

Planning, Building and Licensing Services

Applicant: Taggart (Gardiners) Corporation	Date of Decision: September 3, 2019
File Number: D12-004-2019	Date of Notice: September 6, 2019
Municipality: The Corporation of the City of Kingston	Last Date of Appeal: September 26, 2019
Subject Lands: 700 Gardiners Road	

**Notice of Decision
On Application for Approval of Amendment to Draft Plan of Subdivision
Conditions**

**Subsection 51(45) of the *Planning Act*
By The Corporation of the City of Kingston**

The Council of The Corporation of the City of Kingston approved a Draft Plan of Subdivision Application, in respect of the subject lands noted above, on February 7, 2017, under Section 51 of the *Planning Act*, R.S.O. 1990, as amended.

Take Notice that the Council of The Corporation of the City of Kingston approved an amendment to the Draft Plan of Subdivision conditions, in respect of the subject lands noted above, on September 3, 2019, under Section 51 of the *Planning Act*, R.S.O. 1990, as amended.

When and How to File an Appeal

Notice to Appeal the Decision to the Local Planning Appeal Tribunal must be delivered to and received by the Clerk of The Corporation of the City of Kingston at City Hall no later than 4:30 PM **September 26, 2019**, as shown above as the **Last Date of Appeal**.

The Notice of Appeal should be sent to the attention of the City Clerk, at the address shown below and it must:

1. Set out the reasons for the appeal,
2. Indicate the name and address of the appellant; and
3. Be accompanied by a fee payment in the amount of \$300.00 payable to the Minister of Finance, Province of Ontario.

In accordance with the *Planning Act*, only a person or public body that made an oral submission at a statutory public meeting or made a written submission to the City of Kingston before the draft plan of subdivision was adopted is entitled to appeal the decision to amend the current draft plan conditions. Any person or public body who did not make written or oral submissions prior to draft plan approval may only be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal if, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

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How to Receive Notice of Changed Conditions

The conditions of an approval of Draft Plan of Subdivision may be changed at any time before the Final Approval is given.

You will be entitled to receive notice of any changes to the conditions of approval of Draft Plan of Subdivision if you have either:

1. Made a written request to be notified of the Decision to give or refuse to give approval of Draft Plan of Subdivision, or
2. Make a written request to be notified of changes to the conditions of approval of the Draft Plan of Subdivision.

Other Related Applications

Not applicable

Additional Information

Additional Information about the application is available for public inspection during regular business hours (8:30 a.m. to 4:30 p.m.) at the office of the Director of Planning, Building and Licensing Services, 1211 John Counter Boulevard, Kingston, Ontario or by contacting Planning, Building and Licensing Services at 613-546-4291, extension 3180.

Mailing Address for Filing of Notice of Appeal

Your Notice of Appeal, together with your cheque in the amount of \$300.00 payable to the Minister of Finance, Province of Ontario is to be sent to: John Bolognone, City Clerk, City of Kingston, 216 Ontario Street, Kingston, Ontario K7L 2Z3.

Notes to Draft Approval

1. It is the Applicant’s responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning, Building and Licensing Services Department of the City of Kingston.
2. Prior to Final Plan approval, the Applicant shall submit to the City of Kingston for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
3. When requesting final approval, such a request must be directed to the Planning, Building and Licensing Services Department and be accompanied with:
 - ❑ four (4) mylar and five (5) paper prints of the completed Final M-Plan,
 - ❑ four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
 - ❑ a Surveyor’s Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.

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4. All measurements in subdivision final plans must be presented in metric units.
5. Hydro One advises that an electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating **"DANGER – Overhead Electrical Wires"** in all locations where personnel and construction vehicles might come in close proximity to the conductors.
6. The Final Plan approved by the City must be registered within thirty (30) days or the City may, under Subsection 51(59) of the *Planning Act*, withdraw its approval.

The conditions of approval for the draft plan of subdivision for 700 Gardiners Road which have to be addressed and cleared by all technical agencies and staff are as follows:

1. Approved Draft Plan:

That this approval applies to the Draft Plan of Subdivision (Plan), prepared by Leslie M. Higginson, dated December 1, 2016 which shows the following:

- 211 residential single detached lots (Lots 1-211);
- 230 residential (row house) blocks (Blocks 221-280);
- 3 residential (apartment) blocks (Blocks 281-283);
- 1 residential (retirement/med density) block (Block 284);
- 1 school block (Block 285);
- 2 blocks for parkland dedication (Blocks 286 and 287);
- 5 blocks for walkways (Blocks 288-292);
- 1 block for stormwater management (Block 293);
- 1 commercial block (Block 294);
- 1 block for road widening (Block 295);
- 10 new roadways (Block 296, 'Rockwell Drive', 'Wheathill Street', 'Demers Avenue', 'Swanfield Street', 'Barrow Avenue', 'Delancey Drive', 'Grayson Drive', 'Madison Drive' and 'Parnell Avenue'; and,
- 2 blocks for 0.3 m reserves (Blocks 297 and 298).

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2. Streets and Civic Addressing:

- (a) That the road allowances included in this Plan shall be shown and dedicated as public highways.
- (b) That the road allowances within the Plan shall be designed in accordance with the City's engineering standards and shall be dedicated to the City free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (c) That Prior to Final Approval, the Owner shall confirm that the proposed street names within this Plan are named to the satisfaction of the City, in consultation with the Planning Division, in accordance with the City's Civic Addressing and Road Naming By-law.
- (d) That Prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the City's Planning Division, in accordance with the City's Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the final plan is registered and the final lot layout has been confirmed.
- (e) For lots with more than one road frontage, the lots will be addressed on the road frontage on which primary vehicular access is situated. Prior to applying for a building permit the Owner shall confirm with the Planning Division the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City's Civic Addressing and Road Naming By-Law and emergency response requirements.
- (f) That the Owner shall agree that the location and design of any construction access shall be approved by the City and/or the appropriate authority.

3. Reserves and Easements:

- (a) That any dead ends and open sides of the road allowances created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the City, free of all charges and encumbrances.
- (b) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

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4. Financial Requirements:

- (a) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City concerning all provisions of municipal services including but not limited to fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- (b) That Prior to Final Plan Approval, the Owner shall submit for the City's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the City's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.
- (c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the City.
- (d) That the Owner agrees to reimburse the City for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

5. Subdivision Agreement:

- (a) That the Owner shall enter into the City's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the City for the development of this Plan.
- (b) The Subdivision Agreement between the Owner and the City be registered against the title to lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.
- (d) Without limiting the generality of the foregoing, the Subdivision Agreement shall contain a restriction prohibiting the Owner from applying for a building permit for any development greater than one storey in height (i.e., a bungalow) in respect of Blocks 230 & 231 and Lots 124-138. The Owner acknowledges and agrees that the foregoing height restriction is a necessary development constraint as required by the Noise Impact Study and that the City may rely on the Owner's agreement not to apply for a

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building permit in order to seek injunctive or other equitable relief, as the parties acknowledge that monetary damages would not be an adequate remedy for a breach of this provision. In connection with the foregoing, the Owner shall submit a complete application to the City to amend the applicable Zoning By-Law to re-zone Blocks 228-231 and Lots 124-138 to restrict the maximum building height to one storey (i.e., a bungalow).

6. Holding Provisions:

That the City shall require the use of ‘-H’ Holding Provisions in accordance with Section 36 of the Planning Act. The terms for the removal of the Holding ‘-H’ Holding Symbol shall be in accordance with the applicable Zoning By-Law as amended, and shall require the following:

- (a) confirmation of sufficient servicing capacity for the development including the requirement for MISA manholes for non-residential uses;
- (b) that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner;
- (c) that acceptable vehicular access is available to the lands from a public street; and,
- (d) that the appropriate application for an amendment to the Zoning By-Law to remove the ‘H’ Symbol has been approved by the City.

7. Engineering Drawings:

- (a) That Prior to Final Plan Approval, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the City’s Subdivision Design Guidelines and to the satisfaction of the City. Such plans are to form part of the Subdivision Agreement.
- (b) That Prior to Final Plan Approval, the Owner shall submit a digital listing of the approved subdivision design drawings in the City’s standard format for incorporation into the Pre-Servicing and Subdivision Agreement.

8. Revisions to Draft Plan:

- (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the City.

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- (b) That Prior to Final Plan Approval of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
- (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the City.

9. Phasing:

- (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the City, subject to all applicable fees.
- (b) That the phasing of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the City, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.
- (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
- (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
- (e) That the parkland shown as Block 286 on the approved draft plan shall be provided as part of the first phase of the low density residential dwellings, or to the satisfaction of the City, and shall include road frontage to said Block.
- (f) That the parkland shown as Block 287 shall be provided as part of the first phase of development which has frontage on 'Madison Drive', and shall include road frontage to said Block.

10. Off-site roadway improvements and connections:

- (a) Taylor-Kidd Boulevard/Demers Avenue Access

The Owner agrees to construct the future public street access from Demers Avenue to Taylor-Kidd Boulevard, in line with Bexley Gate, as part of any phase of the development with frontage onto Demers Avenue if the land acquisition over 495 Taylor-Kidd Boulevard by the owner is completed prior to registration of the subdivision

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agreement. If the land at 495 Taylor-Kidd Boulevard is not acquired by the owner prior to the construction of any phase with frontage onto Demers Avenue, a temporary access over Block 294 will be permitted by the City provided a Traffic Impact Study is completed that supports the temporary access outlining the required configuration of the intersection and is to the satisfaction of the City. A legal survey of the part of Block 294 required for the temporary access must be prepared and a right of way in favour of the City registered on title. Commencement of any future phases may be limited by the City until the land acquisition over 495 Taylor Kidd Boulevard is secured by the owner and the intersection constructed to the approved design

(b) Rockwell Drive

- (i) The Owner agrees that no building construction will be permitted that derives access from this road until the road is constructed to the approved municipal design standards and ownership is transferred to the City.
- (ii) That prior to Final Plan Approval, the existing 200mm diameter private watermain within Block 296 on the Draft Plan shall be relocated outside any future public lands.
- (iii) Should the above relocation not be attainable such that any portion of this watermain remain within Block 296 on the Draft Plan of Subdivision, the Owner shall produce a fully executed License Agreement between “Trinity Properties Kingston” (and subsequent owners etc...) and the City of Kingston for the purpose of allowing the existing 200mm diameter private watermain to encroach in the future public lands. The License Agreement will require a reference plan identifying the location of the watermain, all of which will be registered on title. Such agreement shall be reviewed and approved by the Director of Engineering and the City Solicitor.
- (iv) That prior to Final Plan Approval, the Owner shall submit for approval, a plan and profile drawing prepared and certified by a Professional Engineer showing the location of the 200mm private watermain proposed to encroach on the future public lands including all surrounding infrastructure for public record.

(c) Entell Drive (road from Gardiners Road/Progress Avenue intersection)

The Owner agrees that no works requiring flow (sanitary or storm) onto or into neighbouring lands (existing private infrastructure) be constructed until all agreements with the neighbouring property owners have been reached and signed. In addition the final designs for all existing private infrastructure (including Entell, Service Road) that will become public infrastructure (roads and sewers) are approved.

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Wording shall be included in the subdivision agreement stating that the City makes no commitment to the acceptance of a roundabout on Entell Drive as identified in Section 506 of the Traffic Impact Study. Prior to Final Plan of Subdivision approval and Entell Drive becoming a municipal road further details are required to determine the road allowance width and preferred intersection configuration to the satisfaction of the municipality.

11. Off-site improvements:

Prior to final approval of any phase, plans and detail shall be provided to the City’s satisfaction showing the required works on the adjacent commercial properties to the west and south. This will include but not be limited to sidewalk connections, noise attenuation, screening, stormwater management, utility upgrades and road upgrades.

12. Zoning By-Law Compliance:

- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the Planning Act.
- (b) That Prior to Final Plan Approval, the Owner shall submit a Surveyor’s Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

13. Geotechnical Study:

That prior to Final Plan Approval, the Owner shall submit a Geotechnical Study which evaluates the soils and subsurface conditions of the site, including fill previously placed on the site. The Geotechnical Study must be prepared by a qualified Professional Engineer, to the satisfaction of the City. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement.

14. Environmental Site Assessment:

- (a) That Prior to Final Plan Approval, the Owner shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as listed within the Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act. The acceptable method for this demonstration would be a Phase I Environmental Site Assessment (ESA) performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) and/or remediation.

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- (b) That the recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.
- (c) For all land containing lots intended for conversion from industrial to a more sensitive use as defined within O.Reg 153/04 as amended (i.e. residential, parkland, community, agricultural or institutional use), the Owner shall submit to the City prior to Final Plan Approval, a copy of the Record of Site Condition signed by the Qualified Person who prepared it along with proof of submission to the Ministry of the Environment and Climate Change.
- (d) The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City, meet the applicable soil and ground water criteria.

15. Noise Impact Study:

- (a) That prior to Final Plan Approval, the Owner shall submit a detailed Noise Impact Study which demonstrates that the appropriate noise criteria can be achieved, in accordance with Ministry of the Environment, Conservation & Parks' guidelines and to the satisfaction of the City. The Noise Impact Study must be prepared by a qualified Professional Engineer. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.
- (b) If any lands within this Plan are designated as a Class 4 area in accordance with the Ministry of Environment, Conservation & Parks' Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning, Publication NPC-300, the Owner shall undertake all required noise control measures, procedures and requirements with respect to such Class 4 area, to the satisfaction of the City and in accordance with the recommendations of the Noise Impact Study and the Ministry guidelines.
- (c) Lands designated as a Class 4 area shall also include warning clauses in accordance with Ministry guidelines and to the satisfaction of the City. The warning clauses shall be registered on title and included in agreements of purchase and sale/lease agreements, as applicable. Without limiting the generality of the foregoing, all such agreements of purchase and sale/lease agreements shall contain the warning clauses specified in Condition 28(e) below.

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16. Servicing Study:

That prior to Final Plan Approval, the Owner shall submit an updated Servicing Study, prepared by a qualified Professional Engineer, to the satisfaction of the City. The recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement.

17. Stormwater Management:

- (a) The Owner agrees that no Final Plan Approval will be granted for any lands where stormwater is conveyed through the 'Riocan lands' to the south, until a solution is reached in regards to land ownership and/or right of way easements and is acceptable to the City.
- (b) That prior to Final Plan Approval, the Owner shall submit a revised Stormwater Management Report and implementing plans for the development. The report shall be prepared by a qualified Professional Engineer, to the satisfaction of the City and Cataraqui Region Conservation Authority (CRCA). Such plans and recommendations shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at their expense, to the satisfaction of the City and Cataraqui Region Conservation Authority (CRCA).
- (c) That Prior to Final Plan Approval, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the City and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and City.
- (d) That the Owner shall agree to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, until completion of the Plan.
- (e) That a landscape plan for the area around the stormwater management facility be completed and approved to the satisfaction of the City and the CRCA, and be included in the Subdivision Agreement between the Owner and the City.

18. Archaeological Assessment:

- (a) The City of Kingston is in receipt of a Stage 2 Archaeological Assessment for the subject lands prepared by Abacus Archaeological Services dated July 11, 2014. This report is on file with the Ministry of Tourism, Culture and Sport. The City has received

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and relies upon the report of the professional archaeologist as filed but reserves the right to require further reports should further evidence be uncovered.

- (b) That the Subdivision Agreement shall contain provisions that in the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture & Sport (416-314-7132) and the City of Kingston’s Planning, Building and Licensing Services (613-546-4291 extension 3180) must be immediately contacted.
- (c) That the Subdivision Agreement shall contain provisions that in the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries and Crematoriums Regulation Unit of the Ontario Ministry of Government and Consumer Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture & Sport (416-314-7132), and the City of Kingston’s Planning, Building and Licensing Services (613-546-4291 extension 3180) must be immediately contacted.

19. Parkland Conveyance:

- (a) That the Owner shall convey Blocks 286 and 287 as per the locations shown on the approved draft plan to the City for functional park or other public recreational purpose, to satisfy parkland dedication requirements under By-Law 2013-107. The parkland dedication requirement is 1.94 ha for the whole draft plan area and shall be confirmed prior to approval of the Final Plan of Subdivision.
- (b) That the Owner shall convey Block 286 with a minimum frontage of 214 metres along Wheathill Street unless there is a change in the density or land use which alters the required parkland dedication amount. It shall be ensured that any reconfiguration of the parkland is to the satisfaction of the City.
- (c) That the Owner shall convey Block 287 with a minimum frontage of 69 metres along Madison Drive unless there is a change in the density or land use which alters the required parkland dedication amount. It shall be ensured that any reconfiguration of the parkland is to the satisfaction of the City.
- (d) That lands to be conveyed to the City for park or other public recreational purposes shall be subject to the following conditions:
 - (i) “That all lands shall be graded to an approved grading plan to allow for drainage and the owner agrees to provide the City access to a stockpile of topsoil to allow

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for 15 cm of topsoil on the parklands. Alternately, at the City’s sole discretion, on a portion of, or all of, either of the park sites, existing topsoil may be left undisturbed in lieu of the provision of a topsoil stockpile. This consideration may be given if an approved grading plan and environmental clearance of the land is prepared to the City’s satisfaction.”

- (ii) That Prior to Assumption of the park, the Manager, Parks Development shall be in receipt of a clearance memo from the Manager of Environment indicating that the park site is environmentally clean.
- (iii) That the Owner shall enter into a Site Access Agreement with the City to permit City staff to access the park site to complete pre-engineering, survey and design works for the park. This Agreement shall terminate once the City is deeded the land as part of Final Plan Approval.
- (iv) That Prior to the Commencement of any Clearing, Grubbing or Construction Work within 10 metres of the park blocks defined on the Draft Plan, the Owner shall:
 - 1. Install snow fencing around the periphery of the park site to protect the site. The City will be responsible for the maintenance of the fence and its removal.
 - 2. Post signage to City specifications, on all accessible sides of each park block, which indicates:
 - (i) the future use of the block as a park;
 - (ii) that no construction storage shall occur on this parcel of land nor shall any construction debris be dumped on this site; and
 - (iii) that all trees and other vegetation must not be disturbed.
- (v) That Prior to the Transfer of Deeds for the parkland to the City, the Owner shall submit to the City Prior to Final Plan Approval, a copy of the Record of Site Condition signed by the Qualified Person who prepared it along with proof of submission to the Ministry of the Environment and Climate Change.
- (vi) That Prior to the Transfer of Deeds for the parkland to the City the Manager, Parks Development or designate shall inspect the park site to ensure that the park is in a clean/natural state and any grading, filling, or clearing has been completed. The conditions on the site must be satisfactory to the Manager, Parks

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Development prior to transfer of title and the removal of the snow fencing. Should the park blocks be in an unsatisfactory state, the Owner shall be responsible for restoring the site to the City's satisfaction, or the City may draw on the securities to complete the Works.

- (vii) That no above ground public utilities such as Bell pedestals or transformers shall be situated within the parkland to be conveyed to the City.
- (e) That if any portion of the school block (Block 285) is converted to residential use or any other use, parkland conveyance will be required at the rates outlined in By-Law Number 2013-107. Cash-in-lieu of parkland will not be permitted.

20. Walkways:

- (a) All walkways shall be provided in the location and widths as shown on the approved draft plan. It shall be ensured that any relocation of a walkway is to the satisfaction of the City, and shall be of a width not less than 3.0 metres.
- (b) Where a walkway leads from a public street to a privately owned property (Block 289), clauses shall be included in the Subdivision Agreement that the City's Public Works department will not be responsible for the winter clearing and maintenance.
- (c) A pedestrian connection shall be provided between the parkland (Block 287) and the main north-south road on the west of the property. This connection shall be provided as either a conveyed walkway (not less than 3.0 metres in width) or as an easement across Blocks 281, 283 and 294.
- (d) Sidewalks shall be provided on both sides of 'Wheathill Street' and 'Demers Avenue'.
- (e) All walkways shall comply with accessibility requirement to the satisfaction of the City.

Temporary Walkways:

- (f) If the approved draft plan is developed in phases, temporary pedestrian walkways shall be provided to the satisfaction of the City. Important linkages include connections from phases to parkland, transit, school(s) and commercial uses. The length of temporary walkways shall as short as possible, whilst ensuring the safety of the pedestrian, but not restricting the ongoing development of the site.
- (g) Temporary walkways shall remain, until a permanent connection is provided.
- (h) All temporary walkways shall have a minimum width of 3.0 metres and be constructed of a stable material to the satisfaction of the City.

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- (i) That all costs associated with the temporary walkway(s) will be the responsibility of the Owner.
- (j) That the removal of the walkway(s) and reinstatement of the lands upon which is was located shall be the responsibility of the Owner, to the satisfaction of the City

21. Tree Inventory / Street Trees:

- (a) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft Plan, the Owner shall receive final approval from the City for a Tree Preservation plan prepared for the subject Plan lands. The final approved tree inventory plan shall be prepared by a certified arborist (ISA approved), and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 150 mm or more in diameter are to be removed from the subject lands, the Owner will abide by the conditions of the tree removal permit under the Tree Conservation By-Law which may, at the Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the tree is to be removed a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final approval at the discretion of the City. This plan shall be reviewed and approved by the City and be included as a schedule to the Subdivision Agreement. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the City.
- (b) That Prior to Final Plan Approval, the Owner shall submit a Street Tree Planting Plan and a planting plan for the stormwater management pond (Block293) prepared by a Landscape Architect to the satisfaction of the City.

22. Canada Post - Community Mail Boxes:

- (a) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mail boxes within the Plan, and shall identify such locations on drawings for approval by the City.
- (b) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of the City, provide detailed design plans for the community mail boxes including a landscape plan showing street furniture and complimentary architectural features.

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- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).
- (d) That prior to Final Plan Approval, the Owner shall enter into a Community Mailbox Developer Agreement and pay the Address Activation Fee with Canada Post Corporation for the installation of Community Mail Boxes as required by Canada Post.
- (e) That the Owner shall identify in all offers of purchase and sale, or lease for all lots and blocks within this Plan that mail delivery will be provided via a community mail box, provided that the Owner has paid for the activation and equipment installation of the community mail box, and the locations of all community mail boxes within this Plan. A Notice to Purchasers shall also be included in the Subdivision Agreement to this effect.

23. Bell Canada Requirements:

That the Owner shall meet the following conditions of Bell Canada:

- (a) that the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,
- (b) that the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the City, or if no such conditions are imposed, the Owner shall advise the City of the arrangements for servicing.
- (c) The Owner is hereby advised that prior to commencing any work within the Plan, the Owner must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Owner is hereby advised that the Owner may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Owner elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Owner shall be required to demonstrate to the City that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

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24. Commercial Block (Block 294):

That a minimum 3 metre wide ‘clearway’ is provided between the park (Block 287) or Parnell Avenue and Taylor-Kidd Boulevard, and shall be shown on the Site Plan design of the commercial block. The intent of this ‘clearway’ is to provide a north-south pedestrian connection between the commercial block and the residential neighbourhood. The ‘clearway’ shall include both pedestrian access and landscaping. No buildings shall be included within the ‘clearway’.

25. Hydro One Requirements:

- (a) Prior to final approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted in triplicate to HONI for review and approval.
- (b) Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the right of way. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the right-of-way.
- (c) Temporary fencing must be placed along the easement corridor during construction. Permanent fencing must be erected where subdivision lots directly abut the HONI easement at the developer’s expense.
- (d) The developer shall make arrangements satisfactory to HONI for any encroachments and/or any uses of the hydro right-of-way. Separate proposals including detailed lighting and site servicing plans shall be submitted in triplicate to HONI for future road crossings. The developer must contact Roman Dorfman, HONI Senior Real Estate Coordinator at (905) 946-6243 to begin the process of acquiring a Construction and Encroachment Agreement.
- (e) The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer.
- (f) The easement rights of HONI and its legal predecessors are to be protected and maintained.
- (g) As the proposed development is within close proximity to a Transmission or Distribution station the following applies:
 - 1. The Developer hereby confirms and agrees that every agreement of purchase and sale heretofore and hereafter entered into by the Developer with any purchaser(s) of any unit or proposed unit in the Development contains the following notice/warning provisions (or clauses substantially similar thereto in all

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respects), namely: “Each unit purchaser and/or lessee specifically acknowledges and agrees that the development of the Lands upon which this Development is being (or has been) constructed, will be (or has been) undertaken and completed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities, and that the proximity of this Development to facilities, installations and/or equipment owned and/or operated by HONI may result in noise, vibration, electro-magnetic interference and stray current transmissions (hereinafter collectively referred to as the “Interferences”) to this Development, and despite the inclusion of control features within this Development, Interferences from the aforementioned sources may, occasionally interfere with some activities of the occupants in this Development

Notwithstanding the above, each unit purchaser and/or lessee agrees to indemnify and save HONI and harmless, from and against all claims, losses, judgments or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that HONI does not, and will not, accept any responsibility or liability for any of the Interferences in respect of this Development and/or its occupants. Furthermore, there may be alterations and/or expansions by HONI to its facilities and/or transformer station which may temporarily affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the Development. HONI will not be responsible for any complaints or claims or any kind howsoever arising from use, expansion and/or alterations of such facilities and/or operations on, over or under its transformer station. Furthermore, each unit purchaser and/or lessee acknowledges and agrees that an electro-magnetic, stray current and noise-warning/vibration clause similar to the foregoing shall be inserted into any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser’s respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor/Declarant.”

2. The Developer covenants and agrees that the language set out in Clause 27(g)(1) above (or language substantially similar thereto) shall also be included in any Site Plan Agreement entered into by the Developer with the City of Kingston to be registered on title to lands within the Draft Plan.

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26. Utilities Kingston:

- (a) That prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of water distribution services and sanitary sewer distribution services, or any other related matters.
- (b) The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.
- (c) That prior to Final Plan Approval, it shall be ensured that all infrastructure meets the current City of Kingston and MOECC requirements, or will be upgraded in order to meet these requirement.
- (d) That prior to Final Plan Approval, Utilities Kingston will require the design and as-built information for the infrastructure, including location, diameter, material, depth, inverts, lengths, slope, environmental compliance approval etc. It shall also be confirmed that all infrastructure is contained within a municipal right of way.
- (e) That prior to Final Plan Approval, all private connections to the infrastructure from the adjacent commercial developments (RioCan Centre) will need to be confirmed. All existing private service connections located within the private roadways to become public roads through the plan of subdivision shall comply with the water and sewer By-Laws.

27. School Block

Block 285 on the Draft Plan is reserved for a potential school site for a period of 3 years in accordance with the lapsing conditions of this draft plan approval. If the interested school boards determine that they have no further interest in the site prior to the 3 year expiry period, written confirmation shall be provided to the municipality and the site may be repurposed by the owner.

28. Warning Clauses:

That the Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots / blocks within this Plan

- (a) within the entire subdivision plan:

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- (i) “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants.”
- (ii) “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions”.
- (iii) “Purchasers and/or tenants are advised that traffic calming measures may have been incorporated into the road allowances.”
- (iv) “Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice.”
- (v) “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”
- (vi) “Purchasers and/or tenants are advised that any roads ending in a dead end or temporary turning circle may be extended in the future to facilitate development of adjacent lands, without further notice.”
- (vii) “Purchasers and/or tenants are advised that driveways should not be widened beyond that provided by the home builder without the approval of the City of Kingston. Maximum driveway widths are controlled through the Zoning By-Law.”
- (viii) “Purchasers and/or tenants are advised that the development of the Lands upon which this Development is being (or has been) constructed, will be (or has been) undertaken and completed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities, and that the proximity of this Development to facilities, installations and/or equipment owned and/or operated by HONI may result in noise, vibration, electro-magnetic interference and stray current transmissions (hereinafter collectively referred to as the “Interferences”) to this Development, and despite the inclusion of control features within this Development, Interferences from the aforementioned sources may, occasionally interfere with some activities of the occupants in this

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Development Notwithstanding the above, each unit purchaser and/or lessee agrees to indemnify and save HONI and harmless, from and against all claims, losses, judgments or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that HONI does not, and will not, accept any responsibility or liability for any of the Interferences in respect of this Development and/or its occupants. Furthermore, there may be alterations and/or expansions by HONI to its facilities and/or transformer station which may temporarily affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the Development. HONI will not be responsible for any complaints or claims or any kind howsoever arising from use, expansion and/or alterations of such facilities and/or operations on, over or under its transformer station.

Furthermore, each unit purchaser and/or lessee acknowledges and agrees that an electro-magnetic, stray current and noise-warning/vibration clause similar to the foregoing shall be inserted into any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser’s respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor/Declarant.”

- (b) abutting a park block:

“Purchasers and/or tenants are advised that their lot abuts a Park, and periodically active and passive use of the park may interfere with the quiet enjoyment of their home and yard, and that noise and lighting should be expected from the park. Changes to the park may occur over time based on neighbourhood needs or operational requirements of the City.”

- (c) abutting a potential transit route:

“Purchasers and/or tenants are advised that the following streets may be used as transit routes in the future: ‘Demers Avenue’ and ‘Wheathill Street’.”

- (d) The following warning clause will be incorporated into all offers of purchase and sale, or leases for Blocks 228-231 and Lots 124-138:

“Purchasers and/or tenants are advised that due to the proximity of the adjacent commercial retail plaza, noise from the plaza may at times be audible.”

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- (e) The following warning clauses will be incorporated into all offers of purchase and sale, or leases for Blocks 281-284:

“Purchasers and/or tenants are advised that sound levels due to the adjacent industrial/commercial buildings are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed. The residential area has been designated Class 4 as defined by the Ministry of the Environment, Conservation and Parks guidelines.”

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

- (f) The following warning clause will be incorporated into all offers of purchase and sale, or leases for Lots 124-137 and Block 231:

“Purchasers and/or tenants are advised that any fencing installed inside the property line of the lot shall be maintained by the homeowner at the homeowner’s expense. A 3.5 metre high acoustic fence, or its acoustical equivalent, is required to shield the houses from the adjacent commercial retail plaza.”

29. Model Homes:

That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the City, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

30. Traffic Impact Study:

That prior to Final Approval a Traffic Impact Study shall be prepared by a qualified Professional Engineer to the satisfaction of the City.

31. CN Rail:

That prior to Final Approval the Owner shall confirm that CN Rails Principal Main Line Requirements be respected.

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32. Union Gas:

That prior to Final Approval the Owner shall provide to Union Gas the necessary easement and/or agreements required by Union Gas for the provision of gas services for this project in a form satisfactory to Union Gas

33. General Conditions:

- (a) That prior to Final Plan Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied.
- (b) That prior to Final Plan Approval, the lands known as ‘Entell Drive’ and the main north-south road on the west of the Draft Plan as described on Reference Plan 13R-____, shall be conveyed to the City, free of all charges and encumbrances.
- (c) That prior to Final Plan Approval, the lands known as ‘Rockwell Drive connection’ as described on Reference Plan 13R-____, shall be conveyed to the City, free of all charges and encumbrances.
- (d) That prior to Final Plan Approval, all existing service mains are to be reviewed and repaired as required. The Owner is to obtain the ECA as required.
- (e) That the Owner shall pay any and all outstanding application fees to the Planning, Building & Licensing Department, in accordance with the City’s Tariff of Fees By-Law.
- (f) That when requesting Final Approval from the City, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor’s certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the Zoning By-Law.
- (g) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
- (h) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the City.
- (i) That Prior to Final Plan Approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.

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- (j) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the City.
- (k) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the City is satisfied that adequate access, municipal water, sanitary and storm services are available.

34. Clearance Letters:

- (a) That prior to Final Plan Approval, the Applicant will submit a detailed written account of how each Condition of Draft Plan Approval has been satisfied, including copies of all required clearance letters and all final reports. The Owner shall also provide copies of the final reference plans and M-plan.
- (b) That prior to Final Plan Approval, the City is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 17(a), 17(b) and 17(d) have been satisfied.
- (c) That prior to Final Plan Approval, the City is to be advised in writing by Canada Post the method by which Condition 22 has been satisfied.
- (d) That prior to Final Plan Approval, the City is to be advised in writing by Bell Canada the method by which Condition 23 has been satisfied.
- (e) That prior to Final Plan Approval, the City is to be advised in writing by HydroOne the method by which Condition 25 has been satisfied.
- (f) That prior to Final Plan Approval, the City is to be advised in writing by CN Rail the method by which Condition 31 has been satisfied.
- (g) That prior to Final Plan Approval, the City is to be advised in writing by Union Gas the method by which Condition 32 has been satisfied.

35. Lapsing Provisions:

- (a) That pursuant to Section 51(32) of the Planning Act, this Draft Plan Approval shall lapse at the expiration of three (3) years from the date of issuance of Draft Plan Approval if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the Planning Act, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of

Exhibit A

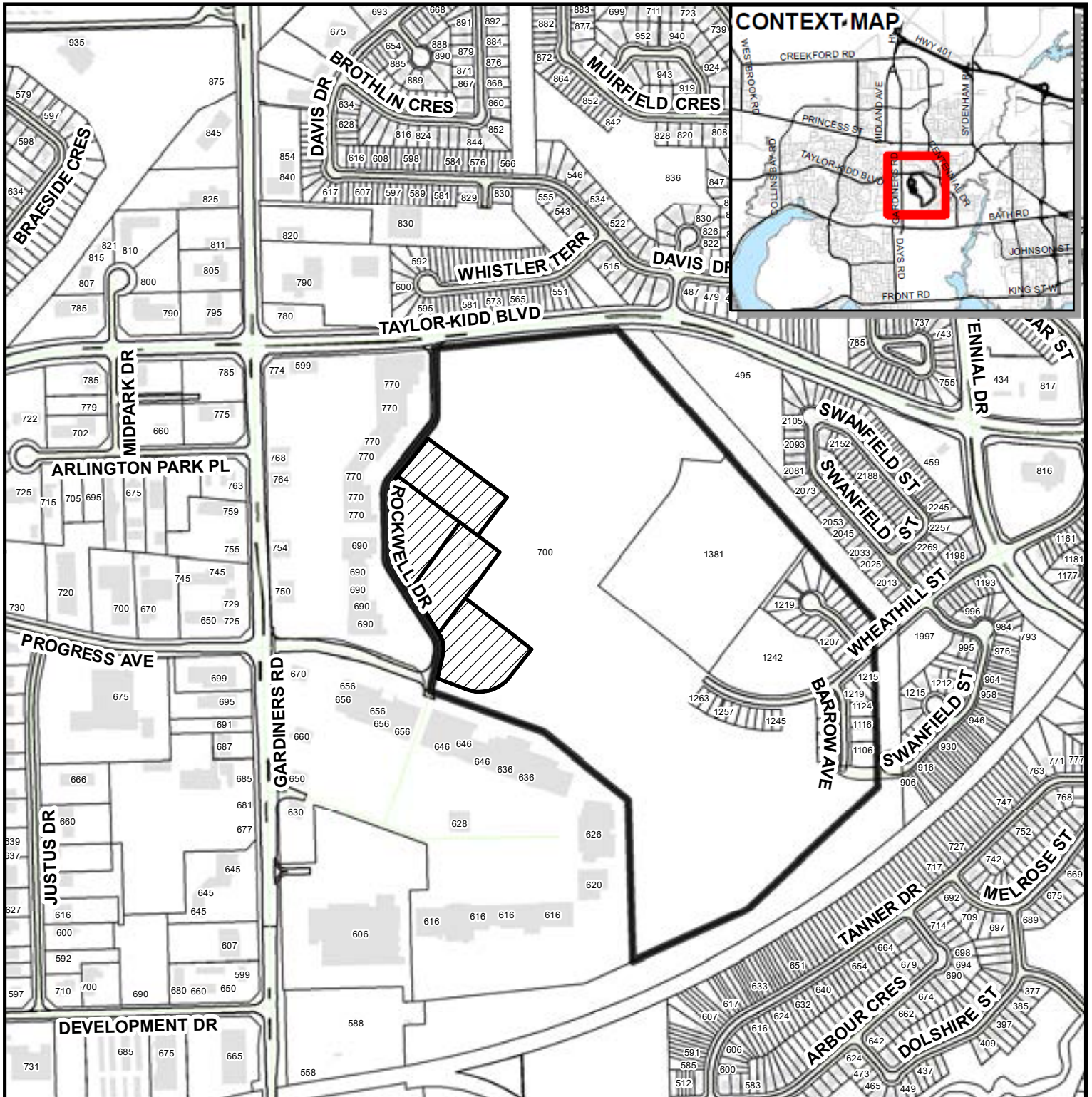
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Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

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Notes to Draft Plan Approval:




1. It is the Owner’s responsibility to fulfill the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Department of Planning, Building and Licensing Services of the City of Kingston.
2. Prior to Final Plan Approval, the Owner shall submit to the City of Kingston for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
3. When requesting final approval, such a request must be directed to the Department of Planning, Building and Licensing Services and be accompanied with:
 - four (4) mylars and four (4) paper prints of the completed Final M-Plan,
 - four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the City; and
 - a Surveyor’s Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.
4. All measurements in subdivision final plans must be presented in metric units.
5. Hydro One advises that transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.
6. The Final Plan approved by the City must be registered within thirty (30) days or the City may, under Subsection 51(59) of the Planning Act, withdraw its approval.

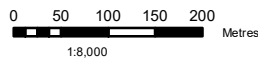


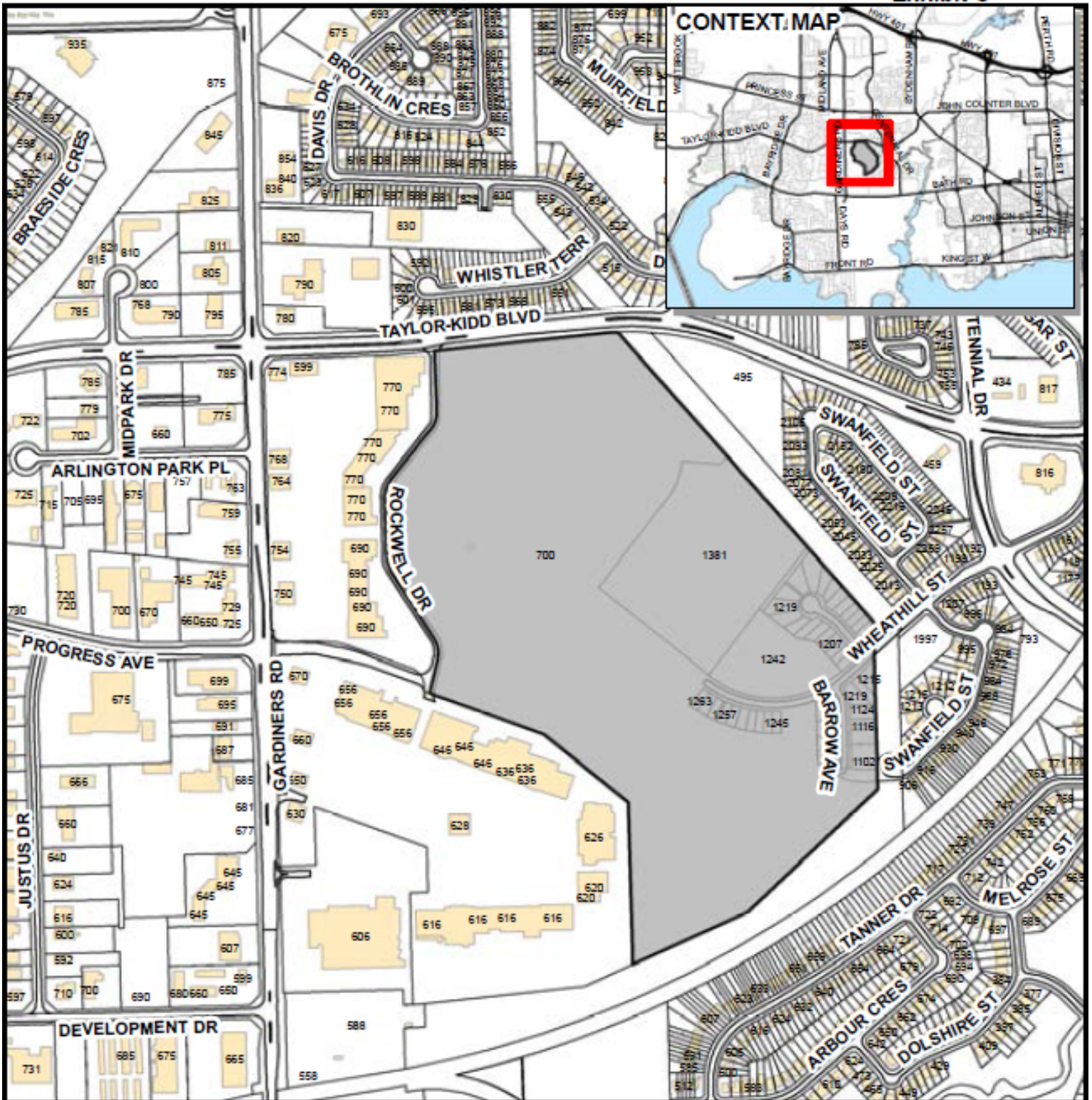
PLANNING COMMITTEE
Proposed Class 4 Area Classification

File Number: D12-004-2019
 Address: 700 Gardiners Road
 Subdivision: West Village

LEGEND

-  Subject Lands
-  Lands Proposed for Class 4 Area Classification (NPC - 300)
-  Property Boundaries

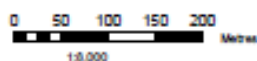




Planning, Building & Licensing Services
 a department of
 Community Services

**PLANNING COMMITTEE
 KEY MAP**

File Number: D12-004-2019
 Address: 700 Gardiners Road
 Subdivision: West Village



LEGEND

- Subject Lands
- Property Boundaries



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” (Zone Change from I to I-15, 1381 Newport Avenue)

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 5 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from I to I-15, as shown on Schedule “A” attached to and forming part of By-Law Number 2019-____.

1.2. By adding a new subsection 17.3(o) thereto as follows:

“(o) I-15 (1381 Newport Avenue)

Notwithstanding the provisions of Sections 5 and 17 hereof to the contrary, on the lands designated ‘I-15’ on Schedule “A” hereto, the following regulations shall apply:

(a) Height of Building (Maximum): 11.9 metres

(b) Off-Street Parking (Minimum):

- (i) Elementary school: 2.1 parking spaces per classroom
- (ii) Secondary school: 4.3 parking spaces per classroom
- (iii) Daycare centre: 2.1 parking spaces per classroom
- (iv) Community room: 10.76 parking spaces per 100 square metres of gross floor area
- (v) Offices (cultural centre): 3.57 parking spaces per 100 square metres of gross floor area
- (vi) Theatre: 10.76 parking spaces per 100 square metres of gross floor area

(c) Notwithstanding the foregoing, the off-street parking requirements for the theatre, with a maximum gross floor area of 720 square metres, may be satisfied through shared use of the parking facilities described in subsections (b)(i)-(v) above. The theatre shall be for the exclusive use of the school during school hours.

(d) A maximum of 20 parking spaces (in the aggregate) are permitted to be located off-site on an adjacent parcel.

(e) Parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.

(f) Off-Street Accessible Parking:

(i) Type A accessible parking spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.

(ii) Type B accessible parking spaces shall have minimum dimensions of 2.7 metres wide by 5.2 metres long.

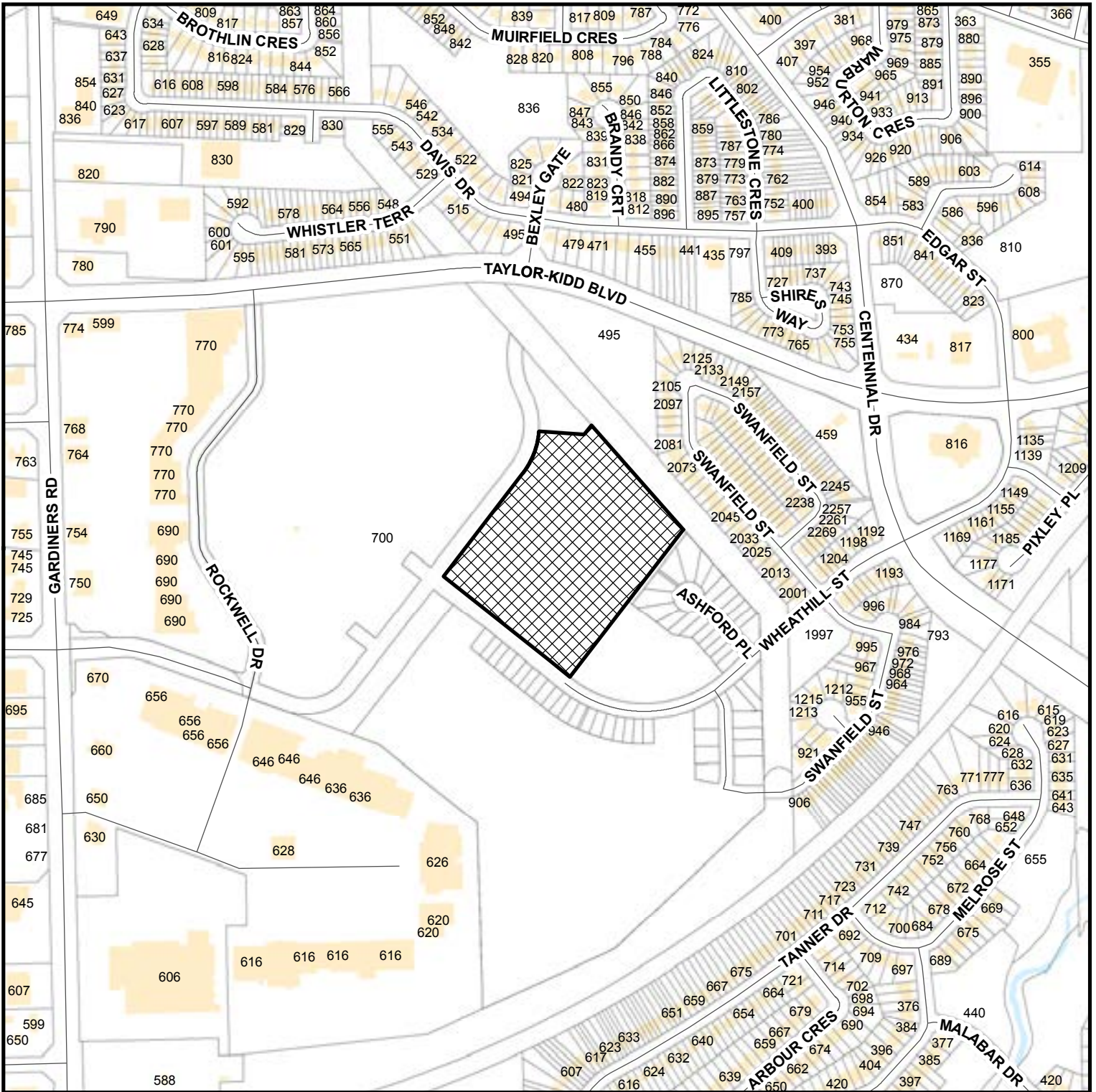
(iii) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long, and marked with high tonal contrast diagonal lines, shall be provided adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B accessible parking spaces.”

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

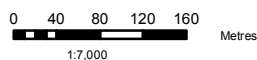


**SCHEDULE 'A'
TO BY-LAW NUMBER**

Planning, Building
& Licensing Services

a department of
Community
Services

File Number: D14-006-2019
Location: 1381 Newport Avenue




Prepared By: Ichu
Date: 3/25/2019



Legend

Reference By-Law 76-26, Map 5

 Rezoned from I to I-15

Certificate of Authentication

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

Mayor

Clerk

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 Multiple Family Dwelling ‘B3’ Zone to a Site-Specific Multiple Family Dwelling ‘B3.571’ Zone, 235 and 243 Colborne Street and 60, 62, and 64 Elm 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 from Multiple Family Dwelling ‘B3’ Zone to a Site-Specific Multiple Family Dwelling ‘B3.571’ Zone, as shown on Schedule “A” attached to and forming part of By-Law Number 2019-XX.

1.2. By adding the following section 571 in Part VIII – Exceptions to the Various Zone Classifications, as follows:

“571. **235 and 243 Colborne Street and 60, 62, and 64 Elm Street**

Notwithstanding the provisions of Section 5 and Section 16 hereof to the contrary, on the lands designated ‘B3.571’ on Schedule “A” hereto, the following regulations shall apply:

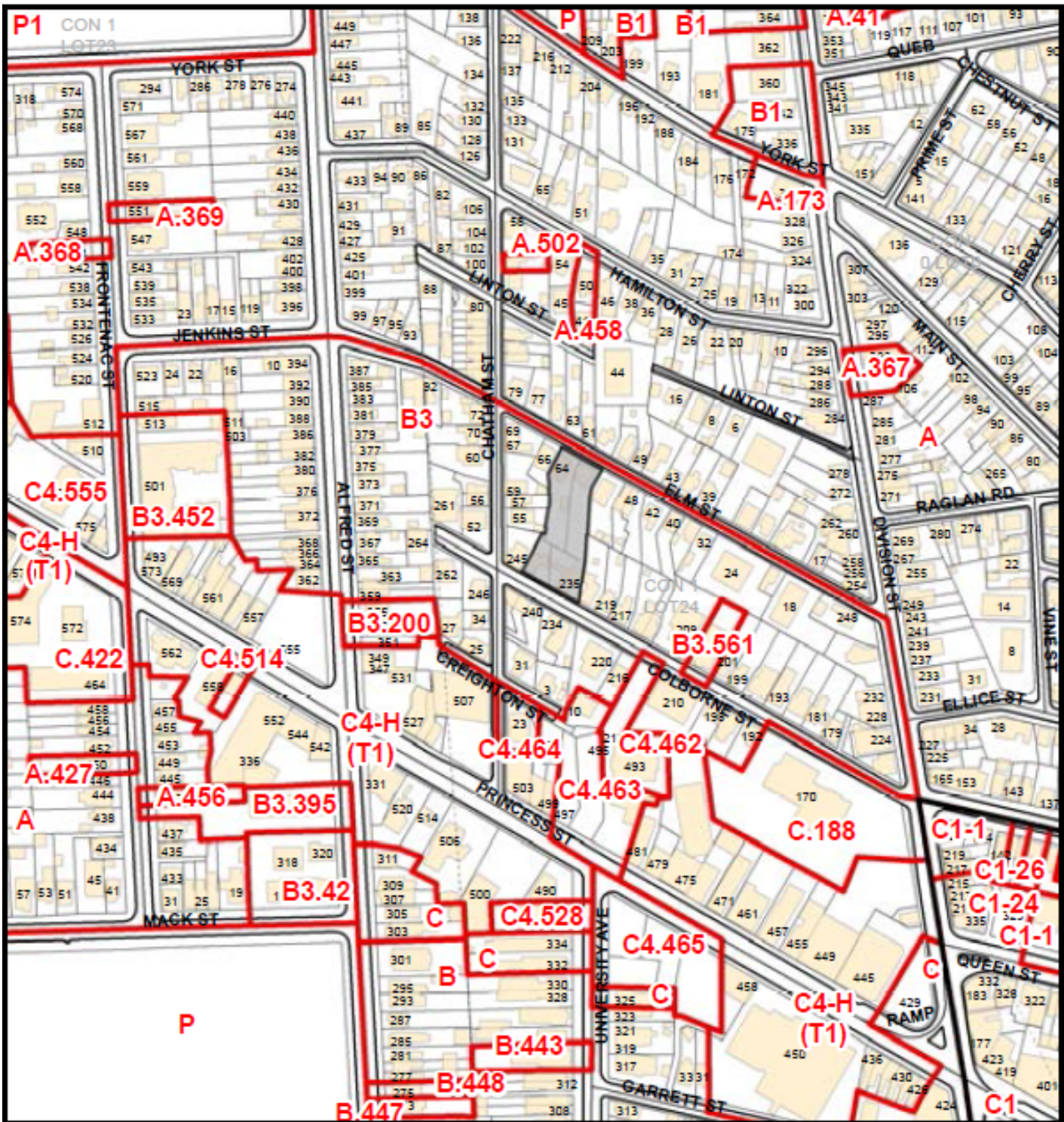
- (a) For the purposes of the 'B3.571' zone, the following definitions shall apply:
- i. "Bedroom" shall mean any room within a dwelling unit that is suitable to be used as a sleeping room under the *Ontario Building Code*, and which for greater clarity does not include:
 - a. Common areas open to all occupants of the unit;
 - b. Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); or
 - c. Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
 - ii. "Stacked Townhouse" shall mean a dwelling containing four or more principal dwelling units where the units in each pair are divided horizontally, and the pairs are divided vertically, and in which each dwelling unit has an independent entrance from the exterior.
- (b) Additional Permitted Use: Stacked Townhouse
- (c) Density:
- i. The maximum permitted density shall be 117 dwelling units per net hectare.
 - ii. The maximum aggregate number of bedrooms shall be 72.
- (d) Minimum Yard Setbacks (235 and 243 Colborne Street):
- i. Minimum Front Yard: 2.1 metres
 - ii. Minimum Side Yard (East): 0.6 metres
 - iii. Minimum Side Yard (West): 1.5 metres
 - iv. Minimum Aggregate Side Yard: 2.1 metres
 - v. Minimum Rear Yard: 5.7 metres
- (e) Minimum Yard Setbacks (60, 62 and 64 Elm Street):
- i. Minimum Front Yard: 2.5 metres
 - ii. Minimum Side Yard (West): 0.6 metres
 - iii. Minimum Aggregate Side Yard: 10.7 metres
- (f) Yard Projections:
- i. Stairs and porches are permitted to project into the front yard adjacent to Colborne Street, but shall be no closer than 1.0 metre to the front lot line.
 - ii. Stairs and porches are permitted to project into the front yard adjacent to Elm Street with no minimum setback from the front lot line.
- (g) Maximum Percentage of Lot Occupancy: 113%

- (h) Accessory Buildings: The minimum setback for detached accessory buildings shall be 0.25 metres from side or rear lot lines.
 - (i) Off-Street Parking:
 - i. A minimum parking ratio of 0.83 parking spaces per dwelling unit is required.
 - ii. Parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.
 - (j) Off-Street Accessible Parking:
 - i. Type A accessible parking spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.
 - ii. Type B accessible parking spaces shall have minimum dimensions of 2.7 metres wide by 5.2 metres long.
 - iii. An access aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long, and marked with high tonal contrast diagonal lines, shall be provided adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B accessible parking spaces.
 - (k) Bicycle Parking: Bicycle parking spaces shall have minimum dimensions of 1.8 metres long by 0.3 metres wide with a minimum overhead vertical clearance of 2.1 metres.
 - (l) One Lot for Zoning Purposes: For the purpose of zoning, all lots within the 'B3.571' Zone shall be considered one lot.
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

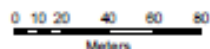


**SCHEDULE 'A'
TO BY-LAW NUMBER**

Planning, Building & Licensing Services
a department of
Community Services

File Number: D14-114-2015
Address: 235, 243 Colborne Street &
64, 62, 60 Elm Street

PREPARED BY: lchu
DATE: 2014-07-16



Legend:

Reference By-Law 8499, Map 19

Rezoned from B3 to B3.571

Certificate of Authentication

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

Mayor

Clerk