

By-Law Number 2019-XX

A By-Law to Amend By-Law Number 76-26, “A By-Law to Regulate the use of lands and the Character, Location and use of Buildings and Structures in The Township of Kingston” Definition Additions and Changes; Zone Change from Institutional to Site-Specific Institutional ‘I-13’ Zone, 1030 Sunnyside Road; a Zone Change from Institutional to Site Specific Institutional ‘I-14’, 100 Days Road and 670 Front Road; and amend the Site Specific Restricted General Industrial ‘M6-21’ zone, 1350 Gardiners Road

Passed: [Meeting Date]

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 76-26, as amended, of the former Township of Kingston;

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

1. By-Law Number 76-26 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Map 3 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of 1030 Sunnyside Road from I to I-13, as shown on Schedule “A” attached to and forming part of By-Law Number 2019-__.
 - 1.2. Map 5 of Schedule “A” as amended, is hereby further amended by changing the zone symbol of 100 Days Road from I to I-14 as shown on Schedule B attached to and forming part of By-Law Number 2019-_____.

- 1.3. By **Adding** the following new subsections to Section 17(3) – Special I Zones as follows:

(m) I-13 1030 Sunnyside Road (Cataraqui Community Centre)

1. Notwithstanding the provisions of Section 17(1) hereof to the contrary, the following uses shall also be permitted as accessory uses within the lands zoned I-13 on Map 3 of Schedule A hereto:
 - Specific day retail sales
 - Trade show

The uses noted above are defined as follows:

Specific Day Retail Sales means the use of any lot, building or structure, or part thereof, for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services; which are complementary to the principle permitted uses.

Trade Show means the use of any lot, building or structure, or part thereof, for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services; which are complementary to the principle permitted uses.

2. Parking Provisions

- (i) Parking for any recreational use and accessory use to a recreational use shall be at a rate of 1 space for each 26 square metres of gross floor area.

(n) I-14 100 Days Road (Centre 70 Arena property)

1. Notwithstanding the provisions of Section 17(1) hereof to the contrary, the following uses shall also be permitted as accessory uses within the building known as 100 Days Road (Centre 70 Arena) zoned I-14 on Map 3 of Schedule A hereto:
 - specific day retail sales
 - trade shows

The uses noted above are defined as follows:

Specific Day Retail Sales means the use of any lot, building or structure, or part thereof, for an event that brings together members of the public or an industry for the purpose of selling or buying goods or

services, including entering into contracts for the sale and/or purchase of goods or services; which are complementary to the principle permitted uses.

Trade Show means the use of any lot, building or structure, or part thereof, for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services; which are complementary to the principle permitted uses.

2. Parking Provisions

- (i) Parking for any recreational use and accessory use to a recreational use shall be at a rate of 1 space for each 26 square metres of gross floor area.

(n) I-14 670 Front Road (Centre 70 Arena property)

1. Notwithstanding the provisions of Section 17(1) hereof to the contrary, a retail store shall be permitted within the limits of the existing 170 square metre building located at 670 Front Road, which is situated on the Centre 70 Arena property, zoned I-14 on Map 3 of Schedule A hereto:
2. Parking Provisions
Parking for a retail store shall be at a rate of 5.25 parking spaces per 100 square metres of gross floor area.
3. That the existing deficient rear yard setback of the building known as 670 Front Road, existing on the date of passing this By-law, shall be permitted.

- 1.5. By **Amending** subsection (u) of Section 28A (3) – Special M6 Zones for the lands designated ‘M6-21’, known as 1350 Gardiners Road, to read:

(u) M6-21 1350 Gardiners Road

Notwithstanding any provisions to the contrary, the lands zoned M6-21 on Map 3 of Schedule ‘A’ hereto may also be used in accordance with the following regulations.

1. In addition to the uses permitted in Section 28A(1) and 28A(3)(b) of By-law Number 76-26, the following uses shall also be permitted:
 - Recreational uses including an arena;
 - Free-standing restaurant; and
 - Accessory uses to the recreational uses including but not limited to a trade show, specific day retail sales, medical clinic, an office, meeting

rooms, pro-shop, restaurant and coffee shop, provided such uses are ancillary to the main recreational use of the site.

The “trade show” and a “specific day retail sales” use shall be defined as follows.

Specific Day Retail Sales means the use of any lot, building or structure, or part thereof, for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services; which are complementary to the principle permitted uses.

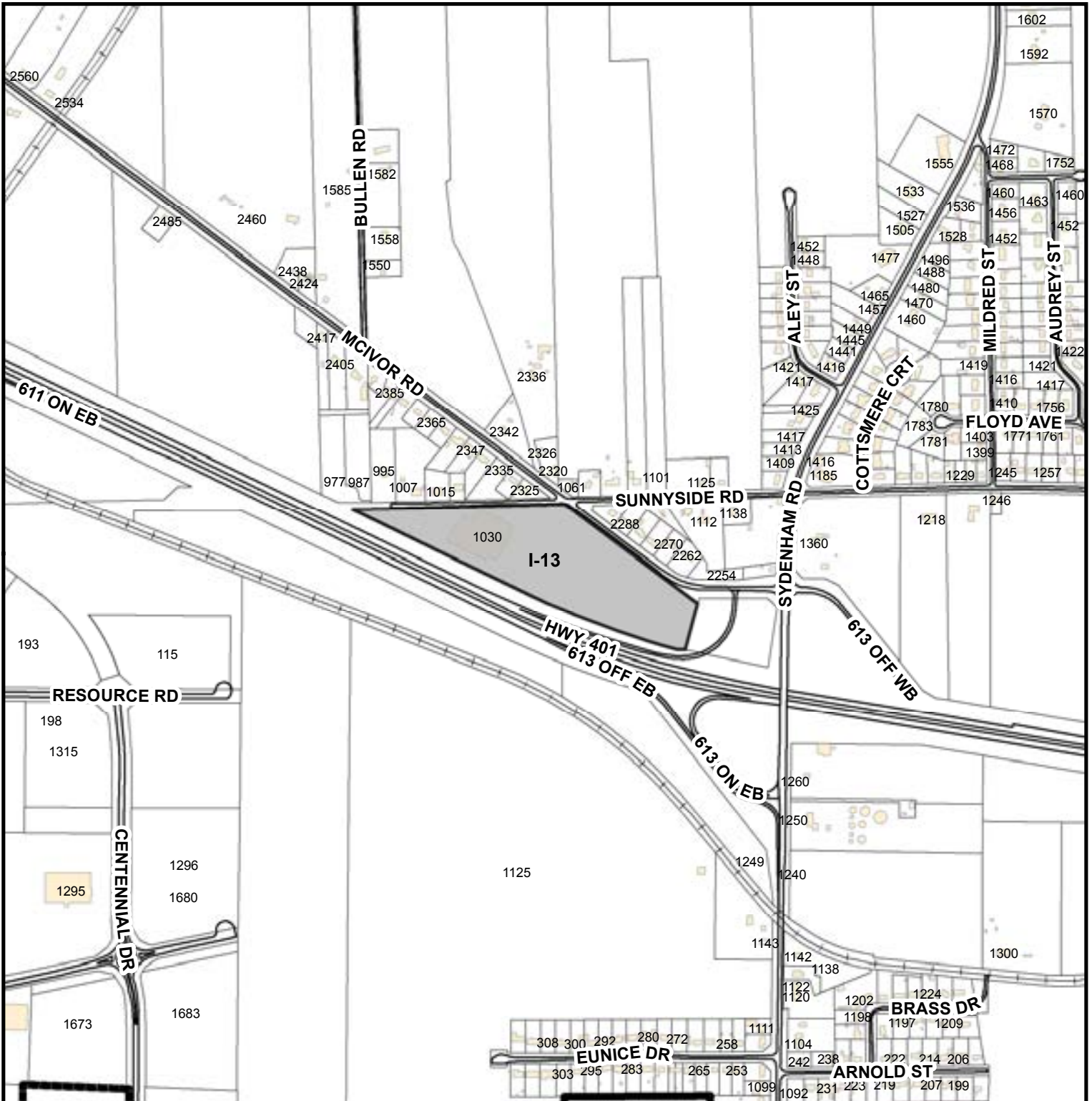
Trade Show means the use of any lot, building or structure, or part thereof, for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services; which are complementary to the principle permitted uses.

2. For the purposes of this Section, a recreational use shall be defined as a building, structure or lot used for such uses as an arena, outdoor playing fields (including such uses as, but not limited to, soccer fields, tennis courts, or skateboard park), field house, indoor or outdoor pool, or fitness facility.
 3. Recreational uses may be located in more than one main building on the site.
 4. Parking for specific day retail sales or trade show uses shall be at a rate of 1 space for each 26 square metres, to a maximum of 14,600 square metres of gross floor area.
- 2.0 This by-law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended from time to time.

Given all Three Readings and Passed: [Meeting date]

John Bolognone
City Clerk

Bryan Paterson
Mayor




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

File Number: D14-028-2017
Address: 1030 Sunnyside Road

LEGEND

Reference By-Law 76-26, Map 3

 Rezoned from I to I-13

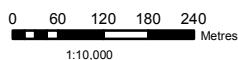
Certificate of Authentication

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



Planning, Building
& Licensing Services

a department of
Community
Services



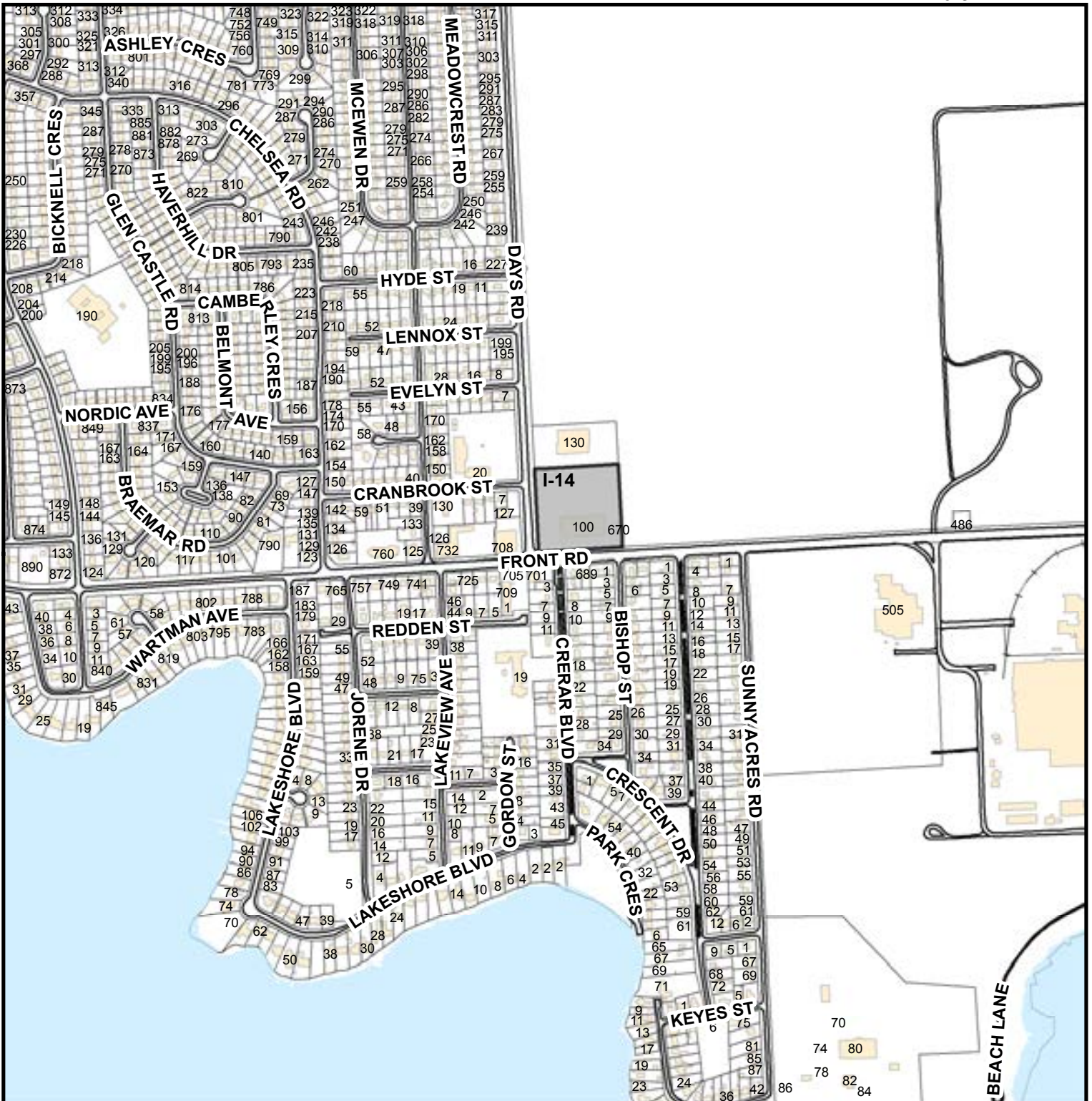
PREPARED BY: A. Dowker
DATE: 11/13/2017

Council Meeting 16 June 4 2019



Mayor

46
Clerk




Planning, Building & Licensing Services
a department of Community Services

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

File Number: D14-028-2017
Address: 100 Days Road

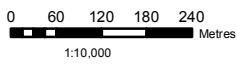
LEGEND

Reference By-Law 76-26, Map 5

 Rezoned from I to I-14

Certificate of Authentication

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



By-Law Number 2019-XX

A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston” (Zone Change from Recreational Building ‘P1 Zone to Site Specific Recreational Building ‘P1.543-H’ Zone, 303 York Street and amend the Site Specific General Recreation Park Modified ‘P.131’ Zone, 53 Yonge Street)

Passed: [Meeting Date]

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

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

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

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Map 19 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site 303 York Street from ‘P1’ to ‘P1.543-H’, as shown on Schedule “A” attached to and forming part of By-Law Number 2019-____.
 - 1.2. By Adding the following section in 543 Part VIII – Exceptions To Various Zone Classifications as follows:

“543. 303 York Street

 - a) Notwithstanding the provisions of Section 33.2 hereof to the contrary, the following uses shall also be permitted as accessory uses within the lands zoned P1.543-H’ on Schedule A hereto:
 - Specific day retail sales

- Trade show

The uses noted above are defined as follows:

Specific Day Retail Sales means the use of any lot, building or structure, or part thereof, for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services, which are complementary to the principle permitted use.

Trade Show means the use of any lot, building or structure, or part thereof, for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services, which are complementary to the principle permitted use.

- b) Notwithstanding the foregoing, a trade show and specific day retail sales shall be prohibited while the Holding symbol “-H” is in place.
- c) Removal of Holding Provision

Notwithstanding Section 5.39, the Holding symbol “-H” shall only be removed when all of the following applicable requirements have been complied with:

- i. A change of use permit complete with a building code analysis, prepared by a Qualified Professional must be submitted which demonstrates that the existing building complies with the requirements of the Ontario Building Code for a trade show and specific day retail sales as defined herein. The letter of opinion must be reviewed to the satisfaction of the Chief Building Official (CBO).
- ii. The “H” Holding Zone provision will only be removed for the specified use(s) which have satisfied the above-noted condition.
- d) Parking Provision
 - i. Parking for any recreational use and accessory use to a recreational use shall be at a rate of 1 space for each 26 square metres of gross floor area.

1.3. By **Adding** a sub-section (g) to Section 131, 53 Yonge Street, to read:

- g) A trade show and a specific day retail sales use shall also be permitted as accessory uses within the lands zoned P.131 as follows:

Specific Day Retail Sales means the use of any lot, building or structure, or part thereof, for an event that brings together members of

the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services; which are complementary to the principle permitted uses.

Trade Show means the use of any lot, building or structure, or part thereof, for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services; which are complementary to the principle permitted uses.

- i. Parking for any recreational use and accessory use to a recreational use shall be at a rate of 1 space for each 26 square metres of gross floor area.

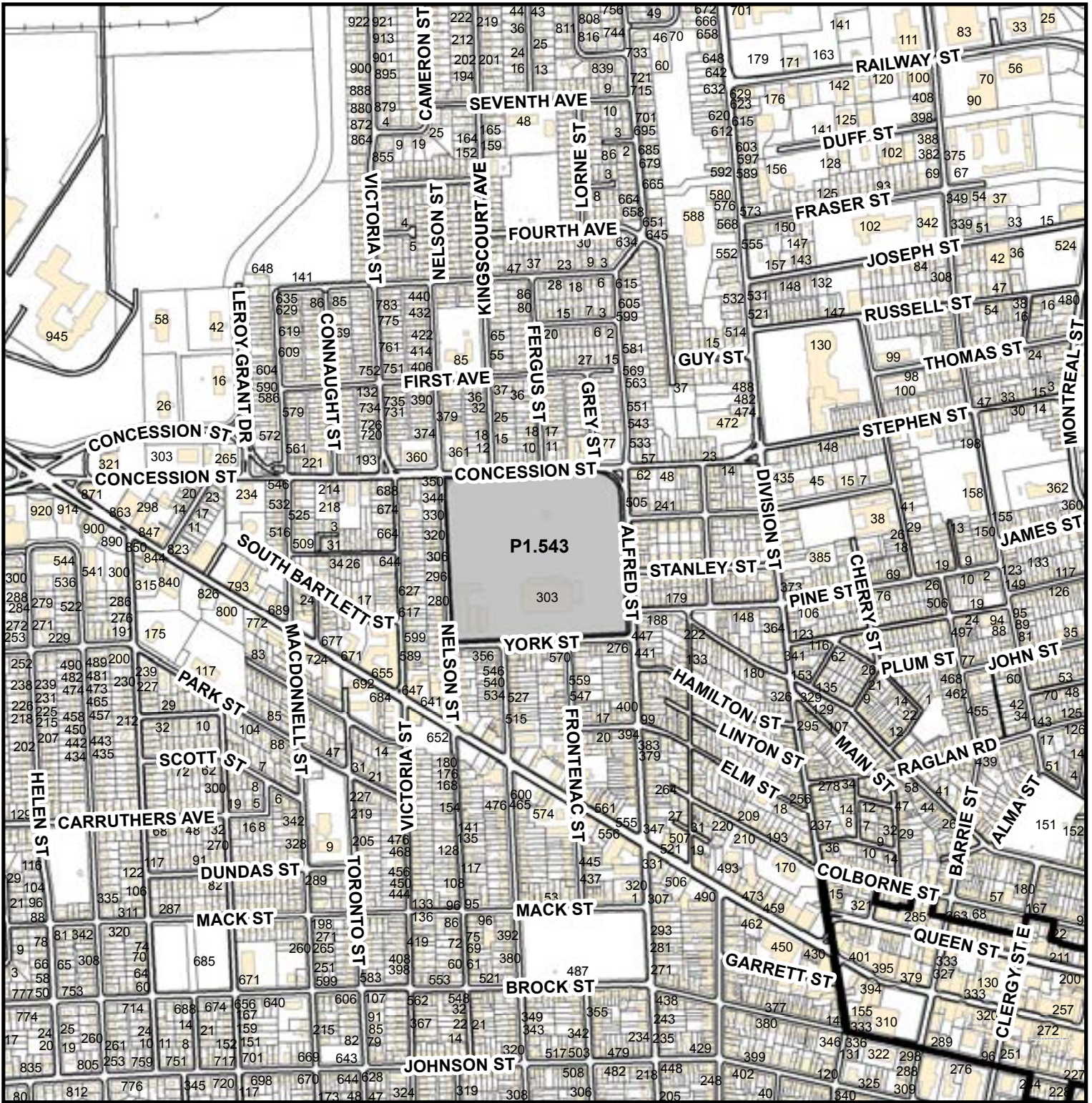
That the existing rear yard setback and interior side yard setback of the building located at 53 Yonge Street, existing on the date of passing this By-law, shall be permitted.

- 2. That this by-law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor




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

File Number: D14-028-2017
Address: 303 York Street

Planning, Building & Licensing Services
a department of
Community Services

LEGEND

Reference By-Law 8499, Map 19

 Rezoned from P1 to P1.543-H

Certificate of Authentication

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

