from the first draft. The first draft required that an infinite number of points around the perimeter of a building be used to calculate an average in order to determine the grade level, while the second draft proposes to use 4 points that represent the outermost corners of a building in order to calculate the average of the finished grade.

3.23.8. Definition of Waterbody

The definition of 'waterbody' has been replaced. An updated definition was formulated through the [Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks](#) to better communicate what is to be regulated through the waterbody setback and what is not to be regulated.

4.1. Accessory Uses and Buildings

The layout of the accessory uses and buildings section has been amended for clarity, to better identify provisions that apply to all accessory uses and buildings, versus those which apply specifically to accessory uses and buildings associated with residential uses.

4.3. Amenity Area

A new clause has been added to recognize the different residential amenity area provisions that apply in the downtown zones and the main street commercial zones. The provisions have also been revised to apply to lots with 3 or more dwelling units. This has been added to reflect the existing standards that apply to these specific areas and apply to the same classes of buildings that amenity area requirements currently apply to.

4.6. Sight Triangles

The content of the sight triangles section has not been amended since the first draft of the new zoning by-law was published in October of 2016. This information is continuing to be reviewed by technical staff to ensure that the standard appropriately aligns with the goals of the Active Transportation Master Plan and the Road Safety Plan. While no amendments have been included in the second draft, further refinements and amendments may be proposed in the future final draft.

4.7. Drive Through Provisions

The layout of the drive-through provisions section has been amended for clarity and to better align with the language of the planting strip provisions.

4.9. Generally Permitted Uses

The layout of the generally permitted uses subsection has been amended for clarity.

4.12. Items Exempt from this By-law

This is a new section that has been added to the second draft to provide specific direction about components that are not intended to be regulated by the zoning by-law. Historically, staff have faced challenges with the language of the existing zoning by-laws being very broad and reaching into matters that are beyond what is intended to be regulated in the zoning by-law. Many of these components are regulated through other means (i.e., the Fence By-law or the Sign By-law) or are features where there are no intended requirements from a zoning perspective.

4.13. Building Components Exempt from Specific Provisions

A new section has been added for clarity around components of buildings that are located wholly below grade or buildings that are located on specific lands such as public parks. The existing zoning by-laws do not provide clear direction about building components that are located wholly below grade, and whether setbacks from property lines or setbacks from waterbodies apply, and whether these components should be included in different calculations on a property.

4.14. and 4.15. Temporary Uses and Occasional Uses

The layout and provisions of the temporary use and occasional use subsections have been amended in the second draft for clarity. New occasional use provisions have been added for trade shows, specific day retail sales and public markets to reflect experiences with these uses and the provisions of the existing zoning by-laws. Provisions that specifically permitted temporary uses in other sections of the first draft have been moved into this subsection in the second draft.

4.16. Planting Strip Provisions for Non-Residential uses

This subsection has been amended in the second draft for clarity. The language of the first draft was confusing and difficult to understand. This has been amended for clarity and to assist in providing a more user-friendly zoning by-law.

4.17.5. Lot Creation Surplus to Farming

New provisions have been added in the MDS section related to lot creation that is surplus to farming. This is consistent with the OP policies and the PPS.

4.18. Projections Above Maximum Height

This section has been amended in the second draft for clarity. Amended provisions for mechanical penthouses, green roofs and other roof structures are aligned with the approach taken in the recent update to the Williamsville Main Street Study.

4.19. Projections into Required Setbacks

This section has been amended for clarity. Clause 4.19.3. has been revised into table format to assist with interpretation.

4.20. Decks, Porches and Balconies for Residential Uses

Provisions for decks, porches and balconies have been moved from the Projections into Required Setbacks subsection into their own subsection of the General Provisions. Within this new subsection, balconies have been given specific provisions that better align with the way a balcony is designed by measuring a balcony based on its projection from the main wall, its setback from a lot line and the length of the balcony relative to the main wall.

The provisions that apply to decks and porches have been clarified to remove the maximum projection and replace it with a maximum area calculated based on the lot area. The intent of the revisions is to provide a clearer set of requirements that are connected to the size of the lot on which they are located, rather than treating every lot equally regardless of the lot area. This is consistent with the approach to the size of principal buildings and accessory buildings, which are calculated based on the lot area and is meant to bring the deck and porch provisions into better alignment with the remainder of the standards that apply on a lot.

4.22. Setbacks from Railway Rights-of-Way and Rail Yards

The second draft has been amended to include comprehensive setback requirements, fencing requirements, and noise/safety berm requirements from railway rights-of-way and separation distances to rail yards in accordance with the railway proximity criteria established by CN Rail. The provisions better address the safety and well-being of future occupants in proximity to railway activities and are intended to protect the future viability of the railway corridors.

4.23. Setbacks from Waterbodies

This subsection has been amended for consistency with the language in the Official Plan and as part of the work completed in conjunction with the [Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks](#).

4.24. Setbacks from Natural Gas Pipelines

The second draft has been amended to include comprehensive setback requirements for various types of buildings and other features from natural gas pipelines in accordance with policy 5.30. of the Official Plan and the requirements of TransCanada Pipelines. The provisions better address the safety and well-being of future occupants in proximity to natural gas pipelines and are intended to ensure adequate access for emergencies, operations and maintenance.

4.27. Walkways for All Residential Uses

The existing zoning by-laws do not contain provisions requiring walkways from the front lot line to the principal exterior entrance of a principal dwelling unit, however, walkways are required for second residential units. A new section has been added requiring a walkway to be provided for all residential dwelling units, including principal and additional residential units.

The second residential unit provisions introduced the requirement to provide a walkway in the existing zoning by-laws in 2019 to ensure that all second residential units have a functional and accessible pedestrian entrance, a designated pathway for emergency services personnel and are designed in a manner that recognizes the importance of safety principles (CPTED - Crime Prevention Through Environmental Design). The walkway requirements align with urban design and active transportation policies of the Official Plan.

This is a requirement that should not just apply to second residential units, but to all residential units in the City. Ensuring the functionality, safety and accessibility of all residential units is of fundamental importance and is an appropriate new standard to apply to new or intensified residential development.

4.28. Maximum Number of Bedrooms

Amendments to the existing zoning by-laws were passed by Council in 2021 as detailed in [Report Number PC-21-026](#) to establish limitations on the number of bedrooms within residential zones to limit activity and occupancy levels in lower density residential buildings. A new subsection has been added to the second draft reflecting these amendments.

5.1. Floodplain Overlay

The floodplain overlay has been updated to distinguish between the floodplain and the wave uprush area, in consultation with the Cataraqui Region Conservation Authority. The area subject

to the wave uprush area is subject to an additional provision which recognizes existing uses and their ability to expand legal non-complying buildings in connection with these permitted uses.

5.4. Additional Residential Units Overlay

The former second residential units overlay has been replaced with the additional residential units overlay to recognize the change in provincial legislation. The additional residential unit provisions were the subject of a public meeting at Planning Committee, as detailed in the [Discussion Paper about Tiny Houses, Shipping Containers and Additional Residential Units](#).

5.5. Exception Overlay

The site-specific exceptions have been removed from the zoning maps (previously identified on the zoning maps with a number contained within square brackets) into a standalone overlay, enabled by Section 5.5. Within this Exception Overlay, two different categories of exceptions are intended to be created:

1. Legacy Exceptions (Corresponding with Section 23) – these are the existing site-specific exceptions that were passed under the existing zoning by-laws.
2. Exceptions (Corresponding with Section 24) – these will be the new exceptions that are passed under the new Kingston Zoning By-law after it is passed by Council.

In the first draft, all existing site-specific exceptions were identified as being carried forward. In the second draft, staff have identified potential Official Plan conformity issues with this approach for older exceptions that were passed prior to the date the current Official Plan came into force on January 27, 2010. The City cannot pass a zoning by-law that does not conform to the current Official Plan. As such, existing site-specific exceptions that do not conform to the Official Plan cannot be carried forward into the new Kingston Zoning By-law.

Staff have not made a determination on the appropriate approach to dealing with the older exceptions at this time and have prepared the second draft in a manner to properly facilitate this conversation with the public and all members of Council through consultation on the second draft. Schedule 5, the Exception Overlay, currently identifies three categories of exceptions:

1. “Passed Before Current OP or Does Not Conform with Current OP” (shown in red)

These are the existing site-specific exceptions that were passed prior to the date the current Official Plan came into force on January 27, 2010. These exceptions may or may not conform with the current, in force Official Plan policies. This category also includes 8 exceptions that were passed between January 27, 2010 and the date that the Official Plan Update amendments came into force on August 29, 2017, where amendments in the Official Plan Update mean that these exceptions may no longer conform with the current, in force policies of the Official Plan.

2. "Legacy Exception that Conforms with Current OP" (shown in green)

These are the existing site-specific exceptions that were passed after the date that the current Official Plan came into force on January 27, 2010 (excluding the 8 exceptions referred to above). This category also includes 31 exceptions that were passed prior to the date the current Official Plan came into force, where the exceptions have corresponding site-specific Official Plan policies that align with the site specific zoning exception. The intent is to bring the text of these exceptions into Section 23 (Legacy Exceptions), with proper modifications to align the exception references with the new Kingston Zoning By-law exception number, and identify them on the Exception Overlay map.

3. "New Exception to Conform with Current OP" (shown in blue)

There is 1 new exception that is proposed to be created in the new Kingston Zoning By-law in order to align with a site-specific Official Plan policy. The intent is to bring this exception into Section 24 (Exceptions) and identify it on the Exception Overlay map.

Staff will be seeking feedback on the appropriate approach to the exceptions that fall into Category 1 ("Passed Before Current OP or Does Not Conform with Current OP") through the statutory public meeting that is scheduled at a Special Meeting of Planning Committee on September 30, 2021. Staff will also be seeking feedback from the Mayor and all members of Council on this same topic at a Special Meeting of Council this fall. Right now, there are two potential approaches that have been identified for these exceptions:

1. Remove these properties from the new Kingston Zoning By-law, giving these properties a "hole" on all of the relevant mapping which states that these properties are not subject to the new Kingston Zoning By-law. This approach would also require that the existing zoning by-laws are not repealed in their entirety and that the existing zoning by-laws will continue to apply to these properties. If this approach is taken, the intent would be that amendments are made to the new Kingston Zoning By-law to eventually bring all properties into the new Kingston Zoning By-law.
2. Allow for the legal non-conforming use provisions of the *Planning Act* and the corresponding provisions in Section 1.8. of the new Kingston Zoning By-law to apply to these properties, without recognizing the existing exceptions.

Note: Some exceptions that fall into Category 1 are area-wide exceptions in employment areas or neighbourhood wide exceptions in certain residential zones. Staff are continuing to explore the appropriate approach to exceptions that fit into this category. Staff look forward to receiving feedback from the public, the Mayor and members of Council on this topic in the fall.

6.1. Tiny Houses

Garden suites have been renamed as Tiny Houses and the subsection has been amended to be consistent with the provisions of the additional residential units overlay, while recognizing that the *Planning Act* requires any garden suite to be permitted through a Temporary Zoning By-law.

The proposed provisions were the subject of a public meeting at Planning Committee, as detailed in the [Discussion Paper about Tiny Houses, Shipping Containers and Additional Residential Units](#). As a result of feedback received at that public meeting and in response to the discussion paper, the proposed definition of “Building” has been amended to include tiny houses, when they have been permanently placed on the ground by removing the wheels and connected to permanent services, so that they are no longer considered a temporary, portable tiny house, and would be subject to the requirements that apply to permanent, detached additional residential units.

6.3. Home Offices and Home Occupations

A new definition of home office has been added to distinguish home offices from home occupations, as a reflection of the recent proliferation of work from home and remote-working arrangements during the COVID-19 pandemic. Home offices are permitted in any dwelling unit.

The home occupation provisions have been amended to replace the floor area restriction of 25% with a restriction ensuring that the floor area dedicated to the home occupation is less than the floor area of the dwelling unit. This will continue to ensure that home occupations are accessory to the principal dwelling unit on a lot but provides added flexibility for home occupations that require additional floor area without any added adverse land use impacts.

Restrictions related to the type of goods for sale on a property have been removed in recognition that many home occupations, such as hair salons, offer complementary products with services they provide. This also recognizes that many home businesses that produce craft products or other similar products may provide a value-added product on top of a product that was purchased outside of the home. There are also e-commerce-based home businesses where products may be purchased and sold without any customers physically attending the business to complete a purchase. From a city-wide zoning by-law perspective, the second draft focuses on the scale of the use relative to the principal dwelling unit and provides added flexibility to those who are looking to establish a small-scale home occupation in their homes. Aligning with the proposed permissions for additional residential units and tiny houses, the home occupation provisions allow for detached accessory buildings to be used for the home occupations.

6.4. Kennels

The kennel provisions from the first draft were based on the recommendations of Dillon Consulting in the Zoning Framework Report. The definition of kennel in the first draft was based on the definition in the existing Township of Kingston Zoning By-law 76-26, with slight modifications. The Zoning Framework Report did not provide specific rationale for the kennel

provisions that were recommended to be included in the first draft. Upon our review of the best practices of other municipalities, it appears that the recommended standards were based on the standards in the Ottawa zoning by-law, which were by far the most restrictive provisions out of the zoning by-laws reviewed in our best practices study.

Staff undertook a review of the best practices of other municipalities in Ontario. Of the 37 zoning by-laws that were reviewed, 32 by-laws had references to kennels in some capacity. About half of those by-laws included a specific definition but did not specifically permit kennels in any zones, did not have specific provisions for kennels and rather, only permitted kennels in site specific scenarios or specifically excluded them from being considered a home occupation. 14 of the 32 zoning by-laws included specific performance standards where kennels were permitted in general zone categories.

Of the 14 by-laws that included specific provisions, the majority included a general separation distance from a dwelling unit on a neighbouring lot (ranging between 60 and 300 metres). Additional performance standards such as lot area, lot frontage, setbacks and lot coverage were employed in various capacities with no clear best practice employed by other municipalities.

The revised definition of kennel in the second draft more closely aligns with the definitions of other municipalities and has been edited for clarity. The kennel provisions have been amended in the second draft to remove the distinction between different size kennels and provide standards that are more reflective of the general rural provisions provided elsewhere in the second draft, with a specific setback provision to neighbouring residential dwellings, which aligns with the approach taken by a number of other municipalities in Ontario. The amendments rely on the underlying zone categories to establish the appropriate lot areas, frontages, lot coverage and setbacks from lot lines.

6.7. Outdoor Patios

The specific use provisions for outdoor patios have been updated to remove requirements that are outside of the scope of a zoning by-law (such as permitted occupancy loads) and have been revised for clarity and to better align with Staff's experience processing applications for outdoor patios. The provisions are intended to strike a balance between minimizing the potential for adverse impacts on neighbouring properties while providing flexibility for commercial and hospitality uses to establish outdoor patios.

6.12. Backyard Hen Coops and Pigeon Lofts

The amendments proposed to the Animal By-law include specific provisions related to backyard hen coops, backyard hen runs and pigeon lofts. New sections have been added to the second draft for consistency between the Animal By-law and the second draft, including setbacks, separation distances, height and floor area provisions. This also ensures that the standards applicable to backyard hen coops and pigeon lofts are appropriate and properly mitigate adverse land use impacts.

7. Parking, Loading and Bike Parking Provisions

The first draft of the new zoning by-law did not include the proposed parking, loading and bicycle parking provisions. The second draft includes these provisions in Section 7, which are largely a reflection of work that was completed as part of the Discussion Paper entitled "[The Power of Parking: A New Parking Paradigm for Kingston?](#)", which was the subject of stakeholder engagement events and a public meeting at Planning Committee in June 2021.

The second draft includes various reconsiderations from the "Initially Favoured Options" outlined in "the Power of Parking". It is Planning Staff's intention to provide further detail of the various reconsiderations in a more comprehensive staff report this fall. That report would include additional details on why such reconsiderations have been made following stakeholder and public engagement and further staff consideration, and ultimately, how the revisions are felt to best reflect Staff's interpretation of the various public interest issues and opportunities involved with this complex and creative work.

In the meantime, the **following summary list** quickly outlines the reconsiderations in the second draft. This list is intended to help readers of the second draft who have read "the Power of Parking" easily identify where changes in thinking have occurred since its release:

Parking Minimums for Heritage and Affordable Housing: For additional clarity, the only proposed buildings that would truly have no minimum parking requirement at all, are heritage buildings. Although affordable housing projects would have no general parking requirement, they would have both an accessible parking requirement and a visitor parking requirement. Although heritage buildings would not be required to build accessible parking if they choose to build no parking at all, if they choose to build some parking, they will have to provide accessible parking based on the required ratio first.

Parking Minimums and Incentives/Cash-In-Lieu: If a proposal wishes to further reduce the minimum parking beyond the reduced minimum ratios, the reconsidered approach no longer proposes incentives for car-share, bike facilities etc. The intentions of the previously proposed incentives are now proposed to be addressed through regulations (discussed below). The reconsidered approach would see the retention of an updated cash-in-lieu of parking by-law that would allow further reduction beyond the reduced minimums (potentially to as low as zero general parking), with funds being used primarily to support the establishment of a successful car-share system, and potentially other enhancements to alternatives to car use and ownership. Such funds will not be used to provide additional off-site parking. The current amounts collected via cash-in-lieu will be updated/increased to better reflect a strategic portion of the cost of parking construction.

Car-share Parking Space Regulations: Rather than seeking to use reductions in parking minimums as an incentive for car-share spaces, a requirement that 5% of the total number of parking spaces for multi-unit residential buildings be established as car-share spaces is now

proposed (heritage and affordable housing projects are excluded). This requirement will be combined with the newly proposed incentive connected to the parking maximum (discussed below). The By-law will also allow all car-share spaces to be used temporarily as additional visitor parking if car-share service is not available in the city, or if car-share service capacity does not currently exist to include the building in question.

Parking Requirements Along Transit Corridors: In the areas of the City referred to as PA3 and PA4 (essentially public transit corridors), the distances to the corridors have been changed from 400 metres to 600 metres to match the definition of walking distance in the Official Plan. Further, to better reflect the reality of the way people actually travel from home to public transit routes via alternatives to motor vehicles, that distance is now shown in the schedule via available public walking connections rather than “as the crow flies.” The second draft also includes a provision where, if an applicant can establish to the City’s satisfaction that any part of a property is within a real 600 metre walk (even if it is not shown on the map), a proposal can take advantage of the reduced parking requirement. This allowance is expected to represent an incentive for property owners to improve more direct walkable connections to public transit routes where they may currently not exist and also reflects the fact that this map is being established at a specific moment in time and public pathways are continuously being expanded.

Parking Maximums: The proposed maximum ratio for multi-unit residential in PA3, PA4 and PA5 has been reduced from 1.5 to 1.0 spaces per dwelling unit in the second draft. In PA1 and PA2, the maximum ratio remains at 1.0 spaces per dwelling unit. However, a new incentive has been included in the second draft that would allow the maximums to increase.

In PA1 and PA2, applicants are allowed to increase parking to as high as 1.25 spaces per dwelling unit, in return for constructing all additional parking spaces beyond 1.0 ratio to be “Electric Vehicle Ready” (as defined in the By-Law) AND if one additional car-share space (beyond those required in the newly proposed regulation discussed previously) is provided for every 4 general parking spaces above the 1.0 ratio. Similarly, for areas PA3, PA4 and PA5, applicants may be allowed to increase parking beyond 1.0 to as high as 1.5 spaces per dwelling unit, in return for the same Electric Vehicle Ready and car-share expectations noted above.

Parking for Compact Vehicles: In multi-unit residential projects, up to 10% of the general and visitor parking spaces (not including the accessible or car-share spaces), may be sized for compact vehicles, with 2.4 metre by 4.8 metre dimensions initially proposed.

Enhanced Bike Parking Spaces: The second draft proposes an increase in the percentage of larger bike spaces (cargo bikes, carriers, trailers, accessible bikes, etc.) from 5% to 10%. Further, 10% of provided bike parking spaces must have an electric outlet for e-bike plug-ins, and all bike lockers provided must have outlets for e-bike plug-ins. 50% of short-term bike parking spaces must be weather protected. Maintenance area space of sufficient size to accommodate repair and maintenance of bikes must be provided in projects where there are more than 25 long-term bike parking spaces required, with such space provided within the long-term bike parking area.

8.1. Permitted Uses in Prime Agricultural Zones

In accordance with the Provincial Policy Statement and the Official Plan, new residential uses in the prime agricultural zone have been limited as accessory uses to principal agricultural uses. Existing residential uses have been recognized as legal principal uses.

11. and 12. Urban Residential Zones

The number of residential zones has increased as a result of the recommendations of the Reddendale and Central Kingston Growth Strategy Study recommendations. This has resulted in the creation of two different categories of residential zones: Urban Residential Zones (UR) and Urban Multi-Residential Zones (URM) in Sections 11 and 12.

The additional residential zones are more reflective of the character of specific neighbourhoods and allow for intensification areas to be given URM zoning in a manner that best aligns with the intended intensification in the area.

13. Heritage Zones

Three heritage zones have been created to align with the Heritage Conservation Districts: HCD1 Zone – Village of Barriefield, HCD2 Zone – Market Square, HCD3 Zone – Old Sydenham.

The creation of three new zones specifically catered to the heritage conservation districts in the City allows for the creation of unique zoning standards that are better reflective of the heritage conservation policies that apply to these areas. The zone standards have been drafted in a manner that aligns with the policies of the applicable Heritage Conservation District plan and is reflective of the existing and planned built form in the areas.

15. Commercial Zones

The Mainstreet Commercial zone has been split into 2 subzones to align with the recommendations of the Addendum to the Williamsville Main Street Study. The updated Mainstreet Commercial zones align with the recommendations of the recently adopted amendments to the existing zoning by-laws through the Addendum to the Williamsville Main Street Study.

Additional changes to the names and zone nomenclature for commercial zones have been made in the second draft for better alignment with language of the Official Plan and the recommendations of the Commercial Lands Study. Finally, the downtown zone section has been removed and incorporated into the commercial zones. Mapping has been updated to change "CD" to "DT1" and "DT2", "CL" to "CN", "CS1" to "CD", "CS2" to "CR", which aligns with the changes to the zone nomenclature in the text of the second draft. Note that the former "CMS" zone has been moved to the Heritage Zones category and renamed HCD2, reflective of the applicable Heritage Conservation District.

Staff are continuing to ensure that the commercial use permissions align with the policies of the Official Plan and the Commercial Lands Study and that the zone maps are consistent with the Official Plan land use designations.

15.3., 15.4., 15.10., 15.11., 15.12. Mandatory Ground Floor Commercial

New ground floor commercial requirements have been added to HCD2, CM1, CM2, DT1, DT2 and HB zones have been added, with a new Non-Overlay Schedule 3 depicting the lands that are subject to this requirement.

The Official Plan indicates specific lands that are required to have ground floor commercial in the Downtown & Harbour Specific Policy Area (10A policies and Schedule DH-3) and the Williamsville Main Street area (10E policies and Schedule PS-1). The creation of these new regulations and the new Non-Overlay Schedule 3 allows for the New Zoning By-law to align the requirements with the Official Plan in a manner that doesn't broadly require ground floor commercial across all areas of the downtown.

16. Employment Zones

Since the first draft was prepared as more of a consolidation exercise of the existing zoning by-laws, the mapping in the first draft did not align with the distinction between Business Park Industrial and General Industrial land use designations in the Official Plan. The mapping of the employment zones has been updated to better align with the mapping of the in-force Official Plan, aligning the M1 Zone with the Business Park Industrial land use designation, the M2 and M3 Zones with the General Industrial land use designations, the M5 Zone with the Waste Management Industrial land use designation and the M4 Zone with areas that have been zoned for service commercial uses in accordance with the complementary use policies of the Official Plan.

The permitted uses within the Employment Zones have been refined to better align with the permissions in the Official Plan and performance standards have been updated to better reflect the intended development in these areas. A new provision has been added to each of the Employment Zones confirming that the intent of the new Kingston Zoning By-law is to allow for minor variance for complementary uses in accordance with the policies of the Official Plan.

18.4. Development Reserve Zone

The uses permitted in the DR zone have been reduced to existing residential uses or existing industrial uses, along with agricultural uses in the rural area.

The intent of the development reserve zone is to allow for existing residential uses, industrial and agricultural uses (where they are located in the rural area). Any future development in the DR zone should be subject to a site-specific zoning by-law amendment to rezone the property to a

more appropriate zone category, as such, the permitted uses have been reduced to ensure new uses go through an appropriate planning process.

19. Environmental Protection Area Zone

The EPA Zone provisions and mapping were the subject of a public meeting at Planning Committee, as detailed in the [Discussion Paper about Environmental Protection Areas, Ribbon of Life and Waterbody Setbacks](#).

Please note there are a few areas that are currently included in the PSW mapping provided by the Province, but Staff are anticipating that these areas will be removed from the PSW mapping prior to the final draft. In the event these mapping changes are not made prior to the final recommendations, the boundaries of the EPA land use designation and corresponding EPA Zone will be adjusted to align with the PSW mapping at that time.

20. Zoning Maps

Zoning Maps have been updated for consistency with the Official Plan, to reflect changes that were made in the final approved Five-Year Official Plan Update, to reflect recommendations of the Williamsville Main Street, Reddendale and CKGS Studies and to update the exceptions. Minor changes have been made throughout the mapping to correct mapping errors and inconsistencies. Through the ongoing review of the second draft, it is expected that further revisions and modifications to the proposed zone maps will continue to be made to ensure full conformity and alignment with the policies of the Official Plan.