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" (Amending the Site-Specific Special Multiple Family 'B3.452' Zone, 495 – 513 Frontenac 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.   By deleting Section 452 in Part VIII – Exceptions to the Various Zone Classifications in its entirety and replacing it with the following:

"452. 501 Frontenac Street

Notwithstanding the provisions of Sections 4, 5 and 16 hereof to the contrary, on the lands designated 'B3.452', the following regulations shall apply:

a) Definition: For the purpose of the 'B3.452' zone, the following definition shall apply:

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

i)   Common areas open to all occupants of the unit;

ii)   Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and

iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.

b)   Minimum Front Yard Setback:

i)   A maximum of 55% of the front wall of the building facing Frontenac Street is to be set back at least 0.79 metres from the front lot line;

ii)   A minimum of 45% of the front wall of the building facing Frontenac Street is to be set back at least 2.25 metres from the front lot line; and

iii) Along Frontenac Street decorative fencing or planting is required to be provided between the sidewalk and any bedroom window to restrict access to the area within the required setback.

c)   Minimum Interior Side Yard Setback (South): 2.0 metres

d)   Minimum Interior Side Yard Setback (North): 6.8 metres

e)   Minimum Aggregate Side Yard Width: 9.0 metres

f)   Minimum Rear Yard Setback: A maximum of 70% of the rear wall of the building is to be set back at least 5.5 metres from the rear lot line. The rear wall of the building facing into the interior courtyard shall have a minimum rear yard setback of 30 metres.

g)   Projections into Rear Yard: On the north wing of the building, a stairwell having a maximum width of 8.6 metres is permitted to encroach up to 3.0 metres into the rear yard.

h)   Maximum Building Height: 16.9 metres (subject to subsection (i) below)

i)   Notwithstanding subsection (h) above, the maximum permitted building height will be 13.5 metres for the 10-metre-wide portion of the building abutting the north side yard, for a minimum depth of 22 metres.

j)   Balconies, excluding Juliet style window openings, below the third storey facing Frontenac Street are prohibited.

k)   Maximum Number of Bedrooms Per Dwelling Unit: 4

l) Maximum Average Number of Bedrooms per Dwelling Unit: 2.24 bedrooms per dwelling unit

m) Maximum Number of Dwelling Units: 99

n) A dwelling unit(s) is permitted in a cellar.

o) Maximum Aggregate Number of Bedrooms: 222

p) Maximum Density: 272 dwelling units per hectare

q) Maximum Lot Occupancy: 285%

r) Maximum Lot Coverage: 60%

s) Minimum Number of Residential Parking Spaces: 0.67 spaces per dwelling unit

t) Minimum Overhead Clearance for an Accessible Parking Space: 2.1 metres.

u) Minimum Dimensions of Standard Parking Spaces (Excluding Accessible Parking Spaces): 2.6 metres x 5.2 metres, with a minimum drive aisle width of 6.0 metres

v) A 1.8-metre-high privacy fence shall be erected and maintained along the rear and south property line and a 1.8-metre-high masonry wall shall be constructed and maintained along the northern property line. The fence and the wall must visually block viewing into abutting properties.

w) Bicycle Parking:

1) Notwithstanding Section 4.7A to the contrary, a vertical bicycle parking area may also be provided, which shall be defined as an area:

i) Minimum 0.6 metres wide, 1.8 metres tall and 1.0 meter in depth.

ii) With access either directly, or by way of an aisle, sidewalk or ramp, to a public or private lane or to a street without the necessity of moving any vehicle.

iii) Secured and covered from weather elements.

   iv) Contain a convenient and secure mounting system for a bicycle with the ability to use an anti-theft system such as a chain and lock.

  2) Required bicycle parking spaces shall not be located in a dwelling unit and will be located at or below grade.

  3) A vertical bicycle parking space may be located within the area of a required parking space for a motor vehicle where both spaces are assigned to the same dwelling unit."

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

Given all Three Readings and Passed:

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John Bolognone
City Clerk

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Bryan Paterson
Mayor