



**City of Kingston
Report to Council
Report Number 19-152**

To: Mayor and Members of Council
From: Lanie Hurdle, Acting Chief Administrative Officer
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: May 21, 2019
Subject: Interim Control By-Law and Land Use Planning Study within the
Williamsville Main Street Corridor

Executive Summary:

At the September 18, 2018 meeting, Council directed staff to organize a public consultation meeting to provide an update on development applications, seek input on the progress of the Williamsville Main Street Study and present a recommendation report no later than Q3, 2019 to the Planning Committee. The purpose of this report is to make recommendations to Council regarding the enactment of an Interim Control By-Law (ICBL) and to clarify the scope and timing of the work to be completed through a land use planning study within the Williamsville Main Street Corridor over the next 12 months.

The study area, known as the Williamsville Main Street Corridor, is a 1.7 kilometre stretch of Princess Street from Division Street to the Bath Road and Concession Street intersection (Exhibit B). In 2012, the [Williamsville Main Street Study](#) (WMSS) was completed and approved by Council. The goal of the study was to create a main street that is pedestrian-oriented and transit-supportive with mixed use developments, and commercial uses that would serve the surrounding neighbourhoods. The City then implemented the principles of the Study in Official Plan and zoning by-law amendments in 2013, which created the Princess Street Corridor Specific Policy Area in the Official Plan and the C4 zone in Zoning By-Law Number 8499 for the majority of the lands within the study area.

The Princess Street Corridor Specific Policy Area in the Official Plan recognizes a continuous streetwall between 3 and 4-storeys, with buildings generally up to 6-storeys. There is a general policy that states that average lot depths equal to or greater than 36 metres are recommended to accommodate buildings up to 6-storeys in height, however, there are policies that currently permit buildings up to a maximum of 10-storeys in height, with some general criteria established

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that a property must meet. The angular plane provisions are also carried forward into the Official Plan policies through reference to the original 2012 WMSS study.

The C4 zone permits a number of different land uses, generally to a maximum building height of 20 metres, with the massing and gross floor area of the building dictated by projecting a 45 degree angular plane from the property line that abuts a street from a height of 13.5 metres, and requiring both rear and side 45 degree angular planes from grade. In general, a stepped building up to a maximum height of 6-storeys can be accommodated within the as-of-right zoning permissions.

The original WMSS study identified parcels of land that may be able to accommodate taller buildings, however, through the inclusion of general principles that any site can meet to be considered for a taller building and no clear definition of a 'landmark' building the potential exists for development to be introduced that is contrary to the intent of the study with respect to the vision for the area. Staff want to ensure a clarity of policy moving forward to ensure the full vision of the Main Street Study is realized. While the intent of the study was to limit the location of taller buildings, with the majority of sites accommodating a 3 to 6-storey built form, the study and policy recommendations only considered lot fabric that existed at the time, and did not take into consideration future lot consolidation and the impact of such consolidation on the location and number of tall buildings that might be proposed throughout the corridor

Since the enactment of the Princess Street Corridor Specific Policy Area policies in the Official Plan on July 17, 2013, the City has received significant interest in the redevelopment of vacant and underutilized parcels of land in the study area. A total of 41 site-specific applications have been received, of which 26 have been approved. Of the 41 applications, 6 development proposals have proposed increases in the scale of development and density beyond that permitted by the Official Plan policies. Of the 6 proposals seeking relief from the Official Plan, 4 have been approved by Council, with 2 applications deemed "complete" and in the review process. The 6 noted development proposals are proposed to be built to the maximum height permission established by the Official Plan at 10-storeys of commercial and residential uses, with some additional amenity/mechanical uses located on the rooftop. The Official Plan policies, as they are currently written, enable sites across the study area to be considered candidates for 10-storey buildings, whereas the original intent of the WMSS envisioned some degree of limitation with respect to the key locations/intersections at which taller buildings may be situated. The introduction of additional density not contemplated by the original study has the potential to create significant land use impacts.

The transportation study that was completed for the 2012 WMSS utilized SYNCRO (a traffic analysis software) based on the as-of-right permissions extended across the corridor. Given the significant level of intensification the City has seen on specific sites within the corridor, it is expected that there will be impacts at the intersection level to a greater extent than that which was originally considered in the City's study. Upon review of these concerns, there has been an identified need to create a more detailed model of traffic volumes within the corridor with a more robust traffic modelling software called Vissim (not available to the City in 2012) which will look at the intersections and the surrounding intersections to understand how they will function. The new traffic modelling software will allow for a variety of development options to be evaluated to

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better understand the impact of increases in density at specific locations across the corridor. Similarly, there is a need to better understand the cumulative impact of increased density on servicing capacity within the corridor to ensure that the policies supporting the overall development of the corridor are not compromised. For example, there is a need to evaluate whether increased density on properties where such density was not contemplated by the WMSS will result in the inability to support development (density) where such was identified as desirable by the Study.

The purpose of an Interim Control By-Law (ICBL) is to allow the City to control development in areas where it wishes to reconsider the land use planning policies. Prior to passage, Council must authorize a land use planning study to be undertaken and substantiate the planning rationale behind the ICBL. Once the land use planning study is completed, the Official Plan policies and zoning by-law provisions may then be formally amended to reflect the desired policies and land uses. An ICBL is designed to prohibit identified land uses until the completion of the study, which allows the City to ensure future land use objectives are met by limiting development in the interim period of time.

Since the implementation of the Princess Street Corridor Specific Policy Area there have been a number of development applications received, which have proposed greater densities than those allocated on a lot by lot basis through the 2012 study. The technical impacts of development being pursued and built within the corridor are not fully understood and, accordingly, bring about concerns from a transportation, servicing and land use perspective. Staff believe there is a need to implement an Interim Control By-Law for the Williamsville Main Street Corridor so that the policy gaps can be addressed to ensure the overall vision of becoming a mid-rise corridor with some tall buildings can be realized and serviced properly. Without greater clarity, the current policies have the potential to create long-term traffic and servicing issues within the corridor.

The policies need to be better refined to clearly communicate the City's desire to achieve a mixed-use, predominantly mid-rise built form within the Williamsville corridor and ensure that policy is adequately implemented through amendments to the Official Plan, including defining any additional locations where tall buildings can be contemplated. The recommended ICBL would only prohibit the development of parcels beyond the current as-of-right zoning permissions during the completion of the mandatory land use study. The by-law would be in effect for a period of 12 months, and provides transition clauses to allow for development applications which are currently "complete" to be processed under the existing policy framework.

The intent of the land use study is to specifically study the angular plane policies and the policies that create a framework to allow for taller buildings with greater densities to be considered at strategic locations within the corridor. The land use study will be completed in conjunction with the updated transportation modeling and a review of the servicing capacity, to ensure that the densities considered across the corridor can be supported from a technical perspective while supporting the overall vision for the corridor, which will support the Princess Street transit corridor and provide a more sustainable means of growth within the city.

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The land use study will include a public engagement strategy in addition to incorporating public consultation in accordance with the *Planning Act*. The land use study will also benefit from the City's concurrent Density by Design: Mid-rise and Tall Buildings Policy, which will inform this work with respect to sustainability and the design challenges of wood-frame construction vs. concrete construction by ensuring we do not have a policy framework that inadvertently provides disincentives for the intended mid-rise building form.

Recommendation:

That staff be directed to complete a land use planning study by Q2 of 2020 of the policy and zoning framework with respect to angular plane and the allowance for where taller buildings are permitted within the Williamsville Main Street corridor, and make recommendations specifically clarifying where taller buildings or intensification greater than that permitted by the existing zoning by-law can be supported; and

That staff be directed, in conjunction with the land use planning study, to complete a detailed Vissim transportation model and study of the Williamsville Main Street corridor and to complete a review of the available servicing capacity to ensure that the densities considered across the corridor can be supported from a technical perspective; and

That Council authorizes an additional budget of up to \$100,000.00 for the completion of the Vissim transportation model and study to be funded from the Working Fund Reserve; and

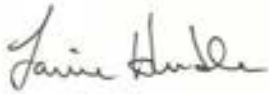
That Council enact an Interim Control By-law for the Williamsville Main Street Corridor as per Exhibit A (Draft By-Law and Schedule A) to Report Number 19-152, only prohibiting intensification of lands within the study area with anything in excess of what is permitted by the current zoning by-law; and

That the Interim Control By-Law be presented to Council for all three readings.

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Authorizing Signatures:



**Lanie Hurdle, Acting Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Gary Dyke, Commissioner, Corporate Enterprise Services	Not required
Peter Huigenbos, Acting Commissioner, Community Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	OK
Sheila Kidd, Commissioner, Transportation & Public Works	SK

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Options/Discussion:**Origin**

At the September 18, 2018 meeting, Council passed the following motion:

“Whereas a major Secondary Plan, the Williamsville Mainstreet Study, after considerable public input, was embraced by the community and passed unanimously at Council, and led to a new Zoning By-Law and recognition in the new Official Plan; and

Whereas a recommendation of the Study in 8.6.1 was, “As development progresses it is recommended that regular public information sessions be hosted to keep the community up to date of development applications and the implementation of the study (as needed, or every 3 to 5 years). Following that session, a meeting of City Staff from all applicable departments should be held to discuss the outcomes and feedback received at that meeting”; and

Whereas such a review and public consultation is now overdue;

Therefore Be It Resolved That staff organize a public consultation to provide an update and seek input on the progress of the Williamsville Main Street Study and present a recommendation report no later than Q3, 2019 to the Planning Committee.”

The purpose of this report is to make recommendations to Council regarding the enactment of an ICBL and to clarify the scope and timing of the work to be completed through a land use planning study within the Williamsville Main Street Corridor.

Background

The study area, known as the Williamsville Main Street Corridor, is a 1.7 kilometre stretch of Princess Street from Division Street to the Bath Road and Concession Street intersection (Exhibit B). In 2012, the [Williamsville Main Street Study](#) was completed and approved by Council.

The WMSS established that the area is vibrant and active with a mix of residents, housing types and land uses. The future vision for Princess Street is to support this vibrancy with new mixed use development framing an improved, predominantly mid-rise, streetscape. In the future, Princess Street will act as a main street that will reconnect the residential areas to the north and south. The street and its redevelopment will fulfill its role as a gateway into the historic centre of Kingston and an important amenity area for Kingston residents.

To secure a strong future vision for Princess Street and the Williamsville area, the WMSS clearly defines 3 character areas based on a predominant land-use, street treatment and building character: Area 1 (Bath Road/Concession Street to Macdonnell Street), Area 2 (Macdonnell Street to Alfred Street) and Area 3 (Alfred Street to Division Street). The defined roles for each area are City Destination, Community Destination and The Gateway, respectively, with a detailed vision for each area outlined in the WMSS. Within the character areas,

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redevelopment nodes have been identified as the areas that would be best served with a predominately commercial ground floor. Additionally, there are some sites that have the capacity and appropriate context to potentially accommodate building taller than 6-storeys but no taller than 10-storeys. Development proposals for those sites will need to clearly demonstrate minimal impact on the surrounding community and a high quality building design that ensures that any taller building would become a positive landmark that is representative of the Williamsville area.

While the WMSS included a specific map identifying “Height Potential” across the corridor, with classifications of 4, 5, 6 and 8 to 10-storeys, the map only considered the parcel fabric that existed at the time of the study and did not consider the possibility of future land consolidation. As a result, instead of crystallizing the intended locations for taller buildings through a specific map, criteria was established that permits taller buildings to be accommodated on sites that are deeper than 36 metres and demonstrate land use compatibility. A 3D model is shown in the WMSS for “demonstration purposes” only and clearly identifies that properties will be evaluated for lot depth on an application by application basis. While the intent of the study was to limit the location of taller buildings, with the majority of sites accommodating a 3 to 6-storey built form, an unintended consequence was created when the study only considered lot fabric that existed at the time, and did not take into consideration the potential for future lot consolidation. Since 2012 a number of parcels of land have been purchased and assembled into larger land holdings, which have resulted in 6 proposals for tall buildings within the corridor.

The City implemented the principles of the WMSS in Official Plan and zoning by-law amendments in 2013, which created the Princess Street Corridor Specific Policy Area in the Official Plan and the C4 zone in Zoning By-Law Number 8499 for the majority of the lands within the study area.

The Princess Street Corridor Specific Policy Area in the Official Plan recognizes a continuous streetwall between 3 and 4-storeys, with buildings generally up to 6-storeys.

The C4 zone permits a number of different land uses, generally to a maximum building height of 20 metres, with 45 degree angular planes dictating the massing of the building by projecting the angular plane from the property line that abuts a street from a height of 13.5 metres, and both rear and side 45 degree angular planes from grade. In general, a stepped building up to a maximum height of 6-storeys can be accommodated within the as-of-right zoning permissions.

Consistent with the approach of the WMSS, there is a general policy that states that average lot depths equal to or greater than 36 metres are recommended to accommodate buildings up to 6-storeys in height, however, there are policies that currently permit buildings up to a maximum of 10-storeys in height, with some general criteria established that a property must meet. The angular plane provisions are also carried forward into the Official Plan policies through reference to the original 2012 WMSS study.

Development Applications within the Study Area

Between the enactment of the Princess Street Corridor Specific Policy Area in the Official Plan on July 17, 2013 and May 1, 2019, a total of 41 separate site-specific applications were received by the City of Kingston within the study area, including 7 consent applications, 5 applications for

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minor variances/permission, 5 applications for an Official Plan amendment (OPA), 10 applications for a zoning by-law amendment (ZBA), 13 applications for Site Plan Control (SPC) and 1 application for Final Plan of Condominium. Exhibit F provides a map identifying the location and status of the development applications in the Williamsville Main Street Corridor from July 17, 2013 to May 1, 2019. Exhibit G provides a table detailing the file number, municipal addresses, application type, description and status of the same development applications.

Of the 41 site-specific applications that have been received, 6 significant development proposals have consolidated properties along the corridor and have proposed the maximum height permission established by the Official Plan at 10-storeys of commercial and residential uses, with some additional amenity/mechanical uses located on the rooftop. These proposals are exempt from the proposed ICBL and include the following:

Address	Application Description	Status
493 Princess Street (212 Colborne Street), 495-497 Princess Street, 2 and 10 Creighton Street and 19-23 Chatham Street	10-storey mixed-use building with commercial uses at-grade, residential/amenity uses up to the 10 th storey and amenity/ mechanical above the 10 th storey	Approved
460-468 and 480 Princess Street, 327 University Avenue	10-storey mixed-use building with commercial uses at-grade, residential/amenity uses up to the 10 th storey and amenity/ mechanical above the 10 th storey	Approved
525 Princess St	10-storey mixed-use building	Under Review
555 Princess Street, 557 Princess Street, and 559 Princes Street	10-storey mixed-use building	Under Review
575-611 Princess Street and 510 Frontenac Street	10-storey mixed-use building	Approved
652, 662-670 Princess Street and 551 Victoria Street	10-storey mixed-use building.	Approved

Transportation and Servicing Analysis

The transportation study that was completed for the 2012 WMSS utilized Synchro (a traffic analysis software) based on the as-of-right permissions extended across the corridor. Given the significant level of intensification the City has seen on specific sites within the corridor, it is expected that there will be impacts at the intersection level to a greater extent than that which was originally considered in the City's study. Upon review of these concerns, there has been an identified need to create a more detailed model of traffic volumes within the corridor with a more robust traffic modelling software called Vissim (not available to the City in 2012) which will look at the intersections and the surrounding intersections to understand how they will function. The

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new traffic modelling software will allow for a variety of development options to be evaluated to better understand the impact of increases in density at specific locations across the corridor. Similarly, there is a need to better understand the cumulative impact of increased density on servicing capacity within the corridor to ensure that the policies supporting the overall development of the corridor are not compromised. For example, there is a need to evaluate whether increased density on properties where such density was not contemplated by the WMSS will result in the inability to support development (density) where such was identified as desirable by the Study.

Interim Control By-Laws (ICBLs)

Section 38 of the *Planning Act* allows municipalities to pass an ICBL, to be in effect for a period not exceeding one year, prohibiting the use of land, buildings or structures for specific purposes in a defined area if Council has directed that a review or study be undertaken in respect of land use planning policies in that area. The study must be completed within a year, with a maximum extension of one additional year permitted by the *Planning Act*. Should an extension beyond the initial year be required, Council would be required to pass an amending by-law to allow for the extension of one additional year.

The purpose of an ICBL is to allow the City to control development in areas where it wishes to review the land use planning policies, or where new policies will be developed. Once these studies are completed, the Official Plan policies and zoning by-law provisions may then be formally amended to reflect the desired land uses. An ICBL is designed to prohibit development until the completion of the study to prevent future land use objectives from being compromised by limiting development in the interim period of time. The by-law may not be applied retroactively or prohibit any use that existed legally prior to the passing of the by-law. It may not prohibit any use or building for which a Building Permit had been issued prior to the passing of the by-law.

An ICBL may be passed without a Statutory Public Meeting or the need to provide advanced public notice. After the by-law is passed, a notice of passing of the by-law must be provided in the manner prescribed by the *Planning Act*. There is no public right of appeal during the 1st year an ICBL is enacted; only the Minister has an appeal right under the *Planning Act* for the initial 1 year period the ICBL is in effect. If a 1 year extension is passed by Council, a notice of passing of the extension by-law is required to be provided in accordance with the *Planning Act* and any person or public body may appeal the extension by-law within a 60 day appeal period. If any Official Plan and/or zoning by-law amendments that result from the land use planning study are appealed to the Local Planning Appeal Tribunal, the *Planning Act* provides that the ICBL may remain in effect past the two year period until the Tribunal issues a decision on the planning policies that implement the results of the study. In addition, Section 273 of the *Municipal Act*, 2001 provides a mechanism for an appeal of an ICBL to proceed to the Superior Court of Justice within the first year.

The scope of the planning study and the area to be subject to the ICBL must be clearly identified in the Council resolution. Once the by-law is enacted, the expectation is that the planning study will be completed expeditiously and will result in formal amendments that implement the future planning policies for the study area.

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A number of legal cases have established four principles that govern the appropriate use of an ICBL:

1. Section 38 must be interpreted strictly given that it permits a municipality to negate development rights;
2. A municipality must substantiate the planning rationale for the ICBL;
3. An ICBL must conform with the Official Plan; and
4. The planning review authorized by the by-law must be carried out fairly and expeditiously.

The leading case dealing with ICBLs is *Equity Waste Management of Canada Corporation versus Halton Hills*, a case from the Court of Appeal for Ontario. The general direction established in this case is that courts are instructed to adopt a generous and deferential approach to reviewing the exercise of municipal discretion to enact an ICBL. The case also confirmed that it is not a prerequisite that there be an emergency or other case of urgency in order to enact such a by-law; the purpose is to allow a municipality time to fairly and properly reconsider its land use planning policies.

Section 45.1 of the *Planning Act* outlines the powers of the Committee of Adjustment. The Committee of Adjustment may grant minor variances from the provisions of a by-law passed under Section 34 (zoning by-law) or Section 38 (Interim Control By-Law). Enacting the ICBL would not therefore preclude individual land owners from applying for a minor variance from the ICBL after it is in force. A 20-day appeal period would follow once a decision is made on the minor variance application.

Interim Control By-Laws in Other Ontario Municipalities

Staff have researched ICBLs enacted by other Ontario municipalities in the past, including Toronto, Halton Hills, Mississauga, Ottawa, Caledon, Brampton, Guelph, London and Hamilton. A summary of the key findings is provided below:

- The geographic area subject to an ICBL in other municipalities was specific to the area facing a planning policy problem, sometimes as small as encompassing a few blocks.
- Examples of planning rationales behind enacting an ICBL and undertaking a land use study in other municipalities include: to address land use conflicts and potential negative impacts of new development on existing uses (generally residential); to assess the compatibility of established uses in an area with the use permissions that exist through the zoning by-law; and to determine an appropriate policy framework for controlling redevelopment of residential properties within established neighbourhoods.
- Some municipalities included exceptions in the ICBL, whereas some did not. Examples of exceptions include: putting a cap on the permitted gross floor area of additions relative to the area of the building that existed as of the date of passing of the by-law (Brampton By-Law Number 035-2013); permitting repair and renovation in respect of a use permitted under the zoning by-law provided it does not have the effect of changing the use or increasing the gross floor area of the use (Mississauga By-Law Number 0046-2011).

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- Some municipalities such as Halton Hills and Brampton established an “exemption process” for the approval of site-specific exemptions from the ICBL, instead of using the minor variance process. It appears that the rationale behind not using the minor variance process was that it did not involve Council approval, whereas amending an ICBL to create site-specific exemptions would require Council approval.
- There does not appear to be case law establishing a legal precedent related to the above approaches using floor area caps or alternative exemption processes as no appeals were filed.

Recommendation

Section 2.6.7 of the City’s Official Plan enables the passage of an ICBL in order to advance a land use study, or secondary plan, contemplated by the policies of Section 2.6.6 of the Official Plan. The land use study shall determine the suitability of the area to accommodate the proposal, the impacts on the surrounding area and existing or planned infrastructure, the desirability or potential of the new land use boundaries to continue the stability of the remaining area, the viability of the area to continue its intended function if the proposal was developed and the impact from the development and the area’s ability to continue to function as intended. Sections 9.5.23 and 9.5.24 also enable the passage of an ICBL and any extensions to the period of time in accordance with the permissions in the *Planning Act*.

Staff believe there is a need to implement an ICBL for the Williamsville Main Street Corridor to clearly communicate the City’s desire to achieve a mixed-use, predominantly mid-rise built form within the Williamsville corridor and ensure that policy is adequately implemented through amendments to the Official Plan, including defining any additional locations where tall buildings can be contemplated. The recommended ICBL would only prohibit the development of parcels beyond the current as-of-right zoning permissions for the 12 months the land use study is being completed, and provide transition clauses to allow for development applications which are currently “complete” to be processed under the existing policy framework.

The intent of the land use study is to specifically study the angular plane policies and the policies that create a framework to allow for taller buildings with greater densities to be considered in the corridor. The land use study will be completed in conjunction with the updated transportation modeling and a review of the servicing capacity, to ensure that the densities considered across the corridor can be supported from a technical perspective without compromising the overall vision to develop into a pedestrian oriented corridor with a 3 to 4-storey continuous streetwall, which will support the Princess Street transit corridor and provide a more sustainable means of growth within the City.

Existing Policy/By-Law:

Planning Act, R.S.O. 1990
City of Kingston Official Plan
Zoning By-Law Number 8499

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Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Staff have recommended that an additional \$100,000.00 be authorized from the Working Fund Reserve to complete the necessary transportation model and analysis required to properly study the technical considerations of the land use study.

Contacts:

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

Laura MacCormick, Deputy Director of Planning 613-546-4291 extension 3223

Other City of Kingston Staff Consulted:

Ian Semple, Director, Transportation Services

Greg Newman, Manager, Policy Planning

Sukriti Agarwal, Acting Project Manager, Planning

Andrea Gummo, Project Manager, Planning

Exhibits Attached:

Exhibit A Proposed Interim Control By-Law

Exhibit B Key Map

Exhibit C Neighbourhood Context (2017)

Exhibit D Official Plan, Land Use

Exhibit E Existing Zoning By-Law Number 8499

Exhibit F Map of Development Applications in Williamsville Main Street Corridor From July 17, 2013 to May 1, 2019

Exhibit G Table of Development Applications in Williamsville Main Street Corridor From July 17, 2013 to May 1, 2019

By-Law Number 2019-XXX

**A By-Law to Establish an Interim Control By-Law within the
Williamsville Main Street Corridor of
the City of Kingston to Prohibit Intensified Uses****Passed: XXX**

Whereas Council have directed staff to complete a land use study within the Williamsville Main Street Corridor with respect to angular plane and the allowance for where taller buildings are permitted within the corridor, and make recommendations specifically clarifying circumstances under which taller buildings or density greater than that permitted by the existing zoning by-law can be supported, with the necessary technical considerations from a transportation and servicing perspective; and

Whereas Section 38 of the *Planning Act* permits Council or a municipality to pass an Interim Control By-Law that may be in effect for up to one year, which prohibits the use of land, buildings or structures within the municipality or within any defined area thereof for such purposes as set out in the by-law, but only if the Council of the municipality has directed that a review or study be undertaken with respect to land use planning policies that apply to the subject area.

That the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. This By-law shall apply to all lands, buildings and structures located within the area identified as “Lands Subject to this By-law” on Schedule “A” attached to and forming part of this By-law.
2. No land, building or structure subject to this By-law shall be used for a permitted use that does not comply with the permitted setbacks, height and/or angular plane requirements of Zoning By-law Number 8499 as it was read immediately prior to the passing of this By-law.
3. Notwithstanding Section 2 of this By-law,
 - i. Nothing in this By-law shall prevent the development or use of a lot or one or more buildings or structures for which a complete application for a Building Permit was received by the City on or before the date of passing of this By-law, if the development or use complies, or the Building Permit application is amended to comply, with the provisions of Zoning By-Law Number 8499 it was read immediately prior to the passing of this By-law.
 - ii. Where a complete application was received by the City on or before the date of passing of this By-law for the development or use of a lot or one or more

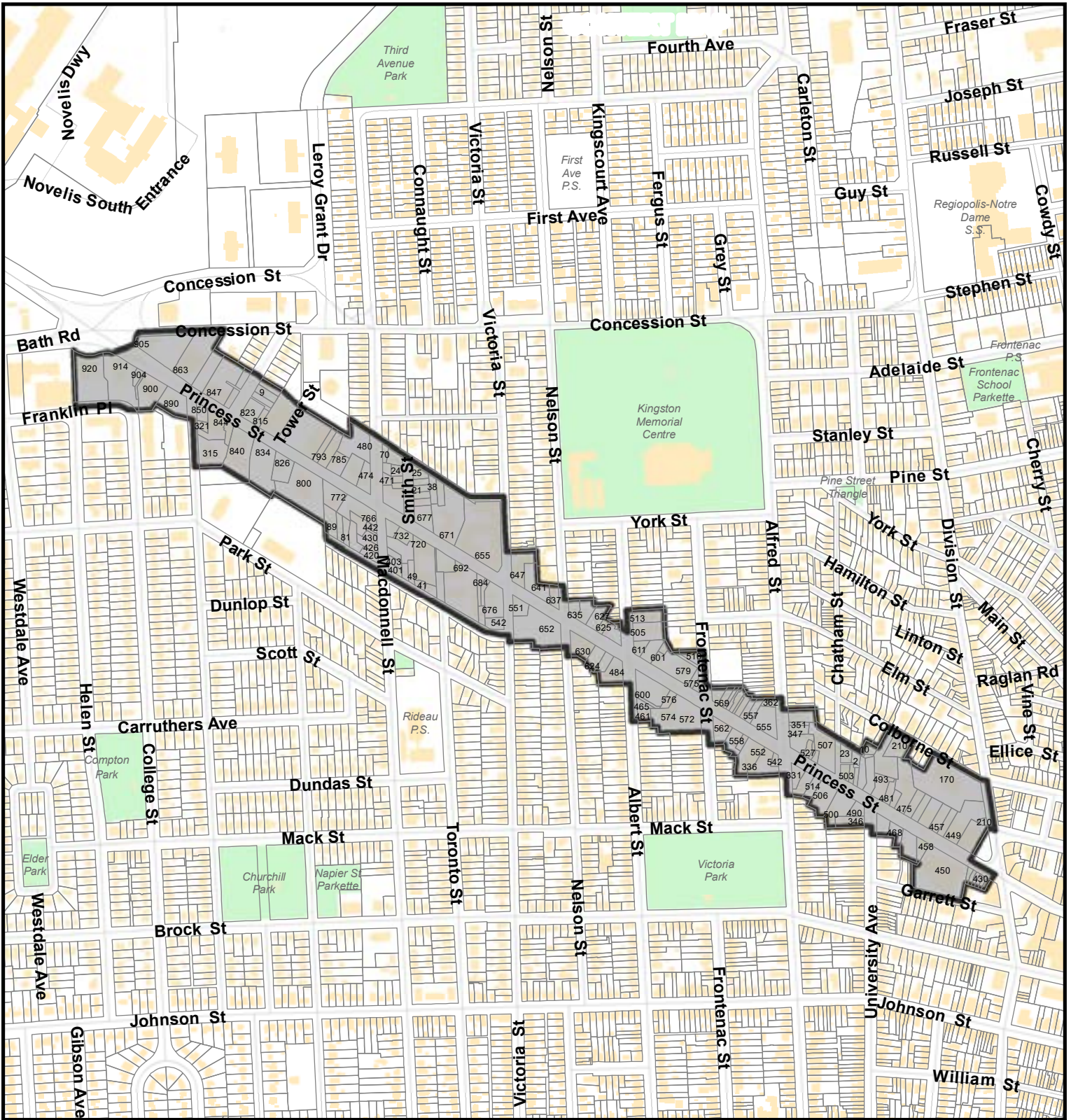
buildings or structures, approval may be granted, if deemed appropriate in the context of the current policies of the Provincial Policy Statement and Official Plan, based on the provisions of Zoning By-Law Number 8499 as they were read immediately prior to the passing of this By-law, for one or more of the following applications:

- a) Official Plan amendment pursuant to Section 22 of the *Planning Act*;
 - b) Zoning by-law amendment pursuant to Section 34 of the *Planning Act*;
 - c) One or more minor variances pursuant to Section 45 of the *Planning Act*;
 - d) Site Plan Control approval pursuant to Section 41 of the *Planning Act*; and
 - e) Consent pursuant to Section 53 of the *Planning Act*.
- iii. Where the development or use of a lot or one or more buildings or structures qualifies under Subclause ii., a Building Permit may be issued after final approval is received for all required applications and if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of Zoning By-Law Number 8499.
4. Where any conflict exists between the provisions of this By-law and any other by-laws of The Corporation of the City of Kingston, this By-law shall prevail.
5. This By-law shall come into force and take effect on the date of its passing and shall remain in effect for a period of one year from the date of its passing, unless otherwise extended in accordance with Section 38 of the *Planning Act*, or repealed by Council at an earlier date.

Given all Three Readings and Passed: XXX

John Bolognone
City Clerk

Bryan Paterson
Mayor



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

Location: Williamsville Main Street Corridor

LEGEND

 Lands Subject to this By-Law

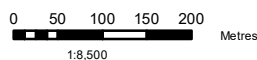
Certificate of Authentication

This is Schedule 'A' to By-Law Number _____,
passed this _____ day of _____ 2019.



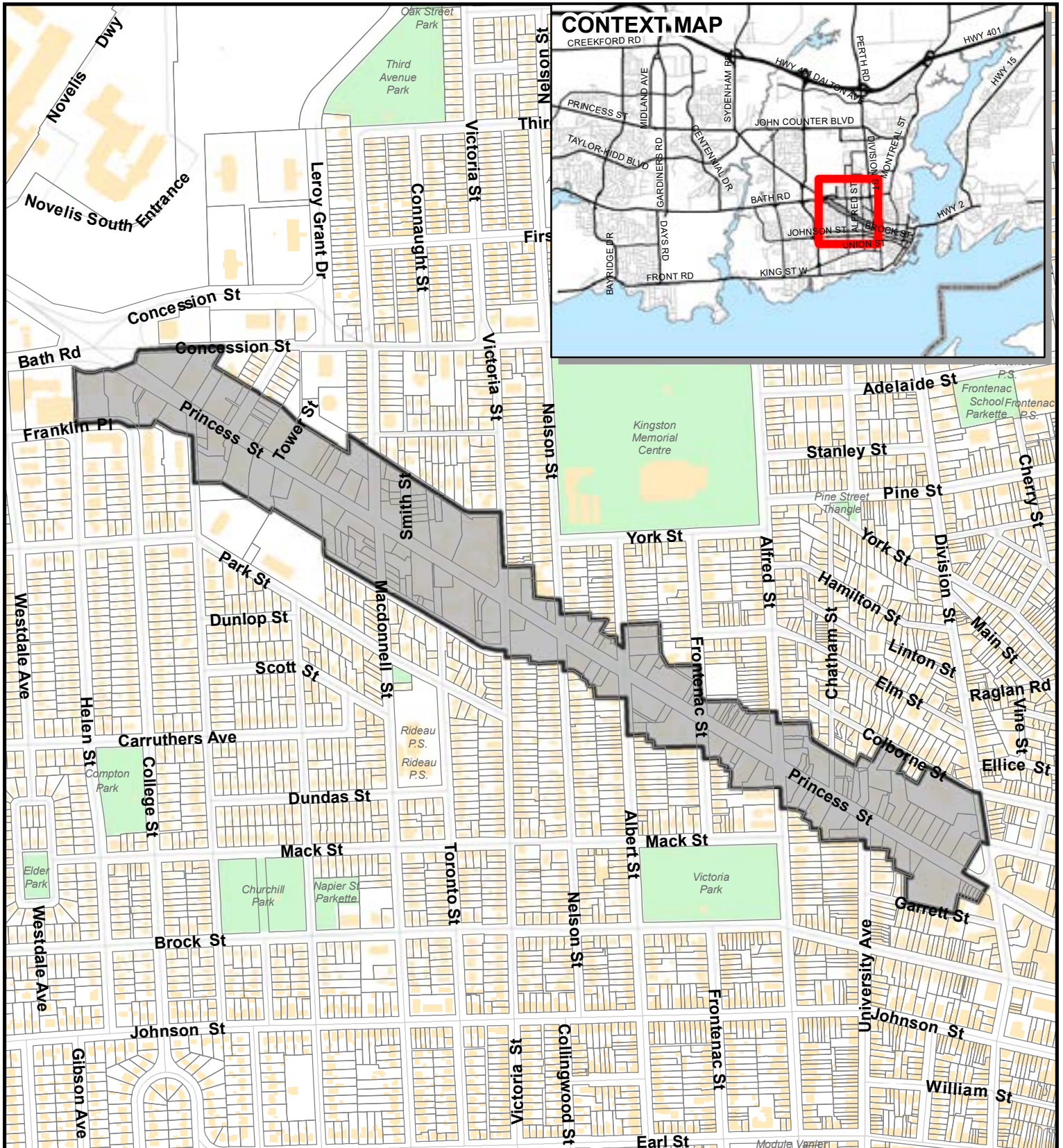
Planning, Building
& Licensing Services

a department of
Community
Services



Mayor

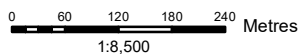
Clerk



Planning, Building & Licensing Services
 a department of
 Community Services

Key Map

Location: Williamsville Main Street Corridor



Legend

- Lands Subject to this By-Law
- Property Boundaries
- Park





Corporation of the City of Kingston

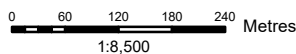


Planning, Building & Licensing Services

a department of
Community Services

Neighbourhood Context (2017)

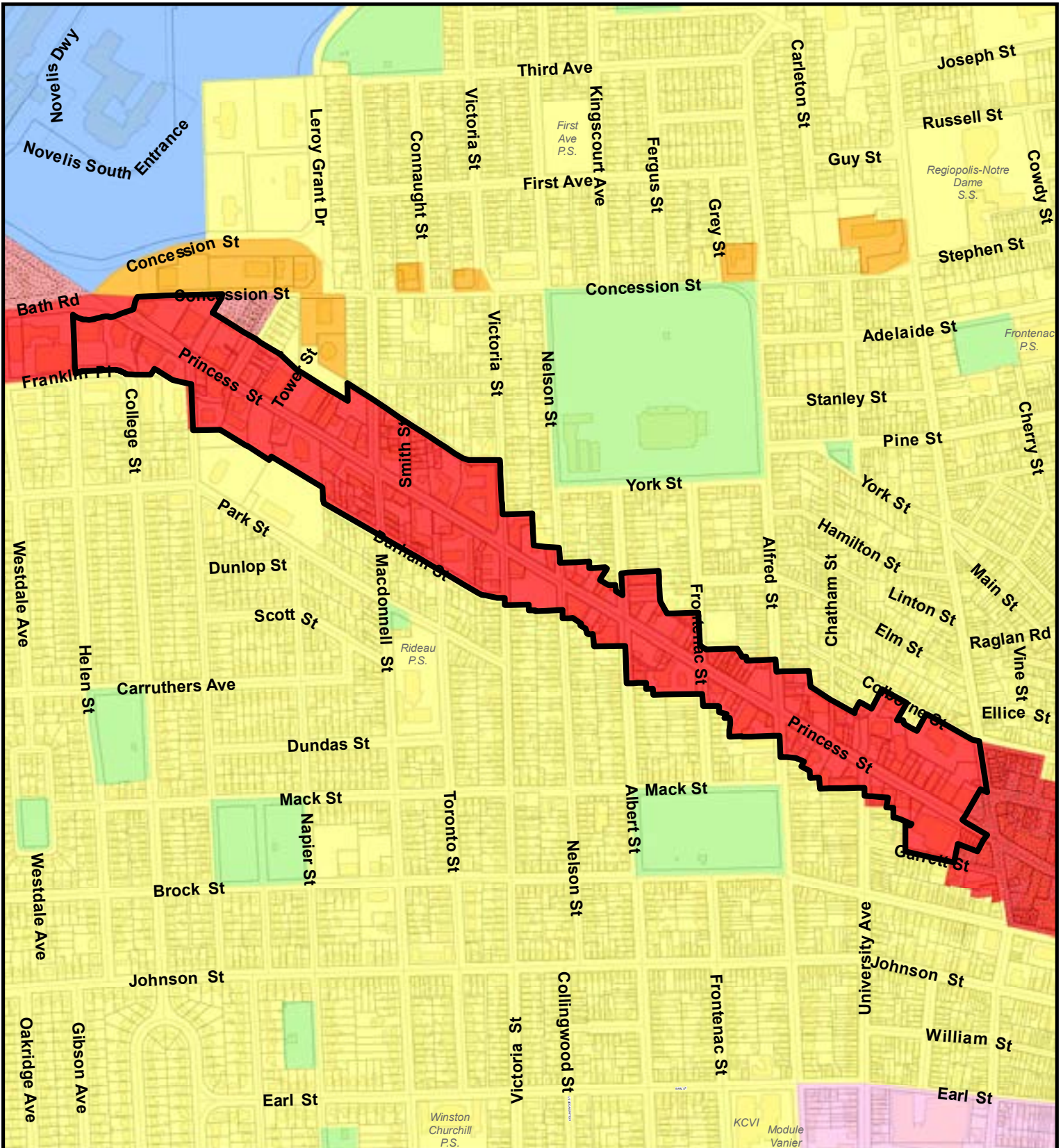
Location: Williamsville Main Street Corridor



Legend

- Subject Lands
- Property Boundaries



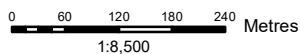


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Prepared By: A. Dowker
 Date: 2019-05-02

Official Plan, Land Use

Location: Williamsville Main Street Corridor

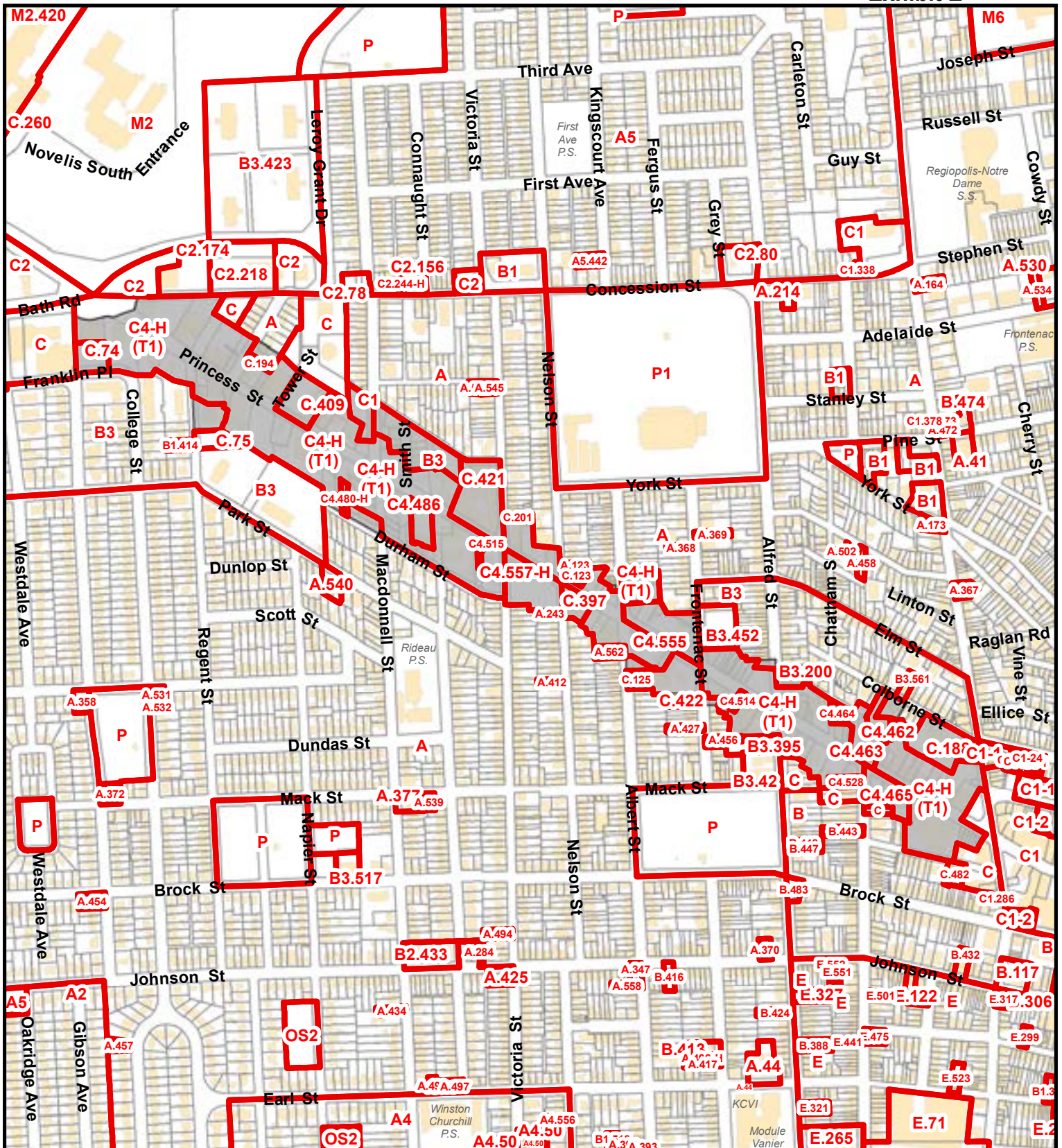


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Legend

- Subject Lands
- Arterial Commercial
- Business Park Industrial
- Central Business District
- Open Space
- Residential
- District Commercial
- Institutional
- Main Street Commercial
- Open Space
- Residential



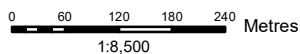


EXISTING ZONING BY-LAW 8499

Planning, Building & Licensing Services

Location: Williamsville Main Street Corridor

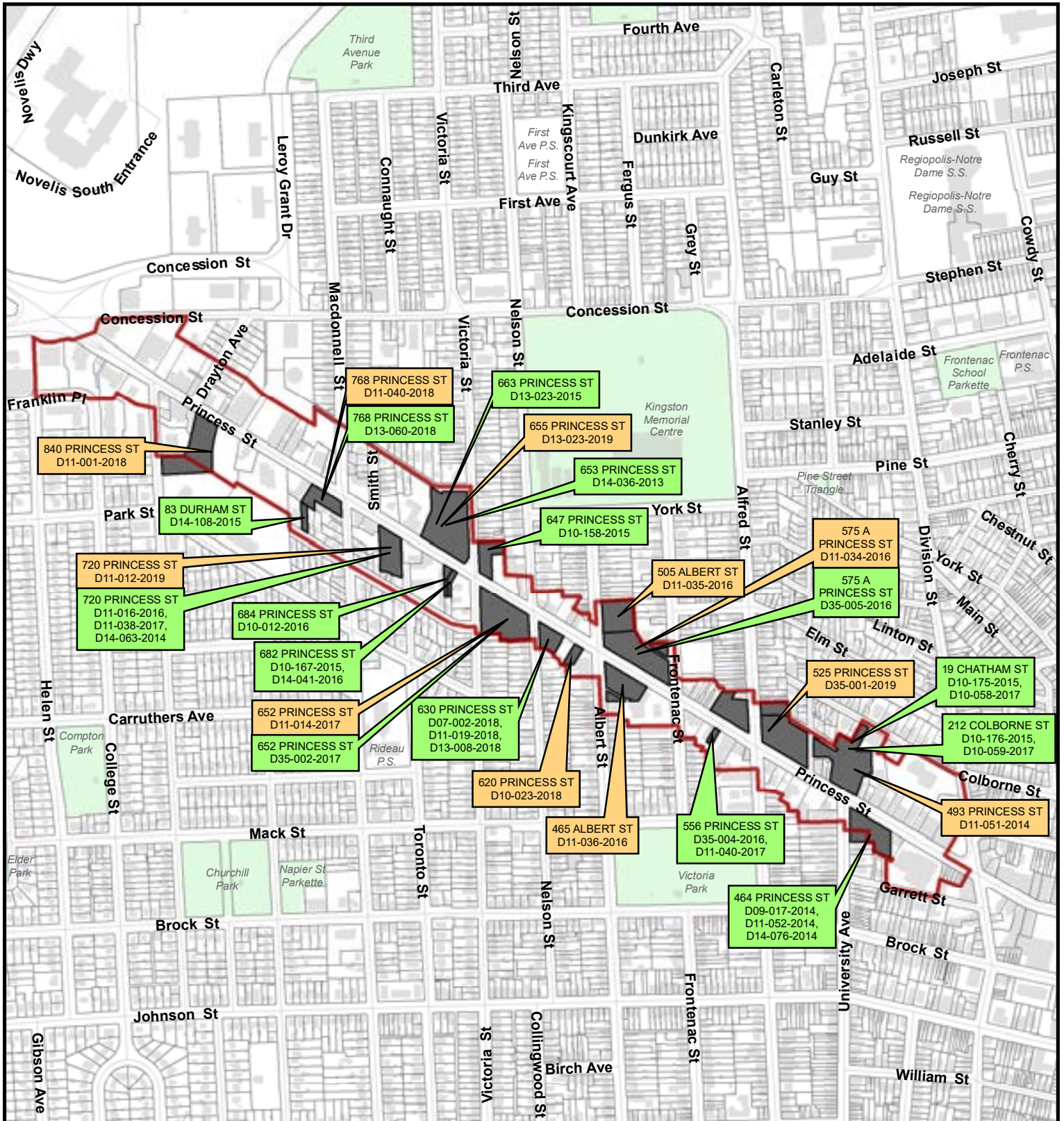
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Legend

- Subject Lands
- Consolidated Zoning
- Property Boundaries

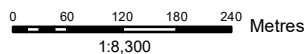




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Map of Development Applications in Williamsville Main Street Corridor
From July 17, 2013 to May 1, 2019
 Location: Williamsville Main Street Corridor



Prepared By: A. Dowker
 Date: 2019-05-07

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**Table of Development Applications in Williamsville Main Street Corridor
from July 17, 2013 to May 1, 2019**

File Number	Address	Application Type	Application Description	Status
D10-175-2015	19 Chatham St	Consent	Consent for a Lot Addition from 19-23 Chatham Street to 2 Creighton Street (consolidated lot 495 Princess Street).	Approved
D10-058-2017	19 Chatham St	Consent	Consent for an Easement over 19-23 Chatham Street to benefit the newly consolidated lot at 495 Princess Street.	Approved
D10-176-2015	212 Colborne St	Consent	Consent for a Lot Addition from 212 Colborne Street and 493 Princess Street to 495 Princess Street.. A shared access easement is proposed over the severed parcel to benefit 212 Colborne Street.	Approved
D10-059-2017	212 Colborne St	Consent	Consent to create a shared easement for access over 212 Colborne Street and to benefit 495 Princess Street.	Approved
D09-017-2014	493-497 Princess Street, 2 and 10 Creighton Street, 460-468 and 480 Princess Street, 327 University Avenue	OPA	Applications for an Official Plan Amendment to permit the development proposed by D14-075-2014 and D14-076-2014	Approved
D14-075-2014	493 Princess Street (212 Colborne Street), 495-497 Princess Street, 2 and 10 Creighton Street and 19-23 Chatham Street	ZBA	10-storey mixed-use building with commercial uses at-grade, residential/amenity uses up to the 10 th storey and amenity/ mechanical above the 10 th storey	Approved
D14-076-2014	460-468 and 480 Princess Street, 327 University Avenue	ZBA	10-storey mixed-use building with commercial uses at-grade, residential/amenity uses up to the 10 th storey and amenity/ mechanical above the 10 th storey	Approved
D11-052-2014	460-468 and 480 Princess Street, 327 University Avenue	SPC	Application for Site Plan Control to implement approval of D14-076-2014	Approved

File Number	Address	Application Type	Application Description	Status
D11-051-2014	493 Princess Street, 495-497 Princess Street, 2 and 10 Creighton Street and 19-23 Chatham Street	SPC	Application for Site Plan Control to implement approval of D14-075-2014	Under Review
D35-001-2019	525 Princess St	OPA, ZBA	Applications for an Official Plan and Zoning By-law Amendment to develop two 10 storey buildings with one building located at 525 Princes Street, and the second building located at 555 Princess Street, 557 Princess Street, and 559 Princes Street.	Under Review
D35-004-2016	556 Princess St	OPA, ZBA	Applications for an Official Plan and Zoning By-law Amendment to permit a three storey addition to the rear of the existing three storey structure, intended to accommodate three (3), five-bedroom dwelling units, and to permit off-site parking beyond 60 metres of the property.	Approved
D11-040-2017	556 Princess St	SPC	Site plan control application submitted to establish three off-site parking spaces at 353-355 Alfred Street for the exclusive use of three dwelling units at 556 Princess Street. The off-site parking is required in accordance with the zoning by-law amendment approved for 556 Princess Street (City File D35-004-2016).	Approved
D35-005-2016	575-611 Princess Street and 510 Frontenac Street	OPA, ZBA	Applications for an Official Plan and Zoning By-law Amendment to permit a 10-storey mixed use (residential / commercial) building, containing a total of 371 residential dwelling units dispersed throughout 10 floors with commercial uses limited to the ground floor.	Approved
D11-034-2016	575-611 Princess Street and 510 Frontenac Street	SPC	Application for Site Plan Control to implement approval of D35-005-2016	Under Review
D11-036-2016	465 Albert St	SPC	The applicant is proposing to develop a parkette along the frontage of Princess Street, with a surface	To be withdrawn

File Number	Address	Application Type	Application Description	Status
			parking lot accessed from Albert Street.	
D11-035-2016	505 Albert St	SPC	This is a Site Plan Modification application, to address a proposed lot addition from the property to the property to the south. It is also proposed to change the location of the existing off-site parking currently located at 605 Princess Street.	Under Review
D10-023-2018	620 Princess Street and 484 Albert Street	Consent	Lot addition from 620 Princess Street to 484 Albert Street	Under Review
D07-002-2018	630 Princess St	Final Plan of Condo	Final Plan of Condominium application proposes to convert existing 5 storey building located at 630 Princess Street to a condominium.	Approved
D13-008-2018	630 Princess St	Minor Variance	An application for a Minor Variance to reduce the minimum amenity space requirement as prescribed in the site-specific 'C.397' zone.	Approved
D11-019-2018	630 Princess St	SPC	Site plan modification application to allow changes in the façade treatment and changes in amenity area requirement based on minor variance D13-008-2018.	Approved
D10-158-2015	647 Princess St	Permission	Permission under Section 45(2) of the Planning Act to expand legal non-conforming residential use within the existing structure.	Approved
D35-002-2017	652, 662-670 Princess Street and 551 Victoria Street	OPA, ZBA	Applications for an Official Plan and Zoning By-law Amendment to permit a 10-storey mixed use (residential / commercial) building.	Approved
D11-014-2017	652, 662-670 Princess Street and 551 Victoria Street	SPC	Application for Site Plan Control to implement approval of D35-002-2017	Under Review
D14-036-2013	653-663 Princess Street and 582-604 Victoria Street	ZBA	Application for Zoning By-Law Amendment to increase of number of units and bedrooms permitted. Permit use of cellar as part of a dwelling unit.	Approved
D13-023-2019	655 Princess St	Minor Variance	Minor variance application to permit an increased projection of a canopy.	Under Review

File Number	Address	Application Type	Application Description	Status
D13-023-2015	655 Princess St	Minor Variance	Minor variance application to permit an increased projection for stairs accessing commercial unit.	Approved
D10-167-2015	682 Princess St	Consent	Consent application for the purpose of relocating a 2.7 metre wide easement with a height of 4.5 metres for shared vehicle access from Princess Street to benefit 684 Princess Street	Approved
D14-041-2016	682 Princess St	ZBA	Zoning By-law Amendment to permit two bedrooms in the basement of the three-unit residential structure currently under construction on the subject property, and to construct a peaked roof rather than a flat roof with associated rooftop amenity area.	Approved
D10-012-2016	684 Princess St	Consent	Consent application to create a 0.9 metre wide easement along a portion of the eastern lot to permit the western wall of the multiple family dwelling proposed at 682 Princess Street and its footing and drainage tile to be located partially on 684 Princess Street.	Approved
D14-063-2014	720 Princess Street	ZBA	Application for a zoning by-law amendment to permit the redevelopment of the property to a four and five storey residential building.	Approved
D11-016-2016	720 Princess St	SPC	Application for Site Plan Control to implement approval of D14-063-2014. An additional sixth storey proposed in the site plan control application is intended to conform with the maximum height and angular plane requirement specified in Zoning By-law 8499, as amended.	Approved
D11-038-2017	720 Princess St	SPC	Application for site plan control modification to permit a flat roof with rooftop amenity area proposed on both the fifth and sixth stories.	Approved
D11-012-2019	720 Princess St	SPC	Application for site plan control modification to permit to increase the number of dwelling units from 70 to 92 with offsite parking consisting of 17 parking spaces to be located at 411 MacDonnell Street.	Under Review

File Number	Address	Application Type	Application Description	Status
D13-060-2018	768 Princess St	Minor Variance	Minor variance application for a proposed restaurant use requesting variance from the dimension of regular parking stalls from the requirements of parking stall dimensions in accordance with zoning by-law 8499. This proposal also seeks relief from the stall dimension for a loading space. The proposed restaurant includes 44 seats.	Approved
D11-040-2018	768 Princess St	SPC	Site plan application proposes an internal change in use from a Automobile Service Station to a Restaurant Use with accessory micro-brewery and retail use.	Under Review
D14-108-2015	83 Durham St	ZBA	Application for Zoning By-Law Amendment to permit a second residential unit within existing single detached dwelling.	Approved
D11-001-2018	840 Princess St	SPC	Site Plan Control Application for renovation and new floor addition of an existing hotel to be rebranded as a Hilton TRU Hotel.	Under Review